

**Submitted March 1, 2013**

**People's Republic of China  
Uyghur Human Rights Project/Uyghur American Association  
Submission to the UN Universal Periodic Review**

**17th Session of the Human Rights Council UPR Working Group, October 2013**

**Executive Summary**

1. Since the People's Republic of China's last UPR in February 2009, the Uyghur people of East Turkestan (known as the Xinjiang Uyghur Autonomous Region or XUAR by the Chinese government) have experienced a severe deterioration in human rights conditions. The intensification of concern for Uyghur human rights has been brought on by repercussions following unrest in the regional capital of Urumchi on July 5, 2009. Chinese government measures in response to the unrest have had profound resonances on almost all aspects of Uyghur society. The Uyghur Human Rights Project (UHRP)/Uyghur American Association (UAA) submission covers the political, civil, economic, cultural and social human rights issues raised by Chinese state actions and policies in the period following the unrest.

*Key words:* freedom of speech, enforced disappearances, arbitrary detention, unfair judicial procedures, death penalty, religious freedom, employment discrimination, forcible transfer, language rights, demolition of cultural heritage

**Political and Civil Rights**

***Freedom of speech***

2. 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. 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.
3. 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 an administrator for Salkin and reportedly sentenced at the same time.
4. 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 sentenced following a one-day trial in Urumchi, which only one family member, his wife, 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 of his guilt. Niyaz had publicly expressed criticism over what he viewed as official mishandling of the unrest. Dui Hua reported the increasing use of endangering state security trials by

Chinese authorities in a crackdown on Uyghurs. The number of criminal trials used to suppress free speech, association, and assembly increased by 10% from 2010 to 2011.<sup>i</sup>

***Enforced disappearances and arbitrary detention***

5. Human Rights Watch documented the disappearance of 43 young Uyghur men and boys after the July 5, 2009 unrest in Urumchi. The organization describes large-scale sweep operations in the Uyghur neighborhoods of Erdaoqiao and Saimachang in Urumchi and smaller, targeted raids that continued through at least mid-August, 2009. Human Rights Watch highlights the arbitrary nature of the detentions, stating that, in some cases, “the security forces simply went after every young man they could catch and packed them into their trucks by the dozens.”<sup>ii</sup> Urumchi residents interviewed by UHRP/UAA in 2010 said that Uyghur neighborhoods were almost completely devoid of men after July 5, 2009.<sup>iii</sup>
6. 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 regarding the location, condition or legal status of their friends and family.<sup>iv</sup> Family members seeking information about those detained, or wishing to visit those known to be in detention, have been threatened and intimidated.<sup>v</sup>
7. Under Chinese pressure, a number of countries in South and Southeast Asia have refouled Uyghur refugees to China in contravention of international law. The most egregious cases have been deportations from Cambodia and Malaysia. Since the forcible return of these Uyghurs, there has been no information on their whereabouts or condition, except for media reports of convictions of selected individuals.

***Unfair judicial procedures and problematic use of the death penalty***

8. The trials of July 5 suspects have been marred by a demonstrated lack of due process and transparency. Political criteria were used to select judges to handle the legal proceedings, and lawyers in both Beijing and East Turkestan were warned against independently taking on cases related to the July 5 unrest.
9. The Xinjiang People's Procuratorate acted on instructions from the Chinese Communist Party leadership and streamlined the review process of unrest-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 their trials commenced or the day after. Several of the trials were not publicly announced beforehand.<sup>vi</sup>
10. In 2010, UHRP reported China's state media had publicly announced that 24 Uyghur individuals had been sentenced to death and eight Uyghur individuals had been sentenced to death with a two-year reprieve for murder and other crimes allegedly committed during the 2009 unrest. In November 2009, eight of the Uyghur men sentenced to death were executed. For these 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.<sup>vii</sup>

11. 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.”<sup>viii</sup>
12. The death penalty is disproportionately applied against Uyghurs in China. Death sentences handed down to Uyghurs, including four men in February 2011, seven men in March 2011, four men in September 2011, one man in March 2012 and three men in December 2012, have all stemmed from cases involving alleged terror incidents. Rights groups have disputed China's assertion that it faces an organized terror problem. Scholar, Sean Roberts writes that China's claims are “problematic because it remains unclear whether a militant Uyghur organization even exists that is capable of carrying out substantial and organized acts of terrorism.”<sup>ix</sup> Amnesty International has stated that East Turkestan is the only place in China where people are executed for political crimes.

