

URGENT ACTION

CHINESE MAN FACES EXECUTION

A Chinese man, Wang Yang, could be executed within a week if China's Supreme People's Court (SPC) approves his death sentence. His case has been heard a total of nine times by different courts since he was first sentenced in 2003. China provides no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts.

The Xinxiang City Intermediate People's Court in eastern China sentenced **Wang Yang** to death in 2003 for "fraudulently raising funds," "loan fraud" and "escape from detention" after what his lawyer's argue was an unfair trial. According to the verdict, he had raised approximately 253 million Yuan (US\$37 million) by promising high interest rates on funds invested in the "co-operatives" which were owned by his firms and a branch of a government-affiliated bank. He then allegedly diverted the funds to his firms' bank accounts to cover his personal expenses.

The appeal court returned the case to the first court for retrial because it felt there were too many questions unanswered. The first court again handed down a death sentence, which the appeal court then upheld. However, the death sentence was then reviewed by the SPC who returned it for retrial on the basis of insufficient evidence. The court of first instance handed down a third death sentence, and the appeal court returned the case for retrial again. The first court handed down a death sentence for a fourth time, which was then upheld by appeal court. The SPC is now reviewing the case again. Wang Yang's family has pointed out that despite all the retrials and hearings, there has never been further investigation into the alleged crime – instead the same evidence has been submitted each time, raising questions about why the courts have reached different verdicts when considering the same case.

Chinese media and critics have raised concerns that the death penalty is applied inconsistently for economic crimes. Du Yimin, a businesswoman who was executed on 5 August 2009, was also found guilty of "fraudulently raising funds" of 700 million Yuan (US\$102 million). The day before she was sentenced to death, an official who used 15.8 billion Yuan of public funds to cover his personal spending was sentenced to a fixed term of imprisonment.

PLEASE WRITE IMMEDIATELY in Chinese or your own language:

- calling on authorities not to execute Wang Yang;
- urging the Supreme People's Court to remand the case for a retrial that meets international fair trial standards;
- urging the National People's Congress to introduce a legal procedure for clemency;
- urging the National People's Congress to eliminate the death penalty for all non-violent crimes;
- calling for an immediate moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 26 MARCH 2010 TO:

Supreme People's Court President

WANG Shengjun Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang
Beijingshi 100745
People's Republic of China
Fax: +86 10 65292345
Salutation: Dear President

National People's Congress Standing Committee Chairman

WU Bangguo Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaominxiang
Xichengqu, Beijingshi 100805
People's Republic of China
Fax: +86 10 63097934
Email: icc@npc.gov.cn
Salutation: Dear Chairman

And copies to:

President
HU Jintao Guojia Zhuxi
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China
Fax: +86 10 63070900

Also send copies to diplomatic representatives of China accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The death penalty is applicable to approximately 68 offences in China, including non-violent ones. China executes more people every year than any other country in the world. Amnesty International estimated that China carried out at least 1,718 executions and sentenced 7,003 people to death in 2008. These figures represent a minimum – the real figures are undoubtedly much higher. A US-based NGO, the Dui Hua Foundation, estimates that between 5,000 and 6,000 people were executed in 2008, based on figures obtained from local Chinese officials. Statistics on death sentences and executions in China are classified as state secrets.

In January 2007, the practice of having the Supreme People's Court (SPC) review all death sentences was restored; it had been suspended in 1982. All death sentences must now be reviewed by the SPC, which has the power to approve or remand cases for retrial. The Chinese authorities have reported a drop in executions since the SPC resumed this review. Nevertheless, the application of the death penalty remains shrouded in secrecy in China. Without access to such information it is impossible to make a full and informed analysis of death penalty developments in China, or to say if there has been a reduction in its use.

No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Many have had confessions accepted despite saying in court that these were extracted under torture; have had to prove themselves innocent, rather than be proven guilty; and have had limited access to legal counsel.

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