

A Directory of
Political and Religious Prisoners

DETAINED
IN
CHINA
AND TIBET

Asia Watch

A DIVISION OF HUMAN RIGHTS WATCH

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Human Rights Watch

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Addresses for Human Rights Watch

485 Fifth Avenue
New York, NY 10017-6104
Tel: (212) 972-8400
Fax: (212) 972-0905
email: hrwatchnyc@igc.apc.org

10951 West Pico Blvd., #203
Los Angeles, CA 90064
Tel: (310) 475-3070
Fax: (310) 475-5613
email: hrwatchla@igc.apc.org

1522 K Street, N.W., #910
Washington, DC 20005
Tel: (202) 371-6592
Fax: (202) 371-0124
email: hrwatchdc@igc.apc.org

90 Borough High Street
London, UK SE1 1LL
Tel: (071) 378-8008
Fax: (071) 378-8029
email: hrwatchuk@gn.apc.org

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Robin Munro then took the database material and edited, updated and substantially expanded it. He also organized the report and wrote the introduction.

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INTRODUCTION

Overview

Nineteen ninety-three was without doubt the worst year for political arrests and trials in China since mid-1990 and the aftermath of the June 4, 1989 crackdown on the pro-democracy movement. Asia Watch documented almost 250 such cases in 1993, including thirty-two dissident trials resulting in average sentences of four years' imprisonment, and 216 new arrests. Almost eighty percent of these cases occurred in Tibet, where a continuing Chinese government campaign of repression against peaceful pro-independence activities by Buddhist monks and nuns sharply intensified during the year. In addition, Asia Watch received information on some 140 arrests or trials of persons whose names are as yet unknown. Set against this invidious record were reports of a mere thirty-seven dissidents having been released from jail during the period from January 1993 to January 1994, although at the time this report went to press, rumors were circulating of the pending release of several well-known political prisoners, including Wang Juntao and Bao Tong. Among those freed were a number of prominent dissidents, notably Wei Jingsheng, whose releases appeared to be carefully timed by the Chinese authorities to influence important international events. Having served the greater part of fourteen and a half years of his fifteen-year sentence in solitary confinement, Wei was released just days prior to the International Olympics Committee's decision on the host-city for the 2000 Summer Olympics, for which Beijing was a leading contender.

This report provides the most complete available accounting of the nature and extent of political and religious imprisonment in China today. It contains information on a total of some 1,700 persons known or believed to be presently imprisoned in connection with their political, ethnic or religious views. Reaching back well before the June 1989 crackdown in Tiananmen Square, it records the cases of dissidents arrested in the late 1970s and early 1980s and extends through arrests that took place as late as January 1994. Around 1,230 of those listed are persons detained or convicted solely on account of their non-violent beliefs or activities; more than 760 are confirmed or "status known" cases, while the remaining 470 are "status unclear" cases on which no firm or

reliable information has been received for several years. Asia Watch calls upon the Chinese government immediately and unconditionally to release all prisoners in the former category, and to provide a full accounting of all those in the latter category and to free those still jailed. The true number of people detained in China on account of their peacefully held views remains impossible to determine. Asia Watch's best estimate is that the figure is many times higher than the 760 known cases listed here.

The report also contains information on some 460 persons detained or convicted in China for allegedly violent or other criminal acts committed during various pro-democracy, ethnic-separatist or religious movements; of these cases, 190 are "status known" and 270 are "status unclear." In view of the low standards of criminal justice prevailing in China and the general absence of safeguards for defendants' rights, which greatly increase the likelihood of wrongful or unsafe convictions, Asia Watch calls upon the Chinese government to make publicly available the evidence upon which these convictions were based and, where appropriate, to reopen the cases and conduct a judicial review.

