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## **CHINA: USE OF CRIMINAL CHARGES AGAINST POLITICAL DISSIDENTS**

<b>Introduction</b>	<b>1</b>
<b>Beijing No.2 Prison, List of "June Fourth Rioters' Team"</b>	<b>7</b>
<b>Bi Yimin Documents</b>	<b>14</b>
<b>Verdict in the Case of Sun Chuanheng</b>	<b>18</b>

### **INTRODUCTION**

The Chinese government is increasingly using false or frivolous criminal charges to arrest or convict political activists in a clear attempt to discredit them both at home and abroad. Of the twelve known cases of human rights advocates and political dissidents formally charged or sentenced since the beginning of 1994, all have been accused of criminal offenses rather than political crimes. Their offenses range from embezzlement to fraud to "hooliganism."

- Tong Yi, the twenty-six-year-old assistant to leading dissident Wei Jingsheng was charged in August 1994 with forging a seal for a university document.
- Zhang Lin, a labor activist from Anhui, was charged with "hooliganism" in August and sentenced to a three-year term in a re-education camp.
- Bi Yimin, a former colleague of Wang Juntao and Chen Ziming, named as the "black hands" of the Tiananmen Square demonstrations, was charged with giving "public money" to the families of the two dissidents between February 1991 and June 1993. The charge was refuted by Chen Ziming himself.

### **New "June 4th" Prisoner List**

In September 1994, Human Rights in China (HRIC) received a copy of a list containing the names of 104 people in Beijing Prison No.2, all of whom were arrested in connection with the June 4, 1989 crackdown and all of whom were given extremely harsh sentences for alleged criminal offenses. All of those on the new list, which supplements a partial list of Beijing No.2 prisoners published in May by HRIC and Human Rights Watch/Asia, are members of a prison division known as Team No.9 (*jiu zhongdui*), the so-called June Fourth Rioters' Team. Less than two dozen of them were previously known to human rights groups – the fact that all had been charged with offenses ranging from arson to "disrupting traffic" helped ensure that their cases would not promptly come to the attention of the international community.

The use of criminal instead of political charges against dissidents means, among other things, that the number of political prisoners and detainees is far higher than the roughly 3,000 men and women convicted of "counterrevolution" that the Chinese government has acknowledged currently holding. It means that open political manipulation of the judicial system continues, some judicial reforms notwithstanding. And it means that the

government is engaged in a campaign to blacken the names of dissidents by suggesting that they are common miscreants.

The use of "ordinary criminal offenses" as a tool of political persecution in the PRC, particularly in dealing with political dissidents, is not new. In March 1979, Wei Jingsheng posted an article he had written entitled "Do We Want Democracy or New Autocracy?" on Beijing's Democracy Wall. This piece was unprecedented in criticizing Deng Xiaoping by name. A week later, Wei was arrested and later sentenced to fifteen years in prison for charges including "leaking state military secrets to foreigners." The information he allegedly "leaked" contained the names of the commanders of China's forces in its attack on Vietnam, as well as the number of troops sent to the front and the number of casualties incurred on the Chinese side in the first few days of the conflict. This was widely known to people outside official circles at the time. Indeed most of it had been publicly broadcast on Chinese television. Whenever the Chinese authorities have sought to defend their treatment of Wei, they have cited his conviction on this charge, rather than the other, explicitly political one of "counterrevolutionary propaganda and incitement" on which he was primarily imprisoned.

In recent years, under international pressure and scrutiny for its human rights record, the Chinese government has increasingly resorted to this method in suppressing human rights activists and political dissidents. During the June 1989 military crackdown in Beijing, martial law troops and officers of the People's Armed Police carried out mass arrests of Beijing residents and students. Many are thought to have been detained merely because they were out on the streets. In the official propaganda, these demonstrators were called "rioters," and were charged with "arson," "hooliganism," "disturbing social order" and other criminal offenses. In general, these people were brought to trial more quickly and received more severe sentences than did the prominent students and intellectuals who were arrested.

