



“JUSTICE, JUSTICE”

THE JULY 2009 PROTESTS
IN XINJIANG, CHINA

**AMNESTY
INTERNATIONAL**



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Cover photo: A Uighur woman in Urumqi, Xinjiang Uighur Autonomous Region, northwest China, July 2009. Police cracked down on initially peaceful Uighur protesters, triggering violent riots and heightened ethnic tension between Uighurs and Han. © AP/PA Photo/Ng Han Guan

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

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Map of Urumqi

From peaceful demonstration to violent riots

A police crackdown on an initially peaceful demonstration by Uighurs in Urumqi was followed by violent riots and resulted in more than 1,700 injuries and at least 197 deaths. According to eyewitness accounts, human rights violations occurred during and in the aftermath of the protests.



Graphic adapted using Amnesty International information

INTRODUCTION AND SUMMARY

“It was going to be a peaceful demonstration to demand that the government act [on the Shaoguan incident] and for equality and for the Uighurs to enjoy the same rights [as others in China].”

N, a 20-year-old university student from Urumqi¹

“[The police] beat people around the knees. They surrounded people, beat them with rubber batons until they fell over, then dragged them into a police car. I saw more arrests than I could count.”

G, a 26-year-old man visiting Urumqi from another city in the XUAR²

One year ago in the afternoon of 5 July 2009 hundreds of Chinese of Uighur ethnicity³ gathered to demonstrate at the People’s Square in Urumqi (in Chinese: Wulumuqi), the regional capital of the Xinjiang Uighur Autonomous Region (XUAR) in northwest China. The demonstrators were protesting the authorities’ perceived inaction following the death of at least two Uighur workers after a factory brawl in Shaoguan, in China’s southern province of Guangdong, on 26 June.

During the afternoon, the protesters swelled to thousands. Violent rioting erupted later in the evening, particularly in the southern parts of the city, in what appears to have been largely Uighur attacks against Chinese of Han ancestry (Han Chinese).

According to official figures, 197 people died in the course of the violence on 5 July, the vast majority of them (156) Han Chinese, 10 Uighurs, and 11 Huis, (a disproportionately high number given the relatively small Hui population in the XUAR).⁴ Unofficial sources, and in particular Uighur groups, claim many more Uighurs were killed on 5 July and in the following days.

In the morning of 6 July, the regional authorities announced that the situation in Urumqi was “basically under control”;⁵ however, the protests spread to other cities in the XUAR.⁶ Even in Urumqi, violent attacks were reported throughout the week, most notably on 6-7 July when Han Chinese carried out retaliatory attacks on Uighurs and on 13 July when the police shot two Uighurs.⁷

Eyewitness testimonies obtained by Amnesty International suggest that the police and security forces committed human rights violations during and in the aftermath of the July 2009 protests. These include beatings, arbitrary arrests and shootings to disperse peaceful protesters and the unnecessary or excessive use of force, including lethal force, in the process of restoring order.

In the aftermath of the Urumqi protests, the authorities detained more than 1,400 people, most during house-to-house searches for demonstration participants and suspects of violent criminal acts. Security officials also subjected many people to enforced disappearances.

Amnesty International has received reports of torture and other ill-treatment from those who were held in detention following 5 July.

According to official figures, at least 198 people have been sentenced following trials that Amnesty International considers fall short of international fair trial standards. At least 9 people have been executed and at least 26 more sentenced to death, including death sentences with a two-year reprieve.⁸

The protests in July 2009 in the XUAR took place against a back-drop of resentment built up over years of government repression and discrimination against Uighurs. This includes restrictions on religious freedom, development strategies that in practice favour Han Chinese and language policies that are making Mandarin Chinese the sole language of instruction in schools. Facing widespread discrimination in employment, ethnic minorities believe that Han Chinese are benefiting disproportionately from economic development. These accumulated grievances over pervasive inequality seem to have set the stage for large-scale unrest.

The Chinese authorities have prevented adequate investigation of the July 2009 protests and their background. Consequently, many details of the events remain disputed or are unknown. According to the eyewitness testimonies obtained by Amnesty International, a violent police crackdown on peaceful Uighur demonstrators preceded the eruption of violence on 5 July. Chinese authorities, however, within hours blamed overseas Uighur groups, including the World Uyghur Congress and its president Rebiya Kadeer, for what they described as "premeditated violence". According to a commentary issued by the official Xinhua news agency:

Now the three forces of terrorism, separatism and extremism are at work again. An initial investigation showed a separatist group made use of the June 26 brawl involving workers from Xinjiang in a toy factory in the southern Guangdong Province to foment Sunday's unrest and sabotage the country. Behind the scheme was the separatist World Uyghur Congress led by Rebiya Kadeer.⁹

Rebiya Kadeer has denied the allegation.

Without full access to the XUAR to conduct independent research across the different ethnic groups, it is impossible for Amnesty International, other researchers and independent experts to verify and fully corroborate all testimonies and reports and to ensure that the experiences of the widest possible cross section of a divided community are adequately reflected. However, a consistent pattern of allegations emerges from the accounts collected by Amnesty International of acts by the security forces that constitute human rights violations which should be fully investigated.

It is imperative that the Chinese authorities allow independent and impartial investigation into the events of July 2009 in the XUAR, including full access to scenes of confrontation, eyewitnesses, and detainees, whilst ensuring that those providing information to the

investigation are protected from harassment, intimidation or punishment. Any trials, including those resulting from such an investigation, should be conducted fairly, in line with international standards, and without recourse to the death penalty. The findings of such an investigation, which is crucial in order to establish the truth and to bring justice to the victims of the violence, should be made public. A credible investigation, accompanied by appropriate remedial action would also contribute to dispelling pervasive mistrust and the power of rumour, both important factors that clearly stoked the violence.

In the wake of the unrest the UN Independent Expert on Minority Right Ms Gay McDougall has asked to visit the XUAR. To date, the Chinese authorities have not granted her request. Amnesty International calls upon the Chinese authorities to extend invitations to her and other UN human rights experts without delay.

In response to the protests, the Chinese authorities have emphasized the need for further economic development of the XUAR, which lags behind the rest of China. In May 2010, the central authorities adopted over 10 billion yuan (approximately 1,4 billion US dollars) development plan for the region.¹⁰ In order for the development plan to achieve its stated goal of ensuring social stability in the region its detailed planning and implementation should include broad community consultation with those directly affected. Failure to heed and address longstanding grievances may exacerbate underlying tensions. Particular attention should be given to measures to combat discrimination in the region, including by ensuring that ethnic minorities enjoy their cultural, economic, and social rights in accordance with international human rights law and standards. The development plan should benefit all in the region, irrespective of their ethnicity, religion or belief, gender, language, political or other opinion, national or social origin, property, birth or other status.

METHODOLOGY

This report is based on detailed, recent interviews conducted by Amnesty International with over thirty Uighur eyewitnesses, numerous individual testimonies collected by the organization as well as monitoring of media and official accounts. For the security of those who provided testimonies, Amnesty International has omitted names and excluded other information that could be used to identify them. As Amnesty International does not have access to do independent research in China, all interviews were conducted outside China, and the organization was unable to conduct detailed interviews with Han Chinese eyewitnesses.

The sweeping arrests, arbitrary detentions and unfair trials in the wake of the unrest continue to impose an atmosphere of fear amongst Uighurs that extends to those who took no part in the demonstration or the violence, a year after the protests.

