

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: ASA 17/015/2006 (Public)
News Service No: 052
1 March 2006

China: Guangdong bag snatchers may face death penalty

Drive-by thieves who use violence may now face the death penalty, according to an alarming announcement by the Guangdong provincial authorities.

"We urge the Supreme People's Court to conduct an immediate review of this decision with a view to overturning it," said Mark Allison, East Asia researcher at Amnesty International. "Extending the death penalty to cover more crimes goes against the international trend towards abolition."

The Vice-President of the Guangdong High People's Court, Chen Huajie, announced on 28 February that the penalty for bag-snatching had been increased to a minimum prison sentence of three years, and can now include the death penalty. The ruling was a result of a new judicial interpretation that defined all kinds of violent bag-snatching by motorists as 'robbery'. The crime of bag-snatching used to attract a maximum sentence of three years in prison in Guangdong, according to reports in the Chinese press.

The move has been prompted by fears that such crimes are on the rise in the southern province of Guangdong, according to reports. The official Chinese press stated that over 80,000 people had been convicted of 'robbery' and 'violent robbery' in Guangdong between 2003 and 2005, accounting for more than one-third of the total number of criminals convicted.

"We recognize the duty of governments to combat crime, but this is a knee-jerk response -- it shows that China's 'Strike Hard' crime campaign mentality is still prevalent, at least in some parts of the country," said Mark Allison. "There is no evidence that the death penalty deters crime more effectively than other punishments."

Any increase in the use of the death penalty is contrary to the strong international trend away from the use of capital punishment. One hundred and twenty-two countries now no longer have the death penalty in law or practice and only a fraction of the world's nations actually carry out executions. China should follow this trend and implement the first steps towards the abolition of the death penalty, rather than increase its scope.

Chinese legal scholars have also voiced doubt over the decision. For example, Professor Dong Likun from Shenzhen University in Guangdong has criticized China's periodic 'Strike Hard' campaigns against crime for leading to miscarriages of justice. Quoted in the South China Morning Post on 28 February he asked "Can we really give the death sentence to a purse thief?"

The decision flies in the face of more positive moves in connection with the death penalty in China, including a recent announcement by Xiao Yang, the President of the Supreme People's Court (SPC), that all death

penalty appeal cases must be held in open court from the second half of this year; and an earlier announcement that the SPC is to resume its role of reviewing all death sentences passed in China.

“We welcome moves towards reforms such as these, but it remains to be seen whether they will lead to better quality trials and a significant reduction in the number of people sentenced to death,” said Mark Allison. “Whatever their impact, they must not be seen as a substitute for more wide-ranging reforms aimed at the complete abolition of the death penalty in China.”

One leading Chinese abolitionist and legal scholar, Liu Renwen, cautioned yesterday that the SPC is currently too short-staffed to review all death penalty cases and that lower courts appear to be resisting the reform, apparently because local authorities are concerned about losing their power to control crime.

Amnesty International opposes the death penalty as a violation of the right to life and the ultimate cruel, inhuman or degrading punishment. Pending full abolition of the death penalty in China, Amnesty International continues to urge the Chinese authorities to make public national statistics on death sentences and executions; to reduce the number of crimes punishable by the death penalty, including economic offences and other non-violent crimes; and to introduce a moratorium on executions to safeguard the right to life.

Background

The UN Human Rights Committee has stated that "Extension of the scope of application of the death penalty raises questions as to the compatibility with article 6 of the International Covenant on Civil and Political Rights." China has signed the ICCPR, and in doing so has signalled its intention to ratify that treaty. Although China is not yet formally bound by the ICCPR, it should be assumed that China will observe the major provisions of that treaty pending ratification. Under international law, a state that has signed a treaty must do nothing to defeat the 'object and purpose' of that treaty.

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