

**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

Please verify the following statements:

- 1. It was just announced by the Chinese government last month, that it is now law that any Uighur cannot visit 5 countries from China, Kazakhstan, Kurkestan, Uzbekistan, Turkey and Pakistan. This clearly is a further clamp down on Uighurs and their rights.**
- 2. The Chinese authorities have confiscated all passports in Shinjiang from all the households and families there.**
- 3. 3000 Uighurs who were on a pilgrimage to Mecca and Pakistan were all arrested and imprisoned on their recent return to China.**

RESPONSE

- 1. Was it just announced by the Chinese government last month, that it is now law that any Uighur cannot visit 5 countries from China, Kazakhstan, Kurkestan (Kyrgyzstan) , Uzbekistan, Turkey and Pakistan?**

No reference was found regarding laws prohibiting the travel of Uighurs from China to Kazakhstan, Kyrgyzstan, Uzbekistan, Turkey and Pakistan in the sources consulted. The Uighur separatist websites listed at the end of this response carried no reports of this policy. Information was also not located regarding the specific travel and visa rights of Uighurs in the sources consulted. However information does indicate that Uighurs under political suspicion including asylum seekers may be refused visas or forcibly extradited while in the above countries with no due process or source of appeal. Uighurs may also face considerable barriers in accessing national asylum procedures. Upon refolement to China these individuals are at high risk of serious human rights violations including imprisonment and torture.

China has conducted an on-going political crackdown within the Uighur community against the so-called ‘three evils’ including ‘separatists, terrorists and religious extremists’. This fight against separatism and terrorism has involved the Chinese government pressuring

neighbouring states into forcibly returning politically active Uighurs including asylum seekers and refugees. According to Amnesty International these Uighur political suspects are often accused and extradited on unsubstantiated and insufficient grounds:

On 15 December 2003, the Chinese Ministry of Public Security issued a list of “East Turkestan terrorists” and “terrorist organizations” abroad. This named four organizations... and eleven individual members of these groups... Chinese authorities called on other states to take international action by tracking these people down and handing them over to China... In keeping with previous patterns, this information was uncorroborated and no credible evidence was provided to substantiate these claims. Indeed, much of the “evidence” appeared to have been obtained from other individuals under interrogation. In view of the ongoing and widespread use of torture and ill-treatment by police in China, particularly to extract “confessions” from detained suspects, Amnesty International believes any “evidence” obtained in this way must be treated with deep suspicion.

(Amnesty International 2004, *People Republic of China: Uighurs fleeing persecution as China wages its “war on terror”*, pg12, 7 July –

<http://web.amnesty.org/library/index/engasa170212004> – Accessed 6 February 2007 – Attachment 1)

China has entered into security, bilateral and extradition agreements with neighboring countries in order to enforce the deportation of politically suspect Uighurs. The Shanghai Cooperation Unit (SCO), a regional security unit was established in 1996. Its members are Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan. China has used this unit to enforce the removal of Uighurs activists (including refugees) from neighbouring countries. Human Rights Watch states:

China has also been very active in enrolling the support of its Central Asian neighbours in the crackdown against Uighur ethno-nationalist aspirations. It is the driving force behind the Shanghai Cooperation Organization (SCO), a regional security body composed of China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan set up in 1996 (Uzbekistan joined in 2001). The SCO was established in part to address Chinese concerns about a number of small Uighur political and opposition movements that, in the first years of independence for the former Soviet republics, set up organizations in the region, giving Uighur exiles a much closer base for their operations than the previous generation of activists, who had been based in Turkey and, later, Germany. Under pressure from Beijing, since 1996 these Central Asian countries have effectively silenced independent Uighur organizations on their soil and on several occasions have repatriated refugees in response to requests by China. Some of those repatriated refugees were executed upon their return....

