

# Women in China: Detained, Victimized but Mobilized

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# CHINA

## Women in China: Detained, Victimized but Mobilized

### INTRODUCTION

**“The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms”.** (Paragraph 9)

Platform for Action, Fourth UN World Conference on Women, Beijing, September 1995

This report updates a document Amnesty International published in June 1995 cataloguing wide-ranging concerns about violations of the human rights of women in China. From 28 August to 8 September 1995 women in their thousands from across the world gathered in Beijing and Huairou for the Fourth UN World Conference on Women (WCW) and Non-governmental Organization (NGO) Forum. Under a banner of “equality, peace, justice, inclusiveness and the full participation of all”, women discussed their experiences and achievements and planned for future action. They lobbied governments who, through the Beijing Declaration and Platform for Action adopted by the conference, reaffirmed the universality of human rights and “women’s rights are human rights”. Included in the documents were government commitments to: “the empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief”; to the protection of “women engaged in the defence of human rights”; and to taking responsibility and acting against violence against women when the violence is perpetrated or condoned by the State.

Many people from China who would have contributed to the diversity of opinion were prevented from attending the Forum by the authorities. Others at the Forum operated under strict and obtrusive surveillance by security personnel. Whilst the language of commitments was being finalized in Beijing, many Chinese dissidents and their relatives were detained, taken away from their home cities, or placed under heavy surveillance for the duration of the Forum and Conference, to prevent contact with foreign participants and the media.

Women from all walks of life in China continue to suffer serious human rights violations. Women are sentenced to prison terms or periods of administrative detention for the peaceful exercise of their fundamental rights. Women have been detained as a result of the continued repression of un-registered religious activity; the stifling of political dissent; and the use of new state secrets legislation to stem the flow of politically sensitive information reaching the foreign media.

Women and children also carry the often devastating consequences of the imprisonment of their male relatives. Women who have publicly challenged human rights violations inflicted on their relatives have faced periodic detention, constant surveillance, intimidation and harassment by the police. In the face of such persecution, some women have become increasingly bold. The wives of some currently detained prisoners of conscience are relentless in their pursuit of every legal means open to them to challenge the arbitrary detention of their loved ones. Wives and mothers who seek justice on behalf of relatives who

have died in custody continue in their struggle. The mothers, wives and other relatives of the victims of the 4 June Massacre have also begun to petition the authorities and openly to protest the detention of members of their group.

Under the Beijing Declaration and Platform for Action adopted by the Fourth UN World Conference on Women (WCW) In Beijing in September 1995, governments have taken clear responsibility for violence against women when the violence is perpetrated or condoned by the State. They have made wide ranging commitments to act against violence against women. Since the WCW, the Chinese authorities have also made several reports at the UN level relating to torture and other human rights violations. This report examines relevant official statements, in the light of treaty and other commitments. Persistent reports of the torture and ill-treatment of women in police and penal custody demonstrate that anyone may be a victim. Torture and ill-treatment is perpetrated by state personnel or "cell bosses" who they encourage or condone. Former prisoners have testified to the torture of the shackle board being inflicted for months on women awaiting execution. This report examines cases of torture, ill-treatment and death in custody of women which illustrate that police and prison officials operate in a climate of impunity fostered by incommunicado detention, ineffective supervision, and an arbitrary approach to the investigation and prosecution of such cases.

## 1. WOMEN DETAINED

**"We reaffirm our commitment to:**

**12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief.**

Beijing Declaration, September 1995

The total number of women detained in China for the non-violent exercise of their rights to freedom of expression and association is impossible to determine. The government claims it holds no political prisoners, only people convicted of "counter-revolutionary" crimes (under a specific chapter of the Criminal Law which contains vaguely worded provisions allowing for imprisonment for peaceful political activities). However, in addition to charges of "counter-revolutionary activities", charges of leaking state secrets, of interfering with production or disturbing social order and ill-defined administrative offences are routinely used for politically motivated detention. Moreover, many political prisoners are held for long periods without charge, or are sentenced to up to three years of "re-education through labour" imposed without charge or trial. Others are sentenced to long prison terms after judicial proceedings which fall far short of international fair trial standards.

### A. RELIGIOUS REPRESSION

Government officials have estimated that a substantial religious revival since the early 1980s has resulted in tens or hundreds of millions of followers for the five officially recognized religions in China. Many believers now belong to groups which are not recognized by the authorities or who choose not to register with the authorities and whose members are periodically harassed or detained. Some of their alleged leaders are imprisoned on charges of "disrupting public order", "interfering with production" or "counter-

revolutionary propaganda and agitation”.<sup>1</sup> Some groups have had their property confiscated, or their places of worship or homes demolished. Police brutality has also reportedly been a feature of many raids on peaceful religious gatherings.

Women have been in the frontline as victims of state repression of religious activity. In particular in the unregistered “house church” movement within the Christian community, the majority of worshippers and many leaders or preachers are women. In Tibet, Buddhist nuns have been detained for their prominent role in dissident activity.

In January 1994 two new national regulations on religious activities came into force. One regulates the participation of foreigners in religious activities in China. The other reinforces provisions for the registration of “places of religious activity” outside of which religious activities may be considered illegal and participants detained and punished. The regulations include some new provisions to protect human rights, but also consolidate restrictions on religious activities perceived to “undermine national unity and social stability”, a formulation that leaves room for wide interpretation.

Provincial authorities have since promulgated their own regulations, and have pursued campaigns with varying degrees of severity to force various groups to register. Local regulations are reported to lack clarity and allow for arbitrary practices which in some areas are reported to restrict religious freedom even beyond the national law.<sup>2</sup> These practices have included interference in internal church practices, and monitoring for political loyalty. Underlying principles in some provinces have been reported as the “three fixes” - “fix the meeting place, fix the district within the church work is allowed, and fix the preacher” or the “three not alloweds” whereby family members of cadres or party members and people under 18 are prohibited from being believers.

The authorities have recently reiterated the need to emphasise “patriotism” in all religious activities, especially in the religious practices of Buddhists in Tibet and Muslims in north-west China. In these areas in particular, religious practice is perceived by the authorities as a potential threat to national security because of its close association with the cultural and national identity of ethnic groups. Recent official rhetoric has increasingly linked religious practice with “splittism” and “separatism”.

In January 1996, at a major conference on religion in China, officials reiterated the claim that some people were using religion to subvert the state, and called for a crackdown on those who were “making use of religion” to interfere with administrative, judicial, marital or educational affairs and in particular those who “take advantage of religious reasons to split the country”<sup>3</sup>. In addition, some groups targeted as “illegal aberrant religious groups” and some religious believers in Tibet and Xinjiang have frequently been singled out for attack in official documents, accused of disrupting family planning policies. In Tibet in particular,

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<sup>1</sup> “China: Repression in the 1990s - a Directory of Victims” (AI Index: ASA 17/48/96, May 1996) lists hundreds of people known to Amnesty International who are believed to be currently imprisoned or to have been periodically detained by the authorities because of their religious beliefs.

<sup>2</sup> See “Religious Repression in China” (AI Index: ASA 17/69/96, July 1996).

<sup>3</sup> See details in AI document “Religious Repression in China” (AI Index: ASA 17/69/96, July 1996).

official rhetoric has linked opposition to family planning policies to “splittist” tendencies. On 24 May 1996, announcing a new campaign to “forcefully promote the marriage law, reasonable birth policies and high quality births” the *Tibet Daily* said the campaign must begin in spite of opposition from independence activists. It stated “Whatever is of benefit to the people is opposed by the splittists, and birth control policies are no exception. We must recognize and deal with this question from an elevated political position”.<sup>4</sup>

### **A. 1 Tibetan Buddhists**

Since early 1996 there have been signs of a renewed clamp-down on religious activities in Tibet. The authorities began to put into practice existing regulations governing the numbers of monks and nuns permitted in monasteries and nunneries. On 15 February 1996 The official Tibet Daily quoted a statement from Tibet’s Nationalities and Religious Affairs Committee that “we must close the doors of lamaseries which have “serious problems or where political problems often occur for overhauling and consolidation and set a time limit for correction”. Since that time the newspaper has continued to call for efforts to “weaken the influence of religion”, claiming that the “size and influence of monasteries. . . has grown out of control”.

Unofficial sources report that “surplus” nuns have been forced to leave their nunneries. On 29 November 1995, nuns were ordered to leave the Shongchen nunnery in Ngamring county and were given five days to demolish the buildings they had constructed as living quarters. They were told they should return to their homes and not join any other nunnery. Khedrup Gyatso, the nunnery’s lama, has reportedly disappeared since this closure.

In Tibet in particular, religious persecution is closely linked to the suppression of political dissent. The vast majority of political prisoners known to Amnesty International in Tibet are Buddhist nuns and monks. Nuns account for approximately one third of that total. Over 200 have been reported detained since 1989, at least 74 are believed to be imprisoned as of July 1996. With few confirmed releases, the current status of the remainder is unknown.<sup>5</sup> Almost all were arrested for participating in small-scale demonstrations in support of Tibetan independence, many of which have lasted no more than five minutes. Demonstrators have even been arrested before any protest has begun. Many nuns are serving sentences of up to three years of “re-education through labour” imposed without charge or trial. Others have been sentenced to prison terms for “counter-revolutionary incitement and propaganda”. Some were under 18 when first imprisoned. Reports of torture and ill-treatment of nuns during interrogation and detention are common.

A group of 14 nuns at Drapchi prison had their sentences dramatically increased for recording pro-independence songs in prison. All are prisoners of conscience, and their current sentences range from 8 to 17 years. **Tenzin Thubten**, aged 22, from Medro Gonkar county and a nun at Michungri Nunnery was originally arrested with 14 others for taking part in a pro-independence demonstration on 21 August

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<sup>4</sup> Quoted by Reuters, Beijing, 1 June 1996.

<sup>5</sup> See Appendix and “Persistent Human Rights Violations in Tibet” (AI Index: ASA17/18/95, May 1996).

1990 at the Norblinka Palace on the outskirts of Lhasa. She was convicted of “counter-revolutionary propaganda and incitement” and sentenced on 30 November 1990 to five years imprisonment.

In October 1993 she had her sentence increased to 14 years for participating in composing and recording the songs. The songs reaffirmed the nuns commitment to independence for Tibet, and reassured the Tibetan public that they were in good spirits in spite of ill-treatment. The songs were recorded on a tape-recorder smuggled into the prison, and the tape was then circulated secretly in Tibet. The exact charges against the nuns are not known, but the Chinese authorities apparently considered the distribution of the tapes to be “spreading counter-revolutionary propaganda”, an offence which normally carries a maximum sentence of five years’ imprisonment. However, for ringleaders and those “whose crimes are monstrous” sentences can be more severe. Tenzin Thubten seems to have been considered a ringleader for she now faces imprisonment until at least 2006. **Lhundrup Zangmo, Gyaltzen Drolkar and Gyaltzen Choezom**, who had all been arrested with Tenzin Thubten, also participated in the songs and had their sentences increased: Lhundrup Zangmo’s sentence was increased from four to nine years’ imprisonment, Gyaltzen Drolkar from five to twelve years, Gyaltzen Choezom from five to ten years.

**Phuntsog Nyidron**, 29, from Lhundrup and also a nun at Michungri Nunnery, must also have been deemed a ringleader of the singing session. She was given the harshest penalty, and her sentence was increased from nine to 17 years’ imprisonment. Phuntsog Nyidron was originally imprisoned for participating in a peaceful demonstration with five other nuns on 14 October 1989 that lasted only a few minutes. The group were reportedly tortured under police interrogation.

Nuns do not appear to be cowed by the experience of their imprisoned sisters: demonstrations and arrests continue. In June 1996 eight nuns were reportedly arrested and beaten by police after staging a pro-independence demonstration to coincide with the 61st birthday of the Dalai Lama.

## **A. 2 Roman Catholics**

Many Catholics practice their religion outside the officially recognized church and have become victims of state repression.

**Li Huizhen**, a 43 year old Catholic laywoman, is believed to be currently serving a 7-year prison sentence. According to reports, Li Huizhen was arrested in Wenzhou City, Zhejiang province, on Christmas day 1993, and was accused of being a member of the Legion of Mary. The Legion or “Blessed Mother’s Army” is a Catholic organization first brought to China by Irish missionaries in 1947. It built up a large following before being outlawed in September 1951 as a secret, “reactionary” movement, a “product of world capitalism”.

**Rao Yanping**, an 18 year old Catholic, is currently serving a four year prison sentence in connection with her religious activities. Many Catholics from Chongren county, Jiangxi province, have been harassed, detained and fined for their religious activities. Yu Jia mountain in the county has long been used as a place of worship by Catholics from across Jiangxi province, attracting large crowds on key religious festivals. Assaults by police and the arrest of worshippers have been reported for several years around such events. In April 1995, during Easter celebrations attended by large crowds of believers, between 30 and 40 Catholics were detained by police from Linchuan city, Jiangxi province. Most were held only

briefly. At least 14, mostly women, were detained until they paid a fine of 900 yuan (equivalent to about three months' income). On 9 June, Rao Yanping was sentenced to four years' imprisonment for "disturbing public order" and "withholding information". Three co-defendants, Pan Kunming, Yu Qixiang, and Yu Shuisheng received sentences of between two and five years imprisonment. Their appeals against the sentences were rejected.

Four of their relatives have subsequently filed an appeal with the Supreme Court, challenging the legality of the sentences, detailing misrepresentation of the facts and questioning the objectivity of the judges. The appeal makes arguments on points of law and refers to the rights to freedom of assembly and religion as guaranteed in the Chinese constitution. On Rao Yanping's alleged "incitement" and "leadership" role over a "large group of young women, who were ignorant of the proceedings" the appeal states: "Supposing Rao and the others and the large number of young women had not gone to Yujia Mountain, would over 10,000 people have gone to that location anyway? . . . Is it possible for more than 10,000 people gathered in a place of cultural interest all of a sudden to behave like simpletons and be "incited" by a girl? Surely no one has ever wielded power of this magnitude".

Two nuns were among a number of Catholics detained in Hebei Province in December 1995. 21 December 1995 marked the first anniversary of the death of Chen Jianzhang, Roman Catholic bishop of Baoding, Hebei province, who had been detained for his peaceful religious activities on several occasions. On that day, a large number of mourners intending to gather to pray at his grave were reportedly prevented from doing so by officials who sealed off the area. A number of Catholics in the area had their homes searched, and the two nuns were detained with 10 other believers including Liu Fumin, Hu Fun, and Huang Quanlu. Their current whereabouts and status are unknown.

**Zhou Guang'e**, a woman in her sixties, was among a group of Catholics from Xiao county, Anhui province who reportedly remain in detention after being apprehended by the police on 5 April 1996. They were among a large group who were beaten and "insulted" by the police after petitioning local authorities for the return of church property. Some were knocked unconscious. Fourteen Catholics were subsequently detained: eight women and six men. Most were released shortly afterwards but many were reported to have been beaten for refusing to acknowledge that they were involved in a local "illegal"

**Appeal for Rao Yanping and co-defendants, addressed to Supreme People's Court, 6.8.95:**

"They went to observe a feast day in the deepest night on the lonely, barren hillside, 6 km from a small town, they disturbed no one, they disrupted no traffic. The two courts said that the accused (in fact referring to all those who attended the feast day) "created a very bad influence on society, in a very serious case". Does this not constitute an odious slander against Catholics the world over? Is not such a condemnation of people participating in a feast day in effect robbing the religious public of the Fuzhou area of their right to religious belief, making trouble where there is no issue? Catholics attending ceremonies for religious feast days always sing songs of worship on a platform (or on the grass). The songs they sing are religious songs of praise to God the Creator Almighty and Our Lady; the dances are religious ones; their talk and their prayers are religious words concerning the God they believe in; the meaning they are expressing is the religious desire to praise the Creator in heaven, it has absolutely nothing to do with the politics of the state..."

religion. These included Liu Fengxia who police reportedly grabbed by the hair, beating her head against a table. Zhou Guang'e, Dong Yimin (m) and Zhang Zhongxiao (m) reportedly remain in detention. Reports say that Zhou Guang'e was severely beaten, some of her hair was pulled out, and her face became swollen. Some of those detained were forced to put their fingerprints on confessions written by the police. They were illiterate and were not told the content of the confessions.

