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PEOPLE'S REPUBLIC OF CHINA

CHINA'S ANTI-TERRORISM LEGISLATION AND REPRESSION IN THE XINJIANG UIGHUR AUTONOMOUS REGION

Since December 2001, China is reported to have called on a number of countries to return Chinese nationals captured during the US military campaign in Afghanistan or detained in neighbouring countries on suspicion they had fought alongside the Taliban forces.¹ Referring to this issue, Chinese Foreign Ministry spokesman Sun Yuxi stated during a routine press briefing in Beijing on 22 January 2002: "We have taken note in the Afghanistan war that some Uighurs from China were arrested. They are indeed East Turkestan terrorists who have had close association with international terrorist associations. If they are Chinese citizens, we maintain that the relevant side should hand them over to China for handling in accordance with the law."² There are reasons to fear, however, that "handling in accordance with the law" in these cases will mean incommunicado detention, torture, denial of all rights to due process, unfair trial and the likely imposition of the death penalty.³

1. INTRODUCTION:

Following the attacks of 11 September 2001 in the United States of America, the Chinese government has intensified its crackdown on Uighur opponents of Chinese rule and others branded as "ethnic separatists" in the Xinjiang Uighur Autonomous Region (XUAR), in the west of China. The government has claimed that they are linked with international "terrorism" and has called for international support in its crackdown on domestic "terrorism".⁴

Several thousand people are reported to have been detained for investigation in the crackdown and at least scores charged or sentenced under the Criminal Law. At the same time, the government has further restricted the religious rights of the Muslim population in the XUAR, banning some religious practices during the holy month of Ramadan, closing mosques, increasing

¹ Such a call was made to the US government in December 2001. In March 2002 a Chinese official confirmed that China was planning to ask Afghanistan's interim government to return to China Muslim Uighurs from the PRC who had been captured in Afghanistan (see Reuters, Beijing, 8 March 2002). There have also been reports of Uighurs from the PRC having disappeared after being recently detained by the authorities in Pakistan and Nepal, reportedly at the request of China.

² See Agence France Presse (AFP), Beijing, 22 January 2002.

³ See Amnesty International report, "PRC - Gross violations of human rights in the Xinjiang Uighur Autonomous Region", AI Index: ASA 17/18/99, April 1999.

⁴ See Amnesty International News Service 181, AI Index ASA 17/032/2001, 11 October 2001.

official controls over the Islamic clergy in the region, and detaining or arresting religious leaders deemed to be “unpatriotic” or subversive. The government also launched a campaign to “clean up” cultural and media circles and some government departments to rid them of “undesirable elements”.

At the end of December 2001, China amended the provisions of its Criminal Law with the stated purpose of making more explicit the measures it already contained to punish “terrorist” crimes. Amnesty International is concerned that the new provisions enlarge the scope of application of the death penalty in China and may be used to further suppress freedom of expression and association.

This report describes some of Amnesty International’s concerns regarding the new anti-terrorism provisions in Chinese law and the crackdown against “terrorist, separatist and illegal religious activities” currently underway in the XUAR.

Amnesty International recognises the duty of states under international human rights law to protect their populations from violent criminal acts. However, such measures should be implemented within a framework of protection for all human rights.

In a report entitled “Rights at risk”, published in January 2002, Amnesty International described its concern regarding security legislation and law enforcement measures adopted by some states since the 11 September attacks in the USA to protect their populations from similar criminal acts.⁵

The report pointed out that the protection of human rights has been falsely described as being in opposition to effective action against “terrorism”. In fact, security and human rights are not conflicting aims, but complementary goals. Human rights standards constitute the bare minimum of standards necessary to protect the safety and integrity of individuals from abuse of power. International human rights standards are not simply legal niceties – they oblige states to protect the public. Abuses by state and non-state actors must both be prevented, investigated and punished. The rights enshrined in human rights treaties, such as the right to life and the right not to be subjected to torture, are just another way of describing the idea of security that people expect their government to ensure. The challenge to states, therefore, is not to promote security at the expense of human rights, but rather to ensure that all people enjoy respect for the full range of rights.

⁵ “Rights at risk: Amnesty International’s Concerns Regarding Security Legislation and Law Enforcement Measures”, January 2002, AI Index: ACT 30/001/2002.

2. CHINA'S NEW ANTI-TERRORISM PROVISIONS:

On 29 December 2001, the Standing Committee of the National People's Congress (NPC - China's legislature) adopted amendments to the Criminal Law of the People's Republic of China. The stated purpose of the amendments, which entered into force the same day, was to "punish terrorist crimes, ensure national security and the safety of people's lives and property, and uphold social order".⁶

Prior to the adoption of the amendments, the Criminal Law already included provisions punishing some "terrorist" crimes in a section of the law dealing with "Crimes of Endangering Public Security". Most of the amendments adopted in late December 2001 modify existing articles in that section of the law.

The main changes brought about by the amendments are described below, together with Amnesty International's concerns about some of the amendments or existing provisions:

- **Two amendments have been made to Article 120 of the Criminal Law.** The first one increases the punishments for people who "organise or lead a terrorist organisation". Prior to the amendments, this was punishable by between three and 10 years' imprisonment - this has now been increased to between 10 years' and life imprisonment. Under this article, "active" participation in a "terrorist organisation" is punishable by between three and 10 years' imprisonment, and "other participants" can be punished by up to three years' imprisonment. The second amendment to this article is the addition of a new clause punishing those who "fund terrorist organisations or individuals engaging in terrorist activities". This is punishable by penalties ranging from fines to maximum five years' imprisonment, except "when the circumstances of the case are serious", in which case five years' imprisonment is the minimum punishment. No maximum is specified.

Amnesty International is concerned that the provisions of Article 120 make it a criminal offence to be a member, leader or organiser of a "terrorist organisation" even if the individual does not commit any other illegal act. The term "terrorist organisation" is not defined in the law and could be interpreted as referring to peaceful political opposition or religious groups.

⁶ See "Amendment to the Criminal Law of the PRC", Xinhua news agency, Beijing, 29 December 2001, BBC MonAS1, 30.12.2001; and United Nations, Security Council, S/2001/1270/Add.1, 10 January 2002. In early January 2002, the Chinese government transmitted the text of the amendments to the UN Security Council Counter-Terrorism Committee, as an addendum to a report it had submitted to the Committee in December 2001 on its implementation of Security Council resolution 1373 (2001).

