

amnesty international

CHINA

BRIEFING



Human rights violations in the People's Republic of China

The detention of prisoners of conscience

III - treatment of prisoners ☞ **The death penalty** ☞ **Trial procedures** ☞ **Wave of mass executions**

CHINA

This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the *release of prisoners of conscience*. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for *fair and prompt trials* for all *political prisoners* and on behalf of political prisoners detained without charge or trial;
- it opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of the victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

Amnesty International's work is based on the United Nations Universal Declaration of Human Rights. The organization has formal relations with the United Nations (ECOSOC), UNESCO, the Council of Europe, the Organization of African Unity and the Organization of American States.

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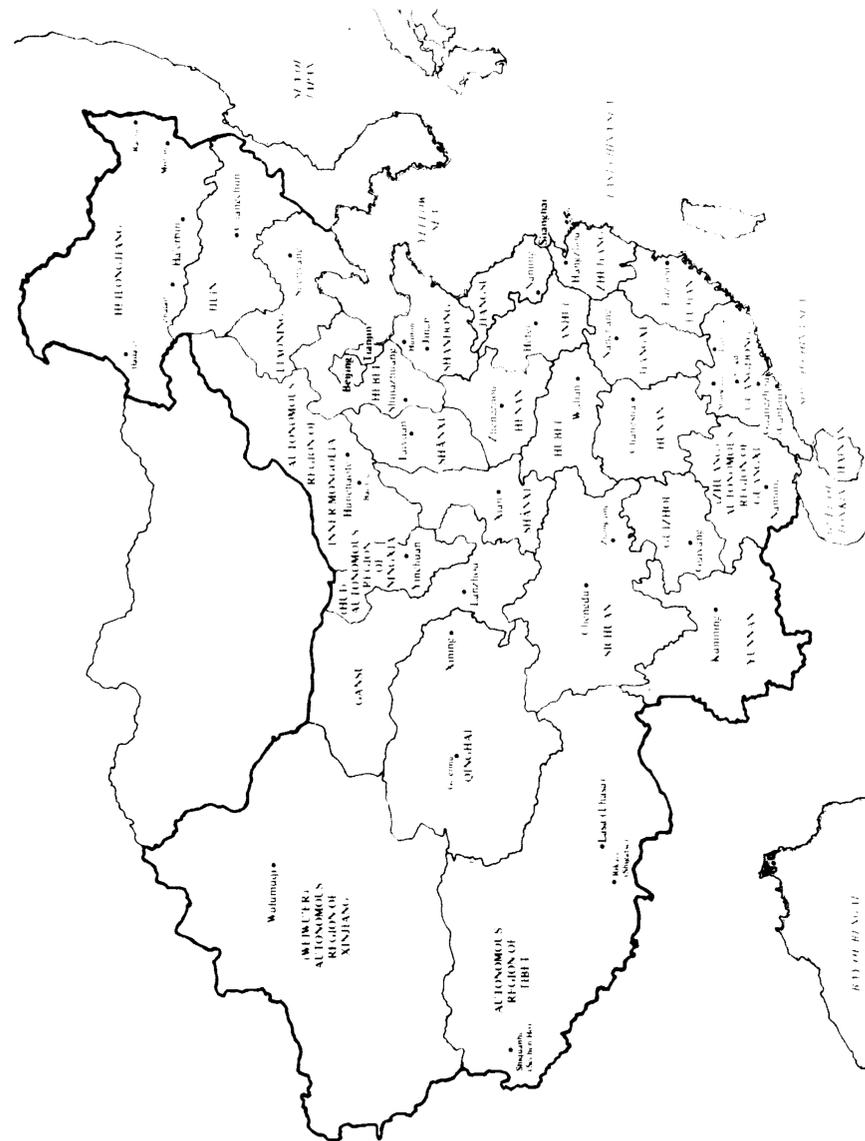
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The People's Republic of China



Amnesty International has been concerned about human rights violations in the People's Republic of China for many years. Its concerns include the imprisonment of prisoners of conscience and the extensive use of the death penalty.

Amnesty International has communicated these concerns to the Chinese Government on numerous occasions. On 28 February 1983 it submitted a memorandum on its concerns and subsequently offered to publish any reply the government might wish to make. No response was received. In its memorandum Amnesty International submitted a number of recommendations to the government which are listed on page 8.

On 26 September 1984 Amnesty International published a 136-page report, "China: violations of human rights", which included the text of the memorandum. The following material is based on the report.

Human rights violations in China

In prisons, detention centres and labour camps throughout China are held prisoners of conscience, detained solely for the non-violent exercise of basic human rights.