Of the 104 members of "June Fourth Rioters' Team" from Beijing No.2, named on the new list, thirteen people are serving life sentences. Seven of those had received suspended death sentences. (Such a sentence is commuted to life imprisonment if, after two years, a convict is deemed to have "repented") Eight other prisoners had their life sentences reduced. Seven others were released early on medical parole; one prisoner was released after completing his sentence. Three were released before their terms were up; the reasons are not clear. Seventy-three men received sentences ranging from ten to twenty years. At the time of their arrests, their ages ranged from sixteen to fifty-five, averaging twenty-four years. The average sentence of those not given life terms is approximately thirteen years. In other words, most of these prisoners will not be eligible for release until the twenty-first century.

The new list brings to more than 1,500 the total confirmed number of persons currently imprisoned in China on account of their involvement in either the 1989 pro-democracy movement or various earlier peaceful dissident movements targeted by the government.<sup>1</sup> The true figure far exceeds this known total.

### **Fair Trial Concerns**

HRW/Asia and HRIC believe that the prisoners of Team No.9 did not receive fair trials and may be innocent of the charges against them. Their "crimes" occurred as martial law troops were firing indiscriminately at peaceful demonstrators and innocent pedestrians; the victims of the massacre included elderly people, women, and children. For several days, soldiers still were firing on people without any warning in circumstances where such individuals posed no threat to the soldiers' own safety. Many of those detained, as noted below, may have been caught in sweeps by security forces without any clear evidence that they were involved the acts for which they were later accused.

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<sup>1</sup> In its February 1994 report, *Detained in China and Tibet: A Directory of Political and Religious Prisoners*, HRW/Asia recorded more than 760 confirmed or "status known" cases of peaceful political/religious imprisonment (and also 470 "status unclear" cases), together with an additional 460 cases of persons imprisoned for allegedly "common criminal" activities in connection with the 1989 pro-democracy movement. "Status known" cases from the two groups totalled some 1,220 persons. Since then, HRW/Asia and HRIC have recorded a further 250 or so confirmed cases of both types. (See *The Price of Obscurity in China* and *Pressure Off, China Targets Activists*, published jointly in May 1994 and July 1994; and *China: No Progress on Human Rights* and *China: Persecution of a Protestant Sect*, HRW/Asia, May 1994 and June 1994.) Of the new list of 104 "June 4th"-related prisoners, ninety-three persons remain in jail. The current "status known" total thus stands at more than 1,500.

Others may have been apprehended on the basis of coerced testimony. In other cases, actions taken in response to unlawful killings by troops were severely punished expressly because of their political nature. Li Dian, for example, was a twenty-seven-year-old cadre at the Beijing Engine Factory when he was arrested and charged with "hooliganism." He received a five-year sentence for forcing a soldier to kneel and apologize for shooting people on Qiangmen Avenue, the southern border on Tiananmen Square, on June 4, 1989 at 1:00 A.M.<sup>2</sup>

The government controlled the defendants' access to lawyers. According to documents obtained by HRIC,<sup>3</sup> lawyers in many state law firms felt that because these were "cases that had emerged with the political winds," "they would be unable to provide much defense for...those turmoil-related cases." Those lawyers who did agree to provide a defense were told that "trying those serious criminal elements [involved] in the turmoil and the rebellion is a grave political struggle...and relations between lawyers, the public security, procuracy, and judicial departments must be coordinated in a unified way, so that they can act in concert." Lawyers were further instructed that "defense is not a matter of victory or defeat, and the lawyer is not competing with procuratorial and court personnel to see who comes out on top; it is a propaganda effort, directed at the citizens to condemn vice and praise justice."

The government's instruction to the prosecuting apparatus, to try these cases "severely, definitively, and speedily" (*hen, zhun, kuai*), left no time for adequate defense preparation. Shi Xueyi, a forty-nine-year-old Beijing worker, was sentenced to life in prison for arson on June 26, two weeks after his arrest. A twenty-five-year-old worker, Zhao Pinju, who found a rifle under Muxidi Bridge, was sentenced to thirteen years, in accordance with the *hen* (severely) instruction to prosecutors, for "seizing weapons," a violent offense. In 1993, Zhao was released on medical parole.

Often the only evidence presented by the prosecution in a case was eye-witness testimony from other activists involved in the same incident and sentenced to lesser terms on the same charges. In view of the brutal treatment routinely meted out to suspects in Chinese detention centers, such practices raise questions of coerced testimony. Sun Chuanheng, one June 4 prisoner, was sentenced to life imprisonment solely on the testimony of three others who were tried separately and who were already sentenced at the time that Sun was brought to trial. He was convicted of having allegedly "directed [these] other hooligans...and other people to throw molotov cocktails and set fire to a personnel carrier" on the night of June 3. No other evidence was produced against him.

