

# Violations of Human Rights in China

@A Summary of Amnesty International's Concerns in 1991

Nearly two years after the suppression of peaceful pro-democracy protests, which resulted in the massacre of hundreds of civilians in Beijing on 4 June 1989, human rights violations continue to be widespread in China. Thousands of political prisoners remain imprisoned, including prisoners of conscience held solely for the peaceful exercise of fundamental human rights. Some have been sentenced to prison terms after unfair trials. Others are held without charge or trial under administrative regulations. Thousands of summary executions were carried out during an anti-crime campaign which has continued into 1991. There have been no changes to the laws under which such human rights violations are perpetrated and no attempt to introduce fundamental safeguards to prevent certain violations, such as the use of torture to extract confessions, from occurring.

## *Arbitrary detention and imprisonment of political prisoners including prisoners of conscience*

Amnesty International is not able to estimate precisely how many political prisoners are held in the People's Republic of China, but they may number in the tens of thousands. They include people accused of criminal offences, such as destroying property during political demonstrations, as well as prisoners of conscience. Arrests of dissidents and of people accused of forming opposition groups or of carrying out "subversion" for political or religious reasons have been routinely carried out in China since the early 1950s<sup>1</sup>. Though the number of political prisoners has decreased substantially since the late 1970s, arrests of dissidents have continued and the legislation providing for their imprisonment is still in force.

The arbitrary detention or imprisonment of people who peacefully exercise fundamental human rights is facilitated by a number of provisions in Chinese Law and by practices which, while contrary to the letter of the law, have become the norm. It is common, for instance, for people to be detained by police for months without charge, in breach of the procedures for arrest and detention set forth in China's Criminal Procedure Law. According to the law, criminal suspects may be detained by police for up to 10 days before they are formally arrested (charged) or released. Following arrest, investigation may last up to five and a half months before a decision is taken to either prosecute or grant release to a detainee. In

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<sup>1</sup> For a review of human rights violations in China from the 1950s to the late 1970s, see Amnesty International's report, *Political Imprisonment in the People's Republic of China*, AI Index PUB 101/00/78, November 1978. See also Amnesty International's report *China: Violations of Human Rights*, AI Index ASA 17/11/84, 1984.

practice, these time limits are frequently ignored. Hundreds of pro-democracy activists were still detained without charge or trial in late 1990 after spending periods in detention ranging from 12 to 17 months.

The Criminal Law of the People's Republic of China contains a section on "crimes of counter-revolution", which defines such crimes as all acts "committed with the goal of overthrowing the political power of the dictatorship of the proletariat and the socialist system". It provides punishments ranging from deprivation of political rights to the death penalty for 12 different "counter-revolutionary" offences. The provisions in this section of the Criminal Law which are most commonly used to jail prisoners of conscience are Article 98, which provides punishments for organising or taking part in a "counter-revolutionary group", and Article 102 which prohibits "counter-revolutionary propaganda and agitation". Other articles of the Criminal Law have also been frequently used to try and convict prisoners of conscience.

There are also laws and regulations providing for various forms of administrative detention which are frequently used to detain dissidents. One form of administrative detention, known as "shelter and investigation" (*shourong jiancha*), permits police to detain people without charge for periods of up to three months, merely on suspicion that they may have committed crimes. It is imposed by the police without any judicial supervision or review, in violation of the provisions against arbitrary arrest and detention in China's Constitution and law, and the time-limit of three months is often exceeded. There is evidence that many people detained in 1989 and 1990 for their activities during the 1989 pro-democracy movement were arbitrarily held for months under the regulations on "shelter and investigation".

Another form of administrative detention frequently used to detain dissidents is "reeducation through labour" (*laodong jiaoyang*). It was introduced by legislation adopted in 1957, which was updated with new regulations in 1979 and 1982. It provides for the detention without charge or trial of people considered to have "anti-socialist views" or to be "hooligans", who may be held in labour camps or prisons for up to four years. Detention orders for those subjected to "reeducation through labour" are issued outside the judicial process by administrative committees composed of representatives from local government agencies, including the Public Security (police), who in practice determine who should be subjected to this punishment.

Hundreds of people detained since June 1989 in connection with pro-democracy protests are reported to have been sent to labour-reeducation camps. An official at the Tuanhe labour-reeducation camp, near Beijing, told foreign journalists in May 1990 that 300 "counter-revolutionaries" from Beijing had been sent to the camp after the 4 June 1989 crackdown. According to unofficial sources, other groups from Beijing were sent to labour camps further away from the capital. In Liaoning province, the authorities reported in June

1989 that police had imposed "administrative sanctions" on 1,000 people accused of having committed "minor" crimes of "beating, smashing and looting" in connection with the protests. Administrative punishments have also been imposed on other categories of dissidents during the past year, including Tibetans, Catholics and Protestants.

