

amnesty international

PEOPLE'S REPUBLIC OF CHINA

PRELIMINARY FINDINGS ON KILLINGS OF UNARMED CIVILIANS, ARBITRARY ARRESTS AND SUMMARY EXECUTIONS SINCE 3 JUNE 1989

August 1989

Summary

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At least a thousand civilians -- most of them unarmed -- were killed and several thousands injured by troops firing indiscriminately into crowds in Beijing between 3 and 9 June. At least 300 people are also reported to have been killed by troops and security forces after student protests on 5 June in Chengdu, capital of Sichuan province in central southern China.

However, "the atmosphere of terror" following the military crackdown, which has seen a continuing wave of repression, including mass arbitrary arrests, summary trials and executions, has made it impossible for Amnesty International to discover the true death toll.

Amnesty International has called on the United Nations to take effective action to combat these human rights violations in China and says the atrocities committed there were an assault on the UN's fundamental values.

During the night of 3 to 4 June, hundreds of armoured military vehicles escorted by tens of thousands of troops started moving from the outskirts of Beijing towards the centre of the capital to enforce martial law, imposed in the city on 20 May after seven weeks of peaceful "pro-democracy" student protests.

Government reports said the aim of the massive operation was to "clear" Tiananmen Square in central Beijing of the thousands of students occupying it, and to "restore order". The government later justified its use of lethal force by saying that a "counter-revolutionary rebellion" had occurred and that a "tiny handful" of people had exploited the student unrest with the aim of overthrowing the Chinese Communist Party and the socialist system in China. However, Amnesty International believes that a decision was taken by the authorities to put a stop to peaceful protest even if this meant widespread killing.

The student protests, which started in Beijing in mid-April, spread in May to most major cities in China's provinces. The students originally demanded an end to official corruption and called for political reforms. Their demands evoked wide popular support and the protests developed into a pro-democracy movement. On 13 May several hundred Beijing students started

a hunger strike in Tiananmen Square to press for a dialogue with top Chinese officials. During the following days, hundreds of thousands of people congregated in the Square. On 18 May an estimated one million people demonstrated in the capital to express their support for the students on hunger strike and to demand democratic reforms and freedom of the press.

Since the massive military intervention in early June, at least 4,000 people are officially reported to have been arrested throughout China in connection with pro-democracy protests. Amnesty International believes the true number of detainees to be much higher. They include students, workers, peasants, teachers, writers, journalists, artists, academics, military officers and unemployed people. The charges under which they are held include: involvement in "counter-revolutionary activities", disrupting traffic or public order, attacking soldiers or military vehicles, sabotage and looting.

Amnesty International believes many of the detainees may be prisoners of conscience held solely for the non-violent exercise of their fundamental rights. Those arrested are believed to be held incommunicado, without access to relatives or lawyers. Some are reported to have been severely beaten by police or soldiers and it is feared that detainees may still be put under strong pressure -- including the use of ill-treatment and torture -- to confess to crimes or to denounce others involved in the protests.

Some have been executed after summary and unfair trials: many more executions than those officially reported are believed to have been carried out. Amnesty International says there are credible reports of executions taking place in secret. It is particularly concerned that the authorities have released few details about the fate of detainees charged with capital offences.

Amnesty International has appealed to the international community to try to protect the thousands of Chinese who face execution or long-term imprisonment after unfair trials in the wake of the June massacres.

This summarizes a 49-page document, People's Republic of China: Preliminary findings on killings of unarmed civilians, arbitrary arrests and summary executions since 3 June 1989, AI Index: ASA 17/60/89 issued by Amnesty International in August 1989. Anyone wanting further details or to take action on this issue should consult the full document.

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**PEOPLE'S REPUBLIC OF CHINA:
PRELIMINARY FINDINGS ON KILLINGS OF UNARMED CIVILIANS,
ARBITRARY ARRESTS AND SUMMARY EXECUTIONS SINCE 3 JUNE 1989**

1. INTRODUCTION

At least a thousand civilians - most of them unarmed - were killed and several thousands injured by troops firing indiscriminately into crowds in Beijing between 3 and 9 June 1989. According to official reports, several dozen soldiers were killed and over 6,000 injured in Beijing. At least 300 people are also reported to have been killed by troops and security forces on 5 June in Chengdu - the capital of Sichuan Province in central southern China - following student protests there. A number of civilians are also reported to have been killed by security forces in Lanzhou (Gansu Province) in early June.

During the night of 3 to 4 June, hundreds of armoured military vehicles escorted by tens of thousands of troops started moving from the outskirts of Beijing towards the centre of the capital to enforce martial law, which had been imposed in the city on 20 May following five weeks of peaceful student protests. Government reports say that the aim of this massive military operation was to "clear" Tiananmen Square in central Beijing, which had been occupied peacefully for several weeks by thousands of students, and to "restore order" in the capital.

The student protests, which started in Beijing in mid-April, spread in May to most major cities in China's provinces. The students originally demanded an end to official corruption and called for political reforms. Their demands evoked wide popular support and the protests developed into a pro-democracy movement.

On 13 May several hundred Beijing students started a hunger-strike in Tiananmen Square to press for a dialogue with top Chinese officials. During the following days, hundreds of thousands of people started congregating in the Square - at the time when Soviet leader Mikhail Gorbachev arrived in Beijing for his first visit to China. On 18 May, an estimated one million people demonstrated in Beijing to express their support for the students on hunger-strike and to demand democratic reforms and freedom of the press. The demonstrators included people from various sectors of society: workers, government employees, members of the police and of the armed forces, journalists, intellectuals and representatives of various government departments.

On 19 May Party General Secretary Zhao Ziyang and Prime Minister Li Peng visited the students on hunger-strike, and Li Peng reportedly acknowledged the students' "patriotic enthusiasm" and their "good intentions". The students decided to end their hunger-strike later that night. The next day, however, an order to impose martial law in "part of Beijing" was issued in the name of the State Council. The order was signed by Prime Minister Li Peng and was to be implemented by the Beijing Municipal Government. Martial law was effective from the morning of 20 May and applied to all of urban Beijing and most of the rural districts. The stated aim of martial law was to "firmly stop the unrest", to safeguard public order and to "ensure the normal function of the central departments and the Beijing Municipal Government".

During the following days hundreds of thousands of people took to the streets again to demonstrate against the imposition of martial law. Similar large-scale demonstrations took place in China's major provincial cities. There had never been such large-scale popular demonstration of discontent in the history of the People's Republic of China.

On 25 May Premier Li Peng acknowledged on television that many people - the majority of them "young students" - had been taking part in demonstrations. He said "many of their views are identical with those of the party and the government. There are no fundamental contradictions between them and the party and government". However, he reaffirmed the need to enforce martial law as "a precautionary measure to firmly stop disturbances". On 21 May the official New China News Agency (NCNA) also stated: "The troops are by no means targeted at the students. Under no circumstances will [the troops] harm innocent people, let alone young students". Similar reassurances were also issued by other official sources during the following days. By that time, however, the official press had also started denouncing a "handful of people with ulterior motives" who were exploiting the unrest for their own ends.

After the massive military intervention in Beijing on 3 to 4 June, the authorities justified their decision to use lethal force by saying that a "counter-revolutionary rebellion" had occurred in the capital on 3 June and by accusing a "tiny handful" of people of exploiting the student unrest to launch "organized and premeditated political turmoil" with the aim of "overthrowing the leadership of the Chinese Communist Party [CCP] and the socialist system" in China. The government's justification for the extensive killings that did take place must be seriously questioned. Indeed, by 2 June, the number of students occupying Tiananmen Square had considerably decreased and the large-scale demonstrations had stopped. The authorities, however, do not seem to have attempted to restore order by traditional crowd control methods. Furthermore, the period since 4 June has seen a continuing wave of repression, including mass arbitrary arrests, summary trials and executions.

Since early June, at least 4,000 people are officially reported to have been arrested throughout China in connection with pro-democracy protests, but the total number of those detained is believed to be much higher. Those arrested include students, workers, peasants, teachers, writers, journalists, artists, academics, military officers and unemployed people. They are held on a variety of charges, including involvement in "counter-revolutionary" activities; disrupting traffic or public order; attacking soldiers or military vehicles; "sabotage" and looting. Some of them belonged to independent organizations formed by students, workers and

residents during the student protests in Beijing and other cities. These organizations have now been banned and declared "illegal". Denunciations are openly encouraged by the authorities: citizens who fail to report people involved in banned organizations or other "counter-revolutionary" activities are themselves liable to be arrested and imprisoned.

Those arrested are believed to be held incommunicado, without access to relatives or lawyers. Chinese law does not permit access to lawyers until a few days before trial - or even in some cases until the trial starts. It is also a common practice in China not to allow visits by relatives until after the trial. The relatives of some of those detained have said that they were denied information by the authorities as to the whereabouts of their imprisoned relatives. Some of those arrested in June are reported to have been severely beaten by police or soldiers and it is feared that detainees may still be put under strong pressure - and, in some cases, beaten or tortured - to confess to crimes or to denounce others involved in the protests.

Some of those arrested have already been sentenced to imprisonment after trials which fell far short of international standards for fair trial. Some have been executed after summary trials: many more executions than those officially reported are believed to have taken place. No details have been issued by the authorities about the fate of many detainees charged with offences punishable by death, other than some involved in publicized trials in June and July. However, the authorities have called on local courts to "try quickly and punish severely" people involved in the "counter-revolutionary" rebellion. Legislation adopted in 1983 provides for speedy trials and summary procedures in the cases of people regarded as "criminals who gravely endanger public security", and who are charged with offences punishable by death. This legislation is applicable to many of those arrested recently. In the past, those sentenced to death under this legislation have been tried, sentenced and executed within a few days of arrest.

This report does not attempt to present a comprehensive picture of what happened in various parts of Beijing on 3 to 4 June. The fear instilled by the repression carried out by the authorities since the military crackdown has made it virtually impossible to cross check information directly with sources in China. This report, therefore, centres on just some of the incidents which have occurred. Sources include foreign media reports, eye-witness testimonies, and reports from both official and unofficial Chinese sources. Some allegations which Amnesty International has not been able to corroborate are cited as such in the report.

2. BACKGROUND: "THE COUNTER-REVOLUTIONARY REBELLION" OF 2 AND 3 JUNE

"Since the early hours of the morning of 3 June, a shocking counter-revolutionary rebellion unprecedented in the Republic has occurred in the capital. We have achieved initial victory in crushing the rebellion. The rebellion has not been completely quelled however.

"Our troops did not take action to defend themselves until the counter-revolutionary rebellion took place on the evening of 2 June and the early morning of 3 June"
(Government spokesman Yuan Mu's press conference of 6 June, Beijing Television of 6 June, as translated in the British

Broadcasting Corporation's Summary of World Broadcasts (BBC-SWB),
FE/0477 of 8 June 1989)

Several official statements were made public in June and July 1989 about the "counter-revolutionary rebellion" and the army intervention in Beijing on 3 to 4 June. These statements include the text of government spokesman Yuan Mu's press conference of 6 June, which is cited above, a statement by the Propaganda Department of the Beijing Municipal CCP Committee on 5 June (made public by the NCNA on 9 June), and a report to the Standing Committee of the National People's Congress (NPC) - China's Parliament - delivered on 30 June by Chen Xitong, State Councillor and Mayor of Beijing (made public by NCNA on 6 July).

These statements give a detailed but highly selective and distorted account of events in Beijing in May and early 4 June. They describe in detail attacks suffered by soldiers in various places in Beijing on 3 and 4 June, but they fail to describe the shooting of unarmed civilians by soldiers both on 3 to 4 June and during the following days. Chen Xitong's 30 June report acknowledges 200 dead and 3,000 injured among civilians - in contrast to the much higher estimates provided by unofficial sources. (See Section 3.4 entitled "Estimates of civilian casualties".)

Chen Xitong's report also alleges that people described as "organizers and instigators of the turmoil" were preparing a "counter-revolutionary armed rebellion". It cites at length several incidents in which troops were stopped, soldiers attacked and in some places guns seized by crowds on 3 June, as a justification for the use of lethal force when troops forced their way into the city centre during the night of 3 to 4 June. (A brief description of the 3 June incidents is given below.) Independent sources, however, deny that leaders of the protests were preparing an armed uprising.

During the days which preceded the army intervention, large numbers of troops and armed riot police had taken positions in various places in central Beijing, while many more troops equipped with armoured military vehicles surrounded the city but remained at the outskirts. In the suburbs, barricades and road blocks had been set up by protesters and residents to prevent the troops stationed there from moving in. On 2 and 3 June, in the centre of the city, there were a number of incidents and clashes between civilians and security forces which brought tension to a peak and mobilised the population. Eye-witnesses report that hundreds of thousands of people were in the streets on 3 June, determined to stop troops from entering the city. In various places, groups of civilians encountered military vehicles or troops carrying firearms and reacted angrily, as they had until then believed that the army would not open fire on civilians. During clashes on that day, both soldiers and civilians were injured. Warnings were broadcast over government loudspeakers, asking people to stay off the streets and particularly not to go to Tiananmen Square, failing which their safety could not be guaranteed. Despite that, large crowds of people stayed on the streets that night.

2.1 Late on Friday night (2 June)

Shortly before 2300 hours on Friday 2 June, a group of jeeps bearing army number plates, were seen driving eastward at high speed along Fuxingmen Avenue, in the west of Beijing. Near the Yanjing Hotel at Muxidi, one of the jeeps in the back of the group seemed to lose control and hit four

cyclists (three men and a woman) in the nearside lane of the road. Three of the injured died soon after, and the fourth was said the next day to be in a critical condition in hospital. This incident - described as a traffic accident by official sources - sparked off new public protests at a time when the general level of participation in protests had been dying down. On the afternoon of 2 June only a few thousand people still remained in Tiananmen Square. Many students had returned to their campuses after the authorities had, a few days earlier, made clear their intention to enforce martial law. News of the cyclists' deaths spread quickly and angry crowds gathered at the scene during the night and on 3 June. Shortly after the accident, civilians set up pickets to prevent police clearing the scene and a protest march was planned for 3 June.

2.2 Early Saturday from 0100 hours to 0300 hours (3 June)

Between 0100 hours and 0300 hours a contingent of several thousand soldiers marched from the west of the city along Fuxingmenwai Avenue and West Chang'an Avenue, all the way up to the Beijing Hotel in East Chang'an Avenue (east of Tiananmen Square). These soldiers were young men, probably aged 17 or 18, and were unarmed. They were not wearing full military uniforms but only white shirts and green army fatigues. They appeared exhausted - they had apparently jogged for several hours from a rural district in the west of Beijing - disorientated and fearful, and unclear as to what they should do. Few, if any, officers accompanied them. By the time they reached the Beijing Hotel, some groups of soldiers had been surrounded by crowds. They were harangued and manhandled by civilians who pulled away part of their clothing and told them to go home. Some groups of soldiers remained there, sitting for over an hour, before they eventually all moved away towards the east. News of the arrival of these soldiers had spread, and led many people in central Beijing to rush into the streets and set up barricades at all major road intersections. These were manned at each intersection by hundreds or even thousands of residents determined to stop any further army advance.

2.3 Saturday morning at early dawn (3 June)

In the early hours of the morning (between 0400 hours and 0500 hours according to an eye-witness), a group of civilians at Liubukou, in West Chang'an Avenue, stopped two military buses in which they found guns and live ammunition. Men in civilian clothes were inside the buses: people in the crowd thought they were the officers of the young unarmed soldiers who had marched to the city centre earlier that night. People in the crowd were outraged to discover the guns and surrounded the buses - with the men inside - for several hours.

