

CHINA

KEEPING THE LID ON DEMANDS FOR CHANGE

One year after President Clinton unconditionally renewed Most Favored Nation status for China and international pressure on China to improve its human rights practices dropped off dramatically, the Chinese government continues to impose tight controls on dissent and to engage in a pattern of systematic abuse of prisoners. More than a dozen well-known intellectuals have been detained since mid-May in response to petitions they signed seeking greater political openness. They include former political prisoner and literary critic Liu Xiaobo, student leader Wang Dan, and labor activist Liu Nianchun. Dozens of other dissidents have been called in for questioning as the sixth anniversary of the 1989 Tiananmen Square crackdown approaches. Wei Jingsheng, China's most famous political prisoner, remains in government custody in an unknown location, and other well-known prisoners have "disappeared." Tight new security laws have been put into effect. Torture continues in China's vast network of prisons, detention centers and labor camps, as does the production by prisoners of goods for export. Freedom of expression and association remain tightly restricted, and the government seems determined to ensure that the controls placed on Chinese citizens will be extended to the tens of thousands of foreign non-governmental organization (NGO) activists planning to take part in the United Nations Fourth World Conference on Women to be held in Beijing in September 1995.

In this report Human Rights Watch calls on the world's industrialized countries, meeting in mid-June in Halifax, Nova Scotia for a G-7 summit, to develop a common strategy for addressing this pattern of systematic abuse. That strategy should include pressure on China to allow access by human rights and humanitarian organizations and by the special human rights mechanisms set up under the United Nations Commission for Human Rights.

NEW ARRESTS

Within the last two weeks, more than a dozen prominent intellectuals and other key activists have been taken into custody, and some have had their homes searched in what may be a precursor to having formal charges brought against them. More than thirty have been picked up for questioning and then either

released, sent out of Beijing or told not to leave their homes. As of May 30, it was not clear how many people remained in custody. The round-up follows a series of open petitions to the government urging more democracy, greater tolerance of opposing views and an accounting for victims of the 1989 crackdown. Two of the petitions, one on May 15 with forty-five signatures of well-known intellectuals and activists, and one on May 19 with fifty-six further such signatures, are similar to petitions circulated by some of the same people at the time of the meeting of the National People's Congress in March 1995. The May 15 petition called on the government to reverse the counterrevolutionary verdict on the 1989 protests. Addressed to President Jiang Zemin and Qiao Shi, chairman of the National People's Congress, it was drafted by Xu Liangying, a seventy-five-year-old historian of science who is best known for translating the works of Albert Einstein into Chinese. The petition also called for release of political prisoners and for greater tolerance of different views, in light of 1995 having been deemed the "Year of Tolerance" by the United Nations. The May 19 petition was written by Liu Xiaobo, one of four men who started a second hunger strike in Tiananmen Square on June 2, 1989 and successfully negotiated for the June 4 student withdrawal from the square. Named "Drawing Lessons from Blood," it called for democratic reforms and respect for the rule of law.

On May 20, a third petition, but one without individual signatories, was circulated by the *Sheng Ai Yuan Qi* (Holy Spirit Association), a Beijing-based Protestant group. It noted that during the current petition drive, the voices of workers and peasants were not being heard, and that the government should rectify conditions of poverty, raise wages and improve housing conditions. A fourth petition, released on May 26, was signed by twenty-seven people, all relatives of Beijing massacre victims. They asked for a independent commission to be set up to investigate events of June 3-4, 1989 and report to the National People's Congress. They also requested that the report include a complete list of those who died. The fifth petition, drafted by Lin Mu, former secretary to the late Party chief Hu Yaobang and released on May 29, expressed "deep concern" over the "extremely intolerant treatment" of the signatories of the May 15 "Tolerance" petition.

The petitions drew an immediate response from the government. Liu Xiaobo was detained on May 17, 1995 at his girlfriend's house. Two veteran activists, Wang Dan and Liu Nianchun, were picked up without warrants within an hour of each other on May 21. Police initially took Wang to one local Beijing police post and Liu to another. More than twenty police, some in plainclothes, returned to search Liu's house about 9:00 P.M, confiscating letters, newspapers, magazines and photographs. Wang's house also was searched and he reportedly began a hunger strike as soon as he was detained. He had earlier vowed to go on a hunger strike if he was arrested, and evidence that he had done so came when police asked the family to send food because he refused to eat what the prison provided. The family complied, but when they returned with additional food, the original package was still where they had left it -- a second signal that the strike was underway. On May 25, when Wang's mother asked at the police station whether her son was on a hunger strike, police hinted that he was not taking food but that they had ways to make him do so. They refused her request for a note confirming that he was on strike, however.

