

PUBLIC

AI Index: EUR 57/001/2006

25 April 2006

UA 100/06

Forcible return/torture/death penalty

KAZAKSTAN/CHINA

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

The two Uighur men named above have been detained in Kazakstan since around March 2006. Both men are originally from China's Xinjiang Uighur Autonomous Region (XUAR). The Chinese authorities have reportedly requested their extradition. If returned to China, they would be 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".

Yusuf Kadir Tohti reportedly fled China for Kazakstan in 1996, and became a religious teacher. He was reportedly arrested on 8 March 2006 by the Kazakstani authorities. The Chinese authorities have 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 had also protested against harsh working conditions during mandatory state labour which reportedly lasts 45 days for men. He was reportedly detained for two months in connection with his political activities and views. After his release Abdukadir Sidik reportedly filed a complaint against a local official. After he submitted his complaint, the official reportedly came to his house, beat him and threatened him with further punishment. It was after this that Abdukadir Sidik, reportedly fearing for his safety, fled China and was detained by Kazakstani border officials when crossing the border. He was charged by the Kazakstani authorities with illegally crossing the border and sentenced to six months' imprisonment.

BACKGROUND INFORMATION

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 crackdown has intensified since the 11 September 2001 attacks in the USA, as China uses the international "war on terror" as a pretext to justify its policies of repression in the region.

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 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, in Russian, Kazak, English or your own language:

- expressing concern at reports that the Kazakstani authorities are preparing to forcibly return two Uighur men, Yusuf Kadir Tohti and Abdukadir Sidik, to China, where they would be at risk of torture and possibly execution;
- urging the authorities not to forcibly return the men and to ensure that they have access to their families and lawyers of their choice;
- reminding Kazakstan of its obligations as a State party to the UN Refugee Convention that to forcibly return anyone to China would be in contravention of the principle of *non-refoulement*, which prohibits the return in any manner whatsoever of any person to a situation where s/he would be at risk of torture or other serious human rights violations.

President of the Republic of Kazakstan

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

Fax: +7 3172 32 40 89

Salutation: Dear President

You also can send a letter from the President's website:

http://www.akorda.kz/page.php?page_id=185&lang=2

Procurator General of the Republic of Kazakstan

010000, Astana, ul. Seyfullina 73 "a", Generalnomu prokuroru TUSUPBEKOVU
Kazakstan

Fax: +7 3172 21 67 20

**Email: kanc@pravstat.kz
gp-rk@mail.online.kz**

Salutation: Dear Procurator General

COPIES TO:

Human Rights Ombudsman of Kazakstan

4, Beibitshilik Str., Astana, Upolnomochenommu po pravam cheloveka BAIKADAMOVU B.
Kazakstan

Fax: +7 31 72 32 17 67

E-mail: ombudsman@mail.kz

and to diplomatic representatives of Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 June 2006.