Some have been convicted of "counter-revolutionary offences" under articles of the Chinese law that can be—and have been—applied to suppress non-violent dissent. Others have been detained without charge or trial, sometimes for periods of years, by being assigned to "re-education through labour" camps.

They include workers and students active in the "democracy movement" that emerged in China in 1978, Roman Catholic priests loyal to the Vatican, Tibetans accused of supporting regional independence and others.

Political trials have been held behind closed doors, with only a selected audience allowed to attend. The families of prisoners have in some cases not even been informed that the trial was taking place. The rights of the defence and other procedures do not conform to internationally accepted standards.

Reports that prisoners have been ill-treated in police detention centres have also reached Amnesty International.

The death penalty has been used extensively: in late 1983 a wave of mass executions took place as part of a clampdown on crime in which several thousand people are believed to have been executed in less than three months. Many of those executed were young unemployed people, often in groups of 15 to 40, who were paraded through the streets or before mass rallies before being shot later in the day.

In September 1983 the number of offences punishable by the death penalty was increased; the number has doubled since 1981. The procedures for trial, appeal, review of sentence and execution have also been accelerated.



The "democracy wall" in Beijing (Peking). This is where wall-posters calling for democratic reforms and respect for human rights were posted during the "democracy movement" that started in the Chinese capital in late 1978 and soon spread to the other main cities.

Prisoners of conscience

Among the prisoners of conscience adopted by Amnesty International in China are many young workers and students who took part in a "democracy movement" which started in late 1978.

Following a relaxation in official policy, a "free speech" or "democracy movement" started in Beijing (Peking) in late 1978 and spread rapidly. Many wall-posters calling for democratic reforms and respect for human rights appeared in the main Chinese cities. Young people gathered in small groups and started publishing unofficial journals on political

and literary matters.

In March 1979, however, the authorities banned all wall-posters and publications considered by them to be "opposed to socialism and to the leadership of the Chinese Communist Party".

Several "democracy movement" activists were arrested in late March and April 1979. Despite the ban and the arrests, some of the unofficial journals continued to publish for a time.

Some contributors to the journals also organized study groups and circulated newsletters which—unlike the journals—

were not sold publicly.

The authorities issued new warnings in mid 1980, stating that every publication had to be backed by a recognized organization responsible for it. In response, some 29 unofficial organizations formed the "National Association of Democratic Journals" in Guangzhou in October 1980, with its own publication *Zeren* (Responsibility).

The 20 main editors of unofficial journals were arrested in April 1981 and others were arrested later in the year.

Most of the "democracy movement" activists now in prison are workers in their early thirties who had been students when the Cultural Revolution started in 1966. Some have been imprisoned before for expressing their opinions.

A few are reported to have been tried secretly in 1982 and sentenced to terms ranging from 10 to 15 years' imprisonment on "counter-revolutionary" charges. Others may also have been convicted in closed trials.

'Petitioners'

By the end of 1978 hundreds of "petitioners" had come to Beijing from various places in China—particularly from rural areas.

Many were poor peasants who had come to present their grievances to the central authorities. Others were unemployed people who claimed to have suffered injustice.

The most outspoken "petitioners" who organized public protests or demonstrations are reported to have been arrested in early 1979.

The majority were sent back to their original areas or to state farms near the capital. Some may also have been sent to "re-education-through-labour" farms or camps.

Those arrested were usually sentenced to short-term imprisonment or assigned to carry out "re-education through labour" for up to four years.

Roman Catholic priests

Soon after the establishment of the People's Republic of China in 1949, the government invited church leaders to purge their churches of "foreign imperialist" influence.

Over the following years the authorities put pressure on the Chinese churches to sever their links with churches abroad.

The Chinese Patriotic Catholic Association was created independent of the Vatican, and priests and bishops were pressed to join it. The official Chinese Catholic Church did sever its links with the Vatican and refused to recognize the authority of the Pope.

Some priests, however, opposed these



Artists and supporters of the "democracy movement" call for artistic freedom and democracy on a demonstration through the streets of Beijing, 1 October 1979. Prisoner of conscience Xu Wenli is second from the left. The banner reads: "demonstration for respect for the constitution".

changes; many were arrested in 1955 and subsequently spent more than 20 years in prisons and labour camps.

Some were arrested again in 1981 after a brief period of freedom for persisting in their refusal to cooperate with the Patriotic Catholic Association and for carrying out religious activities independently from the official Church.

Several of the priests are reported to have been brought to trial in 1983 and sentenced once again to long prison terms in spite of being in their sixties, seventies or even eighties.

