

PUBLIC

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EXTRA 99/98

Death penalty / Fear of imminent execution

8 December 1998

PEOPLE'S REPUBLIC OF CHINA Bian Qingming, aged 33

Bian Qingming, a driver at Wolung District Motor Vehicle Training School, Nanyang City, Henan Province, was sentenced to death on 2 December 1998 for drink-driving. Bian is appealing against his sentence, but successful appeals are rare and he faces imminent execution.

Bian Qingming was sentenced by Nanyang City Intermediate People's Court for 'using dangerous means to harm public safety' for a drink-driving incident in which one person was killed and seven people injured, one seriously.

On 28 August 1998, Bian reportedly drank 6 litres of beer and 600 millilitres of spirits before travelling home with colleagues from his work unit in a company jeep. When Bian's superior, Zhang Guangwen, felt too drunk to drive, Bian took over, crashing the car shortly afterwards.

Bian's lawyer reportedly argued that he was too drunk to realise what he was doing and did not commit the crime intentionally. The Criminal Law (article 115) stipulates that where serious injury or death is caused, a sentence ranging from 10 years' imprisonment to the death penalty may be passed, or three to seven years' imprisonment where the crime is 'committed negligently'.

The court decided that Bian Qingming clearly knew that drink driving was against regulations when he drove at speed in the city 'causing serious consequences'. The crime 'caused extreme harm to society so should be severely punished'. They ordered that his work unit should be jointly liable for 174,459 Yuan compensation for the victims.

Bian is appealing to Henan Province Higher People's Court against his sentence. For crimes of 'endangering public security' the provincial court may issue final approval of execution without the involvement of the Supreme People's Court.

Executions are carried out by shooting or lethal injection.

BACKGROUND INFORMATION

The death penalty is used extensively in China. In 1997, 3,152 death sentences and 1,876 executions were publicly reported - a fraction of the likely total.

Since the 1980s new regulations have extended the use of the death penalty in China to many new crimes, which were incorporated into the Criminal Code when it was revised in March 1997.

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

- urging that the death sentence passed against Bian Qingming on December 2 1998 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 easier to obtain during office hours local time (GMT +8 hours).

President of the Henan Provincial High People's Court

ZHENG Zengmao Yuanzhang

Henansheng Gaoji Renmin Fayuan

Zhengzhoushi

Henansheng

People's Republic of China

Telegrams: President of the Provincial High People's Court, Zhengzhou, Henan Province, China

Salutation: Dear President

Governor Henan Provincial People's Government

MA Zhongchen Shengzhang

Henansheng Renmin Zhengfu

1 hao lou, Weier Lu

Zhengzhoushi, Henansheng

People's Republic of China

Telegrams: Governor, Zhengzhou, Henan Province, China

Salutation: Dear Governor

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

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Salutation: Dear President

Premier of the People's Republic of China

ZHU Rongji

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Salutation: Your Excellency

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

PLEASE SEND APPEALS IMMEDIATELY.