Many eyewitnesses, including Uighurs who have fled abroad, remain fearful of recounting their experiences or providing other information. Many Uighurs are aware of prominent individuals who have been imprisoned for “leaking state secrets” or “endangering state security”. They are aware of the risk of arbitrary arrest, enforced disappearances, torture and other ill-treatment. They fear betrayal by those seeking the rewards promised by the government after the crackdown of 5 July 2009.¹¹

BACKGROUND ON UIGHURS

Uighurs are a Turkic speaking, mainly Sunni Islamic ethnic group with a long history at the heart of central Asia. In China, they are concentrated in the western region of the country, an area historically claimed by competing empires, warlords and ethnic groups. In 1949, the region was integrated into the People's Republic of China.¹²

In 1955, the People's Republic of China established the XUAR, in recognition of the Uighurs' predominance in the region, a status which according to the Chinese Constitution entitles the local population to regional autonomy and organs of self-government.

The post-Mao era in the 1980s brought liberalizing policies that allowed citizens greater freedom, including freedom of religion and expression, and strengthened legal protections throughout China, including in the XUAR. However, in the mid to late 1990s, the authorities tightened their control of and restrictions on Uighurs' freedoms and human rights, as they embarked on an aggressive campaign against the "three forces" of "terrorism, separatism and religious extremism". Since then the Chinese authorities have routinely associated unofficial Uighur cultural activities, religious practice and expressions of dissent with these "three forces". Many Uighurs have been arbitrarily detained and imprisoned for exercising their rights to freedom of expression, association, religion and their right to enjoy and develop their culture.

The situation of Uighurs in the XUAR has deteriorated after the attacks in the USA on 11 September 2001 as the Chinese authorities cast Uighur discontent within the framework of international terrorism. In 2008, the Chinese authorities cracked down on the Uighur population in the XUAR after a series of violent incidents, including an attack on border guards which left 17 dead, allegedly carried out by Uighur separatist groups. In that year, almost 1,300 people were arrested on charges of terrorism, religious extremism or other state security charges.¹³ Wang Lequan, the then secretary of the Chinese Communist Party (CCP) in the XUAR, announced a "life and death" struggle against Uighur separatism.¹⁴

Amnesty International recognizes the duty of states under international human rights law to protect their populations from violent criminal acts. However, any action taken with such protection in mind must be implemented within a framework of human rights. The presence in any community of some violent groups or individuals must not be used to as a pretext to curtail the human rights of the community as a whole.

DISCRIMINATION AGAINST UIGHURS

Discriminatory government policies, including language policies that are making Mandarin Chinese the sole language of instruction in schools, restrictions on Uighurs' ability to practice their religion freely, and discrimination in employment are fuelling discontent and ethnic tensions in the XUAR.

Uighurs interviewed by Amnesty International for this briefing – even those with high levels of education and training - testified to their difficulties in finding a job which they directly attributed to discrimination. Uighurs who were employed said they were paid a fraction of what their Han Chinese colleagues were paid for doing the same job. Some also reported that they were not allowed to speak Uighur at their work place, even with Uighur colleagues or Uighur customers. In 2009, Nur Bekri, the regional governor, was quoted in the Chinese

press as saying that the promotion of Mandarin Chinese as the language of instruction in Uighur schools was to be pursued because “(t)errorists from neighbouring countries mainly target [Uighurs who] are relatively isolated from mainstream society as they cannot speak Mandarin.”¹⁵

The US Congressional-Executive Commission on China has monitored job recruiting advertisements published on government websites. They have found advertisements that reserved positions for Han Chinese in civil servant posts, state-owned enterprises, and private enterprises, indicating direct government involvement in discriminatory hiring practices and also implicit endorsement of and failure to prevent discrimination in private hiring.¹⁶

Before the July 2009 protests, discriminatory government policies had sparked large-scale clashes in the XUAR, including in 1990 and in 1997. The Chinese authorities labelled these as “counter-revolutionary” or “separatist” protests, and cracked down on them in a heavy-handed way.¹⁷

In 1990, violent clashes occurred in Baren township when government forces moved in to disperse hundreds of Uighur villagers protesting in front of the local government offices. According to unofficial sources, the villagers were protesting against the closure of a local mosque prior to a religious festival.

The Chinese authorities described the incident as a “counter-revolutionary rebellion” and an “open challenge to the government”. At the time, they stated that 22 people, including 7 members of the security forces, had died during the clashes. Unofficial sources reported that 50 protesters had died, including some who were shot dead by the security forces while they were running away and posed no immediate threat of violence.

In response, over 6,000 people were reportedly detained across the XUAR and the regional authorities also promulgated regulations setting strict limits on religious activities and prohibiting religious teaching outside officially approved religious establishments.

In February 1997, dozens of people were killed or injured when the Chinese security forces reportedly opened fire on Uighur demonstrators in Ghulja (Chinese: Yining) city. The initially peaceful demonstration was followed by several days of sporadic rioting during which several people were killed or injured. Eyewitness accounts indicate that the rioting was mainly provoked by the brutality of the security forces.

The demonstration in February 1997 was organised in response to increased repression, including a crackdown on traditional Uighur cultural and religious activities in and around Ghulja over previous years. The Chinese authorities have since claimed that the demonstration and rioting was organised by “terrorists”, but have failed to provide any evidence to substantiate this claim.

Arbitrary arrests of Uighurs, including of local community and religious leaders, increased over the following months exacerbating local tension and discontent. Many of those detained were tortured or otherwise ill-treated in detention.

In May 2010, China's President Hu Jintao announced a new development plan for the XUAR,

acknowledging that despite rapid economic growth the XUAR still lagged behind other regions in China. He stated that by 2015, the per capita GDP in the XUAR should match the average levels in China and residents income and access to basic public services should reach the average levels in China's other western regions. By 2020, the XUAR should become a "moderately prosperous society". Furthermore, within five years, the XUAR should achieve marked improvement in infrastructure, ethnic unity and social stability.¹⁸

In closely linking economic development, ethnic unity and social stability, the new development plan continues in the vein of previous development plans, including the Western Development Strategy. These have been criticised for having benefited China's ethnic groups unevenly and for further marginalizing ethnic minorities, including Uighurs, from the benefits of China's rapid economic growth.¹⁹

DISCRIMINATION: INTERNATIONAL STANDARDS

Freedom from discrimination, including on the basis of language, ethnic or national origin, is at the very heart of the concept of human rights; it is explicitly mentioned in the UN Charter, which repeatedly calls for "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". This principle is reiterated, in one form or another, in all human rights treaties, including those to which China is a state party. In particular, Article 2(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),²⁰ to which China is a state party, provides that:

Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.

In its treatment of the Uighurs in the XUAR, China has failed to comply with the general principle of non-discrimination, and with its specific elaboration in ICERD and a variety of other human rights treaties.

In May 2005, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern regarding discrimination against ethnic minorities in China, in particular in the fields of employment, health, education, culture and adequate standards of living. The CESCR expressed concerns over Uighurs' ability to enjoy freedom of religion and the provisions in schools to assist ethnic minority students with subjects that are taught using Mandarin Chinese as the medium of instruction.²¹ In September 2009, the UN Committee on the Elimination of Racial Discrimination (CERD) similarly expressed concerns about discrimination against ethnic minorities, including Uighurs, in China.²²

THE JULY 2009 PROTESTS – FROM PEACEFUL DEMONSTRATION TO VIOLENT RIOTS

“Almost everyone in the demonstration was young. People were tense. They felt that they had suffered injustice.”

