

**EXTERNAL (for general distribution)**

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**Death Penalty**

**20 April 1995**

**PEOPLE'S REPUBLIC**

**OF CHINA**

**Hu Baokui**

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On 6 April 1995, Hu Baokui was sentenced to death by the Shanghai Province Municipal Intermediate People's Court for the alleged murder of a young woman, according to the newspaper, *Xinmin Wanbao*. The newspaper states that Hu Baokui murdered the young woman after she had refused to "conspire with him in criminal activities".

It is not known whether Hu Baokui has appealed against his death sentence. Under Chinese law, defendants have between three and 10 days after the passing of sentence to appeal to another court. If no appeal was lodged, his sentence will be automatically referred for review to the Shanghai Province High People's Court. This court must then rule on the appeal or review the case within one and a half months. This process can be accelerated and review of death sentences can take place within only a few days after the trial. Successful appeals are rare.

#### **BACKGROUND INFORMATION**

The death penalty is used extensively in China. In 1994, Amnesty International recorded 2496 death sentences and 1791 executions, although it believes these figures to be well below the actual number of death sentences and executions carried out. The increased use of the death penalty in China since the late 1980s occurs in the context of continuing "anti-crime" campaigns.

Amnesty International is concerned that death sentences in China are meted out following trials which fall far short of international standards for fairness. Defendants do not always have access to lawyers. In death penalty cases, lawyers, when available, usually have no more than one or two days to prepare a defence. Death sentences are often decided in advance of the trial by "adjudication committees" whose decision is seldom challenged by the courts. Chinese legal experts have in recent years criticized the practice of pre-trial verdicts, but it is reported to be still widespread.

Amnesty International is also concerned that the use of the death penalty in China appears to be discriminatory; it tends to apply disproportionately to people of low social standing who have neither the social nor the political status to defend themselves. Furthermore, cases have been reported in which death sentences were imposed on the basis of confessions extracted through coercion or torture.

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

- 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;
- urging that the death sentence passed on **Hu Baokui** be commuted.

**APPEALS TO:**

Mayor of the Shanghai Municipal People's Government**XU Kuangdi** Shizhang

Shanghaishi Renmin Zhengfu

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People's Republic of China

**Telexes: 333 15 SMERT (Please forward to Huang Ju Shizhang)****Telegrams: Mayor Xu Kuangdi, Shanghai, China****Salutation: Dear Mayor**President of Shanghai Municipal High People's Court**HU Ruibang** Yuanzhang

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People's Republic of China

**Telegrams: President of the Municipal High People's Court Hu Ruibang, Shanghai, China**President of the Supreme People's Court of the People's Republic of China**REN Jianxin** Yuanzhang

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People's Republic of China

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

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 18 May 1995.