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PEOPLE'S REPUBLIC OF CHINA
The Death Penalty in 2000

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Amnesty International has recorded 1,939 death sentences and 1,356 confirmed executions in China in 2000. This figure includes a number of sentences handed down in 1999 but reported in 2000. The figure for death sentences does not include a large number of probable death sentences deduced from ambiguous reports. These figures are believed to be far below the actual number of death sentences and executions in China during the year. They are based on public reports which Amnesty International has monitored and recorded. Only a fraction of death sentences and executions carried out in China are publicly reported, with information selectively released by the relevant authorities.

These minimum figures for 2000 reveal a state which sentences to death, on average, over 37 people a week and - as throughout the 1990s - executed more people than the rest of the world put together. From 1990 to the end of 2000, Amnesty International has recorded a figure of over 29,538 death sentences in China and over 19,520 executions. National statistics on the death penalty remain a state secret in China.

The attached report analyses the use of the death penalty in China in 2000 and examines sentencing patterns and the legislation behind the death penalty in China. A separate report, entitled The Death Penalty Log in 2000 *(ASA 17/031/2002)* which gives a chronological listing and details of the death sentences and executions recorded is also available.

Amnesty International is the only international organization which systematically monitors and records executions and death sentences in China. This report and the accompanying Log, although published some time after 2000, is therefore a public record of the reported deaths sentences and executions and forms part of the material available to analyse trends and cases in the application of the death penalty in China.

Amnesty International opposes the death penalty unconditionally on the grounds that it constitutes the ultimate form of 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. Amnesty International also has concerns about the way in which the death penalty is applied in China, the speed and fairness of trials and the wide range of offences punishable by the death penalty.

This report summarizes a 17 page document (10,700 words): **PEOPLE'S REPUBLIC OF CHINA: The Death Penalty in 2000** *(AI Index: ASA17/032/02)* issued by Amnesty International in July 2002. Anyone wishing further details or to take action on this issue should consult the full document.

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PEOPLE'S REPUBLIC OF CHINA

The Death Penalty in 2000

Amnesty International has recorded 1,939 death sentences and 1,356 confirmed executions in China during 2000. These figures include a number of sentences handed down in 1999 but not reported until 2000. As in previous years, many of the numerous press reports from China in 2000 which refer to "group" executions without revealing individual names or the full number of people executed cannot be fully represented in this total.[1]

These figures are believed to be far below the actual number of death sentences and executions in China during the year. They are based on the public reports which Amnesty International has monitored. Only a fraction of death sentences and executions carried out in China are publicly reported, as information is selectively released by the relevant authorities. Included in these figures are reports of the execution of political prisoners. Also included are death sentences imposed on defendants who appear to have been under 18 at the time of the alleged crime - such sentences are contrary to Chinese law.

These minimum figures for 2000 reveal a state which sentences to death, on average, over 37 people a week and - as throughout the 1990s - executed more people than the rest of the world put together.

From 1990 to the end of 2000 Amnesty International has recorded a figure of over 29,536 death sentences in China and over 19,520 executions.

In many of the cases monitored, there are very few details and Amnesty international is unable to ascertain the defendant's alleged crimes or the circumstances surrounding their arrest, trial and subsequent sentencing or execution. It is believed that many of those sentenced to death did not have fair trials and may have been subjected to torture to obtain a confession.

The death penalty in China falls predominantly on people with a low educational and social standing. Amnesty International has monitored numerous death sentences being imposed on migrant workers who are often marginalised in the cities and labeled by the local population as the main source of crime. It is also significant that the largely white-collar crimes of corruption, embezzlement and fraud appear to be more often punished by a two-year suspended death sentence than other crimes punishable by the death penalty.

This report analyses the use of the death penalty in China in 2000 and examines sentencing patterns and the legislation behind the death penalty in China. A separate report, entitled The Death Penalty Log in 2000 *(ASA 17/031/2002)* which gives a chronological listing and details of the death sentences and executions recorded is also available.[2]

[1] Reports stating that a "group" or "several" people have been sentenced to death are included in the figure as one sentence. Similarly, an ambiguous report stating for example that "15 people received sentences of between 10 years and the death penalty" is included in the figure as one death sentence only.

[2] Amnesty International's more general concerns about the death penalty in China can be found in "People's Republic of China: The Death Penalty in China: Breaking Records, Breaking Rules" (*ASA 17/38/97*). Changes in the provisions related to the death penalty in the Criminal Procedure Law are described in: "People's Republic of China: Law Reform and Human Rights" (*ASA 17/14/97*, March 1997).

Amnesty International opposes the death penalty unconditionally on the grounds that it constitutes the ultimate form of 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. Amnesty International also has concerns about the way in which the death penalty is applied in China including the speed and fairness of trials and the wide range of offences punishable by the death penalty.

Widespread use of the death penalty - international trends

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crimes more effectively than other punishments. The Special Rapporteur for the United Nations on extrajudicial, summary and arbitrary executions, Asthma Jahanhir, stated in 1997 that "the death penalty is not an appropriate tool to fight the growing crime rate in China" and "should be eliminated for economic and drug related crimes".[3]

Since the revision of the criminal law in 1997, Chinese officials have stated on several occasions that the use of the death penalty has declined dramatically. However this is not borne out by the monitoring of cases by Amnesty International. The organization has seen instead a change in the media reporting of cases and a decrease in the number of reports giving full confirmation of execution.

In addition, since April 2001, China has been in the throes of a nationwide mass crackdown against crime which has seen a dramatic rise in the number of executions. In the three months from April 2001 to June 2001, Amnesty International monitored 2,960 sentences and 1,781 executions - a figure which reveals during these three months China sentenced to death more people than the rest of the world sentenced in the past three years.

> ***"I think abolishing the death penalty is a humane act, as some foreign countries have already done....It's a symbol of social development and civilization."***
>
> Wang Jianping, father of a woman sentenced to death for the intentional injury of her sister and nephew

In 1999, in her annual report to the United Nations The Special Rapporteur for the United Nations on extrajudicial, summary and arbitrary executions, Asthma Jahanhir stated that she was "pleased to note that the revisions to the Criminal Code will serve to better protect the rights of defendants in criminal cases. However, the Special Rapporteur continues to be concerned at the great extent to which the country applies the death penalty and regrets that the revisions to the Criminal Procedure Code fail to decrease the number of capital offences." [4]

One article from a Hong Kong magazine cited a report from the Central Commission of Political Science and Law [5] as stated that from "early" September 2000 to 15 October 2000, the "political science and law departments nationwide pronounced judgement on 158,500 offenders, including 515 who were given the death penalty and executed in accordance with the law". This means that the monthly national figure for executions could therefore be in the region of around 400 giving an average national total of executions of almost 5,000 (over four times the amount currently monitored by Amnesty International). However, given the severe lack of any reliable statistics or additional figure it is not possible to estimate conclusively.