E, a 40-year-old primary school teacher from Urumqi²³

The following account of the protests in July 2009 and their aftermath is based on interviews with eyewitnesses conducted by Amnesty International, other testimonies obtained by the organization and Chinese and foreign media reports. Due to tight restrictions on the flow of information from the region many details about the unfolding of events on 5 July and thereafter remain unknown.

THE TRIGGER: THE SHAOGUAN INCIDENT

On 26 June 2009, Uighur and Han workers of the Xuri Toy Factory in Shaoguan, Guangdong Province in southern China, over 3,000 km from Urumqi, clashed violently. The brawl was triggered by accusations that 6 Uighur men had raped two Han women. The authorities sent 400 riot police to handle the brawl²⁴ and on 28 June 2009 announced the detention of a laid-off ex-worker of the Xuri Toy Factory for having fabricated and spread the allegation of rape.²⁵

According to official figures, 2 people, both ethnic Uighurs, died in the brawl and more than 118 people were injured, some seriously. The official figures have been contested by overseas Uighur organizations who say the attacks by Han Chinese workers left many more Uighur workers dead.²⁶ A higher death toll appears supported by other sources including video footage purported to be of the brawl in progress, and independent reporting, for example an interview published by the UK Guardian newspaper with a local Han Chinese man who claimed to have been personally involved in beating to death of seven or eight Uighurs.²⁷

The Shaoguan incident received a lot of publicity in China and amateur video footage from the incident was widely distributed and discussed online. Much of the online discussion on Uighur websites focused on the perceived failure of the police to protect the Uighur workers from the violence, questioned the officially reported death toll and criticized the perceived failure of authorities to bring those responsible for the deaths of the Uighur workers to justice. Many Uighurs saw this as another example of inequality and official discrimination against them. These sentiments were echoed by Uighur participants in the 5 July protests interviewed by Amnesty International and others.

Significantly, similar levels of mistrust and repeated frustration at the authorities' failure to

respond and protect is evident in numerous interviews conducted by journalists with Han Chinese participants in the Shaoguan incident, and the unrest in Urumqi in July and September 2009.²⁸

After the July 2009 protests in the XUAR, Chinese authorities announced they had detained 15 people in connection with the Shaoguan incident; 2 for allegedly spreading the rumours online, and 13 others, including 3 Uighurs, for their participation in the brawl.²⁹ In October 2009, one Han Chinese man was sentenced to death and another to life imprisonment on charges of manslaughter and 9 others to various terms of imprisonment.³⁰

At the time of the Shaoguan incident, there were about 18,000 workers in the Xuri Toy Factory, some 800 of whom were Uighurs.³¹ The Uighur workers had been sent to Guangdong province as part of the Chinese government sponsored programme aimed at tackling unemployment in the XUAR. Many Uighurs have however criticised such programmes for involving discriminatory labour practices and abusive working conditions.³²

AT THE PEOPLE'S SQUARE: "EQUAL RIGHTS FOR ALL"

On 5 July, Uighur demonstrators began to gather at People's Square in central Urumqi, XUAR, at around 3.30pm.³³ The demonstration, announced in preceding days on Uighur websites, including Salkin, Diyarim and Uyghur Biz (also known as Uyghur Online), was scheduled to begin at 5pm. In addition to websites, information about the demonstration was circulated on QQ³⁴ and via SMS. High school and university students are widely reported to have been active in promoting the demonstration. While perceived government inaction in the face of the killings of Uighur workers in Shaoguan is described as the immediate trigger for the protests, many Uighurs testified that they were also motivated by a more general sense of injustice stemming from repression, persecution, and discrimination against Uighurs in China.

Some of the demonstrators were holding Chinese flags because, as one participant put it, "we are Chinese citizens, we live under Chinese governance, and we demanded that they listen to us".³⁵

Many of the participants had gathered in response to the Shaoguan incident. One participant, a 27-year-old social worker, said:³⁶

"We wanted to demonstrate our discontent with the authorities' [response] over the killing of [Uighur] workers in Shaoguan. The murderers must be brought to justice. I thought we would be able to influence the authorities. We gathered on the People's Square outside the XUAR Chinese Communist Party headquarters, but no one came out to listen to what we had to say. [...] We expected it to be peaceful."

Another participant, a 30-year-old unemployed medic, emphasized the authorities' failure to respond (at least publicly) to the Shaoguan incident as playing out against the backdrop of the Uighurs' sense of suffering from official discrimination:³⁷

"If the Chinese [authorities] had taken action after Shaoguan, we wouldn't have demonstrated. But it was only on 6 July that Nur Bekri [governor of the XUAR] informed [us] about what the authorities were doing [in relation to the Shaoguan incident]. This

information should have come earlier.”

“Discrimination was already there before [the protests]. We get an education, but they go and get Han Chinese from elsewhere [in China] and give them the jobs. Uighurs with a high level of education don’t get jobs – they stay unemployed. There are so many like me.”

Between 5 and 6pm the demonstrators began moving away from People’s Square. According to some eyewitness accounts, people left the Square because police were detaining demonstrators. Official accounts of events also refer to the arrest of protesters at the People’s Square.³⁸

As the demonstrators left People’s Square, their number increased and the majority appear to have moved through Nanmen towards the southern parts of Urumqi. Between Nanmen and Shanxihang, eyewitnesses describe having faced a police road-block, with possibly more than 1000 protesters gathered there. They also suggest that initially the road-block was only guarded by several dozen police but that shortly afterwards large numbers of security forces arrived. Overall, eyewitnesses described seeing a variety of different types of police and security forces including the People’s Armed Police³⁹ and riot police.

AT THE ROAD-BLOCK: UIGHURS CALL FOR “JUSTICE, JUSTICE”

According to some eyewitnesses, the police told the demonstrators to disperse at the road-block. However, only those near the front of the demonstration appear to have heard the instructions, and stopped. The rest of the demonstrators continued forward.

According to the eyewitnesses: police then fired warning shots into the air and threw teargas at the demonstrators. As the protesters continued to move forward the police began beating and detaining them and some resisted arrest, including by throwing stones.

One of the participants recounted:

“The security forces appeared in front of us and stopped us. It happened in the space of a few minutes. We were protesting peacefully and they destroyed our peaceful demonstration. They aimed their guns at us, and we became stressed. They carried shields and batons, beat and started arresting people - women, children, old people, young students. They used teargas.”⁴⁰

All eyewitnesses interviewed by Amnesty International heard the sound of gunfire at the road-block. Some saw the police shoot directly at individual demonstrators. The eyewitnesses described the situation following the gunfire as “chaotic”. Several witnesses told Amnesty International that security forces used live ammunition against protesters. D, a 29-year-old eyewitness from Urumqi, said:⁴¹

“We left the People’s Square and walked towards Nanmen. A woman in her forties or fifties talked about inequality and discrimination, that Chinese young people have opportunities that we don’t have. Then some twenty military vehicles arrived. The security forces carried automatic rifles and started to push the demonstrators. The woman walked towards them. A policeman shot her. She died. It was shocking, and I

was very frightened.