#### **"Criminal" Detainees in 1993 and 1994**

The use of criminal charges against political prisoners seems to have intensified in 1994. As noted above, Tong Yi, Zhang Lin, and Bi Yimin are three dissidents prosecuted on "common criminal" charges this year.

Tong Yi, who served as an assistant to Wei Jingsheng, was detained on April 5, 1994, after she reported the arrest of Wei to the foreign media. The authorities reportedly attempted to pressure her estranged husband, Zheng Chengwu, to initiate prosecution of Tong on a morals charge, alleging that she had illicit sexual relations with Wei. Zheng refused. On August 13, the authorities formally arrested Tong, charging her with "forging an official seal." The charge is thought to be connected to Tong's alleged fabrication of an official university seal on documents she had prepared to apply to study in the United States. Such a minor forgery would not normally merit prosecution, but in Tong Yi's case, such prosecution was clearly political.

Bi Yimin, a former colleague of Chen Ziming and Wang Juntao, was detained on October 9, 1993, and formally arrested on October 20, 1993. He was charged with the "misappropriation of public funds" for giving money to Wang Juntao and Chen Ziming between February 1991 and June 1993. But Chen Ziming, in a letter written in response to the

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<sup>2</sup> Li Dian's case is listed in a joint report by HRW/Asia and HRIC, *The Price of Obscurity in China*, Human Rights Watch, Vol.6, No.5, May 19, 1994.

<sup>3</sup> In *Going Through the Motions*, March 1993, HRIC provided the translations of three legal documents, "Circular on 'The Defense Work of Lawyers in the Current Trials of Cases Related to the Turmoil and Counterrevolutionary Rebellion,'" Chinese National Lawyers Association, November 1989; "Give Full Play to the Defense Functions of Lawyers during the Trial of Cases Related to the Turmoil and Counterrevolutionary Rebellion," Beijing Municipal Lawyers Association, November 1989; "Shanghai Concentrates on Doing a Good Job of Criminal Defense Work in 'Turmoil-related Cases,'" Shanghai Municipal Lawyers Association, January 1990.

indictment of Bi, pointed out that Bi was the Director of the Applied Science and Technology Institute of Beijing at which Chen Ziming was Chairman of the Board and Wang Juntao was Deputy Director until their arrests in 1989. The Institute was a "collectively owned" enterprise and, according to Chinese law, Bi Yimin had the legal right to transfer this money as he saw fit and Chen and Wang were entitled to receive the money even while imprisoned. No trial has been scheduled and Bi continues to be held incommunicado. (See Appendix II.)

Zhang Lin, thirty-two, a labor activist from Anhui Province, was arrested in June 1994 and sentenced to a three-year re-education-through-labor term in late August or early September. Zhang had given an in-depth interview to the *Washington Post* in May 1994 during which he talked about his work organizing and assisting peasants in his home province. He was involved in the work of the *League for the Protection of the Rights of Working People of the PRC*<sup>4</sup> was staying with the man who tried to formally register the League, Liu Nianchun, in Beijing when they were picked up together by police on May 28. Zhang was charged with "hooliganism" because he was living with his wife without being officially married. In fact, Zhang Lin and his wife had been living together for over two years and, at the time of his arrest, had a newborn daughter. The reason they had not officially become married according to Zhang's wife, was because the bureaucracy at her work unit had failed to give her the required "permission to marry" documents. The police told Zhang Lin's wife that he was also being arrested for "talking too often to foreign journalists," but it is not known if that charge appeared on his sentencing document. As head of the Students Autonomous Union in Bengbu City during the 1989 pro-democracy movement, Zhang served most of a two-year term for "counterrevolutionary propaganda and incitement."

Yan Zhengxue, an artist and representative to the People's Congress from Zhejiang Province, was beaten by police after quarrelling with a bus conductor in Beijing in 1993. He subsequently filed a lawsuit against police brutality with the legal assistance of Yuan Hongbing and Wang Zhongqiu, both public interest lawyers and labor rights activists before their arrests in early 1994. Shortly after winning his court case against the police, Yan was arrested for "stealing a bicycle;" witnesses reported that the bicycle Yan was riding that day was his own. On April 19, 1994, he was sentenced to two years' re-education through labor for the alleged offense.

