

PUBLIC

AI Index: ASA 17/102/2008

24 October 2008

Further Information on UA 246/08 (ASA 17/098/2008, 5 September 2008) – Death penalty

PEOPLE'S REPUBLIC OF CHINA Yang Jia (m), aged 28

Yang Jia's appeal against his death sentence was rejected by the Shanghai Higher People's Court on 20 October. The Supreme People's Court reviews all death sentences, and if it ratifies his sentence he could be executed within as little as a week.

He was convicted on 1 September, after a closed trial, of the 1 July murder of six policemen in Shanghai's Zhabei district police station.

According to a report by news agency AFP, Yang Jia's lawyer expressed disappointment that the court had rejected his request for further psychiatric tests to assess Yang's mental condition. According to a Xinhua news agency report, "a forensic psychiatric assessment conducted by a qualified institute commissioned by the police showed that Yang was fully competent."

At the trial where he was convicted, Yang was represented by Xie Youming and Xie Jin, who had been appointed by the Shanghai lawyers' association. Court authorities have rejected assertions by a group of Beijing lawyers that having Xie Youming act as Yang's counsel represents a conflict of interest, as Xie is also counsel for the Zhabei district police, whose officers were killed in the 1 July attack. Court authorities have claimed Yang approved of them.

Yang Jia's mother has been missing since a few days after he was arrested. Local and international press reports suggested she had sought to appoint different lawyers to represent her son. Her sister has reported her missing to the Shanghai police.

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 or your own language:

- urging the authorities to allow a psychiatrist chosen by Yang Jia's lawyer to conduct a further assessment to determine Yang's mental competence during the attack;
- expressing concern that Yang Jia may not have had adequate legal representation, and therefore not have received a fair trial, and urging the authorities to ensure that he has free choice of legal counsel;

- calling on the authorities to ensure that Yang Jia has access to his family 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 Yang Jia's death sentence to a term of imprisonment.

APPEALS TO:

President of the Supreme People's Court
Xiao Yang Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang, Beijingshi 100006
People's Republic of China
Fax: +86 10 65292345
Salutation: Dear President

Minister of Justice
Wu Aiying Buzhang
Sifabu
10 Chaoyangmen Nandajie
Chaoyangqu, Beijingshi 100020
People's Republic of China
Fax: +86 10 65292345
Email: pfmaster@legalinfo.gov.cn
Salutation: Dear Minister

Director of the Shanghai Bureau of Justice
Miao Xiaobao Juzhang
Shanghaishi Sifaju
225 Wuxinglu, Shanghaishi 200030
People's Republic of China
Email: contact_us@eastday.com
webmaster@justice.gov.cn
jijianjiancha@eastday.com
Fax: +86 21 64743029
Salutation: Dear Director

COPIES TO:

Director of the Shanghai Bureau of Public Security
Wu Zhiming Juzhang
Shanghaishi Gong'anju
185 Fuzhoulu, Huangpuqu
Shanghaishi 200002, People's Republic of China
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and to diplomatic representatives of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 November 2008.