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CHINA: Amnesty International releases 1997 death penalty statistics

China sentenced at least 3,152 people to death and executed more than 1,876 during 1997, Amnesty International said today as it released its annual death penalty log. The human rights organization said however that it believes the real figures are probably much higher.

The figures represent a drop from 1996, at the peak of the "Strike Hard" Anti-crime campaign, but are comparable to figures for the previous three years. China still executes more people than the rest of the world put together, and sentences on average 60 people to death each week. Iran recorded the second highest number of executions during the year, with 143.

Amnesty International's figures come during UN High Commissioner for Human Rights Mary Robinson's visit to China. Before leaving for Beijing, she publicly stated that she would raise the issue of the use of the death penalty in China.

"These latest statistics, which seem to be lower than those for 1996, should in no way be seen as a dramatic downturn in the use of the death penalty in China," Amnesty International said. "1996 was an exceptionally high year for executions and 1997 just marks a return to the levels before then."

"The inadequacies which lead to unfair trials such as the admissibility of confessions extracted through torture, lack of early access to proper legal advice, and the indecent haste with which some trials are carried out, still mean that defendants are denied standards of justice which are set out in international conventions."

"Also particularly worrying this year is a change of reporting which seems to obscure the real levels of use of the death penalty -- which we believe to be far higher than those given out in published reports," the organization added.

Amnesty International's figures are based mainly on published reports -- which constitute just a fraction of executions the Chinese authorities choose to reveal to the public. This minimum picture is also easily manipulated by the moves to a more ambiguous reporting style encountered in press reports monitored by Amnesty International this year.

In 1997, newspapers often reported much earlier in the process, during investigations and before trials in a style which appeared to assume guilt in advance of any judicial process. Media coverage was widely acknowledged to have influenced the execution verdict in at least one case: that of a drink-driving policeman who killed a child and injured his father in a hit and run incident.

"This undermines welcome revisions to the Criminal Procedure Law introduced in 1997 which stipulate that 'no one shall be determined guilty without a verdict according to law by a People's Court'," Amnesty International said.

Revisions to the Criminal law have not reduced the number of capital offences (69 in all), although for some crimes, such as theft and robbery, the definition of "particularly serious

circumstances” under which the death penalty may be applied has been clarified. This may lead to a reduction in executions if applied in practice, but according to Amnesty International, legal limitations were ignored during “Strike Hard” in 1996.

After the revised Criminal Law came into effect in 1997, officials in China finally admitted what Amnesty International had been reporting for years: that previously “many criminals were sentenced to death because of indecent activities or speculation and profiteering”.

A welcome revision to the Criminal Procedure Law requires courts to appoint a lawyer to defendants in capital cases “no later than 10 days before the trial”, but this and other reforms do not amount to “adequate legal assistance at all stages of the proceedings” required for death penalty defendants in international standards. Amnesty International has documented difficulties faced by lawyers defending such cases – in one example the defence lawyer was frogmarched from the court for robustly defending his client.

“This access to lawyers will not protect defendants from the kinds of miscarriage of justice revealed this year, such as cases where defendants were sentenced to death on the basis of confessions extracted through torture and were only saved from execution when other detainees confessed to the crimes,” Amnesty International said. “These cases reveal a lack of genuine safeguards against police abuse, deeply flawed evidence criteria, truncated review procedures, and an almost unstoppable momentum towards execution once the verdict has been announced.”

“Now such problems have been acknowledged, it is time to address them with vigour and honesty,” Amnesty International said. “Legal revisions must be backed up by changes in practice, and the momentum of reform kept up.”

Case examples:

- At least 662 people were sentenced to death for drug trafficking or possession, of whom 437 were confirmed to have been executed after public rallies held on or around 26 June, International Anti-drugs Day.
- Xie Zhenya, Xie Xueru and Xie Liyu were sentenced to death in January in Guangxi province, for allegedly “organizing others for prostitution”.
- Lin Qiangong, an accountant, was executed in Fujian province in July for reportedly forging or altering his work unit’s authorization to gain a total of 247,000 yuan (US\$29,759) .
- Three men were executed in Shanghai in August for reportedly selling fake VAT receipts, profiting by 300,000 Yuan (US\$36,144).
- Han Huamin and Sun Guobin (peasants), were executed in December for the theft of the heads of five Tang dynasty statues. The pair were reportedly executed “on the spot” after a sentencing rally held in front of the statues. Han Huamin reportedly profited by 12,000 Yuan (US\$1,445).
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**For more information, to receive a copy of the log, or to arrange an interview, please call:
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