

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is there a movement known as the Xinjiang Independence Movement operating in China today? If so, please provide full details of the movement, its operations and major participants?
2. How does the Chinese government treat members of this Xinjiang Independence Movement?
3. Is there any evidence to suggest that business associates of members of such a movement may be imputed with an opinion supportive of this movement and, if so, how are such business associates treated in China?
4. Question deleted.
5. Is there any evidence that persons who have made applications for protection in Australia are harmed or persecuted in any way upon return to China by local authorities because they made such application or for any other reason?

List of Sources Consulted

Internet Sources:

Government Information & Reports:

DFAT Reports, US DOS Reports, UK Home Reports

United Nations (UN)

UNHCR, UNFPA (United Nations Family Planning Association)

Non-Government Organisations

Uyghur American Association <http://www.uyghuramerican.org>

International News & Politics

CNN www.cnn.com

Peoples Daily <http://english.peopledaily.com.cn/>

BBC News www.bbc.co.uk

Region Specific Links:

European Country of Information Network <http://www.ecoi.net>

China.Org <http://www.china.org.cn>

Topic Specific Links:

Uyghur Human Rights Project <http://www.uhrp.org/>
<http://www.china.org.cn>

Terrorism Knowledge Base: www.tkb.org

Wikipedia <http://en.wikipedia.org>

Population Research Institute <http://www.pop.org/>

Human Rights in China www.hrichina.org

Search Engines

Google search engine <http://www.google.com.au/>

Yahoo www.yahoo.com

Online Subscription Services

Janes Intelligence Review, <http://jir.janes.com/public/jir/index.shtml>

Harvard Asia Quarterly, <http://www.fas.harvard.edu>

Library Networks

State Library of NSW <http://www.sl.nsw.gov.au/>

University Sites

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices.</i>
RRT Library	<i>FIRST</i>	RRT Library Catalogue

RESPONSE

1. Is there a movement known as the Xinjiang Independence Movement operating in China today? If so, please provide full details of the movement, its operations and major participants?

Sources suggest that the Xinjiang Independence Movement, the East Turkestan Independence Movement and Uighur Independence Movement are considered to be synonymous terms used when referring to pro-independence groups of the Xinjiang autonomous region.

According to the following information provided by Wikipedia, the East Turkestan Independence Movement is a term that refers to supporters of an independent state in the autonomous region of Xinjiang. As the following excerpt states:

(The) East Turkestan Independence Movement is a broad term that refers to advocates of an independent, self-governing Xinjiang, which they refer to as East Turkestan. Currently the area is an autonomous region in the People's Republic of China.

In general, the wide variety of groups who seek independence for Xinjiang can be distinguished by the type of government they advocate and the role they believe an independant Xinjiang should play in international affairs.

Groups who use the term Eastern Turkestan tend to have an orientation towards western Asia, the Islamic world, and Russia. These groups can be further subdivided into those who desire secularism, and identify with the struggle of Kemal Attaturk in Turkey, versus those who want an Islamic theocracy and identify with Saudi Arabia, the former Taliban government in Afghanistan, or Iran. In many cases the latter diminish the importance or deny the existence of a separate Uyghur ethnicity and claim a larger Turanian or Islamic identity. These groups tend to see an independent East Turkistan in which non-Turkic, and especially non-Islamic minorities, such as the Han Chinese, the Hui or the Tibetans would play no significant role. ('East Turkestan Independence Movement' 2005, Wikipedia website http://en.wikipedia.org/wiki/East_Turkestan_independence_movement – Accessed 12 January 2006 – Attachment 1)

The following groups are considered to be participants of the Xinjiang or East Turkistan independence movement, according to the US Department of State's report for 2004:

In December 2003, the Government published an "East Turkestan Terrorist List," which labelled organizations such as the World Uighur Youth Congress and the East Turkestan Information Center as terrorist entities. These groups openly advocated East Turkestan independence, but with the exception of one group, the East Turkestan Islamic Movement (ETIM), there was no available evidence that they advocated violence to achieve this goal. (US Department of State 2005, *Country Reports on Human Rights Practices 2004 – China*, February, Section 5 Discrimination, Societal Abuse, and Trafficking in Persons – Attachment 2).

Citing a document released by the Chinese authorities in 2002 that provided a catalogue of violent acts allegedly committed by separatist groups in Xinjiang, James Millward offers detailed information about groups that are considered to be part of the East Turkestan Independence movement. He asserts, however, that the claims regarding the existence and activities of Uyghur militant groups should be treated with some caution, as highlighted by the researcher in bold. As Millward states:

The PRC's 2002 report on East Turkistan terrorism alleges that "most of the explosions, assassinations, and other terrorist incidents that have taken place in Xinjiang in recent years are related to these organizations" (emphasis mine), referring to groups the document names. The section of the document where these crimes are detailed, however, links only four specific violent incidents with specific groups. The Yining Incident, which we know from other sources to have been largely spontaneous, is blamed on an "East Turkistan Islamic Party of Allah," a name mentioned in connection with nothing else. Moreover, the document claims that ETLO is responsible for arson in Urumqi, poisoning (one fatality) in Kashgar, and exchanges of gunfire with police on the Xinjiang border. The Kashgar poisoning is the only death or injury in Xinjiang attributed to a specific named group. All other incidents in the document are blamed generally on the "East Turkistan' terrorist organization" and other ambiguous references.

