



# 2016 Human Rights Situation in East Turkestan – Annual Report

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The World Uyghur Congress (WUC) is an international organization that represents the collective interests of the Uyghur people in both East Turkestan and abroad. The principle objective of the WUC is to promote democracy, human rights and freedom for the Uyghur people and to use peaceful, nonviolent and democratic means to determine their future. Acting as the sole legitimate organization of the Uyghur people, the WUC endeavors to set out a course for the peaceful settlement of the East Turkestan Question through dialogue and negotiation.

The WUC supports a nonviolent and peaceful opposition movement against Chinese occupation of East Turkestan and unconditional adherence to internationally recognized human rights standards as set out in the Universal Declaration of Human Rights. It adheres to the principles of democratic pluralism and rejects totalitarianism, religious intolerance and terrorism as an instrument of policy.

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# HUMAN RIGHTS SITUATION IN EAST TURKESTAN

(Events of 2016)

## EXECUTIVE SUMMARY

The year 2016 saw no relief in terms of the continued harassment of Uyghurs living in East Turkestan (officially the Xinjiang Uyghur Autonomous Region of China). The Communist Party of China (CPC) extended its outright assault by effectively criminalising even the most basic aspects of Uyghur life, and in doing so violating human rights and fundamental freedoms guaranteed under international law.

The Chinese government in 2016 maintained its heavy-handed policies in the region, specifically targeting religious and cultural freedom, as well as freedom of expression, assembly and movement with renewed vigour. China continues to engage in practices ranging from arbitrary detention to the outright denial of legal rights to the collective punishment of the Uyghur population, to name a few.

We witnessed the introduction and implementation of draconian laws that directly target Uyghurs and their way of life, ostensibly in the name of security and protection against terrorist threats. China's Counter-Terror Law came into effect on 1 January 2016 and has already led to unparalleled abuse. Its drafting was widely

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condemned by the international community for its excessively broad and vague language and has already been used as a tool to assert even greater control over the Uyghur people.

Direct connections have been made through the law between the role of religion and the recent uptick in violence perpetrated by a tiny fraction of the population. As a result, even greater restrictions on religious practice have been introduced that add to already burdensome constraints, including a proposed revision of

China's Regulations on Religious Affairs from 2005. Key changes include the addition of "extremism" as something that must be fervently guarded against and a threat to national security, as well as a new focus on the spread of illegal religious content online. Regional authorities also demolished thousands of mosques across the region under the guise of a "Mosque Rectification" campaign during a three month period towards the end of 2016, effectively leaving thousands of Uyghurs without a legal venue to

take part in religious activities.

An already tightly constrained population took even more of a hit last year as restrictions on freedom of movement remained a priority for regional authorities. Most significantly, in an announcement that came on 19 October 2016,

all passports in the region were ordered to be submitted for annual review to local police stations, at which point police would hold them for “safekeeping”. Those wishing to leave the country must now apply for approval from their local government offices.

In addition, a vast increase in roadblocks and the introduction of “police convenience stations” as well as additions to an already extensive network of security cameras and surveillance infrastructure continues to restrict and regulate movement and behaviour. The newly implemented system of “grid-style social management”—a hallmark of the region’s recently appointed Party Secretary, Chen Quanguo, formerly Tibet Party Secretary—has been modelled on those already in use in Tibet as a means of controlling and monitoring large areas of cities.

Economic discrimination intensified in 2016 for Uyghurs and with the development of China’s ambitious One Belt, One Road (OBOR) initiative emerging from its nascent stages there are real worries that inequality will only intensify. OBOR has bolstered the government’s claims that development in the west remains an imperative, but despite the increase in development projects in the region, there is little evidence suggesting that the projects have had any positive effect on Uyghurs there. To the contrary, Uyghurs, who disproportionately populate rural areas, continue to face starker economic challenges than do Chinese who more often take up employment in urban centers in industries like construction, the energy service sector and resource extraction.

In more direct actions taken against Uyghurs, arbitrary arrests remain one of the sharpest tools employed by the government to silence dissent. Building on previous years, we have now seen the impact and chilling effect produced by the real threat of arrest and detention facing Uyghurs whose heretofore quotidian religious and cultural practices are now considered illegal

and subject to harsh sanction. The list of punishable offences has grown to such an extent that Uyghur life has effectively been criminalised. Given this environment, the legal rights of Uyghurs caught up in the justice system are non-existent, as legal representation, although guaranteed by the Chinese Constitution, remains far out of reach.

Prominent Uyghur academic and economist Ilham Tohti stands as a reminder of such a repressive and tenuous legal justice system. As a writer and intellectual, Tohti made concerted efforts to build bridges between the Uyghur and Chinese communities, but was arrested in a case that the UN Working Group on Arbitrary Detention found to be officially arbitrary, and sentenced to life in prison in September 2014. His case, which was marred by irregularities, and trial, which involved numerous procedural errors, stands as cruel testament to the response of the Chinese government to those who seemingly challenge policy and look for a more practical way forward. Seven of Tohti’s students were sentenced from three to eight years in prison at the end of 2014 for their association with Tohti and remain in detention.

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In addition to Uyghurs suffering on the mainland, the internationally recognized rights of Uyghur asylum seekers were largely ignored by China in 2016 in relation to neighbouring states. For many years, Uyghur asylum seekers have been forcibly deported from states with strong trade and diplomatic ties to China. The most recent case remains a group of 109 Uyghurs who were forcibly deported to China from immigration detention facilities across Thailand in July 2015 in a move that was met by widespread condemnation from the international community. The remainder of the group, who have now been held in the facilities since early 2014, include 60 Uyghurs who are being held across the country. Out of desperation, the group has resorted to hunger strikes to protest their continued unlawful detention and a number of escape attempts.



Despite continued efforts from rights groups around the world working to bring to light issues that remain purposely obscured and largely overlooked by the international community, many of the rights that Uyghurs once held—one year ago, five years ago or ten years ago—are quickly being eroded. Not only does the state continue to violate its obligations under international law, but the standards set by its very own Constitution in many cases.

**Rather than scrutinizing the roots of resentment between ethnic groups, the government has chosen to lay the blame on Islam for violence committed by a tiny fraction.**

Rather than scrutinizing the roots of resentment between ethnic groups, the government has largely chosen to lay the blame on Islam for violence committed by a tiny fraction of the population. In doing so, restrictive policies continued to be implemented in 2016 that add to an existing architecture aimed at sinicizing Uyghurs in East Turkestan. Collective punishment is the net result as the government has continued to push the idea that Uyghur cultural expression and religious practice naturally leads to instability, without recognizing that tolerance and genuine autonomy will act as a remedial force instead.

The goal, then, of this annual report is to bring renewed attention to human rights violations perpetrated by the Chinese government against Uyghurs in East Turkestan. Because useful and reliable information coming from the region remains a premium, our hope has been to highlight the most important cases of the last year and situate them within a broader historical context of Chinese policy for decades.

## I. FREEDOM OF EXPRESSION

In 2016, the Uyghur population continued to be silenced from publicly raising grievances, criticising the government, or merely speaking about cultural or religious practices. Increasingly, many have been incentivized to spy on neighbours and friends, casting a further chill on the willingness of Uyghurs to engage even in private conversation about these issues.<sup>1</sup>

Reporters Without Borders has found that, “[a]s well as building a Great Firewall to monitor and control blogs and social networks, the Communist Party exercises total control over China’s many media outlets.”<sup>2</sup> Considering that free expression is deeply constrained in China generally speaking, Uyghurs in East Turkestan face even more substantive issues.

### Uyghur Web Administrators

Uyghur websites in particular and their administrators have come under significant scrutiny in recent years. Regional authorities have gone so far as to shutter sites completely, often for “harming ethnic unity” or “endangering state security”. Two websites in particular, [www.653130.com](http://www.653130.com) and [www.muzikam.com](http://www.muzikam.com) that, according to the government, were “found to have illegal content that harmed ethnic unity,” were forced offline.<sup>3</sup> Internet access in the region is routinely shut down completely in the wake of violent incidents as Reporters Without Borders found in October 2009 that more than 85 per cent of the surveyed sites focusing on Uyghur content were “blocked, censored or otherwise unreachable,”<sup>4</sup> following violence in Urumqi in July of that year.

In 2016, in the months leading up to Ramadan, five web administrators and writers were detained to keep them from criticizing Chinese policies on Uyghurs’ religious activities at the time. According to Radio Free Asia, those detained were Tursunjan Memet, Omerjan

Hesen, Ababekri Muhtar, Akbarjan Eset, and an online writer whose name could not be confirmed. The news was also spread across social media and Uyghur-language websites, likely in an attempt to prompt others to refrain from such criticism.<sup>5</sup> No official reports were released following Ramadan pointing to their release.

