

# PEOPLE'S REPUBLIC OF CHINA

## At least 1000 people executed in “strike hard” campaign against crime

At least a thousand people have been executed in China since the launch of a nationwide anti-crime campaign on 28 April 1996. Amnesty International is calling on the Chinese authorities to stop further executions immediately. It is also calling on the international community to put pressure on China to stop the mass executions, many of which have been carried out after summary trials.

The anti-crime campaign - termed “*Yanda*” ( “strike hard” or “severe crackdown”) - is primarily aimed at major crimes, such as murder and robbery, and criminal gangs. It has led to an unprecedented number of executions since 1983, when a similar nationwide anti-crime campaign resulted in thousands of summary executions in less than three months. The current campaign is being carried out in the same way as the 1983 campaign, with the state-run media fully mobilized to publicize arrests and executions on a daily basis, and to exhort local leaders, police and the judiciary to “swiftly and severely” punish offenders targeted in the campaign.

As in 1983, the vast majority of those sentenced to death in the current campaign have been immediately executed after summary trials. According to official reports, the “strike hard” campaign is due to last until the end of July. A top Chinese judicial official said on 30 June that the campaign was now entering its “vital third phase”.

The limited number of reports available so far shows that at least a thousand people have already been executed, but the real number is likely to be far higher. From 28 April till 27 June 1996, Amnesty International recorded 1014 confirmed death sentences. Of these, over 800 were officially confirmed to have been immediately executed, and over 160 others are known to have been passed without a reprieve<sup>1</sup> and for types of crimes where the execution is invariably carried out shortly or immediately after the sentence is publicly announced.

In addition, Amnesty International also recorded around a thousand other cases in which people were reported to have been sentenced either to death or to life or fixed-term imprisonment, as well as many other official reports which announced the execution of groups of people in various areas but did not give specific figures. While some of these reports may overlap with those giving specific figures for death sentences, some include details showing that they refer to different cases.

The figures cited above are based on a limited number of reports available to Amnesty International and are believed to represent only a fraction of the actual number of death sentences and executions. Amnesty International believes the real number of executions carried out so far in the campaign to be far in excess of the approximate 1,000 cases it has recorded.

This campaign is further evidence of the Chinese authorities increased reliance on the death penalty as a tool to tackle growing crime resulting from economic and social changes. The number of crimes for which the death penalty can be imposed in China has expanded from 21 under the 1980

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<sup>1</sup> In China, some death sentences are handed down with suspension of execution for two years, following which the case is reviewed to determine whether or not execution is carried out. Since the start of the “strike hard” campaign, however, Amnesty International has recorded only about two dozen cases in which death sentences with a two-year reprieve were passed.

Criminal Law to over 68 now - the highest such figure in any country in the world - many of which are non-violent crimes. Each year, more people are executed in China than in the rest of the world put together. In 1995, Amnesty International recorded 3610 death sentences and 2535 executions in China,<sup>2</sup> and believes the real number was far higher. With the "strike hard" campaign, China looks set to break its own record this year.

It is clear from many reports by the state media that the "strike hard" campaign is being conducted according to specific instructions given by the central government and Communist Party authorities and that, as a result of such instructions, many of those executed have been convicted after summary trials.

Amnesty International is particularly concerned that the political authorities have instructed the judiciary to speed up procedures to sentence offenders, including those liable to the death penalty. This may result in many miscarriages of justice. The organisation is also concerned that the pressure put upon the police and judiciary to "crack" cases and speed up prosecutions may result in increased use of torture to force confessions. Tens of thousands of criminal suspects have been arrested since the start of the campaign.

"Severe and speedy punishment" is a major slogan of the campaign. In an article on the launch of the campaign on 29 April 1996, the Party newspaper *People's Daily* called on judicial and public security personnel to "seriously adhere to the principle of severely and quickly punishing criminals"<sup>3</sup>. An editorial in the same newspaper on 15 May reiterated the need to "firmly implement" the severe and speedy punishment "policy" and "to work hard to achieve the goal of quick approvals of arrests, quick prosecutions and quick trials". The editorial went on to state that whoever "deserves" the death penalty according to law "must be sentenced to death"<sup>4</sup>. Similar injunctions have been repeatedly printed in major provincial newspapers.

The calls to impose "severe and speedy punishment according to law" refer to 1983 legislation which effectively provides for summary trials and executions. This legislation has been in force since then, but one of the provisions it includes is due to be repealed in January 1997<sup>5</sup>. The legislation speeds up the procedures for trial, appeal and approval of death sentences for offenders who "seriously endanger public security". These are people accused of crimes such as murder, rape, robbery, arson and "other" serious crimes, as well as leaders of criminal or "hooligan" gangs - all categories which are the major targets of the current campaign.

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<sup>2</sup> See AI's document *China - Death Penalty Log: July to December 1995*, AI Index: ASA 17/64/96, 5 June 1996.

<sup>3</sup> See BBC Summary of World Broadcasts (hereafter SWB) of 30 April 1996, FE/2599 G/5.

