

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 17/028/2003 (Public)
News Service No: 155
27 June 2003

China: Abolition of "Custody and Repatriation" welcomed, but more needs to be done

Amnesty International today welcomed China's abolition of "Custody and Repatriation", but called for the effective implementation of the new procedures as well as the abolition of "Re-education through Labour", another form of administrative detention which has led to widespread reports of torture and ill-treatment.

"If implemented effectively, the new vagrancy regulations should help to curb the widespread abuses that have characterised the treatment of some of China's most vulnerable groups of people," Amnesty International said.

"But legislation is just the first step - reforms must be implemented fully at the local level and accompanied by other safeguards to make officials fully accountable for their actions."

The new procedures were adopted by China's State Council on 18 June and will reportedly come into effect on 1 August 2003. They shift responsibility for welfare of "vagrants" and "beggars" from the police fully to civil affairs departments and explicitly forbid extortion, abuse and forced labour by officials running the shelters.

"While these prohibitions are welcome, they must be made effective by the creation of fully independent and impartial mechanisms of investigation to ensure that those suspected of torture or ill-treatment are brought to justice in fair trials," Amnesty International emphasized.

Millions, including homeless children and the mentally ill, have been caught up in this system every year. Detainees have reportedly been subjected to serious abuses in "Custody and Repatriation" centres, including rape, beatings, extortion and forced labour. Migrants from rural parts of China have been at particular risk due to the serious obstacles they have faced in obtaining urban registration after moving to find work in the cities.

"All those currently detained in 'Custody and Repatriation' centres against their will must be released immediately and unconditionally," Amnesty International said.

The current reform appears to have been prompted by the brutal murder of Sun Zhigang, a fashion designer from Hubei, on 20 March 2003 while he was held in a "Custody and Repatriation" centre in Guangzhou. The case was exposed by a local newspaper, leading rapidly to a public outcry, including petitions to the National People's Congress from several legal academics, urging the reform or abolition of the "Custody and Repatriation" system.

Unusually, and apparently in response to the depth of public concern, an official investigation was carried out into the case. This concluded that Sun Zhigang was wrongfully detained and had been beaten to death by eight patients in the detention centre hospital at the instigation of five nurses. Eighteen suspects, including police, medical workers and detainees, were charged and brought to trial in connection with the case. They received punishments ranging from prison sentences to the death penalty.

"While we welcome these moves to bring perpetrators to justice, sentencing the perpetrators to death was never the answer," Amnesty International said, adding that the organization opposes the death penalty in all circumstances, no matter how heinous the crime. "This case is symptomatic of a corrupt and abusive system which has been allowed to persist with no effective external supervision or oversight."

The "Re-education through Labour" system has also allowed for the arbitrary detention of hundreds of thousands of people at the whim of the police for up to four years without recourse to the courts or judicial supervision. Amnesty International continues to receive widespread reports of torture and ill-treatment from "Re-education through Labour" camps across the country.

"These initial steps taken by China's new leadership are welcome, but reforms must be strengthened and widened to encompass other forms of administrative detention that are equally abusive," Amnesty International concluded.

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