

CHINA'S JUNE FOURTH PRISONERS: THE LONG ROAD TO JUSTICE

Remarks to the Foreign Correspondents' Club of Hong Kong
On the Occasion of the 12th Annual Human Rights Press Awards

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March 29, 2008

Protests erupt in a city in western China, and then in other cities including Beijing. After a period of restraint, the government deploys troops. Demonstrators hurling rocks and setting fires are no match for the military. Many are killed, many more arrested. The *People's Daily* denounces the counterrevolutionary rebellion instigated and abetted by international anti-China forces. The Chinese government vows to crush the protests.

After the disturbances are put down, the search for protesters and their leaders begins. Government notices appear setting deadlines for their surrender: those who give themselves up will be treated leniently, those who don't, harshly. A most-wanted list of 21 protest leaders is released.

The international community reacts with outrage. Demonstrations against the Chinese government take place around the world. Politicians debate what to do. Beijing pays no heed. The nationwide crackdown and manhunt intensifies.

In the United States, a Democratic member of the House of Representatives, Nancy Pelosi, embraces the cause of the protesters. After consulting with colleagues, she decides to act, introducing legislation to deny China unconditional access to the US market, something Beijing badly needs to realize its economic and political goals.

What I have just described took place in 1989, but there are eerie parallels to the events of the last three weeks. In 1989, China was far weaker, and ultimately the government and the ruling Communist Party made concessions to international criticism and the threat of sanctions. Whether Chinese leaders will do the same today is far from certain. Chinese officials have bluntly told me that they are prepared to sacrifice the Olympic Games to counter threats to national security.

In 1990, the first year of the debate in the US Congress over China's trade status, I was the president of Hong Kong's American Chamber of Commerce and the regional vice president of a large American multinational corporation. I was invited to testify at the

first congressional hearings on China's "most favored nation" trading status. On the eve of my departure for Washington, I and other leaders of the business community were hosted to a dinner by China's senior representative in Hong Kong.

In the midst of Minister Zhou Nan's toast, I suddenly interrupted him and appealed for clemency for a young student leader imprisoned in Shanghai. Today, 18 years later, I call again for clemency. I ask the Chinese government to release those still in prison for participating in the events that took place in the spring of 1989.

After my first intervention, I took to drawing up lists of political prisoners, traveling to Beijing and Guangzhou to deliver them to Chinese officials. From 1991 to the end of 1994, I made 20 such trips. In December 1995, I summarized the responses of the Chinese government to these early lists and provided members of the press and the Chinese government with this document. In February 1995, I traveled to Beijing to get the government's reaction to what I had done.

I was told by a minister that I had accurately reported what I had been told. He agreed to continue receiving me and my lists. We reached an understanding that in 1995 I would submit 100 "requests for information" on prisoners—one list of 25 names each quarter. The Ministry of Justice, which oversees China's 700 prisons and 300 "re-education through labor" camps, would make a good-faith effort to provide responses.

Two months later, the MOJ issued an internal regulation establishing a reporting system for "important prisoners." Among prisoners to be reported on regularly to central authorities were those serving sentences for crimes committed during "the two turmoils" (martial law in Tibet in early 1989 and martial law in Beijing in June 1989) as well as leaders of "the two illegals" (the autonomous student federations and the autonomous worker federations) *about whom the international community had expressed concern*. By simply asking about prisoners, we could make them important.

By the end of the 1990s, nearly all the important prisoners associated with the June Fourth protests had been released from prison, most before the end of their sentences.* But what of the hundreds if not thousands of June Fourth prisoners whose names rarely if ever appeared on lists and about whom the international community rarely expressed concern? These prisoners were predominantly workers and peasants who were swept up in the protests that engulfed Beijing and hundreds of other locations. They had been

* "Important prisoners" from the protests that led to martial law in Tibet fared far worse. Few received sentence reductions. The last of the Drepung Monastery monks who played key roles in the protests, **Ngawang Phulchung** was released from prison in October 2007 after serving 18½ years of a 19-year prison term for counterrevolution. A Lhasa university student, **Lobsang Tenzin** convicted of murdering a policeman, is still in prison. He continues to maintain his innocence. Lobsang Tenzin will be released from Qushui Prison on April 26, 2013.

convicted of destroying property and been branded counterrevolutionary saboteurs or hooligans. Many received life sentences or death sentences with two-year reprieve.

A year ago, I estimated that there were between 200 and 300 people still in prison for offences committed during the April-June 1989 protests in China. Over the last six months, Dui Hua has learned of the release of several individuals originally sentenced to death with two-year reprieve or life in prison, including:

- **Zhou Yan** was a 23-year-old worker at a Shanghai textile factory in 1989 when he was detained for infiltrating student and citizen organizations during the 1989 protests in the east China city in order to gather intelligence for an unnamed foreign power and incite unrest. The *People's Daily* article on his arrest reported that Zhou organized a crowd of demonstrators who shouted: "I love money but love freedom and democracy more."

