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Suspended death sentence of Dr Yang Hengjun

The Law Council of Australia is alarmed by reports that Chinese Australian Dr Yang Hengjun has been handed a suspended death sentence by a Chinese court.

“The Law Council has consistently expressed concerns that Dr Yang’s trial for alleged espionage offences took place behind closed doors following protracted pre-charge and pre-trial detention, and has highlighted Dr Yang’s rights to consular assistance and independent legal counsel at all stages of his detention and trial,” Law Council of Australia President, Mr Greg McIntyre SC said.

“The Law Council absolutely and unreservedly opposes the use of the death penalty in all circumstances for all people. It does not accept that whether and in what circumstances the death penalty may lawfully be imposed is a matter that each State is free to determine by itself, without reference to international laws and standards.

“Dr Yang’s sentence falls far short of international standards regarding the imposition of the death penalty, including that in those places where it remains an available penalty, it may only be imposed for crimes of extreme gravity involving intentional killing, and pursuant to a fair and public hearing by a competent, independent and impartial tribunal established by law.

“This sentence is extremely distressing and brings renewed uncertainty to Dr Yang, his family and friends.”

The Law Council continues to hold grave concerns for Dr Yang’s health, which has deteriorated significantly in the five years he has been detained.

“The Law Council urges the Australian Government to pursue every avenue to support Dr Yang’s further appeals and to advocate to the Chinese Government for his release, and in the meantime, to ensure that he receives effective consular and legal assistance as well as proper medical care in accordance with international minimum standards.”

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