

PUBLIC

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UA 246/08      Death Penalty

CHINA      Yang Jia (m), aged 28

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Unemployed Beijing resident Yang Jia was sentenced to death on 1 September by Shanghai No.2 Intermediate People's Court, after a closed trial. According to a Xinhua news agency report, he had confessed to premeditated murder. He could be executed within weeks.

According to Xinhua, Yang Jia stabbed a security guard and started a fire in the entrance to a police station in Shanghai's Zhabei district on 1 July, then went into the station and stabbed nine police officers. Five of them died immediately, another later in hospital. Yang Jia was detained at the scene.

Yang Jia had been detained on 15 October 2007 in Shanghai for riding an unlicensed bicycle, which the Zhahei district police accused him of stealing. According to the Xinhua report, Yang later tried to file a complaint about his treatment during the interrogation, requesting an apology and compensation of 10,000 Yuan (approx. US\$1,500) for "psychological damage." The police supervisory board rejected the complaint. The police have released a four-minute video recording of the 40-minute interrogation, which, according to a Beijing attorney who has been following the case, shows Yang Jia arguing with the police.

According to a US press report Shanghai police told a 7 July news conference that Yang Jia had carried out the 1 July attack in revenge. The court ruled that Yang was mentally competent during the attack.

Yang Jia was represented by two lawyers, Xie Youming and Xie Jin. The police claimed that Yang had turned down the lawyer his father had found for him, and was only willing to retain the lawyers selected by his mother. However, the police refused to allow the lawyer retained by his father to see Yang. A group of Beijing lawyers have issued a letter stating that Yang's choice of counsel has created a conflict of interest, as Xie Youming is also the counsel for the Zhahei police district where the attack took place.

It is unclear whether Yang Jia will appeal, but all death sentences in China are subject to a review by the Supreme People's Court before the sentence is carried out. The review is aimed more at ensuring that procedures have been followed correctly, than at determining the facts of the case. Yang's father has called the sentence unfair, and says he will ask the lawyer to appeal. A Beijing lawyer following the case said that Yang's father would like another appraisal of his son's psychological state done.

#### **BACKGROUND INFORMATION**

China executes more people each year than any other country in the world. There is likely to have been a significant drop in executions during 2007, after the Supreme People's Court review for all death sentences, which had been scrapped in 1982, was restored. In 2007, Amnesty International recorded 470 executions, but this is an absolute minimum, based on publicly available reports. The US-based Dui Hua Foundation estimates that 6,000 people were executed that year, based on figures obtained from local officials. The official statistics on death sentences and executions are classified as state secrets.

A number of cases reported in the Chinese press in recent years reveal that innocent people have been put to death in China after unfair trials.

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

- calling on the authorities to ensure that Yang Jia has access to his family, legal representation of his own choosing and any medical attention he may require;
- urging the authorities to conduct an independent investigation into allegations that Yang Jia was tortured, and bring those responsible to justice;
- urging the authorities to commute any death sentence passed on Yang Jia to a term of imprisonment.
- urging the authorities to ensure that China's courts respect the most rigorous internationally recognized standards for fair trial, including the UN safeguards guaranteeing the protection of the rights of those facing the death penalty, which require adequate opportunity for defence and appeal.

**APPEALS TO:**

Minister of Justice

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**Salutation: Dear Minister**

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**Salutation: Dear President**

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**Salutation: Dear Director**

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**Salutation: Dear Director**

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 17 October 2008.