

# CHINA'S DEATH PENALTY: PROFITING FROM EXECUTION

China's egregious human rights violations are typified by its continued use of the death penalty and the harvesting of organs from death row inmates. In 2009, China carried out an estimated 5,000 executions. This accounts for nearly three-quarters of the world's executions, and is more than every other country in the world combined.<sup>1</sup> Unfortunately, the exact number of those executed is a State secret and the true number may be even higher.

## China's Overwhelming Execution Rate

**China leads the world in executions.** According to Amnesty International's figures, China perpetrated 72% of the world's executions in 2008. In Asia alone, China accounted for 93% of all executions and carried out more executions than all other countries in the world combined.<sup>2</sup>

**The number of executions in China remains high.** After a temporary drop in 2007 due to international scrutiny in the lead up to the Olympics,<sup>3</sup> executions in China increased 260% in 2008. Estimates of the number of executions in 2009 are the same as the number for 2008.<sup>4</sup>

**There are 68 different capital crimes in China.** While a few of these crimes are violent crimes like murder or rape, the majority of death penalty crimes in China are for nonviolent offenses, including "bribe-taking," "transporting narcotics," and a multitude of charges under the ambiguous category of "endangering national security."

## Beyond Execution: Profiting From the Sale of Prisoners' Organs

**China harvests the organs of executed prisoners.** In 2009, the Chinese government's *Global Times* reported that "executed prisoners... provide the major source of transplants in China."<sup>5</sup> In fact, some experts estimate that over 90% of all organ transplants in China come from executed prisoners.<sup>6</sup>

**Lethal injection is gaining in popularity over gunshot for execution in China.** China officially adopted lethal injection as an alternative form of capital punishment in 1997 and it was used in an estimated 40% of all executions by 2006.<sup>7</sup> Lethal injection is a far less public method of execution, and allows organs to "be extracted in a speedier and more effective way than if the person is shot."<sup>8</sup>

**China introduced the use of mobile lethal injection vans in 2004.** The vans, which China claims "promote human rights," allow prisoners to be "executed locally" in order to "deter others from committing crime."<sup>9</sup> While the total number of death vans is a State secret, Yunnan province alone owns 18 mobile death vans.<sup>10</sup>

**The sale of executed prisoners' organs is a profitable and often corrupt process.** Many hospitals and local officials "ignore legal procedures regarding organ donations from executed prisoners... to make a fat profit," China's Vice Minister of Health stated. "Corruption can arise during the process."<sup>11</sup>

## Beyond Organs, the Sale of Bodies

**Prisoner bodies are sold to exhibition companies who display the plastinated remains of the prisoners for profit.** In 2008, ABC produced evidence that executed Chinese prisoner bodies were being trafficked between Chinese police and a biotech firm responsible for Premier Exhibitions, Inc.<sup>12</sup> An investigation by the Attorney General of New York determined that these bodies were claimed at death by

## China's Executions in Numbers

**5,000** Number of executions carried out in China in 2009; the highest number of any country in the world.

**15** Percentage of capital offenders who confessed to their crime

**68** Number of capital offenses in China, including economic and other nonviolent crimes

**32** Average age of a capital offender in China

**17** Age of the youngest capital offender, despite China's law prohibiting the execution of persons under 18 years of age

**93** Percentage of capital offenders who are male

**67** Percentage of capital offenders with a low occupational status

**7** Number of days in which China's quickest capital case concluded

**42** Percentage of those convicted of capital crimes who are migrants

Sources: Dui Hua Foundation; Hong Lu, "China's Death Penalty: Reforms on Capital Punishment," EAI Background Brief No. 412, November 5, 2008.

the Chinese Bureau of Police, with no consent to plastination (the process in which water and fats of a corpse are replaced with a polymer to prevent decomposition) or exhibition.<sup>13</sup>

**The importation of plastinated human remains to the U.S. is contentious.** In June 2010, Representative Todd Akin of Missouri filed legislation “that could prevent China from sending bodies meant for commercial display to the U.S.”<sup>14</sup> In 2008, Akin proposed similar legislation with 26 co-sponsors after several states adopted measures to prohibit the exhibition of plastinated remains. According to Akin, Premier’s exhibition, China’s suspect human rights record, and the inability to verify if the bodies were donated with consent were the main reasons for the legislation.<sup>15</sup>

