



To Strike The Strongest Blow:

Questions Remain Over Crackdown On 2009 Unrest In Urumchi



A Report by the Uyghur Human Rights Project
Washington, D.C.

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Cover image: Montage of photos of 28 Uyghurs who have disappeared after July 5, 2009, from UighurBiz.
Retrieved from: <http://www.Uighurbiz.net/archives/15061>

INTRODUCTION

On July 5, 2009, in the city of Urumchi, Uyghur men, women and children peacefully assembled in People's Square to protest government inaction over a deadly attack that killed Uyghur factory workers in Shaoguan, Guangdong Province.

July 5, 2013 marks the four years since Chinese security forces violently suppressed that protest. In those four years human rights organizations have raised several questions over the Chinese state's response to the unrest. Witness accounts and documentation have emerged regarding the events of July 5 and the following widespread crackdown on the Uyghur people in Urumchi that significantly contradicts the narrative recorded in the official Chinese media.

Interviews with Uyghur individuals present at the peaceful demonstration, which preceded the outbreak of the unrest, and family members of those Uyghurs caught in the post-unrest detention sweep offer a body of credible evidence that the Chinese government committed egregious human rights abuses in July 2009.

Official documents obtained by human rights organizations, such as court proceedings, illustrate the lack of due process in cases related to the unrest. Furthermore, in the past year, UHRP has obtained an extensive archive of official Chinese media reports from the Urumchi Evening News, a small proportion of which are cited in this report, which span the period of July 2009 to February 2010. The archive, predominately in the Uyghur language, reveals how the Chinese media built a narrative of the unrest after the state initiated an information blockade by cutting off both telephone and Internet communication in the entire region for 10 months. The archive also demonstrates how in building that narrative, the Chinese government account, especially of the post-unrest detentions, lack sufficient clarity, a finding which should cast doubt on the state's version of events.

Since July 5, 2009, Chinese officials have spared no effort to silence and intimidate Uyghur voices, and have actively sought to suppress information that contradicts the official narrative. Besides the 10-month communications blackout, harsh punishment for Uyghur webmasters and journalists aided official efforts to manage and control information emerging from the region on the unrest.¹

As a result, four years following the unrest several questions, documented by the Uyghur Human Rights Project (UHRP) and other human rights organizations, over due process in trials and detentions, enforced disappearances and torture remain. Four years after the unrest many Uyghur families across the region do not know what happened to their relatives. This report also documents how the Chinese government heavily employed video surveillance to single out individuals who had participated in a peaceful protest for

¹ A police notice translated in an August 5, 2009 post on the This is Xinjiang blog prohibits the use of the Internet and cell phones "to spread rumors, incite riots, and disrupt social order." See: http://blogs.princeton.edu/pia/personal/xinjiang/2009/08/riot_feedback_1.html

detention. Further troubling aspects of post-July 5 East Turkestan are reports of minors arbitrarily detained, tortured, sentenced or simply disappeared. This element of the Chinese government's security crackdown puts the People's Republic of China in contravention of its obligations under the Convention on the Rights of the Child, particularly Article 37.²

The overwhelming pattern emerging from what documentation is available is lack of clarity from the Chinese government on a number of issues. It is unclear how many Uyghurs were detained, tried and forcibly disappeared. This absence of transparency is especially troubling in terms of human rights, as any process of redress cannot be initiated without accurate details.

In this report UHRP collates the body of evidence built in the past four years, in addition to new documentation that corroborates this evidence. Combined, this evidence asks questions of the Chinese government that seeks clarification on a number of alleged human rights violations.

UNCLEAR DETENTION NUMBERS

Offense is the best defense. The 'July 5 Incident' created tremendous social and economic loss; but, it has provided us an opportunity to destroy the living force assembled by the enemy for many years. We should never lose sight of this opportunity regardless of how much time we spend and how much of a price we pay, and we should destroy the living force of the enemy by all means. We should uphold the principle of 'strike preemptively, strike whenever the enemy raises its head and strike first to blunt the enemy,' use strong measures and all means to strike the strongest blow.

Then-Party Secretary of the Xinjiang Uyghur Autonomous Region, Wang Lequan quoted in the *Urumchi Evening News*, August 5 2009.



Left: Wang Lequan speaking about the July 5 incident on July 7, 2009. (Xinhua)

² United Nations (UN) General Assembly. (1989, November 20). Convention on the Rights of the Child. Retrieved from <http://www.unhcr.org/refworld/docid/3ae6b38f0.html>.

Question for China:

- Why is the number of detentions given by official media unclear and why do they conflict with accounts given by overseas media?

Chinese officials have not publicized the total number of those detained in the wake of July 5. According to the *New York Times*, in the one month following July 5, if numbers publicized by official media up to that point were added up, the total number of individuals detained since July 5 exceeded 2,000.³



Image of initial peaceful Uyghur protest on July 5, 2009. (BBC)

The newspaper article archive obtained by UHRP covering the post unrest period also demonstrates authorities provided no definitive account of the overall numbers detained and sometimes offered vague references to the exact number of detentions in various security sweeps. In most cases, the newspaper articles only offer glimpses into the extent of the crackdown.

Urumchi Evening News, July 7, 2009

In “7/5 Incident” 140 people dead, over 100 criminal suspects arrested

“PSB organs arrested over 100 criminal suspects who participated in the violent incident of violence, destruction, robbery and arson. Urumchi’s traffic and social order were normalized.”

³ New York Times. (2009, August 2). China Arrests 319 People in Unrest in Xinjiang. Retrieved from http://www.nytimes.com/2009/08/03/world/asia/03china.html?_r=1&hpw.



Chinese security forces take over downtown Urumchi, July 10, 2009 (AP)

Urumchi Evening News, July 8, 2009⁴

Over 1000 criminal suspects under process of investigation

“Original report: After the “July 5 incident,” the Municipal Party Committee and People’s Government pursued a path of restraint with utmost attention in planning, and police forces immediately arranged to bring order to places with a serious situation such as the People’s square, Aqquwuq (Nanmen), Tuanjie Lu/Unity Road, Baygu Square, Xinhua South Road; placed transportation boundaries; maintained order; scattered the gathering crowd; pulled the threads of warnings and making roaming people in those places leave, and first took those leaving who enlarged the incident.

In addition, police organized and blockaded areas where the incident occurred, rescued those who remained, and by July 6 at 10pm over 1000 criminal suspects were arrested to begin investigations.”



*Chinese security forces confront a Uyghur protester
(Peter Parks, AFP/Getty Images)*

⁴ This article is undated in the archive. Based on a chronological analysis of the report, UHRP believes July 8, 2009 to be the most likely date of publication.

Urumchi Evening News, July 11, 2009

As of midnight on July 9, 190 criminal suspects were arrested

“Original report: Beginning on the afternoon of July 9 until midnight today, city police made a fourth round of arrests to restore order, arresting 190 criminal suspects for participating in the severely violent criminal incident of attacks, destruction, robbery and arson.

According to police reports, since the July 5 incident, people of all ethnicities in Urumchi have provided clues about criminal suspects to PSB organs. The PSB organs immediately organized forces and immediately arrested the criminal suspects.



Image from Urumchi Evening News, July 11, 2009 above, with caption: “Arrested criminal suspects.”

The Municipal PSB Tianshan district deputy leader said: “On that day, 49 criminal suspects were arrested at 4 restaurants near the Hua Qiao Bingguan, and after a search of Minghua Road between 19-23 Streets, 66 criminal suspects were arrested.

According to police reports, the crackdown was fairly successful, and there will be no chance for the criminal suspects to resist or escape.”

Urumchi Evening News, July 17, 2009

During search of Urumchi County, many criminal suspects discovered

“Original report: In Urumchi county to the north and the south of the city, at important transportation hubs for leaving the city, inspection points were set up at 9pm on July 5, pedestrians and automobiles passing on this road underwent vigorous inspection, and up until this point fairly many criminal suspects were arrested.”



Uyghurs detained by security forces in Urumchi. (Guardian)

Urumchi Evening News, July 31, 2009

Municipal Police publish pictures of 7/5 Incident criminal suspects

“People of different ethnicities supported the Party and Government’s wise actions in handling the ‘July 5 incident’; stood together against the enemy, and actively reported about the criminal suspects that were involved in the ‘July 5 incident’. Based on the clues and information that the informants provided PSB, dozens of criminal suspects were arrested. At the same time, under the threat/from the fear of a powerful dictator force, dozens of ‘July 5’ criminal suspects handed over themselves to the PSB.”



