



www.worldcoalition.org



Signatories:

- ACAT- France (France)
- American Friends Service Committee (USA)
- Amnesty International
- City of Andoian (Spain)
- Arab Coalition Against Death Penalty
- Association marocaine des droits humains, AMDH (Morocco)
- Association for the Right to Live (Iran)
- Bahrain Human Rights Society (Bahrain)
- Barreau de Paris (France)
- City of Braine-l'Alleud (Belgium)
- Catholic Human Rights Committee (South Korea)
- Center for Prisoners' Rights (Japan)
- Centre marocain des droits de l'Homme (Morocco)
- Coalition nationale pour l'abolition de la peine de mort au Maroc (Morocco)
- Coalizione italiana contro la pena di morte (Italy)
- Collectif des organisations des jeunes solidaires du Congo-Kinshasa, COJESKI (DRC)
- Collectif unitaire national de soutien à Mumia Abu-Jamal (France)
- Comitato Paul Rougeau (Italy)
- Comité des observateurs des droits de l'Homme, CODHO (DRC)
- Comité syndical francophone de l'éducation et de la formation (France)
- Commission for Disappearances and Victims of Violence, KONTRAS (Indonesia)
- Conférence internationale des Barreaux (France)
- Conseil national pour les libertés en Tunisie (Tunisia)
- Culture pour la paix et la justice (DRC)
- CURE (USA)
- Death Penalty Focus (USA)
- City of Dijon (France)
- Ensemble contre la peine de mort, ECPM (France)
- Fédération des étudiants libéraux, FEL (Belgium)
- Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, FIACAT
- Fédération Syndicale unitaire, FSU (France)
- Forum 90 (Japan)
- Forum-Asia (Thailand)
- Forum marocain pour la vérité et justice (Morocco)
- Foundation for Human Rights Initiative, FHRI (Uganda)
- Hong Kong Society and Community Organization (Hong Kong)
- Human Rights Commission of Pakistan (Pakistan)
- Individual and Community Rights Advocacy Forum, ICRAF (Papua New Guinea)

AN OPEN LETTER TO THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Chairman of the Standing Committee of the National People's Congress

Wu Bangguo Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui Bangongting
23 Xijiaominhang
Xichengqu
Beijingshi 100805
People's Republic of China

27 February 2008

Dear Chairman Wu Bangguo

We are writing as members of the World Coalition against the Death Penalty (WCADP) and the Anti Death Penalty Asia Network (ADPAN) to urge you and your fellow legislators to ensure that the upcoming session of the National People's Congress (NPC) takes concrete steps towards the abolition of the death penalty in China.

The Chinese judiciary continues to sentence thousands of people to death every year. We welcome the restoration of Supreme Court review of all death sentences passed in China from 1 January 2007 and note recent official statements suggesting that this has led to a significant drop in the number of executions compared with previous years. However, full national statistics on the application of the death penalty remain classified as a state secret in China. It will only be possible for Chinese scholars and other independent observers to assess the impact of this reform if China publishes these statistics in full. We urge the NPC to discuss and adopt amendments to state secrets laws which expressly exclude death penalty-related information from the scope of state secrecy.

The need for such transparency has been underscored by several human rights mechanisms of the United Nations, not only in connection with statistical information, but also with regard to procedural openness in individual death penalty cases. Reports persist in China of death penalty prisoners being executed without their relatives being informed in advance or even being allowed to claim the body. Family members and lawyers representing suspects in China continue to be denied adequate access to detainees as well as procedural information about their cases. This is of particular concern given the widespread use of torture or ill-treatment by police in China to obtain 'confessions' from suspects. As has been proven in China on several occasions in the past, hasty and unfair trials are likely to lead to miscarriages of justice, with innocent persons being executed for crimes they have not committed. International law stipulates that fundamental fair trial standards, including prompt and regular access to lawyers and family members, must be scrupulously upheld for suspects and defendants facing the death penalty. We urge the NPC to pass amendments to the Criminal Procedure Law aimed at safeguarding the right to a fair trial, the absolute prohibition of torture for all detainees in China, including those facing capital charges, and the exclusion of confessions extracted under torture..

