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Death Penalty

30 March 1995

PEOPLE'S REPUBLIC OF CHINA

Wu Decheng, unemployed

On 22 March 1995, the Shenyang Municipal Intermediate People's Court, Liaoning province, sentenced Wu Decheng to death for theft and trafficking in counterfeit national currency, according to a report in the newspaper *Liaoshen Wanbao*.

The report said that Wu Decheng stole 43 "precious national cultural relics" from the museum on 26 June 1994, and also passed counterfeit money.

It is not known whether Wu Decheng 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 Liaoning 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 2,496 death sentences and 1,791 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, 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 they are still reported to be 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/telexes/faxes 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 sentence passed on Wu Decheng be commuted.

APPEALS TO:

Governor of the Liaoning Provincial People's Government
Wen Shizhen Shengzhang

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 45 Huangguqu, Beiling Dajie
 Shenyangshi 110032
 Liaoningsheng
 People's Republic of China

Telexes: 80039 LFAO CN or 80040 SYFAO CN (Please forward to Wen Shizhen Shengzhang)

Telegrams: Governor, Shenyang, Liaoning Province, China

Salutation: Dear Governor

President of the Liaoning Provincial High People's Court

ZHANG Huanwen Yuanzhang

Liaoningsheng Gaoji Renmin Fayuan
 27 Ningshan Zhonglu
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 Shenyangshi 110032
 Liaoningsheng
 People's Republic of China

Telegrams: President, Provincial High People's Court, Shenyang, Liaoning Province, China

Salutation: Dear President

President of the Supreme People's Court of the People's Republic of China

REN Jianxin Yuanzhang

Zuigao Renmin Fayuan
 27 Dongjiao Min Xiang
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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 27 April 1995.