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Human rights situations that require the Council's attention

Written statement* submitted by Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), a non- governmental organization on the roster

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

[8 May 2013]

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

Latest Incident in Xinjiang Uyghur Autonomous Region (XUAR) raises further concerns for People's Republic of China's policies towards Uyghurs

We call on the attention of the Human Rights Council about recent clashes at a small village Serikbuya, in Maralbeshi County, the Xinjiang Uyghur Autonomous Region (XUAR) in the People's Republic of China (PRC) on 23 April 2013 at approximately noon, in which 21 people were killed and 19 arrested. This incident has brought to the fore once again of the repressive policies enacted upon the Uyghurs in the PRC by the authorities. It also stands as a stark reminder of the crackdown on peaceful protests in Urumchi, XUAR, on 5 July 2009.

Based on the disjointed media coverage of the incident, the majority of the arrests and deaths appear to have been from the regional Uyghur minority ethnic group, who often chafe at the ethnic and religious discrimination to which they are subjected. With this in mind, and conflict of the event's narrative, serious concerns have been highlighted.

The Official Narrative

According to Chinese media, who picked up information from the XUAR government official statements, unspecified 15 “community workers” and police were drawn to a house of “suspicious” individuals who, as Deputy Public Security Minister Meng Honwei revealed in the Xinhua news agency, were found to be constructing home-made explosives, “lethal weapons” and flags promoting East Turkestan (the traditional name of the land in which the Uyghurs reside) independence; other Chinese media reported that there were pro-jihadist slogans, without specifying what the slogans said.

The incident occurred when 3 community workers (some reports suggest 6) paid a regular visit to a house in Selibuya (Serikbuya in Uyghur), where they purportedly found several individuals watching terrorist videos and a cache of weapons. They tried to contact the police whilst defusing the situation, but were attacked with knives. When the police arrived, they were apparently ambushed, following which the police opened fire. They were then cornered in a room, where they were barricaded, which was set alight killing 15 people. Of the 15 who died in the incident, 10 were of the Uyghur, 3 Han Chinese and 2 Mongolian ethnicities, in addition to the deaths of the 6 Uyghur suspects at the hands of the armed police.

Following the incident, 8 people were immediately arrested at the scene on terrorist charges, followed by a further 11 six days later, on 29 April 2013. They, and the 6 deceased individuals, were accused of being part of a terrorist organisation, supposedly founded in September 2012 headed by Qasim Muhammad at his house, where, in March 2013, they had made and tested explosive devices in addition to receiving training in terrorist activities; earlier accounts, however, from the Chinese media stated that they were undertaking lessons in the reading of the Koran, illustrating a marked change in the narrative.

Subsequently, the regional committee of the Chinese Communist Party (CCP) commended the 15 deceased as “regional anti-terrorist heroes”, honouring them for their bravery and sacrifice, whilst 7 were also awarded the “regional outstanding CCP member” award. Further developments lead to an increase in security in the region, including the presence of the military in not only XUAR but also Tibet, in what many fear will be a repeat of the two previous “strike hard campaigns” in 1996 and 2009 respectively, a view supported by the governmental authorities.

Alternative Narrative, Media Restrictions

Two Uyghur human rights organisations, the World Uyghur Congress (WUC) and the Uyghur American Association (UAA), differed significantly in their narrative, parts of which have been corroborated by a BBC undercover investigation.

According to their accounts based on reports from the ground, the violent confrontation commenced as Chinese "community workers" and police illegally broke into the house of a Uyghur family, forced the women present to unveil and, in the interim, shot and killed one protesting Uyghur male, resulting in an immediate clash. As the confrontation escalated, the Uyghurs in the house, feeling threatened, defended themselves with knives and axes. Whilst officially the people in the house burned it down, some experts have made claims that the Chinese police may have in fact firebombed the house with all those inside.

This account is broadly corroborated by an undercover investigation by respected journalist, Damian Grammaticas, of the BBC who visited Selibuya in the aftermath. He reported that many of the locals in this small village were frightened to speak with journalists, some of whom had been warned by officials to not speak with "journalists" and "outsiders".

His reporting also revealed some graphic and disturbing accounts on how those in the house were killed based on eye-witness testimonies, which do not fit with the official line that the "terrorists were shot." For example, one eye-witness claimed that an injured man approached the police with a knife, was shot and then subsequently stabbed to death with the police's pickaxes. Three of the man's friends were subsequently shot twice after trying to help.

Damian Grammaticas and his team were subsequently temporarily detained and removed from the area, having been unable to corroborate at all with the government's narrative. The BBC was the only independent media organisation that was able to get a glimpse of the reality on the ground. There have also been reports of accelerated use of arbitrary detention since this incident.

Questions Left Unanswered

The inconsistent and contradictory official narrative of the incident leaves many questions unanswered. The narrative provides a dearth of information on the incident, often with the same, recycled 'terrorist' rhetoric from previous, similar incidents, and the subsequent investigation fails to deal with the underlying causes of the incident, instead focusing upon the purported terrorist aspects. Furthermore, the non-independent and swift investigation fails to corroborate with the BBC investigation and Uyghur human rights organisations, in addition to it not taking into account the eye witness testimonies.

Several aspects of the incident are particularly concerning. The change in narrative from earlier media accounts that the individuals were undertaking lessons in reading the Koran at the time of the illegal search of the house to one of possessing explosive devices needs closer attention. Uyghurs ability to practise their religion, namely Islam, is well-known to be heavily restricted, with minors not permitted to study at all, and only state Imams and mosques being recognised, whom Uyghurs frequently complain often espouse CCP's official views and whose teachings bear little resemblance to the one which Uyghurs aspire.

Uyghurs often resort to obtaining a basic religious education at unsanctioned locations due to these heavy restrictions. Those who do not follow the official state sanctioned practise of religion are often met with violence and repression as witnessed in this incident. This incident bares much resemblance to a previous one which occurred in May 2012. An eleven

year old boy Mirzahid Amanullah died in police custody following a police raid on an unsanctioned school, which was also followed by similar raid in which 12 children were hospitalised.

Further questions also remain as to why the authorities had not undertaken measures sooner if, as is inferred from the official narrative, knowledge that weapons were tested in March 2013 was already known. Furthermore, the surreptitious chance that “community workers” - whose actual role has not been specified - would latterly arrive at the location and witness the construction of weapons is also far-fetched.

The PRC recently amended its Criminal Procedures Laws, in which it trumped up its Endangering State Secrets Laws and reinforced the terrorist and separatist charges contained therein, whilst failing to bring its definition of what constitutes those into line with internationally accepted standards. The reputable Dui Hua Foundation recently found through its research that 50% of all ESS charges are implemented in XUAR, whilst this region accounts for only 2% of the population of the PRC, thus clearly showing a discriminatory implementation of these laws.

Recommendations

In view of the above, MRAP recommends that the Human Rights Council:

- urges the PRC to undertake a comprehensive, independent investigation into the incident, including its root causes and the underlying regional tensions resulting from the widely reported repression of Uyghur culture, identity, language and religion;
- urges the PRC to establish an ombudsman to deal with complaints of the above;
- urges the PRC to bring its laws into line with internationally accepted standards;
- takes stock of the situation in the XUAR.

MRAP also recommends that the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues to pay a particular attention on the situation in the XUAR.

MRAP finally recommends that the PRC:

- in order to maintain the independence of any investigate, allows independent entities, including UN mechanisms, as well as national and international medias, to accede freely to the XUAR;
- extends an open invitation to its territory for all UN Special Procedure Mandate-holders in order to fulfil this commitment.
