

Decision No. 63/1993 (People's Republic of China)

Communication addressed to the Government of the People's Republic of China on 14 October 1991.

Concerning: Wang Juntao and Chen Ziming, 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 appreciation the information forwarded by the Government concerned in respect of the cases in question, within 90 days of the transmittal of the letter by the Working Group.
3. (Same text as para. 3 of decision No. 43/1993.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government of the People's Republic of China. The Working Group transmitted the reply provided by the Government to the source and received its comments. The Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto.
5. The communication submitted by the source, a summary of which was transmitted to the Government concerned Wang Juntao, 33, and Chen Ziming, 39, both involved in the formation and the activities of the Social and Economic Sciences Research Institute (SERI). Wang Juntao was arrested on 20 October 1989; Chen Ziming was detained, together with his wife, in October 1989 in Guangdong. After four months of solitary confinement, they were both brought to trial on 12 February 1991. After closed hearings, they were sentenced to 13 years' imprisonment and additional four years' political deprivation for "conspiring to subvert the government" and "carrying out counter-revolutionary propaganda and incitement" during the 1989 Tiananmen Square demonstrations in Beijing. It was alleged that Wang Juntao's lawyers were not allowed to defend him on appeal, and that Chen Ziming's lawyers had their permit revoked. Since 12 April 1991, both were held in solitary confinement. According to the source, Wang Juntao and Chen Ziming went on hunger strike on 13 and 14 August 1991, respectively. Since 13 August 1991, Wang Juntao's wife had no longer been permitted to visit her husband. There was serious concern about the health condition of Wang Juntao, who was reported to be suffering from hepatitis B.
6. In its reply the Government provided the following version regarding the facts: "Chen Ziming and Wang Juntao during the Beijing disturbances and riots of 1989 noisily urged the forcible overthrow of the People's Government and the socialist system. To that end, they cobbled together an anti-government coalition of illegal organization and engaged in a series of anti-Government

activities in Beijing. After martial law was declared in parts of Beijing, they directed mob action to obstruct and ambush troops deployed to maintain order. The court judged them to have violated the Penal Code of the People's Republic, and in February 1990 sentenced each to 13 years imprisonment."

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

The detention of Wang Juntao and Chen Ziming, is declared to be arbitrary being in contravention of articles 19 and 20 of the Universal Declaration of Human Rights, and articles 19 and 21 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons 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 9 December 1993.