2.4 Later in the day on 3 June

As news about the guns spread during the day and thousands of people gradually came to Tiananmen Square, tension increased. At some point on 3 June, some of the guns seized at Liubukou were given to students occupying Tiananmen Square. However, according to various sources, the students tried unsuccessfully to return them to troops, and failing this either smashed them or handed them in to police. Other guns remained displayed on the buses at Liubukou: and some of these may have been taken by individuals in the crowds.

From 1200 hours onwards, troops and armed police emerged in several places in the area between the Great Hall of the People (on the west side of Tiananmen Square), and the Xidan intersection (west of Liubukou) in West Chang'an Avenue. There they tried to clear barricades and, according to later official reports, to recover the cargo of guns and ammunition seized by civilians earlier. A large group of soldiers which came out of the Great Hall of the People stood for several hours, making no attempt to move, while in the avenue armed police and soldiers charged at the crowds. A large number of protesters and bystanders gathered in the area, including - according to some sources - a few hooligans conspicuously armed with stakes and rocks. On West Chang'an Avenue, between Liubukou and Xidan, armed police charged the crowd with batons and fired tear-gas in the direction of a protest march coming from the west to commemorate people killed during the night in the Muxidi traffic accident. Police also charged crowds gathered at several road junctions. Some students and onlookers were injured in the process. Rocks were also thrown at the security forces by civilians and vehicles were damaged. Some sources allege that security forces also fired rubber bullets and that a seven-year-old boy was booted and trampled to death by police or soldiers at Liubukou. Such clashes continued for several hours and in various places, resulting in injuries on both sides. Troops and police eventually withdrew later in the afternoon.

Meanwhile, soldiers had appeared in several other places in Beijing, and troops started moving in the suburbs. Clashes with civilians occurred in many places when crowds discovered that troops and military vehicles were carrying guns, and tried to stop their advance. At Muxidi in the afternoon, residents managed to stop buses carrying troops and to disarm some of the soldiers. According to reports, some soldiers handed over their weapons voluntarily, abandoned their vehicles and went into hiding. As in Liubukou, some of the weapons seized by residents at Muxidi were displayed on the roofs of buses there.

At 1830 hours the martial law command authorities broadcast warnings over public loudspeakers and on television and radio, telling people to stay off the streets, failing which their safety could not be guaranteed.

3. KILLINGS IN BEIJING

Numerous reports available from unofficial sources, foreign media and eye-witnesses indicate that during the night of 3 to 4 June some of the troops who entered Beijing forced their way into the city centre by firing both randomly and intentionally into protesters and onlookers, killing and injuring many unarmed civilians. Furthermore, random shooting by soldiers continued during the following days, causing more casualties among civilians.

The use of lethal force against unarmed civilians constitutes a gross violation of human rights. It is proscribed by international human rights standards. The United Nations (UN) Code of Conduct for Law Enforcement Officials and other international human rights agreements set strict limits on the use of lethal force by law enforcement officials. The text of Article 3 of the UN Code of Conduct, and the official commentary to it, are to be found in Chapter 8.

Amnesty International is unconditionally opposed to the judicial death penalty and to extrajudicial executions - deliberate killings by government

forces acting outside the limits of the law. The term extrajudicial execution is used to describe deliberate killings of prisoners as well as killings of people who, while not in detention, are singled out for execution as a result of a policy at any level of government to eliminate specific individuals, or groups or categories of individuals.

Extrajudicial execution is always a violation of international law: no one may be arbitrarily deprived of his or her life.

Extrajudicial execution can range from the deliberate killing of a prisoner to the singling out and intentional killing of the leaders of a protest demonstration or peaceful civil disobedience movement. Extrajudicial execution may occur in the context of massive civil unrest, including during the control of crowds of demonstrators. These killings differ from those that occur as a consequence of the use of force for self-defence or to protect others, or killings that are accidental or a consequence of panic. Extrajudicial executions are intentional killings. They violate international standards that lethal force should only be used when absolutely necessary and in direct proportion to a legitimate objective it is intended to achieve.

The principles of necessity and proportionality are at the core of international standards regulating the use of force by law enforcement personnel. They have particular application to situations in which police or troops may be ordered to shoot to kill individuals or groups of demonstrators where there is no immediate threat of violence to them or others.

3.1 Tiananmen Square and its approaches: a reconstruction of events

The following is an attempt to reconstruct what happened in Tiananmen Square and surrounding areas on the basis of information gathered by Amnesty International from many eye-witnesses, press accounts and various reports including those from Chinese official sources. It makes no claim to be comprehensive: in view of the turmoil that occurred, eye-witness reports understandably differ somewhat in the descriptions of particular events and the precise time at which they occurred, but the main events and their sequence as described below were recorded by many different sources.

Tiananmen is a very large square edged by long buildings on two sides: the Great Hall of the People on the west; the Museum of the Chinese Revolution and the Museum of Chinese History on the east. In the north, Chang'an Avenue separates the Square from Tiananmen Gate - the entrance to the Forbidden City. Opposite Tiananmen Gate, on the northern end of the Square, was a statue to the "Goddess of Democracy" erected by students on 30 May. The Statue was pulled down by troops at around 0500 hours on 4 June. In the southern part of the Square is Chairman Mao's Memorial Hall (referred to hereafter as the Mausoleum) and north of it is the Monument to the People's Heroes - a large column erected on a stepped platform around which Beijing students had established their headquarters. In the south, Qianmen Avenue marks the end of the Square and a large gate - Qianmen Gate - faces it at the crossroad between Qianmen Avenue (east - west) and Qianmen Street (north - south). A rough map of central Beijing is included as Chapter 9.

The eye-witness statements received by Amnesty International indicate that most civilians killed or wounded in that area were shot on the edges

of the Square, particularly in its northern part, as well as in the neighbouring streets.

Several public statements made by Chinese officials since 4 June have denied that anyone died during the "clearing" of the Square. These statements, however, refer only specifically to the period of time between 0430 hours and 0530 hours of 4 June, and to the evacuation of the centre south of the Square by students - in other words, they do not refer to what happened before 0430 hours (described below) or to what happened on the edges of the Square. One of the earliest official statements, made by the Propaganda Department of Beijing Municipal CCP Committee on 5 June, while denying that many killings had occurred in the Square, said: "As there were many onlookers and students at the Square, some were run down by vehicles, some were trampled by the crowd, and others were hit by stray bullets". This specific reference to people killed or injured "at the Square" has not been repeated in subsequent official statements. The 5 June statement by the Beijing CCP Committee also narrowed down the time during which "no one was killed" to "less than 30 minutes" between 0500 hours and 0530 hours. It said: "At around 0500 hours, holding their banners, they [the students] began to move out of the Square in an orderly way. At that time there was still a small number of students who persistently refused to leave. In accordance with the demands of the 'circular' [by the martial law command], soldiers of the armed police force forced them to leave the Square. The Square evacuation was completely carried out by 0530 hours. During the entire course of evacuation, which took less than 30 minutes, not a single one of the sit-in students in the Square, including those who were forced to leave the Square at the end, died".

Various sources estimate that the number of people in the Square between midnight and 0300 hours was anything between 30,000 and 50,000. The numbers gradually decreased later. There were also large crowds along East Chang'an Avenue, close to the Square.

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Some 15 or 20 minutes after midnight on 4 June, two armoured personnel carriers (APCs) came from the south into Tiananmen Square and drove along its sides at high speed. One turned left into West Chang'an Avenue and went all the way up to Xidan. The other one turned right into East Chang'an Avenue. The APC in East Chang'an Avenue was seen by many people driving at a speed estimated by eye-witnesses of 100 kilometres per hour. It smashed through barricades along the way, killing and injuring many people. After it passed the Jianguomen intersection, it turned around at the next crossroad and came back again at high speed towards the west. At the Jianguomen intersection, thousands of civilians had blocked a large convoy of trucks full of soldiers for several hours before the APC arrived. The civilians had also dragged a truck filled with soldiers into the middle of the barricades in the road. The APC, on its return journey, came smashing through the crowd and into the truck, overturning it and other vehicles. Several people were killed - including at least one soldier - and several others injured. On its way, somewhere along Jianguomen Avenue, the APC had also reportedly crushed a man on a bicycle. Either the same APC or another one (according to some sources, there were two) was seen again, shortly afterwards, colliding with a truck, driving a full speed from the west towards Tiananmen Square. It went through East Chang'an Avenue. People in the dense crowds present in that area then blocked the APC when it reached Tiananmen Square at around 0100 hours. It was set alight and when soldiers emerged from the burning vehicle the first one was surrounded by people,

badly beaten and apparently killed. The others, however, were rescued by students and taken onto a bus. Nevertheless, this incident was later shown on Chinese Central Television as an example of the "counter-revolutionary rebellion" and of "hoodlums on the rampage".

At around 0100 hours in the north of the Square, shooting was heard coming from the west and several big fires could be seen in West Chang'an Avenue. At about 0130 hours, the first trucks full of troops coming from West Chang'an reached the northwest of the Square. At around that time an eye-witness saw five or six people injured at a medical point at the northwest corner of the Square. He assumed that they had been brought into the Square from West Chang'an Avenue by people retreating in front of the troops. As the troops approached and stopped at the corner of West Chang'an, there was a great deal of firing, but most eye-witnesses thought at that stage the troops were either firing into the air or firing blanks or rubber bullets, as they saw few casualties. One journalist described the first two casualties he saw as follows: "a girl with her face smashed and bloody, carried spreadeagled towards the trees. Another followed - a youth with a bloody mess around his chest" (John Gittings, the London Guardian, 5 June 1989).

According to two eye-witnesses, after the troops arrived they divided into two groups - one which moved slightly towards the Square and started firing in that direction, and another one which started moving towards Tiananmen Gate but was apparently distracted by a fire in the northwest corner. Several fires were burning in the north of the Square. One of these was the tent of the Independent Federation of Workers (formed during the protests), and bushes were also burning at the northwest corner. The APC which had been stopped earlier by the crowd was also burning further to the east. At that time, a group of about 15 armed police (wujing) came from the entrance to the Forbidden City (Tiananmen Gate) charging people with batons. Some youths attempted to throw petrol bombs at them. The police charged again, some firing was heard and people ran in panic towards East Chang'an.

Sometime after 0200 hours, a group of soldiers formed in lines across Chang'an Avenue at the level of Tiananmen Gate, facing east. One eye-witness described them as being formed in three lines - one kneeling or crouching, the second one slightly above and the third one standing at the back. They started firing towards the crowds in the northeast of the Square for a few minutes, then stopped. There were at least two more bursts of firing as the soldiers advanced in stages towards East Chang'an Avenue during the next hour or so. Some eye-witnesses said that firing was also coming from other directions in between volleys of firing from these troops. Some bullets were flying overhead, some ricocheting, some hitting people. The crowds at the corner of East Chang'an were running away during the shooting, then coming back towards the Square in between bursts of firing. Some were singing the Internationale, others shouting slogans. One or two people at the front of the crowd were throwing objects at the troops. Between 0230 hours and 0300 hours, a bus came from East Chang'an Avenue, passed the crowd and drove towards the troops in the northeast corner of the Square. There was some shooting. The bus slowed and stopped. Soldiers surrounded it, smashed the windows and - it is presumed - killed the driver.

The troops reached the northeast corner of the Square at about 0300 hours, sealing the entrance to the Square. They were now in complete control of the north end of the Square. Several sources estimate that by

that time around 20 to 30 people had been wounded and "a few" killed by gunfire in that part of the Square. The wounded were carried away by pedicabs.

At 0330 hours, the crowds of civilians in East Chang'an Avenue were gathered near Nanchizi Street. There was a long period of quiet (at least 20 minutes). People in the crowd were relaxing, thinking there would be no more shooting as the troops were now blocking access to the Square. Suddenly, without warning or provocation, the troops started firing again. Several eye-witnesses said there was a lot of firing, louder than previously. They described it as machine-gun fire which lasted for a very long time. One source said that when the firing started the crowds ran away one full block to Nanheyuan, while troops continued to fire at their backs. Some bullets were going over heads. Some people crouched on the ground, others ran into side streets. Several eye-witnesses said they saw many casualties. One source counted between 36 and 38 wounded people being carried away. Some had stomach wounds, others back wounds or leg injuries. Another source, who was at the corner of Wangfujing Street (further east in the Avenue), saw many injured people carried away in pedicabs or rickshaws: one man had the top of his head blown away; some had bad chest or stomach wounds.

Meanwhile, in the Square, it was very quiet around the Monument to the People's Heroes. The students' loudspeakers had called on people several times to gather around the Monument. Many were sitting on the steps or around it - some sleeping. Various sources estimated that between 3,000 and 5,000 students, were gathered there at around 0330 hours. The atmosphere was calm. A few young workers of the "Dare-to-die" brigades (about two dozen according to one source), had dashed back and forth between the Monument and the north end of the Square earlier. They had stakes and pikes and were determined to sacrifice their lives. When troops started coming into the north end of the Square from West Chang'an Avenue, one of them said "I have just smoked my last cigarette". He then dashed off towards the north with others and was never seen again.

By 0330 hours the army was in complete control of the Square. Troops at the north had sealed the entrances to the Square. They had been followed by tanks and APCs which lined up in the north of the Square and stayed there until about 0500 hours. To the east of the Square, a large number of soldiers were sitting in front of the History Museum. To the west, troops were occupying the Great Hall of the People. In the south, troops had arrived at around midnight from West Qianmen Avenue and had taken position in the southwest corner. Other troops later came from the south, firing into the air. According to two eye-witnesses, there was some firing in the south of the Square at around midnight. One said he saw three people, including an old man and an old woman, killed by gunfire when soldiers came from Qianmen Street.

By 0330 hours, in addition to the students around the Monument, there were still many civilians in various places in the Square, particularly along the edges and in the southern part.

At 0400 hours, the lights in the Square were suddenly switched off. They came on again about 45 minutes later. (This timing - given by private sources - does not correspond to that given in an official account of events around the Monument, which was published in the People's Daily on 24 July 1989. According to the People's Daily, the lights were switched off just after 0425 hours and were switched on again at 0530 hours. This

official account says that, as the lights were switched off, onlookers in the Square started to disperse, and students closed ranks around the Monument.) While the lights were off, a quick succession of events occurred in various parts of the Square. A bus came from the southeast corner of the Square and parked near the Monument. It was still calm around there. Then, hundreds of armed soldiers started coming out of the Great Hall of the People. Others moved up from the southwest corner. An APC came rushing from the southeast corner, smashing the barricades along the road that marks the southeast end of the Square. At the Monument, one of four Chinese intellectuals who had been on hunger-strike in the Square since 2 June suddenly announced that they had reached an agreement with the soldiers for students to evacuate the Square through the southeast corner. On their own initiative, the hunger-strikers had negotiated a retreat for the students with the army during the previous hour. Many students and workers did not want to leave; there were speeches and discussions, then a vote. The shouts of those wishing to stay were apparently louder, but a student leader announced that the evacuation had been decided. Groups of students started to leave before the lights came back on and, according to some sources, most had walked away from the Monument by 0500 hours.

