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Death Penalty

16 March 1995

PEOPLE'S REPUBLIC OF CHINA

Chen Jianjun, aged 25, unemployed
Ju Jianming

On 10 March 1995, the Wuhan city's Intermediate People's Court in Hubei province convened a special public sentencing session to "strike hard at robbers and car thieves", and announced sentences against a number of offenders, according to a report in the *Wuhan Daily* of 11 March.

Chen Jianjun, from Chengguan township in Huangpi county, was condemned to death for the alleged theft of 14 motorcycles. In a different case, Ju Jianming was sentenced to death with a two-year reprieve for allegedly leading a gang which had stolen a three-wheeled motorcycle and had "repeatedly robbed cars" which was said to have "seriously jeopardized social order". Several others involved in the case were sentenced to prison terms of up to life imprisonment.

It is not known whether the two 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 Hubei 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 within 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 continuing "anti-crime" campaigns.

Amnesty International is concerned that death sentences in China are handed 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, usually 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 also concerned that the use of the death penalty in China appears to be discriminatory; it 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 and airmail letters either in English or Mandarin Chinese or in your own language:

- 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;
 - urging that the death sentences passed on Chen Jianjun and Ju Jianming be commuted.

APPEALS TO:

Governor of the Hubei Provincial People's Government

JIA Zhijie DaiShengzhang
 Hubeisheng Renmin Zhengfu
 1 Beihuan Lu, Shuiguohu
 Wuchang, Wuhan
 Hubeisheng
 People's Republic of China

Telegrams: Governor Jia Zhijie, Wuhan, Hubei, China

Salutation: Dear Governor

President of the Hubei Provincial High People's Court

LI Qifan Yuanzhang
 Hubeisheng Gaoji Renmin Fayuan
 Wuhan
 Hubeisheng
 People's Republic of China

Telegrams: President, Provincial High People's Court, Wuhan, Hubei, China

Salutation: Dear President

COPIES TO:

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 1 Wei Yi Lu
 Zhengzhou
 Henan 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 16 April 1995.