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CHINA

CANADIAN SENTENCED TO DEATH IN A ONE-DAY RETRIAL

Robert Lloyd Schellenberg, a Canadian national, was sentenced to death after he was convicted of drug trafficking at his re-trial.



First arrested on 3 December 2014, he was convicted and sentenced to 15 years' imprisonment by the Dalian Municipal Intermediate People's Court on 20 November 2018. Schellenberg subsequently appealed the verdict. The Liaoning High People's Court heard his case on 29 December 2018 and considered new evidence. It ordered a full retrial on the grounds that the 15-year sentence was too lenient. The Dalian Municipal Intermediate People's Court held a retrial on Schellenberg's case on 14 January 2019. He was found guilty of a more serious drug-related offence, and sentenced to death. Announcing a death sentence at the same time of the conviction instead of on a later date was unprecedented, according to Mo Shaoping, a partner of the law firm representing Schellenberg.

Under international law, the use of the death penalty must be used only in for "most serious crimes". Drug-related offences do not meet that threshold. Yet reports of death sentences and executions for drug-related offences are routinely published in Chinese and international media.

The speed of Schellenberg's retrial, combined with reports that his lawyer was frequently interrupted by the judge in the hearing and was limited in the number of questions he could ask each witness on various subjects, raises concerns over the fairness of the trial.

Please send a letter without delay. (Postage is \$2.65.) **Ask the Procurator General**

* to stop seeking the death sentence in the case of Robert Schellenberg, or in any other cases

* to ensure that all proceedings fully comply with international standards for a fair trial and that, pending full abolition of the death penalty, the use of this punishment is restricted to the "most serious crimes", which refers to intentional killings.

Write to

Procurator-General Zhang Jun
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Dongcheng Qu, Beijing Shi 100726
People's Republic of China

Email: web@spp.gov.cn

Salutation: Dear Procurator-General

Please copy

His Excellency Shaye Lu
Ambassador for the People's Republic of China
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Additional information

Robert Schellenberg's first instance trial verdict, and the verdict of Mai Qingxiang, another individual involved in the case, have not been made public. International law states that judgments should be made public, except when the "interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children".

Robert Schellenberg was first tried in 2016 and subsequently sentenced to 15 years' imprisonment in 2018. Upon appeal, the Liaoning Province High People's Court held a hearing and ordered a full retrial on the grounds that the original sentence was too lenient. According to criminal defence lawyers in China, when considering an appeal, courts generally review the written documents of the case and it is uncommon for a court of second instance to hold a court hearing.

Local and foreign media were invited to attend the one-day retrial, with some reporting that Schellenberg's lawyer was frequently interrupted by the judge when trying to contest some of the new evidence against him. His lawyer was frequently limited in the number of questions he was allowed to ask the witnesses on each subject.

According to the partner of the law firm representing Robert Schellenberg, it took nearly four years to deliver the first sentence in the case, and the Dalian Intermediate People's Court sought advice from the Supreme People's Court on the appropriate sentence after the first trial. Schellenberg's lawyer claimed that the new supplementary evidence provided by the prosecution did not substantially change the facts relating to the crime in the case.

Amnesty International's report on the global use of the death penalty in 2017 shows that capital punishment is extensively used in China for non-violent crimes such as drug-related offences, at a time when only five countries in total were known to execute people for these offences. These offences do not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted under international law.

An in-depth investigation published by Amnesty International in April 2017, *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 are missing from a national online court database, "China Judgements Online", even though such case should be uploaded according to Chinese regulations.

Amnesty International opposes the death penalty in all cases and under any circumstances, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The organization has been campaigning for global abolition of the death penalty for over 40 years.