Meanwhile, however, a detachment of 200 soldiers among those which had come out of the Great Hall of the People had launched an attack on the Monument, smashing the students' equipment and reportedly beating people in the way with batons. (This assault is described in detail in the People's Daily article of 24 July, which also confirms most of the following description.) For a while there was chaos for a while around the Monument and some soldiers started firing. According to some sources (including the People's Daily account), the soldiers were firing over people's heads, at the Monument, destroying the students' loudspeakers, and no one was killed. According to other sources, some people at the Monument were hit by bullets. Among others who claim that people were killed at that stage, one Chinese student was cited in press reports on 5 June as saying: "I was sitting down. A bullet parted my hair. Students fell down around me, about 20 to 30. A group of workers protecting us was all killed". Some foreigners, however, say they saw no deaths around the Monument.

At around 0500 hours the tanks and APCs at the north of the Square started driving slowly towards the south, followed by infantry several rows deep. As the troops advanced, the statue of the Goddess of Democracy in the north of the Square was pulled down. Some tents near the statue and further south were crushed by tanks. A large group of students was by then leaving towards the southeast. The tanks slowly came closer to them. The students were slowly walking away with their banners, forming lines linking hands, stopping, and then advancing again. Several foreign journalists have told Amnesty International that they saw the bulk of the student group leave the Square unhurt. However, soldiers were firing towards people along the sides by the time the first tanks and APCs reached the southern end of the Square. By 0600 hours the Square was completely sealed off by troops and army vehicles.

It is not clear whether some students or other people stayed behind. Government reports say that some people who did not want to leave were "forced" to leave. According to one source, some 200 students stayed in the Square and about 50 of them, badly beaten up, were later reportedly taken by police to a hospital where they were treated for an hour before being taken away by police. Other sources claim that students and other people who stayed behind were shot. It is not clear whether or not this refers to shooting in the southern end of the Square. When some APCs

reached the southeast corner and parked along the side road there at around 0530 hours, some eye-witnesses heard a lot of sustained gunfire coming from within the Square. By that time the troops who had come down behind the tanks and APCs were firing in the direction of onlookers gathered on the edges of the Square - apparently above their heads in some cases, but people among the groups of onlookers were hit by bullets. One eye-witness in a lane on the southeast side of the Square saw two or three bicycles carrying wounded people, and was told later that people in buildings in the lane had been killed by bullets. A member of the Hong Kong Student Federation saw a student from Beijing Normal University beside him "filled with blood all over his head which nearly exploded"; he died immediately. (Hong Kong Standard, 5 June 1989.) A Polish state television reporter said that a student standing one metre from him was shot dead after shouting insults at advancing soldiers; he added that he saw soldiers shooting fleeing students in the back, unprovoked and at random (see Reuter in Warsaw of 4 June 1989). Another source told Amnesty International that a friend of his was shot in the back of the head at about 0600 hours in the southeast corner of the Square and that the bullet came out by his mouth. The extent of the casualties in the south of the Square, however, is not known.

It is also unclear whether people in tents were crushed by tanks. Between 0300 and 0330 hours, several foreigners checked tents near the statue of the "Goddess of Democracy" in the north of the Square, and some of the tents on the east of the Monument. They found three to five students sleeping in the tents in the north; and "a few" people in those to the east of the Monument. At around 0500 hours two foreigners checked some tents around the Monument and found them empty. The official People's Daily account of 24 July says that soldiers who had launched the assault on the Monument checked "every tent with flashlights" and forcibly drove away some "stubborn people" who still refused to leave.

Two other incidents during which students were killed or wounded after they left the Square have been reported. These incidents happened around Liubukou. Most of the students who left the Square went west into Qianmen Avenue, then headed north into a smaller street, reaching West Chang'an Avenue at Liubukou. When they left Qianmen Gate (south of the Square), the students (numbering several thousands) formed a long column, marching very slowly. It took over an hour for the head of the column to reach Liubukou. There, they turned left into Chang'an Avenue and walked towards the west at around 0600 hours. At that point, several APCs driving at high speed towards the west came from Tiananmen Square and crushed several students, killing 11 people. (A photograph of some of the crushed bodies has been published in various newspapers and magazines.) According to some sources, the APCs were not firing before they crushed the students and one of the APCs stopped while another one went around the scene. Soldiers in a third and fourth APC then reportedly opened fire and threw tear-gas towards the crowd gathered there. The APCs later continued towards the west at high speed. The students were able to collect the bodies of the dead.

One eye-witness, who described the APCs as tanks, has given the following account of the scene:

"About six in the morning, it was already light. I was on my bike, and walking with me were some students who had retreated from Tiananmen and were returning to their schools.

"As we arrived at Changan Street, I saw four tanks coming from the square going west at very high speed. The two tanks in front were chasing students. They ran over the students. Everyone was screaming. We were too. I counted 11 bodies.

"The soldiers in the third tank threw tear-gas toward us. Some citizens decided to recover the students' bodies. The fourth tank fired at us with machine-guns. They hit four or five people. After the tanks had passed, some people collected the bodies. I saw two bodies very close: one boy student and one girl. I got a good look. They were flat. Their bodies were all bloody. Their mouths were pressed into long shapes. Their eyes were flat and big. We cried because our hearts were breaking."

[Eye-witness testimony at the Congressional Human Rights Caucus; Washington DC, 22 June 1989]

It is also reported that while the tail-end of the column of students was still going through some streets and lanes between West Qianmen Avenue and Liubukou (roughly around 0645 hours or 0700 hours), some tanks and trucks full of soldiers appeared at the corner of Beixinhua Street (south of Chang'an Avenue at Liubukou), and started throwing tear-gas and firing towards the people in the street. There were still many civilians in West Chang'an Avenue and the nearby streets at that time, and troops blocking the northwestern entrance to Tiananmen Square had been from time to time driving back crowds by firing or charging at them. According to a report received by Amnesty International, the tanks and troops firing at the corner of Liubukou apparently did not enter Beixinhua Street or chase people there, but they fired repeatedly for long periods at a time. The people in the street ran for cover, crouching along the sides; some ran into a side lane. According to the source, 30 to 50 people were wounded - some possibly killed - by gunfire in that street. After the troops stopped firing and went away, within a period of half an hour, ambulances reportedly made four trips from the street, each carrying an average of six to eight wounded or dead people. After 4 June, a large area between West Qianmen Avenue and West Chang'an Avenue was occupied by tanks and APCs, and pedestrians and traffic were forbidden to enter the area for a week.

Troops coming from the east also opened fire on their way. At around 05.30 hours a military convoy passed through the Dongdan crossroad on East Chang'an Avenue where a big barricade made of articulated buses was blocking the way. According to an eye-witness, six tanks suddenly smashed through the barricades, followed by 20 to 30 APCs and trucks spraying fire all around the Avenue and surrounding streets to intimidate people. The crowds gathered at Dongdan ran for cover when the troops arrived. The eye-witness was unable to see whether anyone was injured as firing was also coming from the south and he left the area. He said, however, that the troops were firing live ammunition and that he saw bullets ricocheting in the street. This convoy then met the troops blocking the entrance to the square in East Chang'an Avenue.

3.2 Events in the west of Beijing on 3 to 4 June

The majority of civilian casualties in Beijing during the night of 3 to 4 June appear to have taken place along the large straight avenue which runs across Beijing from west to east, leading in the centre to Tiananmen Square. Troops, tanks and APCs stationed in the western suburbs of Beijing forced their way into the city centre down this avenue shooting

continuously at bystanders and protesters as they advanced. They were the first troops coming from the suburbs to reach Tiananmen Square in the early hours of 4 June. Other troops moved down the western part of this avenue later in the night and many clashes occurred. Still other troops moved in to the centre from the east, north and south of the city. Troops fired on stone-throwers or onlookers at several major road junctions where barricades had been set up by civilians. In the west of Beijing, heavy casualties were recorded. Hundreds of people were killed or wounded in the Muxidi area alone (along Fuxing Road and Fuxingmenwai Avenue). They included many bystanders in the street and people shot in their flats in residential buildings. The following are extracts from various reports and eye-witness testimonies on some of the incidents recorded in that part of Beijing.

A 5 June statement by the Propaganda Department of Beijing Municipal CCP Committee gave the following account of how troops were blocked when they started moving in the west of Beijing:

"Around 2200 on 3 June, units of troops ordered to enter the city successively entered the city along various routes. However, they were seriously blocked at various major intersections. The troops still exercised great restraint even in such circumstances. Taking advantage of such great restraint exercised by the troops, a small number of ruffians started horribly beating, smashing, looting, burning and killing.

"Twelve military vehicles were burned from 2200 to 2300 along the route of Cuiwei Road, Gongzhufen, Muxidi and Xidan (West). Some people used lorries to transport bricks and threw them at soldiers. Some ruffians pushed trolleybuses to intersections and set fire to them in an attempt to block the traffic. Some fire engines were also smashed or burned while being rushed to fire fighting."

[As translated in the BBC-SWB FE/0480, B2/6, 12 June 1989]

In contrast to this official report, a statement by the Beijing Independent Student Federation on 6 June gave the following account of the way in which a large military convoy was immobilised in the west of Beijing:

"The bloody massacre exasperated the defenceless citizens along the streets, and many citizens picked up stones to throw at the military vehicles in an attempt to stop their advance. The odds were great, and the defenceless civilians were no match for tanks and armoured cars. A rough estimate shows that in Shijingshan (western suburb) and Laoshan areas alone, some 400 military vehicles, including tanks, armoured cars, and army trucks packed with soldiers with loaded guns, drove by, crushing road blocks as they moved along, and throwing stones and firing strafes of bullets at civilians and students to dispel them. It was true that these military vehicles were attacked by angry civilians with stones while they were moving ahead, but the civilians did not set fire to them. The fact was that these vehicles were driving at full speed and tailing each other at close range. When one vehicle was stopped by civilians, the vehicles behind were not able to brake in time and they crashed into each other,

wrecking sometimes three to four vehicles. The troops were eager to push on, so they set the disabled vehicles on fire themselves, and got on the other vehicles to move on.

"We know for sure that two military vehicles were set on fire by troops at around 0500 hours on 4 June, with the columns of flames soaring to the sky. By 1000 hours on 4 June, the eleven disabled military vehicles left behind at Laoshan had all been burned, some may have been burned by angry civilians. In the process, some soldiers were captured by civilians, who demanded their death, but the students there managed to persuade the civilians to set the soldiers free.

"We do not intend to conceal the fact that some soldiers were indeed killed by the civilians angered by the massacre, and some weapons were indeed captured, but these weapons were either destroyed or burned, because at the time, it simply did not occur to the civilians to arm themselves." (A brief account of the 4 June massacre in Beijing by the Independent Student Union of Universities in Beijing, 6 June 1989, translated by Chat Chien)

3.2.1 At Gongzhufen and Muxidi

According to one confidential informant:

"The trouble began west of Muxidi at Gongzhufen. The army was marching east and used electric prods on people. A young woman was hit, and a young man told the soldiers that they should not strike a woman. He was then severely beaten. At this time there was no shooting of people, only shooting at the ground, and people were under the impression that empty shells were being used. Thus, when everything moved to the east, at Muxidi, people were bold, and they actually got shot. The soldiers were shooting everywhere, including at the apartment buildings nearby where officials lived. A young man (son-in-law of an official) went into his kitchen to get a glass of water and turned on the light. When the soldiers saw the light, they shot at the window and killed him. Others were killed in such a random, senseless way. There was a lot of panic."

Eye-witnesses and press reports coincide in saying that at Muxidi crowds of residents and protesters tried to block the road in front of advancing troops on the evening of 3 June. Battles were fought around barricades when armed police cleared the way for troops by firing tear-gas and charging people around the barricades. Sometime around 2300 hours, the troops started opening fire and armoured military vehicles smashed through the barricades.

An eye-witness at Muxidi has given the following description to Amnesty International:

"At 2000 hours on 3 June, crowds tried to block troops near the Military Museum [located west of Muxidi on the Fuxing Road]. Standing at the very front were post-graduate students from Beijing University (Beida), Beijing Agricultural College, Beijing People's University and Nanjing Medical College. Before the shooting began, armed police beat people with bricks, belts with

steel buckles and metre-long batons that may have had spiked tips. The wounded were carried one by one on bicycles and pedicabs to Fuxing Hospital. [Also referred to as Fuxingmen Hospital.] All had head injuries and most were bleeding from the eyes. The blood was running down their forearms and dripping off their elbows. ... At 2300 hours at Muxidi Daqiao, I heard troops firing near the Military Museum. Ten minutes later I heard a second round of firing. The rounds that followed were fired in ever quickening succession. At about 2320 hours, troops started mowing down people at Muxidi. A woman next to me was shot and fell to the ground with a silent groan. Blood was spurting from the bullet hole; perhaps she was already dead."

A member of a foreign press crew who was also an eye-witness at Muxidi said:

"At 2300 hours on 3 June I and other members of the press crew left Tiananmen Square by car, taking the second ring road towards the west. On our way, people shouted to us 'They have started to shoot'. As the car headed towards Muxidi, we heard constant firing of automatic weapons. At the Muxidi intersection, we managed to pass through the barricades by closely following one of the ambulances which had appeared on the streets. At 2345 hours, the ambulance and our car reached Fuxing Hospital. About every minute, one injured person was brought to the hospital, carried on bicycles or pedicabs. Most of the injured were young people who had been manning the barricades at Muxidi. At around midnight, we parked our car at the roadside and took position about 100 metres away from the barricades. Soldiers were shooting indiscriminately; there were bullets flying everywhere; dead bodies and injured people were lying on the streets. Crowds of residents from the neighbouring lanes had left their houses and stood unprotected in the street. They did not try to hide because they did not seem to realize what was going on. They were in a state of shock and disbelief. The streets were full of people, old and young, while students and other young people were fighting at the barricades. Buses in which soldiers had been transported were burning. I thought they had been set on fire by soldiers themselves. machine-guns were mounted on APCs. I found shells of two kinds of weapons on the ground: AK-47 and 50 calibre machine-guns. Some time after midnight, one person near me told me that the personnel of the ambulance we had followed had been killed."

The following account, given by a Beijing student during a telephone conversation on 4 June, also mentions that medical personnel at Muxidi were fired at by troops:

"At about 2240 hours on 3 June at Muxidi, the army trucks headed by armed police kept sweeping the crowd on the street with heavy machine-gun shooting while they were moving towards Tiananmen Square. They used real bullets. At the beginning they may have used rubber bullets. They even shot at the residential buildings along the street. Many residents were injured in their homes and were sent to hospitals. Up to 0245 hours on 4 June, in Fuxing Hospital alone, 26 people died; most of them were students. The army and the armed police even shot at the ambulance that tried

to rescue the wounded. Some medical personnel wearing white garments and red crosses were injured and were sent to Fuxing Hospital."

The following is an extract of an account of events at Muxidi by students from Beijing Institute of Aerospace Engineering:

"Around 2200 hours on 3 June, we 15 propaganda team members of the Beijing Institute of Aerospace Engineering came to Muxidi. We saw among civilians some students helping to maintain order there. A little over 100 yards away stood the troops, the ten front rows of soldiers were wearing submachine-guns and electric cattleprods. On both sides were also soldiers holding submachine guns, and the army trucks were in the middle.

"Before we got there, the students and the soldiers had been throwing rocks at each other. At around 2220 hours, flames suddenly rose on the soldiers' side and several army trucks were on fire, and the civilians cheered. Then the soldiers on both sides started to move forward. The [soldiers] in the middle kept throwing rocks at us. The students moved forward from the opposite side in an attempt to stop their advance.

