

# CHINA

## PEOPLE'S REPUBLIC OF CHINA

Head of state: Jiang Zemin

Head of government: Zhu Rongji

Death penalty: retentionist

International Criminal Court: not signed

Serious human rights violations continued and in some respects the situation deteriorated. Tens of thousands of people continued to be arbitrarily detained or imprisoned for peacefully exercising their rights to freedom of expression, association or belief. Some were sentenced to prison terms; many others were administratively detained without charge or trial. The "strike hard" campaign against crime launched in April 2001 was renewed for a further year. According to interim figures available, the crack-down led to at least 1,921 death sentences, many imposed after unfair trials, and 1,060 executions. Torture and ill-treatment remained widespread and appeared to increase as a result of the campaign. The anti-crime crack-down also extended to people accused of being "ethnic separatists", "terrorists" and "religious extremists" in the Xinjiang Uighur Autonomous Region (XUAR) and members of the *Falun Gong* spiritual movement. Further regulations were introduced to control access to the Internet. Labour protests increased and were frequently met with excessive use of force and arbitrary detentions. In Xinjiang, restrictions increased on the cultural and religious rights of the mainly Muslim Uighur minority. In Tibet, freedom of expression and religion continued to be severely restricted, although seven prisoners of conscience were released before the end of their sentences.

### Background

Measures aimed at strengthening the rule of law and judicial institutions continued to be undermined by political campaigns against those suspected of opposing the government. Appeals to nationalism, state security and social stability were used to justify the crack-down on ethnic and religious minorities in outlying regions as well as unofficial religious and spiritual groups across China. The "strike hard" campaign against crime continued to result in the imposition of the death penalty and harsh prison sentences, often without due process, as well as the use of torture and ill-treatment to obtain confessions from criminal suspects.

In November, the 16th National Congress of the Chinese Communist Party (CCP) elected Hu Jintao to replace Jiang Zemin as General Secretary of the CCP. He was expected to take office as State President in March 2003. The "strike hard" campaign against crime was intensified in the run-up to the Congress following its renewal for a further year in April. In August China ratified International Labour Organisation (ILO) Convention No. 182, which calls for immediate action to ban the worst forms of child labour. At the same time, the

government issued a directive banning the use of child labour from 1 December 2002.

"Anti-terrorist" amendments to the Criminal Law adopted in late December 2001 enlarged the scope of the death penalty and contained vague definitions of "terrorist" organizations and certain activities, raising fears that these could be used to suppress legitimate rights to freedom of expression and association.

In a departure from past practice, member states of the UN Commission on Human Rights in April failed to propose a resolution on the human rights situation in China. In August, Mary Robinson, the UN High Commissioner for Human Rights, visited China and raised various issues with the authorities, including repression of ethnic minorities, political prisoners jailed after unfair trials, and the death penalty.

### Workers' rights and social unrest

The dramatic rise in labour disputes continued. Among issues sparking protests were low wages, corrupt management, mass lay-offs, dangerous working conditions and restrictive working practices in factories.

Many protests were met with excessive use of force by police, resulting in casualties. Protesters were detained and harassed, and some were sentenced to long terms of imprisonment. Lawyers and journalists who defended protesters or publicized the protests were intimidated or arrested.

Reforms to the trade union law introduced in October 2001 brought some improvements as well as further restrictions to labour rights. The revised law still severely restricts workers' rights to freedom of association and expression, and independent trade unions remained illegal.

Four labour leaders, Yao Fuxin, Xiao Yunliang, Pang Qingxiang and Wang Zhaoming, were detained after participating in mass demonstrations by workers laid off by a factory in Liaoyang city, Liaoning province, in March. Wang Zhaoming and Pang Qingxiang were released on bail in December, but Wang Zhaoming was reportedly detained again, apparently after he hired a lawyer to sue the authorities for his nine-month detention. Yao Fuxin and Xiao Yunliang were reportedly charged with "subversion", but their trial had not been held by the end of the year.

