

AMNESTY INTERNATIONAL

Public Statement

EUR 57/1572/2019

12 December 2019

Kazakhstan must not return asylum-seekers to Xinjiang Uighur Autonomous Region (XUAR)

On 6 December the director of the border service of the Committee of National Security of Kazakhstan, Darhan Dilmanov stated that two ethnic Kazakhs who had fled Xinjiang Uighur Autonomous Region in China (XUAR) and illegally crossed the border between China and Kazakhstan on 6 October 2019 would be returned to China.

Kaster Musakhanuly and Murager Alimuly are currently in pre-trial detention in East Kazakhstan Region facing charges of illegally crossing the border. Both have applied for asylum in Kazakhstan. Kaster Musakhanuly claims that he was held in a re-education camp in XUAR and beaten.

The UN and states around the world have condemned the ongoing systematic oppression of ethnic minorities in China, including the mass arbitrary detention of Chinese Uighurs and other Muslim minorities including Kazakhs in XUAR. An estimated one million people are detained in the political “re-education camps” in Xinjiang. The Chinese authorities had denied the existence of “transformation through-education” facilities until October 2018, when acknowledging the camps they described them as voluntary, free “vocational training” centres. Amnesty International has documented¹ disturbing reports of intrusive surveillance, arbitrary detention, torture and forced indoctrination targeting Uighurs, Kazakhs and other predominantly Muslim ethnic groups in China’s XUAR.

Kazakhstan has international human rights obligations under the Convention on the Status of Refugees and the Convention against Torture not to return anybody to a country where they have a well-founded fear of persecution or where they could face torture.

Furthermore, according to Article 31 of the Convention on the status of Refugees states must not prosecute refugees and asylum-seekers for their illegal entry or presence in a country if they have come directly from a territory where their life or freedom was threatened and presented themselves without delay to the authorities explaining why they entered the country.

The Kazakhstani authorities must release Kaster Musakhanuly and Murager Alimuly immediately and stop the prosecution for illegally crossing the border. They must also ensure that they are provided with full access to the asylum system in Kazakhstan and adequate legal assistance.

¹ Please see: <https://www.amnesty.org/en/documents/asa17/9113/2018/en/>