Here I present a brief background on those groups that according to press accounts and the January 2002 document have engaged in violent activity since the mid-1990s. This is not a complete accounting of the many, mostly small, Uyghur groups espousing nationalist or separatist positions, most of which operate outside of China. I discuss only groups linked to (or alleged to be linked to) violent acts.

East Turkistan Islamic Movement (ETIM).

According to the PRC's 2002 report, in February 1998 Hasan Mahsum, leader of the

East Turkistan Islamic Movement (ETIM; Shärqiy Türkistan Islam Herikiti), sent “scores of terrorists” into China, where they established about a dozen bases in Xinjiang and “inland regions” and trained more than 150 terrorists in fifteen training classes. They also set up large numbers of “training stations” in scattered areas, each consisting of three to five members, and workshops producing weapons, ammunition, and explosives. Xinjiang police uncovered “many” of these training stations and workshops, confiscating antitank grenades, grenades, detonators, guns, and ammunition.

The most serious of the accusations against this group, from the United States’ point of view, is ETIM’s connections to al Qaeda and the Taliban—including a meeting with Osama Bin Laden, receipt of al Qaeda funds, and training of Uyghurs in Taliban and al Qaeda camps. ETIM’s leader, Hasan Mahsum, has denied having contacts with al Qaeda or intending to carry out terrorist acts. In May 2002, the Kyrgyz government extradited to China two Uyghurs accused of planning attacks on embassies and public places in Bishkek. In August 2002, U.S. deputy secretary of state Richard Armitage announced that the United States considered this group to be a terrorist organization and would freeze any assets it held in the United States. The U.S. embassy in Beijing further announced that the United States had received intelligence reports from a non-Chinese source that ETIM planned to attack the U.S. embassy in Bishkek. Despite the unfortunate manner in which the United States publicized its designation of ETIM and implied that its information on the group came from the PRC’s 2002 document, U.S. sources maintain that the assessment of ETIM was based on intelligence from outside the PRC, including interrogations of prisoners taken to Guantanamo after the Afghanistan War. At U.S. and PRC urging, in September 2002 the United Nations added ETIM to its own list of terrorist organizations.

According to Kakharman Khozhamberdi, the head of the Uyghuristan People’s Party, Hasan Mahsum built ETIM by gathering Uyghurs who had been dispersed by the U.S. attack on Afghanistan. Khozhamberdi suspects that Mahsum may in fact be a Chinese agent; Mahsum, for his part, has called Khozhamberdi a “dinsiz,” an infidel. The Pakistan government announced in December 2003 that Pakistani forces had killed Hasan Mahsum in October during a raid on an al Qaeda hideout in the Pakistan-Afghanistan border area.

East Turkistan Liberation Organization (ETLO)

The East Turkistan Liberation Organization (ETLO; Shärqiy Türkistan Azatliq Tëshkilati, or SHAT) headed by Mehmet Emin Hazret, stands accused of violent incidents both inside and outside Xinjiang, including the murders of Nigmat Bazakov and Wang Jianping, fifteen incidents of arson in Urumqi, a poisoning in Kashgar, a series of attacks on Chinese nationals in Turkey, arms smuggling, shootouts with Chinese border guards, and, most recently, the attack on a China-bound bus in the Kyrgyzstan mountains and murder of its passengers.

One source also credits ETLO with the ransom kidnapping of a Chinese businessman and bombings in Osh. (Elsewhere these crimes are blamed on ULO.) Chinese and Central Asian official announcements often link ETLO to IMU and Chechen and Afghan terrorist training camps. Hazret has denied having any links to ETIM or involvement in any of the past incidents of which ETLO stands accused. In a January 2003 interview, however, he said that ETLO’s “principal goal is to achieve independence for East Turkistan by peaceful means. But to show our enemies and friends our determination on the East Turkistan issue, we view a military wing as inevitable.” Nevertheless, sources with information on the interrogation of Uyghur prisoners in Guantanamo express skepticism over the Chinese claims that ETLO/SHAT is an international terrorist organization opposed to U.S. interests.

Despite Chinese urging, the United States has not placed ETLO alongside ETIM on its list of terrorist groups.

United Revolutionary Front of East Turkistan (URFET)

Yusupbek Mukhlisi, leader of the United Revolutionary Front of East Turkistan (URFET; also known as the United National Revolutionary Front of East Turkistan), organized the group in the mid-1970s, most likely with the assistance of the Soviet KGB. He received a good deal of press coverage in the mid-1990s and visited the United States to meet State Department officials in 1996. The following year, Mukhlisi announced that his group would embark on an armed campaign against China. From around that time, he began to issue a series of press releases from Almaty characterized by wild claims regarding the “real” size of the Uyghur population, the rate of Chinese immigration to Xinjiang, the number of uprisings and executions ongoing in Xinjiang, and his own supposedly vast organization of secret armed cells in China. These releases alone are largely responsible for creating the impression of an active, organized, violent resistance to Chinese rule in Xinjiang in the 1990s. A Chinese internal circulation article written in March 1999 equates Mukhlisi’s URFET with ETLO and describes this group as the greatest separatist threat to China. The author of the report also writes that Mukhlisi “was involved” in both the Urumqi and Beijing bombings—although, as we have seen, Xinjiang authorities have publicly denied that the Beijing bombing was related to Xinjiang separatism.