Uyghur webmasters have been vigorously targeted in the past, particularly following July 2009. Uyghur journalist, Gheyret Niyaz was sentenced by a court in Urumqi to 15 years in prison for “threatening national security” after criticising Chinese official policy towards Uyghurs and sending news about the violence in the region to foreign journalists.<sup>6</sup>

At least five Uyghur webmasters were sentenced in 2010 for their contributions to Uyghur websites that authorities regarded as a danger to state security. Nureli, the creator of the website “Selkin”, Dilshat Perhat, the co-founder of the Uyghur website “Diyarim” and webmaster Nijat Azat were given three, five and ten year prison sentences respectively for “endangering state security” by posting content that the Chinese government regarded as politically sensitive. Also sentenced around this time was Obulkasim, a contributor to the “Diyarim” site, as well as Uyghur webmaster, Muhemmet.<sup>7</sup>

### Smartphones & Social Media

Content stored and shared via smartphones also came under stricter state control in 2016. In January, police set up 24-hour roadblocks for the purpose of checking content on Uyghur smart phones. This came after many Uyghurs in Hotan prefecture received texts in May 2015 from China Telecom stating that: “According to the guidance from the [Xinjiang] Uyghur Autonomous Regional Party Committee and government, Hotan prefecture decided to consolidate its telecommunication system and internet [service]. Therefore, all smartphone service for 17 social media platforms has been temporary stopped.”<sup>8</sup> The justification given by the government was to “clean” religious content and other material deemed to be “extremist”

from the networks. Wechat, QQ and 15 other social media platforms have also been made unavailable.

### Journalists & Academics

In addition to China’s focus on free speech online, foreign academics and journalists have been denied entry to the region or are closely followed if they are able to gain access. In one case in May 2016, a group of retired Turkish academics were detained for ten hours while on a 12-day trip to China and denied entry to Urumqi, despite holding green passports—a type of Turkish passport granting visa-free travel to China. The group was not allowed to enter the city from the airport and were forced to board a plane to Almaty, Kazakhstan. Chinese officials reportedly told them that they would be unable to travel into Urumqi because of their suspected affiliation with the Türk Ocakları (Turkish Hearths)—a nationalist group critical of China’s treatment of the Uyghurs.<sup>9</sup>

In another case, a Chinese rights activist, Zhang Haitao, who often posted articles online critical of the government in East Turkestan was sentenced to 15 years in prison for “incitement to subvert state power” in January 2016. Zhang also gave interviews to overseas media which factored into an additional charge of 5 years for “providing intelligence overseas.”<sup>10</sup>

### Freedom of Peaceful Assembly

As a direct consequence of these and other policies, Uyghurs have sufficient justification to take to the streets to protest against clearly discriminatory policies, but it is these very policies limiting free movement that inhibit those who wish to demonstrate their dissatisfaction with the government. Although some limited sign of peaceful resistance could be seen in recent years in the region, reports on these events declined dramatically in 2016.

Although freedom of assembly is embedded within China’s Constitution in Article 35, limitations on such a right are pervasive, particularly in light of state security and



“stability maintenance.” PRC Criminal Law provides the government broad powers to arrest and sentence protest organizers. Article 291 provides for criminal sanctions that include up to five years in prison for the main organizer of crowds that “disturb order in a public place.”<sup>11</sup>

Moreover, authorities in East Turkestan exercise broad powers to suppress any form of peaceful assembly throughout the region, often labelling actions as tantamount to terrorist activity or a destabilising force. Although reports surfaced in the years preceding 2016, no organized demonstrations have been reported over the last year.

Numerous reports in the past have seen police and security forces indiscriminately fire into crowds of Uyghurs, leaving many killed in some cases. The most prominent case occurred in Elishku township in Yarkand county in July 2014. Official reports put the number of those killed at 96, but personal reports from the ground acquired by the WUC suggest that that number is likely much higher. One of the precipitants of the initial protests, according to Uyghur sources, was the killing of at least eleven people in a dispute over a woman who was forced to remove her headscarf during a house to house search conducted by police.<sup>12</sup>

Differing accounts over the incident exist with state reports suggesting that government buildings, a police station and civilians had been attacked by a mob of Uyghur civilians wielding knives and axes. Xinhua news agency reported that attackers had, “set up roadblocks, slashed at some passengers and forced others to join the attack.”<sup>13</sup> Credible reports, however, indicate that the incident involved residents protesting against “Chinese security forces’ heavy-handed Ramadan crackdown...and extra-judicial use of lethal force.”<sup>14</sup>

## II. RELIGIOUS FREEDOM

China made no noticeable efforts in 2016 to lift significant restrictions on religious freedom across the country. To the contrary, ample evidence suggests that the government has continued its attempts to stifle the peaceful practice of Islam among Uyghurs in particular. One can trace a neat line from last year’s efforts by the government to deny rights against its obligations under international law as well as its own Constitution. Taken together, the myriad restrictions on religious practice have led the Uyghur population to a position in which the future of Islam as a basis for cultural identity is now under direct threat.

**The Chinese government has taken recent steps through law and policy to coerce and control religious practice—constituting state-sponsored religious discrimination prohibited in Chinese and international law.**

According to Article 36 of the Chinese Constitution, “Citizens of the People’s Republic of China enjoy freedom of religious belief.”<sup>15</sup> The article goes on to explain that the state, “protects normal religious activities” and that, “No one may make use of religion to engage in

activities that disrupt public order.” The latter two clauses can be seen as the basis for broad discretion in the state’s interpretation of the law. State protection is provided to “normal religious activities” without clarifying or qualifying the phrase.

China has only weakly signalled its intent to ratify the International Covenant on Civil and Political Rights (ICCPR), which also ensures the right to “freedom of thought, conscience and religion.”<sup>16</sup> The ICCPR also upholds a person’s right to religious belief, “either individually or in community with others and in public or private” and prohibits state or non-state organs from compelling citizens to believe or not believe in any religion.



Emin Mosque in Turpan

## Prior to 2016

The Chinese government has taken recent steps through law and policy to coerce and control religious practice—constituting state-sponsored religious discrimination prohibited in Chinese and international law.

Recent steps taken in terms of the sinicization of religion can be traced back to the National Conference on Religious Work in December 2000. During the conference, four principles were laid out to direct the government's focus, including freedom to believe or not believe, non-interference in religious activity, the separation of politics from religion, and the interdependence between rights and obligations associated with religious activities—the latter of which stipulates the qualifications by which the state determines what activity is officially “lawful”. As long as practitioners fulfill a certain set of fixed conditions, religious practice may be deemed lawful in this regard.

The introduction of China's Regulations on Religious Affairs (RRA), a Decree of the State

Council passed in 2005, built on these themes, maintaining that it is a requirement that religious groups register with the state and report on their religious activities.<sup>17</sup> Specifically relevant to religious practice among Uyghurs is Article 12, which requires that any religious practice must be conducted at sites that have been approved by the state—effectively criminalising all religious practice performed outside these venues.

## Developments in 2016

2016 would then see clear indications of a greater focus on the role of religion and its relationship with the state, in which Xi Jinping would hold the country's first National Conference on Religious Work since 2000 to spell out the country's updated approach to religious activity. In April 2016, the Chinese president addressed senior members of the Communist Party as well as government leaders to warn that China must be vigilant in “guarding against overseas infiltration via religious means,” while underscoring the continued importance of the “sinicization” of religion.<sup>18</sup>

The Conference also renewed calls to outwardly “shun” the practice of Islam in particular, as Xi remarked that citizens should, “never find their values and beliefs in this religion or any religion.”<sup>19</sup> Despite Xi’s characterization of religious groups as a “bridge” connecting the Party and government to religious believers, many remain deeply concerned that increasingly intolerant government policies clearly contradict this sentiment.

The conference also highlighted ostensible concerns with the rising susceptibility of organizations and religious groups to supposed foreign “influence” and “overseas infiltration”. The recently passed Foreign NGO Management Law follows a similar pattern of official statements citing related concerns.

In July 2016, Xi visited a Hui Muslim community in the Ningxia Hui Autonomous Region, where he reaffirmed that Muslims should promote social harmony and resist “illegal religious infiltration.”<sup>20</sup> Additional statements were also made throughout 2016 signalling the government’s intention to tamp down religious practices and in some cases, link religious practice to threats to national security and incitement of ethnic antagonism. Some experts have noted that burgeoning online commentary hostile to Islam has also raised concerns about anti-Muslim sentiment in China<sup>21</sup>—a sentiment that has been buttressed by the state.

China also released an extensive White Paper in June 2016, ‘Freedom of Religious Belief in Xinjiang’, that asserts that freedom of religion in the region, “[C]annot be matched by that in any other historical period” and claims that, “No citizen suffers discrimination or unfair treatment for believing in, or not believing in, any religion.”<sup>22</sup> These claims have been central to China’s purposeful framing of the conditions on the ground in East Turkestan as stable and

harmonious as has been reflected in past White Papers on the region more generally.<sup>23</sup>

## Proposed Amendments to Regulations on Religious Affairs

Newly proposed amendments to the Regulations on Religious Affairs were issued on 7 September 2016 that extend greater powers to authorities in terms of oversight, as well as the ability of the government to shut down religious organizations that fall outside its approval.<sup>24</sup> More specifically, the proposed amendments take a new and expected focus on the ostensible use of religion as a vessel for extremist or separatist tendencies and makes approval for the Hajj pilgrimage reliant on the national Islamic religious group.