### A. 3 Protestants

Christians **Cai Bochun** and her husband Fu Xiqiu, an English teacher at the Communist Party School in Beijing, were detained on 9 May 1996 when police searched their home. The couple are believed to be held incommunicado at a detention centre in Fengtai run by Chongwen District Public Security Bureau (PSB). The couple were reportedly detained for running a Christian training centre in Fangshan, western Beijing, and the centre, which is registered as a business, has since been sealed by police.

### A. 4 Banned Religious Groups

Some Christian-based groups, which operate outside the official church and are considered unorthodox by more mainstream Christian groups, have been specifically banned and targeted by the authorities as "illegal and aberrant religious organizations" (非法和异端宗教组织). A Chinese Communist Party Central Committee Circular of November 1995 reportedly stated "they have become the most serious underlying danger in some rural societies, and an evil force that may corrode and undermine our basic level political power as well as become our opponents in winning the hearts and minds of the people".<sup>6</sup> Many female members of these groups have suffered regular harassment by the authorities and have served lengthy prison terms on more than one occasion.



Zhang Ruiyu

**Zhang Ruiyu** a 58 year old member of the New Testament Church (NTC) from Xianyu County, Fujian Province, was detained for the fourth time on 13 February 1996.<sup>7</sup> She has already served three prison terms totalling over 10 years for her peaceful religious activities. At 7. 10 am, eight public security bureau officers arrived at her home while she and four elderly women were praying.

According to a report received by Amnesty International, the police took video footage of the women praying and searched the house after producing a search warrant. They confiscated many items including bibles, hymnals and spiritual books. At 9 am they ordered Zhang Ruiyu to leave with them. She asked if she was being arrested, saying that if so she would take a blanket. The police said she was not being

<sup>6</sup> Circular concerning the report by the Ministry of Public Security on the banning of the "Shouters" and other aberrant religious organizations, Central Committee of the Chinese Communist Party, Notice No 50 of 1995, November 13, 1995. These groups include: the New Testament Church, the Disciple Church, the Liangling Jiao group, the Holistic group, and the Bei Li group.

<sup>7</sup> See "Women in China - Imprisoned and Abused for Dissent" (AI Index: ASA 17/29/95, June 1995).



arrested, and if needed she could ask her daughter to bring the blanket later. However, she was effectively detained. She was first held at Gulou PSB Detention Centre in Fuzhou city, Fujian province and is now believed to be administratively detained at the Puxia Shelter and Investigation Centre in Fuzhou city. She is reported to be in incommunicado detention, and her daughter has not been permitted to visit her. No charges are known to have been brought against her.

During a similar raid on her home in May 1990, police officers reportedly burned Zhang Ruiyu's face with an electric baton and beat it so severely that several of her teeth were broken. She was detained on 25 August 1990 and held incommunicado for many months before being tried in April 1991 on criminal charges of "counter-revolutionary propaganda and agitation". The grounds for the charges were reported to be that she held "illegal" religious meetings and corresponded with foreigners. Sentenced to four years imprisonment, she was released on parole in May 1994 for "good behaviour".

Another member of the NTC, 34-year old **Cai Lifan**, a mother of three from Putian, Fujian province, was detained by police on 10 March 1996. Other NTC members are reported to have been harassed and beaten with electric batons by the police.

Since 1993, in Zhoukou city, Henan province, local officials are known to have initiated several large-scale crackdowns on those who worship at unofficial or "house" churches. They have detained many worshippers, releasing them only after payment of fines ranging from 300 to 1,800 Yuan (equivalent to at least several months' income). Some have been assigned terms of "re-education through labour". A public notice issued in Xihua county, Zhoukou city, in June 1995 branded the Christians' activities "illegal", saying that three groups named as the Shouters, the Holistic group and the Disciple group had engaged in "illegal and unlawful activities, rumour-mongering, cheating people and disruption normal production". The notice claimed that: "In the name of exorcism and healing, they swindled people out of their money, sullied our women, put people's lives and property in danger, disrupted family planning and interfered with the country's education work".<sup>8</sup> However, a Christian woman who had been apprehended in a brutal manner by police in one raid on 12 March 1995 stated that her group had nothing to do with these groups. She claimed that the police were using the groups as an excuse to attack and arrest Christians in the area "for the money" through fining them after detaining them.

**Xu Qiyang** and **Wang Xiuling** (both 45), alleged leading members of the "Holistic" group of house churches in Zhoukou city, Henan province, were reported to have been assigned 3-year terms of "Re-education through labour" on 14 August 1995. They are believed to be held in the third brigade of the Zhengzhou Women's Labour Reform Centre. One man, Wang Changqing, was given the same term. All three were reportedly accused of involvement in the "Holistic" group and of plotting to "overthrow the Communist Party with foreign religious groups". All have reportedly denied the accusations. Xu Qiyang had reportedly been a local house church leader for more than eight years. In late 1994 she was fined 1,000 Yuan, (@ US\$120) accused of organizing Bible studies for large groups in her home. Wang Xiuling left the official Three-self Patriotic Movement (TSPM) Church in late 1994 and has since been arrested three times for her religious activities. The three were taken into custody with over 60 others

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<sup>8</sup> *South China Morning Post*, 3 July 1995.

during a police crackdown on unregistered house churches in the district in June 1995. The majority were released after heavy fines.

When interviewed about the sentences by a Hong Kong newspaper, the head of the TSPM in the province, Rev. Helian Zhaoxuan was quoted as stating that they would help those detained to “respect the religious laws of the country”<sup>9</sup>. He also stated that religious growth in the district had outstripped the capacity of the official churches.

## **B. STATE SECRETS CASES**<sup>10</sup>

Several women are among the journalists and others who have been imprisoned in the past few years under legislation concerning state secrets, in a move by the Chinese authorities to stem the increasing flow of politically sensitive information reaching the foreign media.

The legislation on state secrets and the manner in which it is implemented, violates international standards in a number of respects. The Chinese definition of state secrets, most of which the government appears to justify on national security grounds, goes far beyond the restrictive scope of national security interests in international law. General references to matters affecting the “security and interests of the state” and the broad categories in which “state secrets” are located, including “important policy decisions on state affairs” and “economic and social development”, clearly cover matters that do not relate to direct political or military threats to China. Many of the issues covered by the state secrets definition would be the subject of public scrutiny and debate in most countries and would not appear to pose a threat to national security as set out in international law.

Under international law, restrictions on freedom of expression must also be “provided by law” and “necessary”. This means that even when an issue may legitimately relate to national security, the law must clearly define the precise scope of permissible restrictions, and the restrictions imposed must be proportional to the threat to national security. However, the definition of state secrets in Chinese legislation is very broad, including an apparent catch-all category “other state secrets that by decision of the state departments on protecting state secrets should be safeguarded”. Those categories that are specified are quite general, and the “concrete” scope of the law is left to the discretion of a number of national and local organs. This leaves room for politically motivated detention without charge for lengthy periods pending the decision of local organs on whether the disclosure or circulation of certain information does or does not amount to a crime under the law. The overall effect is that it is very difficult to anticipate in advance with any degree of certainty what types of information are “state secret”.

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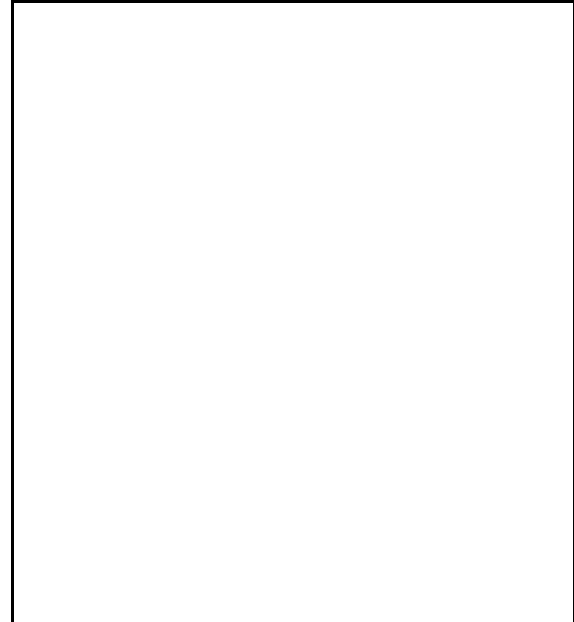
<sup>9</sup> *Eastern Express*, 30 August 1995, quoted in *China News and Church Report*, 8 September 1995.

<sup>10</sup> For extra on this section, see “China: State Secrets - A Pretext for Repression” (AI Index: ASA 17/42/96, May 1996).

Amnesty International is concerned that the legislation on state secrets is being used to prevent public debate on a wide range of issues which have little to do with national security and to imprison people for the peaceful exercise of their right to freedom of expression and association. The following cases highlight the broad definition of “state secrets” and its application, the ambiguity of the law and the political motivations underlying prosecution and sentencing. The organization is also concerned that those charged with state secret offences face unfair judicial procedures.

**Gao Yu**, a journalist who was jailed for 15 months after the 1989 crackdown on pro-democracy protests, was rearrested on 2 October 1993, two days before she was due to travel to New York to take up a journalism fellowship at Columbia University. She was held in incommunicado detention for many months. On 10 November 1994,

following a series of blatantly unfair judicial proceedings, she was tried in secret and had no legal representation. She was sentenced to six years' imprisonment for “disclosing important state secrets”.



Prisoner of Conscience, Gao Yu

Her appeal was rejected in November 1994 and she was transferred to a prison 80 kilometres from Beijing, where she is still held. Gao Yu suffers from a heart complaint.

Gao Yu was accused of obtaining "state secrets" from a friend, Gao Chao (himself later sentenced to 13 years in prison), who worked for the general office of the Chinese Communist Party Central Committee (CCPCC). She was also accused of publishing this information in articles she wrote for a Hong Kong magazine during early 1993. The court verdict states that the "state secrets" came from two classified documents shown to her by Gao Chao. One of these was a speech by a CCPCC leader; the other was a report on structural reforms and the civil service system. The court verdict does not elaborate on the evidence of the offending articles themselves.

While the information reportedly obtained by Gao Yu may have been confidential, there is no indication that it concerned matters the disclosing of which would affect national security. In spite of this, the court concluded that Gao Yu's actions had violated state security laws and regulations and amounted to “disclosing important state secrets”.

In her appeal to Beijing High People's Court, Gao Yu maintained that her detention and trial were political. She stated that the documents which she was accused of having “leaked” did not contain “state secrets”. One document referred to adjustments to be made in ministries and commissions such as the “wage system reform” which, she said, was public knowledge in China and had been published by the

Hong Kong based pro-China newspaper *Wen Wei Po*. The second document was a speech by President Jiang Zemin from which she had published extracts on three guiding ideas of Deng Xiaoping which, she claimed had become part of China's foreign policy over the years.

The overall conduct of Gao Yu's case also raises doubts about the validity of the evidence against her. The court verdict reveals that the prosecution case was examined in several court hearings before her final trial and found to be "inadequate" or "needing verification".<sup>11</sup> She is known to have had legal representation on only one of these occasions, all of which were held in camera. In addition, Gao Yu had no legal representation at her final trial which was held in secret. Contrary to Chinese law, neither her husband nor her lawyers were notified of the final trial in advance; her lawyers were reportedly later told that the court had been "unable to find them". In her appeal, Gao Yu pointed to additional procedural irregularities such as the refusal by Beijing Intermediate People's Court to include in the court dossier the many pages of evidence collected by her lawyers, and the manipulation of witnesses' evidence.

During the WCW and NGO Forum in Beijing in August-September 1995, the case of Gao Yu and other women detained was raised and publicised by Amnesty International and was the only case that was commented on by Chinese official representatives in detail. Delegates from the People's Procuratorate, and the Capital Women's Journalism Association reiterated Foreign Ministry spokesman Chen Jian's statement that "Gao Yu is a criminal who was sentenced to imprisonment for stealing and leaking key state secrets and damaging national security". They maintained that she had been "tried according to the law". Amnesty International maintains that the legislation on state secrets in China and the manner in which it is implemented violate international standards. In the case of Gao Yu, Amnesty International believes the "secrets" she was alleged to have disclosed were already public knowledge, and the Chinese authorities failed to show how their disclosure and subsequent publication harmed national security.

Amnesty International considers that Gao Yu is a prisoner of conscience detained for the peaceful exercise of her right to freedom of expression and calls for her unconditional release. She was declared arbitrarily detained by the UN Working Group on Arbitrary Detention in November 1995 in relation to the exercise of freedom of expression.<sup>12</sup>

**Zhao Lei** and her husband Bai Weiji were tried in camera on 20 May 1993 and sentenced to six and 10 years in prison respectively for "illegally providing national secrets to a foreigner". Wang Jun and Tang Yi were also sentenced to two and four years' imprisonment in connection with the case.

Zhao Lei was an interpreter at the Foreign Ministry when she met Bai Weiji, who was then working for the information department of the ministry. Bai Weiji lost his job in 1989 after helping to organize a march

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<sup>11</sup> Under Article 123 of the Criminal Procedure Law, the courts are empowered to return a case to the procuratorate for "supplementary investigation" if they find "the evidence to be incomplete". This provision has contributed to the unfairness of trials in China and is known to have been used in other political cases. It is not a part of the revised CPL which comes into effect in January 1997. Article 166 of the new law also sets a time limit of one month on any "supplementary investigation" initiated by the procuratorate during the court hearing.

<sup>12</sup> Decision of the UN Working Group on Arbitrary Detention No 46/1995 (P.R.China) paragraph 9a.

of young ministry employees during the pro-democracy movement; he later found work with a foreign company. The couple were the friends of several foreign journalists in Beijing.

Bai Weiji was arrested on 5 May 1992. Twelve days later the offices of the Washington Post's correspondent, Lena Sun, were raided; she was interrogated by security officers and documents were removed. Lena Sun acknowledged receiving documents from Bai Weiji. She insisted that these did not contain "state secrets" but information not normally available to foreigners such as articles from official "internal" (neibu) publications with a restricted but wide circulation. Such publications provide a large readership of cadres and notables throughout China with information such as domestic and foreign news and analysis which may be considered politically sensitive and is not available in public newspapers. In practice, materials marked "internal" have a very wide circulation and are frequently sold openly in bookstores by official publishing houses. However under the state secrets legislation, information marked for restricted circulation may be declared to constitute a "state secret" whenever it suits the authorities.

The authorities have not made public any information about this case, and have never provided any evidence that the alleged "secret" information at issue concerned a legitimate matter of national security. Zhao Lei was accused of having translated some of the documents allegedly passed on to Lena Sun, and her heavy sentence was made on that basis only. She appears to have been found guilty by association. Her sentence is a further indication that the authorities are intent on placing arbitrary limits on the freedom to express and disseminate ideas within or about China.

On 30 August 1993, after a secret trial, **Ma Tao**, an editor at China Health Education News, was sentenced to six years' imprisonment plus one year's deprivation of political rights as an accomplice in a case of alleged "selling state secrets overseas". Wu Shishen, a sub-editor at the official New China News Agency, (believed to be her husband), was sentenced to life imprisonment for the offence. He was accused of giving an advance copy of a speech by Communist Party General Secretary Jiang Zemin to Hong Kong journalist Leung Waiman and to have received from Leung 5,000 Yuan in Foreign Exchange Currency (@US\$700) for it. The speech was subsequently published in Hong Kong a week before it was due to be delivered at the CCP Congress. Ma Tao allegedly acted as go-between, forwarding the text to the journalist. The speech in question dealt with issues of politics and policy, and not with issues which, under international standards, could legitimately be considered matters of national security. The Chinese authorities have failed to show how the information disclosed constituted a legitimate national security matter.

