

URGENT ACTION

CHINESE MAN FACES DEATH FOR DRUG CHARGES

Li Xin is facing imminent execution in Yunnan for drug trafficking. The Supreme People's Court in Beijing is reviewing the case. He could be executed once the review is complete.

Li Xin was arrested in mainland China in April 2011 accused of trafficking, selling and transporting 1,925 grams of methamphetamines. He was convicted and sentenced to death by the Dehong Daizu Jingpozu Autonomous Prefecture Intermediate People's Court in Yunnan province, south-west China, on 6 December 2011. Four other co-defendants were convicted for other drug-related crimes and were given sentences ranging from five years to death sentences with a two-year reprieve.

The Yunnan Provincial Higher People's Court upheld the sentence on 14 May 2012. The Supreme People's Court is now reviewing Li Xin's case. It reviews all death sentences in China and has the power to approve sentences or remand cases for a retrial.

Li Xin is currently held at Ruili city detention centre in Dehong Daizu Jingpozu Autonomous Prefecture in Yunnan province. According to his family, the authorities did not allow them to meet with Li Xin until after the appeal court hearing in May 2012.

Li Xin was previously sentenced to a three-year fixed term imprisonment for escape and a death sentence with a two-year reprieve for selling and transporting of drugs in 1995. The Yunnan Provincial Higher People's Court dropped the escape charge and confirmed a death sentence with a two-year reprieve for selling drugs in 1996. The death sentence was changed to a term of imprisonment and Li Xin was released in 2011 after serving the minimum 15 years required by Chinese law when suspended death sentences are commuted to imprisonment.

Please write immediately in English, Chinese or your own language:

- Urging the Supreme People's Court not to implement Li Xin's death sentence;
- Calling on the authorities to ensure that Li Xin has access to his family and legal representation;
- Urging the National People's Congress to introduce a legal procedure for requesting clemency, and to eliminate the death penalty for all non-violent crimes, in line with China's obligations under international human rights law;
- Urging the authorities to establish an immediate moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010.

PLEASE SEND APPEALS BEFORE 23 JANUARY 2013 TO:

Supreme People's Court President

WANG Shengjun Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang
Beijingshi 100745
People's Republic of China
Fax: +86 10 65292345

Salutation: Dear President

National People's Congress Standing

Committee Chairman
WU Bangguo Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaominxiang, Xichengqu
Beijingshi 100805
People's Republic of China
Email: tgxx@npc.gov.cn (attachment

only)

Salutation: Dear Chairman

And copies to:

HU Jintao Guojia Zhuxi
The State Council General Office
2 Fuyoujie, Xichengqu
Beijingshi 100017
People's Republic of China
Fax: +86 10 63070900

Salutation: Dear President

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

In January 2007, the practice of having the Supreme People's Court (SPC) review all death sentences was restored. It had been suspended in 1982. All death sentences must now be reviewed by the SPC, which has the power to approve death sentences or remand cases for retrial.

Amnesty International has serious concerns about the fairness of trials in death penalty cases. There are also 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 have to prove it. They also have had limited access to legal counsel. The police often extract confessions through torture or other ill treatment.

The Supreme People's Court review process is not transparent and there are no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts. Article 6(4) of the International Covenant on Civil and Political Rights, which China has signed but not ratified, grants the right to anyone sentenced to death to seek pardon or commutation of the sentence.

The death penalty is applicable to at least 55 offences in China. Although the government eliminated 13 crimes punishable by death in 2011, it retains the death penalty for many non-violent crimes, including corruption and drugs related offences. 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 Chinese authorities have reported a drop in executions since the SPC resumed this review but decline to release relevant statistics which remain classified as a state secret. Legal academics and court officials in China have occasionally been quoted estimating the decrease at between 10-15% each year since 2007. While information on the application of the death penalty remains shrouded in secrecy in China, it is impossible to make a full and informed analysis of death penalty developments, or to verify if there has been such a reduction in its use. Amnesty International estimates that China executes thousands of people every year and certainly more than the rest of the world combined.

Name: Li Xin

Gender m/f: male

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