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PEOPLE'S REPUBLIC OF CHINA

Human Rights in China in 2001 - a New Step Backwards (An Amnesty International Briefing)



3 September 2001
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HUMAN RIGHTS IN CHINA IN 2001 - A NEW STEP BACKWARDS

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Developments in the human rights situation in China over the past few months represent a major set back for human rights and the "rule of law" in China, and a new step backwards since the deterioration in human rights which started in late 1998.

In 2001, the Chinese authorities have continued to show willingness to adhere on a pro forma level to the international human rights regime – notably by ratifying the International Covenant on Economic, Social and Cultural Rights, in February 2001. At the same time, however, they have pursued domestic policies resulting in serious human rights violations on a large scale.

In particular, the authorities have launched a new "strike hard" campaign against crime which led within a few weeks to a record number of executions, many of them believed to have been carried out after summary trials. They have stepped up the crackdown on the Falun Gong spiritual movement, reportedly sanctioning for the first time the widespread use of violence against its members. They also launched a new wave of arrest and forcible repatriation of North Korean asylum seekers, denying them access to any refugee determination procedures, in breach of the principles embodied in the 1951 Refugee Convention to which China is a State party. In addition to these major developments, repression of dissent has continued, new restrictions have been imposed on the media, and numerous incidents of arbitrary detention, torture and other human rights violations have been reported across the country.

This briefing summarises Amnesty International's concerns about the major developments outlined above. Information about other human rights issues in China is available in other Amnesty International's documents and reports, including "Torture: A growing scourge in China – Time for action" (AI Index: ASA 17/004/2001, 12 February 2001) and "Comments on China's Report to the United Nations Committee on the Elimination of Racial Discrimination" (an Amnesty International Briefing, July 2001).

The "strike hard" campaign against crime – a record number of executions:

In April 2001, the central authorities issued directives to intensify the "strike hard" campaign against crime. This resulted in tens of thousands of arrests and a record number of executions in the following weeks. Within three months, from April until early July 2001, Amnesty International recorded 2,960 death sentences and 1,781 confirmed executions. This rate of executions had not been recorded in China since a previous major "strike hard" campaign against crime in 1996.

Executions were carried out all over the country for crimes as diverse as bribery, pimping, embezzlement, tax and insurance fraud, robbing of petrol, selling harmful foodstuffs, drug offences, as well as violent crimes. Most executions have taken place after mass sentencing rallies in front of massive crowds in sports stadiums and public squares. Rallies in Shaanxi province in April and May were reportedly attended by 1,800,000 spectators. Tens of thousands of arrested suspects and thousands of others assigned without charge or trial to detention in "re-education through labour" camps were also paraded at these rallies. Those sentenced to death were also paraded through the streets past thousands of people on their way to the execution grounds.

Official reports on the campaign reveal a total absence of concern for international norms which require that the most careful judicial procedures be followed in death penalty cases. These reports indicate that pressure was put on the police and judicial authorities to achieve "quick results" in the campaign, including by curtailing judicial procedures, thus greatly increasing the potential for miscarriages of justice, arbitrary sentencing and the execution of innocent people.

At meetings to prepare for "strike hard", lawyers were reportedly called on to coordinate with the police and prosecution, and not to hold up the judicial process. Police and prosecutors were urged to cut corners, and not to "get entangled in the detail", so as to achieve "quick approval, quick arrest, quick trial and quick results". Examples of effective implementation of these instructions were given in the official media. In Hunan province, police boasted of "solving 3,000 cases" in two days during a "Spring Thunder" operation carried out from 23 to 25 April 2001. In Sichuan province, police reported they had "cracked" 6,704 cases in six days, including 691 murders, robberies or bombings, apprehending 19,446 people from 19 to 24 April.

Courts also boasted of their speed and "special procedures" during "strike hard". Courts in Shandong province reportedly held an average of 65 criminal trials every day from 10 April

to 25 May 2001. Courts in Suqian city, Jiangsu province, reported new procedures under which they completed full judicial proceedings in an average of 20 days - an example which was widely promoted in the official media.

