

## HUMAN RIGHTS WATCH

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September 1, 2011

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Re: Ethnic Uighurs Forcibly Returned to China

Dear Minister Yang and Minister Meng:

We write on behalf of Human Rights Watch regarding the status and well-being of Chinese citizens of Uighur ethnicity who were forcibly returned from three different countries on August 6 and August 8, 2011. These are: at least 11 people who were removed from Malaysia on August 6, 2011; one, Nur Muhammed, who appears to have been turned over to Chinese diplomats in Bangkok, Thailand on August 6; and five, including a woman and two children, deported from Pakistan on August 8. We continue to have grave concerns about Ershidin Israil, the Uighur deported from Kazakhstan in May 2011, and for the 20 Uighurs who were deported from Cambodia to China on December 19, 2009.

We ask that you account for the Uighurs who appear to have been forcibly returned this month from Malaysia, Thailand, and Pakistan, as well as those earlier returned from Kazakhstan and Cambodia.

We are also concerned that your government appears to have applied pressure on other governments to summarily return Uighurs without affording them due process rights, including the right to seek asylum. Such actions are incompatible with China's position as a member of the United Nations High Commissioner for Refugees' Executive Committee and as a party to the 1951 Refugee Convention and its

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1967 Protocol, as well as other international human rights treaties to which China is a party.

We also remain concerned with human rights violations in Xinjiang Uighur Autonomous Region (XUAR) that have compelled Uighurs to seek asylum from persecution in other countries. Over the past decade, Human Rights Watch has documented serious human rights abuses against Uighurs (<http://www.hrw.org/reports/2009/10/22/we-are-afraid-even-look-them-o>) in the XUAR. The Chinese government regularly and deliberately uses the overly broad and vague charge of “terrorism, separatism, or extremism” to prosecute Uighurs who attempt peacefully to exercise rights to free expression, association and assembly, and religious practice. Recent Human Rights Watch research in Xinjiang has documented enforced disappearances, torture in custody, and highly politicized trials culminating in the use of the death penalty.

The immediate concern that prompts this letter is a wave of forced returns of Uighurs to China from other countries in the region. On August 6, 2011, the Malaysian authorities arrested at least 16 Uighurs, 11 of whom were removed from Malaysia the same day. Malaysia’s deputy inspector-general of police, Datuk Seri Khalid Abu Bakar, alleged in media accounts that some of the Uighurs arrested were involved in human trafficking. If so, however, Malaysia should have prosecuted them under the Malaysian Anti-Trafficking in Persons Act rather than summarily turn them over to the Chinese government.

Thai immigration authorities arrested Nur Muhammed on August 6 and held him at the Bangkok Immigration Detention Center (IDC), where he was charged under the Immigration Act with illegal entry. There was no arrest warrant or extradition request, and Muhammed was not brought to a court, as stipulated by Thai law, to hear charges of illegal entry or overstaying a visa. Instead, he was handed directly into the custody of Chinese government officials who were already at the detention center awaiting his arrival.

Police Maj.-Gen. Phansak Kasemasanta, deputy chief of the Immigration Bureau, said at a news conference that the Chinese Embassy in Bangkok had informed Thai authorities that Muhammed was part of a Uighur “terrorist” network responsible for bomb attacks and riots in Xinjiang. According to Thai government sources, Nur Muhammed allegedly confessed to playing a role in the July 2009 unrest in Xinjiang, yet no credible evidence of criminal behavior has been made public.

On August 8, Pakistan deported five Uighurs, including a woman and two children, to Urumqi, XUAR, according to media reports. The five were reportedly brought handcuffed and blindfolded onto a Southern Airline flight, a Chinese carrier, and taken through a VIP gate to the plane. One of the five, identified as Manzokra Mamad, had been together with the two children.

The timing of these returns suggests a concerted campaign by the Chinese government to identify and return Uighurs to China. That all three governments involved appear to have failed to follow national deportation procedures further indicates that Chinese officials have pushed these governments to summarily turn the Uighurs over without giving them the opportunity to challenge their removals. In at least one case this involved turning the person directly over to Chinese officials inside the country.