Mukhlisi and URFET are not mentioned in the PRC’s 2002 document on East Turkistan terrorism. Moreover, the 80-year-old Mukhlisi is now largely discredited and resented by other exile Uyghur groups in Central Asia for exaggerating Uyghur involvement in militant activities— as he did, for example, in March 1997 by announcing that the Urumqi bombings (on the day of Deng Xiaoping’s memorial) were the work of his own and two allied Uyghur groups in Kazakhstan, by all accounts a false claim not even credited by the PRC.

Uyghur Liberation Organization (ULO)

The Uyghur Liberation Organization (ULO; Uyghur Azatliq Tashkilati), also referred to as the Uyghuristan Liberation Organization, is occasionally confused with ETLO in press accounts.

This group was founded by Hashir Wahidi (Ashir Vahidi), who claimed in 1996 to have over 1 million supporters in Xinjiang and 12,000 more abroad in Central Asian countries. He was then 76 years old. In 1998, Wahidi was attacked and badly beaten by intruders in his home and died some months later.

The PRC’s 2002 document and Kyrgyz official and press accounts hold ULO responsible for the spate of violent incidents in Kyrgyzstan in the spring of 2000, including the fire in the Tour Bazaar, the attack on the Chinese delegation, and the kidnapping of a Chinese businessman. Ten Uyghurs, including Kyrgyz, Chinese, Uzbek, and Turkish nationals, were arrested in connection with these events. They are said to have confessed to membership in ULO, connections with “similar Afghan and Uzbek organizations,” training in terrorist camps, fighting in Chechnya, and engaging in terrorist acts in Uzbekistan, Kazakhstan, and China. There is, however, a degree of confusion in news sources—some perhaps deliberate—between ULO and the similarly named ETLO. One 2001 analysis in a Kyrgyzstani newspaper, for example, states that ULO murdered Nigmat Bazakov, a crime usually attributed by official sources to ETLO.

In September 2001, ULO merged with URFET to form the Uyghuristan People’s

Party, an unregistered group based in Kazakhstan that aspired to become a party with Central Asian regional status. The group remains highly circumscribed in its activities due to Kazakhstan's restrictions on unregistered parties: it is not permitted, for example, to hold formal conferences. In its public program, the Uyghuristan People's Party rejects terrorism. But according to its current head, Kakharman Khozhamberdi, it differentiates between civilian targets and what it considers legitimate targets in the pursuit of national liberation for the Uyghurs. In mid-2003, the Kazakh government fined Kakharman Khozhamberdi 15,000 tengge (about 100 dollars) for "illegal political activity."

Other Named Groups

In addition to ETIM, ETLO, and ULO, the PRC's 2002 document cites several other groups: the East Turkistan Islamic Party of Allah (to which it attributes the 1997 Yining Incident), the Shock Brigade of the Islamic Reformist Party, the East Turkistan Islamic Party, the East Turkistan Opposition Party, the Islamic Holy Warriors, and the East Turkistan International Committee. I have been unable to learn more about these groups. Likewise, other groups cited in the literature are either moribund or have in recent years avoided international publicity or mention in published Chinese reports.

Generally the claims regarding the existence and activities of Uyghur militant groups should be treated with some caution. For example, allegations that a group known as the Wolves of Lop Nor bombed a bus in Beijing in March 1997 turn up in some reports; but Xinjiang authorities have themselves denied that Uyghurs were involved in that incident. Yusupbek Mukhlisi, leader of URFET, has claimed that the "Tigers of Lop Nor" attacked military targets in Xinjiang in 1993. Though this is possible, the group is mentioned in no other context (and Mukhlisi is given to exaggeration).

The Chinese Public Security Ministry's terrorist list of December 2003 mentioned, in addition to ETIM and ETLO, the World Uyghur Youth Congress (WUYC) and the East Turkistan Information Center (ETIC) as terrorist organizations with al Qaeda contacts and funding. The accusations against both groups focus on their leaders, Dolqun Isa (Eysa) of WUYC and Abduljelil Qarkash (spelled Abudujelili Kalakash in materials released by China). A People's Daily report on the list claims that Isa is a former member of ETLO who has "organized and participated in all sorts of terrorist activities launched by the separatist group." The same article alleges that Qarkash planned a series of bombings of Chinese embassies in Africa. A supplementary press release levels specific allegations of Isa's and Qarkash's provision of financial support, legal aid, and instructions to individuals in Xinjiang, South Asia, and Southeast Asia wanted by the Chinese in connection with Xinjiang separatism. Until WUYC's inclusion on the recent PRC terrorist list, press accounts outside of China mention it only in regard to political activities, such as its periodic congresses of leaders of Uyghur groups and Uyghur youth from around the world. ETIC, based in Munich, is known primarily for its press releases and for a website providing information and Internet links on Uyghur and Xinjiang issues. The group's spokesman, Dilxat Rexit (Dilshat Reshit), is frequently quoted in news accounts. Both WUYC and ETIC have denied PRC allegations of involvement in terrorism. (Millward, James 2004, 'Violent separatism in Xinjiang: A Critical Assessment', East-West Center Washington website www.eastwestcenter.org/stored/pdfs/PS006.pdf – Accessed 12 January 2006 – Attachment 3).

Evidence provided by Human Rights Watch states that no unified group of the Xinjiang independence movement has surfaced in China itself and doing so would be almost impossible under Chinese restrictions. However, individual opposition groups in rural areas tend to gravitate around the western part of Xinjiang near the Kazakhstan border. Pan-Turkic movements are to be located within urban areas such as Yining, Urumqi, Korla, and Kucha. Human Rights Watch states (Researcher's emphasis in bold type):

There has long been strong Uighur opposition to Chinese rule in Xinjiang. Effective control of the region by the central government was not achieved until the creation of the People's Republic of China in 1949. Prior to this, from 1944 to 1949, a short-lived independent East Turkestan Republic, backed by the Soviet Union and inspired by pan-Turkic ideology, was established in western Xinjiang.