According to Chinese official sources, the couple both had lawyers "to defend them in court", but they reportedly pleaded guilty. Since the trial was held in secret, there is no way of knowing whether the allegation that money was accepted in return for releasing the speech was substantiated in court. The money alleged to have changed hands was not a large amount. While the allegation, if true, might justify a conviction on a charge of bribery or corruption, a life sentence would clearly be disproportionate.

According to press reports, the harsh sentences in this case were a result of direct pressure by CCP General Secretary Jiang Zemin. The Hong Kong newspaper *South China Morning Post* stated that the judicial authorities originally suggested a 10 year sentence for Wu, but President Jiang Zemin reportedly insisted on a heavier penalty.

On the basis of the available information, and given the arbitrary manner in which the state secrets legislation is applied in China, Amnesty International considers that Wu Shishen and Ma Tao are possible prisoners of conscience, their imprisonment motivated by political factors and as a result of arbitrary restriction on the right of freedom of expression. Amnesty International is seeking clarification about the basis of the allegations and proceedings against them and is calling for a thorough review of their case by a judicial body offering the minimum guarantees of independence and impartiality. In November 1995, both Ma Tao and Wu Shishen were declared arbitrarily detained by the UN Working Group on Arbitrary Detention, in regard to their case concerning freedom of opinion and expression.<sup>13</sup>

### **C. FORGOTTEN PRISONERS AND VICTIMS**

Across China, thousands of political prisoners were arrested or detained arbitrarily during the crackdown on the 1989 pro-democracy protests. Many women were among those jailed incommunicado for months without charge, or sentenced to prison terms for “counter-revolutionary propaganda and incitement” after summary trials.

Other women jailed during the 1989 crackdown received long prison sentences for criminal offences such as “hindering traffic” or sabotaging transport equipment by deflating tyres. **Wang Lianxi**, arrested on 10 June 1989 and sentenced to death seven days later, was accused of boarding a Beijing trolley bus on the night of 3 June and “setting fire to the chairs with a match and burning the entire bus”. Her sentence was later commuted to life imprisonment on a plea from her lawyer that she was mentally retarded.

Among women imprisoned for “counter-revolutionary” criminal offences, **Jiang Jianhua (lò 1<sup>o</sup> »S)** was sentenced to eight years’ imprisonment for “counter-revolutionary robbery”. On 22 April 1989, several shops were looted whilst student protests were in progress in Changsha, Hunan Province. Jiang Jianhua passed the shops later, reportedly unaware of what had happened. According to a fellow prisoner, she maintained she saw a bundle of sweaters by the side of the road and thinking it a lucky find, took them home. She was followed by police, detained and sentenced in one of the first trials during the crackdown in Changsha. Jiang Jianhua was reportedly accused of “using the opportunity of the student protests to loot and destroy property”. Appeals and petitions were made against the sentence on the grounds that the circumstances were insufficient for a criminal punishment, and that her offence could not be “counter-revolutionary” because there was no evidence of her intent to “overthrow the political power of the dictatorship of the proletariat and the socialist system”. The appeals all failed. Her current status is unclear, but she has been serving her sentence in Changsha Women’s Prison.

In these and other cases, Amnesty International is concerned that the prisoners were convicted after summary trials which did not fulfil international standards for fair trial. Furthermore, they often received sentences which were totally disproportionate to the offences they were alleged to have committed.

Women and children also carry the consequences of the imprisonment of their male relatives. Seven years after the 1989 crackdown, hundreds of male political prisoners known to Amnesty International

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<sup>13</sup> Decision of the UN Working Group on Arbitrary Detention No. 46/1995 (PRC) paragraph 9 a.

remain in prison for their activities during the pro-democracy protests.<sup>14</sup> In most cases they are prisoners of conscience, jailed for the peaceful exercise of their rights to freedom of expression and association. The consequences for their relatives are often devastating. There have been reports of prisoners' families facing severe economic hardship exacerbated by the costs of pursuing legal assistance and providing medical and living assistance for their imprisoned relatives. Such families have also faced discrimination in finding work or gaining promotion due to the poor political record of their imprisoned relatives. Prisoners are frequently held far from their family home, making access difficult and costly for relatives. Prison officials can also bar access. Relatives have persistent worries about the health of their relatives. Many prisoners have developed major health problems whilst in detention, which continue after their release, increasing the economic burdens on their relatives.

## 2. OTHER VICTIMS: THE CONSEQUENCES OF SPEAKING OUT

**“women engaged in the defence of human rights must be protected. Governments have a duty to guarantee the full enjoyment of all rights set out in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights by women working peacefully in a personal or organizational capacity for the promotion and protection of human rights...”**

WCW Platform for Action, (para 228), Beijing September 1995

In a report published in June 1995, Amnesty International detailed the experiences of women who had been detained, restricted and harassed whilst struggling for justice for imprisoned relatives, or speaking out about violations against others.<sup>15</sup> The majority of those highlighted were among those detained, sent away from their home city, or confined to their homes for the duration of the UN World Women's Conference and NGO Forum held in Beijing in August-September 1995. Many have continued to suffer violations of their basic rights since then, being detained, harassed, put under surveillance, intimidated and threatened by police. For a few, the worst struggles are over and they are reunited with their relatives. Meanwhile, the predicament of families of more recently detained prisoners have become a concern.

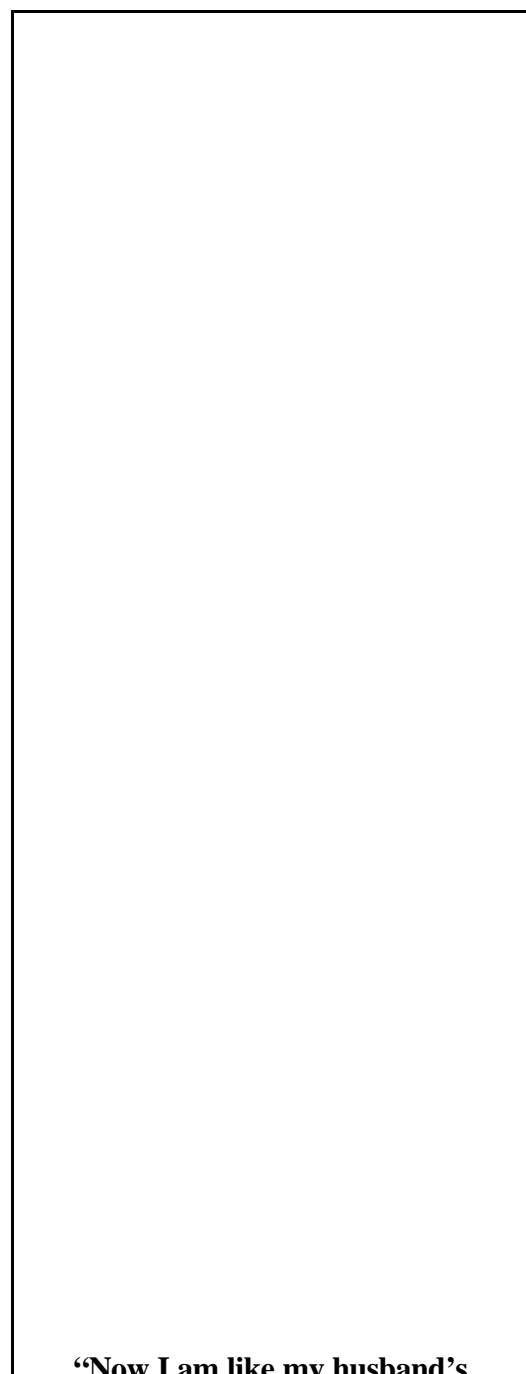
<sup>14</sup> See “China: Repression in the 1990s - A Directory of Victims”. (AI Index: ASA 17/48/96, May 1996).

<sup>15</sup> “Women in China - Imprisoned and Abused for Dissent” (AI Index: ASA 17/29/95, June 1995).

Chu Hailan 朱海兰, wife of veteran activist Liu Nianchun<sup>16</sup> who had disappeared into police custody on 21 May 1995, was put under 24 hour surveillance during the WCW. Prior to the opening of the NGO Forum, plainclothes officers came to her house to request her cooperation in this surveillance. She was told to report all telephone conversations, and those she made from public phone boxes were watched. She had also been warned to leave Beijing during the conference but refused because her daughter aged seven and her mother-in-law aged 80 were dependant solely on her care.

On 5 July 1996, nearly 14 months after her husband's disappearance, Chu Hailan received the first news of his whereabouts. She was informed by police that Liu Nianchun had been ordered to serve three years "re-education through labour" to be added to the year he had already spent in custody. He was accused of accepting illegal aid from human rights organizations abroad, drafting an appeal in collaboration with former student leader Wang Dan which allegedly slandered the government, and unauthorized labour activity. "This is completely unreasonable, this is not in accordance with the law. . . . he has committed no crime" she said.

Chu Hailan was instructed to visit her husband at the Tuanhe Farm Labour Camp in the southern outskirts of Beijing but when she arrived the authorities announced that he had already been transferred to the Shuanghe labour camp hundreds of kilometres away, in the northeastern province of Heilongjiang. When Chu Hailan visited her husband on 16 July, she could barely recognize him. He had lost at least 20 kg in weight since his arrest. He was passing blood in his stools, and is feared to be seriously ill. Chu Hailan was told he had been severely beaten by cellmates whilst at Tuanhe with the connivance of the guards who did nothing when he appealed for assistance. Liu had reportedly not been



**“Now I am like my husband’s  
ambassador, and must fight for him”**

Chu Hailan and her daughter

<sup>16</sup> Liu Nianchun is a long-term member of the pro-democracy movement. He took part in the ‘Democracy Wall’ movement of 1980 and was imprisoned from 1981-84 charged with “counter-revolutionary incitement and propaganda”. He was a founder member of the League for the Protection of the Rights of Working People founded in early 1994, and has been a signatory to several petitions to the National People’s Congress calling for human rights protections.



given appropriate medical treatment Chu was unable to secure treatment for him during her visit. She therefore returned to Beijing early to appeal directly to the Beijing City People's Congress, the Mayor, city Communist Party officials and Public Security officials. When she left the camp, Chu Hailan was forcibly strip-searched by guards.

On 24 July 1996, after sending her appeals, Chu Hailan was also reportedly detained for three and a half hours by the Haidian District Police Bureau and warned "not to stir up trouble". "I have the right to petition my country's leaders" she says "and though I don't know if they will bother to answer, I'm angry with the government's indifference and I'm tired of being hassled. . . but I have no choice but to continue to try to get help for my husband".<sup>17</sup> Chu Hailan is bringing a suit against the Beijing Public Security Bureau and Re-education through Labour Bureau for illegal detention on behalf of her husband, demanding his release and compensation.

Throughout the 14 months her husband was held in incommunicado detention, Chu Hailan was constantly rebuffed in her pursuit of information on his whereabouts. She made many appeals to Party officials and deputies of the Peoples Congress about his unlawful incommunicado detention, and had also written to the United Nations Human Rights Commission, calling on the international community to monitor the case "because it looks as if the government has ignored its own laws and is violating my husband's human rights".

Chu Hailan has been under constant surveillance, followed obtrusively when she leaves her house, with extra police stationed at her door during major anniversaries. She has been taken in for questioning by the police on at least four occasions. The police assigned to follow or question her have reportedly harassed and humiliated her, they have created disruptive incidents when she has tried to use public telephones, they have cursed her and persistently asked degrading questions about her private life. Their harassment and intervention has made it difficult for her to find work and support her family. She has reportedly had to change jobs at least 20 times in the past year - those who employ her are invariably visited by the police shortly after, and terminate her employment. One employer paid her one third of the salary they had agreed, claiming that the police interference had lost him business.

Prior to Liu's arrest, the couple had been subjected to intermittent detention and almost constant surveillance for several years. They were kept under virtual house arrest after Liu's application for legal registration of an independent labour organization, the League for the Protection of the Rights of Working People (LPRWP), was refused by the authorities in March 1994. On 28 May 1994 Liu was detained: he was seen in handcuffs being escorted by plainclothes officers. He had earlier rejected an offer by police to leave Beijing during the period of the anniversary of 4 June 1989 and travel with his wife, child and police officers to Hainan island for a "holiday" at the government's expense. Following his arrest, Chu Hailan tenaciously pursued information on his whereabouts, visiting Public Security Bureaux more than 20 times over three months and enduring threats before police finally confirmed that her husband had been arrested. Together with two other wives of detained members of the League, Wang Jin'na, wife of Yuan Hongbing, and Gou Qinghui, wife of Xiao Biguang, she wrote an open letter to the Standing Committee of the National People's Congress in August 1994, appealing for an investigation into their illegal

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<sup>17</sup> Agence France Presse, 24 July 1996. Also text box quote: AFP 23 July 1996.

detention. On that occasion, her husband was released without charge after five months, on 17 October 1994.

The parents of former student leader and prisoner of conscience, Wang Dan, are also enduring the trauma of their son's disappearance and incommunicado detention. Wang Dan was also detained on 21 May 1995. His family was visited at 3 am on 23 May by police who reported that he was being held under investigation for unspecified public order offences. Fourteen months later, Wang Dan has not yet been charged, and the family have yet to be informed of their son's whereabouts. **Wang Lingyun**, Wang Dan's mother, has been subjected to constant surveillance since her son's detention. Security officers have also visited her office, forcing her to work from home. Prior to the Women's Conference, she was visited by plainclothes security officers who asked for her cooperation and was placed under even closer control during the conference period in order to prevent foreigners or foreign journalists visiting or talking to her.

On 2 March 1994 business woman **WANG Hui** (王慧), was arrested with her husband, Zhou Guoqiang,

**"I am not an activist, but I think someone should stand up to the authorities...  
Something like this could happen to anybody any time."**

Wang Hui, March 1995

a labour activist, lawyer and sponsor of the LPRWP. She was released after a week but then rearrested in April 1994 and held without charge for three months. Wang Hui had never been involved in her husband's activities: "They put me in prison just because I was married to Zhou" she said later.

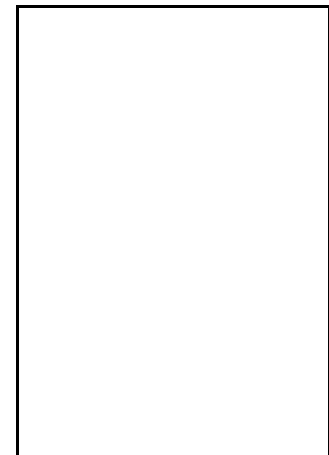
It was a further eight months before Wang Hui discovered her husband's whereabouts, when he wrote from the Shuanghe Labour Camp, a farm in Heilongjiang province where he had been sent after being sentenced without trial on 15 September to three years "re-education through labour". He had been accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities". According to the official Hong Kong based China News Service, these accusations resulted from Zhou's activities to promote the Peace Charter he issued with a group of dissidents in 1993, his contacts with foreign journalists, his "illegal installation of a fax machine" and "his plans to distribute T-shirts bearing provocative slogans". (Sources indicate that the slogans read "collective bargaining" and "freedom of association for workers").