On May 24, after both Wang and Liu were moved to higher-level police stations, police told their families that they were no longer simply being detained but were under investigation for "disturbing the social order," a charge for which they can be administratively sentenced without trial. In one indication that the two might be in for a long stay, police requested the families to provide more clothes for them.

The other intellectuals taken into custody appear to have been detained for questioning either in connection with the petition drive or because they are considered by the government to be dissident leaders. According to Chinese law, they should have been released within twenty-four hours. Among those detained was Yang Kuanxing, a student leader at Shandong University in 1989, who was picked up on the evening of May 21. He had been working in Beijing, having been banned from continuing his studies after the 1989

crackdown. Sometime that same day, Liu Yong, younger brother of imprisoned student leader Liu Gang, was picked up by police. Liu Yong, who had been active in publicizing his brother's torture in prison, was in Beijing looking for work and had visited Xu Liangying earlier in the day. The two men's whereabouts are uncertain; Liu may have been sent back to his home in northeastern China. Another petition signer, Jiang Qisheng, was detained on May 23, then released the following morning and told to leave Beijing. When at 3 P.M., he had not yet left, he was arrested. Jiang had spent seventeen months in jail and was ordered to withdraw as a doctoral candidate from People's University for his part in the 1989 protests.

The famous Democracy Wall poet Huang Xiang and his wife, Zhang Ling, were picked up on May 18 at 4:30 A.M.; Huang had signed the May 15 petition. Poet Liao Yiwu, who had served four years in prison for making a secret videotape, *The Massacre*, about the Beijing crackdown, and Deng Huanwu, a Sichuan native who had served a ten-year prison sentence for dissident political thought, went missing on May 18 or 19; both signed the petition. Liao is probably in detention, and Deng reportedly was sent back to Sichuan and warned not to leave home. On May 23, Sha Yuguang, a veteran Democracy Wall activist who had been detained for several weeks in May-June 1992, was detained; and on May 25, a Christian activist intellectual named Xu Yonghai was taken from his work unit, questioned and released. He was picked up twice more.

Other petition signers were taken in for questioning, warned not to talk to the media or anyone else, and then released. They include constitutional law expert Chen Xiaoping, a petition author who was convicted of sedition in February 1991 but exempted from punishment; Gou Qinghui (see below), the wife of Xiao Biguang who was tried early in April but, so far as is known, has not yet been sentenced; Wu Xuecan, former senior editor and journalist at *People's Daily Overseas Edition*, who served most of a four-year term starting in 1989; Bao Zunxin, former associate research fellow at the Chinese Academy of Social Science, Institute of History, released early from a five-year term; Hou Zhongze, a Democracy Wall activist; Chu Hailan, Liu Nianchun's wife; Qian Yumin, a member of the outlawed Beijing Workers Autonomous Federation and leading labor activist, who spent time in prison after the 1989 crackdown; Li Hai, a student leader in Tiananmen Square; Jin Yanming, wife of Liu Jingsheng, one of the sentenced "Beijing 15" (see below); and He Depu, a Democracy Wall activist who was also involved in the 1989 protests. Zhou Duo, another petition signer, was also called in for questioning after he spoke with a Hong Kong-based dissident, and was warned not to do it again. He, too, had helped negotiate the student withdrawal from Tiananmen Square in 1989, and was implicated in the petition drive to block martial law in Beijing in May 1989. Zhou spent ten months in prison before his release in July 1990. A Christian activist, Liu Fenggang, was detained on May 24 or 25. And two other Christians, Lu Duanzheng and Wang Guoli, were taken in for questioning on May 26, after they visited Gou Qinghui, mentioned above, the wife of a religious prisoner.

On May 24, the crackdown spread outside Beijing. Police officers broke into the house of Wang Donghai in Hangzhou, Zhejiang Province, and rounded up five people who were drafting the petition released on May 29. Four of the five had served prison sentences in connection with the 1989 protests. They included Wang, a Hangzhou businessman sentenced to a two-year term for putting up posters in support of the Tiananmen Square activists; Chen Longde, formerly a factory worker in Zhejiang who served three years for passing out leaflets during the 1989 protests; Huang Qiang, formerly a bus ticket seller, sentenced to a two-year term for disrupting traffic in Hangzhou; Wu Gaoxing, a former teacher in Taizhou, Zhejiang who served two years for putting up posters, making speeches and leading his students in demonstrations and sit-ins in 1989; and Lin Mu, the former secretary of Party chief Hu Yaobang. After questioning, Wu was sent home. Lin, who was from Xi'an, also returned home, and despite police surveillance, managed to make the petition public. Wang Youcai, the former student leader in Tiananmen Square, a Hangzhou resident, was detained on May 25. Three others reportedly were detained in Hangzhou. Mao Guoliang, formerly a student in Zhejiang Normal University who wrote an article and poems during the protests, originally received an eight-year sentence but

was released in 1993 when China was attempting to secure the Year 2000 Olympics. In 1988, Fu Guoyong, an independent businessman in Zhejiang, had helped edit the underground magazine *A Generation*. For distributing copies in Beijing in 1989, he was sentenced to three years' "re-education through labor." There is no information about the third man., Wang Yongqing..

