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China: Death penalty breaks new records

1996 was a record-breaking year for death sentences and executions in China, with yet again more people executed than in the rest of the world's countries put together, Amnesty International said today, as it released its death penalty log for the year.

The worldwide human rights organization recorded more than 6,100 death sentences and 4,367 confirmed executions in China, although it believes the actual figures to be much higher. These represent the highest recorded figures since the mass executions which took place in 1983. Ukraine recorded the second highest number of executions during the year, with 167.

The number of death sentences recorded last year was almost double the total for 1995, when Amnesty International recorded 3,110, and 2,190 executions. The increase in 1996 was largely due to the "yanda" or "Strike Hard" campaign against crime launched by the authorities in March. This campaign harked back to a similar campaign in 1983 which has become a byword in Chinese legal circles for the worst abuses of the legal system, the organization said. The campaign was characterized by summary procedures and arbitrary punishment with evidence of the death penalty falling disproportionately on people of a low social status.

"The reality of the Strike Hard campaign has contrasted starkly with the promise of a revitalized justice system signalled by legal reforms announced the same year. As long as the campaign continues, sincerity and commitment to these reforms will be called into question," Amnesty International said.

According to the organization, trials are frequently unfair, the process is heavily weighted in favour of the prosecution, defendants have little chance of adequate legal representation or the time to prepare their defence, guilt is often presumed in advance of the trial and the appeals process is severely limited.

"International standards require the most careful legal procedures and all possible safeguards for defendants in death penalty cases," Amnesty International said. "At a time when the judicial system in China still lacks important legal safeguards and has alarming potential for miscarriages of justice, the Government continues to execute its citizens in ever increasing numbers."

"Throughout the 1990s, legal scholars and practitioners in China have pointed to loopholes and irregularities which lead to miscarriages of justice and bring the legal system into disrepute. Their concerns have not been comprehensively addressed in recent legal reforms. Despite some positive legal changes the authorities have failed bring the legal system in line with international standards."

The number of crimes which are punishable by death has spiralled over the last decade, particularly for non-violent crimes such as embezzlement, fraud and theft. Among those executed were Hou Zhijiang and Wei Xuemeng, who were executed in Shanghai on June 25 for stealing ballpens and badminton racquets valued at US\$7,000, and Chen Zhong and two other men who were executed in Sichuan on June 26 for attempting to steal value added tax (VAT) receipts from a tax office. Wang Hongjun was sentenced to death in Sichuan on 10 December for stealing a cultural artifact which he sold for US\$36. He had no defence lawyer at his trial.

Lu Qigang was sentenced to death for causing what appears to be only minor harm to others. Lu, a worker at a horticultural farm, reportedly stuck thorns and pointed sticks or needles into the buttocks of female cyclists in the local area. He was executed with six others, all charged with hooliganism and related offences.

Amnesty International is also concerned at the speed at which the legal process has taken place in capital cases – on occasion, only a few days elapse between sentencing, appeals and execution. For example, in Jilin Province, three people were arrested for breaking into a car and stealing its contents on 21 May 1997. The case was "cracked" on 24 May, and the three were sentenced to death on 27 May. The High Court rejected their appeal on the following day and they were executed on 31 May – seven days after their arrest.

Amnesty International is the only organization to log the use of the death penalty in China, drawing on published sources throughout the country. The government still classifies national statistics on the death penalty a state secret. The organization is lobbying the Chinese government to abolish the death penalty, and pending abolition to reduce the number of capital crimes. It is also calling on the government to revise its legal procedures to bring them into line with international standards.

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For more information, to receive a copy of the Death Penalty Log and its accompanying report: *The Death Penalty in China: Breaking Records, Breaking Rules*, or to arrange an interview, please call:

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