Tibetan nationals

At the time of the Cultural Revolution, people were reported to have been arrested merely for possessing photographs of the Dalai Lama—the exiled spiritual leader of Tibetan Buddhists—or religious scriptures and paintings.

Some people arrested on such grounds were still detained or restricted in the late

1970s. Recently, foreign journalists have reported that a more relaxed policy towards religion has been followed by the Chinese authorities in Tibet.

Most arrests reported to Amnesty International in recent years have appeared to be made on political grounds, although religious feelings in Tibet are often connected with aspirations to independence; those who advocate the return of the Dalai Lama to Tibet see him as both a religious and political leader.

Some of the recent arrests were of people accused of shouting slogans in favour of the independence of Tibet. Others were suspected of connections with underground groups advocating independence.

'State secrets'

Although there is no strict definition of what constitutes a "state secret" in China, this term appears to be given a

Fu Yuehua

Fu Yuehua, a 37-year old unemployed woman, was arrested in Beijing in 1979 for helping to organize a peasant demonstration. After serving a two year prison sentence she was sent to a labour camp. It is believed that she is still being denied her freedom.

Fu Yuehua was assigned in 1971 to a job as a construction worker in Beijing. Her husband had been sent to work away from home.

Shortly afterwards, the Party Secretary of her work unit, Geng Yutian, made advances to her which she rebuffed, according to her family. A few months later he accused her of being a "counter-revolutionary" during a political campaign. He then reportedly raped her on several occasions over a period of weeks. Fu suffered a nervous breakdown as a result, her family said.

She was later unable to get her job back, to be transferred elsewhere or to find another job, her family stated, and her husband divorced her after being told that she had seduced the Party Secretary.

Fu Yuehua petitioned the authorities about her case for several years after this but without success. In late 1978 she came

much broader meaning than in many other countries.

It may cover, for instance, information published in magazines which, although not on sale to the general public, are available to many specialists or political cadres. It may also refer to party documents which despite not being publicly available have a very wide circulation.

Some people accused of "divulging state secrets", "collecting intelligence" information, or "passing secret information to foreigners" have in fact been detained for expressing opinions critical of official policies.

'Leftists'

Some officials have reportedly been arrested because of their political opinions or activities since the Cultural Revolution, and have been officially stigmatized as "leftists" during a campaign of "rectification" within the Chinese Communist Party which started in mid-1983.

For example, Xu Guancheng, a former official in a Shanghai corporation, was reported to have been arrested for organizing a protest against his expulsion in 1982 from the Communist Party. Shanghai radio was reported to have said that he had been arrested following the discovery of a diary in which he had written "reactionary words and sentences to vent his dissatisfaction with the party organization and to attempt to reverse the verdict and stage a comeback".

to know other petitioners who had come to Beijing from rural areas.

She took an interest in their cases and, with her experience of the administration in Beijing, helped them to present their demands and to write wall-posters.

When poor peasants marched through the streets of Beijing on 8 January 1979, Fu was among the demonstrators—many of them in rags—who were carrying banners calling for an end to "hunger and persecution" and demanding "democracy and human rights".

She reportedly participated in another peasant demonstration on 14 January 1979.

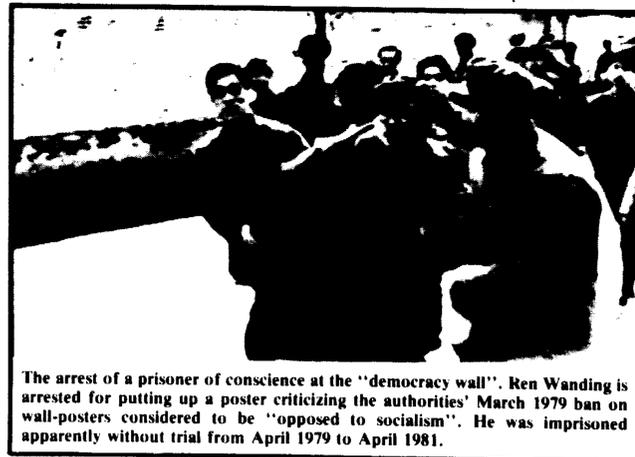
She was arrested by the police on 18 January 1979. Official sources later revealed that she was charged only on 3 April 1979—two and a half months after her arrest.

In March 1979 the unofficial journal *Exploration* published a testimony alleging that Fu Yuehua had been ill-treated in detention; that she had been badly beaten by the police to make her "confess" and forced to take food when she went on a protest hunger-strike.

