

TABLE OF CONTENTS

I.THE PRISONERS AND THEIR SENTENCES	1
The "philosophy salon"	2
The defendants' activities during the 1989 pro-democracy movement	3
II.TANG YUANJUAN'S ARREST AND DETENTION	4
III.IRREGULARITIES	4
IV.THE TRIAL: "VERDICT FIRST, TRIAL SECOND	6
LIST OF APPENDICES	7
APPENDIX 1	8
TRANSLATION OF AN ARTICLE IN THE <i>CHANGCHUN DAILY</i> OF 9 JULY 1990	8
APPENDIX 2	11
VERDICT IN THE CASE OF TANG YUANJUAN, LI WEI, LENG WANBAO, LI ZHONGMIN AND LIANG LIWEI	11
APPENDIX 3	17
NOTES ON THE COURT HEARING	17
APPENDIX 4	20
SUMMARY OF TANG YUANJUAN'S LAWYER'S STATEMENT	20

PEOPLE'S REPUBLIC OF CHINA @THE CASE OF TANG YUANJUAN

AN ASSISTANT ENGINEER RECEIVES 20 YEARS' IMPRISONMENT FOR LEADING WORKERS' DEMONSTRATIONS IN 1989

Amnesty International has received information about the trial in late 1990 of five employees of a car factory in Changchun, north-east China. They were sentenced to prison terms ranging from two to 20 years for the peaceful exercise of their fundamental human rights. One of them, Tang Yuanjuan, was sentenced to 20 years' imprisonment, receiving the heaviest prison sentence known to have been imposed for political crimes in China since the 4 June 1989 crackdown on pro-democracy protesters. The information received by Amnesty International suggests that their trial was a mere formality and that the verdict had been decided long before the trial took place.

I. THE PRISONERS AND THEIR SENTENCES

Five employees of the No.1 Car Manufacturing Factory of Changchun city, Jilin province, were tried by the Changchun Intermediate People's Court on 27 November 1990. They were found guilty of "counter-revolutionary" crimes for their activities during the 1989 pro-democracy movement. They had spent 17 months in detention before their trial, having been arrested between 10 June and 1 July 1989.

The five men are:

Tang Yuanjuan, a 33 year old assistant engineer at the Assembly branch of Changchun No.1 Car Manufacturing Factory. He was found guilty of "organizing and leading a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and agitation", and sentenced to 20 years' imprisonment and an additional five years' deprivation of political rights. According to the official record of the verdict against him, Tang Yuanjuan was arrested on 10 June 1989, detained for two weeks for "shelter and investigation" (a form of administrative detention) and formally arrested (that is charged) on 24 June 1989.

Li Wei, a 23 year old worker at the Crankshaft workshop of the Engine-building branch of Changchun No.1 Car Manufacturing Factory. He was found guilty of "actively taking part in a counter-revolutionary group" and "counter-revolutionary propaganda and agitation" and was sentenced to 13 years' imprisonment plus four years' deprivation of political rights. Li Wei was detained for "shelter and investigation" on 10 June 1989 and reportedly formally arrested on 25 June 1989.

Leng Wanbao, a 30 year old worker at the Tools Section of the Engine-building branch of Changchun No.1 Car Manufacturing Factory. He was found guilty of the same offences as Li Wei and was sentenced to eight years' imprisonment plus three years deprivation of political rights. He was detained for "shelter

The Case of Tang Yuanjuan

and investigation" on 10 June 1989 and reportedly formally arrested on 23 June 1989.

Liang Liwei, a 29 year old assistant engineer at the Boiler Testing Laboratory of Changchun No.1 Car Manufacturing Factory. He was found guilty of "counter-revolutionary propaganda and agitation and was sentenced to three years' imprisonment plus one year's deprivation of political rights. He was reportedly arrested on 25 June 1989.

Li Zhongmin, a 36 year old teacher at the Youth Palace of Changchun No.1 Car Factory. He was found guilty of "actively taking part in a counter-revolutionary group" and sentenced to two years' imprisonment plus one year's deprivation of political rights. He was reportedly arrested on 1 July 1989.

The "philosophy salon"

At their trial, four of the defendants were accused of having taken part in a "counter-revolutionary group" organised by Tang Yuanjuan in 1987 "under the cover" of a "salon assembly". This referred to a small discussion group which had met occasionally in 1987 and 1988 to discuss social, economic and political issues - as many other such groups formed elsewhere in China at that period.

