

URGENT ACTION

VETERAN ACTIVIST SENTENCED TO DEATH

A court in China's Henan province has convicted and sentenced Xu Youchen to death for killing a policeman when authorities were taking him and his wife away for peaceful petitioning. An appeal against the decision is currently under review.

Xu Youchen, 57, and his wife were escorted back by the authorities to their hometown of Jiaozuo city, Henan province, from Beijing on 17 July 2014 after petitioning government authorities about a contract dispute between their family and local authorities. The couple agreed to leave Beijing, however, once the pair arrived at Jiaozuo train station, personnel from local government picked them up without warning and drove them in a van to a police station in the city.

A policeman, who died later that night, was stabbed when a struggle broke out as Xu Youchen resisted being forcibly removed from the van [to be taken into the police station]. Xu Youchen and his wife then sustained a severe beating, he suffered serious injuries to his face and legs while she nearly lost her eyesight, before being detained by Jiaozuo Police on suspicion of murder.

Following an investigation, the Jiaozuo police decided to formally arrest the couple, on suspicion of intentional homicide, on 2 August 2014. The case was then moved to a neighbouring city in November and on 4 June 2015 the Sanmenxia City People's Procuratorate dropped the charge against his wife due to insufficient evidence. Xu Youchen was convicted and sentenced to death by the Sanmenxia City Intermediate People's Court on 12 December 2016.

Xu Youchen filed an appeal to the Provincial High Court in Henan on 26 December 2016, which will have to review both the conviction and sentence before the case can go to the Supreme Court for final review.

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

- Commute the death sentence of Xu Youchen without delay;
- Ensure that all case proceedings fully comply with international fair trial standards and 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 resolutions adopted since 2007.

PLEASE SEND APPEALS BEFORE 22 FEBRUARY 2017 TO:

President of the Supreme People's Court

Zhou Qiang Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang
Beijingshi 100745,
People's Republic of China
Fax: +86 10 65292345

Salutation: Dear President

National People's Congress Standing

Committee Chairman
Zhang Dejiang Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaominxiang, Xichengqu
Beijingshi 100805
People's Republic of China
Salutation: Dear Chairman

And copies to:

President of the Henan Provincial Higher People's Court

Zhang Liyong Yuanzhang
282 Jinshuilu
Zhengzhoushi 450008
Henansheng
People's Republic of China

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

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 an imprisonment of three years and six months for “picking quarrels and provoking trouble” on 22 December 2016, the same day Xu Youchen was convicted and sentenced to death.

China remains the world’s top executioner. Although Amnesty International does not publish any figures for China, the organization believes, based on its ongoing monitoring of developments in the criminal justice system that China’s executions remain in the thousands annually. However there are indications that the number of executions has decreased since the Supreme People’s Court began reviewing the implementation of the death penalty in 2007 but it has been impossible to independently verify these claims.

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.

Amendments to the Criminal Law in 2015, which came into effect in November, reduced the number of crimes punishable by death from 55 to 46. State media indicated that although the nine crimes were rarely used and would have little impact in reducing the number of executions, their deletion was in line with the government’s policy of “kill fewer, kill more cautiously”. However, the revised provisions still failed to bring the Criminal Law in line with requirements under international law and standards on the use of the death penalty, which require its use to be restricted to “the most serious crimes” only.

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 organisation 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, 104 countries have abolished the death penalty for all crimes and 141 in total are abolitionist in law or practice.

Name: Xu Youchen

Gender m/f: m

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