- International Federation for Human Rights, FIDH
- Iranian Human Rights Activists Groups in EU and North America (Canada)
- Journey of Hope... From Violence to Healing (USA)
- Lifespark (Switzerland)
- Ligue des droits de l'Homme (France)
- Ligue ivoirienne des droits de l'Homme (Ivory Coast)
- Lutte pour la justice (France)
- Malaysians Against the Death Penalty and Torture, MADPET (Malaysia)
- City of Matera (Italy)
- Mothers Against the Death Penalty (Uzbekistan)
- Mouvement contre le racisme et pour l'amitié entre les peuples (France)
- Murder Victims' Families for Human Rights (USA)
- National Association of Criminal Defence Lawyers (USA)
- National Coalition to Abolish the Death Penalty (USA)
- National Lawyers Guild (USA)
- Observatoire marocain des prisons (Morocco)
- Observatoire national des prisons (DRC)
- Ordine provinciale dei medici-chirurgie degli odontoiatri di Firenze (Italy)
- Ordre des Barreaux francophones et germanophones de Belgique (Belgium)
- Organisation marocaine des droits humains (Morocco)
- Organisation mondiale contre la torture, OMCT
- Palestinian Centre for Human Rights (Palestine)
- Pax Christi Uvira asbl (DRC)
- Penal Reform International, PRI
- People of Faith Against the Death Penalty (USA)
- Philippine Human Rights Information Center, Philrights (The Philippines)
- Puerto Rican Coalition against the Death Penalty (Puerto Rico)
- City of Reggio Emilia (Italy)
- Regione Toscana (Italy)
- Rights and Democracy / Droits et Démocratie (Canada)
- SOS Attentats- SOS Terrorisme (France)
- Taiwan Alliance to End the Death Penalty, TAEDP (Taiwan)
- Texas Coalition to abolish the death penalty, TCADP (USA)
- Think Centre (Singapore)
- Union for Civil Liberty (Thailand)
- City of Venice (Italy)



www.worldcoalition.org

The death penalty remains applicable to some 68 crimes in China, including non-violent crimes. We were pleased to note that one legislator at the 2006 NPC submitted a motion calling for this number to be reduced. We hope further debate will take place at this year's Congress leading to amendments to the Criminal Law which eliminate the death penalty for non-violent crimes, such as economic and drug-related offences, as an important step towards abolition of the death penalty in China.

The above reforms are relevant to China's pending ratification of the International Covenant on Civil and Political Rights (ICCPR), a move long heralded by the Chinese authorities. They would also be in line with commitments made by numerous Chinese officials to improve human rights in the run-up to the Beijing Olympic Games. We believe that these issues have serious implications for the protection of human rights and Olympic values, including 'the preservation of human dignity' which lies at the heart of the Olympic Charter.

We were therefore dismayed by recent official statements that the authorities plan to increase the use of lethal injection as a more 'modern' or 'humane' form of execution. Evidence shows that lethal injection can cause convulsions and a prolonged and painful death, and the involvement of medical professionals in executions runs counter to international medical ethics. It also fails to resolve the problems inherent to the death penalty: its cruelty; its irreversibility; the risk of executing the innocent; its discriminatory and arbitrary application; and its irrelevance to effective crime control. There is no evidence that the death penalty deters crime any more effectively than other punishments. Since the right to life is inalienable, a justice system that kills is not acceptable, whatever the method of execution.

Abolition of the death penalty is now a universal and irreversible trend. On 18 December 2007, the global community overwhelmingly backed a resolution calling for a moratorium on executions at the UN General Assembly. We were disappointed that China was among the minority of states which voted against this resolution. We have noted recent official statements suggesting that the number of suspended death sentences surpassed the number of immediate executions in China in 2007 following restoration of Supreme Court review. Since such sentences are generally commuted to life imprisonment after two years, we urge you to consider whether this system could provide an effective framework for introducing such a moratorium in China.

Ten years after its reunification with China, the Hong Kong Special Administrative Region serves as an example in Asia. The death penalty was abolished there in 1993 and its last execution dates back to 1966. And yet, Hong Kong has one of the lowest levels of crime, and intentional homicide in particular, in the world.

As the eyes of the world turn towards China ahead of the Olympic Games, we believe this is an ideal opportunity for you and your NPC colleagues to show leadership on the abolition of the death penalty in line with worldwide trends. A positive legacy for the Beijing Olympics can only be achieved when China's world record of executions comes to an end.

We hope that this letter is a helpful contribution to your deliberations and look forward to seeing new measures introduced aimed at safeguarding the right to life and the right to fair trial for all in China.

Yours sincerely