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China: Crimes that are punishable by the death penalty.

Regarding the death penalty in China, paragraph 13.01 of the *UK Home Office* April 2009 Country of Origin Information Report under the heading 'Death Penalty', states:

"Article 48 of the Criminal Law states:

"The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed. Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court."

Paragraph 13.03 of the same report states:

"According to Roger Hood, writing in the Summer 2005 edition of the journal *China Review*:

'The 1997 criminal law changed the article regarding the application of the death penalty from 'only use for the most vicious criminal elements', to 'only use for the most serious criminal elements', but no definition of 'most serious' was given... The 1997 law lists 68 different capital crimes, as follows: 7 crimes of endangering national security, 14 crimes of endangering public security, 16 crimes of undermining the socialist market economy, 5 crimes of infringing upon the persons and the democratic rights of citizens, 2 crimes of encroaching on property, 8 crimes of disrupting the order of social administration, 2 crimes of endangering national defence interests, 2 crimes of corruption and bribery, and 12 crimes of violation of duty by military personnel... But since the promulgation of the 1979 criminal law separate legislations added regulations for many other crimes to warrant the death penalty, the new criminal law actually somewhat reduced the number of crimes attracting the death penalty by imposing restrictions on the application of the death penalty for theft and intentional injury.' " (United Kingdom: Home Office (16 April 2009) – *Country of Origin Information Report: China*)

Section II of the 2008 Annual Report of the *US Congressional-Executive Commission on China*, under the heading 'Capital Punishment', states:

"China's Criminal Law includes 68 capital offenses, many of which are for non-violent crimes such as drug trafficking, official corruption, and leaking state secrets abroad.¹¹¹ The government does not publish official statistics on the number of executions, and this figure remains a state secret.¹¹² Amnesty International reported in April that of the countries that have capital punishment, China was the leader with at least 470 executions, but indicated that this figure serves as "an absolute minimum" because the number was based on public reports.¹¹³ The Dui Hua Foundation estimates that 5,000 people were executed in 2007.¹¹⁴" (US Congressional-Executive Commission on China (31 October 2008) – *Annual Report 2008*, p.40)

A 2006 document from *Amnesty International in Asia & The Pacific* states:

"The death penalty is applicable to around 68 offences in the Chinese criminal law, including several violent crimes, such as robbery, rape and murder. It is also applicable to some non-violent crimes such as economic crimes (e.g. tax fraud and embezzlement) and drug offences where the circumstances are 'serious'. Prisoners are executed by shooting, usually to the back of the head, and increasingly lethal injection." (Amnesty International in Asia & the Pacific (2006) *China: The Death Penalty, A Failure Of Justice - China and the World Day 2006: Innocence*)

A September 2007 BBC News report states:

"China's Supreme Court has ordered judges to be more sparing in the imposition of the death penalty.

An order on its website said execution should be reserved for "an extremely small number of serious offenders".

It said the death penalty should be withheld in certain cases of crimes of passion or economic crimes." (BBC News (14 September 2007) – *China to reduce death penalty use*)

References

Amnesty International in Asia & the Pacific (2006) *China: The Death Penalty, A Failure Of Justice - China and the World Day 2006: Innocence*
http://asiapacific.amnesty.org/apro/APROweb.nsf/pages/appeals_adpan_china
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BBC News (14 September 2007) - *China to reduce death penalty use*
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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International

BBC News

ECOI: European Country of Origin Information Network

Freedom House

Human Rights Watch

International Crisis Group (ICG)

IRB: Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Refugee Documentation Centre Query Database

United Kingdom: Home Office

UNHCR Refworld

United States Department of State