According to information received by Amnesty International, the group could hardly be described as a "counter-revolutionary" organization. During the first half of 1987 Tang Yuanjuan had apparently approached a few people at the car factory, including Li Zhongmin, Leng Wanbao and Li Wei, to exchange views about society and participation in political affairs. They met as a group on a number of occasion in mid-1987. Some wanted to discuss mainly economic issues such as contract jobs and trade; others were more interested in social and human issues, or in politics. At one such meeting, Tang Yuanjuan was asked by one participant to formulate his views on social reform, which he did in a few words: "wipe out feudalism, respect human rights, carry out people's rule, reform China". This was later referred to at his trial as the "guiding principles" of the "counter-revolutionary group", though Tang Yuanjuan never apparently defined these views as guiding principles, nor sought to take the role of leader in the group. The group, in fact, stopped meeting after the summer of 1987 as participants had different views about the aims of their meetings and the issues to discuss.

Tang Yuanjuan reportedly initiated a few other group discussions in January and February 1988, and again in August and September that year. In October 1988, he reportedly wrote to a local Communist party official, requesting permission to hold a "salon" meeting at the factory, under the supervision and guidance of the party committee, as a discussion, for employees and to explore issues such as enterprise culture and transfer of staff labour. He was reportedly told by the party official that these were good ideas worth looking into. He wrote again to the same official in January 1989 to seek confirmation that the "salon" meetings could take place, but never received a reply. Two months later, the pro-democracy demonstrations started in Beijing.

The defendants' activities during the 1989 pro-democracy movement

Amnesty International July 1991AI Index: ASA 17/47/91

The Case of Tang Yuanjuan

According to information received by Amnesty International, while large-scale demonstrations and the occupation of Tiananmen Square were taking place in Beijing between April and June 1989, there were no violent incidents or strikes in Changchun.

On 19 May 1989, Tang Yuanjuan and several other people led a demonstration involving a few thousands factory workers in Changchun, to express support for the students on hunger-strike in Beijing. Information from both private and official sources indicate that the demonstration was peaceful.

On 4 June 1989, workers at the car factory learned about the massacre in Beijing when students from colleges in Changchun came to the factory and gave an account of the suppression in Beijing the previous night. Tang Yuanjuan and his friends then organised a demonstration to protest against the authorities' use of armed force in Beijing. The demonstration, which took place on 6 June, was a peaceful march by several thousand workers from the car factory and the Changchun Textile Mill. The marchers later joined a rally held at the Geological Palace Square in Changchun in protest at the bloodshed in Beijing, which was attended by some 10,000 people. During the rally, some workers from the car factory reportedly got on to the podium and spontaneously called for a general strike at the car factory. This initiative was apparently neither initiated nor encouraged by Tang Yuanjuan.

II. TANG YUANJUAN'S ARREST AND DETENTION

Tang Yuanjuan is reported to have been arrested at his home in the evening of 10 June 1989. Ten public security officers from Changchun Public Security Bureau came to his house at midnight, carrying a movie camera, and stated that he was being detained for "shelter and investigation" for organising a mass demonstration and carrying out counter-revolutionary propaganda and agitation. The police searched every room, filming in the process, and confiscated Tang Yuanjuan's letters and other objects. He was then taken away by police in handcuffs.

Following his arrest, Tang Yuanjuan was held at the Jiebei detention centre in Changchun and was reportedly ill on several occasions during his detention. According to information received by Amnesty International, in August/September 1989 he caught typhoid during an outbreak of the disease at the detention centre, but the authorities neither informed his family, nor let him go to hospital. He was given some medicines in the detention centre and eventually recovered. However, he became ill again with a high fever in March 1990. He was later diagnosed as having pulmonary tuberculosis and hepatitis. The detention centre authorities only informed his family of his illness when his condition became serious. They reportedly asked the family to bring money to the detention centre for him to receive medical treatment in hospital, but kept part of the money. Tang Yuanjuan was then transferred to a hospital but was sent back to the detention centre before he was cured because the money transmitted to the hospital for his treatment was apparently insufficient. He returned to hospital in May 1990, after his family contributed more money for his treatment, but was sent back again to the detention centre in September 1990, apparently because of security measures taken at the time the Asian Games were taking place in Beijing. It is not known whether he has fully recovered.

III. IRREGULARITIES

Barely one month after Tang Yuanjuan's arrest, the official newspaper Changchun Daily reported that the Changchun municipality had cracked the case of a "counter-revolutionary group" led by Tang Yuanjuan. The style and contents of the article indicated that the municipal authorities had already reached conclusions about the guilt of the detainees, some 16 months before they were tried. A translation of this article, dated 9 July 1989, is attached in Appendix I.

