
A JUDGE DIES IN CUSTODY

A report from *Beijing News*

Unexplained deaths in custody are far from rare in China's criminal justice system. But when the deceased is a judge, even China's state-run media take note.

A death in detention

On April 21, 2007, a reporter for China Court Net (www.chinacourt.org) noticed that an article entitled, "Judge meets violent death under mysterious circumstances in the Pingle County Court in Guilin" had been posted on the Web site's "Rule of Law Forum" at 7:00 the evening before.¹ The article, which was written by Li Chaoyang's wife, stated:

On March 22, [Judge Li Chaoyang] was summoned by security cadres and police of the Guilin City procuratorate for questioning and to write a statement. At approximately 3:30 p.m. on March 24, I received a fax from the Guilin City procuratorate indicating that [my husband] had been detained in a criminal case at Guilin City's No. 1 Detention Center. After that he had no way of contacting family members (by telephone or in person).

On April 2 at 1:30 p.m., I received a notification from the Pingle County Court. I called my husband's younger brother and younger sister and we went together to see him at the Xing'an County detention center (he had been moved there, though no one had told me before). We got to the Xing'an County detention center at 6:10 p.m. and had dinner. At 8:10 p.m. we talked with the director of the detention center. He told us that despite frantic efforts to save him, my husband had died on the 2nd at 8:50 a.m. He told us that the cause of death was unknown. My husband's brother, sister and I asked to see the body but we were refused. We insisted that we had to see him. When we were finally allowed to see the body we found that it was covered from head to toe with cuts and bruises, which was completely inconsistent with what we had been told at the detention center about the cause of death.

No word of explanation

Early in the afternoon on April 21, China Court Net posted an article about the case entitled, "Guangxi Judge Li Chaoyang dead in detention center with mysterious injury

marks all over his body.”² The article stated, “When the next of kin asked the officials in charge at the government department concerned what had happened, they were brushed off. No one was willing to tell them the cause of death, and no one offered any explanation. After that, the relatives wrote petition letters to the Guilin City People’s Congress, the city government, the city law and politics committee (*zhengfawei*), the procuratorate and the public security bureau, but in every case they were ignored or fobbed off with perfunctory formulations. No one offered them an explanation.” When a China Court Net reporter contacted the Pingle County Court, an official confirmed Li Chaoyang’s death but said that the cause of death was unknown.

During a follow-up telephone call from *Beijing News*, a Pingle Court officer said there was nothing more to be said, because all that was known about the case had already been posted on the Internet; the China Court Net article had already been picked up by every major Web site. When this reporter phoned the Guilin City procuratorate—it was well before 5 p.m.—the officer on duty said that no one could answer any questions, because they had had all finished work for the day and were on their way home.

Dead on arrival at the hospital

A Pingle Court officer said all that was known about the case had already been posted on the Internet.

An emergency room doctor at Xing’an County Hospital said she had not personally participated in the effort to save Li Chaoyang, but that everyone basically knew what had happened. This is what she had heard: On the morning of April 2, officers from the detention center brought Li Chaoyang to the hospital for emergency treatment. They had not called an ambulance beforehand. By the time Li reached the hospital, he had no respiration or heartbeat, the electrocardiogram showed a flat line and his pupils were dilated. The on-duty doctor attempted cardiopulmonary resuscitation, to no avail. The patient was pronounced dead at 8:50.

According to Li Xiuqing, Dr. Jiang, a physician who had participated in the emergency rescue effort, told her that Li Chaoyang had been brought to the hospital wrapped in a bed quilt. He was naked and black and blue from head to toe.

Li Xiuqing said that when the family asked to see the body on April 2 they were refused access on the grounds that such a request could only be made “in the name of an organization.” The next day, 35 members of Li Chaoyang’s family went to the Xing’an funeral home and vehemently insisted on seeing the body, and were finally allowed to view Li Chaoyang. Li Xiuqing says that before Li Chaoyang was summoned by the police, he had been in the best of health and none of his front teeth had been missing. But the corpse they saw was clearly covered with bruises and injuries.

