

The preparatory mission included a visit to a Beijing prison where convicted persons are incarcerated and to the re-education facility at Zibo, where individuals were being held by administrative decision. At both facilities, interviews were conducted with prisoners chosen by the WG without witnesses and in the presence only of the UN interpreter.

In light of the fact that a formal visit by the Working Group was planned for the latter half of 1997, the WG decided to defer all deliberations regarding communications received, on the basis that more information on the cases could be gathered through direct contacts and consultations. The WG indicated, however, that should the government not formally confirm arrangements for a visit, all pending cases would be taken up immediately.

The addendum to the Working Group's main report includes summaries of cases considered by the WG in 1995 and 1996 (E/CN.4/1997/4/Add.1, Decisions 46, 19).

Decision 46/1995 concerned 81 people, most of whom were still detained at the time the cases were considered, and primarily related to the freedoms of conscience, religion, opinion, expression, assembly and association. In cases related to conscience, religion, opinion or expression, detentions had been imposed as a result of: demonstrations accompanied by slogans and the singing of religious-patriotic songs and prayers, in particular praising the Dalai Lama; distribution by Muslims of leaflets protesting restrictions imposed on religious activities, in particular the shutting down of mosques; contact with foreign journalists or having sent information abroad, in particular regarding human rights issues; writing and publication of a book supporting views on the question of Uighur which were different from the official ones; distribution of an "unofficial magazine"; the drafting and distribution of pro-democracy leaflets; distribution of a document on the question of human rights entitled "Statement on the Question of Human Rights in China"; and, actions against a former journalist and founder of the Chinese League of Human Rights, a historian who protested against alleged official discrimination regarding minorities, and a school administrator who had sent a petition to the UN alleging human rights violations by government officials.

The cases related to freedom of peaceful assembly arose from actions by authorities against: the hanging of a banner with the slogan "We have not forgotten 4 June"; the writing and distribution of leaflets calling for a public commemoration of the anniversary of 4 June 1989; placement of posters on a college campus to the same effect; and, attempts to organize a meeting of veteran pro-democracy campaigners. Detentions arising from freedom of association related to individuals who had been active in unrecognized non-violent associations of a political or trade union character.

The government defended its actions by stating that the individuals involved were either "taking part in subversive activities", or "disrupting public order", or "illegally organizing workers' pickets" or "illegally supplying State secrets to persons outside the country". The WG declared that the detentions were arbitrary on the basis that they violated articles 18 and 19 of the UDHR and the ICCPR (conscience, religion, opinion, expression), article 20 of the UDHR and articles 21 and 22 of the ICCPR (peaceful assembly, association).

Decision 19/1996 concerns the cases of four individuals and involved: acting as interpreter during an interview between the father of one of the students killed on 4 June 1989 and a foreign newspaper; organizing an independent labour rights group, the League for the Protection of the Rights of the Working People, for which registration had been refused by the Beijing authorities; arrest of a former pro-democracy activist in the days leading up to the fifth anniversary of Tiananmen; sending an open letter to the government asking for a national human rights organization to be set up to investigate issues such as free labour unions, freedom of religion and the protection of the rights of women and children. The Working Group declared two of the four cases to be arbitrary detention and left two pending until more information could be gathered.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 12, 101-110)

The Working Group (WG) transmitted 17 newly-reported cases of disappearance to the government, six of which reportedly occurred in 1996. The report notes that most of the 73 cases of disappearance in China are alleged to have taken place between 1988 and 1990. The majority of them concern Tibetans. Other victims reportedly were human rights activists involved in pro-democracy activities.

One newly-reported case of disappearance concerned a writer in Beijing who was reportedly arrested two days after signing a petition entitled "Greeting the United Nations Year of Tolerance, we appeal for the realization of tolerance in China", on the occasion of the sixth anniversary of the 1989 Tiananmen Square incident. The remaining 16 cases are all said to have occurred in Tibet and concern eight monks, a church leader, an accountant, a driver, a mechanic, a teacher, two businessmen and one person of unknown profession. In all cases, the Public Security Bureau Police are alleged to be responsible. Reasons for arrest were noted as including: participation in a religious ceremony in which a prayer was offered for the long life of the Dalai Lama; distribution of leaflets containing political messages; production of pro-independence posters and leaflets containing prayers for the health and safety of the child reported as disappeared, recognized by the Dalai Lama on 14 May 1995 as the reincarnation of the late Panchen Lama; and, participation in celebrations to mark the 30th anniversary of the founding of the Tibetan Autonomous Region.

Information received by the WG from non-governmental sources alleges that there is "an emerging pattern of disappearances in Tibet", characterized by so-called "recurrent detention", where a person is taken into custody for a few days or hours, then released, and the process is repeated several days later. Families are reportedly given no information or documentation to indicate that their relatives are being detained. Human rights monitors, or those suspected of human rights activities-including those suspected of sending abroad information on the situation in China-are said to be particularly targeted by this practice. The report also notes that the prison system in Tibet is under the jurisdiction of the Ministry of Public Services (police) rather than the Ministry of Justice, creating a situation whereby a single government agency not only investigates and prosecutes, but also retains custody of the accused person after trial. The report recalls