



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN38641 – Uyghur – Uighur –
Detention documents – Tianjin detention
centres
9 May 2011

1. Please provide an analysis of the situation in China for Uyghurs now and in the reasonably foreseeable future.

According to the last US Department of State report on human rights practices in China of April 2011 the Chinese government continued its severe cultural and religious repression of ethnic minorities in Xinjiang Uyghur Autonomous Region (XUAR).¹ It found that based on official Chinese media reports, 197 persons had died and 1,700 were injured during the July 2009 rioting in Urumqi – capital city of Xinjiang. In November 2009 eight ethnic Uyghurs and one ethnic Han were reported to have been executed without due process for crimes committed during the riots. By the end of 2010, 26 persons were reported to have been sentenced to death; nine others had received suspended death sentences. Of these, three were reportedly ethnic Hans and the rest were Uyghurs. In April 2010 a Uyghur woman became the second woman sentenced to death for involvement in the violence. In December 2010 a Uyghur journalist Memetjan Abdulla was sentenced to life in prison for transmitting information about the riots because he translated an article from a Chinese-language website and posted it on a Uyghur-language website. China Daily reported that, according to the president of the XUAR Supreme People's Court, courts in the XUAR had tried 376 individuals in 2010 for "crimes against national security" and their involvement in the July 2009 violence.²

There is continuing monitoring and disruption of telephone and internet communications.³ Foreign journalists are subjected to strict control when they attempt to travel throughout the XUAR.⁴

Question 1 of *Country Advice CHN36981* dated 16 July 2010 provides information on the restrictive measures applied to Uyghurs in XUAR; and Question 2 provides information on the situation for failed asylum seekers who return to XUAR and the likelihood that they be

¹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, and Macau)*, 8 April (Introduction) - Attachment 1

² US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, and Macau)*, 8 April (Section 1 a. Respect for the Integrity of the Person, including Freedom Arbitrary or Unlawful Deprivation of Life) - Attachment 1

³ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, and Macau)*, 8 April (Section 1 f. Arbitrary interference with privacy, family, home or correspondence) - Attachment 1

⁴ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – China (includes Tibet, Hong Kong, and Macau)*, 8 April (Section 2. A. Freedom of speech and press - Attachment 1

questioned or detained upon return to the region if they have been publicly politically active in a Uyghur separatist movement in Australia.⁵

Information contained in the last „Country of Origin Information Report. China’ of the UK Border Agency of 15 November 2010 cites several sources which provide information on the current situation for Uyghurs namely that the Chinese government encourages Han Chinese to migrate in increasing numbers to XUAR which results in poor employment prospects for Uyghurs. The Chinese authorities are also continuing to impose religious restrictions.⁶ It appears that Uyghurs can at times be the subject of monitoring by Chinese authorities whilst overseas. In the previously cited report from the UK Border Agency there is a reference to an article of 24 November 2009 of Spiegel Online which reported that German investigators had searched the residences of four Chinese nationals who were suspected of having spied on the Uyghur community in Munich.⁷ It also cites a BBC report of 9 March 2010 concerning a case in Sweden where a Uyghur refugee was jailed for passing information about other Uyghurs to a Chinese government agent.⁸

In the months from mid-November 2010 and in December 2010 the Chinese authorities were reported to have implemented a “strike hard” campaign in southern Xinjiang’s Kizilsu Kazakh autonomous prefecture where some 100 people were initially detained under criminal detention – several were later freed.⁹ A new crackdown on Uyghur publications in the XUAR was launched in February 2011 in the wake of the popular uprisings in the Middle East – the Chinese government authorities are concerned that these uprisings will give rise to a new round of large-scale protests in Xinjiang.¹⁰ The last US Commission on International Religious Freedoms in China of May 2011 found that conditions for religious freedoms for Uyghur Muslims continue to deteriorate; with the Chinese government taking measures to stop religious “infiltration” and „illegal preaching activities” and closing “illegal mosques”.¹¹

2. Please provide any available information about what usually happens when a person is taken into detention for interrogation in China e.g. documents that are completed; particular places of detention in Tianjin, etc...

Question 6 of Country Advice CHN35436 dated 17 September 2009 provides information on the distinction between administrative detention and arrest in China as well as the documentation which is likely to be used.¹² Information on the circumstances in which summons and arrest summons are issued is contained in the report by the Immigration and Refugee Board of Canada (IRB) of 1 June 2004 which indicates that a summons is used when no arrest or detention of suspects is necessary or contemplated whereas an „arrest summons’ is issued when voluntary compliance is not appropriate.¹³ The IRB of Canada advises that summons, notices and other court documents are delivered to the addressee himself.¹⁴

⁵ RRT Country Advice Service 2010, *Country Advice CHN36981*, 16 July – Attachment 2

⁶ UK Home Office 2010, *Country of Origin Information Report: China*, 15 November – Attachment 3

⁷ UK Home Office 2010, *Country of Origin Information Report: China* (Section 20.21 Monitoring of activists abroad) 15 November – Attachment 3

⁸ UK Home Office 2010, *Country of Origin Information Report: China* (Section 20.21 Monitoring of activists abroad) 15 November – Attachment 3

⁹ China „strikes hard’ in Xinjiang’ 2010, *States News Service*, 3 December – Attachment 4