One significant change is the addition of “extremism” as something to be guarded against in religious management as well as stipulating that organizations and individuals must not use religion to “harm national security,” in addition to “disrupt[ing] social order, impair[ing] the health of citizens or interfere[ing] with the national educational system,” that were previously included in the 2005 text.<sup>25</sup>

The draft also includes a more significant focus on the spread of religious content online as information on religious news sites must now be examined and approved by a provincial level or higher level Religious Affairs Department. Article 48 stipulates that, “Information on religious news sites must comply with relevant laws and regulations, and the management of religious affairs,” and goes on to state that, “Internet information service of religious content must comply with the relevant provisions of the relevant laws, regulations and management of religious affairs in the country.”<sup>26</sup>

**[T]housands of mosques in the region were destroyed by the government under the guise of a “Mosque Rectification Campaign” over the last half of 2016.**

An additional focus has been made on the role of religion in relation to schools, principally in Article 44 which states that, “It is forbidden to spread religion, religious activities, organize religious activities, or establish religious sites within public schools.” Article 41 also makes explicit mention of the prohibition on non-religious schools from organizing or holding religious activities.<sup>27</sup>

China cited two major reasons for the proposed amendments, one being a resistance to “foreign religions” and the other in relation to guiding religious practice so as to encourage the promotion of core socialist values such as unity, progress, peace and tolerance.<sup>28</sup> The amendments were up for a one-month review period, but little information has been released as to the final version and its impact on China’s approach to monitoring and controlling religious practice.

## Destruction of Mosques

Moving beyond mere rhetoric, the Chinese government took a number of direct actions that will undoubtedly hinder religious expression in practice. Numerous reports indicated that thousands of mosques in the region were destroyed by the government under the guise of a “Mosque Rectification Campaign” over the last half of 2016. The regional government cited “safety concerns” as a justification for the actions.<sup>29</sup> According to sources, villages in the south of the region have had around 50 percent of their mosques demolished, leaving tens of thousands without a place of worship. Praying outside of state-sanctioned mosques is illegal, effectively prohibiting Uyghurs from conducting any and all religious practice.

These policies also come amid the roll out of the aforementioned proposed amendments to the Regulations on Religious Affairs, which makes explicit mention of the standards that must be followed in order for religious sites to be legally demolished. Article 55 states that, “If buildings owned by religious groups, schools or sites must be demolished for city planning or key engineering projects, the one doing the

demolition should consult with the religious group and the relevant Religious Affairs Department.” The second clause of the article also stipulates that once all parties agree to the demolition, “the house or structure shall be rebuilt in accordance with relevant state regulations, according to the assessment of market price compensation.”<sup>30</sup>

**[Mosque-goers] are carefully monitored and are required to submit themselves to police checks upon entrance. In addition, imams and other religious leaders are appointed by the state and their teachings are closely scrutinized.**

The municipal level Religious Affairs Department continues to exercise full control over the building of religious sites and applicants must be given approval before the establishment of temples, mosques or churches and also “provide written reason in the case of rejected applications.”

## Religious Monitoring

Because religious practice is only permitted within registered sites (state-sanctioned mosques), as per the regulations laid out in the RRA, Uyghurs are legally not permitted to hold religious gatherings in their private homes or instruct their children in the spirit of Islam. It remains unclear whether individual Uyghurs are legally allowed to pray within their own homes, but reports have indicated that some have been jailed for worshipping on land where their local mosques once stood.

This comes in clear contrast to the ICCPR, which stipulates in Article 18 that the right to freedom of belief includes the right to practice, “either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>31</sup>



Students, children under 18, government workers, teachers, and members of the CPC in East Turkestan are not allowed to enter mosques full stop. For those able to enter, religious practice there continues to be subject to intense scrutiny. Worshipers are carefully monitored and are required to submit themselves to police checks upon entrance.<sup>32</sup> In addition, imams and other religious leaders are appointed by the state and their teachings are closely scrutinized.<sup>33</sup>

In addition to existing controls, in October 2016 China reportedly sent “religious monitors” to Hotan prefecture in the south of the region for three years stints monitoring mosques there.<sup>34</sup> It was reported that 352 cadres were assigned to “keep an eye on the mosques and the people’s religious activities,” but it is unclear what exactly the monitors have been tasked with in terms of reporting to the government. One villager who spoke on condition of anonymity said that they will manage the imams of the mosques and conduct house-to-house visits to gain a better grasp of the situation there.

China has also begun a trial policy in which residents in parts of the province are required to report all religious activities to their local government, including weddings and funerals.<sup>35</sup> Since September 2016, religious committees and residential communities were set up in some areas to report directly to leaders in the area. The policy has been implemented on a trial basis so far, but is expected to be rolled out across the region in the near future.

## Ramadan Restrictions

Ramadan restrictions remained steady as they had been over the previous four years. State officials, however, made clear statements just prior to the start of the holy month that there is no religious discrimination in the region. One official remarked that, “During the holy Islamic month of Ramadan, whether to close or open

halal restaurants is completely determined by the owners themselves without interference”—a statement clearly at odds with numerous reports suggesting that restaurants were ordered to remain open in some areas.<sup>36</sup>

In other areas, however, although restaurants were not officially forced to remain open, previous years have seen state officials threatening more frequent health inspections for those that chose to close. In practice, the state has, at the very least, openly discouraged the practice of Ramadan over the past five years for Uyghurs.<sup>37</sup>

## Focus on Parents and Children

Article 18(4) of the ICCPR states that, “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.” China’s recent policies targeting children and their parents come in direct violation of these principles.<sup>38</sup>

In 2016, renewed attention was paid to the role of parents and the relationship with their children in terms of religion. In contrast to previous years, the Chinese government has been much more overt in its public policy with regards to the ability of parents to pass on religious customs to their children. This falls directly in line with the targeting of children as a means of curtailing the influence of Islam for future generations.

Parents were specifically targeted with regulations that officially came into effect on 1 November 2016, stating that parents cannot, “organise, lure or force minors into attending religious activities.”<sup>39</sup> Additionally, parents are prohibited from promoting “hardline beliefs” or to wear specific clothing or other symbols.

**[S]chool children have been asked about specific details of their family’s religious habits including who in their family prays, who wears a hijab, and who keeps a beard.**



These proscribed activities are then to be regulated by the public, with authorities stating that, “Any group or person has the right to stop these kinds of behaviours and report them to the public security authorities.”<sup>40</sup> As with many other laws that have come into effect regulating religious practice, much of the wording is particularly vague and open to interpretation by state authorities.

Relatedly, reports from the region revealed that school children have been asked about specific details of their family’s religious habits including who in their family prays, who wears a hijab, and who keeps a beard.<sup>41</sup> Reports indicated that the practice was undertaken in Aksu and Hotan prefectures and the students were required to fill out official questionnaires linking family members to activities related to Islam. A teacher reportedly told Radio Free Asia that the questionnaire included questions like: “Is there anybody in your house who prays? Is there anybody who wears a hijab or has a beard? What kind of religious activities do they conduct? What kind of religious books are there in your house?”

### Prominent Cases

In the context of many of the new policy changes and proposals, Uyghurs have been facing serious obstacles on the ground while carrying out religious activities. Reported cases in 2016 range from minor disputes to detention of Uyghurs for many years on flimsy or altogether unknown charges. It must be noted that the cases examined here represent only those that became publicly available through reporting.

- A Uyghur man was sentenced to seven years in prison for watching a Muslim film.<sup>42</sup> It was later reported that the man died of a heart attack in custody, raising serious suspicions about the use of torture.<sup>43</sup>
- A group of Uyghur farmers and one imam were sentenced to between seven and nine years for “illegal religious practice” for

“praying together in places that authorities had not designated for Muslim worship.”<sup>44</sup>

- Nearly 100 Uyghurs were detained at Ataturk Airport in Istanbul for attempting to travel to perform the Hajj pilgrimage.<sup>45</sup>

## III. COUNTER-TERRORISM

Violence and terrorism continued to threaten the peace, security and stability of countless states and communities across the globe in 2016, prompting governments to respond. Accordingly, terrorist acts should not be taken lightly and deserve prompt and effective measures to counter the threat they pose. Despite legitimate counter-terror strategies taken by governments interested in reducing violence, the terrorist threat has also been taken as a unique opportunity to quell legitimate domestic opposition under its guise. Although China is not unique in this approach, the impact of this strategy on Uyghurs in East Turkestan and abroad has been significant.

The discourse of terror in China has been very much a recent development since the terrorist attacks on 9/11. Although there was occasional mention of the threat of terrorism in the 1990s, Uyghur protests in East Turkestan throughout the decade and the violence that often ensued was not framed by the Chinese government in such a way. Language that reflected responses to “crime,” “hooligans” and “gangs” was consistently present in state media reports.<sup>46</sup> A much different picture was painted just a month later, however, as the government hurriedly began drawing tenuous links between violence in the region and global terror networks.<sup>47</sup>

The government has been employing counter-terror measures as a justification for the suppression of Uyghur rights across the board. China’s ostensible campaign against the “three evil forces” (terrorism, religious extremism and



separatism) has explicitly served to draw a direct line from fundamental aspects of Uyghur culture to terrorism.

