

PUBLIC

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**Further Information on 100/06 (EUR 57/001/2006, 25 April 2006) Forcible return/torture/death penalty  
New Concern: incommunicado detention**

**KAZAKSTAN/CHINA**      **Yusuf Kadir Tohti (also known as Erdagan) (m), aged 35**  
**Abdukadir Sidik (m), aged 30**

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Yusuf Kadir Tohti and Abdukadir Sidik, who are originally from China's Xinjiang Uighur Autonomous Region (XUAR), are being held in incommunicado detention in China after being forcibly returned from Kazakstan on 10 May. They are at risk of serious human rights violations, including torture or other ill-treatment, and possibly the death penalty if their "crimes" are deemed to be "serious".

The Kazakstani authorities deported the two men from Almaty, Kazakstan to Urumqi, China following 'a decision by the specialized administrative court of Almaty for violation of rules of stay in Kazakstan'.

Yusuf Kadir Tohti reportedly fled from China to Kazakstan in 1996 and was reportedly arrested on 8 March 2006 by the Kazakstani authorities. The Chinese authorities reportedly accused him of "separatism" and asked for his extradition. Abdukadir Sidik fled the XUAR in 1999 after he publicly protested against the Chinese authorities' policy on minorities, particularly their enforcement of the family planning policy which limited the number of children that Uighurs could have. He was charged by the Kazakstani authorities with illegally crossing the border and sentenced to six months' imprisonment.

**BACKGROUND INFORMATION**

Over recent years, Amnesty International has monitored growing numbers of forced returns of Uighurs to China from several of its neighbouring countries, including those of Central Asia, such as Kazakstan. In some recent cases, returnees are reported to have been subjected to serious human rights violations, including torture, unfair trials and even execution.

The Chinese authorities have been mounting a crackdown on the "three evil forces" of "separatist, terrorist and religious extremists" in the XUAR. It has resulted in serious and widespread human rights violations directed against the region's Uighur community, prompting many of them to flee the country.

The death penalty is used extensively and often arbitrarily in China. Based on public reports available, Amnesty International estimated that at least 1,770 people were executed and 3,900 sentenced to death in 2005. The true figures, which are classified as a "state secret", are believed to be much higher. A Chinese legal expert was recently quoted as stating the true figure for executions to be approximately 8,000 per year. Over recent years, Amnesty International 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 to the Chinese authorities, in English, Chinese or your own language:**

- expressing concern for the safety of Yusuf Kadir Tohti and Abdukadir Sidik who are being held in incommunicado detention and requesting information about their whereabouts;
- calling on the Chinese authorities to guarantee the safety of Yusuf Kadir Tohti and Abdukadir Sidik and to give them access to lawyers of their choice and to members of their family;
- calling for guarantees that the men will be treated humanely in detention, and will not be tortured or ill-treated, sentenced to death or executed;

- urging that they be released immediately unless charged with an internationally recognizable criminal offence.

**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)**

**Email: [gazette@mail.gov.cn](mailto:gazette@mail.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](mailto:master@xinjiang.gov.cn)**

**Salutation: Dear Chairman**

**RECOMMENDED ACTION: Please send final rounds of appeals to the Kasakstani authorities to arrive as quickly as possible, in Kazak, Russian, English or your own language:**

- expressing alarm at the forcible return of Yusuf Kadir Tohti and Abdukadir Sidik on 10 May, in contravention of the principle of *non-refoulement*, which prohibits the return in any manner whatsoever of any person to a situation where they would be at risk of torture, persecution or other forms of ill-treatment or punishment;
- calling on the authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses, in accordance with Kazakstan's international obligations;
- urging the Kazakstani authorities to request from the Chinese authorities information about the men's whereabouts and their well-being and to provide you with such information.

**APPEALS TO:**

President of the Republic of Kazakstan

Kazakstan, 473000 Astana, ul. Beybitshilik 11, Prezidentu NAZARBAEVU N.

**Fax: +7 3172 32 40 89**

**Email: via the President's website: [http://www.akorda.kz/page.php?page\\_id=185&lang=2](http://www.akorda.kz/page.php?page_id=185&lang=2)**

**Salutation: Dear President**

**COPIES TO:**

Chairman of the Kazakstan National Security Committee

Kazakstan, Astana, ul. Kenesary 97/98, Komitet natsionalnoi bezopasnosti, Predsedatelyu

**Fax: +7 3172 32 80 50**

and to diplomatic representatives of Kazakstan/China accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 8 August 2006.