In addition, the report contains two key lists of specific classes of prisoners. The first is a list of almost one hundred non-violent political, ethnic or religious prisoners in China known to be currently serving sentences of between ten years' and life imprisonment. This forms, in effect, Asia Watch's priority list, a targeted index of those jailed dissidents who are in most urgent need of international and domestic pressure to secure their release at the earliest possible date. Some of these dissidents have been behind bars for more than a decade. For all such long-term prisoners, the difference between early release and serving out a sentence in full may be the difference between the capacity eventually to resume a normal life and permanent physical or psychological damage. Most of those on the list were sentenced within the last five years and thus still have the major part of their terms left to serve. More numerous by far than their known counterparts of the early 1980s, they represent what might aptly be called a "new generation of Wei Jingshengs." A clear symbol of the retrograde direction taken by the Chinese leadership over human rights issues in recent years, these long-term political prisoners of the 1990s should be the yardstick against which any evaluation of "overall significant progress" by the regime is made.

The other key list (included as Appendix I) is a compilation of all prisoners currently known or believed to be under arrest or serving sentences in China on charges of "counterrevolution." Although the authorities continue to maintain that there are "no political prisoners in

China," this complex category of detainees comprises probably the closest and most inclusive equivalent of those falling within the internationally-accepted "political prisoner" definition. The overwhelming majority of so-called counterrevolutionaries (currently almost eighty percent, according to the authorities)¹ are peaceful dissidents, while a significant number are persons convicted of violence, espionage or other recognized criminal offenses. Many peaceful dissidents, however, are sentenced, either with or without trial, on charges other than "counterrevolution," and this number is likely to increase in coming years as China's judicial authorities move toward replacing such charges with less obviously political ones.

As the first systematic attempt by any independent organization to assemble such data, Asia Watch's list of "counterrevolutionaries" is inevitably incomplete. In September 1993, Chinese officials for the first time gave a total figure for this category -- 3,317 -- of whom 144 were women. Asia Watch cannot confirm the accuracy of this statistic, and thus far, no actual list of names has been forthcoming from the authorities. The list presented here includes the names of more than 1,200 prisoners (900 of whom were arrested or convicted for purely peaceful activities), or just over one third of the officially cited total. We publish the list in the hope that it may contribute to the process of eliciting from the Chinese government a complete accounting and eventually release of all non-violent, sentenced "counterrevolutionaries."

Also listed in the report are details of more than 1,000 prisoners who are either confirmed, reported or presumed to have been released from prison since June 1989, mostly after months or years of detention without trial or after completing their sentences in full. This documentation provides a background history of much of China's dissident movement. In many cases, those listed have faced continuing persecution after their release and remain at high risk of being rearrested for continuing their dissident activities.

¹ "On the Determination of the Crime of Counterrevolutionary Propaganda and Incitement," *Xiandai Faxue (Modern Jurisprudence)*, No.1, 1990, p.44. This represents a significant recent change in the composition of those sentenced on such charges. According to a 1992 analysis by the Supreme People's Procuracy, "Over the past decade, those sentenced on charges of counterrevolutionary propaganda and incitement accounted for around 20 percent of all sentenced counterrevolutionaries." (In CCS, p.238)

The Detainees

One of the most daunting aspects of the problem of political and religious imprisonment in China concerns the sheer number of the detainees involved. While every effort has been made to organize the report data in a useful and accessible format, the vast quantity of unfamiliar names and case details can still have an almost mind-numbing effect to all but the most dedicated of readers. For every Wang Juntao or Chen Ziming - the "black hand" Tiananmen Square intellectuals whose cases are by now familiar to most observers of China's political scene, there are dozens of other imprisoned dissidents, often similarly inspiring figures, of whom the outside world has little or no knowledge at all. Availing itself of this situation, the Chinese government has in recent years begun to practice a new diplomatic tactic - a kind of "hostage *politik*," whereby certain political or religious prisoners whose cases have received special attention from Western governments or human rights groups are effectively turned into bargaining chips, to be released at key moments for maximum publicity effect. In the process, those eager to sideline human rights considerations and resume business as usual in the burgeoning China market all too often welcome these isolated releases as representing "significant progress" or even "major concessions," while the largely anonymous majority of such prisoners are quietly forgotten.

The following cases, almost none of which have previously received public attention, afford a brief glimpse into this forgotten archive of human persecution and suffering, serving to remind us that each of the cases recorded in this report concerns a real person, rather than just one more statistic on a list.

