

URGENT ACTION

EXECUTION OF TAIWANESE MAN IS IMMINIENT

Cheng Hsing-tse is facing imminent execution in Taiwan after the Prosecutor General rejected a request on 11 December to seek an extraordinary appeal. The Minister of Justice could sign an execution order at any moment.

Cheng Hsing-tse was arrested on 5 January 2002 and accused of killing a police officer during a gunfight. He was sentenced to death for murder by the Taichung District Court on 18 November 2002. The case bounced back and forth between the High Court and the Supreme Court for appeals and retrials; however Cheng Hsing-tse's death sentence was finalized on 25 May 2006. His lawyers have since applied for extraordinary appeals but the requests have been rejected each time by the Prosecutor General.

Cheng Hsing-tse first retracted his confession, allegedly extracted by the police through torture, on 6 January 2002 and again on 22 January 2002. He continued to retract his confessions in court proceedings. There have been no investigations into the torture allegations so far.

Cheng Hsing-tse's lawyers have also argued that there were irregularities in the investigation. For example, four guns were obtained from the crime scene but Cheng's fingerprints were not found on any of them. The police also failed to keep the crime scene intact by moving the guns and the court has never sought ballistic or forensic analysis.

Taiwan provides no procedures that would allow people on death row to seek a pardon or for the sentence to be commuted – a right recognized by the International Covenant on Civil and Political Rights, which the Taiwanese parliament has voted to implement.

Cheng Hsing-tse has been in custody for more than ten years and he is currently being detained in the Taichung Detention Centre.

Please write immediately in English or your own language:

- √ Urging the authorities not to sign an execution order for Cheng Hsing-tse or any other prisoner;
- √ Urging the authorities to introduce a legal procedure for requesting clemency;
- √ Urging the authorities to establish an immediate moratorium on executions with a view to abolishing the death penalty, in line with UN General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008 and 65/206 of 21 December 2010;
- √ Urging the authorities to commute all death sentences to terms of imprisonment.

PLEASE SEND APPEALS BEFORE 25 JANUARY 2013 TO:

Minister of Justice

Minister Tseng Yung-fu
No.130, Sec.1, Chongqing S. Road
Taipei City 10048
Taiwan
Fax: +886 2 23319102
Email: tyftp@mail.moj.gov.tw
Salutation: Dear Minister

President

Ma Ying-jeou
Office of the President
No. 122, Sec. 1, Chongqing S. Rd.
Zhongzheng Dist.
Taipei City 100, Taiwan
Fax: +886 2 23832941
Salutation: Your Excellency

And copies to:

Cheng Hsing-tse
Taichung Detention Center
No.11, Peide Road
Nantun District
Taichung City 408
Taiwan

Salutation: Dear Cheng Hsing-tse

Also send copies to diplomatic representatives accredited to your country

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

EXECUTION OF TAIWANESE MAN IS IMMINIENT

ADDITIONAL INFORMATION

Taiwan has not carried out any executions this year and 61 people remain on death row. Five people were executed in 2011. Family members are not informed about scheduled executions in advance and they learn about them afterwards, when they are invited to collect the bodies from the mortuary.

Since 2000, the government of Taiwan has repeatedly pledged to abolish the death penalty. However, on 30 April 2010 they resumed the implementation of the death penalty for the first time since 2005 by executing four people.

The current government agreed to implement the UN International Covenant on Civil and Political Rights in 2009, and reaffirmed its intention to eventually abolish the death penalty.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. International law and standards on the use of the death penalty require that in all capital cases rigorous compliance with international standards for fair trial, at least equal to those contained in Article 14 of the International Covenant on Civil and Political Rights, are observed. These include: the right to be tried before an independent, impartial and competent tribunal; the right to competent defence counsel at every stage of the proceedings; the right to adequate time and facilities to prepare one's defence; the right to be presumed innocent until guilt has been proved beyond a reasonable doubt; the right to appeal to a higher court; the right not to be compelled to testify against himself or herself or to confess guilt; the right to seek pardon and commutation of sentence.

Name: Cheng Hsing-tse

Gender m/f: male

UA: 358/12 Index: ASA 38/006/2012 Issue Date: 14 December 2012