



They Can't Send Me Back: Uyghur Asylum Seekers in Europe

A Report by the Uyghur Human Rights Project



“There is no greater sorrow on earth than the loss of one’s native land.”

- Euripides

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Executive summary

“I’m hopeless now. What will I do? Where will I stay? I can’t work. What groups should I go to? I’ve heard some Uyghurs have been sent to the street when their cases have been closed. I am a woman. What will I do? If I were younger, I would be fine, but at my age, it will be difficult.”

Uyghur asylum seeker in the Netherlands, interviewed in March 2011

This report documents the experiences of 50 Uyghur asylum seekers in Sweden, Norway and the Netherlands who were interviewed by Uyghur Human Rights Project (UHRP) researchers in 2010 and 2011.¹ The report provides background information on the situation of Uyghurs in East Turkestan, as well as information on Uyghur asylum seekers’ experiences in seeking refuge in Europe. As the report details, Uyghurs have in recent years been forced to flee severe political, economic and social repression in East Turkestan (otherwise known as Xinjiang Uyghur Autonomous Region in northwest China), as well as institutionalized curbs on the freedom of speech and government efforts to criminalize the expression of Uyghurs’ religious and cultural identity. Since July 2009, many Uyghurs have fled China due to harsh persecution that has been carried out in the wake of unrest that began on July 5, 2009 in the regional capital of Urumchi.² Uyghurs who spoke to UHRP said that if repressive conditions had not made it impossible for them to stay in East Turkestan, they would never have left.

The asylum applications of Uyghurs who have fled to northern Europe have been handled differently among the various countries where they have sought asylum, despite measures put in place to standardize the treatment of asylum seekers in Europe. While many Uyghurs, in particular those in Norway, are being granted asylum, many more are receiving denials and experiencing lengthy appeals processes. Uyghurs interviewed for this report frequently spoke of undergoing what they perceived as a confusing and frightening process.

The majority of the Uyghurs who spoke with UHRP were interviewed at the appeal stage. The asylum cases of many of the interviewees have recently reached a critical point, as they are nearing the end of the appeals processes, and are in danger of being deported back to China or Central Asia. Uyghurs interviewed for this report spoke of the reasons given by immigration authorities as to why their asylum applications were rejected. The most common reasons given for refusal were as follows:

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¹ Several asylum seekers were interviewed both in 2010 by telephone and 2011 in person.

² Interviewees provided UHRP with new eyewitness testimonies regarding the July 2009 unrest and the use of deadly force against Uyghur residents of the city. A number of Uyghurs interviewed for this report provided first-hand accounts of being detained after July 5, or of witnessing the arbitrary detention of Uyghurs in Urumchi. These accounts add to the documentation produced by UHRP with its 2010 report, [*Can Anyone Hear Us? Voices From The 2009 Unrest In Urumchi.*](#)

- Lack of evidence or documentation that the asylum applicant was persecuted or in danger of being persecuted.
- Lack of documentation regarding the asylum applicant's identity.
- Inconsistencies in the asylum applicant's account of what happened to them in China or as they fled China.

As the accounts below illustrate, rejections of Uyghurs' asylum applications in Europe are frequently underpinned by a lack of accurate information and little awareness of the repression faced by Uyghurs in China. UHRP researchers heard often that immigration authorities did not believe an asylum seeker's account of using bribery in order to flee the country. However, there is abundant documentation, in international and Chinese media and by international organizations, of the rampant nature of official bribery in China, as described in the section of this report detailing how Uyghurs fled the country. Through interviews for this report, UHRP was able to use individual stories to document the systemic use of bribery to flee China. Uyghurs who were at serious risk of persecution, including arbitrary detention, were able to flee China only through the use of bribery, and this ability to leave the country was often erroneously perceived by European authorities as an indication that they had not been at risk of persecution in China. The reasons given for rejection of Uyghur asylum applications also evidences a lack of knowledge on the part of immigration authorities regarding the arbitrary and widespread nature of the detentions of Uyghurs in East Turkestan, particularly after July 5, 2009.

A frequently overlooked yet crucial aspect of asylum claims made by Uyghurs is the mere fact that choosing to flee abroad is perceived by the Chinese authorities as a potentially serious political crime. Even illegally crossing the Chinese border can carry a one-year prison sentence under China's Criminal Law; Uyghurs who are then in contact with politically active members of the diaspora are under intense Chinese government suspicion of anything from plotting to "split the motherland" to facing unsubstantiated accusations of planning terrorist attacks against Chinese targets.

Many Uyghur interviewees told UHRP that in the wake of rejections, they were being pressured by government authorities to return to China, and were told that they would face no danger if they returned. It is critical that Uyghur asylum seekers are not deported to China or Central Asia, where they would be vulnerable to torture, enforced disappearance, arbitrary detention, and a lack of due process.

The deportation of 11 Uyghurs from Malaysia on August 18, 2011 follows an extremely disturbing trend of Uyghurs deported from countries with strong trade and diplomatic ties with China. Uyghurs are now being deported in unprecedented numbers from countries that are susceptible to Chinese economic and diplomatic pressure, leaving them with nowhere to flee. The increase in deportations is occurring as political crackdowns and tightening restrictions force Uyghurs to flee China.

Chinese officials have refused to release information about the fates of almost all of the Uyghurs who have been deported from other countries in recent years, meaning that after

being deported, they have effectively disappeared. The August 18, 2011 deportation from Malaysia follows the August 8, 2011 deportation of five Uyghurs, including a woman and two young children, from Pakistan; the August 6, 2011 handing over of Uyghur Nur Muhammed from Thai authorities to Chinese officials, who likely deported him; the May 30, 2011 deportation of Uyghur refugee Ershidin Israel from Kazakhstan to China; seven Uyghurs who were deported from Laos in March 2010; 17 Uyghurs who were deported from Myanmar on January 18, 2010, and 20 Uyghurs who were deported from Cambodia on December 19, 2009.

These individuals were the latest in a long line of Uyghurs known to have been sent back to China from other countries to face arbitrary detention, torture and possible execution. Uyghur political prisoner Ismail Semed, who was known to have been politically active in support of Uyghurs' human rights, was executed in February 2007 after being deported from Pakistan to the PRC in 2003. In late 2001 and early 2002, Nepalese authorities forcibly returned at least two Uyghurs – possibly three – to the Chinese authorities in East Turkestan. One of these men, Shirali, who had been issued with a refugee reference number, was executed in or around October 2003. Chinese authorities also executed three Uyghur activists deported by Kazakhstan in the late 1990s.

Based on the findings of this report, UHRP provides a number of recommendations for European policymakers and national asylum authorities with regard to the treatment of Uyghur asylum seekers and the assessment of their claims for protection. UHRP also hopes the report and its recommendations will serve as a useful resource to legal representatives, international human rights groups and refugee assistance organizations, and to Uyghur asylum seekers themselves.

Methodology

Two researchers from the Uyghur Human Rights Project (UHRP) interviewed 50 Uyghur asylum seekers in preparation for drafting this report. Interviews were conducted primarily in Uyghur with the aid of an interpreter, but were also occasionally conducted in English and Mandarin Chinese.³ Interviews averaged around 45 minutes to one and a half hours in length. The majority of the interviews were conducted in person in Sweden, Norway and Holland in March 2011, but some interviews were also conducted by telephone from Washington, D.C. in the autumn of 2010. Interview subjects were selected at random from among those willing to speak through contacts in the Uyghur diaspora.

UHRP offered complete anonymity to interviewees, and changed identifying details. This was done to respect the principle of confidentiality, and to protect interview subjects, who expressed fear of the long reach of Chinese government repression. Many said they were afraid of speaking out about their experiences because of the possibility of state retribution against their family members still living in East Turkestan.

The majority of Uyghurs interviewed were under the age of 30, although some were older. Thirty-six interviewees were male, and 14 were female. Some interviewees traveled long distances to meet with UHRP researchers.

³ Interviews were conducted in English when interviewees possessed English fluency, and in Mandarin Chinese when no interpreter was available and the interviewee could not speak English.

Why Uyghurs flee

The broad spectrum of human rights abuses faced by the Uyghur people in the People's Republic of China (PRC) is well documented.⁴ Research produced by government entities and non-governmental organizations has consistently revealed human rights conditions in East Turkestan that fall far below international standards despite the Chinese government's claims to the contrary.

This section outlines the reasons why Uyghur asylum seekers in Europe interviewed by UHRP were compelled to flee their homeland. The reasons discussed are by no means exhaustive, and should be understood in the context of post July 5, 2009 conditions in East Turkestan. The accounts given by Uyghur asylum seekers are arranged into subsections, and background information on the kinds of repression experienced is provided to contextualize the individual cases presented.

Violent suppression of peaceful demonstration on July 5, 2009

In the interviews conducted by UHRP staff, repression stemming from the outbreak of unrest on July 5, 2009 in the regional capital of Urumchi was by far the most common reason cited by Uyghur asylum seekers for fleeing China.

On the night of June 25, 2009, Uyghur migrant workers in Shaoguan, Guangdong Province were attacked by Han Chinese mobs. Rumors of an alleged rape of a local Han Chinese woman by Uyghurs had spread through Shaoguan quickly. Although the rape allegations turned out to be false, official Chinese media reported that two Uyghurs had been killed in the attack.⁵ The number of Uyghurs killed in the attack at the Xuri Toy Factory dormitory has never been independently verified. Interviews conducted with eyewitnesses and participants by the Western media revealed that the death toll of Uyghurs was most likely greater than the official Chinese number.⁶

The attack in Shaoguan illustrated a seam of discrimination against Uyghurs in China, as well as the vulnerability of Uyghurs, in the modern Chinese state. In China, Uyghurs are often stereotyped as criminals existing on the fringes of Chinese society,⁷ and this

⁴ See generally the reports of Amnesty International: *"Justice, justice": The July 2009 Protests in Xinjiang, China* (2009) and *Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region* (1999); Human Rights Watch: *"We Are Afraid to Even Look for Them": Enforced Disappearances in the Wake of Xinjiang's Protests* (2009) and *Devastating Blows: Religious Repression of Uighurs in Xinjiang* (2005); Human Rights in China: *China: Minority Exclusion, Marginalization and Rising Tensions* (2007); United States Department of State *Human Rights Reports* (1999-2010); and Congressional-Executive Commission on China *Annual Reports* (2002-2010).

⁵ China.org.cn. (2009, June 27). *Guangdong toy factory brawl leaves 2 dead, 118 injured*. Retrieved from http://www.china.org.cn/china/news/2009-06/27/content_18023576.htm

⁶ Watts, J. (2009, July 10). Old suspicions magnified mistrust into ethnic riots in Urumqi. *Guardian (UK)*. Retrieved from <http://www.guardian.co.uk/world/2009/jul/10/china-riots-uighurs-han-urumqi>

⁷ See generally Kaltman, B. (2007). *Under the Heel of the Dragon: Islam, Racism, Crime, and the Uighur in China*. Athens: Ohio University Press.

popular conception of Uyghurs as an ethnic group, it is feasible to suggest, played into the ferocity with which Han Chinese in Shaoguan responded to allegations of Uyghur criminal behavior.

The fragility of the status of Uyghurs in China that came to the fore in Shaoguan was felt across East Turkestan. In Urumchi, the regional capital of East Turkestan, Uyghurs planned a peaceful protest for July 5, 2009 using online forums. The protest intended to seek greater protection from the Chinese state against such violent expressions of anger directed at Uyghurs.

The protest in Urumchi on July 5, 2009 began peacefully. Protestors carried the flag of the PRC.⁸ Interviewee F explained how the presence of the PRC flag at the demonstration made them feel safe in joining.⁹ The use of the Chinese flag has been interpreted as a statement of the demonstrators' intention to address social grievances and not issues of Chinese sovereignty. "We wanted the government to explain Shaoguan" is how Interviewee F described the protestors' aims.¹⁰ The demonstrators converged on People's Square,¹¹ but as the day wore on, the atmosphere changed as large numbers of armed security personnel were deployed.¹² Heavy-handed policing increased tensions as the number of protestors swelled.¹³

A complete report by an independent international body on what happened next on July 5, 2009 in Urumchi has yet to emerge. Violence was widespread in Urumchi on July 5, 2009. During the unrest of July 2009, Chinese official sources state that security forces only used live fire to disperse Uyghur "rioters" by firing into the air, or to shoot Uyghurs in targeted situations that resulted in only 12 deaths.¹⁴ Nevertheless, human rights groups have reported eyewitness accounts that contradict the official Chinese version. In reports released one year after the July 5 protest, Amnesty International and the Uyghur Human Rights Project documented the use of live fire by Chinese security forces against unarmed Uyghur civilians. This use of live fire against unarmed Uyghur civilians was corroborated in the interviews conducted for this report.¹⁵

The testimonies of Uyghur eyewitnesses interviewed for UHRP's report on the 2009 unrest and for this report indicate that not only did the use of live fire against Uyghurs

⁸ Interviewee E, Interviewee F and Interviewee Q interviews with Uyghur Human Rights Project, 2011.

⁹ Interviewee F interview with Uyghur Human Rights Project, 2011.

¹⁰ Interviewee F interview with Uyghur Human Rights Project, 2011.

¹¹ Interviewee As interview with Uyghur Human Rights Project, 2011.

¹² Interviewee E and Interviewee Ah interviews with Uyghur Human Rights Project, 2011.

¹³ Interviewee Aa and Interviewee As interviews with Uyghur Human Rights Project, 2011.

¹⁴ China Daily. (2009, July 7). *Official: 12 mobsters in Urumqi riot shot dead*. Retrieved from http://www.chinadaily.com.cn/china/2009-07/19/content_8446059.htm

¹⁵ Interviewee D, Interviewee E and Interviewee F interviews with Uyghur Human Rights Project, 2011.

occur in several locations throughout the city, but also that the Chinese government is understating the number of Uyghurs killed during the unrest.¹⁶ These eyewitnesses said live fire was used as early as 6 p.m. and continued into the night in areas of the city that were under a blackout.¹⁷ Interviewee Ac and Interviewee H, who were present at People's Square on July 5, spoke to UHRP in 2011 of Chinese security forces shooting in the air at first and then into the assembled protestors.¹⁸

Interviewees who met with UHRP researchers in 2011 also reported seeing the dead bodies of Uyghurs on the streets of Urumchi.¹⁹ Interviewee D stated that he had seen bodies on Yan'an Road,²⁰ Interviewee Ai saw bodies near Saimachang and Xinjiang University,²¹ and Interviewee Aa saw bodies at the Bianjiang Hotel on Yan'an Road.²² Interviewee Aq witnessed the shooting of Uyghurs by security forces in Shanxixiang.²³

"Terrible things happened that day" is how Interviewee Al summed up the events of July 5.²⁴

"Reprisal" attacks on July 6 and July 7, 2009

On July 6 and July 7, 2009 some Han Chinese residents of Urumchi took to the streets to carry out acts of reprisal against the Uyghur population. Han Chinese civilians, often using weapons, predominantly sticks, beat Uyghur civilians on the streets of Urumchi. The attacks followed a series of remarks made by Chinese officials and official Chinese media that inflamed tensions between the Han Chinese and Uyghur communities in Urumchi,²⁵ and encouraged Han Chinese to commit violence against Uyghurs.²⁶ The attacks led to an unknown number of deaths and injuries to Urumchi's Uyghurs that are

¹⁶ Chinese state media reported 10 deaths of Uyghur "innocent civilians" during the July 5, 2009 unrest. See Xinhua. (2009, August 5). *Innocent civilians make up 156 in Urumqi riot death toll*. Retrieved from http://news.xinhuanet.com/english/2009-08/05/content_11831350.htm

¹⁷ Interviewee E and Interviewee Aa interviews with Uyghur Human Rights Project, 2011.

¹⁸ Interviewee Ac and Interviewee H interviews with Uyghur Human Rights Project, 2011.

¹⁹ Interviewee F, Interviewee W interviews with Uyghur Human Rights Project, 2011.

²⁰ Interviewee D interview with Uyghur Human Rights Project, 2011.

²¹ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

²² Interviewee Aa interview with Uyghur Human Rights Project, 2011.

²³ Interviewee Aq interview with Uyghur Human Rights Project, 2011.

²⁴ Interviewee Al interview with Uyghur Human Rights Project, 2011.

²⁵ See Uyghur Human Rights Project. (2010, July 1). *Can Anyone Hear Us? Voices from The 2009 Unrest In Urumchi*. Retrieved from <http://docs.uyghuramerican.org/Can-Anyone-Hear-Us.pdf>

²⁶ See Uyghur Human Rights Project. (2011, July 5). *New UHRP report: A city ruled by fear and silence: Urumchi, two years on*. Retrieved from <http://uhrp.org/articles/5220/1/New-UHRP-report-A-city-ruled-by-fear-and-silence-Urumchi-two-years-on-/index.html>.

described in the accounts of Uyghurs interviewed by UHRP in 2010.²⁷ Interviewee C, who was interviewed in 2011, witnessed the beating of Uyghurs by Han Chinese on July 7 from her office near the train station,²⁸ saying “they were carrying sticks and shouting, ‘kill them’”.

