

PUBLIC

AI Index: ASA 17/002/2002

EXTRA 03/02 Death penalty / Fear of imminent execution 7 January 2002

PEOPLE'S REPUBLIC OF CHINA (PRC) Zhuang Chucheng (Chong Cho-shing)(m), aged 40
Huang Yancheng
+ eight others (names unknown)

On 25 December 2001, Hong Kong resident, Zhuang Chucheng (Chong Cho-shing in Cantonese) and Huang Yancheng were sentenced to death, for their alleged involvement in the manufacture and trafficking of the illegal drug 'ice' by the Shenzhen City Intermediate People's Court, Guangdong Province, neighbouring Hong Kong.

They were tried with eight other unnamed defendants, four of whom also came from Hong Kong. Of the twelve, six also received the death sentence, two were reportedly sentenced to death with a two-year reprieve and four to life imprisonment. It is not known if the defendants have appealed against their sentences. Appeals in China rarely succeed and executions can take place hours after appeals are rejected.

Zhuang Chucheng is reported to be the alleged ring leader of the gang which reportedly manufactured, in mainland China, at least 22 tonnes of liquid ice and three tones of solid ice which they had allegedly sold in mainland China as well as overseas.

As with the trial and execution of Cheung Tze Keung (EXTRA 78/98, UA 17/35/98, 21 October 1998) and other Hong Kong residents' cases, the case is causing controversy in Hong Kong which does not have the death penalty.

Under mainland China's Criminal Law, Hong Kong residents can be tried in the mainland if their alleged crimes were planned, attempted, or committed in mainland China or had consequences there. Under Hong Kong's mini constitution, the Basic Law, most of the laws in force in Hong Kong before it was returned to China in 1997 still apply there rather than mainland China's Criminal Law. Hong Kong courts also have jurisdiction over all cases in the region.

BACKGROUND INFORMATION

China maintains the death penalty for a large number of offences, including non-violent crimes and economic crimes such as tax and other financial fraud, smuggling and counterfeiting. Execution is by shooting or lethal injection. The death penalty is used extensively, arbitrarily, and frequently as a result of political interference. It is particularly used during periodic "Strike Hard" anti-crime campaigns, when defendants may be sentenced to death for crimes which at other times are punished by imprisonment.

There is currently a "Strike Hard" anti-crime campaign, which initially targeted violent organized crime, but this has been expanded to include a wide range of other crimes. Amnesty International is concerned that this campaign, which stresses "quick arrest, quick trial and quick results", may influence the proceedings and outcome of criminal trials. Amnesty International has recorded at least 2,960 death sentences and 1,781 executions in China in the three months from April to June 2001. These figures, taken from a limited number of sources, show that more people were executed in China between April and June than in the rest of the world for the last three years.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

- urging the Chinese authorities to commute the death sentences passed on Zhuang Chucheng, Huang Yangcheng and the eight others in Shenzhen Special Economic Zone;
- expressing deep concern at the arbitrary and massive use of the death penalty in China and its increased use for economic and non-violent crimes, and calling on the government to immediately commute any death sentences handed down as part of the "Strike Hard" anti-crime crackdown;
- acknowledging the right of governments to bring perpetrators of crime to justice, but expressing opposition to the death penalty in all cases as the ultimate form of cruel and inhuman punishment and as a violation of the right to life, as guaranteed in the Universal Declaration of Human Rights;
- noting that the death penalty has never been shown to have a unique deterrent effect on crime and is brutalizing to all involved in its application.

APPEALS TO:

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Salutation: Your Excellency

President of the Supreme People's Court of the People's Republic of China

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Salutation: Dear President

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