

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders**

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/16, 16/4 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the possible enforced disappearance of the following four Uyghur persons: Messrs. **Ershidin Israel**, **Shemshiden Israel**, **Abdusalam Nasir**, and **Abdukerin Dihan**.

According to the information received:

In September 2009, Mr. Ershidin Israel fled from China to Kazakhstan after providing information to the media on the alleged torture and death of a Uyghur detainee and the subsequent arrest of two men who were accused by the Chinese authorities of providing information to the media on the same case. Reportedly, Mr. Ershidin Israel applied for asylum at UNHCR Almaty and was provided refugee status in March 2010. According to the source, on 1 April 2010, Mr. Ershidin Israel was supposed to fly to Sweden where UNHCR had secured a resettlement place but the Kazakh authorities reportedly denied his exit visa as his name appeared on an Interpol's Red Notice. The source further reported that, at first, Mr. Ershidin Israel was authorized to live in a place designated by UNHCR which was guarded by Kazakh security forces. However, he was allegedly arrested and detained on 23 June 2010, on the basis of an extradition request made by Chinese authorities. Reportedly, Kazakh courts denied Mr. Ershidin Israel's requests for asylum and agreed to his arrest and extradition to China. According to the source, on 30 May 2011, Mr. Ershidin Israel was allegedly extradited to China without his family and lawyers being informed

and, on 14 June 2011, Chinese authorities allegedly confirmed that Mr. Ershidin Israel was in their custody but, reportedly, they failed to disclose his whereabouts.

The source also reported that, on 9 June 2011, Messrs. Abdusalam Nasir and Abdukerin Dihan were arrested by security forces in Suydung, Gulja district, and that, on 13 June 2011, Mr. Shemshiden Israel, one of Mr. Ershidin Israel's brothers, was arrested by security forces in Urumqi. The source further reported that Messrs. Abdusalam Nasir and Abdukerin Dihan were among a group of 20 Uyghur men who were detained after Mr. Ershidin Israel provided information to the media in September 2009 on the alleged torture and death of a Uyghur detainee.

As the fate and whereabouts of the persons mentioned above are reportedly unknown, if the allegations are confirmed, these cases may amount to enforced disappearances.

Concern is expressed for the physical and psychological integrity of Messrs. Ershidin Israel, Shemshiden Israel, Abdusalam Nasir, and Abdukerin Dihan as their fate and whereabouts remain unknown since their arrest by security officers.

While we do not wish to prejudge the accuracy of these allegations, we wish to bring to the attention of your Excellency's Government the fundamental principles embodied in the Universal Declaration of Human Rights (UDHR) and other international instruments regarding the right to life and security of the person.

In relation to the allegations that the fate and whereabouts of Mr. Ershidin Israel, Mr. Shemshiden Israel, Mr. Abdusalam Nasir and Mr. Abdukerin Dihan. are unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearances which sets out necessary protection by the State, including in:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 6 (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance);
- article 7 (no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances);
- article 9 (right to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty);

- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest); and

- article 12 (right to the maintenance in every place of detention of official up-to-date registers of all detained persons).

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the UDHR, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Moreover, we wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States, while noting that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions which are not compatible, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

In this connection, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to

how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Ershidin Israel, Mr. Shemshiden Israel, Mr. Abdusalam Nasir and Mr. Abdukerin Dihan, are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Ershidin Israel, Mr. Shemshiden Israel, Mr. Abdusalam Nasir and Mr. Abdukerin Dihan, in compliance with the above international instruments.

Moreover, it our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged by or on behalf of the persons mentioned above?
3. Please provide information on the fate and whereabouts of Messrs. Ershidin Israel, Shemshiden Israel, Abdusalam Nasir, and Abdukerin Dihan. If their fate and whereabouts are unknown, please provide the details of any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the sources submit the above mentioned allegations concerning Messrs. Ershidin Israel, Shemshiden Israel, Abdusalam Nasir, and Abdukerin Dihan as cases to the Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Please accept, Excellency, the assurances of our highest consideration.

Jeremy Sarkin  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders