

PUBLIC

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Imminent execution/torture

7 October 2005

**PEOPLE'S REPUBLIC
OF CHINA**

**Huang Zhiqiang (m), aged 32
Fang Chunping (m), aged 27
Cheng Fagen (m), aged 37
Cheng Lihe (m), aged 28**

The four men named above are at imminent risk of execution. They were allegedly tortured by police to force them to confess.

All are farmers and carpenters from Leping city, Jiangxi province. According to court documents, they were convicted of murder, rape, robbery and extortion in connection with their joint involvement in three separate crimes committed between September 1999 and May 2000. At their first trial, they were sentenced to death by the Jingdezhen Intermediate People's Court in Jiangxi province.

They appealed to the Jiangxi High People's Court. On 17 January 2004, the court ruled that the case should be sent back to the Intermediate Court for re-trial, since the detail of their testimony had changed several times and the evidence was insufficient to convict them. In their defence statements, the four men had also highlighted several contradictions in their testimonies and alleged that they had confessed to the crimes under torture at the hands of the police.

However, the Intermediate Court once again sentenced the men to death on 18 November 2004, apparently without considering the torture allegations. The four men remain under sentence of death, and it is unclear why their executions have not yet been carried out. It is possible that the Jiangxi High People's Court is continuing to refuse to approve the verdict.

The four men are held at Leping City Police Detention Centre.

BACKGROUND INFORMATION

China remains the world leader in its use of the death penalty. According to Amnesty International's estimates based on public reports available, over 3,000 people were executed and 6,000 sentenced to death in 2004 alone. The true figures, which are classified as a "state secret", are believed to be much higher. In March 2004, a senior member of the National People's Congress announced that China executes around 10,000 people per year.

China maintains the death penalty for around 68 offences, including non-violent crimes and economic crimes such as tax and other financial fraud, smuggling and counterfeiting. Execution is by shooting or lethal injection. The death penalty is used extensively, arbitrarily, and frequently as a result of political interference. It is particularly used during periodic "Strike Hard" anti-crime campaigns, when defendants may be sentenced to death for crimes which at other times may be punished by imprisonment.

In an apparent attempt to improve the quality of capital trials and reduce political interference in the court process, the Chinese authorities have recently announced that the Supreme People's Court (SPC) will resume its role of reviewing all death sentences passed in China. The SPC had delegated this role to High Courts for most capital crimes in a series of decisions over recent years. It remains unclear when the SPC will begin reviews, but Amnesty International hopes that this will provide a greater safeguard against miscarriages of justice and lead to a reduction in the number of those sentenced to death and executed.

Despite efforts by the Chinese authorities to pass and enforce laws and regulations preventing the use of torture and ill-treatment, such abuses continue to be reported in a wide variety of state institutions across China. Police officers in China regularly resort to forms of torture or ill-treatment to obtain confessions.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

- urging the authorities to commute the death sentences passed on Huang Zhiqiang, Fang Chunping, Cheng Fagen and Cheng Lihe;
- calling on them to give the four men a retrial which meets international fair trial standards;
- expressing deep concern at allegations that the four were tortured by the police into confessing to the crimes, and calling for a full, independent and impartial investigation into these allegations with a view to bringing those responsible to justice;
- welcoming moves by the authorities to reinstate Supreme Court review of all death sentences passed in China, and urging that the review system be established as soon as possible;
- urging the authorities to remove the death penalty as a punishment for non-violent offences, make public full national statistics on death sentences and executions, and introduce a moratorium on executions as immediate steps towards full abolition of the death penalty in law.

APPEALS TO:

Director of High People's Court of Jiangxi Province,
Kang Weimin Yuanzhang
Third East Road
Nanchang City Government Compound
Nanchangshi 330046
Jiangxi Province, People's Republic of China

Fax: +86 791 624552

+86 791 6227568

Email: advice@jxfy.gov.cn

Salutation: Dear Director

President of the Supreme People's Court of the People's Republic of China
Xiao Yang Yuanzhang
Supreme People's Court
27 Dongjiao Minxiang
Beijingshi 100726, People's Republic of China

Fax: +86 10 65292345 (c/o Ministry of Communication)

Salutation: Dear President

COPIES TO:

Secretary of the Jiangxi Provincial Political Legal Committee
Shu Xiaoqin Shuji

Zhonggong Jiangxisheng Zhengfa Weiyuanhui
Jiangxisheng, People's Republic of China

E-mail: zhxxgood@163.com

jxzfwx@jxzf.gov.cn

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 November 2005.