The Kazakh government acknowledged in November 2004 that it had extradited fourteen Uighurs to China and Kyrgyzstan since 1997. Pakistan has boasted that it has eliminated Uighur “terrorists” in its northern areas. Beijing has also pressured Pakistan and Nepal for the repatriation of refugees. In January 2002, Nepal forcibly repatriated three Uighurs who had been granted refugee status by the UNHCR and were awaiting relocation to a third country. One of them, Shaheer Ali, was executed shortly thereafter after being convicted for separatism. He left a detailed account of torture inflicted on him in Chinese jails before his death.

(Human Rights Watch 2005, *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, p23-24, April, <http://hrw.org/reports/2005/china0405/china0405.pdf> – Accessed 6 February 2007-

Attachment 2).

Kazakstan and Krgyzstan

Kazakstan and Kyrgyzstan are the most popular first countries for 'refuge' for Uighurs. However these countries are both SCO members which have implemented anti-terrorist policies which allow for the forced deportation of Uighurs. Chinese border controls and surveillance have also been intensified for Uighurs entering these countries. Amnesty International reports that:

Their shared border with China and their large native Uighur populations make Kazakstan and Kyrgyzstan the most common first countries of 'refuge' for Uighurs fleeing the XUAR. Yet, they are possibly the most unsafe countries of asylum for Uighurs. In the context of its policies in the XUAR, China has made great efforts to ensure that its Central Asian neighbours cooperate in returning Uighurs who are suspected of being "separatists, terrorists or religious extremists". This relationship has been strengthened in recent years under the auspices of the Shanghai Cooperation Organization (SCO)... Amnesty International is concerned that such cooperation appears to be aimed at ensuring the forcible return of Uighurs to China, notwithstanding the high risks they face of serious human rights violations, including torture, arbitrary detention and even execution.'

Uighur asylum seekers in both Kazakstan and Kyrgyzstan face an ever-present risk of being detained by the police as "illegal immigrants", which puts them in greater danger of being forcibly returned to China.

Unconfirmed reports suggest that Uighurs attempting to cross the border from China are regularly sent back into China by border guards on the Kazak/Kyrgyz side of the border unless they are able to demonstrate that they are travelling for legitimate trading or other purposes.

NGOs assisting Uighurs in Kazakstan have reported increased levels of surveillance and monitoring of Uighurs by border guards on the Chinese side of the border, checking to see whether people were carrying sensitive information, including information about alleged human rights violations, such as details about political prisoners and prisons.

Local NGOs in the region who assist Uighurs from China estimated that Kazakstan may have returned around 20 Uighurs, and Kyrgyzstan around 50 Uighurs in recent years, but the exact number is impossible to determine. ...

(Amnesty International 2004, *People Republic of China: Uighurs fleeing persecution as China wages its "war on terror"*, p26-29, 7 July –

<http://web.amnesty.org/library/index/engasa170212004> – Accessed 6 February 2007 –

Attachment 1)

Uighur asylum seekers are subject to severe discrimination in Kazakstan and Kyrgyzstan. Kazakstan does not allow Uighurs to claim protection as refugees. While Uighurs can apply for asylum in Kyrgyzstan Amnesty International reports below that they generally do not do so due to Kyrgyzstan's close links with the Chinese government:

...Kazakstan does not allow Uighurs access to the national asylum procedure, reportedly due to the delicate relationships between these countries and China. In Kyrgyzstan, Uighur asylum seekers can theoretically apply to a national procedure for protection, but do not do so, apparently for fear that the Kyrgyz authorities will pass this information on to the Chinese authorities. UNHCR therefore plays the key role in assessing refugee protection claims in these countries.