The result has been a broad criminalization of Uyghur life as the population itself becomes increasingly, and erroneously, synonymous with the international terror threat. The primary source of information drawn from the region remains Chinese state media—information that is then reproduced for Western audiences despite a clear lack of critical examination.

## Anti-Terror Law

China followed through on many of its promises to “crackdown” on terrorism—particularly in East Turkestan in 2016. Scholars reported as early as 2005 and 2006 that China was indeed developing a framework for a counter-terror law,<sup>48</sup> but it wasn’t until 2014 that the government began to slowly reveal its intentions of drafting full-fledged legislation on the subject—likely a direct response to an increase

in violent incidents in the region that year as a first draft was published on November 3.<sup>49</sup>

The first draft was roundly criticized for its content, particularly in its broad definition of terrorism itself, which “defines ‘terrorism’ in broad terms to include ‘thought, speech or behavior’ that is ‘subversive’ or even that which seeks to ‘influence national policy making.’”<sup>50</sup> The language of “thought” was subsequently removed from the definition, but scholar Zhou Zunyou argued that the continued inclusion of “zhuzhang”, meaning “advocacy”, can still be broadly defined in terms of thought.<sup>51</sup> After some changes in the subsequent year, the Counter-Terrorism Law of the People's Republic of China was officially passed by the National People's Congress on 27 December 2015.

The version of the law that entered into force on 1 January 2016 has done little to appease its opponents. Major issues for the Uyghurs in particular include the excessively broad definition of “terrorism” and “terrorist activities” as well as lack of transparency and fair trial rights.

According to Article 3, terrorism refers to, “propositions and actions that create social panic, endanger public safety, violate person and property, or coerce national organs or international organizations, through methods such violence, destruction, intimidation, so as to achieve their political, ideological, or other objectives.”<sup>52</sup> Such a lengthy and broadly defined term is certainly not an oversight by its drafters, but a purposeful move to ensure the state is provided sweeping jurisdiction to apply the law how it pleases.

The definition of “terrorist activities” goes even further to include a number of worrying clauses. Article 3(2) includes, “compelling others to wear or bear clothes or symbols that advocate terrorism in a public place” as terrorist activities, which causes great concern in terms of China’s continued conflation of religious extremism and terrorism. Uyghurs have already been jailed and convicted on charges related to public displays of Islam or Uyghur culture more generally and under this provision, the wearing of traditionally Uyghur dress or symbols may be conflated with terrorism and land the bearer in prison on terror charges.<sup>53</sup>

In addition, Article 3(4) implicates those who offer “other support, assistance or facilitation for terrorist organizations,” which presents a vaguely worded phrase that may allow for generous interpretation. In September 2015, it was reported that during a counter-terror operation in Aksu prefecture’s Bay county, 11 of the 28 people killed by security forces during a raid were women and children.<sup>54</sup> In contrast, the entire group was described as a “terrorist gang” by state media.

The new law provides maximum authority for security forces to act with impunity. In practice, China has effectively granted immunity to its security forces to deal with Uyghur dissent and protest critical of repressive rule in East

Turkestan. Additionally, the lack of oversight of state security will ensure that the use of excessive force may continue unabated.

## Further Developments in 2016

Following the implementation of the national Anti-Terror Law, regional implementation guidelines for East Turkestan were then passed by the regional government on 29 July 2016 and came into effect August 1.

The guidelines refine the scope of China’s Anti-Terror Law and make direct connections between what is broadly defined as “extremism” and terrorism. Article 7 states that, “Extremism is the ideological foundation of terrorism,” and that “preventing and punishing extremist activities is an important strategy for countering the roots of terrorism.”<sup>55</sup>

Article 7 goes on to state that the best method of reducing violence through terrorism will be to oppose all forms of “distorted religious teachings.” Drawing such a straight line from religion to terrorism is not only concerning for its clear imprecision, but for the fact that it fails to acknowledge the role of persistent state repression that may lead to violence.

The guidelines also set out extensive proscribed activities in Article 50 which prohibits the exploitation of “religious teaching, sermons [...] gathering[s] and cultural or recreational activities and so forth to advocate terrorism or extremism.” In addition, Article 50 sets out clear restrictions on possessing printed or electronic materials relating to extremism or the wearing of clothing or symbols, “to advocate terrorism or extremism in a public place.” The former gives leeway for police to arrest Uyghurs who are often stopped for smartphone checks and the latter for an even greater crackdown on

**The fact that East Turkestan has been the first regional target for implementation measures also underscores the fact that the Uyghur population is the clear target of the original national Anti-Terror Law.**



women choosing to wear headscarves or men wearing beards.<sup>56</sup>

According to the text, the guidelines will be rolled out extensively across all levels of government down to the county level with specific focus on strengthening education on counter-terrorism and counter-extremism. The guidelines also name business and social sectors that will have to conform to the rules with government oversight including business and service providers in telecommunications, internet, finance, lodging, long-distance passenger transport, motor vehicle rentals, as well as those involved in the production or transport of inflammable and explosive materials, city public transportation and rail transportation.

The guidelines also require that knowledge of prevention and response to terrorist activities must now be included within the teaching and training content of departments for “education and human resources and social security, and all kinds of schools, research institutes, and training institutions.”<sup>57</sup> The policy also requires that departments related to news, broadcasting, television, and internet must “conduct targeted counter-terrorism and counter-extremism education and publicity so as to increase citizens’ preventative and defensive capacities, and to block the infiltration of terrorist and extremist ideology.”<sup>58</sup> In addition, media outlets are required to fully cooperate with “relevant departments to investigate and handle items with terrorist or extremist content.”<sup>59</sup>

As a result, the ostensible fight against terrorism and extremism now permeates nearly all aspects of society in East Turkestan. Coupled with the guidelines’ worryingly vague definition and focus on “extremism” and its relationship with terrorism, the regional government now holds even greater power over the lives of Uyghurs. The fact that East Turkestan has been the first

regional target for implementation measures also underscores the fact that the Uyghur population is the clear target of the original national Anti-Terror Law. The move stands as part of a much broader effort at the securitization of the entire region and of the Uyghur people more specifically.

## IV. ARBITRARY DETENTION

The arbitrary arrest and detention of Uyghurs in East Turkestan remains one of the sharpest tools employed by regional authorities. We now see that the mere threat of arrest in 2016 and 2017 continues to suppress Uyghurs in their daily lives. The list of punishable offences has grown to such an extent that Uyghur life has effectively been criminalised.

International legal standards are clear on the issue of arbitrary detention. The right to be free from arbitrary or unlawful deprivation of liberty is now an established principle of human rights and Customary International Law. The principle has been clearly set out in Article 9 of the ICCPR, stating that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention,” and has been picked up by nearly all states in domestic law as well.<sup>60</sup>

Article 37 of China’s Constitution establishes that “Freedom of the person of citizens of the People’s Republic of China is inviolable,”<sup>61</sup> and despite exceptions within international law regarding serious offences or convicted persons, China continues to act well beyond these reasonable limits with Uyghurs.

### Arbitrary Detentions

For years, Uyghurs from across East Turkestan have been unjustly imprisoned on charges

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ranging from separatism to state subversion to illegal religious activities. Although we are not able to retrieve exact numbers on those in detention, limited media reports and eyewitness accounts provide us with a narrow lens into the situation on the ground.

The arrest and detention of suspects is often shrouded in secrecy with no legal requirement that authorities provide family members with information on cases. This becomes a particular problem in cases of enforced disappearances or when Uyghurs die in custody without investigation.

Basic legal rights, including the right to legal representation, a fair and prompt trial and due process are virtually non-existent. Even in exceptional cases, like that of Uyghur economist Ilham Tohti, lawyers—if Uyghurs are able to secure them—have been prohibited from meeting with clients for months. There is little evidence suggesting that the thousands of Uyghurs arrested each year on charges relating to illegal religious practice or similar crimes are provided any legal representation whatsoever, despite a superficial legal aid system.

Article 125 of China's Constitution stipulates that "The accused has the right to defence,"<sup>62</sup> and Article 34 of its Criminal Procedure Law (CPL) requires that if criminal suspects and defendants are unable to afford legal representation, a legal aid organization "shall appoint a lawyer to provide them a defense."<sup>63</sup>

Oftentimes, the justification for denying legal aid involves the government's ostensible concerns that the client may leak state secrets to their lawyers during these sessions. China's amended CPL stipulates that, "Where a defense lawyer files a request during the period of criminal investigation for a meeting with a criminal suspect in custody who is suspected of compromising national security, terrorist activities, or extraordinarily significant bribery,

the meeting shall be subject to the permission of the criminal investigation authority."<sup>64</sup> This clever loophole effectively allows investigative authorities to deny lawyers access to their clients if they are accused of these broadly defined crimes.

During the investigative process, detainees are often forced to wait long periods of time until the People's Procuratorate merely approves of the arrest. According to the CPL, detainees can be held up to seven days before approval or disapproval by the People's Procuratorate of an official arrest, or up to an additional 30 days under special circumstances.<sup>65</sup> Once the arrest has been officially approved, it can then take months, and even years, for authorities to conduct and conclude official investigations in preparation for trial. There are numerous channels within the CPL that allow authorities to push back deadlines and extend the amount of time that suspects remain in detention facilities awaiting their chance for trial.

