

URGENT ACTION

DEMAND CLEMENCY FROM SUPREME COURT

The Anhui Provincial High People's Court rejected Tang Yanan's appeal against the death penalty on 12 August. China's Supreme People's Court in Beijing, is reviewing his sentence. Tang Yanan could be executed within days if it upholds the sentence.

After what appears to have been an unfair trial the Bozhou City Intermediate People's Court in Anhui province, convicted **Tang Yanan** on 11 December 2008, of "fraudulent raising of public funds". According to the Chinese press, he and approximately 20 other co-defendants illegally obtained 970 million Yuan in public funds (approximately US\$142 million) between 2004 and 2007. The money was for a deer breeding centre to cull deer antlers which could be used in Chinese herbal medicines. They managed to attract nearly 50,000 investors from more than 110 districts and counties in seven provinces by offering investors high profit returns.

The Chinese press reported that Tang Yanan admitted his guilt. However, during the appeal hearing he withdrew his confession saying that he confessed under torture. Despite this, Anhui Provincial People's High Court upheld the guilty verdict. At the same time, the appeal court reduced the sentence of several co-defendants who were sentenced to various terms from three years' to 15 years' imprisonment. It is unclear whether Tang Yanan has access to his family or legal representation of his own choice.

There are concerns with the consistency in the application of economic criminal charges in China. Earlier in 2009, Du Yimin, a businesswoman who was executed on 5 August, was also found guilty of "fraudulent raising of public funds." Both her defense and Tang Yanan's argued that they should have been convicted of the lesser offence of "illegally collecting public deposits," which carries a maximum sentence of 10 years' imprisonment and a fine of 500,000 Yuan (US\$73,000) because their intent had not been to commit fraud but to genuinely invest funds in legitimate enterprises.

PLEASE WRITE IMMEDIATELY in Mandarin or your own language:

- v Urging the authorities not to execute Tang Yanan;
- v calling on the authorities to ensure that Tang Yanan has access to his family and legal representation of his choosing and urging the authorities to guarantee that he is not subject to torture or other ill-treatment while in custody.
- v urging the National People's Congress to introduce a legal procedure for clemency;
- v urging the authorities to establish an immediate moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolution 62/149, of 18 December 2007.

PLEASE SEND APPEALS BEFORE 08 October 2009 TO:

President of the Supreme People's Court

WANG Shengjun Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang
Beijingshi 100745
People's Republic of China
Fax: +86 10 65292345
Salutation: Dear President

Director of the Anhui Provincial Department of Justice

SUN Jianxin Tingzhang
Anhuisheng Sifating
335 Huaihailu
Hefeishi 230001
Anhuisheng
People's Republic of China
Salutation: Dear Director

Chairman of the Standing Committee of the National People's Congress

WU Bangguo Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaominhang, Xichengqu,
Beijingshi 100805
Fax: +86 10 63097934
Salutation: Dear Chairman

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

AMNESTY INTERNATIONAL

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ADDITIONAL INFORMATION

The death penalty is applicable for 68 offences in China, including non-violent ones. China executes more people every year than any other country in the world. Amnesty International estimated that China carried out at least 1,718 executions and sentenced 7,003 people to death in 2008. These figures represent a minimum - real figures are undoubtedly much higher. A US-based NGO that is focused on advancing human rights in China, the Dui Hua Foundation, estimates that between 5,000 and 6,000 people were executed that year, based on figures obtained from local officials. The official statistics on death sentences and executions are classified as state secrets.

In January 2007, the Supreme People's Court (SPC) review for all death sentences, which had been scrapped in 1982, was restored. All death sentences are now reviewed by the SPC, which has the power to approve, revise or remand death sentences. Chinese authorities have reported a drop in executions since the SPC resumed this review. Nevertheless, the application of the death penalty remains shrouded in secrecy in China, and statistics on death sentences and executions are classified as state secrets. Without access to such information it is impossible to make a full and informed analysis of death penalty developments in China, or to say if there has been a reduction in its use.

No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Many have had confessions accepted despite saying in court that these were extracted under torture; have had to prove themselves innocent, rather than be proven guilty; and have had limited access to legal counsel.

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