Wang Hui then filed an administrative litigation suit on his behalf against the Beijing Public Security Bureau and the Re-education Through Labour Management Administrative Committee which had sentenced him. Immediately she faced harassment, including being kept under surveillance by the police. At times she was followed by 20 or more officers, and found it impossible to continue her business activities. Undaunted, Wang Hui continued to press the authorities about her husband's case, including petitioning the NPC chairman in March 1995 to redress the wrongful imprisonment of her husband and to scrap the "Re-education Through Labour" system. Her efforts resulted in one of the rare hearings of a dissident's lawsuit against unlawful detention. No political cases have ever been overturned on appeal, and the suit failed in May 1995.

In July 1995 an additional year was added to Zhou Guoqiang's sentence after he was accused of attempting to escape. Wang Hui was reportedly barred from visiting her husband throughout autumn 1995. When she visited in December 1995, she found him very weak and thin. He has developed chest problems manifested by severe coughing, general debility and night sweats; these symptoms have persisted for some months. Wang Hui has been unable to obtain accurate information from the labour farm about the diagnosis or treatment. Her repeated appeals for his release on medical parole have remained unanswered. Beijing officials have also failed to answer her appeal in January 1996 that he be given leave to visit his mother, Guo Wenbin, who has been diagnosed terminally ill with lung cancer. Such leave is often granted to people detained for "Re-education Through Labour". "His mother is a veteran Communist Party member and has fought side by side with the Party all her life. It is her last wish to see her son before she dies. She has done nothing to deserve this" Wang Hui says.

In May 1994, prisoner of conscience Chen Ziming was released on medical parole after numerous appeals on his behalf by his wife **Wang Zhihong** (王智红).<sup>18</sup> Being in contravention of articles 19 and 20 of the Universal Declaration of Human Rights, and articles 19 and 21 of the International Covenant on Civil and Political Rights.<sup>19</sup> Paroled ostensibly for a "skin disease, he was then diagnosed to be suffering also from prostrate cancer and liver and heart ailments. He underwent surgery and radiotherapy for the cancer in November 1994. Wang Zhihong was his full time carer, and he was still having frequent medical checks when he was abruptly re-imprisoned on 25 June 1995 to complete his 13 year sentence. In May and June 1995 he had joined petitions and initiated an open letter calling for the release of political prisoners and a reversal of the verdict that the 1989 protests were "seditious". This is believed to have led to his re-arrest. Chen Ziming is a veteran pro-democracy activist, arrested in October 1989 and brought to trial on 12 February 1991. Wang Zhihong was arrested with her husband in 1989 and was detained without charge for over a year.

On 29 August 1995, the second day of the WCW in Beijing, Wang Zhihong was reportedly ordered to leave Beijing. She had been requesting the release of her husband for urgent medical reasons or for her to be allowed to nurse him in prison. She was now pressured by the authorities into moving from her home in Beijing to the prison where her husband was being held. Wang Zhihong was released on 15 September after the conference had ended. When she tried to access money for expensive medicines related to Chen's chemotherapy, she found that their bank accounts had been frozen as from 27 August for six months. Chen Ziming's medical records had also reportedly disappeared from the hospital where they were kept.



Wang Zhihong

<sup>18</sup> Five months earlier, the UN Working Group on Arbitrary Detention had adopted a resolution declaring that Chen Ziming's detention was "arbitrary

being in contravention of articles 19 & 20 of the Universal Declaration of Human Rights, and articles 19 & 21 of the International Covenant on Civil and Political Rights".

Concerned that her husband's possibility of recovery was being jeopardised and that he was being denied appropriate care, Wang Zhihong held a 24-hour hunger strike on 15 October 1995 calling for his immediate release. She, Chen's parents and his sister Chen Zihua were arrested after holding a peaceful sit-in at Shuangxiu Park in Beijing on 22 October 1995 during which they held his photograph and read out a statement demanding proper medical treatment for him. Earlier that month, his mother Wen Yongfen's application to hold a march to the relevant ministries in Beijing to demand his release had been rejected. Wang Zhihong was kept in detention for five days, and the family were then ordered not to leave their home, and their monthly access to Chen Ziming was denied. Since that time, Wang Zhihong has continued to call for her husband's release on medical parole. Chen Ziming has experienced symptoms which suggest his cancer may be spreading. His health reportedly continues to decline, and he is in urgent need of proper medical care.<sup>20</sup>

### 3. 1989 VICTIMS' RELATIVES CAMPAIGN

Women from all walks of life were among the peaceful protesters and unarmed civilians killed by the army on or around 4 June 1989. Seven years on, the circumstances of many of the killings have still not been clarified and no public investigation has ever taken place. Women known to have been killed in the Muxidi residential neighbourhood in west Beijing include **Wang Weiping**, a 25 year-old trainee doctor, shot through the chin whilst tending the wounded, **Huo Xiangping**, 54, a retired factory worker, and **Ma Chenfen**, 58, who was chatting to neighbours in the courtyard of her apartment building when she was hit in the stomach by bullets fired from a tank. **Zhang**

#### PETITION

*To the Standing Committee of the National People's Congress:*

*We are a group of relatives of victims of the "4 June" incident 1989. Most of us are mothers and wives who lost relatives in that incident. For six years we have grieved intensely and passed our days in suffering, forever expecting and patiently waiting for the government to admit its responsibility for the death and injury of our innocent relatives. Yet the government has turned a deaf ear to our entreaties.*

*There is an old Chinese expression: "matters concerning human life warrant the attention of heaven". However, six years ago, in the streets of the capital, Beijing, the government used machine guns and tanks to kill and injure so many people, then swiftly defined the incident, imposing the term: "suppression of a rebellion" to describe a bloody massacre that shocked the world. This is something we absolutely cannot accept.*

*Six years is not a short time, we cannot wait forever. According to the rights granted to citizens through the constitution, we demand:*

- 1. That a special investigation committee be set up by the National People's Congress to investigate the "4 June" incident and carry out an independent and fair investigation into the whole affair in order to make public the truth of the incident.*
- 2. That the results of the investigation be made public to all the people, including publishing a list of the number of people who died and their names.*
- 3. That for the sake of history and the dead, the NPC order the relevant government departments to account for each individual case to the relatives of the dead, in accordance with legal procedures.*

*We ask the Standing Committee of the NPC to make an appropriate decision on our request.*

*We call on all the people to heed the fate of the victims of "4 June".*

*We await a response. 26 May 1995*

<sup>20</sup> See Amnesty International Medical Action - Chen Ziming (AI Index: ASA 17/67/96).

**Jian**, 19, was shot and fatally wounded by a hail of bullets fired by martial law troops near Xidan in central Beijing. Amnesty International has not been able to confirm all such cases in detail. Its repeated calls to the authorities to clarify the circumstances of the deaths and to bring to justice anyone found responsible for human rights violations remain unanswered. In the climate of terror which followed the crackdown, relatives were unable to openly mourn their dead. Some were subjected to investigation of their political loyalties and suffered harassment if they showed signs that they did not accept the official verdict that the dead were “rioters”, “ruffians” or “counter-revolutionary rebels”. Others were subjected to economic sanctions and intimidation in a continuing attempt by the authorities to conceal the facts about the June 1989 killings.

Whilst the families of many victims remain silent, fearing reprisals from the authorities, a growing number have spoken out, some inspired by **Ding Zilin**, Associate Professor of Philosophy at Beijing People’s University, whose 17-year old son Jiang Jielian was shot dead on the night of 3 June 1989. Ding Zilin searched for relatives of other victims. As she insists, “I am doing nothing illegal. . . It is what the government should be doing, but if they won’t do it, then I will”. Ding Zilin, and her husband, Jiang Peikun, have also spoken out on other human rights issues. They were among 45 signatories to an open letter calling for tolerance [see below] and have protested the illegal detention of prominent dissidents.

On the anniversary of the 4 June Massacre each year, Ding Zilin, and other mothers, wives and other relatives of the victims have petitioned the Standing Committee of the National People’s Congress, asking for an independent and fair reinvestigation of the events and for the publication of findings. Shortly after the first such petition (see box) was released, People’s University officials visited Ding Zilin to tell her to stop opposing the government, violating laws and tarnishing China’s image overseas. When she questioned how this could be construed from her writings, she was warned “if you do not stop your activities, you alone will bear the consequences”.<sup>21</sup> Shortly afterwards, the couple left Beijing for their home town of Wuxi in Jiangsu province, in part to escape surveillance and harassment.

On 18 August 1995, just as they were planning to return to Beijing they were detained for investigation by the Wuxi Procuratorate, for alleged “serious economic irregularities”. They were kept in detention and interrogated for the duration of the Women’s Conference, and were reportedly mainly questioned about their involvement in humanitarian assistance for the families of 4 June victims. They were released on 30 September 1995, but were allegedly informed that investigations would continue. Some of their friends and associates were also detained or restricted during the conference period. Jiang Qisheng, who lives in Beijing, was reportedly escorted to the local police station every day and was only permitted to return home at night. In late August, Qi Zhihong, who lost both legs through injuries sustained on 3-4 June 1989, was taken from his home by police who told his family he would not be released until the end of the conference. During the couple’s detention, on 4 September 1995, victims’ families petitioned the Standing Committee of the National People’s Congress protesting their detention without charge, saying: “At the time of the opening of the UN World Conference on Women, we particularly hope that women’s and

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<sup>21</sup> Initiators and signatories to a similar petition issued at the same time were detained (See “New Crackdown on dissidents before 4 June Anniversary” (AI Index: ASA/17/31/95) . As of July 1996, one remains in incommunicado detention without charge, and another, Liu Nianchun, has been ordered to serve an administrative sentence ( See chapter 2).

citizen's rights can be truly protected". The couple remain under surveillance, which becomes particularly obtrusive over anniversary periods.

...To welcome the UN Year for Tolerance [1995] we should do all in our power to spread the spirit of tolerance, which is indispensable for modern civilization, and to promote the genuine implementation in China of UN Charter's goal of "enhancing and encouraging respect for the human rights and basic freedoms of the entire human race". To this end we hope that the authorities will:

1. treat all views, including ideologies, political views and religious beliefs, with the spirit of tolerance, and will no longer treat those with independent ideas or views as "hostile elements", no longer oppressing or attacking them, keeping them under surveillance or house arrest or arresting them;
2. reassess the "4 June" incident in the spirit of seeking truth from facts, and release those who are still imprisoned for their involvement in it;
3. release all those imprisoned for their ideas, remarks and beliefs and fearlessly end our country's inglorious tradition, which has persisted since ancient times, of imprisoning authors for writings considered offensive by the authorities...

Extract from an open letter "Welcoming the UN Year for Tolerance". 15  
May 1995.

Signed by Ding Zilin, Jiang Peikun and 43 other prominent  
intellectuals.

#### 4. TORTURE AND ILL-TREATMENT

Previous Amnesty International documents have detailed many examples of the torture and ill-treatment of women in police custody or in penal institutions where it is inflicted on political and common criminal prisoners alike.<sup>22</sup> Women have reportedly been beaten with sticks, rifle butts and leather belts. Assaults with electric batons have frequently been reported. In some cases, such batons have been used to give shocks to the mouth and head as well as breasts, thighs and sexual organs. Some women have alleged they were beaten with electric batons until they could not control their bladders. Women have also been handcuffed or shackled for long periods. Others have had their arms cuffed diagonally behind their backs and have then been suspended by a rope attached to the cuffs. There have also been reports of one of the most cruel forms of shackling - to a board known as the "tiger bed". In some instances, torture and ill-treatment in custody have resulted in death.

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See, "Women in China - imprisoned and abused for dissent" June 1995 ASA 17/29/95; "Persistent Human Rights Violations in Tibet" May 1995 ASA 17/18/95.

Reports from many sources in China show that anyone is at risk from ill-treatment by police and other security officials. On 5 March 1996 in Shenzhen, the wife of the Mayor of the city and her driver were reportedly beaten by two People's Armed Police officers after her driver sounded his horn at a police jeep that was blocking the road. In a letter of protest to President Jiang Zemin, the mayor reportedly wrote: "If I, as the mayor of Shenzhen, cannot even protect my wife, how can I protect the citizens of Shenzhen?"

This violence is a reflection of the brutality that takes place in police custody, hidden from public view, where officials may act with impunity against those in their charge.

### **A. TORTURE AND ILL-TREATMENT DURING INTERROGATION**

It is not only criminal suspects who are vulnerable to torture and ill-treatment in police custody. Victims have included women who become involved in disputes with the police and other officials, women who attempt to defend their rights, or women who are seen as easy prey by corrupt officials. Several cases under investigation were recently publicised in official newspapers in China.

On 28 March 1995, Gao Xinming, the head of a police substation in Taoyuan county, Hunan province was reported to have taken 3 women workers from a private restaurant to the police substation for no reason. There he forced them to kneel, hit them around the head, tied their hands behind their backs and made them squat, lashing them with a stick for several hours to make them confess to "prostitution". They were then detained illegally for 8 days. When their boss went to the station the next day, he was detained for 12 days and fined 10,000 Yuan (@1,200US\$). The *Legal Daily* reported on 15 June 1995 that Gao Xinming had been arrested for illegally detaining people, extracting confessions by torture and other offences, but the report does not indicate the outcome of the case.

Juveniles have also been victims. On 21 May 1995 the *Liaoning Daily* reported that four girls under 16 from the Fuxin county No 16 Middle School in Liaoning province were detained and tortured by Liu Shangyu, the head of a Public Security Section (PSS) of the County's Mineral Affairs Bureau Railway Transport Department in an attempt to fabricate a "hooligan gang" case. In spring 1995, Liu coerced confessions to "hooligan behaviour" from two men he detained and beat with electric batons. On the basis of their "confessions", the signatures on which he forged, Liu brought the four girls to the PSS to force them to confess to "hooligan problems". When they would not confess, he punched them in the mouth, kicked them, pulled them by the hair, assaulted them with an electric baton, and carried out other "physical punishments". The longest interrogation lasted 26 hours. They were released only after they had "confessed" to "hooligan and promiscuous behaviour" and their families had paid 5,000 Yuan (@US\$600). The report states that the girls "suffered physical and psychological damage. . . and ruined health". The outcome of the case is not known.

Prisoners are particularly vulnerable during interrogation as police officers attempt to extract information or confessions in order to formalize arrests or justify detention to their superiors. Detention for investigation may last for many months. Prisoners have no right of access to their family during this

period, and no right of early and regular access to a lawyer. Prolonged incommunicado detention is common.<sup>23</sup>

Tibetan nuns arrested for participating in demonstrations have reportedly been victims of particularly brutal treatment during interrogation. Officials appear most violent in their determination to “break the spirit” of nuns who are proud of their involvement in protest, or who defend themselves with vigour. As with other cases of political prisoners, the authorities routinely deny allegations of ill-treatment and torture of Tibetan nuns. Where they claim that allegations have been investigated and found to be untrue, evidence to substantiate these claims is not provided, and no details are given of the nature of the investigations. Meanwhile, recent reports in the Chinese media mirror patterns of torture and ill-treatment detailed in testimonies of political prisoners.

On the evening of 14 January 1995, Pu Qiong, a cadre at the Jilong county court, Tibet Autonomous Region, asked Qiong Da, the chief of the county PSB, to apprehend an independent trader named Dangzhen Wangmu who he claimed had slandered him. Qiong Da and several others detained Dangzhen Wangmu and brought her to the court office where Pu Qiong joined them in tying her up, beating and abusing her “from midnight until six the next morning”. Dangzhen Wangmu suffered injuries to the legs, buttocks and wrists and was bruised all over her body. She required 65 days treatment in hospital. During the attack, Qiong Da told her “I am the government policy here, it is no use telling anyone”. According to a report on the case in the *Procuratorial Daily* (29 April 1996), on the basis of this and another offence, Qiongda was convicted of “illegal detention” and sentenced to a two year prison term, suspended for three years. There is no indication in the report that either Pu Qiong or the other men involved were charged.

