

EXTRA 129/95

Death penalty

31 October 1995

PEOPLE'S REPUBLIC OF CHINA¹⁴ people sentenced to death in the Shenzhen Special Economic Zone, Guangdong Province, including:

Zhang Xiaojian
Qiang Chuqia
Qiu Dexi
Chen Zixie
Liu Gaowen
Chen Qiang
Chen Jingde
Fu Limin (f)
Wen Yana (f)
Xie Xiuyun (f)
Chen Xinxiang

On 26 October 1995, after a three-day trial, the Shenzhen Intermediate People's Court sentenced nine men and five women to death.

The 14 are alleged to have been members of a gang of 16, all of whom were charged in connection with a series of murders between April 1993 and June 1994. Reportedly, the women would lure drivers out of luxury cars and into a barber's shop where they were murdered. One of the defendants, Zhang Xiaojian, who was reportedly the ring-leader of the gang, was charged with 12 counts of murder and robbery. Two of the 16, Liu Yuxiang and Qiu Minhui were sentenced to prison terms of 20 years and three years respectively.

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 16 will appeal. If no appeal is lodged, their sentences will be automatically referred for review to the Guangdong 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 a few days of the trial. Successful appeals are extremely 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 in English, Chinese or 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 the 14 men and women be commuted (please cite as many names as possible).

APPEALS TO:

Governor of the Guangdong Provincial People's Government

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Guangdongsheng

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Salutation: Dear Governor

President of the Guangdong Provincial High People's Court

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Guangdongsheng Gaoji Renmin Fayuan

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Guangdongsheng

People's Republic of China

Telegrams: President, Provincial High People's Court, Guangzhou, Guangdong Province, China

Salutation: Dear President

President of the Supreme People's Court of the People's Republic of China

REN Jianxin Yuanzhang

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People's Republic of China

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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 30 November 1995.