(Amnesty International 2004, *People Republic of China: Uighurs fleeing persecution as China wages its "war on terror"*, p26, 7 July –

<http://web.amnesty.org/library/index/engasa170212004> – Accessed 6 February 2007 –

Attachment 1)

According to the Central Asia Caucus Institute the treatment of Uighurs including asylum seekers in Kyrgyzstan is dependent on its political relationship with China. This includes

bilateral agreements on the fight against terrorism and separatism. The political factors influencing the treatment of Uyghurs in Kyrgyzstan include:

- first, the bilateral agreements between Kyrgyzstan and China including on the struggle against separatism and extremism in any forms.
- The second factor is that Kyrgyzstan is keen not to see its relations with China disturbed, due to common borders and trade agreements. On September 6, 2003, Chinese Foreign minister Li Zhaoxing met with Kyrgyz foreign minister Askar Aitmatov in Bishkek, where they signed a treaty of cooperation and friendship, as well as cooperation against terrorism, particularly regarding the Eastern Turkistan Liberation Movement. Several days before this meeting, Li Zhaoxing visited Dushanbe, where he signed an agreement of cooperation in fighting terrorism, extremism and separatism. After this meeting, Li Zhaoxing told journalists that the two states jointly combat Uyghur separatists. The result is that on 26 November, Kyrgyzstan added several Uyghur groups to the list of terrorist organizations.
- A third and related factor is China's military assistance to Kyrgyzstan. In the last several years, China has granted financial assistance to Kyrgyzstan's military in the amount of 30 millions Yuan (ca. US\$3.5 million).
- 2003 was of crucial importance to Uyghurs in Central Asia, mainly because the Regional Antiterrorist Center of the SCO opened on November 2. The RATC is partly designed to fight Uyghur separatism in the XUAR, which in turn will influence the situation of Uyghurs in Kyrgyzstan as well as in Central Asia. This became obvious after joint military exercises of SCO member states "Cooperation 2003" took place on August 6 in Kazakhstan, and on August 10-12 in the XUAR itself.
(Mukhamedov Rustam 2004, 'Uyghurs in Kyrgyzstan under careful government supervision' Central Asia-Caucasus Institute, January 28 – http://www.cacianalyst.org/view_article.php?articleid=2108 – Accessed 6 February 2007 – Attachment 3).

The Uighur Congress have provided the below documented case of a Uighur forcible returned from Kyrgyzstan:

...in April 2000, Jelil Turdi, a Uyghur trader from XUAR, was forcibly deported to China from Kyrgyzstan. He had lived in Kyrgyzstan for three years and was married to a Kyrgyz citizen. According to information received by *Amnesty International*, Jelil Turdi was taken back to China by Chinese security officers sent to Kyrgyzstan, under arrangements made by the Chinese embassy in Bishkek. The Kyrgyzstan General Procuracy reportedly participated in the deportation procedure. Jelil Turdi was denied the opportunity to challenge the decision to deport him before a court in Kyrgyzstan. Unofficial sources claimed that Chinese security officers had told their Kyrgyz counterparts that Jelil Turdi was wanted in China for involvement in a nationalist opposition group. The Chinese security officers reportedly took part in Jelil Turdi's interrogation, during which he was allegedly tortured.
(‘Amnesty International Concerns regarding Uyghurs in the Xinjiang Uyghur Autonomous Region (XUAR) China’ 2004, World Uyghur Congress, March – <http://www.uyghurcongress.org/En/HumanRights.asp?mid=2125209830&mid2=1407290227&mid3=1951491468> – Accessed 6 February 2007 – Attachment 4.)

Pakistan

The situation for politically active Uyghurs in Pakistan is similarly hazardous. An extradition treat was signed between China and Pakistan in 2003. Amnesty International have reported on the forced removal of Uyghurs under this agreement:

Following the 11 September 2001 attacks in the USA, China and Pakistan have sought to strengthen their cooperation in combating acts of “terrorism”. In March 2003, the two countries agreed to enter into an extradition treaty to facilitate the exchange of prisoners... In January 2004, it was further reported that China had forwarded a list of Chinese “terrorists and outfits linked to al-Qaeda” to Pakistan, asking the authorities to initiate action against these groups. Amnesty International has not seen a copy of this list, but is concerned that it may contain individuals who have engaged in peaceful political activism or independent religious practices...

