

LENG GUOQUAN CHINA



LENG GUOQUAN, a seafood trader, was sentenced to death on 16 December 2009 by the Dandong City Intermediate People's Court in Liaoning province. He was charged with being a leader of a criminal gang engaged in smuggling and trafficking drugs. His conviction followed an unfair trial, and was based on his confession and testimonies from witnesses who have either subsequently retracted their statements or say they were tortured into testifying against him.

Leng Guoquan has always denied the charges and says he confessed because he was tortured. Detained on 19 January 2009, Leng Guoquan said he was tortured for three days and three nights while being interrogated by a special police unit. Three police officers bound him with his hands behind his back. They pushed his head between his legs and punched him. Later, they lit one end of a tube of rolled paper and stuffed the other end into his nose, covering his mouth until he was forced to breathe in the fire. Since January 2009, Leng Guoquan has been interrogated and tortured at least four times.

Leng Guoquan has been held at the Fengcheng County Detention Centre since 2009. He was first registered under a false name (Chen Dong), apparently in an attempt to prevent his lawyer and family finding where he was held. Since discovering his location, they have not been allowed to visit him.

His family have appointed four different lawyers to represent him. The first was forced by the authorities to resign, while the second and third were denied access to him. The fourth lawyer eventually gained access and met him before his first trial.

This lawyer filed a complaint with the Dandong City Procuratorate in July 2009 claiming that his client had been tortured in custody and calling for an investigation. In August 2010, the Liaoning Provincial Procuratorate concluded that the allegations of torture were unfounded.

At the trial, Leng Guoquan's lawyer had no opportunity to cross-examine key witnesses. Those who did testify, retracted their previous statements. The prosecution did not provide any material evidence to support witness statements that claimed he was guilty.

At his appeal hearing on 7 December 2010 at the Liaoning Provincial Higher People's Court, Leng Guoquan showed the court the scars on his head, wrists and legs that he said were inflicted through torture. Of 56 witnesses called by the defence, only three were heard by the court. On 6 May 2011, the Liaoning court sent Leng Guoquan's case back for re-trial due to "uncertainty about the facts" and "lack of evidence." His retrial began on 10 October 2011 .

“ Later, they lit one end of a tube of rolled paper and stuffed the other end into his nose, covering his mouth.”

TORTURE/OTHER
ILL-TREATMENT

RIGHT TO A
LAWYER DENIED

At least 55 offences, including non-violent ones such as drug-related offences, carry the death penalty in **CHINA**. Thousands are executed every year – more than the rest of the world put together. The exact number remains secret. In 2007, the Supreme People’s Court reclaimed its power to exercise final review of all death sentences. It can either approve the sentence or return it to the lower courts for retrial. The authorities have reported a significant drop in executions as a result, but these claims cannot be confirmed. If the Supreme People’s Court approves a death sentence, execution will follow quickly. The Constitution gives the executive power to issue “special pardons” but there is no procedure for individuals to seek pardon or commutation. All trials, including those resulting in death sentences, fall short of international standards for fair trial. China has a near 100 per cent conviction rate in criminal cases.

ACT NOW

Appeal to the Chinese authorities to:

- ★ Stop the execution of Leng Guoquan by whatever judicial or other means available.
- ★ Ensure Leng Guoquan is re-tried in proceedings which comply with international fair trial standards, especially with regard to his right to adequate legal counsel.
- ★ Investigate the reports of torture and other ill-treatment and ensure that all statements resulting from such coercion are completely excluded from any re-trial.
- ★ Suspend all executions and the imposition of death sentences as a step towards total abolition of the death penalty.
- ★ Revise laws and change policies and practices to ensure fair trials in line with international standards.
- ★ Ensure that those sentenced to death have an effective opportunity to exercise their right to seek a pardon or commutation of their sentence in line with international standards.
- ★ Ratify the International Covenant on Civil and Political Rights.

Write to:

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