In Nanjing, veteran Democracy Wall activist, Xu Shuiliang, was detained. And in Haikou, Hainan Province, six activists were detained, among them Fang Zheng, who lost his legs in the June 4 massacre in Beijing and in 1994 was denied permission by Chinese authorities to participate in the Disabled Olympics; his sister, Fang Meng; Zheng Xuguang, a student leader in Tiananmen Square; his wife, Gao Min, and Lu Jiangtai and Chen Xuewan, about whom nothing is known.

Two well-known dissidents, Chen Ziming, on medical parole from a thirteen-year sentence (see below), and Xu Wenli, were warned that if they signed the petitions, they would immediately be arrested. Neither did, and Wang Zhihong, Chen's wife, signed instead. She has been under close surveillance along with another woman, Zhang Fengying, whose husband, long-term activist Ren Wanding, is serving out a seven-year sentence for his 1989 pro-democracy activities. At least two other petition signers have also been harassed and had their actions closely monitored. Professor Wang Ganchang, the nuclear physicist who led the development and testing of the explosive assembly and triggering system for the first fission bomb that China detonated, and has remained a senior adviser to the government, signed the May 15 petition. Several members of his work unit converged on his home, pressuring him to withdraw his signature or declare that it was forged. They refused to leave until Wang wrote two sentences qualifying his support. Xu Liangying himself was prevented from giving interviews, had his phone service interrupted and his building surrounded by three police cars. When Xu telephoned a friend, asking him to come and help interpret for a scheduled telephone interview with a foreign journalist, the friend was stopped en route to Xu's home and questioned. During the telephone interview, five interruptions in twenty minutes made it impossible to continue the conversation.

THE "RULE OF LAW"

Over the last year, China has undermined the rule of law by violating its own criminal procedure code, charging political dissidents with trumped-up criminal charges, and changing interpretations of specific laws and regulations in order to use them against government critics.

The case of Wei Jingsheng offers a good example of the government violating its own laws. Wei disappeared over a year ago, on April 1, 1994, after he had met with U.S. Assistant Secretary of State John Shattuck and before he could meet with Secretary of State Warren Christopher. In April 1995, his sister, Wei Shanshan, who has been living in Germany, went to China to try to locate him. In visits to the Public Security Bureau in Beijing and to the procuratorate of the Beijing Intermediate People's Court, she pointed out the illegality of his status. No warrant for his arrest was produced; he has not been charged; and he is not being held in a common kind of administrative detention called "shelter for investigation." If, as reported, he is under a form of house arrest called "residential surveillance," then according to Article 39 of the Criminal Procedure Law, he should be at home. According to Wei Shanshan, officials agreed with her analysis but pointed out that Wei's case was special and his status decided by senior officials. On the anniversary of his disappearance, family members confirmed there had been no news or communication from him of any kind. At the same time, a Foreign Ministry spokesman, when asked if Wei was still alive, refused to respond.

Another dissident, Yuan Hongbing, a lawyer and law professor, was arrested on March 2, 1994, and has not been heard from since. Yuan had helped write a petition to the National People's Congress urging

greater protection of the rights of rural and urban workers and more attention to the need to root out corruption. He had also helped draft the founding charter of an organization called the League for the Protection of Working People of the People's Republic of China, which called for restoration of the right to strike and for the legalization of independent worker and peasant labor unions.

Despite the report by the Public Security Ministry on March 8, 1994 that Yuan Hongbing was being held on suspicion "of being involved in unlawful acts, inciting turmoil, and disrupting social order" or other unspecified "criminal acts," his whereabouts remain unknown and have been variously reported as Beijing and Guizhou. Article 43 of the Criminal Procedure Law provides that a detainee's work unit or family must be notified within twenty-four hours of his detention except "where notification would hinder the investigation." It is not clear whether this dangerously broad exception was invoked in Yuan's case. Limits on the time that can elapse between detention and formal arrest, and between arrest and trial, set out in Articles 48 and 92 of the Criminal Procedure Law, have also been violated.