In December 1989, the police reportedly moved to cancel the urban residence permits¹ of several of the detainees - as is often the case with convicted prisoners. The detainees' relatives tried to argue that the case had not yet been tried but police nevertheless proceeded with the cancellation. At that time, the families had not been informed that the detainees had been formally arrested (charged) and pointed out that they were being held for "shelter and investigation" for longer than legally permitted. It is not known whether indeed the detainees were still being held under this form of administrative detention or whether the authorities had failed to inform the families that they had been charged. In either case, proper legal procedures appear to have been ignored.

In the middle of September 1990, the Changchun Intermediate People's Court informed the detainees' relatives that the Changchun People's Procuratorate (procuracy) had filed a prosecution with the court against the detainees, and that the case would be tried within a week. The bill of prosecution had apparently been issued on 10 May 1990, but neither the defendants nor their relatives appear to have been informed about it at the time. Furthermore, the trial did not take place within a week - as the families had been told - but on 27 November 1990. The relatives were not informed of the date of the trial by the authorities. They heard about it through other sources and managed to attend the trial.

The verdict was passed and announced in court on 27 November 1990, but the defendants reportedly received the written verdict only two months later. This unexplained delay is at variance with the law: according to Article 121 of the Criminal Procedure Law, "in cases where the judgement is announced at the Court session, the written judgement shall be delivered to the parties ... within five days". The defendants then appealed against the verdict to the Jilin province High People's Court, but the appeal was rejected.

On 6 April 1991 the Changchun Intermediate People's Court, representing the Jilin province High People's Court, held a hearing to announce the ruling of second instance (the appeal). The High Court had ruled on the appeal on 13 March 1991. The delay in announcing the High Court's decision was not explained. The High Court had rejected the appeal, ruling that the original judgement was correct and the "level of punishment appropriate". The original sentences were upheld.

¹Every Chinese citizen must possess a residence permit (hukou) in order to reside legally in a particular city or area.
Amnesty International July 1991AI Index: ASA 17/47/91

IV THE TRIAL: "VERDICT FIRST, TRIAL SECOND"

Tang Yuanjuan and his four co-defendants were tried in open court by the Changchun Intermediate People's Court on 27 November 1990. They were represented by four defence lawyers. According to information received by Amnesty International, the trial was a mere formality. Tang Yuanjuan's lawyer, in agreement with the other defendants' lawyers, argued that the defendants' discussion group could not be construed as being a "counter-revolutionary group". The lawyer pointed out that the group did not have any counter-revolutionary aims, nor organizational discipline, duty-sharing or relationship of leader and led among the members, which are necessary elements in the definition of a "counter-revolutionary group". The lawyer also questioned the statement of one prosecution witness which had been read out in court. The defendants had requested the witness' appearance in court, but the court ignored the request.

In reply to the defence lawyer's statement, the public prosecutor reportedly stated that, from the time the case was "opened" it had been collectively analyzed and discussed by the police, procuracies and courts of the city and province. Furthermore, he said, it had been "agreed upon" by the relevant leaders of the city and province. He asked the lawyer whether he was suggesting that these officials were all wrong. After a 30 minutes adjournment at the end of the day, the trial proceedings ended after the Chief Judge announced the judgement and sentences, reading from a written document which had been prepared in advance. Clearly the common practice of "verdict first, trial second"²

On 19 April, Tang Yuanjuan, Li Wei, Leng Wanbao and Liang Liwei were reportedly sent to serve their sentence to a labour camp in Liaoning province: the Lingyuan's second Labour-Reform Detachment. The fifth defendant, Li Zhongmin, who had been sentenced to two years' imprisonment, was due for release on 30 June 1991. His present situation and whereabouts are unknown.

² A description of this practice and of Amnesty International's concerns about unfair trial procedures is given in a document issued by Amnesty International in June 1991: Violations of Human Rights in China (AI Index: ASA 17/31/91).
AI Index: ASA 17/47/91 Amnesty International July 1991

The Case of Tang Yuanjuan

LIST OF APPENDICES

The following documents are attached as appendices:

Appendix I: Translation of an article on the case in the Changchun Daily of 9 July 1989.

Appendix II: Criminal Verdict of the Intermediate People's Court of Changchun city, Jilin province, in the case of Tang Yuanjuan, Li Wei, Leng Wanbao, Li Zhongmin and Liang Liwei.

Appendix III: Notes on the Court hearing.

Appendix IV: Summary of Tang Yuanjuan's lawyer's statement.

