

AMNESTY INTERNATIONAL FEATURE

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Teng Biao: “In China, courts are told what decision to make in important cases, including on the death penalty.”

Speaking out against the death penalty in China can be a risky business as it can be perceived as a challenge to the state's authority.

The Asian giant executed more people than the rest of the world put together in 2012 -- although the true number of executions may never be known as it remains a state secret.

Few people have been more vocal in their opposition to this ultimate cruel punishment than Teng Biao, a 39-year-old Beijing lawyer and academic.

He has dedicated the past 10 years of his life to fight for human rights in China. His calls for political and legal reforms have led to him being detained, tortured and stripped of his licence to practice law.

But despite it all, he remains determined to carry on.

A few years ago, he co-founded China Against the Death Penalty, a network of lawyers working on death penalty cases, particularly those involving torture, mental illness or wrongful convictions.

He once wrote that the “Chinese people are too bloodthirsty to give up the death penalty as the state's favourite method of sweet revenge.”

“There is a long way to go to end the death penalty. I don't know how long but we must continue our efforts,” he said in an interview in Hong Kong where he is a visiting scholar at the Chinese University of Hong Kong.

Unfair trials

Amnesty International's latest global death penalty report highlights how death sentences in China continue to be imposed after unfair trials. For Teng Biao this is the most pressing issue.

“The most urgent matter is to reduce the number of miscarriages of justice. We don't have judicial independence. Judges are influenced or even controlled by the local police or the Communist Party.

“In many cases the police tortured a suspect and the judges use this evidence even when they know it has been obtained illegally. A judge is supposed to exclude evidence obtained through torture but because the court is not independent they instead listen to the police and Communist Party officials.”

Limited progress

While progress has been slow, there have been some limited reforms in the past two years. These include reducing the number of crimes that carry the death penalty and giving powers to the Supreme People's Court, China's highest court, to overturn death sentences in any case. But Teng Biao remains sceptical as to the difference these reforms will make.

“There's progress in the new laws but the reality is the law on paper is different to the law in

action. It's very rare for a decision by a lower court to be overturned on appeal. If a case is overturned it will reflect badly on the local judges so many higher courts are unwilling to do that.

"While the changes may mean the number of executions may go down, any meaningful judicial reform remains difficult."

As well as advocating for changes to China's legal system, China Against the Death Penalty defends individuals who face a death sentence.

"We have a group of lawyers that a family may contact and ask for our help. Other times we may read reports and contact the family. We can be involved when an individual is arrested and we will defend them at the first trial all the way through. Other times we may do our work on the side and review the procedure."

Unfair punishment

The group recently urged the Chinese authorities not to execute Li Yan, a woman sentenced to death for killing her husband, despite evidence that she had suffered sustained domestic violence.

Amnesty International's experts also expressed concern that the judges did not fully take into account the evidence of sustained abuse that Li Yan suffered.

Li Yan's case sparked public outrage both within China and outside. Tens of thousands of people called for her not to be executed.

"Li Yan's case is very urgent as she could be executed at any moment. We will do anything we can to help her.

"Her case is a very good example as to why it is necessary to abolish the death penalty in China. But most of our cases are not like this, most defendants are innocent."

Teng Biao is frank when asked if the death penalty in China will be abolished in his lifetime.

"I think the end of the death penalty is more difficult than seeing a democratic system. Without democracy there is no way for China to abolish the death penalty. But many human rights activists are optimistic towards democracy."

Such optimism must help when up against the world's biggest executioner. And Teng Biao's courage and dedication shine through when he talks about his work.

"I cannot give up. I have a responsibility. What I am doing is right. I can contribute to a better politics and a better China."

-ENDS-

A photo of Teng Biao is available on: <http://bit.ly/17ou3Fj>