At least seven Uighurs are known to have been forcibly sent back to China from Pakistan since the beginning of 2002, some of whom had been recognised as refugees by UNHCR and were awaiting resettlement in other countries.... However, it is feared that other Uighurs may also have been secretly returned from Pakistan in violation of their fundamental human rights and in violation of Pakistani domestic law on extradition.

More recently, on 16 July 2003, two Uighurs, Abdulwahab Tohti and Muhammed Tohti Metrozi went missing in Rawalpindi. Both were reportedly engaged in pro-independence activities in the XUAR before fleeing to Pakistan. Muhammed Tohti Metrozi had become a student leader in Pakistan and had already been recognised as a refugee by UNHCR in Pakistan. He was awaiting resettlement to Sweden.

Fears of the safety of those returned are heightened by an earlier case in Pakistan when, in 1997, a group of around 14 Uighur religious students were arrested in Gilgit close to the Chinese border and handed over to the Chinese authorities without any legal process. They were reportedly summarily executed on the Chinese side soon after being driven across the border.

(Amnesty International 2004, *People Republic of China: Uighurs fleeing persecution as China wages its “war on terror”*, p23-26, 7 July –

<http://web.amnesty.org/library/index/engasa170212004> – Accessed 6 February 2007 – Attachment 1).

Uzbekistan

Uzbekistan has also been identified as a country extraditing ethno-nationalist Uighurs. The 2007 Human Rights Watch report provides current evidence on the deportation of Uighurs:

‘In 2006, China continued to pressure neighbouring countries to arrest and deport politically active Uighurs. In June 2006, Uzbekistan extradited to China Huseyin Celil, a Uighur and a Canadian citizen. At this writing, Celil was being held in Xinjiang with no access to Canadian consular services. In May 2006, Kazakhstan acceded to China’s demand that it extradite two Uighurs. In October, China sentenced Ismail Semed to death for “separatism” following his deportation from Pakistan. China also pressed hard, though unsuccessfully, to get Albania to repatriate five Uighurs who, until 2006, had been held by the US at Guantanamo Bay.

(Human Rights Watch 2007, *World Report - China: Xinjiang and “War on Terror”* p265. – <http://hrw.org/wr2k7/> – Accessed 6 February 2007 – Attachment 5)

Turkey

Restrictions against Uighurs also exist in Turkey according to prominent Uighur human rights activist and noble prize contender Rebiya Kadeer. Ms Kadeer was refused a visa to Turkey in 2006 due to political pressure from the Chinese Government. Ms Kadeer stated in a speech given to a US congressional committee:

‘... it is not just neighbouring countries who are intimidated into following Beijing’s wishes to the letter with regard to Uyghurs. I myself was recently refused a visa to attend the World Movement for Democracy in Istanbul, Turkey, organized by the National Endowment for Democracy. There was a clear message from the Turkish government that they feared if they

issued me with a visa, there would be some form of retaliation from the Chinese government. I hope the irony is not lost: I was refused a visa, to a democratic country, to attend a conference about democracy, on the basis of arbitrary threats by China.’
(‘Human Rights in China – Rebiya Kadeer’ 2006, 19 April (FACTIVA) – Accessed 6 February – Attachment 6).

Uighur human rights groups have expressed serious concerns about the treatment of Uighurs forcibly returned to China. According to these sources returned Uighurs are likely to be imprisoned and tortured:

Amnesty International has documented the case of Yasim Kari, aged 35, and Abla Karim, who have been detained in Kashgar, China since September 1998, when they were forcibly returned to the XUAR from Kazakhstan. They are reported to be still detained but it is not known whether they have been charged. Amnesty International is concerned that they are reported to be detained for seeking political asylum abroad.

Members of the Uyghur community will, at the very least, be questioned by the authorities upon their return to China. Those who departed illegally from China will raise suspicions about their absence from China. Those who authorities believe have sought political asylum are likely to be detained and tortured.

