

February 2007

Further Information on UA 99/06 (EUR 62/008/2006, 24 April 2006) and follow-ups (EUR 62/014/2006, 19 June 2006; ASA 17/037/2006, 4 July 2006; ASA 17/042/2006, 8 August 2006; ASA 17/044/2006, 11 August 2006; ASA 17/052/2006, 13 September 2006) - Fear of torture and ill-treatment/Forcible return/Death penalty

CHINA Husein Dzhelil (known as Huseyin or Huseyincan Celil) (m), aged 38, Canadian citizen

Husein Dzhelil has reportedly been tortured in detention in China. According to those close to him, he has claimed that he was tortured after his extradition to China in June 2006, including by being starved and deprived of sleep during the first fifteen days of his imprisonment. He has also claimed that Chinese authorities threatened that he would "disappear" and "be buried alive" unless he signed a document. This document was later held up as a confession, although Husein Dzhelil reportedly later claimed he did not know what he had signed.

Husein Dzhelil was tried before a court in Urumqi, the capital of Xinjiang Uighur Autonomous Region (XUAR), northwest China, on 2 February 2007. During the five-hour-trial, Husein Dzhelil claimed that his earlier confession had been extracted through torture. However, sources who attended the trial reported that he now appears to be in "good condition". Husein Dzhelil also reportedly protested at the court's appointment of a defence lawyer, asking instead to be represented by a lawyer of his choice, and calling for representatives of Canada to be present. These requests reportedly went unheeded by the court.

Husein Dzhelil's trial was attended by his family members in XUAR, and by Chinese officials. The authorities had previously indicated that he was being investigated for activities related to "terrorism", but it appears that no charges were read out at his trial. Instead, he was reportedly questioned in court about his activities and those of others from the Uighur ethnic group, in Canada and in Central Asia.

In August last year, Husein Dzhelil's family was informed by sources who refused to reveal their identity that Husein Dzhelil had been sentenced to death following a secret trial. This was denied by the Chinese authorities, who indicated that his case was still pending. Similar unconfirmed reports then emerged that he had been sentenced to 15 years' imprisonment but was going to appeal against his sentence. Husein Dzhelil's trial on 2 February was the first time family members reported being able to attend one of his court appearances.

BACKGROUND INFORMATION

Husein Dzhelil fled China to Central Asia in the mid-1990s, and sought asylum through the Office of the United Nations High Commissioner for Refugees (UNHCR) in Turkey in 1999. He was recognized as a refugee and resettled to Canada, where he obtained Canadian citizenship in November 2005. He was detained on 27 March 2006 in Uzbekistan when he was visiting his relatives and handed over to the Chinese authorities at the end of June 2006. In China he has been held incommunicado, and the Chinese authorities have refused to recognize his Canadian citizenship.

The Chinese authorities continue to accuse Uighur activists of "terrorism" without providing credible evidence for such charges. Those charged in connection with the "three evil forces" of "separatist, terrorist and religious extremism" are most commonly tried behind closed doors; hence very little information is usually available about the actual proceedings of their trials. However, Amnesty International has obtained copies of the court verdicts issued following some such trials. These suggest that it is common for defendants not to have any legal representation at their trial and no access to legal aid during the entire period following their detention. In recent years, the organization has documented several cases of Uighurs being sentenced to death and executed in the XUAR for alleged "separatist" or "terrorist" activities.

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

- calling for an independent investigation into the allegations of torture of Husein Dzhelil, with a view to bringing those found responsible to justice;
- calling on the authorities to clarify Husein Dzhelil's whereabouts, legal status and any charges brought against him;
- expressing concern at reports that he did not have a fair trial, as a statement he signed following torture was allegedly produced as a "confession", and he was apparently unable to choose his own defence lawyer;
- calling on the authorities to guarantee him access to a lawyer of his own choosing and to his family;
- calling for guarantees that he will not be tortured or ill-treated in prison, or sentenced to death;
- reminding the authorities that Husein Dzhelil is a Canadian citizen and urging the authorities that he be given access to Canadian

consular officials in China.

APPEALS TO:

Prime Minister of the People's Republic of China

WEN Jiabao Guojia Zongli

The State Council

9 Xihuangcheng Genbeijie

Beijingshi 100032

People's Republic of China

Fax: +86 10 65292345 (c/o Ministry of Communication -it may be difficult to get through; please keep trying)

Email: gazette@mail.gov.cn

Salutation: Your Excellency

Minister of Foreign Affairs of the People's Republic of China

LI Zhaoxing Buzhang

Ministry of Foreign Affairs

2 Chaoyangmen Nandajie

Chaoyang District

Beijingshi 100701

People's Republic of China

Fax: +86 10 6596 1109 or 2660

Email: webmaster@mfa.gov.cn

Salutation: Your Excellency

Chairman of the Xinjiang Uighur Autonomous Regional People's Government

Ismail TILIWALDI 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

COPIES TO:

Secretary of the Xinjiang Uighur Autonomous Regional Party Committee

WANG Lequan Shuji

Zhonggong Xinjiang Weiwuer Zizhiqu Weiyuanhui

2 Jiankanglu, Wulumuqishi, Xinjiang Weiwuer Zizhiqu, People's Republic of China

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 23 March 2007.*****