

PUBLIC

**AI Index: ASA 17/106/2008
25 November 2008**

Further Information on UA 322/08 (ASA 17/105/2008, 21 November 2008) Death Penalty/Imminent execution

CHINA

Wo Weihan (m) aged 59

Wo Weihan's family has received an oral confirmation that the Supreme People's Court (SPC) has approved his death sentence. Wo Weihan's family is scheduled to meet with him on the morning of 27 November at the Beijing Municipal No 2 Intermediate People's Court. It is possible that he will be executed as early as that same day.

Wo Weihan was sentenced to death in May 2007 for spying by Beijing Municipal No 2 Intermediate People's Court, after a closed trial. The Beijing Municipal Higher People's Court upheld the original sentence on appeal in February 2008. The case was then reviewed by the SPC. According to China's Criminal Procedure Law, the court of the first instance will be responsible for carrying out the execution.

There are serious concerns that Wo Weihan did not receive a fair trial. During the first ten months of his detention, no one was allowed to meet with him. According to the verdict of his trial, Wo Weihan confessed to the charges while in detention. His family says that he later recanted his confession and claimed his innocence.

Since being detained in January 2005 he has not had been allowed visits from his family. Wo Weihan suffered a brain haemorrhage in March 2005, two weeks after being detained. He has been held in Beijing Municipal Bo Ren Hospital (a prison hospital) since.

BACKGROUND INFORMATION

China executes more people each year than any other country in the world. There is likely to have been a significant drop in executions during 2007, after the SPC resumed power to review for all death sentences handed down for immediate execution, some of which had been delegated to the higher people's courts since 1980. In 2007, Amnesty International recorded 470 executions, but this is an absolute minimum, based on publicly available reports. The US-based Dui Hua Foundation estimates that between 5,000 and 6,000 people were executed that year, based on figures obtained from local officials. The official statistics on death sentences and executions are classified as state secrets.

A number of cases reported in the Chinese press in recent years reveal that innocent people have been put to death in China after unfair trials. Common failures include: lack of prompt access to lawyers, lack of presumption of innocence, political interference in the judiciary and failure to exclude evidence extracted through torture.

Several Chinese lawyers have complained that they are not able to access the SPC review tribunals. In response to such concerns, the SPC and Ministry of Justice promulgated new regulations on 21 May 2008 aimed at safeguarding the defence role played by lawyers during the review process. It remains to be seen how effectively they will be implemented.

A joint directive issued by leading judicial organs in March 2007 urged judicial departments to strictly control and prudently apply death sentences, to safeguard the legal rights of suspects and to ensure that death penalty prisoners have the right to meet their family after the sentence is confirmed.

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

- urging the authorities not to execute Wo Weihan
- expressing concern that Wo Weihan may not have received a fair trial according to international standards, particularly as he was not allowed prompt access to a lawyer
- urging the authorities to immediately establish a moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolution 62/149, adopted on 18 December 2007.

APPEALS TO:

Chairman of the Standing Committee of the National People's Congress

WU Bangguo Weiyuanzhang

Quanguo Renda Changwu Weiyuanhui Bangongting

23 Xijiaomintang

Xichengqu

Beijingshi 100805

Fax: + 86 10 659 61109 (c/o Ministry of Foreign Affairs)

Salutation: Dear Chairman

Prime Minister of the People's Republic of China

WEN Jiabao Guojia Zongli

The State Council General Office

2 Fuyoujie

Xichengqu

Beijingshi 100017

People's Republic of China

Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)

Salutation: Your Excellency

COPIES TO:

Beijing Municipal No 2 Intermediate People's Court

10 Fangzhonglu

Fengtaiqu

100078 Beijingshi

People's Republic of China

and to diplomatic representatives of CHINA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.