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PEOPLE'S REPUBLIC OF CHINA

SUMMARY OF AMNESTY INTERNATIONAL CONCERNS

(February 1998)

INTRODUCTION

Despite some high profile human rights initiatives by the Chinese government last year, serious human rights violations have continued in China. These violations include the arbitrary detention of hundreds, possibly thousands, of protesters and suspected opponents of the government; the continued imprisonment of thousands of political prisoners jailed in previous years; prolonged arbitrary detention without trial under a law providing for administrative detention; unfair trials of political prisoners and of criminal prisoners sentenced to death; torture and ill-treatment in police custody, prisons and labour camps; and the extensive use of the death penalty for a wide range of offences, including many non-violent crimes.

In March 1997, China's legislature, the National People's Congress, passed amendments to the Criminal Law, repealing provisions for the punishment of its most ostensibly political crimes on "counter-revolution", but replacing them by a range of offences against national security with a similar scope to imprison people exercising fundamental freedoms. The amended law came into force on 1 October 1997, but the cases of prisoners convicted of "counter-revolutionary crimes" were not reviewed. At least 2,000 such prisoners remain imprisoned according to Chinese official sources.

During the past few months, the Chinese authorities have taken some steps to allay international concern over human rights and give growing acknowledgement to international human rights standards. These steps have included the visit to China in October 1997 of the United Nations (UN) Working Group on Arbitrary Detention - the second formal visit by UN human rights experts to China to date. On 27 October 1997 China signed the International Covenant on Economic, Social and Cultural Rights (ICESCR), but it gave no indication of when it might ratify it. Also in October, the government published a White Paper on Religion which acknowledges the principles on freedom of religion in international human rights instruments, but sets restrictions on authorized religious activities in China. Recently, the Chinese authorities have extended a formal invitation to the UN High Commissioner for Human Rights to visit China at a future date.

Limited concessions to international concern over human rights have included the release of a few prisoners of conscience before the end of their sentence, notably Wei Jingsheng, who was released from prison on medical parole in November 1997 to be sent into virtual exile to the United States of America for medical treatment.

During the second half of 1997, there appeared to be growing tolerance of dissent, at least to the extent that some dissidents were able to make public appeals without being immediately arrested. However, such tolerance remains selective and unpredictable - it does not apply to some regions, issues or categories of people. After China signed the ICESCR last October, the appeals made by some dissidents for implementation of the Covenant and for free trade unions were tolerated for a while. In mid-January 1998, however, a laid off worker from the Datong Coal Mine in Shanxi province, Li Qingxi, was arrested when he posted publicly a statement calling for independent trade unions. Other cases of arbitrary detention involving workers and dissidents have been reported since then.

The scope of the legal reforms undertaken in recent years has been limited. Despite some welcome changes, law reform appears to have been essentially aimed at modernizing the legal system to suit the "new situation" brought about by the economic reform. Chinese legislation still includes laws which allow widespread human rights violations, such as the law on "re-education through labour" under which over 200,000 people are detained without charge or trial (see below, Section II). The basic principles of this law - namely, to permit long-term detention without trial by executive order - have not been reviewed. Furthermore, many provisions in other laws newly introduced or revised during the 1990s are specifically designed to curtail fundamental freedoms and imprison people who attempt to use these freedoms.

People who express publicly their views over political or other sensitive issues continue to be subjected to police harassment or intimidation, detention, imprisonment or other human rights abuses. Groups particularly vulnerable to human rights violations include members of ethnic groups who seek greater autonomy or religious freedom - harsh repression of such groups continues in Xinjiang and Tibet. Other vulnerable groups include workers who seek to defend labour rights or form free trade unions, members of unapproved religious groups, political dissidents who call for human rights or democratic reforms, and generally the underprivileged and people who denounce abuse of power or are involved in disputes with authorities.

I. REPRESSION IN 1997 :

- **Xinjiang**

The crackdown on suspected Muslim nationalists, religious “extremists” and alleged terrorists intensified in 1997 in the Xinjiang Autonomous Region after anti-Chinese protests by Uighur nationals and several bombing incidents attributed to underground nationalist groups seeking independence from China.

In early February 1997, two days of anti-Chinese protests which turned into riots took place in Yining, a city predominantly inhabited by Uighurs in the Yili district of western Xinjiang. The protests were apparently sparked off by several incidents in late January, including the reported arrest of some Uighur residents and an incident during which police officers stopped local Muslims gathering at a Mosque during the last days of Ramadan. According to unofficial sources, the protests started on 5 February as a peaceful demonstration involving about 1000 Uighurs, but violent clashes started when armed police intervened, firing tear gas to disperse the demonstrators and turning water cannons on them in freezing temperatures. Further protests, violent confrontations and rioting took place the following day. Armed police and soldiers reportedly opened fire on protesters in circumstances which remain unclear. According to official sources, nine people were killed and nearly 200 injured during the riots, but unofficial sources said the death toll was several times higher. It remained unclear how many of them had died as a result of police action and how many as a result of rioting. Several hundred people were detained in Yining during and immediately after the riots.