A case in point is that of Father Francis Wang Yijun, the 75-year-old Roman Catholic Vicar General of Wenzhou diocese in Zhejiang province, who was "sentenced" on 5 February 1990 to three years of "reeducation through labour". The sentence was imposed by the Administrative Committee on Reeducation Through Labour of Wenzhou City People's Government. Father Wang had previously spent 13 years in prison, serving two separate terms of imprisonment because of his religious convictions. Upon his release in February 1990, he was immediately sentenced to another three years of "reeducation through labour". The official notice announcing this sentence said that while he was serving his previous sentence "he still refused to repent and accept the government's educational liberation. He resisted reform, continued to maintain illegal ties to the underground Catholic Church in Wenzhou, and instigated Christian believers against the religious policy and lawful decrees of our People's Government."

Among prisoners of conscience serving long terms of imprisonment after being tried on "counter-revolutionary" charges is Chen Lantao, a 27-year-old staff member of the Beihai branch of the National Oceanographic Bureau in Qingdao, Shandong province. Arrested in June 1989, he was sentenced three months later to 18 years' imprisonment on charges of "counter-revolutionary propaganda and agitation" and "disturbing social order and traffic". For several years, Chen Lantao had advocated democratic reforms and he was strongly criticized for this in 1987 during an official campaign against "bourgeois liberalization". During the 1989 pro-democracy movement, he made public speeches in Qingdao and took part in demonstrations in the city. A few days after the 4 June 1989 massacre in Beijing, he made a public speech denouncing the government suppression of the protestors and called on the Chinese Communist Party to step down. He was arrested shortly after.

Thousands of people were arrested throughout China following the June 1989 crackdown on pro-democracy protesters. Estimates of the number of arrests carried out nationwide range from over 10,000 to 30,000. Hundreds were known to be still detained or imprisoned in early 1991, but the fate of the majority remains unknown. The authorities have not disclosed the number who were detained nationwide, nor how many have been tried and sentenced to prison terms or executed, or assigned to labour camps without trial. Official sources announced the release of 881 people in 1990 and of a further 69 in early 1991. They also reported in early April 1991 that 787 people had been tried in Beijing in connection with the 1989 protests, but they have not accounted for the thousands of others who have been detained. Various sources, however, indicate that well over a thousand people have been tried and sentenced to prison terms or executed, and that an equally large number were sent to administrative detention camps in 1989 and 1990.

Arrests for political or religious activities also continued during 1990. There was growing evidence of a tightening in the official policy on religion as regulations or official directives restricting religious freedom were implemented in several provinces and autonomous regions. A crackdown on independent church groups which had started in 1989 continued during the year. Over 100 arrests of Roman Catholic priests, bishops and lay leaders were reported between late 1989 and late 1990. Some were detained for short periods and then released, but several dozen were still believed to be held in April 1991. Protestants were also subjected to detention or harassment by police and independent "house-churches" were closed by the authorities in several areas.

In April 1991, many prisoners of conscience arrested at various periods since the late 1970s also remained in prison. They include people serving long terms of imprisonment for their involvement in the democracy movement of the late 1970s, advocates of Tibetan pro-independence and people arrested for their involvement in unapproved religious activities.

### *Human rights violations in ethnic minority regions*

Thousands of Tibetan nationalists have been detained in the Tibet Autonomous Region (TAR) since a resurgence of demonstrations in favour of Tibet's independence in September 1987. During a wave of arrests which followed the imposition of martial law in Lhasa in early March 1989, more than 1,000 people are believed to have been detained, though official sources have acknowledged only 400 arrests. On 17 April 1991, the official New China News Agency reported that 1,025 people had been arrested during pro-independence demonstrations since September 1987. Of these, the agency said, 807 were released "within legal detention time" and 218 were either sentenced by the courts or "sent to receive reeducation through labour"

The number who remain imprisoned for political reasons throughout Tibet in 1991 is not known, but about 200 are believed to be still held in the Tibetan capital, Lhasa. Some prisoners have been tried and sentenced to prison terms, but others continue to be held without trial, including some who were assigned to administrative detention for up to three years without charge or trial for peacefully advocating Tibetan independence. According to official sources, 97 Tibetans, including many young nuns, were assigned without trial to "reeducation through labour" between September 1987 and 1991. Some juvenile prisoners, arrested for peaceful political activities, are reported to have been imprisoned together with adult prisoners; they include a 14 year old boy who was reported in 1990 to be held at Drapchi prison in Lhasa.