In the case of Gao Yu, a dissident journalist jailed for eighteen months after June 4, 1989 and reimprisoned in October 1993 for allegedly leaking state secrets, the panel of judges who first heard the case and considered the evidence insufficient, reconsidered it twice more, both times without additional evidence. In November 1994, the court finally came up with the verdict and six-year sentence the government demanded. Neither Gao Yu's husband nor her lawyer were informed of when the panel of judges was to reconsider the case. The "secrets," in articles she wrote for Hong Kong publications, were matters of common knowledge concerning wage reform and personnel changes linked to the 1993 National People's Congress session and the Second Plenum of the Fourteenth Party Congress.

Shao Jiang, a student leader in 1989, was detained on April 21, 1995, and the police refused to acknowledge his detention or reveal his whereabouts. His girlfriend, detained with him, was released within a day, and it was only after her release that police officials, who had been denying for days that Shao was being held, finally had to admit where he was. No charges have been leveled against Shao and no warrant issued for his arrest.

Chinese officials have made use of spurious or trivial criminal charges to sentence activists to terms as long as three years. One dissident was sentenced on the false charge that he had misappropriated public funds; another for stealing a bicycle; a third for "swindling." Others have been charged with forging a seal for a university document, with having illegitimate children, or with public order offenses such as "hooliganism."

One such case involves Zhang Lin, a labor activist and a freelance champion of peasant rights, from Bengbu, Anhui Province, who served almost all of a two-year term for "counterrevolutionary propaganda and incitement" after the June 4, 1989 crackdown. Zhang and his wife, Ji Xiao, had been living together for two years and had a newborn daughter when he was picked up by the police on May 28, 1994. According to his wife, they were not officially married because her work unit had never given her the necessary "permission to marry" document. The failure gave police a convenient pretext to detain Zhang for taking on such issues as arbitrary bulldozing of homes, beatings and bullying by local Communist Party bosses, and falling living standards. In late August or early September 1994, Zhang received a three-year administrative sentence of "re-education through labor."

Bi Yimin, director of the Institute of Applied Science and Technology of Beijing, was sentenced on February 10, 1995 to a three-year prison term for misappropriating public funds totaling 37,800 *yuan* (\$4725). He had been taken into custody on October 9, 1993. The money had been paid to Wang Juntao and Chen Ziming, the two men convicted of being the "black hands behind the black hands at Tiananmen Square", who

have since been released. Because the institute was a collective economic organization, the monies were not in fact public funds. Once a targeted amount was turned over to its board, Bi had the right to determine the use of the remaining funds, and both Chen and Wang were entitled to receive the money even while imprisoned.

TORTURE AND DENIAL OF MEDICAL CARE

Torture continues in Chinese prisons. Zhang Lin, the activist arrested on charges of not being officially married to the mother of his child, is one victim. On November 1, 1994, according to a letter smuggled out of the labor camp where he was working, Zhang was repeatedly kicked and punched and made to submit to 15,000-volt electric shocks at low current for over an hour. He said he was being punished for his inability to work due to constant pain in his hands and feet. Requests for medical attention have gone unheeded.

Qin Yongmin, administratively sentenced in January 1994 to two years' re-education through labor for "disturbing the social order," was badly beaten and mutilated in prison in June and July 1994. His testicles have been crushed, and his body is swollen and covered with scars. The damage is reportedly permanent. A Wuhan Democracy Wall participant who spent several years in prison during the 1980s, Qin was taken into custody for questioning on November 14, 1993 after taking part in a dissident meeting in Beijing to discuss a "Peace Charter" calling for progress towards democratization and respect for human rights. Attempts by Qin to sue the police for violating regulations in the handling of his case, were unsuccessful. No lawyer would handle the case; and Qin's wife was threatened with arrest should she persist on his behalf.

Denial of medical care to ill prisoners is also a serious problem. Chinese law clearly provides for medical parole for such prisoners, but Chinese authorities still refuse to release them, to supply information to their families or to provide appropriate medications and access to doctors. Two long-term prisoners, Bao Tong, former chief aide to deposed Communist Party secretary Zhao Ziyang, and Ren Wandong, a veteran pro-democracy campaigner who took part in both the Democracy Wall and Tiananmen Square actions, have serious medical problems. Bao may have a life-threatening but untreated cancer, and Ren's eyesight is failing.

