

EXTERNAL (for general distribution)

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EXTRA 08/94 Death Penalty

11 February 1994

MACAU: Antonio Ti Luo (also known as LU Guo and LU Xixu)

Antonio Ti Luo, an ethnic Chinese national of Bolivia, is currently detained in Macau and is at serious risk of imminent extradition to the People's Republic of China (PRC), where he may be tried and executed for alleged economic offences.

Antonio Ti Luo, 45, is reportedly accused by the authorities of the PRC of being responsible for economic losses of about US\$50 million, related to the activities of a joint-venture company in China which employed him. The Chinese authorities have accused him of economic crimes under Article 152 of the Criminal Law of the PRC. This Article, as revised in 1982 by the PRC's National People's Congress, provides for the death penalty for those found guilty "*when the circumstances are particularly serious*".

At a preliminary hearing in November 1993, the Macau High Court decided to allow Antonio Ti Luo's extradition to China. This decision was reportedly endorsed by the Governor of Macau on 2 January 1994. Antonio Ti Luo will be extradited immediately if the Court confirms its earlier decision at a final hearing, which must be held before 21 February 1994.

In recent years, a large number of people have been sentenced to death and executed in China after being charged with economic offences involving much smaller amounts of money than in the case of Antonio Ti Luo. Amnesty International is concerned that, if extradited to China to face charges under Article 152 of the Criminal Law, Antonio Ti Luo is at very high risk of being sentenced to death and executed. The organization is calling on the Macau authorities not to extradite Antonio Ti Luo to China.

BACKGROUND INFORMATION

Antonio Ti Luo left China for Macau in November 1993. He is a former employee of the Hong Tai Enterprise Group, a joint venture company with branches in China. The company is accused by the PRC authorities of having defrauded several customers.

There is no extradition treaty between China and Portugal, which administers Macau. Under Portuguese presidential Decree-Law 437/75 of August 1993, extradition requests may be refused by Portuguese authorities in certain circumstances, including if there are no guarantees that the judicial process in the country of extradition will be conducted in accordance with international standards; and if the defendant is at risk of being sentenced to death.

In 1993, according to figures compiled by Amnesty International mainly on the basis of published information, at least 2,000 people have been sentenced to death, and at least 1,250 were executed in China. Trial procedures in China fall far short of international standards for fairness, and defendants in death penalty cases have virtually no chance of presenting an adequate defence. The death penalty has not been used in Macau since the 19th Century.

Amnesty International is concerned that the Macau prosecution authorities should request the Macau High Court to reverse its earlier agreement to extradite Antonio Ti Luo to China, in view of the high risk that he may be sentenced to death in a trial not conducted in accordance with international standards.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English or in your own language:

- urging the Macau authorities not to extradite Antonio Ti Luo to the People's Republic of China;

- expressing concern that the Governor of Macau should ensure that the provisions of Decree-Law 437/75 be taken into account when considering all requests for extraditions;

- expressing opposition to the death penalty in all cases, as a violation of the right to life and as the ultimate form of torture and cruel, inhuman and degrading punishment.

APPEALS TO:

1) Macau Governor

Governador General Vasco Rocha Vieira
Government Palace
Rua da Praia Grande
Macau

Faxes: + 853 972746

Telexes: 88201

Salutation: Dear Governor

2) Macau Deputy Procurator General

Procurador General Adjunto Dr Rodrigo Leal de Carvalho

Address, faxes and telexes as above

Salutation: Dear Deputy Procurator General

3) President of the Legislative Assembly

Dra Anabela Ritchie

Address, faxes and telexes as above

Salutation: Dear President

4) President of Portugal

Exmo Sr Presidente
Mario Alberto Nobre Lopes Soares
Palacio de Sao Bento
Lisboa 3
Portugal

Faxes: + 351 1 363 6603

Salutation: Dear President

COPIES OF YOUR APPEALS TO:

1) Bolivian Minister of Justice

Dr Carlos Morales Guillén
Ministerio de Justicia
Palacio de comunicaciones Piso 6
Avenida Mariscal Santa Cruz
La Paz
Bolivia

2) President of the Bolivian Chamber of Deputies Human Rights Commission

Dr Juan del Granado
Palacio Legislativo (edf anexo)

La Paz
Bolivia

3) Teledifusao de Macau

Rua Francisco Xavier Pereira 157-a
CP 446
Macau

Faxes: + 853 520 208

and to diplomatic representatives of Portugal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.