Amnesty International is also concerned that the new clause added to Article 120 does not specify a maximum punishment, thus potentially making the “funding” of “terrorist organisations” or “individuals engaging in terrorist activities” liable to the death penalty, as other provisions of the law examined below.

- **Four of the amendments add new provisions in Articles 114, 115, 125 and 127 of the Criminal Law** to punish the “dissemination”, or “illegal manufacturing, trading, transporting or storing”, or “the stealing or seizing or plundering”, of “poisonous or radioactive substances or contagious-disease pathogens”.

This is in addition to existing provisions in these articles which punish “causing fires, floods or explosions, or using other dangerous means that harm public security” (Article 114), or the same acts as in Article 114 that “lead to serious injury or death or cause major damage to public or private property” (Article 115), or the illegal manufacturing, trading, transporting or storing of firearms, ammunition or explosives (Article 125), or the stealing or seizing or plundering of firearms, ammunition and explosives (Article 127).

The punishments provided in these articles remain unchanged. Articles 115, 125 and 127 all provide punishments ranging from varying terms of imprisonment to the death penalty. Therefore, the new range of offences related to the use of “poisonous or radioactive substances or contagious-disease pathogens”, which have been added in articles 115, 125 and 127, are also liable to be punished by death, including for example the illegal transporting or storage of such substances.

Amnesty international is concerned that the amendments to these articles enlarge the scope of the death penalty in China.

- **Two amendments have been made to Article 191 of the Criminal Law.** This article punishes illegal financial operations or gains related to a range of crimes, including narcotics and smuggling crimes. One of the amendments has now added “terrorist crimes” to this range of crimes. The second amendment provides that, when such crimes are committed by a “work unit”, punishments will now range between five and 10 years’ imprisonment if the “circumstances are serious” – ie a heavier punishment than previously provided.
- **The last amendment is a new clause added to Article 291 of the Criminal Law.** The existing provisions in Article 291 punish people who “disturb social order” by gathering in public places, blocking traffic, or obstructing agents of the state from carrying out their duties; the punishments for these offences “if the circumstances are serious” range from “public surveillance” to maximum five years’ imprisonment.

The new clause added to Article 291 provides that “whoever seriously disturbs social

order by disseminating false explosive, poisonous or radioactive substances or contagious-disease pathogens, or by fabricating threats or information about an explosion or biological or radioactive threat, or by knowingly disseminating fabricated threats or messages” is to receive punishments ranging from ‘public surveillance’ to five years’ imprisonment, or “if serious consequences have been caused” a sentence of minimum five years’ imprisonment. No maximum sentence is specified.

Amnesty International is concerned that the language used in this article is vague, leaving the door open to wide interpretation. It is not clear what the “dissemination” of “false” explosives or substances or of “fabricated threats and messages” might mean, nor is it clear what would constitute “serious consequences”. The vagueness of these provisions therefore opens the possibility that this clause may be used to punish people peacefully exercising their right to freedom of expression. This concern is increased by the fact that the provisions of Article 291 have been frequently used in the past to imprison people criticising the government or expressing their views through peaceful gatherings or demonstrations. There are indications that the new provisions in Article 291 may also be interpreted very broadly. On 24 December 2002, in a report on the draft amendments, the official Xinhua news agency stated that “even joking about putting anthrax powder in a letter can lead to a five year prison sentence under a new amendment to China’s Criminal Law.” This was referring to the new provisions in Article 291, which the news agency cited.⁷

Amnesty International is also concerned that the failure to specify a maximum punishment in the amendment to Article 291 raises the possibility that those convicted of the offences specified may be sentenced to death if this is deemed to have caused “serious consequences”.

Overall, the vague wording of several articles of the law, the lack of definition of “terrorism”, “terrorist organisation” or “terrorist crime”, which are cited in several provisions, and the failure to specify a maximum punishment in some of these provisions give rise to concern that:

- the lack of precision creates uncertainty about what conduct is prohibited;
- these provisions may criminalize peaceful activities and infringe unduly upon other rights such as freedom of expression and association;
- the death penalty may be applied as a punishment under most of the articles cited above.

In its report “Rights at risk”, published in January 2002, Amnesty International noted that, while the word “terrorism” is used frequently and its practice is generally opposed, there is no universally accepted definition of the word in general use or in treaties and laws designed to combat it. Frequently, the word indicates the user’s attitude to a certain crime. States and

⁷ “China proposes tougher penalties for terrorist activities”, Xinhua news agency, Beijing, 24 December 2001, BBC Mon AS1, 24.12.2001.

commentators describe as "terrorist" acts or political motivations that they oppose, while rejecting the use of the term when it relates to activities or causes they support. This is commonly put as "one person's terrorist is another person's freedom fighter".⁸

In a recent report, the UN Special Rapporteur on terrorism noted that the issue of "terrorism" has been "approached from such different perspectives and in such different contexts that it has been impossible for the international community to arrive at a generally acceptable definition to this very day."⁹ The Special Rapporteur also pointed out that "the term terrorism is emotive and highly loaded politically. It is habitually accompanied by an implicit negative judgement and is used selectively."¹⁰

There are a number of UN conventions prohibiting specific acts, such as hijacking or bombing, which specify in detail various crimes which are commonly understood as "terrorist" crimes.¹¹ However, recent attempts to finalize the UN Convention on "terrorism" stalled, inter alia, because of disagreements about the definition.¹²

In the case of China, Amnesty International is concerned that the anti-terrorist legislation may be used in the context of the government's ongoing repression of "ethnic separatist activity", particularly in the XUAR. In early March 2002, a deputy to the Ninth National People's Congress called on the legislature to set up an anti-terrorism legal framework as soon as possible and stated in this context: "To safeguard China's sovereignty and territorial integrity, we have to fight separatists, international terrorists and religious extremists."¹³

⁸ See ACT 30/001/2002 (footnote 5 above), p.13.

⁹ UN Document E/CN.4/Sub.2/2001.31 paragraph 24. The Special Rapporteur is undertaking a study on "terrorism" for the UN Sub-Commission on the Protection and Promotion of Human Rights. See ACT 30/001/2002, op.cit., p.14.

