

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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China must not implement Li Xin's death sentence

Amnesty International calls on the Chinese authorities to establish a moratorium on executions and not to implement Li Xin's death sentence.

On 6 December 2011, Li Xin was sentenced to death for trafficking, selling and transporting 1,925 grams of methamphetamines by the Dehong Daizu Jingpozu Autonomous Prefecture Intermediate People's Court in Yunnan Province. The Yunnan Provincial Higher People's Court upheld the sentence on 14 May 2012.

Li Xin is currently held at Ruili city detention centre in Dehong Daizu Jingpozu Autonomous Prefecture in Yunnan province.

Article 6 (2) of the International Covenant on Civil and Political Rights restricts the use of the death penalty to the "most serious crimes" which has been interpreted to refer to intentional killing. The UN Human Rights Committee has repeatedly found that drug-related offences do not meet the threshold of the "most serious crimes", a finding reiterated by other UN bodies and mechanisms.

The Supreme People's Court, which since 2007 has been again reviewing all capital cases, currently has the power to approve Li Xin's death sentence or remand the case for a retrial. The review process in his case is now underway. If the review upholds Li Xin's death sentence he could be executed within a week of the decision.

In a sharp contrast with the worldwide trend towards abolition of the death penalty, China continues to execute thousands of people every year. There are significant gaps between the law, practice and international commitments made by China to uphold international fair trial standards. The accused are not presumed innocent - but must prove it, the police often extract confessions through torture or other ill treatment, the Supreme People's Court review process is not transparent and there is no clemency procedure in Chinese law. Article 6(4) of the International Covenant and Political Rights, to which China has signed but not ratified, grants the right to anyone sentenced to death to seek pardon or commutation of the sentence.