

## Refugee Review Tribunal

### AUSTRALIA

#### RRT RESEARCH RESPONSE

**Research Response Number:** CHN30160  
**Country:** China  
**Date:** 15 May 2006

Keywords: CHN30160 – China – Political Activists – Pro-democracy Movement – Dr Jiang Yong Yan

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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#### **Background**

*The applicant claims that he has been investigated and faces persecution because of his involvement in a group supporting Dr Jiang Yong Yan. Dr Jiang is a military doctor who revealed the existence of the SARS virus in 2003. The applicant says that as a result Dr Jiang became a national hero, but in June 2004 he was imprisoned because he petitioned the Peoples' Congress to "reverse" their view of the events of 4.6.89. The applicant says that Dr Jiang was imprisoned between June and July 2004; he was not allowed to travel to the Philippines in August 2004 to receive some international award; and from July 2004 to March 2005 he was under house arrest.*

#### **Questions**

1. Update any adverse interest that the PRC authorities currently have in Dr Jiang, particularly after mid 2004;
2. Any evidence of voicing of popular opinion in support of Dr Jiang and how people who voice support for Dr Jiang's calls for revision of 4.6.89 are being treated by authorities.

#### **List of Sources Consulted**

##### Internet Sources:

##### **Search Engines**

Google search engine <http://www.google.com.au/>

##### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

## RESPONSE

### 1. Update any adverse interest that the PRC authorities currently have in Dr Jiang Yanyong, particularly after mid-2004.

Country information sources indicate that Dr Jiang Yanyong and his wife were detained in June 2004 and released in July 2004 with certain conditions. He remained in a form of house arrest until March 2005. In December 2005 it was reported that he was barred from visiting the United States and was not allowed to quit the People's Liberation Army.

According to the US State Department's report on human rights for the year 2005:

In 2004 Jiang Yanyong and his wife were detained and held incommunicado for several weeks in connection with a letter he wrote to government leaders asking for reconsideration of the 1989 Tiananmen massacre (US Department of State 2006, 'Disappearance' in *Country Reports on Human Rights Practices for the year 2005 – China*, 8 March – Attachment 1).

In March 2005 Amnesty International wrote:

Dr Jiang Yanyong,(7) who wrote a letter in February 2004 to the NPC calling for a reappraisal of the pro-democracy demonstrations in Tiananmen Square, reportedly remains under a form of house arrest. He continues to be prevented from meeting the press, leaving his home, receiving visitors and expressing his views on sensitive issues. He is believed to be held under the "Two Regulations" (*shuanggui*) system – an extrajudicial form of detention, used against Chinese Communist Party (CCP) members who are deemed to have broken internal party rules. Dr Jiang Yanyong had witnessed events on the night of 3-4 June 1989 and had also exposed the initial cover-up of the Severe Acute Respiratory Syndrome (SARS) epidemic in 2003 (Amnesty International 2005, *People's Republic of China: Human Rights Defenders At Risk – Update*, ASA 17/002/2005, 1 March – Attachment 2).

The US State Department reported that:

...In March [2005] Jiang Yanyong was released after spending more than eight months in house arrest because he wrote to government leaders in 2004 requesting an official reassessment of the 1989 crackdown. He was formally detained for two months in June 2004 and was monitored in his home after release. His wife, who was detained at the same time as Jiang, was released earlier but forbidden to travel abroad until mid-year. At year's end Jiang remained unable to travel abroad...(US Department of State 2006, 'Arrest and Detention' in *Country Reports on Human Rights Practices for the year 2005 – China*, 8 March – Attachment 1).

News articles state that Jiang Yanyong was released in March 2005 after an eight month period of house arrest. Conditions for his release included refraining from speaking to journalists, a ban on leaving the country and speaking publicly about his ordeal (Pottinger, Matt 2005, 'China Frees Surgeon Who Aired Coverup – SARS Doctor Is Subject To Continuing Restrictions On Travel, Public Speech', *The Asian Wall Street Journal*, 24 March – Attachment 3; Siu-sin, Chan 2005, 'Sars whistle-blower wins freedom; But conditions of release include a ban on interviews', *South China Morning Post*, 24 March – Attachment 4; Lim, Benjamin Kang 2005, 'China bars SARS hero from leaving country or army', *Reuters News*, 28 December – Attachment 5).

A December 2005 article states that Jiang Yanyong was barred from visiting the United States. His wife had left China in July 2005 to visit their daughter in the USA, however, Jiang was unable to join them. It was also reported that his request to quit the People's Liberation Army was refused (Lim, Benjamin Kang 2005, 'China bars SARS hero from leaving country or army', *Reuters News*, 28 December – Attachment 5).