On 31 August 1979 Fu Yuehua was sentenced to one year's imprisonment for "disrupting public order". She appealed to Beijing High People's Court which ordered a retrial.

She was brought to trial again on 17 October, and this time faced one more charge: libel. The charge of libel referred to her "continuing allegation" that she had been raped in 1972 by the Party Secretary of her work unit.

The prosecution told the court that investigation had found that allegation to be "entirely false". However, at the end of one day the trial was adjourned when the court decided to investigate further.



The arrest of a prisoner of conscience at the "democracy wall". Ren Wanding is arrested for putting up a poster criticizing the authorities' March 1979 ban on wall-posters considered to be "opposed to socialism". He was imprisoned apparently without trial from April 1979 to April 1981.



According to unofficial Chinese sources, Fu Yuehua had revealed details of Geng Yutian's anatomy and had described the attack, and the selected audience, which included a number of jurists from outside Beijing, openly sympathized with her.

Her trial resumed on 24 December 1979 and Fu Yuehua was sentenced to two years' imprisonment for "disrupting public order". The charge of libel was dropped.

Fu Yuehua served her sentence in Beijing Prison No. 1.

It was reported several months after her release in 1981 that she had been sent to a labour camp some 19 miles from Beijing, to keep her away from the capital. As far as is known, there had been no further legal proceedings against her. She is believed to have been sent in mid-1983 to a place of exile or detention in a remote province.

Ill-treatment of prisoners

The ill-treatment of prisoners is prohibited by Chinese law. However, prisoners can be subjected to punishments which constitute ill-treatment according to international standards. Officials have acknowledged that there is a system of punishments—including solitary confinement—for prisoners who break prison rules.

Prisoners are sometimes harshly punished just because they are considered "resistant" or because they complain about their treatment, according to former prisoners.

This is particularly frequent during detention before trial, when prisoners are held in isolation, usually for several months, and repeatedly interrogated without being allowed to see their family, friends or a legal representative.

Prisoners have been held in solitary confinement over prolonged periods, manacled—sometimes with their hands behind their backs—day and night for days or weeks, and beaten or made to stand without moving for

24 hours without food.

Several prisoners of conscience adopted by Amnesty International are reported to have been ill-treated, usually during the first few months of their detention.

Lobsang Chodag, a worker in a truck-repair shop in Lhasa, was arrested in 1980 accused of putting up political wall-posters in the streets; he is reported to have been brutally treated shortly after his arrest and his jaw broken.

Wei Jingsheng, arrested in 1979 in connection with his writings and publishing activities, is reported to have been held in solitary confinement since his trial in 1979 and to have become mentally unbalanced as a result of the isolation. By mid-1983 he was still reported to be confined in isolation to his cell, being allowed out for exercise only once a month and not allowed to meet other prisoners or to receive visits from his family. In May 1984 it was reported that he had twice been transferred to the Fuxing hospital in

Beijing for treatment for schizophrenia.

Prisoner of conscience Liu Qing, former editor of an unofficial magazine who was arrested for selling the unofficial transcript of the trial of Wei Jingsheng, wrote a long account of his detention which was published outside China. In it Liu Qing said that throughout his detention in Beijing, which lasted several months, his family was not allowed to visit him or exchange correspondence with him, nor were they informed of the reason for his arrest.

According to his account, he was held in solitary confinement for several months in a cold and wet cell; his hair began to fall out and his eyesight to deteriorate. Later, he says, when he was transferred to a shared cell, he was punished for not maintaining a proper attitude of humility towards the guards, was beaten, forced to wear a gas mask which restricted his breathing and had his arms tightly manacled behind his body.



Fu Shenqi, a factory worker in Shanghai and editor of two unofficial journals, has been detained since his arrest in Beijing in early April 1981 during a wave of arrests of supporters of the "democracy movement". He was arrested in Beijing when he went there to discuss with the authorities citizens' rights to publish unofficial magazines.

In 1978 Fu Shenqi became active in the "democracy movement". A year later he helped found the unofficial journal *Voice of Democracy* in Shanghai. The authorities declared the journal to be "anti-Party" and "anti-socialist" when it came out in support of Polish workers "fighting for democracy and against bureaucratic tyranny".

In October 1980 he became the chief editor of *Responsibility*, the journal of the "National Association of Democratic Journals" founded in October 1980 to represent unofficial publications throughout China.

In 1980 members of the "democracy movement" stood in several cities as candidates in the election of People's Representatives—this was the first time

since the early 1960s that there had been competition for the election of Representatives.