Zhou was sentenced to life in prison for espionage and as recently as the middle of 2006 an official government response indicated his original sentence had not been adjusted. In late 2007, Dui Hua was informed that he had in fact been released in June 2006 after several sentence reductions.

- **Li Weihong** was a 21-year-old worker at Hunan Fire Fighting Equipment Factory in Changsha, Hunan Province, when he became involved in organizing street protests that turned violent in April 1989. Li and six others were convicted of hooliganism. All were executed except Li, who was sentenced to death with two-year reprieve. Repeated inquiries as to his fate yielded no replies until seven months ago, when Dui Hua was told that, after five sentence reductions, Li would be released on November 11, 2007. His release has been confirmed.
- **Hu Liangbin** was a young man when he was detained in Wuhan on June 7, 1989, for overturning trucks, blocking traffic, and setting fire to a bus. He was sentenced to life in prison. In a first-ever response, the Chinese government late last year advised that Hu had been released on May 22, 2005.
- **Rui Chaoyang** was an 18-year-old temporary worker at Xian's Huanbao Boiler Company when he was detained for involvement in the protests that broke out in the northwestern Chinese city on April 21 and 22, 1989. He was subsequently convicted of hooliganism and sentenced to life in prison, according to Beijing Radio. In a communication to a foreign dialogue partner, the Chinese government advised that Rui was released, after three sentence reductions, on June 18, 2004.
- **Sun Hong** was an 18-year-old worker at a fluorescent light factory in Beijing when he was detained for burning military vehicles and stealing a gun in the protests of June 4 and 5, 1989. According to the *Beijing Daily*, Sun was sentenced

to death with two-year reprieve. Recent information received by Dui Hua states that, after nine sentence reductions, Sun was released on July 7, 2007.

I now believe that there are somewhere between 60 and 100 people still imprisoned for offences committed during the protests that swept the country between April and June 1989. Here is what we presently know about six of them:

- **Liu Zhihua** is the last imprisoned member of a group of workers who organized one of the largest strikes that took place in June 1989, one that shut down the Xiangtan Electrical Machinery plant in Xiangtan, Hubei Province. Twenty-one years old at the time, Liu was convicted of “hooliganism” for giving anti-government speeches and inciting a mob to “beat, smash, and loot”. He was sentenced to life in prison, but this was reduced in September 1993 to 15 years’ imprisonment. His sentence was extended by five years in 1997 for involvement in a brawl, but it was reduced for good behavior by two years in 2001. Since then, Liu has been placed in solitary confinement twice. His sentence is due to expire on January 16, 2011.
- **Miao Deshun** was among a group of five Beijing residents who were detained in June 1989 and subsequently convicted of arson. He was sentenced to death with two-year reprieve, a sentence that was reduced to life in prison in 1991. In 1998, his sentence was commuted to 20 years in prison, but because in the Chinese system you don’t get credit for time served when a life sentence is commuted to fixed-term imprisonment—a fact that explains why so many June Fourth prisoners are still incarcerated—Miao is not scheduled for release from Beijing’s Yanqing Prison until September 15, 2018, at which time he will have spent 29½ years behind bars for setting a fire.
- Unlike the other prisoners talked about today, all of whom are Han Chinese, **Gu Xinghua** is a member of the Miao ethnic group. According to a December 23, 1989 article in *Shijie Ribao*, Gu, a 25-year-old farmer from Hezhang County in Guizhou Province, established the People’s Solidarity Party in the winter of 1988. He and the party’s 40 members took advantage of the 1989 turmoil “to carry out activities and undermine the socialist system.” Like many rural political organizations Dui Hua has studied, the People’s Solidarity Party drew up a charter, issued a manifesto sent to citizens around the country, made banners, and gathered broadswords and muskets in preparation for an insurrection. Before they could carry out their plans, Gu and the party’s other leaders were arrested. Gu was sentenced to life in prison for “counterrevolutionary armed mass rebellion;” after four sentence reductions, he is due for release from Guizhou’s Guiyang Prison on February 28, 2011.