At least 59 people were subsequently reported to have been tried for involvement in the protest and rioting. Thirty of them were sentenced at a “public sentencing rally” in Yining on 24 April 1997. Yusufu Duersun, Aishan Maimati and Yibulayin Kasenmu were sentenced to death on charges of “causing injury, arson, hooliganism, smashing property and looting” during the protest. They were executed immediately after the rally. Another defendant, Xiernali Shadeke, was sentenced to life imprisonment for “hooliganism”, while 26 other people were sentenced to prison terms ranging from seven to 18 years. Following the rally, the convicted prisoners were taken away in trucks through the streets of the city. This led to a further incident when armed police escorting the trucks opened fire on a crowd, killing three people and injuring 10 others. According to a local official, the crowd - about 100 people - had approached the trucks at a road junction and tried to rescue the prisoners, so that the armed police escort “had no choice but to take action” after firing warning shots

into the air, though “the whole incident lasted only a few minutes”, he said.¹ According to unofficial sources, the crowd consisted mainly of the relatives and friends of prisoners; they had tried to approach the trucks in order to talk to the prisoners. There was no independent inquiry into the incident.

In July 1997, 29 other people accused of involvement in the February protests were sentenced at a “mass sentencing rally” in Yining. Nine of them were sentenced to death and executed; three were sentenced to death suspended for two years; seven to life imprisonment, and 10 to prison terms of up to 18 years.

Following the Yining riots and bombing incidents in other cities, a harsh crackdown on “ethnic separatists”, suspected “terrorists”, nationalist sympathisers and members of unapproved Islamic religious groups was carried out in Yili and other areas of Xinjiang, leading to hundreds, possibly thousands, of arrests. Official reports and statements attested of the severity of the crackdown. By June 1997, 260 grassroots officials had been sacked and over a 100 Koranic schools closed down, the official *Xinjiang Daily* reported on 21 June. In the Yili district, the report said, “illegal religious activities were cleaned up village by village, hamlet by hamlet” and 40 people, described as “core participants in illegal religious activities”, had been arrested.

Another report in the *Xinjiang Daily* on 28 June 1997 indicated that the police crackdown had focused on the cities of Yining, Kashgar, Aksu, Kotan and the regional capital, Urumqi. The report said that more than 1000 denunciations of alleged “separatists” or “terrorists” had been received recently from just three of these cities - Urumqi, Kotan and Aksu. Some of those investigated as a result of denunciations had “given information” about others, allowing the authorities to smash “organisations and illegal groups”, the report said.

¹ See *Reuters*, Beijing, 28 April 1997.

In July 1997, the head of the Xinjiang Regional Communist Party Committee, Wang Lequan, called for renewed efforts in the campaign against separatism in the region, indicating that 17,000 officials had already been sent to carry out “propaganda and education” in key villages, work units and military farms.² Later the same month, Amudun Niyaz, Chairman of the Xinjiang Regional People’s Congress, called for a “people’s war” against “ethnic separatists and illegal religious activities”. “Our struggle against national separatists is neither an ethnic nor a religious problem”, he said. “It is a political struggle between those who safeguard the motherland’s unification and security and those who split the motherland.”³

Little information has become available about those detained during the crackdown, though according to unofficial sources they included many relatives of suspected Islamic militants and people simply suspected of being nationalist sympathizers. Many were reportedly held for months without charge and remained in incommunicado detention at the end of 1997. One of those reported detained was Abdushukur Abliz, a 40 year-old Uighur national and head of the Islamic Society in Yining. He was reportedly detained in March 1997 for suspected connections with instigators of the February unrest in Yining, but his subsequent whereabouts and legal status are unknown.

- **Tibet**

A crackdown on Tibetan nationalists and religious groups continued in 1997 in the Tibet Autonomous Region (TAR). At least 96 Tibetans, most of them Buddhist monks and nuns, were reported to have been detained during the year for peacefully exercising fundamental freedoms.⁴ Many more detained in previous years remained imprisoned. Officials from the TAR indicated in September 1997 that 200 monks and nuns were imprisoned in Tibet for activities “endangering national security”, but the total number of Tibetan political prisoners was believed to be several times higher.

² *Xinjiang Daily*, 11 July 1997.

³ *Xinjiang Daily* of 17 July 1997, see Reuters, 22 July 1997.

⁴ See *1997 Annual Report* of the Tibetan Centre for Human Rights and Democracy.