Liu Huanwen, a Christian labor activist, was sentenced to a two-year re-education through labor term in August on vague and unsubstantiated charges of "hooliganism." No details of the charge are available, but it is believed he was picked up because of his friendship with Xiao Biguang (see below). Released in 1990 after serving part of a two-year re-education term for carrying a cross in Tiananmen Square, Liu was carefully monitored by police each year around the anniversary of the June 4, 1989 crackdown in Beijing.

Yuan Hongbing, an eminent legal scholar, a lawyer and law professor, was formally arrested on March 2, 1994 on suspicion "of being involved in unlawful acts, inciting turmoil, and disrupting social order" or other unspecified "criminal acts," according to a Public Security Ministry report on March 8. It has been reported that he will be charged with committing "economic crimes." Yuan helped write two documents, one a petition to the National People's Congress urging greater protection of the rights of rural and urban workers and more attention to the need to root out corruption. The second was the founding charter of the *League for the Protection of Working People of the People's Republic of China* calling for restoration of the right to strike and for the legalization of independent workers' and peasants' labor unions.

A friend of Yuan's, Xiao Biguang, a former associate professor of comparative literature at Beijing University who was active in the Protestant church and in the labor movement, was formally arrested on June 12, 1994. Formal arrest generally indicates that a prosecution will take place. Xiao's wife was not told the nature of the charges against her husband, but present indications are that they will again involve alleged "public order" offenses.

### **Secret Arbitrary Detention**

A further disturbing trend in the overall process of judicial abuse identified in this report, namely repeated denials by the authorities that they are actually detaining dissidents who are definitely known to have been seized by the police, can be seen from the cases of leading dissidents Wei Jingsheng and Liu Nianchun. Liu, who was first imprisoned for several years in the early 1980s on account of his support for Wei, was secretly redetained (together

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<sup>4</sup> For details see Human Rights Watch/Asia, *China: No Progress on Human Rights*, May 1994, Vol.6, No.3.

with Zhang Lin) by a large group of plainclothes policemen on May 31 of this year in connection with his activities as a leader of the recently formed "League for the Protection of the Rights of Working People of the PRC". His wife made more than twenty visits to police departments in Beijing inquiring as to his whereabouts and status, but on each occasion was informed either that Liu had not in fact been detained or that his current situation was "confidential." Finally, in early September, more than three months after his initial disappearance, the police informed Liu's wife that he was after all being held and would be sentenced to a several-year term of "re-education through labor" unless she - acting somehow as his proxy - would guarantee that he would instead leave the country. In the case of Wei Jingsheng, who was freed in September 1993 after fourteen and a half years in jail and then redetained in April 1994 after continuing to voice dissident views, the authorities have consistently maintained that he has merely been placed under "residential surveillance" (*qianshi juzhu*). This is a minor so-called coercive measure (*qiangzhi cuoshi*) specified under Article 38 of the Criminal Procedure Law, whereby suspects are supposed "to live at home under surveillance [and] may not leave the designated area," according to an official translation of the law published in 1984 by the Beijing Foreign Languages Press. In reality, Wei has been held totally incommunicado by Beijing authorities for the past six months—according to Chinese officials, in a small "hotel" somewhere—and even his family have been denied all knowledge of his condition and whereabouts. By no possible stretch of the imagination can he be said to be "living at home under surveillance."

Such action by the authorities flouts both the spirit and the letter of Chinese law. Human Rights Watch/Asia uncovered a key document issued by the Ministry of Public Security in March 1987 which categorically states: "Accused persons who are placed under residential surveillance...must not be subjected to disguised forms of detention." The same binding stricture was repeated almost verbatim, moreover, in a similar document issued by the Supreme People's Procuratorate in April 1991.<sup>5</sup> Clearly, the authorities have resorted to this flagrant abuse of due legal process, one amounting to an official kidnapping, as a means of solving the "Wei problem" for two related reasons: it allows them to circumvent all the proper time limits on police detention as specified in the Criminal Procedure Law; and it provides them with a formal pretext for maintaining the fiction that Wei is not really being "detained" at all, although government spokesmen have indicated that he may face charges on grounds of unspecified "further criminal activities."