## Ilham Tohti

The case of jailed Uyghur academic Ilham Tohti continues to remain contentious in the international community. Tohti is a Uyghur economist, writer, intellectual and former professor at Minzu University in Beijing. He is one of the most prominent scholars on Uyghur issues and was the founder of the website Uyghur Online—a platform launched to promote conciliation between Uyghurs and Chinese.

Tohti was initially arrested in January 2014 on charges of "inciting separatism". During his detention, the UN Working Group on Arbitrary Detention (WGAD)

found his deprivation of liberty to be arbitrary in an opinion adopted between April 22 and May 1, 2014, and urged the government to "take the necessary steps to remedy the situation, which include the immediate release of Mr. Tohti and to grant him compensation for the harm he has

**[Ilham] Tohti's lawyers cited numerous procedural errors including the prosecutor's failure to provide complete evidence for the defense team to review.**





suffered during the period of his arbitrary detention.”<sup>66</sup>

No such steps were ever taken and Tohti was tried from September 23-24 in Urumqi. He was subsequently convicted of “inciting separatism” and sentenced to life in prison in a trial that was described as “a farce” by the PEN American Center.<sup>67</sup> Amnesty International called the sentence “deplorable” with “no basis in reality”<sup>68</sup> with Human Rights Watch stating that his trial amounted to “an injustice of the highest order.”<sup>69</sup> Tohti’s appeal was subsequently denied in November 2014.

The entire ordeal involving Tohti has been marred by irregularities and the outright perversion of any fair legal process including denial of access to legal representation for months after his arrest. Tohti’s lawyers, Li Fangping and Liu Xiaoyuan, also cited numerous procedural errors following the trial including the prosecutor’s failure to provide complete evidence for the defense team to review and the refusal of the Urumqi Intermediate People’s Court to call any of the

witnesses Tohti’s lawyers had requested to testify at his trial.<sup>70</sup>

Tohti’s access to family members during his initial time in detention was severely limited as he was only able to meet family members 18 months after his arrest. Even today, family members have a great deal of trouble making visits and are only allowed one 30 minute visit every three months. Tohti’s brother was also denied his right to visit back in February 2016, but few details were released. As a result, questions over Tohti’s physical and mental health remain, considering the circumstances.

In addition, seven of Tohti’s students from Minzu University were sentenced from three to eight years in prison on 8 December 2014 on separatism charges for their association with the professor. During the trial, students who agreed to testify against Tohti also received lighter sentences than their peers.

## Huseyin Celil

The case of Huseyin Celil has also remained unresolved. Celil is a Canadian citizen who is now in prison in China despite condemnation from the Canadian and other governments along with a number of prominent human rights organizations.<sup>71</sup>

Mr. Celil fled China back in 2001 following a short jail term for his support for religious and political rights for Uyghurs. After settling in Canada and gaining his Canadian citizenship, Mr. Celil was arrested while visiting family in Uzbekistan in 2006 and was subsequently deported to China in clear violation of international law. This action was not only widely condemned by international human rights groups and much of the international community, but by the Canadian government as well.

Mr. Celil was denied access to legal counsel and Canadian officials, his dual citizenship was not recognised, and he was threatened and forced to sign a confession which led to a secret trial resulting in a life sentence. Mr. Celil's sentence was reduced to around 20 years in February 2016, but further details remain unavailable.<sup>72</sup>

## Abduqadir Yapchan

The case of Uyghur community and religious leader, Abdulkadir Yapchan, remains one fraught with contention dating back decades and embodies much of China's approach to Uyghurs who organize and speak out about abuses perpetrated by the state. Yapchan is currently at risk of return to China at an immigration detention facility in Turkey.

Yapchan was first arrested in 1973 for "anti-Chinese political activities," but was released in 1979 shortly after the death of Mao Zedong. After working as a businessperson in East Turkestan, he was arrested once again in 1990 on charges of illegal religious preaching. After serving a three year sentence he was released in 1993, but rearrested in 1996. During his time in prison, Yapchan reported that he faced torture at

the hands of authorities and was made to do hard work in poor conditions.

Yapchan left the country in early 2001 and fled to Pakistan with two others where he continued to work as a businessperson until November of that year. After crackdowns on the Uyghur population in Pakistan after 9/11, Yapchan escaped to Saudi Arabia and then was able to make his way to Turkey. Since 2007, Yapchan has remained in Turkey and had trouble with authorities in 2008 when then Prime Minister, Recep Erdoğan, travelled to China on a diplomatic mission during which Yapchan was briefly detained by police.

It was not until last year that his case became much more serious. Yapchan was detained on August 31 until a Turkish court decided that there were no grounds for his continued detention and had him released on September 29. The following day, the prosecutor ordered that Yapchan be re-arrested and he was sentenced to another 40 days in prison and was taken to the Maltese Cezaevi prison near Istanbul.

On October 18, Yapchan was then transferred to the Pehlivan köy Return Centre in Kırklareli Province that was recently opened by the Kırklareli Provincial Immigration Administration. Because he was moved from a detention centre near Istanbul to an immigration detention facility, concerns have mounted over the possibility of his return to China.

The Turkish government has not provided any evidence to suggest that crimes were committed that would warrant his detention, and certainly no justification for his transfer to the immigration detention facility. The Turkish Constitutional Court on November 15, however, found his detention illegal. On November 30, the European Court of Human Rights made a decision on an interim measure on that Yapchan should not be removed from Turkey until the case is settled.

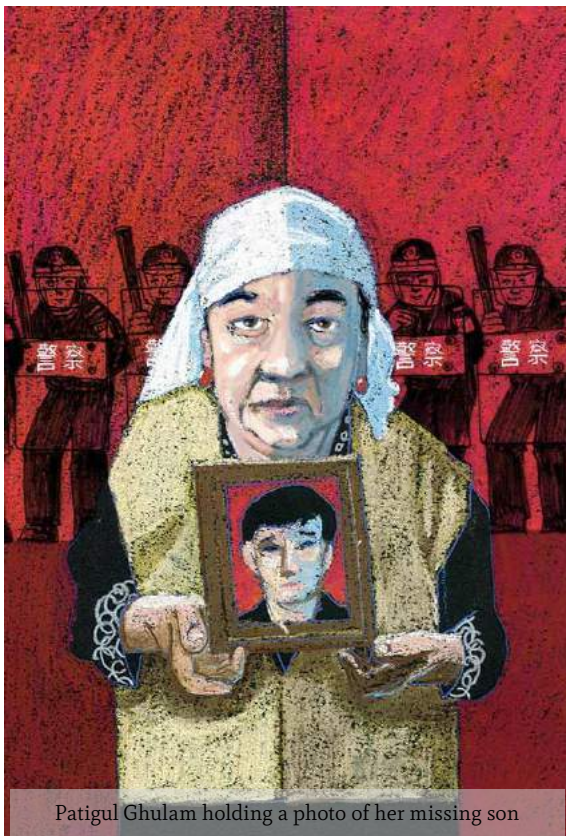
As it stands in early 2017, Yapchan was told that he could be sent to Kazakhstan, but refused, considering the close relationship Kazakhstan holds with China, and is now looking to move

safely to a third country where his rights will be adequately protected.

## Other Prominent Cases

The following is a list of more prominent and publicised cases, but is by no means exhaustive. These cases provide some insight into the nature of China's legal system and its implications on the ground in East Turkestan for Uyghurs there:

- 41 Uyghur religious leaders were arrested in March 2016 in Oymanbaytoqay village, Ghulja county including Imam Enver Hesén and Muezzin Ekber Nesirdin, for not attending the funeral of a prominent Communist Party member. Authorities acknowledged that the men were detained, but argued that the men were “religious extremists,” though local police cited a lack of loyalty to the CPC as evidence for their arrest.<sup>73</sup>
- Patigul Ghulam was arrested in May 2014 and stood trial on 7 April 2016 for her efforts speaking to media about the fate of her son—Imammemet Eli—who was forcibly disappeared by Chinese security



Patigul Ghulam holding a photo of her missing son

forces in July 2009. Ghulam was released on May 27 after a closed-door trial.<sup>74</sup>

- Twenty-four year old Rishat Haji was detained in mid-2016 in Atush, Kizilsu Kirghiz Autonomous Prefecture, in an effort to force the return of his older brother, Abduweli Haji from Turkey, whom the police reportedly suspected as a separatist. Rishat's father Haji Ablimit and sister Melike Haji were also held and questioned, with his sister released after 15 days and his father held for 45 days during which time, his mother claimed he was tortured and threatened by police. Abduweli fled with other members of his family to Turkey in 2015.<sup>75</sup>

## V. OTHER CIVIL & POLITICAL RIGHTS

In 2016, China continued to impose significant restrictions on the civil and political rights of Uyghurs in terms of freedom of movement, peaceful assembly, the right to life, right to liberty and security, and freedom from torture.

