

## **RFA Exclusive**

Health destroyed in a Chinese jail -- The ordeal of American citizen Nelson Wells.

26 July 2022

In 2014, Nelson Wells Jr. traveled to China for the first time. However, he has since lost his freedom and health. Over the past eight years, he has been locked up in a prison in Chongqing. Due to a case of brain atrophy, he has requested to be allowed to seek medical care outside of the prison, but has yet to get a response from the authorities. What is going on?

*Photo: Wells poses with his newborn daughter Jazmine in front of a shrine in Yokohama, Japan, in 2013. (Courtesy of the Wells family)*

The 49-year-old Wells comes from a military family in Louisiana. He was born to Nelson Wells Sr. and Cynthia Wells. Because his father served in the U.S. Army, he grew up adapting to living in multiple countries and married a Japanese wife. It wasn't until eight years ago that Wells' first trip to China brought about a dramatic change in his life and that of his family.

### **Helping people with their luggage was a disaster**

Everything seemed normal on that trip to China, but just as he was about to return to Japan, he was stopped by Chongqing Customs. The officer claimed to find a large amount of crystals containing methamphetamine in a suitcase Nelson Wells was carrying, and he was soon arrested by the local police. Wells said the suitcase was entrusted to him by someone else and that he was completely unaware of the drugs hidden inside the suitcase.

The Chongqing First Intermediate People's Court within a few months sentenced him to life in prison for the crime of smuggling drugs. In 2019, his sentence was reduced to 22 years for showing "repentance" in prison, and he is now being held in Chongqing Yudu Prison.

### **Weight loss and brain atrophy: Wells's father denounces Chinese government**

It was not until last year that the elder Wells finally received his son's photos in prison for the first time, but his heart aches whenever he looks at them. He said in an interview with RFA that his son, who is 1.67 meters tall and weighed more than 75 kilograms before he was imprisoned, now weighs less than 45 kilograms. He cannot hide his anger with the Chinese government.

"I am very upset with the Chinese government now," he said. "I'm a Christian and I hate to say this, but I have to say that I hate the Chinese government and I think...the way they treat prisoners is evil."

Wells Sr said he sent a letter last August to the Chongqing Municipal Bureau of Justice and its affiliate, the Chongqing Municipal Prison Administration, asking the authorities to allow his son to be released on parole for medical treatment outside the prison or be given an early release from prison. The letter said the younger Wells suffers from severe high blood pressure that needs to be controlled with medication. He said further that scans at the prison hospital showed that the younger Wells also suffers from brain atrophy, where the arteries supplying blood to the brain have narrowed, which could lead to seizures and early onset of dementia or Alzheimer's disease.

He and his wife also wrote that the younger Wells' mental state "had collapsed." Because of cultural differences, Chinese police officers and inmates may have difficulty understanding and showing compassion to an African American who has become a victim of racial discrimination. Although prison authorities recently consulted with a mental health expert on the issue, they are concerned that it will be difficult for locals to fully understand and treat a foreigner, especially an African-American foreigner.

*Photo: Wells Jr. in prison last year. This is the only photo his family has received from prison authorities in eight years. (Courtesy of the Wells family)*

### **The three things Wells is not allowed to talk about: the case, prison details and his physical condition**

The 66-year-old Wells also told reporters that he could only talk to his son once every few months, for no more than five minutes at a time. Once they talk about certain "sensitive" issues, the phone will be cut off immediately.

There are three situations in which the prison authorities immediately hang up a phone call with his family. When young Wells talks about his treatment in prison; when he talks about the details of his case, and when he tries to describe how serious his physical condition is, the phone is immediately cut off.

Peter Humphrey, a China specialist and former British corporate investigator who has provided free advice to the Wells family for nearly two years, told RFA that the proceedings in the drugs case against Wells and his situation in prison reflected the darkness of China's judicial system.

"I think Nelson is an example of an unjust Chinese justice system," says Humphrey. "He is a victim of a very unprofessional and opaque justice system and a victim simply of visiting China as a person of African descent."