Everything then became chaotic. Some young Uighurs walked up towards the troops, shouting 'Why?'. The security forces charged towards them and started arresting people. It was turmoil all around, with security forces arresting people, people fleeing and teargas."

Another witness, a 28-year old tourist guide, also described security forces shooting a protester:⁴²

"I didn't hear any orders from the police, I just saw that they were using teargas. I saw one old man in his sixties walking up to the police. Perhaps he wanted to sacrifice himself. They shot him in the foot and he fell over. Then we started running."

Other witnesses provided testimony that security forces used inappropriate levels of force. A 26-year-old interpreter who was visiting Urumqi at the time, described how he was treated:⁴³

"I heard shooting but we were not in the front so I didn't see anything. We heard that those in the front were arrested and beaten. People from further back started running forward and we followed. Two police got hold of me and started beating me. They hit me on my nose [with a baton]. Then they pulled my arms back and put a baton between my arms and my back, under my armpits. A third police kicked me in the stomach, a forth from behind. I thought I was hit by a bullet and fell over, I lost my balance. The police kicked me, and I bled from the nose, I got blood in my mouth. My clothes were covered in blood. [...] I have never been physically abused like that, it was a frightening experience."

P, a 55-year-old pensioner,⁴⁴ was not directly participating in the protests, but saw the security forces beating up fleeing protesters.

"I was looking through the windows from my home. At about 7pm I could see people running on the street with police running after them. When they caught a person, they would hit them on the knees so that they fell down. Then they detained them and loaded them onto army trucks."

Several eyewitnesses reported that they fled the demonstration at this point and hid at home or with friends or neighbours, some for months.

VIOLENCE BREAKS OUT

Later in the evening violence broke out, primarily in southern parts of Urumqi. What prompted the escalation into violence and the scale of the violence itself remains unclear. Eyewitness testimonies collected by Amnesty International suggest that the police's forceful crackdown on the demonstration helped to provoke a violent response, as increasing numbers of police and security forces confronted large numbers of Uighurs on the streets.

What is certain is that from around 8pm onwards, eyewitnesses describe an increasingly

violent scene, with police and security forces also escalating their use of force. The streetlights were cut off on major roads in at least some of Urumqi’s Uighur neighbourhoods and the only thing that eyewitnesses report having seen is the flash of gun fire. The sound of gunfire is said to have continued until the early morning hours on 6 July.

M, a 22-year-old unemployed university graduate who was watching events unfold from in front of his house, described violent groups of Uighur protesters, as well as security forces using live ammunition:⁴⁵

“Everyone was gathered outside. Everyone was waiting for family members to come back home. Uighurs who came by told us what was going on elsewhere. At about 8pm, a group of Uighurs went past our house towards the south, smashing cars and other property. Then, about 30 minutes later there was another group of Uighurs. They were running, security forces were behind them. The security forces shot at them as they fled, in the back. I think maybe three of them died. They were shot in the back. Maybe seven were wounded and taken to a nearby hospital. And there were also maybe twenty others who were wounded and who were collected into a car. Then the security forces pointed their guns at us. They told us not to look and ordered us to get back indoors.”

D, a media worker in his forties, who also told Amnesty International he was watching from home, described the consequences of the security forces’ response as the night wore on:⁴⁶

“At about 10.30pm two cars came by our building complex and three young Uighur boys stepped out. They called for help ‘Help us find a Uighur hospital’. There were three wounded people in their cars. One was a girl about ten years’ old. She had been shot in the leg. She was crying. She had lost a lot of blood, her face had turned white. There was also a 15-year-old girl, she had been shot in the back, and a boy about twenty years old. His chest was covered in blood and he was unconscious. We could not feel his pulse anymore. [...] We asked the three boys why they had not taken them to a hospital. They said that they had tried to take them to Xinjiang People’s Hospital but had been told that the hospital was full and anyway, not accepting any Uighurs. They were coming from Saimachang [a Uighur neighbourhood in Urumqi]. They said that in Saimachang the army was just shooting people.”

Similar scenes from another part of Urumqi were described by E, a school teacher also in his forties:⁴⁷

“In the morning of 6 July, my wife went outside to buy milk. Our building complex security guard told her that during the night, a bus had come to our building complex. The bus was full of bodies. There’s a small clinic in our building complex so they stopped there too, to collect a body of a Uighur man who had been wounded and who had died at the clinic. They threw him into the bus like a sack of potatoes.”

ATTACKS AGAINST HAN CHINESE

Amnesty International was unable to conduct detailed interviews with Han Chinese eyewitness to the events. However, according to eyewitnesses quoted in foreign and Chinese media, during the evening of 5 July Uighur attacks were directed largely towards individuals of Han ethnicity and their property. The official death toll for 5 July appears to support this

analysis but is disputed (see more under Casualties below).

Official accounts dwell more on general accounts of violence and state that rioters turned over and burned cars, threw stones at individuals and businesses, smashed shop windows, looted stores, and attacked people, including by-standers, with knives and sticks.⁴⁸

The Chinese authorities characterized the events on 5 July as "organized violent crime" and as "beating, smashing, looting and burning".⁴⁹

In further official reporting that focused on the consequences of the violence rather than the events and perpetrators, the Urumqi authorities announced on 6 July that the rioters had vandalized and burned 203 local stores and 14 residential houses, while 260 vehicles, including two police vehicles and 190 buses, were also torched. Initially, the authorities reported only three casualties on 5 July but the number soon rose sharply (see the section on Casualties for more).⁵⁰

RESTRICTIONS ON INFORMATION

According to notes leaked online from a lecture given by Xia Li, a senior editor at Xinhua, China's government-run news agency, the full scale of ethnic violence in the XUAR in July 2009 was not reported to the public by the Chinese media or shown to foreign correspondents although Xinhua did inform the senior Chinese leadership about it. According to the notes, Xinhua downplayed the violence by both Uighurs and Han Chinese in the public coverage of the protests, apparently in an attempt to prevent such violence from spreading beyond Urumqi.⁵¹

The authorities cut internet access in the XUAR during the night of 5-6 July. According to Li Zhi, the then CCP secretary in Urumqi, this was "to quench the riot quickly and prevent violence from spreading to other places."⁵² SMS and international phone call services were also cut.

SMS services were restored in the XUAR in January 2010 although the number of messages per customer remained capped at 20 per day. Later the same month, international phone call services resumed.⁵³ International phone calls, however, are routinely monitored in the region and many people are afraid to speak about potentially sensitive topics on the phone.

Several officially sanctioned websites went back online in December 2009, including the People's Daily online and Xinhuanet. The authorities have gradually allowed other websites to be restored, with email facilities partially restored in February 2010 and internet access "fully" restored on 14 May 2010.⁵⁴ However, internet access in the XUAR, like elsewhere in China, is still far from free since the government censors the internet, blocks certain sites and monitors individuals' activities online.

ETHNIC ATTACKS

Attacks on individuals merely because of their ethnic origin, leading to death, injury and destruction, violate the basic human rights to life and to freedom from discrimination. As such, they are always unacceptable, and cannot be justified by any previous repression, discrimination or violence from the authorities.

In this respect, Article 2(1)(d) of the ICERD provides that:

Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination *by any persons, group or organization*; (emphasis added)

This means that, as in other cases of human rights abuses by non-state actors, the Chinese authorities have a duty to exercise due diligence in preventing such acts, stopping them, prosecuting suspected perpetrators and ensuring reparation for victims – all within the framework of international human rights law and standards.

