

Myanmar citizen Maung Htay Aung was reportedly sentenced to death in China on 31 January 2000, convicted of masterminding the hijacking of a Taiwanese-registered ship in March 1999.

It is not known whether he has appealed against the sentence, handed down by the Fangchenggang Intermediate People's Court in Guangxi province. If he appeals, his chances of success are remote. Execution can take place hours after the sentence has been confirmed and the appeal rejected.

Thirteen other people involved in the case were reportedly sentenced to various terms of imprisonment.

The gang of pirates reportedly boarded the ship, the *Marine Master*, off Myanmar, as it was heading for India from China. They apparently forced the crew onto a lifeboat and steered the ship to China, to try to sell the cargo. The pirates were arrested a month later, when the vessel was recognized while it was being repaired in Fangchenggang.

In the two weeks leading up to Chinese New Year, which falls on the weekend of 4-6 February, the Chinese government has already executed at least 44 people, including 13 other pirates, a former bank computer operator convicted of embezzlement, five alleged Triad gang members, 13 "unemployed migrants" in Guangdong province and 12 people convicted in separate cases in Henan province.

On 1 February Foreign Ministry spokesperson Zhu Bangzao responded as follows to an Amnesty International report on the death penalty in China: "At the present stage, China cannot abolish the death sentence. We exercise very high prudence over giving the death sentence". This is not borne out by the current rate of executions, and the reported executions monitored by Amnesty International over the past decade.

BACKGROUND INFORMATION

The death penalty continues to be used extensively, arbitrarily, and frequently as a result of political interference. There are often mass executions before major events or public holidays, such as 1 January and the Chinese New Year. Many of those executed are accused of relatively minor crimes which might not normally attract such a harsh sentence.

Based on incomplete public reports for 1998, Amnesty International recorded at least 2,701 death sentences and at least 1,769 confirmed executions. From 1990 to 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.

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

- urging that the death sentence imposed on Maung Htay Aung be commuted;
- 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 (GMT + 8):

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

+ 8610 6 520 5316/467 7046 (c/o Ministry of Justice)

+ 86 10 6 851 2174 (c/o Ministry of Radio, Film and TV)

Salutation: Dear President

Chairman of the Guangxi Zhuang Autonomous Regional People's Government

LI Zhaozhuo Zhuxi

Guangxi Zhuangzu Zizhiqu Renmin Zhengfu

1 Minlelu

Nanningshi

Guangxi Zhuangzu Zizhiqu

People's Republic of China

Telegram: Chairman of the People's Government, Nanning, Guangxi Zhuang Autonomous Region, China

Salutation: Dear Chairman

Faxes:+ 86 773 282 3642 (c/o Guilin People's Government)

OR c/o Ministry of Justice or Ministry of Radio, Film and TV as above

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

PLEASE SEND APPEALS IMMEDIATELY.