**The Chinese government has, over time, built up a vast security network within the region that leaves the Uyghurs more restricted in their movement than ever before.**

Civil and political rights are necessary in any free and democratic country as they ensure that it is the people who retain the power to freely express themselves through legitimate channels, to openly demonstrate and assemble in response to state action, to move freely within their country and have the reasonable ability to leave the country and return as they please. Such rights also guarantee that a justice system is fair





Policeman speaks to two Uyghur men in Kashgar

and legitimate and operates on an equitable basis for all.

Although China has merely signed, but not ratified, the ICCPR, it has weakly signalled its intent to ratify in the future.<sup>76</sup> Moreover, some of the rights enshrined in the document, including the prohibition against torture already fall within the category of Customary International Law and thus applicable to all states irrespective of ratification.<sup>77</sup>

## Freedom of Movement

Article 12 of the ICCPR states that, “[E]veryone shall be free to leave any country, including his own” and under Article 12, countries may only restrict this right “to protect national security, public order [...] or the rights and freedoms of others.”<sup>78</sup> Chinese laws, on the other hand, provide officials with broad power to prevent those deemed threatening

to state security from leaving the country, which the government has employed to keep critics and rights defenders from leaving China.<sup>79</sup>

The Uyghur population continued to chafe at increasing restrictions on free movement in 2016, including travel outside the country, within the region, and even between neighbourhoods within larger cities. Travel documents are checked at countless roadblocks, police surveillance stations continue to emerge, and entire neighbourhoods have been effectively fenced off in some cases.

The Chinese government has, over time, built up a vast security network within the region that leaves Uyghurs more restricted in their movement than ever before. Foreign and domestic travel has been strictly limited and controlled through a litany of policies from passport controls to street level roadblocks, seemingly designed to hinder the

**One security official, speaking on condition of anonymity said that, “We check suspicious persons more carefully...Basically, we check the Uyghurs.”**

Uyghurs from exiting the country freely or moving around the province.

It was announced on 19 October 2016 by the Shihezi Public Security Bureau that all passports in the area must be submitted for annual review, at which point police would then hold them for “safekeeping”.<sup>80</sup> Those wishing to leave the country would have to apply for approval from their local government offices. Officials who confirmed the recall also confirmed that the policy had been implemented across the region.<sup>81</sup> According to Human Rights Watch, the notice also stated that those wishing to retrieve their passports must “first apply for ‘an approval to leave the country’ at their neighborhood government offices before making an application at the [Public Security Bureau],” with a deadline of February 28 for submission.

There have also been more comprehensive restrictions on free movement involving the issuance of passports and travel documents in the past. In another report published by Human Rights Watch,<sup>82</sup> the rights group demonstrated that since 2002 there has effectively been a two-tier passport system serving its citizens. The first is available to those living in areas largely populated by the country’s ethnic Chinese majority, while the second is made available to those in areas populated overwhelmingly by the country’s minorities. The report goes on to explain that “...residents of areas with slow-track processing are subjected to extremely long delays, often lasting several years, before passports are issued, or are routinely denied passports for no valid reason.”<sup>83</sup>

Official documents have shown that the restrictions were initially designed to prevent Uyghurs, Tibetan Buddhists and Hui Muslims from religiously motivated travel, but state media has stated that citizens are able to apply

through state-sanctioned tour groups, rather than travelling independently. Research has also found a pattern of the denial of the right of Uyghurs to renew or obtain passports dating back to 2006.<sup>84</sup> The 2007 Passport Law of the People’s Republic of China clearly outlines the circumstances in which passports may be denied or confiscated, yet blanket confiscations from one ethnic group in particular is clearly not within the ambit of the law.<sup>85</sup>

A U.S. State Department report in 2015 supported these findings, stating that, “Uighurs [...] reported great difficulty in getting passport applications approved at the local level. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, other Muslim countries, or Western countries for academic purposes.”<sup>86</sup>

Aside from the outright seizure of travel documents, there has been a clear increase in the number of roadblocks appearing throughout the region within and between major urban areas in particular.

Roadblocks have been augmented by the introduction of “police convenience stations” that add to the already extensive network of security cameras and surveillance infrastructure that continues to restrict and regulate movement and behaviour.<sup>87</sup>

The newly erected police stations are modelled on those already in use in Tibet, which some characterise as “grid-style social management”, as a means of controlling and monitoring large areas of a city. The stations are equipped with the latest anti-riot equipment as well as face and voice recognition software in some cases, which is used to track and build profiles of suspects.

Radio Free Asia also reported in August 2016 that entire Uyghur neighbourhoods have been fenced off for the purpose of security checks there. It was reported that steel fences had been

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constructed in Urumqi, but other sources confirmed that the same were built across the region from Kashgar to Aksu and Hotan as well, with most requiring residents to present ID cards to enter.<sup>88</sup>

A New York Times report in January 2016 also noted that “[S]ince 2014, Uyghurs seeking to travel outside their hometowns have been required to carry a special card that lists phone numbers for the holder’s landlord and local police station.”<sup>89</sup> The article goes on to suggest that many Uyghurs find these “convenience contact cards” single them out for undue scrutiny.<sup>90</sup>

Uyghurs homes are also routinely and arbitrarily inspected by police without permission, sometimes ending in confrontation and almost certainly elevating resentment towards police and the regional government. One security official, speaking on condition of anonymity said that, “We check suspicious persons more carefully...Basically, we check the Uyghurs.”<sup>91</sup>

In addition to controls in the region itself, at the most recent G20 Summit in Hangzhou, a printed notice surfaced online offering cash rewards for reporting the presence of Uyghurs in the area to police. The notice was signed by Hangzhou’s Hongshi property management group and states as one of its stipulations: “If you see Uyghur from Xinjiang you must go to police and may collect 500 yuan reward.”<sup>92</sup>

Historical migration of ethnic Chinese citizens to the region—long supported and incentivized by the central government<sup>93</sup>—has also left many Uyghurs with fewer options in terms of mobility. On the basis of continued migration to the region, Uyghurs have complained that this has effectively restricted their ability to move to urban centres. In addition, according to the U.S. Department of State’s annual report from 2015,

a major source of Uyghur resentment in the region, particularly in larger cities springs from the “Han-Uighur ratio in the capital of Urumqi revers[ing] from 20/80 to 80/20.”<sup>94</sup>

## Constraints on Uyghur Diaspora

Not only have Uyghurs in China been targeted, but Chinese officials have increasingly been locking their gaze on Uyghur human rights activists and media outlets abroad. Reports of harassment, intimidation and threats were widespread in 2016 as the government continued to lock up family members and associates of Uyghur activists.<sup>95</sup>

In 2016, a number of activists were prevented from attending the first Asia-Pacific Religious Freedom Forum in February, including members of the WUC, who were not legally allowed to enter the country.<sup>96</sup> Visas were also denied for other notable rights activists, demonstrating China’s continued influence over Taiwanese political affairs.

**Uyghurs homes are also routinely and arbitrarily inspected by police without permission, sometimes ending in confrontation and almost certainly elevating resentment towards police and the regional government.**

In addition, WUC General Secretary Dolkun Isa was unable to travel to India as an invited guest to attend the annual Interethnic Interfaith Leadership Conference in Dharamsala beginning on April 30. A tourist visa was initially granted by Indian

authorities, but was abruptly cancelled after the impending visit was widely reported in the Indian press.<sup>97</sup>

Isa has also had to deal with an Interpol red notice against him, instigated by the Chinese government in 2002 in an attempt to stifle the his work and the work of other critics. Many states have been known to take advantage of the system for their own ends, as was demonstrated in a report by the International Consortium of Investigative Journalists.<sup>98</sup> Isa has, however, lived in Germany since 1996, demonstrating the

clear reluctance of democratic states to take China's claims seriously.

China has been effective in the past at controlling Uyghur activists abroad through family members who remain in China. WUC president Rebiya Kadeer witnessed three of her sons sent to prison as retaliation for her activism in 2006 and 2007 and countless other activists continue to be barred from speaking or associating with family members in East Turkestan.

Likewise, three brothers of Washington-based Radio Free Asia reporter Shohret Hoshur were harassed and arrested with one sentenced to 5 years in prison in 2014 for ostensibly violating state security laws when the two spoke briefly on the phone.<sup>99</sup>

## Press Freedom

As in much of the rest of China, press freedom in East Turkestan is virtually non-existent. For 2016, Reporters Without Borders (RWB) gave China a score that stood only above Syria, Turkmenistan, Eritrea and North Korea in terms of freedom of the press. According to a recent report by the Committee to Protect Journalists, China is the world's worst jailer of journalists—17 of the 44 who are currently jailed are of Uyghur origin, despite Uyghurs making up only between one and two percent of China's total population.