* **Jampa Ngodrup**, a 45-year-old Tibetan doctor, sentenced to thirteen years' imprisonment in 1990 on charges of "counterrevolution" for copying and distributing name-lists of those arrested or injured during two 1988 pro-independence demonstrations in Lhasa. According to the court, a heavy sentence was called for "in order to strengthen the unity of the Motherland...and to stabilize the democratic rights of the people." The lists were regarded by the authorities as being "state secrets" and Jampa was thus convicted of "espionage." Held in Lhasa's Drapchi Prison, as of May 1993 he was reported to have fallen gravely ill as a result of ill-treatment by prison officials; suffering severe fluid retention such that his entire body had become bloated, he appeared to have developed tuberculosis and was unable to walk without the aid of crutches.

* **Huang Junjie**, 72, a retired railroad worker from Hengyang

City in Hunan Province, sentenced to ten years' imprisonment on charges of "counterrevolution." According to an internal report by the Supreme People's Court, "On June 5, 1989, Huang made two speeches to students...in which he spread rumors, inflamed people's emotions and spread counterrevolutionary propaganda and incitement." He reportedly said, "There has been bloodshed at Tiananmen, the People's Liberation Army has gunned down with automatic weapons or crushed to death with tanks between one and two thousand people; among the dead were old ladies and even children." He also allegedly "incited" police officers by saying, "The Public Security Bureau must not suppress the students and the masses, you should stand on the side of the people." Place of imprisonment unknown.

* **Yang Lianzi**, 48, described by the authorities as a "private performance artist" and a figure familiar to many first-hand observers of the May 1989 Tiananmen protest movement, sentenced to fifteen years' imprisonment in October 1990 on charges of "counterrevolution." According to China's judicial authorities, "After the announcement of martial law, Yang roamed around Tiananmen Square and the Xinhua Gate area [residence of the senior Communist Party leadership] wearing a headband bearing the words 'Wild Man of Huaxia'. By means of singing songs, playing stringed instruments and giving speeches, Yang engaged in counterrevolutionary propaganda and incitement, attacking the Chinese Communist Party and the socialist system and cursing and ridiculing Party and state leaders." Place of imprisonment unknown.

* **Gyaltsen Lhaksam**, 23, a Tibetan Buddhist nun from Garu Nunnery, arrested in August 1990 for staging a peaceful demonstration, and later sentenced to seven years' imprisonment. Other nuns are also serving prison terms in connection with the incident, which occurred at the Norbulingka, the Dalai Lama's former summer palace near Lhasa, during the week-long Shoton (Yoghurt) Festival. After shouting slogans in support of the Dalai Lama and calling upon Chinese settlers to leave Tibet, the demonstrators were seized by police and taken to Gutsa Detention Center for interrogation; after trial, they were transferred to Drapchi Prison, where Gyaltsen Lhaksam and several others still remain. Although her sentence was later reduced by two years, news received in mid-April 1991 said that she had subsequently been placed under "special discipline" - probably in solitary confinement - for unknown prison-rule infractions. Present condition unknown.

* **Zheng Yunsu** and some thirty-six leaders of the Jesus Family

in Douyigou, Shandong Province, including Zheng's four sons, were sentenced to long prison terms. Zheng, the local leader, received a twelve-year term which he was serving in a labor camp called the Shengjian Motor Factory, not far from Jinan, the provincial capital. His oldest son, **Zheng Jiping**, and his third son, **Zheng Jikuo**, each received a nine-year term. Charges against them included holding illegal religious gatherings, leading a "collective life," disturbing the social order, resisting arrest and beating up public security personnel. The latter charge probably referred to an attempt on May 21, 1992 by a crowd of believers to prevent their church from being razed.

* **Wan Yansheng** and **Zong Rongkun**, religious sectarian leaders who, if still alive, would now be in their seventies or early eighties, arrested in central China in 1988 on charges of leading a branch of the *Da Cheng Men* (*Mahayana Gate*) sect and later sentenced to unknown terms of imprisonment for "counterrevolution." According to the authorities, "The order to ban and eradicate the *Da Cheng Men* was given in the 1950s. In 1983, Wan and Zong...under the banner of 'freedom of religious belief' and on pretexts such as 'adopting the prohibitions of vegetarianism' and 'cultivating the future life rather than one's present existence', secretly recruited into the sect over one hundred new members. All this exerted an extremely bad influence among the masses." No further news of the two elderly sectarians' fate since late 1988.