When this reporter visited the deceased’s family, he was shown a dozen photographs of the corpse. The most obvious sign of injury was an approximately 15-centimeter-long gash below the nose, which had been sutured with more than 10 stitches, and two upper front teeth were also missing. In addition, there was a round, red bruise mark on the throat and a long purple wound on the right waist. Along the spine there were two

FACED WITH BRUTE FORCE AND LAWLESSNESS, EVERYONE IS POWERLESS

A commentary by Deng Jiangxiu

Judge Li from Pingle County, Guangxi Province, died on April 2 in a detention center a month after he was arrested by the Guilin City procuratorate on suspicion of taking bribes. Photographs provided by Li's family show that his body was covered with bruises. *Xinkuai Bao* (News Express) reports that before the results of the investigation are made available, there is no way to determine whether Judge Li died under torture to extort a confession or as a result of some other act of violence in the detention center. In any case, this incident illustrates once again the urgent need to develop guarantees that the rights of suspects guaranteed by the Criminal Procedure Law, including the right to life, are actually protected during criminal investigations.

This case reveals another problem worth serious consideration: when the news and photographs of the case were posted on the Internet, many readers posted comments expressing intense hostility against the victim.

One person wrote, "A corrupt official beaten to death. Serves him right." Another wrote, "A wielder of power and influence got his comeuppance." Such comments reflect a worrisome attitude. Social injustice has made some people draw a line in their minds between the powerless and the powerful based a simple criterion: the possession of wealth and power. People see the wealthy and those who enforce the laws of the state (police officers, judges and administrative officials) as the group that wields power and influence. Conversely, they regard peasants, ordinary townspeople and low-level workers as weak and disadvantaged groups.

This division between the powerful and the powerless accounts for the troubling public attitude to the fatal beating of a judge. One can well imagine that if the man who was beaten to death had been a beggar or migrant laborer, public opinion would have denounced the perpetrators. Yet because under ordinary circumstances the victim would be a wielder of power, some people responded with a sense of vindication and schadenfreude.

If we disregard the division between the privileged and the weak, I believe that any decent and reasonable person would condemn a savage beating that caused a

death in police custody, regardless of whether the victim was a judge or an ordinary citizen. It is clear that it is attitude, rather than circumstances, that affects how someone views an incident, and this is something that calls for earnest reflection by all of society.

In fact, when confronted with brute force, there is no difference between judges and ordinary citizens; all are at an equal disadvantage. Seen from this perspective, everyone ought to consider the unlawful death of a Guangxi Province judge in detention a grave and illegal act of violence against the powerless.

For example, a policeman has the authority to take coercive measures against a criminal suspect, but the moment that same policeman is brought before a court of law and has his rights violated by the judicial authorities, he becomes powerless. To give another example, a city administration official wields power while enforcing the law, but should he ever find himself on the other side of the fence he may have his own rights encroached upon by a wielder of administrative power; the moment that happens, he too joins the ranks of the powerless.

The logical conclusion is that no matter how strong you are, there is always someone stronger. In the final analysis, every power holder in society could become the victim of an unlawful act of violence that will relegate him to the ranks of the powerless. The best way for the wielders of power and wealth to avoid such humiliation is for each of them to take the initiative to abide by the law and eschew violence. By refraining from violating the rights of the powerless, they will avoid joining their ranks themselves.

Translated by Paul Frank

The original Chinese commentary was published in *Beijing News*, April 25, 2007, <http://comment.thebeijingnews.com/0733/2007/04-25/015@013834.htm>.

round dark brown marks about the size of a one-*yuan* coin, and there were red bruise marks along the back of both legs.

Yesterday [April 24], *Beijing News* learned that the GZAR government had set up a special investigation team to look into the case.

Who performed the autopsy?

