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CHINA: EXECUTION OF CHINESE OFFICIAL MAY TAKE PLACE WITHIN DAYS

A Chinese official condemned to die at an unfair trial for alleged embezzlement and fraud, has undertaken a hunger strike professing his innocence.

Fearing that he will die in custody, a Chinese court has upheld his death sentence: he could be executed within days, according to Amnesty International.

“This case shows the Chinese authorities’ increasing use of the death penalty to combat non-violent, white collar crime,” the human rights organization said.

“Killing someone for alleged economic offenses is a punishment completely out of proportion to the crime. The international community should raise its voice loudly to insist that Wang Jianye does not die.”

The Supreme People's Court upheld the death sentence passed on Wang Jianye on 3 April 1995 for allegedly accepting bribes and misappropriating a large amount of money. No further appeals for clemency are possible and as soon as the approval of the sentence is received by the Guangdong Province High People's Court, the Court is permitted to issue the execution order.

Wang Jianye, a 42-year-old former director of the Finance and Trade Division of the Shenzhen Municipal Planning Bureau in Guangdong province, southern China, started a hunger strike that reportedly lasted at least 10 days to obtain a meeting with his lawyer and relatives. Since his appeal to the Guangdong High People's Court was rejected on 31 July 1995, he has not been allowed to receive any visits, nor has he been authorised to send and receive letters from his lawyer or relatives.

He is reported to have been denied visits because he continued to protest his innocence. In two years of detention his wife has only been allowed two 30-minute visits, both of which were in the presence of several prison officials.

In a letter to his seven-year old daughter written just after the death sentence was passed, Wang Jianye said: “Even in my last moment, I am ... like a jade tree standing alone in the wind. I have never tried to win any sympathy from those in the procuratorate. At one point, the procuratorate refused to let Mama come to visit me. I immediately announced: ‘I will go on hunger strike if you still refuse to let my wife visit me before supper tomorrow’”.

Amnesty International urges that the death sentence passed on Wang Jianye be immediately commuted and that he be allowed to receive visits from his lawyer and relatives.

BACKGROUND

Wang Jianye is currently detained in a detention centre in Shenzhen city, Guangdong province in southern China. Amnesty International has received much evidence that shows that the trial has been unfair.

The death sentence was passed on Wang Jianye after a trial at the Shenzhen Intermediate Court which lasted less than ten hours. His wife, who attended the hearing, said that her husband's lawyer had no opportunity during the trial to present arguments for Wang's defence.

No witnesses were summoned to give evidence and defence lawyers had only 10 days to examine 10 volumes of accusations compiled by the prosecution during an 18-month investigation. The judgment of appeal shows that the second instance trial again failed to hear witnesses and to respond to arguments presented by the defence. Wang Jianye has been held incommunicado since the rejection of his first appeal on 31 July 1995 by the Guangdong High People's Court.

Wang Jianye was first apprehended, tried and sentenced in Thailand for illegally crossing the border, and escorted back to China by Guangdong province judicial official after Thai authorities were presented with an arrest order for taking bribes. The two Chinese courts which successively reviewed the case denied that this procedure was an extradition.

In order to obtain an agreement from the Thai authorities, Chinese officials reportedly promised that Wang Jianye would not be sentenced to death. This has also been denied by the courts. The Supreme Court has apparently avoided making a delicate decision on a controversy on extradition procedures.

In addition, there are indications that decisions on Wang Jianye's detention and sentence have been influenced by an ongoing anti-corruption campaign that was launched shortly before his detention. His detention has been widely reported in the Chinese official press as a major victory in this crackdown against corruption.

Well ahead of the first trial, in 1994, numerous articles reported his "heinous crimes", his expulsion from the Chinese Communist Party and his being fired from his job. The case was presented to the Supreme Court in September 1995, at a time when high ranking officials of the Chinese Communist Party were being investigated for economic malpractices. This context casts even more doubt about the fairness of the procedure.

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