Protests also continued in rural areas against corruption, high taxes and other issues. Again, protesters were arrested and some were sentenced to long terms of imprisonment.

### Repression of spiritual and religious groups

Members of unofficial spiritual or religious groups, including some *Qi Gong* groups and unregistered Christian groups, continued to be arbitrarily detained, tortured and ill-treated.

The crack-down on the *Falun Gong* spiritual movement, which was banned as a "heretical organization" in July 1999, intensified, particularly after *Falun Gong* practitioners intercepted cable and satellite television to broadcast pro-*Falun Gong* messages.

Tens of thousands of *Falun Gong* practitioners continued to be detained, many at risk of torture and ill-treatment if they refused to renounce their beliefs. By the end of 2002, total

alleged deaths in custody of *Falun Gong* practitioners had reached around 500. Most of those held were in "re-education through labour" centres, but some were in prisons or psychiatric hospitals. Those accused of organizing *Falun Gong* protests were sentenced to prison terms after apparently unfair trials.

☞ Zhao Ming, a *Falun Gong* practitioner from Changchun city, Jilin province, alleged he was punched, beaten with electro-shock batons, deprived of sleep and forcibly fed while held in Tuanhe "re-education through labour" camp in Beijing between June 2000 and March 2002.

Members of unofficial Christian groups were also arrested and some received long prison sentences. Some reported being tortured or ill-treated in police custody.

### Political activists, human rights defenders and Internet users

Political activists, human rights defenders and Internet users were arrested and imprisoned after they peacefully exercised their rights to freedom of expression and association. Many were held on charges relating to "state secrets" or "subversion" – vaguely defined offences widely used to suppress dissent. Several people were serving long prison sentences for circulating "politically sensitive" information over the Internet.

Regulations introduced in January 2001 provide for the death penalty for those who cause "especially serious harm" by providing "state secrets" to overseas organizations and individuals over the Internet. In January 2002, the Ministry of Information Industry announced new regulations that require Internet Service Providers to monitor more closely use of the Internet. In November new regulations introduced by the Ministry of Culture restricting access to the Internet and the operations of Internet cafés entered into force.

☞ Chen Shaowen, a writer in Hunan province, was reportedly detained on 6 August after posting "up to 40 reactionary articles and essays" on the Internet. According to an official report, he was charged with "subverting state power". He had reportedly written many articles for overseas Chinese-language websites calling for independent labour and farmers' unions and raising issues such as China's social inequalities and flawed legal system.

☞ Veteran dissident Xu Wenli was released into exile in the USA in December, nine years before the end of his sentence. Xu Wenli was serving a 13-year prison sentence for "subversion" imposed in 1998 after he established the China Democracy Party. He was officially released on medical parole owing to a deterioration in his state of health after he contracted hepatitis B in prison.

### Torture and ill-treatment

Torture and ill-treatment continued to be widespread and was reported in many state institutions as well as in workplaces and homes. The victims included people detained on suspicion of criminal and political offences, bystanders at protests, migrant workers, vagrants and women suspected of prostitution. Common methods of torture included kicking, beating, electric shocks, suspension by the arms, shackling in

painful positions, and sleep and food deprivation.

In June, Zhu Chunlin, a senior official from the Public Security Ministry, admitted that the use of torture to extract confessions was still a problem and that tighter police discipline and more investigations of abuses were needed.

☞ Gong Shengliang and four others were sentenced to death in December 2001 in connection with their membership of an unofficial Christian organization, reportedly after witnesses were tortured. Three women said they were tortured by police to make them confess to having had sexual relations with Gong Shengliang, whose convictions included rape. The allegations of torture included being shackled, whipped and kicked, and being beaten on the bare chest with electro-shock batons. In October 2002 the sentences were commuted to long prison terms after a retrial was ordered because of "insufficient evidence and unclear facts". However, the verdicts still appeared to be partly based on confessions obtained through torture.