APPENDIX 1

TRANSLATION OF AN ARTICLE IN THE CHANGCHUN DAILY
OF 9 JULY 1990

Changchun cracks a counter-revolutionary clique case

Six key members arrested in accordance with the law

Recently, the [Changchun] city police cracked the case of a counter-revolutionary group, with Tang Yuanjuan as its leader. Tang Yuanjuan and six other key members were arrested in accordance with the law, with the approval of the procuracy.

Tang Yuanjuan is an assistant engineer with the No.1 Car Manufacturing Factory. In early 1987, he got together with No.1 Car Engine Factory workers Li Wei, Leng Wanbao and others to form a counter-revolutionary group. They frequently held clandestine meetings and proposed the following reactionary political principles: "Wipe out feudalism, carry out democracy, reform the Communist Party, establish a federation." They also plotted division of labour for the personnel and development of the group, raising funds, setting up a reactionary press, etc. For more than two years now, they had altogether expanded to a key membership of eleven.

Since May this year, this counter-revolutionary group took advantage of the students' unrest and the social disorder to incite workers to go on strike and organise illegal demonstrations. After plotting in the evening of 18th May, they posted a "Notice to the people of car city" under the name of "the No.1 Car Factory Support Group" and carried out incitement. At 5pm on 19 May, they organised over 3,000 people who didn't know about the truth of the matter, to take part in marches and demonstrations.

The key figures of the group marched at the front, taking the lead in shouting reactionary slogans, expressing support for the students on hunger strike. On 5 June, after the counter-revolutionary riots in Beijing, they further concocted an "Urgent notice to the people of car city", an "Urgent notice to the people of Chuncheng [Changchun?]", an "Urgent notice to textile workers", the contents of which were extremely reactionary, blatantly maligning the righteous act taken by Beijing [authorities] in suppressing the counter-revolutionary riots. They also printed counter-revolutionary leaflets, and posted and distributed them along the way during the marches, full of arrogance. Towards evening on 6 June, after inciting the crowds to go out and march in the streets and shout reactionary slogans, Tang Yuanjuan, Li Wei and Leng Wanbao, at an illegal gathering on the Geological Palace Square, usurped the name of the car factory workers to read out a "Strike Proclamation", blatantly announcing that the car factory was to start a general strike on the following day.

The counter-revolutionary group led by Tang Yuanjuan tried in vain to create a situation in which the workers of the entire city would go on strike and production be paralysed; they tried in vain to topple the leadership of the Chinese Communist Party, and to subvert the socialist system. They will certainly receive severe punishment by the law. The case is now being further processed for trial.

The Case of Tang Yuanjuan

The Case of Tang Yuanjuan

THE ORIGINAL ARTICLE AS PRINTED IN THE
CHANGCHUN DAILY OF 9 JULY 1990

APPENDIX 2

**VERDICT IN THE CASE OF TANG YUANJUAN, LI WEI, LENG WANBAO, LI
ZHONGMIN AND LIANG LIWEI**

**CRIMINAL VERDICT OF THE INTERMEDIATE PEOPLE'S COURT OF
CHANGCHUN CITY, JILIN PROVINCE**

Criminal [Record] No.104(1990)

Procurator: Hou Shuzhi, deputy procurator from Changchun municipal People's Procuratorate, Jilin province.

Defendant: Tang Yuanjuan; male; aged 33; Han race; higher education; from Yangzhou in Jiangsu province; before his arrest, lived at dormitory 133, door No.5, of Changchun No.1 Car Manufacturing Factory, was an assistant engineer at the Assembly Branch of Changchun No.1 Car Manufacturing Factory. He committed the crimes of organising and leading a counter-revolutionary group, and of counter-revolutionary propaganda and agitation and thus was detained for "shelter and investigation" on 10 June 1989 and arrested on the 24th of the same month. Currently in custody.

Defense Counsel: Wu Zhenxing, lawyer from the Jilin provincial Economic Lawyers Office.

Defendant: Li Wei, male; aged 23; Han race; higher education; from Ninghe county in Hebei province; before arrest, lived at No.19 Jingdong street of Nangan district of Changchun city; worker at the Crankshaft workshop of the Engine branch of Changchun No.1 Car Manufacturing Factory. He committed the crimes of actively taking part in a counter-revolutionary group and counter-revolutionary propaganda and agitation and thus was detained for "shelter and investigation" on 10 June 1989 and arrested on the 25th of the same month. Now in custody.

Defense Counsel: Wei Xiangjiu, lawyer at Changchun Lawyers Office.

