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Human rights situations that require the Council's attention

Written statement* submitted by the Nonviolent Radical Party, transnational and transparty, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 June 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The People's Republic of China brings its intimidation of Uyghurs abroad**

The Nonviolent Radical Party Transnational Transparty (NRP) is deeply concerned about the significant increase of interference in the domestic policies of democratic and free states by the People's Republic of China (PRC) in order for it to silence Uyghur human rights activists and freedom of speech abroad. The PRC has stepped up efforts during the last year by using not only its regional influence through the Shanghai Cooperation Organization (SCO), but also its international influence, to intimidate other states into implementing similar actions to the effect that these actions complement the domestic repressive policies it levels against Uyghurs in Xinjiang Uyghur Autonomous Region (XUAR), China.

Background of domestic repression against Uyghurs

The PRC has a protracted history of implementing policies to repress through violent and nonviolent means not only the culture, language and identity of Uyghurs, but that of Tibetans, Mongolians and other minorities in China. The 9/11 terrorist attacks on the United States have proved to be a convenient excuse to strengthen its repressive policies towards the predominantly Muslim Uyghurs by linking their religion and terrorism to their policies as a smokescreen to repress Uyghurs freedom of speech, culture and religion. The PRC routinely ascribes any peaceful protest or incident of unrest to the so-called “three forces” (terrorism, separatism, and religious extremism), accusations of which are mostly without foundation.

The 5 July 2012 will mark the third anniversary of the ethnic unrest in Urumqi, XUAR, which resulted in the deaths of at least 200 people, the arrest or imprisonment of many others, an increase in presence of security forces via a 'Strike Hard Campaign' and a 10 month total internet black-out. The 5 July 2009 event was one of the largest protests of its kind in Xinjiang. Since these events, China has rapidly increased efforts to curtail any opinion of the event which conflicts with the official version, along with strong initiatives to repress Uyghur cultural heritage in the vital Silk Road city of Kashgar and Uyghur language and identity.

Pressure on sovereign states and the travel of Uyghur human rights activists

Between 2 and 8 May 2011, leading Uyghur human rights activists staged an international conference in Washington D.C., United States of America (US), entitled. As Kahriman Ghojamberdi, Vice-President of the World Uyghur Congress (WUC), was checking in to his flight to attend the conference, he was refused to board the plane by airport authorities on the grounds that his passport was invalid due to two pages missing, despite the fact that his US visa and passport were valid and that he had recently used the same passport in the same condition for visits to the US and Europe. Furthermore, several other Uyghur activists were put under significant pressure by Kazakh authorities to not attend the conference, resulting in three Uyghur artists with valid visas not attending because of threats by the police.

** The World Uyghur Congress (WUC), an NGO without consultative status, also shares the views expressed in this statement.

Likewise in Kyrgyzstan, four Uyghur activists were also prevented from travelling to the U.S. Dilmurat Akberov, former President of the Uyghur Society of the Kyrgyz Republic “Ittipak”, who holds a position in a local government, and Ruzi Muhammed Abdulkakiev, a former member of the WUC Steering Committee, were asked by Kyrgyz authorities to refrain from travelling to the U.S., arguing that this trip would “harm Sino-Kyrgyz relations.” In addition, Hasyethan Tohtahonova and Elvaskhan Saloi-Akhunov were taken off of their aeroplane by police on 1 May 2011.

In the same vein, two prominent members of the Uyghur exile community in Pakistan, brothers Akbar and Omer Osman who co-founded a charity to teach Pakistani Uyghurs their mother tongue in Rawalpindi, were barred from attending a one week conference in Turkey, entitled “East Turkestan Brothers' Union summit” beginning 17 July 2011, again in disregard of their valid visas. They were subsequently put under police surveillance with police stationed outside their homes. When they confronted the Pakistan Ministry of Interior on 21 June 2011, they were informed that the Chinese Embassy in Islamabad had demanded to block their travel plans, and that the brothers would need a letter from the Embassy - despite being citizens of Pakistan - in order to be taken off the 'no-fly' list. These brothers were later refused to attend the General Assembly of the WUC in Tokyo, Japan in May 2012.

The PRC vehemently protested prior to, during and after the staging by Japan of the WUC's 4th General Assembly - following which it held a human rights leadership training seminar – on the grounds that the WUC is a separatist organisation with links to terrorists and that Japan would be interfering in its internal affairs. These accusations are completely without foundation as the WUC advocates for the betterment of Uyghur rights through nonviolent, democratic and peaceful means with support from the National Endowment for Democracy. Should these accusations of connections with terrorism be true, then the PRC would also have to accuse the Bavarian Government of the same charges for their hosting of the WUC in Munich. As recently as April 2010, Bavarian Premier Horst Seehofer rebuffed China's request to have the WUC listed as a terrorist organisation claiming, “There is no reason to think that organisations active in Germany, in particular the WUC, are pursuing extremist and therefore terrorist aims, or are supporting violent efforts in China.”

The PRC put significant pressure on Japanese Parliamentarians and law-makers to cancel the event, and when this wish did not come to fruition, the PRC reacted by cancelling several high-profile meetings with Japanese counterparts. China's ambassador to Japan, Cheng Yonghua, sent on 8 May 2012 letters to more than 100 Japanese law-makers. In a further source of controversy and meddling in the internal affairs of another state, China was forced to recall an unnamed senior diplomat in Japan amid strong accusations of espionage in late May 2012 after it refused to hand the diplomat over for questioning.

