
THE MYSTERY OF CHINA'S DEATH PENALTY FIGURES

By Wang Guangze (Beijing)

Granting the Supreme People's Court right of review over all death penalty cases may at last bring an end to the secrecy surrounding China's death penalty statistics.

China executes an estimated 8,000 people each year, nearly 20 times the number of people executed in all other countries combined. On January 1, 2007, China's Supreme People's Court regained the right to review all death penalty cases. In effect, the power over life and death has been transferred back to the central government after 23 years of being exercised by the lower courts.

Liu Renwen, professor of the National Institute of Law at the Chinese Academy of Social Sciences, said recently that China has been one of the world's major proponents of the death penalty since the Shang and Zhou eras,¹ but he expects the number of death sentences to decrease significantly in the wake of the Supreme People's Court regaining its right of review. Liu noted that after the government promulgated its revised Criminal Code in 1997, the number of death sentences dropped by half, and review by the top court should bring a further decrease of 20 percent. As a result, China's status as the world leader in executions could well change.

Liu Renwen explained that since 1949, the number of executions in mainland China has always been a mystery, because the Supreme People's Court has never disclosed any detailed figures. During the founding of the PRC, executions were an important means of consolidating authority under the severe political challenges faced by Red China.

Take the campaign against counterrevolutionaries as an example: the number of executions can be roughly estimated. In *The Selected Works of Mao Zedong: Volume V*, published in 1997, the article entitled, "Strike Surely, Accurately and Relentlessly in Suppressing Counterrevolutionaries" (written in 1951)² says that an execution rate of "no more than 10 percent" was adequate for counterrevolutionaries. A report entitled, "Historical and Political Movements since the Founding of the People's Republic," edited by the Party History Research Center of the Chinese Communist Party Central Committee and three other departments in 1996, says that in the campaign to suppress counterrevolutionaries, conducted in two phases from early 1949 to 1952, some 1,576,100 counterrevolutionaries were struck down, and more than 873,600 were executed.



A sentencing rally in Wenzhou in April 2004, where 11 prisoners were later executed. Photo: AFP/Getty Images

Five years into China's reform-and-opening, the central leadership determined that the Cultural Revolution had created many hooligans, robbers, murderers, thieves and organized gangs. On July 19, 1983, Deng Xiaoping reportedly told Liu Fuzhi, then Minister of Public Security, "We can't allow these criminals to carry on undaunted. The 'Strike Hard' campaign will strengthen the dictatorship; that's what dictatorship is. We'll protect the safety of the majority; that's what humanitarianism is." He added: "Every three years, organize one, two or three campaigns in a big city to round up a big batch of criminals in one fell swoop."³

China launched its first one-year "Strike Hard" campaign at the end of August 1983. According to the book *Forty Years under the Chinese Communist Party*,⁴ published in 1989, state public security organs arrested 1,027,000 individuals, including murderers, arsonists, robbers, rapists, hooligans and other offenders; the procuratorates prosecuted 975,000; the courts sentenced 861,000, including 24,000 sentenced to death; and the judicial and administrative departments accepted 667,000 individuals for reform through labor (*laogai*) and 169,000 for reeducation through labor.

In non-"Strike Hard" years, the number of executions in mainland China has varied.

One scholar noted that according to the *Hangzhou City People's Public Security Journal*,⁵ the armed police detachment of the Hangzhou Public Security Bureau of Zhejiang Province assisted the People's Court in carrying out 88 executions in 1990, 65 in 1991, 64 in 1992 and 58 in 1995. Executions have averaged 71 annually in Hangzhou, the capital of Zhejiang Province. If 10 other prefecture-level cities each executed 40 people a year, the annual number of executions in Zhejiang Province would be around 500 people.

