

URGENT ACTION

CHINA TO EXECUTE AKMAL SHAIKH ON 29 DECEMBER

British national Akmal Shaikh has exhausted all his appeals against his drug-smuggling conviction. According to the UK Foreign Office, he is scheduled to be executed on 29 December.

The Supreme People's Court approved his death sentence on 21 December, despite arguments from his family and lawyer that he has suffered from mental instability for many years. The Foreign Office said that it would "renew and intensify" its appeal for clemency.

A spokesperson from the Ministry of Foreign Affairs said Shaikh's case had been handled by the judicial authorities in accordance with the law and that his rights had been "respected and guaranteed, including rights of defence."

British media reported that the Xinjiang Uighur Autonomous Region (XUAR) Intermediate People's Court had scheduled Akmal Shaikh's execution for 29 December, though according to local Chinese media, the authorities have not yet announced the date of execution.

The Uighur Autonomous Regional Higher People's Court denied Akmal Shaikh's appeal and sentenced him to death on 29 October 2008.

PLEASE WRITE IMMEDIATELY in Chinese or your own language:

- urging the Supreme People's Court to send back Akmal Shaikh's case for retrial;
- calling on the authorities to ensure that Akmal Shaikh has access to his family and any medical attention he may require, including psychiatric evaluation;
- urging the National People's Congress to introduce a legal procedure for clemency and to eliminate the death penalty for all non-violent crimes.

PLEASE SEND APPEALS BEFORE 29 DECEMBER 2009 TO:

Supreme People's Court President

WANG Shengjun Yuanzhang
Zuigao Renmin Fayuan
27 Dongjiaomin Xiang
Beijingshi 100745
People's Republic of China

Fax: +86 10 65292345

Salutation: Dear President Wang

National People's Congress Standing

Committee Chairman

WU Bangguo Weiyuanzhang
Quanguo Renda Changwu Weiyuanhui
Bangongting
23 Xijiaominxiang, Xichengqu
Beijingshi 100805

Fax: +86 10 63097934

Email: icc@npc.gov.cn

Salutation: Dear Chairman

And copies to:

President

HU Jintao Guojia Zhuxi
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China

Fax: +86 10 63070900

Salutation: Your Excellency

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 284/09, ASA 17/059/2009. Further information: www.amnesty.org/en/library/info/ASA17/069/2009/en

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ADDITIONAL INFORMATION

Akmal Shaikh was detained at the airport in the XUAR capital, Urumqi, on 12 September 2007, when he arrived on a flight from Tajikistan. He was accused of carrying four kilograms of heroin in his luggage. According to Hong Kong and international media, Shaikh had been tricked by a criminal gang in Poland, where he had been living. Gang members had promised to introduce him to people in the music business, who would assist him with his music career, and arranged for him to travel to Kyrgyzstan and then to China; they asked him carry the luggage that contained the heroin. Believing that he was going to be able to launch a career as a pop star, he boarded a plane for China, carrying the piece of luggage.

Akmal Shaikh's family and lawyer have argued that he is mentally ill. They say he has suffered from mental instability for many years and is likely to have a bipolar disorder. Despite these claims, the Chinese authorities have refused to allow Akmal Shaikh to be examined by a doctor. On 13 October, spokesman of the Ministry of Foreign Affairs said the British embassy in China and a UK-based organization, Reprive, had proposed to carry out mental health examinations on Shaikh but they have not offered evidence that he may be suffering from a mental disorder. According to a local Chinese media report quoting a Chinese academic, Akmal Shaikh refused the request to undergo forensic psychiatry and claimed he is mentally healthy.

According to Article 18 of China's Criminal Law, a mental patient who commits a crime, and has not completely lost the ability to recognize or control his own conduct at the time, has criminal responsibility, but may be given a lighter punishment.

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

Further information on UA: 284/09 Index: ASA 17/074/2009 Issue Date: 23 December 2009

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