In a particularly egregious case, Ulan Shovo (in Chinese Ulanshaobu), a forty-year-old former lecturer at the Inner Mongolia University, was so seriously ill that he could not walk into court by himself when the verdict in his case was announced on April 13, 1994. He was sentenced to five years on charges of "counterrevolutionary propaganda and incitement" for allegedly writing two documents about human rights conditions in Inner Mongolia that subsequently were released outside China. Even the chief judge was moved to ask how he became so ill. His reply, that he had been bed-ridden for a year and a half, denied medical attention, and cared for by fellow inmates, did not surprise his relatives even though they had not seen him since his arrest on July 31, 1991. According to his father, when Ulan Shovo was arrested and all medical treatment stopped, he had not yet recovered from a botched gall bladder operation which had required seven months in the hospital. Among other conditions, Ulan Shovo still suffers from a gall bladder infection and often runs a high fever. His left leg and right hand are seriously shriveled, and his chest pain and heart arrhythmia are such that a prison doctor gave him medication to take in case of an emergency during his court appearance. In early June 1992, Ulan Shovo was taken to the Inner Mongolia Hospital for examination. The attending physician's recommendation for hospitalization was denied. In a letter dated May 19, 1994, Ulan Shovo's father, Ganzhuerzhabu, a party member for forty-eight years, agreed that he would be responsible for his son's supervision should he be granted medical parole.

There is serious concern about the health of Gao Yu, the journalist mentioned above. When she was transferred to Yanqing Prison on January 6, 1995, the authorities reportedly initially refused to accept her, not

wanting to take responsibility for a prisoner whose health was so poor. She reportedly suffers from angina pectoris and Meniere's disease, a severe form of vertigo. As a result, she has repeated attacks of chest pain, dizziness and breathlessness. Her blood pressure is high and her legs are severely swollen. Gao has not had any specialized medical attention since she was first detained. The medication she takes is provided by her family.

PERSECUTION OF RELEASED PRISONERS

Released activists in Beijing face virtual house arrest and severe economic straits. They cannot find jobs, their phones, if they have them, are tapped, and Public Security Bureau officers repeatedly call them in for questioning. Since his release, Xu Wenli, who completed twelve years of a fifteen-year sentence for his outspokenness during the Democracy Wall Period (1979-81), has been followed wherever he goes, even to the market. With the latest crackdown, he has been warned not to even think about stepping outside. Chen Ziming, released on medical parole in May 1994, after serving five years of a thirteen-year sentence as a Tiananmen Square "black hand," is only permitted to walk around his building and can receive visits only from family members.

Wang Dan, taken into custody again on May 21, has faced repeated harassment since his release from serving a four-year term, including being taken into custody at least half a dozen times in the last year. The most serious incident occurred in December 1994 when police officers followed him to the local library, where one officer threatened to beat him to death if he persisted in speaking out. At the end of March 1995, police detained him on suspicion of organizing a political meeting that Wang insisted was in fact a picnic.

Another Democracy Wall leader, Guangzhou resident Wang Xizhe, who had been released on parole in February 1993 after completing all but two years of a twelve-year term, was notified that although he had officially completed his sentence at the end of April 1995, he would be subject to tight controls in the four-and-a-half year period ending in 1999 during which he will be deprived of his political rights. Public Security Bureau officials told him that he could not leave Guangzhou without permission and must report to the police on a regular basis. They gave no explanation for the restrictions, which are more stringent than those provided for in Article 50 of the Criminal Law. In protest and as a test, Wang went to Beijing. Police there, who had told him that he "would be responsible" for his actions, made good their threat. On May 16, 1995, a witness saw them remove Wang from his hotel.

ENFORCED EXILE OF DISSIDENTS

At least forty-nine activists, some of whose activities date back to the Democracy Wall period, are experiencing yet another form of harassment. Having fled China to avoid imprisonment and curtailment of their activities, they cannot return. Their names appear on a list issued secretly in May 1994 by the Ministry of Public Security.¹ None of those exiled is known to have committed an act which could be construed as criminal under international law. Many of those named on the re-entry blacklist have had their passports cancelled, or passport renewals denied by consular officials, while they are living outside of China, thereby being rendered effectively stateless. Others, who escaped from China without passports, are in the odd position of both being named on still-valid police "wanted lists" and at the same time subject to a re-entry ban.

¹ See Human Rights Watch/Asia and Human Rights in China, "China: Enforced Exile of Dissidents," *Human Rights Watch Short Report*, Vol.7 No.1, January 1995.

HARASSMENT OF FAMILIES OF DETAINEES

In some cases, families of detainees have been threatened with economic and social penalties, from losing a job to losing all contact, on pain of imprisonment, with colleagues and students.

