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THE PEOPLE'S REPUBLIC OF CHINA

THE DEATH PENALTY IN 1990

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SUMMARY

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There has been an alarming increase in the use of the death penalty in China in 1990. Amnesty International has recorded more than 960 death sentences during the year but it believes the true number may be much higher. At least 750 executions were reported.

There were unconfirmed allegations that up to 12,000 death sentences were pronounced between July and September. These and other reports suggest that the number of death sentences and executions was several times higher in 1990 than in previous years. The figures for 1990 are the highest since 1983, when an anti-crime campaign is believed to have resulted in over 10,000 executions.

The increase in reported death sentences and executions occurred in the context of a wide-ranging political campaign to "sternly crack down" on serious crime. This campaign is apparently continuing in early 1991: according to official media reports, over 60 people were reportedly executed in January.

Hundreds of death sentences were announced during mass sentencing rallies. On several occasions groups of people sentenced to death were publicly paraded through cities after mass rallies, in violation of Chinese regulations.

The present document describes aspects of the 1990 anti-crime campaign and includes quotations from Chinese official media which indicate political interference in judicial work.

This summarises a 6-page document, People's Republic of China, Discriminatory and Expeditive Justice: the Death Penalty in 1990 (AI Index: ASA 17/ /91), issued by Amnesty International in February 1991. Anyone wanting further details or to take action on this issue should consult the full document.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

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Amnesty International
International Secretariat
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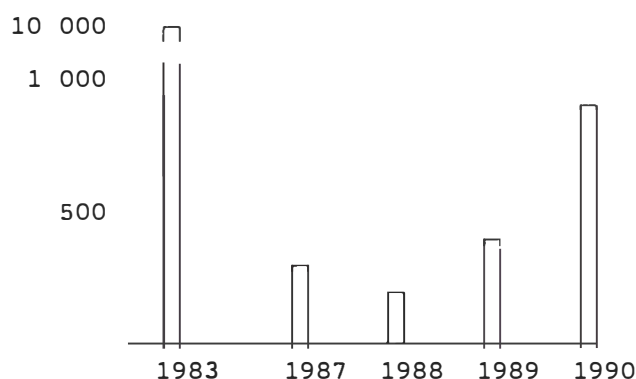
There has been an alarming increase in the use of the death penalty in China in 1990. Amnesty International has recorded more than 960 death sentences passed during a crackdown against crime during the year but it believes the true number to be much higher. At least 750 executions were reported. In other cases it was unclear whether the sentences had been immediately carried out. There were reports of about 60 death sentences with a 2-year stay of execution, within which the sentence can be commuted to life imprisonment for prisoners deemed to show signs of "repentance".

Amnesty International has published several documents in recent years on the death penalty in China, including one in September 1990.¹ The present document complements Amnesty International's September 1990 report.

The rise in Death Sentences and Executions

The Hong Kong magazine *Zheng Ming* in October 1990 reported unconfirmed allegations that up to 12,000 death sentences had been pronounced between July and September. These included over 1,800 death sentences in the northern province of Liaoning alone, about 1,700 of which were allegedly carried out. About 370 death sentences were reported in 1989, 180 in 1988, but Amnesty International believes these numbers are also far below the reality. These and other reports suggest that the number of death sentences and executions was several times higher in 1990 than in previous years.

¹ See *People's Republic of China; The Continuing Repression: 3, the Death Penalty and Anti-Crime Campaigns*, AI Index ASA 17/56/90.



Number of death sentences reported
Source: Amnesty International

The figures for 1990 are the highest since 1983, when an anti-crime campaign is believed to have resulted in over 10,000 executions. The rise in reported death sentences and executions during 1990 has also occurred in the context of a political campaign to "sternly crack down" on serious crime. This campaign is apparently continuing in early 1991: over 60 people were reportedly executed in January.

The Campaign to "Sternly Crack Down" on Crime

The marked increase in reports of death sentences and executions in 1990 followed the launch of a political campaign against crime in May of that year.

According to reports in the official press, political leaders, court presidents and chief procurators have requested the judicial organs to ensure that death sentences be meted out "without pity" on certain categories of serious criminals. Amnesty International fears that official instructions issued during the campaign to "punish criminals heavily and rapidly" resulted in a wider use of the death penalty and in a dramatic weakening of safeguards against unfair trials in death penalty and other cases.