(Amnesty International Concerns regarding Uyghurs in the Xinjiang Uyghur Autonomous Region (XUAR) China . 2004, World Uyghur Congress, March

<http://www.uyghurcongress.org/En/HumanRights.asp?mid=2125209830&mid2=1407290227&mid3=1951491468> – Accessed 6 February 2007 – Attachment 4.)

While no evidence was found on a travel ban for Uighurs visiting Kazakhstan, Kyrgyzstan, Uzbekistan, Turkey and Pakistan information does suggest that these countries have all adopted anti-terrorist legislation which has led to severe discrimination against politically suspect Uighurs. Some of these policies include the denial of access to national asylum procedures, refusal of visas as well as extradition and imprisonment. Uighurs returned to China face severe human right violations, including detention and torture.

2. The Chinese authorities have confiscated all passports in Shinjiang (Xinjiang) from all the households and families there.

No information was found in the sources consulted regarding the confiscation of **all** passports in Xinjiang.

However the Chinese government can confiscate and deny passports in certain circumstances. Passports can be confiscated and withheld on grounds including criminal charges and national security. These grounds have allowed for the denial of passports for those suspected of political and religious activity. Anecdotal evidence suggests that Uighurs have had their passports denied to prevent religious pilgrimages and also as punishment for political insurgency. Uighur political activists abroad have also documented the denial of passports for their family members in China.

A new law has recently been passed stating that the denial and confiscation of passports must only occur according to certain conditions. These conditions are described in the Congressional-Executive Commission on China Report and include criminal charges and also concerns for national security:

The National People’s Congress Standing Committee passed a new Law on Passports in April 2006 that will take effect in January 2007. The law narrows the legal authority of Chinese

officials to deny passports to Chinese citizens.⁴² Article 13 of the new law specifies the conditions under which Chinese authorities may deny a citizen's passport application, including document falsification, failure to prove citizenship, pending fulfilment of a criminal sentence or other criminal punishment, or a court order not to leave the country as a result of an ongoing civil case. Authorities may also deny a passport application if they determine that the applicant's activities abroad would harm national security or state interests.... Chinese authorities have denied passports to Chinese citizens who express views they find objectionable.

(Congressional-Executive Commission on China 2006, *Congressional-Executive Commission on China Annual Report 2006*, p.118, 20 September - <http://www.cecc.gov/pages/annualrpt/annualrpt06/index.php?phpsessid=5391d1e0decabcdaf732d264d94cc70> – Accessed 8 February 2007 – Attachment 7)

According to the US Department of State while passports are permitted for most citizens, ethnic minorities and individuals considered to be politically or religiously active may face difficulties:

The government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports.

(U.S Department of State 2005, *Country Reports on Human Rights Practice 2005 - China*, 8 March – www.state.gov/g/drl/rls/hrrpt/2005/61605.htm – Accessed 7 February 2007 – Attachment 8).

Passports appear to be generally denied to Uighurs on grounds of religious and political activity. An example of the removal of a passport on political grounds is the confiscation of Uighur activist Rebiya Kadeer's passport in 1997 by Chinese Authorities as described by Amnesty International:

Rebiya Kadeer's activism in the strategically important, oil-rich autonomous region of Xinjiang and her husband's outspoken criticism of Chinese rule in the mostly Muslim region began to draw government reprisals in the late 1990s. Her husband left China in 1996. The following year, the government confiscated Rebiya Kadeer's passport. Harassment by police was accompanied by further restrictions on her movements.

(Amnesty International USA 2005, *Rebiya Kadeer has been released!*, 17 March – <http://www.amnestyusa.org/action/special/kadeer.html> – Accessed 7 February 2007 – Attachment 9).

Uighurs who have political active family members abroad may also be denied passports. Amnesty International details this passport restriction:

Amnesty International has long been aware of measures reportedly taken by the Chinese authorities in the XUAR to monitor and restrict contacts between local Uighur families and their relatives abroad...measures include denial of passports or other travel documents to family members who remain in the XUAR, effectively preventing them from visiting or joining their relatives abroad unless they travel illegally.