The Case of Tang Yuanjuan

Defendant: Leng Wanbao, male, 30; Han race; higher education; from Huaide county in Jilin province; before his arrest, lived at dormitory No.182, door No.2, of Changchun No.1 Car Manufacturing Factory; worker at the tools sections of the engine branch of Changchun No.1 Car Manufacturing Factory. He committed the crimes of actively participating in a counter-revolutionary group and counter-revolutionary propaganda and agitation, and was thus detained for "shelter and investigation" on 10 June 1989 and arrested on the 23rd of the same month. Now in custody.

Defense Counsel: Zhang Fengshang, of Changchun Lawyers Office.

Defendant: Li Zhongmin, male, 36; Han race; higher education; from Nongan county in Jilin province; before his arrest, lived at Dormitory No.816, door No.4 of Changchun No.1 Car Manufacturing Factory; teacher at the Youth Palace of Changchun No.1 Car Manufacturing Factory; He committed the crime of actively taking part in a counter-revolutionary group, and thus was arrested on 1 July 1989. Now in custody.

Defense Counsel: Li Renfu, lawyer at the Lawyers Office of Kuancheng district of Changchun city.

Defendant: Liang Liwei, male, 29, Han race; higher education; from Gai county in Liaoning province; before his arrest, lived at dormitory No.50, door No.2, of Changchun No.1 Car Manufacturing Factory; assistant engineer at the boiler/pressure vessel testing laboratory of Changchun No.1 Car Manufacturing Factory. He committed the crime of carrying out counter-revolutionary propaganda and agitation, and thus was arrested on 25 June 1989. Now in custody.

The defendants above, organised, led or took part in a counter-revolutionary group and counter-revolutionary propaganda and agitation; they were thus prosecuted by the People's Procuratorate of Changchun city, Jilin province. They were tried openly according to law before this court's collegiate bench on 27 November 1990. The court has established:

Since Spring 1987, the defendant Tang Yuanjuan used the "Shalong [Salon] assembly" as a cover to secretly organise and lead a counter-revolutionary clique. The defendants Li Wei, Leng Wanbao and Li Zhongmin often secretly met at Tang's office or Li Wei's dormitory and other such places, and under the pretext of attacking malpractices, they viciously attacked Party leaders, the socialist system and the policy of reform and opening.

In the summer of 1987, at the dormitory of the defendant Li Wei, the defendant Tang Yuanjuan and others looked into the question of organising a division of work in the so-called "salon" and then decided [to nominate] Tang Yuanjuan as its head, Li Zhongmin as his assistant, Liwei as the responsible person for publicity and Leng Wanbao as industrial fundraiser. The defendant Tang Yuanjuan also frequently asked Li Wei and the others to look for more "friends" to join the so-called "salon". The defendant Li Zhongmin called for a few corrupt officials to be killed. Around that time, the defendant Tang Yuanjuan made a thorough exposition of such reactionary ideas as "wipe out feudalism, carry out democracy, reform the

The Case of Tang Yuanjuan

Party, build up the federation" to the defendants Li Wei and Leng Wanbao. He further defined this as the program of the "salon". In August 1988, Tang Yuanjuan and Li Wei also explained this reactionary program to other people.

In May and June 1989, during the turmoil and counter-revolutionary rebellion in Beijing, Tang Yuanjuan, Li Wei and Leng Wanbao thought that the opportunity had come. On 18 May, after secretly plotting, Li Wei drafted a "Notice to the people of the car city", and after Tang Yuanjuan checked and approved the manuscript, they divided it to post it everywhere in the factory area. Afterwards, in the name of "No.1 Support Group", they openly clamoured "How can we still be bystanders?", "How can Chinese people still watch with wide open eyes their fall in an orderly way?" "Friends, go into action!" On 19 May, afternoon, due to the incitement by Tang Yuanjuan, Li Wei and Leng Wanbao, several thousand workers from No 1 factory who were not clear as to the real facts took part in an illegal demonstration which they organised.

After the counter-revolutionary rebellion in Beijing on 3rd June 1989, Tang Yuanjuan, Li Wei, Leng Wanbao, Liang Liwei and others met again at Liang Liwei's house and organised and plotted a demonstration to oppose the Party and the government. The four accused put together dozens of copies of the "Notice to the people of car city" and divided to display them in the factory district and at the entrance of the Changchun textile mill. Under their influence, on 6 June, several thousands workers from the car factory and the textile mill, who were not clear about the real facts, again took part in an illegal demonstration led by them. The marchers madly shouted such reactionary slogans as "down with XXX, down with XXX, down with XX". Afterwards, the marchers were taken by the demonstration leaders to the Geological Palace Square and took part in an illegal assembly organised by students from some of Changchun colleges. At the meeting, the defendant Li Wei, posing as a representative of the car factory, proclaimed a "strike declaration", arrogantly calling for a general strike at the car factory, trying in vain to incite even bigger chaos and calling for support of the Beijing counter-revolutionary rebellion. The Public Security organs, while grasping ... [illegible], caught the above defendants on 10 June [1989] and brought them to justice.

