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China's chance to enforce the rule of law - investigate alleged torture of Vice-Mayor

"They took turns punching me in the abdomen while violently twisting and lifting my arms from behind to such height that the wrenching pain made me almost faint..."

This testimony given to Amnesty International illustrates the need for the Chinese leadership to act on their pledge to enforce the rule of law. The organization is calling on the authorities to launch a public and impartial enquiry into the alleged torture of Zhu Shengwen, the 51 year-old Vice-Mayor of Harbin, recently convicted of corruption.

"This could be a test case for the Chinese authorities' willingness to tackle the vicious circle of illegalities which result in human rights violations," Amnesty International said today. "As a first step they should immediately remove Zhu Shengwen, and any others detained in connection with his case, from the custody of the authorities of Heilongjiang province, whose record in enforcing the law is seriously tarnished by the allegations made in this case."

Amnesty International is also calling on the business community, particularly in Hong Kong, to raise this case with the authorities to ensure a genuine investigation takes place. Zhu Shengwen was responsible for trade and finance in Harbin City and reportedly has many business contacts in Hong Kong.

Amnesty International has received a 34-page statement written by Zhu Shengwen -- sentenced to life imprisonment on 30 April 1998 -- claiming he was severely tortured in detention to force him to confess to the charges of corruption. The organization fears he may still be at risk of torture and ill-treatment. His family has been denied access to him since his arrest. They continue to be denied permission to visit him in prison, contrary to normal practice for prisoners who have been sentenced. He is reportedly currently detained at the Daoli Detention Centre in Harbin City.

Amnesty International is also concerned about the situation of Zhu Shengwen's wife, Fan Zhen, who has also been in incommunicado detention for more than 20 months, having been arrested a few days after her husband in October 1996. Her family believes she was detained to force her to incriminate her husband. She was reportedly brought to trial in mid-June, charged with failing to report her husband's alleged crimes, but the trial was adjourned without a verdict being announced. Her family continues to be denied access to her and do not know where she is being held. They fear that she too may have been tortured and is still at risk of ill-treatment.

The organization also fears that several other people who were arrested in connection with Zhu's case and whose statements were cited as prosecution evidence against Zhu may have been coerced into making these statements under torture or duress. More than 300 people were reportedly investigated in relation to Zhu's case, 21 of whom have already been sentenced.

The statement written by Zhu Shengwen gives a harrowing account of the ordeal he has suffered during his detention, which included several sessions of torture.

During one session of torture by four interrogators, the statement says, “*they took turns punching me in the abdomen while violently twisting and lifting my arms from behind to such height that the wrenching pain made me almost faint. Because I was still locked to the chair, there was no way for me to protect myself. All I could do was scream.*” During another session, Zhu was punched and kicked and repeatedly given electric shocks with an electric baton, which made him roll from one end of the floor to the other, screaming and convulsing hysterically, the statement says.

“While we are not in a position to investigate the claims made in Zhu’s statement, we are appalled by the allegations that he was tortured, imprisoned in secrecy for more than 20 months, and denied even the minimum safeguards provided by Chinese law for a fair judicial process,” Amnesty International said.

The organization is calling on the authorities to transfer immediately Zhu Shengwen, Fan Zhen and any detained witnesses to a safe place of detention outside Heilongjiang province. This should be pending a thorough and impartial investigation of the allegations of torture by an independent body.

Background

According to the family, Zhu’s case was handled in complete secrecy since his arrest, violating Chinese law in several respects, including the right of early access to a lawyer. In principle, under the revised Criminal Procedure Law which came into force in January 1997, access to a lawyer shortly after detention is guaranteed. Zhu Shengwen, however, was reportedly denied access to a lawyer for nearly 14 months, being allowed to see his lawyer only one week before his trial started in December 1997.

At the trial, Zhu reportedly contested the charges against him, suggesting that he was the victim of a political frame-up and stating that his confession had been extracted from him under torture by special investigators assigned to his case. The court adjourned the trial, asking Zhu to submit his statement in writing.

According to his statement, during pre-trial detention, he retracted at some point his earlier confession. He was then sent in July 1997 to a maximum security jail in the north of Heilongjiang province where he stayed six weeks. There, he was held first in solitary confinement in appalling conditions, then subjected to daily torment and beatings by two convicted criminal prisoners assigned to watch him. Ordered to sit straight without moving from morning to evening, he was reportedly punched and kicked by his two minders if he made any movement. Throughout that period, he says, he was denied permission to wash and constantly suffered from hunger and thirst, diarrhoea and recurrent high fever. The ill-treatment only stopped when he accepted again to make a “confession”.

Despite the allegations made in Zhu’s statement, the Harbin Intermediate People’s Court proceeded to convict and sentence him in late April 1998. No investigation into the allegations of torture is known to have been carried out, and the court apparently used Zhu’s “confession” as evidence against him. His family reportedly sent appeals to the authorities in Beijing for an investigation of his treatment and a review of the case, but these have gone unheeded. Zhu is now appealing against his conviction and sentence.

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