

An unprecedented number of death sentences have been passed in China during one month, September 1993. Hundreds of them have already been carried out. Amnesty International's survey based on the limited information made available indicates that at least 570 people were sentenced to death in September, of whom at least 373 were executed. It is unclear whether the remaining death sentences were also immediately carried out.

Amnesty International has recorded a steady rise in the number of executions in China in the past few years. 1993 was no exception. From January to November 1993 the number of executions recorded by Amnesty International was 1249, more than during the whole of 1992. These figures are believed to be far below the actual number, which according to Chinese officials is considered a "state secret". In mid-September 80 people were sentenced to death by various different courts across Jiangxi Province for theft and robbery with violence, and were later all executed. On 25 November 140 executions took place in 17 different cities in Henan Province for unspecified crimes. In a majority of cases those sentenced to death were convicted of violent crimes, but many were also executed for non-violent offences such as embezzlement or theft, which in other countries are punishable only with fines or imprisonment. One such case is that of Yue Baozhang who was sentenced to death in October in Heilongjiang Province for stealing 14 cows.

Amnesty International's record of figures for the past few years show that the number of death sentences and executions rise not only during anti-crime campaigns, but also on selected key dates such as 26 June, International Day against Drug Abuse and Trafficking, and in January, as the Chinese New Year festival approaches, as a warning to potential offenders. The same pattern seems to be emerging in the run-up to October 1, China's National Day, which partly explains the dramatic increase in this year's figures for September.

Another factor accounting for the high number of death sentences in September was the launch by the authorities of a nationwide anti-corruption campaign in the second half of August. The campaign started with calls by Chinese officials to mete out harsh punishments, including executions, to those found guilty of corruption. On 14 August for instance, President Jiang Zemin said that corruption had reached such a stage that: "the unhealthy trends can hardly be stopped without a number of arrests and a number of executions, in conformity with the law and irrespective (of persons) whether in higher echelons or not".¹

Liang Guoqing, deputy procurator of the Supreme People's Procuratorate, said on 27 August 1993 that procuratorate organs would give priority to such economic crimes as corruption and bribery cases in party and government organs; in judiciary, administrative and law enforcement departments; and in economic administrations and especially in cases involving leading cadres. He went on to say that in the next four months they would be concentrating on investigating major cases and would recommend that people's courts deal harshly with people found guilty of such serious economic crimes as corruption and bribery, and "mete out heavy or death sentences to those who deserve them".²

¹ *China News Analysis*, Issue No. 1493, 15 September 1993

² *Zhongguo Xinwen She* (China News Service), 27 August 1993

As a result dozens of officials have been shot recently for crimes ranging from bribe-taking to extortion and embezzlement. On 22 September, for example, four men were sentenced to death in Hefei, Anhui Province, because they had allegedly committed economic offences. One of the men, Zhang Yun, a 27-year-old bank teller, was accused of embezzling 133,000 *yuan* (US\$ 22,931). He lodged an appeal against the verdict, but it was rejected by the Anhui Provincial High People's Court.

Amnesty International is opposed to the death penalty in all cases on the grounds that it constitutes a violation of the right to life and that it is the ultimate form of cruel, inhuman and degrading treatment. The United Nations has endorsed the goal of worldwide abolition of the death penalty and 46 per cent of the world's countries have abolished the death penalty in law or practice. China, meanwhile, stands out for the extent to which it uses capital punishment. According to Amnesty International's records in 1992 China accounted for 63 per cent of the world's executions. There is no evidence in China or anywhere else to show that executions act as a deterrent and lead to less crime. Yet in China the number of executions continues to rise year by year.

Amnesty International is also concerned at other aspects of the use of the death penalty in China. These have been described in a document entitled *China: Victims in their thousands, the death penalty in 1992*, (AI Index: ASA 17/09/93), issued by Amnesty International in July 1993.

In the absence of a political decision to abolish the death penalty in China at present, Amnesty International urges the authorities to take immediate steps to reduce the number of death sentences and executions carried out each year. It also calls on the authorities to:

- 1) Review legal procedures in order to ensure that defendants in capital cases can actually exercise their rights and are afforded opportunities for a good defence and a fair trial which they are entitled to under international human rights standards;**
- 2) Stop all executions until legal procedures have been revised;**
- 3) End the ill-treatment of prisoners under death sentence, especially the use of hand and feet shackles and the virtual incommunicado detention of such prisoners;**
- 4) Ban the use of organs from executed prisoners for organ transplants without their free fully-informed consent;**
- 5) Establish procedures to ensure that the President of the Republic and the National People's Congress are able to consider requests for commutation of death sentences made by prisoners under death sentences, their lawyers or their relatives, and to ensure that no execution is carried out before such commutation is considered.**

RECOMMENDED ACTIONS:

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

- ◆ Expressing concern at the extremely high number of death sentences and executions for the month of September, many for non-violent crimes, such as theft and embezzlement.
- ◆ Urging the government to implement the changes recommended in points 1 to 5 above.

Please send appeals to:

President Ren Jianxin 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: + 861 512 5012

Telegram: President of the Supreme People's Court Ren Jianxin, Beijing, China

Salutation: Dear President

Deputy Procurator-General Liang Guoqing of the Supreme People's Procuratorate of the People's Republic of China

Liang Guoqing Fujianchazhang

Zuigao Renmin Jianchayuan

147 Beiheyuan Dajie

Donganmen, Dongchengqu

Beijingshi 100726

People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN

(Please forward to Liang Guoqing Fujianchazhang)

Faxes: + 861 512 6655 ext.1053

Telegram: Deputy Procurator-General of the Supreme People's Procuratorate Liang Guoqing, Beijing, China

Salutation: Dear Deputy Procurator-General

Send copies of appeals to:

Chinese Academy of Social Sciences

Institute of Law

Zhongguo Shehui Kexueyuan

Faxue Yanjiusuo

15 Shatan Beijie

Beijing 100720

People's Republic of China

Legal Daily

Fazhi Ribao

1 Huajiadidan

Chaoyangqu

Beijingshi

People's Republic of China

KEYWORDS: DEATH PENALTY1 / EXECUTION1 / DRUG TRAFFICKING /