While the "strike hard" campaign was initially targeted at organised violent crime, national and provincial authorities have greatly expanded its scope for the next two years. In some provinces, many executions were carried out for economic crimes, including tax and financial fraud, currency forgery and "disrupting the stock market". According to official sources, this is in order to "tackle the serious economic crime situation before entry to WTO and the challenge of globalization".

In the Xinjiang Uighur Autonomous Region (XUAR), a major aim of the campaign is to "deal a decisive blow to separatist forces, eliminating separatism and illegal religious activities". Many Uighur political prisoners have been executed, accused of "separatism" and a range of alleged violent crimes. At the end of April, for example, 30 Uighurs were sentenced to death on such charges in four districts of the XUAR alone, of whom 16 were reportedly executed immediately. In Tibet, the campaign also targets those who "guide people illegally across the border".

Amnesty international believes that the way in which such campaigns are carried out seriously undermines efforts by institutions and legal professionals in China to improve the justice system and implement the rule of law. Furthermore, like other "strike hard" campaigns before it, this crackdown is unlikely to have a lasting impact on China's growing crime problem and the Chinese government's claim that its extensive use of the death penalty is needed to tackle the serious crime problem in China remains unconvincing. Amnesty International continues to call on the government to end its spiralling and counterproductive use of the death penalty and to replace it with more effective and humane criminal punishments.

The campaign against Falun Gong – allegations of state sanctioned violence:

Over the past few months, Falun Gong sources in China and abroad have alleged that violence against Falun Gong practitioners detained all over China is now systematic and officially sanctioned. They describe this as a new pattern and claim that a special government task force set up in Beijing to lead the campaign against Falun Gong, the "610 office", has issued unwritten instructions allowing police and other officials to go beyond legal constraints in this campaign, discharging them of legal responsibility if a Falun Gong practitioner dies in detention due to beatings. According to these sources, of over 250 practitioners reported to have died in custody since Falun Gong was banned in July 1999.

about half have died this year and many of the deaths which are due to ill-treatment are officially reported as suicides.

Allegations that violence against Falun Gong practitioners is now officially sanctioned have also been reported in August 2001 in a detailed article in the *Washington Post*, which cites unidentified government sources.¹ According to the article, the central authorities devised a new approach to eradicate the group in February this year, after eighteen months of mitigated success due to uneven or reluctant enforcement of the campaign by local officials. The new approach was reportedly based on three elements designed to produce results, the first being the sanction by the central leadership of the widespread use of violence against practitioners who refuse to renounce their beliefs. The article cited the sources as saying there was previously no systematic campaign of violence to break Falun Gong, and that practitioners had previously suffered only the "normal amount" of police brutality, in the same way as other detainees. The two other elements in the new approach consisted in the systematic setting up of compulsory "study sessions" to force all known practitioners to abandon Falun Gong and denounce it as a "cult", and a more effective propaganda campaign to turn public opinion against Falun Gong. The propaganda campaign capitalised on an incident on 23 January 2001 when five alleged practitioners, including a 12 year-old girl and her mother, set themselves on fire in Tiananmen Square. The state media repeatedly broadcast shocking images of the burning body of the girl and material aimed at discrediting the group after the incident, reportedly changing public views of the group.

Amnesty International is gravely concerned by the allegations of state sanctioned violence against Falun Gong practitioners. The organisation's concerns about the government's campaign against the group include the arbitrary detention of thousands of practitioners – whether in "study classes", regular detention centres or labour camps – unfair trials, and numerous allegations of torture of detained practitioners. These concerns have been documented in a number of reports published by Amnesty International. In a report published in February 2001,² the organisation cited allegations made in cases of deaths in custody, most of them reportedly due to torture and ill-treatment. Active attempts by officials to cover up or destroy evidence were alleged in a large number of these cases. This included reports of hasty cremation of the victims before relatives could see the bodies or before autopsies could be performed, and the detention of people who sought to publicise information about the death in custody of relatives or friends. In the face of a body of credible evidence, official responses in many of these cases, rejecting outright all allegations of torture and ill-treatment, were both unconvincing and inadequate.

¹ "Torture is Breaking Falun Gong", by John Pomfret and Philip P. Pan, *Washington Post*, 5 August 2001.

