

Human Rights Violations Against Muslims in the Xinjiang Uighur Autonomous Region of Western China

by Natasha Parassram Concepcion*

The disintegration of the Soviet Union resulted in the formation of several new and unstable Central Asian states, located around the Chinese border. This instability is a major source of concern for the Chinese government, which fears the unrest could lead to destabilization of some of its provinces. Today, there are five autonomous regions in China where national minority citizens are allowed some form of limited representation in regional government institutions. The Xinjiang Uighur Autonomous Region (XUAR), where approximately eight million Uighurs—the predominantly Muslim inhabitants—currently reside, is one of these five regions.

The XUAR is a strategically important region within China, reportedly rich in oil and gas, and used by the Chinese government for nuclear bomb testing. In order to maintain its hold over the region, the Chinese government has responded to the threat of destabilization by tolerating, to some degree, the Muslim religious practices in the XUAR. At the end of the 1980s, however, local unrest in the XUAR led the government to initiate a crackdown on what they believed to be local nationalism and separatist sentiments.

In 1997 and 1998, violence in the region escalated. According to Amnesty International, fighting between small groups of Uighurs and ethnic Chinese (Han) security forces, as well as attacks by Uighur opposition groups against Chinese government officials, are intensifying in response to the Uighurs' growing discontent over government discrimination, interference with their religious and cultural rights, official corruption, and denial of equal economic opportunity.

The Chinese government's response continues to be harsh and repressive. As a result of these violent outbreaks in the XUAR, the Chinese government launched a campaign against suspected separatists, subjecting many Uighurs to arbitrary arrest, detention,

[T]he Chinese government launched a campaign against suspected separatists, subjecting many Uighurs to arbitrary arrest, detention, imprisonment, torture, unfair trials, and summary executions.

imprisonment, torture, unfair trials, and summary executions. On August 11, 1999, for example, government officials arrested Rebiya Kadeer, an important businesswoman and one of the most prominent women among the Uighur ethnic minority population, in Urumqi, the capital of the XUAR. According to both Amnesty International and Human Rights Watch, Kadeer, charged with "providing secret information to foreigners," received eight



years imprisonment. The Chinese government's actions against Kadeer are meant to punish both her and her husband, a former political prisoner, for publicly speaking out against the government's treatment of the Uighurs.

Despite the fact that the Chinese government signed the International Covenant on Civil and Political Rights (ICCPR) and ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

Punishment (CAT), it continues to perpetrate massive human rights abuses against the Uighur population, directly in violation of its international human rights obligations under these two treaties.

Background

Political and Religious History

The Uighurs have resided in the Tarim basin in Western China since the sixth century. At times Uighurs experienced self-rule, independent of their powerful neighbors, China and Russia. Beginning around 1750, however, the Chinese political sphere gradually incorporated the Uighurs. Xinjiang officially became a province of China in 1884, but retained some strong Russian influences and ties.

The Manchu Qing dynasty, which controlled the region until its fall in 1910, referred to the region as the "new dominion" (*xinjiang*). After the collapse of the Manchu Qing dynasty, competition among the three major players in the region—China, Russia and Great Britain—resulted in the Xinjiang region being extremely unstable and divided. During this time, the Uighurs unsuccessfully attempted to regain their independence on two separate occasions.

By 1949, internal strife in China culminated in the People's Liberation Army's ascension to power and the establishment of the People's Republic of China under communist rule. The communist authorities moved to consolidate their power in Xinjiang by trying to erase Russian influence in the region. In 1950, for example, the new Chinese government initiated a program to promote Han immigration into Xinjiang. With the influx of Han into the region, the Uighurs began to feel marginalized in their own land, and viewed the increasing integration with China as a threat to their cultural survival. In 1955, the government established the Xinjiang Uighur Autonomous Region (XUAR), a region within China's borders but with self-autonomy. This autonomy, however, is limited because the Chinese Communist Party continues to make almost all policy decisions. In addition, Han, who are relatively recent arrivals in the XUAR, receive many of the official government posts in the XUAR. Such governmental policies contribute to the tension and sporadic eruptions of violence between the Han and Uighur populations.

continued on next page

Religion also has been a source of contention between the Uighurs and the Chinese government. Although the Uighurs adopted Islam sometime between the fifteenth and seventeenth centuries, the term Uighur was not associated with Islam until 1935, when the Chinese Nationalists officially defined the Uighurs as an ethnic group of oasis-dwelling Muslims in the Tarim basin. As part of their Muslim religious practice, the Uighurs generally pray five times a day and celebrate two major Islamic festivals each year—Lesser Bairam (the Festival of Fastbreaking) and Cobran (the Sacrifice Festival). During the month immediately preceding Lesser Bairam, the Uighurs fast until sunset, and break fast on Lesser Bairam. Seventy days later, they celebrate Cobran, a three-day festival during which Uighurs wear national costumes, celebrate Muslim services, eat mutton, sing songs, pray, and dance.