A forty-year-old interviewee²⁹ described a beating that occurred on July 7 near her apartment. The interviewee saw three Uyghurs running from a group of Han Chinese civilians on the street below her apartment windows. One of the Uyghurs was caught and beaten with sticks; the interviewee added that Chinese security forces nearby watching the incident did not move to protect the Uyghur from the beating.

Arbitrary detentions and beatings in detention

On the night of July 5, and continuing in subsequent weeks and months, Uyghurs, predominately young males, living in Urumchi were subjected to widespread arbitrary detention, beatings in detention and systematic intimidation.

A report issued by Human Rights Watch in October 2009 documented large-scale sweep operations conducted by Chinese security forces in two predominantly Uyghur areas of Urumchi beginning July 6. During these security sweeps, large numbers of young Uyghur men were packed into trucks and jeeps.³⁰ Urumchi residents interviewed by UHRP in 2010 said that Uyghur neighborhoods were almost completely devoid of men after July 5.³¹

Widespread arrests and detentions of Uyghurs in connection with the July 5 unrest continued under a “100-day campaign” launched in September 2009, as well as under a “Strike Hard” campaign launched in November 2009.³² One interviewee said in 2011, “they never stopped arresting people”.³³

In its 2009 report, Human Rights Watch takes the position that the arrests were carried out in violation of Chinese and international law. Witnesses to the arrests said security forces did not introduce themselves or explain the reasons for arrest, and they did not tell families of those arrested where they were being taken. When family members later sought information from the police and military, they were given no information

²⁷ Ibid.

²⁸ Interviewee C interview with Uyghur Human Rights Project, 2011.

²⁹ Interviewee AI interview with Uyghur Human Rights Project, 2011.

³⁰ See Uyghur Human Rights Project. (2010, July 1). *Can Anyone Hear Us? Voices from The 2009 Unrest In Urumchi*. Retrieved from <http://docs.uyghuramerican.org/Can-Anyone-Hear-Us.pdf>

³¹ Ibid.

³² Ibid.

³³ Interviewee W interview with Uyghur Human Rights Project, 2011.

regarding the location, condition or legal status of their friends and family.³⁴ Family members seeking information about those detained, or wishing to visit those known to be in detention, have been threatened and intimidated.³⁵

Many of the interviewees who spoke to UHRP researchers in 2011 related accounts of arbitrary arrest, beatings in detention and paying bribes in order to secure release from detention:

- Interviewee U stated that two friends hid in his house on July 5 to seek shelter from the chaos outside. On July 7, the police broke down the front door to his house and arrested him and the two friends who were still in hiding in his house. They were all driven for one hour, separated and kept in a detention facility for two days. After two days, they were taken to a prison and questioned. During questioning Interviewee U received little food and was severely beaten. The police accused him of harboring the two friends who had participated in the demonstration. His parents sold his car to raise the money needed to bribe officials to release him.³⁶
- Interviewee D described how his house was searched on July 7 and his father and brother detained. His brother eventually received 10 years in prison after 6 months in detention. To the date of the interview in March 2011, he did not know the whereabouts of his father.³⁷
- Interviewee Aj was arrested on July 23. At the detention facility he was interrogated and beaten. His family paid an undisclosed amount to People's Armed Police officials to secure his release.³⁸
- Interviewee O received pictures of the July 5 demonstration from friends. He was discovered by police to have the photos in his possession when his apartment was searched. He was detained for 15 days. His father paid 20,000 Renminbi³⁹ (2,174 EUR or 3,125 USD) in bribes to officials at the Nanguan Police Station to secure his release.⁴⁰
- Interviewee An was arrested on July 23 after he was seen speaking to a foreigner he had picked up in his cab on July 21. He was beaten in detention and his father paid a bribe to get him out of prison. He was continually harassed after his release, and police also threatened his wife.⁴¹

³⁴ Human Rights Watch. (2009). China: 'We Are Afraid to Even Look for Them': Enforced Disappearances in the Wake of Xinjiang's Protests. Retrieved from: www.hrw.org/en/reports/2009/10/22/we-are-afraid-even-look-them

³⁵ Radio Free Asia. (2010, December 30). *Uyghur Student Sentenced to Death*. Retrieved from <http://www.rfa.org/english/news/uyghur/death-12302010153000.html>

³⁶ Interviewee U interview with Uyghur Human Rights Project, 2011.

³⁷ Interviewee D interview with Uyghur Human Rights Project, 2011.

³⁸ Interviewee Aj interview with Uyghur Human Rights Project, 2011.

³⁹ EUR 1 = 9.2 CNY, 1 USD = 6.4 CNY

⁴⁰ Interviewee O interview with Uyghur Human Rights Project, 2011.

⁴¹ Interviewee An interview with Uyghur Human Rights Project, 2011.

- Interviewee Ao was taken to a police station on Shengli Lu and questioned on July 7. He was beaten in detention and then released on July 9. Like many others who had been released he was told to register with the police and threatened with re-arrest if he revealed the details of his detention.⁴²

Chinese officials have not publicized a figure for the total number of those detained in relation to the July 5 unrest. As of early August 2009, if numbers publicized by official media were added up, the total number of individuals detained since July 5 exceeded 2,000;⁴³ however, a Financial Times report published on July 19, 2009 stated that more than 4,000 Uyghurs had been arrested up to that point, and that Urumchi's prisons were so full detainees were being held in People's Liberation Army warehouses.⁴⁴

Many interviewees in 2011 discussed the use of surveillance cameras by the Chinese police in order to identify those people who had participated in the July 5 demonstration. A male interviewee, who drove his car to the protests, helped two girls fleeing the chaotic scenes at People's Square by letting them into his car and driving away to safety. A CCTV camera captured an image of his registration plate, and on the strength of this evidence he was detained for one week in August 2009.⁴⁵ Interviewee Ai also related how he was detained on the basis of a CCTV image that had captured the number of his car registration plate.⁴⁶

Interviewee At believed he had been caught on video during the demonstration as he saw Chinese police taping people by the side of the street on which he was standing. Fearing his imminent arrest, his family immediately sent him to Artush in southern East Turkestan. His family later told him that on July 6 their home had been searched. The police who came to arrest him told his family that they had videotaped evidence that he had participated in the July 5 protest.⁴⁷

Police also told Interviewee L's family that he was caught on CCTV cameras at the demonstration. Police have harassed his family since he left East Turkestan.⁴⁸ In addition, a female interviewee stated the reason why police came looking for her is that she was identified by images from CCTV cameras located near People's Square.⁴⁹ Interviewee K

⁴² Interviewee Ao interview with Uyghur Human Rights Project, 2011.

⁴³ Jacobs, A. (2009, August 2). China Arrests 319 People in Unrest in Xinjiang. *New York Times*. Retrieved from http://www.nytimes.com/2009/08/03/world/asia/03china.html?_r=1&hpw

⁴⁴ Hille, K. (2009, July 19). Xinjiang widens crackdown on Uighurs. *Financial Times*. Retrieved from <http://www.uhrp.org/articles/2530/1/Xinjiang-widens-crackdown-on-Uighurs-/index.html>

⁴⁵ Interviewee G interview with Uyghur Human Rights Project, 2011.

⁴⁶ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

⁴⁷ Interviewee At interview with Uyghur Human Rights Project, 2011.

⁴⁸ Interviewee L interview with Uyghur Human Rights Project, 2011.

⁴⁹ Interviewee Ag interview with Uyghur Human Rights Project, 2011.

was detained with other Uyghurs beginning on July 18 for one month after police used CCTV cameras to identify him. He was only released because his parents paid a bribe to the police. In detention, he was beaten and since his arrival in Sweden the Chinese police have pressured his family.⁵⁰

Noor-Ul-Islam Sherbaz, who was 17 years old when detained on July 27, 2009, was sentenced to life in prison because his image appeared on security cameras on July 5. Sherbaz was given a life sentence for murder and “provoking an incident” immediately following a trial that lasted just 30 minutes on April 13, 2010. In video footage shown in court, Sherbaz was not seen beating anyone, although he was on the same street where a beating occurred.⁵¹

Unfair trials, harsh sentences and swift executions

The trials of July 5 suspects have been marred by a demonstrated lack of due process and transparency. Prosecutors and judges in East Turkestan received politically motivated instructions from Communist Party authorities regarding the handling of cases related to July 5.⁵² In addition, political criteria were used to select judicial personnel assigned to handle the trials. As noted by Human Rights Watch and the Congressional Executive Commission on China (CECC), lawyers in both Beijing and East Turkestan were warned against independently taking on cases related to the July 5 unrest.⁵³

The Xinjiang People’s Procuratorate has acted on instructions from the Chinese Communist Party leadership and has streamlined the review process of protest-related cases, adhering to the “three fast” principle (*san kuai yuanze*): “fast review, fast arrest and fast prosecution.” In all of the cases that have been reported in the official media, the defendants were sentenced on the same day that their trials commenced or the day after. At least several of the trials were not publicly announced beforehand.⁵⁴

⁵⁰ Interviewee K interview with Uyghur Human Rights Project, 2011.

⁵¹ See: Amnesty International. (2010, April 21). *AI Urgent Action: Life Sentence for 18-Year-Old, Unfair Trial*. Retrieved from http://blogs.amnesty.org.uk/blogs_entry.asp?eid=6400 and Radio Free Asia. (2010, April 23). *Uyghur Teenager Gets Life*. Retrieved from <http://www.rfa.org/english/news/uyghur/uyghur-youth-04232010111100.html>

⁵² Human Rights Watch. (2009). China: ‘We Are Afraid to Even Look for Them’: Enforced Disappearances in the Wake of Xinjiang’s Protests. Retrieved from: www.hrw.org/en/reports/2009/10/22/we-are-afraid-even-look-them

⁵³ Congressional-Executive Commission on China. (2009, September 14). Authorities Impose Restrictions on Lawyers Defending Xinjiang Suspects Amid Official Announcement on Arranging Legal Defense. Retrieved from <http://www.uhrp.org/articles/2977/1/Authorities-Impose-Restrictions-on-Lawyers-Defending-Xinjiang-Suspects-Amid-Official-Announcement-on-Arranging-Legal-Defense-/index.html>

⁵⁴ Human Rights Watch. (2010, January). “China: Events of 2009” chapter (www.hrw.org/en/node/87491) in World Report 2010. Retrieved June 1, 2010 from www.hrw.org/world-report-2010 and Human Rights Watch. (2009, Oct. 15) *China: Xinjiang Trials Deny Justice: Proceedings Fail Minimum Fair Trial Standards*. Retrieved June 1, 2010 from www.hrw.org/en/news/2009/10/15/china-xinjiang-trials-denyjustice

In 2010, UHRP reported that China's state media had publicly announced that 26 individuals had been sentenced to death and nine individuals had been sentenced to death with a two-year reprieve for murder and other crimes allegedly committed during the July unrest. Based on their names, 24 of the 26 individuals sentenced to death were Uyghur and two were Han Chinese. At least eight of the nine individuals sentenced to death with a two-year reprieve were Uyghur.

In November 2009, eight of the Uyghur men and one Han Chinese man sentenced to death were executed. For these nine men, all of the following happened in less than one month: they were tried, convicted, and sentenced; their sentences were upheld by the XUAR Higher People's Court and the national Supreme People's Court; and they were executed.⁵⁵

Remarks made by Chinese government officials prior to the trials of July 5 defendants indicate the existence of political pressure to issue death sentences to Uyghurs involved in the July 5 unrest. For example, Urumchi Communist Party secretary Li Zhi, at a press conference on July 8, 2009, stated that executions would be used to deal with those involved in the unrest before any trials had commenced.⁵⁶

Since the issuance of UHRP's 2010 report, 19-year-old Uyghur student Pezilet Ekber has been sentenced to death with a two-year reprieve following a closed trial in April 2010 on charges of involvement in violence in Urumchi.⁵⁷ Officials reportedly warned Ekber's parents to refrain from telling anyone about her sentence. It is unclear what criminal charges Ekber was convicted of. Authorities ordered her father to leave Urumchi when he attempted to visit her prior to her trial.

On January 17, 2011, Amnesty International questioned the legitimacy of the hundreds of trials conducted by Chinese authorities in 2010 in East Turkestan, calling upon Chinese officials to "demonstrate that the 376 individuals tried in 2010 in connection to the unrest in the Xinjiang Uyghur Autonomous Region received fair trials and were not punished for simply exercising their freedom of expression."⁵⁸

⁵⁵ Congressional-Executive Commission on China. (2009, July 14). *CECC Analysis: Authorities Pledge Crackdown Following Xinjiang Demonstration and Clashes*. Retrieved June 1, 2009 from http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations_07142009.html and 最高人民法院党组:发挥审判职能全力维护稳定 (Supreme People's Court Leading Group: the Function of Legal Trials is to Safeguard Stability). (2009, July 11). *Legal Daily Online*. Retrieved from http://www.legaldaily.com.cn/0801/2009-07/11/content_1121455.htm

⁵⁶ Congressional-Executive Commission on China. (2009, July 14). *CECC Analysis: Authorities Pledge Crackdown Following Xinjiang Demonstration and Clashes*. Retrieved June 1, 2009 from http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations_07142009.html

⁵⁷ Radio Free Asia. (2010, December 30). *Uyghur Student Sentenced to Death*. Retrieved from <http://www.rfa.org/english/news/uyghur/death-12302010153000.html>

⁵⁸ Amnesty International. (2011, January 17). *Authorities must prove Xinjiang trials were fair*. Retrieved from http://www.amnesty.org.uk/news_details.asp?NewsID=19182

The PRC signed the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on December 12, 1986; however, the use of torture against Uyghurs in detention by the Chinese authorities is endemic.

Torture is also explicitly outlawed under Chinese law, and the government of the PRC is regularly pressed by sources ranging from the United Nations and Amnesty International to offices within the Chinese government itself to implement mechanisms whereby people who have suffered torture can report the fact and have the allegation independently investigated. To date, however, no measures to address or curb torture in China have been seen to be demonstrably effective.

In 2005, United Nations Special Rapporteur on Torture Manfred Nowak inspected prison conditions in China, including East Turkestan. Nowak said that the use of torture in China is “widespread”.⁵⁹ Nowak also “noted the inefficiency of current complaint mechanisms. He was informed, for example, that in Prison No. 4 in Urumqi, the procurators have not received a single torture complaint during the last decade.”⁶⁰

In a 1999 report, Amnesty International detailed endemic use of torture in East Turkestan’s detention centers as well as a serious absence of any kind of mechanism to monitor allegations of torture in the region.

“...authorities appear to have taken no action to curb torture in the [Uyghur] region or to bring alleged perpetrators of torture to justice. There is a striking absence of official reports about prosecutions for torture in the XUAR. Amnesty International has not come across any such report in the regional media over the past two years. This contrasts sharply with the Chinese provinces, where local newspapers and other media have often reported cases in which police officials have been prosecuted for torture. The absence of such reports in the XUAR suggests that the authorities either ignore or cover up the widespread practice of torture in the region, or may even sanction its use in the context of repression...

One former court official, for example, told Amnesty International that ninety percent of defendants who appear in court in the XUAR tell the judges they have been tortured in police custody to force them to confess to the accusations, but the judges invariably ignore these allegations. The informant added that, in his three years of work in a criminal court in the region, he had not come across a single case in which a judge receiving allegations of torture had asked the procuracy to investigate the allegations or suspended the defendant’s trial.”⁶¹

⁵⁹ BBC. (2005, December 2). *China torture ‘still widespread’*. Retrieved from <http://news.bbc.co.uk/2/hi/asia-pacific/4491026.stm>

⁶⁰ United Nations. (2005, December 2). *Special Rapporteur on Torture Highlights Challenges at End of Visit to China*. Retrieved from <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?opendocument>

⁶¹ Amnesty International. (1999, March 31). *Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region*. Retrieved from <http://www.amnesty.org/en/library/info/ASA17/018/1999>

Curbs on freedom of speech

Curbs on Uyghur freedom of speech have been extensively documented. From the imprisonment of Uyghur journalists to the harassment of rural petitioners, Uyghurs experience extreme difficulty in expressing opinions on even the most benign of issues. Severe restrictions on Uyghur freedom of speech not only ensure that government narratives become authoritative, but they also effectively exclude the Uyghur people from contributing to the decision making processes that directly affect their lives.

Limitations placed on the free flow of information were most notable after the outbreak of unrest in the regional capital of Urumchi in July 2009. The Chinese government shut down Internet connections and international phone calls on the night of the July 5 unrest, and only restored “full” communications after 10 months in May 2010. As a result of this control over the information emanating from East Turkestan, UHRP has noted an alarming trend among international media outlets that has seen the Chinese government account of conditions in East Turkestan dominate news reports.

In 2010, Chinese authorities moved to punish Uyghur webmasters and journalists for their alleged involvement in the July 2009 unrest through a series of harsh sentences. Memetjan Abdulla, a former editor at China National Radio and a manager for the website *Salkin*, is one of two Uyghur journalists reportedly sentenced to life in prison in 2010. The other journalist, 32-year-old Gulmire Imin, was reportedly sentenced at the same time. Imin was invited to become an administrator for *Salkin* after having published a number of poems on various Uyghur websites.

Imin was arrested on July 14, 2009, but her family did not receive any official documents regarding her detention. On April 1, 2010, she was sentenced to life in prison for the crimes of revealing state secrets, illegally organizing a demonstration, and splittism. Imin was sentenced on the same day as being tried in a closed trial, and her husband in Norway was able to publicize the news of her life sentence. Abdulla, who was charged with helping to instigate ethnic rioting, was reportedly also tried in a closed trial. News of his trial and punishment reached the public only through an anonymous letter from a friend.

