

People's Republic of China

Serious human rights violations and the crackdown on dissent continue

Summary

Amnesty International remains deeply concerned by grave human rights violations committed throughout China, including arbitrary detention and imprisonment, unfair trials, torture and numerous executions. The human rights situation has deteriorated over the last 18 months, in large part as a consequence of the 'strike hard' campaign against crime, which has led to serious abuses, including a massive escalation in death sentences and executions. Torture and ill-treatment remain widespread and systemic.

This document summarizes some of Amnesty International's key human rights concerns on China, including:

- The increased use of the death penalty during the 'strike hard' campaign resulting in high numbers of executions, often after unfair or summary trials;
- An intensification in the crackdown on the human rights of the mainly Muslim Uighur community in the Xinjiang Uighur Autonomous Region (XUAR) as China uses the international 'war on terrorism' as a pretext for increased repression;
- Ongoing repression of the rights to freedom of expression, association and religion in Tibet, and the continued imprisonment of scores of prisoners of conscience, mainly Buddhist monks and nuns;
- The continued crackdown on the Falun Gong spiritual movement and other so-called 'heretical organizations' characterized by widespread reports of arbitrary detention and torture or ill-treatment, particularly of those who refuse to renounce their beliefs;
- Serious restrictions on rights to freedom of expression, including the arrest and imprisonment of large numbers of political activists, human rights defenders, advocates of reform and Internet-users, many of whom have been detained on vaguely defined 'state secrets' charges;
- Ongoing restrictions on workers' rights, including the rights to freedom of expression and association, characterized by numerous cases of arbitrary

detention of labour rights activists and the use of excessive force by the police when dealing with striking or protesting workers;

- An intensification in the crackdown on North Korean asylum seekers in China leading to large-scale deportations of North Koreans, who are likely to face serious human rights violations on return to North Korea.

The death penalty

The death penalty continues to be used extensively, arbitrarily, and frequently as a result of political interference. Its use increased dramatically after the launch of the 'strike hard' campaign against crime in April 2001. Following the start of the campaign, a record number of people were sentenced to death and executed, many after apparently summary trials for crimes ranging from tax fraud, drug trafficking and pimping. Official reports on the campaign reveal a total absence of concern for international norms, which require that the most careful judicial procedures be followed in death penalty cases.

While the campaign was initially targeted at organized violent crime, national and provincial authorities have greatly expanded its scope, including the expansion of the campaign in the Xinjiang Uighur Autonomous Region (XUAR) to "deal a decisive blow to separatist forces, eliminating separatism and illegal religious activities".¹ The XUAR remains the only place in China where Amnesty International has monitored reports of public executions and the executions of political prisoners. Despite official reports suggesting that the national 'strike hard' campaign has been of limited success, its extension for a further year was announced on 26 March 2002.²

On 30 August 2002 it was reported that the 'strike hard' campaign would be intensified to eliminate crime and 'deepen and consolidate the results of the 'strike hard' campaign' in the run up to the 16th Chinese Communist Party Congress to be held in November 2002 in Beijing.³ It was further reported that the Beijing authorities have initiated a move towards holding local administrative organs responsible for the crime rate in their jurisdictions. Amnesty International is concerned that this could signal an increase in the number of cases of torture, unfair trials or summary trials as police and other authorities struggle to 'show results'.

¹ Agence France Presse, 27 April 2001

² AFP 16 April 2002 - from Xinhua News Service

³ South China Morning Post 30 August 2002

In 2002, as in previous years several reports have come to light of miscarriages of justice based on confessions extracted by torture. The use of torture to extract confessions from suspects is common and such incidences escalate during a 'strike hard' campaign. In the majority of cases, the miscarriage of justice has only come to light after the real culprit was found.

Amnesty International repeats its grave concern over the case of Zhuo Xiaojun who was sentenced to death in 2000 on evidence which a court determined eight years ago to have been insufficient. Zhuo Xiaojun was sentenced to death after being convicted of 'intentional killing' by Fuzhou City Intermediate People's Court on 14 January 2000, in a blatantly unfair trial. The Fujian Province High People's Court heard his appeal on 28 November 2000, but at the time of writing, no decision on the appeal has been announced.