Foreign media remain very tightly controlled across the country. PEN America reported that stories that garnered reprisals from the Chinese government tended to focus on criticism of economic management and of top officials. In East Turkestan in particular, foreign media access is nearly non-existent as most major news bureaus work out of Beijing. Additionally, Chinese citizens—particularly those with government connections—have become much more reticent to speak to foreign journalists, whose environment is becoming increasingly inhospitable.<sup>100</sup>

The Cyberspace Administration of China also stepped up controls on internet content in 2016, stating that a new regulation would punish websites that publish “directly as news reports unverified content found on online platforms such as social media.”<sup>101</sup> More specific regulations were passed for East Turkestan in December 2016, which will impose heavy fines up to 500,000 yuan (72,700 USD) on website operators who “create, compile, spread, release or copy information considered harmful or false.” What may be broadly considered “harmful to national security” or “destructive of religious harmony” falls within the ambit of the regulation and therefore open to censure.<sup>102</sup>

## VI. ECONOMIC & CULTURAL RIGHTS

China has maintained policies that have left the Uyghurs economically marginalised for decades. Since the first state-sponsored Chinese migrants populated the region beginning in 1949, Uyghurs have felt the hand of the government lifting ethnic Chinese while overlooking their own concerns. Despite Chinese pronouncements on lifting millions out of poverty and rapid economic growth in East Turkestan, Uyghurs have been left out of the supposed success story. Although China is a ratifying party to the International Covenant on Economic, Social and Cultural Rights, many of its basic principles are consistently violated in regards to Uyghurs.

### Economic Rights

China consistently touts the fact that East Turkestan is now seeing the most impressive growth in its history. These lofty pronouncements, however, ignore the fact that since the mass migration of Chinese settlers to the region beginning in the 1950s, disproportionate benefits continue to flow away from the Uyghur population and into the hands of the migrant communities. Knowledge of

Mandarin and access to higher education remain the most significant barriers for Uyghur participation in the job market and account for many of the discrepancies that follow.

Firstly, rapidly developing industries in the region including construction, the energy service sector and resource extraction tend to exclude much of the Uyghur population in favour of Chinese. The Xinjiang Production and Construction Corps, a dominant state-controlled organization in charge of construction across the region, among other things, employs upwards of 2.7 million people, though Uyghurs make up only seven percent of its workforce, despite making up nearly half the population of the region.<sup>103</sup> Likewise, positions in government as well as administrative and managerial jobs are also overwhelmingly filled by non-Uyghurs, limiting the ability of much of the Uyghur community to move up the pay scale and develop their communities. As a result, despite a dearth of statistical information, an analysis of 2005 census data shows Uyghur workers, on average, earn 66 percent of what their Chinese counterparts do.<sup>104</sup>

A second major factor is that much of the Uyghur population remains concentrated in the countryside, while Chinese migrants continue to inhabit more densely populated areas and city centers. Uyghurs living in rural areas overwhelmingly work in agriculture, but the effects of land degradation, desertification and the seizure of land by the state has made farming increasingly untenable.<sup>105</sup> This has led to internal migration of Uyghurs largely from south to north and from rural to urban areas, and has resulted in rapid urbanization along with Chinese migrants coming from central and eastern China.<sup>106</sup> As a result, many Uyghurs who have been forced to move into cities find themselves concentrated in low-level

service sector jobs and other low-skilled positions.

2016 has also seen the effects of environmental degradation begin to hamper the ability of Uyghur farmers to maintain fruitful harvests. Farmers in the region have cited Chinese policies including land appropriation and a lack of water, as the primary reason for increased impoverishment in rural areas. Farmers working in Turpan in particular have encountered significant problems with drought in recent years as water from petroleum drillers and industrial-scale farmers continue to drain the Turpan Basin—a major source of water for the area that helps sustain the region's half-million residents.<sup>107</sup>

## One Belt, One Road Initiative

The development of China's One Belt, One Road initiative has bolstered the government's claims that development in the west remains an imperative. Although development projects in the region have only been increasing in recent years and despite the fact that China has seen tremendous economic growth since the reform period, there is little evidence suggesting that the projects have had any positive effect on the Uyghur population there.

Particularly since the 1990s, Beijing has highlighted a number of campaigns ostensibly targeting East Turkestan and economic development thereof. These initiatives have included Open up the Northwest (1992), Western Development (2000), the Xinjiang Work Forums of 2010 and 2014, as well as the establishment of the Shanghai Five (1996) and later the Shanghai Cooperation Organization (2001).<sup>108</sup>

**Since the mass migration of Chinese settlers to the region beginning in the 1950s, disproportionate benefits continue to flow away from the Uyghur population and into the hands of the migrant communities.**

As argued in a recent report by the Uyghur Human Rights Project (UHRP), "New economic initiatives in East Turkestan signify familiar





exclusions for the Uyghurs,” and that “Beijing has set development priorities within the context of state and party interests, rather than accounted for the concerns of the titular holders of autonomy in East Turkestan.”<sup>109</sup>

We have witnessed time and again that “development” is understood by the Chinese government not merely as a means of uplifting all its citizens, but as part of a process by which the state establishes greater control over the population. As explained by the UHRP, “Development as it is understood in East Turkestan was an instrument with which to assimilate the Uyghurs and determine loyalty to the center-led vision for the region.”<sup>110</sup> Given that Uyghurs have been excluded in past campaigns, framing the current project in terms of “regional development” fails to acknowledge that Uyghurs—who make up nearly half of the region’s population—will be largely excluded.

## Cultural Rights

Many of the policies that have been enacted in recent years play a particular role in China’s

broader assimilationist campaign that has lasted for decades. Because language is so central to the identity of so many Uyghurs, it has inevitably borne the brunt of state efforts to stifle it. Notwithstanding Chinese Constitutional protections, ensuring, “the right to receive education, the right to use [one’s] own spoken and written languages” and “...the right to inherit and carry on the traditional culture of [one’s] own ethnic group,” education and language policy for ethnic minorities has gradually eroded the capacity for these groups to maintain distinct cultural practices.<sup>111</sup>

For years, education policy in East Turkestan has focused on promoting the use of Mandarin as the primary vehicle for study, largely at the expense of the Uyghur language. In 2000, the Communist Party created the “Xinjiang Class”, a program designed to incentivize Uyghur students to attend school in predominately Chinese populated cities to learn Mandarin alongside Chinese students and to promote unity and integration. Critics of the program, however, have pointed to the fact that many of the Uyghur students resisted integration and

that the program actually *strengthened* Uyghur identity.<sup>112</sup>

From an employment standpoint, knowledge of Mandarin has become indispensable for finding adequate work in major cities. As a result, Uyghur parents are increasingly feeling the pressure to enroll their children in schools that do not teach Uyghur as a language, risking further deterioration of their culture. Major subjects at universities are now increasingly taught solely in Mandarin and university enrollment among Uyghurs is in decline. Official state policy is that of “bilingual education”, something that the Chinese Constitution readily accepts, but in practice, the use of the Uyghur language continues to be highly restricted.

Despite China’s ratification of the International Covenant on Economic, Social and Political Rights, which recognizes the right of all to take part in cultural life, among other things, China has showed no signs of ensuring that Uyghurs are able to do so. Steady encouragement of Chinese migration to the region, coupled with campaigns like those that promote interethnic marriage with financial incentives, do little to promote harmony. On the contrary, these policies tend to come across as aggressive, state-controlled exercises in order to promote assimilation, rather than benevolent and well-meaning integration.

Policies that directly push for assimilation on grounds of stability-maintenance misunderstand the root causes of instability and ethnic tensions to begin with. Such a misdiagnosis of the problem will likely ensure that ethnic tensions remain high and that dissatisfaction will continue to mount among Uyghurs. While simultaneously proclaiming its promotion of ethnic harmony on the one hand, while maintaining heavy restrictions against the free expression of one ethnic group on the other, it is difficult to take many of China’s vague pronouncements at face value. Many of these statements must be understood for what they are—a signal to domestic and foreign audiences

that China is doing all it can to promote harmony and mutual understanding.

## VII. REFUGEES & ASYLUM SEEKERS

The internationally recognized rights of asylum seekers have been consistently flouted by the Chinese government for decades, primarily in relation to neighbouring states. Uyghur asylum seekers have been forcibly deported from states with strong trade and diplomatic ties to China for many years.

The act of forcibly repatriating individuals or groups who make it clear about their desire not to be returned to their home country is a clear infringement of well-established international law. The non-refoulement principle spelled out in the 1951 Refugee Convention—to which China is a state party—requires that states do not allow for the forcible return of refugees or asylum-seekers to territories where their “life or freedom would be threatened on account of race, religion, nationality, member of a particular social group, or political opinion.”<sup>113</sup>

Consequences of this kind of treatment have included arbitrary arrest and detention, abuse, and typically involves dubious criminal charges levelled against those who are returned. The Chinese government has repeatedly called such escapees criminals and all those who are returned have been treated in such a manner in the past.

### Current Cases

A collection of rights groups specifically urged Thailand to protect asylum seekers in March 2016 in response to concerns over Thailand’s respect for domestic and international law.<sup>114</sup> As of March 2017, a group of around 60 Uyghurs remain in the Thai immigration detention facilities waiting for the Thai government to make a decision on their case. The group was



part of the much larger group—some of whom were transferred to Turkey and others transferred to China in retaliation in July 2015. All of those that currently remain have been in detention without charge for three full years in poor conditions.

After eleven months in detention and after many had been returned to China and others moved to Turkey, part of the group took their case to a Thai court to adjudicate.<sup>115</sup> A lawyer for the group, Worasit Piriawiboon, stated prior to the trial that, “The court will hold an urgent hearing on March 24 and decide whether to release the group of 17, including a four-month-old baby, who are all from the same family.”<sup>116</sup> The court eventually rejected the group’s case and remain in detention according to sources.