"Suddenly, rocks from the soldiers's side hit me in the knee and three other places. Li Ping from Beijing University stepped forward into the space between soldiers and civilians and was getting ready to talk to the soldiers when a volley of bullets came and hit him. He fell before he had a chance to say a word. When two other students and I rushed forward to pick Li Ping up and take him back, another volley of bullets came and hit one of us in the forearm. We carried the wounded to the Fuxingmen Hospital. As Li Ping had been hit in the head and had been bleeding copiously, he died shortly after for loss of blood. The students were enraged.

"When I returned to Muxidi, the troops had advanced a few yards. Their guns were pointed at students and civilians and they kept shooting. Several hundred civilians and students had fallen. These frenzied bandits were shooting indiscriminately at anybody in their sight. When we carried the wounded back to the hospital, intense gun fire was still heard outside. At the hospital, we learned that three civilians in the residential buildings around Muxidi had been killed by bullets, including a 78-year-old lady, and dozens had been injured, simply because they had turned on the light in their apartment or because they had shouted "Fascists" at the soldiers. We obtained names of 19 civilians that had passed away in the Fuxingmen Hospital.

"At 0300 hours on 4 June, the soldiers fired again. A civilian lay on the ground, but was shot dead the moment he raised his head.

"By 0500 hours, the number of people that had died in the Fuxingmen Hospital rose to 59. The hospital had a telephone connection with other hospitals and according to information they had obtained, 55 had died in the Children's Hospital, 85 had died in the Railway Hospital, and it was impossible to keep count of the injured.

"By 0830 hours on 4 June, 25 tanks had passed in front of the Fuxingmen Hospital. Tear-gas bombs had been fired at Muxidi, and people were still scared. By 0930 hours, some injured were transferred to the Third Hospital of Beijing Medical University, and a few bodies were taken to Beijing University and Qinghua University.

3.2.2 From Muxidi to Xidan and Liubukou

Extract from an eye-witness statement received by Amnesty International:

"I was at Muxidi at about midnight (between 3 and 4 June). There was very heavy gunfire and troops were also firing tear-gas. I left soon on my bicycle taking a side street and came back towards the avenue (Fuxingmenwai) close to the Yanjing Hotel. In the avenue I saw an endless stream of military trucks and jeeps, driving slowly and firing down the sides of the avenue. There were not very many people there. I watched the convoy of vehicles pass for about 20 minutes and then went down a side street again, and came back to the Avenue near the Fuxingmen Junction. It was about half past midnight. The military convoy was still passing through, vehicles were advancing very slowly with foot soldiers on the sides. Buses were burning near the intersection. I left again through side streets."

Jasper Becker, the London Guardian correspondent in Beijing, reported on 5 June:

"It was only by the time we arrived at Fuxingmen Bridge, the last bridge in the west before the city centre, and heard the steady crackle-crackle of small arms fire and the intermittent thud-thud of heavy machine-guns that the enormity of what had happened dawned on us. It was 1 am and in the warm June night air the usual crowd in vests and summer skirts were waiting on the flyover crossing the second ring road. Before we took the scene in, a plump middle-aged woman was carried through the crowd. She was shaking with shock with a large gash across her forearm, and was bundled into a taxi. As the gunfire approached, the crowd behind became frantic and started ramming six articulated buses across the road into the hedgerows on either side."

A foreigner at the Minzu Hotel (located between the Fuxingmen and the Xidan intersections) has given the following account of what he observed from the Minzu Hotel:

"At midnight (between 3 and 4 June) from the window of my hotel room (at the Minzu Hotel) I watched about twenty men in combat gear. They fired teargas into the crowd. Several young people were beaten to the ground. This provoked counter-reaction. The demonstrators threw stones and armed themselves with sticks and metal bars. For about one hour there was heavy fighting in front of the hotel. There were wounded and perhaps also dead people. The victims were carried away. Ambulances came. For a short while I went down to the hotel lobby and on to the street, but after the fighting resumed I went back to my hotel room.

"At 0100 hours about twenty or thirty APCs came from the west, followed by a great number of trucks loaded with armed soldiers. They moved in the direction of Tiananmen Square. Street barricades were simply flattened. When after more than one hour the last truck of the convoy had passed by the Minzu Hotel many hundreds of people (not only students) appeared on the street. They ran after the trucks and shouted protest slogans. A few stones were thrown. The soldiers opened fire with live ammunition. The crowd threw themselves on the ground, but quickly followed the convoy again. The more shots were fired, the more the crowd got determined and outraged. Suddenly they started singing the Internationale; they armed themselves with stones and threw them towards the soldiers. There were also a few molotov cocktails, and the last truck was set on fire. The shooting continued. At first the soldiers shot over the heads of the people. Later the shooting continued in all directions. There were also bullet holes to be seen in our hotel lobby. As far as I could see there was no bloodbath, but there were victims. After the convoy had disappeared it was calm again. At 0700 hours more than twenty heavy tanks moved towards Tiananmen Square."

The following account is from a foreign photographer who walked towards the west, from Tiananmen Square to the Minzu Hotel, approximately between midnight and 0100 hours:

"Sometime before or around midnight I walked along West Chang'an Avenue from Tiananmen Square, going towards the west. Just after Fuyou Street, there were barricades. Behind the barricades was a coach full of soldiers with shields which was surrounded by crowds. Suddenly, the crowd ran away as some 60 to 70 soldiers came down Fuyou Street, turning into Chang'an Avenue towards the west. The crowd started throwing objects at the arriving soldiers. The soldiers, who had riot shields, made mock charges at the crowd, fired tear-gas and were also throwing stones back. The riot moved to Xidan and continued further away towards the west up to the Minzu Hotel. At some point some soldiers ran out of tear-gas and some people moved in to get at them. Students and other people in the crowd tried, without success, to stop these people hitting the soldiers. One soldier was hit with rocks and bars. He fell down but those hitting him continued. Several other soldiers were attacked in the same way. Some wounded or dead soldiers were taken into the Minzu Hotel. I managed to get into the hotel myself. It was full of security people. When I tried to take a picture of the wounded soldiers, they attacked me and one of them tried to strangle me with the strap of my camera. Two Americans helped me to get away and I went into their room. From the hotel window I could hear the firing. Tanks were coming down the Avenue. There were wounded or dead civilians carried away by rickshaws. Early in the morning, the scene in front of the hotel was one of devastation: broken glass and bricks, bloodstains and bullet holes in the walls of the hotel."

The following is an extract from an article by Jasper Becker in the London Guardian of 5 June, about the scene in the early hours of 4 June in the People's Hospital - located north of the Minzu Hotel:

"We went to the small People's Hospital and it looked like an abattoir. There were bodies on benches and beds or on blood-soaked mattresses on the floor. Many had gaping bullet wounds on the chest, legs, or head. A doctor [...] told us that 300 wounded had come in. 'Most were so bad we sent them on elsewhere. There were 35 seriously wounded and 70 others. Four have died, including a nine-year-old girl shot through the throat' he said. Students had rescued badly beaten soldiers and we saw one covered in blood who was clearly not going to live."

The account below is from an "Open Letter of the Independent Student Union of Beijing Universities to the People of the World" issued in June by Chinese Students in the Greater Boston area, United States of America, about events in Xidan:

"At early dawn of 4 June, three armoured vehicles sped from the north into the Xidan intersection, crushing a bus that had been parked in the intersection as a barricade. Rumbling vehicles and continuous gun shots were heard approaching from the direction of the Military Museum. People fell in large numbers in the area between the Military Museum and Xidan. Workers returning home from night shifts also suffered gun shots.

"At 0040 hours, troops fired tear-gas at around 500 metres from Xidan. Unable to keep their eyes open, the people had to squat down to keep away from the gas. At this moment, a vehicle caught fire. This was the work of plainclothes police for the purpose of blaming it on the students and creating an excuse for the government to kill.

"At 0050 hours, huge numbers of anti-riot police yelling 'open fire' emptied rounds and rounds of ammunition into the defenceless students and citizens. Scores of people were shot to death on the spot, and hundreds were injured. Among the dead were bystanders. Those taking refuge in small alleys were found by soldiers and killed. Deep in an alley in Xidan, four people were shot dead, among whom a 3-year-old child and an old man over 70. There was no survivor in this group. A little after 0100 hours, many troops charged into Xidan intersection. Soldiers poured bullets into crowds of spectators, who fell in large numbers. Not only did they continue the shooting rampage, but they also chased people running away from them, and used sticks, whips and guns to beat them. A female student from the Second Foreign Language Institute suffered injuries in both feet. Several schoolmates came up to help her. They were shot at with automatic guns. Five fell.

"Three hours later, the troops had deserted Xidan. People who had survived the onslaught rushed back toward Tiananmen Square. All the roadways had been blocked by the army, which started firing at the approaching people again. Those running away were shot in the back. The louder the chanting of slogans, the more intense the gun fire."

Summary of a press report about firing at Xidan ["Chang'an Avenue was full of corpses" by Marianne Yen, Washington Post, 1 July 1989]:

A Chinese student who left China for the USA in June told reporters during a press conference there on 30 June that he and a friend had stayed for hours at the Xidan intersection during the night of 3 to 4 June and saw many people around them being shot "because they could not believe the army was shooting at them, so they did not move." Shen Tong, the student, said he and his friend stayed at the intersection for hours, trying to show the bodies of victims to other advancing troops because they did not know what their predecessors had done. "At about 04.00 hours, Shen said, a soldier shot his friend in the face as they stood at the intersection talking to the troops." Shen was then pulled away by two civilians who took him with them on a pedicab to the countryside, where he hid until 11 June.

An eye-witness at Xidan and Liubukou has given the following account to Amnesty International:

"I arrived at the Xidan intersection just after 0100 hours, at about the same time as the troops. I could not see very well what was happening as I had to retreat several times to hide from bullets. But I could clearly see the silhouettes of residents against burning vehicles in the Avenue. They were throwing objects at the advancing troops. There was a continuous sound of gunfire and tear-gas was also fired by troops. I thought they were firing blanks but I saw people fall, wounded or killed. I then went to Liubukou, into Fuyou Jie (a street on the north of West Chang'an Avenue). There, there was an army jeep which had been completely pulled apart. I left my bicycle in the street and went back down to the corner of the Avenue. The advancing troops had not yet reached this junction. The huge body of the advancing troops were spread all across the Avenue. There were a few people at the entrance of Fuyou Jie, on the side of the Zhongnanhai (east side). I crossed to the west side of the street and suddenly a soldier appeared about three metres away from me. I crouched down. The soldier was throwing stones and told me to throw anything I had. I crawled inside Fuyou Jie and touched a huge pool of blood. The soldiers were firing at the people on the other side of the street as well. I picked up my bicycle. A man on a bicycle came by, carrying someone who had been shot on the back of his bicycle. I left towards the north."

According to other reports, crowds of people succeeded in temporarily blocking the road at Liubukou. According to unconfirmed reports, while unarmed troops attempted to clear them away, the armoured convoy came crushing through the crowds, killing many soldiers as well as students and civilians. Some students who evacuated Tiananmen Square later on were reportedly told by civilians in West Chang'an Avenue that, during the earlier battles in that area, the bodies of victims were piled onto buses and tricycles by soldiers following behind those firing machine-guns towards the crowd, as a result of which some of the wounded were suffocated to death (see "I am still alive" by Chai Ling, Beijing student leader).

3.3 Events to the south and east of Tiananmen Square

Many other incidents during which troops fired at unarmed civilians in other parts of Beijing on 3 and 4 June have been reported, particularly in the south and the eastern suburbs. Continuous heavy gunfire was also heard coming from the south in the early hours of 4 June, and during the following days, but little is as yet known about what happened there. As far as is known, the troops who came from the west towards Tiananmen Square during the night, firing continuously, were those who caused the heaviest casualties among civilians.

Incidents of soldiers shooting without warning or provocation at unarmed civilians continued for several days after 4 June, causing more casualties. Several such incidents were witnessed by many people. One of these occurred at around 1015 hours on 4 June, in front of the Beijing Hotel in East Chang'an Avenue. It was witnessed by many foreign tourists and journalists. A large number of civilians was gathered there in the morning, including the relatives of people who had been in the Square during the night and had not returned. Tanks, APCs and troops were lined up across the Avenue, blocking the access to Tiananmen Square and not letting anyone into the square. Some people in the crowd were shouting at the soldiers, but the atmosphere was generally calm. Suddenly without warning, the troops started shooting at the crowd and continued shooting at the backs of people running away. Various sources estimate that between 30 to 40 people were shot down in the crowd at that stage. The troops did not stop firing when an ambulance came to rescue the wounded. Under the gunfire, the ambulance hit a traffic observation post and burst into flames. The sporadic shooting in that area was repeated several times during the day leaving an estimated 10 more dead. It also continued the next day.

Another incident happened on 7 June near the International Hotel in Jianguomenwai Avenue (east of Tiananmen Square). At about 1000 hours, some 10 tanks and many trucks carrying troops passed by the hotel in the street. The last truck stopped and without warning or provocation soldiers in it started spraying fire around them. There were very few people in the street at that time - only a few pedestrians walking on the pavements and people cycling to work. At least four people were wounded or killed during the shooting.

3.4 Estimates of civilian casualties

It is extremely difficult to estimate with any degree of accuracy the number of civilian casualties. Many people killed or wounded on 3 and 4 June in Beijing were reportedly not taken to hospitals, and information from medical sources was sketchy. Under martial law, citizens in Beijing were forbidden to talk to foreign journalists and hospitals were under instructions not to give out information about the number of people killed or wounded. The evaluation of available sources, however, suggests that the number of people killed was at least a thousand.

An official report to the National People's Congress, presented by Beijing Mayor Chen Xitong on 30 June 1989, stated that "more than 3,000 civilians were wounded and over 200, including 36 college students, died during the riot". Official sources had earlier put the total number of

civilian and military casualties at "nearly 300", including "more than 100 soldiers", but Chen Xitong's report only mentioned "several dozen" soldiers killed.

The 36 students killed, according to official sources, include six from the People's University of China, three from Qinghua University, three from Beijing University of Science and Technology, and the rest from 17 other universities and colleges in Beijing, including Beijing University (Beida) and Beijing Teachers Training College (NCNA, 1 July 1989).

Estimates of the number of dead by unofficial sources vary from several hundred to several thousand. Approximate figures were collected in some of Beijing's hospitals by foreign journalists and Chinese sources on 4 and 5 June. These sources indicate that over 300 people had died by then in about 11 of Beijing's hospitals (see United Press International and Associated Press reports from Beijing of 4 and 5 June; various press articles have also cited specific casualty figures in some hospitals). On 5 June foreign press correspondents in Beijing cited hospital sources as saying that 1,400 people had died and 10,000 had been injured (see Agence France Presse in Beijing of 5 June). Various press reports also cited unspecified sources at the Chinese Red Cross as saying on 4 June that 2,600 had died and 10,000 had been injured. Much higher estimates for the number of dead and wounded were also given in some reports (see the Hong Kong magazine Zheng Ming, 1 July 1989, page 10; and the Hong Kong Wen Wei Po of 6 June 1989).

An official from the Red Cross Society of China was cited by foreign press correspondents as saying on 5 June that the death toll was far higher than that reported in hospitals. The official, who asked not to be identified, reportedly added "It's in the thousands. Obviously it's going to be impossible to ever know. We are still trying to gather information" (Scott David in Beijing, United Press International, 5 June 1989).

