

PUBLIC

AI Index: ASA 17/058/2004

30 November 2004

Further Information on UA 256/04 (ASA 17/043/2004, 26 August 2004) – Fear of imminent execution

PEOPLE'S REPUBLIC OF CHINA Ma Weihua (f), aged 29

Ma Weihua, who was facing the death penalty on drugs charges and who was given a forced abortion in police custody so she could be “legally” executed, has instead been sentenced to life in prison at her retrial.

According to Chinese newspaper reports, the sentence was handed down by Lanzhou City Intermediate People's Court in Gansu Province on 15 November. The court apparently accepted a plea for leniency from Ma's lawyer, on the grounds that she had been forced to have an abortion. Some reports also indicate that the court also accepted Ma's defence that she was unaware the packets found in her possession contained heroin. It is not yet clear whether Ma and her lawyer have appealed against the life sentence.

Reports in the Chinese media expressed outrage at the treatment of Ma, and quoted officials at the police station where Ma was held as saying there would be a thorough enquiry into the events surrounding the case. However, the latest reports on Ma's life sentence do not mention what if any measures have been taken against the officials known to be responsible for ordering the abortion.

BACKGROUND INFORMATION

Ma Weihua was detained in January this year in possession of 1.6kg of heroin. She did not realise she was pregnant until she underwent a routine medical examination at a detention centre in Lanzhou City. She reportedly wanted to continue with the pregnancy, but it was terminated on 19 February.

At her original trial, on 23 July, Ma's lawyer presented to the court an “operation consent form” authorising the abortion, signed by a police officer from the Chengguan police station in Lanzhou where Ma was being held. The form states that the abortion was performed under general anaesthetic, and notes that “Because the patient was uncooperative, Chengguan substation director requested forced implementation.” The police and prosecution had withheld evidence of the forced abortion from Ma's case file, and the trial was suspended as a result of the form being produced in court.

RECOMMENDED ACTION: Please send a final round of appeals to arrive as quickly as possible, in English or your own language:

- welcoming the news that Ma Weihua was not executed;
- expressing deep concern that Ma Weihua was forced to undergo an abortion while in custody at Chengguan police station in Lanzhou, Gansu Province, and urging the authorities to order a full investigation into the circumstances, and publish its findings.

APPEALS TO:

President of Gansu Province High People's Court

HAO Hongtao Yuanzhang

Gansusheng Gaoji Renmin Fayuan

36 Qingyang Lu

Lanzhou Shi

Gansusheng

730030

People's Republic of China

Salutation: Dear President Hao

Governor of Gansu Province People's Government

LU Hao Shengzhang

Gansusheng Renmin Zhengfu

1 Zhongyang, Guangchang Qu

Lanzhou Shi

Gansusheng

730030

People's Republic of China

Salutation: Dear Governor

COPIES TO: diplomatic representatives of People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 January 2005.