Uyghur journalist Gheyret Niyaz was sentenced to 10 years in prison in July 2010 for endangering state security by speaking to foreign journalists. Niyaz was reportedly sentenced following a one-day trial in Urumchi, which only one family member, his wife Risalet, was allowed to attend. Prosecutors presented essays Niyaz had written and used interviews he gave to foreign media in the wake of the July 2009 unrest in Urumchi as evidence that he was guilty of endangering state security. Niyaz had publicly expressed criticism over what he viewed as official mishandling of the unrest.

Three other Uyghur webmasters were also convicted on charges of endangering state security in July 2010. Dilshat Perhat, the 28-year-old Webmaster and owner of the website *Diyarim*, was sentenced to five years in prison after a closed trial; Nureli, the Webmaster of the website *Salkin*, and Nijat Azat, the Webmaster of the website *Shabnam*, were tried in closed trials on or around the same day and sentenced to three

and ten years respectively. Information about the criminal punishments for the three men came from a relative living overseas.

Research publicized by the organization Dui Hua regarding the high number of trials on charges of endangering state security documented China's heavy reliance on vague anti-state charges. Dui Hua expressed the belief that "a substantial percentage of those being prosecuted on state security charges" are Uyghurs and Tibetans.⁶²

Interviewee J told UHRP that police were searching for her after she wrote a public message that "Uyghurs have rights" outside of a university employment fair.⁶³ She also described previously being imprisoned for one month at an earlier time after experiencing a verbal conflict with Chinese students while she was studying at Xinjiang University.

Interviewee R had studied at a tertiary level college in Urumchi and complained to the faculty about instruction in Chinese.⁶⁴ He wrote on a wall "We need the Uyghur language, we need teaching in Uyghur". He, along with three other Uyghurs, who were against the Chinese language only policy, were detained and threatened by police. They were then sent to a larger police station and handcuffed to a radiator. He was restrained like this for nine days. His family gave 20,000 Renminbi (2,174 EUR or 3,125 USD) to the police to secure his release.

Interviewee T was a lawyer who worked with 30 Uyghur farmers in Aksu petitioning the government, which had expropriated land from them for a tourist development. In 2008, the farmers demonstrated in front of the city hall in Aksu, and four to five farmers were arrested. Local authorities accused the interviewee of starting the demonstration. His license to practice law was revoked and the police arrested him. As a result of his advocacy for the farmers his sister lost her leadership position in the school in which she worked, and his mother was placed under police surveillance.⁶⁵

Religious persecution

The PRC places tight constraints on freedom of religion, and the situation in East Turkestan is particularly controlled. Imams are required to attend annual political education classes to ensure that they "stand on the side of government firmly and express their viewpoints unambiguously";⁶⁶ only officially approved versions of the Koran and sermons are permitted, with all unapproved religious texts treated as illegal publications liable to confiscation and criminal charges against whoever was found in possession of

⁶² The Dui Hua Foundation. (2010, March 11). *Official Data Show State Security Prosecutions in China Exceeded 1,000 in 2009*. Retrieved from <http://www.duihuanews.org/2010/03/official-data-show-state-security.html>

⁶³ Interviewee J interview with Uyghur Human Rights Project, 2011.

⁶⁴ Interviewee R interview with Uyghur Human Rights Project, 2011.

⁶⁵ Interviewee T interview with Uyghur Human Rights Project, 2011.

⁶⁶ Human Rights Watch. (2005). *Devastating Blows*. Retrieved from <http://hrichina.org/public/PDFs/Reports/HRIC-HRW-Xinjiang.pdf>

them; any outward expression of faith in government workplaces, such as men wearing beards or women wearing headscarves, is forbidden; no one under the age of 18 can enter a mosque; university and school students are forbidden from praying on campus, even in their dormitories; and students are prohibited from fasting during Ramadan.⁶⁷

According to a detailed report on religion in East Turkestan published by Human Rights Watch:

“At its most extreme, peaceful activists who practice their religion in a manner deemed unacceptable by state authorities or Chinese Communist Party (CCP) officials are arrested, tortured, and at times executed... independent religious activity or dissent is at times arbitrarily equated with a breach of state security, a serious crime in China and one that is frequently prosecuted.”⁶⁸

Interviewee V, who stated that at his university in Urumchi fasting at Ramadan was forbidden, confirmed restrictions on religious activity.⁶⁹ Uyghur students at the university had to prove that they were not fasting by eating meals during the daytime in public canteens on campus. The interviewee added that college authorities monitor if students' lights go on in the early morning in the dormitories to see if students are getting up early to eat before the fast begins. He also confirmed that he could not pray in the dormitory at any time or go to the mosque on the Muslim Holy Day of Friday.

Interviewee M substantiated the claims on restrictions of religious practice during Ramadan, adding that Chinese authorities lock the doors to mosques so that people are unable to pray at the onset of the festival marking the end of Ramadan.⁷⁰

Interviewee Ab told UHRP researchers of the continual harassment she received at the hands of the police on account of her religious practices.⁷¹ She is originally from the southern city of Khotan, but had moved to Urumchi. In 2008, she began Islamic teaching among her friends and neighbors, including children. She usually taught lessons on the Koran in her friend's house. In August 2009, she was detained for spreading Islam and was kept in the basement of a detention facility for three days. Her family paid an undisclosed amount of money to the police to secure her release. Once out of detention, she did not feel safe in Urumchi and moved back temporarily to Khotan, where she experienced further harassment from local police. She returned to Urumchi in September 2009, but was arrested again in the security clampdown during the run up to the 60th anniversary of the founding of the PRC (October 1). She was interrogated for seven days

⁶⁷ For a selection of reporting on religious repression of Uyghurs see: <http://uhrp.org/categories/Issues/Religious-Persecution/>

⁶⁸ Human Rights Watch. (2005). *Devastating Blows*. Retrieved from <http://hrichina.org/public/PDFs/Reports/HRIC-HRW-Xinjiang.pdf>

⁶⁹ Interviewee V interview with Uyghur Human Rights Project, 2011.

⁷⁰ Interviewee M interview with Uyghur Human Rights Project, 2011.

⁷¹ Interviewee Ab interview with Uyghur Human Rights Project, 2011.

and frequently beaten with wooden sticks by police officers. This time her parents paid Urumchi police 50,000 to 60,000 Renminbi (5,435 EUR to 6,522 EUR or 7,813 USD to 9,375 USD) to secure her release. Conditions were attached to her release; she was told that she could not wear her headscarf and that she should not attend gatherings of more than two people. In April 2010, she attended a secret religious meeting that was raided by secret police. All six participants were arrested, separated and questioned overnight. The interviewee was reluctant to disclose more details on her detention and how she obtained her release for the third time, but this third arrest was the catalyst for her decision to leave her homeland.

International conventions and EU policy

International conventions dictate the need to protect refugees who are in danger of persecution upon return to their home country. These conventions guide the legal framework governing Uyghur and other asylum seekers in Europe.

The 1951 Refugee Convention is the leading international legal instrument dedicated to the protection of refugees. Participants in a United Nations conference in 1951 in Geneva met to draft a document codifying the legal status and rights of refugees. The United Nations Convention relating to the Status of Refugees (widely referred to today as the “Refugee Convention”) was adopted on July 28, 1951, and subsequently entered into force on April 22, 1954. One of the central provisions of the Convention is the principle of non-refoulement, under which “no Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”.⁷² The Convention applied only to individuals who had sought refuge as a result of events that took place prior to January 1, 1951, but a protocol entered into force on October 4, 1967 that requires states to apply the provisions of the Convention to all refugees covered by the Convention regardless of date.

The European Convention on Human Rights (ECHR), and in particular the ECHR’s Article 3, guards against the refoulement of asylum seekers in Europe. Article 3 of ECHR states “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”⁷³ Refoulement is also prohibited by other human rights instruments, including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Article 3)⁷⁴, the Fourth Geneva Convention of 1949 (Art. 45, para. 4), and the International Covenant on Civil and Political Rights (Article 7).⁷⁵ The principle of non-refoulement is also considered part of international customary law,

⁷² Inter-Parliamentary Union. (2001). *REFUGEE PROTECTION: A Guide to International Refugee Law*. Retrieved from http://www.ipu.org/pdf/publications/refugee_en.pdf

⁷³ European Court of Human Rights (ECHR). (2010, June). *The European Convention on Human Rights*. Retrieved from <http://www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/>

⁷⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Retrieved from <http://www2.ohchr.org/english/law/cat.htm>. Article 3 of the Convention against Torture states: 1. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

⁷⁵ Inter-Parliamentary Union. (2001). *REFUGEE PROTECTION: A Guide to International Refugee Law*. Retrieved from http://www.ipu.org/pdf/publications/refugee_en.pdf

which means that even states that are not party to the Refugee Convention are obliged to respect the principle.⁷⁶

There are currently a total of 147 states that are parties to either the Refugee Convention, the 1967 Protocol or both.⁷⁷ All 27 European Union member states are parties to the 1951 Refugee Convention and its 1967 Protocol.⁷⁸

Article 14 of the Universal Declaration of Human Rights (UDHR) (1948) states that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.”⁷⁹ Many legal observers point out that the UDHR does not expressly stipulate the right to be granted asylum.⁸⁰ However, as pointed out by the UK-based legal rights organization Justice, many organizations consider their human rights obligations together with their obligations under the Refugee Convention, “leading to increasing recognition of a broader principle that persons must not be returned to countries where they would face a flagrant breach of their human rights, regardless of whether or not they fall within the Refugee Convention’s definition of ‘refugee’.”⁸¹

In addition, the Charter of Fundamental Rights of the European Union, and in particular Article 18 of the Charter, protects the “right to asylum” within the EU.⁸² Since the adoption of the Treaty of Lisbon, which entered into force in December 2009, the Charter has had the same legally binding value as a treaty.⁸³

⁷⁶ Ibid.

⁷⁷ United Nations High Commissioner for Refugees (UNHCR). *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*. Retrieved from <http://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>

⁷⁸ Guild, E. (2006). The Europeanization of Europe’s Asylum Policy. *International Journal of Refugee Law*, 18 (3-4), 630. Cited in Center for Gender and Refugee Studies, University of California Hastings College of the Law. *Gender Guidelines*. Retrieved from http://cgrs.uchastings.edu/law/gender_guidelines.php

⁷⁹ United Nations. *The Universal Declaration of Human Rights*. Retrieved from <http://www.un.org/en/documents/udhr/index.shtml>

⁸⁰ See, for instance, Encyclopædia Britannica. *Facts about Universal Declaration of Human Rights (UDHR): asylum, as discussed in asylum (law)*. Retrieved from <http://www.britannica.com/facts/5/829615/Universal-Declaration-of-Human-Rights-UDHR-as-discussed-in-asylum-law> and Sinha, S. Prakash. (1971). *Asylum and International Law*. The Hague: Martinus Nijhoff.

⁸¹ East African Asians v. United Kingdom, 21 March 1994 (Resolution – 32); Vilvarajah v. United Kingdom, 30 October 1991; Chahal v. United Kingdom, 15 November 1996; Hilal v. United Kingdom, 6 March 2001. Cited in JUSTICE commentary. (2004). *EUCharter.org*. Retrieved from: http://www.eucharter.org/home.php?page_id=93

⁸² European Parliament. 2000. *The Charter of Fundamental Rights of the European Union*. Retrieved from http://www.europarl.europa.eu/charter/default_en.htm

⁸³ Europa. *Treaty of Lisbon: Taking Europe into the 21st Century*. Retrieved from http://europa.eu/lisbon_treaty/glance/rights_values/index_en.htm

It should be noted that Norway, one of the countries examined in this report, is not a member of the European Union, and therefore EU immigration law does not apply in Norway. However, Norway is a party to the Refugee Convention, and it ratified the European Convention on Human Rights in 1952.⁸⁴ It is also a signatory to the Convention against Torture⁸⁵ and the International Covenant on Civil and Political Rights⁸⁶. In addition, Norway works closely with the European Union, and it is a signatory to the Schengen Agreement, meaning that it cooperates on common passport and border control measures with EU states.⁸⁷ Norway is a signatory to the Dublin II Regulation, discussed below, which limits asylum seekers to filing an asylum application in only one country in the EU, Iceland and Norway.⁸⁸

The Qualification Directive

On April 29, 2004, the European Union adopted the Qualification Directive on International Protection, aimed “to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection”.⁸⁹ EU member states were required to transpose the act into their national legislation by October 2006.⁹⁰ Together with other pieces of legislation regarding asylum in the EU, the Qualification Directive seeks “to ensure that asylum seekers receive the same (minimum) treatment (from reception to return) irrespective of where in the EU they apply for asylum.”⁹¹ However, concerns exist both about intrinsic flaws in the Directive itself and about European states’ failure to properly implement the Directive.

⁸⁴ Council of Europe. *Norway*. Retrieved from <http://www.coe.int/lportal/web/coe-portal/country/norway>

⁸⁵ United Nations Treaty Collection. *Chapter IV- Human Rights*. Retrieved from http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-9&chapter=4&lang=en

⁸⁶ United Nations Treaty Collection. *Chapter IV- Human Rights*. Retrieved from http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-4&chapter=4&lang=en

⁸⁷ Norwegian Mission to the European Union. *Norway and the European Union*. Retrieved from http://www.eu-norway.org/eu/norway_and_the_eu/

⁸⁸ Norwegian Directorate of Immigration. (2009, December 30). *The Dublin Convention*. Retrieved from <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Cooperation-under-the-Dublin-Convention/>

⁸⁹ VluchtelingenWerk Nederland- Website of the project Networking on the Transposition of the Qualification Directive. Retrieved from <http://qualificationdirective.eu/>

⁹⁰ VluchtelingenWerk Nederland- Website of the project Networking on the Transposition of the Qualification Directive. Retrieved from http://qualificationdirective.eu/index.php?option=com_content&view=article&id=162&Itemid=82

⁹¹ European Council on Refugees and Exiles. (2008, October). *The Impact of the EU Qualification Directive on International Protection*. Retrieved from <http://www.ecre.org/component/content/article/57-policy-papers/150-the-impact-of-the-eu-qualification-directive-on-international-protection.html>

Organizations such as the European Council on Refugees and Exiles (ECRE) have criticized the Qualification Directive, raising concerns that it is incompatible with international human rights standards.⁹² Together with the UNHCR, ECRE has urged states to adopt higher standards as provided for in article 3 of the Refugee Convention,⁹³ which states “Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”

In a report issued in November 2007 on the Qualification Directive, the UNHCR expressed particular concern regarding Article 8 of the Directive, which it said omitted “an essential, and even pre-conditional, requirement of an internal protection alternative, i.e. that the proposed location is practically, safely and legally accessible to the applicant.”⁹⁴

In its 2008 report on the Qualification Directive, ECRE discusses protection that is sometimes given to people who are excluded from refugee status but who cannot be deported due to a risk of violation of international human rights instruments (particularly Article 3 of the European Convention on Human Rights, which prohibits torture).⁹⁵ According to ECRE’s research, Norway and Sweden, among other countries, allow applicants in this position to stay in their countries legally, and the Netherlands, among other countries, usually tolerates such people, but often without any rights or status.⁹⁶

In its report, ECRE noted the importance of the Qualification Directive’s “benefit of the doubt” principle.⁹⁷ According to this principle, “the applicant should enjoy the benefit of the doubt when all available evidence has been checked and when the examiner is satisfied as to the applicant’s general credibility”.⁹⁸ Among its recommendations regarding the principle, ECRE states that “Member States should not automatically consider lack of documents or their late submission as evidence of insufficient cooperation or lack of credibility.”⁹⁹

The European Commission has proposed to recast the Qualification Directive, with negotiations underway among EU member states and institutions. ECRE has issued an

⁹² Ibid.

⁹³ Ibid.

⁹⁴ United Nations High Commissioner for Refugees. (2007, November). *Asylum in the European Union: A Study of the Implementation of the Qualification Directive*. Retrieved from <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=473050632&page=search>

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

assessment of the proposal, welcoming its moves to raise standards of protection but criticizing its failure to address issues surrounding the Directive's implementation. ECRE urges states to adopt more favorable standards under Article 3 of the Directive, and strive toward "the full and inclusive application" of the 1951 Refugee Convention.¹⁰⁰



Dale state refugee camp in southwest Norway. ©Anonymous.

