

# PEOPLE'S REPUBLIC OF CHINA

## Death Penalty

### *Time for a Moratorium*

**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 proclaimed in the Universal Declaration of Human Rights and other international human rights treaties. It is an irrevocable act of violence by the state and the risk of executing the innocent can never be eliminated. It has never been shown to deter crime more effectively than other punishments and brutalizes those involved in the process of execution and the wider society as a whole.

**China executes more people than do all other countries in the world combined.** The exact number of executions each year is not known because the Chinese government, in violation of international standards, treats death penalty statistics as a "state secret". In March 2004, one Chinese official referred to a possible 10,000 executions per year. Another source put the total at 15,000 per year.

**Between 60 and 70 crimes are punishable by execution, including non-violent crimes.** The death penalty is applied to economic crimes such as fraud, embezzlement, organizing prostitution, in violation of international standards.

**Prisoners are often tortured or subjected to cruel, inhuman and degrading treatment.** Torture and ill-treatment is common at all stages of custody, especially at the interrogation stage to extort confessions. The humiliating practice of parading convicts in public before execution continues.

**The criminal justice system is not able to guarantee a fair trial.** Accused are not presumed innocent. Many go without adequate legal representation. Confessions extracted under torture are used as evidence in court. Obviously fabricated evidence is used in court. Many judges have minimal or no legal training. Trials are routinely carried out behind closed doors.

**Political interference in the judicial process is systemic.** Adjudication committees made up of Party officials decide "difficult cases" and often reach verdicts before trials take place. The number of executions rises during special anti-crime, "strike-hard" campaigns, in which police, judicial organs and local leaders have been urged to cut corners, and not to "get entangled in the detail", so as to achieve "quick approval, quick arrest, quick trial and quick results".

The number of executions also rises before major events like Chinese New Year and World Anti-Drugs Day. Political crackdowns in the Tibetan and Uighur areas of China can target so-called "separatists", with devastating consequences for these ethnic groups.

**Serious miscarriages of justice can result.** Tenzin Deleg Rinpoche, a Tibetan religious leader, was given a death sentence that was commuted to life in prison in January 2005. There are concerns that he was held incommunicado for eight months before trial, that he was denied access to competent defence counsel, and that family access to the trial was limited, all in contravention of international standards. There are also concerns that he was punished solely for his peaceful religious and community work, and not for his alleged role in bombings. His former attendant, Lobsang Dhondup, was executed 26 January 2003 on similar charges, in spite of international criticism that there were severe irregularities in the trial procedures.

**There is no "humane" way for the state to kill.** China is promoting lethal injection as a "civilized" alternative to the firing squad, mistakenly considering the new method to be a sign of social progress. Courts are purchasing "convenient" mobile execution chambers that can put to death convicted criminals immediately after sentencing. Amnesty International fears the new mobile vans will encourage larger numbers of executions.

**Organ harvesting.** Amnesty International is very concerned about the apparent sale of organs harvested from executed prisoners without permission, a practice prohibited by the World Health Organization. Despite official denials, regular reports over the years have provided compelling evidence of the practice.

**China must recognize what others countries have: execution is not a solution to crime.** Following a global trend, more than half the world's countries have now abolished the death penalty in law or in practice.

**Amnesty International is calling for an immediate moratorium on executions, as a step toward abolition.** The Chinese government is taking steps to improve its criminal justice system, but real reform will take time. An immediate moratorium on executions will spare many innocent lives.

## AMNESTY INTERNATIONAL

**For further information on AI's human rights concerns in China:**

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