¹⁰ UN Document E/CN.4/Sub.2/2001.31 paragraph 25.

¹¹ For example, International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979, International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

¹² See ACT 30/001/2002 (footnote 5), p. 15, for further information about the issue of definition.

¹³ "Lawmaker Yang Yunzhong says China needs anti-terrorism law", Xinhua news agency, Beijing, 4 March 2002, BBC Mon AS1, 04.03.2002.

The Chinese government's use of the term "separatism" refers to a broad range of activities, many of which amount to no more than peaceful opposition or dissent, or the peaceful exercise of the right to freedom of religion. Since the 11 September events, the Chinese authorities have tried to justify their harsh repression of Muslim ethnic opponents or independent religious leaders in the XUAR by claiming they were linked with international "terrorism".

While there have been some incidents of bombings in the XUAR over the past ten years and a few officially reported assassinations which are alleged to have been politically motivated, the government has so far failed to provide convincing evidence that those allegedly involved in these incidents had links with international terrorist groups. Furthermore, the number of such incidents is relatively small and the government's campaign of political repression in the region has gone far beyond the search for people involved in using this kind of violence for political ends.

In the continuous political crackdown in the XUAR over the past ten years, the authorities have detained tens of thousands of people, held many of them in complete secrecy, preventing all independent investigation into the cases, while periodically releasing selective information about a few of those who have been prosecuted. Many of those prosecuted have been held incommunicado for months on end, subjected to torture, and sentenced after grossly unfair trials, most of these either held in secret or in front of large crowds during "mass sentencing rallies".¹⁴ In this context, there are reasons to doubt the credibility of the government's information about those it accuses of involvement in "terrorist" activity.

Amnesty International considers that the measures taken by states to protect their population from violent criminal acts must be implemented within a framework of protection for all human rights, and should not be used as a pretext to curtail fundamental freedoms and crack down on peaceful opposition or dissent.

3. INCREASED REPRESSION IN THE XUAR SINCE 11 SEPTEMBER 2001

"Xinjiang is not a place of terror."

"By no means is Xinjiang a place where violence and terrorist accidents take place very often."

(Statements by Wang Lequan, Secretary of the XUAR Communist Party Committee, and Abdulahat Abdurixit, Chairman of the XUAR Regional Government, in Urumqi on

¹⁴ See AI report, ASA 17/18/99 (cited at footnote 3).

1 September 2001)¹⁵

These statements, by the two leading officials of the XUAR, were reportedly made on 1 September 2001, when they met a group of Chinese and foreign reporters following the opening ceremony of the Urumqi Fair. Wang Lequan also told the reporters that Xinjiang was stable and that its stability had never been affected by the activities of “national separatists and religious extremists”.¹⁶

Just a few weeks later, however, Chinese officials were painting quite a different picture. Following the 11 September attacks in the USA, they placed emphasis on the “terrorist” threat posed by “separatists” in the XUAR, stating that the latter had close ties with international terrorist forces, suggesting that “separatism” and “terrorism” were one and the same thing, and calling for international support in their fight against domestic terrorism.¹⁷

The crackdown on suspected government opponents was intensified in the XUAR soon after 11 September 2001. It further intensified in December 2001, following a national conference on ‘political and legal work’ held in Beijing on 4 December 2001, which made the crackdown on “ethnic separatist forces, religious extremist forces and violent terrorist forces”, as well as the Falun Gong spiritual movement, the first of four main priorities in “political and legal work” for the year 2002.¹⁸

The authorities also imposed new restrictions on freedom of religion, closed down mosques which were deemed to have a “bad influence” on young people, and subjected the Islamic clergy to intensive scrutiny and “political education”. Such “political education” campaigns, which are reminiscent of those held during the Cultural Revolution, aim both to force participants to follow closely the party’s dictates and to identify potential opponents and dissenters.

¹⁵ “Wang Lequan says that Xinjiang is not a place of terror”, by reporter Bao Lisheng, *Ta Kung Pao* (Hong Kong newspaper), 2 September 2002, in BBC Mon AS1, 4 September 2001.

¹⁶ Ditto.

¹⁷ See for example “Top cadre issues Xinjiang warning, by Pik-Kwan Chan, *South China Morning Post* (Business Post Supplement), 17 October 2001, BBC Mon AS1, 17.10.2001; “China says Xinjiang has ‘terrorists pure and simple’ who are Afghan-trained”, *Zhongguo Tongxun She*, Shanghai, 19 October 2001, BBC Mon AS1, 19.10.2001; and “Zhang Qiyue says opposing the ‘East Turkestan’ terrorist force is part of the international anti-terrorism struggle”, *Zhongguo Xinwen She*, Beijing, 15 November 2001, BBC Mon AS1, 15.11.2001.

¹⁸ See Xinhua news agency, Beijing, 4 December 2001, BBC Mon AS1, 06.12.2001

The search for dissenters through the same type of campaign was extended in early 2002 to other sectors of society in the XUAR, including cultural and media circles. Official sources made clear that the “struggle against separatism” is wide-ranging and encompasses repressing all potential dissent and opposition activities, including the peaceful expression of views via poems, songs, books, pamphlets, letters, or the Internet.

Reports on various aspects of this crackdown are cited below. Some of the official reports mention arrests, including the arrest of people accused of “terrorist” activities. However, they give no supporting evidence of such activities. In fact, hardly any “terrorist” acts are reported to have been perpetrated in the XUAR for the past several years. According to a Chinese government report published on 21 January 2002, which lists “terrorist” incidents in the region over the past ten years, the most recent explosion allegedly carried out by a “terrorist” group took place in April 1998 in Yecheng and the only other recent incident of violence imputed to “terrorists” since 1999 is the murder of one court official in Kashgar prefecture in February 2001.¹⁹

In December 2001, the XUAR Party leader, Wang Lequan, was also reported to have said that, “due to effective preventive measures”, there had been no “terrorist activities” in the region since the war in Afghanistan started after 11 September.²⁰ He was referring specifically to six types of “terrorist activities”, including some which few countries would recognize as terrorist activities, such as “the staging of riots” and “the perpetration of beating, smashing and looting”. The latter is an expression used in China during the Cultural Revolution, which in the current Criminal Law refers to offences committed during rioting .