## **2. Any evidence of voicing of popular opinion in support of Dr Jiang Yanyong and how people who voice support for Dr Jiang's calls for revision of 4.6.89 are being treated by authorities?**

Country information notes that Jiang Yanyong's family members were not allowed to discuss or write anything about his situation. However, there was support for him voiced via the internet. No information was found in the sources consulted on the treatment of people voicing support for him.

Amnesty International reported that Jiang Yanyong is believed to have been detained under the "Two Regulations" (*shuanggui*) system – an extrajudicial form of detention used against Chinese Communist Party members who are deemed to have broken internal party rules. A March 2005 *South China Morning Post* noted that under *shuanggui* Jiang Yanyong, his family members and relatives were not allowed to discuss or write anything about his situation (Amnesty International 2005, People's Republic of China: Human Rights Defenders At Risk – Update, ASA 17/002/2005, 1 March – Attachment 2; Siu-sin, Chan 2005, 'Sars whistle-blower wins freedom; But conditions of release include a ban on interviews', *South China Morning Post*, 24 March – Attachment 4).

A UN Special Rapporteur wrote that when Dr Jiang and his wife were reported missing on 2 June 2004, relatives were cautioned against publicising their disappearance (Commission on Human Rights 2005, 'Summary of information, including individual cases, transmitted to Governments and replies received', *United Nations Economic and Social Council*, E/CN.4/2005/62/Add.1, 30 March, para.282 – Attachment 6).

However, news articles refer to unidentified sources and persons close to the family, commenting on Jiang's release (Siu-sin, Chan 2005, 'Sars whistle-blower wins freedom; But conditions of release include a ban on interviews', *South China Morning Post*, 24 March – Attachment 4; Lim, Benjamin Kang 2005, 'China bars SARS hero from leaving country or army', *Reuters News*, 28 December – Attachment 5; Pan, Philip P. 2004, 'China Frees Dissident Physician', *Washington Post Foreign Service*, 12 July <http://www.washingtonpost.com/wp-dyn/articles/A63793-2004Jul20.html> - Accessed 6 July 2005 – Attachment 7; Pottinger, Matt 2005, 'China Frees Surgeon Who Aired Coverup – SARS Doctor Is Subject To Continuing Restrictions On Travel, Public Speech', *The Asian Wall Street Journal*, 24 March – Attachment 3).

Also, word of his situation spread via the internet and "hundreds of people" had signed online petitions on his behalf. No information was found in the sources consulted on how those people were treated by the authorities (Pan, Philip P. 2004, 'China Frees Dissident Physician', *Washington Post Foreign Service*, 12 July <http://www.washingtonpost.com/wp-dyn/articles/A63793-2004Jul20.html> - Accessed 6 July 2005 – Attachment 7).

The UN Special Rapporteur March 2005 report also noted (researcher's emphasis in bold):

...It is believed that Dr. Jiang Yanyong and his wife might have been targeted in

relation to a letter written in March 2004 by Dr. Jiang Yanyong and widely publicized on the Internet, calling on the government to admit it was wrong in ordering the military assault against demonstrators in Tiananmen Square on 4 June 1989. **In connection with the 15th anniversary of the events in Tiananmen Square, these and other persons have been placed under house arrest or taken to locations outside Beijing until the anniversary has passed...**(Commission on Human Rights 2005, 'Summary of information, including individual cases, transmitted to Governments and replies received', *United Nations Economic and Social Council*, E/CN.4/2005/62/Add.1, 30 March, para.282 – Attachment 6).

## List of Attachments

1. US Department of State 2006, 'Disappearance', 'Arrest and Detention' in *Country Reports on Human Rights Practices for the year 2005 – China*, 8 March
2. Amnesty International 2005, *People's Republic of China: Human Rights Defenders At Risk – Update*, ASA 17/002/2005, 1 March
3. Pottinger, Matt 2005, 'China Frees Surgeon Who Aired Coverup – SARS Doctor Is Subject To Continuing Restrictions On Travel, Public Speech', *The Asian Wall Street Journal*, 24 March (FACTIVA)
4. Siu-sin, Chan 2005, 'Sars whistle-blower wins freedom; But conditions of release include a ban on interviews', *South China Morning Post*, 24 March (FACTIVA)
5. Lim, Benjamin Kang 2005, 'China bars SARS hero from leaving country or army', *Reuters News*, 28 December (FACTIVA)
6. Commission on Human Rights 2005, 'Summary of information, including individual cases, transmitted to Governments and replies received', *United Nations Economic and Social Council*, E/CN.4/2005/62/Add.1, 30 March, para.282
7. Pan, Philip P. 2004, 'China Frees Dissident Physician', *Washington Post Foreign Service*, 12 July (<http://www.washingtonpost.com/wp-dyn/articles/A63793-2004Jul20.html> - Accessed 6 July 2005)