Photo of a Uyghur man detained by Chinese policemen in Urumchi, July 5, 2009.

Photo sent by a witness. (RFA)



Image from Urumchi Evening News, 7/31/09 article on previous page (page 1). Names (from left to right), First row: Memetrishat Ehet, Tursunmemet Baqi, Ehet Obul, Abduqiyim Obul, Guljehre Rozi, Erkin Abla, Mewlanjan Memet, Alimjan Erkin. Second row: Alimmemet Yusun, Aynur Tursun, Yang Bingjen, Tohti Pazi, Tursun Mehem, Nurmemet Abliz, Memet'eli Eziz.

In a detailed analysis of detentions connected with the July 5 unrest, the Congressional-Executive Commission on China⁵ concluded that official Chinese accounts of detentions were “inconsistent.”

Official Chinese media's English-language and Chinese-language services have differed in some cases in their coverage of the detentions and arrests, and some details about the detentions and arrests, including the total number of people in custody, remain unclear.⁶

Given the allegations made by Uyghur eyewitnesses to mass arbitrary detentions of Uyghurs in Urumchi, as well as further accusations from human rights groups regarding enforced disappearances of detained Uyghurs, the obscuring of a total number of people detained raises questions over the transparency of Chinese police actions. The references to suspects handing themselves in voluntarily to the police in the newspaper articles cannot be independently verified and as a result should be treated with suspicion.

Based on independent eyewitness accounts and international media reports, UHRP believes that the actual number of people arrested is much higher than the official figures as far as they can be ascertained. A *Financial Times* report published on July 19, 2009 stated that more than 4,000 Uyghurs had been arrested up to mid-July, and that Urumchi's prisons were so full that detainees were being held in People's Liberation Army warehouses.⁷

⁵ Congressional-Executive Commission on China. (2009, November 6). Xinjiang Authorities Continue Detentions, Announce Arrests Connected to July 5 Incident. Retrieved June 1, 2009 from <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsing=128326>.

⁶ Ibid.

⁷ Financial Times. (2009, July 19). Xinjiang widens crackdown on Uyghurs. Retrieved from



From "Municipal Police publish pictures," Urumchi Evening New 7/31/09 (page 2)

Left: 7/5 Incident Criminal Suspects Wanted for Arrest in the PSB Investigation. Row 1: Ghenni Osman, Gheyrigul Omer, Roshengul Telep. Row 2: Ehet Ysin, Ehmet Eset, Emet Yasin. Row 3: Tursun Tohtimetmet, Abduhelil Memtimin, Jang Jawpet. Row 4: Nurmemet Muhter, Tahir Ablimit, Obulqasim Memtimin. Row 5: Gholamjan Ghenni, Abdureshit Hoshur, Dilmurat Dilshat.

Right: PSB Investigation Bureau Recently Arrested 7/5 Criminal Suspects. Row 1: Tursun Tohti, Musajan Rahman, Memtimin Ehet, Tursun Niyaz, Yolwas Memet, Memettursun Nizam. Row 2: Memet Abdullabeg, Perhat Ablikim, Iliyas Dolqun, Ehet Ghopu, Eli Rejet. Row 3: Qurban Turap, Ablikim Omer, Arupjan Tursunof, Wang Junfeng, Mutellip Eziz. Row 4: Aygul Emer, Awut Mamut, Patime Ablimit, Pey Lyanshin, Memet'eli Ghopur. Row 5: Hesengan Ablet, Ablet Yasin, Hurshide Yaqup, Nurnisa Imin, Roshangul Tohti

<http://www.uhrp.org/articles/2530/1/Xinjiang-widens-crackdown-on-Uyghurs-/index.html>.

LACK OF DUE PROCESS IN DETENTIONS

Question for China:

- Why did detentions of July 5 unrest suspects not follow due procedure according to the laws of China?

In response to the unrest that took place on July 5, 2009, Chinese security forces carried out a wide-ranging crackdown that targeted the Uyghur community in Urumchi. In two reports, based on firsthand accounts of the unrest, released in 2010 and 2011, UHRP documented how, on the night of July 5 and in subsequent weeks and months, Uyghurs living in Urumchi were subjected to widespread arbitrary detention. A witness UHRP interviewed in 2011 said: “They never stopped arresting people.”⁸



A policeman makes an arrest in Urumchi. (Nelson Ching, Bloomberg News)

UHRP interviewed several other Uyghurs for the 2010 and 2011 reports who confirmed the extent of the detentions. One interviewee 2 stated a roundup of predominately young Uyghur males began as early as 3am to 4am on July 6, 2009 in the Uyghur area of Saimachang.⁹ A second interviewee reported witnessing security forces rounding up everyone on the street in front of his house close the Erdaoqiao Da Bazaar in the days following the unrest.¹⁰

⁸ Interviewee 1 interview with Uyghur Human Rights Project, 2011.

⁹ Interviewee 2 interview with Uyghur Human Rights Project, 2011.

¹⁰ Interviewee 3 interview with Uyghur Human Rights Project, 2011.



BBC video clip of Chinese security forces beating Uyghurs protestors on the street. (BBC)

Amnesty International's 2010 report on the July 5 unrest, *Justice, Justice: The July 2009 protests in Xinjiang, China*,¹¹ also documented the arbitrary nature of the detentions of Uyghurs carried out by armed Chinese security forces. Uyghurs interviewed by Amnesty stated that Uyghurs detained in connection with July 5 protests were loaded onto army trucks or buses before being taken away. Testimonies of Uyghurs that were obtained by Amnesty detailed sweeping house-to-house searches during which large numbers of people were arrested.

In its 2009 report, *We Are Afraid to Even Look for Them*, Human Rights Watch also recorded large-scale sweep operations and targeted raids conducted by security forces in Uyghur areas of Urumchi beginning July 6. Citing the Chinese Constitution, Criminal Procedure Law and Police Law, Human Rights Watch takes the position that the arbitrary detentions of Uyghurs in Urumchi were carried out in violation of these domestic legal instruments.

Furthermore, witnesses to the detentions told Human Rights Watch researchers that security forces did not introduce themselves or explain the reasons for their detention, and they did not tell families of those detained where they were being taken. When family members later sought information from the police and military, they were given no information regarding the location, condition or legal status of their friends and family.¹² All of these actions by state agencies were in contravention of the Criminal Procedure Law and Police Law.

¹¹ Amnesty International. (2010). "Justice, justice": The July 2009 protests in Xinjiang, China. Retrieved from http://www.observatori.org/paises/pais_81/documentos/asa170272010en.pdf.

¹² Human Rights Watch. (2009). China: 'We Are Afraid to Even Look for Them': Enforced Disappearances in the Wake of Xinjiang's Protests. Retrieved from: www.hrw.org/en/reports/2009/10/22/we-are-afraid-even-look-them.

In its 2011 report on the July 5 unrest, *A city ruled by fear and silence: Urumchi, two years on*,¹³ UHRP cited a ten minute video which graphically revealed the arbitrary nature of detentions of Uyghurs carried out by armed Chinese security forces in the wake of July 5. The video appears to confirm accounts of “sweeping house-to-house searches” described in the 2010 reports issued by UHRP and Amnesty International, and shows military forces, People’s Armed Police and regular police carrying out detentions of Uyghurs in Urumchi.¹⁴



Screenshots from 2010 video show a house search (above) and subsequent arrests (below) in Urumchi, July 5, 2009.

According to Article 385 of the Criminal Procedure Law: “Any State functionary who, by taking advantage of his position, extorts money or property from another person, or illegally accepts another person’s money or property in return for securing benefits for the person shall be guilty of acceptance of bribes.”¹⁵ While Article 22(6) of the Police Law states: “People’s policemen may not commit any of the following acts: ...to extort and racketeer, or to demand or accept bribes.” However,



¹³ UHRP. (2011, July 5). *A city ruled by fear and silence: Urumchi, two years on*. Retrieved from: <http://uhrp.org/uaa-and-uhrp-reports-press-releases/new-uhrp-report-city-ruled-fear-and-silence-urumchi-two-years>

¹⁴ The video can be viewed here: http://www.youtube.com/watch?feature=player_embedded&v=pRcOZOygmZc

¹⁵ Congressional-Executive Commission on China. Criminal Law of the People’s Republic of China. Retrieved from <http://www.cecc.gov/pages/newLaws/criminalLawENG.php>

many of the interviewees who spoke to UHRP researchers in 2010 and 2011 related accounts of their detention by Chinese security forces that included paying bribes to officials in order to secure release.