ATTACKS AGAINST UIGHURS

On 6 July, large numbers of Han Chinese, armed stones, knives, sticks and spiked steel bars, began retaliating against Uighurs: “The Uighurs came to our area to smash things, now we are going to their area to beat them up.” According to eyewitnesses interviewed by the media, they were not only seeking revenge but also safety: “We can’t live like this any more, we lock our doors at night and live in fear now. The Uighurs will learn now that the Han people can also join forces. They must suffer too.” The then Urumqi CCP secretary, Li Zhi, addressed the Han Chinese crowds, asking them to return to their homes and trying to reassure them that the authorities would punish those guilty of violent crime.⁵⁵

An eyewitness, a Uighur businessman, described a fatal attack by Han Chinese on two Uighurs on 6 July:⁵⁶

“On 6 July, my daughter and I tried to go to a restaurant behind our building complex at around 4pm. It is a Uighur restaurant. When we were close to the restaurant, we saw a group of Han Chinese approaching. Me and my daughter, we hid ourselves in a phonecall centre. As the group approached, the owners of the restaurant, two brothers, came out of the restaurants to the street. The Han Chinese killed them with knives. The entire group was about 300 people strong, but about twenty of them went after the brothers. We hid at the phonecall centre for about 2 hours. At around 6pm, we returned home. The phonecall centre is owned by a Han Chinese.”

The security forces struggled to assert control over crowds of Han Chinese at least in some areas and managed to prevent them from entering others; however, eyewitnesses also described scenes where the security forces failed to protect Uighurs from attacks by Han Chinese.

E, a 40-year-old primary school teacher from Urumqi, witnessed an apparently unprovoked attack on a Uighur in full presence of security officers:⁵⁷

“We heard people saying that the Chinese were coming. We went to the roof of the building, and from there I filmed the whole thing on my mobile phone. In a junction below us, there was a delivery van. The driver was a Uighur. The Han Chinese killed the Uighur driver. The security forces who were standing nearby did nothing to save the man. However, afterwards, a car came over to collect his body. Later I got scared so I deleted the footage from my mobile phone.”

K, a 28-year-old unemployed graduate, described a scene in which security officials seem to have failed in their duty to protect Uighurs from rampaging groups of Han Chinese bent on attacking Uighurs:⁵⁸

"On 7 July, when I was at my friend's house near the junction of Xinjiang Folk Street where mostly Uighur people live. I saw through the window a Han Chinese crowd coming to the area, carrying and throwing stones. The security forces were guarding the roads, they prevented the Uighurs from going out from the neighbourhood but they allowed the Han Chinese to come in. The Han Chinese were chanting 'Kill all Uighurs'. The Uighurs came out to the streets. They were waiting for the Chinese to come. One Uighur was on top of a building, shouting where the Han Chinese were coming from. Then the Uighurs ran towards the incoming crowd.

The security forces stood in the middle, separating Han Chinese and Uighurs. They were facing the Uighurs, pointing their guns at the Uighurs. If a Uighur moved towards the security forces they shot on the ground in front of that Uighur. If he continued, they shot at him. The Han Chinese had big knives, big sticks, spiked sticks. The Uighurs also had stones, kitchen knives and sticks. The security forces used a megaphone and asked Uighurs to go back to their homes. But they said nothing to the Chinese."

The testimony provided to Amnesty International suggests that in the days following the initial bout of violence (5 July) security forces sometimes managed to dissipate the violence. D, an eyewitness, described a stand-off between crowds of Han and Uighurs, each armed with stones, that ended after intervention by security forces:⁵⁹

"On 9 July, they [a group of Han Chinese] come to our neighbourhood. At around 3pm about sixty or so Han Chinese gathered outside the gate of our building complex. They threw stones over the fence at us Uighurs. We had gathered on the other side of the fence. We thought that if we are all outside, hand in hand, then the Chinese could not get inside our houses. We too were holding stones – if the Chinese had got inside the gate we would have defended ourselves. For about thirty minutes we threw stones back and forth over the fence. Then the security forces arrived. They arrived in green, covered pick-up-trucks. The Uighurs went back indoors. The police treat Han Chinese and the Uighurs differently so we were afraid they would detain us. About two hours later the Chinese left, and the security forces too."

Nevertheless, tension between Han and Uighur residents lingered. P, a pensioner, described the pervasive sense of fear in Urumqi a fortnight after the riots:⁶⁰

"Some 15 days later [after the subsiding of riots on 7 July] I visited my friend's home. At her home, I saw that she had piled stones and sticks in the corner – I asked her why and she told me that in case the Chinese crowd comes back, so that she can defend herself."

THE DUTY TO PROTECT LIFE

Amnesty International recognizes the Chinese government's right and duty to defend all individuals and from violence, as well as to defend public and private property from harm by rioters. This duty should extend equally, without discrimination, to all individuals.

The right to life is a key human right. This right, enshrined in Article 3 of the Universal Declaration of Human Rights, must be respected and protected at all times.

Article 6(1) of the International Covenant on Civil and Political Rights, to which China is a signatory, provides that, “*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*”

Under Article 4 of this Covenant, this right cannot be restricted even “in time of public emergency which threatens the life of the nation.”

The UN has developed detailed and specific standards which, while not legally binding per se, nevertheless represent global agreement by states on how to best implement international human rights provisions, through legislation, regulations and during actual law enforcement operations. These include the United Nations Code of Conduct for Law Enforcement Officials (1979)⁶¹, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)⁶², and the United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989)⁶³.

Security forces have a duty to conduct their operations, including when facing violent rioters, in accordance with the above standards, which include:

- “as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”⁶⁴
- use firearms only “when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.”⁶⁵

If the use of force and firearms is unavoidable, Principle 5 of the UN Basic Principles states, among other things, that law enforcement officials must:

- “(a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment”.

THE AFTERMATH OF THE JULY 2009 PROTESTS

CASUALTIES

Eyewitness testimonies gathered by Amnesty International support the view that the official figures under-represent the number of Uighurs who died as a result of the use of force by police and security forces. The testimonies further indicate that police and security forces resorted to the use of force, including lethal force unnecessarily or excessively.

The Chinese authorities' official account published on 18 July claims that 197 people died in the violence on 5 July 2009 in Urumqi.⁶⁶ The authorities made public the ethnicity of some of those 197 in August, stating that 156 were “innocent people” including 134 Han Chinese, 11 Huis, 10 Uighurs and one Manchurian.⁶⁷ They have not provided names or other details of the dead, or provided any conclusive information about the 41 others. Nur Bekri, governor of XUAR, on 19 July admitted that the police had shot 12 of the 197 who he called “mobsters”, three of whom died immediately and 9 after failed treatment.⁶⁸

On 10 July, the authorities had reported the death of at least 46 Uighurs on 5 July.⁶⁹ To Amnesty International's knowledge the Chinese authorities have not publicly acknowledged any casualties on 6-7 July.