[3] Report for 1996; E/CN.4/1997/60/Add.1.

[4] E/CN.4/1999/39/Add.1 Report of the SR on extrajudicial, summary and arbitrary executions: country situations, 6.01.99.

[5] As reported in Cheng Ming magazine (Open magazine) in SWB FE/D3988/G 031100

Amnesty International continues to call upon the Chinese government to make public, national statistics on the imposition of the death penalty. Only then can claims of a reduction in the use of the death penalty be taken seriously. Instead such statistics remain a state secret.

In the face of calls from international bodies, including the European Union and the United Nations, endorsing and promoting the global trend towards the reduction in use and abolition of the death penalty, the Chinese government still maintain that they need the death penalty for reasons of "social stability". [6] Despite the worldwide trend towards abolition, through the use of "strike hard" anti-crime campaigns, the Chinese authorities are sentencing more people and executing more people now than they have done in recent years.

ANALYSIS OF SENTENCING TRENDS

Continued "Strike Hard"

Periodic anti-crime crackdowns - generally called "strike hard" against crime (yanda) have been implemented in China in recent decades as an official response to the rising crime rate. Often a "strike hard" may exist in a particular province or against a particular crime - such as corruption - but only periodically is it extended to a national level when judicial, police and other officials are all urged to "strike hard severely" against certain crime types. Prior to 2000, the last major national "strike hard"s took place in 1983 and in 1996. Such campaigns are marked by mass executions and many cases of summary justice.

During a "strike hard" anti-crime campaign people are often sentenced to death or executed for crimes which may have received a lesser penalty at other times or in another region. In some cases public rallies are held to mark the start of a new "strike hard". Amnesty International is concerned that in effect, this can mean people are being sentenced to death for reasons of political expediency. Often the media reporting during these campaigns is more inflammatory and sensational than at other times.

Throughout 2000, national and local "strike hards" continued throughout China in selected provinces and against selected crimes depending on regional and local priorities or conditions.

Peaks of Sentencing

Death sentences and executions are more numerous in advance of major events, public holidays and anniversaries. The chart below shows very clearly some peaks in sentencing which occurred in China at the beginning and end of the year and in the run up to Chinese New Year in the beginning of February, the anniversary of the founding of the People's Republic of China on 1 October 2000 (National Day), and the marking of 'International Anti Drugs day ' on 26 June 2000.

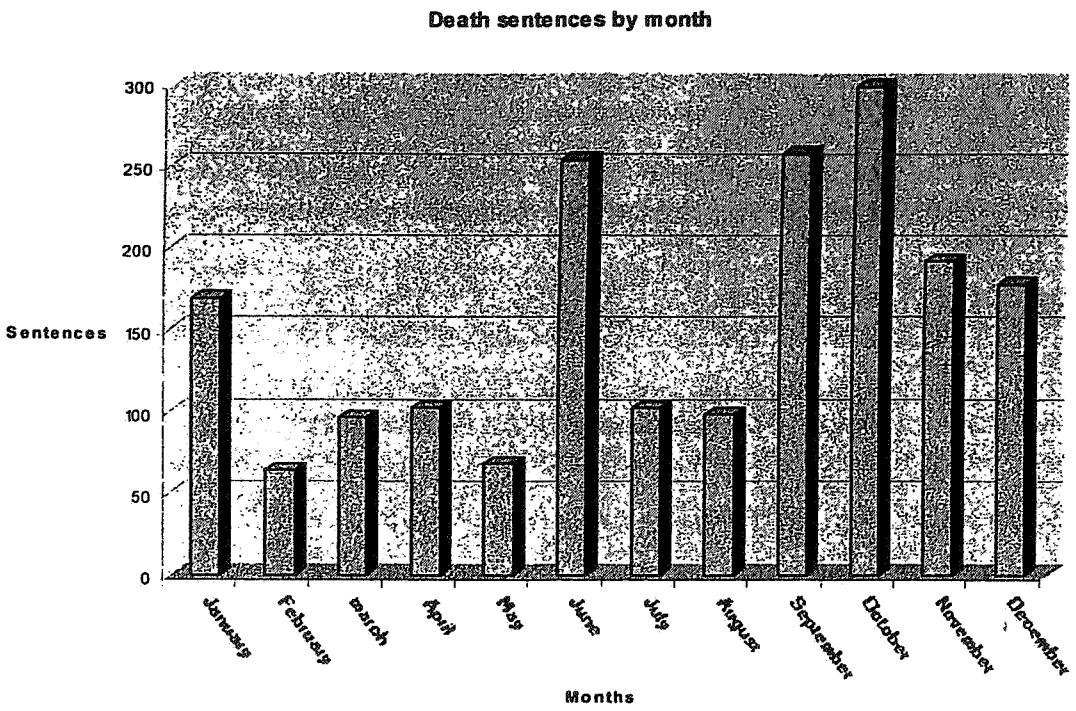
For example, in Guangdong province, in a reported crackdown on crime before National Day, sentences were handed down on 2,372 people, with 747 given 'heavy sentences' and 54 were given either death sentences or death sentences with a two-year suspension. The exact numbers sentenced to death remain unknown. [7]

In Beijing, five people were executed on 1 June 2000 to mark International Children's Day , a further sixteen co-defendants received varying terms of imprisonment. It was reported that the majority were sentenced to death for abducting and selling children and the executions followed the nationwide launch of a four month campaign aimed against the abduction and sale of children and women, a practice which has been growing in recent years. [8]

[6] European Union Reports, 21 December 1999

[7] Xinkuaibao, 26 September 2000 and Agence France Presse, 26 September 2000

[8] Beijing Evening News, 30 May 2000, Agence France Presse, 30 May 2000 and Reuters, 31 May 2000



Ill-treatment of Prisoners Sentenced to Death, Public Rallies and the Parading of Prisoners

Chinese laws and regulations allow for the indefinite use of handcuffs and shackles on prisoners sentenced to death. Such prisoners are usually kept handcuffed and some also have their feet shackled from the time they are sentenced to death until their execution. The use of leg irons and chains as instruments of restraint is prohibited by international human rights standards. The application of leg irons and the prolonged use of other restraints amount to cruel, inhuman and degrading treatment and add to the cruelty of the application of the death penalty.

In one case, reported by the Chinese media, a journalist managed to secure an interview with a 36 year old man from Hunan province who was awaiting execution for the murder of his wife . Yu was found by the reporter to be in hand manacles and foot irons waiting for his execution. It was not clear how long he had been shackled.[9]

The Criminal Procedure Law outlaws public executions but does not expressly prohibit the public display of prisoners sentenced to death. The parading and humiliation of condemned prisoners at mass rallies or in trucks on the way to execution grounds remains common, even though a series of regulations

[9]Inside and Outside Court, Issue 5, 2000 and Hunan Population News, 18 February 2000

outlawing such practices have been issued by government and judicial authorities since the 1980s. [10]

As in previous years, mass rallies, public sentencing rallies and televised events were held all over China in 2000. Often the prisoners were executed immediately after the rally. Some rallies occur in conjunction with specific anti-crime crackdowns or to sentence a group of people involved in one case or one type of crime. At such rallies, prisoners are made to stand facing the audience with their hands tied behind their backs, wearing placards on their chests listing their names and alleged crimes. They are usually forced by the police or soldiers to keep their heads bowed. In some cases, their feet are also chained and their mouths gagged with rope or wire tied tightly at their backs to prevent them from speaking or shouting. Amnesty International believes that such practices constitute cruel, inhuman and degrading treatment and add to the inherent cruelty of the death penalty.

Usually rallies are held in public areas so that huge crowds can gather to watch the sentencing. For example, Chen Dequ was executed after a mass rally on 7 April 2000 in Sanming city, Fujian province which was reportedly attended by several thousand people .[11] In March, in Lhasa, Tibet Autonomous Region, rallies were held which were reportedly attended by some 30,000 people. After the rallies a total of seven unnamed people were executed

Often prisoners are taken straight from the rallies to be executed nearby, for example in deserted fields or enclosed courtyards. In many cases the local populace know of these sites and can hear the shots being fired. With the advent of lethal injections as a method of execution it is likely that more executions will take place in hospitals or clinics linked to prison or police facilities.

CRIME TYPES

As in previous years, people were executed and sentenced to death in 2000 for a wide variety of crimes. The revised Criminal Law of 1997 includes nearly three times as many capital offences as the 1980 version, since almost all of the capital crimes introduced in the interim, through decisions of the National People's Congress (NPC) Standing Committee, have been included. Many crimes are punishable by death if they are 'extremely serious' , but this is not properly defined in law. These and other regulations surrounding the death penalty remain vague and open to abuse.

Drug Crimes

As in previous years, a large proportion of reported death sentences monitored by Amnesty International in 2000 were imposed for drug related crimes. Many were sentenced or executed on or around 26 June which is International Anti Drugs day. A large proportion of those cases reported in the media at that time seem to have been cases of people convicted earlier of drug crimes but whose sentences were announced only in June to make the sentences or execution details public as part of the annual media spotlight given to drug related crimes.

One example is that of Weishan county in Yunnan Province, where it was reported that Yongzhen prefecture and Dacang township were 'hotbeds' of drugs despite continuing campaigns. [12] At the fifth such anti drug rally held on 5 June 2000, five people were executed after the rally and a further 25 were sentenced to unknown sentences (possibly including the death penalty), the arrest of another 34 for drug related crimes was also announced. After the mass rally, the homes built by those executed were publicly demolished.

[10] This prohibition was repeated in 1998 - The Supreme Court Interpretation of Specific Questions on the Implementation of the Criminal Procedure Law (No. 23) which states that "Executions shall be announced. Parading in public (*youjie shiwei*) or other actions which humiliate the person being executed are forbidden".

[11] Fujian Daily, 8 April 2000

[12] People's Court Daily, 6 June 2000

Despite the extensive use of the death penalty against drugs and the heightened use of death sentences, rallies and executions for drug related crimes on or around 26 June, official media reports continue to state the increasing problem of drug abuse and smuggling. For example in Beijing, where seven people were executed for drug smuggling on 27 June, the drug problem continued to increase and the report stated that there were 4,900 cases of drug related crimes from 1999 to March 2000.[13]

Economic Crimes

People were sentenced to death or executed for a variety of non-violent economic crimes ranging from tax and value-added-tax fraud to counterfeiting, embezzlement and credit card theft. In some cases the amounts of money involved are very large but in others appear relatively small. For example, the Sichuan Countryside Daily reported on 16 October 2000 that Gu Yuanbin, a worker at a cigarette factory was sentenced to death on 5 September 2000 for corruption. It was alleged that he had taken official (tax) forms that had been thrown away and illegally used them to gain money totaling 1,29,725 yuan (US $15,686).

One major case of corruption in 2000 related to smuggling occurred in Xiamen, a eastern coastal city. The case involved dozens of government officials, party officials, police officers and entrepreneurs. At least 14 people have been sentenced to death in the trial and another 70 people were sentenced to lesser terms of imprisonment. Some 200 government officials were alleged to have been involved in a 53 billion Yuan (US $6.6.billion) corruption and smuggling racket.

Theft

Under the revised Criminal Law, the death penalty should only be applicable to crimes of theft involving "theft of particularly large sums from financial institutions" and "serious theft of precious cultural relics". For example, it was reported that on 23 October 2000, Wang Chunbao, a 36 year old farmer and Xu Guangshan, a 41 year old farmer were executed for allegedly stealing Han Dynasty artefacts from ancient tombs in Jiangsu province.[14] In Shanxi province, February 2000, three people were executed for the crime of stealing artefacts from ancient tombs, having been convicted of digging up a Tang Dynasty grave and stealing several wall paintings, some of which they sold.[15]

Cases of robbery continue to be noted which appear to involve relatively small amounts of money and in which any form of violence is reported. For example, Zhao Sulian, a 37 year old woman was sentenced to death for robbing men of their watches and 50,000 Yuan (US$6,045). [16]

Langfang City Intermediate People's Court made a public announcement of the death sentences imposed in Dachang county on four farmers from Tongzhou county, Beijing municipality, for damaging electrical equipment. It was reported that between 1998 and 1999 the four had committed 29 offences including stealing 38 electrical transformers, 2195kw of electricity, and some 8km of cable - all valued at some 340,000 Yuan (US$41,000). [17]

Spying

In July 2000, Yang Mingzhong was sentenced to death and other defendants were sentenced to varying

[13] People's Daily, 26 June 2000

[14] Jiangsu Legal News, 27 April 2000; Procuratorial Daily, 27 April 2000 and other sources.

[15] Wenhui News, 14 February 2000

[16] Yangste Evening News,04 February 2000

[17] Hebei Politics and Law News, 23 August 2000 and Hebei Farmers' News, 3 August 2000

terms of imprisonment, on charges of spying for Taiwan, by the Beijing City Intermediate Peoples Court.[18]

"Separatism" [19]

After several and anti-Chinese protests by Uighurs and bombing incidents attributed to underground Uighur independence groups in 1997, a crack-down on suspected Muslim nationalists and religious leaders intensified and "separatism" has been a major target of regional and national "strike hard" campaigns. Unrest in the Xinjiang Uighur Autonomous Region (XUAR) is growing and there is a continuing trend of sentencing to death ethnic Uighurs on charges relating to state security. Additionally the XUAR is the only region of the People's Republic of China where political prisoners are known to have been executed in recent years. Most of those sentenced to death in the region have been accused of offences related to clandestine opposition activities, street protests, violent clashes with the security forces, or "terrorist" incidents. Amnesty International has continued to receive reports of the torture and ill-treatment of XUAR suspects and many of those prosecuted may have been held incommunicado for months and sentenced after unfair trials. [20]

Zulikar Memet, a Uighur from Gulja city, was sentenced to death by Ili City Intermediate Court on 25 July 1999, and executed on 14 June 2000. It was reported that following sentencing he was held in incommunicado detention and that he was tortured during interrogation and his conviction and sentence were based on a forced "confession". He stated in court that he was tortured but his statement was ignored and he was sentenced to death. Zulikar Memet was detained in 1998 initially on charges of "helping separatists" - including his brother Hemit Memet - to hide or escape abroad. According to information received there was no retrial or judicial review of his case.

Hemit Memet, Ilyas Zordun and Kasim Mapir were deported from Kazakstan to China in February 1999 and subsequently imprisoned in XUAR. It was reported that Hemit Memet was sentenced to death at a secret trial in June or July 1999. The three men were reported in late August 1999 to have been executed; there has been no official confirmation of their fate. [21]

Urumqi City Intermediate People's Court sentenced five people to death on 13 people on 18 January 2000. The five (Memmet Turson Khadir, Askher Zunon, Abduriyim Memet, Xukret (Sheket) Mahmut, and Adbunur/Ablimit), were executed on the order of XUAR High People's Court on 14 June 2000 following a public sentencing rally held by Urumqi City Intermediate People's Court. Eight other unnamed people were also executed at the same time.[22]

[18] Guangzhou Daily, 16 July 2000 and Reuters, 16 July 2000

[19] For more details about conditions in the Xinjiang Uighur Autonomous Region see Amnesty International: People's Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region (ASA 17/18/99).

[20] Following the attacks of 11 September 2001 in the USA, China has intensified its political crackdown in the XUAR, branding those in favour of independence for the region as "ethnic separatists" or "terrorists". Unconfirmed reports suggest that China has put significant political pressure on neighbouring countries to return those it suspects of being involved in "terrorist" activities. In December 2001, revisions were made to the Criminal Law which may increase the application of the death penalty for alleged "terrorist" and "separatist" crimes.

[21] Agence France Presse, 17 June 2000 and ETIC (Eastern Turkistan Information Center) 15 November 2000

[22] Agence France Presse, 24 January 2000; Xinjiang Daily, 20 January 2000, Xinjiang People's Broadcasting Station, 14 June 200; BBC, 15 June 2000 and others

Prostitution

Convictions for the crime of organizing prostitution and pimping are relatively recent in China but carry the death penalty and are increasing in num bers.

Liu Chunyang, described as a graduate and prize-winning worker, was sentenced to death by Beijing City No. 2 Intermediate People's Court f or keeping a brothel.[23] T he report indicated that the brothel's list of clients included government officials, administrators, company bosses and commercial figures, as well as men on military service and university research students.

It was reported by the Beijing Youth Daily that in a crackdown before National Day, the death sentence was handed down to an unnamed 20-year-old woman, described as the ringleader of a group of people convicted of organizing prostitution. Another person, described as her partner-in-crime, was sentenced to life imprisonment; seven other co-defendants received sentences ranging from six to 12 years' imprisonment.[24]

Crimes by Officials

As in previous years, there were several convictions for officials, such as policemen, who were accused of abusing their position or their official tools. Although Amnesty International has monitored many cases of the torture and ill treatment of prisoners and criminal suspects as well as the ill-treatment of migrant workers and people detained during the implementation of the one-child policy, there are very few actual convictions or cases where the perpetrators are brought to justice. [25]

Liu Dezhou, a police officer from Henan province was sentenced to death on 24 July 2000 for the crime of shooting three people (two of whom later died) while drunk .[26]

Another case involved Du Shugui, deputy head of a police station in Bazhou town, Hebei Province. [27] It was reported that he was sentenced to death on 30 June 2000 for murder. Du was accused of being involved in a traffic incident with another car while driving the police station's minibus. Du, his wife Tong Jianhua and son Du Hui were angry the other car did not slow down, so forced it to stop. They then insulted the driver while Du got his gun out of his minibus and shot the driver. It was reported that they then drove away and attempted to cover up the events.'[27]

Mitigating Circumstances and Excessive Punishment

Many of the cases reported in the Chinese media reveal that crimes have been committed in situations where individuals have been suffering from emotional distress, severe poverty, and violence. Death sentences have been handed down in many cases where mitigating circumstances have also been reported such as the violence of a spouse leading to unpremeditated murder in self defense or extreme hardship leading to theft and violence. Mitigating circumstances are no excuse for crime, and Amnesty International does not condone such criminal acts. However, carrying out executions where mitigating

[23] Legal Daily, 6 October 2000

[24] Beijing Youth Daily, 26 September 2000 and Agence France Presse, 26 September 2000

[25] For more details please see "China: Torture - a growing scourge in China - Time for Action (ASA 17/004/2001)

[26] Guangming Daily, 25 July 2000; Henan Daily, 25 July 2000 and Inside and Outside Court News, Issue No.11 2000.

