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His Excellency Sar Kheng  
Deputy Prime Minister and Minister of Interior  
Ministry of Interior  
#275 Norodom Blvd.  
Phnom Penh  
Cambodia

15 December 2009

## **OPEN LETTER ON UIGHUR ASYLUM SEEKERS IN CAMBODIA**

Your Excellency

I am writing as a matter of urgency about the safety of 22 ethnic Uighurs from the People's Republic of China who have recently arrived in Cambodia and are seeking asylum.

Amnesty International understands that the Chinese government has formally requested the Cambodian authorities to send these asylum seekers back to China. We urge you not to return the 22 Uighur asylum seekers and to ensure that they have access to a fair asylum process.

Amnesty International believes that these Uighurs would be particularly vulnerable to torture and other cruel, inhuman or degrading treatment or punishment, as the Chinese authorities suspect them of claiming asylum abroad on grounds relating to the unrest in the Xinjiang Uighur Autonomous Region in July 2009.

The Government of Cambodia is bound by the principle of non-refoulement, which prohibits the return of persons to a country where they are at risk of execution, torture or other serious human rights violations as outlined in Article 33 of the 1951 Convention relating to the Status of Refugees and in numerous other international instruments. The forcible return of persons to a country where they could face torture and other ill-treatment would also constitute a violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Cambodia is a state party. The principle of non-refoulement is widely regarded as a norm of customary international law, binding on all states.

As a state party to the Refugee Convention, the Cambodian refugee authorities must also consider thoroughly and objectively the claims of all asylum seekers, irrespective of nationality and ethnicity. Additionally, when such a status determination process concludes that an individual needs protection, Cambodia must offer protection to them.

Since September 2001, Amnesty International has documented cases in which Uighur asylum seekers who were forcibly returned to China, were detained, reportedly tortured and in some cases sentenced to death and executed. Examples are included in the appendix to this letter.

Since the unrest in Xinjiang in July 2009, the Chinese authorities have detained thousands of people, brought dozens to trial, threatened those involved in the unrest with harsh sentences, executed nine individuals, and handed down another eight death sentences and long prison terms to other individuals charged for involvement in the July unrest. Many Uighurs are arbitrarily detained and jailed as political prisoners or prisoners of conscience.

Amnesty International appreciates that Cambodia is one of only two countries in Southeast Asia to have signed the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol, and appreciates that in the past, hundreds of Montagnard asylum-seekers from Viet Nam, for example, have been offered protection, including through resettlement to third countries.

Amnesty International urges the Government of Cambodia to honor its obligations under international law, and in particular the Refugee Convention, by providing the 22 Uighur asylum seekers with a fair asylum process and ensuring that they are not returned to China and the risk of torture or other ill-treatment.

Yours very truly,

Sam Zarifi  
Asia-Pacific Director  
Amnesty International

**UIGHUR ASYLUM SEEKERS FORCIBLY RETURNED TO CHINA, WHERE THEY WERE DETAINED, REPORTEDLY TORTURED AND IN SOME CASES SENTENCED TO DEATH AND EXECUTED.**

**Shaheer Ali**, who was sentenced to death in March 2003 and executed after being forcibly returned from Nepal to China in 2002. He had been recognized as a refugee by UNHCR in Nepal and was awaiting resettlement to a third country. He had left behind a detailed testimony about being tortured during his eight month detention in the Xinjiang Uighur Autonomous Region (XUAR) in 1994.

**Abdu Allah Sattar**, whose fate has remained unknown since he was detained at the same time as Shaheer Ali in Nepal. He is believed to have been forcibly returned to China.

**Kheyum Whashim Ali**, who was reportedly tortured in detention in Michuan prison in the XUAR after being forcibly returned to China in mid-2002. He had also been recognized as a refugee by UNHCR in Nepal.

**Muhammed Tohti Metrozi**, who was detained in Urumqi after being forcibly returned to the XUAR from Pakistan in July 2003. He was reportedly tried on or around 10 April 2004 in connection with sheltering Uighurs who fled from China to Pakistan, belonging to a “separatist” group and applying to UNHCR for refugee status.

**Abdukakhar Idris**, a former tailor and bookkeeper from Kashgar in the XUAR, who is believed to have been forcibly returned from Kazakstan to the XUAR after he went missing in Almaty in April or May 2003. He had approached UNHCR for refugee status before his disappearance. His current whereabouts, legal status and state of health are unknown.

**Ahmet Memet and Turgun Abbas**, Islamic students from Kashgar who are believed to have been forcibly returned to China after reportedly being detained in Kazakstan in December 2001 in the border village of Panfilov. They had both reportedly applied to UNHCR for refugee status. There is no further information about their current whereabouts, legal status or state of health.