It is clear indeed that the approximate figures collected by various sources in some of Beijing's hospitals by 5 June are only a fraction of the total death toll. As far as Amnesty International has been able to ascertain, these figures were gathered from only some 11 or 12 hospitals. Press reports indicate that these figures were in some cases incomplete - based on the number of dead bodies seen by visitors in parts of the hospitals, rather than on information provided by medical staff. In some hospitals, doctors and nurses were either too busy or unwilling to give out casualty figures.

Beijing Municipality has more than 40 hospitals, over 20 of which are located in the central part of the city where heavy firing took place. Hardly anything is known about the situation in some 30 of these hospitals. It is likely that at least some of them received casualties since firing took place in many parts of the city. Furthermore, access to hospitals was practically impossible after 5 June and, except for the relatives of those dead or wounded, visitors were usually not allowed in. There were still casualties after 5 June as sporadic firing by troops continued for several days, and one can assume that some of those wounded between 3 and 9 June may have died of their injuries. Doctors in several hospitals were cited as saying on 5 and 6 June that they had run out of medical supplies and had no more blood for transfusions (see Sheryl WuDunn, New York Times, 5 June 1989).

There are also indications that not all those who died were taken to hospitals. Some of those killed were carried away by friends or relatives and may not necessarily have been taken to hospitals. An unknown number of dead bodies were also reportedly collected by troops. (See Jasper Becker, the London Guardian of 6 June 1989, and Nicholas D Kristoff, the New York Times of 5 June 1989. Other reports have also mentioned this.) It was also reported that after 4 June some of the city's crematoria had been placed under military control (see Hong Kong Wen Wei Po of 6 June 1989). Some hospitals were also apparently occupied by troops. According to reports, eight or nine doctors were allegedly shot and killed by troops at the Tongren Hospital when they tried to leave to organize a blood drive after the hospital ran out of blood for transfusions (see United Press International in Beijing of 5 June 1989, and Louise Branson in the London Sunday Times of 11 June 1989)..

The atmosphere of terror which followed the military crackdown has made it impossible to gather accurate information about the death toll. However, the government's claim that only 200 civilians died appears to be a gross under-estimate.

3.5 Military casualties

According to the report presented to the National People's Congress on 30 June 1989 by the Mayor of Beijing, Chen Xitong, "several dozen" soldiers were killed and more than 6,000 injured during the "several days of the rebellion". Earlier official reports had put the number of soldiers killed at "more than a hundred".

Official sources have given wide publicity to the cases of several soldiers lynched by civilians on 3 to 4 June, but they have not given specific figures for the total number of dead among the army during the military action. The official newspaper People's Daily of 3 July 1989 named 10 soldiers killed during the action who were posthumously given the title of "defenders of the People's Republic of China".

Chen Xitong's report and other official reports emphasize that troops exercised "great restraint" and give detailed descriptions of attacks suffered by soldiers on 3 and 4 June. These include detailed accounts of several incidents in which soldiers were killed by mobs. The occurrence of several such incidents has been confirmed by private sources, which have said that these were attacks carried out in retaliation in the immediate aftermath of the killings of civilians by soldiers.

On 7 June a foreign teacher interviewed on British television described one such incident, the location and timing of which were not specified. The teacher described how one soldier, holding a gun, was surrounded by civilians trying to convince him not to use his gun. According to the teacher, three young girls knelt in front of the soldier, begging him not to shoot. He aimed his gun and shot them. An old man then raised his hand to indicate he wanted to go by and the soldier shot him as well. His gun was then empty and he started to recharge it. While he was doing so, the crowd around rushed to him and hanged him from a tree.

Another case in which a soldier was killed by civilians was referred to at length by Government Spokesman Yuan Mu during a press conference in Beijing on 6 June. The incident happened in the early hours of 4 June at the Chongwenmen intersection (east of Tiananmen Square). Yuan Mu denied

"rumours" that the soldier was beaten to death and burnt because he had killed three residents, including an old woman. To counter these rumours, he cited a "woman comrade" living in that area who said she had witnessed the incident and had given the following account of it.

"At around 0500 hours on 4 June, when three motor vehicles, one of which was a trailer loaded with vegetables, were passing through Chongwenmen, many people threw stones and bottles at them. Two of the vehicles made a U-turn and sped away, while the third car could not make a U-turn in time because of the trailer. It was immediately hit with stones, which fell like rain drops. At first, the woman thought that except for the driver, there was no one else in the car. But actually there were 11 people aboard. They could have opened fire on the crowd, but they did not. What she saw was them jumping down from the vehicle and running towards a nearby alley. However, whether they opened fire while running, she did not see. It seems they carried firearms, but not many. One of them failed to escape and was beaten, thrown from the Chongwenmen flyover, and drenched with petrol and burned. He was dead. This soldier had never beaten any one. If he had a gun, he would have been entirely able to defend himself and would not have met his death in such a manner."

[Beijing television of 6 June 1989 as quoted in the BBC-SWB FE/0477, B2/6 of 8 June 1989]

Two foreign tourists who witnessed this incident from a window of the Hadamen Hotel in Chongwenmen have given Amnesty International a different description.

From the hotel, they watched what was happening at the intersection from about midnight until after 0500 hours. According to them, at around midnight several thousand residents were gathered at the intersection and stayed there for several hours. Various things happened between midnight and 0300 hours. The crowd pushed buses across the road, blocking it partially. A group of several hundred armed soldiers came from the east, passed the intersection and marched towards Tiananmen Square; one tank came through from the south then two other tanks followed later. Sometime after 0300 hours, three army trucks came from the south - their backs covered with canvas. The crowd, which was then gathered at the intersection, moved away from it when the trucks arrived, going down Chongwenmenwai Street towards the trucks which they surrounded.

While this happened, a group of several hundred soldiers marching in disciplined formation came from the east, crossed the intersection and stopped on the west side. They formed into rows facing east, some kneeling, some standing, and started firing towards the east for several minutes. From their position in the hotel (on the southeast side of the intersection), the eye-witnesses could not see whether anyone was hurt to the east side of the intersection. They said that one bullet went through a window of the hotel on the first floor. After firing, the troops marched west towards Tiananmen Square.

Meanwhile, two of the trucks in the street to the south had turned round and gone away. The third, which had a trailer, tried to turn around but was stuck on a piece of pavement. The crowd pelted the front of the truck with bottles. There were soldiers in the front of the truck trying to get out. Two eventually came out. One, wearing a helmet, was approached

by three men. He pulled the hair of one of the three men and was then set upon by people around him. He then disappeared. (The eye-witnesses no longer saw him.) The other soldier went back into the front of the truck and re-emerged at the back, holding a rifle. He fired at the crowd. The eye-witnesses heard three shots. They saw an old woman and a man fall. They heard later that a child had also been shot. The crowd was incensed and stormed into the truck. The soldier re-emerged from the cab, his clothes half-torn. He ran towards Chongwenmen Hotel (on the west side), managed to reach the pavement, but was dragged away to the left. The eye-witnesses could not clearly see what happened to him next - there was a pedestrian footbridge across the road - but they assumed he was killed and burnt. The next thing they saw was a fire burning. Later in the morning, they saw the soldier's charred body hanging from a rope on the pedestrian footbridge.

After the soldier was killed, the crowd kept at some distance from the truck. Gradually, some rifles emerged from the back of the truck - which was covered with canvas - but no one came out of it for about half an hour. Some people in the crowd threw petrol bombs towards the truck. The truck eventually caught fire and soldiers got out of it. They ran over the footbridge, holding their rifles towards the crowd. The crowd - still numbering several thousand - ran to the eastern side of the road. The soldiers did not shoot, they ran backwards up to a side street into which they disappeared. According to the two eye-witnesses, this happened around 0415 hours. In the afternoon on 4 June, a truck full of soldiers came to collect the body of the dead soldier.

Another person interviewed by Amnesty International said she arrived at Chongwenmen at about 0530 hours, saw "some trucks" in flames and the body of the soldier burning, and was told by civilians there that the soldier had killed an old woman and a child.

3.6 Conclusion

On the basis of the information available from many sources, Amnesty International draws the following conclusions.

- From mid-April until the military operations of 3 and 4 June in Beijing, the popular protest movement started by Beijing students was peaceful. There is no indication that leaders of the protest movement at any point advocated violence or attempted to overthrow the government by violent means.
- During the night of 3 to 4 June, some troops opened fire either at random or deliberately at crowds whenever they met obstruction or a large group of people. No warning was given before troops opened fire. Conventional methods for the dispersal or control of crowds without resort to firearms or other use of lethal force were not used.
- The vast majority of civilians were unarmed. Some were killed in residential buildings due to random or intentional shooting by troops. Some were shot in the back among crowds of people running away from troops firing at them; some were crushed to death by military vehicles. Those killed included children and old people.

- After the army took control of central Beijing there were still, for several days, incidents during which troops opened fire on unarmed civilians without warning or provocation.
- Many of the killings of unarmed civilians were extrajudicial executions: deliberate killings by government forces acting outside the limits of the law. Troops deliberately shot and killed individuals even when there was no immediate threat of violence by them, in violation of international standards that lethal force should only be used when absolutely necessary and in direct proportion to the legitimate objective it is intended to achieve.

4. ARBITRARY ARRESTS

4.1 Arrests

At least 4,000 people are officially reported to have been arrested or detained throughout China since early June in connection with pro-democracy protests, but the total number of those detained is believed to be much higher. In Beijing alone, several thousand people are believed to have been detained - some temporarily - since the military crackdown, with many arrests carried out at night by soldiers and security forces and those detained being taken to unknown destinations.

On 5 June the Chinese official media warned that troops and security forces in Beijing were empowered "to use all means to forcefully dispose of" on the spot, anyone "acting wilfully to defy the law". Subsequently, there were some reports that people arrested by the army had been killed. One foreign journalist, for example, has stated that on 9 June he saw a brutal assault by police on a man in his 20s who was riding a bicycle out of a side street into Chang'an Avenue, waving a red student banner in a lone gesture of defiance. According to the journalist, as the young man emerged into the Avenue, he was seized by two armed policemen, repeatedly and violently beaten with truncheons in full view of a gathering crowd, and then taken to an army tent nearby from which came a single shot.

On 7 June police appeared in large numbers in the streets of Beijing for the first time in several weeks. Orders for the arrest of student leaders and other activists who led the protests in Beijing were made public on 8 June by China's official media. Public Notice No 10 of the Beijing Municipal Government and the Martial Law Enforcement Troops Command, broadcast by Beijing Radio on 8 June, declared the "Beijing Autonomous Federation of College Students" and the "Beijing Autonomous Federation of Workers" to be illegal organizations. The notice said their leaders were the "ring leaders" of the "current counter-revolutionary rebellion". It called on them to surrender to the Public Security authorities, failing which they would be "brought to justice and punished severely". Public Notice No 11 by the same authorities issued on 8 June called on citizens to report on the "criminal activities of the counter-revolutionary rioters", stressing that "each and every citizen" in Beijing had the "right and obligation" to report and "expose" the rioters. It gave telephone numbers for people to contact for such denunciations. Similar notices and orders for the arrest of pro-democracy activists were issued later in provincial cities. Denunciations were openly encouraged by the authorities and warnings were issued that citizens who failed to report

people involved in banned organizations or other "counter-revolutionary" activities would themselves be liable to arrest and imprisonment. In some provinces, the militia and other informal security units were mobilized to search for wanted "counter-revolutionaries" and "rioters".

On 10 June the authorities announced that 400 people had been arrested in Beijing alone, saying they included leaders of "counter-revolutionary" organizations, criminals and people who had used violence during the army intervention. More arrests were announced by official sources on 11 June, and the number of those arrested throughout the country was officially acknowledged by that time to be around 700. For several days, Chinese national television had shown pictures of people being taken into custody by security officers, or being interrogated or making 'confessions' inside police buildings. Some had facial injuries. Several of those shown on television on 11 June were brought in front of interrogators and forced to keep their heads bowed by security officers holding them on each side. Their hands were tied. Others were shown signing statements.

On 13 June the authorities issued warrants for the arrest of 21 student leaders wanted on charges of inciting and organizing the "counter-revolutionary rebellion" in Beijing. Their photographs were shown on national television and detailed descriptions were published in newspapers and broadcast on state radio. Two of those on the wanted list were arrested on 14 June. Several others were arrested later. Warrants for the arrest of three leaders of the Beijing Autonomous Workers' Federation were also issued on 14 June and their names and descriptions publicized in the official media. Thirty-two people were officially reported to have been arrested at Beijing Railway Station on 14 June, including members of the banned students' and workers' federations.

By 20 June over 1,500 people were officially reported to have been arrested throughout China. Up to that point, the arrests of "counter-revolutionaries" and "rioters" were given wide publicity in the Chinese official media, with national television showing daily new contingents of people arrested being escorted by police or soldiers. This publicity, however, decreased during the second half of June, following international criticism of the summary trials and executions of two groups of people in Beijing and Shanghai.

Arrests have, however, continued. Official reports indicate that some of those taken into custody were "detained for investigation" while others were formally arrested and charged. The total number of those detained throughout the country is not known, but unofficial sources suggest that the true total is in tens of thousands. Those detained include students, workers, peasants, teachers, writers, journalists, artists, academics, military officers and unemployed people. They are held on a variety of charges, including involvement in "counter-revolutionary" activities; disrupting traffic or public order; attacking soldiers or military vehicles; "sabotage" and looting.

4.2. Arbitrary detention and imprisonment

The arbitrary detention or imprisonment of people involved in the recent pro-democracy movement may be facilitated by a number of provisions in Chinese law and by practices which, while contrary to the letter of the law, have become the norm in the People's Republic of China. It is common, for instance, for people to be detained by police for weeks or months

without charge, in breach of the procedures for arrest and detention laid down in China's Criminal Procedure Law.

There are also laws and regulations providing for various forms of administrative detention. One form of administrative detention, known as "shelter and investigation" (shourong jiancha), permits police to detain people without charge or trial for up to three months. This form of detention applies in theory to people who commit minor offences or whose identity, address or background are unclear and who are suspected of committing crimes, but in practice it appears to be used by police far more widely. (see Amnesty International's report China: Torture and Ill-treatment of Prisoners, September 1987, pages 22 to 23).

A 1957 law, which was updated with new regulations in November 1979, also permits long-term detention without charge or trial: it provides for the detention of people considered to have "anti-socialist views" or to be "hooligans" in camps or prisons for up to four years for "re-education through labour". Detention orders for those subjected to "re-education through labour" are issued outside the judicial process by Public Security (police) officers.

A number of those detained since early June in connection with pro-democracy protests are reported to have been subjected to administrative detention. In Liaoning Province, for instance, the authorities reported in June that police had imposed "administrative sanctions" on 1,000 people who had committed minor crimes of "beating, smashing and looting" in connection with the recent protests.

Those formally arrested have been charged under the Criminal Law that came into force in January 1980. They include people held for the peaceful exercise of their basic human rights whom Amnesty International considers to be prisoners of conscience. Some have been charged with organizing or taking part in a "counter-revolutionary" group, others with "carrying out counter-revolutionary propaganda and agitation". These two offences can be punished under China's Criminal Law by anything from deprivation of political rights to life imprisonment. Some of those detained on political grounds may also be charged with other "counter-revolutionary" offences which, under the Criminal Law, can be punished by the death penalty when "the harm to the State and the people is especially serious" and the circumstances "especially odious".

4.3 Prisoner profiles

Amnesty International has compiled the names and basic information about several hundred people detained in connection with the recent pro-democracy protests. (A list will be circulated by Amnesty International in a separate document.) Many of them have been charged with criminal or political offences.