There have been many reports of torture and ill-treatment of Tibetan political detainees. Some of the torture allegations received by Amnesty International have been described in reports published by the organization in the past two years<sup>2</sup>, but several recent cases are also cited in this document (see the section on Torture and Ill-Treatment of Prisoners).

Tibetans suspected of opposing government policies continued to be arrested in the TAR and other areas inhabited by Tibetans during the past year. Those arrested outside the TAR reportedly included Agyal Tsering, a 39-year-old Buddhist monk, who was detained in February 1990 in the Yushu Tibetan Autonomous Prefecture of Qinghai province for allegedly printing and distributing a leaflet urging Tibetan independence. He was apparently held incommunicado for several weeks immediately after his arrest and sentenced to 18 months' imprisonment in July 1990.

Following the lifting of martial law in Lhasa on 1 May 1990, the Lhasa Public Security Bureau (police) published a decree on 5 May requiring that prior permission be obtained from them for any kind of public assembly. Regulations on demonstrations and parades, published on 23 May 1990, prohibited the use of "religion or other activities" in "demonstrations or parades [which]. . . endanger national unity or social stability". Buddhist monks and nuns were expelled from monasteries and convents near Lhasa on several occasions in the past year: some, according to witnesses, were subsequently restricted to their places of origin.

In the west of China, over 6,000 people were reportedly arrested during the first half of 1990 in the Xinjiang Autonomous Region - largely inhabited by Muslim ethnic groups. They were reportedly convicted of "fomenting rebellion" in connection with unrest in Baren township, near Kashgar, in April 1990. Official sources described the unrest in Baren as a "counter-revolutionary riot" provoked by "separatists", which left 16 civilians and six police officers dead. According to unofficial sources, violent clashes between civilians and police occurred when police denied access to a mosque to several hundred Muslims of the Kirghiz ethnic group who were on a pilgrimage. These sources cite local television reports as saying that 50 civilians and eight police officers were killed during the clashes in Baren. Few other details are available about the unrest and the large-scale arrests reportedly carried out, though official reports in 1990 attested that a severe crackdown on "separatists" had followed the unrest in Baren township. In September 1990, the authorities in Xinjiang promulgated regulations setting strict limits on religious activities and prohibiting religious teaching outside officially approved religious establishments.

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<sup>2</sup>See Amnesty International's *Torture and Ill-Treatment in Detention of Tibetans* (ASA 17/04/89, February 1989) and *China: Torture and Ill-Treatment* (ASA 17/18/90, April 1990)

### *Unfair trials*

Since 1989, hundreds of people held on political grounds have been sentenced to terms of imprisonment after trials which fall far short of international standards for fair trial. During the same period, well over a thousand people convicted of ordinary criminal offences were executed after summary trials during a series of anti-crime campaigns. Amnesty International's concerns about the summary nature of proceedings in death penalty cases are described below (see p.10). Interference in the work of the judiciary by political authorities appears to have increased during the past year, as Chinese officials stressed on several occasions the need for the judicial organs to follow the Chinese Communist Party leadership.

Amnesty International's concerns about unfair trial procedures in China are long-standing. It has described these concerns in various reports, including in China: The Massacre of June 1989 and Its Aftermath (ASA 17/09/90, April 1990). Amnesty International noted in this report that the procedures for trial established in Chinese law do not meet the minimum standards for fair trial set out in international human rights instruments -- notably the right to have adequate time and facilities to prepare the defence, the right to be presumed innocent before being proved guilty in a court of law and the right to cross-examine prosecution witnesses and to call witnesses for the defence. Furthermore, in practice, the verdict and the sentence are generally determined by those in authority before the trial hearing even takes place. Chinese jurists openly refer to this practice as "verdict first, trial second", or "deciding on the verdict before the trial". In recent years, numerous articles in the official legal press have criticized this practice, as well as other practices which contravene Chinese law, such as the extreme limitations on the role of defence lawyers, the use of torture to induce "confessions" and the interference of political authorities in the judicial process.

