

PUBLIC

AI Index: EUR 57/02/99

15 February 1999

Further information on EXTRA 77/98 (EUR 57/12/98, 15 October 1998) - Fear of Torture / Fear of Execution

CHINA/KAZAKSTAN Hemit Memet (previously written as Khamit Memet), aged 28
Kasim Mahpir
Ilyas Zordun

Kazakstan Television and other unofficial sources in Almaty have reported the forcible return to China of three young Uighur men, Hemit Memet, Kasim Mahpir and Ilyas Zordun who were seeking asylum in Kazakstan. It is feared that they may be tortured and MAY face the death penalty for their political activities.

The three men have been returned to the Xinjiang Uighur Autonomous Region (XUAR). The XUAR is the only region of the People's Republic of China where political prisoners are known to have been executed in recent years.

Kazakstan Television reported on 11 February 1999 that Kazakstan's Ministry of National Security had deported the three men. They were arrested a few months earlier while trying to cross the border from China into Kazakstan. The three had reportedly sought political asylum in Kazakstan and subsequently had been kept in police custody. They fled China after "wanted" posters had been distributed by security organs in XUAR, their home province. The posters indicated that Hemit Memet was being sought by the Chinese authorities on suspicion of involvement in "separatist" political activities. The two other men were reportedly wanted for similar reasons. A warrant to arrest all three men was issued by the Ghulja Municipal Security Bureau during 1998.

The forcible return violates Kazakstan's obligations under the principle of *non-refoulement*, which prohibits the return of a person to a country or territory where they might face serious human rights violations. The principle of *non-refoulement* is enshrined in the United Nations Convention against Torture and the 1951 Convention relating to the Status of Refugees, both of which Kazakstan is party to.

BACKGROUND INFORMATION

Amnesty International has recently published details of a widespread crackdown on suspected Uighur "separatists" throughout the XUAR. The crackdown began in 1996 and has resulted in gross violations of human rights, including torture and executions for political prisoners.

The return to China of these three Uighur men heightens Amnesty International's concern that the Kazakstan authorities are complying with China's request to a number of Central Asian Republics to help China fight what it terms "ethnic separatism" in the Xinjiang Uighur Autonomous Region.

FURTHER RECOMMENDED ACTION TO THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA:
Please send telegrams/faxes/express/ airmail letters in Chinese, English, Uighur or in your own language:

- urging the authorities to disclose information about Hemit Memet, Kasim Mahpir and Ilyas Zordun's legal status and whereabouts;
- seeking immediate assurance from the Chinese authorities that Hemit Memet, Kasim Mahpir and Ilyas Zordun will not be tortured;
- seeking assurance that Hemit Memet, Kasim Mahpir and Ilyas Zordun will not, in any circumstances, face the death penalty;

- seeking assurance that any judicial proceedings brought against them will meet all international standards for fair trial.

APPEALS TO:

President of the People's Republic of China

JIANG Zemin Guojia Zhuxi / Beijingshi / People's Republic of China

Telegram: President Jiang Zemin, Beijing, China

Salutation: Your Excellency

President of the Supreme People's Court of the People's Republic of China

XIAO Yang Yuanzhang / Zuigao Renmin Fayuan / 27 Dongjiao Min Xiang / Beijingshi 100726 / People's Republic of China

Telegram: President of the Supreme People's Court, Beijing, China

Salutation: Dear President

Chairman of the Xinjiang Uighur Autonomous Regional People's Government

ABDULAHAT Abdurixit Zhuxi / Xinjiang Weiwuer Zizhiqu Renmin Zhengfu / 2 Zhongshanlu / Wulumuqishi 830041 / Xinjiang Weiwuer Zizhiqu / People's Republic of China

Telegram: Chairman of the Regional People's Government, Wulumuqi, Xinjiang Weiwuer Zizhiqu, China

Salutation: Dear Chairman

FURTHER RECOMMENDED ACTION TO THE GOVERNMENT OF THE REPUBLIC OF KAZAKSTAN:

Please send telegrams/telexes/faxes/express/ airmail letters in English or your own language:

- expressing concern that the government of Kazakstan has violated its obligations under international law and has subjected these three men, Hemit Memet, Kasim Mahpir and Ilyas Zordun, who are at risk of torture, arbitrary detention and possible execution, to *refoulement*.

APPEALS TO:

President of the Republic of Kazakstan

Nursultan Abishevich / NAZARBAYEV / Respublika Kazakhstan / g. Astana / Apparat Prezidenta / Prezidentu Respubliki Kazakhstan / NAZARBAYEVU N.A.

Fax: (7 3172) 32 72 93 for Head of Presidential Administration, Imangali Tasmagambetov

Salutation: Dear President

Chairman of the Presidential Human Rights Commission of the Republic of Kazakstan

Zhabaykhan ABDILDIN / Respublika Kazakhstan / g. Astana / Komissiya po pravam cheloveka pri / Presidente Respubliki Kazakstan / Predsedatelyu ABDILDINU Zh.

Fax: (7 3172) 32 72 93 for Head of Presidential Administration

Salutation: Dear Chairman

Minister of Foreign Affairs of the Republic of Kazakstan

Kasymzhomart Kemel-uly / TOKAYEV / Respublika Kazakhstan / g. Astana / ul. Mira, 10 / Ministerstvo inostrannykh / del Respubliki Kazakhstan / Ministru TOKAYEVU K.K.

Fax: (7 3172) 32 42 64

Salutation: Dear Minister

and to diplomatic representatives of the People's Republic of China and Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 March 1999.