- A 26-year-old Uyghur described being arrested at his home on July 7, together with two male acquaintances. He stated that police did not let him or his companions speak before pushing them into a car and driving to a prison in Kaziwan, on the outskirts of Urumchi. During the week that he was in prison, no one in his family was informed about what had happened to him. He said police continued to beat him and repeatedly ask the same questions, until he became dizzy. Police eventually told him that his two acquaintances had joined an “illegal protest,” referring to the July 5 protests. He told UHRP that his family used connections and bribes to find out where he was and obtain his release from detention, without which he would have been charged with a crime and imprisoned.¹⁶
- Interviewee 4 was arrested on July 23. At a detention facility he was interrogated and beaten. His family paid an undisclosed amount to People’s Armed Police officers to secure his release.¹⁷
- Interviewee 5 was discovered by police to have photos of the July 5 unrest in his possession when his apartment was searched. He was detained for 15 days. His father paid 20,000 Renminbi¹⁸ (3,125 USD) in bribes to officials at the Nanguan Police Station to secure his release.¹⁹
- Interviewee 6 was arrested on July 23 after he was seen speaking to a foreigner he had picked up in his cab on July 21. He was beaten in detention and his father paid a bribe to get him out of prison.²⁰



Ethnic Uyghur women, many holding babies, sit between Chinese security forces to protest the arrest of family members in Urumchi. (Reuters)

¹⁶ Interviewee 3 interview with Uyghur Human Rights Project, 2011.

¹⁷ Interviewee 4 interview with Uyghur Human Rights Project, 2011.

¹⁸ 1 USD = 6.2 CNY.

¹⁹ Interviewee 5 interview with Uyghur Human Rights Project, 2011.

²⁰ Interviewee 6 interview with Uyghur Human Rights Project, 2011.

MISUSE OF VIDEO SURVEILLANCE

Question for China:

- Why was video surveillance misused to detain and arrest peaceful protesters?



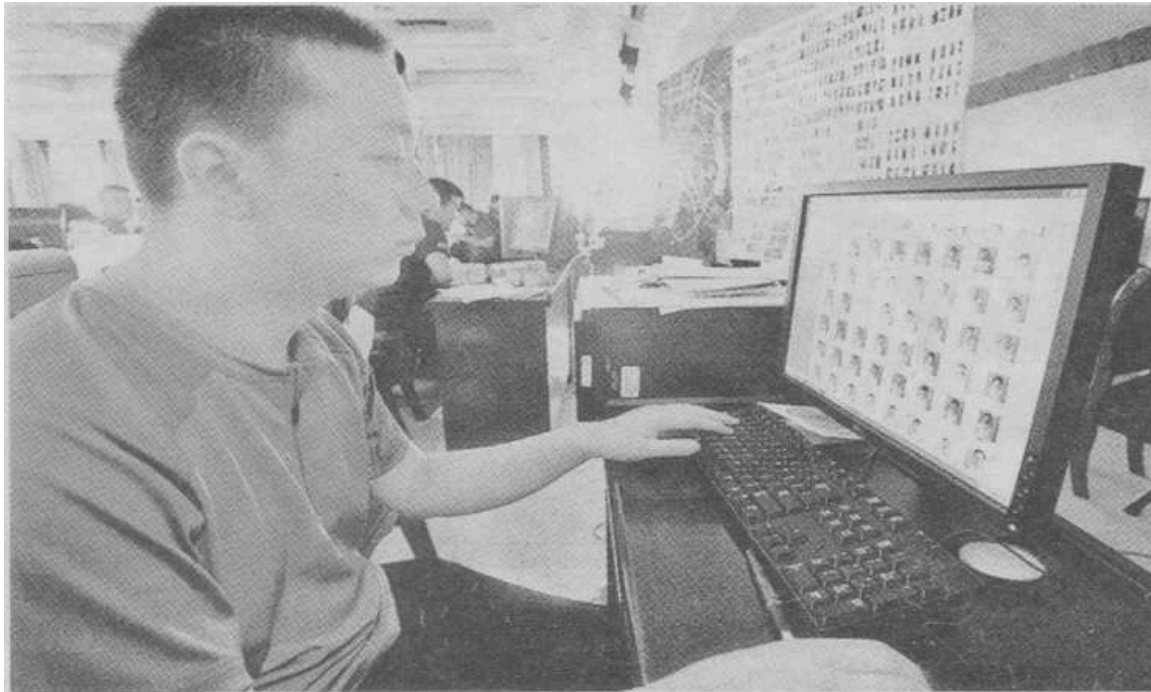
Security cameras are seen on a street in Urumchi, July 2, 2010. (AFP photo)

A printed newspaper article from the *Urumchi Evening News* dated August 24, 2009 obtained by UHRP describes how Chinese security used surveillance cameras to conduct targeted detentions of Uyghurs in the aftermath of the unrest. To date, the use of surveillance cameras in determining July 5 unrest suspects has not been extensively documented by human rights organizations. However, the article illustrates the importance Chinese authorities placed on using video to conduct detentions of Uyghurs. Translated excerpts of the *Urumchi Evening News* article are provided below:

After the 'July 5 Incident,' the Urumchi Municipal Public Security Department's 'July 5 Incident' Special Case and Evidence Gathering Special Work Group, under the direction of Xinjiang Uyghur Autonomous Region Public Security Bureau and the Urumchi Municipal Public Security Department, created the 'July 5 Incident' Video Scenes Handling Special Work Group by gathering top-notch technicians and detectives from Xinjiang, in order to quickly identify criminal suspects involved in violence, destruction, robbery and arson and gather credible evidence...

In the first phase, they collected the different locations of a criminal suspect and his criminal acts at different times, and enhanced the footage, then put it into the 'Video Report of Important Criminal Suspects' related to the 'July 5 Incident' and the 'Report on Suspicious Automobiles' and provided them to the Special Case Work Group. They gathered the evidence related to criminal acts, such as scenes, time, place, nature of case, characteristics of criminal suspects, and criminal acts

and prepared a report of ‘Suspects involved in Criminal Acts Video Scenes.’ They also prepared the ‘Photo Collection of the July 5 Incident involving Violence, Destruction, Robbery and Arson Criminal Suspects’ and provided it to the Special Case Work Group. In the end, they meticulously prepared the ‘Review Report on Video Scenes’ and provided credible evidence for prosecution.



From “Recognizing perpetrators of violence from video footage” Urumchi Evening News, August 24, 2009

While the article describes the identification of criminal suspects, UHRP’s interviews with Uyghurs in 2011 who were detained on the strength of video evidence indicates the decision to arrest certain individuals was also motivated by their participation in the peaceful July 5 demonstration that preceded the unrest.

A male interviewee, who drove his car to the protests, helped two girls fleeing the chaotic scenes at People’s Square by letting them into his car and driving away to safety. A CCTV camera captured an image of his registration plate, and on the strength of this evidence he was detained for one week in August 2009.²¹ Interviewee 7 also related how he was detained on the basis of a CCTV image that had captured the number of his car registration plate.²²

Interviewee 8 believed he had been caught on video during the demonstration as he saw Chinese police taping people by the side of the street on which he was standing. Fearing his imminent arrest, his family immediately sent him to Artush in southern East

²¹ Interviewee 7 interview with Uyghur Human Rights Project, 2011.

²² Interviewee 8 interview with Uyghur Human Rights Project, 2011.