The Criminal Procedure Law provides that court presidents, "when they consider it necessary", should submit "all major and difficult cases" for "discussion and decision" to the "adjudication committee" (a body set up in each court to supervise judicial work). This appears to empower court presidents to decide which cases should be examined by the adjudication committees. In practice, however, all cases are decided first, before trial, by the adjudication committees. Judgments may also be submitted for examination and approval before trial to Communist Party committees in charge of political-legal work. These committees also issue opinions to the courts which, in practice, constitute instructions as to the verdicts and sentences to be imposed. The Politics and Law Committees are made up of heads of government agencies and legal bodies. Moreover, the secretary of the committee is often the head of the Public Security Bureau (chief of police) in the area of the court's jurisdiction. Another common practice but one which has no basis in law is the submission of cases by the courts, on the authority of court presidents, for a pre-trial decision to local

government authorities. This occurs particularly in cases that are "major and difficult" because of their political significance.

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

Those lawyers who do choose to vigorously pursue the defence of their clients also face formidable obstacles and potential sanctions should they effectively state their case. An article in a Chinese legal magazine noted in 1988:

"Lawyers ... suffer interference in their work from party and government organs, especially from the organs of judicial administration. For example, some Justice Bureaus have a regulation that if a lawyer wishes to present a defence of 'not guilty' in a criminal case, then he must first obtain authorization from the party organization of the Justice Bureau in question."

[Faxue (The Science of Law), No.2: 1988, Pages 43-45]

In political cases, the likelihood that defendants will receive a fair hearing is even more remote than in ordinary criminal cases: the outcome is usually a foregone conclusion. Most political trials are closed to the public with, at best, only the defendants' close relatives or members of their "work unit" allowed to attend. Pre-trial detention usually lasts several months. During that period, detainees have no access to a lawyer or their family, and it is common for them to be subjected to constant pressure aimed at extracting from them incriminating information and making them admit to the accusations against them. Defendants are often denied the right to choose their own lawyer and must either accept one appointed by the state or prepare their own defence. Furthermore, lawyers usually limit their role to one of mitigation.

These features applied in the cases of pro-democracy activists who were tried in Beijing in early 1991. At least 32 people were tried in January and February 1991 on charges related to their activities during the 1989 pro-democracy movement<sup>3</sup>. Several other dissidents were tried in March 1991. The verdicts against 21 of those tried in January and February were announced by the New China News Agency shortly after the sentences were passed.

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<sup>3</sup> For further information on these cases, see Amnesty International, *Trials of Dissidents in China - Sentences and Releases in Beijing* (ASA 17/20/91, February 1991)

The defendants included Chen Ziming and Wang Juntao, two intellectuals accused of having masterminded the 1989 protests who were each sentenced to 13 years' imprisonment plus four years' deprivation of political rights, and Ren Wandong, a human rights activist, who was sentenced to seven years' imprisonment for making public speeches calling for democratic reforms.

According to various sources, most of the dissidents tried in Beijing in early 1991 were restricted in their choice of lawyers. Most defendants were represented by lawyers selected from a list compiled by the Ministry of Justice. The lawyers were reportedly required to submit their defence statements to the government for prior approval. According to various sources, lawyers were also told by government officials not to present "not guilty" pleas. Some were reportedly unable to call witnesses for the defence in court. The wife of Ren Wandong, one of the defendants, reported that she was not informed in advance of her husband's trial.

Chen Ziming and Wang Juntao, who were tried on 11 and 12 February 1991 respectively, were given less than a week to prepare their defence. According to friends, Chen Ziming started a hunger strike in prison on 7 February to protest the short notice he was given of his trial. Wang Juntao was reportedly receiving medical treatment in a military hospital when he was taken back to prison on 7 February in preparation for his trial five days later. Their lawyers were reportedly given only four days to read through voluminous files of prosecution evidence, which in the case of Wang Juntao reportedly totalled 21 volumes amounting to nearly 3000 pages. Wang Juntao was reportedly interrupted 17 times by the presiding judge when he presented his personal defence. The verdict against him was announced one hour after his trial ended, reportedly based on a 3000 word printed record which, if produced after the trial had ended, would have left no time for the court's deliberation. Both Wang Juntao and Chen Ziming had pleaded not guilty at their trial and appealed against the verdict. The two lawyers for Wang Juntao abandoned his appeal in late February, apparently as a result of official pressure. One of them reportedly told Wang Juntao's wife that his employer, the Luoyang City Justice Bureau, had warned him that he would be punished if he returned to Beijing for the appeal. According to foreign press correspondents in Beijing, after the trials the two lawyers who represented Chen Ziming had their licences confiscated by the Ministry of Justice, making it impossible for them to practice law.

