

# URGENT ACTION

## CHINESE NATIONAL FACING EXTRADITION

**A Chinese man, Huang Haiyong (also written as Wong Ho Wing) is facing extradition from Peru to face charges in China that can carry the death penalty.**

Huang Haiyong was arrested in October 2008, when he arrived in Peru from the USA, on an Interpol arrest warrant obtained by China. According to his lawyer in Peru, the warrant refers to a charge of fraud, which can carry the death penalty. On 31 March 2009, the Inter-American Commission granted "precautionary measures" for Huang Haiyong in Peru. They asked the Peruvian authorities not to extradite Huang Haiyong until the IACHR had ruled on his petition for protection.

In January 2010 the Peruvian Supreme Court ruled in favour of the extradition. The Supreme Court apparently asserted in their decision to extradite that the Chinese authorities had provided assurances that Huang Haiyong would not face the death penalty. The final decision on extradition rests with President Garcia.

China executed a Tibetan, Lobsang Dhondup, in January 2003, one month after giving assurances to the USA that his case would receive a lengthy review by the Supreme People's Court. Previous extraditions and deportations suggest that Chinese assurances should not be trusted. In 1995, Wang Jianye was executed after being extradited from Thailand, despite assurances given to the Thai authorities that he would not face the death penalty. In June 2000, Fang Yong was sentenced to death after being returned from Canada. Unconfirmed reports suggest that China had provided assurances that he would not face the death penalty. His sentence was commuted to life imprisonment on appeal.

The Peruvian Supreme Court has seemingly ruled in favour of the extradition of Huang Haiyong despite Peru's international obligations not to forcibly return anyone to any country where they might face the death penalty or torture.

### **PLEASE WRITE IMMEDIATELY in Spanish or your own language:**

- expressing concern that Peru is considering returning Huang Haiyong (Wong Ho Wing) to China where he could face the death penalty;
- pointing out that China's assurances that it will not execute people forcibly returned must be taken with extreme caution;
- urging the authorities not to return Huang Haiyong to China;
- urging them to adhere to their international obligations not to forcibly return anyone to any country where they might face execution or torture.

### **PLEASE SEND APPEALS BEFORE 15 APRIL 2010 TO:**

#### President of the Republic

Sr. Alan García Pérez  
Palacio de Gobierno  
Plaza Mayor S/N.  
Lima 1, PERÚ  
**Fax: + 51 1 311 3940**  
**Salutation: Sr. Presidente**

#### Minister of Foreign Affairs

Sr. José Antonio García Belaunde  
Jr. Ucayali N° 318 - Jr. Lampa N° 535  
Lima, PERU  
**Fax: +511 204 2410**  
**Salutation: Sr. Ministro**

#### **And copies to:**

#### Human rights organization:

Asociación Pro Derechos Humanos  
Jr. Pachacútec 980  
Lima 11, PERU  
**Fax: +511 431 0477 (if voice answers, ask "¿Me puede dar tono de fax, por favor?")**

**Also send copies to diplomatic representatives accredited to your country.** Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

The death penalty is applicable to approximately 68 offences in China, including non-violent ones. China executes more people every year than any other country in the world. Amnesty International estimated that China carried out at least 1,718 executions and sentenced 7,003 people to death in 2008. These figures represent a minimum – the real figures are undoubtedly much higher. A US-based NGO, the Dui Hua Foundation, estimates that between 5,000 and 6,000 people were executed in 2008, based on figures obtained from local Chinese officials. Statistics on death sentences and executions in China are classified as a state secret.

In January 2007, the Supreme People's Court (SPC) review for all death sentences, which had been suspended in 1982, was restored. All death sentences must now be reviewed by the SPC, which has the power to approve or send them back to lower courts for retrial. The Chinese authorities have reported a drop in executions since the SPC resumed this review. Nevertheless, the application of the death penalty remains shrouded in secrecy in China. Without access to such information it is impossible to make a full and informed analysis of death penalty developments in China, or to say if there has been a reduction in its use.

No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Many have had confessions accepted despite saying in court that these were extracted under torture; have had to prove themselves innocent, rather than be proven guilty; and have had limited access to legal counsel.

China provides no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts.

Torture and other ill-treatment remain routine and widespread in all forms of detention in China and in particular in police detention to extract confessions or information to be used in criminal proceedings.

Over recent years, the Chinese authorities have passed numerous regulations intended to strengthen the formal prohibition of torture. However, they are not effectively enforced at the local level. This is due to a number of procedural and institutional weaknesses that create an environment that allows torture and other ill-treatment to flourish. For example, detainees' access to their families and legal representatives is limited, discretionary and conditional.

Allegations of torture are often ignored by courts, official investigations into allegations of torture rarely take place and perpetrators often escape with impunity. When investigations are ordered, they fail to meet the requirements of promptness and impartiality, and families are not compensated.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The organization believes that the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment. The right to life and the prohibition of cruel, inhuman or degrading punishment are set out in the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights and other important human rights treaties.

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