This tactic of placing heavy pressure to prevent democratic states from aiding Uyghur human rights activists have been viewed elsewhere. China also cancelled a visit in May 2012 to the United Kingdom after Prime Minister, David Cameron, hosted H. H. Dalai Lama, accusing him of seeking independence, whilst his camp merely seeks better human rights and meaningful autonomy. These examples of meddling in the internal affairs of sovereign states are all too familiar, and are especially heightened when exiled persons attempt to speak out about worsening human rights situations in the PRC from their residence in democratic and free states. These pressures by China have shackled advocacy efforts with legitimate concerns from abroad, and have been used to silence critics and exiled persons who were either active during the 5 July protests and other similar incidents or other activity in their host country.

Moreover, the PRC has put additional pressure on the families of exiled human rights activists. On 19 April 2012, the Observer reported that China's espionage network operates freely in the Netherlands, whereby they devote much time to spying on Uyghur exiles who

organise peaceful protests and demonstrations for Uyghur rights in the PRC. The PRC uses this information to persecute the families of these exiles in China. Likewise, subsequent to the WUC's General Assembly in May 2012, the PRC again increased pressure on WUC President Rebiya Kadeer by forcing one of her sons Alim Abdureym to sign documents which hand over ownership of family property to the state, whilst her other son, Ablikim Abdureym, has been transferred to a high-security prison. These actions are an attempt to silence Uyghur exiles abroad, so as to hide the true extent of human rights abuses within the territory of the PRC.

Influence on extraditions and exiles

Regarding the pressure China places upon other states, the NRP would like to again draw attention to the case of the Uyghur refugee Ershidin Israel who was extradited from Kazakhstan on 30 May 2011. After previously being granted refugee status by the United Nations High Commissioner for Refugees (UNHCR) - and a resettlement offer from Sweden - his refugee status was removed without disclosure of the reasons why and he was promptly extradited to China from which his whereabouts remain unknown. He had escaped China after divulging information to foreign journalists of a young Uyghur man who had been tortured to death while in detention and information pertaining to the 5 July 2009 Urumqi events. At the time of Ershidin's extradition, it is believed that Kazakhstan succumbed to Chinese pressure to expeditiously extradited him as soon as possible. According to a 2011 report by Human Rights In China (HRIC), the Shanghai Cooperation Organization allows for the quick extradition of those who are suspected of 'terrorism', 'separatism' or 'extremism', charges that are largely applied for politically motivated reasons, as in the case of Ershidin who China spuriously considers a terrorist.

Previously, 20 Uyghurs were deported from Cambodia to China on 19 December 2009, 17 of whom have reportedly been imprisoned after their forcible return and sentenced to harsh prison terms, including life imprisonment. They had fled China in the aftermath of the 5 July 2009 in Urumqi after witnessing Chinese security forces arresting and using brutal and lethal force against Uyghur demonstrators during a peaceful Uyghur protest. Subsequently, they were labelled “criminals” so as to facilitate their extradition. Their extradition, which came after intense pressure and influence by the Chinese authorities, represented a flagrant violation of international human rights treaties, especially the 1951 Refugee Convention and its 1967 Protocol (of which Cambodia is a party); moreover, their refugee status was still under review at the time of their extradition. This came the day before a high-level visit by a top China official to Phnom Penh who was arriving with \$1.2 Billion of grants and loans, including 14 agreements ranging from help in building roads to repairing Buddhist temples.

These examples illustrate the climate of fear many Uyghurs face on day-by-day basis after their exile as there is no guarantee that their application for asylum will be accepted and the manner in which certain states deal with asylum seekers with legitimate concerns - often due to pressure from China - resulting in a lack of respect for international legal standards. There are countless examples of Uyghurs who were participants of protests – including Urumqi – being extradited and subsequently being subjected to torture and other inhuman treatment, arrested, detained, imprisoned on weak or unfounded charges and forcibly disappeared. Being deported even without refugee status to a state where these practices are routinely undertaken against persons represents a severe violation of a fundamental *jus cogens* principle of international law, namely the principle of non-refoulement.

The NRP calls on the Human Rights Council to urge the People's Republic of China to:

- cease its use of torture to extract confessions under duress in accordance with its obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to remove reservations therein, in addition to signing and ratifying the Optional Protocol to the said Convention;
- not meddle in the internal affairs of sovereign, free and democratic states, and to cease putting pressure on states through economic incentives or disincentives;
- allow full reforms for freedom of speech in PRC, and cease actions that prevent it for those who in exile;
- curb its use of the SCO to implement its over-broad definition of terrorism that is said to permit not only the PRC but also other members to use tactics to repress their peoples.

The NRP calls on the Human Rights Council to urge all states to:

- abide by customary international law and their legal obligations therein, namely the principle of non-refoulement;
 - not relegate human rights for the mere temporary financial gain to the PRC's benefit and to not become a pawn to the PRC's expansion of its repressive policies abroad;
 - afford better protection to those who reside within their territory, and;
 - to be more aware of the realities that face Uyghurs upon their return to the PRC.
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