The Dublin II Regulation

Under the Dublin Convention, which entered into force in 1997, asylum seekers in Europe are limited to filing an asylum application in only one country in the European Union, Iceland or Norway, which is usually the country that the individual first arrived in. This has been replaced by the Dublin II Regulation of 2003.¹⁰¹ Participating states assert that the Regulation

ensures a more efficient European asylum system under which the burdens of handling asylum claims are more evenly shared among countries, and multiple and abusive asylum applications are prevented. According to the Dublin II Regulation, states in the Dublin area must in general transfer asylum seekers to the country in which they first sought asylum within six months, or else they must process the individual's asylum application.¹⁰² However, if a state fails to receive a reply from the other country, it is then viewed as if that state has implicitly agreed to the transfer, and the state can transfer the asylum seeker back to this country.¹⁰³

¹⁰⁰ European Council on Refugees and Exiles. (2010, March). *Comments from the European Council on Refugees and Exiles on the European Commission Proposal to recast the Qualification Directive*. Retrieved from <http://www.ecre.org/topics/areas-of-work/protection-in-europe/148.html>

¹⁰¹ Europa. *Dublin II Regulation*. Retrieved from http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133153_en.htm

¹⁰² Irish Refugee Council. (2002, April 4). *European Law in Context: Information Note No. 4. Fact Sheet on the Dublin Convention*. Retrieved from www.irishrefugeecouncil.ie/factsheets/dublinconvention4.doc

¹⁰³ Europa. *Dublin II Regulation*. Retrieved from http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/133153_en.htm

There are many critics of the Dublin system, including ECRE and Human Rights Watch. As noted by ECRE, Dublin regulations put excessive pressure on border areas, where states are often least able to offer support and protection to asylum seekers.¹⁰⁴ These organizations assert that asylum seekers' rights are not guaranteed equally among all European Union (EU) states, and it is therefore not safe to automatically transfer asylum seekers between EU countries.

Most Uyghur asylum seekers interviewed by UHRP filed asylum claims in the first country in the Dublin area that they arrived in. However, Interviewee R's¹⁰⁵ failure to apply for asylum in France, where he first arrived, has complicated his efforts to apply for asylum in Sweden. Interviewee R, like many Uyghur and other asylum seekers, was unaware of Dublin regulations when he fled to France, and he traveled to Sweden to join his wife, who had fled China separately.¹⁰⁶

Other Uyghur asylum seekers have also been vulnerable to deportation to other countries under the Dublin II Regulation, such as Nijat Abdureyim (also referred to as Nijiati Abudureyimu and Nijat Abudureyimu), whom Swiss authorities tried, unsuccessfully, to deport to Italy in July 2010.¹⁰⁷ Abdureyim asserts that he was a member of China's secret police in East Turkestan, and oversaw the execution of prisoners and the removal of their organs for trafficking. He arrived in Italy in 2008, but later sought asylum in Switzerland, fearing that if he stayed in Italy, he could be deported back to China. Amnesty International told a Swiss news agency that it considered Abdureyim's account to be credible, and stressed that his case highlights the dangers inherent in the regulations determining how European countries share asylum processing duties.¹⁰⁸

¹⁰⁴ European Council on Refugees and Exiles. (2008, March). *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered*. Retrieved from <http://www.ecre.org/component/content/article/134.html>

¹⁰⁵ Interviewee R interview with Uyghur Human Rights Project, 2011.

¹⁰⁶ Ibid.

¹⁰⁷ Águila Rubin, M. (2010, July 29). No asylum for Chinese organ whistleblower. *Swissinfo.ch*. Retrieved from http://www.swissinfo.ch/eng/politics/foreign_affairs/No_asylum_for_Chinese_organ_whistleblower_html?cid=18620140; Koller, F. (2010, July 28). Au cœur d'un trafic d'organes, un ex-policier chinois témoigne. *Le Temps*. Retrieved from <http://www.infosud.org/spip.php?article8525>; Radja, I. (2010, July 31). Nijiati Abudureyimu: Le trafic d'organes est un vrai business en Chine. *Le Matin*. Retrieved from <http://www.lematin.ch/actu/suisse/nijiati-abudureyimu-%C2%Able-traffic-dorganes-est-un-vrai-business-en-chine%C2%BB-75361>

¹⁰⁸ Águila Rubin, M. (2010, July 29). No asylum for Chinese organ whistleblower. *Swissinfo.ch*. Retrieved from http://www.swissinfo.ch/eng/politics/foreign_affairs/No_asylum_for_Chinese_organ_whistleblower_html?cid=18620140

Variance in numbers of asylum seekers, rates of recognition/rejection among EU member states

According to statistics issued in June 2010 by Eurostat, the statistical office of the European Union, EU countries made decisions on 317,500 asylum cases in 2009, consisting of 228,600 first-instance decisions and 88,900 final decisions on appeal. Approximately 261,000 asylum applicants were registered in the EU in 2009.¹⁰⁹ A total of 78,800 asylum seekers were granted protection in 2009, including 39,300 individuals granted refugee status, 29,900 granted subsidiary protection and 9,600 granted authorization to stay for humanitarian reasons.¹¹⁰

Five nations- the United Kingdom, Germany, France, Sweden, and Italy, respectively- led the way in granting protection to asylum seekers in 2009, accounting for more than three-fourths of the total number of individuals granted protection status in the EU. Malta, Slovakia, Portugal, the Netherlands and Denmark had the highest rates of recognition in the first instance, while Slovenia, France, Spain, Ireland and Greece had the lowest rates of recognition in the first instance. The Netherlands' rate of acceptance in the first instance was 48%, as compared to Greece's 1%.¹¹¹

The three countries focused on in this report, Sweden, Norway, and the Netherlands, had the following rates of recognition in 2009:

*Decisions on asylum applications in 2009*¹¹²

| | First instance | Final decisions on appeal |
|-------------|----------------|---------------------------|
| Sweden | 29.6% | 12.9% |
| Norway | 30.7% | 5.1 |
| Netherlands | 48.3% | 33.8% |

Documents issued by individual countries affecting their policies toward Uyghur asylum seekers

The foreign ministries and other agencies of individual European countries issue documents that describe the situation of Uyghurs in China and the level of risk to returned Uyghur asylum seekers, and these documents guide the way in which the immigration officials and immigration courts process Uyghurs' asylum claims. Assessments of the level of repression in East Turkestan and the degree of risk inherent in deporting Uyghur asylum seekers back to China varies among individual countries.

¹⁰⁹ Eurostat. (2010, June 18). *EU Member States granted protection to 78,800 asylum seekers in 2009*. Retrieved from http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-18062010-AP/EN/3-18062010-AP-EN.PDF

¹¹⁰ Ibid; As noted by Eurostat, there is no direct correspondence between applications made and decisions taken during the same year, as the processing of applications takes time.

¹¹¹ Ibid.

¹¹² Ibid.



Hvalstad refugee camp for teenagers outside of Oslo, Norway. ©Anonymous.

The Netherlands- an evolving assessment of risk to Uyghur asylum seekers

In the Netherlands, the Dutch Foreign Ministry report has guided official treatment of Uyghur asylum cases. In March 2009, the Ministry issued a report that assessed the risk to Uyghur asylum seekers returned to China as relatively low:

“Uyghurs who have requested asylum abroad, and/or stay abroad for prolonged periods, according to available information, have nothing to fear due to their asylum request when returning to China. Uyghurs who travel abroad without valid legal papers or without following the official traveling procedures could be faced with the consequence of their passport being taken away from them. Uyghurs who are engaged in separatist activities, or suspected of being engaged in separatist activities, will expect to face problems with authorities upon return to China.”¹¹³

Despite the relatively low level of risk assessed regarding deported Uyghurs in this part of the March 2009 version of the report, the report also goes on to describe the risk to Uyghurs who are repatriated to China from Nepal, Pakistan and Afghanistan, and makes note of the concern of groups such as Amnesty International and Human Rights Watch that Uyghurs sent back to China are vulnerable to “mistreatment, torture and possibly execution.” However, the report’s lack of recognition that the act of seeking asylum itself

¹¹³ Ministry of Foreign Affairs of the Netherlands. (2009, March). *Human Rights Reports 2009*. Retrieved July 28, 2010 from <http://www.minbuza.nl/dsresource?objectid=buzabeheer:65642&type=org> (no longer available). Translation into English courtesy of the Unrepresented Nations and Peoples Organization (UNPO).

is viewed as a political act in China meant that this version of the report underestimated the dangers to returned Uyghur asylum seekers. This has likely been a factor in the high rate of rejection of Uyghur asylum seekers in the Netherlands.

In June 2010, the Dutch Foreign Ministry issued a new version of the report stating the following:

“Hardly any information is available about the treatment of Uyghurs upon return to China, which is not an issue that is easy to judge. It does happen that family members of Uyghurs who are abroad and active in the field of human rights, or Uyghurs who are searched for, do experience problems from the Chinese government. If families would like to visit a dissident who lives abroad, it might happen that they have to deal with authorities who are less cooperative, for instance by giving a passport to only some members of the family.”¹¹⁴

In March 2011, the Dutch Foreign Ministry issued a report that incorporates material from human rights groups that portrays Chinese repression of Uyghurs in a somewhat harsher light, revealing that Uyghur asylum seekers encounter problems that are likely more severe than previously thought:

“Amnesty International noted in this regard, however, that in at least some cases known to Amnesty International of Uyghur asylum seekers returned to China, they were viewed by Chinese authorities as having been disloyal to the motherland, and were subject to ill-treatment and abuse. In this regard, according to Amnesty International, the Chinese authorities were particularly suspicious of Uyghurs whom they knew had requested asylum abroad, particularly in Europe and North America, where Uighur (human rights) activists are working.”¹¹⁵

The report also cites material from overseas organizations that provides a bleaker outlook than previous reports about Chinese authorities’ intimidation of the family members in East Turkestan of Uyghurs who are living abroad:

“If they do not return, and they are politically active, by participating in protests or becoming involved in Uyghur organizations abroad, then their families, and particularly their parents, could be punished by the authorities. Their parents are pressured to order their son or daughter to cease their political activism in the interest of their families back home in China. If their son or daughter nevertheless

¹¹⁴ Ministry of Foreign Affairs of the Netherlands. (2010, June). *Human Rights Reports 2010*. Retrieved September 30, 2010 from <http://www.minbuza.nl/dsresource?objectid=buzabeheer:229467&type=org> (no longer available). Translation into English courtesy of the Unrepresented Nations and Peoples Organization (UNPO).

¹¹⁵ Ministry of Foreign Affairs of the Netherlands. (2011, March). *Xinjiang - 2011-03-21 thematisch ambtsbericht*. Retrieved from <http://www.rijksoverheid.nl/documenten-en-publicaties/ambtsberichten/2011/03/21/xinjiang-2011-03-21-thematisch-ambtsbericht.html>. Translation into English courtesy of the Dutch Refugee Council.

continues their political activism, then Chinese authorities may have them fired from their jobs or cut off their pensions. The authorities may also confiscate their property or land, if the parents are farmers. In extreme cases, family members, especially brothers and/or sisters, can be put into prison, in order to stop their family members abroad from taking part in political activities.”¹¹⁶

The 2011 report provides evidence, citing reports of a number of cases of Uyghurs extradited to China from other countries, that returned Uyghurs have been subject to torture and the death penalty. In addition, it details reports of the mass arrests and detentions of Uyghurs carried out by Chinese security forces in the wake of July 5, 2009 unrest. It also highlights Chinese government surveillance of Uyghurs’ activities abroad.¹¹⁷

A Dutch lawyer representing a number of Uyghur asylum seekers told UHRP in June 2011 that the new report has proven helpful in terms of expediting Uyghurs’ asylum claims, including the claim of one of her clients, who was granted asylum on appeal following the issuance of the new report.¹¹⁸

In addition to the Refugee Convention, UDHR and other international conventions, Sweden, Norway and the Netherlands have implemented further guidelines to direct their handling of asylum seekers’ claims. For instance, Norway’s Immigration Act highlights the importance of gender in the process of assessing whether or not an individual is a refugee, even though gender is not mentioned as a ground for refugee status by the Convention:

“However, the UNHCR has for several years expressed the view that the Refugee Convention must be interpreted on the basis that gender is a relevant factor when assessing whether a person is a refugee – the so-called gender sensitive perspective in the refugee assessment. This means that central concepts in the definition of a refugee, such as persecution, religion, political views and membership of a special social group, must be interpreted to mean that those types of persecution to which women are traditionally subject fall within the definition of these concepts.”¹¹⁹

According to the Netherlands Aliens Act 2000, in addition to filing an asylum claim on the grounds of the Refugee Convention or The European Convention on Human Rights (ECHR), people who apply for asylum in the Netherlands can also do so “for compelling

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Immigration lawyer in the Netherlands, personal communication with UHRP, June 2011.

¹¹⁹ Ministry of Justice and the Police (Norway). *Conditions for asylum*. Retrieved from <http://www.regjeringen.no/en/dep/jd/Subjects/Immigration/asylum-and-refugee-policy/conditions-for-asylum.html?id=85861>

humanitarian reasons relating to their individual circumstances, for instance in the light of traumatic experiences, or if return to their country of origin would place them at grave risk because of the general situation there, for instance because it is at war.”¹²⁰

Similarly, according to the Swedish Aliens law, individuals who are found not to be “convention” refugees under the 1951 Refugee Convention may also qualify for asylum under a category known as ‘persons in need of protection’ – *skyddsbehövande i övrigt*.¹²¹ This includes those who have left their native country and have good reason to fear capital punishment or torture, and those who need protection due to war or an environmental disaster in their native country.¹²²

The deportation of rejected asylum seekers from Europe

European countries have been criticized in the international community for deporting rejected asylum seekers to countries where there is armed conflict or a known practice of human rights abuses. In January 2011, for instance, the government of Sweden was a target of criticism after it deported 26 Iraqi men who had fled from areas of Iraq known to be experiencing particularly high levels of turmoil. The Netherlands has been criticized for the 2006 deportation of a rejected Afghan asylum seeker who was later killed.¹²³

There have been no reported deportations of Uyghurs from Sweden, Norway, or the Netherlands, but 42-year-old Uyghur Muhtar Tiliwaldi was forcibly deported from Germany in June 2006 after his bid for asylum was rejected by German authorities. This marked the first instance of the forcible deportation of a Uyghur asylum seeker from a democratic country. The Eastern Turkestan Union in Europe and the World Uyghur Congress had protested against the deportation, stating that Tiliwaldi, who had arrived in Germany in 1998, would be at high risk of torture upon his return to China.¹²⁴

¹²⁰ Ministry of Justice (The Netherlands). (2004, March). The Aliens Act 2000. *Aliens in the Netherlands: Admission and Reception*. Retrieved from http://www.unhcr.org/refworld/category/REFERENCE/NTL_MJ...47fdfaea0.0.html

¹²¹ National Thematic Network Asylum & Integration (NTN Asylum). (2008, February). *A Handbook for Asylum Seekers in Sweden*. Retrieved from <http://www.temaasyl.se/Documents/NTG-dokument/A%20handbook%20for%20asylum%20seekers%2C%20third%20revised%20edition.pdf>

¹²² Ibid.

¹²³ Failed asylum seeker killed in Afghanistan. (2011, February 23). *DutchNews.nl*. Retrieved from http://www.dutchnews.nl/news/archives/2011/02/failed_asylum_seeker_killed_in.php; Dutch Press Review Thursday 24 February 2011- Afghan refugee’s death makes minister look “schizophrenic”. (2011, February 24). *Radio Netherlands Worldwide*. Retrieved from <http://www.rnw.nl/english/article/dutch-press-review-thursday-24-february-2011>

¹²⁴ Uyghur Asylum Seeker Extradited from Germany. (2006, July 18). *Unrepresented Nations and People’s Organization (UNPO)*. Retrieved from <http://www.unpo.org/article/4948>

Uyghur Rinat Iskender, who sought asylum in Belgium, committed suicide in 2001 after being told he would be forcibly deported to Kazakhstan.¹²⁵ In late December 2005, 28-year-old Uyghur asylum seeker Burhan Zunun (Boerhan Zunung in Chinese) committed suicide while in police detention in Denmark.¹²⁶



Uyghur asylum seeker Burhan Zunun. ©Anonymous.

Zunun was suspended from Xinjiang University in 1998 for being involved in peaceful political and religious activism. After the university suspended him, he returned to Ghulja, where he had grown up, and opened a bookstore. He continued his activism.¹²⁷ His political activities were entered into his personal files maintained by the Chinese government, leaving him prone to harassment by police and state security officials, including arbitrary detention and arrest on spurious charges.¹²⁸ He decided to flee to Kazakhstan after he learned that he was about to be arrested for his activism, and he arrived in Frankfurt, Germany in October 2001 and sought asylum at the airport. His bid for asylum was rejected on appeal in Germany in 2003, and he was ordered to leave the country.¹²⁹

¹²⁵ Isa, D. (2004, July 1). Critical Situation of Uyghur Asylum Seekers. *Uyghuri Belgiyi (Uyghurs of Belgium)*. Retrieved from http://ymyt.com/ru/3/62_1.shtml

¹²⁶ Isa, D. (2006, January). Burhan Zununing Wafati munasiwiti bilen dokilat. Unpublished report.

¹²⁷ Ibid.

¹²⁸ Uyghur Human Rights Project. (2005, December 30). *Suicide underlines plight of Uyghur refugees*. Retrieved from <http://uhrp.org/articles/89/1/Suicide-underlines-plight-of-Uyghur-refugees/Suicide-underlines-plight-of-Uyghur-refugees.html>

¹²⁹ Isa, D. (2006, January). Burhan Zununing Wafati munasiwiti bilen dokilat. Unpublished report.

Zunun, realizing that it was impossible for him to legally stay in Germany or safely return to China, went to Norway in 2004 to seek asylum there. The Norwegian authorities refused his asylum application in accordance with the Dublin II Regulation, and planned to return him to Germany. Believing that he would be deported to China by the German authorities once he was transferred to Germany, Zunun returned to Kazakhstan.