Liu Renwen once disclosed in an interview that academic estimates put China's executions at around 8,000 per year.⁶ A long-time criminal defense lawyer in Henan Province calculated that in non-"Strike Hard" years, more than 500 people are executed in Henan annually, while the number in "Strike Hard" years hits around 800. On the basis of this execution rate, he estimated that the total number of executions in China's 30 provinces amounts to 10,000 or even 12,000 per year, as some international organizations have estimated.⁷ Liu Renwen said that by any estimates, China is the nation with the largest number of death sentences.

According to statistics collected by Amnesty International from media reports in mainland China, at least 3,797 people were executed in 25 countries around the world in 2004, and at least 7,395 people in 65 countries had been sentenced to death and were awaiting execution.⁸ Some 97 percent of the executions were carried out in China, Iran, Vietnam and the United States, with Iran executing at least 159 people, Vietnam at least 64, and the United States 59 in 2004. In other countries, the number of death sentences is publicly disclosed. In the United States, for example, death sentences and executions are headline news in local and national media. The Bureau of Justice Statistics in the U.S. Department of Justice provides regularly updated figures on death sentences and executions (<http://www.ojp.usdoj.gov>).

Canada's *Globe and Mail* also reported that nations other than China, including Iran, Vietnam, the United States and Saudi Arabia, execute a combined total of around 400 to 500 people annually. But China, with about 8,000 executions yearly, exceeds the rest of the world's executions by a factor of 20.⁹

Mo Shaoping, a well-known criminal defense lawyer in Beijing, once said in an interview that he could not determine the figure of 8,000 executions in China per year. He thinks the number may be only an academic estimate, and the Supreme People's Court knows the real figure. At present, the Supreme People's Court still regards the number of executions as a national secret, and never discloses it to the public. Mo also added that the types of crime that lead to the death penalty in China, as well as the number of death sentences, show the severity of punishment according to law.¹⁰

A senior judge who was recently appointed to the Supreme People's Court to review death sentences observed that the Supreme Court has always rationalized its refusal to disclose figures on death sentences on the grounds that nationwide statistics are difficult and complicated, but that this excuse will become untenable now that the top court has regained the authority to review all death sentences. It is therefore possible that the Supreme People's Court will begin releasing statistics on executions once the number drops.¹¹ The judge said that the Supreme People's Court had regained its

power to review death sentences precisely because the current number of executions is too high to disclose, and has brought China under excessive international pressure.

Wang Shizhou, a professor of law at Peking University, takes a similar view. He said that in reality, “The reason that nationwide statistics on the death penalty could damage national security and interests is that the number is too great.”¹² The government fears that the excessive number of executions will attract censure from international human rights organizations and other countries over China’s human rights conditions, so it can’t be open and above-board on this matter.

Mo Shaoping noted in an interview that the death penalty can currently be imposed under 68 different crimes:

After the enactment of the new Criminal Code in 1997, the number of crimes punishable by death in China has greatly increased. It used to be only around 20. For that reason, there is a growing consensus that China should restrict use of the death penalty through legislative means. For instance, we should reduce or eliminate the imposition of the death penalty for some types of economic crime; or we should extend prison sentences as a substitute for the death penalty for serious crimes. . . . China’s present criminal code stipulates that the maximum prison term shall not exceed 15 years, or 20 years for combined terms. This sometimes compels courts to apply the death penalty for serious crimes. In fact, China could follow the example of the United States by increasing prison sentences to several decades, or even more than 100 years.¹³

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**Wang Shizhou,
Professor of Law**

Mo Shaoping also feels that refusal to publish statistics on the death penalty is not a sustainable practice. According to the Criminal Procedure Law, any criminal case, whether or not it is held in open court, must have its outcome made public.¹⁴ This means that the imposition of the death penalty in any case should be made known to society, and that, consequently, the number of death sentences and executions should be a matter of public record. Keeping this information secret is impossible under this requirement, and in any case only leads to erroneous speculation and inaccurate statistics.

