

PUBLIC

AI Index: ASA 17/033/2004

07 July 2004

UA 216/04 Death Penalty/imminent execution

CHINA Ishwori Kumar Shrestha (m), aged 27, businessperson] Nepalese citizens
Rabi Dahal (m), aged 38]

The two Nepalese men named above were sentenced to death in the Tibet Autonomous Region (TAR), People's Republic of China, on 30 May 2004, on drugs-related charges. They could be facing execution at any time.

Their families have not heard from them for four months. They were not officially informed of the sentence, but read about it in a Kathmandu newspaper. They have since launched a campaign to protest the men's innocence. It is not clear whether the men have appealed, or been granted leave to appeal.

Ishwori Kumar Shrestha and Rabi Dahal, who regularly travel to China on business, were detained on 30 May 2003, in Khasa, TAR, after Chinese police found two sacks containing 29.85kg of drugs in their possession. The two men appointed a lawyer, but it is not clear whether a Nepali-Chinese interpreter was provided, or whether the two were able to fully understand the process of their charge and trial. Ishwori Kumar Shrestha's wife last spoke to him around late February, and at that time he was confident that he would be acquitted: he said that the sacks of drugs had been given to him by a friend for safekeeping, and he had no idea of their contents. A third man, Rewat Kumar Dahal, was given a lengthy prison sentence.

BACKGROUND INFORMATION

Amnesty International believes that the Chinese criminal justice system has become so flawed that it is impossible for the Chinese judiciary to adequately establish guilt in this case, or in any other capital case. Amnesty International therefore believes that there should be a complete moratorium on the use of the death penalty in China. (For further information see the report *Executed "according to law"? – the death penalty in China*, ASA 17/003/2004). Amnesty International is opposed to the death penalty in all circumstances, as the ultimate cruel and inhuman punishment.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Chinese, English or your own language:

- calling on the authorities to stay the execution of Nepalese citizens Ishwori Kumar Shrestha and Rabi Dahal immediately;
- insisting that a review of the trial is carried out, and demanding that, if inadequacies are found, the men are retried in accordance with international fair trial standards;
- demanding that full details of the trial, verdict and appeal are passed to the men's families;
- demanding that Ishwori Kumar Shrestha and Rabi Dahal are allowed to speak to their families by telephone at the earliest possible opportunity;
- calling for an immediate moratorium on the use of the death penalty in China.

APPEALS TO:

Chairman of the Tibet Autonomous Regional People's Government

Jampa Phuntsog Zhuren

Xizang Zizhiqu Renmin Zhengfu

1 Kang'angdonglu

Lasashi 850000, Xizang Zizhiqu

People's Republic of China

Email: **e-editor@tibetinform.com**
 webmaster@tibetinform.com

Salutation: **Dear Chairman**

Premier of the People's Republic of China

Premier **Wen Jiabao**

Guowuyuan, 9 Xihuangchenggenbeijie

Beijingshi 100032

People's Republic of China

Fax: **+ 86 10 6596 3374**

Salutation: **Your Excellency**

President of the Tibet Autonomous Regional High People's Court

Nyima Zhamdui Yuanzhang

Xizang Zizhiqu Gaoji Renmin Fayuan

Lasashi, Xizang Zizhiqu

People's Republic of China

Salutation: **Dear President**

COPIES TO:

Xinhua News Agency, Lhasa, Tibet.

Fax: **+86 891 6341788**

Email: **xhw_xz@yahoo.com.cn**

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 August 2004.