It was unclear to what extent the anti-crime campaign was connected to any increase in the actual incidence of crime in China. Statistical reports available appear to be contradictory. Before the start of the anti-crime campaign in May, some reports indicated that there had been no significant rise in crime.

A research paper about the incidence of crime was presented at an academic conference in Beijing in January 1990 by Tan Shen, a research fellow at the Chinese Academy of Social Sciences.² It reportedly indicated that "China has had the world's lowest crime rate for the past 10 years": China's crime rate, in his analysis, was "6 per 10,000" people per year, as against "515 per 10,000 in the USA, 128 in Japan and 106 in the USSR". In June, the *People's Public Security Journal* reported that the crime rate in March and April 1990 -- that is, before the May launch of the anti-crime campaign -- had indeed "dropped by 51.2%" as compared to the same period of 1989.³

² Report by *Xinhua News Agency*, 4 January 1990.

³ *Renmin Gong'an Bao* (People's Public Security Journal, published by the Ministry of Public Security of the People's Republic of China), 12 June 1990.

In the southern province of Guangdong, a conference of presidents of Intermediate People's Courts reportedly noted in July 1990 that "in the first half of this year Guangdong province did not witness a rapid increase in its total number of criminal cases." The conference did indicate that "major and serious criminal cases increased by a large margin".

After the start of the campaign to "sternly crack down" on crime, however, reports generally referred to the incidence of crime as "grim". Published statistics reportedly indicated a marked increase in the number of arrests approved by procuracies during the year. According to a report by Chief Procurator Liu Fuzhi in November 1990, more than one million arrests were approved by procuracies in 1990, 40% more than in 1989. This number however, did not necessarily reflect an increase in crime: the number of arrests partly reflected an increase in "denunciations" of alleged criminals -- also reported in the official press -- and partly resulted from the anti-crime campaign itself.

In 1990 as in earlier years, prisoners were sentenced to death and executed for offences which did not necessarily involve the use of violence, such as embezzlement, theft and other economic offences. For example, Yue Shoucheng and Gao Shukun, described as "peasants" from Daqing, in the northern province of Heilongjiang, were reportedly sentenced to death and executed in early October 1990 for "colluding" with others to steal 50 metres of high-tension electrical cable. According to a broadcast by the Heilongjiang provincial radio on 19 October 1990, they had been accused of "destroying the state power equipment" and "causing some 88,000 *yuan* in economic losses". The report made no accusation of violence against them. In other cases, peasants and "vagrants" were executed for allegedly stealing goods or money in trivial amounts.

There are few publicly available details about individual death penalty cases. Amnesty International is concerned that people accused of crimes which would not be deemed capital offences in ordinary circumstances, including crimes which do not involve the use of violence, have been sentenced to death because their trial took place in the context of the campaign to "sternly crack down" on crime.

Pressure on the Judiciary to Convict and Sentence Harshly

Far from asserting independence from the Chinese Communist party, judges and procurators have emphasized the leadership of the Chinese Communist Party (CCP) over their activities, both before and since the start of the anti-crime campaign. Chief Procurator Liu Fuzhi, in a speech on 24 December 1989 in Guangdong province, was quoted by the news agency *Xinhua* as saying: "We must on our own initiative put ourselves under the [Chinese Communist] Party's leadership and accept the government's support and the supervision of the People's Congress". Amnesty International is concerned that interference by the Chinese Communist Party on the work of procuracies and courts may have led to pressure on these organs to convict and sentence some defendants especially severely, leading in some cases to death sentences being imposed.

On 7 May 1990, the Shanghai newspaper *Jiefang Ribao* (Liberation Daily) called on courts and procuracies to "obey the Party's absolute leadership". Procuracies are in charge of the investigation and prosecution of defendants. On 21 August 1990, *Xinhua* reported an increase in the number of CCP branches ("political organizations") within procuracies:

"Procuratorial organs at all levels throughout the country have strengthened their leadership over political work and paid attention to setting up political organizations.

