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Fear of forcible return / Fear of torture / Fear of execution

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USA

Uighurs held in Guantánamo Bay

The US authorities may be preparing to release more than 100 detainees from the US naval base in Guantánamo Bay in Cuba. While Amnesty International has been calling for, and would welcome, releases of detainees from the base, it is concerned that some detainees may face serious human rights abuses, including torture and execution, if returned to their countries. Among those at risk is an unknown number of Uighurs facing possible return to China.

On 30 November, Time magazine quoted an anonymous US military official as saying that as many as 140 of the approximately 660 detainees currently held in Guantánamo Bay had been scheduled for release. The official reportedly referred to these detainees as "the easiest 20 per cent" and expressed the belief that the authorities were "waiting for a politically propitious time to release them". Another unidentified Pentagon official was quoted by Associated Press on 25 November as saying that the US authorities were discussing with their Chinese counterparts the terms under which ethnic Uighurs could be released from Guantánamo and returned to China. The official said that the US had no further security interest in holding the Uighurs. They are believed to have been taken into custody in Afghanistan in late 2001. The number of Uighur detainees is unknown, but is reported to be more than a dozen.

Amnesty International is concerned that any Uighurs suspected of "separatist" or "terrorist" activities would be at risk of serious human rights violations, including unfair trials, torture or execution if forcibly returned to China. In October 2003, it was reported in the official Chinese media that Shaheer Ali, a Uighur refugee who was forcibly returned to China from Nepal last year, had been executed after being convicted of various offences including "separatism" and "organizing and leading a terrorist organization" in an apparently unfair trial.

Senior US officials have repeatedly and publicly labelled the Guantánamo detainees as "terrorists" and "killers". For example, in March 2002 President Bush said that "the ones in Guantánamo Bay are killers. They don't share the same values we share", and in July 2003 said: "The only thing I know for certain is that these are bad people." In the context of possible return to their countries of origin, such comments can only have heightened the danger faced by some of the detainees. It also fuels concern that the USA is still not serious about respecting the human rights of these individuals.

The US authorities are said to be seeking assurances from China that the Uighurs, if returned, would be treated humanely. In this regard, Amnesty International notes that in a separate case raised recently within the US-China human rights dialogue, China executed a Tibetan, Lobsang Dhondup, in January 2003 without adhering to assurances given to the USA one month earlier that his case would receive a lengthy review by the Supreme Court. Previous cases of extraditions and deportations of individuals to China also suggest that Chinese assurances should not be trusted. In 1995, Wang Jianye was executed after being extradited from Thailand, despite assurances given to the Thai authorities that he would not face the death penalty. More recently in June 2000, Fang Yong was sentenced to death after being returned to China from Canada. Some reports suggest that China had provided assurances to Canada that he would not face the death penalty, although these have been difficult to confirm. His sentence was commuted to life imprisonment on appeal.

Concern that, in the context of the "war on terror", the USA may accept assurances that are less than solid guarantees have been heightened by the case of Maher Arar. The US authorities have said that they were given assurances by Syria that this dual Canadian/Syrian national, deported from the USA to Syria via Jordan, would not be tortured. Maher Arar has claimed that he was tortured in Syria and held for months in

cruel, inhuman or degrading conditions (see USA: Deporting for torture? AMR 51/139/2003, 14 November 2003).

Other detainees in Guantánamo may also be facing return to possible human rights violations if returned to their country. Such countries include Yemen, Saudi Arabia, and Russia.

BACKGROUND INFORMATION

The mainly Muslim Uighur community is the majority ethnic group in the Xinjiang Uighur Autonomous Region in the northwest of China, where thousands have been detained for political offences, including peaceful pro-independence or religious activities. Following the 11 September 2001 attacks in the USA, China has intensified its crackdown in region, closing down several mosques and branding those in favour of independence for the region as “ethnic separatists” or “terrorists”. 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”.

About 660 people from some 40 countries remain detained in the US naval base in Guantánamo Bay, Cuba. Some have been held for almost two years. None has had access to a lawyer, to relatives, or to a court. About 80 to 90 detainees are believed to have been released from Guantánamo so far, the majority of whom were nationals of Pakistan and Afghanistan returned to their countries. No charges were levelled against them by the USA, and apart from a small number of Saudi nationals who were returned to continued detention in Saudi Arabia, these returnees have been released without charge, and without compensation. Amnesty International continues to call on the USA to end the legal limbo of all the Guantánamo detainees.

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

- expressing concern at reports that the USA is considering returning Uighurs to China where they would be at risk of serious human rights abuses;
- noting previous cases which suggest that assurances by the Chinese government must be taken with extreme caution;
- expressing concern that US officials may have increased the risks having repeatedly labelled the detainees in Guantánamo as “terrorists” in contravention of their right to the presumption of innocence;
- urging the USA not to return the Uighurs to China;
- urging the USA adhere to its international obligations not to forcibly return anyone to any country where they may face serious human rights violations, including indefinite detention without charge or trial, unfair trial, torture or execution;
- welcoming reports that the USA is considering releasing more detainees from Guantánamo Bay, but urging the release of any detainee who is not to be charged with recognizably criminal offence, and brought to trial in accordance with international standards.

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

The Honorable Donald Rumsfeld
Secretary of Defense, Office of the Secretary of Defense, The Pentagon, Washington DC 20301, USA

Fax: + 1 703 697 8339

Salutation: Dear Secretary Rumsfeld

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 USA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 January 2004.