The crimes described above are facts; the five defendants have confessed everything; there are witnesses testimonies and written evidence - all sufficient to confirm that it is all the truth.

The ideology of defendants Tang Yuanjuan, Li Wei, Leng Wanbao, Li Zhongmin and Liang Liwei is reactionary. They tried in vain to overthrow the power of the proletarian dictatorship and the socialist system.

The defendant Tang Yuanjuan organised and led the activities of a counter-revolutionary group for two years, formulated a counter-revolutionary political program and carried out counter-revolutionary propaganda and agitation. He played the leading role in this counter-revolutionary group. His actions constitute the crime of organising and leading a counter-revolutionary group and counter-revolutionary propaganda and agitation.

The defendants Li Wei and Leng Wanbao actively participated in the activities of the counter-revolutionary group, took part in the demonstrations opposing the Party and government organised by Tang Yuanjuan, and conducted counter-revolutionary propaganda and agitation. Their actions constitute the crime of actively participating in a counter-revolutionary group and counter-revolutionary propaganda

The Case of Tang Yuanjuan

and agitation.

The defendant Li Zhongmin actively took part in a counter-revolutionary group and his conduct constitutes a crime.

The defendant Liang Liwei actively participated in the organisation and scheming of criminal activities amounting to counter-revolutionary propaganda and agitation. His conduct constitutes a crime.

In order to defend the people's democratic dictatorship and the socialist system, and to protect the socialist legal system and public order, this court judicial committee discussed the decision at its 42nd session of 1990, and decided to impose the following judgement in accordance with Articles 98, 102, 64 and 52 of the "Criminal Law of the PRC":

(1)to sentence the defendant Tang Yuanjuan to 10 years' imprisonment plus three years' deprivation of political rights for the crime of organising a leading counter-revolutionary group, and 10 years' imprisonment plus two years deprivation of political rights for the crime of counter-revolutionary propaganda and agitation. It is decided to impose a total of 20 years' imprisonment plus five years deprivation of political rights (the sentence is to be counted from the day the judgement is applied, less the time spent previously in custody, one day counting for one day until 9 June 2009.)

(2)to sentence the defendant Li Wei to five years' imprisonment plus two years' deprivation of political rights for the crime of actively taking....counter-revolutionary group, and to eight years' imprisonment plus two years' deprivation of political rights for the crime of counter-revolutionary propaganda and agitation. It is decided to impose a total of 13 years' imprisonment plus four years' deprivation of political rights (the sentence is to be counted from the day of judgement, less the days previously spent in custody, one day counting for one day until 9 June 1002.)

(3)to sentence the defendant Leng Wanbao to three years' imprisonment plus one year's deprivation of political rights for actively participating in a counter-revolutionary group, and to five years' imprisonment plus two years' deprivation of political rights for counter-revolutionary propaganda and agitation. It is decided to impose a total of eight years' imprisonment and three years' deprivation of political rights (the sentence is to be counted from the day the judgement is applied, less the time spent previously in custody,one day counting for one day until 9 June 1997.)

(4)to sentence the defendant Li Zhongmin to 2 years' imprisonment and one year's deprivation of political rights for the crime of actively participating in a counter-revolutionary group (the sentence is to be counted from the day the judgement is applied, less the time spent previously in custody, one day counting for one day until 30 June 1991.)

(5)to sentence the defendant Liang Liwei to three years' imprisonment and one year's deprivation of political rights for the crime of counter-revolutionary propaganda and agitation (the sentence is to be counted from the day the judgement is applied, less the time spent previously in custody, one day
AI Index: ASA 17/47/91Amnesty International July 1991

The Case of Tang Yuanjuan

counting for one day until 10 June 1992.)

If [the defendants] do not accept this judgement, they can apply to appeal to the Jilin province High People's Court within 10 days of receiving the verdict.

First criminal court of Changchun city Intermediate People's Court, Jilin province.

Presiding judge: Yang Shouyi

Judicial officer: Jiang Qisheng

Assistant Judicial officer: Cao Hongguang

Clerk: Zhang [Xiang?]

