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Amnesty International Concerns regarding Uighurs in the Xinjiang Uighur Autonomous Region (XUAR), China

Since 1996 the Chinese authorities have carried out a harsh crackdown of suspected Uighur “separatists” and “religious extremists” throughout the XUAR, resulting in gross violations of human rights, including torture and executions of political prisoners. Amnesty International has documented these violations in two detailed reports, *People’s Republic of China - Gross violations of human rights in the Xinjiang Uighur Autonomous Region*,¹ and *China’s Anti-terrorism Legislation and Repression in the Xinjiang Uighur Autonomous Region*.² Reported violations include; prolonged arbitrary and incommunicado detention, severe torture of political suspects, unfair political trials, and numerous arbitrary and summary executions of political prisoners. The XUAR is the only region of the People’s Republic of China where significant numbers of political prisoners are known to have been executed in recent years. Torture is endemic and particularly cruel methods of torture have been used against political suspects in the region.

In October 2000, a Uighur man accused of leading a demonstration three years ago was reportedly tortured to death:

The *East Turkestan Information Centre*, a Uighur exile organization based in Germany, reported yesterday that Abdulhelil Abdumijit was tortured to death by officials in Chapchal prison. The statement claims that his body was taken to a cemetery in Chapchal under heavy police guard and buried in a shallow grave, and that his relatives were denied access to his grave.³

Harsh punishments continue to be used in an attempt to suppress dissent amongst Uighurs.

Tohti Tunyaz was also detained on “state secrets” charges after being arrested while conducting academic research into Uighur history in the XUAR in February 1998. He was sentenced to 11 years in prison for “inciting separatism” and “illegally acquiring state secrets” in March 1999 and continues to serve his sentence in XUAR No. 3 Prison in Urumqi. In May 2001, the UN Working Group on Arbitrary Detention concluded that his imprisonment was arbitrary and in violation of his right to freedom of thought, expression and opinion.⁴

On 9 January 2001 Amnesty International reported the execution of two young Uighur men for alleged opposition activities in China’s Xingjiang Uighur Autonomous Region:

The executions took place in Gulja (Yining) city after an unexplained delay of nearly 18 months, during which the high court considered the men’s appeals against their death sentences. They had been sentenced to death in July 1999 on charges of “splittism” and “illegally carrying and keeping arms, ammunition and explosives”. Nine other defendants tried at the same time received various terms of imprisonment.

Official documentation received by Amnesty International shows that the accusations against the men were largely unfounded, and that the sentences were passed after grossly unfair judicial proceedings, based on confessions extracted under torture.

1 AI Index: ASA 17/18/99

2 AI Index: ASA 17/10/2002

3 AI Index: ASA 17/043/2000

4 AI Index: ASA17/047/2002

At the trial, Abduhalik Abdureshit is reported to have said that anybody who had been tortured as severely as he had, would have confessed to anything, and that not even a dog could tolerate the torture he had endured.⁵

There has been an intensified crackdown for Uighurs in China since the start of the ongoing "strike hard" campaign against crime in China that started in April 2001. After 11 September 2001 the Chinese government stepped up its harsh repression of ethnic Uighur opponents of Chinese rule and others branded as 'separatists' in the name of countering 'terrorism'.⁶ In the case of the April 2001 "strike hard" campaign against crime, Amnesty International reported that authorities in Xinjiang Uighur Autonomous Region (XUAR) aim to "deal a decisive blow to separatist forces, eliminating separatism and illegal religious activities". Many Uighur political prisoners have been executed, accused of "separatism" and a range of alleged violent crimes.⁷

Following September 11th, Amnesty International expressed concern that,

The Chinese government's call today for international support in its crackdown on domestic "terrorism" raises fears that repression of Muslim ethnic groups in the Xinjiang Uighur Autonomous Region (XUAR) will increase and that the dismal human rights situation in the region will further deteriorate.

The Chinese authorities do not distinguish between "terrorism" and "separatism", Amnesty International said. Separatism in fact covers a broad range of activities most of which amount to no more than peaceful opposition or dissent. Preaching or teaching Islam outside government controls is also considered subversive... Amnesty International... is concerned that the Chinese authorities are trying to use the 11 September events to justify their harsh repression of Muslim ethnic groups in XUAR which they accuse of being "separatists", "terrorists" or "religious extremists"⁸

There have been a number of reports that "separatists" have been sentenced at "public sentencing meetings". Some were reportedly sentenced to death and executed immediately after the meetings. Amnesty International has cited several cases, including one on 15 October 2001 where 12 Uighurs received sentences ranging from five years imprisonment to death. Two people were executed immediately after the rally.⁹

On 4 December 2003 Amnesty International expressed concern with respect to Uighur detainees in Guantanamo Bay, that any Uighur suspected of separatist or "terrorist" activities would be at risk of serious human rights violation including unfair trials, torture or execution if forcibly returned to China.¹⁰

In a 19 December 2003 release, Amnesty International reported:

China's publication earlier this week of a wanted list of ethnic Uighur "terrorists" abroad and its call for their arrest and extradition appears to be a renewed attempt to curb the political activities of Uighur activists outside China and garner international support for its ongoing crackdown in the Xinjiang Uighur Autonomous Region (XUAR).

...The wanted list has been published amid a renewed 100-day security crackdown in the XUAR in the context of the government's ongoing repression of "ethnic separatist activities" in the region. The authorities continue to make little or no distinction between violent opposition and the peaceful exercise of the right to freedom of expression, association and religion. China considers any advocacy for greater autonomy or independence as "ethnic separatism" which qualifies as a State Security crime under Chinese laws.

