

UA 169/00

Fear of Torture and Execution/Forcible return 21 June 2000CHINA/KYRGYZSTAN Jelil Turdi (aka Zhalil Turdi), aged 28

Jelil Turdi, an ethnic Uighur from the People's Republic of China (PRC) who had been living in Kyrgyzstan, is reported to have been deported back to China a few weeks ago. He may face torture and possibly the death penalty in China for alleged "separatist" activities.

Jelil Turdi, a trader originally from Artush in the Xinjiang Uighur Autonomous Region (XUAR) of the PRC, had lived in Kyrgyzstan for the past three years and was married to a Kyrgyz citizen. He was first detained by Kyrgyz police in early March 2000, reportedly for having an illegal residence permit. Released a few days later, he was ordered not to leave the capital, Bishkek. He was re-arrested a few weeks later. Kyrgyz national security sources reportedly say the Chinese embassy in Kyrgyzstan told them his Chinese documents were false.

According to unofficial sources, however, Chinese security officers told their Kyrgyz counterparts that Jelil Turdi was wanted in China for involvement in a nationalist opposition group. The Chinese officers reportedly took part in Jelil Turdi's interrogation, during which he was tortured.

The information received by Amnesty International indicates that Jelil Turdi was taken back to China at the end of April by Chinese security officers sent to Kyrgyzstan, under arrangements made by the Chinese Embassy in Bishkek. The Kyrgyzstan General Procuracy (who prosecute and investigate criminal offences) was reportedly informed and involved in the deportation procedure. It thus denied Jelil Turdi the opportunity to challenge the decision to deport him before a court in Kyrgyzstan.

The forcible deportation of Jelil Turdi violates Kyrgyzstan's obligations under international law, in particular the principle of *non-refoulement*, which prohibits the return of a person to a country or territory where they might face serious human rights violations. The principle of *non-refoulement* is enshrined in the UN Convention against Torture and the 1951 Convention relating to the Status of Refugees. Kyrgyzstan is a party to both.

BACKGROUND INFORMATION

Amnesty International has documented a pattern of gross violations of human rights in the XUAR in a detailed report published last year. These violations include prolonged arbitrary detention incommunicado, severe torture of political suspects, unfair trials, and numerous arbitrary and summary executions of political prisoners. The XUAR is the only region of the PRC where political prisoners are known to have been executed in recent years. Summary executions, as well as repression of suspected political opponents and Muslim religious leaders branded as "separatists", have continued unabated during the past year.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

To the Chinese authorities:

- calling on them to disclose the whereabouts and legal status of Jelil Turdi, and to allow him access to his family and a legal representative of his choice;
- urging them to take immediate measures to ensure that he is not tortured or otherwise ill-treated in detention;

- seeking assurances that Jelil Turdi will not, in any circumstances, face the death penalty, and that any judicial proceedings against him will meet international standards for fair trial.

To the Kyrgyz authorities:

- expressing dismay at their action in deporting Jelil Turdi to China, where he is likely to face severe torture and possibly the death penalty, in violation of Kyrgyzstan's obligations under international law;
 - urging them to seek assurances from China that Jelil Turdi will not be tortured or sentenced to death;
 - urging them not to return anyone to China likely to face severe human rights violations, such as someone allegedly involved in nationalist opposition activities.

APPEALS TO: please note that faxes in China are unreliable and often do not work outside office hours (GMT +8)

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Salutation: Your Excellency

Secretary of the Xinjiang Uighur Autonomous Regional Party Committee

WANG Lequan Shuji

Zhonggong Xinjiang Weiwuer Zizhiqu Weiyuanhui

Wulumuqishi

Xinjiang Weiwuer Zizhiqu

People's Republic of China

Telegram: Secretary Regional Party Committee, Wulumuqi, Xinjiang Weiwuer Zizhiqu, China

Salutation: Dear Secretary

Procurator General of the Kyrgyz Republic

Kimsanbai-hadji ABDYRAKMANOV

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Gen. Prokuratura Kyrgyzskoy Respubliki

Generalno u prokuroru ABDYRAKMANOVU K.

KYRGYZSTAN

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Salutation: Dear Procurator General

President of the Kyrgyz Republic

Askar Akayevich AKAYEV

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Dom pravitelstva

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COPIES TO: your member of Parliament and diplomatic representatives of China and Kyrgyzstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 August 2000.