### **The family adviser also served time in prison**

When it comes to the Chinese justice system, Peter Humphrey has firsthand knowledge. In April 2013, ChinaWhys, a risk management consulting firm founded by him and his wife Yu Yingzeng, was hired by Anglo-American pharmaceutical conglomerate GSK to investigate a former employee. Two months later, in July 2013, after ChinaWhys had submitted an investigation report to their client, Humphrey and his wife were arrested by Chinese police and sentenced to three years and two-and-a-half years in prison respectively, in August 2014, for the alleged crime of "illegally obtaining a citizen's information," which they denied, before being released early for health reasons in June 2015.

In September 2014, GSK was fined 3 billion yuan for bribing Chinese hospitals and doctors, making it the largest fine the Chinese government had ever issued to a company.

Humphrey and the Wells family provided RFA with written materials on the Wells case including court documents, medical diagnosis records, a letter asking for help that had been submitted by the Wells family to the U.S. and Chinese governments and other documents. This reporter discovered that there are many doubts about this case, and that Wells had not been granted medical parole despite his very poor health condition in prison.

*Photo: Wells shortly before his arrest; the exact time and location unknown. (Courtesy of the Wells family)*

Controversy 1: Delay in obtaining a medical parole

This reporter noticed that five departments, including China's Supreme Court, Supreme People's Procuratorate and the Ministry of Justice, had issued a notice in 2014 on the "Regulations on Temporary Release from Prison" and listed the range of diseases which are eligible for medical parole, including high-risk hypertension and multiple organ damage. However, the notice also stipulates that those suffering from serious diseases such as hypertension, diabetes and heart disease, but whose lives are not in danger in the short period of time after diagnosis, shall not be temporarily released from prison.

Controversy two: multiple medical examinations but no report

Humphrey said that based on his understanding, Wells has undergone multiple medical examinations while in prison, but that the authorities have withheld the medical reports from his family, which makes it difficult for the outside world to understand his actual health condition.

Our reporter called the Chongqing Municipal Bureau of Justice to try to find out whether the rules related to medical parole apply to the deteriorating condition of Wells and to seek details about the prison. A duty officer told the reporter that he should contact the relevant prison directly. The reporter then called the command center of Yudu Prison, where a staff member hung up on us immediately.

In addition, reporters contacted the Chinese Foreign Ministry spokesperson's office by fax and email, but received no response. A spokesperson from the Chinese Embassy in the United States replied via email that they did not know the details of the case and suggested asking the Chinese Ministry of Justice. Calls to the Ministry of Justice went unanswered.

*Photo: The Wells family in 1985. Wells' parents were about 30 years old, Wells was 12 and his sister Kendria had just turned six months old. (Courtesy of the Wells family)*

“National treatment” of foreigners in prison, deteriorating human rights in China's prisons

Humphrey said that he has advised in a large number of cases of foreigners detained in China in recent years and that the situation of these people has deteriorated significantly.

"The treatment of foreign prisoners has deteriorated over the past few years, getting closer and closer to the treatment of national prisoners," he said. "I think in prisons where there aren't many foreign prisoners, like this one in Chongqing, their treatment may be closer to that of the Chinese prisoners."

### **Former prisoner turned rights defender**

In talking with RFA reporters, the Wells family thanked Humphrey several times for the tremendous help he has given them, including preparing paperwork, contacting media, activists, U.S. government officials and more. In 2020, he told CNN that since his release and return to the United Kingdom he has found a new meaning in life, which is to help, pro bono, foreigners who are still serving sentences in China, as well as their families.

Humphrey told RFA that he has more than a dozen similar cases, in addition to the case of Wells. Over the past few years, he has become increasingly aware of the capriciousness of China's judicial system through his knowledge of various cases.

"We need to be aware of the nature of this justice system. I think the most important point that these cases exemplify is that of the millions of people who have been put in China's prisons and detention centers, not one of them has ever received a fair and transparent trial."

China's Supreme Court President Zhou Qiang reported at the National People's Congress in March that courts at all levels sentenced 1,715,000 criminals last year and acquitted 894 defendants. By this calculation, China's acquittal rate last year was only 5 in 10,000 cases.

Wells was not one of those 5 out of 10,000. It is true that drug trafficking and selling drugs are serious crimes in many countries, but was Wells conclusively "proven guilty" as the court found in this "Chinese public trial"?

