

TORTURE

ASIAN AND GLOBAL PERSPECTIVES

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THE LOST CAUSE

*Impunity of torture despite anti-torture legislation
In the Philippines*

PROHIBITION ON
MOURNING
Reminiscence as a form of resistance



In China it is different. The right to mourn is denied because of obstruction by the authorities, instead of a lack of information. The Chinese government demonstrates its willingness to repress any dissenting opinion on a daily basis. It has effectively silenced the social discontent of its people to a very large extent. By forbidding family and public to mourn the victims, the government believes that it can construct a collective amnesia about the human rights violations.

by DEBBY CHAN

THREE years ago, I travelled with friends from Sichuan province to Tibet. As Hong Kong citizens, we had to report our arrival to the police in various Tibetan cities. Inside one of the police stations, a large notice board listed dozens of “sensitive dates” in Tibet. Besides the anniversary of the Tibet Uprising Day, National Day of China, the anniversary of the Tiananmen Massacre, and International Human Rights Day, even the anniversary of a mild protest by a villager some years ago could be classified as a “sensitive date”. Noticing that we were interested in the information, police became surly and ordered that we stop looking at the board. The Chinese government is obsessed with “national stability.” On “sensitive dates”, political control is further tightened to prevent citizens from staging any collective action against the regime. To many people’s surprise, the government even perceives the traditional Ching Ming Festival as posing a potential political threat to its governance.

On Ching Ming Festival (Qing Ming Festival or Tomb-Sweeping Day), the Chinese commemorate deceased loved ones. Family remember the deceased by visiting the tomb, cleaning the headstone, lighting incense, burning joss paper, and/or presenting

flowers. However, the families of many human rights defenders or victims of human rights violations in China, are denied the right to mourn their loved ones in public. On some occasions they can pay tribute to their dead under the escort of plainclothes police in a sealed off area. At other times, the mourners are placed under house arrest, or sent to black jails, as the dates are politically sensitive for the Communist regime. By barring memorials in public the government hopes that the victims will be forgotten. More importantly, they hope that the atrocities they committed will be ignored.

Thus the reminiscence of the victims of human rights violations is a form of a resistance to injustice. Like democratisation, transitional justice is not confined to a top-down approach¹. By confronting propaganda and collective amnesia, truth and justice can prevail.

1 Transition justice is processes and mechanisms that gross human rights violations are being addressed by judicial and non-judicial means to ensure accountability, seek justice and promote reconciliation. Some common components in the programmes include criminal prosecutions, reparations, institutional reform and truth commissions. Also see the ‘Transitional Justice’ at the United Nations Rule of Law’s website, http://www.unrol.org/article.aspx?article_id=29.

In many cases, families of the victims of gross human rights violations are among the first to stand up in the process of democratic transition². Relentless harassment and indignities experienced by the families after the death of the victim, especially the denial of the right to mourn, create families ever more determined to defend the dignity of the defunct loved ones. Looking at examples of these cases offers an understanding of the importance of their fight, as well as honours those who struggle.

Li Wangyang: afterlife isolation

Every 4 June a candlelight vigil is held in Hong Kong to commemorate the victims massacred during the 1989 pro-democracy movement in China. At each memorial, participants raise their candles high and chant, “release of all political prisoners in China”, with tears in their eyes. Yet we still do not know who most of these political prisoners are. In 2012, a former political prisoner named Li Wangyang was found to be still detained in hospital after 22 years imprisonment for his involvement in the pro-democracy movement and political activism in Hunan province. He was blind and deaf due to repetitive torture in the jail. After spending more than two decades under solitary confinement in a dark cell Li Wangyang could hardly communicate due to his disabilities.

His story was reported by a Hong Kong television journalist, leaving the public both stunned and saddened by his suffering. Yet Li never knew of this public support: he died in hospital four days after the interview was broadcast. The Chinese government insisted that Li committed suicide. Family and close friends rejected this official version and disappeared for weeks as a result. The tragic death of Li Wangyang triggered mass protests in Hong Kong. Despite the public outcry to investigate Li’s death, his body was cremated by the authorities and the ashes were buried in a remote cemetery. The family were finally allowed

to erect a tombstone ten months after his death, but his sister was threatened that if she disclosed the location of the tomb to the public then they would unearth Li’s ashes and scatter them into the river.


Three years on, Li Wangyang’s family and friends remain under the tight surveillance of local authorities. The cemetery where he is buried is a forbidden zone, with office staff reporting to the police if anyone comes to pay tribute to Li. On “sensitive dates”, such as the anniversary of Li Wangyang’s death and Ching Ming Festival, the cemetery is guarded by police who perform duties on three-shift basis. Family and friends who attempt to visit are put under house arrest, or detained. They can only mourn Li from afar, outside of the cemetery or even the city, where they can avoid the surveillance of the provincial authorities.

Tiananmen Mothers: forbidden to cry

While the crimson blood on Tiananmen Square was quickly washed away in the aftermath of the Tiananmen Massacre, white terror has remained. As the government underreported the death toll and refused to release the names of the victims, family members formed a group called the Tiananmen Mothers. They documented the deaths of the Massacre through their own efforts and the testimonies collected have exposed the lies of the government. One Mother discovered the body of her son buried near to Tiananmen Square, in an attempt to hide the remains of victims. Another found that her son was shot by an explosive bullet: a lethal weapon that seems strange to use if the government was only aiming to disperse civilians. A further testimony reports how a female medical student was killed trying to rescue the injured. What crime did she commit?

