

PUBLIC

AI Index: ASA 17/111/2008

05 December 2008

UA 331/08 **Fear of torture and other ill-treatment**

CHINA **Abdushukur Qurban (m) aged 32**

Abdushukur Qurban, an ethnic Uighur and father of three, was detained on 21 November in Penjim Township, Xinjiang Uighur Autonomous Region (XUAR). In violation of the 24-hour limit of family notification required by the Criminal Procedure Law, the police notified his family on 26 November that Abdushukur Qurban had been held on suspicion of crimes of endangering state security. Amnesty International believes he is at risk of torture and other ill-treatment.

Abdushukur Qurban was first interrogated at a local police station in Penjim and then transferred to Yining (Gulja) City No. 1 Detention Centre (also known as Yengi Hayat "New life" Prison) on 22 November. His family has not been allowed to visit Abdushukur Qurban since his detention and the authorities have turned down their request to release him on bail pending investigation. The family have also been refused permission to bring him winter clothing and blankets.

Police have told Abdushukur Qurban's family that he was "not admitting his guilt, and that they were searching for another suspect connected to him". It is not known if Abdushukur Qurban has requested a lawyer or if he has access to one.

Abdushukur Qurban's family has been a target of police harassment for years. In 1999, the Qurban family and their neighbours gave refuge to, a religious teacher who was wanted by the authorities. The religious teacher was eventually arrested and sentenced to 17 years' imprisonment for his involvement in a peaceful demonstration brutally broken up by the authorities in Gulja in 1997. Twelve villagers who hid him in their homes were sent to between 1-3 years in Re-education through Labour (RTL). Abdushukur Qurban's father received a 1-year RTL term.

BACKGROUND INFORMATION

Uighurs are a mainly Muslim ethnic minority who are concentrated primarily in XUAR. Since the 1980s, the Uighurs have been the target of systematic and extensive human rights violations. This includes arbitrary detention and imprisonment, incommunicado detention, and serious restrictions on religious freedom as well as cultural and social rights. Amnesty International is concerned that the high levels of repression in the XUAR are narrowing the space for any independent expression of Uighur ethnic, cultural or religious identity. Such expression, even when it takes the form of peaceful criticism, dissent or dissatisfaction, is often branded by the authorities constituting "separatist", "terrorist" or "illegal religious" activities, leading to arbitrary detention, torture and other serious human rights violations.

The Chinese authorities continue to use several provisions of the Criminal Law as political tools to suppress dissent. Broadly defined categories of crimes, such as "separatism", "subversion", "disturbing public order", "endangering state security" and "leaking state secrets" continue to be used to prosecute those engaged in legitimate and peaceful human rights activities. They are at high risk of torture or other ill-treatment during detention and imprisonment and often deprived right to access to lawyers or family during detention. Despite repeated calls from reformists at home and overseas, the authorities have so far failed to review these provisions with a view to amending or repealing them so that they cannot be used to prosecute individuals in violation of their human rights.

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

- urging the authorities to guarantee that Abdushukur Qurban is not tortured or ill-treated while he remains in custody;
- urging the authorities to ensure Abdushukur Qurban has access to his family, legal assistance of his choice and any necessary medical treatment;
- calling on the authorities to make a clear distinction between activities which involve the peaceful exercise of civil, political, economic, social and cultural rights and those that would be internationally recognized as criminal acts;
- calling on the authorities to either charge him with an internationally recognizable criminal offence or release him;
- calling on the authorities to ensure that everyone in the XUAR is able to exercise their fundamental human rights regardless of race, religion or political opinion.

APPEALS TO:

Chairman of the Xinjiang Uighur Autonomous Regional People's Government

Nur BEKRI Zhuxi

Xinjiang Weiwuer Zizhiqu Renmin Zhengfu

2 Zhongshanlu

Wulumuqishi 830041

Xinjiang Weiwuer Zizhiqu

People's Republic of China

Email: master@xinjiang.gov.cn

Salutation: Dear Chairman

Secretary of the Xinjiang Uighur Autonomous Regional Party Committee

WANG Lequan Shuji

Zhonggong Xinjiang Weiwuer Zizhiqu Weiyuanhui

2 Jiankanglu

Wulumuqishi 830002

Xinjiang Weiwuer Zizhiqu

People's Republic of China

Salutation: Dear Secretary

President of the People's Republic of China

HU Jintao Guojia Zhuxi

The State Council General Office

2 Fuyoujie

Xichengqu

Beijingshi 100017

People's Republic of China

Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)

Salutation: Your Excellency

COPIES TO:

Director of Public Security Bureau Yili Kazak Autonomous Prefecture

Xinjiang Uighur Autonomous Region

Wang Mingshan Buzhang

105 Sidalin Dajie

Yining Shi

Yili Hasake Zizhizhou

Xinjiang Weiwuer Zizhiqu

People's Republic of China

Fax: +86 999 8063002

Salutation: Dear Director

and to diplomatic representatives of CHINA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 January 2009.