### **Two major doubts about the case**

According to the "Criminal Ruling" of the Chongqing High Court, the Chongqing First Intermediate Court previously found that on April 25, 2014, Wells arrived in Chongqing by airplane from Tokyo and checked into a local hotel. Three days later, a Black man whose "name and identity are unknown", according to the police, handed him a piece of luggage at the hotel. The next day, Wells checked out of the hotel with the bag and subsequently changed hotels twice. On May 14, he planned to fly back to Japan, but when he went through security at Chongqing Jiangbei International Airport, staff found close to two kilograms of "suspected" crystalline in a food bag in the suitcase he was carrying. After examination, the suspected substance was found to contain about 60 percent methamphetamine.

Humphrey said that the person who gave Wells the luggage with the drugs was later not found and did not seem to have been arrested by the police, which is a major point of suspicion in this case, given the use of surveillance cameras in Chinese hotels.

When this reporter checked the verdict, he found that the man, whose name and identity are said to be unknown, actually had nothing to do with Wells. The judicial documents do not indicate whether Wells made a statement.

In addition, the authorities did not fully respect the suspect's right to defense during the investigation and trial of the case. Because of the huge language and cultural barriers, Wells was confused during the entire proceedings and was completely unable to assert his rights, Humphrey said.

"Nelson does not appear to have been given an opportunity to effectively defend himself in court," Humphrey said. "The attorneys he hired mostly just talked and took a lot of money from his parents, but basically did nothing."

This reporter could not immediately reach the defense lawyers listed on the court papers as representing Wells in the case, including Tian Deqiang and Zhao Tianji of Shanghai's Husi Law Firm.

In China, there has been a precedent for foreigners involved in drug crimes to receive heavy sentences. The most recent case is that of Canadian national Robert Lloyd Schellenberg, whose death sentence for "drug smuggling" was upheld by the Liaoning High People's Court in the second instance on August 10, 2021. According to China's Criminal Procedure Law, death penalty cases are subject to review by the Supreme People's Court, China's highest court, before they can be carried out.

### **Family speaks out for the first time**

Just last month, the Wells family posted a fundraising message on GoFundMe, a U.S. online crowdfunding platform, in hopes that the public would help them rescue Wells. In their fundraising message, his parents said they have been working behind the scenes for the past several years with

lawyers, diplomats and rights advocates in both the United States and China to try to improve Wells' situation, but with little success.

This is the first time the family has spoken publicly about his ordeal and sought outside help.

In addition to Wells' parents, who are desperate to save their son, his second Japanese wife, Chikako Wells, told RFA about her experiences over the years, in limited English.

Since her husband's arrest, Chikako said, she has been working at a post office not far from home to take care of their young daughter Jazmine. Jazmine, who was born shortly after Wells was arrested, is now nine years old.

Chikako said that she has slowly learned to be stronger over the past few years, but she still chokes up at times when talking about her daughter.

"Jazmine has no memory of her father, and that makes me very sad," she said. "Her dream is to meet her dad one day, but the fact that I can't tell her the truth is really hard for me to bear."

### **An American's Life in a Chinese Prison: A Microcosm of Deteriorating U.S.-China Relations**

Joi O. Chaney, executive director of the Washington bureau of the National Urban League, a civil rights organization focused on African-Americans, counseled the Wells family in her personal capacity, as did Humphrey. She told RFA that the biggest difficulty in the case is that it's been a long time since the incident, and that Wells is not a celebrity, making it difficult to get outside attention.

Chaney added that she understands the family's dilemma.

"Families of inmates are sometimes afraid to speak out because they have two less-than-compatible goals: on the one hand, they want their client to be free again, and on the other hand, they want the inmate to be treated as fairly as possible in prison, but it's hard to balance the two."

### **The U.S. government won't talk about individual cases**

When asked about the specifics of the Wells case, an unnamed State Department spokesman told reporters via email that they were aware of "a U.S. citizen" being held in China and were providing him with all appropriate consular assistance, but he did not mention Wells by name.

The spokesman added that the consular assistance they provide includes trying to ensure that U.S. citizens detained outside of China are protected by fair and transparent legal procedures; visiting the individual in prison to ensure that they are being treated humanely, including receiving medical treatment if necessary; and assisting the individual in contacting family members or others, among other things.

However, the U.S. Department of State's official website indicates that they cannot rescue U.S. citizens from prison, state a person's guilt or innocence to a court, or appear in court on behalf of a U.S. citizen.

