

EXTRA 77/98

Fear of Refoulement /
Fear of Torture and Execution

15 October 1998

KAZAKSTAN/CHINA Khamit Memet, aged 28, and two others

Three Uighur nationals from China are in imminent danger of being returned from Kazakstan to China, where Amnesty International believes they would face gross human rights violations, including torture and possibly the death penalty, for their political views and activities.

The three men, who include Khamit Memet, were reportedly arrested while attempting to cross the border between China and Kazakstan. They are believed to be held in the "investigation isolation prison" (SIZO) of the Committee of National Security (KNB) in Almaty, Kazakstan's former capital. Khamit Memet's name appears on a "Wanted" poster distributed earlier this year by the security organs in the Xinjiang Uighur Autonomous Region, People's Republic of China. The poster indicates that he is sought by the Chinese authorities on suspicion of involvement in "separatist" activities. The other two men are apparently being sought for similar reasons.

The forcible repatriation of Khamit Memet and the two others by the Kazakstan authorities would be contrary to Kazakstan's obligations under international law, in particular the principle of *non-refoulement*. A fundamental principle of customary international law is that no one should be returned to a country where their life and physical safety might be endangered.

Earlier this year Kazakstan acceded to the United Nations Convention against Torture. Article 3 of the Convention forbids the return of a person to another state where there are substantial grounds for believing that they would be in danger of being subjected to torture. It also requires that the authorities take into account "all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights." Amnesty International believes that such a pattern of violations exists in the Xinjiang Uighur Autonomous Region.

BACKGROUND INFORMATION

In recent years, China has sought to strengthen its relations with the Central Asian Republics and has sought assurances from them that they would help China fight what the Chinese authorities call "ethnic separatists" in the Xinjiang Uighur Autonomous Region, who seek independence from China. Amnesty International believes that the Kazakstan authorities would certainly return suspected "separatists" to China.

Since 1996 the Chinese authorities have carried out a harsh crackdown on suspected nationalists and "religious extremists" in Xinjiang. The crackdown intensified last year following anti-Chinese protests by Uighurs in Gulja (Yining), near the border with Kazakstan, which turned into riots, and a series of bomb explosions attributed to underground ethnic opposition groups. Thousands of people were reportedly detained during the following months across Xinjiang. At least 12 Uighurs were executed after show trials last year for taking part in the Gulja riots, and at least eight others were executed for alleged involvement in terrorist activities, including bombings.

Those detained in the crackdown included Muslim religious leaders who had set up private classes to teach the Koran - an activity labelled "illegal" by the authorities - and people suspected of supporting "ethnic separatism" simply

for demonstrating their ethnic identity, such as women wearing headscarves. Many are believed to remain in detention and arrests have continued this year.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian or your own language:

- urging the authorities not to extradite Khamit Memet and the two others to China, on the grounds that China's human rights record raises fears that they will suffer serious human rights violations, including torture and possibly the death penalty if returned there;
- reminding the government of Kazakhstan of their obligations under international law and to the Universal Declaration of Human Rights, notably Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

APPEALS TO:

Please note that fax tones can be difficult to obtain, particularly out of office hours when they may be switched off.

Procurator General of Kazakstan Yuriy Khitrin, Respublika Kazakhstan, g. Astana, pr. Pobedy, 31, Prokuratura Respubliki Kazakhstan Generalnomu prokuroru Khitrinu Yu.

Telegrams: Generalnomu prokuroru, Astana, Kazakstan

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Salutation: Dear Procurator General

President of Kazakstan Nursultan Abishevich NAZARBAYEV Respublika Kazakhstan, g. Astana, Apparat Prezidenta Prezidentu Respubliki Kazakhstan NAZARBAYEVU N.A.

Telegrams: Prezidentu Respubliki, Astana, Kazakstan

Faxes: (7 3172) 32 72 93 (Att: Imangali Tasmagambetov, Head of Presidential Administration) or (7 3172) 32 61 72 (Att: First Assistant to the President)

Salutation: Dear President

COPIES TO:

Chairman of the Presidential Human Rights Commission Zhabaykhan Abdildin, Respublika Kazakhstan, g. Astana, Komissiya po pravam cheloveka pri Prezidente Respubliki Kazakstan, Predsedatelyu Abdildinu Zh.

Fax: (7 3172) 32 72 93 (Att: Imangali Tasmagambetov, Head of Presidential Administration) or (7 3172) 32 61 72 (Att: First Assistant to the President)

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and to diplomatic representatives of Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.

***"No one shall be subjected to torture or to cruel, inhuman
or degrading treatment or punishment."***

Article 5, Universal Declaration of Human Rights

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