¹⁰ „Xinjiang „tense’ amid Arab turmoil’ 2011, *States News Service*, 22 February – Attachment 5

¹¹ US Commission on International Religious Freedom 2011, *Annual Report of the United States Commission on International Religious Freedom, People’s Republic of China*, May - Attachment 6

¹² RRT Country Advice Service 2009, *Country Advice CHN35436*, 17 September – Attachment 7

¹³ Immigration and Refugee Board of Canada 2004, *CHN42444.E – China: Circumstances and authorities responsible for issuing summonses/subpoenas; procedural law; whether summonses are given to individuals or*

The Department of Foreign Affairs and Trade advised in 2007 that people who are formally arrested (not simply detained) have a high likelihood of undergoing prosecution.¹⁵ Attached is a copy of the Criminal Procedure Law of the People's Republic of China.¹⁶

Country Advice CHN37989 of 12 January 2011 provides information on the Chinese penitentiary system and its system of 'reform through labour' and 'reeducation through labour'.¹⁷ A search of the databases available to the Tribunals has failed to locate a comprehensive list of the prisons in Tianjin; however the last Handbook for year 2007 -2008 issued by the Laogai Research Foundation has a list of some the names of prisons in Tianjin. The Handbook states that it is impossible to provide a precise and accurate record of the exact number of laogai camps ('reform through labour' camps) – nor does it contain data about detention centres which are usually run by the Public Security Bureau (PSB) at the village, township and county levels.¹⁸ References from the Handbook to prisons in Tianjin as well as their names and location are attached.¹⁹

Attachments

1. US Department of State 2011, *Country Reports on Human Rights Practices for 2010 China (includes Tibet, Hong Kong, and Macau)*, 8 April.
2. RRT Country Advice Service 2010, *Country Advice CHN36981*, 16 July.
3. UK Home Office 2010, *Country of Origin Information Report: China*, 15 November.
4. 'China 'strikes hard' in Xinjiang' 2010, *States News Service*, 3 December. (FACTIVA)
5. 'Xinjiang 'tense' amid Arab turmoil' 2011, *States News Service*, 22 February. (FACTIVA)
6. US Commission on International Religious Freedom 2011, *Annual Report of the United States Commission on International Religious Freedom, People's Republic of China*, May.
7. RRT Country Advice Service 2009, *Country Advice CHN35436*, 17 September.
8. Immigration and Refugee Board of Canada 2004, CHN42444.E – *China: Circumstances and authorities responsible for issuing summonses/subpoenas; procedural law; whether summonses are given to individuals or households; format and appearance; whether*

households; format and appearance; whether legality can be challenged; punishment for failure to comply with a summons (1998-2004), 1 June – Attachment 8

¹⁴ Immigration and Refugee Board of Canada 2010, CHN103401.E - *China: Implementation of the Criminal Procedure Law of the People's Republic of China in regard to arrest warrants and summonses, particularly in Guangdong, Fujian and Liaoning*, 6 July - http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453031&l=e – Accessed 2 May 2011 – Attachment 9

¹⁵ DIAC Information Service 2007, *Country Information Report No. 07/83 – CISQuest CHN9120 – 'Shouters' Christian group and Fujian Province*, (sourced from DFAT Advice of 28 November 2007) – Attachment 10

¹⁶ People's Republic of China 1997, 'Criminal Procedure Law of the People's Republic of China', 1 January - Attachment 11

¹⁷ RRT Country Advice Service 2011, *Country Advice CHN37989*, 12 January – Attachment 12

¹⁸ The Laogai Research Foundation 2008, *Laogai Handbook 2007 - 2008*, September, p. 26-27
<http://laogai.org/system/files/u1/handbook2008-all.pdf> – Accessed 9 July 2010 – Attachment 13

¹⁹ The Laogai Research Foundation 2008, *Laogai Handbook 2007 - 2008*, October, p. 49-53; 56;461-465;
<http://laogai.org/system/files/u1/handbook2008-all.pdf> – Accessed 9 July 2010 – Attachment 13

- legality can be challenged; punishment for failure to comply with a summons* (1998-2004), 1 June.
9. „Immigration and Refugee Board of Canada 2010, CHN103401.E - *China: Implementation of the Criminal Procedure Law of the People's Republic of China in regard to arrest warrants and summonses, particularly in Guangdong, Fujian and Liaoning*, 6 July - http://www.irb-cisr.gc.ca:8080/RIR_RDI/RIR_RDI.aspx?id=453031&l=e – Accessed 2 May 2011.
 10. DIAC Information Service 2007, *Country Information Report No. 07/83 – CISQuest CHN9120 – „Shouters’ Christian group and Fujian Province*, (sourced from DFAT Advice of 28 November 2007). (CISNET China CX189037)
 11. People’s Republic of China 1997, „Criminal Procedure Law of the People’s Republic of China’, 1 January. (CISNET China CX174330)
 12. RRT Country Advice Service 2011, *Country Advice CHN37989*, 12 January.
 13. The Laogai Research Foundation 2008, *Laogai Handbook 2007 - 2008*, October, p. 1 <http://laogai.org/system/files/u1/handbook2008-all.pdf> – Accessed 9 July 2010.