[27] China Youth Daily c. 4 July 200.

circumstances are demonstrated contradicts the Chinese government's stated policy "not to kill when this is not absolutely necessary" and executing only "extremely abominable" criminals.

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions has made statements about mitigating circumstances in capital cases relating to domestic violence. On 30 September 1998, she made an appeal to the authorities in Trinidad and Tobago not to execute a woman, Indravani Pamela Ramjattan, sentenced to death in May 1995 for the killing of her common-law husband. The appeal, among other points, stated clearly that the abuse, violence and rapes which she suffered at the hands of her common-law husband should have been and were not considered by the investigating authorities or the courts as mitigating circumstances. The Special Rapporteur stated in the appeal that she:

"considers that domestic violence of the nature seen in this case must now necessarily be accepted by all jurisprudence as legitimate mitigating circumstances in any crime committed in such situations. The death penalty is too harsh a punishm ent for a crime committed in such situations." [27]

The following cases show how China is disregarding mitigating factors such as self defence, extreme violent provocation and terminal illness and instead is sentencing people to death who often have been the victims of violence or great hardship for many years.

One example is that of Chen Xiumei, a 30 year old woman who, after becoming depressed, attempted to drown herself and her three young daughters by wading into a river in January 2000. She then became frightened and called for help. A fisherman who heard her cries managed to save her but the children died. She was then sentenced to death for murder on 6 November 2000 by Heyuan City Intermediate People's Court.

Zhu Guocun was sentenced to death around 12 August 2000 for the crime of murder. It was reported that Zhu, who was a retired man in his sixties, drowned his wife in a well as she was ill and unable to look after herself.[28]

Ling Aifeng, a 22 year old woman from Guangxi Zhuang Autonomous Region was sentenced to death for the crime of intentional wounding when she was convicted of throwing acid at her boyfriend. Ling Aifeng said she had been repeatedly beaten by her boyfriend, particularly during three pregnancies where he feared she would give birth to a baby girl. Her boyfriend's face was disfigured by the acid but no other injuries were reported. [29]

Ye Liang'ai was sentenced to death on 8 March 2000, along with two other men whom she had allegedly hired, in Zhejiang province for the murder of her husband. It was reported that she had offered 3,000 Yuan to the two men to beat up her husband. She allegedly took fright after they had beaten him and she had strangled him fearing his retaliation. It was reported that she had suffered repeated beatings during her 20-year marriage.Ye Linag'ai had often reported her beatings to the local forestry bureau and the disciplinary committee of the local Lin'an Public security bureau, where her husband worked but her reports had been ignored. After her sentencing, a group of women had collected signatures on her behalf and calling for leniency.

[28]Henan Legal News, 12 August 2001

[29]Democracy and Legal System Pictorial, 25 April 2000

W u Yuping was executed around April 2000 for murder after he stabbed his friend with a knife following a serious argument the night before during a mahjong game with his wife and friend. Wu Yuping had lost 12 yuan and refused to play further. An argument ensured which led to his wife committing suicide the following morning, after which Wu later stabbed his friend. No further details were available.[30] People of low educational and social status are more likely to be sentenced to death. The Qinghai Legal System News of 15 may 2000 reported the case of a woman called Li Fang who was sentenced to death for murder. After the failure of her marriage she wanted to live with another man who would only accept her if she was divorced. She reportedly did not know of her right to divorce, and strangled her husband to death. The report also mentions that Li Fang apparently did not realize that she was going to die until a few hours before the actual execution as she did not understand the legal process nor that she had legal rights to a defence. [31]

Yangtse Evening Post - 2000.12.20 (excerpts)

In December 2000, Henan Ruzhou City Court held a sentencing rally in the Ruzhou Theatre Square and Chen Zhiqiang was executed. In an interview before the execution, Chen gave his story to a reporter at the Yangtse Evening Post.

"Chen Zhiqiang was a quiet and hard working peasant from Ruzhou with good relations with others. In 1991, when he was 19, he married Wei Xiangju, 20 years old. Wei loved talking and smiling, quite different to him. They lived happily and harmoniously together, loved each other and did not quarrel. The next year they had a son.

In 1997 they built a spacious new house. Due to ill health in the family, things became hard economically. Wei suggested Chen went away to work - rather than work on the land and their relations deteriorated. Wei secretly sold her blood. At spring festival 1999, she met another man, Wang Jian who suggested she went away with him to earn more money and have fun. In March 1999, Wei went to live with Wang, leaving her 8-year-old son behind. The family looked for her and her father eventually found her 20 days later, and took her back to his house. Wang then came to get her back but the family paid Wang Jian 120 yuan to compensate him for what Wei had spent at his house.

Wei came back to live with Chen, and he forgave her. Then they discovered she was pregnant by Wang Jian and relations deteriorated as Chen became withdrawn. In September 1999, during rice harvesting, Wei again suggested Chen should go away to work after the harvest. Chen was angry believing she would deceive him again. The next day they argued again about work, more fiercely. During the argument Chen hit her with a hammer and she lost consciousness. Chen then tried to kill himself first by jumping in the well and then by hitting his head. After failing to commit suicide he went to the police and confessed.

I asked him why he did not get a divorce. He said it is very expensive to marry - and that he did not know things would develop as they did. His last words before the execution were for his son, to be good as granny told him, that his father had wronged him."

