

URGENT ACTION

STOP TWO EXECUTIONS IN CHINA

A Hong Kong man, Robert Shan Shiao-may, and Lien Sung-ching, of Taiwan, are facing execution in mainland China. The Supreme People's Court (SPC) in Beijing is now reviewing their sentences: if it approves them, the men could be executed as early as 25 June.

Robert Shan Shiao-may, aged 53, was sentenced to death by the Zhuhai Intermediate People's Court in Guangdong province on 26 June 2009, for drug-trafficking, illegal possession of drugs, and illegal possession of a firearm. Lien Sung-ching, aged 58, was sentenced to death at the same trial on charges of producing and trafficking drugs. Guangdong public security agents had arrested both men in December 2005 and accused them of sending 192 kilograms of crystal methamphetamine to the Philippines from the mainland via Hong Kong. Robert Shan Shiao-may's wife, Cheng Jia was arrested with him, and she later told several journalists that her husband had only confessed so police would release her.

A month earlier, Hong Kong police officers, tipped off by the mainland authorities, had detained two containers at a shipping terminal, that supposedly contained drugs and were bound for Manila. However, a senior inspector in Hong Kong's narcotics bureau later wrote to relatives of Lien Sung-ching saying that no drugs had been found and that the containers had been sent back to the company that owned them.

During the appeal, the Guangdong Provincial People's Court rejected the letter because it did not have an official police stamp and because Hong Kong police later said the letter had been written in error. The police force apologized to family members of the defendants. Hong Kong police officials have said they will conduct an internal investigation and take necessary disciplinary action. However, no internal police investigation is known to have been conducted, and the issue of the letter raises serious doubts as to the evidence used to convict these men.

Though China's statistics on death sentences and executions are a state secret, Amnesty International and other NGOs have recorded an apparent increase in executions at certain times of the year, such as 26 June, the International Day Against Drug Abuse and Illicit Trafficking.

PLEASE WRITE IMMEDIATELY in Chinese, English or your own language:

- Calling on the authorities in Beijing not to execute Robert Shan Shiao-may or Lien Sung-ching;
- urging the Supreme People's Court to remand the case for a retrial that meets international fair trial standards;
- calling on the authorities in Beijing to introduce an immediate moratorium on executions, with a view to abolishing the death penalty, as provided by UN General Assembly resolution 62/149, of 18 December 2007.
- calling on the Hong Kong police commissioner to ensure that the matter of the "mistaken" letter exonerating Robert Shan Shiao-may and Lien Sung-ching is fully investigated and the results made public;

PLEASE SEND APPEALS BEFORE 4 AUGUST 2011 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
Fax: +86 10 63097934
Email: icc@npc.gov.cn
Salutation: Dear Chairman

Hong Kong Police Commissioner

TSANG Wai-hung Commissioner of Police
42/F Arsenal House, Police Headquarters
1 Arsenal Street, Wanchai, Hong Kong
Email: cp@police.gov.hk

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

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ADDITIONAL INFORMATION

No one sentenced to death receives a fair trial in China. There are also significant gaps between the law, practice and international commitments made by China to international fair trial 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.

The death penalty is applicable to at least 55 offences in China, including non-violent ones, such as drug-related crimes. Statistics on the death penalty are a state secret but Amnesty International estimates that China executes more people every year than the rest of the world combined. A US-based NGO, the Dui Hua Foundation, estimates that China carried out just under 5,000 executions in 2009, based on reports from local Chinese officials.

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 or revise death sentences. 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.

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

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