Zhuo Xiaojun has been detained for ten years. He was arrested on 26 December 1989 when he was caught up in a fight outside his home. He was initially sentenced to death in September 1990 despite insufficient evidence. On appeal, in January 1992 the provincial high court decided that the principal facts of the case were unclear, and overturned the conviction, returning the case to the original court for a retrial. The retrial began in January 1993, but was adjourned for seven years whilst 'supplementary investigation' was undertaken. No other explanation has been given for this delay.

The latest trial on 14 January 2000 lasted only a few hours and, after a half hour adjournment for deliberation, Zhuo Xiaojun was again sentenced to death. He alleges that his confession, which is believed to be central to the prosecution's case, was extracted through beatings and other forms of torture. These allegations were reportedly ignored by the procurator even though procuratorate staff had seen Zhuo suspended from a door during the beatings and seen his wounds, the scars of which reportedly remain visible 10 years later.

Amnesty International believes that the way in which 'strike hard' campaigns are carried out seriously undermines efforts by institutions and legal professionals in China to improve the justice system and implement the rule of law.

Xinjiang Uighur Autonomous Region (XUAR)

Amnesty International remains concerned at China's apparent use of the attacks in the USA on 11 September 2001 to justify its ongoing repression of Uighur culture and religion and the curtailment of other fundamental freedoms in the XUAR. Such policies

have resulted in serious human rights violations, including the arrest and detention of thousands of Uighurs. Those detained for political offences in the XUAR are at serious risk of torture or ill-treatment.

The crackdown on suspected government opponents, stigmatized in the official media as 'ethnic separatists, terrorists and religious extremists', was intensified in the XUAR soon after 11 September 2001. The authorities have imposed new restrictions on freedom of religion, closed down mosques which were deemed to have a 'bad influence' on young people, and subjected the Islamic clergy to intensive scrutiny and 'political education'. Official sources have made clear that the 'struggle against separatism' is wide-ranging and encompasses repressing all potential dissent and opposition activities, including the peaceful expression of views via poems, songs, books, pamphlets, letters, or the Internet.

In December 2001, the Criminal Law was amended to strengthen provisions relating to 'terrorism'. Amnesty International is concerned that the amendments enlarge the scope of the application of the death penalty and may criminalise peaceful activities, freedom of expression and association. For example, the law makes it a criminal offence to be a member of a 'terrorist organization' but as there is no definition for such an organization, the law could be interpreted as referring to political opposition or religious groups.

Amnesty International's concerns have been heightened following the recent announcement by the USA that it has placed the East Turkestan Islamic Movement (ETIM) on its list of so-called 'terrorist' organizations.⁴ This listing, which was confirmed by the United Nations Security Council on 11 September 2002, appears to corroborate China's previous condemnation of the group.⁵ While Amnesty International is unable to confirm or deny reports that ETIM has been responsible for acts of violence, it is clear that the group is relatively small, little known and unrepresentative of many within China's Uighur community who have advocated respect for fundamental rights and freedoms or tried to exercise these rights peacefully.⁶ It is feared that China will

4 See 'US adds Uighur separatist group to terror list: Armitage', *Agence France Presse (AFP)* 26 Aug 2002

5 See 'East Turkestan terrorist forces cannot get away with impunity', by the Information Office of China's State Council, published in the *People's Daily*, 21 January 2002.

6 The Chinese authorities' have often failed to distinguish between peaceful acts of protest and 'terrorism'. For example, in its report of 21 January 2002 (mentioned above), the Chinese authorities accused ETIM (otherwise known as the 'East Turkestan Islamic Party of Allah') of being behind the 'Yining Incident' of 5-8 February 1997, which is described as a 'serious riot during which the terrorists shouted slogans calling for the establishment of an Islamic Kingdom.' However, eyewitness accounts indicated that this unrest started with a peaceful demonstration by Uighurs which was brutally suppressed by the security forces leading to sporadic rioting and violence over two days.

interpret this move by the USA and the UN as an endorsement of its crackdown on all forms of dissent in the XUAR, resulting in further human rights violations against the mainly Muslim Uighur community.