The authorities have also said that more than 1,700 people were injured in the protests.⁷⁰

However, these official figures have been disputed by Uighur groups who claim that many more Uighurs died in the 2009 July protests. For example, Rebiya Kadeer, President of the World Uyghur Congress and former prisoner of conscience, citing sources inside the XUAR, stated on 8 July, that at least 400 Uighurs had died in Urumqi on 5 July alone, and 100 in Kashgar (in Chinese: Kashi).⁷¹

THE DUTY TO INVESTIGATE UNLAWFUL DEATHS AND PROSECUTE PERPETRATORS

Under international law and standards, all reasonable allegations of unlawful killings must be investigated. This obligation reflects both the duty of states to ensure reparations to victims of human rights violations, including to disclosure of the truth, and their general duty to protect human rights, including by holding perpetrators of violations to account and taking steps to ensure that such violations are not repeated.

Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions⁷² states that: “There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death ... It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses.” Principle 18 states that perpetrators should be brought to justice. Principle 20 calls for the families and dependents of victims of such executions should be entitled to fair and adequate compensation, within a reasonable period of time.

ARRESTS AND ENFORCED DISAPPEARANCES

On 7 July, Chinese officials announced they had detained 1,434 people in connection with the protests.⁷³ According to testimonies obtained by Amnesty International, both the People's Armed Police and the police detained people during the protests. Detainees were loaded into army trucks or to buses before being taken away.

In addition to detaining people during the protests, the police on 6 July conducted sweeping house-to-house searches, arresting a large number of alleged participants and those suspected of violent crime. Such searches were reported also from other cities to which protests had spread on 6 July.⁷⁴

One eyewitness also reported to Amnesty International that on 7 July six Uighurs, believed to be young men from Kashgar, were killed in the course of a house raid by the security forces in Urumqi.

In August 2009, Duan Jielong, head of the Chinese delegation to the CERD, told the CERD that 718 suspects were still in custody in connection with the unrest and that 83 people were facing charges including for murder, arson and robbery.⁷⁵ In December 2009, the authorities announced the arrest of an additional 94 individuals who had been on the “wanted” list following the unrest as part of a “strike hard” campaign.⁷⁶

However, as the Chinese authorities have not made public the names or other details of those detained it is difficult to assess the total number of those initially arrested and of those still in their custody and to resolve suspected cases of enforced disappearance

According to testimonies obtained by Amnesty International some of the detainees were released within days of having been arrested. Even those said to have been released, may not, in fact have regained their liberty, as according to a statement by Nur Bekri on 24 July, people who were “unaware of the truth” who “took part in the demonstrations but did not join in the beating, smashing, looting and burning” and those “not deeply involved” were released, but kept for “further assistance and education”, following “education” in detention after they had “pledged to repent”.⁷⁷

Several people interviewed by Amnesty International testified how their families had paid large sums to officials, up to hundreds of thousands of yuan (100,000 yuan is approximately 14,700 US dollars)⁷⁸, in order to secure the release of relatives. In some cases, families were told by the authorities that their detained relatives were in poor health and would only receive medical treatment on receipt of payment.

Several individuals Amnesty International have spoken to have expressed their worry over friends who had gone missing following the July 2009 protests. Human Rights Watch has earlier detailed the enforced disappearance of at least 43 men and teenage boys, which took place between July 6 and the beginning of August 2009. The actual number of enforced disappearances is potentially much higher.⁷⁹

On 7 July, Uighur women gathered on the street in the neighbourhood of Saimachang in Urumqi. Many were waving the identity cards of sons, husbands, brothers and fathers who had not returned home the previous night. The women were demanding information from the

authorities about the men.

"It was a sad demonstration, most people cried, some collapsed. In some families two or three people had been arrested... I was there with the family of my fiancé. It was a peaceful demonstration. The soldiers ignored us and instead, pushed us around, treated us badly, some even beat us. We still haven't received any information about whether my fiancé is alive, and where he is."⁸⁰

The fate and whereabouts of 20 Uighur asylum seekers forcibly sent back to China by the Cambodian government on 19 December 2009 remain unknown. The Chinese authorities had earlier indicated the 20 were wanted for their participation in the July 2009 protests. Amnesty International, other human rights organizations and the UN amongst others have requested the Chinese authorities to reveal their fate, current whereabouts and legal status but the Chinese authorities have not responded to such requests.⁸¹

ALLEGATIONS OF TORTURE AND OTHER ILL-TREATMENT

Some individuals who spoke to Amnesty International for this report allege they were tortured or otherwise ill-treated in police custody. They recount not being given enough to eat, being given salty water to drink, being beaten, kept in unsanitary conditions, and denied medical treatment while in detention. There are also allegations of sexual abuse in detention.

One woman told Amnesty International that a week after the initial protests, she was detained and held by the police for a week. For the first two days, she was not given any food or drink. Afterwards, she was given food and salty water to drink. During police questioning about her role in the protests she was slapped repeatedly across the face, she said. Police officers masturbated on her face, and told her that she should consider herself lucky compared to other female detainees. She was released after her father paid a bribe of 100,000 yuan (approximately 14,700 US dollars) to the authorities.

Since July 2009, Amnesty International has initiated actions for several individuals who have been detained in the connection with the July 2009 protests and who were at risk of torture and other ill-treatment.⁸²

TRIALS

In March 2010, XUAR governor Nur Bekri, who was attending the annual meeting of China's legislature the National People's Congress, told journalists that 198 people had been convicted in 97 separate cases for their alleged involvement in the July 2009 protests, and that more trials were to follow.⁸³

The Chinese authorities have provided scant public information on trials that have taken place. Whilst not all trials are publicly reported, available media reports of trials point to the vast majority of those convicted being ethnic Uighurs. Most defendants have been charged with murder, arson and violent attacks and sentenced to various terms of imprisonment, including life imprisonment, or to death.

Individuals interviewed by Amnesty International have testified to having been involved in paying large sums of money to officials, primarily local police chiefs, in exchange for a lighter sentence for their relatives.

On 8 July, Li Zhi, then the CCP secretary in Urumqi, stated in a news conference that “brutal criminals will be sentenced to death.”⁸⁴

In November 2009, the Chinese official media made public the execution of nine individuals in connection with the July 2009 protests. The nine – eight of whom were Uighurs and one Han Chinese – were convicted of offences ranging from robbery and arson to murder. Their executions were announced just four weeks after the ruling on their case by the court of first instance. This extraordinarily short time period were reported to have included a review by a provincial level court and the Supreme People’s Court.⁸⁵ The rush to executions calls into serious doubt compliance with international fair trial standards and with procedural protections required under domestic law.

In addition to the nine already executed, the Chinese authorities have also announced that death sentence has been imposed on an additional 26 individuals, including death sentences with a two-year reprieve.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The organization considers the death penalty to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Uighurs convicted in relation to the 5 July unrest do not appear to have enjoyed the right to be defended by lawyers of their choice or to have enjoyed unbiased legal aid service. According to Mao Li, secretary general of the Xinjiang Lawyers Association, the XUAR Department of Justice offered free legal aid service to defendants in cases related to the July 2009 protests. However, lawyers who provided the legal aid service to the defendants appear to have been carefully selected by local authorities and were given a three-to-five-day training in criminal law.⁸⁶

Amnesty International has earlier reported that in July 2009 the Beijing Municipal Justice Bureau warned all Beijing law firms to be “cautious” in dealing with cases related to the July 2009 protests in order to “defend national unity and ethnic solidarity”. The Bureau also warned some human rights lawyers not to take up any cases related to this unrest.⁸⁷

In addition, the XUAR Higher People’s Court selected adjudicators with a high level of political knowledge and professionalism to deal with the cases related to the 5 July protests. They received training, including on “state and XUAR policies and laws concerning” the protests as well as China’s Constitution and Criminal Law.⁸⁸

Political interference in court decisions, restrictions on the defendants’ ability to freely choose their legal representation coupled with officially sanctioned, possibly politically pressured and biased legal aid, and allegations of torture and other ill-treatment in detention leading to coerced “confessions” and corruption in courts would each on their own be enough to cast serious doubt over the fairness of the trial proceedings; combined they make a mockery of justice.