The father and sister of Tong Yi, the twenty-six-year-old former assistant and interpreter for Wei Jingsheng, have been warned that if they continue to publicize her treatment in prison, they will lose their jobs. Tong Yi was detained on April 5, 1994, after she reported Wei's arrest to the foreign media. The authorities reportedly attempted to pressure her estranged husband, Zheng Chengwu, to initiate prosecution of Tong on a morals charge, alleging that she had illicit sexual relations with Wei. Zheng refused. On August 13, the authorities formally arrested Tong, charging her with "forging an official seal" on a university document, and on December 22, 1994, she was sentenced without trial to a two-and-a-half-year term for being an "accessory to Wei." Police then pressured the security department of Tong Yi's father's work unit to demand that the family publicly agree with the outcome of her case and later pressured the father to stop leaking information about her treatment. She was beaten by fellow inmates in Hewan Re-education Camp in Wuhan, Hubei Province on January 16 and again on January 17, 1995 after protesting work days as long as sixteen hours spent ripping threads out of old cloth.

In another case, Gou Qinghui, the wife of a detainee has lost her job. Ever since Xiao Biguang, an intellectual, labor activist and an active member of an official Protestant church, was arrested on April 12, 1994, his wife has been prevented from working at her former job at the Yanqing Theological Seminary and from attending church meetings.² In addition, she has been forced to pay 700 yuan a month to ensure that prison authorities do not decrease her husband's food allotment. Xiao himself finally went on trial on April 10, 1995 on trumped up "swindling" charges apparently related to his role in the founding of the League for the Protection of the Working People.

CONTINUING RESTRICTIONS ON BASIC FREEDOMS

Government officials continue to violate the rights of free association and expression. Efforts to establish independent labor organizations, political parties and human rights groups have been punished. One case involves the "Beijing 15," nine of whom, on December 15, 1994, received sentences ranging between three and twenty years. Hu Shigen, a lecturer at Beijing Languages Institute received a term of twenty years; Kang Yuchun, a medical researcher, seventeen years; Democracy Wall activist Liu Jingsheng, fifteen years; and Wang Guoqi, formerly a worker at a printing plant at the Foreign Languages Institute, eleven years. They were declared guilty of "leading a counterrevolutionary group" and/or "counterrevolutionary propaganda and incitement" for their roles in forming the Free Labor Union of China, the China Liberal Democratic Party and the China Progressive Alliance.

² Each of the five recognized religions in China -- Buddhism, Daoism, Catholicism, Protestantism and Islam -- is monitored by an official body called a "patriotic association." All churches, mosques, temples and other sites of religious activity are required to register with the relevant association. If properly registered, religious sites are known as "official" churches. Unregistered Catholic churches are generally referred to as "underground" churches; unregistered Protestant congregations are known as "house" churches.

In Shanghai, a group called the Human Rights Association was refused permission to register and its leaders were jailed. Yang Zhou, Yang Qingheng and Li Guotao received three-year administrative "re-education through labor" sentences in October 1994. Dai Xuezhong was not sentenced until December when he was convicted of alleged tax evasion. Bao Ge, who attempted to establish a new organization, The Voice of Human Rights, also received a three-year "re-education" term in October.

TIBET

Tibet was the scene of some of the most flagrant human rights abuses in the second half of 1994 and early 1995. The Chinese government stepped up interference in the management of monasteries and nunneries and arrested scores of monks and nuns. When the U.N. Special Rapporteur on Religious Intolerance visited Tibet in November 1994, his Chinese handlers limited contacts to representatives of the official religious hierarchy and effectively prevented any contacts with rank and file Buddhists. The central government also mounted a determined campaign to diminish the stature of the Dalai Lama both within and outside Tibet, including by preventing sales of his pictures and insisting that civil servants not display pictures in their homes.

There were more known political arrests between January and April 1995 than in all of 1994. In February and March alone, sixteen demonstrations reportedly occurred. At least 106 people, fifty-six nuns and fifty monks, were arrested during that time in Lhasa and Phenpo. In addition, ninety monks, including senior monastic officials and religious teachers, were expelled from their monasteries. At Nalanda monastery in Phenpo Lhundrup, forty monks were arrested, apparently for a peaceful protest following the arrest of a colleague in a nearby town. In December, shortly after the Special Rapporteur's visit, fourteen monks were arrested for protests against political interference at Sang-Ngag Kha monastery. Two deaths, possibly from prison-related treatment, occurred during the year. Gyaltsen Kelsang, a twenty-four-year-old nun who had served eighteen months of a two-year sentence, died at her home in February. She had been allowed to return home for medical reasons but was technically still in custody and due to return to Drapchi Prison in Lhasa. It is known that she had been severely beaten there, denied help, and put to work doing hard labor. In November 1994, at the Police Hospital in Lhasa, she was diagnosed with kidney problems and reportedly lost use of her lower limbs. Gyaltsen Kelsang was in good health when she went to prison. Another nun, Phuntsog Yangkyi, serving a five-year sentence, also died in custody. She, too, had been severely beaten and otherwise maltreated in prison.