The official website of the Chongqing Prison Administration shows that inmates in all sections of Yudu Prison have three meeting days each month, but face-to-face meetings are still not available due to the Covid epidemic.

In addition to the epidemic, local interactions between U.S. officials and the Chongqing authorities have not been easy amid deteriorating U.S.-China relations. Chongqing was originally under the jurisdiction of

the U.S. Consulate General in Chengdu, but since July 2020, the U.S. Consulate General in Chengdu has been closed. It is now more difficult than in the past for U.S. diplomats to visit Wells.

For his part, Humphrey says that he understands that staff from the U.S. Embassy in Beijing met with Wells just last week and learned that he is currently suffering from severe insomnia, prostate problems, very high blood pressure and is still in poor mental health. It was not clear to Humphrey how the consular visit was conducted.

### **What is prison life like in China?**

In 2018, Humphrey published a lengthy article in the Financial Times Magazine about his nearly two-year-long detention in China, nine months of which he spent in Qingpu Prison in Shanghai, where foreign nationals are held in a dedicated cell block for foreigners. He wrote that he shared a cell with a dozen inmates, that the windows were always open and that it was extremely cold in the winter. His dinner in prison usually consisted of a bowl of rice, a few stir-fried vegetables and some soup without oil.

Teng Biao, a Chinese human rights lawyer now living in the United States, used to visit his clients in prison before leaving the country, and in recent years has done academic research on the Chinese prison system. In his view, the authorities basically do not treat prisoners like human beings.

"The Chinese government's concept of how to treat prisoners is very backward and is at odds with modern rule of law and humanitarian spirit," he said. "The authorities think that prisoners are bad people, that they have to be kept by the state after committing crimes, and that they have to spend money to treat them when they are sick, which is definitely something the government does not want to do."

This was the case with Humphrey. He developed symptoms of prostate cancer during his time in the detention center that year, as well as health problems such as rashes, anal infections and chronic diarrhea. While in Qingpu Prison, he asked the authorities to check and treat his prostate every week, only to be repeatedly told he had to confess first.

It wasn't until April 2015 that lobbying by foreign embassies in China and his relentless complaints finally came to fruition and the prison authorities agreed to allow him to go to a local hospital for an MRI scan. Then, authorities finally acknowledged that he had a prostate tumor. After signing a 'compromise' document which was not a confession, Humphrey was finally released early. Upon his return to the United Kingdom, he was diagnosed with advanced prostate cancer and underwent a year and a half of unsuccessful cancer treatment and later the full removal of his prostate. He also underwent years of treatment for post-traumatic stress disorder (PTSD).

China is a permanent member of the United Nations. In accordance with the spirit of the UN Minimum Standards for the Treatment of Prisoners, all prisoners are legally deprived of their personal liberty, but still enjoy rights that are granted or not restricted by the domestic laws of each country.

For Wells, who is seriously ill, not only is his release from prison a long way off, but how much is he being given his right to seek medical treatment while in prison? The family doesn't know either.

Teng Biao said that in China even if a prisoner dies from an illness the prison authorities usually do not get into trouble. "Originally (a suspect or prisoner) is eligible for medical treatment, but the detention center or prison did not allow or arrange for medical treatment, resulting in an aggravation of the detainee's condition, or even death," he says. "It is difficult to hold the authorities accountable. There are no detailed procedural provisions for the authorities in terms of recourse and remedy in this matter."

### **Parents anxious for their son to return home**

The elder Wells told this reporter that his son was a decent and trustworthy man, very sociable and very much in love with his family. As far as he knows, his son has never been involved in drugs and doesn't even smoke, and so he finds it hard to believe that his son has committed a felony.

In the hour and a half that the older Wells spent in the interview with RFA, his wife Cynthia was almost always by his side. Near the end of the interview, Cynthia, 67, told this reporter that her greatest wish was to be reunited with her son in her lifetime.

"You must understand the love a mother has for her child," she said. We just want to help our son come home, help him get healthy again and take care of his children, because their father left them when they were babies."

Wells' father said he and his wife both have a variety of illnesses, including high blood pressure and diabetes, and that he himself has had prostate cancer, and that they can't wait much longer.

By Jia Ao, Radio Free Asia Correspondent Washington, D.C. Editor: Zheng Chongsheng Web Editor: Hong Wei