Still fearing for his safety at the hands of Kazakh authorities, Zunun returned to Norway after a period of time and sought asylum again. However, the Norwegian authorities returned him to Germany in December 2005. Upon his return to Germany, fearing his deportation to China, Zunun decided to return to Norway by car on December 23. However, he was stopped by the Danish police soon after entering Denmark. According to the Danish police, he attempted suicide on December 25. Although emergency medical assistance was provided, Zunun died on December 29, 2005.¹³⁰

¹³⁰ Ibid.

How Uyghurs fled

Obtaining a passport and permission to leave the country is a cumbersome process plagued with corruption for citizens of the PRC, and for Uyghurs, it is especially difficult. Passport restrictions imposed on Uyghurs have long limited the ability of Uyghurs to travel abroad. The U.S. State Department has noted the difficulties of Uyghurs in the PRC to obtain passports:

“Most citizens could obtain passports, although those whom the government deemed threats, including religious leaders, political dissidents, and ethnic minorities, were refused passports or otherwise prevented from traveling overseas. Uighur residents of the XUAR reported difficulties at the local level in getting a passport application approved. Some residents of the XUAR and other citizens have reportedly had valid passports seized.”¹³¹

The *New York Times* reported in 2008 that the PRC government had begun confiscating Uyghurs’ passports region-wide two years earlier:



Chinese paramilitary police patrol the airport in Urumchi on August 4, 2008. ©Peter Parks/AFP/Getty Images

“Now virtually no Uighurs have passports, though they can apply for them for short trips. The new restriction has made life especially difficult for businessmen who travel to neighboring countries. To get a passport to go on an official hajj tour or a business trip, applicants must leave a deposit of nearly \$6,000.”¹³²

According to reports¹³³, travel restrictions on Uyghurs were stepped up even further in the wake of the July 5, 2009 unrest. The employee of a state-owned travel service stated that Uyghurs weren’t being allowed to leave the PRC for any reason at all, under restrictions imposed after July 5, 2009.¹³⁴ An employee at another travel agency in East Turkestan said that the agency could apply for passports for Han Chinese tourists going

¹³¹ 2010 Human Rights Report: China (includes Tibet, Hong Kong, and Macau). (2011, April 8). U.S. State Department. Retrieved from <http://www.state.gov/g/drl/rls/hrrpt/2010/eap/154382.htm>

¹³² Wong, E. (2008, October 18). Wary of Islam, China Tightens a Vise of Rules. *New York Times*. Retrieved from <http://www.nytimes.com/2008/10/19/world/asia/19xinjiang.html?pagewanted=2>

¹³³ Radio Free Asia. (2010, September 10). ‘No Passports’ For Uyghurs. Retrieved from <http://www.rfa.org/english/news/china/passports-09102010102104.html>

¹³⁴ Ibid.

on a group tour overseas, but did not do this for Uyghurs, because of the difficulties involved in the application process.¹³⁵

There were several common themes in the accounts given by Uyghur asylum seekers interviewed for this report about how they were able to flee the PRC. Without exception, all interviewees, or their family members, paid bribes to facilitate their passage out of the country. Bribes were paid to obtain visas, airplane tickets, and/or passports; and they were also paid in order to preempt border checks that are carried out disproportionately on Uyghur travelers. In addition, some interviewees had to put up a sizeable bond to police or other authorities to guarantee against a potential failure to return to China.

It is well-documented that corruption and bribery are endemic throughout China. In its most recent report on corruption worldwide, the organization Transparency International gave China a score of 3.5, on a scale from 10 (highly clean) to 0 (highly corrupt).¹³⁶

Transparency International has criticized China for remaining “outside the framework of international laws designed to curb corruption”, referring to the Anti-Bribery Convention created by the Organization for Economic Cooperation and Development (OECD).¹³⁷ China has not signed the treaty, which came into force in 2003.¹³⁸

International media reports have also shed light on the widespread practice of bribing government officials and police. The *New York Times* reported that sales of luxury goods spike in March each year as businessmen and other officials seek to curry officials’ favor during two annual national congresses, although the practice of bribing officials with gifts takes place year-round.¹³⁹

The international media reported extensively on a series of trials, beginning in late 2009, involving corrupt police officers and government officials in the southwestern city of Chongqing. According to *Time*, some 1,500 police and government officials and gang members were arrested in a crackdown on organized crime in the city that revealed bribes in the tens of millions of Renminbi.¹⁴⁰ *Time* noted that virtually all of the senior police

¹³⁵ Ibid.

¹³⁶ *Corruption Perceptions Index 2010*. (2010). Transparency International. Retrieved from http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results

¹³⁷ Radio Free Europe/Radio Liberty. (2006, October 4). *World: International Bribery Index Slams Russia, China, Turkey*. Retrieved from <http://www.rferl.org/content/article/1071798.html>

¹³⁸ Organisation for Economic Co-operation and Development Directorate for Financial and Enterprise Affairs. *Anti-Bribery Convention- Information by Country*. Retrieved from http://www.oecd.org/infobycountry/0,3380,en_2649_34859_1_1_1_2_1.00.html

¹³⁹ Barboza, D. (2009, March 13). For Bribing Officials, Chinese Give the Best. *New York Times*. Retrieved from <http://www.nytimes.com/2009/03/14/world/asia/14gifts.html>

¹⁴⁰ Elegant, S. (2009, October 21). China’s Underworld on Trial in Chongqing. *Time*. Retrieved from <http://www.time.com/time/world/article/0,8599,1931342,00.html>

and government officials on trial were “stalwart members of the ruling Communist Party.”¹⁴¹

The *BBC* reported that former senior police official Wen Qiang, who was arrested during the crackdown in Chongqing, had been accused of taking more than 16 million Renminbi (1.74 million EUR or 2.3 million USD) in bribes from businesses, officials and gangs in exchange for protection from the law.¹⁴² Wen, who was being tried alongside his wife and three other senior police officials, was also accused of raping a university student.¹⁴³ Wen was sentenced to death and was executed in July 2010.¹⁴⁴

The popularity of a Chinese website that allowed people to anonymously report official bribery, www.ibribery.com, also reflects the pervasive nature of corruption. The website drew 200,000 visitors in two weeks in the summer of 2011 before censors blocked domestic access to the site.¹⁴⁵ Several copy-cat websites sprang up after [ibribery.com](http://www.ibribery.com)'s initial success, but they were quickly shut down.

Chinese official media reports have also highlighted the severity of official bribery. According to a report published in 2010 in the *China Daily*, the number of bribery cases involving government officials in China had increased by 13 percent since 2003.¹⁴⁶ Citing statistics from the anti-corruption department of the Supreme People's Procuratorate, the report stated that in 2009, 41,531 officials were charged for their involvement in 32,439 corruption and bribery cases.¹⁴⁷

China's state-run media has also reported on serious bribery cases involving officials in East Turkestan. Chinese state media reported that Zhao Dejun, the former attorney general of Karamay City's People's Procuratorate, was sentenced to 13 years in prison for accepting more than two million Renminbi (217,391 Euro or 312,500 USD) in bribes during the period from 1996-2009, when he held the attorney general position and previous government positions.¹⁴⁸ *Xinhua* reported that senior water administration

¹⁴¹ Ibid.

¹⁴² BBC. (2010, February 2). *China police chief Wen Qiang in court over corruption*. Retrieved from <http://news.bbc.co.uk/2/hi/8492664.stm>

¹⁴³ Ibid.

¹⁴⁴ BBC. (2010, July 7). *China executes top Chongqing official for corruption*. Retrieved from <http://www.bbc.co.uk/news/10535226>

¹⁴⁵ The Associated Press. (2011, June 22). *Anonymous websites to report bribery prove wildly popular in China until the censors arrive*. Retrieved from <http://www.news1130.com/news/world/article/244167--anonymous-websites-to-report-bribery-prove-wildly-popular-in-china-until-the-censors-step-in>

¹⁴⁶ China Daily. (2010, September 8). *Bribery cases on the rise in China*. Retrieved from http://www.chinadaily.com.cn/china/2010-09/08/content_11271378.htm

¹⁴⁷ Ibid.

¹⁴⁸ Tianshan wang. (2010, November 15). *克拉玛依市检察院原检察长获刑 (Former attorney general of Karamay City jailed)*. Retrieved from http://www.tianshannet.com.cn/news/content/2010-11/15/content_5368758.htm

official Zheng Hao was sentenced to 12 years in prison in late 2010 for embezzling hundreds of thousands of Renminbi in public funds.¹⁴⁹ The *People's Court Daily* reported that Xia Zhonghua, the general manager of the state-funded Xinjiang Luzhou Travel Agency, was sentenced to 10 and a half years in prison in September 2010 for embezzling 240 thousand Renminbi (26, 087 EUR or 37,500 USD) in public funds from 2003 to 2008.¹⁵⁰ The report described Xia as a civil servant.¹⁵¹

According to research conducted by Minxin Pei of the Carnegie Endowment for International Peace, the odds of a corrupt Chinese official going to prison are less than three percent.¹⁵² One can therefore surmise that the above examples represent merely a small fraction of the official corruption taking place across China today. The *New York Times* reported that even considering the selective nature of enforcement of China's myriad anti-corruption laws, about 150,000 officials are punished each year for bribery, corruption and other charges.¹⁵³

In spite of the existing documentation of extensive bribery and corruption in China, UHRP researchers learned that immigration authorities in Europe often found Uyghurs' accounts of the use of bribery to gain release from detention or to flee China not to be credible. For instance, the legal representative of a Uyghur asylum seeker wrote in e-mail correspondence to UHRP in May 2011 that the Dutch Immigration and Naturalisation Service did not believe the story of her client, who stated that his father had paid a bribe to have him released from detention after July 5.¹⁵⁴

An asylum seeker in Sweden whose asylum application had been rejected had this to say:

“It's important to make Westerners understand about the use of bribery to cross borders in Asia. It is difficult to make Westerners believe these things. I wish Swedish authorities would trust me... It's very different there. I'd like to prove to them how I came to Sweden.”¹⁵⁵

¹⁴⁹ Xinhua. (2011, July 8). 留“退路”新疆“水官”将贪污款藏保险箱3年 (Xinjiang “water official” who gave himself “way out” hid embezzled funds for three years). Retrieved from http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/lianzheng/2011-07/08/c_121641609.htm

¹⁵⁰ People's Court Daily. (2010, September 30). 贪污挪用二十四万 被判处有期徒刑十年半. (Corruption and misappropriation totaling 240,000 yuan results in sentence of ten and a half years). Retrieved from http://rmfyb.chinacourt.org/paper/html/2010-09/30/content_16362.htm

¹⁵¹ Ibid.

¹⁵² Pei, M. (2007, October). *Corruption Threatens China's Future* (Policy Brief No. 55). Carnegie Endowment for International Peace. Retrieved from http://www.carnegieendowment.org/files/pb55_pei_china_corruption_final.pdf

¹⁵³ Barboza, D. (2009, September 3). Politics Permeates Anti-Corruption Drive in China. *New York Times*. Retrieved from <http://www.nytimes.com/2009/09/04/business/global/04corrupt.html?pagewanted=all>

¹⁵⁴ Legal representative of Uyghur asylum seeker in the Netherlands, personal communication with UHRP, May 2011.

¹⁵⁵ Interviewee Ay interview with Uyghur Human Rights Project, 2010.

Chinese law regarding passports

According to Chinese law, passports are to be issued “by the entry-exit control department of the Ministry of Public Security or by the entry-exit control departments of the public security organs under the people’s governments at or above the county level authorized by the Ministry of Public Security, or the embassies or consulates of the People’s Republic of China, or other missions overseas authorized by the Ministry of Foreign Affairs.”¹⁵⁶ China’s passport law does not stipulate a standard nation-wide passport application fee, but a look at Internet forums reveals that 200 Renminbi (21.74 EUR or 31.25 USD) is commonly charged as an official application fee throughout the country.

Underground companies

Most Uyghurs interviewed for this report sought the services of underground companies or agents based in Urumchi or Beijing in order to leave China. Friends and family members were said to have helped locate such companies, after varying degrees of time and effort. In the words of one interviewee, “These agents are not widely known—only those who want to leave can find them.”¹⁵⁷ Interviewee At stated, “If you know someone, you can get a passport. The company has no building, it is just comprised of a group of Chinese people.”¹⁵⁸ A 27-year-old woman in Sweden said that she had tried to call the Urumchi-based agent who had helped her obtain a visa after she had arrived at her initial destination abroad, but they had already closed down.¹⁵⁹

Bribery costs

The amounts paid in bribes or payments to underground companies and agents, as reported by interviewees, varied widely, covered a range of different services, and differed according to the number of people fleeing and whether or not they already had a passport. Sometimes bribes were paid to one agent or underground company that took care of all arrangements, and at other times several payments were paid to several different people. Bribes were paid both to government employees, such as at a government office processing passport applications, and to private, underground companies and agents. Bribes were generally paid in Chinese currency, but were sometimes paid in U.S. dollars.

¹⁵⁶ Embassy of the People’s Republic of China in the United States of America. *Passport Law of the People’s Republic of China*. Retrieved from <http://www.china-embassy.org/eng/ywzn/lsyw/vpna/faq/t710009.htm>

¹⁵⁷ Interviewee W interview with Uyghur Human Rights Project, 2011.

¹⁵⁸ Interviewee At interview with Uyghur Human Rights Project, 2010.

¹⁵⁹ Interviewee S interview with Uyghur Human Rights Project, 2011.

Overall costs

Amounts given by interviewees that encompassed bribes or payments to illicit companies covering all arrangements necessary for them to flee China ranged from 16,000 Renminbi (1739.13 EUR or 2,500 USD) to 150,000 Renminbi (16,304.35 EUR or 23,437.50 USD) for one individual. Overall bribe totals ranged from including visas and air tickets only, to costs for visas, air tickets, passports, and assistance passing through border checks. The largest payment reported among interviewees was a total of 700,000 Renminbi (76,086.96 EUR or 109,375 USD) that was paid to cover a family of five to flee from China to Turkey.¹⁶⁰ Some interviewees, or their families, paid bribes in China to cover their travel all the way to Europe, while others reported paying bribes in China to cover travel to Turkey, Malaysia, Kazakhstan, Azerbaijan or other locations, from where they made further arrangements to reach Europe.

Visas and air tickets

Bribes reportedly paid by interviewees to underground companies or agents for visas to other countries, or for a combination of visas and airplane tickets or visas and travel arrangements, ranged from 6,000 Renminbi (652.17 EUR or 937.50 USD) (for a visa to Azerbaijan) to 150,000 Renminbi (16,304.35 EUR or 23,437.50 USD) for one person, with the average bribe reported at around 75,000 Renminbi (8,152.17 EUR or 11,718.75 USD) per person. Often the air tickets that were purchased were round-trip tickets or return tickets to Beijing with a stopover in a European country. At other times, they were tickets to a destination in the Middle East or Africa with a stopover in Europe.

Passports

Interviewees gave amounts ranging from 2,000 Renminbi (217.39 EUR or 312.50 USD) to 40,000 Renminbi (4,347.83 EUR or 6,250 USD) per person for obtaining a passport. The individual who paid 2,000 Renminbi reported that the amount was lower than usual because his uncle had official connections.¹⁶¹ The average price reported by interviewees that was paid to obtain a passport, without accounting for the 2,000 Renminbi payment, was 25,000 Renminbi (2,717.39 EUR or 3,906.25 USD) per person.¹⁶²

Many of the individuals interviewed were already in possession of a passport prior to July 2009. An interviewee in Norway told UHRP that although he was a university student in a coastal Chinese city, he was required to return to East Turkestan when he applied for a passport in 2004 to study abroad.¹⁶³ He recalled that police told him that his situation was “special”, since he was from East Turkestan. The interviewee stated that he had to pay nearly 15,000 Renminbi (1,630.44 EUR or 2,343.75 USD) to get 12 stamps on his passport in Urumchi, and he had to give officials four sheep to get six stamps in Ghulja.

¹⁶⁰ Interviewee G interview with Uyghur Human Rights Project, 2011.

¹⁶¹ Interviewee Z interview with Uyghur Human Rights Project, 2011.

¹⁶² Amounts were given by interviewees for passports that were obtained both before and after July 5, 2009.

¹⁶³ Interviewee Z interview with Uyghur Human Rights Project, 2011.

He said that it took him one week to obtain all the necessary stamps, and one month to obtain his passport, while his Chinese classmates, who were preparing to study abroad at the same time, were able to receive their passports after only four or five days.

Border checks

Uyghurs interviewed by UHRP spoke of the need to have Chinese middlemen or “connections” at the airport assist them in making it through border checks in order to flee the country. Sometimes, the payment of a separate bribe, ranging from 2,000 Renminbi (217.39 EUR or 312.50 USD) to 30,000 Renminbi (3,260.87 EUR or 4,687.50 USD), was required in order to pass through exit procedures. Many Uyghurs reported being subjected to very intense and often invasive screening checks while trying to exit the border.

A former soldier¹⁶⁴ told UHRP that he experienced problems at the airport in Urumchi, where he was told during border checks that he should have a stamp on his passport and a certificate from an office overseeing Islamic religious affairs certifying that he was not involved in any illegal religious activities. He said that since he didn't have time to obtain these before boarding his flight, he called an airline staff member, who advised him to pay a bribe to a specified individual, thereby enabling him to pass through border controls.