Human Rights Violations in the XUAR

The Uighurs face severe economic, racial, social, and cultural discrimination by the Chinese government. In addition, Amnesty International indicates that religion and political organization are the two primary motivations behind the governmental repression of the Uighurs and the significant increase of human rights violations in the XUAR region. Fearing Islam might feed ethnic nationalism and a separatist movement, the Chinese government began to severely curtail the political and religious practices of the Muslim Uighurs in the 1980s and 1990s.

The mounting tension between the Chinese government and the Uighur population culminated in an eruption of violence over the past five years. Three major events were responsible for sparking violent confrontations between Chinese police forces and the Uighurs. The first occurred in 1995 with the revival of the *meshrep*, an old system that dealt with social issues. The *meshrep* is analogous to a traditional social party in which large groups of people congregate to speak, play music, sing, or recite poetry. For the Chinese government, these *meshreps* represented a threat because they attempted to revive cultural and Islamic traditions. Consequently, this attempt at social organization—perceived by the government as a form of political organization—was met with heavy government repression. The second event to fuel the violence was the 1995 disappearance of Abdul Kayum, an Islamic preacher (*imam*), at a mosque in Khotan (Hetian). The third incident resulted from a series of protests in 1997 in the city of Gulja (Yining). Clashes between demonstrators calling for the equal treatment of Uighurs and police forces resulted in hundreds arrested, injured, or killed.

Since that time, and according to the most recent U.S. State Department Country Report on Human Rights Practices in China, the Chinese authorities have been ferociously targeting suspected Uighur nationalists, separatists, and independent Muslim religious leaders.

Denial of Judicial Guarantees

The Chinese government continues to routinely jail Uighurs for their suspected separatist views and for exercising their religious freedom and fundamental human rights. In many cases, prisoners are not charged or tried, and are held incommunicado. In other cases, prisoners are sentenced to lengthy prison terms for essentially non-violent activities, such as demonstrating.

According to a 1999 Amnesty International Report on human rights violations in the XUAR, even if prisoners receive a trial, the process is a mere formality because political authorities typically



XUAR storefront in Arabic and Chinese.

have already determined the prisoner's fate. Furthermore, prisoners have very limited access to lawyers, and in many cases they are merely informed of their sentences after a court has adjudicated the case in a private session. Prisoners also are sometimes taken to public sentencing rallies where their sentences are read in front of hundreds or thousands of people.

The inordinate imposition of the death penalty in the XUAR is particularly disturbing. Many political prisoners are sentenced to death and executed; the XUAR continues to have the highest ratio of death sentences relative to its population size. According to Amnesty International, it is the only region within China where, in recent years, political prisoners are routinely executed for their political beliefs.

Torture

Uighur prisoners often are tortured while in prison to extract confessions. Amnesty International reports that such torture includes: sleep and food deprivation; severe beatings with either fists or other instruments, sometimes while suspended by the arms or feet; electric shocks; handcuffing or tying prisoners in ways causing severe pain and suffering; exposure to extreme cold or heat;

using trained dogs to attack prisoners; inserting sticks or needles under finger nails or having fingernails pulled out entirely; and administering injections causing the prisoner to "become mentally unbalanced or to lose the ability to speak coherently." Other methods of torture not used elsewhere in China include putting pepper, chili-powder or other substances in the mouth, nose, or genital organs;

and inserting horse hairs or wires into the male prisoners' penises.

China's International Human Rights Obligations

China is legally bound to respect the human rights treaties it has ratified. Under traditional principles of international law, without ratification by a state, a treaty may not be enforced against that state unless the treaty codifies customary international law. Currently, China has signed, but not ratified, the International Covenant on Civil and Political Rights (ICCPR), and has ratified to the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

continued on next page

By adopting the CAT, China is legally bound by its provisions. The CAT requires China to take measures to prevent torture in territories under its jurisdiction (Article 2), to make torture a criminal offense and establish jurisdiction over it (Articles 4 and 5), to prosecute or extradite persons charged with torture (Article 7), and to provide a remedy for persons tortured (Article 14). Further, the CAT's definition of "torture" forbids the state from intentionally inflicting any severe pain or suffering, whether physical or mental, to elicit information or a confession, or to punish someone for acts he has committed or is suspected of having committed. In addition, authorities have a responsibility not to inflict pain and suffering to intimidate or coerce a person for any reason based on discrimination of any kind (Article 1). Finally, the CAT explicitly stipulates that consent or acquiescence of a state official or governmental actor in inflicting torture is requisite to holding a state responsible for its actions (Article 16); the CAT does not protect individuals from torture by private actors.