Translated by Wang Ai

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Notes

1. In 2005, a government official stated that the number of death sentences was closer to 8,000. “Annual Death Penalty Report Reveals 20,000 on Death Row Worldwide,” *Amnesty International*, April 20, 2006, http://www.amnesty.org.uk/news_details.asp?NewsID=16920. According to Hands Off Cain, a Rome-based organization that works for the global abolition of the death penalty, at least 5,494 executions were carried out in 2005. “Executions in 2005,” *Hands Off Cain*, no date, <http://www.handsoffcain.info/bancadati/index.php?tipotema=arg&idtema=9000519>.

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2. It appears that in this and the subsequent paragraph, the author is quoting Liu Renwen's article "Sixing zhengce: Quanqiu shiye ji Zhongguo shijiao [Death penalty policies: The world view and China's perspective]," posted on the Web site of the University Services Centre of the Chinese University of Hong Kong, http://www.usc.cuhk.edu.hk/wk_wzdetails.asp?id=2623.
 3. This article can be accessed on the Web site of Marxists Internet Archive, <http://www.marxists.org/chinese/17/marxist.org-chinese-mao-195012.htm>.
 4. See "Daiyou 'yundong' secail de 'yanda,' shi fou hui danchu Zhongguo zhengzhi wutai: Shi fei gongguo shuo 'yanda' [Striking hard in the form of a movement: Is it fading from China's political scene? The pros and cons of 'strike hard' campaigns]," Xinhua Net, July 17, 2005, http://news.xinhuanet.com/mrdx/2005-07/17/content_3229669.htm.
 5. *Zhongguo Gongchandang zhizheng sishi nian*, Chinese Communist Party History Publishing House, August 1989.
 6. *Hangzhoushi renmin gongan zhi*, described as a neibu (internal) publication, <http://www.hangzhou.gov.cn/main/zjhz/hzlj/2003/775/T85690.shtml>.
 7. "Zhongguo mei nian chujue baqian ren, cuo'an yu fubai yanzhong [China executes 8,000 people per year, misjudged cases and corruption serious]," Deutsche Welle, March 1, 2006, <http://www.dw-world.de/dw/article/0,2144,1919479,00.html>; Geoffrey York, "Death-penalty system under fire," *The Globe and Mail*, February 28, 2006.
 8. Chen Zhonglin, Director of the Law Academy at Southwestern Politics and Law University and a senior national legislative delegate from Chongqing municipality to the National People's Congress, cited by the South China Morning Post to have given the academic estimate of 10,000 executions per year on March 15, 2004. "Executions Under Fire," *South China Morning Post*, March 23, 2004.
 9. "Death Penalty: 3,797 executed in 2004," Amnesty International, April 5, 2005, <http://web.amnesty.org/library/index/engact500112005>. Amnesty International provides more up-to-date figures in "Amnesty International Report 2006: The State of the World's Human Rights (overview on China)," <http://web.amnesty.org/report2006/chn-summary-eng>. In that report, AI notes that in 2005, at least 1,770 people were executed and 3,900 people were sentenced to death in China, with China's executions accounting for more than 80 percent of the world total that year. The decrease in absolute number and percentage of world total of executions carried out in China is worth noting.
 10. York, February 28, 2006.
 11. Zhang Guanghua, "Falu renquan renshi guanzhu Zhongguo sixing wenti [Rights defense lawyer concerned over China's death penalty issue]," Voice of America, March 1, 2006, <http://www.voanews.com/chinese/archive/2006-03/w2006-03-01-voa51.cfm>.
 12. The editor was unable to identify the source of this reference.
 13. Wang Shizhou, "Guanyu Zhongguo sixing zhidu de fansi [Reflections on China's death penalty system]," originally published in *Xinhua Digest*, No. 15, 2004, can be accessed on the Web site of the Universities Services Centre of the Chinese University of Hong Kong, http://www.usc.cuhk.edu.hk/wk_wzdetails.asp?id=3400.
 14. Zhang Guanghua, March 1, 2006.
 15. Article 163 of the Criminal Procedure Law of the People's Republic of China (1996): "In all cases, judgments shall be pronounced publicly."