

URGENT ACTION

DEATH SENTENCE OF VETERAN ACTIVIST UPHeld

Xu Youchen is facing imminent execution after the Henan Provincial Higher People's Court rejected his appeal and upheld his conviction and death sentence. The Supreme People's Court will review the case and if it approves the lower court's decision he will be executed. In his appeal, Xu Youchen has testified to being tortured to "confess" to the crime.

Xu Youchen's appeal to the Henan Provincial Higher People's Court was rejected on 12 December 2017 and his death sentence for intentional homicide was upheld. The case will now be reviewed by the Supreme People's Court and if approved, Xu Youchen will be executed. Xu Youchen's feet and hands have been shackled at all times since being first sentenced as is the practice on China's death row.

During his second trial held in May 2017, which lasted only four hours, Xu Youchen testified that he had been tortured by authorities to "confess" that he had bought a knife to kill a policeman for revenge. While Xu Youchen's lawyer requested to exclude this illegally obtained evidence in accordance with Chinese Criminal Procedure Law, the Henan Provincial Higher People's Court used his self-incriminating statement as evidence to conclude that he had committed intentional homicide. The verdict also stated that the court gave weight to police records indicating that Xu Youchen had said during police interrogation that the police had not abused him physically or verbally during a previous session in which he made the self-incriminating statement.

On 17 July 2014, the Chinese authorities escorted Xu Youchen and his wife from Beijing to their hometown of Jiaozuo City by van, after the couple had peacefully petitioned government authorities about a contract dispute, around Zhongnanhai, where the Chinese Communist Party is headquartered. A policeman, who died later that night, was stabbed when a struggle broke out as Xu Youchen resisted being forcibly removed from the van.

Please write immediately in Chinese, English or your own language, urging the authorities to:

- Immediately halt plans to carry out Xu Youchen's execution;
- Grant Xu Youchen a retrial in proceedings that fully comply with international standards for a fair trial and without recourse to the death penalty and ensure that Xu Youchen is not subjected to torture or other ill-treatment;
- Immediately establish a moratorium on all executions with a view to abolishing the death penalty, in line with six UN General Assembly resolution adopted since 2007, and commute all existing death sentences.

PLEASE SEND APPEALS BEFORE 28 MARCH 2018 TO:

Secretary of the Central Politics and Legal Affairs Commission of the Communist Party of China

Guo Shengkun Shuji
Zhonggong Zhongyang Zhengfawei
14 Dengshikou Xijie, Dongcheng Qu
Beijing Shi 100006
People's Republic of China

Salutation: Dear Secretary

Procurator-General

Cao Jianming Jianchazhang,
Zuigao Remin Jianchayuan
147 Beiheyuan Dajie, Dongcheng Qu
Beijing Shi 100726
People's Republic of China

Salutation: Dear Procurator-General

And copies to:

National People's Congress Standing Committee Chairman
Zhang Dejiang Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaomin Xiang, Xicheng Qu
Beijing Shi 100805
People's Republic of China
Email: english@npc.gov.cn

Also send copies to diplomatic representatives accredited to your country.

HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People's Republic of China, 49-51 Portland Place W1B 1JL, 020 7299 4049,
press_uk@mfa.gov.cn

Please check with your section office if sending appeals after the above date. This is the second update of UA 3/17. Further information:
www.amnesty.org/en/documents/asa17/6364/2017/en

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DEATH SENTENCE OF VETERAN ACTIVIST UPHELD

ADDITIONAL INFORMATION

Xu Youchen presented 55 pages of testimony to the Henan Provincial Higher People's Court at his appeal on 18 May 2017, stating how he was tortured by police during his detention in 2014. A request by his defense lawyer to get a copy of the CCTV footage at the scene of the murder as well as footage of interrogations from law enforcement to check whether Xu Youchen had been tortured during the interrogations, was rejected by the court at the first trial as well as by the Henan Provincial Higher People's Court. According to Xu Youchen, he signed the self-incriminating statement drafted by the police, "confessing" that he had bought the knife to attack a policeman for revenge, after he had been severely beaten and force-fed drugs. International law absolutely prohibits the use of torture and other ill-treatment, as well as the use of coerced, self-incriminating statements as evidence to convict.

The petitioning system in China allows individuals to seek redress for grievances by directly submitting complaints to government authorities. Xu Youchen and his wife, Zhang Xiaoyu, are veteran petitioners who have been arbitrarily detained by the Chinese authorities in "black jails", unrecognized and unofficial detention facilities, many times. They were also sent to Re-education through Labour camps, an abolished system used to arbitrarily detain and punish people without judicial process. Although the government dropped Zhang Xiaoyu's charge on 4 June 2015 regarding the death of the policeman and released her, she was detained again in August 2015 for the petition made in 2014 and was sentenced to imprisonment for three years and six months for "picking quarrels and provoking trouble" on 22 December 2016, the same day Xu Youchen was first convicted and sentenced to death.

An in-depth investigation published by Amnesty International in April, China's Deadly Secrets, shows that despite claims by China that it is making progress towards transparency in the criminal justice system, Chinese authorities enforce an elaborate secrecy system to obfuscate the extent of executions. This investigation found hundreds of executions in public media reports missing from a national online court database, China Judgements Online, which had been heralded as a major advance in judicial transparency. This new national public database, while a positive first step, does little to lift the veil of state-enforced secrecy over the application of the death penalty in the country.

In 2009 Amnesty International stopped publishing its estimated figures on executions in China, as data on the use of the death penalty is classified as a state secret. Instead, the organization has continuously challenged the Chinese authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves.

Amnesty International opposes the death penalty unconditionally, in all cases without exception, regardless of the nature or circumstances of the crime, the guilt, innocence or other characteristics of the individual, or the method used by the state to carry out the execution. The organization has long held that the death penalty violates the right to life, as recognized in the Universal Declaration of Human Rights, and is the ultimate cruel, inhuman and degrading punishment.

As of today, 105 countries have abolished the death penalty for all crimes and 142 in total are abolitionist in law or practice.

Torture and other ill-treatment remain endemic in all forms of detention in China, even though China ratified the UN Convention against Torture in 1988. Amnesty International receives regular reports of deaths in custody, many allegedly caused by torture, in a variety of state institutions, including prisons and police detention centres.

Further information on UA: 3/17 Index: ASA 17/7865/2018 Issue Date: 14 February 2018