INTERNATIONAL FAIR TRIAL STANDARDS

While states have a right, and at times a duty, to bring to justice those responsible for internationally recognisable offences, this must be done whilst respecting the human rights of those being prosecuted, which include, among others, the rights:

- to a fair and public hearing by a competent, independent and impartial tribunal established by law;
- to be presumed innocent until proved guilty according to the law;
- to be informed promptly and in detail in a language which the accused understands of the nature and cause of the charge against him or her;
- to have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;
- to defend himself or herself in person or through legal assistance of his or her own choosing;
- to examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses for the prosecution;
- not to be compelled to testify against himself or herself or to confess guilt;
- in case of conviction, to have it, and any sentence imposed, reviewed by a higher tribunal according to law.

By respecting these rights, the authorities also enhance the credibility of the justice system and respect for the law.

When people are tortured or ill-treated by law enforcement officials, innocent individuals convicted or criminal law used to suppress freedom of expression, or when trials are manifestly unfair the justice system as a whole loses credibility.

Noor-UI-Islam Sherbaz, who was 17 years' old at the time of the protests, was sentenced to life imprisonment in connection with the July 2009 protests.

He was arrested on 27 July 2009. Police informed his family that he was detained because of his alleged participation in demonstrations on 5 July. They said that a boy of his build was suspected of having thrown stones at people on that day. He has been held incommunicado since.

Noor-UI-Islam Sherbaz's trial by the Aksu (in Chinese: Akesu) Intermediate People's Court on 13 April lasted only 30 minutes. His mother attended the trial, but was told about it only one day in advance.

The Court was shown as evidence video footage of a group of Uighurs beating a man on a street. Noor-UI-Islam Sherbaz was not present in the group beating the man in the video nor is he shown on the video carrying a stone. The video does, however, show him on that street.

The Court was also shown another video, shot a few months later, in which he was taken by police officers to visit the alleged murder scene. On this video, Noor-UI-Islam Sherbaz confesses to the killing. The only evidence of his crime is reported to have been his confession, which may have been extracted through torture, a common practice in China.

The Court found Noor-UI-Islam Sherbaz guilty of "murder" and "provoking an incident"

(Criminal Law articles 232 and 293 respectively). During his trial, he was represented by a lawyer appointed by the court.

Gulmira Imin was detained on 14 July at her home in Urumqi. On 1 April, the Urumqi Intermediate People's Court heard her and 5 other defendants' cases. The trial began in the morning and lasted till 9pm in the evening. In the end, Gulmira Imin was sentenced to life imprisonment. She was found guilty of “splittism, leaking state secrets and organizing an illegal demonstration”.

It is believed the charges are connected to her activity as a regular contributor to the website Salkin which was one of the websites on which the call to join the protests on 5 July 2009 was posted.

A China Central Television news broadcast also draws links between Gulmira Imin, her husband who lives in Norway, and the World Uyghur Congress.⁸⁹

The five other defendants in Gulmira Imin's trial, whose names are unknown to Amnesty International, were sentenced to between 15 years' fixed term imprisonment and life imprisonment.

During her trial, Gulmira Imin is said to have tried to address the court about torture and other ill-treatment in a police detention centre that was overcrowded and had no shower facilities. In detention, she and other detainees were given salty water to drink, they were not allowed to go to the toilet, they were beaten, and the wounded were left untreated. Finally they were coerced into signing a document without knowing the content.

She is currently held in Shuimogou women's prison in Urumqi.

FURTHER RESTRICTIONS ON FREEDOMS AND RIGHTS

On 27 September 2009, the XUAR People's Congress Standing Committee issued new regulations that explicitly forbid online activities that the authorities deem to be “endangering national security; sabotaging interests of the country and the public; undermining ethnic solidarity; inciting ethnic splitting and sabotaging social stability; and endangering information networks and system security”.⁹⁰

The local authorities welcomed the new regulations as “extremely timely and necessary” and accused the ‘three forces’ of having “triggered ethnic confrontation by spreading untrue and illegal information through the internet.”⁹¹ However, Amnesty International is concerned that they are more likely to further curtail Uighurs' freedom of expression and restrict the flow of information from the region.

On 11 July 2009, the Urumqi Public Security Bureau issued a ban on “illegal” assembly, marches and demonstrations in roads and other public venues, saying that violators of the ban would be penalized and could be held criminally responsible.⁹² One man interviewed by Amnesty International for this report described being briefly detained in October 2009 for chatting with friends over dinner in a restaurant as this was interpreted as “participating in an illegal assembly”.⁹³

In July 2009, the authorities also ordered everyone in Urumqi to carry their identity documents with them for inspection.⁹⁴ They said that they believed that most of the rioters had been migrants from southern parts of the XUAR who were staying in Urumqi either on temporary residency permits or illegally.⁹⁵

In March 2010, the Urumqi mayor was quoted in the Chinese press saying that the local government will again increase surveillance on the city's migrant population, in an attempt to "ensure social stability". He said that government authorities and patrol vehicles were "stationed" around the city and that some 3,000 special police had been recruited, equipment updated and the number of surveillance cameras increased. He also said that the city authorities would "better address" social problems, such as employment, in an attempt to quell "ethnic hatred".⁹⁶

EMERGENCY MEASURES UNDER HUMAN RIGHTS LAW

International human rights law and standards recognise the need to take extraordinary measures in emergency situations, including restrictions on certain human rights which would not be justifiable in normal times. However, such restrictions must not extend to key human rights including the right to life, freedom from discrimination, freedom from torture and cruel, inhuman or degrading treatment or punishment and other rights. Similarly, states must not, even during an emergency, deprive individuals of their liberty arbitrarily, or deviate from fundamental principles of fair trial, including the presumption of innocence. Measure restricting other rights must be limited to those strictly required by the specific circumstances of the situation, and must cease immediately once these circumstances no longer obtain. These measures cannot be inconsistent with states' other obligations under international law and must not involve discrimination on the ground of race, colour, sex, language, religion or social origin. These principles are explained in detail in the authoritative General Comment of the Human Rights Committee, the expert body charged with overseeing the implementation of the International Covenant on Civil and Political Rights, on Article 4 of the Covenant, which deals with states of emergency.

While China is not a state party to that Covenant, it is a signatory, which means it must not defeat the Covenant's object and purpose. The principles of 'non-derogability' of certain human rights and the limited power of states to derogate from others, as explained above, form an integral part of this Covenant's object and purpose.⁹⁷

CONCLUSION

The Chinese authorities typically refer to the July 2009 protests as “serious violent crime” involving “beating, smashing, looting and burning”, and as having been organized and orchestrated by the “three forces” at home and abroad. Much less often, they acknowledge that the events escalated from a peaceful demonstration.⁹⁸

In August 2009, in their “Resolution on Stability, Interethnic Unity” the XUAR People’s Congress once again blamed protest and unrest on the part of Uighurs solely on foreign and domestic “separatist” instigators and determined to launch a “political struggle” or “proactive offensive” against this “enemy” to “defend national unity”.⁹⁹

Amnesty International believes that undertaking a thorough and rational analysis, consulting rather than criminalizing, listening rather than labelling, is more likely to yield results that are beneficial to the long term social stability of the region than the mobilization of fear and mistrust.

