

EXTERNAL (for general distribution)

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Further information on EXTRA 08/94 (ASA 27/01/94, 11 February 1994) - and follow-up (ASA 27/02/94, 1 March) - Death Penalty

MACAU Antonio Ti Luo
 Yeung Yuk-leung, aged 35

On 14 April 1994, the Macau Supreme Court decided to extradite Antonio Ti Luo and Yeung Yuk-leung to China. Amnesty International is concerned that if extradited, the two may face unfair trials and execution.

It seems that the decision on the 14 April was taken by a 3 to 2 vote of the five Supreme Court judges, with the President of the Supreme Court casting the crucial vote in favour of extradition. The decision partly contradicts an earlier one, made on 1 March, to refuse the extradition of Antonio Ti Luo, while accepting that of Yeung Yuk-leung.

The Macau Government had reportedly requested the court to reconsider its 1 March refusal to extradite Antonio Ti Luo to China. Amnesty International is deeply concerned that the Supreme Court's compliance with this request and its reversal of its earlier decision may not be consistent with international standards for fair trials. It is calling on the Portuguese authorities to ensure that the legality of the procedures followed in the consideration of the cases of Antonio Ti Luo and Yeung Yuk-leung be fully reviewed before any extradition takes place.

BACKGROUND INFORMATION

At a hearing on 1 March 1994, the Supreme Court denied the People's Republic of China's request for the extradition of Antonio Ti Luo, an ethnic Chinese national of Bolivia. Amnesty International welcomed this decision as it believed that Antonio Ti Luo faced a high risk of unfair trial and execution for alleged economic offences if returned to China. This decision has now been overturned.

Yeung Yuk-leung is a Hong Kong resident suspected of murder by the Chinese authorities. Amnesty International is concerned that, if returned to China, the 35-year-old, who faces investigation for the murder of a woman in Guangdong province in 1990, may not be able to present an adequate defence and obtain a fair trial in accordance with international standards, and may be sentenced to death and executed. The Macau branch of China's official news agency, Xinhua (which acts as the Chinese Government representative in Macau), reportedly informed the Supreme Court that Yeung Yuk-leung would not be executed. The status of this assurance is unclear, and Amnesty International is concerned that it may not be binding on China's prosecution authorities.

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 2,100 people have been sentenced to death, and at least 1,400 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.

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

- expressing concern that Antonio Ti Luo and Yeung Yuk-leung may face unfair trials and execution if returned to China, and urging the Macau authorities to give favourable consideration to their appeals to reverse that decision;
- expressing concern about the Supreme Court's reversal of its own decision, taken on 1 March, not to extradite Antonio Ti Luo and urging that the legality of this reversal be examined by the Portuguese Constitutional Court before any extradition to China takes place.

APPEALS TO:

1) Macau Governor

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

Faxes: + 853 972746

Telegrams: Governador General Vieira, Macau

Telexes: 88201

Salutation: Dear Governor

2) Macau Deputy Procurator General

Procurator General Adjunto Dr Rodrigo Leal de Carvalho
Address, faxes and telexes as above

Telegrams: Procurator General Leal de Carvalho, Macau

Salutation: Dear Deputy Procurator General

3) President of Portugal

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

Faxes: + 351 1 363 6603

Telegrams: Presidente Soares, Lisbon, Portugal

Salutation: Dear President

COPIES OF YOUR APPEALS TO:

Chief Secretary's Office

Hong Kong Government Secretariat
Central Government Offices
Lower Albert Road, Hong Kong

and to diplomatic representatives of Portugal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 May 1994.