Today, the Uighur opposition- in-exile is based in Turkey, Germany and the United States, and remains overwhelmingly pan-Turkic. The East Turkestan National Congress, based in Munich, Germany, which is a federation of most of the Turkish and European Uighur associations, has consistently advocated peaceful means to achieve a "real autonomy" or "independence" for the country they still call East Turkestan.

Likewise, Uighur organizations in Central Asia, like the Kazakhstan Regional Uighur Organisation in Almaty or Kyrgyzstan Uighur Unity in Bishkek are of secular and democratic aspirations.

In Xinjiang itself, no unified movement has surfaced, although even if the groups themselves had the will to join forces, Chinese restrictions on basic freedoms in Xinjiang would make it all but impossible to do so. Opposition groups tend to gravitate around two geographic poles: Yining and the Yili valley, in the western part of Xinjiang close to the Kazakhstan border; and Kashgar and Hetian, in southern Xinjiang.

According to the little information available, pan-Turkic movements like the East Turkestan Party (Tengri Tag), and the Uighur Liberation Organization are the most structured organizations, and are chiefly rooted in urban areas like Yining, Urumqi, Korla, and Kucha.

More religiously-oriented groups are present in the southern part of Xinjiang, notably in the Kashgar and Hetian areas. Groups like "Party of Allah" or "Islamic Uighur Party" keep appearing and disappearing, but seem loosely connected and small in membership. They advocate the establishment of an Islamic state in Xinjiang and reject Chinese domination, but none of those groups has claimed to be part of a pan-Islamic network, and there is no evidence that they are inspired by the strict form of Islam that characterizes the Taliban. (Human Rights Watch 2001, *China: Human Rights Concerns in Xinjiang*, October <http://www.hrw.org/backgrounder/asia/china-bck1017.htm> – Accessed 3 January 2006 – Attachment 4).

The following article from Asia Times Online states it is difficult to label certain groups as being part of the one homogenised Xinjiang Independence Movement as they each have different ideologies and methods of struggle against the Chinese government:

The pro-independence movement in Xinjiang is neither homogenous nor cohesive. It consists of various large and small groups as well as many political activists subscribing to different ideologies and methods of struggle against the Chinese government. Thus, it is possible that some of them have had some sort of contact with

radical or terrorist organizations in their proximity, including al-Qaeda and the Taliban.

However, it is quite certain that the pro-independence movement in Xinjiang is not a creation of such organizations. Certain social realities gave birth to the movement decades before the rise of the Taliban and al-Qaeda in Afghanistan. Therefore, it cannot be branded as a terrorist creature, although foreign actors (eg, governments, radical groups or terrorist organizations) may have tried to use it for their own ends.

The Uighur independence movement has its roots in the social and historical realities of Xinjiang province. The persistence of such realities, including the dissatisfaction of the Uighurs with the status quo, has kept the movement alive despite three decades of systematic suppression. Undoubtedly, it will continue in one form or another so long as those realities remain in place. (Peimani, Hooman 2002, 'Beijing's harsher Uighur policy a shot in two feet', 24 April, Asia Times Online <http://www.atimes.com/china/DD24Ad01.html> – Accessed 16 January 2006 – Attachment 5)

Information on the recent operations of the East Turkestan Independence Movement is available in the following BBC article from October 2005:

The BBC received a videotape that allegedly came from the East Turkestan Liberation Organization (ETLO), a Xinjiang independence movement, on the eve of the 50th anniversary of the founding of the Xinjiang Uighur Autonomous Region.

The videotape shows three masked men, brandishing automatic weapons, reading a statement to the effect that it would “use all means to launch war against the Chinese government”. If the videotape is found to be authentic, this will be the first time that the ETLO openly declared war against the Chinese government. There has been no response as yet from Beijing. According to foreign wire service reports, the US embassy in Beijing issued a statement 30 September calling on US citizens who plan to visit Xinjiang or who are in Xinjiang to be vigilant about possible terrorist attacks in the region.

According to the BBC, the ETLO delivered the videotape to the East Turkestan Information Centre, which has its headquarters in Munich, Germany. The latter then sent the BBC an on-line link to the videotape. An analysis of the domain name indicates that this tape was released Monday through the Wanwei network's website reactor.com. The videotape allegedly was made by ETLO's Tianshan branch.

The videotape shows three masked men brandishing automatic weapons in front of the ETLO's flag, which features a crescent moon. Speaking in the Uighur language, they read a statement calling on the Uighur people to boycott celebratory activities marking the 50th anniversary of the founding of the Xinjiang Uighur Autonomous Region and declaring that it would make war against the Chinese government using all means.

The Chinese Ministry of Public Security has identified the ETLO as one of the main terrorist threats facing China. During the past dozen years, the ETLO has instigated 260 terrorist incidents both inside and outside Xinjiang, resulting in 160 deaths. Some ETLO members have received training at camps run by Usamah Bin-Ladin's Al-Qa'idah. ('East Turkestan organization allegedly declare war on China' 2005, *BBC Monitoring*, source Zhongguo Tongxun She, 2 October www.bbcmonitoringonline.com – Accessed 16 December 2003 – Attachment 6).