There are signs that since July of last year the authorities may have begun acknowledging that they will need to adjust their approach to the XUAR. According to the Hong Kong newspaper Ming Pao, “the central government, after many investigations and studies, believed that in addition to the behind-the-scenes manipulation of the incident by the Xinjiang independence forces, the autonomous regional party committee and the government were found obviously lacking in social management and in handling outbreak of events.”¹⁰⁰ The Urumqi CCP secretary and the Urumqi head of police were replaced in September 2009 and the XUAR CCP secretary in April 2010.

Furthermore, in response to the July 2009 protests the Chinese authorities also announced the first ever Xinjiang Work Conference which was organized in May 2010. The Xinjiang Work Conference, modelled by similar forums held on Tibet Autonomous Region, was attended by China’s senior central authorities and CCP Politburo members. At the closing of the Conference, China’s President Hu Jintao announced a new development plan worth of 10 billion yuan (approximately 1,4 billion US dollars) for the region. The stated goal of the development package is “leapfrog development” and “lasting stability” in the region. In order for this to be successful, the Chinese authorities need to make sure that the economic development plans for the region give ethnic minorities autonomy in shaping their future, address existing economic inequalities between Han Chinese and ethnic minorities and do not discriminate against ethnic minorities in the creation of economic opportunities and resource distribution.

The Chinese authorities must also allow an independent and impartial investigation into the July 2009 protests, provide it with full access to scenes of confrontation, eyewitnesses, and detainees and publish its findings in full. Allegations of human rights violations during and in the aftermath of the July 2009 protests must be investigated and addressed in an open and transparent manner. The authorities need to ensure that any trials resulting from the investigation are conducted fairly, in line with international standards, and without recourse to the death penalty.

RECOMMENDATIONS TO CHINESE AUTHORITIES

- allow independent, impartial, thorough and effective investigation into the events, ensuring investigators full access to scenes of confrontation, relevant documents, eyewitnesses and detainees, who must be protected from any harm; and publish its findings in full
- allow similar access to independent observers, including non-governmental organizations
- ensure that any trials resulting from the investigation be conducted fairly, in line with international standards of fairness, and without recourse to the death penalty
- ensure that survivors are granted reparations in accordance with international standards
- fully account for all those who died and for the whereabouts and status of those still in detention
- investigate allegations of torture and other ill-treatment of detainees with a view of bringing those responsible to justice; to ensure that those detained are not tortured or otherwise ill-treated; and to provide reparations to victims
- prohibit, in law and in practice, the admissibility of any statement obtained as a result of torture in any proceedings, except against a person accused of torture as evidence that the statement was made
- immediately and unconditionally release those who have been detained solely for peacefully exercising their rights to freedom of expression, association and assembly
- make a clear distinction, in law and in practice, between activities that involve peaceful exercise of human rights including freedom of expression, association and assembly, and those that would be internationally recognized criminal acts
- respect and protect the right of Uighurs to enjoy their own culture, to practice their religion, and to use their own language, in accordance with international human rights law and standards
- introduce and integrate in domestic laws a clear definition and prohibition of discrimination on all grounds referred to in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination
- implement other recommendations by the UN Committee on Elimination of Racial Discrimination
- include community participation in development plans and ensure that they benefit all ethnic groups equally
- seek UN assistance in the protection of minority rights
- ratify the International Covenant on Civil and Political Rights, the Optional Protocol to the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and other international human rights treaties.

ENDNOTES

- ¹ Amnesty International interview with N (male), May 2010.
- ² Amnesty International interview with G (male), May 2010.
- ³ The XUAR is an ethnically mixed region, with around 60 per cent of the population made up of ethnic minorities. The Han, which constituted around 5.5 per cent of the population in 1949, now constitute roughly 41 per cent. Uighurs are the largest ethnic group, with around 47 per cent of the population. The remaining 12 per cent are other ethnic groups, including Kazakhs, Kyrgyzs, Tatars, Uzbeks and Tajiks. The Han Chinese population has increased significantly from 1949 due to central government policies that include providing financial incentives to Han Chinese who migrate to the region. In Urumqi, according to the 2000 census, Uighurs make up 12,8 per cent of the population, compared with 75,3 per cent Han.
- ⁴ The Hui, who are predominantly Chinese speaking Muslims, constitute 5 per cent of the population of the XUAR. In Urumqi, Hui constitute 8 per cent of the population.
- ⁵ Civilians and armed police officer killed in NW China violence, Xinhua, 6 July 2009, available online at http://news.xinhuanet.com/english/2009-07/06/content_11658819.htm
- ⁶ Amnesty International interviews in May 2010; see also The Real Story of the Uighur Riots by Rebiya Kadeer, The Wall Street Journal, 8 July 2009, available online at <http://online.wsj.com/article/SB124701252209109027.html>
- ⁷ Police kill two Uighurs near Urumqi mosque, Xinhua (via BBC), 13 July 2009.
- ⁸ Article 48 of China's Criminal Law provides for a death sentence to be suspended for two years "[...] if the immediate execution of a criminal punishable by death is not deemed necessary". A prisoner sentenced to a suspended death sentence can still be executed if "there is verified evidence that he has intentionally committed a crime" during the period of suspension. Chinese government representatives assert that suspended death sentences are usually commuted to life imprisonment.
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- ³⁰ Man sentenced to death after fatal factory brawl in South China, Xinhua, 10 October 2009, available online at http://news.xinhuanet.com/english/2009-10/10/content_12205433.htm
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- ³² For more information see for example Congressional-Executive Commission on China Annual Report 2009, available online at <http://www.cecc.gov/pages/annualRpt/annualRpt09/CECCannRpt2009.pdf>
- ³³ China standard time, UTC+8, is the time observed in the People’s Republic of China. However, due to its geographical location, local people in the XUAR observe Urumqi time which is two hours behind Beijing (UTC+6). All times in this document are in Urumqi time.
- ³⁴ QQ is a hugely popular, free instant messaging service in China.
- ³⁵ Amnesty International interview with N (male), May 2010.
- ³⁶ Amnesty International interview with H (female), May 2010.
- ³⁷ Amnesty International interview with P (male), May 2010.
- ³⁸ Order restored in Urumqi after carnage kills 156, China Daily, 7 July 2009, available online at http://www.chinadaily.com.cn/china/2009-07/07/content_8385032.htm
- ³⁹ People’s Armed Police is a force under dual command of the Central Military Commission and the State Council, focusing on international security. They have statutory authority to respond to

emergencies, including riots and terrorist attacks.

⁴⁰ Amnesty International interview with G (male), May 2010.

⁴¹ Amnesty International interview with D (female), May 2010.

⁴² Amnesty International interview with B (male), May 2010.

⁴³ Amnesty International interview with A (male), May 2010.

⁴⁴ Amnesty International interview with P (female), May 2010.

⁴⁵ Amnesty International interview with M (male), May 2010.

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