The cases briefly described below are those of people who are believed to be detained on account of the peaceful exercise of their fundamental human rights. They are only a few examples among many others.

BAI Dongping

Bai Dongping, aged 26, is a railway worker and central committee member of the banned Beijing Autonomous Workers' Federation. He was arrested on 17

June in Chengdu (Sichuan Province). He is accused of participating in the "counter-revolutionary rebellion" in Beijing. He has probably been transferred back to the capital to face charges. Bai Dongping and two other members of the workers' federation had been detained briefly by police in Beijing on 30 May, but they were released the following day after students and workers demonstrated in front of the Beijing police headquarters and the Ministry of Public Security.

DAI Qing

Dai Qing, a prominent woman columnist for the Guangming Daily, is reported to have been detained after plainclothes police searched her apartment on 14 July, confiscating manuscripts and articles. By 21 July, her relatives had reportedly not yet heard from her. Dai Qing had signed an appeal in the 15 May Guangming Daily asking the government to recognize the legality of the student movement. Dai Qing had rallied journalists to the support of Qin Benli after he was dismissed from his editorial post at the Shanghai World Economic Herald in April 1989. Her detention has not been officially confirmed.

HAO Fuyuan

Hao Fuyuan, aged 37, a villager from Gaoqing County (Shandong Province), is reported to have been detained prior to 19 June for "spreading reactionary statements and inciting peasants to create disturbances". His detention was reported by Jinan Radio (Shandong Provincial Service) on 19 June. According to the radio report, he went to Beijing in May and returned to Gaoqing after the army intervention in Beijing on 4 June, taking with him "counter-revolutionary leaflets and cassette tapes". He is accused of having subsequently "created rumours everywhere" and of inciting peasants not to sell grain to the state and not to pay taxes.

JIAO Zhixin (see the entry on SONG Tianli)

LI Honglin

Li Honglin, aged 63, a research fellow at the Fujian Academy of Social Sciences, is reported to have been arrested at his home in Fuzhou (Fujian Province) on 6 July. According to the organization Human Rights in China, (based in the United States of America), 10 armed police arrived at his house on 6 July with both arrest and search warrants issued by the Fujian Provincial Public Security Bureau. Following Li Honglin's arrest, his relatives sought information on his whereabouts from the Public Security Bureau, but without success. Since 1979, Li Honglin had written several books and numerous articles promoting economic and political reform. He is one of several intellectuals named in a report presented on 30 June by Beijing Mayor Chen Xitong to the Standing Committee of the National People's Congress (China's Parliament). The intellectuals named in the report are accused of having encouraged the student protests in Beijing in May. The report, which gives a detailed account of what the government calls the "counter-revolutionary rebellion", claims that Li Honglin, together with 40 other people, wrote a letter to the Party Central Committee earlier in 1989, calling for the release of political prisoners in China. According to the report, he also signed an appeal entitled "Our urgent appeal on the current situation", which was issued by 12 prominent intellectuals on 14 May. This urged that the student protests should be declared a "patriotic democratic movement" and that the Beijing Autonomous

Student Federation should be declared legal. The report also alleges that "these people also went to Tiananmen Square many times to make speeches and agitate".

LI Xiaohua

Li Xiaohua, aged about 35, is an editor of the People's Liberation Army Literature Publishing House in Beijing and a recipient of a 1988 national poetry award. He is reported to have been arrested in Guangzhou (Canton) on 12 June. He had gone to Guangzhou from Beijing around 10 June. The exact reason for his arrest is not known. Li Xiaohua has a military rank and will face a military court if formal charges are brought against him. He may be sent back to Beijing for investigation. His arrest has not been officially confirmed.

LIU Chongxi

Liu Chongxi, one of the leaders of the Xi'an Autonomous Workers' Federation, was officially reported to have been arrested in Xi'an (Shaanxi province) on 11 June. The group has been accused by the authorities of advocating the overthrow of the government. Liu Chongxi is accused of participating in several "unlawful" organizations, inciting strikes, "viciously" criticizing state and party leaders, and spreading rumours to create disturbances. He was among a group of 43 people arrested by police in Xi'an on 11 June. According to official sources, they were members of seven students' and workers' organizations which were banned by the Xi'an authorities on 11 June.

LIU Qiang

Liu Qiang, aged 26, a worker at Beijing No. 3209 Factory, was officially reported to have been arrested in Inner Mongolia on 15 June. He is one of three leaders of the Beijing Autonomous Workers' Federation for whom arrest warrants were issued by the authorities on 14 June. Their names and descriptions were publicized in the official media that day. His arrest was televised nationally on 15 June, when he was shown being dragged handcuffed off a train by police. A television commentator said police were helped by members of the public who recognized him from his picture shown on national television on 14 June.

LIU Xiaobo

Liu Xiaobo, aged 34, a well-known literary critic and lecturer in the Chinese Department of Beijing Normal University, is reported to have been arrested on 6 June in Beijing. He was seen that day being taken away in a car by plainclothes men. Liu Xiaobo is one of four people who started a hunger-strike in Tiananmen Square on 2 June.

On 23 June the Chinese official media gave great prominence to his arrest, accusing him of "instigating and participating in the rioting". They said that he had close ties with an "anti-communist" group in the United States of America (US), the Chinese Alliance for Democracy, and that he had met the head of the group, Hu Ping, during a visit to the US in November 1988. The Chinese Alliance for Democracy, which publishes the magazine China Spring, was banned in China as a "reactionary" organization in 1988. Liu Xiaobo returned to Beijing in April 1989. The Beijing Daily said on 24 June that he was "well-known overseas for his anti-marxist position and his academic views attacking Chinese culture".

On 23 June a Beijing television news reader read out a long statement vilifying Liu Xiaobo for supporting pro-democracy student protesters. It also accused Liu Xiaobo of having said during a telephone conversation on 2 June: "we must organize armed forces among the people". This alleged statement by Liu Xiaobo was later repeated in a report presented by Beijing Mayor Chen Xitong to the National People's Congress, as an example of "evidence" that "organizers of the turmoil" were preparing violent action. According to information received by Amnesty International, however, this alleged statement by Liu Xiaobo, which was printed in a Hong Kong Chinese language newspaper, is a mistranslation of the English record of a telephone conversation between Liu Xiaobo and a leader of the Chinese democratic movement in New York. Various sources who know Liu Xiaobo well have told Amnesty International that he had never advocated violence. On 3 June, in fact, he urged students to return weapons which had been seized from soldiers by civilian protesters earlier that day.

Someone who saw Liu Xiaobo after his arrest reported that he appeared to have been badly beaten in detention.

NIU Shengchang

Niu Shengchang, aged 38, described as a villager from Yunshan in Dongping County of Shandong Province, is officially reported to have been arrested on 16 June by Tengzhou City police for writing "reactionary" posters and putting up "counter-revolutionary" leaflets in various localities in the province. He reportedly went to Beijing on 18 May and "asked" to participate in the Beijing Autonomous Peasants' Federation. Together with students, he allegedly "resisted" the martial law troops in Beijing and returned to his home after 4 June. He is said to have had a record of dissatisfaction: between 1984 and 1986, he reportedly went to Beijing eight times to present unspecified "appeals" to the higher authorities there. It seems likely that Niu Shengchang will be held in Shandong Province since he allegedly conducted "counter-revolutionary propaganda" there. However, he may also be sent to Beijing for investigation of his activities there.

QIAN Jitun (see the entry on WANG Shufeng)

QUAN Baogui (see the entry on YANG Dongju)

REN Wandong

Ren Wandong, a former prisoner of conscience adopted by Amnesty International, is reported to have been arrested at his home in Beijing on the evening of 9 June. One of the founding members of the 'Human Rights Alliance' in the 1979 "democracy movement", he was arrested for the first time in April 1979 and imprisoned for several years without charge or trial. In late 1988, he issued a statement about the human rights' situation in China which was published outside China and gave interviews to foreign journalists. He is said to have made public speeches on several occasions during the recent student protests. His arrest has not yet been officially acknowledged and his place of detention is not known.

SONG Tianli and JIAO Zhixin

Song Tianli and Jiao Zhixin, officially described as the "chieftains of a counter-revolutionary organization" called the China Democratic Political Party, were arrested in Dalian (Liaoning province) on 13 June. According to a report by Shenyang Radio of 13 June, Song Tianli is a vagrant and Jiao

Zhixin a salesman, both originally from Shandong Province. They are alleged to have formed the China Democratic Political Party in Dalian during the recent student protests and to have sent 14 "counter-revolutionary declarations, guiding principles and letters of appeal" to various cities throughout the country, advocating the overthrow of the Chinese Communist Party and of the socialist system. They allegedly formulated various guiding principles for their party, as well as "regulations on establishing counter-revolutionary armed forces".

WANG Dan

Wang Dan, aged 24, a student in the History Department of Beijing University (Beida) and the first named in the list of wanted student leaders issued by the government on 13 June, is reported to have been arrested in Beijing on 6 July. This was two days after the arrest of a Taiwanese reporter, Huang Debei, whom he had been in direct contact with a few days earlier. Wang Dan's arrest has not been publicly confirmed by official sources. However, according to Huang Debei, who was released and deported from China on 11 June, police told him while he was in custody that they had arrested Wang Dan.

There have since been reports that Wang Dan was badly beaten after his arrest.

WANG Shufeng and QIAN Jitun

Wang Shufeng, aged 21, a student at Beijing University (Beida) and a member of the banned Beijing Autonomous Students' Federation (BASF), is officially reported to have been arrested on 20 June in Baotou, Inner Mongolia, together with another member of the BASF, Qian Jitun. Wang Shufeng is accused of having organized illegal demonstrations, sit-ins and hunger-strikes in Beijing. He also reportedly handled more than one million yuan of funds for the student protests as "chairman of the Tiananmen Square demonstration financial department". Wang was handed over to police in Beijing by the Baotou authorities on 21 June. The official report on his arrest did not specify what had happened to Qian Jitun, but it is likely that he was also sent to Beijing for investigation.

WANG Xinlin

Wang Xinlin, aged 24, a former officer of the People's Liberation Army (PLA), was formally arrested in Jinggangshan (Jiangxi Province) on 21 June on charges of "carrying out counter-revolutionary propaganda and incitement". It is not known for how long he was detained before he was charged. He is accused of putting up "reactionary" posters in various places in Jinggangshan on 5 June, in which he criticized party and state leaders and "vilified" the troops enforcing martial law in Beijing. These accusations indicate that he is being detained for the peaceful exercise of fundamental human rights. An official report on his arrest, broadcast by Nanchang Radio on 22 June, claimed that he had often had grievances against official party policies in the past and had once staged a hunger-strike to show his discontent with a punishment imposed on him. During his time in his army unit, he had allegedly "kept some ammunition" and fled from his unit on three occasions. According to the official report, he was demoted to the rank of ordinary soldier in November 1988 and sent back to Jinggangshan, his native city.

His arrest on a charge of "carrying out counter-revolutionary

propaganda and incitement" was approved by Jinggangshan City People's Procuratorate on 21 June. This offence is punishable under Article 102 of China's Criminal Law by anything from a period of "control" or deprivation of political rights to life imprisonment, depending on the gravity of the case.

WU Haizhen

Wu Haizhen, aged 34, is said to be a lecturer at the foreign language faculty of the Yunnan Education Institute who, during the recent protests in Kunming (Yunnan Province), delivered "dozens of speeches" through loudspeakers, attacking party and government leaders. He is said to have acted as a "lecturer of the Yunnan Student Federation" and to have given lectures in factories to incite workers to strike. He was arrested in Kunming on 13 June.

XIONG Wei

Xiong Wei, aged 23, a student at Qinghua University in Beijing, was officially reported to have been arrested on 15 June. He was one of the 21 Beijing student leaders named in the wanted list issued by the authorities on 13 June. Chinese national television reported on 15 June that he had given himself up to the police after being urged to do so by his mother. He was shown on national television being questioned on that day. He is said to have been the coordinator of the rescue teams which provided medical aid to students on hunger-strike in Beijing in May.

XU Bingli

Xu Bingli, aged 51, a worker at the Hongkou district Housing Management Company in Shanghai, is officially reported to have been arrested in Shanghai on 13 June. He is accused of setting up an "illegal" organization, the China Civil Rights Autonomous Federation, on 28 May, and of making "numerous counter-revolutionary" speeches at People's Square in Shanghai between 27 May and early June. His speeches reportedly attracted several hundred people, thus "seriously disrupting traffic". In these speeches, he reportedly called on onlookers to join his civil rights group, declared that workers in Shanghai should be mobilized to stage a general strike and asked people to unite with each other to overthrow the corrupt government. The accusations against him indicate that he is being detained for the peaceful exercise of fundamental human rights. He may be charged with carrying out "counter-revolutionary propaganda and agitation", an offence under China's Criminal Law.

XU Xiaowei (see the entry on ZHANG Weiguo)

YANG Dongju and QUAN Baogui

Yang Dongju, a worker at Shenyang Railway Bureau, and Quan Baogui, a worker at the Number Four Vehicle Parts Factory in Dandong City, were arrested in Dandong (Liaoning province) for "making inflammatory speeches and spreading rumours in the streets", according to a report broadcast on Shenyang Radio on 22 June. The report indicates they were arrested around 15 to 20 June after a videotape showing them making speeches was televised in Dandong. In their speeches they are said to have "viciously attacked" party leaders and "vilified" the People's Liberation Army which crushed the student protests in Beijing in early June.

YANG Wei

Yang Wei, a former prisoner of conscience, was arrested by Shanghai police on 19 July. An NCNA report announcing his arrest alleged that Yang Wei had made propaganda speeches during the recent student protests, and that he had visited universities for the purpose of collecting information and inciting students to oppose the government. It further said that he had not "shown any penitence" since his release from prison earlier in 1989.

Yang Wei had returned to Shanghai in May 1986 with a master's degree in molecular biology from the University of Arizona in the US. In December 1986 and January 1987 large-scale student demonstrations calling for reform and greater democracy took place in several major Chinese cities, with Shanghai a focal point for unrest. Yang Wei was arrested on 11 January 1987 after police had searched his parents' flat and found leaflets and personal notes allegedly supporting the student movement. He was sentenced in December 1987 to two years' imprisonment for "counter-revolutionary propaganda and agitation". At his trial the prosecution indictment emphasized Yang Wei's links with the "reactionary" New York-based Chinese Alliance for Democracy (CAD), banned in China. He was accused of having written articles under a pseudonym for the CAD journal China Spring agitating for the "overthrow of the people's democratic dictatorship and socialism", and of inciting students in Shanghai. His case caused great concern among Chinese students in the US and was raised in the US Congress.

After his release in January 1989 (the two-year sentence had begun on the date of formal arrest), Yang Wei remained in Shanghai. In an Associated Press interview at the time, he was quoted as saying that he "did not regret marching for democracy and writing for China Spring", but that he "was not sure if he would continue working for political change". He intended to wait for official permission to return to the US to join his student wife and work for a doctorate.

YU Zhenbin

Yu Zhenbin, aged 27, a staff member of the Qinghai Provincial Archives Bureau, was officially reported to have been arrested on 27 June in Xining (Qinghai Province). He is accused of setting up a "counter-revolutionary" organization in Xining called the Chinese People's Democratic Opposition Parties' Alliance.