Further information regarding the operations of the East Turkestan Independence Movement is expressed by Chinese authorities in the following excerpt of a 2005 article from Associated Press:

Muslim separatists in western China have carried out 260 attacks in the past decade, killing 160 people and injuring 440, state media reported Tuesday in a rare disclosure. The figures from Zhao Yongchen, a top anti-terrorism official, are among the few specifics ever given by China about its campaign to rid the western Xinjiang region of separatists fighting for an independent state of “East Turkistan.”

Zhao, deputy director of the Public Security Ministry’s Anti-Terrorism Bureau, said attacks and killings came both inside and outside of China, the official Xinhua News Agency reported.

One such group, the East Turkistan Liberation Organization, carried out a March 2003 attack on a bus in neighboring Kyrgyzstan in which 21 people were killed, Zhao was quoted as saying. He gave no other examples and it was not possible to independently verify the figures of the claim of attack.

Xinjiang separatist groups “not only threaten China, but security and stability in the entire region,” the state-run newspaper Oriental Morning Post quoted Zhao as saying. China has long claimed that militants among the region’s dominant ethnic Uighurs are leading a violent Islamic separatist movement in Xinjiang. (Bodeen, Christopher 2005, ‘China blames Muslim independence groups for 260 attacks, 160 deaths over past decade’, *Associated Press*, 6 December – Attachment 7).

2. How does the Chinese government treat members of this Xinjiang Independence Movement?

The 2006 annual report on China by Human Rights Watch provides the following information regarding the treatment of Xinjiang dissidents by Chinese authorities:

Chinese authorities appear determined to eradicate an independent cultural identity, and the religious beliefs closely intertwined with that identity, for Uighurs, a Turkic-speaking Muslim population in China’s Xinjiang Uighur Autonomous Region. The campaign, which extends to personal behavior and appearance, includes vetting of literature, destruction of mosques, and discharge of Uighur cadres unwilling to forcibly implement religious directives. Authorities also have fostered extensive Chinese migration into the region leading to economic disparities favoring the newcomers.

Under current policies, children under eighteen may not receive religious instruction and college students fear reprisals, including expulsion, for overt religious expression. “Strike Hard” campaigns subject Uighurs who express “separatist” tendencies to quick, secret, and summary trials, sometimes accompanied by mass sentencing rallies. Imposition of the death penalty is common.

After September 11, 2001, China used the “war on terrorism” to justify its policies, making no distinction between the handful of separatists who condone violence and those who desire genuine autonomy or a separate state. In fact, the authorities treat cultural expressions of identity as equivalent to violent agitation. In February 2005, Uighur writer Nurmemet Yasin was sentenced to a ten-year prison term for publishing “The Wild Pigeon,” an alleged separatist tract. Korash Huseyin, editor of

the journal that published the story, is serving a three-year term. (Human Rights Watch 2006, *Human Rights Watch World Report 2006 - China*, January <http://hrw.org/english/docs/2006/01/18/china12270.htm> – Accessed 20 January 2006 – Attachment 8).

A 2004 report by Amnesty International addresses the treatment of independence movement activists and states that separatist activities can amount to no more than peaceful opposition or dissent:

In July and August this year, it was reported that four Uighurs, Kuerban Tudaji, Idris Kadir, Aihe Maititashi and Luoheman Maimaiti had been executed in three separate cases, all for “separatist” or “terrorist” activities. Amnesty International is deeply concerned that they are unlikely to have received a fair trial under international human rights standards.

BACKGROUND INFORMATION

China’s ongoing political crackdown on the so-called “three evil forces” of “separatists, terrorists and religious extremists” is continuing to result in serious and widespread human rights violations directed against the mainly Muslim Uighur community in the XUAR – the only part of China where people are regularly sentenced to death for political crimes. The Chinese government’s use of the term “separatism” refers to a broad range of activities, many of which amount to no more than peaceful opposition or dissent, or the peaceful exercise of the right to freedom of religion.

The human rights situation in the region has deteriorated further following the events of 11 September 2001, as China uses the international “war on terror” as a pretext to justify its policies of repression in the region. Over the last three years, tens of thousands of people are reported to have been detained for investigation in the region and hundreds, possibly thousands, have been charged or sentenced under the Criminal Law. Reports indicate that Uighurs detained on suspicion of “separatist” or “terrorist” offences are often detained without access to lawyers or their families and are at high risk of torture or ill-treatment in custody. (Amnesty International 2004, ‘*China – 50 unnamed people*’, ASA 17/046/2004, 15 September, Amnesty International website <http://web.amnesty.org/library/print/ENGASA170462004> – Accessed 16 January 2006 – Attachment 9).

An article from the South China Morning Post reported in 2003 that a Uyghur Muslim leader who campaigned for the establishment of an East Turkestan state had been executed in Xinjiang:

Surprised human rights groups have condemned the Uyghur leader’s death. A Uyghur Muslim leader who campaigned for the establishment of an East Turkestan state has been executed in Xinjiang.

Ujimamadi Abbas, reportedly a leader of the militant group Islamic Holy Warriors, was executed in Hotan last week, the Wen Wei Po newspaper reported yesterday. He was executed after his sentence was confirmed by Xinjiang Higher People’s Court.

He had been convicted on charges of subversion, organising terrorist activities and trading in firearms. The newspaper said he had been involved in the separatist movement since 1995, playing a key role in violent riots in Yining in 1997.