[30] Liaoshen Evening News, 27 April 2000

[31] Qinghai Legal System News, 15 May 2000

Sentencing of mentally ill or disabled

Guo Peilong from Beijing, had been diagnosed as suffering from a personality disorder since 1984 but despite this diagnosis he was sentenced to death on 20 July 2000 by the Beijing No. 2 Intermediate people's Court for the murder of his parents. Reportedly Guo had smothered his sick father in March 1994 and starved his mother to death in March 1994. He confessed to the crimes in January 1999 and produced the skulls of his parents. It was reported that Guo had a history of mood swings and violence having beaten his wife and daughter as well as holding his brother captive for a day in 1989. A psychiatrist stated that he believed that Guo was suffering from diminished responsibility and had already been diagnosed as suffering from a mental illness. No details were given as to why a death sentence was imposed.[32]

The death penalty has also divided families as shown by the case of Wang Yi, a 28 year old woman from Nantong city, Jiangsu province, who was sentenced to death in June 2000 f or allegedly throwing acid in jealousy, over her younger sister and child. He sister is reported to have stated in an interview that "She destroyed my son...if Wang Yi gets the death penalty she deserves, it would at least be a sort of compensation for my son." Her parents, however reportedly insist their elder daughter is mentally ill and should be spared. The couple were attempting to appeal her sentence and find a doctor to conduct a thorough evaluation of Wang Yi's mental state. In an interview, her father stated that "If Wang Yi suffers from mental illness, she will have been unjustly charged and sentenced.. I think abolishing the death penalty is a humane act, as some foreign countries have already done"..."It's a symbol of social development and civilization." It is not known if Wang Yi has been executed or not. [33]

Sentencing of Juveniles

Revisions to the Criminal Procedure Law and Criminal Law, which took effect in 1997, have been examined in several Amnesty International documents. One welcome revision to the Criminal Law withdrew the applicability of the death penalty for pregnant women and all people under the age of 18 at the time of their alleged offence. Prior to 1997, juveniles between the ages of 16 and 18 and pregnant women could be sentenced to death with a two-y ear reprieve.

However, in 1999 as in 1997 and 1998, there have been several reported cases of defendants whose age has been in question and at least one case where it appears that the defendant was actually under 18 at the time of his alleged crime but was still sentenced to death. Such penalties would be in violation not only of Chinese law, but also of international human rights standards, in particular the Convention on the Rights of the Child to which China is a p arty.

One example is that of Li Wenyuan (not his real name). It was reported in the Qinghai Legal News that he was sentenced to death with a suspended two year reprieve on 15 January 2000 for the killing of a classmate.[34] It was reported that Li, a pupil in the lower third class at Dongxia Xiang Middle School in Datong county, Xining municipality, Qinghai province, had a fight with a schoolmate named Xie; following the fight Li was taunted by his father as a "loser". On 12 January 1998 Li quarreled again with Xie and after school he stabbed Xie to death, then to the mountains. The newspaper reports that his name was changed in the reports to that of Li Wenyuan to preserve his anonymity as he was a minor. However

[32] Law and News, October 2000

[33] Los AngelesTimes, 31 July 2000. It is often the case that when people come into close contact with the death penalty their alleged support for the penalty evaporates when faced with the reality and details of a case and capital punishment in general. For more information on this see, *The Death Penalty:A World-wide Perspective*, Roger Hood (Clarendon Press, Oxford, 1996)

[34] Qinghai Legal News, 27 December 2000

according to Chinese law if he was a minor he should not be sentenced to death at all.

Sentencing of Foreign Nationals, Residents of the Hong Kong Special Administrative Region (SAR) and Macao and extradition issues.

All death sentences involving Hong Kong, Macao and Taiwan affairs must be approved by the Supreme People's Court, but it is not clear if this safeguard has any impact in terms of a reduction in sentences or the increased likelihood of a two-year reprieve.

As in previous years the sentencing to death and execution of foreign nationals continued in China in 2000. In the majority of cases, the defendants were convicted of crimes such as piracy, drug trafficking and smuggling. For example in January 2000, 14 Burmese nationals were convicted of piracy, boarding a vessel on its way from China to India and putting the sailors into a life boat, to sell the contents of the ship. One of the 14, Maung Htay Aung was executed on 31 January 2000. [35]

Described as "Shaanxi's most corrupt embezzler", Zhou Changqing was sentenced by Xi'an City Intermediate People's Court. His appeal was rejected by Shaanxi Province High People's Court on 31 August 2000, and sentence upheld by the Supreme Court on 28 November 2000. He is presumed to have been executed but no confirmation has been found. A report indicated that in total Zhou corruptly obtained 48.23m Yuan (US$5.83m) and embezzled 2.72m Yuan (US$330,000).After gambling and losing most of the money in Macao, he took what was left and fled to the Republic of Ecuador. Chinese investigators, with the assistance of Interpol, arrested him in Ecuador on 18 May 1999 and took him back to China.[36]

On 7 January 2000, Fang Yong was handed over to the Beijing authorities by Canadian officials and was then tried for embezzlement and fraud and sentenced to death in June 2000 by Ningbo City Intermediate People's Court. Fang Yong, a former accountant with the China Bank of Communications, Ningbo city, was convicted of embezzling 1.6m Yuan (US$193,000) in public funds from the bank using forged documents and by other means, including computer fraud. It was reported that Fang fled China in 1990 and sought refuge in Canada where he claimed asylum. His claim was rejected by the Canadian immigration authorities and Fang went into hiding. He managed to remain undetected until 23 November 1999 when he was arrested for a traffic violation; he was deported from Canada and arrived in Beijing on 7 January 2000, when he was handed over to the police. It has been reported that the Canadian authorities stated that they did not realise he would face the death penalty. There are further reports that his sentence has been commuted to life after an appeal by the United Nations Special Rapporteur on extrajudicial, summary and arbitrary executions. [37]

LACK OF LEGAL SAFEGUARDS

In spite of positive revisions to the Criminal Procedure Law, reinforced by subsequent interpretations and regulations, Amnesty International remains concerned that legal safeguards for those accused in death

[35] Procuratorial Daily, 1 February 2000; China Daily, 2 February 2000; Reuters, 2 February 2000 and People and Law, 17 August 2000

[36] Yangtse Evening News, 28 May 2000;Xinhua News Agency, 11 January 2001; People and Law, 12 January 2001 and BBC, 5 February 2001

[37] Xinhua News Agency, 13 June 2000; Agence France Presse, 13 June 2000 and others

penalty cases remain inadequate[38]. International human rights standards generally require that the most careful legal procedures and all possible safeguards for the accused be guaranteed in death penalty cases, including the right to a fair and public hearing by a competent, independent and impartial tribunal, the presumption of innocence, the right to have adequate time and facilities to prepare the defense (including the right to have adequate legal assistance at all stages of the proceedings), the right to review of the conviction and sentence by a higher tribunal, and the right to seek pardon or commutation of the sentence.