In their volume and detail, testimonies have also demonstrated that torture occurs not just as an incidental breach of the law, as the Chinese authorities claim, but as a result of institutionalized practices and official policies. The widespread reliance on confessions in the judicial process, periodic calls to “use all means necessary” to “crack down hard” on particular categories of offenders, as well as flawed and ineffective supervision of the treatment of detainees all contribute to police and other officials’ use of all expedient means, including torture and ill-treatment.

## **B. TORTURE AND ILL-TREATMENT IN PENAL INSTITUTIONS**

The use of torture and ill-treatment as punishment is reportedly widespread in prisons and labour camps. Here, the official penal policy, which makes “acknowledgement of guilt” and forced labour fundamental

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<sup>23</sup> Access to the family is usually granted only after the prisoner has been sentenced. Family visits, which are usually closely monitored by guards, are considered a privilege, not a right. They can be denied at any time. The Criminal Procedure Law (CPL) at present guarantees access to a lawyer 7 days before trial, which may be months or years after arrest. The revised CPL (in force from January 1997) provides improvements, but still falls short of international standards. It guarantees access to a lawyer after periods varying from two to seven months, depending on the case. A welcome additional provision states that suspects “may” engage lawyers after the first interrogation or from the time coercive measures are taken against them and the lawyers “may” meet them in custody. But this is not guaranteed as a right, and the “investigating organ” may have personnel present at these meetings.



requirements for the “reform” of prisoners, creates an environment in which prisoners are often abused. Women have been punished for complaining, for failing to keep to labour targets, and for infringing prison discipline. Punishments have included electric shocks to the mouth or breasts, beatings with electric batons, shackling for long periods and solitary confinement in harsh conditions.

In Changsha Prison, a “model” prison for women in Hunan province, during the early 1990s electric batons were routinely used to punish women for infringements of prison discipline. Punishment in a “Severe Management Team” (重管队) was also reportedly common. Women were handcuffed and made to squat or kneel, heads bowed, for many hours. They were also beaten. This punishment continued until the women “acknowledged their mistakes”, and was supervised sometimes by guards and at other times by prisoners selected by the guards.

Punishment and ill-treatment is often perpetrated by fellow prisoners selected by prison officials to “keep order” in cells and supervise labour tasks. These prisoners are known as “trustees”, the “second government” or “cell bosses”. They sometimes control the distribution of food in cells, and can be the main channel for communication with guards. They are often granted privileges such as exemption from labour. Their brutality or the violence and intimidation they orchestrate, features in many reports. This frequently occurs at the instigation of prison authorities, or with their connivance or knowledge. Ill-treatment by “cell bosses” and “trustees” is recorded in testimonies from women held in detention centres, “re-education through labour” camps and prisons, including “model” institutions.

**Tong Yi**, prisoner of conscience and former assistant to leading dissident Wei Jingsheng, who was arrested on 4 April 1994, has been serving a two-and-a-half-year “re-education through labour” sentence in Hubei Province. At Hewan Labour Camp in Wuhan, Tongyi reported being repeatedly beaten on the face and body by two camp “trustees” on 16 January 1995. This beating closely followed a complaint she had made to the camp authorities about having to work until 10pm and sometimes until two or three in the morning to fulfil production quotas. Tongyi complained to camp guards about the beating, but they took no action, and the following day she was beaten more than 10 times. In July 1995, Tongyi’s family were reportedly informed that she was being transferred to Shayang Reeducation through Labour Farm where “forcible measures” would be used to ensure she completed her “production quota” and “accepted reform”. Subsequently, guards are reported to have beaten her with batons.

During consideration of China’s second periodic report to the UN Committee against Torture (CAT) on 3 May 1996, China’s Ambassador to the UN, Wu Jianmin stated that “There are no cell bosses or trustees. The guards are responsible for supervising”. This categorical denial is not supported even by official documents. Whilst regulations for officials in penal institutions do include provisions against guards using prisoners in supervisory roles, judicial authorities have indicated that these are ineffective through periodic notices they have issued calling for “crack-downs” on “prison lords”. Meanwhile, Amnesty International continues to receive testimony from prisoners demonstrating that the use of cell bosses and trustees is commonplace.

A political prisoner held in Wuhan No. 2 Detention Centre, Hubei province, for 15 months until “exempted from criminal punishment” in March 1991, reported the torture and ill-treatment of women sentenced to death with whom she shared a cell. The cell could be monitored, through holes in the wall, from the guard’s room next door. Two shackle boards were attached to the communal bed in the cell,

where women sentenced to death were shackled by the feet and outstretched arms for several months until their execution. The political prisoner was ordered by the guards to keep 24-hour watch over three women shackled in this way and was exempted from labour during the day. One other woman who was sentenced to death with a two-year reprieve was also shackled to the board. The guards were concerned to avoid suicides, and the political prisoner was ordered to “make sure there were no incidents”. She had to do everything for the women, feeding, washing, and helping them defecate. After one week on the board, the women were unable to stand without assistance. She had to appeal to the guards to unshackle them from time to time.

One of the women shackled in this way was a 50-year old street cleaner. A 70 year old man lured her into his home, gave her some second-hand clothes and raped her. She was convicted of murdering him for the purpose of stealing the clothes, and sentenced to death. According to the political prisoner, the woman’s son happened to visit the day of her execution. He did not know that his mother had been sentenced to death, and arrived a few hours after she had been taken to the execution ground.

Another victim of the shackle board was a middle school graduate aged 21 from the countryside, who had come to the city as a nanny. She was sentenced to death on charges of murdering the three-year-old boy in her care. She had told investigators only that she was ill-treated by her employers, and they asked the political prisoner to encourage her to talk. The young woman was shackled to the board for over a month before she spoke. She explained that the boy’s father had raped her several times. Having been raped and having killed the boy she said she could not face living so had not spoken out in her own defence. The political prisoner reported this immediately to the head of the Detention Centre, but it does not appear to have been taken into account. The young woman was executed on 9 June 1991, by which time she had been in detention for six months.

The shackle board has also reportedly been used as a form of punishment in detention centres in Guangdong and Hunan provinces. Its use in Wuhan No. 2 Detention Centre was clearly an institutionalized practice known both to prison guards and to procurators. The Detention Centre was classed as “standard” 标准 so was also visited by officials from other cities.

The use of the shackle board clearly inflicts severe pain and suffering and amounts to torture. Its use by state officials on prisoners is a violation of the Convention Against Torture which China has signed. The use of leg irons is prohibited by international standards, yet appears to be permitted in regulations on prisons and detention centres in China. The prolonged use of other instruments of restraint is also considered in some circumstances to amount to ill-treatment, yet Chinese regulations explicitly exclude certain prisoners, such as those sentenced to death, from time limits on the use of restraints.<sup>24</sup> Such

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<sup>24</sup> Chinese regulations for prison and labour camp wardens published in 1982 stipulate that handcuffs or leg irons should be used on women only “in exceptional circumstances” “usually for seven days, and not over 15 days” and only with the approval of top prison authorities. However, prisoners who have been sentenced to death are explicitly excluded from this time limit. They are also excluded from time limits on the use of solitary confinement. Detention Centre regulations published in 1990 stipulated that such prisoners must be shackled. China’s second periodic report to CAT (CAT/C20/Add.5/15 February 1996, 32 (b) ) also confirms that a prisoner who is “guilty of a capital crime” may be “hand-cuffed, put in leg-irons or bound” during “interrogation, trial and sentencing”.

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exemption were repeated even in urgent clarifications on the use of restraints issued by the Ministry of Public Security on 7 June 1991 because “some districts have made their own shackles or used them indiscriminately resulting in crippling injury or death, creating a very bad impression among prisoner’s relatives and the masses and harming the reputation of Public Security organs”.

### **C. PROHIBITION AND PROSECUTION OF TORTURE**

In July 1995, in response to questions from journalists about Amnesty International’s report: “Women in China - Imprisoned and Abused for Dissent”, China’s Foreign Ministry Spokesman, Chen Jian, reportedly said: “Any torture, sexual or otherwise, of prisoners is strictly prohibited under the laws of the PRC”.<sup>25</sup>

Laws, ministerial regulations and directives from the highest judicial bodies concerning the conduct of police and prison officials do contain provisions against the ill-treatment of prisoners. However, some are vaguely worded, and others, as described above, specifically exclude certain prisoners from protection. Moreover, testimony from former prisoners indicates that these provisions are widely flouted in practice, and are largely unknown to prisoners. For example, all available regulations stipulate that women prisoners should be supervised by female guards, yet women are routinely interrogated by men alone, and male guards have had unaccompanied access to female prisoners.

Under the Convention against Torture, China is legally bound to criminalize all acts of torture and ill-treatment. The Convention also says that punishments for torture should reflect “their grave nature” (Articles 4). Amnesty International believes that these requirements are not met in law<sup>26</sup> and practice in China. China’s Criminal Law prohibits two specific offences involving torture or ill-treatment of prisoners by state officials: Article 136 prohibits “torture to coerce a statement”. It is applicable to “state personnel” when carried out on “offenders”. Both terms, according to commentators in China, are open to arbitrary and restrictive definitions. Article 189 prohibits “corporal punishment and abuse” and is applicable specifically to “judicial personnel”. It punishes only those deemed to have acted in violation of prison regulations, and only when the “circumstances are serious”.

A further provision used in cases of ill-treatment by officials and others, Article 143, prohibits “unlawful detention, or unlawful deprivation of the freedom of the person by any other means” which provides for “heavier” but unspecified punishment where “beating or humiliation is involved”. For all these crimes, the minimum punishment is between 15 days and six months detention. These provisions do not prohibit all acts of torture and ill-treatment as required by the Convention, and in May 1996 the CAT recommended that China enact a law defining the crime of torture in terms consistent with Article 1 of the Convention.<sup>27</sup>

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<sup>25</sup> *Jakarta Post*, 3 July 1995.

<sup>26</sup> In addition to the Criminal Law, this includes relevant laws and regulations introduced since 1992 and cited in China’s latest report to the CAT (supra, not 24) which are welcome additional measures but do not change the provisions of the Criminal Law. They do not compensate for the failure to prohibit all acts of torture and ill-treatment in the Criminal Law.

<sup>27</sup> (CAT/C/SR.254 10 May 1996). Under Article 1 torture is defined as: “...Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from

Article 7 of the Convention also requires states to prosecute those responsible for torture. Under China's Criminal Procedure Law, (Article 13) procurators are responsible for filing, investigating and deciding whether or not to prosecute cases under the articles of the Criminal Law detailed above. Standards, established by the Supreme People's Procuratorate in 1989, for determining whether a case should be filed for criminal investigation, are believed to be still in force. These impose additional criteria, over and above the language of the Criminal Law, further restricting the criminalization of acts of torture in China. Under the standards for cases under Article 136, it would appear that an act of torture committed by a state functionary to coerce a statement in itself would be insufficient grounds for filing a case. Rather, the determining factors are the intentions of the torturer or various serious end results. For example, a case should be filed if the torturer carried out the act for personal revenge, or used "very cruel means thus creating a grave impact", tortured many people or repeatedly, or caused disability, death, insanity or suicide "or other serious consequences" or created a false case. Similar serious consequences are also necessary before a case of corporal punishment and abuse is filed under Article 189. Here the standards limit the definition of "judicial personnel" to those "carrying out custodial duties" in a variety of police and penal institutions.<sup>28</sup> Other state employees doing other duties in these institutions would therefore appear to be excluded from prosecution under this article.

Effective mechanisms for complaints of torture and ill-treatment as well as prompt and impartial investigation of reports are essential if any prohibitions in law are to be effective. China's second periodic report to CAT lists mechanisms for complaint, but testimonies indicate these are largely ineffective for those in detention. Few prisoners dare to make complaints for fear of retaliation or because they think it is futile. Procurators who are responsible for monitoring detention conditions are often unwilling or powerless to act, and their impartiality is questionable. Testimonies indicate that prisoners often can only get access to procurators and "complaints boxes" through the very guards or "cell-bosses" tormenting them. In Changsha Prison in 1991 a female prisoner was punished for rushing through two doors into the separate section of the prison compound where the procuratorate's office was located. She was attempting to report being beaten by a guard. Visits by local officials or Party Congress members have been reported at some women's prisons, but these have been highly orchestrated. Prisoners are told or know that talking to visitors without permission will mean, at the least, losing "merit points" which they otherwise accumulate towards early parole.

When complaints of torture are received, reports show that the authorities approach to investigating and prosecuting cases is arbitrary and inconsistent, offering impunity to many torturers. Some officials who torture criminal suspects have been prosecuted. Cases reported in the official Chinese media, including

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him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...".

<sup>28</sup> These are: prisons, detention centres, labour camps, juvenile detention centres, and "Re-education- Through-Labour" camps. Supreme People's Procuratorate "Regulations concerning standards for the filing of cases directly managed by the Procuratorate of violations of citizens democratic and rights of the person and dereliction of duty" (" *Guanyu renmin jianchayuan zhijie shouli de qinfan gongmin minzhu quanli renshen quanli he maizhi anjian li'an biao zhun de guiding* ") 30 November 1989.

cases of deaths in custody, refer almost exclusively to torture committed within hours or days of arrest in order to extract confessions. They do not refer to ill-treatment in penal institutions. Amnesty International has also never come across a report of an official being investigated or prosecuted for torturing or ill-treating a political prisoner.

Various bodies may become involved in investigations, including administrative departments, Party organs, and the police themselves, all of whom may impose disciplinary sanctions as an alternative to criminal prosecution. China's latest report to the CAT does not clarify how investigations are coordinated between the various bodies, and in particular who has the authority over whether or not the procuratorate becomes involved. Internal police investigations and cover-ups are reportedly frequent. In May 1996, the CAT recommended that China "establish a comprehensive system to review, investigate and effectively deal with complaints of maltreatment, by those in custody of every sort".

#### **D. DEATH IN CUSTODY**

The investigation of several unresolved cases of suspected death in custody following ill-treatment graphically illustrates the inadequacies of the current system and the perception of police impunity that results from it. One case reported by Human Rights in China concerned a woman named Ren Wanxia.<sup>29</sup> On the evening of 24 December 1993, in Fuzhou city, Fujian Province, Ren Wanxia, from Junzhu village, was riding home from work on her bicycle. Witnesses saw her being stopped by police officers who were checking bicycle licenses. She was not carrying a license, and a bitter altercation with the officers ensued, during which she was slapped in the face. She was then taken to Xingqi Police Station in Mawei District. Ren never returned home, and her body was found a week later in a river reportedly 100 metres from the Police Station.

Within hours of her disappearance, Ren Wanxia's family had heard from neighbours or her detention and visited Xingqi Police Station. They were rebuffed on many occasions, and Ren's elderly parents were reportedly physically abused. Throughout the week, the family visited local police, Party and government officials, attempting to locate her. Despite their efforts, five days passed before even an internal Public Security Bureau (PSB) investigation began. This initial "investigation" appears to have been conducted exclusively by the senior officer involved in the original argument with Ren, who had also been responsible for arresting her. He was left to "provide updates" and "promptly notify the leaders upon the discovery of any unusual circumstances". When Ren Wanxia's body was discovered, her family were called to identify her. They said there were strong signs on her body to suggest torture and rape. An autopsy was performed, but the authorities refused to give the family a copy of it.

An internal report by the PSB also indicates that the case now received more attention from local government and party officials than was normal, because they were anxious to "placate the family" to prevent them petitioning higher authorities through an upcoming regional party congress. Signatures were gathered in the locality, calling for a proper investigation. Unofficial reports indicate that Xingqi Police Station already had a bad reputation for brutality, and that this was not the first death in suspicious

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<sup>29</sup> "Words without Substance - China's Implementation of the Convention against Torture" Human Rights in China, April 1996.

circumstances in which Police officers there had been implicated. The police officers involved in Ren's arrest were "taken into protective custody". The PSB report indicates they were defiant, obstructive and "resistant to persuasive education by party leaders". They admitted beating and kicking Ren. Although the report's authors were circumspect in the language they used against their fellow officers, it is clear that they did not believe they had been told the full story, and believed there was some link between the "extreme action of the police" and the death. However, they concluded only with a general call for "police officers' emotional state to be stabilized" and for a "love-thy-neighbour campaign" to be started in the district.