Turkestan. His family later told him that on July 6 their home had been searched. The police who came to arrest him told his family that they had videotaped evidence that he had participated in the July 5 protest.²³



Surveillance cameras in a Uyghur neighborhood of Urumchi. (New York Times)

Police told Interviewee 10's family that he was caught on CCTV cameras at the demonstration. Police have harassed his family since he left East Turkestan.²⁴ In addition, a female interviewee stated the reason why police came looking for her is that she was identified by images from CCTV cameras located near People's Square.²⁵ Interviewee 12 was detained with undetermined number of other Uyghurs on July 18 for one month after police used CCTV cameras to identify him. He was only released because his parents paid a bribe to the police. In detention, he was beaten and since he fled to Sweden the police have pressured his family.²⁶

Uyghur teenager Noor-Ul-Islam Sherbaz, who was 17 years old when detained on July 27, 2009, was convicted for 'provoking an incident' and alleged murder on the strength of evidence gathered by security cameras on July 5, 2009. Sherbaz, whose case was also reported by Amnesty International²⁷ and Radio Free Asia,²⁸ was given a life sentence

²³ Interviewee 9 interview with Uyghur Human Rights Project, 2011.

²⁴ Interviewee 10 interview with Uyghur Human Rights Project, 2011.

²⁵ Interviewee 11 interview with Uyghur Human Rights Project, 2011.

²⁶ Interviewee 12 interview with Uyghur Human Rights Project, 2011.

²⁷ Amnesty International. (2010). "Justice, justice": The July 2009 protests in Xinjiang, China. Retrieved from http://www.observatori.org/paises/pais_81/documentos/asa170272010en.pdf.

²⁸ Radio Free Asia. (2010, April 23). Uyghur Teenager Gets Life. Retrieved from

immediately following a trial that lasted just 30 minutes on April 13, 2010. As stated by Amnesty International, in video footage shown in court, Sherbaz was not seen beating anyone, although he was on the same street where a beating occurred. Noor-Ul-Islam's father, Sherbaz Khan, who is a Pakistani national, said his son left the house on July 5 to attend the entrance examination for the third year of high school. Sherbaz Khan told Radio Free Asia reporters that his son had been tortured in pre-trial detention and forced to sign a confession. In an article dated December 6, 2011, Radio Free Asia reported Noor-Ul-Islam Sherbaz had died in prison.²⁹



Imprisoned Noorul Islam Sherbaz, (NowPublic Photo Archive)

TORTURE IN DETENTION

Question for China:

- Why has there been no investigation into credible allegations of torture used against July 5 detainees?

Torture and forced confession has been a prominent feature of many Uyghurs' experience at the hands of the police in East Turkestan.³⁰ This feature of China's criminal-judicial system was criticized by United Nations Special Rapporteur on Torture Manfred Nowak, who stated following a 2005 mission to China, which included prison visits in East Turkestan, that torture remains "widespread." The finding came despite the fact the

<http://www.rfa.org/english/news/uyghur/uyghur-youth-04232010111100.html>

²⁹ Radio Free Asia (2011, December 6). Uyghur Youth Dies in Jail. Retrieved from <http://www.rfa.org/english/news/uyghur/jail-12062011110617.html/>

³⁰ Uyghur Human Rights Project. (2009). The United Nations and Amnesty International on Torture in East Turkestan. Retrieved June 10, 2009, from <http://docs.uyghuramerican.org/TURKESTAN.pdf>.

People's Republic of China had signed the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment on December 12, 1986.

Torture is also explicitly outlawed under Article 247 of the Criminal Procedure Law and Article 22(4) of the Police Law. To date, however, no domestic measures to address or curb torture in China have been seen to be demonstrably effective. During Nowak's visit he also noted the inefficiency of current complaint mechanisms. He was informed, for example, that in Prison No. 4 in Urumchi, the procurators have not received a single torture complaint during the last decade.³¹ In a 1999 report, Amnesty International detailed endemic use of torture in East Turkestan's detention centers as well as a serious absence of any kind of mechanism to monitor allegations of torture in the region.

Testimonies collected by UHRP from Uyghurs who were detained in the wake of July 5 detailed the continuing use of torture by Chinese security forces. For example, an 18-year-old recounted being detained on July 7, 2009. He stated that he had been present at the demonstrations on July 5, although he hadn't previously known they were going to take place. He described being taken to the Shengli Lu police station, which he said was full of Uyghurs, some of whom were tied up, and most of whom were handcuffed. He was beaten and tortured, in addition to being questioned regarding what he had been doing on July 5. He was subsequently released on July 9, but he was told that he could be detained again at any time, and he was required to report to the police every week.³²

Another Urumchi resident interviewed by UHRP gave an account of the detention of 15-year-old Almas, who was detained while outside his home on or around July 10. Police officers covered Almas' head with a black bag, and took him away. Almas reported being tortured for 72 hours in police custody, particularly with an electric rod that was used on his genitals. Almas was released from detention after four days, after a number of his teachers spoke with police and stated that he had been at home on July 5. Almas believes he was detained because someone previously detained had provided his name to the police while being tortured.³³

UNFAIR TRIALS

Question for China:

- Why were the trials of suspects allegedly involved in the July 5, 2009 unrest fast tracked leading to concerns that judicial procedures lacked due process?

It is unclear how many people have been tried and sentenced for crimes related to the unrest that took place in Urumchi in July 2009. The trials of Uyghurs accused of

³¹ United Nations. (2005, December 2). Special Rapporteur on Torture Highlights Challenges at End of Visit to China. Retrieved from <http://www.unhchr.ch/huricane/hurricane.nsf/view01/677C1943FAA14D67C12570CB0034966D?opendocument>.

³² Interviewee 13 interview with Uyghur Human Rights Project, 2011.

³³ Interviewee 3 interview with Uyghur Human Rights Project, 2011.

committing crimes on July 5 have been characterized by a lack of due process and transparency. Although Article 163 of China's Criminal Procedure Law states: "In all cases, judgments shall be pronounced publicly," court documents related to July 5 unrest trials have not been made available to the public.³⁴ A Uyghur interviewee and former medical student now living in Sweden said her 25-year-old brother had been in prison for five months before officials told her family about his prison sentence, in itself a contravention of Chinese law, which states that family members must be informed in writing within five days of a convicted individual's imprisonment.³⁵³⁶

Regional government chairman Nur Bekri stated in March 2010 that all defendants in July 5 trials would be tried "openly."³⁷ However, as noted by CECC, at the time Bekri made the remarks, although a regional official had stated that 198 people involved in 97 cases had been sentenced in East Turkestan for crimes committed in July 2009, the Chinese media had provided information on only 76 people tried on charges related to the unrest in Urumchi.³⁸

In a *People's Daily* article dated August 24, 2009, Chinese state media reported that more than 170 Uyghur and 20 Han lawyers had been assigned to unrest suspects, and their trials would be carried out "in their native languages."³⁹ However, Amnesty International stated in a December 3, 2009 press release defendants in July 5 trials are believed to have been denied the right to choose their legal representation.⁴⁰ In addition, Human Rights Watch and the CECC noted lawyers in both Beijing and East Turkestan were warned against independently taking on cases related to the July 5 unrest.⁴¹

³⁴ Congressional-Executive Commission on China. (2010, March 26). 198 People in Xinjiang Reportedly Sentenced in Trials Marked By Lack of Transparency. Retrieved from <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=137197>.

³⁵ See Article 20 of the Prison Law of the People's Republic of China, available here: <http://www.unhcr.org/refworld/pdfid/4c32023b2.pdf>.

³⁶ Interviewee 14 interview with Uyghur Human Rights Project, 2011.

³⁷ Xinhua (2010, March 7). 乌鲁木齐“7·5”事件已审理宣判97案198人 Retrieved from http://news.xinhuanet.com/legal/2010-03/07/content_13122850.htm

³⁸ Congressional-Executive Commission on China. (2010, March 26). 198 People in Xinjiang Reportedly Sentenced in Trials Marked By Lack of Transparency. Retrieved from <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=137197>.

³⁹ People's Daily Online (2009, August 24). 200 to face trial for day of carnage. Retrieved from <http://english.people.com.cn/90001/90776/90882/6736663.html>

⁴⁰ Amnesty International. (2009, December 3). China must halt death sentences against Uyghurs. Retrieved from <http://amnesty.org/en/news-and-updates/news/china-must-halt-death-sentences-against-Uyghurs-20091203>

⁴¹ Congressional-Executive Commission on China. (2009, September 14). Authorities Impose Restrictions on Lawyers Defending Xinjiang Suspects Amid Official Announcement on Arranging Legal Defense. Retrieved from <http://www.uhrp.org/articles/2977/1/Authorities-Impose-Restrictions-on-Lawyers-Defending-Xinjiang-Suspects-Amid-Official-Announcement-on-Arranging-Legal-Defense-/index.html>.