### **Economic, Social and Cultural Rights**

#### ***Repression of religious freedom***

13. The Chinese government places tight constraints on freedom of religion, and the situation among Uyghurs is particularly controlled. Religious leaders, such as Imams, are required to attend political education classes to ensure compliance with state regulations and policies; only government approved versions of the Koran and sermons are permitted, with possession of unapproved religious texts liable to criminal charges; any outward expression of faith in government workplaces, hospitals and some private businesses, is forbidden; no one under the age of 18 and no state employees can enter a mosque; organized private religious education is proscribed and facilitators of private classes in Islam are frequently charged with conducting “illegal” religious activities; and students, teachers and government workers are prohibited from fasting during Ramadan. In addition, Uyghurs are not permitted to undertake Hajj, unless it is with an expensive official tour, in which applicants are carefully vetted by state officials. Restrictions on Uyghurs' adherence to the Islamic faith have increasingly been codified into Chinese law, criminalizing peaceful and customary religious practices among Uyghurs on par with illicit and violent criminal activity. Restrictions imposed during Ramadan in 2012 were particularly acute and a raid by Chinese police on a religious school in Hotan in June 2012 that led to the injury of 12 Uyghur children reflects the severity with which the Chinese state clamps down on religious activities outside of state control.

#### ***Employment discrimination and forcible transfer***

14. Despite guarantees in Chinese domestic law to forbid discrimination based on ethnicity and to promote the hiring of ethnic minorities, systematic discrimination against Uyghurs remains widespread in the recruitment process for state jobs in East Turkestan. Hiring notices posted on the Internet for civil service and university jobs in East Turkestan reveal blatant discrimination against Uyghurs and other non-Han ethnic groups.<sup>x</sup> While

the Chinese government encourages a mass in-migration of Han Chinese settlers to East Turkestan on the premise that ample employment opportunities are available in the region, local officials mostly in the south of the region are forcibly transferring young Uyghur women to eastern provinces of China to work in factories.

### ***Linguicide***

15. Since 2002, the Chinese government has with rising intensity implemented a “bilingual” language policy in schools and universities that will eliminate Uyghur as a language of instruction. The policy is designed to transition Uyghur students from education in their mother tongue to education in Chinese. With education solely conducted in Mandarin Chinese, the eventuality remains that a new generation of Uyghurs will be cut off from the linguistic underpinning of their ethnicity.
16. “Bilingual” education classes in East Turkestan grew from 5,533 students in 1995 to 294,000 in 2007, and the number of schools offering “bilingual” classes grew from 220 in 1995 to 8,788 in 2007.<sup>xi</sup> According to official media, the number of children in East Turkestan who receive “bilingual” teaching reached 994,300 students out of a total of 2.36 million non-Han students enrolled in the region’s preschool, primary and secondary schools as of June 2010.<sup>xii</sup> According to the 10-year plan issued by the regional government, apparently accounting for a projected increase in the non-Han population, there will be more than 2.6 million students enrolled in “bilingual” education in East Turkestan by the year 2020.<sup>xiii</sup>

### ***Demolition of Uyghur neighborhoods***

17. In a targeted initiative by Chinese officials, accelerated since 2009, the destruction of Uyghur neighborhoods across the region, including Kashgar— a cradle of Uyghur civilization, has resulted in the loss of both physical structures, including Uyghur homes, shops and religious sites, and patterns of traditional Uyghur life that cannot be replicated in the new, heavily-monitored apartment blocks where many Uyghurs have been forcibly relocated. There is a failure on the part of Chinese authorities to engage in meaningful consultation with Uyghurs regarding how they wish to transform their own communities and reports of inadequate compensation of those relocated have been documented.

## **Recommendations**

### ***Freedom of speech***

- Ratify the International Convention on Civil and Political Rights and implement the provisions contained in Article 19.
- Act on concerns raised in the 2012 Annual Report by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression regarding China’s laws on endangering state security, which were described as “flawed domestic laws that purport to combat hate speech but are in fact used to suppress critical or opposing voices.”

### ***Enforced disappearances and arbitrary detention***

- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact domestic legislation that gives force to its provisions.

- Ratify the International Convention on Civil and Political Rights and implement the provisions contained in Article 9 through domestic law.
- Invite the UN Working Group on Enforced and Involuntary Disappearances to East Turkestan to conduct an investigation of reports of enforced disappearances among Uyghurs detained after the July 5, 2009 unrest in Urumchi.