His arrest was reported by the People's Daily and the NCNA on 29 June. Citing police sources, NCNA said that Yu Zhenbin had a record of "reactionary" activity and hostility to the CCP and the socialist system. During the recent protests in Beijing, he is alleged to have made "three public speeches" in Xining criticizing party and state leaders, and to have written and distributed leaflets calling for a revision of the constitution, a new central government and for an end to one-party rule in China. After martial law was imposed in Beijing on 20 May, he reportedly wrote a draft constitution for the Opposition Parties' Alliance, printed registration forms and recruited members.

Official reports of his arrest claim that the aim of the Alliance was to overthrow the CCP and "seize power". However, there appears to be no evidence that Yu Zhenbin had ever used or advocated violence. He may be charged with "organizing a counter-revolutionary group", an offence

punishable under Article 98 of China's Criminal Law by a minimum of five years' and a maximum of life imprisonment.

ZHANG Weiguo and XU Xiaowei

Zhang Weiguo and Xu Xiaowei, two editors of the Shanghai weekly World Economic Herald, are reported to have been arrested in late June. The World Economic Herald, which was closed down by the Shanghai authorities in May, a month after its editor-in-chief, Qin Benli, was dismissed, had taken the lead among the media in advocating political reforms and tried to bypass press censorship. Another journalist working for the same newspaper was also reported in early July to be under arrest, and Qin Benli was said to be under house arrest. Zhang Weiguo, aged 32, is a lawyer who worked as head of the Beijing Office of the World Economic Herald.

ZHOU Fengsuo

Zhou Fengsuo is a 22-year-old student of physics at Qinghua University in Beijing. On 14 June Chinese national television showed him being arrested in Xi'an (Shaanxi province), where his family lives. He was one of the 21 student leaders on the wanted list issued by the authorities on 13 June. According to official sources, he left Beijing for Xi'an on 7 June and was arrested after he was allegedly denounced by his sister, who had seen his name among those of the 21 wanted student leaders when they were broadcast on Chinese television.

ZHOU Xiaotong (pen name: ZHOU Jiajun)

Zhou Xiaotong (pen name: Zhou Jiajun), age unknown (but said to be very young), an amateur writer affiliated to the 164th Infantry of the 55th Army, is reported to have been arrested in Wuhan (Hubei Province) while he was studying at the university there. The date of his arrest is unknown, but it is believed to have occurred before 27 June. He is reported to have participated in the student movement, but the exact reason for his arrest is not known. Zhou Xiaotong has a military rank and will face a military court if formal charges are brought against him. His arrest has not been officially confirmed.

5. ALLEGATIONS OF TORTURE AND ILL-TREATMENT

Some of those arrested since early June in connection with the pro-democracy protests are reported to have been severely beaten by police or soldiers, and it is feared that detainees may still be put under strong pressure - and in some cases tortured - to confess to crimes or to denounce others involved in protests.

The ill-treatment of people arrested by police or soldiers during and after the military crackdown in Beijing has been reported by various sources. Foreign journalists witnessed 24 workers being arrested and assaulted in a residential compound in Beijing on 7 June. According to foreign reporters, the workers were made to kneel down to be photographed, beaten up and taken away to an unknown destination. Foreign tourists briefly detained in Beijing on 5 June also reported seeing there between 60 and 80 students, whose hands were tied, being beaten by soldiers and hearing other soldiers shout "kill them".

One foreigner, who was present in Beijing on 4 June, has told Amnesty International how he was taken into custody when he inadvertently strayed into a restricted area near Tiananmen Square. He was held at first in the company of four other foreigners. He is referred to as "F" in the account below.

On the morning of 4 June 1989, F wanted to go sight-seeing in Beijing. He apparently did not know what had happened during the night and was cycling in the streets close to Tiananmen Square when, without knowing, he entered a restricted area. At 1130 hours he was stopped by soldiers and beaten with a stick on the shoulders and back. They took away his rucksack, his camera and films. An officer then took him to a government building on one side of Tiananmen Square, and subsequently into a building inside the Forbidden City, which he thought to be a centre for radio communication. He was questioned about his belongings, hit on the hand, then an officer took out his pistol to intimidate F. F was asked to stand close to the wall, then to sit down, then to stand up again (several times).

He was then taken out on the Square and walked under escort for about ten minutes across the park on the right side of the entrance to the Forbidden City (seen from outside). There he was held in a room under military guard with the four other foreigners: an American and his pregnant wife; a 15-year-old Pakistani boy and a 47-year-old Italian journalist who had a bleeding head wound and bruised ribs.

All five were repeatedly struck by a soldier with an electric baton as they were brought to this holding centre. They were questioned by officers of the Beijing police for about 60 to 90 minutes each, and were not allowed to contact their embassies. During this time F could hear screams from a nearby building into which wounded Chinese detainees were being taken. They had head wounds and other injuries, and they were tied with hands behind their backs and attached to a cord tied around their necks. The foreigners saw a number of detainees being beaten by soldiers before they were themselves released.

At 0200 hours the foreigners were taken out of the room and F came close to the building. He looked inside the building and saw a room, which was about 12 by six metres, containing at least 80 wounded people. "It looked like a butchery" said F. About one hour later the foreigners were released outside the park. F had bruises and suffered from pain for about 14 days.

According to the description given by F, the place where he was detained was the Workers Palace of Culture, located on the east side of the Forbidden City. The Palace and other buildings in Beijing were used as temporary prisons after the military crackdown on 4 June. Many people arbitrarily detained in such places are reported to have been severely beaten. One Hong Kong newspaper report cites the following two cases: a middle-school student arrested on 5 June in front of the Beijing Hotel spent over 20 days in the Workers Palace of Culture and was covered with wounds when he was released; a cadre who had come to Beijing on official business was arrested by troops on 5 June when he stumbled on a confrontation between civilians and soldiers. Though the cadre produced

documentation showing he was on official business, the troops took no notice of it. He was taken to the Workers Palace of Culture and kept there for more than 20 days. During the first three days he was continually beaten and interrogated, given no food to eat, and slept on the wet earthen floor. For the remainder of his 20-odd days there, he was given two steamed buns to eat each day. He shared a cell with over 100 people - many of them intellectuals. (The Hong Kong Ming Bao, 28 July 1989).

The Ming Bao of 20 July 1989 reported that an army poet named Ye Wenfu, who was arrested after 4 June, was severely beaten in detention on several occasions. He reportedly tried several times to commit suicide in prison because he could not bear the physical and mental torture, but was prevented from doing so by his jailers.

There is some evidence to suggest that detainees have been routinely beaten and tortured with electric batons by police, and some sources have alleged that detainees have died as a result of torture and have been secretly buried, without their families being informed.

Recently released detainees are reported to have alleged that they and others were brutally interrogated, subjected to severe beatings with electric batons and rifle butts, and held in grossly overcrowded cells, although one leading intellectual recently released after several days' detention stated that he had been "treated humanely". Workers and youths alleged to have forcibly resisted the army's entry into Beijing on the night of 3 and 4 June are said to have been subjected to the most severe ill-treatment.

Few details are available about individual detainees: they are held incommunicado without access to relatives or lawyers, and their whereabouts are mostly unknown. Under Chinese law access to lawyers is not permitted until a few days before trial, at the earliest, and it is common to deny access to prisoners by relatives until after their trial. Many detainees' relatives have apparently been denied information by the authorities about the whereabouts of their imprisoned relatives.

Amnesty International has long been concerned about the occurrence of torture in China. In 1987 it published a report entitled China: Torture and Ill-treatment of Prisoners, which documented the widespread use of torture in China. The report acknowledged efforts made by the authorities to eradicate torture, but pointed out that the absence of sufficient safeguards for detainees' rights in Chinese law contributed to a pattern of abuse. It recommended the introduction of several safeguards, in particular that limits be placed on incommunicado detention and that legislation be adopted to guarantee that all detainees are brought before a judge promptly after being taken into custody, and that relatives, lawyers and doctors have prompt and regular access to them.

These safeguards are among others recommended in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment. This was signed in December 1986 and ratified by China in October 1988, but the safeguards in question have not yet been introduced.

6. TRIAL PROCEDURES AND UNFAIR TRIALS

Amnesty International is concerned that many of those arrested in Beijing and other cities since early June may receive heavy sentences after summary trials which do not conform to international standards for fair trials.

Very few trials have been publicized by the Chinese official media since June, but many may have taken place without being publicly reported. Indeed, local courts were instructed in June by the central authorities to expedite the trials of people who had engaged in "counter-revolutionary activities" or had created "social turmoil". On 20 June China's Supreme People's Court issued such instructions to courts in a circular which stressed that the people's courts should, "through studies", "act and think in line with Comrade Deng Xiaoping's speech". This refers to a speech made earlier in June by Deng Xiaoping, Chairman of China's Central Military Commission, in which he analysed the cause and nature of the "counter-revolutionary rebellion" and the "correct policy" adopted to deal with it.

More explicitly, the Supreme People's Court asked local courts to strive "to fully understand, through studies, that the objective of the extremely small number of people in engineering the counter-revolutionary rebellion is to strike down the Communist Party, overthrow the socialist system and subvert the People's Republic of China" (Beijing Radio of 20 June 1989, quoted by the BBC-SWB FE/0489, B2/5 to 6, of 22 June 1989). As these are offences punishable under China's Criminal Law, this was clearly an instruction that those who "engineered" the rebellion should be found guilty.

Most of those tried in June and July whose trial has been publicly reported, were charged with ordinary criminal offences committed during protests in various cities or during the army intervention in Beijing in early June. These offences involve disrupting traffic, damaging vehicles, attacking soldiers, setting fire to buses or military vehicles, and sabotage.

One man, however, was officially reported in July to have been tried and sentenced on purely political charges. He is Xiao Bin, a 42-year-old worker in Dalian (Liaoning Province). He was arrested on 11 June after he was shown on national television speaking to an American ABC television crew. During the interview with the ABC crew, Xiao Bin said that 20,000 people had been killed during the army intervention in Beijing on 4 June and that some had been crushed by tanks. He was denounced on Chinese television as a "rumour-monger" and, shortly afterwards, two women who recognized him after seeing him on television reported him to the authorities. The two women were reportedly given a large financial reward. Xiao Bin's trial and sentence were announced on Chinese television on 13 July. At his trial in Dalian, he was found guilty of spreading rumours and "vilifying the righteous act of the martial law troops". He was sentenced to 10 years' imprisonment under Article 102 of China's Criminal Law for carrying out "counter-revolutionary incitement". Amnesty International considers Xiao Bin to be a prisoner of conscience imprisoned for the peaceful exercise of his right to freedom of expression.

Neither in his case, nor in those of other people officially reported to have been tried, has any information been made public about the procedures followed at the trials. Judging from previous reports of trials in China, Amnesty International believes that they had little chance of getting a fair trial.

6.1 Fair trial issues

Trial procedures for cases heard before the people's courts (basic, intermediate and high) are set down in the Criminal Procedure Law that came into force in January 1980. The procedures established in law do not meet the minimum standards for a fair trial set out in international human rights standards - notably the right to adequate time and facilities to prepare the defence, the right to be presumed innocent before being proved guilty in a court of law, the right to cross-examine prosecution witnesses and to call witnesses for the defence. Furthermore, in practice, the guilt of the accused - and the sentence - is generally determined by those in authority before the trial hearing even takes place. Chinese jurists openly refer to this practice as "verdict first, trial second", or the "deciding on the verdict before the trial".

Since 1987, members of the Chinese legal profession have expressed dissatisfaction at routine practices in contravention of Chinese law. Criticisms have been published in numerous articles in the official legal press concerning the use of torture to induce confessions; the extreme limitations on the role of defence lawyers; and the practice of "verdict first, trial second".

Unfair trial procedures were acknowledged by top legal officials in comments published in November 1988. Liu Huisheng, a member of the Supreme People's Court, said a reform of the court system was needed to compensate for society's "prejudiced view" of lawyers, to overcome the trend towards "verdict first, trial second" and in particular to strengthen the rôle of the panel of judges in court proceedings. Ju Yongchun, a member of the Supreme People's Procuratorate (the highest level of the state prosecutor's system), urged the improvement and modification of "the current system whereby some courts first decide internally upon the level of sentencing [sic] and then only afterwards carry out the actual trial, and also the system whereby [some courts] do not conduct trials of second instance in open hearings" (Fazhi Ribao, Legal News, 18 November 1988; the article summarized the proceedings of a Beijing symposium on "The rôle of the lawyer in the criminal defence system").

The Criminal Procedure Law provides that court presidents, "when they consider it necessary", should submit "all major and difficult cases" for "discussion and decision" to the "adjudication committee" (a body set up in each court to supervise judicial work). This appears to empower court presidents to decide which cases should be examined by the adjudication committees. In practice, however, all cases are decided first, before trial, by the adjudication committees, and judgments may also be submitted for examination and approval before trial to Party committees in charge of political-legal work. A Chinese legal magazine noted in 1987:

"This internal process of examination and approval (of judgments) has to be carried out, and a decision reached, before the start of open trial. This inevitably leads, on both procedural and substantive levels, to the phenomenon of 'deciding on the verdict before trial'.

"This practice makes the open trial degenerate into a mere formality . . . and inevitably results in false and unjust cases . . . To put the matter more sharply, the practice of 'deciding

on verdicts before trial' amounts simply to a refurbished version of the presumption of guilt."

[Faxue, Science of Law, early 1987, pages 15 to 16]

Another authority observed in November 1988 that the courts simply disregarded the legal procedure prescribed in law, as:

"All criminal cases, whether major or minor, are dealt with and decided upon - lock, stock and barrel - by the adjudication committees. This reduces the system of defence by lawyer to an empty formality. This trend is especially manifest in practices such as 'verdict first, trial second', whereby [the judge takes the attitude of] 'You get on with presenting your defence, and I'll get on with giving my verdict, regardless'."

[Fazhi Ribao, 18 November 1988]

Thus in practice the adjudication committees, which discuss cases in the absence of both defence and prosecution, determine the nature of a case, and issue instructions to the court concerning the presumed guilt of the accused and a recommended sentence. When a case is heard by an intermediate or high people's court, the case is usually assessed by the Politics and Law Committee or the Party Committee of the area where the court has jurisdiction. These committees, too, issue opinions to the courts which in practice serve as an instruction on verdicts and sentencing. The Politics and Law Committees are made up of heads of government agencies and legal bodies; the Secretary of the committee, moreover, is often the head of the Public Security Bureau (chief of police) in the area of the court's jurisdiction. A report in a legal magazine stated in July 1988:

"Even if they [the Political and Law Committee] reach an erroneous verdict, the collegial panel [the trial court] must nonetheless submit to it completely and unconditionally: there is no room allowed for debate or disagreement by the panel. . . 'Verdict first, trial second' gives the green light to [the practice of] people substituting themselves and their own word in place of the law; it interferes with the independence of the judiciary, and obstructs the lawful handling of cases".

[Minzhu Yu Fazhi, Democracy and Legal System, No 7, 1988, pages 10 and 11]

A further common practice outside the law is the submission of cases by the courts (on the authority of court presidents), for a pre-trial decision, to local government authorities. Chinese legal journals refer to such practices having arisen as a consequence of the delays involved in referring cases to some adjudication committees. The request for a formal opinion from government officials before a hearing might also be encouraged by a desire of the courts to reach a "correct" verdict in cases that are "major and difficult". because of their political significance. A decision offered a people's court by political authorities - whether or not at the initiative of the court - might be decisive whatever the facts of the case, even if not channelled through the formal structures of the courts. The author of a 1988 article observed:

"[The courts] frequently take it upon themselves to refer these cases for settlement and decision by the leaders of the administrative organs. [In addition] when major divergences of opinion arise regarding the handling of particular cases, between the collegial panel on the one hand and the leaders of the

administrative organs on the other, then the latter will resort to using their administrative powers as a means of persuading the personnel in charge of dealing with those cases to abandon their opinions on the matter. Such practices directly contravene the stipulations of the law."