RELIGIOUS REPRESSION

Catholics and Protestants worshipping outside the official Chinese church have also faced persecution. In provinces such as Henan and Hebei where Christianity flourishes, believers continue to be harassed, rounded up, beaten, and fined. In April 1995, during the Easter season, the Public Security Bureau in Fuzhou, Jiangxi Province, initiated a mass arrest of Catholics. The majority of the thirty to forty arrested were quickly released, but to date, thirteen believers, ten of them women, are still in custody. Of those mistreated, two women were so badly beaten that they could not feed themselves. Four more believers, one of whom is a nun, were arrested a week after the last of the initial arrests.

Another arrest occurred on April 17 in the village of Shuang Jing, Ning Jin County, Hebei Province. Reverend Chi Huitian, whose whereabouts are unknown, had been scheduled to celebrate an Easter Mass in an open field near his home for a congregation of some 600 Catholics. Before his arrest, the Public Security Bureau had ordered that Reverend Chi's mass be cancelled and that the congregation attend Easter Mass in an

official church. The security bureau threatened fines, the sealing of Reverend Chi's house and confiscation of sacred altar items if the orders were ignored.

On February 9, 1995, in Huai'an, Jiangsu Province, police arrested nine church workers and assaulted others in a raid on a house church. The nine allegedly were the leaders of a gathering of some 500 congregants. Three reportedly are local Christians; nine are itinerant workers from Wenzhou, Zhejiang Province. All reportedly are in the Huai'an Public Security Bureau detention center.

FOURTH WORLD CONFERENCE ON WOMEN

Chinese authorities are trying to place restrictions on the participation of foreign NGOs in the Fourth World Conference on Women, to be held in Beijing in September 1995, and on the number of foreign NGO representatives attending. At the end of March, the government announced that the originally agreed-upon Beijing site for the parallel NGO Forum on Women had "structural defects" that could not be repaired in time. Without consultation, the Chinese government moved the site to Huairou, a former garrison town sixty kilometers outside the city with limited access to communications and transportation facilities, and without adequate accommodations or meeting rooms to serve the number of NGO delegates planning to attend. For the 36,000 international participants expected, China is offering 10,000 beds in the immediate area, a meeting room that seats 1,700, seventy-one other rooms, thirty-one tents, and "1,000 parasols with tables and chairs for informal consultations."³ One obvious way to accommodate participants is to reduce their numbers, and China reportedly is negotiating for regional representation, that is, quotas of participants from each of five geographic regions.

The NGOs have fought back. On May 10, the site was rejected by NGO Forum officials who made an inspection visit. On May 22, on All China Women's Federation stationery, a letter went out over the signature of Huang Qizao, the Director of the NGO Forum Committee of the China Organizing Committee, informing the NGO Forum convenor that the sites proposed by the NGO Forum were out of the question and reminding her that the Huairou site was the only one "available...with necessary conditions...and hence cannot possibly be changed." The letter went on to say that "in preparing for major international conferences, selection of sites is usually a responsibility of the host country." In other words, NGO representatives could have no voice in the selection. One site originally suggested by the Chinese government and found adequate by NGO Forum personnel was later withdrawn from consideration by China on the grounds it was booked for an inter-ministerial volleyball tournament. At a press conference on May 25, the Executive Director of the NGO Forum indicated that negotiations were continuing and that the world's women would continue to make their decisions "through a democratic process."

INTERNATIONAL RESPONSE

President Clinton's decision in May 1994 to "de-link" trade and MFN status for China signalled the end of serious pressure on China from the international community, with one exception. In March 1995, the U.S. and the European Union (EU), supported by Japan, Poland, Ecuador, and others, attempted to secure passage of a relatively mild resolution on China at the annual meeting of the U.N. Human Rights Commission in Geneva. In the face of vigorous lobbying by Beijing, the resolution failed to win passage by one vote.

³ Letter from Huang Qizao of the All China Women's Federation to the convenor of the NGO Forum, May 22, 1995.

Continuing repression has not prevented the U.S. and the European Union from seeking to expand trade and investment opportunities with China, while raising human rights as a diplomatic talking point, usually in private settings. For example, the EU trade commissioner, Sir Leon Brittan, visited China from April 18-23, 1995. He raised (in the mildest of terms) human rights concerns and proposed the training of judges and lawyers, but his suggestions were brushed aside as interference with an "internal matter." In February 1995, U.S. Secretary of Energy Hazel O'Leary led a delegation of energy company executives to China. O'Leary met with Chinese Premier Li Peng and reportedly brought up human rights, but said nothing about the issue in any of her public comments during the trip.