The US-based Uyghur-American Association said Abbas fled to Nepal in 2000 but was repatriated last year. The Munich-based East Turkestan National Congress condemned the execution, saying it was an attempt to “terrorise our people into submission”.

Congress president Enver Can accused China of using its growing clout to coerce its neighbours into helping it crack down on independent groups. (Chung-yan, Chow 2003, ‘Muslim put to death for seeking separate state’, *South-China Morning Post*, 24 October – Attachment 10)

The following Amnesty International report from 2003 provides evidence of the Chinese authorities treatment of separatists and participants of the Xinjiang independence movement. The report also highlights the manner in which authorities make little distinction between peaceful exercise of the right to freedom of expression and violent opposition:

The wanted list has been published amid a renewed 100-day security crackdown in the XUAR in the context of the government’s ongoing repression of “ethnic separatist activities” in the region. The authorities continue to make little or no distinction between violent opposition and the peaceful exercise of the right to freedom of expression, association and religion. China considers any advocacy for greater autonomy or independence as “ethnic separatism” which qualifies as a State Security crime under Chinese laws.

Several hundred Uighurs accused of involvement in such activities have been executed since the mid-1990s, thousands of others have been detained, imprisoned after unfair trials and tortured, and growing restrictions have been placed on the Islamic clergy and the practice of Islam in the region.

“Lumping together peaceful acts of protest with acts of ‘terrorism’ is a clear attempt by the Chinese authorities to whip up international support for its efforts to brutally suppress all forms of dissent in Xinjiang,” Amnesty International said.

The call for international cooperation in targeting Uighur dissidents abroad follows China’s attempts in recent years to put pressure on neighbouring countries to forcibly return Uighurs accused of “separatist” or “terrorist” activities. Several Uighurs have been forcibly returned from a number of countries, including Nepal and Pakistan as well as Central Asian countries. Some of those returned had been recognized as refugees.

In October, it was reported in the official Chinese media that Shaheer Ali, a Uighur pro-independence activist who was forcibly returned to China from Nepal last year, had been executed after being convicted in an apparently unfair trial of various offences including “separatism” and “organizing and leading a terrorist organization.” He had been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees (UNHCR) in Nepal and was awaiting resettlement to a third country before his arrest and deportation.

Shaheer Ali was accused of leading the East Turkistan Islamic Party of Allah, also known as the East Turkistan Islamic Party or the East Turkistan Islamic Movement (ETIM). ETIM had been classified as a “terrorist” organization by the US and the UN last year at China’s behest and was also included on the list published Monday. (Amnesty International 2003, ‘China: International community must oppose attempt to brand peaceful political activists as “terrorists”, ASA, 17/040/2003, 19

December, Amnesty International website
<http://web.amnesty.org/library/Index/ENGASA170402003?open&of=ENG-CHN> –
Accessed 5 January 2006 – Attachment 11)

3. Is there any evidence to suggest that business associates of members of such a movement may be imputed with an opinion supportive of this movement and, if so, how are such business associates treated in China?

According to a January 2006 *Radio Free Asia* report, certain people are often harassed by authorities due to their connections as associates to Uyghurs, advocates of an independent Xinjiang. The report states:

Chinese State Security Bureau police frequently become closely involved with families and associates of Uyghurs overseas, targeting them for propaganda, harassment, or even jail, exiles say.

Leading Uyghur dissident Rebiya Kadeer has said she was told her children would be “finished” if she engaged in political activity following her early release from prison and exile to the United States in 2005. (‘China: U.S.-based Uyghur lashes out at pressure to spy for China’ 2006, *Radio Free Asia*, 5 January, RFA website http://www.rfa.org/english/news/politics/2006/01/05/u_yghur_spies/ – Accessed 10 January 2006 – Attachment 12).

Business associates of Rebiya Kadeer, renowned supporter of the Uighur independence movement of East Turkestan and former political prisoner, have been harassed and detained, according to the following 2005 report by Human Rights Watch:

Several days before Kadeer was released from prison, guards warned her that her “business and children would be finished” if she contacted Uyghurs abroad or revealed “sensitive” information. She has not heeded this warning and has spoken with journalists, policymakers and Uighur groups.

On May 11, police detained two employees of the Kadeer Trade Center. Ruzi Mamat, 25, and Aysham Kerim, 34, worked at Kadeer’s firm as company secretary and company director, respectively. Eyewitnesses said that Kerim, a nursing mother of a 7-month-old baby, was dragged by the hair to a waiting police car. Both Mamat and Kareem were reportedly held at the Fifth Branch of the Public Security Bureau in Urumqi.

On May 13, police brought both employees back to the Kadeer Trading Center as they raided the company’s offices. Police took Mamat and Kerim away again after the raid.

During the raid on Kadeer’s office, police tried to arrest Kadeer’s son, Ablikim Abdiriyim. He managed to evade arrest by 20 police officers and fled into a crowd of people who kept the pursuing police at bay. His location is unknown. In 1999, Ablikim was arrested at the same time as his mother and administratively sentenced to a two-year term of reeducation through labor.

Eyewitnesses said that police beat Ablikim’s friend, Ahmatchan Mamteli, and dragged him into a police car after he denied knowing Ablikim’s whereabouts. Ahmatchan was released two hours later after signing a statement that he would never again associate with members of Rebiya Kadeer’s family and would never go near the

company's premises. The police also confiscated the videotape he had made of the raid. (Human Rights Watch 2005, 'China: Uighur Activist's Family Threatened' 14 May, Human Rights Watch website, http://hrw.org/english/docs/2005/05/14/china10746_txt.htm – Accessed 16 January 2006 – Attachment 13).