One example of such “terrorist activities” is given in the government’s report cited above. Among the incidents it claims to have been perpetrated by “terrorist organisations” is extensive ethnic unrest in the city of Gulja (Yining) in February 1997. The unrest started with a peaceful demonstration by Uighurs, which was brutally suppressed by the security forces and followed by sporadic rioting and violence over two days.²¹ The government’s report gives a simplistic and distorted picture of the unrest - which it calls an “incident”. It omits for example to mention the extreme brutality used by the security forces against both protesters and residents, and describes the protesters as “terrorists”.

¹⁹ “East Turkestan terrorist forces cannot get away with impunity”, by the Information Office of China’s State Council, published in the People’s Daily, 21 January 2002.

²⁰ Zhongguo Xinwen She, Urumqi, 20 December 2001, BBC Mon AS1, 20.12.2001

²¹ See ASA/17/18/99 (footnote 3), pp. 17-22.

This confirms Amnesty International's concerns, expressed earlier about legislation, concerning the very loose and broad definition given to "terrorism" by the authorities in China.

3.1. Crackdown on "separatists" and "terrorists" and new security measures:

The authorities in the XUAR announced in October 2001 that they were intensifying the "strike hard" campaign against "ethnic separatist and terrorist forces" and would step up measures to "deal with the cause".²² The "strike hard" anti-crime campaign, which was launched across China in April 2001 and led to a massive escalation in executions, was targeting both crime and "separatism" in the region.²³

In Urumqi, the regional capital of the XUAR, the new crackdown started in early October 2001. The *China News Service* reported that police in the city had begun a "campaign to clear up cases". Du Jianxi, Urumqi's Public Security Bureau Chief, was cited as saying: "this action is aimed at maintaining public order and stability during the winter and next spring by smashing the bloated pride of violent terrorists."²⁴ According to the report, since the beginning of the year, 10 "violent terrorist groups" had been "wiped out" and around 210 "hardened minority splittists, suspected violent criminal terrorists or religious extremists" had been arrested in Urumqi.

Official sources subsequently reported that 166 "violent terrorists" and "other criminals" had been arrested in Urumqi between 20 September and 30 November 2001.²⁵ They did not indicate how many among them had been arrested as alleged "terrorists". Uighur exile sources later cited a report published in the Urumqi Evening News on 27 October 2001, according to which 150 people had been arrested for involvement in "illegal religious activities" and "separatism",²⁶ but it was not clear to which period this referred. These sources have also reported political arrests

²² Zhongguo Xinwen She, 24 October 2001, BBC Mon AS1, 24.10.2001

²³ See AI's report, "Human Rights in China in 2001 - a New Step Backwards", ASA 17/028/2001, 3 September 2001.

²⁴ See AFP, Beijing, 10 October 2001.

²⁵ *Xinjiang Daily*, 1 January 2002, see AFP, Beijing, 04.01.2002, and Reuters, Beijing, 05.01.2002.

²⁶ World Uighur Network News (WUNN - electronic newsletter of the East Turkestan Information Center), No.141, 21 December 2001.

mentioned in other local newspapers, such as the arrest of 30 people within a month in Aksu reported by the Aksu Daily on 6 December 2001.²⁷

Although official media reports, such as those cited above, have occasionally mentioned the number of people arrested in particular cities or areas, so far the authorities have not published comprehensive figures about the number of arrests resulting from the crackdown in the whole region.

However, official reports show that the crackdown has been carried out across the region and that hundreds of armed police units have been mobilized to carry it out. These include the armed police units of the Xinjiang Production and Construction Corps (XPCC). The XPCC, commonly known as the *Bingtuan*, is a unique institution in China, placed directly under the authority of the central government in Beijing, with a status similar to that of the XUAR regional government. It controls a significant part of the XUAR's territory and much of its industry and resources, and has its own prisons, labour camps, and armed police units. These units are periodically used to quell ethnic unrest and hunt suspected separatists in the XUAR. According to an AFP report of 17 January 2002, the *China News Service* cited Yang Si, head of the Bingtuan armed police, as saying that rapid-reaction forces should be ready for increased separatist activity in the region, and that police in Xinjiang should concentrate on separatists and "religious extremists", as well as followers of the banned Falun Gong spiritual group and other "criminal religious personages". According to the report, in 2001, the Bingtuan's police had smashed 11 groups, arresting 100 suspected separatists and confiscating explosives and "illegal religious propaganda".

In the Bayingolin Mongol Autonomous Prefecture, the largest of all the prefectures of the XUAR, official sources reported in January 2002 that the crackdown on "ethnic separatists, violent terrorists and religious extremist forces" had started on 10 December 2001 and was due to continue until the end of February 2002. In December, the authorities in the prefecture had issued a public notice urging "separatist elements of all categories" to surrender themselves before 10 February 2002. Those who did so were promised "light or reduced punishment", those who rendered "great meritorious services" (probably by denouncing others) were promised immunity from prosecution, but those who did not surrender by the deadline were warned that they would be "severely punished". The notice also encouraged denunciations from the public

²⁷ Among other reports of arrests, AFP in Beijing reported on 27 December 2001 that members of three alleged terrorist organisations apparently led by Han Chinese were among 318 suspects detained in the Tianshan area of the XUAR in December. The report cited an unnamed public security official as saying the suspected terrorists belonged to three separate groups led by people he identified with Chinese-sounding names. The report further cited the security official as saying that 29 of those detained were already the subject of arrest warrants (formally charged) and that the suspects included people charged with 10 attacks involving explosives.

by promising “great rewards” to those who reported criminal suspects.²⁸

Patrols by the security forces were increased in all cities across the region. The official newspaper *Legal Daily* reported on 4 January 2002 that the Xinjiang Armed Police Regiment was working with the public security (police) forces to “consolidate” public security in the XUAR. The Regiment had formed several hundred armed patrol units for this purpose. These served, among other things, to “terrify criminal elements”, the report said. The patrol units were carrying out round-the clock patrols in Urumqi, Kashgar and other large- and medium-sized cities in the XUAR. According to the report, over the past 10 years, the regiment had dealt with more than 1,000 cases of “unexpected incidents on various scale” and had carried out several hundred missions to “stop disturbances and quell fighting with weapons”.²⁹ The unspecified “unexpected” incidents and disturbances mentioned in this report are believed to refer to incidents such as ethnic protests against official policies, clashes between civilians and the security forces during local conflicts, and violent confrontations during police raids to arrest suspected or wanted separatists.