Following months and years of inaction, some of the group’s members began to

take action on their own. Initially, a group of 15 Uyghurs began a hunger strike at 15:00 local time on 31 May 2016 at one of the detention locations to protest their poor treatment, challenge the legality of their indefinite detention, and bring greater attention to their circumstances.<sup>117</sup>

In a letter sent to the WUC by those who participated, it was explained that, “International institutions for protecting refugees including the UNHCR haven’t seriously cared about the tragic situation of Uyghur refugees—not only of those who have already been repatriated, but also of those who are still suffering in inhuman conditions in the Thai detention centers.” The letter went on to describe strikingly that, “We believe that it is better to die here rather to be repatriated, tortured and imprisoned in China.”

**As of March 2017, a group of around 60 Uyghurs remain in the Thai immigration detention facilities waiting for the Thai government to make a decision on their case.**



Uyghurs asylum seekers in southern Thailand, March 2014

This hunger strike came following similar actions in January 2015 when about 140 Uyghurs held at a detention facility in Hat Yai near the Thai border with Malaysia began a hunger strike. The strike was reportedly initiated on account of the worsening conditions and poor food quality that resulted in one death.<sup>118</sup> No follow-up information was ever provided about the length of the action and no noticeable changes were made in response.

A number of escape attempts have also been made from the facilities. In November 2014, 100 Uyghurs reportedly escaped detention, but most were subsequently recaptured according to reports.<sup>119</sup> In 2016, ten Uyghurs escaped from Nong Khai Immigration Detention Centre near the Laos border, but nine of the ten were subsequently re-captured. No updated information is yet available on the tenth escapee, Rachit Hachim.<sup>120</sup>

### Other Cases

It was also briefly reported in September 2016 that three Uyghur asylum seekers had been caught up in detention near Sultan Chusu in Leh district of Ladakh. The Uyghurs were identified as Abdul Salam, Abdul Khaliq and Adil, who were initially arrested on 12 July 2013. Their initial one-year prison sentences were completed on 11 January 2015, but little further information remains on their case and all three are at serious risk of return to China.<sup>121</sup>

### Past Issues

In December 2009, 20 Uyghurs were returned to China from Cambodia, another 5 from Pakistan and 11 from Malaysia in August 2011, and another six again from Malaysia in what Human Rights Watch called a “grave violation of international law” in 2013. In addition, Kyrgyzstan, Laos, Burma, and Nepal have also extradited Uyghurs to China – since 2001 at least 289 Uyghurs have been forcibly deported.<sup>122</sup>

In the most recent significant case, 109 Uyghur refugees were returned to China from an immigration detention facility in Bangkok,

Thailand on 8 July 2015. The move was met with widespread condemnation from the international community. The UN Refugee Agency (UNHCR) had reportedly been given assurances by Thai authorities that those in detention would be safe from persecution, as the group made it plainly clear that they did not want to be deported.

The deportations came on the heels of Turkey’s acceptance of 173 Uyghurs from the same facility in Bangkok, suggesting that the move may have been in direct response to that action. This approach also indicates the likely intention of the Thai government to appease both the international community and their call to observe international law on the one hand, and heavy pressure from China, a major economic partner, on the other. The ostensible justification given by the Chinese government was that the group was made up of “illegal immigrants” who should therefore be rightfully returned to China in the meantime.

Although it was reported that the Thai government sent a delegation to China in order to check on the state of those returned, no official report or statement on their whereabouts or well-being was ever released.<sup>123</sup>

## VIII. RECOMMENDATIONS

The following are recommendations directed towards the Chinese government and the international community, as the latter remains particularly relevant in human rights concerns in that country. The international community is made up not only by states, but by a vast collection of organizations working towards greater freedoms and opportunities, especially for dispossessed groups who hold vastly disproportionate power in their own lands. We strive to work together with organizations with these goals in mind.

## To the Chinese Government

### UN Human Rights Mechanisms

- (1) China must take all necessary steps to ratify the International Covenant on Civil and Political Rights (ICCPR) and as well as OP-CAT and OP-CEDAW, and to undergo judicial reforms so as to bring the Chinese justice system in line with internationally recognized standards. If the Chinese government wishes to be taken as a serious actor in international fora, it must ratify these crucial agreements.
- (2) China must engage and respond substantively to UN Special Procedures, namely the Special Rapporteurs for Arbitrary Detention, Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Freedom of Religion or Belief, and Protecting Human Rights while Countering Terrorism. China must allow for transparent and constructive visits by these representatives who can respond to the developing situation there.
- (3) Considering China's ratification of key international human rights treaties, including the Covenant on Economic, Social and Cultural Rights (ICESCR), the government must ensure that current policy in East Turkestan takes its key elements into consideration.

### Arbitrary Detentions & Disappearances

- (1) China must provide public reports on high-risk detainee cases. The international community must be able to gain adequate information regarding detainees, particularly those who have been illegally returned from neighbouring states. China must publically guarantee the safety of those that have been returned to the country and provide evidence that those returned are not mistreated.
- (2) China must unconditionally release Ilham Tohti along with his seven students (Perhat Halmurat, Shohret Nijat, Luo Yuwei, Abduqeyum Ablimit, Atikem Rozi, Akbar Imin, and Mutellip Imin) who have been

accused of baseless separatist crimes. China must recognize the injustice in imprisoning a scholar and his students working towards reconciliation and not the opposite.

- (3) China must publicly disclose the whereabouts of Uyghurs who were disappeared following the rioting in Urumqi in early July 2009. The treatment of those that have been held since then must be made public to ensure that the criminal justice system acts fairly and transparently.
- (4) China must ensure access to legal counsel for Uyghur detainees. Uyghurs who are arrested must be able to reach out to legal representatives and maintain contact throughout the legal process. China's legal aid system must be available for those unable to pay for legal services.

### Counter-Terrorism

- (1) China must recognize the importance of human rights protections within the context of counter-terror campaigns and must abide by international standards. China must uphold standards set out in the United Nations Global Counter-Terrorism Strategy resolution and Plan of Action adopted by Member States in 2006.
- (2) China must immediately and substantially amend its National Anti-Terror law and Regional Implementation Measures for East Turkestan in line with international standards. The law is both incredibly broad and vague and has left police and security forces significant power over the Uyghur community.
- (3) China must publicly disclose the total number of Uyghurs who have been charged with crimes relating to Endangering State Security and the aforementioned Anti-Terror Law. The disclosure of information on these cases is a necessary and crucial step towards the protection of Uyghurs charged under these laws.



## Religious Freedom

- (1) China must take immediate steps to ensure that Uyghurs are able to freely practice their faith including:
  - a. Ensuring all Uyghurs are able to enter the mosque freely.
  - b. Ending heavy surveillance of mosques and of imams.
  - c. Allowing mosques to be repaired and rebuilt considering recent reports of demolitions.
  - d. Removing restrictions on where religious practice and activities may take place.
  - e. Ensuring that reasonable public expression of one's faith is permissible.
- (2) China must ensure that current policies that explicitly and implicitly link Islam to extremism and violence are reviewed and modified to reflect international law.
- (3) China must review the newly passed amendments to the Regulations on Religious Affairs to ensure that religious practice is not unduly restricted.
- (4) Restrictions on the practice of Ramadan must be lifted, including the ability of Uyghur children, members of the public service and Party members in particular to fast and observe religious rituals during this period.

## Freedom of Movement & Right to Privacy

- (1) China must lift passport restrictions for those recently affected in East Turkestan. Passports and other travel documents must be returned to those wishing to travel within the region or out of the country within legal channels.
- (2) East Turkestan's regional government must overhaul its extensive surveillance program to fall in line with international law on the right to privacy.
- (3) The newly implemented orders in the Bayingolin Mongol Autonomous Region requiring GPS tracking of all vehicles must be discontinued.

- (4) Uyghur smartphones must not be arbitrarily searched by police and other authorities.

## To the International Community

### Human Rights Dialogue

- (1) The European Union must demand that China participate whole-heartedly in its China-EU Human Rights Dialogue and engage with high level representatives to increase the legitimacy of the talks. Concrete progress on human rights must be stipulated.
- (2) The European Union must strengthen its multi-lateral approach regarding human rights dialogue. Bilateral relations often isolate European states and weaken their negotiating power vis-à-vis China, so a collective approach must be maintained and strengthened moving forward.
- (3) Within additional bilateral relationships with the Chinese government, states must recognize the importance of human rights protection across China, and integrate human rights into economic and political dialogue.

### Refugees & Asylum Seekers

- (1) UNHCR officials must recognize legitimate Uyghur distrust with the UNHCR following a number of cases where Uyghurs were returned to China after having begun the official asylum process. Many Uyghurs often cannot distinguish between asylum officials and officials representing the state.
- (2) States surrounding China must uphold international commitments regarding the rights of refugees and asylum seekers, particularly those underscored in the Refugee Convention. Uyghurs must be able to be relocated to safe, third countries to ensure that they are not forcibly returned to China.



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