<sup>4</sup> See SWB, 17 May 1996, FE/2614 G/9.

<sup>5</sup> In March 1996, China's parliament, the National People's Congress (NPC), amended the Criminal Procedure Law (CPL), deciding at the same time that the 1983 *Decision of the NPC Standing Committee Concerning the Procedure for Rapid Adjudication of Cases Involving Criminal Elements Who Seriously Endanger Public Security* would be repealed when the revised CPL comes into force in January 1997.

Under this legislation, defendants can be tried without warning, without being given a copy of the indictment in advance and without notification of the trial being given to all parties concerned. This means, among other things, that defendants can be tried without the assistance of a lawyer and without knowing exactly what accusations they face until their trial. The 1983 legislation also allows the provincial high courts - rather than the Supreme People's Court - to approve death sentences passed by lower courts, so that, in many cases, death sentences are confirmed by the high courts immediately after sentencing, and executions carried out straight after.

On 26 May 1996, the official newspaper *Beijing Daily* stressed the need to use the 1983 legislation "to pass either heavy sentences or death penalties on serious criminal offenders".<sup>6</sup> Officials in many places have called for the speeding up of judicial procedures. On 10 May 1996, for example, the President of the Tibet High People's Court called on courts at various levels to "speed up proceedings of various criminal offences prejudicial to social order" in their struggle against serious crimes. He added: "those criminals deserving a death sentence under the law should be resolutely sentenced to death to deal a fatal blow to criminals".<sup>7</sup>

As a result of such official intructions, some people have been executed within a few days of the crimes they allegedly committed, after summary trials. In Jilin province, for example, three men were executed on 31 May for allegedly robbing a car "loaded with bank notes" on 21 May. According to an official newspaper, the three men, Tian Zhijia, Tian Zhiquan and Zhao Lian, were arrested on 24 May; they were tried and sentenced to death during an "open meeting" in the morning of 27 May - three days after their arrest. One of the defendants then appealed against the verdict to the provincial high court, the newspaper said. The high court heard the appeal and rejected it on 28 May, approving the death sentence for the two other defendants at the same time. The three men were executed by firing squad on 31 May<sup>8</sup> - seven days after their arrest and ten days after the offence was committed.

In another case in the same province, Tian Xiaowei, who was accused of fatally stabbing a policeman and injuring two others on 13 May, was executed by firing squad on the morning of 20 May - barely seven days after the crime was committed.<sup>9</sup>

Numerous examples of summary justice have been given by the state media. In many places courts have held public trials "to pronounce" death sentences which were followed by immediate executions. In some areas, local courts have held such trials "jointly". In Gansu province, for example, the Lanzhou city intermediate people's court and the Lanzhou railway transportation intermediate court held a "joint open trial" on 16 May at which 14 people were sentenced to death

<sup>6</sup> SWB, 20 June 1996, FE/2643 S1/3.

<sup>7</sup> Tibet Daily, 11 May 1996, cited in SWB of 28 May 1996, FE/2623 G/12.

<sup>8</sup> Jilin Daily of 1 and 6 June 1996, in SWB, 22 June 1996, FE/2645 G/10.

<sup>9</sup> Jilin Radio, Changchun, 20 May 1996, in SWB of 12 June 1996, FE/2636 G/3.

and then taken for immediate execution by firing squad.<sup>10</sup> In Shanghai, the No.1 and No.2 municipal intermediate courts, together with courts from three other districts, held public meetings on 26 May to "pronounce judgement" in a number of criminal cases, including those of two men who were sentenced to death and then taken away to be executed immediately.<sup>11</sup>

In a rare expression of concern about the summary justice fostered by the campaign, three Chinese legal experts published a reminder in June that the law should not be ignored during the campaign. In a signed article in the national newspaper *Legal Daily* on 13 June, they stated that "severe and rapid punishment" does not mean "bypassing" the law, and that "under no circumstances can 'severe and rapid' be emphasized as a means of handling cases in breach of the law".

On 17 June, however, the President of the Beijing High People's Court was cited as stating that offenders to be sentenced to death in the campaign were not only those guilty of the most serious crimes [as stipulated by the Criminal Law], but also those whose crimes "seriously endanger public order", such as repeat offenders. He cited the case of Zhang Guoji, member of a gang of petty thieves, who had been executed for stealing a total of 1,400 yuan (169 US dollars) because the gang had committed 14 such crimes in public places over a period of three months.<sup>12</sup>

This and other reports show that, while the campaign is said to be aimed at particularly serious crimes, some people convicted of relatively minor offences, such as theft, have also been executed. Repeat offenders, escaped prisoners and members of "hooligan" or criminal gangs are among the targets of the campaign. They may be liable to the death penalty because of their alleged criminal background rather than actual crimes.

