

URGENT ACTION

FOUR MEN AT RISK OF TORTURE IN CHINA

Four men detained in southern China, who claim they were tortured into confessing to crimes of “murder, robbery and rape”, remain at high risk of torture.

Cheng Fagen, Cheng Lihe, Fang Chunping and Huang Zhiqiang were sentenced to death by the Jingdezhen Intermediate People’s Court in Jiangxi province in southern China in 2003. Even though their sentences were commuted to prison terms in a retrial in May 2006, a prison official from the No. 3 Prison in Jingdezhen, Jiangxi province recently told the family of one man that they were only keeping him alive as this would allow them to torture him further. At least one man, Fang Chunping, is planning another appeal against his sentence.

The previous torture claims have never been investigated or considered by any court, and the four men have never received any medical treatment while in prison. Fang Chunping told a family member who visited him in March that he still suffers from pain as a result of the torture he endured between 2002 and 2004. In addition, he is forced to work making clothes in prison from 5.30am until 9pm every day.

The four men stated that between 2002 and 2004 at various times they were handcuffed and hung from a steel bar by their wrists, deprived of sleep, and beaten until they lost consciousness. They were forced to sign confessions admitting to the crimes. Cheng Fagen mentioned in a written appeal to both the Jingdezhen Intermediate People’s Court and Jiangxi Higher People’s Court that police took turns beating him to extract confessions. According to his testimony, on one occasion, police officers tied bricks to his feet and hung him to a staircase, while at the same time, an officer used a lighter to burn his armpit hair.

Amnesty International receives regular reports of deaths in custody, many of them caused by torture, in a variety of state institutions, including prisons and police detention centres.

PLEASE WRITE IMMEDIATELY in English, Chinese or your own language:

- Urging the authorities to guarantee that Cheng Fagen, Cheng Lihe, Fang Chunping and Huang Zhiqiang will not be tortured or otherwise ill-treated while they remain in custody;
- Calling for a full and impartial investigation into allegations that they have been tortured in detention and bring those responsible to justice;
- Calling on the authorities to conduct a retrial of the four men, in line with international fair trial standards;
- Urging the authorities to ensure that the men are given access to legal assistance of their choosing, their families and any medical treatment that they may require.

PLEASE SEND APPEALS BEFORE 25 MAY 2010 TO:

President of the Jiangxi Higher People’s Court

ZHANG Zhonghou Yuanzhang
Jiangxisheng Gaoji Renmin Fayuan
Shengfu Dayuan Dongsanlu
Nanchangshi 330046
Jiangxisheng
People’s Republic of China
Fax: +86 791 6245524 or 6227568
Email: jxfy_tg@chinacourt.org or
jxfy_yzxx@chinacourt.org
Salutation: Dear President

Secretary of the Jiangxi Provincial
Political Legal Committee

SHU Xiaoqin Shuji
Zhonggong Jiangxisheng Zhengfa
Weiyuanhui
10 Yuzhanglu
Nanchangshi 330006, Jiangxisheng
People’s Republic of China
E-mail: zhxxgood@163.com or
jxzfwwx@jxzfww.gov.cn
Salutation: Dear Secretary

And copies to:

President of the People’s Republic of
China
HU Jintao Guojia Zhuxi
The State Council General Office
2 Fuyoujie, Xichengqu
Beijingshi 100017
People’s Republic of China
Fax: +86 10 63070900

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 265/05 (ASA 17/036/2005). Further information: <http://www.amnesty.org/en/library/info/ASA17/036/2005/en>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

FOUR MEN AT RISK OF TORTURE IN CHINA

ADDITIONAL INFORMATION

Cheng Fagen, Cheng Lihe, Fang Chunping and Huang Zhiqiang were sentenced in connection with their alleged involvement in three separate crimes committed between September 1999 and May 2000.

Following an appeal in April 2004, the Jiangxi Higher People's Court overturned their convictions and sent the case back for retrial on the basis that the confessions of the four defendants were inconsistent and contradictory and the evidence presented by the prosecution was insufficient. On 18 November 2004, the Jingdezhen Intermediate People's Court again sentenced the men to death apparently without considering the torture allegations. A review by the Jiangxi Higher People's Court on 31 May 2006 overturned the convictions for the 1999 crimes but upheld the convictions for the 2000 crimes, and the men were sentenced to death, with the sentence suspended for two years.

A relative of Fang Chunping told Amnesty International that a prison official said their sentences have been commuted to life imprisonment, which is standard procedure under Chinese law for sentences of death with two year reprieves. However, the families have yet to receive any formal notification of this.

Under the Article 50 of China's Criminal Law, death sentences suspended for two years should be commuted to life imprisonment upon the expiration of the two-year period, as long as the prisoner does not commit another crime during the period of suspension. If the prisoner further shows repentance and good behaviour, upon the expiration of the two-year period the punishment shall be commuted to fixed-term imprisonment of not less than 15 years but not more than 20 years. Officials have in the past indicated without providing statistics that the vast majority of such sentences result in commutation to terms of imprisonment, and Amnesty International's research supports this.

According to a lawyer who has followed the case, the trials were full of procedural irregularities. For example, the four men have all provided proof that they were not at the scene of the crime. Important exhibits such as cigarette butts found at the scene have not been tested for DNA evidence. There were also no fingerprints found at the scene that belonged to the defendants.

In China, the Criminal Procedure Law (CPL) does not explicitly prohibit the use of confessions obtained through torture or other ill-treatment as evidence before the courts. This is required by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China ratified in 1988. Despite this, torture and other ill-treatment are endemic in all places of detention in China.

UA: 78/10 Index: ASA 17/014/2010 Issue Date: 13 April 2010

AMNESTY
INTERNATIONAL