Remarks of Chinese officials prior to the first trials of defendants in July 5 cases displayed a pre-trial bias toward issuing harsh sentences. For example, Urumchi Communist Party secretary Li Zhi, at a press conference on July 8, 2009, stated executions would be used to deal with those involved in the unrest before any trials had even commenced.⁴² Moreover, Supreme People's Court president Wang Shengjun in a *Legal Daily* article dated July 11, 2009 called on courts of all levels to be united in their thinking with central authorities' judgments and policies, as well as for "striking hard in accordance with law" against defendants.⁴³

Furthermore, the Xinjiang People's Procuratorate acted on instructions from the Chinese Communist Party leadership and streamlined the review process of protest-related cases, adhering to the "three fast" principle (*san kuai yuanze*): "fast review, fast arrest and fast prosecution." In all of the cases reported in the official media, the defendants were sentenced on the same day their trials commenced or the day after.⁴⁴ In November 2009, 8 Uyghur men and one Han Chinese man were executed for crimes related to the July 5, 2009 unrest. For these nine men, all of the following happened in less than one month: they were tried, convicted, and sentenced; their sentences were upheld by the XUAR Higher People's Court and the national Supreme People's Court; and they were executed.⁴⁵

On January 17, 2011, Amnesty International questioned the legitimacy of the hundreds of trials conducted by Chinese authorities in 2010 in East Turkestan, calling upon Chinese officials to "demonstrate that the 376 individuals tried in 2010 in connection to the unrest in the Xinjiang Uyghur Autonomous Region received fair trials and were not punished for simply exercising their freedom of expression."⁴⁶

An October 6, 2009 *Urumchi Evening News* article from the archive collected by UHRP, describes six cases, involving 21 people, related to the July 5, 2009 unrest. The 21 were indicted on a number of crimes ranging from murder to deliberate destruction of property.

⁴² Congressional-Executive Commission on China. (2009, July 14). CECC Analysis: Authorities Pledge Crackdown Following Xinjiang Demonstration and Clashes. Retrieved from http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations_07142009.html

⁴³ Legal Daily. (2009, July 11). 最高人民法院党组：发挥审判职能全力维护稳定. Retrieved from http://www.legaldaily.com.cn/0801/2009-07/11/content_1121455.htm

⁴⁴ Human Rights Watch. (2010, January). "China: Events of 2009" chapter www.hrw.org/en/node/87491) in World Report 2010. Retrieved from www.hrw.org/world-report-2010 and Human Rights Watch. (2009, October 15) China: Xinjiang Trials Deny Justice: Proceedings Fail Minimum Fair Trial Standards. Retrieved from www.hrw.org/en/news/2009/10/15/china-xinjiang-trials-denyjustice.

⁴⁵ Congressional-Executive Commission on China. (2009, July 14). CECC Analysis: Authorities Pledge Crackdown Following Xinjiang Demonstration and Clashes. Retrieved from http://www.cecc.gov/pages/virtualAcad/XinjiangDemonstrations_07142009.html and Legal Daily Online. (2009, July 11). 最高人民法院党组：发挥审判职能全力维护稳定 (Supreme People's Court Leading Group: the Function of Legal Trials is to Safeguard Stability). Retrieved from http://www.legaldaily.com.cn/0801/2009-07/11/content_1121455.htm.

⁴⁶ Amnesty International. (2011, January 17). Authorities must prove Xinjiang trials were fair. Retrieved from http://www.amnesty.org.uk/news_details.asp?NewsID=19182.

The article is a transcription of questions and answers between journalists from the official Chinese media and officers from the Urumchi Public Security Bureau. In the transcript, PSB officer Liu Bo claims due process was followed in the investigation of the 6 cases.

The investigative organ as an organization follows the procedures of national law, assigns charges for cases where the social facts are examined and clarified, and evidence is complete, and this is an individual process. In these six cases the investigative organ strictly followed the deadlines and standards as understood in the Criminal Procedure Law. The PSB organ, in order to press charges, must rigorously investigate according to the law and also according to Clause 141 of the Criminal Procedure Law: “It is necessary that criminal facts are clear, and evidence complete.”

UHRP obtained official documents from the Procuratorate of Bayingolin Mongol Autonomous Prefecture in 2011 regarding the cases of 10 Uyghur individuals that reveal a lack of due process in July 5 related criminal-judicial procedures. According to the first document, the cases of 10 Uyghurs were heard in a closed trial on April 15, 2010 for crimes committed on July 5, 2009 in Urumchi. They were given sentences ranging from four years in prison to the death sentence with a two-year reprieve. A second document obtained by UHRP lays out an appeal to the XUAR Supreme People’s Court by one of the defendants, 15-year-old Alimjan Musajan, who claims in his appeal to have been tortured into confessing guilt.

It is unclear why the 10 defendants were tried in the Bayingolin Mongol Autonomous Prefecture for crimes they allegedly committed in Urumchi on July 5, 2009. According to Chinese law, trials are generally conducted in the same location as where the alleged crimes were committed by defendants. However, certain articles of Chinese criminal procedure law, such as Articles 24-26, appear to provide limited flexibility to judicial authorities to hold trials in other locations. Nevertheless, publicized official announcements regarding July 5 cases stated cases would be tried in the Urumchi Intermediate People’s Court.⁴⁷ According to the documents obtained by UHRP, all of the 10 Uyghurs tried and subsequently convicted of July 5 crimes were imprisoned in Korla, the capital of the Bayingolin Mongol Autonomous Prefecture, which is located approximately 120 miles southwest of Urumchi.

One of the individuals whose case was outlined in the first court document is Ms. Menzire Bakaji, who was convicted of intentional homicide and sentenced to death with a two-year reprieve after telling co-defendants, according to the court document, that the

⁴⁷ China Daily. (2009, July 31). Trials for riot suspects set for August. Retrieved from http://www.chinadaily.com.cn/china/2009-07/31/content_8495784.htm; Xinhua. (2009, July 28). “7•5”案件审理工作准备就绪 目前已组建多个合议庭. Retrieved from http://www.xj.xinhuanet.com/2009-07/28/content_17228319.htm and Congressional-Executive Commission on China. (2009, November 6). Xinjiang Authorities Continue Detentions, Announce Arrests Connected to July 5 Incident. Retrieved from <http://www.cecc.gov/pages/virtualAcad/index.php?showsingle=128326>

person they had attacked was still alive. Although Ms. Bakaji was not accused of having perpetrated any violence, she was given a heavier sentence than co-defendants whom the court said she incited to kill a woman. Two other individuals, Turahun Jelil and Israpil Ebey, were each convicted of “providing shelter” and sentenced to five years in prison after allegedly lying to investigators about attacks committed by co-defendants.



Footage shot on October 14, 2009, shows defendants on trial in Urumchi. (Reuters/CCTV via Reuters TV)

It is not uncommon for Chinese courts to issue a death sentence or suspended death sentence to individuals who have been convicted of inciting violence. However, the death sentence appears to have been applied in such cases when they involve political sensitivities and a government campaign to crack down severely on a particular population. For instance, in May 2010, 23-year-old Tibetan Sonam Tsering was sentenced to death with a two-year reprieve, after being convicted of “rioting and inciting the public to riot” on March 14, 2008, during unrest in Lhasa, Tibet. The sentencing of Sonam Tsering took place during a severe crackdown that began in the wake of protests that swept through Tibetan areas beginning in March 2008.⁴⁸

The cases of Turahun Jelil and Israpil Ebey, who were each sentenced to five years in prison after being convicted of “providing shelter” to criminals, were also similar to the

⁴⁸ Phayul.com. (2010, May 26). Chinese court sentences Tibetan man to death, 5 others to long jail terms. Retrieved from <http://www.phayul.com/news/article.aspx?id=27384&t=1>

cases of Tibetans found guilty of the same charge. In the above-mentioned case of Sonam Tsering, five Tibetans were sentenced to terms ranging from three to seven years for attempting to shelter him.

According to the court document, Turahun Jelil lied to investigators about what he saw with regard to the beating to death of a man on July 5, 2009. The court stated that Jelil confessed to the charges the fourth time he was questioned by investigators. Similarly, according to the document, Ebey confessed to the charges against him the fifth time he was questioned by investigators about witnessing the same man and a woman beaten to death.

