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Death Penalty

29 March 1995

PEOPLE'S REPUBLIC OF CHINA

Wang Yougen, aged 26

On 22 March 1995 the newspaper *Zhejiang Gongren Ribao* (Zhejiang Workers' Daily) reported that Wang Yougen had been sentenced to death by the Hangzhou Municipal Intermediate People's Court in Zhejiang province for stealing a car worth 119,200yuan (US\$14,140).

The report states that on 5 September 1994, Wang Yougen from Lushan village, Fuyang city, Zhejiang province stole a taxi. This was after having befriended the taxi-driver on 1 September in order to find out where the taxi was parked at night and so that he could make a copy of the keys. Wang was arrested in October 1994 and was also charged with the theft of another taxi worth 169,500yuan which he had allegedly sold for 49,000yuan. The report states that Wang Yougen "had been unable to make ends meet financially".

It is not known whether Wang Yougen has appealed against his death sentence. Under Chinese law, depending on the case, 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 Zhejiang 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. In 1994, Amnesty International recorded 2496 death sentences and 1791 executions, although the organisation 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, have usually 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/faxes/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 sentence passed on Wang Yougen be commuted.

APPEALS TO:

Governor of the Zhejiang Provincial People's Government

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People's Republic of China

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President of the Zhejiang Provincial High People's Court

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People's Republic of China

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Salutation: Dear President

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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 29 April 1995.