

PUBLIC

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EXTRA 65/98

Death penalty / Fear of imminent  
execution

17 September 1998

PEOPLE'S REPUBLIC OF CHINA      Three unnamed men

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Three men were sentenced to death for drug smuggling on 16 September 1998. Executions in China generally occur within days of sentencing.

The men were allegedly caught attempting to smuggle more than four tons of marijuana from Cambodia into the southern province of Guangdong on 2 May 1998. They were sentenced by the Shanwei Intermediate People's Court of Guangdong. Six others involved received various terms of imprisonment.

It is not known if they will appeal against the death sentences. Under the revised criminal law, all death penalty cases should be approved by the Supreme People's Court in Beijing, however, regulations exist allowing the retention of final power of approval by the provincial High People's Courts. Successful appeals against death sentences are rare.

Executions in China are carried out by lethal injection or by shooting.

#### **BACKGROUND INFORMATION**

In 1997, at least 662 people were sentenced to death in China on charges of drug trafficking or possession of drugs. Of these, 437 are confirmed to have been executed, many on 26 June 1997, International Anti-Drugs day.

Despite the massive use of the death penalty for drug-related crimes in the country, the number of reported drug-related offences has continued to rise. For example, in 1997, Shaanxi province alone saw a 105% increase in drug-related cases from the previous year.

The death penalty is used extensively in China. In 1997, according to public reports, 3,152 death sentences were handed down and 1,876 executions took place. Only a fraction of death sentences and executions are publicly reported, however, and the real figure is therefore much higher. Also not taken into account is the numerous group executions reported in the press for the same year.

The use of the death penalty in China has increased considerably since the 1980s. A revision to the Criminal Code in March 1997 confirmed the increasing scope for its use, incorporating new crimes punishable by death which were previously covered by other laws. In April 1996, the Chinese authorities began a national anti-crime crackdown known as 'Strike Hard', which resulted in 6,100 recorded death sentences that year. Although the campaign has since been scaled down, it is still targeted at certain crimes, including drugs.

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

- urging that the death sentences passed against the three men on 16 September 1998 for drug smuggling 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 fax tones may be difficult to obtain during certain times of the day**

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**Salutation: Dear Governor**

President of the Guangdong Provincial High People's Court

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**Telegrams: President of the Provincial High People's Court, Guangzhou, Guangdong Province, China**

**Salutation: Dear President**

President of the Supreme People's Court of the People's Republic of China

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

**PLEASE SEND APPEALS IMMEDIATELY.**

**'Everyone has the right to life, liberty and security of person.'  
Article 5 of the Universal Declaration of Human Rights**