

CE128924H

Title: China: Inaugural MFA Senior Legal Adviser Talks s 22(1)(a)(ii)
s 22(1)(a)(ii)
MRN: CE128924H 26/05/2015 12:46:05 PM ZE10
To: Beijing
Cc: RR : China Posts, Geneva UN, London, Ottawa, UN New York, Vienna
UN, Washington, Wellington
From: Canberra (CHCH/DFAT/LGD/ILB)
From File: 15/816
EDRMS Files:
References: s 22(1)(a)(ii)

The cable has the following attachment/s -
s 22(1)(a)(ii)

Response: Routine, Information Only

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Summary

s 22(1)(a)(ii)

The talks also provided us an opportunity to convey messages on the death
penalty s 22(1)(a)(ii)

s 22(1)(a)(ii)

Led by DFAT's Senior Legal Adviser Katrina Cooper
and her Chinese counterpart Xu Hong s 22(1)(a)(ii)
s 22(1)(a)(ii)

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s 22(1)(a)(ii)

Death penalty

8. We reiterated Australian opposition to the **death penalty** s 33(a)(iii), s 37(1)(c)
Xu acknowledged s 33(b)

s 22(1)(a)(ii)

WH68783H

Title: Human Rights: JSCFADT inquiry on death penalty advocacy - United States
MRN: WH68783H 18/09/2015 03:50:51 PM EDT
To: Canberra
Cc: RR : Abu Dhabi, Abuja, Accra, Addis Ababa, Africa Posts, Amman, ASEAN Posts, Baghdad, Bandar Seri Begawan, Bangkok, Beijing, Beirut, Brasilia, Cairo, Colombo, Dhaka, EU Posts, Geneva UN, Hanoi, Harare, Holy See, Islamabad, Jakarta, Kabul, Kuala Lumpur, Kuwait City, Lima, Madrid, Malta, Manila, Mexico City, Middle East Posts, Moscow, Nairobi, Nauru, New Delhi, Nuku'alofa, Paris EMB, Port Louis, Port Moresby, Port of Spain, Pretoria, Ramallah, Rangoon, Riyadh, Rome, Santiago De Chile, Seoul, Singapore, Suva, Taipei, Tehran, Tel Aviv, Tokyo, UN New York, USA Posts, Vienna UN, Vientiane, Wellington
From: Washington
From File: 15/37201
EDRMS
Files:
References: s 22(1)(a)(ii)

The cable has the following attachment/s -
s 22(1)(a)(ii)

attachments omitted as
outside scope of request

Response: Routine, Information Only

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Summary

Since January 2014, we have not made any representations to the US federal government on the death penalty. s 22(1)(a)(ii)
s 22(1)(a)(ii)

In the period under review (from January 2014 to present), we have not made any representations to the US federal government on the death penalty. s 22(1)(a)(ii)

From: s 22(1)(a)(ii)
Sent: Thursday, 10 March 2016 2:28 PM
To: s 22(1)(a)(ii)
Subject: RE: Death penalty mincor [SEC=UNCLASSIFIED]

s 22(1)(a)(ii)

Nothing at the federal level but a bit at the state level. s 22(1)(a)(ii)

Sent with Good (www.good.com)

From: s 22(1)(a)(ii)
Sent: Thursday, 10 March 2016 1:43:16 PM
To: s 22(1)(a)(ii)
Subject: Death penalty mincor [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi s 22(1)(a)(ii)

We are responding to a piece of mincor on the death penalty (attached) – just wondering whether there are any bilateral representations we could refer to?

Cheers

attachment omitted as outside
the scope of the request

s 22(1)(a)(ii)

s 22(1)(a)(ii)

BJ49714H

Title: China: Ambassador's Meeting with Corruption Prevention Vice
Minister
MRN: BJ49714H 04/04/2016 10:05:54 AM ZE8
To: Canberra
Cc: RR : China Posts, London, Ottawa, Washington, Wellington
From: Beijing
From File: BJ15/149
EDRMS Files:
References: s 22(1)(a)(ii)
Response: Routine, Information Only

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*** ~~THE FOLLOWING CONTAINS SENSITIVE INFORMATION~~ ***

Summary

s 22(1)(a)(ii)

The Ambassador met Liu Jianchao, Vice Minister of China's National Bureau of Corruption Prevention (NBCP), at Liu's request, on 1 April s 22(1)(a)(ii)

BJ49714H

s 22(1)(a)(ii)

11. Any discussion of extradition would inevitably touch on human rights and the death penalty. All extradition treaties signed by Australia had human rights and death penalty safeguards. Extradition would be refused where an individual could be sentenced to death unless the requesting country undertook that the death penalty would not be carried out. Liu said s 33(b)

s 22(1)(a)(ii)

CE138589H

Title: China: Bilateral Legal Talks
MRN: CE138589H 11/04/2016 09:59:22 AM ZE10
To: Beijing
Cc: RR : China Posts, Geneva UN, London, Ottawa, UN New York, Vienna
UN, Washington, Wellington
From: Canberra (CHCH/DFAT/LGD/ILB)
From File: 16/2559
EDRMS Files:
References: s 22(1)(a)(ii)

Response: Routine, Information Only

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Summary

s 22(1)(a)(ii)

Wes 22(1)(a)(ii)
raised human rights concerns, including the death penalty,
s 22(1)(a)(ii)

The second bilateral legal dialogue with China (Canberra, 30-31 March), hosted by Katrina Cooper, DFAT Senior Legal Adviser. s 22(1)(a)(ii)

s 22(1)(a)(ii)

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s 22(1)(a)(ii)

Death penalty and human rights cases

7. We used the legal dialogue to reiterate Australia's opposition to the death penalty s 33(a)(iii), s 37(1)(c)

China's response s 33(b)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Australia-China Bilateral Legal Talks 2016

AUSTRALIA'S POSITION ON THE DEATH PENALTY

Handling note: Australia has a long-standing opposition to the death penalty. Australia's position on the death penalty should be reiterated s 33(a)(iii), s 37(1)(c)

Talking Points

- Australia has a long-standing opposition to the death penalty both at home and abroad. s 33(a)(iii), s 37(1)(c)
- While we share China's ambition in tackling the scourge of drugs in our respective communities, we cannot support the imposition of the death penalty in any instance.

Extradition and Mutual Assistance

- Australia's opposition to the death penalty is reflected in our extradition and mutual assistance legislation.
- The Extradition Act does not allow for the extradition of a person where the offence is subject to the death penalty, unless an undertaking is provided that the death penalty will not be imposed, or if imposed, not carried out.
- The *Mutual Assistance Act* provides that where a person has been charged, arrested, detained or convicted of an offence that could result in the death penalty, mutual assistance must be refused unless there are special circumstances
 - where a person has not yet been charged, arrested, detained or convicted, there is a general discretion to refuse assistance.

Police-to-police assistance

- The Australian Federal Police's National Guideline on International Police to Police Assistance in Death Penalty Situations gives effect to the Australian government's policy of opposition to the death penalty in relation to police to police assistance.

Background

s 22(1)(a)(ii)

s 22(1)(a)(ii)

The death penalty was raised in last year's Senior Legal Adviser Talks with China. Australia reiterated our opposition to the death penalty and highlighted concern for Australians potentially facing the death penalty in China.