A “patriotic education” campaign, launched in May 1996 in some Tibetan monasteries, was extended in 1997 to hundreds of other Buddhist monasteries and nunneries in the region. The campaign was carried out by official propaganda teams who settled in monasteries and nunneries for periods of up to three months to ‘educate’ the monks and nuns about the government views on religion. Monks and nuns were required to study government documents and the communist party’s policy on religion, to acknowledge that Tibet was part of China and to denounce the Dalai Lama.⁵

⁵ See *Tibet Daily (Xizang Ribao)* of 11 November 1997, in BBC SWB of 3 December 1997.

In some places, protests by monks and nuns who refused to denounce the Dalai Lama led to expulsions and arrests, while some reportedly went into hiding or fled the country to escape arrest. In February 1997, for example, a group of nuns at a nunnery in Lhoka Choenkye County were reportedly detained for peacefully protesting when local government officials came to enforce a ban on pictures of the Dalai Lama. They were taken to Nethang county prison where they were still held several weeks later, but their subsequent fate is unknown. In June 1997, Jampel Tendar, a 20-year-old monk at Gongkar Choede monastery was reportedly detained for writing posters declaring support for the Dalai Lama. He did so following a protest by at least 15 monks who refused to write statements criticizing the Dalai Lama, as required by an official team enforcing the re-education campaign at the monastery. Similar incidents were reported elsewhere. In one case in June 1997, monks at Lingkhang, a small monastery in Nyemo county, were reportedly locked into the monastery buildings for three weeks until they accepted to sign declarations denouncing the Dalai Lama.⁶

In April 1997, a senior Tibetan Lama and two other Tibetans who had been detained incommunicado for nearly two years were tried in secret and convicted of political “crimes” for communicating with the Dalai Lama over the search for the reincarnation of the Panchen Lama, Tibet’s second highest religious leader. The main defendant, Chadrel Rimpoche, former abbot of Tashilhunpo monastery, was sentenced to 6 years’ imprisonment (see below, Section III, for further details of the trial). Chadrel Rimpoche, an official of the Tibet regional committee of the Chinese People’s Political Consultative Conference, had been appointed by the authorities to head the search committee for the Panchen Lama reincarnation. Following his arrest in May 1995, the authorities denied for several months that he was being detained and subsequently remained silent about his fate. The announcement of the outcome of his trial by the official New China News Agency in May 1997 was the first official acknowledgement of his detention.⁷ According to an unofficial source,⁸ following his trial, Chadrel Rimpoche was taken to a prison in Sichuan province - Chuangdong No.3 prison in Dazu county - where he is reportedly held in total isolation in a special compound. He was last reported to be in poor health after going on hunger strike last

⁶ See TIN (Tibet Information Network) News Update, 31 July 1997.

⁷ For further information, see *People’s Republic of China: Three Tibetans sentenced on political charges in Panchen Lama dispute*, AI Index: ASA 17/29/97, 22 May 1997.

⁸ See Human Rights In China’s news update of 9 September 1997.

July in protest at his conditions of detention. The Chinese authorities have so far refused to confirm his whereabouts.

In June 1997, the TAR authorities reported that 98 people had been sentenced in Tibet in 1996 for “endangering national security”. They included 14 monks from Ganden monastery sentenced for their involvement in clashes with government officials enforcing a ban on photographs of the Dalai Lama at the monastery in May 1996.⁹ The 14 monks were accused of “shouting reactionary slogans, organizing illegal demonstrations, smashing a police station, attacking government officials, stubbornly following the Dalai Lama and attempting in vain to split the motherland”. The official report, however, gave no detail about the monks or the sentences they received.

Information also came to light about other Tibetans sentenced in previous years on political charges, including some in areas outside the TAR. They included Shol Dawa, a 60 year-old tailor, and Topgyal, a 58 year-old businessmen, both from Lhasa. Detained since 1995, they were sentenced in August 1996 to nine and six years’ imprisonment respectively for writing letters and passing on a list of political prisoners to Tibetans in India. In a separate case, Ngawang Pekar, a monk from Drepung monastery imprisoned at Drapchi prison in Lhasa, was reported to have had his eight years’ sentence increased by six years in June 1996 for trying to smuggle out of prison a list of political prisoners and an account of human rights violations perpetrated at Drapchi prison. In another previously unknown case, Lukhar Sham and two other Tibetans in Qinghai province were reported to have received prison sentences of up to 17 years in 1994 for forming a clandestine pro-independence group and passing on books, alleged secrets documents and letters to Tibetan exiles.¹⁰

- **Workers and dissidents**

⁹ See *Amnesty International Report 1997*, section on China.

¹⁰ See TIN News Update, 7 November 1997.

Protests by workers and farmers in various provinces led to arrests during the past year, but little information has become available about those held.¹¹ In Sichuan province, at least nine people were arrested in July 1997 for taking part in two days of large-scale demonstrations by workers in Mianyang. This was the largest in a series of workers strikes and protests in the province during 1997. According to unofficial sources, police repression of the Mianyang protests resulted in scores of people being injured and dozens arrested. Local officials later denied that any workers had been injured, but confirmed that at least nine people suspected of setting up roadblocks and “instigating the incident”, including one named Wang Guangming, had been detained. No further information was disclosed about their legal status.