Date: 27 November 1990

[seal of the court]

APPENDIX 3

NOTES ON THE COURT HEARING

At 9 am on 27 November 1990, the Changchun city Intermediate People's Court "publicly" heard the case of Tang Yuanjuan's "counter-revolutionary group" and "counter-revolutionary propaganda and agitation". The trial was publicly announced 20 minutes before it started, that is, at 8.40 am on 27 November 1990. The "public" announcement was a notice about the trial written in green chalk on the court's noticeboard. The family and work unit of the accused only got to the court because they had heard the news indirectly.

0930 - 1130 HOURS

The courtroom was packed. The Chief Judge announced the opening of the court session, the Public Prosecutor read out the indictment, and then the court's investigation began. The Chief Judge and the lawyers verified, one by one, the facts of the "crime" of which Tang Yuanjuan was accused in the indictment. Tang Yuanjuan was also allowed to give his own account of the matter from head to tail; he did not admit to any of the facts of the crime. Tang Yuanjuan's case was the only one heard in the morning. The Public Prosecutor did not utter a word throughout the two-hour court session, and even left the court a number of times to smoke in the corridor.

1300 - 1330 HOURS

More people had heard about the court session and flocked to the court to attend. It was originally set for 1300 Hours sharp for the court session to be continued, but as the important figure of the court, the Public Prosecutor, had not come back, the Chief Judge, People's Assessors, lawyers, the accused, their relatives and over 200 people in the audience had to sit back and wait.

1330 - 1630 HOURS

After the Public Prosecutor arrived, the Chief Judge announced the continuation of the session. The court carried out investigation on the four other defendants, who did not admit to any of the facts of the crime either. The two People's Assessors and the Public Prosecutor could no longer endure this going-through-the-motions court session, which lasted an hour longer than the morning session; they had smoked too much, so they started to nod off to sleep. First it was the Public Prosecutor who slept at his desk, then the two People's Assessors, one head bent forwards and the other backwards.

1630 - 1700 HOURS

In Changchun in winter, it is already rather dark indoors by this time of the day. Such a large courtroom as

The Case of Tang Yuanjuan

this was only lit by two little lamps at the front. At this point, the court investigation was completed and the debate began. The Public Prosecutor once again claimed that the accused had committed the crime of involvement in a counter-revolutionary group and counter-revolutionary propaganda and agitation. Based on the regulations of the Chinese Criminal Law and the files and investigation, Tang Yuanjuan's lawyer considered that the facts were insufficient and the evidence inadequate to convict Tang Yuanjuan and company of the crime of counter-revolutionary group. A conviction on the crime of counter-revolutionary propaganda and agitation should be based on the circumstances [of the case] and China's policies, and be dealt with magnanimously, the lawyer said. The other 3 lawyers were in complete agreement with Tang Yuanjuan's lawyer.

After the first [round of] defence by the lawyers, the people were hoping that the Public Prosecutor would be able to give an explanation to the queries raised by the lawyers. The Public Prosecutor, however, not only did not give an explanation, but he said "This case has been collectively analyzed by the city's public security organ, procuratorial organ and people's court; it has been collectively debated by the provincial public security organ, procuratorial organ and people's court. It has been agreed upon by the leaders concerned. If you don't think that's enough, aren't you saying that they are all wrong?" The Public Prosecutor's words caused a stir among the audience. According to the Public Prosecutor, Tang Yuanjuan and company have already been convicted of the crime of counter-revolutionary group and counter-revolutionary propaganda and agitation by the three organs of public security, procuracy and people's court and the concerned leaders, long before the trial. So, the few rounds of debate "taking the facts as the basis, and the law as the yardstick", commonly seen between the Public Prosecutor and lawyers, thus came to an end after one round in the name of "an act of opposition to the decision of the leaders concerned".

The Case of Tang Yuanjuan

1700 - 1800 HOURS

The Chief Judge asked the defendants if there was anything else they wanted to say. Tang Yuanjuan and the other 4 all returned a plea of not guilty. Tang Yuanjuan's defence statement was over 30 minutes long, and after his speech, some people in the audience applauded him. Then the court announced an adjournment of 30 minutes.

1830 - 1900 HOURS

When the session re-opened, witness' evidence regarding Tang Yuanjuan and Li Wei was read out. Both men denied that the evidence was the truth, because they were not even familiar with the witness and couldn't possibly have said what he alleged. Their request to confront the witness (the witness had not appeared in court) was ignored by the court. Then, the Chief Judge showed Tang Yuanjuan a sheet of photo-copied material, asking if he had written it. As it was a bit dim, Tang could only read clearly the handwriting in the heading, and admitted that it was written by him but that the rest of the writing in pencil was not his. He also said that this piece of paper had not been shown to anyone and that he had not spoken to anyone about it, and that it should not be used as evidence.