- The case of **Wang Jun** has special relevance for those following the history of death penalty reform in China. An 18-year-old temporary worker from Chengcheng County, Shaanxi Province, Wang participated in a “serious political disturbance” at the Xi’an Xincheng Factory on April 22, 1989, throwing rocks, breaking street lamps and windows, and setting fire to several vehicles. Wang was sentenced to death. His father appealed to the Shaanxi Higher People’s Court, which referred the case to the Supreme People’s Court in Beijing. The Supreme People’s court recommended a verdict of death with two-year reprieve. After four sentence reductions, Wang is due for release from Shaanxi’s Fuping Prison on December 11, 2009. He has just celebrated his 37th birthday.
- One of the most interesting cases of an imprisoned June Fourth protester that Dui Hua has found in a Chinese publication is that of the Shanghai pamphleteer **Yu Rong** . From June to October 1989, Yu, an unemployed 34-year-old man whose father had died in prison as a counterrevolutionary, distributed 1,450 reactionary leaflets on 52 occasions in five Shanghai districts. His modus operandi was to drop the leaflets from tall buildings, escaping before passers-by could read them and alert the police. According to the January 1990 edition of *People’s Police*, this was the largest case of counterrevolutionary incitement in the post-1949 history of Shanghai. Hundreds of officers under the guidance of Shanghai’s party secretary, Zhu Rongji, spent nearly four months trying to capture the culprit. They succeeded on October 2, 1989. Under interrogation, Yu admitted to dropping bricks as well as leaflets. He was diagnosed with schizophrenia and placed in an Ankang Hospital, one of several psychiatric detention centers that together were studied by Robin Munro. We do not know whether he is still there. Despite widespread knowledge of Yu’s activities on the part of Shanghai’s populace, the case was virtually unknown to the city’s sizable population of foreign diplomats, journalists, and businessmen.
- Another Shanghai prisoner from the 1989 protests is **Wei Yingchun**. Wei was 20 years old when he allegedly set fire to a train that had plowed into protesters blocking the tracks in protest of the crackdown on the demonstrations in Beijing. Four people were executed for this crime; others were given long sentences. Wei was sentenced to life in prison for sabotaging transportation equipment. After six sentence reductions, he is scheduled for release from Shanghai’s Baoshan Prison on January 24, 2010.
- **Shao Liangchen** was also given a long sentence for sabotaging transportation equipment. Shao was a member of the Ji’nan (Shandong Province) Workers Autonomous Federation. He was sentenced to death with two-year reprieve, subsequently commuted to life in prison. His sentence was reduced four more times, and he was due for release on November 4, 2006, when he was diagnosed

with leukemia on September 6, 2004. He was released on medical parole two days later and died on November 7, 2005.

We know of the existence of these men because Chinese journalists inserted their names in newspapers and other official publications, and dedicated researchers like Mickey Spiegel of Human Rights Watch in New York, Robin Munro now of China Labor Bulletin in Hong Kong, and Joshua Rosenzweig and his Dui Hua researchers in San Francisco found and published their names. It has fallen to me to submit lists of their names to the Chinese government, confident that by doing so their chances of better treatment and early release are improved. Even today, Dui Hua still finds previously unknown names of people detained in the spring 1989 protests. To date, we and other NGOs have found hundreds of such names.

By contrast, we have found in official publications the names of only a handful of the 742 people arrested for endangering state security in 2007. The Chinese government has sharply reduced reporting on political crime and rarely volunteers the names of political prisoners. In this respect, China is less transparent than it was in 1989. (Interestingly, the *Tibet Daily* recently published the names of two Tibetans arrested in the Lhasa protests.)

China's June Fourth prisoners are now middle-aged men who have spent their entire adult lives in prison. The protests for which they have been sentenced would, for the most part, today be called "mass incidents." Most would likely be fined and given relatively short sentences. Those serving sentences for counterrevolution and hooliganism form a special group: these "crimes" were removed from China's Criminal Law in 1997. They are serving sentences for crimes that no longer exist.

Those June Fourth prisoners originally sentenced to life imprisonment or death with two-year reprieve also received a supplemental punishment of "deprivation of political rights." After their release from prison, for periods as long as nine years, these men must report regularly to the public security bureau. They are ineligible to receive passports; they cannot work for state enterprises or speak to reporters. They are so-called "targeted people," subject to surveillance and preventive detention by the police. Both from the perspective of public safety (they pose no threat) and basic fairness, the remaining June Fourth prisoners should be released from prison.

Since virtually all of them are eligible for parole and all have already received sentence reductions for good behavior, this should be a simple matter. Local judicial authorities can order their release, perhaps with guidance from Beijing. But if the Chinese government wants a much-needed boost to its international image, then the Standing Committee of the National People's Congress should exercise its authority to grant an Olympics amnesty. Such an amnesty would cover, at a minimum, prisoners serving sentences for counterrevolution and hooliganism. It could usefully be extended to long-serving prisoners convicted of other crimes who have served the bulk of their sentences.

An Olympics amnesty would not only serve to burnish China's image; by releasing the remaining counterrevolutionaries and hooligans, China would ease the way to ratification of the International Covenant on Civil and Political Rights. Under the ICCPR, prisoners serving sentences for crimes that are removed from the criminal law should be released. If the crimes remain on the books but the punishments are reduced, prisoners should benefit.

In a few days, it will be 40 years since Martin Luther King Jr.'s assassination in Memphis, an event that triggered riots across America, violent protests that were put down by police and national guardsmen. Dr. King would have condemned the violence on both sides. He had an unshakeable belief in the ultimate victory of justice, never admitting, in the words of the poet Robert Browning, that "though right is worsted, wrong will triumph."

Dr. King was fond of quoting Reinhold Niebuhr and famously did so at the end of his triumphant march to Selma: "The arc of the moral universe is long, but it bends towards justice." This is the faith that sustains those working inside and outside China to secure the release from prison of political prisoners. May God protect them till our work is done, and may He touch the hearts of China's leaders with the wisdom that the greatest power is the power to be merciful.