Li Bifeng, a pro-democracy campaigner and former tax officer in Mianyang, who had publicized the workers’ protests, went into hiding in July 1997 to escape arrest. His girlfriend Zhang Jiang was detained by police on several occasions for questioning about Li Bifeng’s whereabouts, including for 15 days without charge in September 1997. She reportedly had to close the restaurant she was running due to police harassment.

Other workers and dissidents were detained in the past few months. Some were held for short periods in apparent attempts by police to intimidate or silence them. Shen Liangqing, a pro-democracy campaigner and former assistant public prosecutor from Anhui province who had also appealed to the authorities to investigate the treatment of workers in Mianyang, was taken into police custody on 1 September 1997. Shortly before, in August, Shen had written another open letter to the authorities in Beijing, protesting at an order by local authorities to hand over his house, which was formerly owned by the procuracy, but which, he said, he had purchased in 1993. His girlfriend, Huang Xianqin, was detained at the same time as him for questioning and released shortly after under instructions by police not to reveal where Shen was being held. Shen Liangqing was detained for 46 days without charge at the Hefei No.1 Detention Centre, in violation of the new provisions in the Criminal Procedure Law. He was released “on bail” on 16 October 1997 and placed under “police supervision”. This reportedly included instructions not to leave Hefei and not to give interviews to

¹¹ In Guangdong province, for example, about 30 people were arrested in August 1997 following riots in Beixiang by angry farmers who suspected they were being underpaid by the government for their grain. The farmers reportedly rampaged through local government buildings and attacked local officials and police. According to official sources, the arrests were carried out after paramilitary police was sent in to restore order, but no further details were given about those arrested or the charges against them.

foreign journalists or issue open letters. In November, he issued a written statement to police demanding that they “admit their errors” for illegally detaining him and that they stop harassing him.

Chen Wei, another pro-democracy activist from Sichuan province and former prisoner of conscience, was detained for a short period in November 1997 for “disturbing social order” because he had left his home town without police permission. He had gone to Beijing in October to look for work, but was brought back to his home town of Suining under police escort and detained for five days. Chen Wei had been released from prison in May 1997 after serving a five year sentence for writing political pamphlets. Following his release, his freedom of movement was restricted, he was detained by police on several occasions, had his house searched and papers confiscated, and was unable to find work due to police harassment. In late November he filed a suit with a court in Suining to protest his illegal detention and police harassment.

In December 1997, Zhu Rui, a 39-year-old worker at a military factory in Beijing was detained by police for 24 hours, apparently to stop her and 23 other workers from holding a demonstration in protest at being sacked from the factory due to restructuring plans. According to press reports, the group had requested police permission to hold a demonstration on 28 December, but Zhu Rui was taken into police custody the day before while the 23 other sacked workers were ordered to stay at home that day. Police reportedly kept a heavy presence at the factory on the day of the planned demonstration.¹²

Li Qingxi, a 41-year-old unemployed worker from Datong city, Shanxi province, was taken into police custody on 16 January 1998, after publicly posting up declarations calling for free and independent trade unions. On the morning of his detention, Li Qingxi had reportedly taken copies of his declaration to the offices of the mining company where he formerly worked. On 19 January, officials from the Datong City Public Security Bureau (police) reportedly denied that Li Qingxi was detained. On the same day, however, his 14-year-old son, Li Zheng, was asked by police to take personal effects for his father at the Datong No. 4 Detention Centre, though he was not permitted to see his father. As of mid-February 1998, Li Qingxi was reported to be still detained but the authorities had not disclosed any information about him.

¹² See *Agence France Presse (AFP)*, Beijing, 5 January 1998.

On 13 January 1998, Zhao Changqing, a 28-year-old factory worker in Hanzhong, Shaanxi province, was detained as he was trying to stand as a candidate in local elections. Zhao Changqing, who worked at the Nuclear Industrial General Company No. 813 factory in Hanzhong, was reportedly detained in his dormitory and barred from leaving. Ten days later on 23 January 1998, he was reported to have been formally arrested and taken by police to an unknown destination. His family was given no information about his situation. At the beginning of 1998, Zhao Changqing had reportedly distributed leaflets protesting a ruling by his factory that he was not allowed to take part in local People's Congress elections, due to be held on 14 January. Factory officials had reportedly specified that only Communist Party officials above the rank of Vice Factory Director could stand for election. This contravenes China's election law which stipulates that, with few exceptions including convicted criminals, all adult citizens who are able to gather 10 nominations are eligible to stand for election. Zhao Changqing had reportedly gathered 60 nominations. He had previously been detained for six months following the 1989 pro-democracy protests. He was reported on 22 February 1998 to have been released from jail, but placed under house arrest at his home in Hanzhong.¹³

Other recent cases of arbitrary detention include those of four poets in Guiyang, Guizhou province, who were detained on 26 January 1998 as they were planning to launch an independent literary magazine. According to reports, the six-year-old son of one of the poets was taken into police custody together with his father, Wu Ruohai, and their family was still without news of them a week later. As of mid-February 1998, there had been no news about the poets.

- **Catholics and Protestants**

State control over religious activities – particularly visible in Xinjiang and Tibet – has also continued to affect Christian groups. In July 1997, Han Wenzao, President of the official China Christian Council, admitted to “isolated cases” of religious persecution, stating that the Council was trying to rectify such cases and that reports of religious persecution circulating outside China were exaggerated. However, harassment of members of unapproved Christian groups has continued, though fewer arrests were reported in 1997 than in previous years.

¹³ See AFP, Beijing, 22 February 1998.

Those detained last year included Su Zhemin, underground Roman Catholic Bishop of Baoding, in Hebei province, who was reportedly arrested in October 1997. He had been in hiding since a crackdown on Catholics in Donglu, Hebei province, in May 1996.¹⁴ Since his arrest last October, there have been contradictory reports about his situation, with some reports suggesting he had been released. According to unofficial Catholic sources, he was still being detained in early 1998, but his whereabouts were unknown.

Xu Yongze, leader of the "New Born" church, an evangelical Christian group in Henan province which the authorities describe as a "cult", was detained in March 1997 together with seven other Christians, some of whom are reported to have been subsequently released. Xu Yongze was sentenced in September 1997 to ten years' imprisonment for "disturbing public order". Details of his trial have not been made public. In February 1998, an official of the Religious Affairs Bureau of China's State Council (government) confirmed Xu Yongze's sentence, stating that he had been justifiably convicted for "doing harm to society in violation of Chinese laws". "Xu Yongze had urged his followers to shout and cry unrestrainedly for several consecutive days. As a result, many people abandoned their jobs... and some even committed suicide", the official said.

On 16 June 1997, Xu Guoxing, a 41 year-old Protestant preacher from Shanghai, was detained in Bao Shan District while preaching to a small group of people at a private residence. He was subsequently assigned to three years of "re-education through labour", without charge or trial, for "disturbing public order", and sent to the Da Feng farm, a labour camp in Jiangsu province. Xu Guoxing's family were only informed of his situation when they telephoned the Shanghai police after he had gone missing. They were told that Xu Guoxing had been sent to the Da Feng farm for three years of "re-education through labour". Xu Guoxing had been detained twice previously for his religious activities. He had served a previous term of "re-education through labour" from 1989 to 1992 for "illegally setting up" an independent church, the "Shanghai Holy Spirit Society", and for having "seriously interfered with and damaged the regular order of religious activities".

¹⁴ See *Amnesty International Report 1997*.

According to information submitted to the UN by the Chinese authorities in 1993, "Xu Guoxing, a Protestant from Shanghai, was found to have conspired to form an illegal organization to disrupt social order in violation of Regulations on Registration for Social Bodies. He was ordered in June 1989 to undergo three years of education through labour." He had been released, as due, in November 1992 with the warning that he should not engage in religious activities again.

II. POLITICAL PRISONERS

Thousands of political prisoners detained without trial or convicted after unfair trials remain imprisoned. They include many prisoners of conscience serving prison sentences for their part in the 1989 pro-democracy movement and others jailed across the country for the peaceful exercise of their fundamental human rights. Those serving long sentences include Chen Lantao, a marine biologist in Shandong province, who is serving 16 years in prison for making a speech criticizing the government's suppression of the pro-democracy protests in June 1989. Jigme Sangpo, a former primary school teacher in Tibet now in his seventies, will have spent a total of 41 years in prison for supporting Tibet's independence by the time his current sentence expires in 2011. Jigme Sanpo's 15 years' prison sentence, imposed in 1983 for "counter-revolutionary" offences, was increased by five years in 1988 and a further eight years in 1991 for shouting pro-independence slogans in prison. He had spent at least 13 years in prison for similar offences before 1980.

According to official sources, at least 2,000 prisoners convicted of "counter-revolutionary crimes" remained imprisoned last year, but the real number of political prisoners was believed to be much higher. This figure did not include political prisoners convicted of other criminal offences, such as "disturbing public order", or those held administratively without charge or trial. Many prisoners of conscience were held in labour camps, serving terms of "re-education through labour", a form of administrative detention imposed by local government committees without charge or trial. According to official sources, 230,000 people were detained last year in 280 "re-education through labour centres" throughout the country, including people having committed theft, swindling, gambling and "other activities disturbing social order". Such detention can be imposed for up to three years, renewable by one year.

Around a dozen prisoners of conscience were released last year either on parole or after receiving reductions of sentence for ‘good behaviour’, while others were released at the end of their sentence. They included Xi Yang, a reporter for a Hong Kong newspaper sentenced to 12 years’ imprisonment in 1994 for “leaking state secrets”. He was released on parole in January 1997 and allowed to return to Hong Kong. Yu Zhenbin, a former cadre at the Qinghai provincial archives imprisoned since 1989 for forming a “counter-revolutionary” group, was released in June 1997 after his 12 years’ sentence was reduced by a total of four years. Zhao Lei, held since 1993 in connection with the case of her husband Bao Weiji¹⁵ for “leaking state secrets”, was released in October 1997 after her six-year sentence was reduced.

Other prisoners of conscience who received reductions of sentences, but remained in jail include Zheng Yunsu, 65-year-old leader of the Jesus Family, a religious group in Shandong province, whose 12 years’ prison sentence was reduced by one and a half years in 1996. He had been sentenced in 1992 on charges of “disturbing public order” and “swindling” because of his religious activities and is now being held in a prison in Jinan, Shandong province.

¹⁵ See *Amnesty International Report 1994*.

In a rare case, prisoners of conscience Tang Yuanjuan¹⁶ and Li Wei, both jailed since 1989, had one of their two convictions for “counter-revolutionary” offences quashed by a court and were released in July 1997. In November 1997, Wei Jingsheng, China’s best known dissident, was released on medical parole and sent to the USA for medical treatment. He had spent most of the previous 18 years in prison, save for a few months in 1993.

Released prisoners of conscience have continued to be subjected to police surveillance and harassment, and some have been pushed into exile as a result. This was the case with Bao Ge, a human rights activist from Shanghai who was held for three years in a labour camp.¹⁷ After his release in June 1997, he was denied identity papers needed to find work and both he and his family were frequently harassed by police. He left China in November 1997. Many other former prisoners of conscience have reported they were subjected to police harassment after being released from prison, and were unable to find work as a result.

III. UNFAIR POLITICAL TRIALS

Political trials continued to fall far short of international standards, with verdicts and sentences decided by the authorities before the trial, and appeal hearings usually a mere formality. In January 1997, prisoners of conscience Hada and Tegexi, two ethnic Mongol intellectuals sentenced in 1996 to 15 and 10 years’ imprisonment respectively¹⁸ had their appeal against their sentences rejected.

In April 1997, Chadrel Rimpoche, a senior Tibetan Lama, and two other Tibetans, Champa Chung and Samdrup, were sentenced to prison terms after a secret trial for communicating with the exiled Dalai Lama over the search for the reincarnation of the Panchen Lama (see above, section II, Tibet). Chadrel Rimpoche was

¹⁶ See *Amnesty International Report 1992*.

¹⁷ See *Amnesty International Report 1995*.

¹⁸ See *Amnesty International Report 1997*.

convicted of “conspiring to split the country” and “leaking state secrets” and sentenced to six years’ imprisonment, while his two co-defendants received terms of four and two years’ imprisonment. In a report announcing the verdict on 7 May 1997, the official *Xinhua* news agency stated that the trial had been closed to the public because it involved “state secrets”. It did not give any details of the proceedings, nor of the accusations on which the charges were based. However, official reports published after Chadrel Rimpoche’s arrest, long before his trial, made a series of specific accusations against him. These show that his only “crime” was to have failed to follow the government’s instructions for the selection of the Panchen Lama reincarnation. It is clear that Chadrel Rimpoche was found guilty long before his trial and that the trial was a mere formality. The charge of “leaking state secrets” conveniently allowed for the trial to be held *in camera* and for the evidence against the defendants to be kept secret.

In May 1997, a court in south China sentenced two labour rights activists, Li Wenming and Guo Baosheng to three and a half years’ imprisonment for “plotting to subvert the government” – a charge related to their peaceful activities in support of workers’ rights. By the time they were sentenced, both had been arbitrarily detained for three years. Their trial had started in November 1996 but was suspended after it attracted the attention of the Hong Kong media, with many journalists requesting to attend the hearings. The dates of subsequent hearings were not made public and no independent observers were able to attend the trial. The sentences passed on the defendants were enforceable from the time of their detention in 1994, and both were reported to have been released upon expiry of their sentences in late 1997.

IV. TORTURE AND ILL-TREATMENT

Torture and ill-treatment of detainees and prisoners held in detention centres, prisons or labour camps have remained widespread, sometimes resulting in death. In October 1997, for example, a common criminal prisoner at the Qingshan penal farm, Guangdong province, was reportedly beaten unconscious by two prison officers for failing to complete his daily assigned work, and died later in hospital. Between January and July 1997, between 300 and 400 cases of torture and

ill-treatment were investigated by the procuracies, according to official sources, but the real incidence of torture was believed to be far higher.

