

PUBLIC

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EXTRA 90/98

Death penalty / Fear of imminent
execution

26 November 1998

PEOPLE'S REPUBLIC OF CHINA Ma Yulan (f), aged 41

Amnesty International fears that Ma Yulan, who was sentenced to death by a Beijing Court on 18 November 1998, if not already executed, is at risk of being imminently executed.

Ma Yulan is charged with 'organising prostitution' after being accused of running a brothel in Beijing. Eight others also accused of involvement were sentenced to varying terms of imprisonment.

Some media have reported this as being the first case in Beijing in which the death penalty has been given for "organizing prostitution", since the crime was re-defined by the revised Criminal Code in October 1997. The death penalty has, however, been in force for pimping offences since 1983. The continuing and dramatic rise in prostitution demonstrates the ineffectiveness of the death penalty as a deterrent.

The sentence passed down to Ma Yulan has given rise to fears that a crackdown on prostitution may be on the way. Her sentencing contrasts with new regulations allowing cities to tax 'entertainment' girls - a move which appears to tacitly condone the municipal and provincial use of the proceeds of prostitution.

The death penalty is often used arbitrarily in China, according to local and national crackdowns of various crimes. This means that people who have committed similar crimes may receive startlingly different sentences, including the increased application of the death penalty.

It is not known if Ma Yulan will appeal against her sentence. Under the revised criminal law, all death penalty cases should be approved by the Supreme People's Court in Beijing. Regulations exist, however, which allow the retention of final power of approval by the provincial High People's Courts. Successful appeals against the death sentence are rare.

Executions in China are carried out by lethal injection or by shooting.

BACKGROUND INFORMATION

The death penalty is used extensively in China. In 1997, according to public reports, 3,152 death sentences were handed down and 1,876 executions took place.

Only a fraction of death sentences and executions are publicly reported, however, and the real figure is therefore much higher. Also not taken into account are the many group executions reported in the press that year.

The use of the death penalty in China has increased considerably since the 1980s. A revision to the Criminal Code in March 1997 confirmed the increasing scope for its use, incorporating new crimes punishable by death which were previously covered by other laws. In April 1996, the Chinese authorities began a national anti-crime crackdown known as 'Strike Hard', which resulted in 6,100 recorded death sentences that year. Although the campaign has since been scaled down, it is still targeted at certain crimes, including drugs.

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

- urging that the death sentences passed against Ma Yulan on 17 November 1998 be commuted;
- urging that the arbitrary and massive use of the death penalty in China be stopped;
- 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.

APPEALS TO:

Please note that fax tones may be easier to obtain during office hours local time (GMT +8 hours).

Premier of the People's Republic of China

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Telegrams: Premier Zhu Rongji, Beijing, China**Telexes: 210070 FMPC CN / 22478 MFERT CN****Salutation: Your Excellency**Mayor of Beijing Municipal People's Government

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Telegrams: Mayor, Beijing, China**Salutation: Dear Sir**President of Beijing Municipal High People's Court

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People's Republic of China

Telegram: President of the Municipal High People's Court, Beijing, China**Salutation: Dear President**President of the Supreme People's Court of the People's Republic of China

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People's Republic of China

Telegrams: President of the Supreme People's Court, Beijing, China**Faxes: + 86106 512 5012****Salutation: Dear President****COPIES TO:**Xinhua News Agency**Faxes: + 86106 201 9332**

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

PLEASE SEND APPEALS IMMEDIATELY.

'Everyone has the right to life, liberty and security of person.'

Article 3 of the Universal Declaration of Human Rights