

EXTERNAL

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Death penalty

6 February 1997

PEOPLE'S REPUBLIC OF CHINA

Zhang Zhengmao  
Shi Yuansheng  
Shi Yuanzhang

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Zhang Zhengmao and Shi Yuansheng, manager and deputy director of two real-estate development firms in Jishou city in Hunan province were sentenced to death on 6 February for the alleged crimes of embezzlement and accepting bribes. A third defendant, Shi Yuanzhang, a former Communist Party Secretary of Jishou city was given the death sentence with a two-year reprieve. It was reported that others implicated in the same case received prison terms of varying length.

Zhang Zhengmao and Shi Yuansheng were accused of embezzling over 1.6 million yuan (US\$ 192,800). It was reported that this corruption case was the largest ever in Hunan province.

It is not known whether or not Zhang Zhengmao and Shi Yuansheng have yet appealed against their death sentences. Under Chinese law, defendants have 10 days after the passing of sentence to appeal to a higher court. If no appeal is lodged, the sentence will be automatically referred for review to Hunan Provincial High People's Court. This court must then rule on the appeal or review the case within one and a half months or two and a half months for "complex" cases. Successful appeals are rare. The death sentence should normally approved by the Supreme People's Court.

The Chinese authorities have recently stepped up their on-going anti-corruption campaign and this case is part of the highly publicized sentencing of officials and business people accused of corruption. The anti corruption drive is part of the ongoing "Strike Hard Campaign" against crime which began on 28 April 1996. The campaign, which has been extended to include a 'Winter Action', includes a crackdown on corruption which has resulted in the investigation of more than 34,000 cases, according to official figures of autumn 1996.

Amnesty International is concerned about the thousands of executions carried out since the start of the current anti-crime crackdown. The organization is also concerned about the increasing use of the death penalty for non-violent crimes, including economic offences.

#### **BACKGROUND INFORMATION**

The death penalty is used extensively in China. In 1995, Amnesty International recorded 3610 death sentences and 2535 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 not only at the large number of death sentences in China, but also that they are often meted out following trials which fall far short of international standards for fairness. In particular Amnesty International has noted a marked increase in the speedy sentencing and executing of prisoners tried during the current anti-crime crackdown.

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 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/faxes/express and airmail letters either in English or Chinese or in your own language:**

- urging that the death sentences passed on Zhang Zhengmao and Shi Yuansheng be commuted;
- urging that the death sentence with a two-year reprieve passed on Shi Yuanzhang also be commuted;
- urging that the arbitrary and widespread use of the death penalty in China be stopped and expressing concern over its use for economic and non-violent crimes;
- calling on the authorities to immediately stop any further executions from taking place as part of the anti-crime crackdown;
- 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.

**APPEALS TO:**

Governor YANG Zhengwu  
Hunan Provincial People's Government  
 YANG Zhengwu Daishengzhang  
 Hunansheng Renmin Zhengfu  
 7 Wuyizhonglu  
 Changshashi 410011  
 Hunansheng, People's Republic of China  
**Telegrams: Governor, Changsha, Hunan Province, China**  
**Telexes: 98182 CSPG CN (Please forward to the Governor)**  
**Faxes: + 86 1 731 47850**  
**Salutation: Dear Governor**

President ZHAN Shunchu  
Hunan Provincial High People's Court  
 ZHAN Shunchu Yuanzhang  
 Hunansheng Gaoji Renmin Fayuan  
 Changshashi  
 Hunansheng, People's Republic of China  
**Telegrams: President of the Provincial High People's Court, Changsha, Hunan Province, China**  
**Faxes: (via Hunan Bureau of Justice) + 86 731 442579**  
**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  
**Faxes: + 86106 512 5012**  
**Telegrams: President of the Supreme People's Court, Beijing, China**  
**Salutation: Dear President**

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**Faxes: +86 106 201 9332**

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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 20 March 1997.