* **Liu Baiqiang**, 26, a prisoner serving a ten-year sentence for robbery in Guangdong Province in June 1989, sentenced to an additional eight-year term for writing leaflets in his prison cell expressing support for the crushed pro-democracy movement. According to an internal report by the Supreme People's Court, on June 6 that year, Liu secretly wrote out three leaflets bearing the words, "Long Live Freedom," "Deng Xiaoping should step down" and "Tyranny." After showing these to his cellmates, "He attached them to the legs of locusts and released the insects out of the prison cell [in the aim of] inciting people to overthrow the political power of the people's democratic dictatorship." At his trial, the court pronounced Liu guilty of "counterrevolutionary propaganda and incitement" and declared that "his crimes are heinous and he must be severely punished."

* **Jampel Changchup** and **Ngawang Phulchung**, Tibetan Buddhist monks in their mid-thirties, arrested in early 1989 for staging a peaceful protest and later sentenced to nineteen years' imprisonment for "espionage" and "forming a counterrevolutionary group." The two monks were accused of "collecting information and passing it on to the enemy,"

charges which appear to have referred primarily to their contacts with the Dalai Lama's government-in-exile and to unofficial publishing activities. Significantly, their first major publication was a Tibetan translation of the *Universal Declaration of Human Rights*. Together with eight other monks sentenced in connection with the same case, they are currently serving their sentences at Drapchi Prison. They are among twenty inmates who in April 1991 were beaten unconscious by prison guards for protesting the punishment of two other prisoners who had attempted to hand then U.S. Ambassador to China, James Lilley, a letter exposing conditions at Drapchi.

* **Zheng Qiuwu**, arrested in Hainan Island in 1986, tried on charges of "organizing and leading a counterrevolutionary group" and sentenced to 14 years' imprisonment. Zheng is currently being held in a special unit for political prisoners at Huaiji Prison, Guangdong Province, where he has been in solitary confinement for most of the past seven years. Among the "ideological heterodoxies" of which he was accused was his outspoken advocacy of establishing stock markets in China - a notion that was officially condemned at the time but which now forms a central part of the government's economic reform policy. According to a former political inmate of Huaiji Prison, Zheng had by 1991 become mentally disturbed as a result of his solitary ordeal.

Fair Trial Concerns

Anyone who has examined trial documents in the cases of political prisoners in China can hardly fail to be struck by one oddly consistent fact, namely that court verdicts follow, virtually verbatim, the text of the original prosecution indictment. This textual correspondence is unerringly repeated, moreover, when the time for the appeal hearing duly arrives. Far from demonstrating, as Chinese judicial authorities might suppose, the estimable rigor and diligence of the court system, this state of affairs means one thing only: that guilt has been predetermined and the verdicts decided upon in advance.

A brief outline of China's criminal justice system suffices to confirm this impression. First, court authorities explicitly reject the principle of "presumption of innocence," a cornerstone of internationally recognized due process and a principle enshrined in the *Universal Declaration of Human Rights*. (To adopt such a rule, argue the Chinese authorities, would be tantamount to saying that China's policemen could never arrest anyone.) Instead, the first thing detainees encounter when

they enter police cells is a large sign on the wall proclaiming "Lenience to Those Who Confess, Severity to Those Who Resist." Confession is an integral and required part of the system, and is the only viable route for detainees wishing to avoid the full weight of the law.

Second, detainees in China are by official regulation denied all access to defense lawyers until after the prosecution has wrapped up its case and is ready to go to trial, by which time the accused will commonly have been held for a period of between several months and over a year. This usually leaves no more than a few days for counsel to prepare a defense, and even then lawyers are often informed that the court will only accept guilty pleas. Visits by family members may only commence once the verdict has been handed down and the prisoner transferred to the facility where he or she is to serve sentence.