Unofficial sources subsequently reported on the effect of the increased security measures in Kashgar. By the end of January 2002, according to these sources, the situation in the city was very tense, with a large number of police and military units patrolling the streets, checking vehicles and stopping people to check identity cards. Within a few days in late January and early February, five hundred people were reportedly detained by police for failing to produce their identity cards. Most of them were said to have been released after paying fines, but some were reportedly kept in police custody because their identity was “unclear”.³⁰

New security measures by customs officials were also enforced in January 2002 in the XUAR, including heightened surveillance and checks at airports, railway stations, and monitoring of vehicles entering the XUAR. This was meant to deal with “sudden incidences” involving “separatists, religious extremists and terrorist forces”.³¹ The news agency *Zhongguo Tongxun She* also reported on 5 January 2002 that China’s special military units had increased their anti-terrorism training programme following the 11 September events. It cited the example of a special unit of the Chengdu Military Region, the Lie Bao (Leopard hunting) unit, which had carried out an anti-terrorist manoeuvre for the first time in the Xiling mountains (Sichuan

²⁸ *Zhongguo Xinwen She*, Beijing, 3 January 2002, BBC Mon AS1, 03.01.2002.

²⁹ *Zhongguo Tongxun She*, 5 January 2002, BBC Mon AS1, 06.01.2002.

³⁰ WUNN, No 148, 5 February 2002.

³¹ AFP, Beijing, 12.01.2002. citing the China News Service.

province). This was part of the new military training programme of the People's Liberation Army (PLA), it said.

3.2. Crackdown on religion:

“Freedom of religious beliefs is not freedom for religion”
(The *Xinjiang Daily*, 18 May 1996)³²

“In performing religious work, we must uphold scientific, materialistic views.”
(Ye Xiaowen, director of the State Bureau of Religious Affairs, 16 January 2002)³³

Religious practice has been severely restricted in the XUAR, as in other parts of China, since the 1950s. In recent years, the Chinese authorities have claimed that radical Islamist movements abroad were inspiring some Uighur separatist groups and religious leaders. This claim has been repeated recently. While this may be true in some cases, this is no justification for repression and restrictions on religion which affect the Muslim population as a whole. Furthermore, independent observers and experts point out that Uighur identification with Islam and their religious practices are based primarily on ethnic identity and cultural heritage, and have little in common with the forms of Islam preached by Wahhabi schools in some countries. They also point out that the roots of widespread discontent and unrest among Uighurs lie in the government's policies in the region - including policies which foster inequalities and racial discrimination - rather than in the influence of foreign Islamist movements.³⁴

³² In a commentary on the limits of religious freedom, the *Xinjiang Daily* explained on 18 May 1996 that “freedom of religious belief”, which is protected by China's Constitution, is not the same thing as “freedom for religion”. It listed a number of activities which are prohibited, including preaching religion in public areas other than in places for religious activities which are authorized by the authorities. See Amnesty International report, “Religious Repression in China”, AI Index: ASA 17/69/96, July 1996, p.3.

³³ Report from Xinjiang Television on a XUAR CCP forum on 16 January 2002, Urumqi, BBC Mon AS1, 17.01.2002.

³⁴ See “Uighurs Need Not Apply” by Bruce Gilley, *Far Eastern Economic Review*, 23 August 2001; “Burying seeds for violence- Xinjiang” by Ruth Ingram, *The Central Asia-Caucasus Analyst*, 21 November 2001; “Kazakh analyst concerned at situation of Uighurs in China”, BBC Mon CAU, 14.01.2002; “Islamic extremism in Xinjiang - an overstated case ?” by Kate Westgarth, in *China Review* (Great Britain-China Centre), Spring 2002, pp.10-11; “The economic motivations of Xinjiang Wahhabism” by Felix Chang, *The Central Asia-Caucasus Analyst*, 13 February 2002. See also Amnesty International report, ASA 17/18/99, op.cit., pp. 9 and 13-14.

The political crackdown which intensified in the XUAR in October 2001 extended to “illegal religious activities” and “extremist religious forces”. Dozens of Muslims clerics and students were reportedly detained or arrested for “illegal” religious activities in various places, including Khotan (Hetian), Kashgar, Bortala and other prefectures. In Kashgar, it was reported in early November 2001 that police had closed down 13 “illegal religious centers” and arrested more than 50 people worshipping there.³⁵

In the Bayingolin Mongol Autonomous Prefecture, nine Muslims were arrested for “illegal preaching” in December 2001, according to a local police official cited by Reuters. The nine had translated the Koran into local languages and used it to preach “the separatist cause”, the official reportedly said. The campaign had started in the prefecture on 10 December 2001 and was scheduled to run until the end of February 2002.³⁶

In Khotan, according to unofficial sources, a prominent Muslim cleric, Abduraup, was detained by police in December 2001 while teaching the Koran to eight young girls. One female religious teacher, Muhabbet, was also reportedly detained on 10 December 2001 together with her students, including 13 year-old girls. According to the sources, all were released from police custody soon after but had to pay fines; these ranged from 300 Yuan for each student to 7000 Yuan in the case of Abduraup. One girl was reportedly fined 3000 Yuan for “resisting the authorities” during detention.³⁷ According to one press report, the Khotan Communist Party Committee stated in January 2002 that, since the start of the crackdown, it had found that “religion, illegal religious activities and extremist religious thought” had “severely influenced, disturbed and infiltrated society, and villages and in particular education”. To deal with this situation in schools, it advocated a “clean up and reorganization of the schools, their leaders and the teaching body”, the report said.³⁸

At the same time as the crackdown on “illegal religious activities” and “extremist religious forces”, the XUAR authorities also announced in October 2001 that they would further “strengthen the management of religious affairs” and “actively guide religion to conform to socialist society”.³⁹ This process had in fact started earlier in 2001 with a programme of

³⁵ Xinjiang Legal Daily, 8 November 2001, cited by AFP, Beijing, 14.11.2001.

