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China: Horrific New Year

Amnesty International has monitored a significant rise in executions as China celebrates the lunar new year. According to incomplete statistics, there were 200 executions reported in the two weeks leading up to the start of the lunar new year, 9 February.

There were at least 650 executions reported in local media in the months of December and January alone. Both months are considered to be 'normal', without the peaks seen around certain public holidays, although the true figure is certainly much higher, as China refuses to publish full details of all the people it executes.

"There is a huge gap between policy and practice with regard to the death penalty in China," said Catherine Baber, Deputy Asia Director at Amnesty International. "While the government claims that the death penalty is applied cautiously, the ritual peak in executions we're witnessing at the moment completely undermines any pretence of 'caution'."

"Moreover, there is the very real concern that a number of those executed may have been innocent: China's justice system is simply not sound enough to guarantee a fair trial."

Many reports of recent executions in China have justified the execution of ten or more people at a time as a way to *'protect social stability, and ensure that people can have a safe, joyful and happy new year'*.

"No convincing evidence has ever been produced that the death penalty deters would-be criminals more effectively than any other punishment," said Ms Baber. "To suggest executions 'protect social stability' is a dangerous misconception."

Recent intense debate within China on excessive use of the death penalty has focused on a proposed reform to allow the Supreme People's Court to review all death sentences, rather than the current system where different courts apply different standards.

However, this reform, and a suggestion that in some cases longer prison sentences should be passed instead of the death penalty, will still not address 'confessions' extorted through torture, limited access to lawyers, and political interference in the judicial process.

This interference includes the so-called 'strike hard' anti-crime campaigns, when defendants are routinely given significantly heavier sentences than at other times. One recent 'strike hard' victim was Lu Shile, executed for murder in Qingdao, a city on China's east coast. The legal process leading up to his execution was praised as '*highly efficient*', and an example of '*fast and heavy sentencing policy*'. Lu was tried, lost an appeal, and executed, all within 24 days.

Unusually, the Qingdao court where Lu was tried reported the total number of executions it had carried out in 2004. Fifty-seven people died at this single court, one of almost 400 empowered to pass and carry out the death penalty -- implying an astronomical number of executions across the whole of China each year.

The EU has long highlighted imposition of the death penalty as one of its primary human rights concerns in China. Among the 200 people executed were many sentenced for non-violent crimes such as vandalizing public installations and economic crimes. "We hope EU leaders will remember these people when deciding whether to lift the EU arms embargo on China which was imposed in response to human rights abuses committed in 1989," said Ms Baber.

"The Chinese government has gone to great lengths in recent years to reform its trade and commerce laws in line with WTO rules," continued Ms Baber. "Now the Chinese government owes it to its people to show equal determination to live up to international standards on human rights. By the time the world gathers in Beijing in 2008 to 'celebrate humanity' under the Olympic flag, executions must have stopped, with the death penalty abolished in practice and in law."

Amnesty International opposes capital punishment on the grounds that it is the ultimate cruel, inhuman and degrading punishment, and violates the right to life.

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