Though official sources have asserted that these trials were public, foreign journalists, diplomats and independent observers were barred from them. According to foreign journalists, a court official cited an unpublished regulation of the Supreme People's Court as justification for barring foreign observers from the trials. Any such regulation would appear to contradict Article 111 of the Criminal Procedure Law, which provides that all cases are heard in public in the first instance, except those involving state secrets or the private lives of individuals. Generally, admission to the trials was closely controlled by the authorities. In some cases, some members of the defendants' "work unit" (place of work) and only two of



their close relatives were allowed to attend. On several occasions, Amnesty International informed the Chinese authorities of its wish to send international observers to attend the trials, but to date it has received no reply. Similar requests to attend the trials from other organisations, foreign press correspondents and diplomats in Beijing were also unsuccessful.

The same restrictions and shortcomings are reported to have applied to trials of dissidents in provincial cities. In one recent case, Luo Haixing, a Hong Kong businessman and former Beijing representative of the Hong Kong Trade Development Council, was sentenced by a court in south China to 5 years' imprisonment on charges of "concealing counter-revolutionary elements". Together with two other defendants, he went on trial on 28 February 1991 at the Guangzhou (Canton) Intermediate People's Court. The sentences were announced on 4 March 1991. The three defendants were found guilty of trying to help two prominent dissidents, Chen Ziming and Wang Juntao, to flee the country after the 4 June 1989 crackdown. Their trial reportedly lasted two and a half hours. Luo Haixing had spent over 16 months in custody by the time he was tried but, according to his wife, his lawyer was notified of the trial only a few hours before it took place. Due to this his wife, who lives in Hong Kong, was unable to attend his trial. Luo Haixing filed an appeal against the verdict on 13 March 1991, but the provincial high court which heard the appeal did so internally, without notifying Luo Haixing's lawyers, and announced on 22 March that the original ruling was upheld.

### *The death penalty - dramatic increase in executions and summary trial procedures*

Amnesty International has been concerned for many years about the death penalty and various aspects of its use in China. These include the wide range of offences punishable by death, the high number of executions carried out, the summary nature of trial proceedings in death penalty cases, the discriminatory application of the death penalty, and the public humiliation of prisoners sentenced to death through "mass sentencing rallies" and parading through the streets before execution.

Though the Chinese authorities do not publish statistics about death sentences or executions, the death penalty is known to be widely used and carried out in China. The number of capital offences has been increased several times in the past decade. Over 40 offences are now punishable by death under Chinese law, including offences such as theft, smuggling, embezzlement and other economic offences. In 1990, as in earlier years, many prisoners were executed for such offences. For example, Li Guangming, 27, was executed in Beijing on 28 April 1990 for "theft and hooliganism"; Hou Changwei, 25, was executed on 28 June 1990 in Dalian, Liaoning province, for theft; Yue Shoucheng and Gao Shukun, described as peasants from Daqing, Heilongjiang province, were executed in early October 1990 for "colluding" with others to steal 50 metres of high-tension electrical cables and causing substantial economic losses.

Amnesty International is particularly concerned by the dramatic increase in the number of executions during the past year. It is also concerned by the use of the death penalty in the context of continuous political campaigns against crime, and by the near total lack of safeguards to prevent miscarriages of justice from occurring.

The organisation recorded more than 960 death sentences during 1990, including at least 750 executions. It recorded over 180 death sentences in January and February 1991, of which at least 120 were carried out. Amnesty International believes the actual figures to be far higher. According to various sources, several thousand death sentences were passed in 1990 and the majority were carried out. The figures recorded by Amnesty International for 1990 are the highest since 1983, when an anti-crime campaign is believed to have resulted in the space of a few months in some 10,000 executions after summary trials.

The rise in the number of death sentences and executions during 1990 also occurred in the context of successive anti-crime campaigns launched since the 1989 crackdown on pro-democracy protesters. The latest campaign, to "sternly crackdown" on serious crime, was launched in May 1990 and is continuing in 1991.

The campaign was reportedly led by the Political Legal Department of the Chinese Communist Party (CCP)<sup>4</sup>. It was endorsed by the Public Security Bureau (police), the procuracies and the courts. Amnesty International fears that the close links between the CCP Political-Legal Department and the law enforcement and judicial organs may have resulted in political interference in the handling of criminal cases, including death penalty cases. Both official statements and reports in the official Chinese press attest to such interference in judicial work. On 7 May 1990, for example, the Shanghai official newspaper, Jiefang Ribao (Liberation Daily), called on courts and procuracies to "obey the Party's absolute leadership". Similarly, official instructions issued during the campaign of "stern crackdown" on crime requested the judicial organs to ensure that death sentences be meted out "without pity" on certain categories of "serious criminals". Official reports also placed emphasis on the need to "rapidly" handle such cases. Furthermore, some of the death sentences pronounced after the start of the campaign were officially described as a means to ensure "social order" and "stability" in the period prior to the Asian games which took place in Beijing in late September 1990.

