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People's Republic of China:Retrial of five Protestants originally condemned to death must be fair

Amnesty International today welcomed the recent decision of the Hubei High People's Court to overturn the death sentences against five Chinese Protestants, but called on the authorities to ensure that their retrial -- which began today -- is conducted in line with international fair trial standards.

"In the original trial, the five defendants appear to have been convicted based on evidence obtained through torture," Amnesty International said. "Any retrial must be conducted in line with international standards, any evidence obtained through torture must be excluded from the court and the death penalty must not be applied under any circumstances."

As head of the unofficial South China (Huanan) Church, Gong Shengliang was condemned to death by the Jingmen Intermediate People's Court on 29 December 2001 after being found guilty of "using a heretical organization to undermine the implementation of the law" and "intentional assault". He was also charged with "rape", a charge often brought by the Chinese authorities against detained leaders of banned religious groups.

Four other members of the group, Xu Fuming, Hu Yong, Li Ying and Gong Bangkun were also sentenced to death. On 22 September 2002, the Hubei Provincial High People's Court ordered that all five be given a retrial, reportedly because there was not enough evidence to convict them.

The evidence used to convict Gong Shengliang and other Huanan church members in the original trial included confessions obtained from three young women who later stated in letters to their families that they had been tortured during interrogation to make them confess to having had sexual relations with Gong Shengliang.

In her letter, Zhang Hongjuan stated that police officers at the Public Security Bureau detention centre in Zhongxiang City, Hubei Province, shackled her hands and feet, ripped open her shirt and beat her on the chest with an electric baton.

Li Tongjin wrote to her family that police officers at the same detention centre shackled her feet and tried to pull off her shirt, before beating her on her chest and legs with an electric baton.

Yang Tongni described how police officers at Jingmen Police School and Jingmen No.1 Detention Centre kicked and beat her, whipped her with a leather belt, cuffed her hands behind her back and wedged books between the handcuffs and her back, and tied her up with rope. All three claim that

others detained with them received similar or harsher treatment.

"International law expressly prohibits courts from considering evidence against any accused person which has been obtained through torture," Amnesty International said.

"China, as a party to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment, has made a binding commitment to uphold this obligation."

"While the decision to quash this verdict is welcome, the authorities should also conduct an immediate, effective and independent investigation into these serious allegations of torture, and if substantiated, ensure that the perpetrators are brought to justice."

For further background information please visit www.stoptorture.org/urgent/index.php. An online petition on this case as part of Amnesty International's STOP TORTURE CAMPAIGN has attracted over 12,500 signatures.

Public Document

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