

**PUBLIC**

**AI Index: ASA 17/35/98**

**EXTRA 78/98**

**Death penalty / Fear of imminent execution 21 October 1998**

**PEOPLE'S REPUBLIC OF CHINA      Cheung Tze-keung, aged 45, gang leader and  
Hong Kong citizen  
35 co-defendants, gang members, 18 of  
whom are Hong Kong citizens**

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Cheung Tze-keung, a Hong Kong gang leader, and 35 gang members, are currently being tried in China for offences punishable by death. Amnesty International is concerned that they will receive the death penalty after an unfair trial and thereafter face possible execution. The defendants do have the right of appeal after sentence, but the success of such appeals are rare. The trial is expected to last ten days.

According to one report, a Chinese official stated that this trial is part of a crackdown on organised crime in Hong Kong and Macau and that Cheung Tze-keung will be 'made an example of'. Other reports state that mainland lawyers have declared that the trial is simply procedural and that Cheung Tze-keung will almost certainly receive the death penalty.

Cheung Tze-keung and the 35 others are accused of offences ranging from kidnapping for ransom, the smuggling and re-sale of guns and ammunition, and robbery. The major crimes of which Cheung is accused are kidnapping two tycoons, and offences relating to explosives. Both crimes occurred in Hong Kong, although neither of the alleged kidnap victims reported the event to the police.

This high profile case is believed to be the first time that Hong Kong citizens have potentially faced the death sentence in China for offences carried out in Hong Kong. The Chinese authorities allege that the offences were planned in mainland China.

Several groups in Hong Kong have petitioned the Hong Kong authorities to call for the extradition of Cheung Tze-keung to Hong Kong, where the death penalty is not in force. They have also called for the release of some of his 18 co-defendants from Hong Kong, as there are insufficient facts tying them to the major alleged crimes.

Amnesty International is concerned that the trial is taking place in secret, preventing the public and foreign reporters from attending. According to Chinese and International law, trials not involving state secrets and minors should be public. It is reported that 150 paramilitary and ordinary police have surrounded the area where the trial is taking place and that snipers have been placed on rooftops.

Under the revised criminal law, all death penalty cases should be approved by the Supreme People's Court in Beijing, however regulations exist for the delegation of the final power of approval to be retained by the provincial High People's Courts.

Executions are carried out by lethal injection or by shooting.

## **BACKGROUND INFORMATION**

The death penalty is used extensively in China. In 1997, Amnesty International recorded 3,152 death sentences and 1,876 confirmed executions. These figures, however, are based on public reports which the organization is able to monitor but which are known to list only a fraction of the death sentences and executions actually carried out. The real figures are believed to be significantly higher.

The use of the death penalty has increased considerably in the country since the 1980s. A revision to the Criminal Code in March 1997 confirmed the increasing scope for its use, incorporating new crimes punishable by death which were previously covered by regulations, as well as re-defining others. In April 1996 the Chinese authorities began a national anti-crime crackdown known as 'Strike Hard'. Although the campaign appears to have been scaled down, local campaigns and crackdowns against certain crimes still occur. The crackdown resulted in 6,100 recorded death sentences the same year.

## **RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or Chinese or in your own language:**

- urging that the trial of Chueng Tze-keung and the 35 co-defendants be made public and that the proceedings are carried out according to International standards on fair trials;
- calling on the Hong Kong authorities to call for Cheung Tze-keung and the others to be tried in Hong Kong, where the death penalty does not apply;
- urging that the arbitrary and massive use of the death penalty in China be stopped;
- 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 Article 3 of the Universal Declaration of Human Rights.

## **APPEALS TO:**

**Please note that fax tones may be difficult to obtain at certain times of the day**

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and to diplomatic representatives of the People's Republic of China accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 November 1998.**