## Recommendations

The Chinese government appears to be using criminal charges against political activists as a way of reducing international criticism and evading responsibility for the continuing crackdown on dissent. The international community must recognize that the true number of people detained for peaceful political activities is far higher than the Chinese government acknowledges and must begin to give serious attention to the nature of the charges against and judicial proceedings of "common criminals" arrested in highly charged political circumstances or in connection with pro-democracy, labor or religious movements.

HRW/Asia and HRIC call upon the Chinese government to make public the evidence on which convictions in such circumstances were based, with a view toward freeing all those imprisoned solely for their peacefully held political or religious views.

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### *Human Rights Watch/Asia (formerly Asia Watch)*

*Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E.*

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<sup>5</sup> See Article 27 of the "Procedural Regulations Concerning the Handling of Criminal cases by the Public Security Organs" (*Guanyu Gong'an Jiguan Banli Xingshi Anjian Chengxu Guiding*), issued by the Ministry of Public Security on March 10, 1987: "*Duiyu bei jianshi juzhu de beigaoren...bude bianxiang jinjin*"; and Article 35 of the "Detailed Rules (Provisional) Concerning the Work of the People's Procuracy in Investigating Crimes of Bribery and Corruption" (*Renmin Jianchayuan Zhencha Tanwu Huilu Fanzui Anjian Gongzuo Xize Shixing*), issued by the Supreme People's Procuratorate on April 2, 1991: "*Qubao houshen, jianshi juzhu, bude bianxiang jiya beigaoren*."

*Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Zunetta Liddel, Dinah PoKempner, Patricia Gossman and Jeannine Guthrie are research associates; Mark Girouard is a Luce Fellow; Diana Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant.*

#### ***Human Rights in China***

*Human Rights in China (HRIC) is a non-profit organization independent of any political groups or governments. HRIC's work involves collecting information about and publicizing human rights violations in the People's Republic of China, informing Chinese people about their rights as defined in international human rights instruments, and assisting those in China who have suffered persecution and imprisonment for the non-violent exercise of their fundamental rights and freedoms. The executive committee of HRIC consists of Liu Qing, Chair; Li Xiaorong, Vice-chair; Xiao Qiang, executive director; Wang Yu, Research Director; Sophia Woodman, press director; and Liu Baopu, Fu Xinyuan and Yu Ping.*

## APPENDIX II: THE CASE OF BI YIMIN

[This appendix contains three documents: the indictment against Bi Yimin, a letter from Chen Ziming on Bi Yimin's behalf, and a letter from Xu Xiuying, Bi Yimin's wife.]

### People's Procuratorate of Fangshan District, Beijing Municipality

#### INDICTMENT

Beijing Fangshan Procuratorate Criminal Indictment (1994) No. 6

To: The People's Court of Fangshan District, Beijing Municipality:

The defendant, Bi Yimin, male, forty-three, of Han nationality, born in Zhuozhou Municipality, Hebei Province, college educated, was Director of the Institute of Applied Science and Technology of Beijing before his arrest. Residence: the Beijing Binder Factory. He was taken into criminal detention by the Fangshan Sub-Bureau of Public Security of the Bureau of Public Security of Beijing Municipality on October 9, 1993, on charges of misappropriation of public funds. Carrying out a decision of this procuratorate, he was arrested by the Sub-Bureau of Public Security of Fangshan, the Beijing Public Security Bureau, on October 20 of the same year.

The investigation of the case of Bi Yimin, charged with misappropriating of public funds, by the Corruption Section of this Procuratorate was completed, and the case was brought for approval and indictment on February 9, 1994. It has been found that:

During his tenure as Director of the Beijing Institute of Applied Science and Technology, defendant Bi Yimin misappropriated public funds in the amount of 37,000 *yuan* between February 1991 and June 1993. The money was paid to Wang Juntao and Chen Ziming. Both criminals in custody, in the name of research funds and extra allowance for living expenses. All the money has now been returned.

The above-mentioned facts have been attested to by written evidence and witnesses' testimony. The defendant has confessed to the basic facts.

This procuratorate is of the opinion that defendant Bi Yimin took advantage of his position as the responsible person of a collective economic organization, misappropriated fairly large sums of public funds. His conduct violates Article 3 of the "Additional Regulations on Punishing the Crimes of Corruption and Bribery" adopted by the Standing Committee of the National People's Congress, and constitutes the crime of misappropriation of public funds. A public indictment is hereby brought in accordance with Article 100 of the "Criminal Procedure Law of the People's Republic of China." It is requested that he be punished according to law.