The family continued to seek justice for Ren Wanxia, but no formal investigation began until April 1994. As far as Amnesty International is aware, no results have been forthcoming, and no police officer has reportedly even been disciplined.

In another case, Zhang Xiuju, a 36-year old member of a house church from Xinhua county in Henan Province, reportedly died whilst in police custody on 27 May 1996. She was apprehended from her home on the night of 26 May, and according to unofficial reports she was beaten to death. The police claimed that she had jumped from a car and been killed accidentally. It is not known whether any autopsy was performed or whether any investigation, either internal or involving the procuracy, local government or Party officials was carried out. Zhang Xiuju's family reported that the police offered them money to keep quiet when they returned her body.

Women have also died in penal institutions or shortly after temporary release on medical bail. Deaths in such circumstances remain largely unacknowledged by the authorities. Many are reported to result from ill-treatment combined with harsh prison conditions and denial of adequate medical care. Few cases are properly investigated. For example, the explanations from the authorities for the deaths of several young Tibetan nuns who have died in custody or shortly after release on medical bail between 1992 and 1995 have not been adequate. Amnesty International has been calling for the Chinese authorities to account fully for the deaths. It has asked for clarification of the procedures followed to diagnose, treat, and subsequently identify the cause of death of prisoners whose health rapidly deteriorates during and after detention.

**Sherab Ngawang**, a novice nun who died in May 1995 aged around 15 years, was arrested after staging a pro-independence demonstration with four other nuns and a monk in 1992. According to reports, she was ill-treated in custody and received a three year "reeducation through labour" term as a prisoner of conscience. She was released in February 1995 on completion of her sentence. In the period following her release she was hospitalized, reportedly with kidney and lung problems. On May 15 she died. No information has been given by the authorities about her death.

**Phuntsog Yangkyi** died on 4 June 1994 in a police hospital in Lhasa, aged 20. A prisoner of conscience, she was serving a five year sentence in Drapchi prison for taking part in the same demonstration in February 1992 for which Sherab Ngawang was imprisoned. According to unofficial sources, she was beaten by prison guards after she and other nuns sang nationalist songs on 11 February 1994. She apparently "lost consciousness" after medical staff at the prison gave her medication because she was "speaking uncontrollably". She was transferred to the Police Hospital in Lhasa on 4 June 1994 where she died, a few days after being given a lumbar puncture. No independent medical investigation into the

cause of her death was reported to have taken place before Phuntsog Yangkyi was given a traditional Tibetan funeral.

In July 1994, her case was submitted by the UN Special Rapporteur on torture to the Chinese government, who replied that the prison administration had sent Phuntsok Yangkyi to hospital for treatment after they discovered she had a tuberculoma. Amnesty International urges the Chinese government to clarify the circumstances of Phuntsok Yangkyi's death, as required by international standards and Chinese regulations. In particular it is seeking an account of the symptoms that made the prison administration send her to hospital, the time at which the tuberculoma was first diagnosed, and what treatment was given to her before and during her stay in hospital. In addition the organization is asking whether an inquiry was conducted to establish the cause and the circumstances of death, including a post-mortem. If such an enquiry took place, the findings should be published.

**Gyaltsen Kelsang**, a prisoner of conscience aged 24, arrested in June 1993, died on 20 February 1995 shortly after leaving custody on medical parole<sup>30</sup>. The exact cause of her death is unknown. However, she was reportedly ill-treated in detention, beaten on arrest and at Drapchi prison and held in poor conditions. A year after her arrest, an unofficial Tibetan source said that "her health worsened and she was bed-ridden for more than 20 days in prison, but the prison guards did not care". In late November 1994, she was reportedly taken to a police hospital in Lhasa where she was diagnosed as suffering from severe kidney problems. After admission to hospital, she is reported to have lost movement in her lower limbs and to have suffered speech impairment. One month later, her health had apparently not improved and she was sent to her parents' home on medical parole. They arranged for her to be admitted to the Tibetan Medical Hospital, where she stayed for nine weeks. Seven days after being discharged, she died at her parents' home.

Amnesty International is calling on the Chinese authorities to provide information about the date at which Gyaltsen Kelsang's illness was first diagnosed, what the diagnosis was, what treatment was recommended and what treatment she received. It is also calling on the authorities to disclose whether a post-mortem examination was carried out, and if so to make the findings public.

Women who have pursued justice on behalf of relatives who have died in police custody have themselves become victims of police harassment. **Yin Dongxiu**, from Dongkou county in Hunan province, has been attempting to use all legal means open to her to pursue the truth behind her husband's murder in custody. Yin Dongxiu's husband, Zheng Musheng, a farmer and house-church christian died in January 1994. According to several reports, he was taken to Shanmen police station in Dongkou county, where he was tortured by police to make him "confess his crimes". The following day he was transferred to the Dongkou county Public Security office, where he died. Police officials later told his family that he had died after being beaten and seriously injured by 13 prison inmates. There was no inquest. Yin Dongxiu and the family were only notified eight days after his death. They were allowed to see his body on 17 January, 11 days after his death. They said there were deep rope burns on his ankles, indicating he had been tied up, and multiple stab wounds on his body which were inconsistent with the police explanation

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<sup>30</sup> Under the medical parole system, prisoners remain legally under the control of prison authorities and are required to return to custody as soon as there are signs of recovery. .

of his death. He was cremated two days later, even though Yin Dongxiu had refused to sign the official authorization of cremation. She was reportedly offered a large amount of money by the Shanmen and Dongkou police to sign it, but refused. In May 1994, Yin Dongxiu filed a suit against local and county police officials for attempting to cover-up the circumstances of her husband's murder. Since then she is reported to have been interrogated by police many times, her house has been ransacked and she has been kept under heavy police surveillance. Meanwhile her legal case has reportedly made little progress.

## **5. UPDATE ON THE ENFORCED BIRTH CONTROL POLICY**

Amnesty International takes no position on the official birth control policy in China, but it is concerned about the human rights violations which result from its coercive application, many of which affect women in particular. It is concerned at reports that forced abortion and sterilization have been carried out by or at the instigation of people acting in an official capacity, such as family planning officials, against women who are detained, restricted or forcibly taken from their homes to have the operation. Amnesty International considers that in these circumstances such actions amount to torture or cruel, inhuman and degrading treatment of detainees or restricted persons by government officials.

A previous report published by Amnesty International have cited a wide range of indications of the use of forcible measures taken from official family planning reports and regulations; articles in the official Chinese press; testimonies from former family planning officials; and testimonies from victims of forced abortion. Also detailed were cases of hostage taking and ill-treatment by officials of the relatives of couples who had failed to pay birth control fines or who had fled their villages attempting to avoid abortion or sterilization.<sup>31</sup>

The Chinese authorities have never responded to such reports in detail. In recent years they have simply asserted that "coercion is not permitted". Amnesty International remains concerned that there is no evidence the authorities have yet set in place effective measures to ensure that such coercion is not only forbidden on paper, but prosecuted, punished and prevented in practice. Amnesty International has been unable to find any instance of sanctions taken against officials who perpetrate such violations. There is still no explicit and unequivocal prohibition in published laws and regulations of coercive methods which result in these serious human rights violations. Amnesty International believes such provisions in law are urgently needed, as are practical and effective measures to ensure these laws are respected in practice. The absence of such measures has become even more cause for concern since June 1995. Since that time, China has made additional commitments at the international level to combatting violence against women. Meanwhile developments in the implementation of the birth control policy appear to widen the potential for coercion.

### ***New Commitments***

Under the Beijing Declaration and Platform for Action adopted at the WCW in September 1995, governments have taken clear responsibility for violence against women when the violence is perpetrated or condoned by the state, and have committed themselves to refrain from violence against women. The Platform's definition of violence against women includes "physical, sexual and psychological violence

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<sup>31</sup> See "Women in China - Imprisoned and Abused for Dissent" (AI Index: ASA 17/29/95, June 1995).



perpetrated or condoned by the State, wherever it occurs.” (Paragraph 113). It explicitly includes “forced sterilization and forced abortion/forced use of contraceptives, female infanticide and pre-natal sex selection” (para 115). Governments have committed themselves to adopt, strengthen, implement and review national legislation, policies and practices to end violence against women.

### **Revised Rhetoric**

A White Paper on family planning was produced by the Chinese government in August 1995 as the basis of official comments on birth control in China at the WCW and NGO Forum. The White Paper maintains that “family planning in China is pursued in complete accordance with the relevant principles and human rights requirements designated by the international community”. It maintains “shortcomings of one kind or another are unavoidable in family planning work” and acknowledges some specific problems in the implementation of the policy.<sup>32</sup> The paper concentrates on the economic, environmental and developmental imperatives and positive results of population control in China rather than implementation of the policy in practice. It repeats the assertion that the policy is based on combining “state guidance with voluntary participation”, adding “voluntary participation is mainly manifested in the fact that, under the guidance of the state’s relevant policies and legislation, the right of all couples and individuals to carry out family planning is protected and respected”. The paper also claims that “the Chinese government is against promoting induced abortion as a means of family planning.”

The paper states that the emphasis of the family planning policy for 1995-2000 should be “publicity and education, contraception and regular work” whilst “the practice of pursuing family planning mainly through administrative means and campaigns in some areas must be resolutely changed.” “Administrative means” would appear to refer to the current structure for enforcing birth quotas. This includes fines and dismissal for officials who fail to enforce targets, and a wide range of sanctions against citizens who give birth “outside the plan” including heavy fines, dismissal, and, in practice, demolition of houses, detention and physically coerced abortion and sterilization.

The assertion that the policy is based on “voluntary participation” and is moving away from “administrative means” is not supported by recent insights into application of the policy. Reports continue to demonstrate the pressure family planning officials are under to enforce birth quotas for their districts. Past testimonies have indicated that officials have resorted to physical coercion resulting in torture or cruel, inhuman and degrading treatment when faced with this pressure. Family planning cadres continue to be disciplined and fired for failing to keep to birth quotas. For example, according to a report in *Fujian Daily* on 30 May 1996, on 24 May, Longhai county announced penalties for 56 family planning workers who had failed in their duties in the year, including 16 who lost their jobs because they were deemed responsible for “relaxations and cover-ups, resulting in 14 births outside the policy in the period January to April 1996”.

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<sup>32</sup> “High sex ratio” (ie: an imbalance in the ratio of boy and girls, with far more boys than the global average) and “population ageing” are acknowledged as problems “which should not be neglected”. These problems were taken up in May 1996 by the Committee on the Rights of the Child. In considering China’s report the committee stated their view that “the family planning policy must be designed to avoid any threat to the life of children, particularly girls”. It recommended “clear guidance must be given to the population and personnel involved in the family planning policy to ensure that the aims it promotes are in accordance with principles and provisions of the Convention [on the Rights of the Child]”. CRC/c/15/Add.56.

As well as penalties for officials who fail to meet targets and couples who have children “outside the plan”, the full force of administrative penalties, detention and criminal prosecution has also been used against those who assist women to circumvent the policies, or shelter them from the threat of forced abortion or sterilization.<sup>33</sup> This is in strong contrast to the lack of explicit prohibition of coercion by officials in any published regulations. The Chinese government, through the WCW Platform for Action, has made commitments to adopt and strengthen laws to punish state agents who use violence against women and take effective action against such perpetrators (para. 124(o)). It has also committed to providing women with access to the mechanisms of justice for effective remedies (para. 124 (h)).

Recent reports have detailed additional “administrative means” which are being introduced against specific targeted groups. Migrant workers have been the target of a range of new measures. These include regulations requiring migrants looking for work in Fujian province to carry cards proving they have been sterilized after one child.<sup>34</sup> Couples “diagnosed as having a serious hereditary disease, medically deemed unsuitable for reproduction” have been the target of additional measures and a new law.<sup>35</sup> Such trends can only increase the potential for physical coercion resulting in human rights violations, unless, as a matter of urgency, effective prohibitions are introduced and couples are given access to effective remedies against abuse. The authorities’ obligation to protect women from torture or cruel, inhuman and degrading treatment committed in pursuance of the birth control policy, cannot be met simply by the continued assertion that “coercion is not permitted”.

In order to carry out commitments made in the Platform for Action on action against violence against women perpetrated or condoned by the state. Amnesty International believes it is essential that the Chinese government set up effective mechanisms to outlaw state violence against women; exercise due diligence to prevent such acts; carry out prompt and thorough investigations into allegations of violence against women; and bring perpetrators to justice. Impunity will only fuel the cycle of violence.

## **6. THE DEATH PENALTY**

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<sup>33</sup> During the 1990s, people have reportedly been imprisoned on “counter-revolutionary” charges for enabling groups of women to give birth in excess of the plan; and legal case books have indicated that those who organize resistance to “family planning procedures” including removing IUDs from groups of women for profit can be charged with “disturbing social order” or “disrupting public service”.

<sup>34</sup> “migrant workers will have to show cards when applying for work to prove that they will not produce more children...the cards will be issued after family planning centres have certified that floating women workers cannot have more babies or that men have had vasectomy operations” New China News Agency, quoted by

<sup>35</sup> Under the Mother and Infant Health Care Law, effective June 1995: a couple either one of whom is “diagnosed as having a serious hereditary disease, medically deemed unsuitable for reproduction” should have the situation explained by a doctor and may only marry “if they agree to take long lasting contraceptive measures or give up childbearing by undergoing ligation” (Article 10). “If the prenatal examination indicates that the foetus is suffering from a serious hereditary disease or defect” then the examining doctor should explain to the couple and “give medical advice to stop the pregnancy” (Article 18). Article 19 states that the consent and signature of the individuals is necessary before abortion or sterilization is performed under this law, but the law provides no specific legal responsibilities, penalties or remedies against abortion or sterilization without such consent.

Amnesty International unconditionally opposes the death penalty on the grounds that it constitutes the ultimate form of cruel, inhuman and degrading punishment and is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and other human rights instruments.

The death penalty is used extensively in China. In 1995 Amnesty International recorded 3,610 death sentences and 2,535 executions in China. These figures, based mainly on monitoring published reports, are believed to fall far short of the reality. But, even on the basis of these incomplete figures, every year more people are executed in China than in the rest of the world put together. Currently in China at least 69 offences are punishable by death. This is the highest figure in any country in the world, and includes many non-violent crimes and a range of economic crimes. The increasing use of the death penalty for such crimes, has led to a corresponding increase in the proportion of women sentenced to death.

The gender of victims of the death penalty is not always apparent from published reports, but it would appear that women constitute only a small proportion of those sentenced to death “with immediate effect”. More appear to be sentenced to death with a two-year reprieve. During the two year period the prisoner must carry out reform through labour, and the “results [are] observed” for evidence of “reform” and “repentance”.<sup>36</sup> Chinese official sources claim that most of those given a two-year reprieve have their sentences commuted. However, they do not publish information on these cases, and the fate of such prisoners remains unknown. Since mid-1995, women who have been given a suspended death sentence include:

**Zheng Honghong**, (27) a cashier from Tianjin City, accused of corruption to the value of 340,000 Yuan (@ 40,000 US\$). Her sentence was announced at a public rally on economic crime on 18 December 1995.

**Zhang Jian**, (36) from Shanghai, sentenced in November 1995 on charges of robbery. She was accused of drugging and robbing six men and stealing 9,300Yuan (@US\$1,120) and goods from them. In her defence it was said that following her divorce she was in great financial hardship and committed the offences in order to support her small daughter and elderly mother.