Third, the inevitable outcome of such prolonged incommunicado detention is widespread police torture and ill-treatment aimed at forcing the requisite confessions. An official newspaper revealed in October 1993 that no less than 1,687 cases of police and justice officials extracting confessions by torture had occurred nationwide since 1988.² Despite China's ratification that year of the U.N Convention Against Torture, "The trend of torture has not declined. On the contrary, more and more bloody incidents have occurred....[And] methods of torture have become more cruel." In Henan Province alone, "Forty-one criminals and innocent suspects were killed by torture from 1990 to 1992. Seventeen, or more than forty percent of the victims, died last year, during which sixty-two cases of torture were uncovered, twenty-four percent more than in 1991." And perhaps most disturbing of all, "Officers that rely on torture to break a case are not criticized but are cited for meritorious service and rewarded."

Fourth, there is no meaningful independence of the judiciary in China, especially where political cases are concerned. According to information supplied by the Chinese government in 1993 to the U.N. Committee Against Torture, "The Communist Party [does] not intervene at all in decisions of the courts."³ The reality, however, is very different. Courts at all levels are subject to close scrutiny and control by parallel

² *Henan Legal News*, October 7, 1993, in *Agence France Presse*, October 15.

³ Official Records of the 48th Session of the General Assembly, Supplement No.44 (A/48/44), p.65.

and superior organs of the Communist Party known as "politics and law committees" (*zheng-fa weiyuanhui*.) In addition, "adjudication committees" (*shenpan weiyuanhui*) within each court, composed of the court president and other senior judicial cadres, are required by the Party not only to screen all so-called major, important or thorny cases (*da-yao yinan anjian*), but also to render a verdict in advance of the actual trial. This procedure, a novel one by international standards, is openly referred to in China's legal press as "verdict first, trial second" (*xianpan houshen*.) A concise explanation of the practice, which remains the norm for all political cases, was given in July 1988 by an unusually outspoken advocate of judicial reform, writing in the Shanghai journal *Democracy and Law*:

Our current trial practice in all cases, regardless of whether they are major or minor, criminal, civil, economic or administrative ones, is that the adjudication committee must first give its opinion on what the appropriate ruling should be, and this is then implemented [in court] by the panel of judges....Even if they [i.e. the committee] reach an erroneous verdict, the panel of judges must submit to it completely and unconditionally; there is no room allowed for debate or disagreement.⁴

With such perverse rules of legal process in operation, a high incidence of wrongful conviction becomes a virtual certainty. But what is most surprising is that so few real lessons appear to have been learned by China's senior judicial officials in the aftermath of the Cultural Revolution. According to a confidential report prepared over a decade ago by the Fujian provincial justice authorities, 93 out of a total of 750 "counterrevolutionaries" sentenced by the province's courts during the two-year period 1977-78 received the death penalty and were executed. Subsequently, the government conducted a review of altogether ninety-eight of the sentences of "counterrevolution" passed during the period in question by intermediate courts in the province's two main cities, Fuzhou and Xiamen, and by six other municipal and county courts in the province. The findings were shocking:

⁴ *Minzhu Yu Fazhi*, July 1988.

We discovered serious problems with regard to 93 of the cases, amounting to 94.3 percent of the total. Among these, 67 of the convicted persons, or 68.36 percent of all the cases reviewed, were in fact completely innocent. Two persons, or 2.05 percent of the total, should have been exempted from criminal punishment. In 21 cases, or 21.4 percent of the total, either the wrong charges had been applied or the sentences imposed were too heavy. And in a further three cases, or 3.06 percent of the total, either the facts were unclear or the evidence was insufficient.⁵

Among twenty-one of the "counterrevolutionaries" sentenced by the Fuzhou Intermediate Court, "Seventeen, or seventy-seven percent of the total, were found to have been completely innocent....The original verdict was upheld in only one case." And of nine such verdicts rendered by the Xiamen Intermediate Court, "All were found to have problems." The government report carefully avoided specifying how many wrongfully convicted persons had been among the list of those actually executed, confining itself to the comment, "A small number of persons who should not have received the death penalty were sentenced to death." But the figures spoke clearly enough for themselves: virtually all of the cases had been miscarriages of justice.