["Renmin fayuan yi zeng she yizhong shenpan zuzhi", Fazhi Ribao, 26 October 1988]

The "collegial panel" (or trial court) is composed of a presiding judge and (a jury of) people's assessors without legal training. The people's assessors are not expected to question predetermined verdicts. A man who had served for several years as a people's assessor wrote the following to a friend who had recently been called by a court to do service:

"In March of 1986 I was informed by the court that I was to perform my first period of service as a people's assessor at a trial. Before the trial commenced the judge informed us (there was also a woman comrade there) that, since things were a bit rushed, there would be no time for us to familiarize ourselves with the details of the case in hand. [He said:] 'You must just listen to what you are told to do'. During the discussions of the collegial panel, the judge also said that the court president (yuanzhang) had already issued a directive regarding both the verdict and the level of sentencing that was to be applied. Thereupon, he took out a pre-written verdict sheet (zao yi xiehao de panjueshu), read it out once, and asked us whether we had any comments to make. I ask you, what comments could we be expected to have?! So, although we felt somewhat uncomfortable about it, the case was simply 'collegially' decided upon in this way."
["Peishenyuan Liangdi shu", Fazhi Ribao, 25 August 1988]

6.2 Lawyers and the courts

The practical restrictions on the work of defence lawyers represent a further major obstacle to fair trial. Lawyers are usually able to start working on the case and contact the defendant only a few days before the trial or even, in some cases, when the trial starts. They have thus very little or no time to prepare a proper defence. The most overwhelming obstacle to fair trial is posed by the normal practice through which the outcome of the trial is predetermined, and the lawyer's role expected to be limited to one of mitigation, rather than a challenge to the correctness of the indictment.

Those lawyers who do choose to vigorously pursue the defence of their clients also face formidable obstacles and potential sanctions should they effectively state their case.

Lawyers face the danger of themselves facing charges if they defend a "criminal" in the courts - a role that is often regarded as "conniving with crime". They are officially described as "legal workers of the state" and are expected to defend the collective interests of the state as much as those of their client. Thus, they rarely dare to try to prove the innocence of the accused. An article in a Chinese legal magazine recently stated:

"Lawyers . . . suffer interference in their work from party and government organs, especially from the organs of judicial

administration. For example, some Justice Bureaux have a regulation that if a lawyer wishes to present a defence of 'not guilty' in a criminal case, then he must first obtain authorization from the party organization of the Justice Bureau in question."

[Faxue, No 2, 1988, pages 43 to 45]

Various instances of lawyers being demoted, detained or even beaten for trying to give their clients a proper defence have been reported in the official Chinese press in recent years. One Chinese legal magazine remarked in 1986: "Even if he manages to produce a solid defence, the lawyer is unlikely to get the attention of the collegial panel". [Faxue Yanjiu, Studies in Law, No 2, 1986, pages 81 to 83]

The legal press published an account in July 1988 of a lawyer, appointed to the defence just three or four days before a trial began, who was himself accused of having "instigated" the retraction of a "confession" by the defendant - even though the retraction had been made some three months before the lawyer was assigned the case:

"The lawyer was suspended from duty and placed under investigation, without being given any alternative equivalent work. The leaders of the departments concerned criticized him by name at a variety of meetings, both large and small, and ordered that he be expelled from his profession as a lawyer. It was only after a series of investigations had shown that it was definitely not the lawyer who had instigated the accused to overturn his confession, that the suspicions were dispelled."
 ["Lushimen de husheng: xingshi bianhu nanti duo", Fazhi Ribao, 8 July 1988]

7. THE DEATH PENALTY AND SUMMARY EXECUTIONS

Amnesty International fears that many people may have been summarily executed for their participation in the recent pro-democracy protests or for resisting troops during the army intervention in Beijing in early June. Although only dozens of death sentences have been publicly reported, many of those arrested have been charged with offences punishable by death and local courts have been instructed to expedite the trials of people who created the recent "social turmoil".

People regarded as "criminals who seriously jeopardize public security" - a definition which applies to many people arrested in China since early June - may be sentenced to death and executed within a few days of arrest under 1983 legislation. This introduced summary procedures for the trial and appeal of offenders charged with offences punishable by death.

This legislation was adopted on 2 September 1983 at the start of a nationwide "anti-crime campaign" and is still in force. Thousands of people were executed within a few months at the start of the anti-crime campaign. The summary procedures provided by the 1983 legislation have already been used in the trials of dozens of people arrested after 4 June 1989 who were executed. The 1983 "Decision of the National People's Congress Standing Committee on the Procedure to Swiftly Try Criminals who seriously Jeopardize Public Security", applies to cases of homicide, rape, robbery, explosions and "other activities that seriously threaten public

security". Other offences liable to the death penalty under China's Criminal Law would still be tried according to previous legislation.

The decision specified that "criminals" accused of the offences listed above "who warrant the death penalty should be tried swiftly if the major facts of the crime are clear, the evidence is conclusive and they have incurred great popular indignation". In order to speed up trial procedures in such cases, this decision allows the courts to bring defendants to trial without giving them a copy of the indictment in advance, and without giving advance notice of the trial or serving summonses in advance to all parties involved. This means, among other things, that defendants are not able to see a lawyer before the trial starts. Such advance notification had previously been required by the Law of Criminal Procedure (Article 110). The decision also specifies that the time limit for appeals against a judgment had been reduced from 10 to three days.

As indicated by its title and text, the aim of the decision was "to swiftly and severely punish criminals who seriously jeopardize public security and to safeguard the interests of the state and the people". No time limit on its application was specified when it was adopted and it remains in force in 1989.

On 20 June 1989 the Chinese Supreme People's Court issued a circular on "promptly trying, according to the law, serious criminal offenders and counter-revolutionaries who staged the counter-revolutionary rebellion and created the social turmoil". The circular was addressed to all high people's courts and military courts of the Chinese People's Liberation Army. It made clear that courts should try cases promptly and mete out severe punishments, and that the 1983 Decision on "severely punishing criminals who seriously jeopardize public security" was applicable to offenders who participated in the "rebellion".

The Supreme Court circular directed courts to punish severely the following categories of people: "instigators, organizers and provocateurs of the counter-revolutionary rebellion and social turmoil"; "criminals who have gathered masses to carry out beating, smashing, looting and murder"; and "criminals who have run away from the law and committed crimes everywhere". The circular also asked courts to "pay attention to publicity, selecting typical major cases and extensively publicizing them through radio and television stations, newspapers and other mass media". (Beijing Radio, 20 June 1989, as translated in the BBC-SWB, FE/0489 B2/5 to 6, 22 June 1989)

This circular was issued shortly after three workers were sentenced to death by a court in Shanghai, in the first publicized trial of people involved in the recent protests. The three workers, Xu Guomin, Bian Hanwu and Yan Xuerong, were convicted on 15 June of "sabotaging means of transport and equipment" for their alleged involvement in setting fire to a train after it ran into and killed at least six people in Shanghai on 6 June. The incident took place at the Guangxing road junction in Shanghai, where student protesters had erected barricades and organized a peaceful sit-in. After the train ran into the protesters, some in the angry crowd of onlookers reportedly set fire to one of the carriages. According to an official report on the incident, no one was killed as a result of the fire. Eye-witnesses on the scene gave foreigners an account of the incident which differs from the official report.

The three workers were charged and sentenced under Article 110 of China's Criminal Law. Their trial lasted two days and they had three days to appeal. Their trial was officially reported to have been open to the public, but relatives reportedly were not allowed into the courtroom and learned of the death sentences on television. Their appeal was turned down by Shanghai High People's Court and they were executed on 21 June after being taken to a last court appearance where the final verdict was announced. This last appearance was shown on Chinese national television. The three men were seen standing with their hands held behind their backs by security officers. A cord ran around their necks. Prisoners sentenced to death are commonly reported to have a cord tied around the neck before execution, so that soldiers or police escorting them can tighten the cord to prevent them from speaking or shouting.

Seventeen people, tried among a group of 45 "criminals" who had "seriously jeopardized public security", were also executed on 21 June in Jinan, capital of Shandong Province. The authorities stressed that they were ordinary criminal offenders and it is not clear whether any of them were charged with offences related to the recent protests.

Seven of eight "rioters" who were sentenced to death in Beijing on 17 June, were executed on 22 June. They had been convicted of wounding soldiers, stealing weapons and setting fire to buses and military vehicles during the army operations in Beijing on 4 June. The seven were named as Lin Shaorong, Zhang Wenkui, Chen Jian, Zu Jianjun, Wang Hanwu, Luo Hongjun and Ban Huijie. The eighth defendant, Wang Lianxi, was apparently not executed because his defence lawyer had argued that he was mentally retarded.

On 1 July, two people were also sentenced to death in Chengdu, the capital of Sichuan Province. Wang Guiyuan and Zhou Xiangcheng were found guilty of setting fire to vehicles during rioting in the city on 5 June. They have now been executed.

On 29 July two men were reportedly executed immediately after being sentenced to death in Wuhan, the capital of Hubei Province. Guo Zhenghua and Yu Chunting were convicted of killing a pregnant woman and a girl while robbing a private residence, as well as "beating, smashing, looting, burning and killing during the recent turmoil". The 31 July edition of the national Guangming Daily also accused the men of trying to steal guns and ammunition on several occasions. The court in Wuhan sentenced 12 others the same day for a variety of offences - beating police, damaging property, setting up roadblocks, and inciting people to attack government offices - during violent protests in the city.

On 11 August Hong Kong's South China Morning Post (SCMP) quoted Chinese sources in Beijing as saying that a total of 28 men had been executed in the capital for alleged "counter-revolutionary" offences on 4 June. The executions, carried out in four groups of seven prisoners each, had taken place near "prison grounds" on the outskirts of Beijing, according to a source said by the SCMP to have "close ties to the public security system". All those executed were described as young men accused of attacking martial law troops on 4 June - none were intellectuals or students.

These cases are the only ones concerning people clearly involved in the recent protests which have been publicly reported by the Chinese official media. The summary nature of their trials and the absence of

adequate safeguards for defence do not allow Amnesty International to make a clear judgment on the validity of the charges brought against the defendants.

Other death sentences were also passed in June and July on people convicted of offences not related to the recent protests, including officials found guilty of corruption.

Amnesty International believes that many more of those detained since the military crackdown in Beijing may by now have been sentenced to death and executed. By mid-June, there were already reports that summary executions had taken place in Beijing. On 15 June, for instance, the Hong Kong newspaper Mingbao cited sources in Beijing as saying that, among some 1,200 people arrested in Beijing between 7 and 12 June, about 400 "rebels" were executed. The newspaper said that those executed were charged with various criminal offences such as "beating, smashing and looting"; no famous intellectuals or student leaders were among them and most of those executed were workers and citizens. The newspaper said they included members of the "Flying Tiger Brigade" and the "Dare-to-die Corps", two groups formed during the student demonstrations in Beijing before the army intervention on 4 June. Eleven members of the "Flying Tiger Brigade", a team of motorcyclists mainly composed of private businessmen who had acted as couriers for the student protesters, were arrested in Beijing on 30 May. Officially described as a "motorcycle gang", they were accused of preventing military vehicles from entering Beijing after martial law was imposed in the capital on 20 May, of distributing leaflets, spreading rumours and inciting workers to strike. The "Dare-to-die Corps" is one of several organizations formed during the student protests which have recently been banned by the authorities.

There are other credible reports that more executions are taking place in secret. On 28 July the Hong Kong South China Morning Post published an article by the Beijing correspondent of United Press International, according to which more than 40 people had been shot during the previous two weeks at the Marco Polo bridge on the southwestern outskirts of Beijing. Residents of a local village disclosed that single shots had been heard regularly in the hours before dawn, and that whereas previously notices would be posted prior to executions inviting the villagers to attend, there were now no public announcements. Soldiers from a nearby military encampment were guarding the area, keeping onlookers away.

Though these reports have remained unconfirmed, it is very likely that some trials have taken place without publicity, allowing the authorities to pass death sentences on those detained in connection with pro-democracy protests without international scrutiny.

Amnesty International opposes the death penalty in all cases on the grounds that it is a violation of the right to life and the ultimate form of cruel, inhuman and degrading treatment.

Prior to the recent crackdown the Chinese legal press had recently publicized cases in which people were sentenced to death on the basis of confessions extracted under torture but were found innocent before they were executed. One account in the official newspaper Fazhi Ribao, concerned a case in which a lawyer made extraordinary efforts on a client's behalf in a murder case. The client was wrongly sentenced to death but freed after nearly two years on death row. The author of the article in Fazhi Ribao contrasted the efforts of the lawyer with the normal defence

rôle:

"At most, the defence argument would be expected to concern itself only with such matters as the accused's motivation for committing the crime, the extent to which he or she had confessed and shown proper contrition and the level of sentencing which was to be imposed."

[Fazhi Ribao, 20 October 1988]

Another case reported in the legal press in 1985 involved the trial and apparent execution in 1984 of a man named Xu Jun on a charge of rape, although the charge appeared to have been unsubstantiated. The emphasis of the published case study was on the victimization of Xu Jun's defence lawyers. In October 1984, after Xu's unsuccessful appeal to the Liaoning Provincial High People's Court, the lawyers were themselves arrested and detained for six months on charges of "shielding a criminal". They were accused in particular of "instigating" Xu to change his original plea of guilty to not guilty and, after Xu was convicted, of writing an appeal on his behalf arguing that the charge of rape was unfounded. This latter initiative appeared to have broken all precedents in legal defence. Eventually, through the intervention of the highest authorities in Beijing, the lawyers were cleared of the charges and released in mid-1985. The article says: "Dragging their extremely enfeebled bodies along, Wang Baiyi, Chairman of Taian county Legal Advisory Office, and lawyer Wang Licheng, who were arrested and imprisoned for a full six months, have returned angry and dissatisfied to the dust-filled county capital of Taian." The article did not confirm Xu Jun's fate but said his appeal was rejected and the death sentence upheld. Execution is usually carried out shortly after appeal when a high court has approved the sentence. [Minzhu Yu Fazhi, No 8, 1985]

The Chinese legal establishment has acknowledged that miscarriages of justice can occur. A Chinese magazine, calling for a system of compensation for the victims of judicial errors, commented in 1988: "Owing to the objective complexity of criminal cases and to subjective errors on the part of judicial personnel, it will also, in certain specific circumstances, be hard to avoid completely the occurrence of unjust, false and erroneous cases in the future." [Zhongguo Faxue Chinese Law, No 2, 1988, pages 96 to 100]

Judicial errors can occur in any legal system. However, the chances are greater when there is no protection of the rights of the accused, when the outcome of trials is decided in advance and when the appeal procedure is a mere formality. In death penalty cases, judicial errors are irreparable. This was stressed by Mao Zedong in 1956:

"Once a head is chopped off, history shows it can't be restored, nor can it grow again as chives do, after being cut. If you cut off a head by mistake, there is no way to rectify the mistake, even if you want to."

[Mao Zedong, "On the ten major relationships", 1956; Selected Works of Mao Zedong, Vol 5, Beijing 1977, pages 299 to 300]

8. UNITED NATIONS CODE OF CONDUCT: ARTICLE 3

CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary:

- a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.
- b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportional to the legitimate objective to be achieved.
- c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