Thousands of people remain imprisoned in the region in violation of their fundamental human rights. Amnesty International continues to call for the immediate and unconditional release of all prisoners of conscience in the XUAR, including Uighur businesswoman, Rebiya Kadeer, and the academic, Tohti Tunyaz (who writes under the pen-name Tohti Muzart). Rebiya Kadeer continues to serve an eight-year prison sentence after being found guilty in March 2000 of ‘providing secret information to foreigners’. The information in question was nothing more than freely available public newspapers which she sent to her husband in the USA. She is being held in Baijiahu Prison in the regional capital, Urumqi, where her health has reportedly deteriorated over recent months.

Tohti Tunyaz was also detained on ‘state secrets’ charges after being arrested while conducting academic research into Uighur history in the XUAR in February 1998. He was sentenced to 11 years in prison for ‘inciting separatism’ and ‘illegally acquiring state secrets’ in March 1999 and continues to serve his sentence in XUAR No.3 Prison in Urumqi. In May 2001, the UN Working Group on Arbitrary Detention concluded that his imprisonment was arbitrary and in violation of his right to freedom of thought, expression and opinion.

Tibet Autonomous Region (TAR)

In an unprecedented series of releases over recent months, six Tibetan prisoners of conscience have been freed from prison before the end of their sentences.⁷ Amnesty International welcomes these releases, but remains concerned about ongoing repression of rights to freedom of expression, religion and association in the region. The activities of religious institutions continue to be severely restricted, many Buddhist monasteries and nunneries have been destroyed, and hundreds of monks and nuns have been expelled.

7 They are Ngawang Choephel (imprisoned in September 1995, due for release in August 2003, but released in January 2002); Gyaltsen Drolkar (detained in August 1990, due for release in August 2002 but released several months early, reportedly in April 2002); Tenzin Thubten (detained in August 1990, due for release in August 2002, but released several months early, exact date unknown); Ngawang Choekyi (detained in March 1992, due for release in March 2005, but released earlier this year, exact date unknown); Jigme Sangpo (detained in September 1983, due for release in September 2011, but released in April 2002); and Ngawang Choezom (detained in March 1992, due for release in March 2003, but released in June 2002).

Over 180 Tibetans, mainly Buddhist monks and nuns, remain imprisoned in violation of their fundamental human rights. Many have been tortured in detention and are held in conditions which often amount to cruel, inhuman or degrading treatment. They include Ngawang Sangdrol, a Buddhist nun, who was imprisoned after staging a peaceful demonstration in Lhasa to call for Tibetan independence. She continues to be detained in Tibet Autonomous Regional Prison No.1 (commonly known as Drapchi Prison) where she has been subjected to frequent beatings, solitary confinement and other forms of torture or ill-treatment. Her sentence has been extended three times for conducting protests inside the prison. She is currently due for release in November 2011.

In addition, a number of recent cases of arrest and detention appear to have been arbitrary or to have violated international fair trial standards. These include the arrest of a senior Tibetan religious teacher, Tenzin Deleg Rinpoche in Kardze (Ganzi) Tibetan Autonomous Prefecture of Sichuan Province on 7 April 2002 together with four of his attendants: Tsultrim Dhargyal, Tamding Tsering, Asher Dhargyal and Dhondup. They are believed to be held in the Public Security Bureau Detention Centre of Dartsedo (Kangding) County in Kardze.⁸ Unconfirmed reports suggest that Tenzin Deleg Rinpoche may have been detained on suspicion of involvement in several recent bomb explosions in Sichuan, but it is not known whether he has been formally charged.

The authorities have reportedly tried to arrest Tenzin Deleg Rinpoche before. In 1998 he was reportedly accused of establishing monasteries without official approval. He had also apparently come under suspicion for leading a popular local protest against deforestation in the area by a timber company.⁹ In this context, Amnesty International fears that he has been detained on account of his peaceful religious and community activities rather than for any violent offences.

The crackdown on the Falun Gong spiritual movement

The Chinese authorities have made it clear that one of the main targets of the 'strike hard' campaign is the Falun Gong spiritual movement which has been banned in China since July 1999 along with other so-called 'heretical organizations'. There are serious concerns that the Chinese authorities have sanctioned the use of violence as one of the means to eradicate the group.

