

UA 34/95

Death Sentences/Fear of Execution

14 February 1995

PEOPLE'S REPUBLIC  
OF CHINALin Huixiong  
Lin Youkuan  
Lin Yi  
Qiu Guibiao

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Four people in Shenzhen, Guangdong province, have been sentenced to death for the crime of "speculation and profiteering". According to the local newspaper *Shenzhen Tequ Bao* of 12 February 1995, these are the first death sentences to be passed for such a crime in Shenzhen. The sentences were passed against Lin Huixiong, Lin Youkuan, Lin Yi and Qiu Guibiao on 11 February 1995 by the Shenzhen Municipal Intermediate People's Court. Fourteen others were sentenced to between two years' and life imprisonment.

The 18 men were accused of having "illegally carved official seals for use in criminal activities", having "illegally bought and sold false receipts with the aim of making a profit" and the court reportedly concluded that "their criminal behaviour seriously undermined the implementation of the new tax system and disrupted normal economic order, gravely harming the progress of the nation". The accused are reported to each have profited by between 950 and 5,000 *yuan* (between US\$ 120 and 600) from their illegal activities.

It is not known whether the four sentenced to death have appealed against their death sentences. Under Chinese law, depending on the case, the defendants have 10 days after the passing of sentence to appeal to a higher court. If no appeal was lodged, their sentences will be automatically referred for review to the Guangdong Province High People's Court. This court must then rule on the appeal or review the case within one and a half months. This process can be accelerated and review of death sentences can take place within only a few days after the trial. Successful appeals are rare.

**BACKGROUND INFORMATION**

The death penalty is used extensively in China. For the first nine months of 1994, 1,486 death sentences were recorded by Amnesty International on the basis of official Chinese reports and at least 1,006 are reported to have been carried out. The increased use of the death penalty in China since the late 1980s occurs in the context of a continuing "anti-crime" campaign. Amnesty International is concerned that death sentences in China are meted out following trials which fall far short of international standards for fairness.

Defendants do not always have access to lawyers. In most death penalty cases, lawyers, when available, have no more than one or two days to prepare a defence. Death sentences are often decided in advance of the trial by "adjudication committees" whose decision is seldom challenged by the courts. Chinese legal experts have in recent years criticized the practice of pre-trial verdicts, but it is reported to be still widespread.

Amnesty International is concerned that the death penalty appears to be a discriminatory punishment which tends to apply disproportionately to people of low social standing who have neither the social nor the political status to defend themselves against the accusations. Furthermore, cases have been reported in which death sentences were imposed on the basis of confessions

extracted through coercion or torture.

**RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express and airmail letters either in English or Mandarin Chinese or in your own language:

- 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;
- urging that the death sentences passed on Lin Huixiong, Lin Youkuan, Lin Yi, Qiu Guibiao be commuted.

**APPEALS TO:**

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People's Republic of China

and to diplomatic representatives of the People's Republic  
of China accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International  
Secretariat, or your section office, if sending appeals after  
28 March 1995.