5 AI Index: ASA17/002/2001

6 AI Index: ASA 17/012/2002

7 AI Index: ASA 17/022/2001

8 AI Index: ASA 17/032/2001

9 AI Index: ASA 17/012/2002

10 AI Index: AMR 51/147/2003

Several hundred Uighurs accused of involvement in such activities have been executed since the mid-1990s, thousands of others have been detained, imprisoned after unfair trials and tortured, and growing restrictions have been placed on the Islamic clergy and the practice of Islam in the region.

Lumping together peaceful acts of protest with acts of 'terrorism' is a clear attempt by the Chinese authorities to whip up international support for its efforts to brutally suppress all forms of dissent in Xinjiang.

The call for international cooperation in targeting Uighur dissidents abroad follows China's attempts in recent years to put pressure on neighbouring countries to forcibly return Uighurs accused of "separatist" or "terrorist" activities. Several Uighurs have been forcibly returned from a number of countries, including Nepal and Pakistan as well as Central Asian countries. Some of those returned had been recognized as refugees.

In October, it was reported in the official Chinese media that Shaheer Ali, a Uighur pro-independence activist who was forcibly returned to China from Nepal last year, had been executed after being convicted in an apparently unfair trial of various offences including "separatism" and "organizing and leading a terrorist organization." He had been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Nepal and was awaiting resettlement to a third country before his arrest and deportation.

Shaheer Ali was accused of leading the East Turkistan Islamic Party of Allah, also known as the East Turkistan Islamic Party or the East Turkistan Islamic Movement (ETIM). ETIM had been classified as a "terrorist" organization by the US and the UN last year at China's behest and was also included on the list published Monday.¹¹

Uighurs as Asylum-Seekers

Amnesty International is concerned about the forcible return of Uighurs to China. The China research team at Amnesty International's International Secretariat reports that an ethnic Uighur returned to China would likely face harsher treatment than a non-Uighur returned under the same conditions. Due to their visible minority status, Uighur asylum seekers who are returned to China are viewed by the Chinese authorities as political suspects and face imprisonment. For example, Amnesty International has documented the case of Yasim Kari, aged 35, and Abla Karim, who have been detained in Kashgar, China since September 1998, when they were forcibly returned to the XUAR from Kazakhstan. They are reported to be still detained but it is not known whether they have been charged. Amnesty International is concerned that they are reported to be detained for seeking political asylum abroad.¹²

Amnesty International has reported the detention of Abudurazzak Shamseden and others detained in China just for being related to a suspected opponent.¹³

Members of the Uighur community will, at the very least, be questioned by the authorities upon their return to China. Those who departed illegally from China will raise suspicions about their absence from China. Those who authorities believe have sought political asylum are likely to be detained and tortured.

In other examples of documented cases, in April 2000, Jelil Turdi, a Uighur trader from XUAR, was forcibly deported to China from Kyrgyzstan. He had lived in Kyrgyzstan for three years and was married to a Kyrgyz citizen. According to information received by *Amnesty International*, Jelil Turdi was taken back to China by Chinese security officers sent to Kyrgyzstan, under arrangements made by the Chinese embassy in Bishkek. The Kyrgyzstan General Procuracy reportedly participated in the deportation procedure. Jelil Turdi was denied the opportunity to challenge the decision to deport him before a court in Kyrgyzstan. Unofficial sources claimed that Chinese security officers had told their Kyrgyz counterparts that Jelil Turdi was wanted in China for

11 AI Index: ASA 17/040/2003

12 AI Index: ASA 17/18/99, p.31

13 AI Index: ASA 17/18/99, p.30

involvement in a nationalist opposition group. The Chinese security officers reportedly took part in Jelil Turdi's interrogation, during which he was allegedly tortured.

In March 2001 four Uighurs, two of them citizens of China, were sentenced to death in Kyrgyzstan, accused of having caused bomb explosions, which killed four people in the city of Osh in 1998. Supporters of the men claimed that they had nothing to do with the bombings, but rather that they had been targeted and prosecuted because of their ethnic origin. In view of a moratorium on executions in Kyrgyzstan the men are not in immediate danger of being executed. However, there is a danger that China might request the extradition of the two Chinese nationals. If extradited to China, they would be at risk of torture and execution.

In January 1999 Kazakhstan forcibly deported three Uighurs from XUAR to China while their asylum claims were under review. Amnesty International was concerned that the forcible removal of these three Uighurs was contrary to Kazakhstan's obligations under international law, in particular the principle of *non-refoulement*. A fundamental principle of customary international law is that no one should be returned to a country where their life and physical safety might be endangered. According to the latest information they were kept in secret detention in XUAR and sentenced to death in a closed trial in April 2001. There are fears that they have been tortured in detention.¹⁴

Amnesty International believes that the dangers faced by forcibly returned Uighurs have increased since these earlier reports. In this regard, the March 22nd 2002 report calls on other governments, in particular in Afghanistan, Pakistan, Nepal and other South Asian and Central Asian countries, to refrain from returning to China any national of the PRC apprehended in their country in connection with their alleged association with radical Islamist movements or "separatist" opposition activities in China, as they may be at risk of torture and the death penalty upon their return to China.¹⁵

Summary

Amnesty International believes that in the post 11 September 2001 context a Uighur will be at least questioned upon his return to China. An asylum seeker would raise suspicion due to his expired passport, or lack of passport, and due to his lengthy absence from China without any legal travel documentation. Also if the authorities suspect a Uighur of seeking political asylum abroad, or if they suspect a history of involvement in either political opposition movements or in the religious activities that are currently being repressed in Xinjiang, this person would come under further scrutiny. Under these circumstances, there is a strong risk of serious human rights violations, including arbitrary detention, torture, and other forms of ill treatment, for Uighur asylum seekers being returned to China.

14 AI Index: ASA 58/004/2001

15 AI Index: ASA 17/012/2002