Few prosecutions for torture were reported last year. In a case publicized in February 1997, four police officers in Jiangsu province were sentenced from three to 11 years' imprisonment for torturing to death Lin Zhuhua, a bank robbery suspect. In another case in October 1997, two police commanders in Gansu province walked free after being given two-year suspended prison sentences for torturing three innocent suspects until they "confessed" to a murder. The suspects were sentenced to death on the basis of their forced confessions but a provincial high court ordered a retrial and they were later exonerated. Other reports of torture, however, were ignored by the authorities. In July 1997, for example, Ji Xiaowei, a Hong Kong citizen sentenced to death in south China for alleged drug trafficking, claimed in appeal that he had confessed under torture during police interrogation. The appeal court ignored his claim and confirmed the death sentence. He was executed on 18 July 1997.

Torture and ill-treatment of political prisoners held in various areas have also continued to be reported. Liu Nianchun, a labour activist held in northeast China, was reportedly tortured with electric-shock batons by labour camp officials in May 1997 and placed in solitary confinement in harsh condition after going on hunger strike in protest at his imprisonment. Jampel Tendar, a 20 year-old Tibetan Buddhist monk from the Gongkar Choede monastery, Tibet Autonomous Region, was reportedly beaten by government officials in June 1997 while held at the monastery for his suspected support for the Dalai Lama (see above, section II, Tibet). The beatings reportedly continued after his transfer to detention centres in Tsethang and Lhasa. In November 1997, the wife of pro-democracy campaigner Yao Zhenxiang, who has been detained without trial in a labour camp near Shanghai since 1996, said in an open letter that her husband had been repeatedly beaten at the camp, including once in October 1997 when he was unable to work due to poor health. She called on the authorities to investigate his treatment.

Prison conditions are often harsh, with inadequate food and medical care, and many prisoners suffer from serious illnesses as a result. In November 1997, the parents of Sun Liyong, a prisoner of conscience serving a seven-year prison term at Beijing Prison No.2, said that their son was suffering from high blood pressure,

rheumatoid arthritis, anal bleeding, and that he had been diagnosed by prison doctors in July as having contracted pulmonary tuberculosis. The prison lacked the medicines and facilities for adequate medical treatment, his father said. Despite his illness, Sun Liyong was reportedly still sharing a cell with 10 other inmates who were at risk of contracting tuberculosis from him.¹⁹ Sun's father addressed a letter to the authorities in October 1997 asking for his son's release on medical parole.

¹⁹ See Hong Kong's *South China Morning Post*, 27 November 1997.

Medical parole, which is possible under Chinese law, has been rarely granted to political prisoners. Those denied medical parole include Chen Longde, a detained dissident who jumped from a window to escape torture²⁰ at the labour camp where he was held in Zhejiang province in August 1996. He suffered serious injuries and was crippled as a result. After several months in hospital, Chen Longde was returned to the Luoshan labour camp in December 1996 and required to work despite still suffering from his injuries and being unable to walk without crutches. In a public appeal to the authorities last October, his parents said they had unsuccessfully sought medical parole for him for over a year. Many other prisoners' relatives have sought without success medical parole for their imprisoned relatives.

VI. THE DEATH PENALTY

The death penalty continues to be used extensively as a tool to tackle growing crime resulting from economic and social changes. The amendments made to the Criminal Law in March 1997 have not reduced the number of offences punishable by death. If anything, the revision of the law has confirmed the growing use of the death penalty in China since the 1980s. Indeed, the revised Criminal Law integrates a large number of offences which were made liable to criminal punishment, including the death penalty, under regulations and decrees introduced over the past 17 years. These offences include a wide range of economic and financial crimes, such as fraud, tax offences, forgery, smuggling, manufacturing or selling fake and shoddy goods, as well as a variety of crimes related to cultural relics, prostitution, endangering public health and violations of duty by military personnel.

The revised Criminal Law also retains most offences which were liable to the death penalty under the 1980 Criminal Law, and includes offences newly defined as crimes against national security which are liable to the death penalty in particularly

²⁰ See *People's Republic of China: Chen Longde is tortured*, AI Index: ASA 17/88/96, September 1996, and *People's Republic of China: Chen Longde is on crutches - Appeal for his immediate release*, AI Index: ASA 17/46/97.

serious circumstances, such as “plotting with foreign states to harm the motherland’s sovereignty, territorial integrity and security”, “organizing, plotting or acting to split the country or undermine national unity”, and “stealing, secretly gathering, buying or illegally providing state secrets for organizations, institutions or individuals outside the country”.

The only significant, positive change in the revised Criminal Law with regards to the death penalty concerns its application to juvenile offenders. Previously, the death penalty with suspension of execution for two years could be applied to minors aged between 16 and 18 years. It has now been abolished as a punishment for offenders who are aged under 18 at the time the crime is committed. This change, which is particularly welcome, brings the revised law in conformity with international human rights standards on this point.