In this context, Amnesty International is concerned that individuals who would not have been sentenced to death in ordinary circumstances may have been sentenced to death and executed as a result of political interference. It is also concerned that official emphasis on the speedy investigation and sentencing of death penalty cases have further weakened the already inadequate safeguards against unfair trials and may have resulted in miscarriages of justice and human rights violations, such as the use of torture to extract "confessions".

Since 1983, offenders charged with capital offences such as murder, rape, robbery, causing explosion and "other activities that seriously endanger public security", have been tried under legislation which established summary procedures in death penalty cases. The 1983 "Decision of the National People's Congress Standing Committee Regarding the Procedure for Rapid Adjudication of Cases Involving Criminal Elements who Seriously Endanger Public Security" instituted in law the presumption of guilt. The Decision is still in force. It is aimed at speeding up the procedures for investigation, trial and appeal in the cases of offenders in the categories listed above, "who should be sentenced to death". It provides that defendants can be brought to trial without being given a copy of the bill of prosecution in advance and without any advance notification to prepare their defence. It also reduces the time limit to file an appeal from 10 days to 3 days. As a result, many people have been tried and executed within a few days of being arrested.

Chinese legal experts have strongly criticized the 1983 legislation in recent years, pointing out that it can easily lead to miscarriages of justice. An article in the legal journal, Faxue (Jurisprudence), noted in October 1989 that the application of this legislation led in

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<sup>4</sup> See Renmin Gong'an Bao (People's Public Security Journal), 12 July 1990.

some circumstances to an infringement of the Criminal Procedure Law, and that it contributed to the "unhealthy trend" of "verdict first, trial second":

"One of the conditions laid down by the [1983] Decision is that it is suitable for 'criminals who should be sentenced to death'. This means that before the trial, as well as ascertaining the facts of the case and making the necessary investigations, the People's Court must also decide whether the defendant 'should be sentenced to death' and only then can it be decided whether it is right to use the Decision. This really means 'verdict first, trial second'. Because the death sentence has already been decided upon beforehand, this is a big limitation on the freedom of action of those conducting the trial and it makes it hard for them to give due weight to the defence and the rights of the defendant have no real force. In such circumstances, it is easy for there to be injustices and mistakes."

Amnesty International is also concerned at the use of the death penalty in the aftermath of the 1989 crackdown on pro-democracy protesters. It has recorded the names of more than 50 people sentenced to death since June 1989 for crimes allegedly committed during the protests, though the number of those secretly executed is believed to be far higher. One of the cases publicly reported was that of Sun Baohe, a factory worker from Jinan, Shandong province, who was executed on 14 October 1989 for allegedly having "overturned and set ablaze a car" on 6 June 1989. There were also reports of numerous secret executions in Beijing after the 4 June 1989 crackdown. According to some sources, several hundred people were secretly executed in various places within or near the capital between June and August 1989. They allegedly included a group of people who had refused to leave Tiananmen Square in the early hours of 4 June 1989. The Chinese authorities have not disclosed how many people were sentenced to death or executed for offences allegedly committed during the 1989 protests.

Another issue of concern to Amnesty International is the public display of prisoners sentenced to death at "mass sentencing rallies" or parades through the streets. Such rallies are aimed at announcing the sentences publicly and "educating the masses". During the past year, hundreds of death sentences were publicly announced at mass rallies where prisoners were displayed in front of large audiences and the sentences against them read out. On 18 September 1990, for instance, 65 prisoners sentenced to death were displayed at 11 rallies held in various districts of Guangzhou (Canton), before being taken to the execution ground. In some cities, groups of prisoners have also been paraded through the streets on the back of open lorries, with their arms tightly bound behind their backs, just before being taken to the execution ground. Prisoners taken to such displays are usually made to bow their heads and have paper placards on them, indicating their name and the crime of which they are accused of.

Amnesty International considers that the public display of prisoners sentenced to death is a form of cruel and degrading treatment, prohibited by the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China ratified in 1988.

