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Torture in China under the spotlight at the UN

In police stations, detention centres, prisons, "re-education through labour" camps and repatriation centres throughout China, torture is widespread and should be seriously condemned by the UN Committee Against Torture (CAT), Amnesty International said today. The Committee is currently reviewing China's third periodic report on its implementation of the Convention against Torture.

"Torture and ill-treatment are not only carried out behind closed doors. It is inflicted in public as a deliberate humiliation and a warning to others. In recent years officials have even resorted to torture in the collection of fines and taxes and corrupt officials have used it in blackmail and extortion," Amnesty International said.

Although the use of torture has been "prohibited" on paper for three decades and has been a criminal offence in some circumstances since 1979, it remains commonplace. Since China's last report to the Committee in 1996, a high proportion of reported victims have been killed or fatally wounded within the first 24 hours of detention.

The victims of torture include both political detainees and ordinary criminal suspects. Prisoners have reported being beaten around the head, and being forced to wear metal helmets, having their heads beaten against walls. Prison guards deliberately kick and beat prisoners around the kidney and liver areas. Other methods of torture include being hung by the arms and beaten, being tied up or shackled in painful positions and being given electric shocks.

Reports of torture increase during periodic "strike hard" campaigns when police are given the green light to use "every means" to achieve "quick results".

During campaigns against prostitution, many single migrant women are accused of prostitution and subjected to rape and sexual abuse. Police have the power to issue an instant fine on suspicion of prostitution and hold alleged prostitutes and their clients in administrative detention for up to six months. The police detain, ill-treat and torture women to extract lists of alleged 'clients' to blackmail. Many alleged prostitutes and clients have died in custody as a result of torture.

A few perpetrators of torture have received heavy prison sentences in recent years, but impunity is the overriding norm. Officials are adept at intimidating witnesses, blocking investigations and exploiting loopholes and ambiguities in the law. Even when a case is investigated, punishment is often lenient.

Officials frequently deny responsibility for deaths in custody, and in many cases there is no autopsy to establish the cause of death, with police acting swiftly to cremate the bodies before a full external investigation is possible.

Since September 1999, at least 12 Falun Gong practitioners are reported to have died in police custody in unclear circumstances. Forty-two year old farmer Zhao Jinhua from Shandong province was seized by police on September 27 while she was working in the fields. She was reportedly pressured to renounce her Falun Gong practice and repeatedly beaten with clubs and electronic batons when she refused to do so. On 7 October she was sent to the county hospital twice for emergency treatment but she was already dead before she arrived at the hospital the second time. Medical experts confirmed that Zhao Jinhua's death was a result of beatings but police reports state that she died of "heart failure".

Under 1997 revisions to the Criminal Law, a wider range of actions which constitute torture are now considered crimes in China. However, China's criminal law still fails to outlaw all acts of torture as required by the Convention against Torture. The continued extensive use of torture in China and the distinct lack of progress in investigating and prosecuting those responsible must be condemned and comprehensively addressed by the UN Committee.

Specifically, the Committee should ask the Chinese government to implement its major obligations under the Convention, including:

- to clearly prohibit by law all acts of torture and ill-treatment,
- to promptly and impartially investigate all reports and complaints of torture,
- to prosecute all perpetrators, and
- to take other effective measures to prevent torture, including by ensuring that detainees have prompt and regular access to lawyers, relatives and judges.

Background

During the current session, the Committee against Torture, a 10-member body of independent experts, will review the periodic reports of the governments of China, El Salvador, the Netherlands, Paraguay, Poland, Slovenia and the USA. The meeting is taking place in Geneva, Switzerland, from 1 to 19 May 2000. China's report is being examined on 4 and 5 May and the Committee will present its conclusions and recommendations on 9 May 2000.

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