

PUBLIC

AI Index: ASA 17/105/2008

21 November 2008

UA 322/08 Death Penalty/Imminent execution

CHINA Wo Weihan (m) aged 59

Medical scientist Wo Weihan may be at imminent risk of execution. On 18 November the Beijing Municipal Higher People's Court told his family to apply for visitation within seven days after being refused visitation for nearly four years. This sudden move suggests that the Supreme People's Court (SPC) has approved the death sentence and that the Beijing Municipal Higher People's Court is preparing to execute Wo Weihan.

Wo Weihan was sentenced to death in May 2007 for spying after a closed trial in Beijing. He lost his appeal on 29 February 2008. According to the verdict issued by the Beijing Municipal Higher People's Court, Wo Weihan was found guilty of spying for Taiwan on a number of occasions. For example, he was found guilty of discussing the health status of senior Chinese leaders which is considered to be top secret and of sending information from a "classified" magazine available in the Chinese Academy of Sciences library.

On 19 January 2005 Wo Weihan was detained in Beijing, but he was not formally arrested until 5 May. According to the verdict, he confessed to the charges while in detention. His family says that he confessed in the absence of a lawyer and that he later recanted his confession and claimed innocence, which raised doubts over his treatment in detention.

Wo Weihan suffered a brain haemorrhage in a detention centre on 6 February 2005. He was allowed to recuperate at home for 6 weeks. In March 2005, he was taken to Beijing Municipal Bo Ren Hospital (a prison hospital) where he has been held since. According to his family, he had no health problems prior to being detained.

During the first ten months of his detention, no one was allowed to meet with Wo Weihan. He was eventually allowed regular meetings with his lawyers, although family has not been allowed to meet with him until now.

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 all death sentences. 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, 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 to safeguard the defence role played by lawyers during the review process.

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, Chinese or your own language:

- express concern that Wo Weihai 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 not to execute Wo Weihai
- 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 Xijiaominhang

Xichengqu

Beijingshi 100805

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

Salutation: Dear Chairman

President of the Beijing Municipal Higher People's Court

QIN Zhengan Yuanzhang

Beijingshi Gaoji Renmin Fayuan

10 Jianguomennandajie

Chaoyangqu

Beijingshi 100022

People's Republic of China

Salutation: Dear President

COPIES TO:

Beijing Municipal Bo Ren Hospital

9 Youanmendongjie

Xuanwuqu

Beijingshi 100054

People's Republic of China

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.