### *Torture and ill treatment of prisoners*

Though torture and ill-treatment of prisoners is prohibited by law in China, abuses of prisoners remain widespread and there is evidence to suggest that the incidence of torture has increased in recent years. According to statistics published by official Chinese sources, in 1988 more than 4,700 cases of "infringement of citizens' rights" – which include cases of torture – were investigated and "dealt with". In 1989, 15,289 such cases were "placed on file for investigation and prosecution" and, in addition, 3,812 cases of "ward police" in penal establishments for convicted prisoners were "investigated and dealt with" for committing various offences, including inflicting "corporal punishment" on prisoners. During the first three months of 1990, 2,900 cases of "perverting justice for bribes, extorting confessions by torture, illegal detention and neglect of duty" were investigated, including 490 "major" cases involving "deaths and injuries as well as serious economic losses." The cases officially reported to have been "placed on file for investigation and prosecution" during 1990 included 3,509 cases of unlawful detention, 472 cases of "confession by torture", 461 "trumped-up cases" and 69 cases of "retaliatory action". The incidence of torture and ill-treatment is believed to be much higher than that officially recorded. According to various sources, few convicted prisoners or untried detainees dare to file complaints about torture or ill-treatment for fear of further reprisals.

Incommunicado detention, arbitrary detention without charge for long periods, administrative detention imposed without judicial supervision, as well as the widespread practice of trying to obtain confessions from detainees before their case is prosecuted are the circumstances in which torture most often occurs. The methods of torture most commonly reported include severe beatings, shocks with electric batons and the use of handcuffs, shackles or ropes in positions deliberately intended to inflict pain. Deprivation of sleep or food, exposure to cold and being made to adopt exhausting physical postures are also reported to be common during interrogation.

Amnesty International has continued to receive reports of torture and ill-treatment during the past year. The Chinese authorities have not answered the enquiries made by the organisation about such reports. Most of the allegations received by Amnesty International concerned people held on political grounds and little information is available to the organisation about the treatment of detainees accused of ordinary criminal offences. It fears, however, that the incidence of torture and ill-treatment may have increased during the

campaign of "stern crackdown" on crime which was launched in May 1990. Official instructions for the campaign placed emphasis on the need to "rapidly" investigate and try serious offenders. Torture to extract confessions is known to have increased during campaigns against crime in the past, notably during one such campaign launched in 1983 (see Amnesty International, China: Torture and Ill-Treatment of Prisoners, ASA 17/07/87, September 1987).

According to released detainees, harsh conditions of detention, as well as beatings and other forms of torture or ill-treatment, were commonplace in detention centres in Beijing in the months which followed the 4 June 1989 crackdown. Amnesty International has described such allegations in previous reports and documents<sup>5</sup>. To Amnesty International's knowledge, the authorities have not carried out any public enquiry into such allegations. Cases of torture have also been reported from other areas, particularly Tibet, and include the following examples:

Topygal, a tailor from Lhasa arrested in April 1990 for possessing a video-cassette showing pictures of the Dalai-Lama, was reportedly severely beaten while held incommunicado for several days in a police station in the Jebumgang area of Lhasa.

Tibetans who left Lhasa in 1990 reported that Yeshe, a 25-year-old painter from Lhasa, had died in hospital in late August 1989, days after he had been released from five months' detention following the imposition of martial law in Lhasa on 7 March 1989. His death, they said, resulted from ill-treatment while in detention.

Lhakpa Tsering, a 20-year-old Tibetan was reported to have died as a result of torture on 15 December 1990 while held in Drapchi prison in Lhasa. Arrested in November 1989 together with five other Tibetan middle school students, he was accused of having formed a "counter-revolutionary" organisation, displayed "reactionary" posters in central Lhasa and having called for the independence of Tibet. He is alleged to have

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<sup>5</sup>See China: The Massacre of June 1989 and its Aftermath (ASA 17/09/90, April 1990), and China: Torture and Ill-Treatment (ASA 17/18/90, April 1990)

been severely beaten while held at Drapchi prison. According to information received by Amnesty International, his body was handed over to his family on 16 December 1990, and his family asked that an inquest into the cause of his death be carried out. A post-mortem was reportedly held at a burial ground, attended by a Tibetan doctor and an official from the local People's Procuratorate. Lhakpa Tsering's body was reportedly found to "bear many bruise marks", but the results of the post-mortem were not made public. As of April 1991, no full-scale enquiry is known to have been carried out.

Amnesty International has been concerned about reports of torture and ill-treatment of prisoners in China for many years. In September 1987, it published a report, China: Torture and Ill-Treatment of Prisoners (ASA 17/07/87), which cited cases of torture reported by both official and unofficial Chinese sources. It noted that abuses often occur because Chinese law does not include sufficient safeguards for prisoners' and detainees' rights, and because the few safeguards included in the law are not effectively implemented. This situation still prevails. In particular, detainees are often held incommunicado for weeks or months, without being able to see a judicial authority or anyone from outside their prison.

