

PUBLIC

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Fear of imminent execution

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

A woman facing the death penalty on drug charges has reportedly been forced to have an abortion in police custody. China's Criminal Law forbids the execution of pregnant women, but Chinese newspaper reports suggest that Ma Weihua's pregnancy was terminated so that she could be put to death "legally".

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, Gansu Province. Ma reportedly wanted to continue with the pregnancy, but it was terminated on 19 February.

At her trial, on 23 August, 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 verdict is expected "in the next few days", according to Chinese press reports. The quantity of heroin found in Ma's possession means she is liable to be sentenced to death. Ma will have the right to appeal against any sentence, but it is relatively rare for appeal courts in China to change or overturn the verdict of a lower court. Amnesty International has documented cases where prisoners have been executed within hours of sentence being passed.

Ma had reportedly been paid by an acquaintance to courier seven packets of heroin from Xinjiang to Gansu Province, and was detained in Lanzhou on 25 January. As grounds for a lesser sentence, her lawyer cited not only the forced abortion but also the fact that Ma had confessed to the crime, that it was her first offence, and that the police had confiscated all of the drugs involved.

BACKGROUND INFORMATION

Various non-governmental organizations, including Amnesty International, have documented reports of forced abortions and sterilisations, particularly as a result of China's "one-child" policy, although independent research on the topic is extremely difficult. Amnesty International considers forced abortion and sterilization of detainees by or at the instigation of officials to be torture or cruel, inhuman or degrading treatment.

China's anti-drugs laws are extremely harsh. Offenders are liable for execution if they are found in possession of precisely defined quantities of drugs, for example 1kg or more of heroin, 50g or more of cocaine, or 5kg or more of cannabis resin. In June this year, China executed possibly hundreds of people on drugs charges to mark the UN World Anti-Drugs Day. Despite this draconian action, China's drugs problem continues to grow. Officially there are 1.05 million registered drug users in China, although the true figure is thought to be much higher. The number of heroin addicts grew at a rate of 13% over the past five years, according to official figures.

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

- expressing deep concern at reports that Ma Weihua was forced to undergo an abortion while in custody at Chengguan police station in Lanzhou, Gansu Province and urging a full investigation into the circumstances surrounding it;

- expressing concern that Ma's pregnancy was terminated apparently so that she could be executed "legally" under Chinese law;
- urging the authorities to take Ma Weihua's lawyer's arguments for a reduced sentence into account, and to pass a custodial sentence only;
- pointing out that executions have never been proven to reduce the incidence of drug-related crime, or any other kind of crime, and that the death penalty should therefore be abolished as the ultimate cruel, degrading and inhuman punishment.

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 the 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 7 October 2004.