So far, procuracies in 12 provinces, autonomous regions and municipalities have established their political departments while in 10 other provinces, autonomous regions and municipalities are in the process of establishing such departments. Nearly 90% of branch and city procuracies have set up their political organizations. Political organizations have also been established in 1,045 county, city and district procuracies, accounting for 34% of the total, and full-time political co-ordinators have been appointed in 665 of these procuracies..."

According to a *Xinhua* report on 21 July 1990, a conference of presidents of Intermediate People's Courts of Guangdong province "held that Guangdong's social order situation is still very grim. The broad masses of police officers and policemen in Guangdong must be ideologically ready to carry out a long-term struggle aimed at improving and strengthening social order."

Gu Nianzu, president of the Higher People's Court of Shanghai argued that the practice of "lawfully and promptly handing down heavy sentences" against certain categories of criminals "has been well received by the masses". He was speaking on 16 June 1990, after "a number of criminals" were executed in Shanghai, following a series of mass sentencing rallies.

Li Yongjin, president of the Higher People's Court of Hebei province reported in April 1990 that "People's Courts at all levels throughout the province resolutely implemented the guidelines of the Fourth and Fifth Plenary Sessions of the 13th CCP Central Committee" and that they had done so "under the leadership of the Party committees, the supervision of the People's Congresses and the support of the government and various organizations". He indicated that in 1989, the total number of death sentences (including those with a two-year stay of execution) and life-imprisonment sentences in the province had increased by 24.8% over 1988. He indicated that for "economic crimes" the increase was 84.2%, but he gave no specific figures of the actual number of executions.

The campaign to "sternly crack down" on crime was reportedly led by the Political-Legal Department of the CCP.⁴ It was endorsed by the Public Security Bureau (police), the procuracies and the courts. Amnesty International fears that the close links between the CCP Political-Legal Department, law enforcement and judicial organs may have resulted in political interference in the handling of criminal cases, including death penalty cases. In the context of the anti-crime campaign, Amnesty International is concerned that individuals who would not have been sentenced to death in ordinary circumstances may have been sentenced to death and executed as a result of such political interference. It is also concerned that official emphasis on the speedy investigation and sentencing of death penalty cases may have deprived defendants of the opportunity to obtain a fair trial. In its September 1990 document, Amnesty International has detailed its concerns about regulations providing for the speedy trial of certain categories of defendants under regulations adopted at the time of the 1983 anti-crime campaign.

The nationwide anti-crime campaign publicly called on the Public Security Bureau, the procuracies and the courts to "heavily and rapidly" punish criminals charged with serious

⁴ See *Renmin Gong'an Bao* (People's Public Security Journal), 12 July 1990.

crimes. Courts were enjoined to "sentence to death those who deserve death", while remaining lenient towards others, principally those who "confess to their crimes". Zhou Yongping, a vice-president of the Higher People's Court of the southern province of Guangdong was quoted in June 1990 as calling for "those who should be put to death to be killed without delay".⁵

Mass Sentencing Rallies

Thousands of mass sentencing rallies were held across China in recent months. Hundreds of death sentences were publicly announced during these rallies where prisoners were displayed in front of large audiences and the charges against them read out. On 18 September 1990 in the southern city of Guangzhou 65 prisoners sentenced to death were displayed at 11 rallies held in various districts. All the prisoners were reportedly executed shortly thereafter.

Mass sentencing rallies are not public trials, but take place after trials are completed. In some cases, the sentencing rallies occurred before the death sentences of all the prisoners displayed had been reviewed and approved by the provincial Higher People's Courts.

Amnesty International believes that the public display at mass sentencing of prisoners sentenced to death is a form of degrading treatment, prohibited by the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, to which China became a party in 1988.

Parading of Prisoners Prior to Execution

On several occasions groups of people sentenced to death were publicly paraded through cities after mass rallies and subsequently taken to execution grounds and shot. These parades took place in violation of Chinese regulations which expressly forbid the public display of prisoners other than at sentencing rallies.

Illegal parades of prisoners about to be executed were reported last year in Guangzhou and in Xian (Shaanxi province). In Xian, 28 people were reportedly paraded on 28 July 1990 before being brought to the execution ground and shot. On 28 December, 39 others were paraded at midday in the city centre. The 39 prisoners were standing in groups of two on the back of open lorries, their arms tightly bound behind their backs. Some had a paper placard on them, indicating their name and the crime they were accused of. Some of the lorries carried the inscription: "Death Penalty Vehicle".