Amnesty International is also concerned by persistent reports that torture and ill-treatment of suspects is commonplace in some holding centres known as "shelter and investigation centres" (shourongsuo). According to some sources, in addition to regular detention centres there are some 6,000 such holding centres across the country, which may hold several hundred thousand people at any one time<sup>6</sup>. "Shelter and investigation" is a form of administrative detention imposed by police which by-passes the procedures for arrest and detention provided for in China's Criminal Procedure Law. Conditions at the holding centres for "shelter and investigation" are widely reported to be grossly unsatisfactory. In the past few years, Chinese legal experts have questioned the legality of this form of detention and expressed concern about the routine abuse of detainees which occur in some "shelter and investigation centres"<sup>7</sup>.

Amnesty International is also concerned at the lack of public reporting over the procedures followed to investigate reports and complaints of torture. In a number of cases over the past few years, the Chinese authorities have denied allegations that political detainees were tortured, but they have failed to provide any information about the procedures followed to investigate such allegations – notably in regard to investigations into specific cases of alleged torture or ill-treatment of Tibetan political detainees in Lhasa. Some of these cases had been raised with the Chinese authorities by the United Nations Special

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<sup>6</sup> See the Hong Kong magazine, Zheng Ming, July 1990, p.91

<sup>7</sup> See "Research into the question of whether or not shelter and investigation should continue", Zhengfa Luntan (Journal of China's University of Politics and Law), No.1, 1989.

Rapporteur on Torture; the authorities responded by rejecting the allegations, saying that the cases had been investigated but giving no details of the investigations in question.

Amnesty International considers that all reports and complaints of torture should be promptly investigated by independent and impartial bodies not involved in the process of arrest, detention or investigation of detainees, and that their methods and findings should be made public.

### *Killings of unarmed demonstrators*

No official enquiry has been held into the killings of at least a thousand civilians - most of them unarmed - by government troops who suppressed pro-democracy protests in Beijing in early June 1989.

Numerous reports available from unofficial sources, foreign media and eye-witnesses indicate that during the night of 3 to 4 June 1989 some of the troops who entered Beijing forced their way into the city centre by firing both randomly and intentionally into protesters and onlookers, killing and injuring many unarmed civilians. Furthermore, random shooting by soldiers continued during the following days, causing more casualties among civilians.

Amnesty International has drawn the following conclusions from the information it has received from many sources about the June 1989 killings:

- From mid-April 1989 until the military operations of 3 and 4 June 1989 in Beijing, the popular protest movement started by Beijing students was peaceful. There is no credible evidence that leaders of the protest movement at any point advocated violence or attempted to overthrow the government by violent means.
- During the night of 3 to 4 June, some troops opened fire either at random or deliberately at crowds whenever they met obstruction or a large group of people. No warning was given before troops opened fire. Conventional methods for the dispersal or control of crowds without resort to firearms or other lethal force were not used.
- The vast majority of civilians were unarmed. Some were killed in residential buildings due to random or intentional shooting by troops. Some were shot in the back among crowds of people running away from troops firing at them; some were crushed to death by military vehicles. Those killed included children and elderly people.
- After the army took control of central Beijing there were still, for several days, incidents during which troops opened fire on unarmed civilians without warning or provocation.



-Many of the killings of unarmed civilians were extrajudicial executions: deliberate killings by government forces acting outside the limits of the law. Troops deliberately shot and killed individuals even when they posed no immediate threat of violence, in violation of international standards that lethal force should only be used when absolutely necessary and in direct proportion to the legitimate objective it is intended to achieve.

In Lhasa, the capital of the Tibet Autonomous Region, dozens of Tibetan demonstrators were killed by security forces on four occasions during demonstrations in favour of Tibet's independence between 1987 and 1989. Though some of these killings occurred in the context of violent clashes between security forces and demonstrators, some were apparently unprovoked and carried out without warning, and others which occurred during violent clashes may have been extra-judicial executions.

Those killed without warning or provocation included two Tibetan monks leading a peaceful demonstration in Lhasa on 10 December 1988, who were shot at close range by the security forces. In March 1989, during violent unrest in Lhasa which lasted three days, troops of the People's Armed Police reportedly fired automatic weapons without warning at unarmed crowds of demonstrators. This reportedly occurred several times on each of the three days after long periods during which the security forces apparently let the protests escalate without intervening. During such periods, shops and offices were ransacked and set on fire by civilians. Official Chinese sources reported subsequently that 16 Tibetans and one police officer had died. Private sources estimated that between 70 and 150 Tibetans had died. There has been no official enquiry into these killings.

The Chinese authorities have stated on many occasions that they consider human rights to be an internal matter. They have rejected appeals from the international community about human rights violations in China as an interference into their internal affairs.