Border control tower at Khunjerab Pass. ©eLong.com.

At least two individuals interviewed by UHRP reported being searched or interrogated by police after having boarded the plane they were taking to exit the PRC. A 24-year-old Uyghur man said that he was searched by police after boarding a Scandinavian Airlines flight.¹⁶⁵ A 22-year-old Uyghur in Sweden said that while he had not experienced any problems during border controls, police came onto the plane he was on to ask him why he had not requested Muslim food.¹⁶⁶ He expressed the belief that the police may have been trying to intimidate him with this action.

A 22-year-old Uyghur in the Netherlands recounted being subjected to extreme screening procedures during checks at the border between Guangdong and Hong Kong.¹⁶⁷ He stated that he was interrogated for five hours, strip-searched, and forced to undergo a body scan.

¹⁶⁴ Interviewee U interview with Uyghur Human Rights Project, 2011.

¹⁶⁵ Interviewee F interview with Uyghur Human Rights Project, 2011.

¹⁶⁶ Interviewee O interview with Uyghur Human Rights Project, 2011.

¹⁶⁷ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

“They asked me why I was going abroad, and whether or not I had taken part in July 5. They told me they were suspicious that I had hidden drugs in my stomach. They conducted another full search, and said they hadn’t found anything. Then they gave me medication to make me go to the bathroom, which I did five or six times. The police came to check. I was very exhausted. I had only eaten breakfast. I asked why others had not been checked, and was told it was because I was Uyghur. They said they had to abide by a law from the central government to double-check Uyghurs.”

A 27-year-old woman in Sweden told UHRP that she was checked thoroughly while preparing to leave the country on a flight from Guangzhou.¹⁶⁸ Customs officials asked questions about her passport and about what her plans were once she was abroad.

“I was in their office for four hours. They checked all my bags, and they only let me go one hour before my flight. They even checked my naan, and asked me to eat it. They said that I would come back and scold China.”



Chinese security forces patrol the Beijing Airport on July 2, 2008, on the eve of the Olympic Games in Beijing. ©Reuters-Yonhap

Some Uyghurs who were interviewed by UHRP said that they were pressured or harassed by border control officials who said that they should be taking a direct flight to the destination on their airplane ticket, rather than a flight transiting through a European country. An 18-year-old Uyghur said that while going through exit procedures prior to his scheduled flight out of Beijing, his passport was taken away, and border control agents told him that he could not take the flight he had purchased, which transited through Amsterdam on its way to Kenya.¹⁶⁹

¹⁶⁸ Interviewee S interview with Uyghur Human Rights Project, 2011.

¹⁶⁹ Interviewee Ao interview with Uyghur Human Rights Project, 2011.

“They said they would get me a direct flight to Kenya. They tied me with a rope. I asked why they were holding me there, and they told me that I was traveling in a strange way. My passport was held in the KLM office. I was told that the customs officials would wait for KLM to decide what to do.”

The interviewee reported that his KLM flight ultimately took off without him, and his money was returned to him. He was, however, able to purchase a flight on another airline for the same route, and he successfully boarded this flight.

A 30-year-old asylum seeker in the Netherlands described being pressured to take a flight out of Hong Kong that was different than the one she had purchased.¹⁷⁰ She stated that a Hong Kong border control official asked her why she wasn't taking a direct flight to Dubai, instead of one that transited through Amsterdam. She told the official that the flight had been arranged by her friend, but the official maintained that he wanted to arrange a direct flight to Dubai for her.

“The air hostess took my passport and gave it to an immigration officer, and tried to send me on a flight to Dubai. They told me I was going to Dubai, and I was very scared. I said “I'm not going to Dubai. I want to stay with my original flight.””

Financial guarantees/deposits

Several interviewees reported having to leave substantial deposits with Chinese authorities in order for them to be able to leave China. A 28-year-old asylum seeker in Sweden told UHRP that he had to leave a 100,000 Renminbi (10,869.57 EUR or 15,625 USD) guarantee with police before leaving the country.¹⁷¹ He had been detained for one month in Urumchi after the July 5, 2009 demonstrations. He was subsequently required to report regularly to police, and was not allowed to leave Urumchi without first obtaining permission.

A former soldier told UHRP that he left a 500,000 Renminbi (54,347.83 EUR or 78,125 USD) deposit with police prior to leaving China.¹⁷² He had also been detained after the July 5 unrest, and he stated that his parents had paid a large amount in bribes in order to get him out of prison. He recounted how his parents had been obliged to sell their apartment and their car in order to ensure that he was released from prison before court procedures were started.

Bribes to secure release from detention

Several other interviewees also told UHRP that their family members had paid bribes to police or prison officials in order to secure their release from detention after the July

¹⁷⁰ Interviewee Ag interview with Uyghur Human Rights Project, 2011.

¹⁷¹ Interviewee K interview with Uyghur Human Rights Project, 2011.

¹⁷² Interviewee U interview with Uyghur Human Rights Project, 2011.

2009 unrest. A 22-year-old asylum seeker in Sweden stated that he was jailed for 15 days after sending pictures of July 5 demonstrations to friends via an instant messaging service.¹⁷³ He told UHRP that his father paid 20,000 Renminbi (2,174 EUR or 3,125 USD) to the police chief to have him released from detention. The 28-year-old asylum seeker in Sweden mentioned above who was detained for one month after the July 5 demonstrations said his family also paid a bribe to obtain his release from detention.¹⁷⁴

A 21-year-old asylum seeker in the Netherlands said that his parents had paid a 40,000 Renminbi (4,347.83 EUR or 6,250 USD) bribe in exchange for his release from detention in May 2010.¹⁷⁵ He stated that he had been detained and beaten because he had been involved in Uyghur rights activities while living abroad, and because he had written articles on Uyghur blogs about the July 2009 unrest while he was overseas.

Bribery in Central Asia

Uyghurs interviewed by UHRP who fled from or through Central Asia also reported being obliged to pay bribes to leave Central Asia and travel to Europe. Several individuals spoke of being hidden and otherwise assisted by smugglers or middlemen while staying temporarily in Central Asian countries, primarily Kazakhstan, on their way to Europe. Interviewees described maintaining a low profile while in Central Asia, and feeling unsafe while they remained in these countries. Interviewees expressed a lack of confidence in the abilities of international mechanisms based in these countries to help them. For instance, an asylum seeker in Sweden stated:

“People are afraid of the UNHCR office in Kazakhstan, because Kazakh authorities are sending people back.”¹⁷⁶

A former restaurant owner from Kyrgyzstan described how a friend used money provided by his wife to have him released from police custody and obtain fake travel documents for him.¹⁷⁷ The friend arranged for passage by plane from Kazakhstan to a third country, from which smugglers drove his family to Western Europe.

A former Urumchi resident seeking asylum in Norway told of paying 8,000 U.S. dollars (approximately 5,887 EUR) to a criminal syndicate in Azerbaijan in order to get a visa to Turkey. He stated that they threatened if he didn't pay the bribe, he would be deported to China. Interviewee Z told UHRP that he paid \$1,500 U.S. dollars (approximately 1,104 EUR) to obtain a visa for Turkey after he had fled to Kyrgyzstan from China.¹⁷⁸

¹⁷³ Interviewee O interview with Uyghur Human Rights Project, 2011.

¹⁷⁴ Interviewee K interview with Uyghur Human Rights Project, 2011.

¹⁷⁵ Interviewee Ae interview with Uyghur Human Rights Project, 2011.

¹⁷⁶ Interviewee A interview with Uyghur Human Rights Project, 2011.

¹⁷⁷ Interviewee Y interview with Uyghur Human Rights Project, 2011.

¹⁷⁸ Interviewee Z interview with Uyghur Human Rights Project, 2011.

Many Uyghur asylum seekers interviewed by UHRP transited through Turkey on their way from China to Western Europe, and they often used underground connections while in Turkey to obtain the visas and airplane tickets necessary to continue their journey. It was not unusual for interviewees to spend months in Turkey during this process.

Confiscation and destruction of passports

A number of interviewees told UHRP that their passports and/or airplane tickets were confiscated by middlemen after they left China. Several reported destroying their passports upon arriving in Europe because they had received instructions from middlemen, particularly in Turkey, to do so.

Interviewee Ah talked about his journey to the Netherlands via smugglers:

“I flew for more than 10 hours, and landed somewhere- I’m not sure where. From there, I rode in a car to a customs office. A man with me told me to stay there for a procedure. Two men arranged by him took me through customs. I never asked about these things. I never got my passport back. This is the main reason I’m having problems here. I don’t know whether or not it was these two men who took my passport and ticket. I was only thinking about whether or not they would send me back. They drove me all night to Amsterdam. At Central Station, they said “now you’re on your own, find the police”.¹⁷⁹

While most interviewees were aware of their destination in Europe when they began their journey, some, especially those who were brought to Europe by smugglers, were unaware of their final destination prior to their arrival. Interviewee Y described his arrival in Norway thus:

“Two men told me to go with my family. I tried to ask why we had come to Norway and not elsewhere, and they said “why are you asking questions?”.¹⁸⁰

An asylum seeker in the Netherlands told of hearing similar comments from smugglers while he was in hiding at a location in southeast China, just prior to his flight from the country:

“I think they took me to the countryside. I gave them my passport and some money. I stayed in a house temporarily. I wasn’t allowed to go out. They told me they would bring food. They told me to wait for them and not ask questions. I spent two and a half months alone there.”¹⁸¹

¹⁷⁹ Interviewee Ah interview with Uyghur Human Rights Project, 2011.

¹⁸⁰ Interviewee Y interview with Uyghur Human Rights Project, 2011.

¹⁸¹ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

Uyghur asylum seekers in Europe

This section examines the procedural aspects of the asylum system in three European countries, Sweden, Norway and the Netherlands. Discussion of the asylum processes in these countries is taken from interviews with Uyghur asylum seekers undertaken with UHRP researchers and secondary sources. The section does not intend to be an exhaustive description of the asylum system, but attempts to relay the experience and understanding of the system from the distinctive perspective of a Uyghur asylum seeker. With this approach in mind, the section critiques the respective asylum systems from the first-hand information communicated to UHRP to highlight the positive, as well as to draw attention to areas for improvement.

Sweden

While there were features of the asylum process in Sweden that could be considered good practice, the general situation of Uyghur asylum seekers alarmed UHRP researchers. Nineteen interviews were conducted in Stockholm from March 10 to March 13, 2011. In most cases, the Uyghurs UHRP spoke to arrived in Sweden after the unrest in Urumchi in July 2009, and almost without exception the Uyghurs interviewed by UHRP had received negative decisions on their asylum claims. Although the overwhelming majority of Uyghurs expressed gratitude for the support the Swedish state provided during the asylum application period, an equally significant number described procedural concerns that they felt had been a factor in the negative decisions received on their cases.

The most common port of entry among the Uyghurs interviewed was Stockholm-Arlanda Airport. After declaring their wish to claim asylum in Sweden either in the airport terminal to Swedish police or immigration officials, or on the plane itself to airline cabin crew, asylum seekers have their fingerprints and photograph taken and are given an initial or “first” interview by the Swedish Migration Board.¹⁸² At the first interview information on the asylum applicant is established such as name, age, nationality and first language. At this interview, asylum seekers must also present any identification papers they are holding. The asylum seeker is also given information on asylum regulations and assistance to which they are entitled. After a medical test and the issuance of a basic identity card, if the asylum seeker does not have anyone in Sweden who could house them, they are then offered housing in an asylum seeker reception center.

Uyghur asylum seekers spoke of their fears upon arrival in Sweden. Many expressed their tiredness and fright during their first interviews. A female Uyghur interviewee told UHRP, “When I arrived at the airport in Stockholm, I told some immigration officers that I wanted to apply for asylum. They said that I should get back on the plane to Beijing, but I told them I would be killed if I returned to China. I was so scared of the officials at the airport. I think that was because I was frightened of any kind of official in China.”¹⁸³

¹⁸² Abraha, G. (2007). A Handbook for Asylum Seekers in Sweden. *Asylum Reception in Focus*, No. 1.

¹⁸³ Interviewee Q interview with Uyghur Human Rights Project, 2011.

Uyghur interaction with law enforcement in China is often characterized as discriminatory, arbitrary and exploitative. The endemic corruption among officials of the Chinese state in East Turkestan also guides Uyghur perceptions of authority. These experiences in China create a suspicion and fear of officials in general, and can be exacerbated in new environments where Uyghurs cannot either express themselves or understand what is being said to them. Many of the Uyghurs UHRP spoke to said that they did not even know that they were destined for Sweden. A young Uyghur male told UHRP researchers, “I just got on a plane. I didn’t know the place it was going to, but I ended up here.”¹⁸⁴

In Sweden, asylum seekers are assigned a lawyer to help them prepare their asylum application, which is then submitted to the Migration Board for consideration. Speaking through interpreters, asylum seekers go through the grounds of their request with the lawyer, who then puts together the submission. As part of the deliberation, asylum seekers are called for a supplementary interview or “second” interview with the Migration Board. This second stage of the asylum process is the most critical in determining the outcome of a case as the Migration Board will use the information supplied in either approving or denying the request. All information pertaining to the reasons for the asylum application must be shared with the lawyer and with the interviewing officials. Upon concluding the second interview, the asylum seeker waits for a decision on his or her case. There is no mandated waiting period. Following a negative decision, asylum seekers have the right to appeal the decision at the Swedish Migration Court.

During the second stage of the asylum process, Uyghurs expressed to UHRP a number of concerns about the progress of their cases. UHRP has dealt with a number of lawyers in Sweden who have conscientiously processed their clients’ cases with few resources and a backlog of work. Uyghur asylum seekers also spoke of how relieved they were to have legal representation and one female Uyghur interviewee talked of her satisfaction with her lawyer;¹⁸⁵ however, some criticism was also leveled at lawyers. The criticism came in two forms: Uyghurs felt that their lawyers were not responsive to their cases, or that they did not comprehend the depth of the repression Uyghurs experience in China.

A female Uyghur, who had received a negative decision from the Migration Board, explained that the first time she met her lawyer in person was after she had been rejected at the first instance procedure.¹⁸⁶ A 20-year-old male,¹⁸⁷ who was waiting for a decision from the Migration Court after an initial negative decision, said that despite the fact he had kept in regular contact with his lawyer, the lawyer in question repeatedly told him that he was too busy to talk or meet as they were preparing to appeal to the Migration

¹⁸⁴ Interviewee D interview with Uyghur Human Rights Project, 2011.

¹⁸⁵ Interviewee P interview with Uyghur Human Rights Project, 2011.

¹⁸⁶ Interviewee E interview with Uyghur Human Rights Project, 2011.

¹⁸⁷ Interviewee M interview with Uyghur Human Rights Project, 2011.

Court. Another Uyghur male interviewee complained about the unresponsiveness of his lawyer even though his case was up for appeal.¹⁸⁸

In the Swedish system, asylum seekers can change their lawyers if they are unsatisfied with their performance. Asylum seekers must apply for a change of lawyer to one of the case officers at the Migration Board who is handling their case. While this is the theory, one Uyghur interviewee explained that in practice many Uyghurs did not change their lawyer because of the impression they felt it would leave on the Migration Board. He added that asylum seekers did not want to appear to be troublemakers while their case was in a sensitive stage of the application process. “We feel like we can’t complain about our lawyers. It is difficult to do so because we think it will influence the decision, so we keep quiet.”¹⁸⁹

Scant awareness of the repression faced by Uyghurs in China was also felt to influence cases. Although repression in China, and in Tibet, is well documented and understood, publications on and public consciousness of human rights conditions in East Turkestan lags far behind. According to a Uyghur female UHRP spoke to in Stockholm, the lawyer in her case was not cognizant of the human rights abuses in East Turkestan.¹⁹⁰ She felt that if the lawyer did not know this, then they would not be able to present a convincing asylum petition reflecting her individual circumstances.

UHRP believes that it is good practice for a lawyer to take a verbatim account of events from the asylum seeker and then read it back and confirm the content with the asylum seeker. This account should then be submitted by the lawyer as the personal witness statement of the asylum seeker to the national authorities as lawyers will often be able to identify the most important information to put forward for their application. However, in preparation for the verbatim account UHRP also believes that it is good practice to ask asylum seekers to write down their account first including as many details as possible. An immigration lawyer UHRP spoke to in Washington, DC said that this was a common and essential step in his approach in documenting an asylum seeker’s account.¹⁹¹ In his opinion, the written account gave an asylum seeker time to remember as many details as possible, as well as an opportunity to look over the account to determine if anything important had not been included, without the time constraints of a meeting with a lawyer. In some cases, Uyghur asylum seekers did not even see their file to review it before their lawyer submitted it to the Migration Board.¹⁹² Isolation from Stockholm often caused Uyghurs to have limited contact with their lawyers. A 28-year-old male Uyghur housed in northern Sweden due to the dispersal of reception centers said that he did not see his lawyer, who was based in Stockholm, until his second interview. He added that his

¹⁸⁸ Interviewee L interview with Uyghur Human Rights Project, 2011.

¹⁸⁹ Interviewee L interview with Uyghur Human Rights Project, 2011.