A December 2005 *Reuters* report states that both Ruzi Mamat and Aysham Kerim who had been held since May 2005 without charge, had been released. The report quoted Kadeer as saying that both detainees had lost weight and “looked like a bag of bones”:

Ruzi Mamat, company secretary for Kadeer's company, Kadeer Trade Center, and Kadeer's former assistant Aysham Kerim were freed Dec. 14 and allowed to return home, Kadeer told Radio Free Asia's Uighur service after speaking with sources in Urumqi.

“Both of them lost weight -- they looked like bags of bones,” Radio Free Asia quoted Kadeer as saying. “Especially Aysham Kerim. She used to have hair down to her feet, and now she looks like a fleeced sheep.” (‘China frees two associates of Uighur exile’ 2005, *Reuters News*, 16 December – Attachment 14).

The following Amnesty International report elaborates on the case of Rebiya Kadeer:

Prior to her release Rebiya, mother of eleven, says she was warned that if she engaged with Uighurs or spoke publicly about “sensitive issues” after her release her “businesses and children [five of whom remain in the XUAR] will be finished”.

According to reliable reports, on 5 September 2005, Chinese State Security officials asked Alim Abdriyim, one of Rebiya Kadeer's sons and the managing director of her company, the Akida Trading Co. in Urumqi, the capital of XUAR, to sign a document that would confirm that Rebiya Kadeer has evaded taxes, committed fraud and accumulated huge debts. They reportedly told him that if he did not agree to sign it immediately he would “sign it in prison after we've broken each one of your ribs”. The Akida Trading Co. office has also reportedly been surrounded by armed police.

These allegations of coercion and threats of torture fit with broader patterns of abuse that Amnesty International continues to monitor in the XUAR and elsewhere in China. They cast serious doubt on the credibility of any police investigation into the business activities of Rebiya Kadeer's family.

Last week, two of Rebiya Kadeer's relatives were reportedly briefly detained and asked to hand in their passports. In May this year, two of her former employees, whose current status and whereabouts remain unknown, were detained. At the same time two other associates were also detained but are now believed to be released. (Amnesty International 2005, 'China: Harassment and detention of Rebiya Kadeer's family and associates', ASA 17/030/2005, 8 September, Amnesty International website <http://web.amnesty.org/library/Index/ENGASA170302005?open&of=ENG-2AS> – Accessed 16 January 2006 – Attachment 15)

Although the US Department of State's Country report on Human Rights Practices for 2004 does not refer to business associates it states that security personnel monitored and harassed relatives of prominent dissidents. The report states:

Some dissidents were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned some

dissidents and activists not to meet with foreigners. During the year, police in Beijing ordered several dissidents not to meet with Western journalists or foreign diplomats, especially before sensitive anniversaries, at the time of important Government or Party meetings, and during the visits of high-level foreign officials. These events also sparked greater surveillance, short-term detention, and harassment of dissidents. The authorities also confiscated money sent from abroad that was intended to help dissidents and their families.

Security personnel monitored and harassed relatives of prominent dissidents, particularly during sensitive periods. For example, security personnel followed the family members of political prisoners to meetings with Western reporters and diplomats. Dissidents and their family members routinely were warned not to speak with the foreign press. Police sometimes detained the relatives of dissidents. (US Department of State 2005, *Country Reports on Human Rights Practices 2004 – China*, February, Section I.f. Arbitrary interference with privacy, family, home, correspondence – Attachment 2).

A 1995 report from Amnesty International, while dated, provides information that many Chinese people can be held in re-education through labour camps due only to their links with political or religious dissidents. The Amnesty report states:

Some Chinese prisoners languish in jail or toil in labour camps not because of anything they themselves have done, but because of their associates.

The friends and families of those seeking political change or religious freedom often face losing their jobs. Sometimes the authorities deprive them not only of their livelihoods but also of their liberty. The most common method is the system of administrative detention which allows people to be detained without charge.

“Re-education through labour” is a form of administrative detention, imposed as a punishment without charge or trial. It can last for up to three years. It can be imposed for political purposes or simply for the personal advantage of people in a position of power.

At any one time, more than 100,000 people are held in “re-education through labour” camps. Conditions are often harsh, with long hours of hard labour, poor food and in some cases ill-treatment for those who are deemed to “resist reform”.

Some of the inmates it is impossible to know how many are held only because of their links with political or religious dissidents. They are “guilty by association”. (Amnesty International 1995, ‘China: No one is safe’, ASA 17/86/95, 1 March, Amnesty International website

www.amnesty.org/ailib/intcam/china/china96/tong.htm – Accessed 17 January 2006 – Attachment 16).

4. Question deleted.

5. Is there any evidence that persons who have made applications for protection in Australia are harmed or persecuted in any way upon return to China by local authorities because they made such application or for any other reason?