³⁶ “China arrests nine Muslims in broad crackdown”, Reuters, Beijing, 21 December 2001.

³⁷ Report on violations of human rights in East Turkestan, by East Turkestan Information Centre (ETIC), Munich, February 2002 (hereafter: ETIC’s report).

³⁸ AFP, Beijing, 31 January 2002, citing an official Khotan newspaper.

³⁹ *Zhongguo Xinwen She*, 24 October 2001, BBC Mon AS1, 24.10.2001.

compulsory “political education” classes for imams in charge of key mosques across the region. According to official sources, 8000 imams had been “trained” by the end of the year. The purpose of the classes, which generally lasted over 10 days, was to give them “a clearer understanding of the party’s ethnic and religious policies”, the official Xinhua news agency reported in January 2002. The classes were conducted under the leadership of party and government officials, and had proceeded “from the perspective of guiding religion in adapting to the socialist society and maintaining the lasting political stability of Xinjiang”, it said. It reported that the imams who had been trained had been organised to make “wide publicity” about the training among religious people in their locality so as to “increase the influence of the training”. It also said that the training of Muslim religious leaders across the region would continue in 2002.⁴⁰

Other measures included the closure of mosques which were considered to have a “bad influence” on young people. In Karakash, a city near Khotan in the south of the XUAR, the authorities reportedly closed down the Dong mosque on 9 October 2001 because it was located near a school. According to press reports, an official at Khotan’s Minority and Religious Affairs Bureau confirmed later in October that a mosque in the nearby city of Karakash had been recently converted into a carpet factory. A Reuters report of 15 October 2001 cited the official as saying that the mosque had been converted because it was located near a school and was considered “a bad influence”. According to another report, a Khotan Religious Affairs Bureau official also confirmed in October 2001 that, over the past year, three of the Khotan’s mosques had been demolished in accordance with official directives stating that such sites of worship could have a negative influence on students at nearby schools.⁴¹

Among other restrictions, the religious practice of fasting, which is mandatory for Muslims during the holy month of Ramadan, was reportedly banned in schools and government offices in various places. Reports from various sources indicated in November 2001 that the authorities had ordered Muslims working in government offices, schools, hospitals and other institutions in the XUAR to ignore religious rules during Ramadan. Schools and institutions of higher education were also instructed to encourage Muslim children and students to break the fast. An AFP report in November cited a teacher at the Khotan Hygiene School who confirmed that the school was putting pressure on students not to fast, following the 11 September events. “Because of what’s happening in Afghanistan, we’ve been told to increase our political ideology training”, the teacher was cited as saying. He also said that the students might face expulsion if they refused to comply and confirmed that primary and middle schools were ordering students not to observe

⁴⁰ Xinhua news agency report from Urumqi, 11 January 2002, BBC Mon AS1, 12.01.2002.

⁴¹ AFP, Beijing, 12 October 2001.

fasting.⁴²

The crackdown and restrictions on religious activities continued in 2002. In the Ili (Yili) Kazak Autonomous Prefecture, the local government issued a circular on 3 January 2002 to eradicate “feudal, superstitious and backward ideas”.⁴³ This reportedly involved stepped up surveillance of local religious and folk customs, including weddings, funerals, circumcision ceremonies, house-moving rituals and the wearing of ear-rings. The circular reportedly instructed ethnic Uighur government and Party officials to seek permission before attending any such festivals and ceremonies and to report back to the government upon completion of their activities.

In Kashgar, in January 2002, the city’s Communist Party Secretary, Yao Yongfeng, reportedly called on local officials to be prepared to fight “subversion under the guise of religion”. According to an AFP report, an early January edition of the *Kashgar Daily* said that 253 Islamic leaders in Kashgar had gone through training sessions on “political ideology” in 2001 and that, in some areas, clerics had been ordered to attend two hours of political training every Friday afternoon. It also reported that in 2001 and at the beginning of 2002, Kashgar police had arrested 530 members of 21 “reactionary groups”.⁴⁴

3.3. Crackdown on “separatism in the ideological field”, including culture and the media:

“The anti-separatist struggle in the ideological field had always been a major battleground without the smoke of gunpowder.”⁴⁵

(Wang Lequan, XUAR Communist Party Committee Secretary, 31 January 2002)

On 1 January 2002, at the end of a singing concert at the Xinjiang People’s Hall in Urumqi, a man identified as Tursunjan Amat recited a poem he had written. A subsequent official report described the recitation of the poem as an “incident”. According to the report, the poem was “inflammatory” and had “produced a very bad influence on society”. It was deemed to have “attacked by innuendo social reality”, “advocated ideas of ethnic separatism”, and “shown a strong tendency of opposing society, reality and the government”. The report indicated that Tursunjan Amat and possibly others involved in arranging the recitation of the poem at the concert may have been detained for investigation. According to the report, the regional party

⁴² AFP, Beijing, 16 November 2001.

⁴³ See AFP, Beijing, 8 January 2002.

⁴⁴ AFP, Beijing, 24 January 2002.

⁴⁵ *Zhongguo Xinwen She*, 1 February 2002, BBC Mon, AS1, 01.02.2002.

committee had immediately held a meeting of its standing committee to study the matter and instructed “relevant departments” to conduct an investigation into “the whole process of the incident” and “to seriously mete out punishment”. The party committee had also asked these departments to “use the incident to conduct anti-separatism re-education”.⁴⁶

This incident appears to have triggered an intensification of the crackdown on “separatism in the ideological field”, including a campaign to “clean up undesirable elements” in cultural and media circles and government departments. Such “cleaning up” may mean either dismissal or detention for those branded as “undesirable”.

Referring to the incident at a meeting of cadres on 11 January 2002, the Chairman of the XUAR regional government emphasised the need to “strengthen the anti-separatism struggle in the ideological field”, including in literature and art. He stated that, among literary and art workers, there were “a very small number of people making use of the literary and art stage to peddle their anti-people works that spread ideas of ethnic separation”.⁴⁷

Later in January it was announced that the authorities would hold a series of “study classes” for key personnel in literature and art, the press and publishing, radio, television, film production, cultural management, social science research and other fields. The purpose of the classes was to “extensively educate them in opposing ethnic separatism and safeguarding the unity of the motherland.” Literary and art workers were warned in particular that they must “take a clear-cut stand in waging a just and forceful struggle against all kinds of acts opposing the unity of the motherland”.⁴⁸ This usually means denouncing the authors of literary or art works which are officially deemed to contain “subversive” messages or people whose political loyalty is found to be unclear.