In his request for an appeal detailed in the second document obtained by UHRP, 15-year-old Alimjan Musajan, who was convicted of intentional homicide, states that he was tortured into confessing guilt over the charges against him. Musajan, who maintains his innocence, was sentenced to 11 years in prison.

In the document, Musajan states that he was convicted of charges related to alleged attacks on three men in their twenties in July 2009 in Urumchi, when he was 14 years old. Musajan outlines a flawed legal process in which he states that the Urumchi Municipal People's Procuratorate turned his case back to the Urumchi Municipal Public Security Bureau three times due to lack of evidence. He asserts that he was declared not guilty at one point and released to Ili Prefecture, in the northwestern part of East Turkestan. He also states that he was not given the opportunity to defend himself in court. In addition, he states that it is unclear whether he has been convicted of "intentional homicide" or intentional battery.

According to Chinese law, criminal defendants have the right to appeal to a higher people's court if they do not accept the judgment and ruling of their first trial, and this appeal will not increase the punishment.

ENFORCED DISAPPEARANCES

Question for China

- Where are the Uyghurs who were forcibly disappeared by Chinese security forces after July 5, 2009?

In 2010 and 2011, UHRP raised concerns over the number of documented enforced disappearances of Uyghurs in the post-July 5 crackdown. UHRP and human rights organizations have documented enforced disappearances based on firsthand interviews with Uyghurs in East Turkestan. Since UHRP's 2010 and 2011 reports on the July 5 unrest and Human Rights Watch's report *We Are Afraid to Even Look for Them* dedicated to the issue, further enforced disappearances of Uyghurs have come to light. While Human Rights Watch's report recorded enforced disappearances of 43 Uyghur men in October 2009, Brad Adams, Asia director at Human Rights Watch anticipated the emergence of more disappeared Uyghurs:

The cases we documented are likely just the tip of the iceberg. The Chinese government says it respects the rule of law, but nothing could undermine this claim more than taking people from their homes or off the street and ‘disappearing’ them- leaving their families unsure whether they are dead or alive.⁴⁹

In addition, to the 43 cases documented by Human Rights Watch, UHRP documented the following allegations of disappearances of Uyghurs in reports issued in 2010 and 2011:

- Interviewee 15 described how his house was searched on July 7 and his father and brother detained. His brother eventually received 10 years in prison after 6 months in detention. To the date of the interview in March 2011, he did not know the whereabouts of his father.⁵⁰
- An 18-year-old interviewee said that police had taken his father away after July 5, but since his initial detention, the family had been given no information regarding his whereabouts, physical condition or any charges filed against him.⁵¹
- An Urumchi resident reported that two young Uyghur brothers living in the Dawan neighborhood of Urumchi were arrested after July 5. One of the young men, Semet, who was arrested on July 7 or July 8, is still missing. Semet had witnessed the shooting to death of peaceful protestors on July 5 from the window of the art institute where he was studying. Together with 20 or 30 other students, Semet was taken away by security forces who had witnessed the killings. Semet’s brother Ablet was sentenced to four years in jail after telling someone he had seen the military open fire on peaceful protestors on July 5. It is unclear of which charges Ablet was convicted.⁵²

In an article dated May 14, 2012, Radio Free Asia described how 36 Uyghur families had come forward with accounts of missing family members since the July 5, 2009 protest. Radio Free Asia reported that 19 of the 36 families had provided details of their disappeared relatives. The following three individuals were among the highlighted cases in the Radio Free Asia report:

- Nabi Eli. 16-year-old Eli who was last seen by his father, Elijan Rozi in Urumchi on August 15, 2009 when he was being paraded through the streets of the city with other detainees.
- Abdurehim Sidiq. Car mechanic Sidiq has been missing since the July 5 protests. His wife Ayse told Radio Free Asia he went to buy shoes in the Sanshixiangzi area of Urumchi and never came home. “He had called me from the shoe store around 3:00

⁴⁹ Human Rights Watch. (2009, October 22). China: Detainees ‘Disappeared’ After Xinjiang Protests. Retrieved from <http://www.hrw.org/en/news/2009/10/20/china-detainees-disappeared-after-xinjiang-protests>.

⁵⁰ Interviewee 15 interview with Uyghur Human Rights Project, 2011.

⁵¹ Interviewee 2 interview with Uyghur Human Rights Project, 2011.

⁵² Ibid.

p.m., but when I called him back around 7:00 p.m. his phone was turned off and since then I have had no information from any officials or the public about him.”

- Turghun Obulqasim. Obulqasim worked at the Huaqiao Hotel in Urumchi as a restaurant manager. He was arrested with six other hotel employees on July 9, 2009. While Obulqasim’s fellow detainees were later released, no information on his whereabouts has been made available to his employers.⁵³

The reports of the 36 missing Uyghurs followed a Radio Free Asia article dated September 4, 2012 describing the disappearance of Imammemet Eli. Eli’s mother Patigul told Radio Free Asia reporters her son has been detained in July 14, 2009 and that the last indication she had of his condition was nine months after his arrest. She learnt from Eli’s fellow inmates he had been tortured and as a result of his injuries been sent to a hospital. “I don’t know where my son is, whether he is alive or dead,” Patigul told Radio Free Asia reporters. Radio Free Asia also noted that Patigul had been petitioning the government and police to disclose the whereabouts of her son. “She said that in March of 2011, she confronted Wang Mingshan, the chief of the Urumchi Public Security Department, who told her that he had received 300 requests to track down missing Uyghurs following the July 2009 riots.”⁵⁴

In a series of reports issued from May 2012 to May 2013, Radio Free Asia detailed the disappearances of twenty-eight other Uyghurs based on evidence provided by family members.⁵⁵ Their names and pictures are listed on the following pages.

In the case of Tursunjan Tohti, number 7 in the list below, Radio Free Asia reported in an article published on June 25, 2012 that a policeman who 10 witnesses said they had seen detain Tohti denied ever taking him into custody. Tohti has been missing since his detention on July 21, 2009. Asked by a Radio Free Asia reporter what he believed had happened to his son, Tohti Barat said: “They [the government] have enough power, they could kill 100 or 1,000 people easily...I wonder why would they hesitate or be afraid to say they killed my son?”⁵⁶ Regarding the enforced disappearances revealed by Uyghur family members, Amnesty International said in a July 4, 2012 statement: “It is likely that this group is a small fraction of the families with disappeared relatives.”⁵⁷

⁵³ Radio Free Asia. (2012, May 14). More Uyghurs Missing Loved Ones. Retrieved from <http://www.rfa.org/english/news/uyghur/uyghur-05152012121344.html> See also: Amnesty International. (2012, July 4). Disappearing China’s Uyghurs. Retrieved from <http://www.amnesty.org/en/news/disappearing-china-s-Uyghurs-2012-07-04>

⁵⁴ Radio Free Asia. (2012, September 4). Mom Placed under House Arrest. Retrieved from <http://www.rfa.org/english/news/uyghur/arrest-09042012194654.html>

⁵⁵ Uighurbiz. (2013, June 6). “7·5事件”后失踪的维吾尔人. Retrieved from <http://www.Uighurbiz.net/archives/15061>

⁵⁶ Radio Free Asia (2012, June 25). Police Deny Uyghur Man’s Detention. Retrieved from <http://www.rfa.org/english/news/uyghur/missing-06252012170612.html>

⁵⁷ Amnesty International. (2012, July 4). China: Dozens Still Subject to Enforced Disappearance Three Years After Crackdown on Unrest in Urumchi. Retrieved from <http://www.amnesty.org/en/library/asset/ASA17/019/2012/en/ecbfb6e1-5226-4024-8a5f-c1ff275ee546/asa170192012en.html>

28 Disappeared Uyghurs from Radio Free Asia's report

1.