The following 2003 DFAT report is in response to a request made by the Tribunal for information regarding whether a Chinese applicant who applied for refugee status in Australia would face serious problems on return to china. The DFAT report states:

A. APPLYING FOR REFUGEE STATUS ABROAD IN ITSELF DOES NOT NECESSARILY EXPOSE AN APPLICANT TO PERSECUTION ON RETURN. THE AUTHORITIES MIGHT MONITOR THE MOVEMENTS OF SUCH AN APPLICANT (IF AWARE OF THE APPLICANT'S RETURN AND APPLICATION STATUS), BUT ONGOING INTEREST WOULD LARGELY DEPEND ON THE APPLICANT'S SUBSEQUENT BEHAVIOUR ON RETURN (IE. WHETHER THE APPLICANT ENGAGED IN ILLEGAL ACTIVITIES). IN SOME CIRCUMSTANCES, PUBLIC SECURITY OFFICIALS MIGHT INITIATE DISCUSSIONS WITH A RETURNEE TO OBTAIN INFORMATION ON PAST ASSOCIATIONS AND ACTIVITIES.

B. THE MINISTRY OF FOREIGN AFFAIRS (MFA) HAS ADVISED US INFORMALLY THAT CHINA DOES NOT RECOGNISE "REFUGEE STATUS" ACCORDED BY OTHER COUNTRIES. MFA ADVISES THAT CHINESE EMBASSIES AND CONSULATES ABROAD CANNOT THEREFORE REFUSE TO RENEW THE PASSPORTS OF OTHERWISE ELIGIBLE CHINESE APPLICANTS ON THE GROUNDS THAT APPLICANTS HAVE ALSO APPLIED FOR REFUGEE STATUS IN AUSTRALIA. (DFAT 2003, *DFAT Report No.00221 – China: RRT Information Request: CHN14995*, 13 January – Attachment 17).

Amnesty International has expressed concern about refusing asylum seekers, as is stated in the following 2005 report:

Amnesty International is concerned that given the current political crackdown in the XUAR, the mere act of claiming asylum would be viewed with deep suspicion by the Chinese authorities if it became known to them, or if they suspected that this had occurred, increasing the risk of serious human rights violations upon return. In one case, unofficial reports suggest that a Uighur may have been charged and sentenced, partly on account of his claiming asylum abroad (see case of Mohammed Tohti Metrozi below).

Uighurs who are suspected by the Chinese authorities to have claimed asylum will, at the very least, be questioned upon their return to China. Due to their ethnic minority status, Uighur asylum seekers who are forcibly returned are likely to be viewed by the Chinese authorities as political suspects and face arbitrary detention or imprisonment. A returnee would raise suspicion due to their expired passport, or lack of passport, and due to their lengthy absence from China without any legal travel documentation. In this context, it is important to note that Article 322 of the Chinese Criminal Law makes "illegally crossing a national boundary" an offence punishable by up to one year in prison.

In addition, if the authorities suspect a Uighur of seeking asylum abroad, and/or if they suspect a history of involvement in either political opposition movements or in the religious activities that are currently being repressed in the XUAR, then this person would come under further scrutiny. Under these circumstances, there is a strong risk of serious human rights violations, including arbitrary detention and torture or ill treatment. If a Uighur is suspected of playing a leading role in organizing "separatist", "terrorist" or "illegal religious" activities, they would face a long period of imprisonment, or possibly the death sentence and execution. (Amnesty International 2005, '*Amnesty International concerns on Uighur asylum seekers and refugees*', June, Amnesty International website www.amnesty.ca/Refugee/Concerns_Uighur_June2005.pdf – Accessed 17 January 2006 – Attachment 18).

List of Attachments

1. 'East Turkestan Independence Movement' 2005, Wikipedia website (http://en.wikipedia.org/wiki/East_Turkestan_independence_movement – Accessed 12 January 2006)
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4. Human Rights Watch 2001 *China: Human Rights Concerns in Xinjiang*, October (<http://www.hrw.org/backgrounder/asia/china-bck1017.htm> – Accessed 3 January 2006)
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11. Amnesty International 2003, 'China: International community must oppose attempt to brand peaceful political activists as "terrorists" ASA, 17/040/2003, 19 December Amnesty International website (<http://web.amnesty.org/library/Index/ENGASA170402003?open&of=ENG-CHN> – Accessed 5 January 2006)
12. 'China: U.S.-based Uyghur lashes out at pressure to spy for China' 2006, *Radio Free Asia*, 5 January, RFA website (http://www.rfa.org/english/news/politics/2006/01/05/uyghur_spies/ – Accessed 10 January 2006) (CISNET China CX143872)

13. Human Rights Watch 2005, '*China: Uighur Activist's Family Threatened*', Human Rights Watch website (http://hrw.org/english/docs/2005/05/14/china10746_txt.htm – Accessed 16 January 2006)
14. 'China frees two associates of Uighur exile' 2005, *Reuters News Service*, 16 December (FACTIVA).
15. Amnesty International 2005, '*China: Harassment and detention of Rebiya Kadeer's family and associates*', ASA 17/030/2005, 8 September, Amnesty International website (<http://web.amnesty.org/library/Index/ENGASA170302005?open&of=ENG-2AS> – Accessed 16 January 2006)
16. Amnesty International 1995: 'China: No one is safe', ASA 17/86/95, 1 March, Amnesty International website (www.amnesty.org/ailib/intcam/china/china96/tong.htm – Accessed 17 January 2006)
17. DFAT 2003, *DFAT Report No.00221 – China: RRT Information Request: CHN14995*, 13 January
18. Amnesty International 2005, '*Amnesty International concerns on Uighur asylum seekers and refugees*', June, Amnesty International website (www.amnesty.ca/Refugee/Concerns_Uighur_June2005.pdf – Accessed 17 January 2006)