Amnesty International's Concerns and Recommendations

Amnesty International is opposed to the death penalty in all cases on the grounds that it constitutes a violation of the right to life and that it is the ultimate form of cruel, inhuman and degrading treatment.

The organization is reiterating its call on the Chinese Government to abolish the death penalty and to stop practices such as mass sentencing rallies and public parades of prisoners, which in its view amount to degrading treatment of prisoners.

⁵ See *Yangcheng Wanbao* (Yangcheng Evening news), Guangzhou, 23 May 1990.

The United Nations has endorsed the goal of worldwide abolition of the death penalty. In moving towards this goal, it is essential that internationally agreed safeguards and restrictions be observed in all countries which have not yet abolished the death penalty. Amnesty International considers that several of these safeguards and restrictions are not observed in the People's Republic of China and calls on the government to adopt the following measures in line with international standards:

- to ensure that every prisoner accused of an offence punishable by death is afforded all facilities, including free access to a lawyer of his or her choice, for a fair trial before an independent, competent and impartial tribunal, and that the rights of the accused are protected at all stages of the judicial process;
- to ensure that everyone sentenced to death has the right to seek pardon or commutation of sentence;
- to ensure that people aged under 18 at the time of the offence are not sentenced to death or executed;
- to stop practices, including mass sentencing rallies and the parading of prisoners prior to execution, which constitute a form of cruel, inhuman and degrading treatment;
- to ensure that the scope of the death penalty does not extend beyond the "most serious crimes" and to take steps towards total abolition of the death penalty, including the restriction of the number of offences punishable by death.

In addition to these safeguards and restrictions, Amnesty International would welcome the initiation of official studies into various aspects of the use of the death penalty in relation to official policy, its relation to crime rates, its discriminatory application to various segments of the population and the suitability of alternative punishments.

PHOTOGRAPHS: EXECUTIONS, PARADES OF PRISONERS BEFORE EXECUTION AND DISPLAY OF PRISONERS' PHOTOGRAPHS

EXECUTIONS IN CHENGDU

This series of two photographs is believed to have been taken in Chengdu, capital of Sichuan Province, sometime in the beginning of July 1989. On 11 July 1989 Chengdu radio reported the execution of Zhou Qi, He Xiaokang and Chen Guangping after they were paraded through Chengdu at a mass rally. All three men were convicted of "beating, smashing, looting and burning" during the violent protests in Chengdu in June 1989. Zhou Qi is the only prisoner who is identified in the photographs.

Photo 1: At an execution ground on the outskirts of Chengdu, officials (probably from both court and procuratorate) line the prisoners up before they are shot. The firing squad, carrying rifles over their shoulder, wait in the background. Zhou Qi can be seen kneeling second from the right.

Photo 2: Officials make sure that the men are dead. Zhou Qi is lying in the foreground, a paper sign on his body states his name and the crimes of which he was accused.

PARADES OF PRISONERS BEFORE EXECUTION

Photos 1,2 and 3: A series of photographs taken on 28 December 1990 depicting three different trucks in which prisoners sentenced to death are being paraded around the city of Xi'an, capital of Shaanxi Province, before being brought to an execution ground and shot. There were about 20 lorries carrying 39 prisoners in all. Each vehicle is marked on the side with the words *sixing che*, "death penalty vehicle", and carries two prisoners bearing their name and crime on a sign round their neck. The execution of the 39 prisoners was reported in the press on 31 December 1990. (c) W. Robinson

Photos 4 and 5: Two photographs taken on 10 July 1990 depicting two different trucks in which prisoners sentenced to death are being paraded around the city of Huhehaote, capital of Inner Mongolia, presumably before being brought to an execution ground and shot. Each vehicle carries one prisoner bound to a wooden stake.

DISPLAY CASE OF DEATH PENALTY PRISONERS

Photo 1: This photograph was taken on 27 August 1990 outside the police station in Xiahe town, near Lanzhou city in Gansu Province. It shows a number of prisoners, believed to be both Chinese and Tibetan, who have either already been executed or who all face imminent execution.