

EXTERNAL (for general distribution)

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EXTRA 40/95 Death Penalty

13 April 1995

PEOPLE'S REPUBLIC OF CHINA

Yang Genbiao, aged 53

On 30 March 1995, the newspaper *Zhejiang Gongren Ribao* (Zhejiang Workers' Daily) reported that Yang Genbiao was sentenced to death and deprived of his political rights for life by the Hangzhou Intermediate People's Court, Zhejiang province for reportedly embezzling 300,000 yuan (US\$ 35,610) in collective funds.

The newspaper report states that from May 1991 until March 1994, Yang was responsible for the assets division of a plastics manufacturing company in Xiaoshan city, Zhejiang province as well as being in charge of other jobs, such as handling funds as a part-time cashier.

It is not known whether Yang Genbiao has appealed against his death sentence. Under Chinese law, defendants have between three and 10 days after the passing of sentence to appeal to another court. If no appeal was lodged, his sentence will 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 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 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, 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 to defend themselves. 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:

- 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 Yang Genbiao be commuted;

APPEALS TO:

Governor of the Zhejiang Provincial People's Government

WAN Xueyuan Shengzhang

Zhejiangsheng Renmin Zhengfu

Shengfulu

Hangzhoushi 310025

Zhejiangsheng

People's Republic of China

Telegram: Governor Wan Xueyuan, Hangzhou, Zhejiang Province, China

Salutation: Dear Governor

President of the Zhejiang Provincial High People's Court

YUAN Fanglie Yuanzhang

Zhejiangsheng Gaoji Renmin Fayuan

Shengfulu

Hangzhoushi 310025

Zhejiangsheng

People's Republic of China

Telegram: President of the Provincial High People's Court Xia Zhonglie, Hangzhou, Zhejiang 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

Beijingshi 100726

People's Republic of China

Telegram: President of the Supreme People's Court Ren Jianxin, Beijing, China

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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 25 May 1995.