

EXTERNAL

AI Index: ASA 17/64/95

EXTRA 98/95

Death penalty

4 Septe

PEOPLE'S REPUBLIC OF CHINA
teller

Tan Bingyuan, bank

Qin Zeyu, manager

The *Hunan Daily* of 26 August 1995 has reported that 18 people were convicted of economic crimes by the Changsha Municipal Intermediate People's Court in Hunan province on 25 August. The report says that 12 of the 18 defendants received sentences of death, death with two-year suspension or life imprisonment.

Only two names were given for those sentenced to death: Tan Bingyuan, a teller at the Real Estate Transactions desk of the Changsha Municipal Bank of Construction and Qin Zeyu, the manager of the Hunan Sanxiang Hailian Development Company.

According to the newspaper, Tan Bingyuan reportedly "conspired with another person to embezzle 1,620,000 yuan (approx. *US\$230,000*) from the bank in order to speculate in commodity futures" and was "personally responsible for embezzling 396,000 yuan (approx. *US\$56,600*)." His accomplice was sentenced to life imprisonment.

Qin Zeyu was accused of having "used the company's name to obtain four books of Value-Added Tax receipts (100 receipts altogether) from the Municipal Tax Bureau, which he then resold in Chaoyang city, Guangdong province. Qin Zeyu reportedly "made an illicit profit of 230,000 yuan (approx. *US\$32,900*) from the sale of the receipts," and that "the authorities calculated that the 59 receipts which were illicitly used had a face value of 395,000,000 yuan, resulting in a loss of 67,000,000 yuan in revenue to the state."

It is not known whether the Tan Bingyuan and Qin Zeyu have appealed against their death sentences. Under Chinese law, they have between three and 10 days after the passing of sentence to appeal to another court. If no appeal is lodged, their sentences will be automatically referred for review to the Hubei 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 1994, Amnesty International recorded 2,496 death sentences and 1,791 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 occurs 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 which enables 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.

RECOMMENDED ACTION: Please send telegrams/telexes/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 on Tan Bingyuan, Qin Zeyu, and any others sentenced to death at the same trial, be commuted.**

APPEALS TO:

Governor of the Hunan Provincial People's Government

Yang Zhengwu Shengzhang
Hunansheng Renmin Zhengfu
7 Wuyizhonglu
Changshashi 410011
Hunansheng
People's Republic of China
Telexes: 98182 CSPG CN (Please forward to Yang Zhengwu
Shengzhang)
Telegrams: Governor, Changsha, Hunan province, China
Salutation: Dear Governor

President of the Hunan Provincial High People's Court
ZHAN Shunchu Yuanzhang
Hunansheng Gaoji Renmin Fayuan
Changshashi
Hunansheng
People's Republic of China
Telegrams: President, Provincial High People's Court,
Changsha, Hunan Province, China
Salutation: Dear President

President of the Supreme People's Court of the People's
Republic of China
REN Jianxin Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiao Min Xiang
Beijingshi 100726
People's Republic of China
Telegrams: President, Supreme People's Court, Beijing,
China
Salutation: Dear President

COPIES TO:

Chief Editor GAO Di, People's Daily
GAO Di Zong Bianji
Renmin Ribao
Jintaixilu 2
Chaoyangmenwai
Beijingshi 100733
People's Republic of China

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 4 October 1995.