## Forced Confessions

**Chinese prisoners are tortured to produce confessions.** Former Vice Minister of Justice Duan Zhengkun admitted that detention centers regularly use torture to force individuals accused of crimes to confess.<sup>16</sup> “Although strictly forbidden by law, forced confession is common... because police are often under great pressure from above to solve criminal cases,” a law professor reported to China’s Xinhua News Agency.<sup>17</sup>

**A former Chinese security guard was detained for 11 years after he was forced to confess to murdering his wife.** The guard was released only after his “dead” wife reappeared. After his release, the security guard reported that he had been forced to confess. “The police tortured me by not letting me sleep for 10 days.” The police then forced the security guard to confess that he killed an unidentified woman in a photograph that police would later name as his wife.<sup>18</sup> A similar case emerged in 2010. Zhao Zuohai, “a man imprisoned nearly 10 years for murder was freed after his alleged victim turned up alive.” After his original sentencing, Zhao’s wife “remarried and her new husband adopted his children.”<sup>19</sup>

**Police corruption remains a problem in China.** In May 2010, seven police officers in Henan Province were “penalized and “removed from their post[s],” after wrongfully declaring a mentally ill man responsible for a murder. A joint review of the case by provincial police and the public security bureau in Kaifeng City concluded the evidence was fabricated.<sup>20</sup> In 2009, “nearly 1,800 policemen were suspended” after Beijing pledged to clamp down on inmate abuse according to a report released by the Ministry of Public Security.<sup>21</sup>

## Guilty Until Proven Innocent

**Most criminal cases have no live-witness testimonies.** Instead, testimony is usually written statements brought by the prosecution. This means there is no chance for the defense to cross-examine witnesses.<sup>22</sup> Additionally, in China, there is a “strong presumption of guilt, especially in ‘politically sensitive cases.’”<sup>23</sup>

(1) Chris Hogg, “China executions shrouded in secrecy,” BBC, December 29, 2009, <http://news.bbc.co.uk/2/hi/8432514.stm> (accessed March 3, 2010).  
(2) Amnesty International “Death Sentences and Executions in 2008,” March 2009, <http://www.amnesty.org/en/library/info/ACT50/003/2009/en> (accessed March 3, 2010).  
(3) Congressional-Executive Commission on China, “Annual Report 2009,” October 10, 2009.  
(4) Chris Hogg, “China executions shrouded in secrecy.”  
(5) “Organ trafficking stirs concerns,” *Global Times*, August 24, 2009, <http://china.globaltimes.cn/society/2009-08/460386.html> (accessed March 3, 2010).  
(6) “Death Row Is Organ Source, China Admits,” *Los Angeles Times*, November 18, 2006.  
(7) “China makes ultimate punishment mobile,” *USA Today*, June 15, 2006.  
(8) *Ibid.*  
(9) *Ibid.*  
(10) “Organ trafficking stirs concerns,” *Global Times*.  
(11) “Public call for organ donations,” *China Daily*, August 26, 2009.  
(12) “Anatomy of Worldwide Body Trade,” ABC News, February 14, 2008.  
(13) “Assurance of Discontinuance in the matter of: Premier Exhibitions, Inc. d/b/a Bodies...The Exhibition,” Attorney General of the state of New York, May 23, 2008.  
(14) Jake Wagman, “Todd Akin moves to block ‘Bodies’ exhibit,” *St. Louis Post-Dispatch*, June 18, 2010.  
(15) “House Bill Would Ban Imported ‘Bodies’ for Exhibit,” Fox News, May 22, 2008.  
(16) Congressional-Executive Commission on China, “Annual Report 2009.”  
(17) “China cracks down on torture and forced confessions,” *People’s Daily*, May 17, 2005.  
(18) *Ibid.*  
(19) “Murderer freed after ‘victim’ found alive in China,” Associated Press, May 10, 2010.  
(20) “Police officers fired for using lunatic as scapegoat,” Xinhua News Agency, May 17, 2010.  
(21) “Murderer freed after ‘victim’ found alive in China.”  
(22) Congressional-Executive Commission on China, “Annual Report 2009.”  
(23) *Ibid.*