

We are All Nie Shubin

BY CAO GEN

The most horrifying aspect of Nie Shubin's fate is that it could happen to anyone.

The execution of Nie Shubin presents only one of many wrongful deaths in the history of China, and is reminiscent of Lu Xun's classic, *The True Story of Ah Q*.¹

Although Nie Shubin was executed for a crime he didn't commit, he can be considered fortunate, because the real murderer was caught, and because the officers who interrogated the real murderer were not the ones who had originally pinned the crime on Nie. If they had been, there is no way the verdict would ultimately have been reversed.

The official culture of promotion by falsified accomplishments makes it impossible to expect justice from government officials. Call me a cynic, but I suspect that the reason some officials went public with this case is that redressing a wrongful conviction will be seen as an achievement in their official careers. If exposing the facts of the case would have been detrimental to these officials or to persons now in prominent positions, I guarantee that this affair would have been kept under tight wraps and Nie Shubin would never have been exonerated.

Following is an excerpt from an article by Jiao Huiguang, one of the police officers who investigated the case, which was published in the *Xijiazhuang Daily*, a government newspaper, on October 26, 1994:

Initially, [She] admitted to having taken liberties with women, but refused to answer any other questions. After a week of skilful interrogation, including psychological warfare and gathering evidence, police officers made a breakthrough. On September 29, this vicious criminal finally confessed to having raped and murdered the victim. On August 5, while loitering around Zhang Ying village, he stole a shirt and then walked to the vicinity of the Xinhua Road police station, where he saw Ms. Kang ride her bicycle into a corn-field path. He went after her, knocked her off her bike, dragged her into the field, beat her unconscious and raped her. He then used the shirt to strangle her to death. A little over a month after the crime, he surfaced again because he was secretly scheming to rape another woman. He never expected that he would be apprehended by the police.

This detailed report suggests that there was not the slightest reason to doubt that Nie Shubin was the killer. Particularly harrowing is this statement: "After a week of skilful interrogation . . . this vicious criminal finally confessed to having raped and murdered the victim." This shows the effectiveness of police interrogation techniques. If there is no culprit, the police can simply nab someone and find a way to make him confess, then fabricate the details.

If I had had the misfortunate of running across that policeman at that time and place, it's almost certain that I would have been made the fall guy. If I had my wits about me and was

faced with a choice between the death penalty and a painful interrogation, I would endure the pain and deny the false accusation of murder. But if I wasn't allowed to sleep for several days and nights, and was injected with some drug, I would certainly start to make up a story that held together and satisfied my interrogators, even if it meant signing my own death warrant in the process.

If the suspect had been the son of a high official, it's highly unlikely that the murder would have been pinned on him. Public security officers all believe that "before hitting a dog, you had better see who his master is." Nie Shubin's first misfortune was to live in a country that tramples on human rights. His second misfortune was to come from a poor family.

Now everyone is calling for the policemen who trumped up the case against Nie to be punished. But what about the responsibility of a regime that produces such policemen, violates human rights and bans open discussion of human rights? And what about a People's Congress (most of whose members are officials) that gives this regime its vote of approval? If these people don't own up to their mistakes and fail to carry out genuine institutional reforms, there will always be countless officials who concoct evidence and frame ordinary people to further their careers.

Some netizens say that if Nie Shubin had enjoyed a "right to remain silent" he wouldn't have met a wrongful death. But is that realistic? Does a university student, a member of the privileged elite, have the right to remain silent during political studies classes? Does he have the right to remain silent when he's told to criticize the Falun Gong movement? Do you really have the right to remain silent when your political counselor pays you a visit to talk about a political problem? If citizens who are not suspected of any crime don't have the right to remain silent, what chance is there that a suspect in a criminal investigation will be able to exercise this right?

As I was looking for reports on Nie Shubin on the Internet, many Web pages I tried to access produced a "404-page not found" message. In particular, almost all discussion forums that had posted signature campaigns in memory of Nie Shubin have disappeared. Evidently, the authorities have already turned this case into a taboo subject.

If we don't fight for human rights, the next Nie Shubin will be you or me.

Translated by Paul Frank

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1. Translator's note: In Lu Xun's story, set in 1911, Ah Q is a day laborer who suffers a series of humiliations until he is executed because local officials decide that he has robbed the house of an official.