Finally, the Chief Judge picked up the notice of judgement which had been prepared in advance and pronounced in court: Tang Yuanjuan was sentenced to 20 years' imprisonment and deprived of political rights for 5 years on the counts of organising and leading a counter-revolutionary group, and of counter-revolutionary propaganda and agitation; the other four defendants were each sentenced to imprisonment of 13 years, eight years, three years and two years for being active members of a counter-revolutionary group and for counter-revolutionary propaganda and agitation. If they did not agree with the judgement, they could appeal to the Jilin Province High People's Court within 10 days from the day they received the notice of judgement.

On hearing this verdict, the defendants, their relatives and people in the audience were shocked and started to talk about it. They all felt that it was a case of "verdict first, trial second", that the court session was a formality, and the lawyers a foil. The defendants and their family all intended to appeal immediately after receiving the notice of judgement. But after five days, the notice of judgement did not arrive; when enquiries were made at the court, no explanation was given.

APPENDIX 4

SUMMARY OF TANG YUANJUAN'S LAWYER'S STATEMENT

According to China's criminal law, under normal circumstances, a counter-revolutionary group is a counter-revolutionary organisation with an organisation name, with clear labour-sharing, strict organisational discipline, with a relationship of leader and led among its members. Its aim is to topple the proletarian dictatorship regime and the socialist system. But this case does not contain the various elements of a counter-revolutionary group.

1.The "salon" meetings of Tang Yuanjuan and the other defendants are not the name of the organisation. The name "salon" was only formulated at the end of 1988. This is quite different from what is said in the indictment, namely that "from early 1987, [they] had already used the salon meetings as a cover.

2.There was no organisational discipline or duty-sharing, neither did any of the witnesses prove that there was an organisational discipline. The so-called labour-sharing in the group was certified by Peng Jingui, who had also claimed that he had shared the task of being in charge of organisational discipline when he was in the group, that Tang Yuanjuan was the leader, Li Zhongmin the assistant, that Leng Wanbao was in charge of industrial fundraising and Li Wei of the publicity. When a group is established, the person in charge of organisational discipline ought to be more important than those in charge of industrial fundraising and publicity; he also ought to be standing in the box of the accused, being indicted. But Peng Jingui is not even on the list of the indicted, so obviously this labour-sharing is not established.

3.There was no relationship of leader and led among the members. Tang Yuanjuan merely convened the "salon" meetings, and apart from this he did not have any authority; and this convenor was not elected either. The convenor of the "salon" meetings and the organiser and leader of a counter-revolutionary group are two completely different concepts, with a whole world of difference between the two.

4.There were no counter-revolutionary aims, neither is there any evidence proving that the accused had any counter-revolutionary aims.

5.The investigations carried out by the court show that Tang Yuanjuan had not ever mentioned such a set of guiding principles as the 16-characters "wiping out feudalism, carrying out democracy, reforming the Communist Party, establishing a federation". The other three accused also do not acknowledge that there were guiding principles. These 16 characters were certified by one witness who has not even appeared in court; the accused do not know the witness very well, and have been ignored by the court when they requested a confrontation/interview with the witness, so obviously this "16-character" set of guiding principles is dubious.

One can see from the above that to return a guilty verdict for the crime of [involvement in] a counter-revolutionary group would be based on insufficient evidence and inadequate facts. As for the verdict for the crime of counter-revolutionary propaganda and incitement, [the court] should exercise magnanimity

The Case of Tang Yuanjuan

according to the circumstances and party policies.

The prosecution response

The other 3 lawyers were in complete agreement with the defence statement by Tang Yuanjuan's lawyer, and point out that these views were the result of collective analysis and discussion in the lawyers' office: "We express views on behalf of the lawyers' office, and hope the court will take them seriously". One of the lawyers directly pointed out that the case was not a case of counter-revolutionary group at all. The public prosecutor then responded immediately, "Surely you are a bit hasty in your definition [of the case]. From the time this case was opened, up until now, it has been analyzed collectively by the city's public security organs, procuratorial organs and people's courts, it has been collectively discussed by the province's public security organs, procuratorial organs and people's courts, it was agreed upon by all provincial[-level] and city[-level] leaders concerned. You consider it not to be a counter-revolutionary group. Are they all wrong then?" After one mere round, the defence was pronounced concluded.