Within the regional government administration and the Xinjiang Production and Construction Corps, the Political Science and Law Departments “at all levels” were also instructed to “vigorously strengthen the anti-separatist struggle” and to “further clean up the contingents and

⁴⁶ Report by Chinese regional radio from Xinjiang, 12 January 2002, BBC Mon AS1, 13 January 2002.

⁴⁷ ditto.

⁴⁸ Report on the opening ceremony of a series of study classes for personnel in the propaganda and cultural departments, broadcast by Chinese regional radio from Xinjiang on 21 January 2002, in BBC Mon AS1, 22.01.2002.

resolutely investigate and deal with undesirable members of political science and law contingents.”⁴⁹

On 31 January 2002, the XUAR Communist Party Committee convened a “mobilization rally for the struggle against separatism in the ideological field” in Urumqi. During the rally, the Regional Party Secretary, Wang Lequan, listed in detail the means used by “ethnic separatist forces inside and outside the region” in recent years for “penetration and sabotage”. These included “illegally printing and publishing reactionary books and journals, mailing, posting up and distributing reactionary pamphlets, letters and posters, spreading rumours to cheat the public, and creating separatist public opinion”. It also included using “audio and videotapes, VCD disks and so on to stir up religious fanaticism and call for ‘jihad’.” Wang Lequan called for further intensification of “face to face propaganda and education for the cadres and masses of all ethnic groups.” He also pointed out the danger of separatism’s influence in schools, and called on media and cultural units in the region to “step up education for young people of all ethnic groups.”⁵⁰

The crackdown on “separatism in the ideological field” had been given a new impetus in 2001 with the start of the new “strike hard” campaign against crime in April 2001. In July 2001, a report in the official Xinjiang Daily gave an example of the implementation of this crackdown in one of the autonomous prefectures of the XUAR. According to the report, between the start of “strike hard” in April and 13 July 2001, police in the Bayingolin Mongol Autonomous Prefecture had “broken” four “ethnic separatist cliques” and confiscated 2,200 “reactionary” books and other printed materials and 1,484 audio-visual materials.⁵¹ In January 2002, another report said that 530 members of 21 “reactionary groups” had been arrested in Kashgar since the beginning of 2001.⁵²

Apart from such occasional reports, official sources have not disclosed what the overall result of the crackdown on “separatism in the ideological field” has been across the region – no figures have published about the total number of people detained, arrested or sentenced as a result, either in 2001 or 2002.

3.4. Estimates of arrests since September 2001:

⁴⁹ Report on a meeting of the Political Science and Law Commission of the XUAR Party Committee, broadcast by Chinese regional radio from Xinjiang, 24 January 2002, BBC Mon AS1, 25.01.2002.

⁵⁰ *Zhongguo Xinwen She*, 1 February 2002, BBC Mon, AS1, 01.02.2002.

⁵¹ *Xinjiang Daily*, 17 July 2001, BBC Mon AS1, 16.08.2001.

⁵² See above, page 17.

Due to the strict control exercised by the authorities over all politically “sensitive” information and the lack of access to the XUAR for independent human rights monitors, it is difficult to estimate with accuracy the number of people detained, arrested or sentenced at any one time in the region. However, on the basis of the reports it has monitored, Amnesty International believes that the number of people detained for investigation on political grounds over the past six months is likely to be in the thousands, with at least scores charged or sentenced under the Criminal Law – most of them Uighurs. There is as yet very little information on people who may have received administrative sentences involving detention in “re-education through labour” camps.

The reports available from official sources give an incomplete picture of the extent of repression. They refer only to a few cities and areas of the XUAR. In addition, official reports of arrests usually refer to people under formal “arrest” (charged) and rarely account for the much larger number of people detained for interrogation, who may be held for long periods without charge. Neither do they usually account for those who receive “sentences” of “re-education through labour”, an administrative punishment imposed without charge or trial which involves up to three years’ detention in a labour camp. Official media reports also give a patchy picture of political trials and sentences. The official media hardly ever reports on trials in the XUAR and publishes only selected reports of the “public sentencing rallies or meetings” which are held to announce verdicts and sentences.

Uighur exile sources estimate that at least 3000 people were detained in the political crackdown in the XUAR from mid-September 2001 until the end of 2001. They have also reported that during the same period at least 20 people tried on politically driven charges were sentenced to death and executed, and many more sentenced to prison terms.⁵³

3.5 Reports of sentencing of “separatists”:

Since September 2001, a number of reports, mainly from unofficial sources, have mentioned the sentencing of “separatists” at “public sentencing meetings” in some areas of the XUAR. Most of those sentenced were identified as ethnic Uighurs. Some were reportedly sentenced to death and executed immediately after the meetings. According to unofficial sources, however, few of the death sentences passed and executions carried out in the XUAR are known outside the area where they occur, and those that are reported are believed to be only a fraction of the real number. The authorities have reportedly stopped publicizing most death sentences and

⁵³ WUNN, No.140, 21 December 2001, and No.149, 8 February 2002.

executions since August 2001.⁵⁴ The cases cited below concern people who received a range of sentences at local public sentencing rallies since September 2001:

- On 25 September 2001, 48 Uighurs charged with political offences were reportedly sentenced at a public sentencing rally held on People's Square in Kashgar. Seven of those sentenced, who were identified in an unofficial report, reportedly received sentences ranging from one year to fourteen and a half years' imprisonment.⁵⁵
- On 24 September 2001, nine Uighurs were reportedly sentenced at a "public sentencing rally" held on a school football field in Shaya by the Aksu District Intermediate People's Court. One of the defendants, Erkin Talip, was reportedly sentenced to death for separatist activities and executed immediately after the rally.⁵⁶
- On 15 October 2001, 12 Uighurs charged with "separatism" were sentenced at a public sentencing rally in Ili (Yili) Prefecture. The rally was held by the Ili Prefecture Branch of the XUAR High Court and the Yining (Gulja) city Court, according to a report in the Ili Evening News (Yili Wanbao) on 16 October 2001. Two of the defendants, identified as Abdumijit and Abduahmed, were sentenced to death and executed immediately after the rally, the report said. Abdumijit was described as the leader of the "separatist" group. Three of the other defendants were sentenced to death with suspension of

⁵⁴ See "China, in Harsh Crackdown, Executes Muslim Separatists" by Craig S. Smith, New York Times, 16 December 2001.