Fu Shenqi was a candidate in Shanghai but was not elected, reportedly because officials in his factory had opposed his candidacy.

Little has been heard of Fu Shenqi since his arrest although he is believed to have been brought to trial and sentenced.

It has also been reported that Fu Shenqi was ill-treated in detention, but few details are available.



Ignatius Gong Pinmei, the 84-year-old Roman Catholic Bishop of Shanghai, has spent nearly 30 years in prison since his arrest on 8 September 1955. He was sentenced to life imprisonment in 1960

on charges of leading a "counter-revolutionary clique under the cloak of religion". It is believed that he was arrested because of his uncompromising stand on the independence of the Church from the government. He is reported to be still detained in Shanghai's main prison.



Thubten Kelsang Thalutsogentsang, a 40-year-old former Tibetan monk and horse-cart driver, is reported to have been detained since December 1981 for shouting slogans in

favour of the independence of Tibet. He is reportedly held in Sangyip prison in Lhasa, in the Autonomous Region of Tibet.

He was first arrested in 1959, after training as a monk. Thousands of Tibetans were arrested at that time, following a rebellion against the occupation of Tibet by Chinese troops.

How long he was imprisoned at that time is not known, but he is said to have been assigned to the Nachen corrective labour unit.

He was reportedly kept under surveillance after his release, presumably because of his background as a monk, as in Tibet religion is often equated with nationalist and anti-Chinese feelings.

Work "under surveillance" is a common form of punishment in China. It usually involves deprivation of certain rights, restriction of freedom of movement and a requirement to report regularly to the police or other local authorities.

Legislation

Since 1979 the People's Republic of China has adopted a number of laws in an effort both to build up the legal system and to put an end to the "lawlessness" which had prevailed during the Cultural Revolution.

The most important of the new laws relevant to political imprisonment were the Criminal Law and the Law of Criminal Procedure. Both were adopted in July 1979 and came into force in January 1980. Drafted during a period of "liberalization", the new legislation provides in principle greater protection for individual rights than previous legislation.

However, it also contains provisions which can be used to imprison people for the peaceful exercise of fundamental human rights.

Most of these are included in a section of the Criminal Law dealing with "counter-revolutionary" offences. In particular, Articles 98 and 102 of the Criminal Law deal with "counter-revolutionary propaganda and agitation", organizing or taking part in a "counter-revolutionary group", and incitement "to resist arrest and violate the law and statutes of the State".

Prisoners of conscience detained in the past few years have most often been held under these articles.

Prisoners of conscience are also held under a law which allows detention without charge or trial. This law, on "rehabilitation through labour", institutes administrative detention for people considered to have "anti-socialist views" or to be "hooligans". They can be detained for up to four years on simple police order, without being charged or having access to any judicial process. Special labour camps exist for those held under this legislation.

Missing safeguards

The new laws adopted in 1979 also fail to guarantee some of the minimum safeguards spelled out in international human rights conventions.

They give insufficient protection against arbitrary arrest and unfair trial. For example, they do not guarantee the right to receive visits from relatives and legal counsel shortly after arrest and regularly thereafter, the right to adequate time and facilities for preparation of the defence, and the right to be presumed innocent until proved guilty in a court of law.

Some of the rights which are guaranteed by the legislation have been violated in a number of cases.



The trial of prisoner of conscience Wei Jingsheng: the trial that marked the end of the period of "liberalization" that had begun in 1978 and that had seen the emergence of the "democracy movement". Prisoners usually have their heads shaved if they are convicted of a crime. Wei Jingsheng's head has already been shaved—before the outcome of his trial. He was sentenced to 15 years' imprisonment on 16 October 1979 for "counter-revolutionary crimes". In the photograph a public security agent shows Wei a copy of the unofficial journal *Exploration*, in which he had published articles criticizing aspects of official policies.

According to the law, for instance, a person is formally "arrested" only when charges are brought, and preliminary detention should not last more than a maximum of 10 days. Within 24 hours the family of the detainee should be notified of the reason and the place of detention.

However, many prisoners of conscience have been held without charge for several months and their relatives refused information about their case and permission to visit for long periods.

Many political trials have been held in closed session without any advance notification given to the prisoner's family. Despite this, it was officially claimed in some cases that the prisoners had been given a "public" trial, apparently because a selected audience (which did not include relatives) had been invited to attend.



Wang Xizhe, a factory worker from Guangzhou and editor of an unofficial journal, was arrested for the third time since the Cultural Revolution on 20 April 1981. He was sentenced to 14 years' imprisonment in May 1982 for "counter-revolutionary" activities.