**Chen Caibi**, from Guangzhou city, charged with murder. She was accused of hiring two co-accused men to murder her violent husband. The two men Liu Bingsong and Zhang Qiyun were executed after sentences were announced at a public rally on 30 November 1995.

This suspended death sentence may be used for some crimes even when the accused was under 18 at the time of the alleged offence. **Luo Guan** (18), unemployed, from Anshun City, Guizhou province, was convicted of involvement in murder and sentenced to death with a two-year reprieve, because she was under 18 at the time of the alleged offence. Her co-accused, **Fang Guolan** (f, 29) a farmer from Guizhou province was charged with murder and executed on 13 May 1996. The execution of Luo Guan and similar defendants would violate Article 37 (a) of the Convention on the Rights of the Child, which China signed in 1990. In May 1996 the UN Committee on the Rights of the Child stated their opinion that the

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<sup>36</sup> Article 210 of the Revised Criminal Procedure Law which will come into effect on 1 January 1997 clarifies the criteria for commutation: “a criminal sentenced to death with a two-year suspension of execution [who] has not committed premeditated crimes during the period of suspension shall be granted a reduced sentence.” Under the current Criminal Law (article 46), “true repentance” is needed for commutation, and execution may be carried out on those “resisting reform in an odious manner”.

use of the suspended death penalty on juveniles in China amounted to cruel, inhuman and degrading treatment. Under the Criminal Law, only children under 16 and women pregnant at the time of their detention are exempted from the death penalty or the death penalty with a two-year reprieve.

Rises in reported death sentences and executions often occur during anti-crime campaigns when judicial organs are encouraged to “use all means necessary” to crack down heavily on a targeted group. Amnesty International believes that this political interference critically hampers the independence of the judiciary and results in many death sentences and executions for offences which at other times would be dealt with more leniently.

In the first two months of the “Strike Hard” nationwide anti-crime campaign launched on 28 April 1996, Amnesty International recorded from published accounts over 1,000 death sentences, most of which were executed. These figures are believed to represent only a fraction of the actual number of death sentences and executions within the 115,759 sentences imposed since April 1996. “Severe and speedy punishment under the law” is a major slogan for the campaign, and refers to legislation which has been in force since it was passed for a very similar nationwide anti-crime campaign in 1983. The 1983 legislation speeds up procedures for trial, appeal and approval of death sentences for offenders who “seriously endanger public security”. Under it, defendants can be tried without warning, without being given a copy of the indictment in advance and without notification of the trial being given to all parties concerned. As a result defendants have faced summary justice, some being executed only days after the crime was allegedly committed.<sup>37</sup> Women who have been executed during this campaign include:

**Chen Yanfang** from Wuhua County, Guangdong Province, executed on 9 May 1996 for stealing three cars valued at 670,000 Yuan (@ 80,000US\$).

**Wang Liwen**, 34, charged with robbery, for allegedly using sexual enticement assisting with robbery. Sentenced to death and deprivation of political rights for life on 10 May 1996 by Harbin Intermediate Court, Heilongjiang province, and executed some days later.

**Du Youyu**, Jiangsu Province, sentenced for intentional wounding, leading to the death of her boyfriend and his mother on 10 January 1996, four days after an abortion which they had insisted she have.<sup>38</sup>

Another campaign which has resulted in the execution of many women is the Anti-Drugs Campaign initiated in June 1991 with the stated aim of eliminating drug trafficking and abuse within three years. An official Chinese newspaper *Health Daily* has claimed that from 1991 to 1995 as many as 7,300 people were executed for drug trafficking out of 35,000 tried.<sup>39</sup> In 1991 the Supreme People’s Court specifically devolved its powers of final approval of death sentences for drug offences in Yunnan province to the provincial High People’s Court. Similarly, in 1993 it devolved this power in some drug offences to Guangdong Province High People’s Court. Reports monitored since that time appear to indicate that in these two provinces in particular, death sentences have been used as one of the principal means of dealing with drug trafficking.

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<sup>37</sup> For details see “China- “Strike Hard “ Campaign” (AI Index: ASA 17/72/96, July 1996).

<sup>38</sup> *Jiangsu Legal Daily*, 7 May 1996.

<sup>39</sup> Quoted by Agence France Presse, 27 June 1996. During the same period, published reports monitored by AI only revealed 3,098 death sentences.

During this campaign, women of all ages, and of all ethnic backgrounds have been sentenced to death for drug trafficking. None of the cases recorded indicate the quantity of drugs allegedly involved or whether the defendant herself was a drug addict. Examples include an 81-year old peasant woman sentenced to death in March 1993 in Inner Mongolia; Tao Jing, aged 21, sentenced to death in late 1993 in Kunming, Yunnan province; Zhu Chenghui, executed after her sentence was announced at a rally on 7 November 1995 in Chongqing, Sichuan province, and many unnamed women whose death sentences have been announced at mass rallies, after which prisoners are taken directly to the execution ground.

For several years, the Chinese authorities have used such rallies to mark 26 June, the International Day against Drug Abuse and Illicit Trafficking declared by the UN. 26 June 1996 also coincided with the national "Strike Hard" campaign, and at least 230 people accused of drug trafficking were reportedly executed on the day itself. A further 769 were sentenced to death or to life imprisonment, and 956 to other prison terms. Rallies at which the sentences were announced were reportedly attended by 1.75 million spectators.

Numerous mass rallies and public meetings variously described as "public arrests" "open trials" or meetings to "pronounce" judgement have been held during the "Strike Hard" campaign. Reports in newspapers and on television showed condemned prisoners paraded with their hands tied behind their backs, with rope also tied around their arms and neck. Some are seen kneeling or crouching with heads bowed, with placards detailing their names and alleged crimes. Many are shackled in this way whilst being transported to sentencing rallies and execution grounds in open trucks. Amnesty International believes that the public humiliation of prisoners at mass rallies and the shackling of prisoners are forms of cruel, inhuman and degrading treatment, prohibited under the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment to which China became a party in 1988.

Reports of the execution of several women in late 1995, which appear to have been witnessed by large crowds, give some indication of the cruelty of the execution procedure. **Wen Yana** (19), and **Xie Xiuyun** (23), were among a group of 13 people executed for highway robbery and murder in Shenzhen, Guangdong Province on 15 December 1995. The women were accused of luring the victims, and unsuccessful appeals were made against their sentences based on their secondary roles in the crimes. One of the women reportedly survived two bullets during the execution and pleaded to be shot dead before the third bullet killed her.

Similarly, **Shao Miaomiao** (20) and **Rong Fenbo** (26), both hotel workers, were among four executed on 24 November 1995 in Dongguan County, Guangdong Province for their involvement in the kidnap and murder of a Hong Kong businessman and his secretary. A Hong Kong reporter was among those who witnessed the execution of the four and 12 other prisoners from a distance and obtained photographs. As is common, the prisoners were shackled as described above, made to kneel, and had long planks pushed between their shackled hands and backs. The reporter claimed they were shot in the back, at chest height. A photograph shows Shao Miaomiao clearly wounded but still kneeling upright, whilst at least fifty armed police talk amongst themselves, their backs turned to the shot prisoners. According to the reporter she was among ten who were shot a second time before being pronounced dead.

Former prisoners from many localities have reported that the treatment in detention of prisoners sentenced to death and awaiting appeal or execution is particularly cruel. Testimony given to Amnesty International

indicates that they are shackled hand and foot for long periods. Reports of the use of the “shackle board” suggest that its use may have been commonplace for such prisoners. (See Section 4)

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## 7. RECOMMENDATIONS

### **End arbitrary detention and imprisonment**

- C Release immediately and unconditionally all prisoners of conscience - those held for the non-violent exercise of their fundamental human rights.
- C Ensure that all those detained without charge in connection with their alleged political and religious activities are charged with a recognizable criminal offence in accordance with international standards and brought to trial fairly and in a reasonable time, or released.
- C Ensure the prompt and impartial review of the trials of all those sentenced after unfair political trials, or release them.
- C Ensure that all those detained or arrested are informed immediately of the grounds for their detention and promptly informed of any charge against the, and that their relatives are promptly informed of the place and grounds for their detention and of any transfer and change in their legal status.

### **Stop and prevent torture and ill-treatment**

- C Grant all detainees prompt and regular access to relatives, and lawyers and doctors of their choice.
- C Stop the use of electric batons during interrogation and custody.
- C Ban leg shackles and chains, and strictly limit the use of other instruments of restraint and solitary confinement.
- C Ensure that officials in detention and penal institutions prevent ill-treatment of prisoners by “cell bosses”, and “prison trustees”, and that those delegating supervisory authority to “trusted” prisoners are accountable when other prisoners are tortured or ill-treated as a result. End the use of prisoners to discipline and punish other prisoners.
- C Prohibit all acts which constitute torture and cruel, inhuman or degrading treatment or punishment, in conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- C Introduce a clear separation of authority between bodies responsible for detention and those in charge of interrogation, as well as procedures to ensure the safety of prisoners during interrogation and custody.
- C Ensure that statements extracted under torture are effectively prohibited from use as evidence in court.
- C Introduce effective procedures to enable prisoners or their families or lawyer to make complaints about prisoners’ treatment and have them considered without fear of reprisals, and to protect them and witnesses from coercion or intimidation.

### **End impunity**

- C Ensure that all reports or complaints of torture, other ill-treatment and deaths in custody are thoroughly, promptly and impartially investigated by competent authorities and experts who are not involved in the process of arrest, detention or interrogation of detainees; make the findings of these investigations public and ensure that alleged torturers are brought to justice whenever there are reasonable grounds to believe that an act of torture has been committed.

- C Provide fair and adequate compensation and appropriate medical care to victims of torture or ill-treatment in custody.

#### **Stop abuses resulting from enforcement of the birth control policy**

- C Explicitly prohibit in published regulations the use of coercive methods during birth control enforcement that result in human rights violations
- C Set in place effective measures to ensure that such coercion is not only forbidden on paper, but prosecuted, punished and prevented in practice.

#### **Safeguard the health rights of women in custody**

- C Provide all women under any form of detention or imprisonment with timely and adequate medical treatment, denial of which can constitute ill-treatment.

#### **Investigate extrajudicial executions and deaths in custody**

- C Conduct prompt, thorough and impartial investigations into all reports of extrajudicial executions or deaths in custody, and bring to justice those responsible.
- C Ensure that extrajudicial execution, or causing the death of a prisoner is a criminal offence, punishable by sanctions commensurate with the gravity of the crime.
- C Provide fair and adequate redress to relatives of victims, including financial compensation.

#### **Stop the use of the death penalty:**

- C Abolish the death penalty and stop all judicial executions.
- C Commute all death sentences, including those passed with a two-year reprieve.

#### **Pending abolition, reduce or mitigate the practice**

- C Stop imposing the death penalty with a two-year reprieve on people who were minors at the time of the offence.
- C Abolish 1983 legislation which introduced summary trial procedures for some death sentences.
- C End the practice of parading prisoners under sentence of death at mass rallies and other events.

#### **Stop persecution because of family connections**

- C Make clear that the practice of abducting or torturing family members in order to bring pressure on their relatives will not be tolerated. Anyone responsible for such acts should be brought to justice.
- C Ensure that women who work peacefully to rectify human rights abuses committed against their relatives are free to do so without fear of intimidation or further abuses.

#### **Protect human rights advocates**

- C Guarantee that women activists, and non-governmental organizations, working peacefully for the promotion and protection of human rights, enjoy all rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.



# **AMNESTY INTERNATIONAL**

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## **Tibetan Women - *apprehended for their beliefs***

Gross violations of human rights in the Tibet Autonomous Region (TAR) have intensified since a resurgence of demonstrations and other activities in favour of Tibetan independence that began in September 1987. Since then thousands of Tibetan nationalists have been arbitrarily detained for their involvement in peaceful pro-independence activities.

The majority of current political prisoners in Tibet are Buddhist monks and nuns detained solely for their peaceful expression of support for Tibetan independence. Some are held without charge or trial, others are serving long prison terms imposed after unfair trials. Many have been tortured.

Amnesty International takes no position on the independence of Tibet. Its concerns rest with the authorities denial of free speech and association in the region, and the persistent pattern of gross violations of other fundamental human rights in connection with the suppression of the nationalists' movement and freedom of belief and expression of the Tibetan Buddhist religion.

Thousands of people have been jailed in the past decade in China because they have formed small political groups or have spoken out for their beliefs. The Chinese constitution guarantees in principle, freedom of speech, assembly and association, but other legal provisions make exercising these rights punishable by imprisonment or administrative detention.

Repression of religious activity has intensified since 1994, when new restrictions were imposed on fundamental freedoms. In Tibet the authorities introduced new measures aimed at limiting the scope of religious activities and suppressing pro-independence activities.

### **ACTION :**

The following women were all detained by the authorities in 1995 for their pro-independence activities. There have been no reports about the use of violence in their protest. Amnesty International believes that they are possible prisoners of conscience.

It is not known whether these women are still in detention or if they have been released. Neither is it known if any formal legal charges have been brought against them or if they have been granted the right to a trial.

### **WHEREABOUTS UNKNOWN**

**TRA-SIL** - apprehended on 12 August 1995 in connection with the controversy over the reincarnation of the 10th Panchen Lama (LHASA)

**KHETSUL** - detained in February 1995 and allegedly beaten during her initial detention. (PHENPO LHUNDRUP)

**NAMDROL WANGMO, LOBSANG TSOMO, CHOEKYI, CHOELYANG KUNSANG, DAMCHOE DROLMA, TENZIN DROLMA** were all nuns at the Shar Bumpa Nunnery in Phenpo Lhundrup in Tibet. They were all apprehended on 28 February 1995. Their whereabouts are not known.

**TSERING CHOEKYI** (20 years old) **NAMGYAL** (19 years old), **CHE-CHE** (23 years), **CHIME DROLKER** (21 years), **LODROE TENZIN** (29 years old), **CHOEKYI** (19 years), **CHOGDRUP DROLMA** (24 years old), **DEKYI** (29 years old), **TENZIN CHOEDRON** (33 years), **YANGDROL** (25 years), **YANG-GA** (23 years), **JAMPA** (23 years), **CHAMDRON** (24 years), **RIGZIN** (20 years), **SHERAB CHOEPHEL** (21 years), and **TSERING CHOEKYI** (20 years) were all nuns at the Gyadrag Nunnery in Penpo Lhundrup in Tibet. They were all apprehended on 15 February 1995. Their current whereabouts are unknown.

**Letters should be sent to the Tibetan authorities listed here and to the central authorities given at the end of these case sheets. Letters should;**

- \* Ask for clarification of their status and whereabouts.
- \* Express your concern that these women have been detained for what seems to be the peaceful expression of their right to freedom of expression and association.
- \* Express your concern at the repression and harassment of Tibetan nuns, some of whom are very young.
- \* Expressing concern that the fate of these women and many other nuns and monks in Tibet apprehended in connection with peaceful demonstrations have not been made public.

President of the Xizang Autonomous Regional People's Government

**Gyaltzen Norbu Zhuxi**  
Xizang Zizhiqu Renmin Zhengfu  
1 Kang'angdonglu  
Lasashi 850000  
Xizang Zizhiqu  
People's Republic of China

**Telexes: 68014 FAOLT CN or 68007 PGVMT CN - Salutation: Dear President**

**Telegram: President of the Regional People's Government, Lhasa, Xizang Autonomous Region, China**

# **AMNESTY INTERNATIONAL**

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## **The death penalty - *women under threat of execution***

The death penalty is used extensively in China - China executes more people per year than the rest of the countries in the world put together. In 1995 Amnesty recorded 3612 death sentences, 2535 executions and at least 356 death sentences with two year reprieves. It is believed that these figures are far below the actual number of death sentences. The death penalty is applied arbitrarily in China, frequently as a result of political interference, and anti-crime crackdowns periodically launched by the political authorities result in an increase of the use of the death penalty. There are few safeguards to prevent miscarriages of justice. The authorities have also increased the number of crimes punishable by death from the original list of 21 offences under the 1980 criminal law to an estimated 69 offences which include many non-violent offences and economic offences.

