

PUBLIC

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Imminent execution / Unfair trial

PEOPLE'S REPUBLIC OF CHINA Two Nepalese citizens (m)

Two Nepalese citizens have been sentenced to death by a Chinese court in a trial believed to have fallen far short of international standards. The two men, whose names are unknown, could be executed at any time.

The men were reportedly sentenced to death by a court in the Tibet Autonomous Region (TAR) of the People's Republic of China, on charges relating to smuggling arms into Nepal. According to reports, the men did not have any legal representation, or possibly even an interpreter, at their trial.

The Nepalese government, which announced the sentences on 17 September, has appealed to the Chinese government to retry the case and to provide the defendants with legal representation. Two other Nepalese men in the same case are believed to have been sentenced to prison terms of four and seven years.

BACKGROUND INFORMATION

Amnesty International is opposed to the death penalty in all circumstances, as the ultimate cruel and inhuman punishment.

The serious failings in even the most basic of legal provisions in this case again indicate that the criminal justice system in China is so deeply flawed it cannot provide a fair trial in capital cases, and that therefore an immediate moratorium on the death penalty must be imposed. (For further information, see '*Executed "according to law"?* – *the death penalty in China*', AI Index: ASA 17/003/2004.)

In May 2004, two other Nepalese citizens were sentenced to death in the TAR on charges of smuggling drugs, following similar concerns of an unfair trial (see *Urgent Action 216/04*, AI Index: ASA 17/033/2004). The outcome of their appeal is not yet known.

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

- calling on the authorities to immediately stay the execution of the two Nepalese citizens sentenced to death;
- raising concerns that the convicted men did not have legal representation;
- calling for a retrial of all four defendants in full compliance with international standards;
- pointing out that legal failings in this case indicate that an immediate moratorium on executions in the People's Republic of China must be imposed.

APPEALS TO:

Chairman of the Tibet Autonomous Regional People's Government

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People's Republic of China

Fax: + 86 891 633 0303, mark "For the Attention of Chairman Jampa Phuntsog"

Salutation: Dear Chairman

Premier of the People's Republic of China

Premier **Wen Jiabao**

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Salutation: Your Excellency

President of the Tibet Autonomous Regional High People's Court

Nyima Zhamdui Yuanzhang

Xizang Zizhiqu Gaoji Renmin Fayuan

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People's Republic of China

Salutation: Dear President

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and 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 1 November 2004.