

EXTERNAL

AI Index: ASA 17/55/96

EXTRA 56/96

Death Penalty

23 April 1996

PEOPLE'S REPUBLIC OF CHINA Wu Yidong

Wei Yongling

Wu Zhe

Wang Kaiyou

On 18 April 1996 a court in China's northeastern Jilin province reportedly sentenced four people to death for tax fraud.

The four - Wu Yidong, Wu Zhe, Wei Yongling and Wang Kaiyou - were convicted of selling illegally purchased tax receipts in the southern province of Guangzhou, from which they allegedly made more than 520,000 yuan (US \$62,650).

It was reported that two other members of the same group were sentenced to life imprisonment.

Under Chinese law, the defendants have between three and 10 days after the passing of sentence to appeal to another court. It is not known exactly how many of the four will appeal. If no appeal is lodged, their sentences will be automatically referred for review to Jilin 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. In 1995 Amnesty International recorded over 3110 reported death sentences and 2189 executions, although it believes these figures to be well below the actual number of death sentences and executions carried out. The increased use of the death penalty in China since the late 1980s has occurred in the context of continuing "anti-crime" campaigns.

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 death penalty cases, lawyers, when available, usually 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 also concerned that the use of the death penalty in China appears to be discriminatory; it tends to apply disproportionately to people of low social standing who have neither the social nor the political status enabling others 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.

The range of crimes carrying the death penalty increased last year and two further non-violent economic crimes of "financial irregularities" and VAT fraud were added to the list of crimes punishable by death.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or 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 against Wu Yidong, Wu Zhe, Wei Yongling and Wang Kaiyou be commuted.

APPEALS TO:

Governor of the Jilin Provincial People's Government

Wang Yunkun, Shengzhang

Jilin Sheng Renmin Zhengfu

Changchun Shi

Jilin Sheng

Zhongguo 130051

People's Republic of China

Telegrams: Governor, Changchun, Jilin Province, China

Salutation: Dear Governor

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Salutation: Dear President

President of the Supreme People's Court of China

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and to diplomatic representatives of 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 25 May 1995.