Imammemet Eli



4. Memetabla Abdureyim



2. Abahun Supur



5. Zakir Memet



3. Turghun Obulqasim (left)



6. Muhtar Mehet



28 Disappeared Uyghurs from Radio Free Asia's report (continued)

7. Tursunjan Tohti



10. Alimjan Heyrulhaji



8. Alim Abdureyim



11. Amantay Jumatay



9. Memet Barat



12. Memtimin Yasin



28 Disappeared Uyghurs from Radio Free Asia's report (continued)

13. Eysajan Emet



16. Abdusemet Ablet



14. Bekri Tohti (right)



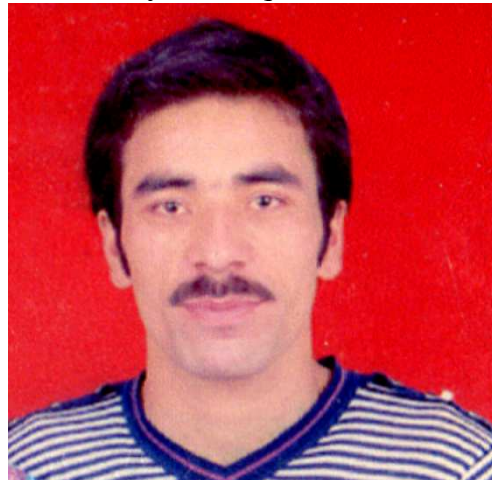
17. Nabijan Eli



15. Abdugeni Eziz



18. Abdureyim Sidiq



28 Disappeared Uyghurs from Radio Free Asia's report (continued)

19. Tursunjan Tohti



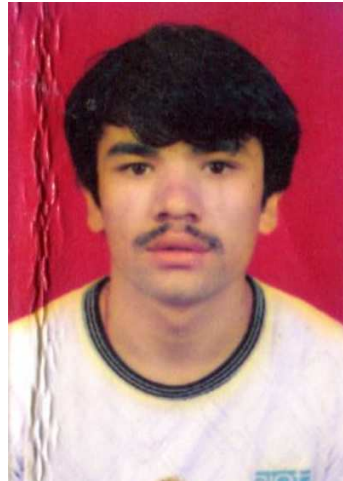
22. Turdimemet Tursunniyaz



20. Yusup Turghun



23. Abdureyim Abla



21. Emetjan Juma



24. Juma Tursun



28 Disappeared Uyghurs from Radio Free Asia's report (continued)

25. Abdureyim Qadir



27. Abdulla Sulayman



26. Alimjan Bekri



28. Abliz Qadir



Governments, legislators and human rights organizations have expressed concern regarding the extent of enforced disappearances of Uyghurs and of the seriousness of the allegations made against the Chinese state.

On March 7, 2012, United States Representatives McGovern, Smith, Ellison, Wolf, Moran and Pitts introduced a resolution before the House Committee of Foreign Affairs. In the resolution, the representatives expressed concern that “Uyghurs in China face worsening repression by the Government of China, through increasing controls on religious, political, and cultural activity, and through increasing security restrictions, deprivations of due process, forcible disappearances, torture, and extrajudicial killings.”⁵⁸

⁵⁸ govtrack.us. (2012, March 7). H. Res. 576 (112th). Retrieved from <http://www.govtrack.us/congress/bills/112/hres576/text>

Member of the European Parliament, Fiorello Provera submitted a parliamentary question on July 4, 2012 regarding the repression in East Turkestan referencing the use of enforced disappearances of Uyghurs by the Chinese government. MEP Provera stated: “The individuals missing come from a variety of backgrounds. No figures exist for the number of Uyghurs that have suffered forced disappearances. Instead of assistance, however, many families describe the years of threats, intimidation and detention that they have suffered at the hands of the authorities. Some admit that they do not even ask for compensation from the authorities, but simply want to know if their relatives are dead or alive.”⁵⁹



Nurmen Met holds photographs of his sons, 19 and 21, who he said had been taken by riot officers as they entered the public bathhouse his family owns. (New York Times)

At the 21st Session of the United Nations Human Rights Council in September 2012, the delegations from the Czech Republic and the United States expressed concern over enforced disappearances in statements made on Item 4 (Human Rights situations that require the Council’s attention). NGO, Le Mouvement contre le Racisme et pour l’Aminité des Peuples also highlighted the issue of enforced disappearances of Uyghurs in its statement on Item 4.⁶⁰ A July 4, 2012 press release from Amnesty International added: “Chinese authorities must reveal the whereabouts of those individuals subject to enforced disappearance, and end the persecution of their family members seeking answers.”⁶¹

⁵⁹ European Parliament. (2012, July 11). The disappearance of Uyghurs in China. Retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2012-006927+0+DOC+XML+V0//EN>.

⁶⁰ World Uyghur Congress. (2012, September 28). Human Rights Violations against Uyghurs Discussed at 21st Session of the Human Rights Council. Retrieved from <http://uyghuramerican.org/article/human-rights-violations-against-uyghurs-discussed-21st-session-human-rights-council.html>.

⁶¹ Amnesty International. (2012, July 4). Urumchi Riots three years on – crackdown on Uyghurs grows bolder. Retrieved from <http://www.amnesty.org/en/for-media/press-releases/Urumchi-riots-three-years-crackdown-Uyghurs-grows-bolder-2012-07-04>

The primary international legal instrument protecting against state enforced disappearances is the International Convention for the Protection of All Persons From Enforced Disappearance.⁶² The People's Republic of China is not a signatory to the convention; however the Declaration on the Protection of all Persons from Enforced Disappearances,⁶³ from which the convention developed, was passed by the United Nations General Assembly in 1992. While declarations do not constitute hard law and are not legally binding upon member states of the United Nations, these instruments carry significant moral obligations.

The International Covenant on Civil and Political Rights (ICCPR), which China has failed to ratify, details provisions against arbitrary detention. Article 9 states "No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." The same Article adds that anyone who is arrested should be informed of the reasons for their arrest and be promptly brought before a judge or other judicial officer. Importantly, Article 9 also states that "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."⁶⁴

Furthermore, the Convention on the Rights of the Child, to which China is party, contains a similar provision on the right to challenge the legality of detention in Article 37: "Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action."⁶⁵

⁶² Office of the High Commissioner for Human Rights. International Convention for the Protection of All Persons from Enforced Disappearance. Retrieved from <http://www.ohchr.org/EN/HRBodies/CED/Pages/ConventionCED.aspx>

⁶³ University of Minnesota. Declaration on the Protection of all Persons from Enforced Disappearances. Retrieved from <http://www1.umn.edu/humanrts/instree/h4dpaped.htm>

⁶⁴ United Nations (UN) General Assembly. (1966, December 16). International Covenant on Civil and Political Rights. Retrieved from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

⁶⁵ United Nations (UN) General Assembly. (1989, November 20). Convention on the Rights of the Child. Retrieved from <http://www.unhcr.org/refworld/docid/3ae6b38f0.html>.

LETTER TO THE AMBASSADOR OF CHINA TO THE UNITED STATES



Ambassador Cui Tiankai
Embassy of the People's Republic of China in the United States
3505 International Place, N.W.
Washington, D.C. 20008
Sent via fax: +1-202-495-2138

July 2, 2013

Dear Ambassador Cui:

July 5, 2013 marks the fourth anniversary of unrest in Urumchi, the regional capital of East Turkestan. According to research conducted by a number of human rights groups, a complete disclosure by the Chinese state of its role in suppressing the unrest and conducting the subsequent crackdown is unavailable.

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

Since 2009, UHRP has produced two reports on the Urumchi unrest based on witness accounts and secondary sources. Four years following the unrest a number of issues that require clarifying remain. An official response to the following questions would assist in understanding the role of the Chinese state in its response to the unrest.

- Why is the number of detentions given by official media unclear and why do they conflict with accounts given by overseas media?
- Why did detentions of July 5 unrest suspects not follow due procedure according to the laws of China?
- Why was video surveillance misused to detain and arrest peaceful protesters?
- Why has there been no investigation into credible allegations of torture used against July 5 detainees?
- Why were the trials of suspects allegedly involved in the July 5, 2009 unrest fast tracked leading to concerns that judicial procedures lacked due process?

- Where are the Uyghurs forcibly disappeared by Chinese security forces after July 5, 2009?

Your earliest attention to these questions would be appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alim A. Seytoff", with a long horizontal flourish extending to the right.

Alim A. Seytoff
President, Uyghur American Association

APPENDIX: URUMCHI EVENING NEWS ARTICLE TRANSLATIONS

In “7/5 Incident” 140 people dead, over 100 criminal suspects arrested

Urumchi Evening News - 7/7/09

Original report: Through July 6 at 11am, in the “Urumchi July 5 violent criminal incident of violence, destruction, robbery and arson” 828 people were injured and 140 people died. Public Security Bureau (PSB) organs arrested over 100 criminal suspects who participated in the violent incident of violence, destruction, robbery and arson. Urumchi’s traffic and social order were normalized.