Prosecutor: Wang Jie  
Clerk: Sunfeng

Official seal of the People's Procuratorate  
Fangshan District, Beijing Municipality, March 23, 1994

Notes: 1. The defendant is currently in custody in the jail of the Fangshan Sub-Bureau of Public Security, Public Security Bureau of the Municipality of Beijing.  
2. Three prosecution files are enclosed.  
3. Cash in the amount of 37,800 yuan involved in the case was turned over to the court.



## LETTER FROM CHEN ZIMING

People's Procuratorate of Fangshan District, Beijing Municipality:

1. I was shocked to learn that you have brought an indictment against Bi Yimin, based on the "fact" that he "misappropriated public funds in the amount of 37,800 yuan and paid the money to Wang Juntao and Chen Zeming, both criminals in custody, in the name of research funds and extra allowances for living expenses."

2. Your indictment mentioned my name and related matters. Yet you never contacted me to find out the truth of the matter. This runs counter to the minimum required of a procuratorate by the Criminal Procedure Law, and must be corrected.

3. The Beijing Institute of Applied Science and Technology was established directly by myself when I served as Director of the Beijing Social and Economic Sciences Research Institute [SERI]. In accordance with the agreement between that institute and the Beijing Binder Factory, I served concurrently as the Chairman of the Board [of the Science and Technological Institute.] Lu Fenting, concurrently served as the Deputy Chairman of the Board, and Bi Yimin as the Director, with Wang Juntao serving concurrently as his deputy. In accordance with the contracting agreement, Bi Yimin acted as the personal contractor and had total responsibility for the operation of the institute. On the basis of fulfilling his targeted revenue to be turned over to the board, he had the right to determine how the funds of the institute were to be used and distributed.

4. According to the law in effect, one's civil rights and interests are not affected if he is taken into custody, arrested or sentenced to prison terms. My right to receive research funds and allowances from the Beijing Institute of Applied Science and Technology is only governed by its charter and decisions. Its reasonableness and legality is beyond doubt.

5. By decision of the supreme leadership of our country, Wang Juntao and myself are out of prison. We welcome this wise political decision. I personally do not want to see something contrary to that decision happen again in Fangshan. For the time being, I limit my actions to direct contact with you, to "clarify the situation" and state my opinion. I welcome you to contact me. But I reserve my right to further express my own view of this matter when necessary.

Greetings!

Chen Ziming  
July 4, 1994

## LETTER FROM XU XIUYING

I take the liberty to write this letter and take up some of your time because my husband Bi Yimin has been falsely charged for ten months now. Bi Yimin is the Director of the Beijing Institute of Applied Science and Technology (referred to as the "institute" hereafter.) He was arrested by the Fangshan District Procuratorate of Beijing Municipality on October 20, 1993 on charges of "misappropriation of public funds," and is still in custody.

On March 23, 1994, the Fangshan District People's Procuratorate brought an indictment to the Fangshan District People's Court, accusing Bi Yimin of "having misappropriated public funds totalling 37,800 yuan, and paid the money to Wang Juntao and Chen Ziming, both criminals in custody, in the name of research funds and extra allowances for living expenses." This is the only fact of the crime allegedly committed by Bi Yimin. But, in fact, the accusation is untenable.

In the first place, the above-described money is not a public fund at all. The institute was jointly established by the Beijing Social and Economic Sciences Research Institute and the Beijing Binder Factory. Bi Yimin was the director. He was the personal contractor under a contracting agreement signed by both sides. According to that agreement, he was responsible for the entire operation and management of the institute. Having turned over the targeted sum of revenues to the board, what was left over was entirely Bi's legitimate income. In fact, he had never drawn anything from those accumulated revenues, which amounted to 113,000 yuan.