Appeals

Defendants are very rarely successful in their appeals against death sentences. Appeals by the procuratorate or the victim's family against sentences they consider too lenient are more often reported as successful. For example, on 2 November 2000, Chen Jiasheng from Wuhan city in central China was executed for the murder and robbery of his landlord in 1993. It was reported that Chen originally received a more lenient sentence on 30 July 1997 in Wuhan. Chen then appealed against the sentence and the provincial court ordered the city court to retry the case. Following the retrial, Chen was sentenced to death with a two year reprieve,. However the Wuhan City procuratator appealed to the prov incial high people's court stating that the sentence was too lenient because Chen had shown no regret and his attitude was "bad". In July 1998, the provincial high people's court sentenced Chen to death and requested the Supreme People's Court to ratify the sentence. Chen was executed on 2 November, almost seven years after the crime occurred. [39]

Final Approval of Death Sentences

Under the Criminal Procedure Law, final approval of death sentences rests with the Supreme People's Court in Beijing. In presentations to UN bodies, China's diplomats continue to present this as a significant safeguard against overuse of the death penalty. However, subsequent legal interpretations issued by the court have delegated powers of final approval back down to the High People's Courts and Military Courts for the majority of crimes.[40] Some legal analysts in China have described this as unconstitutional as it nullifies an additional safeguard for defendants set out in national law.

Allegations of Torture and Miscarriages of Justice

Amnesty International continued to monitor reports of torture and ill treatment to extract confessions and information.

Zhou Xiaojun

Zhuo Xiaojun was sentenced to death in 2000 on evidence which an earlier court hearing had declared insufficient. He was convicted of "intentional killing" by Fuzhou City Intermediate People's Court on 14

[38] For more details see People's Republic of China: Law Reform and Human Rights (ASA 17/14/97); The Death Penalty in China 1996: Breaking Records, Breaking Rules (ASA 17/28/97); The Death Penalty in 1997 (ASA 17/28/98); The Death Penalty in 1998 (ASA 17/57/99).

[39] Procuratorial Daily, 5 November 2000

[40] *"Supreme People's Court "Notice on Delegating the Power of Approval of Death Sentences in Some Cases to High People's Courts and People's Liberation Army Military Courts"*, 26 September 1997. Final approval of the court was retained only in cases involving crimes of endangering national security, disruption of the order of the socialist market economy, embezzlement and bribery (chapter 1,3 and 8 of the Criminal Law); and for drug offences tried in provinces which had not had approval specifically delegated to them.

January 2000, in a blatantly unfair trial. His appeal against the sentence was heard on 28 November 2000 by the Fujian Province High People's Court. At the time of writing, no decision on the appeal has been announced.

Zhuo has been imprisoned since first being detained on 26 December 1989, after he was involved in a fight outside his home in Changle County during which three people were wounded, two fatally. He states that he was attempting to restrain those involved. He was initially sentenced to death by the Fuzhou City Intermediate People's Court on 7 September 1990 despite the case being returned to the investigators several times due to insufficient evidence. On appeal, on 23 January 1992, Fujian Province Higher People's Court decided that the principal facts of the case were unclear, and overturned the conviction, returning the case to the original court for a retrial. This began on the 15 January 1993, but was adjourned without judgement for seven years whilst "supplementary investigation" was undertaken. No other explanation was given for this lengthy delay.

The most recent trial hearing on 14 January 2000 lasted only a few hours. No witnesses were called and no new evidence was reportedly presented. Still, after a half hour adjournment for deliberation, the judges again sentenced Zhuo to death. Zhou alleges that his confession, which is believed to be central to the prosecution's case was extracted through torture. When first apprehended, Zhuo testified that he was suspended from handcuffs attached to the bars of a door with his feet in shackles, and was kicked, beaten and attacked with electric batons until he signed a confession. The procurator reportedly failed to record Zhuo's allegations of torture even though procuratorate staff had witnessed Zhuo suspended from the door and seen his wounds, the scars of which reportedly remain visible 10 years later.

The confession is also reportedly contradicted by the forensic evidence and witness testimony. The one person who later claimed to have witnessed Zhuo committing the stabbing was the uncle of the initiator of the fight, who fled the scene with the others involved, and who never returned to Changle county. The testimony of the uncle has reportedly substantially changed several times.

Zhuo's lawyer presented to the court witnesses' claims that the police had tortured, threatened or coerced them into signing pre-prepared false statements. Others, including judicial cadres, insist that the police record of their testimony is false. Records of key witness interrogations known to have taken place are missing from the case file. Zhuo's lawyer also highlighted major flaws in the police investigation.

Zhuo's family have apparently never been permitted to visit him in detention. Since 1992 the Detention Centre in Fuzhou City where Zhuo is held has reportedly asked them to pay for medication for his hepatitis, bleeding stomach, and ulcerating skin. During his latest trial, Zhuo also appeared unable to see clearly. For the 16 months between Zhuo's initial death sentence and successful appeal in January 1992 he was reportedly held in Changle County Detention Centre with hands and feet all shackled together at all times. He is currently believed to be held in similar conditions.

Chen Guoping, Zhu Yangqiang, He Guoqiang and Yang Shiliang

In another case, four young men, Chen Guping, Zhu Yangqiang, He Guoqiang and Yang Shiliang, were arrested for the crime of killing several taxi drivers during the course of robberies. None of the defendants were originally suspects for the crimes until one of the four men, Chen Guoping, confessed to them after torture.

The case began when Chen Guoping was accused of raping a local girl. He was fined the equivalent of $36 but he refused to pay and maintained his innocence. A few days later he was taken away and

reportedly tortured. After a few days, Chen Guoping confessed to the rape as well as having a role in the killing of taxi drivers (an earlier and as yet unsolved crime) and implicated more than a dozen of his fellow villagers. Some have fled the area, and others were not prosecuted for unknown reasons. Zhu Yangqiang, He Guoqiang and Yang Shiliang were arrested and tried along with Chen Guoping.The four men were found guilty of the murders and were sentenced to death in 1996.