These recent forced returns of Uighurs to China are not new or isolated occurrences. In May 2011, Kazakh authorities extradited Ershidin Israil, a Uighur, to China. Israil had fled to Kazakhstan in September 2009. In March 2010, the UN High Commissioner for Refugees (UNHCR) granted Israil refugee status, but Kazakh authorities prevented him from being resettled to Sweden by denying him necessary exit documents. UNHCR later revoked his status. In June 2010, Kazakh authorities took Israil into custody. He was denied refugee status under Kazakhstan's new law on refugees, and on May 30, 2011, he was handed over to Chinese authorities, who had reportedly accused him of involvement in "terrorism." His whereabouts are currently unknown.

These latest returns demonstrate a pattern going back at least to December 19, 2009, when the Cambodian government forcibly returned 20 Uighurs to China (<http://www.hrw.org/news/2009/12/22/china-forcibly-returned-ughur-asylum-seekers-risk>), including a pregnant woman and two infants. The 20, who had been issued "Persons of Concern" letters by UNHCR, were forced aboard a plane reportedly chartered by the Chinese government.

Past experience has shown rejected Uighur asylum seekers to essentially disappear after being returned to China. Amnesty International documented a number of cases between 2001 and 2005 in which Uighurs deported to China were not heard from again. These included:

- Abdu Allah Sattar, believed to have been forcibly returned from Nepal to China in 2002.
- Kheyum Whashim Ali, also forcibly returned from Nepal to China in 2002, and reportedly tortured in detention in Miquan prison in the XUAR.
- Muhammed Tohti Metrozi, forcibly returned to the XUAR from Pakistan in July 2003 and reportedly tried in April 2004 in connection with sheltering Uighurs who fled from China to Pakistan, belonging to a "separatist" group, and applying to UNHCR for refugee status.
- Abdukakhar Idris, a former tailor and bookkeeper from Kashgar in the XUAR, believed to have been forcibly returned from Kazakhstan to the XUAR after his "disappearance" in Almaty in April or May 2003.

- Ahmet Memet and Turgun Abbas, Islamic students from Kashgar, believed to have been forcibly returned to China after reportedly being detained in Kazakhstan in December 2001 in the border village of Panfilov.

Another case, involving the 2002 forced return from Nepal to China of a UNHCR-recognized refugee, Shaheer Ali, resulted in his execution in March 2003.

The particular individuals for whom we are asking you to account, to provide their present locations (including places of detention), any charges that have been made against them, and the status of legal proceedings against them include:

- Eleven Uighurs removed from Malaysia on August 6, 2011;
- Nur Muhammed, removed from Thailand on August 6, 2011;
- Six Uighurs removed from Pakistan on August 8, 2011, including Manzokra Mamad, and one Uighur removed from Pakistan in July 2003, Muhammed Tohti Metrozi;
- Twenty Uighurs removed from Cambodia on December 29, 2009;
- Four Uighurs removed from Kazakhstan, including Ahmet Memet and Turgun Abbas in December 2001, Abdukakhar Idris in April or May 2003, and Ershidin Israel on May 30, 2011; and
- Abdu Allah Sattar and Kheyum Whashim Ali, removed from Nepal in 2002.

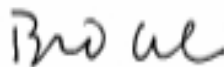
If the Chinese government has credible evidence of criminal acts by any of these individuals, they should be appropriately charged and prosecuted in an independent and impartial court in accordance with international fair trial standards, including the right to prepare and conduct a defense. We request that Human Rights Watch and other international organizations be permitted to attend any trial involving these forcibly returned individuals, as well as to visit them in detention and to monitor their conditions and treatment.

We look forward to your reply and would be pleased to discuss these matters with appropriate officials at your convenience.

Sincerely,



Bill Frelick  
Refugee Program Director



Brad Adams  
Asia Division Director