Wang Xizhe, aged 35, is well-known in China as one of the authors of a wall-poster which was displayed in the streets of Guangzhou in 1974 and immediately attracted enormous attention.

Signed Li Yizhe, a pseudonym formed from the names of its three authors, the poster raised issues relating to repression, democracy and the legal system in China.

In March 1977 the "Li Yizhe" group was declared "counter-revolutionary", and its authors, who had been under surveillance, were imprisoned. They were released and rehabilitated in January 1979, just as the "democracy movement" was beginning in China.

After his release from prison Wang Xizhe became a prominent member of the "democracy movement" contributing to and editing unofficial journals, and joining committees of activists.

He was arrested on 20 April 1981 at his factory; it is reported that the police seized some 350 documents and other items belonging to him.

Despite repeated requests his family was refused permission to visit him in prison for over a year.

His relatives were not notified in advance of his trial and were unable to attend it. However, officials reportedly claimed that Wang Xizhe had been granted a "public trial" attended by some 40 people.

No news of him has been received by Amnesty International since his trial and his present whereabouts are unknown.



An execution: the victim is forced to kneel by two or three soldiers or police officers standing behind him. Their hands are usually tied behind his back.

They are then shot in the back of the head by one of the soldiers or police officers.

This practice is inherited from imperial China when the executioner traditionally avoided facing his victim for fear that the victim's soul might later come and haunt him.

Public executions were carried out in China before 1980, particularly at times of political tension. They usually took place at the end of mass rallies held in stadiums or similar public places.

A particularly large number of public



Executions were carried out during a "law and order" campaign at the end of 1979. Executions have even been televised.

Public executions were supposed to have stopped with the Law of Criminal Procedure in January 1980. However, it is reported that some executions are still being carried out in public with the prisoners' bodies being exposed to the public afterwards. Japanese reporters touring Anhui province in December 1983 arrived at an execution ground where the bodies of 10 men who had just been shot were surrounded by 2,000 people; among them "the executioner was standing with a cigarette in one hand and a pistol in the other . . . It was a grisly scene" (*Washington Post*, 20 January 1984).

Legislation

Under Chinese law the death penalty can be imposed for a number of political offences as well as for ordinary criminal offences. The crimes most often punished by death are murder, rape and robbery resulting in death or serious injury.

The "counter-revolutionary" offences which carry the death penalty include colluding with foreign countries to jeopardize the security of the motherland, plotting to overthrow the government and split the country, incitement to defection or rebellion, organizing armed rebellious assemblies or jailbreaks, espionage, sabotage, hijacking and stealing weapons and ammunition.

Since 1981 the number of offences carrying the death penalty has doubled. The procedures for trial, appeal, review of sentence and execution have also been accelerated. In 1981 there was a marked increase in the number of death sentences and executions after a decree was adopted which ended the review of all death sentences by the Supreme People's Court.

When it came into force on 1 January 1980 the Criminal Law listed seven

ordinary offences and 14 "counter-revolutionary" offences punishable by death, the latter when they are "of a particularly heinous nature causing grave harm to the people and state".

New legislation has since been adopted introducing the death penalty for a further 23 offences. This legislation includes the following measures:

—Provisional Regulations adopted on 10 June 1981 provide the death penalty as an alternative punishment for 10 categories of military offence. These include providing military secrets to enemies or foreigners; threats or violence against army personnel on duty; theft of weapons or equipment; sabotage; spreading rumours undermining army morale; desertion; disobedience; false reports; assisting the enemy after surrender; harming civilians.

—An amendment to the Criminal Law adopted on 8 March 1982 provides heavier punishments, including the death penalty, for economic crimes such as smuggling, bribery, theft, drug-trafficking, speculation and the illegal export of valuable cultural relics. The adoption of this measure was part of a campaign to eradicate corruption among state officials.

—Further amendments to the Criminal Law were introduced on 2 September 1983. Seven new categories of offence were made liable to the death penalty, bringing to over 40 the total number of offences now punishable by death. The officially stated aim of this measure was to clamp down on criminal gangs, "hardened hooligans" and habitual offenders.

People can now be executed in China for theft, embezzlement, gang fighting, pimping, organizing a secret society, molesting women and "passing on methods of committing crimes".



Each poster carries the details of several people who have been condemned to death: the large red tick shows that the sentences have been carried out. Nanjing, Jiangsu province, 25 September 1983.

The death penalty

Trial procedure

Little is known about the procedure followed at the trials of people sentenced to death.

Public notices summarizing the cases of condemned offenders are usually posted outside the courts which passed the sentences. These notices usually give no information about the procedures followed at the trials.