Recent reports suggest that levels of control and repression have been stepped up over the last two years, as the authorities have apparently targeted families in an attempt to force Uighur exiles to return or prevent them from engaging in political activities abroad. One exile Uighur activist who works as a journalist told Amnesty International that... authorities had also apparently threatened other members of the family that they would not be given passports if he continues with his activities abroad.

(Amnesty International 2004, *People Republic of China: Uighurs fleeing persecution as*

China wages its "war on terror", p.34-35, 7 July –
<http://web.amnesty.org/library/index/engasa170212004> – Accessed 6 February 2007 –
Attachment 1)

The Congressional Human Rights Caucus (CHRC) also provide examples of family members of political fugitives being denied passports even in instances where immigration has been approved to a third country:

My name is Muhtar. I was born in the city of Gulja in East Turkestan, and what is now Xinjiang Uyghur Autonomous Region in People's Republic of China. First of all, I would like to give you a brief introduction of my background and the reasons why I escaped China and finally came to seek refuge in the United States of America....

Even since I escaped China, I missed my wife and baby daughter very much. I always wanted them to reunite with me in freedom. The first thing I did in Turkey after my arrival was to invite them to come and visit me. However, the Chinese government refused to issue my wife and daughter passports. The Chinese police told my wife that they were not eligible for a passport since I was a political fugitive. Obviously, without a passport they could not travel to anywhere outside of China.

After I came to the United States in May 1999, I immediately sought political asylum. The United States Immigration & Naturalization Services approved my asylum application along with my petitions application for my family. INS sent an invitation to my wife and daughter to immigrate to America. However, the Chinese government once again refused to issue my wife and daughter passports.

(‘Testimony of Mr. Muhtar A Uighur Asylee in the U.S’ 2002, Congressional Human Rights Caucus, October 16 –

<http://lantos.house.gov/hor/ca12/human+rights+caucus/briefing+testimonies/107/testimony+of+mr+muhtar.htm> – Accessed 7 February 2007 – Attachment 10).

Passports have also been denied to Uighurs on religious grounds. The Chinese government has prohibited and confiscated passports for Uighurs planning on undertaking the Hajj-journey. Human Right Watch has reported on the denial of passports for religious pilgrimages:

In Xinjiang, where the predominant Muslim group is made up of Turkic-speaking Uighurs, local officials have shut down religious activities on the pretext of contributing to the fight against international terrorism...In keeping with Article 43 of the regulations, which prohibits self-organized overseas “pilgrimages,” local authorities confiscated passports from Uighurs planning to spend Ramadan in Mecca; only state-sponsored Hadj pilgrimages were permitted, and government employees and retired government officials were not allowed to make the journey without special permission.

(Human Rights Watch 2006, *China: A Year After New Regulations, Religious Rights Still Restricted Arrests, Closures, Crackdowns Continue*, 1 March,

<http://hrw.org/english/docs/2006/03/01/china12740.htm> – Accessed 7 February 2007 – Attachment 11).

In conclusion while no information was found in the sources consulted regarding the confiscation of **all** passports in Xinjiang it is clear that the Chinese government does confiscate and deny passports on certain grounds. These grounds include national security concerns caused by political and religious activity and apply especially to ethnic minorities such as Uighurs.

3. 3000 Uighurs who were on a pilgrimage to Mecca and Pakistan were all arrested and imprisoned on their recent return to China.

No information was found regarding 3000 Uighurs all arrested and imprisoned on their recent return to China from a pilgrimage to Mecca and Pakistan.

The Chinese government does however have strict policies which control Chinese Muslims undertaking the Hajj pilgrimage. Only state sponsored and controlled pilgrimages are permitted. Due to government fears of political activism Uighur Muslims are subject to particularly harsh state restrictions for religious pilgrimages. Reports indicate that visas have been confiscated and denied for Uighurs seeking to undertake the Hajj. Punishments were also enforced for religious disobedience including loss of government posts and detention.