8 See 'Trulku Tenzin Delek detained in Dartsedo County', Tibetan Center for Human Rights and Democracy (TCHRD) News Brief, Index 2002/NB7.

9 See 'Senior Rinpoche detained on 'bombing' charges', Tibet Information Network (TIN) News Update, 5 May 2002.

Tens of thousands of Falun Gong practitioners continue to be detained in China where they are at serious risk of torture or ill-treatment, particularly if they refuse to renounce their spiritual beliefs. The vast majority of them are believed to be held in labour through re-education centres, a form of administrative detention imposed without charge or trial. Those accused of being Falun Gong leaders or organizers have been sentenced to prison terms, while others have been held in psychiatric hospitals. Amnesty International considers all those detained in violation of their rights to freedom of belief, expression and association, and who have not used or advocated violence, to be prisoners of conscience.

One example is Yoko Kaneko (also known as Luo Rong), a Chinese citizen with permanent residency in Japan, who was detained while handing out Falun Gong leaflets to passersby in Beijing on 24 May 2002. One month later, on 24 June 2002, the Beijing People's Government Committee for the Administration of Re-education through Labour concluded that Luo Rong (Yoko Kaneko) had 'resisted the enforcement of national laws' and 'disrupted the order of social administration' by distributing Falun Gong 'propaganda material'. She was assigned to one-and-a-half years' re-education through labour. Amnesty International considers her to be a prisoner of conscience and is calling for her immediate and unconditional release.

Amnesty International continues to receive regular reports of Falun Gong members being tortured or ill-treated in custody. They include Zhao Ming, a Falun Gong practitioner from Changchun City, Jilin Province, who stated after his release that he had subjected to beatings with fists and electric shock batons, sleep deprivation, force-feeding and other forms of torture during his detention in Tuanhe Re-education through Labour Camp in Beijing between June 2000 and March 2002. According to Falun Gong sources, over 450 Falun Gong practitioners have died in custody (or shortly after their release), most as a result of torture.

Dissidents, human rights defenders, advocates of reform and Internet-users

Dissidents, human rights defenders, advocates of reform and people who express their views over the Internet continue to be arrested and imprisoned in China. Some have been charged with 'subversion', while others have been held on charges relating to 'state secrets', vaguely defined offences widely used to repress dissent. Amnesty International is concerned that the legislation on state secrets is being used to prevent public debate of issues which have little to do with national security, and to imprison people for the non-violent and legitimate exercise of their rights to freedom of expression and association.

Amnesty International is concerned about the growing number of politically motivated arrests in connection with using the Internet. The organization has records of over 30 people who are currently detained in China for Internet-related offences. They include members of the China Democracy Party, other political dissidents, and Falun Gong practitioners. Sentences range from two to eleven years imprisonment. Many have been charged with subversion, 'state secrets' offences or endangering state security under the Criminal Law. Two examples are described below:

On 24 July 2002, Li Dawei, a former police officer, was reportedly sentenced by Tianshui Intermediate People's Court to 11 years imprisonment on charges of 'subversion' relating to his collection and downloading of 'reactionary' material on the Internet and of communicating with overseas 'reactionaries' by phone and e-mail.

On or around 24 August 2002, Dr Wan Yanhai was detained in Beijing, apparently on suspicion of 'leaking state secrets', after he used the Internet to publish information about the connection between blood transfusions and the spread of HIV/AIDs in Henan Province. Wan Yanhai is believed to have been detained partly because of his open support for the dissident-backed 'Declaration of Internet Citizens Rights' which called for freedom of expression and information on the Internet. At the time of writing, he remains in detention. His current status and exact whereabouts are unknown.

Workers and labour rights activists

Over the last year, the number of labour disputes and protests involving large numbers of workers has risen dramatically in China. Workers have been protesting about conditions of employment, low or missing wages, corrupt management, illegal working conditions, mass lay-offs, industrial accidents and deaths, poor safety, restrictive working practices, and physical ill-treatment from factory bosses. Such protests are generally deemed illegal, as are independent trade unions.

Many protests have been met with excessive use of force by the police and participants have been detained, harassed or imprisoned for taking part in such protests or publicizing them. Journalists and lawyers have also been targeted by the authorities and have faced intimidation or arrest for speaking out in defence of protesters.