In the search of justice for their daughters and sons, the Tiananmen Mothers have never taken to the streets. They have only persistently issued open letters to the authorities and urged them to open a dialogue with the families. Nonetheless, the government still perceives these elderly women in their seventies and eighties as great political threats. Some of the Mothers are

2 Guillermo O’Donnell & Philippe C. Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, Baltimore: Johns Hopkins University Press, 1986, p.53.



也許你們不會在這個世界
上留下自己的名字；但你們
已經以生命的代價，證明
自己是真正的人。

constantly monitored and have been interrogated by the authorities. During the period of 4 June and Ching Ming Festival, they are barred from mourning their children in public and neither strangers nor journalists are allowed to approach them. Occasionally, memorial services for their loved ones are allowed under the presence of plainclothes police.



A Hong Kong group called the Tiananmen Mothers Campaign made a flower wreath to commemorate victims of Tiananmen Mothers in Ching Ming Festivals some years ago.

A founder of the Tiananmen Mothers, Prof. Ding Zilin, was allowed in 2007, 2008 and 2010 to mourn her son at the site where he was murdered. Visiting at midnight and surrounded by police, she would bring flowers, light candles, pour a libation on the ground and cry. Yet since 2010 she has not been allowed to perform even this small commemoration, instead she is placed under house arrest during the “sensitive dates”.

Sichuan Earthquake: commemorations follow the party line and lies

In 2008, a deadly earthquake in Sichuan claimed the lives of over 88,000 people. Annually, the government holds official commemorations to mark the anniversary of the disaster. During these high profile events, the heroes who sacrificed their lives in rescue efforts are



A member of the Tiananmen Mothers, Xu Jue.

honoured, and the transformation of the earthquake-struck areas is publicised.

In contrast, parents of school children killed in the earthquake are forbidden from mourning their children to accordance with their own wishes.

Dying from a school building collapse, over 5000 children were victims of the earthquake. The shoddy construction of public schools triggered an angry backlash against corruption in Sichuan province. An environmental activist, Tan Zuoren, who investigated the deaths of the children was sentenced to five years’ imprisonment in 2010. Over the past few years, parents demanding accountability for the death of their children have been monitored and taken into custody. Besides this, even non-political activities of the mourning parents are not tolerated. Last year, more than one hundred parents attempt a commemoration of their children at the school sites. Prior to their arrival, dozens of police appeared for an “anti-terrorism drill”. The authorities sent the parents away and seized their flowers.

What the regime is afraid of?

Recently, maritime disputes and rapid growth in defence expenditure in China have drawn concern from other countries. Surprisingly, China’s spending on domestic security surpasses even its military



The tomb of Li Wangyang. We were arrested after staying about 20 minutes in front of his tomb.

budget. In 2013, the National People’s Congress revealed that the budget allocated to domestic security and military was 769.1 billion yuan and 740.6 billion yuan respectively.³ This implies that the Chinese government identifies societal actors as the greater threats. Owing to the controversy, the government has ceased reporting money spent on domestic security in 2014.⁴

3 Ben Blanchard & John Ruwitch, ‘China hikes defense budget, to spend more on internal security’, Reuters, 5 March 2013, <http://www.reuters.com/article/2013/03/05/us-china-parliament-defence-idUSBRE92403620130305>.

4 Sui-Lee Wee, ‘China to raise defense budget 10.1 percent this year in high-tech drive’, Reuters, 5 March 2015, <http://www.reuters.com/article/2015/03/05/us-china-parliament-defence-idUSKBN0M100Z20150305>.

Human rights violations are widespread in many non-democracies. However, prohibiting family to mourn their loved ones is not a common practice across authoritarian regimes. Due to the atrocities of forced disappearance during military rule in a number of Latin American countries, bereaved families yearned to know the whereabouts of their presumably dead loved ones. During the transitional justice period, families of victims as well as the general public demanded information including the location of their loved ones remains, detail on the abuses they suffered, the reasons for such violations and the identity of the perpetrators. Internationally, this right is recognised in articles 7 and 18 of the International Convention for the Protection of all Persons from Enforced Disappearance.

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opinion on a daily basis. It has effectively silenced the social discontent of its people to a very large extent. By forbidding family and public to mourn the victims, the government believes that it can construct a collective amnesia about the human rights violations.

Speaking out in China always entails political cost. As most people are not ready to pay that cost, there

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In 2012, we staged a protest in HK to call for the release of Li's family and friends

is still a long way to go to attain transitional justice. Nonetheless, something that everyone can do is to preserve our memories and resist propaganda by the government. No one can predict when justice will be done, but the more people resist to forget, the sooner that day will arrive. ■



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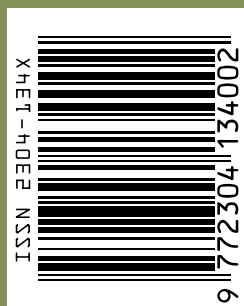


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