

PUBLIC

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Further information on UA 356/03 (AMR 51/147/2003, 04 December 2003) and follow-ups (AMR 51/029/2004, 13 February 2004 and AMR 51/044/2004, 1 March 2004) -- Fear of forcible return / Fear of torture / Fear of execution

**USA Around 22 Uighurs held in Guantánamo Bay, names unknown
Seven detainees from the Russian Federation transferred from Guantánamo: Ruslan Odizhev (m), aged 30; Rasul Kudaev (m), aged 22; Shamil Khashiev (m); Ravil Gumarov (m); Ravil Mingazov (m); Airat Vakhitov (m); Rustam Akhmiarov (m) and Timur Ishmuratov (m)**

Ethnic Uighurs in US military custody in Guantánamo Bay, Cuba, are feared to remain at risk of forcible return to China or to third countries where they might face return to China. Any Uighurs suspected of “separatist” or “terrorist” activities would be at risk of serious human rights violations, including unfair trials, torture and execution, if forcibly returned to China.

Amnesty International has also received credible allegations that a Chinese government delegation visited Guantánamo in September 2002 and participated in interrogations of the Uighur detainees. It is alleged that during this time, the detainees were subjected to intimidation and threats, and to “stress and duress” techniques such as environmental manipulation, forced sitting for many hours, and sleep deprivation, some of which is alleged to have been on the instruction of the Chinese delegation.

Reports indicate that there are around 22 Uighur detainees in Guantánamo, who were captured in the context of the armed conflict in Afghanistan and transferred to US custody around January 2002. Most are now believed to be in Guantánamo’s Camp 4, where detainees are held in less harsh conditions prior to their release or in reward for their “cooperation”. Asked about the Uighur detainees on 13 May 2004, a US State Department spokesman said that the USA has “identified some who might be eligible for release... We have talked to the Chinese and other governments about this situation.” When asked if they would be returned to China, he responded: “They won’t necessarily – well, everything has to be taken into account in the individual cases.” Amnesty International believes that any assurances provided by the Chinese authorities that detainees returned to China will be treated in accordance with international law and standards should not be trusted (see original UA).

The mainly Muslim Uighur community is the majority ethnic group in the Xinjiang Uighur Autonomous Region in northwest China, where tens of thousands have been detained for political offences, including peaceful pro-independence or religious activities. Since the 11 September 2001 attacks in the USA, China has intensified its crackdown in the region, branding those in favour of independence for the region “ethnic separatists” or “terrorists”. In its February 2004 report on human rights practices in other countries, the US State Department noted that during 2003 the “[Chinese] Government used the international war on terror as a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders.” According to a US congressional briefing, in December 2002 a spokesman for the Chinese Foreign Ministry said that any Uighurs captured in Afghanistan should be returned to China “to face charges of terrorism”.

The seven Russian detainees transferred from Guantánamo Bay to continued detention in Russia in late February are believed to remain in detention without charge or trial. Announcing the transfer on 1 March, the Pentagon said that “the decision to transfer these detainees was made after extensive discussions between our two governments.” The seven men, named above, are reported to have been transferred to the Bely Lebed (White Swan) prison in the Stavropol region of southern Russia. On 26 April, a court in Essentuki, in

the Southern Federal District, reportedly extended the detention of three of the detainees, Rustam Akhmiarov, Timur Ishmuratov and Shamil Khashiev, until 28 June. A decision about the detention of the other four would apparently be taken "in the near future".

Amnesty International remains concerned for their well-being. In the US State Department's February human rights report, the entry on Russia includes the following: "There were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment and often did so with impunity... Prison conditions continued to be extremely harsh and frequently life-threatening. Arbitrary arrest and lengthy pretrial detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption."

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

In appeals to the USA:

- calling for assurances that the Uighur detainees held in Guantánamo Bay will not be forcibly returned to China or to any third country where they would be at risk of subsequent transfer to China, and reminding the USA of its international obligations not to forcibly return anyone to any country where they may face serious human rights violations, including unfair trial, torture or execution;
- expressing concern at allegations that a Chinese delegation visited Guantánamo in 2002 and that it participated in interrogations during which cruel, inhuman or degrading treatment allegedly occurred;
- calling for a full investigation into these allegations, and asking to be kept informed of its findings;
- noting that there have been talks with the Chinese government about the detainees, and that the transfer of the Russian detainees followed discussions between the US and Russian governments;
- asking what assurances were obtained from the Russian authorities before the transfer, and what follow-up the USA authorities have conducted into their treatment upon return;
- calling for the fair trial or release with full protections of all the Guantánamo detainees.

In appeals to Russia:

- calling for the returned prisoners to be treated in full accordance with international law and standards;
- calling for the detainees to be released or charged with recognizably criminal offences and brought to trial in line with international standards for fair trial.

APPEALS TO:

The Honorable Colin Powell, Secretary of State
Department of State, 2201 C Street, NW, Washington DC 20520, USA

Fax: + 1 202 261 8577

Salutation: Dear Secretary of State

Procurator General of the Russian Federation
Vladimir Ustinov
General Procuracy of the Russian Federation
ul. Bolshaya Dmitrovka 15d, Moscow 103793, Russian Federation

Fax: +7 095 292 8848

Salutation: Dear Procurator General

COPIES TO:

Lorne Craner, Assistant Secretary of State, Department of State, Bureau of Democracy, Human Rights and Labor, 2201 C Street, NW, Room 7802, Washington, DC 20520, USA

Fax: + 1 202 647 5283

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and to diplomatic representatives of the USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 7 July 2004.