

Reference: B1923

Federica Mogherini
High Representative of the Union for Foreign
Affairs and Security Policy

1 October 2018

Dear High Representative Mogherini,

EU MUST CALL ON THE CHINESE GOVERNMENT TO END ARBITRARY DETENTION IN THE XUAR

We are writing to share reports of human rights violations in the Xinjiang Uighur Autonomous Region (XUAR) and to call on the European Union (EU) and its member states to urge the Chinese government to take urgent and effective measures to protect Uighurs, Kazakhs and other predominantly Muslim people in the XUAR from being arbitrarily detained in "transformation-through-education" facilities in the name of "de-extremification".

On 24 September 2018, Amnesty International published the briefing *China: Where are they? Time for answers about mass detentions in the Xinjiang Uighur Autonomous Region*.¹ Our organisation has spoken with more than 100 people across the world who report losing touch with relatives and friends inside the XUAR and fear that they have been detained in such facilities. There are credible reports that these facilities are being used to force people to repudiate aspects of their religious beliefs and cultural identity and prove their unqualified political loyalty to the state. The secretive and undocumented nature of the way people are going missing there makes it nearly impossible to trace or confirm the whereabouts of any particular individual. Hundreds of thousands of families have been torn apart, and they are desperate to know what has happened to their loved ones.

Arbitrary detention can lead to torture and other ill-treatment, enforced disappearances and other abuses. Kairat Samarkan, who was released from the "re-education" camps on 15 February 2018, told Amnesty International that he was hooded and made to wear shackles on his arms and legs. For 12 hours he was attached to an iron bar with his arms spread wide and his body fixed in place so that he had to stand straight, unable to bend. Uighurs, Kazakhs and other predominantly Muslim people from the XUAR may be at risk of torture and other cruel, inhuman and degrading treatment or punishment if forcibly returned to China.

We call on you to express concern about human rights violations in the XUAR in all your exchanges with Chinese counterparts and to ask the Chinese government to end all arbitrary detention, immediately releasing all persons who are being held in "transformation-through-education" or other facilities in the XUAR unless they have been charged with an internationally recognised criminal offence.

Given the nontransparent nature of the "transformation-through-education" measures being used in the XUAR, the EU and its member states should call on the Chinese government to provide transparent and detailed information on these centres and their activities, and to provide the EU, EU member states and United Nations (UN) officials access to the facilities.

In addition, we urge you to lead the European Union and its member states to call on China to:

¹ Amnesty International, *China: Where are they? Time for answers about mass detentions in the Xinjiang Uighur Autonomous Region*, 24 September 2018, available at: <https://www.amnesty.org/en/documents/asa17/9113/2018/en/>

- Pending their release, ensure that all detainees in “de-extremification”, “education” or other facilities in the XUAR have prompt and regular access to a lawyer of their choice, independent medical personnel and their families and are not subjected to torture or other cruel, inhuman or degrading treatment
- Ensure that everybody in the XUAR is able to communicate with family members and others without interference, including with those living in other countries, unless specifically justified in line with international human rights law
- Repeal or amend all laws and regulations, and end all related measures, that impermissibly restrict the exercise of human rights by Uighurs and other ethnic minorities and ensure that any legal provisions aimed at protecting national security or counter-terrorism are clearly and narrowly defined and conform to international human rights law and standards
- Conduct impartial, independent, prompt, effective and transparent investigations of anybody alleged to be responsible for violating the human rights of Uighurs or others in the XUAR and ensure that they are appropriately brought to justice without recourse to the death penalty and that the victims are granted full reparations for the harm they have endured
- Stop requesting other countries to return individuals to China in violation of the *non-refoulement* principle
- Respond promptly and positively to any and all requests to visit China by UN Special Procedures and provide them with unrestricted access to the XUAR.

We also urge the EU and its member states to:

- Ensure that any Uighurs, Kazakhs or others have prompt access to a fair and effective asylum process, legal counsel, a thorough assessment of the risks of human rights violations or abuses they might face upon return and the ability to challenge any removal orders
- Provide Uighurs, Kazakhs or others seeking sanctuary with real opportunities to rebuild their lives in safety

We strongly encourage the EU and its member states to make full use of all bilateral and multilateral meetings between EU and Chinese officials to raise these urgent human rights concerns, including the forthcoming Asia Europe Meeting (ASEM) and the 31st session of the UN Universal Periodic Review (UPR).

Given that many Uighurs and Kazakhs have fled the XUAR to elsewhere in Asia, we likewise urge you to consistently raise the importance of states in the region refraining from directly or indirectly transferring to China any individual at real risk of serious human rights abuses. The ASEM, forthcoming bilateral human rights dialogues, as well as the EU-Central Asia Ministerial Meeting will all be key opportunities to raise these urgent concerns.

Thank you in advance for your leadership and sustained engagement on human rights in China.

Yours sincerely,



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