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Death Penalty

2 March 1995

PEOPLE'S REPUBLIC OF CHINA

**Liu Kun
Chen Shizhong
Tang Shifa
Yu Jiaxi
Wang Wenbin
Shen Baodong**

On 20 February 1995 the Nanjing Municipal Intermediate People's Court in Jiangsu Province sentenced six men to death, one of them with a two-year reprieve, for the alleged rape of three women on 27 October 1994. Another man was sentenced to life imprisonment.

Liu Kun, Chen Shizhong, Tang Shifa, Yu Jiaxi and Wang Wenbin were all condemned to death. Shen Baodong was sentenced to death with a two-year reprieve, which means that the death sentence against him will be reviewed at the end of the two-year period and, depending on his behaviour in prison during that period, may be either commuted to a term of imprisonment or carried out.

It is not known whether the six accused have appealed against their death sentences. Under Chinese law, depending on the case, the defendants have either three or 10 days after the passing of sentence to appeal to another court. If no appeal is lodged, their sentences should be automatically referred for review to the Jiangsu Province High People's Court. This court must then rule on the appeal or review the case within one and a half months. This process can be accelerated and review of death sentences can take place only a few days after the trial. Successful appeals are rare.

BACKGROUND INFORMATION

The death penalty is used extensively in China. For the first nine months of 1994, Amnesty International recorded 1486 death sentences and 1006 executions, although it believes these figures to be well below the actual number of death sentences and executions carried out. The increased use of the death penalty in China since the late 1980s occurs in the context of a continuing "anti-crime" campaign. Amnesty International is concerned that death sentences in China are meted out following trials which fall far short of international standards for fairness.

Defendants do not always have access to lawyers. In death penalty cases, lawyers, when available, have no more than one or two days to prepare a defence. Death sentences are often decided in advance of the trial by "adjudication committees" whose decision is seldom challenged by the courts. Chinese legal experts have in recent years criticized the practice of pre-trial verdicts, but it is reported to be still widespread.

Amnesty International is concerned that the death penalty appears to be a discriminatory punishment which tends to apply disproportionately to people of low social standing who have neither the social nor the political status enabling others to defend themselves against the accusations. Furthermore, cases have been reported in which death sentences were imposed on the basis of confessions extracted through coercion or torture.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or Mandarin Chinese or in your own language:

- urging that the death sentences passed on Liu Kun, Chen Shizhong, Tang Shifa, Yu Jiayi, Wang Wenbin and Shen Baodong be commuted;
- expressing opposition to the death penalty in all cases as the ultimate form of cruel and inhuman punishment and as a violation of the right to life as guaranteed in the Universal Declaration of Human Rights.

APPEALS TO:

Governor of the Jiangsu Provincial People's Government

CHEN Huanyou Shengzhang

Jiangsusheng Renmin Zhengfu

29 Xikanglu

Nanjingshi 210024

Jiangsusheng

People's Republic of China

Telegrams: Governor Chen Huanyou, Nanjing, Jiangsu Province, China

President of the Jiangsu Provincial High People's Court

LI Peiyou Yuanzhang

Jiangsusheng Gaoji Renmin Fayuan

75 Ninghailu

Nanjingshi 210024

Jiangsusheng

People's Republic of China

Telegrams: President of the Provincial High People's Court Li Peiyou, Nanjing, Jiangsu Province, China

COPIES TO:

Chief Editor, New China Daily

Xinhua Ribao

55 Zhongshan Lu

Nanjing

Jiangsu Sheng

People's Republic of China

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 30 March 1995.