¹⁹⁰ Interviewee Q interview with Uyghur Human Rights Project, 2011.

¹⁹¹ Interviewee Az interview with Uyghur Human Rights Project, 2011.

¹⁹² Interviewee S interview with Uyghur Human Rights Project, 2011.

isolation (there were no other Uyghurs in his refugee camp) meant that he could not access the community support provided by Swedish-Uyghurs and the resources offered by non-governmental organizations that are available in Stockholm.

Uyghur asylum seekers also expressed concern over the use of inadequate translators for interviews with lawyers and with the Migration Board. Even after the determination of the ethnicity and first language of Uyghurs at the first interview, Swedish authorities were assigning Uzbek translators to cases involving Uyghurs despite the availability of Uyghur language translators from East Turkestan.¹⁹³ Uyghur asylum seekers were often unaware that translators from East Turkestan were available. Although the two languages of Uzbek and Uyghur are mutually intelligible, there are linguistic nuances that separate the two Turkic languages. Geopolitics and distinct histories mean that there are significant enough differences between the languages to make the use of an Uzbek translator unfair when interviewing a Uyghur from East Turkestan. While UHRP has no evidence to question the impartiality of Uzbek interpreters employed by the Swedish Migration Board, it should be stated that there is potential for Uyghurs to not feel the optimum of confidence with interpreters not from East Turkestan, especially when discussing the political and social climate in a country that may be unknown to an Uzbek.

One female Uyghur believed, but could not be sure, that mistranslation was a mitigating factor in the Swedish Migration Board's decision to reject her application. Another female Uyghur also told UHRP researchers her account was mistranslated by an Uzbek interpreter.¹⁹⁴ A 28-year-old male Uyghur said "I had to explain the situation in East Turkestan to my interpreter. He didn't understand the things Uyghurs had to go through in East Turkestan, and he changed the things I said because we speak a different language".¹⁹⁵ The interviewee added that he was not aware, or had not been made aware, that he could request a change of translator.

Uyghurs told UHRP researchers about the government assistance they were receiving as their applications progressed through the asylum process. In terms of material assistance most Uyghurs expressed gratitude, but also told of feeling of guilt and shame for their current reliance on the state. Many interviewees told UHRP researchers of their demoralization of having to exist on state welfare. One male Uyghur asylum seeker said, "I feel so guilty here, I feel like I am a beggar"¹⁹⁶ and a second 30-year-old male said "I feel guilty when Swedish people look at me."¹⁹⁷ A considerable number of interviewees

¹⁹³ Interviewee B, Interviewee J, Interviewee L, Interviewee M and Interviewee R interviews with Uyghur Human Rights Project, 2011.

¹⁹⁴ Interviewee E interview with Uyghur Human Rights Project, 2011.

¹⁹⁵ Interviewee K interview with Uyghur Human Rights Project, 2011.

¹⁹⁶ Interviewee R interview with Uyghur Human Rights Project, 2011.

¹⁹⁷ Interviewee N interview with Uyghur Human Rights Project, 2011.

expressed a strong desire to gain employment to earn their own money, and to regain a sense of dignity and independence.¹⁹⁸

Learning the local language is critical to the economic welfare of immigrants, as well as offering an important vehicle in which to communicate with Swedish speakers and to self-advocate in interactions with state officials and in Swedish society. Many Uyghur asylum seekers expressed a keen interest in learning Swedish in order to participate in Swedish life.¹⁹⁹ Uyghur asylum seekers told UHRP researchers that they had had the opportunity to learn Swedish while their asylum application was in progress and UHRP considers this good practice. However, Swedish language lessons stopped once asylum seekers received an initial negative decision on their case.²⁰⁰ One asylum seeker told UHRP that he continued studying nonetheless with the help of a dictionary.²⁰¹ UHRP believes that the critical role language learning plays in the all round welfare of an asylum seeker means that it is presumptuous to end those lessons when asylum cases are in the appeals process. UHRP also believes that just because an asylum seeker has received an initial negative decision and is in the appeals process they should not have Swedish language lessons removed. The lack of ability to converse in Swedish only precludes asylum seekers from participation in Swedish society and leaves them vulnerable to exploitation.

Uyghur asylum seekers also spoke to UHRP researchers about the mental strain of the asylum process;²⁰² UHRP witnessed the distress of Uyghur asylum seekers during the interviews conducted in Stockholm, especially among those who had received a second negative from the Migration Court and were making a final attempt to reverse the Migration Board's negative decision. UHRP heard one case wherein a Uyghur asylum seeker from Kyrgyzstan committed suicide because of the acute fear of return. He was in Sweden with his wife. Swedish immigration authorities told her that she could return to Kyrgyzstan because her husband's case had been resolved. A 22-year-old male Uyghur was diagnosed with depression, and his illness had caused tensions with his wife, who had recently given birth to a child.²⁰³

Of the Uyghurs UHRP spoke to in Sweden, fear of return to China, anxiety over the uncertainty surrounding their asylum application and a desire to get their lives back on track struck the researchers. There was an overwhelming sense of dismay that the

¹⁹⁸ Interviewee M, Interviewee N and Interviewee P interviews with Uyghur Human Rights Project, 2011.

¹⁹⁹ Interviewee N, Interviewee P, Interviewee Q and Interviewee R interviews with Uyghur Human Rights Project, 2011.

²⁰⁰ Interviewee N and Interviewee Q interviews with Uyghur Human Rights Project, 2011.

²⁰¹ Interviewee R interview with Uyghur Human Rights Project, 2011.

²⁰² Interviewee B, Interviewee H, Interviewee L and Interviewee R interviews with Uyghur Human Rights Project, 2011.

²⁰³ Interviewee H interview with Uyghur Human Rights Project, 2011.

Swedish authorities did not understand the consequences of return to China and although many interviewees expressed a longing to be home, they knew that they could not go back. As one interviewee said “I didn’t want to leave, but I had to if I wanted to stay alive.”²⁰⁴

Norway

UHRP researchers encountered a more positive situation in Norway concerning Uyghur asylum seekers. The Uyghur asylum seekers UHRP spoke to had mostly been granted asylum. Rejection of Uyghur asylum seekers from East Turkestan was often on technical grounds; however, UHRP found that Uyghur asylum seekers from Central Asian countries experienced difficulties in obtaining a positive outcome on their petitions. The somewhat more encouraging state of affairs in Norway is tempered by some procedural concerns that are discussed below.

Upon declaring the wish to apply for political asylum in Norway, the asylum seeker registers with Norwegian police. An interview, the “first” interview, is conducted with the police to establish identity and how the individual traveled to Norway. Fingerprints are taken and the asylum seeker is obliged to surrender identity documents, such as passport and/or national identity card. After registration, asylum seekers are sent to an asylum reception center, given a tuberculosis test and prepared for the main, or “second” interview, with the assistance of the Norwegian Organisation for Asylum Seekers (NOAS).²⁰⁵ After the second interview, asylum seekers await a decision on their case in an asylum reception center. Only when asylum seekers receive a negative on their asylum request are they granted access to a lawyer. If a negative decision is made, asylum seekers have three weeks in which to lodge an appeal. If the appeal is negative then the asylum seekers faces voluntary or forced removal from Norway.

Most Uyghurs seeking asylum in Norway arrive at Oslo Airport, Gardermoen. Of the Uyghurs UHRP interviewed there was no complaint made against officials or translators who conducted the first interviews, the only exception to this situation being a Uyghur from Central Asia.²⁰⁶ The interviewee was given a Russian interpreter, and he felt that the fact he could not communicate in his first language during the first interview with Norwegian officials had contributed to the trouble he was now experiencing in the asylum system. A 30-year-old male Uyghur said that his first interview lasted three hours,²⁰⁷ and another male Uyghur said that police officers boarded the plane to ask him if he was Uyghur and seeking asylum.²⁰⁸ This action goes against asylum procedure,

²⁰⁴ Interviewee E interview with Uyghur Human Rights Project, 2011.

²⁰⁵ Norwegian Organisation for Asylum Seekers. (2010, June 17). *The Asylum Process in Norway (eng)*. Retrieved from http://www.noas.org/?p=news&news_id=761

²⁰⁶ Interviewee Y interview with Uyghur Human Rights Project, 2011.

²⁰⁷ Interviewee W interview with Uyghur Human Rights Project, 2011.

²⁰⁸ Interviewee Aa interview with Uyghur Human Rights Project, 2011.

although it is unclear if the police were intending to assist the asylum seeker in accordance with Uyghur diaspora accounts of such occurrences, or whether their intentions were less helpful.

The second interview is conducted with the Norwegian Directorate of Immigration (UDI) and is the most important stage of the asylum process. Asylum seekers discuss the grounds of their asylum request and what they think will happen to them should they return. After the interview, asylum seekers are relocated to a second asylum reception center.

One Uyghur male stated to UHRP researchers that he had brought no documents from East Turkestan that could back up his claims. He gave a verbal account to UDI officials



Norwegian Directorate of Immigration (UDI) offices in Oslo, Norway. ©UHRP.

of the repression he endured. Despite the lack of documentation, the Uyghur asylum seeker received a positive response to his asylum application.²⁰⁹ Another Uyghur destroyed his passport upon arrival in Norway, but was able to establish his identity through his national identity card. He was granted asylum in October 2010.²¹⁰

Uyghur asylum seekers in Norway expressed gratitude to the Norwegian state for the assistance they had received. A male Uyghur asylum seeker,²¹¹ who had received a positive, told UHRP he had the same access to medical care and welfare afforded Norwegian citizens. He added that he had been assigned a living space and some basic electrical appliances from the Norwegian state. Asylum seekers also received financial assistance from the Norwegian state, and 250 hours of

Norwegian language lessons.

Wait times in the asylum reception centers after the second interview varied. One Uyghur asylum seeker told UHRP that he received an answer within eight weeks,²¹² while another said he had been waiting for over one year.²¹³ During the wait, Uyghurs reported

²⁰⁹ Interviewee T interview with Uyghur Human Rights Project, 2011.

²¹⁰ Interviewee X interview with Uyghur Human Rights Project, 2011.

²¹¹ Interviewee T interview with Uyghur Human Rights Project, 2011.

²¹² Interviewee T interview with Uyghur Human Rights Project, 2011.

²¹³ Interviewee V interview with Uyghur Human Rights Project, 2011.

that the dispersal of asylum seekers to locations across Norway led to feelings of isolation as they were unable to access support from the Uyghur community in Norway concentrated in Oslo.²¹⁴ One Uyghur male reported that the presence of other Uyghur asylum seekers in the asylum reception center in Ås helped. Authorities at the asylum reception centers in Norway control the movements of asylum seekers more than those in other countries visited by UHRP. Leaves of absence of up to three days were granted at the discretion of the officials at the centers.²¹⁵ A 26-year-old Uyghur interviewee stressed that the freedom he was able to enjoy in Norway was more important than his location.²¹⁶

A 30-year-old male Uyghur expressed concern for his security in the asylum reception center where he was staying. “There is some fighting among the asylum seekers in the camp. People are stressed and some are aggressive. There is always some arguing and fighting over using shared facilities such as the pool table.”²¹⁷ Uyghur asylum seekers were not immune from the stress associated with the asylum process and the trauma of the repression they faced in East Turkestan.²¹⁸ One Uyghur said that in response to all questions about their refugee application, they were told to “wait”.²¹⁹ Another Uyghur said that he did not receive treatment for his mental health problems despite requesting assistance from the officials at the asylum reception center.²²⁰ Uyghurs in refugee reception centers reported a general disinterest from Norwegian officials to medical ailments.

UHRP heard two serious individual cases in Norway. The first concerned a 25-year-old male Uyghur who had previously applied for asylum in the Netherlands. The individual left East Turkestan with his mother. Both were subjected to religious repression and discrimination in East Turkestan. His mother’s arrangements with middlemen took her to Norway, while he ended up in the Netherlands in 2008. In order to join his mother, he left the Netherlands and traveled to Norway. His mother had been granted political asylum in Norway. In July 2009, he was returned to the Netherlands under the provisions of the Dublin II Regulation. In the Netherlands, he was jailed for 20 days and then settled in a refugee facility. Sensing that the environment in the Netherlands was difficult for Uyghur asylum seekers, he went to Turkey, where he lived for approximately one year. After one year in Turkey, he returned to Norway to reapply for asylum so that he could be reunited with his mother and his wife, who had fled to Norway in February 2010. He has been told that he will be deported to the Netherlands once more; however, the individual contests that his stay in Turkey was over the six months needed to cancel his immigration records

²¹⁴ Interviewee U, Interviewee Z and Interviewee Aa interviews with Uyghur Human Rights Project, 2011.

²¹⁵ Interviewee Z interview with Uyghur Human Rights Project, 2011.

²¹⁶ Interviewee U interview with Uyghur Human Rights Project, 2011.

²¹⁷ Interviewee Z interview with Uyghur Human Rights Project, 2011.

²¹⁸ Interviewee T and Interviewee X interviews with Uyghur Human Rights Project, 2011.

²¹⁹ Interviewee T interview with Uyghur Human Rights Project, 2011.

²²⁰ Interviewee Z interview with Uyghur Human Rights Project, 2011.

in Europe. Therefore, he maintains that he should be able to make a new application for asylum. He does not have records of his stay in Turkey. His wife had recently given birth, and would not be sent to the Netherlands with him should he be deported as her case is treated separately from his.²²¹



Asylum reception center in Norway. ©Anonymous.

The second case UHRP heard concerns a Uyghur asylum seeker from Kyrgyzstan whose asylum application had been rejected. His brother had been an asylum seeker in Sweden. His brother had committed suicide, and his case is detailed earlier in this section. When UHRP researchers spoke to the individual in question, he looked visibly disturbed by his experience in Norway and by the loss of his brother. The interviewee had experienced prolonged repression in Kyrgyzstan at the hands of the Kyrgyz police. He owned a restaurant in Bishkek that was visited by Uyghurs from East Turkestan and on occasion he was involved in protests organized by the Uyghurs in Kyrgyzstan. He was beaten unconscious and tortured by Kyrgyz police on several occasions between 2008 and 2009. He was also forced to sign confessions and asked to inform on other members of the Uyghur community in Kyrgyzstan.

In August 2009, he applied for asylum in Norway. His second interview was conducted three weeks later. After eight to nine months he received a negative decision on his application. The reason given to him by the UDI was that it was safe for him to return to Kyrgyzstan as it is a democratic country, and he had no proof that he is Uyghur. Although most Uyghurs praised the translators in Norway, for the Kyrgyz Uyghur a Russian interpreter was provided.

²²¹ An immigration lawyer in Europe to whom UHRP spoke determined that in her opinion, the couple could invoke the humanitarian clause, or if the woman had not received a first instance decision yet, the responsible country under Dublin II Regulation criteria would be Norway, should the authorities accept that they are husband and wife.

The Netherlands

The most critical situation concerning Uyghur asylum seekers in Europe within the scope of this report was in the Netherlands. UHRP learned that a large number of Uyghur refugees had received negative decisions on their asylum requests despite credible accounts revealing cases of individual repression. The most common reason stated was a lack of documentation in relation to the repression individual Uyghurs had endured in East Turkestan at the hands of the Chinese authorities. Procedurally, Uyghur refugees brought up a number of issues that were felt to be unfair in processing their asylum claims.

According to Dutch government information, asylum applications take eight days from the request for political asylum to a decision from the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst* or IND). On day one, asylum seekers receive their initial or “first” interview to establish identity, nationality and how they arrived in the Netherlands. Fingerprints and a photograph are also taken.²²² Day two is reserved for preparation for the detailed or “second” interview with an assigned lawyer. The second interview takes place on day three. The lawyer and asylum seeker discuss the content of the second interview on day four, and if necessary add or clarify details that were not raised. On the fifth day, the asylum seeker receives notification of IND’s intended decision. There are three possibilities: the asylum seeker meets the conditions for asylum, the asylum seeker does not meet the conditions for asylum and the IND needs to conduct further investigation or requires more information on the petition for asylum. On day six, if the IND intends to reject the asylum claim, then the asylum seeker can consult with a lawyer to contest that decision stating the grounds for the disagreement. The asylum seeker will receive a definitive decision on either day seven or eight. The decision will consider the objections of the asylum seeker, and the opinion of IND is either changed to a positive, remains negative, or the IND requires more evidence. During the entire process, asylum seekers remain in the same asylum reception center, and are transported to the IND offices for meetings and interviews.²²³ If an asylum seeker is rejected then they are transferred to a camp to continue the extended asylum application process.

Uyghurs generally arrive in the Netherlands at Amsterdam’s Schipol Airport. A 40-year-old Uyghur female interviewee spoke of her fear as she approached Dutch officials when seeking asylum.²²⁴ Uyghurs spoke of their fear as they claimed asylum, and of the police, even in the Netherlands. A number of Uyghurs related their experiences in the Schipol

²²² Interviewee Ac, Interviewee Ad and Interviewee Ao interviews with Uyghur Human Rights Project, 2011.

²²³ Centraal Orgaan opvang asielzoekers, Immigratie- en Naturalisatiedienst, Raad voor Rechtsbijstand and VluchtelingenWerk Nederland. (2010, July). *Your application for asylum: Information about the General Asylum Procedure, English*. Retrieved from http://www.pharos.nl/uploads/site_1/Pdf/Documenten/brochure_AA_ENG.pdf. However, according to an immigration lawyer based in Europe, since July 2010 there is now a six-day reflection period where the asylum seeker can rest before their claim is examined.