### Administrative detention, unfair trials and the rule of law

The combined effects of repressive and vaguely worded criminal legislation, the use of administrative detention, a weak judiciary and impunity for officials who abuse their power continued to result in widespread abuses of human rights.

The use of two systems of administrative detention increased considerably, as in recent years. More than a million people, including migrant workers, vagrants and homeless children, were detained without charge under a system of administrative detention known as "custody and repatriation".

Some 310,000 people were administratively detained without charge or trial in "re-education through labour" camps in early 2001, the last official figure available. The figure was thought to be substantially higher in 2002 as a result of the government's crack-down on the *Falun Gong* and the "strike hard" campaign against crime.

People accused of political and criminal offences continued to be denied due process. Political trials fell far short of international fair trial standards, with verdicts and sentences decided by the authorities before trial and appeal hearings usually a formality. Those charged with offences related to "state secrets" had their legal rights restricted and were tried *in camera*. The "strike hard" campaign against crime led to an increased use of torture to extract confessions and to curtailed trial procedures.

☞ Wang Wanxing, a veteran human rights activist who had been detained for 10 years except for a three-month period in 1999, remained held in Ankang psychiatric hospital in Beijing. According to reports, he was not mentally ill. In mid-2002 he was reportedly transferred to a more secure ward, where the regime is stricter and all contact with the outside world is monitored.

### Death penalty

The death penalty continued to be used extensively, arbitrarily and frequently as a result of political interference. The increased use of the death penalty witnessed after the launch of the "strike hard" campaign, under which defendants were

more likely to be sentenced to death for crimes which were previously punished by imprisonment, continued throughout 2002, especially in the run-up to the November CCP Congress.

People were executed for drug offences and violent crimes, as well as for non-violent crimes such as tax fraud and pimping. By the end of the year, with the limited records available, AI had recorded 1,921 death sentences and 1,060 executions, although the true figures were believed to be much higher. Execution was by shooting or lethal injection and sometimes occurred within hours of sentencing. As in previous years, there were several reports of miscarriages of justice because of confessions extracted by torture.

☞ In June at least 150 people were executed across China for drug-related crimes to mark the UN-designated International Anti-Drugs Day on 26 June.

### Refugees and asylum-seekers

Hundreds, possibly thousands, of North Korean asylum-seekers in northeast China were arrested and forcibly repatriated during the year. This denied them access to any refugee determination procedures despite evidence that many had a genuine claim to asylum. It also breached the principles of the 1951 UN Refugee Convention to which China is a state party.

During the year dozens of North Koreans entered foreign diplomatic facilities in several Chinese cities to claim asylum and highlight their plight. The Chinese authorities responded by stepping up their crack-down on North Koreans, particularly in provinces bordering North Korea, and forcibly returning them across the border to an uncertain fate. The crack-down was extended to people suspected of helping North Koreans, including members of foreign aid and religious organizations, and ethnic Korean Chinese nationals, many of whom were detained for interrogation.

### Xinjiang Uighur Autonomous Region

Gross violations of human rights continued in the region, including torture, arbitrary detention and unfair political trials. The authorities continued to use the 11 September 2001 attacks in the USA to justify further repression of Uighurs, particularly after the USA and UN classified the East Turkestan Islamic Movement as a "terrorist organization". Repression also intensified in the context of the "strike hard" campaign against crime and the new "anti-terrorism" provisions introduced in December 2001.

The crack-down on suspected government opponents, stigmatized as "ethnic separatists, terrorists and religious extremists", included new restrictions on freedom of religion, the closure of mosques, and enforced "political education" of academics, key personnel in the media and arts, and Islamic clergy. Arrests of suspected "separatists" and "terrorists" continued; some were sentenced to long prison terms; others were executed. Thousands of political prisoners, including prisoners of conscience, remained in prison.

☞ Prisoner of conscience Tohti Tunyaz, an ethnic Uighur, continued to serve an 11-year sentence for his research into Uighur history. A post-graduate student in Japan, he was arrested in 1998 while visiting the XUAR to research his thesis.