Japan, meanwhile, sent its prime minister to Beijing on his first official visit on May 2, 1995. Last December, prior to Prime Minister Tomiichi Murayama's trip, Japan confirmed a new package of yen loans to China totalling U.S.\$6.8 billion beginning in 1996. The loans will go forward apparently without regard to Japan's Official Development Assistance (ODA) Charter stipulating promotion of human rights as a guiding principle for ODA decisions.

It is essential that China, as an emerging economic and political superpower, be held accountable for its obligations to comply with international norms of behavior -- whether in the area of trade or human rights. This is especially crucial as the post-Deng Xiaoping transition period approaches, and as China pursues its bid to join the World Trade Organization.

RECOMMENDATIONS

- 1) In accordance with the spirit of tolerance urged by the signers of the May 1995 petitions, China should cease arrests of those who peacefully advocate greater openness and a full accounting for the 1989 Tiananmen Square crackdown. It should also immediately and unconditionally release those already detained for such activities.
- 2) To help put an end to the pervasive practice of torture, an objective the Chinese government has publicly professed, the government should invite the U.N. Special Rapporteur on Torture to visit China, meet with public security personnel, prison administrators and torture victims and their families, and make a series of recommendations for the eradication of torture.
- 3) The Chinese government should resume serious negotiations with international humanitarian agencies with a view toward ensuring that such agencies have regular and systematic access to prisons and detention facilities.
- 4) Human rights in China should be on the agenda of the G-7 industrial nations' summit meeting in Nova Scotia, Canada, from June 15-17. Beijing's key aid and trading partners should develop a strategy to encourage China to respect human rights, agreeing on a common human rights agenda they will promote, using a combination of bilateral and multilateral political and economic tools. Such an agenda might include, for example, pressing for cooperation with the U.N. working groups and special rapporteurs, opening Tibet to independent human rights monitors, and seeking repeal of the 1993 State Security Law. The G-7 should issue, as part of their formal communiqué, a statement modelled roughly on the U.N. Geneva resolution calling on

China to take specific steps to improve human rights and adhere to the rule of law. They should also urge the immediate, unconditional release of Wei Jingsheng and others.

5) Governments engaged in human rights "dialogues" with China should abandon the policy of quiet diplomacy during official visits to China or meetings with high-ranking Chinese representatives. Criticism of human rights practices should not be limited to U.N. conferences and closed-door meetings. Without both public and private pressure, China has no incentive to move beyond "dialogue" to taking concrete actions to address serious abuses.

6) Foreign companies involved in China should adopt meaningful codes of conduct on worker rights and human rights, and report regularly on their compliance with these codes. In addition, they should be proactive in urging China to adhere to the rule of law, and to release political prisoners with serious medical problems (such as Gao Yu, Bao Tong, Ren Wanding and Qin Yongmin) on humanitarian grounds.

7) Human rights should be elevated as a priority for the various foreign embassies in Beijing. The U.S., European, Japanese, and Australian embassies, for examples, should protest the most recent round of detentions of intellectuals and other key activists. In addition, they should vigorously seek diplomatic access to trials and trial documents in the cases of political, religious and labor dissidents; place specific rule of law and governance questions high on the agenda of bilateral discussions with Chinese government officials; and when appropriate and useful, meet with Chinese dissidents (including those released from prison but subject to persecution) and with their family members.

8) Governments should urge the U.N. Secretary General to negotiate with the Chinese government for adequate facilities to accommodate NGO participation at both the official U.N. Conference on Women and the NGO Forum. Governments sending delegations to Beijing should instruct their delegates to actively support representatives of NGOs who may be subject to official harassment or restrictions by Chinese authorities during the conference. In addition, they should privately and publicly protest any attempts by the Chinese security officials to suppress, detain or intimidate Chinese citizens who may try to make contact with foreign NGOs or journalists, or who exercise their rights of free speech, assembly and association during the UN conference.

9) President Clinton, and other heads of state invited to China, should decline to visit Beijing until and unless there is dramatic, overall progress in human rights in China and Tibet. Indications of such progress would include the release of hundreds of political and religious prisoners; enactment of major legal reforms such as the revocation of the 1993 state security law and 1994 state security regulations, abolition of all "counterrevolutionary" crimes, and an end to all restrictions on freedom of religion; and a decision to allow independent human rights monitors unhindered access to China and Tibet.

Human Rights Watch/Asia

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