Secondly, Bi Yimin, did not misappropriate anything. In the first place, the institute is a scientific research institution engaged in the research of high-tech applications for the development of new and cost-effective high-tech products. Wang Juntao graduated from the Department of Technological Physics of Beijing University, and Chen Ziming graduated from the Beijing Institute of Chemical Engineering and the Institute of Biophysics of Academia Sinica. Both showed promise in scientific research and development, and both had plenty of spare time. They were respectively Chairman of the Board and Deputy Director of the institute. They were therefore invited to do some research in the field of high-tech application. It was for that purpose that research funds and large quantities of scientific data had been provided. Secondly, as employees of the institute, both were having difficulties defraying their living expenses. Wang Juntao, in particular, was suffering from Hepatitis B and had many bills to pay. It was entirely reasonable to pay them some extra allowance for living expenses. Even if that was inappropriate, it would not constitute the crime of "misappropriation of public funds."

Thirdly, Bi Yimin had the right to dispose of the institute's normal scientific research funds and employee welfare funds. As director of the institute, Bi Yimin had the right to defray normal scientific research and operation expenses as well as employee allowances within reasonable limits. The investigation has proven that Wang and Chen, in fact, received the money and signed receipts for it. Therefore, the money was, in fact, paid and not a "misappropriation of public funds." A total of 37,800 yuan was paid to them over several years. The amounts were appropriate.

At the same time, Zhang Lun, a friend of Bi Yimin, deposited his personal funds in the amount of 40,000 yuan, which is shown in the institute's financial record. A receipt signed by Bi Yimin also testifies to this. Therefore, that amount is "private," and not "public funds."

There is nothing complicated about this case. Why has it dragged on for ten months without a solution? This is primarily because of local protectionism and an unhealthy tendency in the judiciary. The case was first brought by Bi Yimin's co-operators in Fangshan. Beginning in the summer of 1991, Bi Yimin

started a binder factory in cooperation with the township of Sucun in Fangshan District. Sucun provided the land on which the factory was to be built, but did not contribute a single *fen* [cent] of money. Bi Yimin provided everything, from capital, to technology, even the market. After several years of hard work on the part of Bi Yimin, the factory was very successful economically. His co-operators in Sucun, forgetting all moral principals at the sight of money, tried to take over the factory Bi Yimin had worked hard to build and [tried to] push him aside. But they could not think of an excuse. So they tried to level false charges against Bi Yimin for providing funds to the sensitive prisoners. As a result of local protectionism and unhealthy tendencies in the judiciary, the Sucun people engaged in this kind of ignominious conduct with the connivance of some people in the organs of justice in Fangshan District. That is the real reason why the case has dragged on for so long without a solution.

As far as the judicial procedure is concerned, Bi Yimin has been held for ten months. More than four months have elapsed since he was indicted. No trial has been held in court. No further investigation has been made and Bi is still not released. This is hard to understand.

I would also like to call your attention to the fact that Bi Yimin has been a diligent worker. Over the last few years, he has devoted almost all of his energy to running the factory, with very little time to spend with his family. He is very strict with himself. The Fangshan District Procuratorate investigated him for almost half a year and found no evidence of him trying to enrich himself. He did not take a single *fen* improperly either from the state or the collective. This is confirmed by the indictment. My husband is one who works hard to the point of neglecting his family, yet he has been jailed for ten months on specious charges. He is not only deprived of his freedom, but the factory he had worked so hard to build was forced to cease production. Workers lost their jobs and the company is paralyzed. They have become a burden on society. This is really distressing.

In order to improve the international environment for economic development, the supreme leadership of our country decided to let Wang Juntao and Chen Ziming out of prison. Now, as a result of the selfishness, shortsightedness and narrowmindedness on the part of a few peasants, our country's international image may be damaged, and our supreme leadership's efforts to improve our international environment may be in jeopardy. This cannot but pain me and make me angry. The names of Wang Juntao and Chen Ziming were mentioned in the indictment. But up to now, no effort has been made to contact them to find out the truth. Because of this, Wang and Chen have written to the Fangshan District Procuratorate about their view of the matter. They have acted with restraint out of their concern for the interests of the whole county. This is why the matter has not become an international issue and has not yet become a major scandal. As Bi Yimin's wife, I do not wish him to become a chip in the international political struggle. As a citizen of the People's Republic of China, I do not want to see damage done to our international environment, which is very important to economic development. And this is also why I am writing this letter to you.

I sincerely hope you will help me, uphold justice, urge the relevant departments to clarify the facts as soon as possible, handle the case according to law, and give my husband back his good name.

Xu Xiuying  
August 15, 1994

My mailing address is: 706 Second Building, 36 Fuxinglu, Haidian District, Beijing 100039