***Unfair judicial procedures and problematic use of the death penalty***

- Work toward the creation of an independent judiciary and implement mechanisms ensuring due process of law, including legal representation, in trials and other criminal processes by ratifying the International Convention on Civil and Political Rights and implementing Articles 14 to 16 through domestic law.
- Cease the use of the death penalty against Uyghurs and implement reforms to meet the resolution on the moratorium on the death penalty passed by UN General Assembly on December 18, 2007.

***Repression of religious freedom***

- Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination implementing Articles 18 and 27 through domestic law.
- Meet obligations as set out in Article 30 of Convention on the Rights of the Child.
- Realize Article 1 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- Invite United Nations special rapporteurs on Religion or Belief and on Minority Issues to assess the condition of religious freedom among Uyghurs in East Turkestan.

***Employment discrimination and forcible transfer***

- Sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and implement Article 5 through domestic law.
- Immediately stop the state sponsored transfer of young Uyghur women out of East Turkestan and implement policies that create local employment opportunities for Uyghur women to meet the obligations of Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women.

***Linguicide***

- Ratify the International Convention on Civil and Political Rights and implement the provisions contained in Article 27 through domestic law.
- Realize Article 4 of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which protects mother language education for minority groups.
- Meet obligations as set out in Articles 29 and 30 of the Convention on the Rights of the Child.

***Demolition of Uyghur neighborhoods***

- Realize normative standards outlined in the Universal Declaration of Human Rights, including Articles 8, 15 and 17 that protect rights to remedy, adequate compensation for dispossession of property and protection of private property.
- Meet obligations set out in Article 2 of the International Covenant on Economic, Social and Cultural Rights that protects individuals from forced evictions by the state.

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- <sup>i</sup> Dui Hua. (2012, February 8). State Security Stats Highlight Ethnic Unrest, Lack of Names. Retrieved from: <http://www.duihuahrjournal.org/2012/02/state-security-stats-highlight-ethnic.html>
- <sup>ii</sup> Human Rights Watch. (2009, October 21). China: Detainees “Disappeared” After Xinjiang Protests. Retrieved from <http://www.hrw.org/en/news/2009/10/20/china-detainees-disappeared-after-xinjiangprotests>.
- <sup>iii</sup> 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>. Uyghur Human Rights Project reports are available here: <http://uhrp.org/uaa-and-uhrp-reports>.
- <sup>iv</sup> 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](http://www.hrw.org/en/reports/2009/10/22/we-are-afraid-even-look-them).
- <sup>v</sup> Radio Free Asia. (2010, December 30). Uyghur Student Sentenced to Death. Retrieved from <http://www.rfa.org/english/news/uyghur/death-12302010153000.html>.
- <sup>vi</sup> 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-trialsdenyjustice](http://www.hrw.org/en/news/2009/10/15/china-xinjiang-trialsdenyjustice).
- <sup>vii</sup> Congressional-Executive Commission on China. (2009, July 14). CECC Analysis: Authorities Pledge Crackdown Following Xinjiang Demonstration and Clashes. Retrieved from [http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations\\_07142009.html](http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations_07142009.html) and Legal Daily Online. (2009, July 11). 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]. Retrieved from [http://www.legaldaily.com.cn/0801/2009-07/11/content\\_1121455.htm](http://www.legaldaily.com.cn/0801/2009-07/11/content_1121455.htm)
- <sup>viii</sup> Amnesty International. (2011, January 17). Authorities must prove Xinjiang trials were fair. Retrieved from [http://www.amnesty.org.uk/news\\_details.asp?NewsID=19182](http://www.amnesty.org.uk/news_details.asp?NewsID=19182)
- <sup>ix</sup> Roberts, S. (2012, March). Imaginary Terrorism? The Global War on Terror and the Narrative of the Uyghur Terrorist Threat. Retrieved from <http://www.gwu.edu/~ieresgwu/assets/docs/ponars/RobertsWP.pdf>
- <sup>x</sup> Congressional-Executive Commission on China. (2009, July 2). Recruitment for State Jobs in Xinjiang Discriminates Against Ethnic Minorities. Retrieved from <http://www.cecc.gov/pages/virtualAcad/index.php?showsingle=122703>.
- <sup>xi</sup> Reger, A. (2009). Human Rights in Xinjiang: Recent Developments, Prepared Statement of Amy Reger. Retrieved from <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg48222/html/CHRG-111shrg48222.htm>.
- <sup>xii</sup> Reger, A. (2011). The Uyghur perspective: The missing link in Chinese authorities’ implementation of the “bilingual” language policy in Xinjiang. Unpublished paper.
- <sup>xiii</sup> Ibid.



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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