As of yesterday, Li Xiuqing and the other family members had still not received an autopsy report. Li Xiuqing said that the police told them they could choose one of two medical facilities to perform the autopsy: either a PLA hospital or Guilin Medical College Affiliated Hospital. The family chose the latter, and Li Xiuqing specifically wrote “Guilin Medical College Affiliated Hospital” on the autopsy application.

A doctor from the department in charge of forensic medical examinations at Guilin Medical College Affiliated Hospital told *Beijing News* that the hospital had not performed an autopsy on Li Chaoyang. The doctor said that when they asked the forensic medicine unit of the public security bureau’s criminal investigation department whether they should perform an autopsy, they were told that Li Chaoyang had died at the detention center and that the autopsy could only be performed upon the joint request of the detention center and the deceased’s next of kin. The hospital never received an instruction from the detention center to perform the autopsy, so it was unable to proceed with it. The doctor also said that members of Li’s family contacted the hospital twice and obtained a photocopy of Li’s medical history form.

Li Xiuqing was astonished when *Beijing News* told her what the doctor had said. She said that on the afternoon of April 4, the family sent a representative to observe and sign off on the autopsy. If the autopsy the family representative witnessed that day was not performed by a doctor from Guilin Medical College Affiliated Hospital, who did perform it?

In addition, Li Xiuqing said she had acted as the family’s representative in all dealings with various departments, but she had not had any direct contact with Guilin Medical College Affiliated Hospital and had not requested a photocopy of her husband’s medical history from them (she had only obtained a photocopy of the medical history at Xing’an County People’s Hospital). So who was the person who obtained the photocopy from Guilin Medical College Affiliated Hospital?

Postscript: Following a public outcry, Chinese officials attributed Li Chaoyang’s death to “Adult Sudden Death Syndrome.”³

Translated by Paul Frank

The original Chinese article was published in *Beijing News* on April 25, 2007, <http://news.thebeijingnews.com/0566/2007/04-25/018@258483.htm>.

Editor's notes:

1. The posting has apparently since been removed.
2. “*Guangxi faguan li zhaoyang quanshen shanghen liqi si kanshuosuo* [Guangxi judge suffers sudden death mysteriously in detention center, scarring on body],” China Court Net, April 21, 2007, <http://www.chinacourt.org/html/article/200704/21/243548.shtml>.
3. “Jailed China judge dies of ‘adult sudden death syndrome,’” Reuters, May 1, 2007, <http://www.stuff.co.nz/stuff/sundaystartimes/auckland/4043617a6468.html>; “South China judge not beaten to death while in detention: investigators,” Xinhua News Agency, May 1, 2007, http://english.people.com.cn/200705/01/eng20070501_371141.html.

FOUR SHORT POEMS BY DONGHAI YIXIAO

“An Extraordinary Esteem”

Surveillance and monitoring
Secret watchers in the highest state of alert
Even armed force & prison bars . . .
What is sometimes thereby expressed is an extraordinary
Esteem.

“Waving a Big Stick”

Waving a big stick,
Crushing everything in sight . . .
I wonder, in ten more years,
Will any hearts still know how to bleed?
How many heads
Will still feel
Pain?

“To Put it Bluntly”

At the moment of Shakyamuni’s Awakening,
With one finger toward heaven, one finger toward earth,
He spake in a loud voice:
In the heavens above & on earth below
I alone am perfect.
Master Yunmen says,
“Had I been there,
I would have clubbed him to death and fed him to the dogs
—In quest of universal peace.”

“Untitled”

It’s a fine thing, sure, to soar on high.
But those who can go up must be able to come down.
Who climbs a peak should return to the plain:
That’s the real feat.

It’s a fine thing, sure, to soar on high.
But if a mind exalted like the moon among pale clouds
Bears still some scent of clay, or whiff of hearth,
Is that not more marvelous?

Rendered into English by A.E. Clark

The original Chinese poems were posted on the Peacehall
Web site, http://boxun.com/hero/2007/donghai/85_1.shtml.