Various forms of "mass public trials" are also organized by the courts and local officials. However, these are large gatherings—often involving thousands of participants—rather than trials, and they are aimed at publicizing the cases and at inviting the public to participate in denouncing the accused.

There is, therefore, little official information on the actual proceedings followed. According to private sources, however, such proceedings are very summary when a "law and order" campaign is under way.

Although the right to defence is in principle guaranteed by law, in practice the possibilities of exercising this right effectively are small.

Several internationally recognized

minimum guarantees for a fair trial appear not to be respected. These include the right to adequate time and facilities to prepare the defence and the right to cross-examine prosecution witnesses and to call witnesses for the defence.

Furthermore, there is no recognition—either in law or in practice—of the right to be presumed innocent before being proved guilty in a court of law.

A decision adopted in September 1983 specified that certain "criminals" accused of offences such as murder and rape "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 other words, if there is a presumption of guilt before the trial.

In order to speed up trial procedures in such cases, this decision allowed 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.

Cases where sentences are reduced on appeal are very rare and the trend in recent years has been towards curtailing

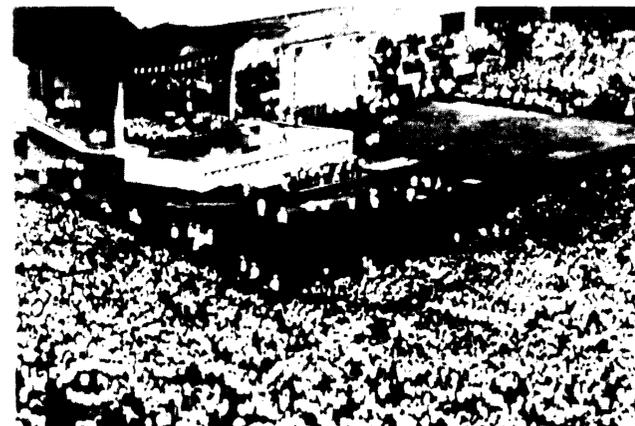
the procedures for appeal and review.

In September 1983 the time limit for appeals was reduced from 10 to three days. At the same time the Supreme People's Court was allowed to delegate its power to approve death sentences in some cases to high courts of provinces or courts of the equivalent level.

Wang Hanbin, Secretary General of the National People's Congress Standing Committee, explained that these changes were necessary because otherwise

"... we shall not be able to try swiftly some cases that need to be tried right away thus hindering our efforts to frighten the criminals, frustrate their arrogance, maintain public order and protect the life and property of the people".

During the wave of mass executions which started in August 1983, people were summarily tried and executed within a very short time. For example, two young men—Cao Guorong and Xu Xianping—were executed within six days of the crime for which they were condemned to death. It is therefore unlikely that proper appeal procedures could have been carried out in every case.



A "mass sentencing rally" in Guilin, Yunnan province, 16 September 1983. The condemned prisoners, placards around their necks, stand on the trailer in the centre of the football stadium with their heads forced down. They are here to listen to their crimes being denounced before they are executed. Seated in front of the standing crowd are rows of uniformed soldiers. The trucks lined up at the rear of the stadium will be used to parade the prisoners through the streets of Guilin before they are taken to the execution ground. Before the day is out, the prisoners will have been put to death.

Wave of mass executions

In August 1983 the authorities launched a nationwide campaign against crime. During the first three months of the campaign, tens of thousands of arrests and several thousand executions are believed to have been carried out.

Amnesty International recorded more than 600 executions in only a few places in China during that period, and it believes that the total number of executions carried out throughout the country was far higher. Foreign press reports "estimated the number during the three months at over 5,000.

In many cases groups of convicted offenders were paraded in public in the streets or during mass rallies. They were all shot later the same day.

One of the first groups to be executed was 30 people put to death in Beijing following a mass rally of an estimated 100,000 people in a city workers' stadium on 23 August 1983. The mayor of Beijing gave a speech on the need to preserve public order to the crowd which had been brought there by fleets of buses and trucks. The 29 men and one woman were said to be between 18 and 24 years old. They had been sentenced by Beijing High People's Court: 19 for murder, 10 for rape and one for theft. After their execution, their photographs were displayed publicly in the capital.

Executions of groups of 15 to 40 people continued during the following months throughout the country. Many of those executed were reported to have been unemployed young people aged between 18 and 40.

Most of those executed appeared to have been convicted of murder, rape or robbery, but people were also executed for a wide range of other offences. For example, two men were executed in Guangzhou on 5 September 1983 after being convicted of hanging a banner with a "counter-revolutionary" slogan from a hotel window and of plotting to set up a radio station and two subversive organizations.



