PUBLIC

EXTRA 171/99 Death penalty / Fear of imminent execution 2 December 1999

PEOPLE'S REPUBLIC OF CHINA (PRC) Cai Xiong Xie Zhuxin

The Shenzhen Intermediate People's Court 'recently' sentenced Cai Xiong and Xie Zhuxin to death for allegedly forging, selling and smuggling foreign currencies. If they appeal their chances of success are remote. Executions can take place hours after sentences have been confirmed and appeals rejected.

It was reported in the Chinese media that, from September 1995 to March 1997, Cai Xiong, a Hong Kong resident, conspired with Xie Zhuxin (a Guangxi native from Guiping), to forge Taiwanese and Hong Kong money. Reportedly between July 1995 and March 1997, Cai Xiong, Xie Zhuxin and others organized people to buy, sell and smuggle huge amounts of forged currencies in Shenzhen, Zhongshan and other areas.

In the same case, another 26 people were sentenced to various terms of imprisonment and an unknown number to the death penalty with a two year reprieve (they are given a 2 year stay of execution which may, at the end of that time, be commuted to life imprisonment).

BACKGROUND INFORMATION

The death penalty continues to be used extensively, arbitrarily, and frequently, as a result of political interference. Mass executions are often carried out prior to major events or public holidays such as the December New Year and the Chinese New Year in February. Many of those sentenced may be accused of relatively minor crimes which may not normally attract such a harsh sentence.

Based on incomplete public reports for 1998, Amnesty International recorded about 2,701 death sentences and at least 1,769 confirmed executions. From 1990 till the end of 1998, Amnesty International recorded over 25,400 death sentences and over 16,600 executions. These figures, however, are believed to fall far short of the real figures, as only a fraction of death sentences and executions carried out in the country are publicly reported. Even based on this limited record, the government continues to execute many more people than the rest of the world put together. Execution is by shooting or lethal injection.

A revision to the Criminal Code in March 1997 confirmed the increasing scope for the use of the death penalty, incorporating new crimes punishable by death which were previously covered by regulations, as well as redefining others.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters in English, Chinese or your own language:

- urging that the death sentences imposed on Cai Xiong and Xie Zhuxin be commuted; - urging the government to exclude non-violent crimes, such as currency forging, from the death penalty as recommended by the United Nations Special rapporteur on extrajudicial, summary or arbitrary executions;

- urging that the arbitrary and massive use of the death penalty in China be stopped;

- 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 (please note that faxes in China are unreliable and often do not work outside office hours local time +8 GMT):

President of 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: Supreme People's Court President, Beijing, China Faxes:+ 86106 512 5012 Salutation: Dear President

Governor of the Guangdong Provincial People's Government LU Ruihua Shengzhang Guangdongsheng Renmin Zhengfu 305 Dongfeng Zhong Lu Guangzhoushi 510031 Guangdongsheng People's Republic of China Telegrams: Governor, Guangzhou, Guangdong Province, China Telexes: 44563 OFAGDCN Faxes: c/o Guangdong People's Government (Beijing office) + 86106 841 5047 Salutation:Dear Governor

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and to diplomatic representatives of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.