²²⁴ Interviewee Al interview with Uyghur Human Rights Project, 2011.

asylum reception center and other processes that seem at odds with the official information given on the asylum process. A 24-year-old Uyghur who arrived in Amsterdam with his wife in September 2009 was given his first interview at the airport the same day. After five days at the airport he and his wife were moved to a different asylum reception center.²²⁵ A 30-year-old female said that she spent nine days in Schipol, and although she had her first and second interview in this time, she did not see a lawyer until the seventh day. She received her warning that the IND intended to reject her asylum request on the tenth day, and was moved to a different reception center the same day. She waited four months before receiving a negative decision on her petition. Uyghurs who had arrived with relatives told UHRP of their concern that the asylum cases of each member of the family would be considered separately.²²⁶ A 33-year-old Uyghur who arrived with his wife spent seven days in Schipol and had two interviews with IND. He was concerned that he was separated from his wife and that two lawyers were assigned to their cases.²²⁷ Although the practice of separate interviews can be seen as positive in many cases, particularly if a woman cannot express her fears in front of her husband or may have experienced gender-specific persecution she did not disclose to her husband, UHRP believes that the distress that arose over separate interviews was due to fears that one member of the family would be refused asylum while another would be granted it.

A Uyghur male claimed that interviewers were unfriendly during the first interview,²²⁸ and the attitude of IND officers was also criticized by at least two other Uyghurs.²²⁹ His second interview was conducted in December 2009, but he only received a decision (a negative) in July 2010. After losing an appeal, his case was closed in January 2011, and he was transferred to a closed camp in March 2011. In closed camps asylum seekers are not permitted to leave the facility.

He was eventually granted asylum on June 28, 2011, following a new application for asylum that was filed that month, and he was released from the closed camp. Dutch immigration authorities initially refused the appeal his lawyer made against his detention.

A second Uyghur male²³⁰ said he received his negative decision within seven days, but had not been informed of his rights during the asylum process. He added that rather than being housed in an asylum reception center, he had been kept in a prison near Schipol Airport. He appealed the IND decision on his asylum request and on September 30, 2010,

²²⁵ Interviewee Am interview with Uyghur Human Rights Project, 2011.

²²⁶ Interviewee Ae, Interviewee Af and Interviewee An interviews with Uyghur Human Rights Project, 2011.

²²⁷ Interviewee An interview with Uyghur Human Rights Project, 2011.

²²⁸ Interviewee Ac interview with Uyghur Human Rights Project, 2011.

²²⁹ Interviewee Ad and Interviewee An interviews with Uyghur Human Rights Project, 2011.

²³⁰ Interviewee Ad interview with Uyghur Human Rights Project, 2011.

he received a second negative. On January 11, 2011, he received a third negative to another appeal. Since then he has been approached by officials from the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek* or DT&V) to convince him to return to China. He added that he has experienced difficulty sleeping and mental health issues that have gone untreated.

A 21-year-old male interviewee²³¹ complained that in addition to the unfriendliness of the IND officials in the second interview, interviewers set out to confuse his account with repeated questions about dates. He felt that the IND officials began the interview with the attitude that he was lying, and that he had had no opportunity to convince them of the veracity of his experience in East Turkestan. Despite having his second interview in October 2010, he only received a warning that IND intended to reject his application in February 2011. The interviewee claimed that it had taken nearly four months for his lawyer to see him so that he could correct the statements he made in the second interview.

A 22-year-old male Uyghur asylum seeker told UHRP that he received his second interview after two to three months.²³² He complained that IND officials started out his second interview with an attitude of skepticism, and said that questions were framed to confuse him, not to reveal his account. A female Uyghur made a similar complaint regarding IND officers.²³³

A 24-year-old Uyghur male interviewee told UHRP that he had his second interview in March 2010, but did not get a decision (a negative) until May 2010. On November 19, 2010, he had a hearing to appeal the original decision, and was rejected six weeks after. The day before UHRP staff interviewed him, DT&V officers had approached the interviewee, and he alleged that the officers had tried to force him to sign a form. He had no idea as to the content of the form, and said DT&V officers did not tell him the nature of the form, but nevertheless told him to sign. Another Uyghur male also spoke about the DT&V's abrupt manner.²³⁴ Pressure from DT&V officers was also reported by a number of other Uyghur asylum seekers.²³⁵

Another interviewee described his fear of Dutch authorities and said that this had led to his timidity at the first interview.²³⁶ According to Dutch government documents, "You will only receive one chance to clearly and exhaustively explain who you are."

²³¹ Interviewee Af interview with Uyghur Human Rights Project, 2011.

²³² Interviewee Ae interview with Uyghur Human Rights Project, 2011.

²³³ Interviewee Ab interview with Uyghur Human Rights Project, 2011.

²³⁴ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

²³⁵ Interviewee Ac, Interviewee Ag and Interviewee Ah interviews with Uyghur Human Rights Project, 2011.

²³⁶ Interviewee Aj interview with Uyghur Human Rights Project, 2011.

Notwithstanding his fear of the IND, the Uyghur was not aware of the importance of this interview, believing that he would have time to compose himself and offer such a crucial account free of fatigue. He told UHRP researchers “I got a negative at the desk.” With the opportunity afforded by the Dutch asylum process to clarify an asylum seeker’s account, he appealed the decision, but was rejected again because his story was different the second time. He was then sent to jail near Schipol Airport for two and a half months. In the detention facility he was visited by officers of the DT&V who tried to convince him to sign a paper, the content of which he was unsure. During his time in the prison, he went to court to contest his detention. He won the case and was transferred to an open refugee reception center in Almere.

A 19-year-old Uyghur²³⁷ had his second interview in September 2010; he received a letter of intention²³⁸ at the end of December 2010, and a negative decision in February 2011. A 40-year-old Uyghur female²³⁹ had her second interview on November 11, 2009. In March, 2010 she received a warning from the IND and on April 13, 2010 she was given a negative.

A male Uyghur,²⁴⁰ who had applied for political asylum with his wife, recalled an incident that caused UHRP researchers to be concerned for their welfare. The interviewee explained that after a series of interviews, he and his wife had received a warning from the IND, but were scheduled to have a fourth interview on January 19, 2011. The interviewee’s wife was due to deliver their first child on January 25. The entire trip to and from the IND office took five to six hours. “We were sitting there at the IND office waiting for our interviews. The IND officers did not care that my wife was heavily pregnant. It was only when my wife started to scream at the pain that they said they would not interview her. Nevertheless, they still went ahead with my interview. After the interview, we were put on a train and then we had to take a bus to get to the camp. When we arrived at the camp, we requested treatment, but we didn’t get any. Thankfully, the baby was born on February 4 and everything was OK.”

A female Uyghur also related to UHRP how she had been sick for her second interview. She had told IND officers that she was not feeling well, but she was encouraged to continue with the interview. The interview lasted eight hours. She added that the time to prepare for the second interview was too short.

Many asylum seekers complained that they were not given an opportunity to learn Dutch. A male Uyghur, who expressed appreciation for the conditions in his reception center, lamented the lack of instruction in the Dutch language. “We want to study,” he said.²⁴¹

²³⁷ Interviewee Ao interview with Uyghur Human Rights Project, 2011.

²³⁸ A letter of intention, or *voornemen*, is usually sent to asylum seekers whose applications are about to be formally denied.

²³⁹ Interviewee Al interview with Uyghur Human Rights Project, 2011.

²⁴⁰ Interviewee An interview with Uyghur Human Rights Project, 2011.

²⁴¹ Interviewee Aj interview with Uyghur Human Rights Project, 2011.

In the main, the Uyghur asylum seekers were satisfied with their translators; however, UHRP was alarmed to hear that a Turkish interpreter had been assigned to one Uyghur refugee²⁴² for a meeting with his lawyer. While there is some mutual intelligibility between Uyghur and Turkish, it is not enough to conduct such a serious procedure as preparing for an asylum interview and constitutes unfair practice. “I couldn’t understand what was going on and what was being said. He also couldn’t communicate with me”. One Uyghur complained about his lawyer because he felt that the lawyer did not have an understanding of the Uyghur condition in East Turkestan. He was able to change his lawyer even though he felt intimidated and scared of Dutch immigration officials.²⁴³

Spying on Uyghur diaspora communities

There have been a number of documented cases of spying on the activities of the Uyghur community in Europe, and elsewhere, conducted by Chinese intelligence services. The 2009 arrest and subsequent conviction of Uyghur Babur Mahsut, a Swedish citizen who spied on the Swedish Uyghur community, highlights the risks involved to Uyghurs participating in human rights activities in Europe, and illustrates the extent to which Chinese officials will act to monitor overseas Uyghur activities. A Stockholm court found that Mahsut had collected personal information about exiled Uyghurs, including details on their health, travel and political involvement, and passed it on to Beijing. In addition, the court ruled that the information passed on could cause significant damage to Uyghurs in and outside China.²⁴⁴

While UHRP researchers were in Sweden, Interviewee O told interviewers that before he left China for Sweden secret police in a northern city of East Turkestan pressured him to inform on the Uyghur community in Sweden. The police said they would only issue his passport if he agreed to conduct espionage for Chinese intelligence. He agreed to do so in order to secure his passport thinking that he would be able to ignore the pressure for cooperation once he was overseas. Upon his arrival in Sweden he was told to contact the Chinese Embassy in Stockholm. He did not; and his family resident in another northern city of East Turkestan was visited by secret police inquiring as to his whereabouts. Since his arrival in Sweden, police in East Turkestan have sent him approximately an email a week asking for information on Uyghur activities in Sweden. The emails were shown to UHRP researchers during the interview.

²⁴² Interviewee Ad interview with Uyghur Human Rights Project, 2011.

²⁴³ Interviewee Ai interview with Uyghur Human Rights Project, 2011.

²⁴⁴ See generally: BBC. (2010, March 8). ‘Uighur spy’ for China jailed in Sweden. Retrieved from <http://news.bbc.co.uk/2/hi/8556736.stm>, The Local. (2010, March 8). Pensioner jailed for spying on Uighurs. Retrieved from <http://www.thelocal.se/25410/20100308/> and The Local. (2010, September 18). Sweden extends sentence for Uighur spy. Retrieved from <http://www.thelocal.se/29088/20100918/>

Federal prosecutors in Germany pressed espionage charges against a 64-year-old Uyghur individual in April 2011.²⁴⁵ The prosecutors alleged the suspect had been spying on the sizeable Uyghur community in Munich between April 2008 and October 2009. Information on the activities of the Uyghur diaspora in Munich, where the World Uyghur Congress is headquartered, was passed to Chinese intelligence agents by phone or in meetings. According to Der Spiegel journalist Holger Stark, “Investigators believe that the suspected group of agents is controlled from within the Munich consulate by a consul who has been observed conducting conspirative [sic] meetings with the alleged agents.”²⁴⁶ Stark adds that “Chinese diplomat Ji Wumin, who also lived in Munich, had to leave the country [in 2009] after investigators observed him meeting around a dozen times with spies who provided him with information about the Uighur community. Ji left before he could be expelled.”²⁴⁷

Chinese government monitoring of overseas Uyghur activities in countries other than Sweden and Germany has also been well documented. For instance, Australia’s Department of Foreign Affairs and Trade told a Refugee Review Tribunal in Melbourne in August 2009 of strong suspicions that Chinese authorities were approaching Uyghur students to inform on the Uyghur community in Australia, under threat of repercussions to themselves or their family members in China. Australian authorities granted asylum to a Uyghur doctor who arrived in Australia in 2006 after hearing evidence that Chinese authorities had been monitoring her activities in Australia. Chinese authorities used photographs they had obtained of the woman at a 2008 rally in Adelaide to question her associates when they returned to China.²⁴⁸

²⁴⁵ The Associated Press. (2011, April 8). *Prosecutors charge German man with spying on exiles for Chinese intelligence agency*. Retrieved from <http://www.1310news.com/news/world/article/209483--prosecutors-charge-german-man-with-spying-on-uyghur-exiles-for-chinese-intelligence-agency?ref=topic&name=City-Hall&title> and The Local. (2011, April 9). *Man accused of spying on Uighurs for China*. Retrieved from <http://www.thelocal.de/national/20110409-34285.html>

²⁴⁶ Spiegel Online International. (2009, November 24). *Germany Suspects China of Spying on Uighur Expatriates*. Retrieved from <http://www.spiegel.de/international/germany/0,1518,663090,00.html>

²⁴⁷ Ibid.

²⁴⁸ Herald Sun. (2009, September 12). *Review suspects China of recruiting students*. Retrieved from http://www.heraldsun.com.au/news/national/review-suspects-china-of-recruiting-students/story-e6frf7l6-1225772043788?from=public_rss

Recommendations

The Uyghur Human Rights Project recommends that the governments of European states and relevant immigration entities:

- Adhere to their obligations under the Refugee Convention, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, the principle of non-refoulement and other relevant international agreements when processing Uyghurs' asylum applications;
- Educate immigration authorities about the status of Uyghurs as an oppressed minority within the People's Republic of China, and the need to treat Uyghur asylum cases distinctly from those of other Chinese citizens;
- Incorporate information regarding the nature of persecution of Uyghurs in China in country evaluations and in the training of immigration officials, in order to reflect an accurate assessment of the risk to Uyghurs in East Turkestan, particularly in the wake of July 2009 unrest;
- Incorporate information on the severe persecution experienced by Uyghurs in Kazakhstan, Kyrgyzstan and Uzbekistan in country evaluations and in the training of immigration officials;
- Recognize the frequency with which Uyghur asylum seekers arrive in Western Europe without official documents, including passports and airplane tickets, and, in accordance with the "benefit of the doubt" principle enshrined in the Qualification Directive, ensure that this does not detract from the perceived credibility of the accounts they provide during the asylum application process, where their accounts are consistent and credible;
- Recognize the pervasive nature of bribery in China and the ability of Uyghurs to leave the country through the use of bribery even when they face the risk of persecution at home;
- Provide asylum application counseling to Uyghur asylum seekers who are evidently traumatized, and educate immigration officials about Uyghurs' fear of government officials due to conditions within China;
- Implement the issuance of guidelines by EASO (the European Asylum Support Office)²⁴⁹ with a specific focus on Uyghur asylum seeker and Uyghur refugee issues, in addition to facilitating the invitation of experts on Uyghur asylum and refugee issues to expert working group meetings on these issues;

²⁴⁹ For more information on EASO, please see:

http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0022_en.htm

- Provide Uyghur asylum seekers with the opportunity to speak to a lawyer about their personal accounts, and time to prepare their personal stories in a written fashion, prior to being interviewed for their asylum application;
- Implement monitoring of government staff assigned to visit asylum seekers and carry out “repatriation and departure” work;
- Enforce a clear complaints procedure to facilitate complaints against representatives carrying out “repatriation and departure” work whom asylum seekers believe apply undue pressure;
- Implement protection-sensitive mechanisms at ports of entry to ensure that Uyghurs hoping to seek asylum are not pressured to board a flight out of the country immediately after their arrival;
- Ensure that Uyghurs are provided with Uyghur-speaking interpreters (not interpreters who speak in Uzbek, Turkish, Chinese, or Russian) during asylum application hearings, and that Uyghurs are made aware of their right to change translators when applicable;
- Ensure that Uyghur asylum seekers have access to complaints procedures with regard to their legal representation, and that they are notified of all available forms of legal assistance;
- Ensure that Uyghur asylum seekers are given access to NGOs and social service agencies that can assist in their adjustment to local life and provide material and medical advice and assistance;
- Ensure that Uyghur asylum seekers are provided with adequate medical and psychological care;
- Ensure that Uyghur asylum seekers who are assigned to living quarters and camps in remote areas of the country are assigned to a location with other Uyghurs living nearby, in order to enhance their psychological and social well-being;
- Provide asylum seekers with the opportunity to learn the local language, even during the appeals process, so that they may be able to work, contribute to society, and integrate with the local community;
- Refrain from pressuring Uyghurs who are ill or who have special/severe medical conditions to undergo lengthy immigration interviews/procedures, in accordance with the Asylum Procedures Directive.²⁵⁰

²⁵⁰ In particular, item 3 of Article 12 of the Asylum Procedures Directive, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:326:0013:0034:EN:PDF>, states: “The personal interview may also be omitted where it is not reasonably practicable, in particular where the competent authority is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control.”

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The Uyghur American Association (UAA) works to promote the preservation and flourishing of a rich, humanistic and diverse Uyghur culture, and to support the right of the Uyghur people to use peaceful, democratic means to determine their own political future in East Turkestan.



The UAA launched the UHRP in 2004 to promote improved human rights conditions for Uyghurs and other indigenous groups in East Turkestan, on the premise that the assurance of basic human rights will facilitate the realization of the community's democratic aspirations.

UHRP also works to raise the profile of the Uyghur people and the plight of all “minority” peoples in East Turkestan by:

Researching, writing and publishing news stories and longer reports covering a broad range human rights issues involving civil and political rights, through to social cultural and economic rights;

Preparing briefings – either written or in person – for journalists, academics, diplomats and politicians on the human rights situation faced by the Uyghur people and others in East Turkestan.

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