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China: review of death penalty by supreme court welcome, but abolition needed

Amnesty International welcomed today's new legislation under which the Supreme Court would review all death penalty verdicts in China but urged the authorities to abolish the death penalty once and for all.

Under the new legislation which comes into effect on 1 January 2007, all death penalties handed down by provincial courts must be reviewed and ratified by the Supreme People's Court.

"This new legislation will possibly help improve the quality of trials for those facing the death penalty in China - and may also reduce the number of executions," said Purna Sen, Asia-Pacific Programme Director. "But there is a danger that it could also further entrench the death penalty system in China, unless it is accompanied by other measures, including full transparency on the use of the death penalty nationwide and a reduction in the number of crimes punishable by death."

Even with this reform, those facing the death penalty are unlikely to receive a fair trial in line with international human rights standards, Amnesty International fears. Trials in China are generally marked by a lack of prompt access to lawyers, lack of presumption of innocence, political interference in the judiciary and the failure to exclude evidence extracted under torture.

The authorities should also release full public statistics on death sentences and executions in China, which remain classified as a state secret. These statistics would help to assess whether or not this reform leads to a reduction in executions.

Amnesty International has been urging China to accelerate reforms aimed at abolishing the death penalty.

"We hope this is a step towards full abolition of the death penalty," said Purna Sen. "It is only by abolishing the death penalty that China can guarantee that the innocent will not be put to death."

Background:

The death penalty remains applicable to around 68 crimes in China. They include non-violent offences, such as committing tax fraud, embezzling state property and accepting a bribe. Chinese legal academics opposed to the death penalty have recommended reducing the scope by, for example, eliminating the punishment for economic offences but these calls have so far gone unheeded.

China remains the world leader in its use of the death penalty. According to Amnesty International estimates, over 1770 people were executed and 3900 sentenced to death in 2005. The true figures are

believed to be much higher. In March 2004, a senior member of the National People's Congress announced that China executes around 10,000 people per year.

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