Chinese authorities have established policies to control the religious observance of pilgrimages. According to Chinese law pilgrimages to Mecca must be organised and controlled by state sponsored religious authorities. Under strict Xinjiang region regulations no individual or group may organize and undertake pilgrimage activities independent of the control of state sanctioned religious departments. The Congressional-Executive Commission on China provides details of these regulations:

Although several international human rights declarations and covenants call on signatories and parties to allow citizens freedom of movement (see, e.g., Article 12 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Civil and Political Rights), Chinese law limits Chinese Muslims to state-sponsored pilgrimages to Mecca. Article 11 of China's 2005 Regulations on Religious Affairs says that "The national Islamic religious organization shall be responsible for organizing foreign pilgrimages for Muslim Chinese citizens." The 2001 Xinjiang Uighur Autonomous Region Regulations on the Management of Religious Affairs restrict the movement of Muslims more explicitly, by specifying that "pilgrimage activities are to be organized by the religious affairs departments of the people's governments and religious organizations. No other organization or individual may organize such activities."

(The Congressional-Executive Commission on China 2005, 'Xinjiang Police Reportedly Bar Uighur Haj Pilgrimage By Confiscating Passports', 26 October – <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingl=24830> – Accessed 9 February 2007 – Attachment 12).

While many Chinese Muslims undertake state sponsored pilgrimages Uighurs face specific discrimination in gaining permission to undertake the Hajj and fear adverse repercussions from Chinese Authorities. According to the U.S Department of State:

The Government permitted Muslim citizens to make the Hajj to Mecca and in some cases subsidized the journey. A record number of nearly 10, 000 Muslims made the Hajj during the year, nearly half of whom went with government-organized delegations. Other Muslims made the trip to Mecca via third countries. According to international Uighur groups, Uighur Muslims had greater difficulty getting permission to make the Hajj than other Muslim groups, such as Hui Muslims, and some Uighurs elected not to attempt to go for fear of repercussions. (U.S Department of State 2004 *Country Reports on Human Rights Practises 2003 - China*, 25 February – <http://www.state.gov/g/drl/rls/hrrpt/2003/27768.htm>- Accessed 7 February 2007 – Attachment 13).

Local authorities in the Xinjiang region have enforced strict laws against independent pilgrimages. According to Human Right Watch this has resulted in the confiscation of passports and government employees having to seek special permission:

In Xinjiang, where the predominant Muslim group is made up of Turkic-speaking Uighurs, local officials have shut down religious activities on the pretext of contributing to the fight

against international terrorism... In keeping with Article 43 of the regulations, which prohibits self-organized overseas "pilgrimages," local authorities confiscated passports from Uighurs planning to spend Ramadan in Mecca; only state-sponsored Hadj pilgrimages were permitted, and government employees and retired government officials were not allowed to make the journey without special permission.

(Human Rights Watch 2006, *China: A Year After New Regulations, Religious Rights Still Restricted Arrests, Closures, Crackdowns Continue*, 1 March, <http://hrw.org/english/docs/2006/03/01/china12740.htm> – Accessed 7 February 2007 – Attachment 11.)

In 2006 visas were refused for Uighur Muslims who had travelled to Pakistan seeking to undertake the Hajj pilgrimage. Uighurs were told to return to China or incur punishments. These punishments included loss of government posts, the loss of pensions for retirees and the punishing of family members. Uighur human rights project have reported that:

... several thousand Uyghurs in Rawalpindi, Pakistan, have been refused visas to travel to Saudi Arabia to participate in a religious pilgrimage, apparently as a result of interference from the Chinese embassy in Islamabad. According to some estimates, as many as 6000 Uyghurs in Rawalpindi are awaiting visas.