² ASA 17/004/2001. op.cit., pp. 31-34 and 53-54.

These concerns still stand and have been reinforced by the growing body of testimonies of torture by Falun Gong practitioners held in various places of detention or "study" centres, as well as the growing number of reports of deaths in custody over the past few months. By mid-January 2001, at least 120 deaths in custody had been reported since the ban on Falun Gong in July 1999. This number has now reportedly more than doubled in just over six months. Allegations of ill-treatment and official cover-up through hasty cremations have been made in these cases too. Official sources have attributed many of the recent deaths in custody to suicide but have provided no detail and, unlike the widely publicised self-immolations in Tiananmen Square in January this year, there have been no media reports about these alleged suicides.

Amnesty International calls on the Chinese government to stop all violence against Falun Gong practitioners and provide convincing evidence that all allegations of torture of detained practitioners are being investigated, in line with Chinese law. It also calls on the government to release all practitioners arbitrarily detained in "study classes" and other places of detention.

The forcible repatriation of North Korean asylum seekers:

In July 2001, reports from a variety of sources indicated that a new wave of arrest and forcible repatriation of North Korean refugees and asylum seekers was underway in northeast China. According to the reports, since the end of June, hundreds of North Koreans who had sought refuge in China to escape famine or persecution in the Democratic People's Republic of Korea (North Korea) were arrested in north-east China and forcibly repatriated.

Tens of thousands of starving North Koreans have fled their country over the past few years, many of them clandestinely crossing the border into China's northeastern provinces of Jilin and Liaoning. The majority reportedly cross the Tumen river, which borders North Korea and the Chinese province of Jilin. Their exact number in China is not known - it is believed to fluctuate - but estimates from various sources range from 30,000 to 300,000. They live in a very precarious situation in China. Some hide in the hills along the border and survive by scavenging, begging or stealing. Others have been given shelter or support by China's local ethnic Korean community and foreign aid organisations, or have found work in local farms and enterprises. A few have attempted to travel through China in the hope of eventually seeking asylum in another country. In all cases, apart from the constant threat of detention and forcible repatriation, their illegal status in China makes them particularly vulnerable to exploitation and harassment. Various sources have reported for example that some North Korean women have been sold in China as brides by traffickers in human beings.

The new crackdown on North Koreans was said to be part of the "strike hard" campaign against crime launched across China earlier this year. In the border areas of north-east China, police stepped up checks in people's homes and reportedly imposed fines averaging 3,000 yuan on Chinese citizens caught helping North Koreans, while offering rewards to those who informed on them. At the end of July, various sources reported that some 50 North Koreans were being forcibly returned every two days from the border town of Longjing (Jilin province) and that several hundred were detained awaiting repatriation in the border cities of Tumen (Jilin province) and Dandong (Liaoning province).

The Chinese government considers all North Koreans who illegally cross the border into China as "illegal immigrants" and denies them access to any refugee determination procedure. Their forced repatriation without access to such procedures violates the fundamental principle of *non-refoulement* embodied in the 1951 Convention relating to the Status of Refugees, to which China is a state party. The government, however, has barred the United Nations High Commissioner for Refugees (UNHCR), which has an office in Beijing, from visiting the border areas, thus preventing it from assessing the status and situation of the North Koreans and from providing appropriate assistance. Since 1999, China has reportedly forcibly repatriated thousands of North Koreans. Since the start of the current crackdown, hundreds are reported to have been sent back and some sources estimate that the real number may be in the thousands.

Amnesty International believes that the large influx of North Korean asylum seekers in China in recent years is a humanitarian crisis on a scale which requires access to UNHCR and other international assistance.³ In an open letter to President Jiang Zemin on 13 August 2001, the organisation called on the Chinese government to review its policy and ensure that the rights of North Korean refugees and asylum seekers are respected, including by ensuring that they have access to a fair and independent asylum procedure, with the assistance of the UNHCR. Pending the establishment of such procedures, it called on the government to stop all operations aimed at apprehending and forcibly repatriating them.

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³ For further information, see "Open Letter to the President of the People's Republic of China", Amnesty International, TG ASA 17/02/01, 13 August 2001.