

16 June 2000

EXTRA 57/00 Death penalty / Fear of execution**PEOPLE'S REPUBLIC OF CHINA (PRC) FANG YONG, 36**

On 8 June 2000, Fang Yong, 36 years old, was sentenced to death by the Ningbo city Intermediate People's Court in Zhejiang province. Executions can take place within hours of a sentence being confirmed and any appeals rejected. Appeals against execution are rarely successful. Execution is carried out either with a bullet to the back of the head or by lethal injection.

Fang Yong formerly worked as an accountant with the China Bank of Communications. He was alleged to have embezzled about 1.6 million Yuan (US \$193,000) in public funds from the bank using forged documents and by other means including computer fraud.

Fang Yong fled China in 1990 and sought refuge in Canada where he claimed asylum as a refugee reportedly on the grounds that he had been involved in the pro-democracy protests that took place in China in 1989 and led to the violent crackdown against demonstrators in and around Tiananmen Square, Beijing, in 1989. His case was rejected by the Canadian immigration authorities and Fang Yong then went into hiding. Fang Yong managed to remain in Canada undetected until November 1999 when he was discovered as a result of a traffic violation.

The Canadian authorities are claiming that they did not know that Fang Yong was facing criminal charges that could lead to the death penalty in China. It has been reported, however, that Canadian officials stated that they believed he could face a ten year prison sentence. In China, this was seen as the first case of computer-related embezzlement and a warrant for Fang Yong's arrest was issued through Interpol. It is normal practice for abolitionist states, like Canada, not to send people back to countries where they are likely to face a death sentence. Amnesty International has been unable to verify information concerning the Canadian authorities' investigation of Fang Yong's claim to remain in Canada.

The Department of Foreign Affairs in Canada has reportedly expressed concern about the death sentence, although press reports cited the Canadian Minister for Immigration, Elinor Caplan, as saying that the possibility of a death sentence being given to an illegal immigrant after his deportation from Canada will not deter them from deporting others even if they may face the death penalty. She was quoted as stating that, "there are some things that other countries do that we don't like".

BACKGROUND INFORMATION

The death penalty continues to be used extensively, arbitrarily, and frequently as a result of political interference. There are often mass executions during major events or on public holidays in China, such as 1 January and the Chinese New Year. According to news reports alone, in the week from Monday 12 June to Friday 16 June, a total of 17 people were sentenced to death in China, including suspended death sentences. Of these it is known that five people have already been executed.

Based on incomplete public reports for 1998, Amnesty International recorded at least 2,701 death sentences and at least 1,769 confirmed executions. From 1990 to the end of 1998, Amnesty International recorded more than 25,400 death

sentences and 16,600 executions. These statistics, however, are believed to fall far short of the real figures, as only a fraction of death sentences and executions carried out in the country are publicly reported. Even based on this limited record, the government continues to execute many more people than the rest of the world put together. Execution is by shooting or lethal injection.

A revision to the Criminal Code in March 1997 confirmed the increasing scope for the use of the death penalty.

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

- urging the Chinese authorities to commute the death sentence on Fang Yong;
- urging that the arbitrary and massive use of the death penalty in China be stopped;
- urging the Chinese government to exclude non violent crimes, such as corruption, from the death penalty, as recommended by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions;
- 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;
- expressing dismay to the Canadian authorities at their actions in sending Fang Yong back to China to face the death penalty;
- reiterating to the Canadian authorities the importance of fully investigating all refugee claims and all deportation cases for evidence that the immigrant would be tortured or face severe human rights violations including the death penalty.

APPEALS TO: please note that faxes in China are unreliable and often do not work outside office hours (GMT + 8):

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Salutation: Your Excellency

Minister of Justice of Canada

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

PLEASE SEND APPEALS IMMEDIATELY