The vast majority of the pilgrims, who are all hoping to carry out the Umrah Hajj and have traveled to Pakistan on Chinese passports, were told to return to East Turkistan – also known as Xinjiang – by the Chinese ambassador, and threatened with various punishments if they do not do so immediately.

According to UHRP's sources, a dozen or so Uyghurs were invited into the Chinese embassy in Islamabad on the morning of September 13 by the Chinese ambassador to Pakistan, Zhang Chunxiang. The ambassador and his staff, some of whom had apparently traveled to Islamabad specifically because of the situation in Rawalpindi, told the Uyghur representatives that people who did not immediately return to East Turkistan would be suspended from their government posts, that any retirees would lose their pensions, and that people who were neither government employees or retirees could expect punishments to be leveled against members of their families.

Ambassador Zhang told the Uyghur representatives called to the embassy that the People's Republic of China (PRC) has brokered an agreement with the Saudi government not to issue visas to PRC passport-holders in a third country.

By yesterday afternoon, police were telling Uyghurs at guest houses in Rawalpindi that police were under orders to try and stop Uyghurs from going to nearby Islamabad in case they stage protests outside the Saudi or Chinese embassies.

According to UHRP's sources, Uyghurs have been waiting in Rawalpindi for more than two months to receive visas for Saudi Arabia ever since the Saudi authorities stopped issuing visas through approved travel agencies in late July 2006.

However, in late August, Uyghurs protested outside the Saudi Embassy in Islamabad asking to speak to the ambassador about the refusal to issue visas. A source reports that a senior Saudi embassy official emerged from the embassy and explained that it was not Saudi policy to deny visas to Muslims hoping to go on pilgrimage to Saudi Arabia; rather, the Saudi government was abiding by a request from the Chinese government not to issue visas to Uyghurs. This conversation between the Saudi official and the Uyghur demonstrators could not be confirmed.

In previous years, Uyghurs with PRC passports have traveled with relative ease to Saudi Arabia from Pakistan, preferring to travel overland as far as possible to reduce the cost of pilgrimages. The Chinese government's insistence that Uyghurs apply for and acquire their Saudi visas only in the PRC could be a way to control the number of Uyghurs undertaking pilgrimages to Saudi Arabia, or it could be a measure to more effectively monitor who is going on pilgrimage. It is not known if the same restrictions apply to other Muslims from the PRC, such as the Hui people.

('Visa's refused – punishments threatened if they did not return to China

Uyghur pilgrims denied Saudi visas in Pakistan' 2006. World Uyghur Congress, 14 September – <http://www.uyghurcongress.org/En/pressrelease.asp?ItemID=627138100> – Accessed 9 February 2007 – Attachment 14).

An incident of border detentions has also been reported for Chinese Muslims seeking to undertake the Hajj pilgrimage. Al Jazeera report that in 2004 up to 43 Muslims were detained for seeking to undertake the Islamic pilgrimage:

In recent days up to 43 Muslim pilgrims have been detained in Artux and Akto, cities near Kashgar, after preparing for pilgrimages, the group said. Police in Akto city said they had heard of up to 31 people being detained at a local border crossing, but were unaware of the details. "This incident didn't happen in Akto, it occurred at a border crossing near here. The police from Kashgar are aware of what happened," an officer named Duan said. Kashgar police refused immediate comment.

('China's Muslims 'facing Haj restrictions' 2004 Worldwide Religious News (Source:Al Jazeera), 28 October

<http://www.wwrn.org/article.php?idd=8102&sec=33&con=17> – Accessed 9 February 2007 – Attachment 15.)

While no information was found in the sources consulted regarding the detention of 3000 Uyghurs on a pilgrimage to Mecca and Pakistan it is the case that restrictions and punishments are placed on Uyghurs seeking to undertake the Hajj pilgrimage. These restrictions generally include the refusal and confiscation of visas. However Uyghur human rights organisations also report other punishments including the loss of government jobs, loss of pensions and an instance was found of border detentions.

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