Yao Fuxin, Xiao Yunliang, Pang Qingxiang and Wang Zhaoming were detained after taking part in massive demonstrations by laid off workers in Liaoning City, Liaoning Province in spring 2002. The protests were against corruption, insufficient severance pay and unemployment. The four remain in detention and are reported to have been charged

with organizing 'illegal demonstrations'. Yao Fuxin is believed to be seriously ill possibly due to ill treatment. Several other demonstrators were reportedly detained and beaten. Gu Baoshu, who was detained and released after several hours of interrogation, was reportedly covered in bruises and suffering from severe chest pain and blood clots in his eyes when he was released. He has subsequently been threatened and harassed by the police, following his demands for those responsible for his beatings to be investigated

Many labour activists are also imprisoned on charges of 'subversion', for revealing 'state secrets' (which may simply refer to reporting labour unrest), or for organizing an 'illegal demonstration'. They include Zhang Shanguang who is currently serving a ten year sentence for 'illegally supplying intelligence to hostile organizations and people abroad'. One of the charges against him was based on an interview he gave to a foreign radio station during which he spoke, among other things, about peasant demonstrations in Hunan Province. He has reportedly been tortured in prison and is believed to be seriously ill.

In October 2001 extensive amendments to the Trade Union law of the People's Republic of China were ratified by the National People's Congress. While the amendments brought some improvements, the revised law still severely restricts workers' rights to freedom of association and expression. Some revisions also represent a step backwards in the promotion of workers rights. For instance, the revisions reinforce the existing monopoly of the ACFTU and affirm the subordination of Chinese Trade Unions to the Chinese Communist Party (CCP); there continues to be no explicit reference to the right of workers to 'strike' (ba gong) and independent trade unions are still not permitted.¹⁰

North Korean asylum seekers in China

In the face of serious food shortages and political repression, thousands of North Koreans have fled across the border to China where many live in fear of arrest and possible repatriation. The Chinese authorities claim that all North Koreans who illegally come to China are economic migrants, and have consistently denied them access to any refugee determination procedure, in violation of China's obligations under the 1951 Refugee Convention and despite evidence that many among them have genuine claims to asylum.

¹⁰ For more details on this law and Amnesty International's concerns on labour rights please consult *People's Republic of China: Labour unrest and the suppression of the rights of freedom of association and expression*, April 2002 (AI Index: ASA 17/005/2002)

Their desperate plight has been brought into sharp focus over recent months by a series of diplomatic incidents in which over 100 North Koreans have entered foreign diplomatic facilities in several Chinese cities in an attempt to claim asylum. China has responded to these incidents by stepping up its crackdown on North Koreans, particularly in the provinces of Liaoning and Jilin which border North Korea. Hundreds, possibly thousands, of North Koreans have been detained and forcibly returned across the border where they meet an uncertain fate. Amnesty International fears that they could be subjected to serious human rights violations, including arbitrary detention, torture or even summary execution.

The renewed crackdown in northeast China has also extended to people suspected of helping North Koreans, including members of foreign aid and religious organizations and ethnic Korean Chinese nationals living in the border area, many of whom have been detained for interrogation. In December 2001, a South Korean pastor, Chun Ki-won and his assistant, Jin Qilong, an ethnic Korean Chinese national, were arrested in Hulunbeier City in China's Inner Mongolia Autonomous Region while leading a group of 13 North Koreans through northeast China towards the neighbouring state of Mongolia. On 3 March 2002, Chun Ki-won and Jin Qilong were charged with 'organizing other people to illegally cross the national border'. They were tried by the Hulunbeier Municipal People's Court in Inner Mongolia in July, found guilty and sentenced to pay fines of 50,000 and 20,000 Yuan respectively (US\$6,000/US\$2,400). They were subsequently released, and Chun Ki-won was deported to South Korea on 22 August 2002.

The 13 North Koreans were detained in Manzhouli Prison in Inner Mongolia. Three of them, including a newly-born baby, were reportedly returned to North Korea in late January or early February 2002, but there were no further details about their status or whereabouts. The others, including four children, were reported to have been moved from Manzhouli Prison in July 2002, but their current whereabouts remain unknown.