All but two of the twelve main counts of "counterrevolutionary crime" with which political defendants may be charged in China are currently punishable by the death penalty. The present report contains summaries of sixty-seven such cases of execution that occurred during the 1980s, including seven cases of persons who were accused solely of non-violent activities; also listed are the names (without case details) of a further thirty-eight executed "counterrevolutionaries." But this is just the tip of the iceberg. Most of those executed each year in China are so-called common criminals, rather than political prisoners. Although the authorities have consistently refused to make public the nationwide statistics for executions, independent monitoring groups estimate the

⁵ "Many 'Unjust, False and Erroneous' Verdicts Also Found Among Cases Tried Between 1977 and 1978," *Renmin Sifa Xuanbian* ("A Compilation of Articles from *People's Justice Magazine*"), Law Publishing House, February 1983, pp.116-8. The volume is marked "For internal distribution only."

average annual figure to be at least several thousand.⁶ Wrongful execution is, to be sure, only the most heinous among an extensive range of human rights violations that occur all too often as a result of the currently deplorable state of criminal justice in China. But when lives can be so casually dispensed with, few judicial safeguards for prisoners' rights - short of a fundamental reform of the entire court system - are likely to be forthcoming in the case of non-capital offenders, especially those political and religious activists whom the Communist Party still views as being among its most dangerous enemies.

Accountability

In assessing what steps the international community might usefully take in order to promote an improvement in China's human rights situation, three separate but interrelated issues need to be considered. The first is prisoner accountability. Thus far, efforts by foreign governments and rights groups to secure even the most basic accounting from the Chinese authorities of its political and religious prisoner population have not produced encouraging results. In fact the process has been much like pulling teeth. A series of political and religious prisoner lists, often running to several hundred names in length, have been presented to Beijing by the U.S. and other Western governments since 1991, but these have brought forth partial and extremely limited responses from the authorities. This still represents progress, as compared to those times when the lists have simply been ignored. While seizing upon every available inaccuracy or inconsistency on the lists in order to downplay the reliability of the information as a

⁶ International pressure on the issue is steadily mounting. In its annual report of 1993 to the United Nations General Assembly, the U.N. Committee Against Torture noted that it had formally requested from the Chinese government "precise statistical data concerning the number of persons...sentenced to capital punishment and executed." (Official Records of the 48th Session of the General Assembly, Supplement No.44 [A/48/44], p.67.) *Amnesty International*, which monitors use of the death penalty worldwide, recorded a total of 1,249 confirmed executions in China between January and November 1993, while noting that "These figures are believed to be far below the actual number." In the month of September alone, "570 people were sentenced to death...of whom at least 373 were executed." (ASA 17/02/94, January 1994.)

whole, Chinese officials have expended little equivalent effort either to correct them or to supply the missing details. Meanwhile, all the information needed to promote the process of accountability, were the authorities so minded, no doubt sits readily accessible in the archives of the central and provincial justice departments.

The absolute minimum that the international community should expect to achieve in what has by now become something of a cat-and-mouse game with Beijing, is an adequate accounting of the present status and circumstances of those prisoners appearing on the lists presented. If certain names genuinely cannot be identified, the authorities should request further information where available and make good-faith efforts to cooperate in the search. Beyond this, however, they should also be asked to supply copies of the court verdicts or police sentencing documents in all confirmed or "status known" cases. Access to such documents by human rights groups and others would probably be the single most effective means of evaluating the charges laid against imprisoned dissidents and of establishing whether or not internationally accepted standards had been violated by the courts. The government maintains that all trials in China, including those of "counter-revolutionaries" (and excluding only those of minors or ones where "state secrets" are involved), are conducted openly and publicly. If this were indeed true, then the trial proceedings would surely be a matter of public record, freely available to any Chinese citizen or other concerned party. The claim, however, is false, and there appear to be no such public archives anywhere in China. Sometimes even the families of the accused are denied a copy of the sentencing document. As regards the prisoners listed in this report, it should be stressed that probably the majority of cases summaries were obtained from officially published Chinese sources. On all such cases, there can be no excuse for the government to plead ignorance or lack of information. All that is clearly lacking is the inclination on its part to play ball.

Access

Even assuming that the major hurdle of prisoner accountability is somehow eventually cleared, there still remains the problem of access. At present, all prisoners in China serve out their sentences in a harshly punitive penal environment over which there is no outside scrutiny or independent monitoring worth mentioning. The recently established "prisons bureau" (*jian-suo jiancha bumen*) of the Chinese procuracy, which