

EXTERNAL

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EXTRA 159/95

Death Penalty

13 December 1995

PEOPLE'S REPUBLIC OF CHINA

Chen Qipeng, 35  
Lin Dengfeng, 45  
Xu Jinkuang, 31  
Lu Yisheng, 32  
Su Huoming, 33

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Five people are facing imminent execution after Guangdong High People's Court rejected their appeal on 2 December 1995. This was a final appeal and execution could take place at any moment. The original death sentence was passed by Shanwei Municipal People's Court on 14 November 1995. The appeal was rejected three days after it was lodged by defendant's relatives.

The five, including two Taiwan fishermen, were found guilty of smuggling forged money worth over 60 million Renminbi into harbours of Guangdong province on several occasions in 1994, and having received 200,000 Taiwan dollars in return. Seven other people were given sentences ranging from eight months to life imprisonment in the same case. They were all detained on 12 June 1995.

According to the defence lawyer of Chen Qipeng, the main culprits are taiwanese and operate outside the Chinese boundaries. Details could not therefore be clarified by the tribunal. According to the relatives who attended the first hearing, the lawyer was able to read his defence but no witnesses were cited. Relatives have not been allowed to meet with the defendants since they were detained.

After an appeal to the Province High People's Court has been rejected, execution may take place at any time.

#### 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, have usually 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 enabling others to defend themselves against the accusations. 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/express and airmail letters

**either in English or Chinese or in your own language:**

- urging that the death sentences passed on Chen Qipeng, Lin Dengfeng, Xu Jinkuang, Lu Yisheng, and Su Huoming be commuted;
- 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:**

Governor of the Guangdong Provincial People's Government

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**Salutation: Dear Governor**

Chairman of the Guangdong Provincial People's Congress Standing Committee

**LIN Ruo** Zhuren

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Changwu Weiyuanhui

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People's Republic of China

**Telegrams: Chairman, Provincial People's Congress Standing Committee,**

**Guangzhou, Guangdong Province, China**

**Salutation: Dear Chairman**

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**REN Jianxin** Yuanzhang

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People's Republic of China

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**Salutation: Dear President**

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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.**