However on appeal, the Hebei Provincial High People's Court effectively declared the cases to be insubstantial and stated that they believed the confessions were extracted under torture, that potential witnesses were threatened, that exonerating records were suppressed and key forensic tests were altered. However, the four defendants - two farmers, a truck driver and a factory welder whose ages range from 28 to 35 -- remain in detention. The case has been tried four times since 1996, the latest hearing was held on 20 October 2000. The Hebei Provincial High People's Court has returned the case for retrial three times stating that the "facts were not clear" and there was insufficient evidence. It is not known if their appeal against their latest sentence has been heard or not.

The families of the men all say that they have strong alibis for the night of the alleged murder. One of them, Zhu Yangqiang, was reportedly at home ill with an intravenous drip attached to him and medical records of his illness and treatment were taken by the investigators but have not been produced in court. It is reported that the four have all been beaten and tortured while in detention. It is alleged that the interrogators applied an electric prod to one man's genitals, inserted an electrified wire into the anus of another and beat one of the men with an iron rod.

According to one report

" The defendants have so far escaped execution only because their families -- all farmers and workers -- were willing to bear official persecution and severe financial strains to mount repeated legal appeals... although they have been jailed for m onths at a time for allegedly "protecting crim inals,"....

"We four families have protested and protested, but all we've ever met with from officials is curses and humiliation," said Yang Shuxia, the mother of a 28-year-old defendant, Zhu Yanqiang. "Year after year, every month, every week, every moment, this has hung over us." Wang Xioqin, the mother of Chen Guoqing, 30, another defendant, said: "These boys aren't the culprits. The authorities just picked on them because they think the com mon people won't fight back. ". [41]

Other cases

In many situations where there are miscarriages of justice, an innocent person who has been convicted is only released if and when another person is found to have committed the crime. Amnesty international cannot say how many wrongly convicted people are in detention and under sentence of death.

In a case in Kunming, seven people were executed on 25 October 2000, convicted of murder, and the theft of guns and ammunition. It was reported that from April 1997 until May 2000, the gang, disguised as military guards, killed 19 people, including two police officers, in a series of robberies. It was reported that Du Peiwu, the husband of one of the victims (Wang Xiaoxiang) who was shot dead on 20 April 1998 had earlier been arrested and sentenced to death for the murder of his wife and her police officer colleague allegedly believing them to be having an affair. After the murder of the two police officers, Du Peiwu was reportedly arrested, questioned and tortured.

[41] New York Times, 1 October 2000; China Youth Daily, 27 December 2000 and others

In October 1998 a case against him was brought and in December 1998 the Kunming City Intermediate People's Court began the trial. It was reported that Du Peiwu showed the court the scars he had received from his interrogation and claimed that he had been forced to confess. He also claimed that the forensic evidence given was wrong and out of date. However he was finally sentenced to the death penalty with a two year reprieve, after his appeal was rejected in October 1999. However, the gang members were apprehended in April 2000 and it was discovered that they had in fact killed the two police officers. Du Peiwu was then released and his Communist Party membership and job were returned to him. It was reported that he was in hospital receiving treatment.[42]

LETHAL INJECTIONS AND ORGAN TRANSPLANTS

Execution by lethal injection as an alternative to the firing squad was introduced in China in the revised Criminal Procedure Law in 1997. It was first introduced on an experimental basis in Yunnan province and its use is now beginning to spread. It was reported that Chendu municipality is now one of three courts experimenting with execution by lethal injection.[43] In June 2000, eight people were executed using lethal injection in Chengdu.

Lethal injection was reported as being "faster, safer and less traumatic, allowing extreme punishment which is at the same time humane in spirit and in keeping with world trends".[44]It has also been reported that "Doctors appointed by the relevant courts administer the injections".[45] The involvement of doctors in executions runs contrary to internationally accepted standards of medical ethics. The Chinese Medical Association is a member of the World Medical Association which is opposed to medical participation in executions.

There are compelling arguments to end judicial executions immediately, and the continued application of medical skills, techniques and medication to the extinction of human life at the behest of the state remains an abuse calling for the strongest rejection by organizations involved in health care. There are also well grounded fears that the use of lethal injections may facilitate the removal of organs from executed prisoners for transplantation - a practice which has been well-documented in China. Lethal injection can be used to execute a person without damaging crucial organs. This could lead to an ill-defined boundary between the execution itself and the subsequent resuscitation and removal of organs, since medical procedures involved in transplantation of major organs need to commence while the donor is still clinically living.

As in previous years there continue to be many news reports and testimonies from people alleging that organ transplantation from the bodies of executed prisoners does take place and in some cases, does take place to order. Increasingly domestic and international media have highlighted cases of reported organ transplants. However, Amnesty International is unable to gather confirmation of these allegations. The Chinese authorities have denied that trade in organs from executed prisoners takes place.

There have been several high profile cases which have highlighted the potential abuse of organ transplantation from prisoners. One case which was reported first in domestic media and later in foreign

[42]Yangtse Evening Post, 18 November 2000

[43]Beijing Morning Post, 7 June 2000 and Agence France Presse, 7 June 2000

[44] Xian Evening News, 21 February 1999.

[45] Xinhua, 14 May 1998, see also Amnesty International, Lethal Injection: The Medical Technology of Execution (ACT50/01/98/corr).

newspapers is that of Fu Xinrong who was a former soldier sentenced to death and executed on 30 May 2000 for the alleged murder and rape of his girlfriend, her parents and their child. After reportedly turning himself into the police he was executed in Pingxiang County, Jiangxi Province. [46]

It was later reported in the "Today Family Weekly", a local Jiangxi province newspaper, that his body had been sold by officials at the Pingxiang county People's court to a hospital in Nanchang, the provincial capital of Jiangxi. The hospital then allegedly removed his kidneys for transplant. The article and later several others alleged that although Fu Xinrong was ex ecuted in May 2000, his family never received a court notice to pick up his body or ashes. It was also alleged that Fu's lawyer, Wei Liyuan stated that he had been blocked in his efforts to find information and instead the family had received an anonymous call which said that Fu's body had been sold.

Fu Xinrong's sister was quoted as saying that *"It's reasonable that my brother paid for murder with his life, but it is not right for the court to t ake the liberty of selling the body'*.

There are ongoing rumours and concerns about the sale and removal of organs from executed prisoners and it has ev en been suggested that some executions are made to coincide with transplant operations although no ev idence has been av ailable.

[46] The case was first reported in Today Family Weekly (11 April 2000) in Jiangxi province and later in several foreign papers including Washington Post Foreign Service, 31 July 2001