On July 6, an Autonomous Region statement announced that a meeting began at which the situation of the “July 5 incident” was publicly announced.

PSB organs in Urumchi investigated the “Urumchi July 5 violent criminal incident of violence, destruction, robbery and arson,” and made clear that the incident was organized, and apparently planned in advance. Ethnic separatist element Rebiya guided the “World Uyghur Congress” to exploit the Guangdong, Shaoguan incident, separatist elements within the borders went wild, made plans, and through its leadership brought about the violent criminal incident that took place.

Vice-Chairman of the Autonomous Regional Political Counsel and PSB Department leader Liu Yao Hu said this: “After the incident took place, in order to guard social stability in Urumchi, the Autonomous Region and Urumchi City allocated police forces immediately to places with a serious situation such as the People’s square, Aqquwuq (Nanmen), Tuanjie Lu/Unity Road, Baygu Square, Xinhua South Road, and acted decisively to enforce the law toward the brutal incidents. Frontline forces organized, small groups formed, and they saved people. They searched for and arrested criminal suspects in the violent criminal incident of violence, destruction, robbery and arson.

A statement announced that recently the Autonomous Regional People’s Congress Standing Committee’s Deputy Director, Urumchi-Sanji Party Committee Secretary, Municipal Party Committee Secretary Li Ji, indicated places with a red line drawn on a map and said: “These are the important places where this violent criminal incident consisting of violence, destruction, robbery and arson took place, and the road which is divided by a thick black line drawn on the map is where stores are completely destroyed.”

Aside from the map, Li Ji also brought pictures of some injured and dead people and burned and destroyed automobiles, some people on the road fighting, being murdered, and some people who were seriously wounded, then dying after being taken to the hospital. Li Ji then introduced the situation at the crime scene including the conditions of the injured and dead, and burnt and destroyed automobiles.

Based on statistics, a statement announced that at the time the meeting was held 828 people were injured, and 140 people died. More than 260 automobiles of all kinds were destroyed, of them over 190 buses, over 10 taxis, and over 50 other social vehicles. 203 stores were attacked, destroyed, looted and burnt, and the area of damage was 6300 square meters; a 14-room home of people was destroyed, with a total area of 1200 square meters; the rioters burnt and damaged all kinds of construction with an area reaching 56,850 square meters.

The statement announced that at the meeting a brief video was also shown of the violent incident that took place on July 5 in Urumchi. The statement announced that for the meeting, Autonomous Region Party Committee Standing Member, Propaganda Section Head Li Yi presided.

Over 1000 criminal suspects under process of investigation

Urumchi Evening News – 7/8/09 * Dateline based on analysis, not provided with clip

Original report: After the “July 5 incident,” the Municipal Party Committee and People’s Government pursued a path of restraint with utmost attention in planning, and police forces immediately arranged to bring order to places with a serious situation such as the People’s square, Aqquwuq (Nanmen), Tuanjie Lu/Unity Road, Baygu Square, Xinhua South Road; placed transportation boundaries; maintained order; scattered the gathering crowd; pulled the threads of warnings and making roaming people in those places leave, and first took those leaving who enlarged the incident.

In addition, police organized and blockaded areas where the incident occurred, rescued those who remained, and by July 6 at 10pm over 1000 criminal suspects were arrested to begin investigations.

As of midnight on July 9, 190 criminal suspects were arrested

Urumchi Evening News – 7/11/09

Original report: Beginning on the afternoon of July 9 until midnight today, city police made a fourth round of arrests to restore order, arresting 190 criminal suspects for participating in the severely violent criminal incident of attacks, destruction, robbery and arson.

According to police reports, since the July 5 incident, people of all ethnicities in Urumchi have provided clues about criminal suspects to Public Security Bureau (PSB) organs. The PSB organs immediately organized forces and immediately arrested the criminal suspects.

The Municipal Public Security Tianshan regional branch deputy leader said: “On that day, 49 criminal suspects were arrested at four restaurants near the Hua Qiao Bingguan, and after a search of Minghua Road between 19-23 Streets, 66 criminal suspects were arrested.”

According to police reports, the crackdown was fairly successful, and there will be no chance for the criminal suspects to resist or escape.

The police have made known: guarding ethnic unity and social stability is a necessary duty of every citizen. Make known the extreme brutality of the social incident, relevant executioners of law offer support and they and suitable PSB organs will give rewards, inform by telephone: 110 or 0991-4918110.

During search of Urumchi County, many criminal suspects discovered

Urumchi Evening News – 7/17/09

Original report: In Urumchi county to the north and the south of the city, at important transportation hubs for leaving the city, inspection points were set up at 9pm on July 5, pedestrians and automobiles passing on this road underwent vigorous inspection, and up until this point fairly many criminal suspects were arrested.

On July 14, a reporter going from the city to “Eqindala” (benfanggo) Village at the Urumchi - Eqindala Road inspection point witnessed the rigorous automobile inspection by an inspection work group of People’s Police Soldier commanders, cadres and others. Those conducting this task here basically were unable to go home, nor think about their burden, but only consider the speedy arrest of the brutes who sabotaged social stability.

Municipal Police publish pictures of 7/5 Incident criminal suspects

Urumchi Evening News – 7/31/09

Original report: On the morning of July 30, the Public Security Bureau (PSB) organ published the pictures of criminal suspects that the PSB arrested based on the clues the public provided and through its own investigation. The PSB organ also published the pictures of criminal suspects for whom the PSB issued arrest warrants.

According to news, after the July 5 serious violent criminal incident of attacks, destruction, robbery and arson, under the solemn leadership of the Central Party Committee, and the National, Provincial and Municipal Party Committees and with cooperation of PSB, armed police fought day and night in order to keep speedy control of the public situation and to strongly protect political and social stability.

People of different ethnicities supported the Party and Government’s wise actions in handling the ‘July 5 incident’; stood together against the enemy, and actively reported about the criminal suspects that were involved in the ‘July 5 incident’. Based on the clues and information that the informants provided PSB, dozens of criminal suspects were arrested. At the same time, under the threat/from the fear of a powerful dictator force, dozens of ‘July 5’ criminal suspects handed over themselves to the PSB.

PSB organs warned that criminal suspects who were involved in the ‘July 5 incident’, should turn themselves in without delay either to the PSB or by calling “110”. Within 10 days from the day of issuance of the order, if any suspects voluntarily turn themselves in, the case will be handled with mercy by law. If the suspect offers assistance, the punishment will be decreased by law or will be given amnesty. Whoever fails to provide information will be punished severely by law.

PSB organs request that people of different ethnicities actively engage in providing clues, and informing about ‘July 5’ criminal suspects. PSB organs will keep extreme confidentiality of the informants and will give them rewards.

The following criminal suspects were arrested in connection with the ‘July 5 incident’ recently by PSB organs with the assistance of the clues that informants provided.

In 6 cases, defendants accused of involvement in the “July 5” violent incident of attacks, destruction, robbery and arson

Urumchi Evening News 12/4/09

Xinjiang Uyghur Autonomous Region Urumchi Municipal People’s Investigative Department has accused over 25 people in 6 cases on December 12 in Urumchi Municipal Intermediate People’s Court for involvement in the “July 5” violent incident of violence, destruction, robbery, and arson. In these cases 11 innocent people were targeted, of them 10 died, and 1 was serious injured.

Below are the 6 cases: Awut Mamut and 2 other peoples’ case of intentional murder and robbery; Ablet Semet and 12 other peoples’ case of intentional murder; Abdurusul Abdusalam and 6 others peoples’ case of intentional murder; Qadirjan Memet’s case of intentional murder; Muhter Memetimin’s case of intentional murder and robbery; and Esqer Memet’s case of robbery.

The investigative group and PSB organs referred to thorough examination of evidence, and after the investigation said: “The facts of these 6 cases are clear, there is full evidence, the people’s lives and property have received extreme damage, social order has been damaged to a large degree, and we must try the criminal defendants according to the law.”

The investigative organ guaranteed that in the process of investigation and accusation the defendants enjoyed the necessary high level of all rights of the accused according to the law. It is understood that aside from these accusations in connection to the “July 5 incident” Urumchi’s Municipal Investigative Department continues to accuse other suitable criminal suspects.



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



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

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

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

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

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