Despite having ratified the CAT in 1988, China continues to practice torture against the Uighurs. Many of the detained Uighurs are political prisoners, often arrested for merely discussing politics openly. The reports of former prisoners gathered by Amnesty International, as well as other sources, indicate torture is systematic in the XUAR—a practice in direct violation of China's obligations under the CAT. Certain detention facilities, such as the Liu Daowan jail in Urumqi and some of the jails in Ili Prefecture, are reputed to be worse than others; approximately 90 percent of detained prisoners allowed to appear in court allege they have been tortured while in police custody.

Many of the Uighur victims of torture report being severely beaten while in detention. Victims also claim to have been kept in crowded jail cells, and to have often lacked sufficient room to lie down at night. Some victims claim they were taken to special rooms to be tortured, where they describe being handcuffed with their hands behind their backs.

China's obligations under the ICCPR are less coherent because the state has signed but not yet ratified the convention. Under international law, China may only be legally bound by the ICCPR if the rights contained in the treaty codify international customary law. The act of signing the treaty is nonetheless significant in terms of state obligations. According to the general principles of international law, the act of signature means China must refrain from any actions that would run counter to the object and purpose of the treaty until it has made clear its final intentions with regard to the treaty. Thus, by signing the treaty, China has an obligation to respect the rights guaranteed to its citizens under the ICCPR.

Under Article 2 of the ICCPR, each state party is obligated to recognize the rights of all individuals within its territory and subject to its jurisdiction, regardless of race, color, sex, language, religion, political or other opinion, and national or social origin. The ICCPR guarantees each person the right to life (Article 6); the right to be free from torture or cruel, inhuman or degrading treatment or punishment (Article 7); the right not to be subjected to arbitrary arrest or detention, and the right to be "informed, at the time of arrest, of the reasons for his arrest" (Article 9); the right to be taken before a judge or magistrate (Article 9); the right to a fair trial (Article 14); the right to freedom of expression

(Article 18); and the right to enjoy his own culture and practice his own religion (Article 27).

China's behavior toward the Uighurs violates many of the ICCPR's fundamental principles. Arresting and detaining the Uighurs for peaceful demonstrations and religious, cultural, and political expression, clearly violates the ICCPR. Because the fear of a separatist movement is so great, the government regularly imprisons anyone remotely suspected of political activity. Religious activism, which Chinese authorities consider to be a political activity, is also a target of government repression. The Chinese government believes that such religious activities might fuel the movement for political independence. As such, no Uighurs in the XUAR seem to be free from the government's accusations.

The February 25, 2000, State Department Report on Human Rights Practices in China confirms the Chinese government's increasing repression of Uighur religious activity. Many of the mosques in the XUAR have been shut down, and the government

has issued new regulations severely restricting religious activities, the building of mosques, and religious teaching in the region. Furthermore, the government's harsh treatment of religious activists—also viewed as political agents advocating separatism—often manifests in arrests, illegal detention, and torture. Some religious adherents are sentenced to death or are arbitrarily executed, less so for punishment than as a message to the rest of the community that

separatist tendencies will not be tolerated.

In addition to China's obligations under international human rights law, China's practices and policies in the XUAR do not conform with its domestic legal obligations. The 1997 amendments to China's Criminal Procedure Law were designed to provide greater access to legal counsel, to abolish a regulation permitting summary trials in certain cases involving the death penalty, and to provide for notifying the detainee's family within 24 hours of arrest and detention. The Chinese police forces, however, continue to detain individuals without providing access to lawyers, and many trials continue to be conducted in secrecy. Many of the prisoners are not even charged with a specific crime. In direct violation of international and domestic law, the Uighurs continue to be held as political prisoners, denied judicial guarantees, tortured, and arbitrarily executed.

Conclusion

To date, the plight of the Uighur population in western China has not been sufficiently publicized. Accordingly, it is important the international community draw attention to the suffering of the Uighurs in order to pressure the Chinese government to end its abusive practices in the XUAR. Specifically, the international community must closely monitor the situation in the XUAR and urge China to ratify human rights treaties—namely, the ICCPR—and to fulfill its obligations under those treaties it has ratified. 🌐

**Natasha Parassram Concepcion is a J.D. candidate at the Washington College of Law and a staff writer for the Human Rights Brief.*

Uighur prisoners often are tortured while in prison to extract confessions . . . such torture includes: sleep and food deprivation; severe beatings . . . and administering injections causing the prisoner to "become mentally unbalanced or to lose the ability to speak coherently."

