

10 May 2002

Further information on UA 119/02 (ASA 31/033/2002, 22 April 2002) - Fear of forcible return

NEPALKheyum Whashim Ali (m) (also known as Washim Ali)
Shaheer Ali (m) (also known as Shir Ali)
Abdu Allah Sattar (m) (also known as Abdullah Sattar)

Kheyum Whashim Ali is now known to have been transferred into police custody from immigration detention on 1 May. Amnesty International fears that this may put him at heightened risk of return to China.

He is now detained at the Hanuman Dhoka police station in Kathmandu, the same police station where Shaheer Ali and Abdu Allah Sattar were held before they were taken to an unknown destination in January. It is feared that they have been sent back to China.

It is not known why Kheyum Whashim Ali was moved into police custody. He is reported to be "under investigation", but it is not clear what crime he is alleged to have committed, and he has not yet been charged.

All three men would be at risk of serious human rights violations, including torture and possible execution, if returned to China.

BACKGROUND INFORMATION

Kheyum Whashim Ali was recognized as a refugee by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Nepal in October 2001. The Nepali immigration authorities later detained him, apparently because he originally claimed to be from Afghanistan.

All three men are from the Xinjiang Uighur Autonomous Region (XUAR) in northwest China. Human rights violations have escalated in the region over the last year during a new crackdown on suspected Uighur political opponents. Following the 11 September 2001 attacks in the USA, China has intensified its political crackdown, closing down mosques and branding those in favour of independence for the region as "ethnic separatists" or "terrorists".

There are unconfirmed reports that China has put significant political pressure on neighbouring countries, including Nepal, to return those it suspects of being involved in "terrorist" activities.

Any Uighur asylum-seekers or refugees sent back to China are at risk of serious human rights violations, including torture, unfair trials and possibly the death penalty, if they are suspected of being involved in pro-independence groups or activities.

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

- asking the authorities why Kheyum Whashim Ali is being detained by the police and urging them to release him immediately if he is not charged with a recognisably criminal offence;
- calling on the authorities to guarantee that Kheyum Whashim Ali will not be sent back to China;
- calling on the authorities to ensure that he has full access to UNHCR officials in Nepal;

- urging the authorities to ensure that no Chinese nationals are deported to China if the UNHCR has recognised them as refugees, or if their case is still pending with UNHCR.

APPEALS TO:

Tapendra Dhoj Hamal
Superintendent of Police
District Police Office
Hanuman Dhoka
Kathmandu
Nepal

Fax: + 977 1 266305 (if voice answers please ask them to switch on the fax machine)

Salutation: Dear Superintendent

Mr Pradeep Shamsher J B Rana
Inspector General of Police
Police Headquarters
GPO Box 407
Naxal
Kathmandu
Nepal

Telegrams: Inspector General of Police, Kathmandu, Nepal

Faxes: + 977 1 415 593/ 415 594

Salutation: Dear Inspector General

Rt Hon Khum Bahadur Khadka
Minister of Home Affairs
Ministry of Home Affairs
Singha Durbar
Kathmandu
Nepal

Telegrams: Home Minister, Kathmandu, Nepal

Fax: + 977 1 240942

Salutation: Dear Minister

(Please note: it may be difficult to get through to these fax numbers, but please keep trying).

COPIES TO: diplomatic representatives of Nepal accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.