

PUBLIC

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EXTRA 52/01

Death penalty/imminent execution

10 August 2001

PEOPLE'S REPUBLIC OF CHINA (PRC) Li Li (m) aged 34

Li Li was sentenced to death on 25 April for tax fraud and evasion. The Supreme People's Court is expected to approve his death sentence any day now, and execution could follow within hours.

Li Li and his wife, Chen Lijuan, were convicted of issuing false Value-Added Tax receipts or invoices and other receipts on behalf of over 50 other companies, thus organizing the fraudulent evasion or recouping of more than 114.5 million yuan (approximately US\$13.8 million) in taxes.

They were tried by Shantou City Intermediate People's Court, Guangdong Province. Chen Lijuan was reportedly sentenced to death with a two-year reprieve. Two others tried with them were sentenced to 10 years' imprisonment and life imprisonment.

In his appeal, Li stated that he had confessed to all the offences, and had given full details of the role of government officials in the crimes, including senior staff in the tax department. His lawyers argued that Li Li was being made to take full responsibility for crimes which were equally the work of government officials, many of whom had yet to be investigated. They argued that under the law he should also be treated leniently because of his substantial cooperation with police investigations.

The provincial Higher People's Court rejected his appeal on 31 May, and submitted the case to the Supreme People's Court for final approval.

BACKGROUND INFORMATION

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

Li Li's sentence was passed during the ongoing "Strike Hard" anti-crime campaign, which was initially targeted at violent organized crime but has expanded to include a wide range of crimes. Guangdong province is targeting economic crimes, including tax and financial fraud, currency forgery and "disrupting the stock market". Guangdong police justify their approach as necessary to "tackle the serious economic crime situation before entry to World Trade Organisation and the challenge of globalization".

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. Previous anti-crime crackdowns have resulted in a dramatic increase in the number of people sentenced to death and a large number of suspected miscarriages of justice.

Amnesty International has recorded at least 2,960 death sentences and 1,781 executions in China in the 3 months from April to June. These figures, taken from limited sources, show that more people have been executed in China in the last three months than in the rest of the world for the last three years.

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

- urging the Chinese authorities to commute the death sentence passed on Li Li;
- 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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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 8 October 2001.