The gender of victims is not always apparent from the published reports available to Amnesty International, but it would appear that women are more often sentenced to the death sentence with a two-year reprieve than to a death sentence “with immediate effect”. Under Chinese law death sentences can be handed down under which execution is suspended for two years while the prisoner carries out ‘reform through labour’. If the prisoner does not “resist reform in an odious manner” the sentence may be commuted. Chinese officials insist that the majority of such prisoners have their sentences commuted to a life or fixed term sentence, but as no information or statistics on such prisoners is available, the fate of most of those receiving such sentences remains unknown.

### **ACTION :**

The following women are a few of those women believed to be currently under threat of execution at the end of their two year suspended death sentence. It is usually impossible to verify the fate of prisoners on such suspended sentences. Information on their fate is not made public. However, if the authorities realise they are the subject of international concern, it may assist in the commutation of their sentences.

### **Letters should be sent to the following provincial authorities for each case and the list of central authorities given at the end of the sheet. Letters should;**

- \* Request information about these prisoners and urge that their sentences be commuted.
- \* Express opposition to the death penalty in all cases as the ultimate form of cruel and inhuman punishment and as a violation of the right to life as guaranteed in the Universal Declaration of Human Rights.
- \* Urge the Chinese authorities to respect Article 6 of the United Nations International Covenant on Civil and Political Rights which states that;  
*1/ Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.*
- \* In the case of Luo Guan, stress that the execution of a prisoner for a crime allegedly committed when she was under 18 years-old, is in violation of Article 37 (a) of the UN Convention on the Rights of the Child which China has ratified. Explain also that the UN Committee on the Rights of the Child stated in May that they believed the use of the suspended death penalty on juveniles in China amounted to cruel, inhuman and degrading treatment.

**Zhang Jian** (36) from Shanghai. In November 1995 she was given the death penalty with a two year reprieve on charges of robbery. She was accused of drugging and robbing six men, stealing a total of 9,300 Yuan (US \$ 1,120) from them plus other goods. In her defence it was said that following her divorce, she was in great financial hardship and committed the offences in order to support her small daughter and elderly mother.

**Appeals to:** President of Shanghai Municipal High People's Court  
**HU Ruibang** Yuanzhang  
Shanghaishi Gaoji Renmin Fayuan  
209 Fuzhoulu  
Shanghaishi 200002  
People's Republic of China

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**Chen Caibi** is from Guangdong province. On 30 November 1995 she was given the death sentence with a two year reprieve on charges of murder. She was accused of hiring two men to murder her violent husband. The two men were executed in November 1995.

**Appeals to:** President of the Guangdong Provincial High People's Court  
**MAI Chongkai** Yuanzhang  
Guangdongsheng Gaoji Renmin Fayuan  
26 Cangbian Lu  
Guangzhoushi 510090  
Guangdongsheng  
People's Republic of China

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**Zheng Yonghong** (27) a bank cashier from Tianjin city. In December 1995 she was sentenced to death with a two year reprieve on charges of corruption. Her sentence was announced at a public rally in the city to combat economic crimes.

**Appeals to:** President of the Tianjin Municipal High People's Court  
**ZHANG Baifeng** Yuanzhang  
Tianjinshi Gaoji Renmin Fayuan  
Anshan Xidao, Nankaiqu  
Tianjinshi 300193  
People's Republic of China

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**Luo Guan** (18) Unemployed, from Anshun City, Guizhou Province. Charged with murder, she was sentenced to death with a two year reprieve because she had been under 18 at the time of the alleged offence. Her co-accused, Fang Guolan (f, 29) was executed on 13 May 1996.

**Appeals to:** President of the Guizhou Provincial High People's Court  
**XIE Jinhan** Yuanzhang  
Guizhousheng Gaoji Renmin Fayuan  
Yan'an Lu  
Guiyangshi  
Guizhousheng 550003  
People's Republic of China

# AMNESTY INTERNATIONAL

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## **Political Activists - Whereabouts Unknown**

The following cases of women who have been detained or apprehended for the expression of their political beliefs have been chosen as a small selection of the many political prisoners who have been detained, harrassed and imprisoned in China.

One aspect of the arrest and detention of female political activists is the lack of basic information including confirmation and clarification of their status. It is often unclear if formal charges are made against those Amnesty believes have been apprehended, nor is it clear if they are given a formal trial.

### **Whereabouts Unknown:**

**Guo Dansheng**, a teacher at Lanzhou University, was among ten people apprehended for belonging to a “counter revolutionary clique”, the Social Democratic Party of China.<sup>40</sup> She was apprehended in May 1995 in Gansu and tried in July 1993. Her sentence and current whereabouts remain unknown.

**Yang Tao**, from Yunnan Province was apprehended in November 1990 and charged with “counter revolutionary activities” for allegedly plotting to “overthrow the leadership of the CCP and subvert the socialist system”. She was allegedly a member of a “political” organisation: the Lion of China Awakes Patriotic Association.<sup>41</sup>

**Zhou Yongfang**, a clerical worker, and Zhou Ying, a student, were both apprehended in October 1990 accused of belonging to a “political organisation” called the China Democratic Frontline.<sup>42</sup> They were charged with membership of a “counter revolutionary clique”.

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<sup>40</sup>The Social Democratic Party (SDPC, Zhongguo Shehui Minzhu Dang) is said to have been one of the largest underground dissident organisations founded in China after the suppression of the pro-democracy movement in 1989. It had its base in Lanzhou, the provincial capital of Gansu province and claimed to have over 100 members, many of whom were intellectuals who had participated in the 1989 democracy movement. The SDPC publicised its existence in April 1992 by distributing a manifesto calling for democratic reforms and the release of political prisoners. Arrests of suspected members of the group immediately followed. By May 1992, some 50 people had reportedly been apprehended in various places in China, 10 of whom have been identified. For months after their arrest, their relatives were denied information about their detention. For more information on these people and the political organisation the SDPC see Amnesty International : Dissidents Detained Since 1992 : Political Trials and Administrative Sentences (ASA 17/05/94)

<sup>41</sup> The Chinese authorities arrested four people in Yunnan province in November 1990 for belonging to the Lion of China group. The authorities claimed that the group was committed to the overthrow of the Chinese Communist Party and the socialist system. The authorities also claimed that the group had links with the Nationalist or Guomindang party of Taiwan and that its members gave political and military secrets to the Taiwanese military.

<sup>42</sup>The China Democratic Frontline was labelled by the Chinese authorities as a “ counter revolutionary group with the aim of overthrowing the socialist system”. Few details are available about the political manifesto of the group. However it is clear that no violence was used by Zhou Yongfang and three other people who were also arrested on the same charges.

**Mukarram Hadji Nenmin**, a 24 year old ethnic Uygur woman from Xinjiang Autonomous Region was apprehended in January 1990 in connection with the Baren political uprising. <sup>43</sup>Her current whereabouts are unknown.

**ACTION:**

**Letters should;**

- \* Ask the Chinese authorities to give clarification on the status and current whereabouts of these women who are believed to be in detention.
- \* Express your concern that these women seem to have been apprehended for the peaceful expression of their right to freedom of expression and association.
- \* Request that if the women are still detained without trial, the formal charges laid against them be made public; and they be brought promptly to a fair and open trial, with full rights to defence applying, in accordance with international standards.

**Letters for the appeal cases should be sent to the following ;**

Premier of the People's Republic of China

**LI Peng** Zongli

Guowuyuan

9 Xihuangchenggenbeijie

Beijingshi 100032

People's Republic of China

**Telexes: 210070 FMPC CN or 22478 MFERT CN - Faxes: + 86 10 6 512 5810 (via Ministry of Foreign Affairs)**

**Telegram: Premier Li Peng, Beijing, China - Salutation: Your Excellency**

Chairman of the National People's Congress

**QIAO Shi** Weiyuanzhang

Quanguo renmin Daibiao Dahui

Great Hall of the People

Beijingshi

People's Republic of China

**Chairman of the National People's Congress, Beijing, China**

Minister of Public Security of the People's Republic of China

**TAO Siju** Buzhang

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<sup>43</sup>Xinjiang is one th autonomous regions of the PRC where the officially recognised “national minorities” exercise in theory a degree of self government. The Turkic people of Xinjiang are predominantly Muslim. Most human rights violations in Xinjiang have been connected to the restriction of religious activities, the repression of nationalist demonstrations and the suppression of underground opposition groups. In recent years , the authorities have reported on several occasions that they had crushed “illegal organisations” in Xinjiang. Such reports were made in 1990 about groups in Yili, a Kazakh prefecture in northern Xinjiang and Baren, a rural country in Western Xinjiang. Following violent clashes between demonstrators and security forces in Baren in April 1990, the authorities imposed a severe crackdown on opposition. Several thousand people were reportedly arrested across Xinjiang. More than 200 people, most of them peasants, were arrested in Baren for their involvement in the demonstrations and many were reportedly tortured. Amnesty International has information on the subsequent trial of many people, but the fate of the majority of those detained remains unknown.

Gong'anbu  
14 Dongchang'anlu  
Beijingshi 100741  
People's Republic of China  
**Telexes: 210070 FMPC CN**  
**Faxes: + 8610 524 1596**  
**Telegram: Minister of Public Security, Beijing, China**  
**Salutation: Your Excellency**

President of the Supreme People's Court of the People's Republic of China

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**Faxes: + 8610 512 5012**  
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**ZHANG Siqing** Jianchazhang  
Zuigao Renmin Jianchayuan  
147 Beiheyuan Dajie  
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**Telexes: 210070 FMPC CN or 22478 MFERT CN**  
**(Please forward to the Procurator-General)**  
**Telegram: Procurator-General of the Supreme People's Procuratorate, Beijing, China**  
**Salutation: Dear Procurator-General**

# AMNESTY INTERNATIONAL

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## **Yi Guan Dao group - elderly women, fate unknown**

**The Yi Guan Dao (Way of Unity)** is a secret religious society. Many of the Yi Guan Dao members have been in prison since the early 1950s. Many have died in prison and many others have been executed for their involvement with the group.

The Yi Guan Dao was formed in northern China in the 19th century. After the 1949 revolution it was declared “counter revolutionary” and successive attempts have been made to crush it during political and social campaigns in the 1950s. During the late 1970's the society was revived in some areas and its members were targeted for arrest by the authorities. Such arrests and repression have continued in recent years. Many members of the Yi Guan Dao reportedly remain in jail in northern China. Some were imprisoned in the 1950s. Others were arrested in the northern provinces of Shanxi, Shaanxi and Gansu and other places between 1981 and 1983. They were reportedly involved only in spreading the doctrine of the society. They were summarily tried and sentenced at the height of an “anti crime” campaign launched in August 1983 that resulted in thousands of summary executions.

In 1994 some Yi Guan Dao prisoners were released after more than 40 years in prison. They reported that fewer than 100 of the Yi Guan Dao prisoners remained alive in Weinan prison (Shaanxi provincial Prison No. 2) but that several hundred who had been imprisoned in the 1950s remained in Fuping prison (Shaanxi provincial Prison No. 1). The released prisoners spoke of harsh prison conditions and frequent beatings by guards and other prisoners. They said that over the years hundreds of prisoners had died of old age or as a result of ill treatment and neglect.

### **ACTION:**

The following women were sentenced to long prison terms on “counter-revolutionary” charges during the 1980s for belonging to or being associated with the Yi Guan Dao. Their current fate is unknown. If still alive, several would be in their 70s and 80s and could be in ill health.

**Zhang Caixian**, from Yunnan province, was 61 years old at the time of her trial in 1983. In September 1983 she was sentenced to death in Kunming, Yunnan province, on charges of ‘organising a counter-revolutionary group’ for her role in the Yi Guan Dao. In November 1983 her sentence was revised from the death penalty to life imprisonment. Zhang joined the Yi Guan Dao society in 1946 and became a religious teacher. She had already served a three-year prison sentence during the late 1970s for ‘counter revolutionary’ activities.

**Yan Suqing** (also known as Yan Chengxin), from Shaanxi province, was 69 years old at the time of her trial in 1983. Arrested in December 1982, she was sentenced to life imprisonment in October 1983 by Xianyang County Intermediate People’s Court in Shaanxi province for her role in the Yi Guan Dao. She was charged with conducting ‘counter-revolutionary activities’ through a ‘reactionary secret society’.

**Ye Guiying**, aged 70 in 1983, a farmer from Gansu province. In November 1983 she was sentenced to death with a two year reprieve on ‘counter-revolutionary’ charges because of her role in the Yi Guan Dao. In March 1984 her sentence was revised to that of 15 years imprisonment with an additional 5 years deprivation of political rights. If still alive, she is not due for release until 1998.



**APPEALS:**

Letters should go to the following provincial authorities, the Director of the State Council Bureau of Religious Affairs as well as to the list of central authorities contained at the end of these cases. Letters should;

- \* Enquire about the whereabouts and status of these women who were imprisoned in the 1980s for what seems to be the peaceful exercise of their fundamental right to freedom of association.
- \* Urge that, if still imprisoned, the women be released unconditionally and immediately, particularly in view of their age.

Director of the State Council Bureau of Religious Affairs

**Zhang Shengzuo** Juzhang  
Guowuyuan Zongjiao Shiwuju  
Guowuyuan  
22 Xianmen Dajie  
Beijingshi 100017  
People's Republic of China

**Telegram: Director of the State Council Bureau of Religious Affairs, Beijing, China**

**Zhang Caixin :**

Governor of the Yunnan Provincial  
People's Government

**HE Zhiqiang** Shengzhang  
Yunnansheng Renmin Zhengfu  
Wuhuashan  
Kunmingshi 650021  
Yunnansheng, People's Republic of China

**Telegram: Governor, Kunming, Yunnan Province, China**

**Ye Guiying:**

Governor of the Gansu Provincial  
People's Government

**ZHANG Wule** Shengzhang  
Gansusheng Renmin Zhengfu  
1 Zhongyang, Guangchangqu  
Lanzhoushi 730030  
Gansusheng, People's Republic of China

**Telegram: Governor, Lanzhou, Gansu Province, Gansu Province, China**

**Yan Suqing:**

Governor of the Shaanxi Provincial  
People's Government

**Chen Andong** Shengzhang  
Shaanxisheng Renmin Zhengfu  
Xixin Jie  
Xi'anishi 710004  
Shaanxisheng, People's Republic of China

**Telegram: Governor, Xi'an, Shaanxi Province, China**

**Salutation: Dear Governor**

## LIST OF CENTRAL AUTHORITIES

Premier of the People's Republic of China

LI Peng Zongli

Guowuyuan

9 Xihuangchenggenbeijie

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People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN - Faxes: + 86 10 6 512 5810 (via Ministry of Foreign Affairs)

Telegram: Premier Li Peng, Beijing, China - Salutation: Your Excellency

Chairman of the National People's Congress

QIAO Shi Weiyuanzhang

Quanguo renmin Daibiao Dahui

Great Hall of the People

Beijingshi

People's Republic of China

Chairman of the National People's Congress, Beijing, China

Minister of Public Security of the People's Republic of China

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14 Dongchang'anlu

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Telegram: Minister of Public Security, Beijing, China

Salutation: Your Excellency

President of the Supreme People's Court of the People's Republic of China

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Beijingshi 100726

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Telexes: 210070 FMPC CN or 22478 MFERT CN (Please forward to the Procurator-General)

Telegram: Procurator-General of the Supreme People's Procuratorate, Beijing, China

Salutation: Dear Procurator-General

