

Decision No. 44/1993 (People's Republic of China)

Communication addressed to the Government of the People's Republic of China on 22 February 1993.

Concerning: Di Dafeng, Zu Guogiang, Mao Wenke (b), Zang Jianjun and Zhao Chingjian, on the one hand, and the People's Republic of China, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of each of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of decision No. 43/1993.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of the People's Republic of China. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The facts, in the absence of a response from the Chinese Government, suggest that Di Dafeng, Zu Guogiang, Mao Wenke, Zang Jianjun and Zhao Chingjian have all been detained for their pro-democracy views and activities. Qi Dafeng aged 30, from Qinglongjiao (Beijing) was arrested on 1 September 1992 at the residence of Shen Tong in Beijing. He had earlier been detained for 18 months allegedly for his pro-democracy activity in 1989 but was released in 1991. Zu Guogiang, a young man from Shenyang, Liaoning Province, was allegedly arrested on 17 September 1992 by personnel of the Hunan Public Security Bureau at the Hunan University Campus. He is believed to be detained in a detention centre in Hunan Province. Mao Wenke, aged around 35, and an active member of the Christian Democrat Organisation, from Xiangtan, Hunan Province, was allegedly arrested on 17 September 1992 by personnel of the Xiangtan Public Security Bureau, at her residence. Her present place of detention is not known. Qi Dafeng, Zu Guogiang and Mao Wenke allegedly had links with Shen Tong, a dissident student and a pro-democracy activist. Zhang Jianjun and Zhao Chingjian, aged 27, are themselves activists in the pro-democracy and human rights movement. They were arrested at the end of September 1992 in Guangzhon, Guangdong Province, allegedly for their non-violent activity.

6. The fact that all the five persons detained were arrested without a warrant and continue to be in detention without charge and without bringing them to trial reflects upon the arbitrary nature of their detention. Except in the case of Qi Dafeng, there is no indication where the others are presumably in detention. All of them are detained without access to their families and without access to any lawyer.

7. The arbitrary nature of their arrest without a warrant is a clear violation of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights. Their continued detention without charge or trial is a further violation of the same rights. Their pro-democracy affiliation and activities being the reason for their arrest is a violation of article 19 of the Universal Declaration of Human Rights and article 20 of the International Covenant on Civil and Political Rights.

8. In the light of the above the Working Group decides:

The detention of Di Dafeng, Zu Guogiang, Mao Wenke, Zang Jianjun and Zhao Chingjian is declared to be arbitrary being in contravention of articles 9 and 19 of the Universal Declaration of Human Rights, and articles 9 and 20 of the International Covenant on Civil and Political Rights and falling within categories II and III of the principles applicable in the consideration of the cases submitted to the Working Group.

9. Consequent upon the decision of the Working Group declaring the detention of Di Dafeng, Zu Guogiang, Mao Wenke, Zang Jianjun and Zhao Chingjian to be arbitrary, the Working Group requests the Government of the People s Republic of China to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 30 September 1993.