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Death Penalty

6 February 2015

PEOPLE'S REPUBLIC OF CHINA: WAN Bing
GAN Zaichun
HE Jian

The official regional newspaper Xinjiang Daily reported on 23 October 1990 that WAN Bing and GAN Zaichun had been sentenced to death on 13 October in Urumqi, capital of the Xinjiang Autonomous region in northwestern China, on charges of "assault and robbery". A third man, HE Jian, was charged with "assault, robbery and theft" and sentenced to death with a 2-year stay of execution: this was reportedly because he was aged under 18 at the time the alleged offences were committed.

According to the report, the three men were involved in the robbery of a "savings bank". Two other men were given prison sentences for their alleged involvement. The report gave no details of the circumstances of the alleged robbery; it did not indicate whether violence was used.

The sentences were passed by the Urumqi Municipal Intermediate People's Court. It is unclear whether the review of the sentences by the provincial High People's Court has been completed or whether the defendants have lodged an appeal. WAN Bing and GAN Zaichun may already have been executed if the High People's Court upheld the sentences on appeal (or following review). Regulations currently in force, passed in 1983, have suspended the automatic review of all death sentences by the Supreme People's Court. Under these regulations, the crimes of which WAN Bing, GAN Zaichun and HE Jian are accused are among those for which review by the regional High People's Court is final.

The death sentence against HE Jian will be carried out (if upheld) after 2 years, except if he is deemed to have "shown repentance" and not to have "rebelled" against reform. If his death sentence is commuted, HE Jian will serve a sentence of "reform through labour".

BACKGROUND INFORMATION

The death penalty is used extensively in China. So far this year, more than 800 death sentences have been recorded by Amnesty International on the basis of official Chinese reports. The increased use of the death penalty in China since the late 1980s occurs in the context of a continuing "anti-crime" campaign.

In Amnesty International's experience, the death penalty is used more widely during "anti-crime" campaigns than in other periods. Amnesty International is concerned that death sentences in China are meted out following trials which fall far short of international standards for fairness. It is also concerned that, in China as in other countries, the death penalty is a discriminatory punishment. In China, it tends to apply disproportionately to people of low social standing who have neither the political status of members of the ruling Chinese Communist Party or affiliate organizations nor the prestige accorded members of certain professions.

Trial procedures in China fall far short of international standards for fairness. Defendants do not always have access to lawyers. In death penalty cases, lawyers, when available, in practice 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 reportedly still widespread.

RECOMMENDED ACTION: Telexes/airmail letters:

- expressing opposition to the death penalty in all cases as the ultimate form of torture and as a violation of the right to life;
- enquiring whether the death sentences on WAN Bing, GAN Zaichun and HE Jian have been carried out and urging that, if not, they be commuted.

APPEALS TO:**Chairman Tomur Dawamat, Xinjiang Autonomous Region People's Government:**

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and to diplomatic representatives of the PRC in your country

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or your section office, if sending appeals after 2 January 1991.