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China: Move to reduce executions?

The Supreme People's Court will in future review all death sentences passed in China, according to the Court's vice-president, Huang Songyou, quoted in the official Chinese media. Amnesty International welcomes this announcement as it could mean a fall in the huge number of people executed.

"This is a step in the right direction," said Amnesty International. "We hope that extra scrutiny by better qualified judges will bring about a significant reduction in the numbers of people executed in China."

"We will be watching closely to see if the reform translates into any concrete improvement," continued the organization. "Of course it will be hard even to tell if there has been a drop, as China refuses to publish full national statistics on the death penalty."

A senior Chinese legislator estimated earlier this year that China executes "nearly 10,000" people a year.

Amnesty International warned that this measure must be seen as the beginning of a process towards full abolition of the death penalty. There are still a host of failings in the Chinese legal system which jeopardize the lives of people suspected of capital crimes. There is no presumption of innocence; political pressure to pass heavy sentences intrudes into the judicial process; 'confessions' extracted under torture can be used as evidence in court; and lawyers need not be present at the initial police interrogation.

"Under such circumstances, the Chinese criminal justice system is in no position to offer fair trials to those facing the death penalty," said Amnesty International.

Extra scrutiny by the Supreme People's Court would not necessarily guarantee a fair trial. For example in December last year the Court retried a high-profile case where a gangster's death sentence had been overturned on appeal by a provincial court. It ruled that Liu Yong's death sentence was still valid despite evidence of his confession being extorted through torture, and ordered an immediate execution.

The present system of reviewing most death sentences in China allows for judges in a provincial high court to approve a death sentence that they themselves have passed. The move to re-centralise the system back to the Supreme People's Court in Beijing is expected to be enacted during the current legislative session, which ends in 2008, the year that Beijing hosts the Summer Olympics.

"Such reforms will help to protect the rights of detainees," said Amnesty International. "But they must not be seen as a substitute for full abolition of the death penalty in China, starting with a halt to all executions."

China applies the death sentence for the "most serious" crimes, which under Chinese law include corruption and many other non-violent crimes, despite an international standard which states the death penalty should be "a quite exceptional measure". Amnesty International opposes the death penalty in all cases on the grounds that it is the ultimate cruel and inhuman punishment and violates the right to life.

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