A man convicted of murder kneels before being executed. The soldier standing behind him holds a gun to the nape of his neck. The placard around the prisoner's neck states that he is a murderer; his name has already been crossed out. Taishan, Guangdong province, 23 September 1983.

The death penalty

Amnesty International wrote to President Li Xiannian calling for a halt to the wave of executions on 21 October 1983. The organization expressed concern about the repeated increases in the use of the death penalty over the previous few years. It said that the speed with which trials and executions were being carried out did not allow for the procedural safeguards for the death penalty to which the United Nations General Assembly had drawn attention several times. It also pointed out that the increased use of the death penalty contradicted the aim of rehabilitation acknowledged in Chinese law.

No direct reply was received from the Chinese authorities. However, on 2 November 1982, a spokesperson of the Chinese Foreign Ministry is reported to have acknowledged receipt of the letter and to have said:

"Criminals must receive the punishment they deserve according to the law. This is a normal measure and routine work to maintain the public security of a country. It is the internal affair of a country."

Since 1979 most official statements have tended to justify the increased use of the death penalty rather than caution

against it. Officials now rarely quote Mao Zedong's statement: "If you cut off a head by mistake, there is no way to rectify the mistake".

Officials usually justify the death penalty on the grounds that it is an exemplary punishment and a deterrent against crime, needed to safeguard social order and enforce the law.

Most such official statements are based on a supposition that Amnesty International believes to be incorrect: the belief that the death penalty is a more effective deterrent to certain types of crime than other punishments.

In its letter to President Li Xiannian on 21 October 1983, Amnesty International stated that the death penalty cannot be justified as a fitting response to crimes, however violent or repugnant these may be. Referring to research on the effectiveness of the death penalty as a deterrent it said:

"... no studies have ever established the efficacy of the death penalty in comparison with other punishments... It is difficult to see how the use of the death penalty can be justified in the absence of any evidence of this effect".

Recommendations

The following recommendations were submitted by Amnesty International to the Government of the People's Republic of China in February 1983.

Amnesty International respectfully urges the Government of the People's Republic of China:

- to release all persons who are imprisoned, detained or otherwise physically restricted by reasons of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, who have not used or advocated violence.
- to consider revising the provisions of the Criminal Law which permit the imprisonment of people solely for the peaceful exercise of fundamental rights, particularly Articles 98 and 102.
- to repeal the provisions of the 1957 Decision of the State Council on the Question of Rehabilitation Through Labour under which people having dissenting views can be detained without charge or trial and subjected to compulsory labour for the purposes of "re-education through labour".
- With regard to the prolonged deten-

tion without trial of people held on political grounds, to consider modifying the provisions of Article 92 (2) of the Law of Criminal Procedure so as to establish safeguards against unlimited detention without trial.

- to give consideration to the adoption of specific safeguards against arbitrary detention, such as procedures whereby the family, friends or legal representative of a person detained could call upon an independent judicial authority within 24 hours after that person has been placed in custody in order to be informed of the reasons for detention and place of detention.
- to make public the charges against and present circumstances of all untried political prisoners who have been held for long periods without trial and to bring them promptly to a fair and open trial or release them.
- to consider adopting measures so that any trial procedures relating to political prisoners conform to internationally established norms, particularly with regard to the right to public hearings by an independent and impartial tribunal and the right of the accused to be pre-

sumed innocent until proven guilty according to law.

- to publish detailed records of the trials of all political prisoners.
- to consider introducing procedures to ensure the effective protection of prisoners against cruel, inhuman or degrading treatment, in line with international standards. Such procedures should include in particular the right for the family, friends and legal representatives of a person detained to visit the detainee shortly after arrest and regularly thereafter, and to communicate freely with him or her.
- to make public the results of investigations in cases where prisoners are reported to have been ill-treated in detention.
- to take steps towards the abolition of the death penalty. Amnesty International would welcome information on any measures the government might take to reduce the number of offences punishable by the death penalty. It would also welcome information as to the fate of persons sentenced to death with a two-year reprieve whose cases have come up for review during the past year.

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Amnesty International began in 1961 with a newspaper article, "The Forgotten Prisoners", by British lawyer Peter Benenson. He urged people everywhere to begin working impartially and peacefully for the victims of political persecution. "Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government," he wrote. Within a month more than a thousand people from various countries had sent in offers of practical help. They were ready to help collect information on cases, publicize them and approach governments. What started as a brief publicity effort became a growing international movement.

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