⁵⁵ WUNN, No.137, 18 October 2001. The seven identified in this report were::

- * Osman Jamal, male, 23 year-old trader from Akto district in the Kizilsu Kirgiz Autonomous Prefecture; sentenced to fourteen and a half years' imprisonment with three years deprivation of political rights and a 5000 Yuan fine.
- * Yasin Amet, male, an 18 year-old farmer from Yengisar district; sentenced to four and a half years' imprisonment;
- * Kurban Musa, male, a 21 year-old mason from Yengisheher district; sentenced to four and a half years' imprisonment;
- * Tomur Emet, male, a 27 year-old cook from Tokuzak district; sentenced to four years' imprisonment;
- * Tursun Tohti, male, a 50 year-old farmer from Kashgar; sentenced to three years' imprisonment;
- * Nurmohammed Abliz, male, a 28 year-old trader from Kashgar; sentenced to three years plus a 1500 Yuan fine;
- * Emet Heyt, male, a 23 year-old trader from Yengisherer district; sentenced to one year imprisonment.

⁵⁶ WUNN, No.137, 18 October 2001.

execution for two years. Two others were sentenced to life imprisonment and the remaining five to prison terms ranging from 5 to 15 years.⁵⁷

- On 23 October 2001, seven Uighur “separatists” were reportedly sentenced at a “public sentencing rally” held in a sports stadium in Khotan (Hetian). One of them, identified as Metrozi Metthoti, was sentenced to death and the six others to terms of up to 12 years’ imprisonment. Metrozi Metthoti, 34, was reportedly executed immediately after the rally. He was accused of “separatism and storing weapons”.⁵⁸
- On 11 November 2001, 28 people – including 24 Uighur “separatists” according to some sources - were sentenced at a public sentencing rally in Uch Turfan (Wushi). Two of the 28 were sentenced to death and executed immediately after the rally, and two others were given death sentences with suspension of execution for two years. According to a local police official cited by AFP, the two executed were ordinary criminal offenders convicted of murder and armed robbery, and one of the two given suspended death sentences was a “separatist” accused of having planned an attack with a home-made bomb.⁵⁹ Uighur exile sources however reported that all those executed or given suspended death sentences were “separatists”. They also reported that 20 of the other defendants were sentenced to prison terms ranging from eight to 20 years for “separatist activities”.⁶⁰
- On 16 November 2001, one Uighur identified as Yasin Iskender was reportedly tried in public on political grounds by a court in Lop district, near Khotan, and sentenced to death. Details of the charges have not been reported.⁶¹

4. CONCLUSIONS AND RECOMMENDATIONS:

⁵⁷ ETIC’s report (see footnote 37). Also see AFP and Reuters reports from Beijing, 17 October 2001, and New York Times, 20 December 2001.

⁵⁸ New York Times, 16 December 2001 and ETIC report, February 2002, op.cit.

⁵⁹ AFP, Beijing, 15 November 2001.

⁶⁰ See New York Times, 16 December 2001.

⁶¹ ETIC’s report, February 2002, op.cit.

Extensive human rights violations are being perpetrated in the context of the Chinese government's current campaign against "separatist, terrorist and religious extremist forces" in the Xinjiang Uighur Autonomous Region. These include violations of a broad range of civil, political, social and cultural rights.

Amnesty International is particularly concerned at reports indicating that thousands of people may have been arbitrarily detained during the political crackdown in the region and some sentenced to death and executed after summary trials. It is also concerned that serious abuses, such as prolonged incommunicado detention, torture, denial of access to lawyer and other rights associated with fair trial, which are a pattern of the treatment of political detainees in the region, are likely to have increased in proportion with repression during this campaign.

Amnesty International is also concerned that the new provisions on "terrorist" crimes introduced in the Chinese Criminal Law in December 2001 enlarge the scope of the death penalty, and that both the new and existing provisions on such crimes are vaguely worded and may criminalize peaceful activities and infringe unduly upon rights such as freedom of expression and association. This concern is also related to the lack of definition in the law for "terrorist crime" or "terrorist organisation", which may therefore be interpreted broadly. The law, for example, makes it a criminal offence simply to be a member or leader of a "terrorist organisation" (even if the individual does not commit any other illegal act) which could be interpreted as referring to political opposition or religious groups.

In the light of these concerns, Amnesty International is calling on the Chinese government to:

- stop the extensive violations of civil, political, social and cultural rights which are resulting from the current political crackdown in the XUAR, including arbitrary detention and imprisonment, incommunicado detention, unfair trials, executions after summary trials, and sweeping restrictions on religious, cultural and social rights;
- take measures to ensure that the detention and treatment of people suspected of having committed violent or other criminal acts for political ends, as well as their prosecution and trial, conform to international human rights standards; and
- ensure that the grounds for detaining people are strictly limited to those activities which are internationally recognised as criminal offences.

Amnesty International is calling on the National People's Congress of the PRC to:

- review the provisions on terrorist crimes in the Criminal Law with a view to:

- removing the death penalty from the punishments they provide;
 - ensuring that these provisions do not criminalize activities which amount to no more than the peaceful exercise of fundamental human rights;
 - ensuring in addition that the offences listed in these provisions are clearly defined in unambiguous language; and
- ensure that any future legislation related to “counter-terrorism measures” conforms to international human rights standards.

Amnesty International is also calling on other governments, in particular in Afghanistan, Pakistan, Nepal and other South Asian and Central Asian countries, to:

- refrain from returning to China any national of the PRC apprehended in their country in connection with their alleged association with radical Islamist movements or “separatist” opposition activities in China, who may be at risk of torture and the death penalty upon their return to China; and
- express concern about the extensive human rights violations currently taking place in the XUAR with the Chinese government.