He was charged with "inciting separatism" and "illegally acquiring state secrets". He was convicted in March 1999 and his conviction and sentence were confirmed on appeal in February 2000.

### Tibet Autonomous Region and other ethnic Tibetan areas

There were signs of a change in the official approach towards dissent in Tibet with the release of seven prisoners of conscience, including Ngawang Choephel, Jigme Sangpo and Ngawang Sangdrol, as well as meetings between the Chinese authorities and representatives of the Tibetan government in exile. However, freedom of expression, religion and association continued to be severely restricted. Monasteries and nunneries were destroyed and the monks and nuns expelled. In December, death sentences were passed against ethnic Tibetans for alleged political offences for the first time in many years. More than 180 people, mainly Buddhist monks and nuns, continued to be imprisoned in violation of their fundamental human rights, and arbitrary arrests and unfair trials continued. Reports were received of torture and ill-treatment of detainees, and many prisoners suffered health problems because of harsh prison conditions.

☞ In December, Tenzin Deleg Rinpoche, a senior Tibetan religious teacher, was sentenced to death with a two-year reprieve for "inciting separatism" and "causing explosions". His attendant, Lobsang Dhondup, who was additionally convicted of "illegally possessing guns and ammunition", was sentenced to death. They had reportedly been held incommunicado for eight months following their arrest in April. There were serious concerns that their trial was unfair and that Tenzin Deleg Rinpoche had been falsely accused because of his religious or community activities.

### Hong Kong Special Administrative Region

There were concerns that an Anti-Terrorist Ordinance passed in 2002 could be used to restrict human rights. The government issued a consultation document about proposed legislation under Article 23 of the Basic Law, which allows Hong Kong to enact its own laws to prohibit acts of treason, secession, sedition and subversion. It was feared that the proposals could be used to suppress the rights to freedom of expression and association as well as the legitimate activities of non-governmental organizations and the media.

Police reportedly used excessive force in response to protests on economic issues and the right of abode. Three prominent activists were arrested and charged with organizing an unlawful assembly under a revised Public Order Ordinance that had never before been invoked. In November, two other well-known activists were arrested and charged with the same offence after holding a demonstration in May in protest against the arrests of the three activists.

Members of the *Falun Gong*, a registered society in Hong Kong, were arrested at peaceful demonstrations and alleged that they were victims of police violence. In August, 16 *Falun Gong* members were convicted of obstruction during a demonstration in March. There were claims that the trial was politically motivated.

### **Macao Special Administrative Region**

There were continuing reports of beatings and torture in police custody; at least one detainee died in suspicious circumstances. Police reportedly used excessive force during labour protests. Investigations into complaints about police violence continued to be slow and unsatisfactory. Members of the *Falun Gong*, which was neither registered nor banned in Macao, were reportedly harassed by police and foreign practitioners were denied access to Macao.

### **AI country reports/visits**

#### **Reports**

- People's Republic of China: Call for accountability for Tibetan deaths in custody in Drapchi Prison (AI Index: ASA 17/009/2002)
- People's Republic of China: China's anti-terrorism legislation and repression in the Xinjiang Uighur Autonomous Region (AI Index: ASA 17/010/2002)
- People's Republic of China: Labour unrest and the suppression of rights to freedom of association and expression (AI Index: ASA 17/015/2002)
- People's Republic of China: Human rights violations and the crackdown on dissent continue (AI Index: ASA 17/047/2002)
- People's Republic of China: Establishing the rule of law and respect for human rights – the need for institutional and legal reforms (AI Index: ASA 17/052/2002)
- People's Republic of China: State control of the Internet in China (AI Index: ASA 17/007/2002)
- Hong Kong: Article 23 Legislation – the potential for abuse (AI Index: ASA 19/004/2002)
- Hong Kong: Police must exercise restraint in handling protesters (AI Index: ASA 19/001/2002)