

PUBLIC

**AI Index: ASA 17/007/2009
13 February 2009**

UA 42/09

Imminent Execution

PEOPLE'S REPUBLIC OF CHINA

Du Yimin (f), aged 43, businessperson

Businesswoman Du Yimin was sentenced to death in March 2008. Her appeal was rejected on 13 January, and her sentence will now be reviewed by the Supreme People's Court. If it upholds her sentence, she could be executed within days.

She was convicted of "fraudulent raising of public funds." According to the verdict, she had illegally raised approximately 700 million Yuan (US\$102 million) from hundreds of people investing in her beauty parlours. According to the Chinese press, she had obtained the money between 2003 and 2006 by offering investors monthly returns of up to 10%.

According to her lawyer, Du Yimin should have been convicted of the lesser offence of "illegally collecting public deposits," which carries a maximum sentence of 10 years' imprisonment and a fine of 500,000 Yuan (US\$73,000). Du Yimin argued that she had had no intention of keeping the money, but had rather put it into her companies, and obtained it without using fraudulent means.

Du Yimin's death sentence has caused a debate about consistency in application of the death penalty. The day before she was sentenced to death, an official who used 15.8 billion Yuan of public funds to cover his personal spending was sentenced to fixed term imprisonment.

BACKGROUND INFORMATION

The death penalty is applicable for 68 offences in China, including non-violent ones. China executes more people every year than any other country in the world. There is likely to have been a significant drop in executions during 2007, after the Supreme People's Court resumed authority to review all death sentences. That year, Amnesty International recorded 470 executions, but this is an absolute minimum, based on publicly available reports. A US-based NGO that is focused on advancing human rights in China, the 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.

China provides no clemency procedures for condemned prisoners after they have exhausted their appeals through the courts.

A joint directive issued by Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security and Ministry of Justice in March 2007 urged judicial departments to ensure that prisoners under sentence of death were able to meet their families after their sentences were confirmed. Despite this, Amnesty International has received several reports of families being given so little warning of executions that they have had no chance of a final meeting.

No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Many have had confessions accepted despite saying in court that these were extracted under torture; have had to prove themselves innocent, rather than be proved guilty; and have had limited access to legal counsel.

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

- urging the authorities not to execute Du Yinmin;
- urging the National People's Congress to introduce a legal procedure for clemency;
- calling on the authorities to ensure that Du Yimin has access to her family
- urging the National People's Congress to eliminate the death penalty for all non-violent crimes;
- urging the authorities to establish an immediate moratorium on executions with a view to abolishing the death penalty, as provided by UN General Assembly resolution 62/149, of 18 December 2007.

APPEALS TO:

President of the Supreme People's Court
WANG Shengjun Yuanzhang, Zuigao Renmin Fayuan
27 Dongjiaomin Xiang, Beijingshi 100745
People's Republic of China

Fax: +86 10 65292345

Salutation: Dear President

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 63097934

Email: rd@peopledaily.com.cn

Salutation: Dear Chairman

Minister of Justice

Wu Aiying Buzhang
Sifabu
10 Chaoyangmen Nandajie
Chaoyangqu, Beijingshi 100020
People's Republic of China

Fax: +86 10 65292345

Email: pfmaster@legalinfo.gov.cn

Salutation: Dear Minister

Director of the Zhejiang Provincial Department of Justice

ZHAO Guangjun Tingzhang
Zhejiangsheng Sifating, 11 Shengfulu
Hangzhoushi 310007, Zhejiangsheng
People's Republic of China

Salutation: Dear Director

COPIES TO:

Director, Zhejiang Provincial Department of Public Security (Du Yinin is from Zhejiang, was sentenced there)

WANG Huizhong Tingzhang
Zhejiangsheng Gong'anting
155 Jiefanglu, Hangzhoushi 310009
Zhejiangsheng, People's Republic of China

Fax: +86 571 87075583

Salutation: Dear Director

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 27 March 2009.