Intensive, and at times near hysterical, propaganda has been carried out by the state media, with daily exhortations to "deal a fatal blow" on criminals "so as to win a complete victory" in the "strike hard" crackdown. On 30 May 1996, the Chinese central radio stated in one such broadcast: "the crackdown shows that in this divine land of ours, all lawless and criminal acts... will be severely punished before the sword of law that our republic holds high." The radio report claimed that the "masses" had shown an enthusiasm for the campaign such as had "not been seen in years". It added: "Let us continue to work hard... so that we can win a complete victory in the crackdown and our laws will shine in this sprawling divine land of ours".<sup>13</sup>

Numerous mass rallies and public meetings to try offenders or to announce arrests and sentences have been held throughout the country since the start of the campaign. In Hubei province, for example, 20,000 people attended an "open trial" rally held on 30 May in Erzhou city to announce the "public arrest" of 41 offenders and the sentences passed on 70 others, including four who were sentenced to death and executed. A local radio report on the rally stated that the "20,000 masses"

<sup>10</sup> Gansu Daily of 17 May 1996, in SWB, 12 June 1996, FE 2632 G/3.

<sup>11</sup> Shanghai radio of 27 May 1996, in SWB, 12 June 1996.

<sup>12</sup> Beijing Legal Daily 17 June 1996; see AFP, 17 June 1996.

<sup>13</sup> Central Broadcasting Station, Beijing, 30 May 1996, SWB 4 June 1996, FE 2629 G/7.

who had attended the event "all clapped their hands with joy".<sup>14</sup> Many public trials and rallies have been shown on national and local television.

The condemned prisoners paraded at such rallies usually had their hands tied behind their back; some also had their feet shackled and a rope around their neck. In Zhuhai city, for example, 13 prisoners sentenced to death were paraded in shackles in front of an audience of 600 people in mid-May, before being led away to be shot.<sup>15</sup> Three others executed in the same city on 26 June were taken from the court to the execution ground in an open truck, handcuffed and shackled, and with a rope round their neck.<sup>16</sup>

Those executed during the campaign include a man named Li Xueyin, from central Hubei province, who was convicted of murdering a family planning official who had forced Li's wife to be sterilised according to the state family planning policy.<sup>17</sup> In Heilongjiang province, three people, including two named as Hou Liju and Ren Zhonglu, were executed in early June after being convicted of stealing 104 farm cattle and 46 motorcycles, bicycles and jeeps between December 1990 and June 1994.<sup>18</sup> The date at which the crimes stopped - two years before the execution of the alleged culprits - appears to suggest that the latter were arrested in 1994 and sentenced to death for the purposes of the "strike hard" campaign. International Anti-Drugs Day on 26 June was marked by the execution of over 230 people in several cities.

On 30 June 1996, the President of the Supreme People's Court, Ren Jianxin, said that the "strike hard" campaign had yielded unexpectedly good results, but was now entering its "vital third phase". This would determine how long its achievements would last, he said. He called on local government and Communist Party officials across the country to "strengthen" their involvement in the campaign and step up propaganda aimed at mobilising the masses to fight crime.<sup>19</sup>

Amnesty International opposes the death penalty without reservation in all cases, on the grounds that it is the ultimate cruel, inhuman and degrading punishment and that it violates the right to life as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

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<sup>14</sup>Hubei provincial radio, Wuhan, 30 May 1996, in SWB of 4 June 1996, FE 2629 G/8.

<sup>15</sup>Lusa News Agency 15 May 1996, see Reuters, 15 May 1996.

<sup>16</sup> AFP, Beijing, 26 June 1996.

<sup>17</sup> South China Morning Post, 16 June 1996, citing the Hubei Legal Daily.

<sup>18</sup> Heilongjiang provincial radio, 10 June 1996, SWB of 22 June 1996, FE 2645 G/11.

<sup>19</sup> Xinhua News Agency, cited by Reuters 30 June 1996.

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

- ◆ Urging that the massive wave of executions and death sentences since 28 April be halted
- ◆ 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
- ◆ Expressing your concern over the speed of the executions and your concern that there may not be sufficient time to give defendants a fair trial

*Please send appeals to:*

**Premier of the People's Republic of China**

**LI Peng Zongli - Guowuyuan**

**9 Xihuangchenggenbeijie**

**Beijingshi 100032**

**People's Republic of China**

**Telexes: 210070 FMPC CN or 22478 MFERT CN**

**Faxes: + 86 106 512 5810 (via Ministry of Foreign Affairs)**

**Telegram: Premier Li Peng, Beijing, China - Salutation: Your Excellency**

**Minister of Justice of the People's Republic of China**

**XIAO Yang Buzhang - Sifabu**

**Xiaguangli**

**Beijingshi 100016**

**People's Republic of China**

**Telexes: 210070 FMPC CN or 22478 MFERT CN (Please forward to the Minister of Justice) - Faxes: + 86106 467 7351**

**Telegram: Minister of Justice, Beijing, China - Salutation: Your Excellency**

**Chairman of the National People's Congress**

**QIAO Shi Weiyuanzhang**

**Quanguo renmin Daibiao Dahui - Great Hall of the People**

**Beijingshi**

**People's Republic of China**

**Chairman of the National People's Congress, Beijing, China**