During the past year, the death penalty has continued to be used for a wide range of crimes, including non-violent offences. At the time of writing this report, Amnesty International was still processing reports of death sentences and executions for 1997 and the figures for the year were not available. The Chinese authorities do not publish statistics about the death penalty. These are treated as a state secret.

Those executed in 1997 included three men convicted of selling over 100 fake value-added tax receipts amounting to 450 million Yuan (US\$ 54 million), who reportedly made a profit of some 300,000 Yuan as a result. They were executed in Shanghai on 28 August 1997. In a similar case in Sichuan province in August, two men were sentenced to death and one of them was confirmed to have been executed for writing faked value-added tax returns and claiming tax refunds from the government, making a profit of 130,000 Yuan.

At least 12 Uighur nationals were executed in April and July 1997 for their involvement in ethnic unrest in Yining, Xinjiang Autonomous Region, in February last year (see above, section I, Xinjiang). Eight other people, including two men named as Mahmut Abdurahman and Jilil Bilali, were executed in May 1997 in Urumqi, the regional capital of Xinjiang, for their alleged terrorist activities, including bombings in Urumqi in February 1997.

In July 1997, two unnamed prisoners in Kunming, Yunnan province, were reported to have been executed by lethal injection, upon an order by the Kunming Intermediate People's Court. This reportedly marked the first time China had used lethal injection as an alternative to shooting²¹, though subsequent reports indicated that lethal injection had been used at least a further 22 times in Yunnan province since March 1997 following sentences imposed by the Kunming Intermediate People's Court²². The revised Criminal Procedure Law, which came into force on 1 January 1997, provides for execution by lethal injection as an alternative to the firing squad.

CONCLUSION

Amnesty International welcomes the releases of prisoners of conscience who have been freed before the end of their sentences, as well as the abolition of the death penalty as a punishment for offenders aged under 18 at the time of the crime. The organization also welcomes the steps taken by the Chinese authorities to give growing acknowledgement to international human rights standards, notably through the signing of the ICESCR, and to allow the UN Working Group on Arbitrary Detention to visit China. However, Amnesty International remains concerned about the serious and widespread human rights violations which continue in China.

The Chinese authorities often argue that certain changes in the field of human rights are not possible in China at present, notably due to the need to "maintain stability" in order to continue to develop the country. These arguments have been used for some time to justify political repression. They remain rhetorical and unconvincing. Indeed, maintaining stability does not require repression. Some people in China who are not part of the recognized dissident community have in fact started pointing out that allowing people to air their views and grievances without persecution is essential to "stability". Similarly, checking abuses of power and arbitrary application

²¹ *Xinmin Evening News*, 16 July 1997, and *Reuters* of the same date.

²² For further information and a description of Amnesty International concerns over this issue, see *Lethal Injection: The medical technology of execution*, AI Index: ACT 50/01/98, January 1998.

of the law is equally important for a continued stable development. There is a precedent in China's recent history for far-reaching human rights progress which did not threaten the communist party's political position or throw the country into chaos: in the late 1970s, millions of people who had been persecuted or arbitrarily imprisoned during the Cultural Revolution (1966-76) were rehabilitated or released from prison. They included hundreds of thousands of prisoners whose cases were reviewed by courts within the space of two or three years, resulting in massive releases. This process, of course, followed political changes: the death of Mao Zedong and the subsequent purge of the Gang of Four - but China did not fall into a state of chaos as a result - instead it launched into economic reforms. While the current political context is different, it remains a matter of governmental choice whether real human rights improvements are made.

Amnesty International believes that key steps need to be taken without delay. It urges the Chinese authorities to:

- ratify without delay the ICESCR and, in accordance with it, guarantee the right of everyone in China to form trade unions and join the trade union of their choice without hindrance, and release anyone detained or imprisoned for calling for free trade unions or peacefully defending workers' rights.
- review the cases of all prisoners detained on political grounds, including prisoners convicted of "counter-revolutionary" crimes, which are no longer crimes under the revised Criminal Law. Such a review should aim to release without delay all prisoners of conscience, detained or imprisoned for the peaceful exercise of fundamental human rights, and to grant all other political prisoners a new fair and open trial in accordance with international standards or release them.
- review the system of "re-education through labour" to ensure that it is no longer used to arbitrarily detain people without charge or trial in labour camps, and release without delay all prisoners of conscience detained under this system.
- take effective measures to stop and prevent torture, ensuring that all reports and complaints of torture and other ill-treatment are impartially investigated by competent authorities and experts; making the findings of these investigations public and ensuring that all alleged perpetrators of torture are brought to justice.
- review the use of the death penalty, which is way out of line with the rest of the world and goes against the worldwide trend at abolition.