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China: High court upheld life imprisonment of Canadian Uighur

Amnesty International is disappointed by the 10 July 2007 high court decision to reject an appeal by Husein Dzhelil (also known as Huseyin Celil), who was sentenced on 19 April 2007 to life imprisonment for "plotting to split the country" and to 10 years in prison for joining a "terrorist organization".

Amnesty International remains deeply concerned that the charges against Husein Dzhelil were politically motivated, are the result of an unfair trial, and were based on a confession that Dzhelil claims was extracted through torture.

According to an official Xinhua news report, the High People's Court of Xinjiang Uighur Autonomous Region (XUAR) denied Dzhelil's appeal because the "facts were clear, and the evidence was reliable and adequate" in his original trial.

However, during the hearing on 2 February, Husein Dzhelil claimed that his confession had been extracted through torture. These claims are not known to have been investigated. Husein Dzhelil also protested against the court-appointed lawyer, who reportedly did not make any statement on his behalf. Representatives of the Canadian government were not allowed to attend any of the trials or to meet with members of his family in China.

Dzhelil's wife reported that relatives who attended the trial in China said that Dzhelil "looks fine," but they were not allowed to speak with him.

Background Information

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 of these 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.

Over recent years Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including Pakistan and Uzbekistan.

On 4 July 2007, Pakistani security forces detained Osman Alihan, an ethnic Uighur activist, reportedly one of the four most wanted people on a list compiled by the Chinese authorities of between 20 and 22 ethnic Uighurs who are said to be in hiding in Pakistan. China demanded Pakistan to locate and hand over all those named on the list, who they allege are members of the East Turkistan Islamic Movement (ETIM). Osman Alihan is at grave risk of being forcefully returned to China (see UA 177/07, ASA 33/014/2007, 6 July 2007).

In another recent case, Ismail Samed was executed in the XUAR on 8 February 2007 after being sentenced to death for 'attempting to split the motherland' and other offences related to possession of firearms and explosives. He had been forcibly returned to China from Pakistan in 2003 (see UA 81/06, ASA 17/027/2006, 10 April 2006, and follow-up).

Amnesty International opposes the forcible return of anyone to a country where they are at risk of serious human rights violations, including torture or the death penalty. Under international law, states are obliged not to expel, return, or extradite any person to a country where they risk torture or other ill-treatment (the principle of non-refoulement). This obligation applies to all states, irrespective of whether they have signed up to the relevant human rights treaties, and to all forms of involuntary transfer. It is also absolute – it permits no exceptions arising from circumstances such as war or public emergency, or individual factors such as offences allegedly committed or danger posed by the individual concerned.

