



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, 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.

[20 August 2013]

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

## **Death sentences against the Muslim minority in the People's Republic of China (PRC)**

Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) is extremely concerned about the use of the death penalty in the Xinjiang Uyghur Autonomous Region (XUAR), home of the Uyghur People, a Muslim, Turkic speaking minority in the People's Republic of China (PRC).

On 12 August 2013, the Xinhua news agency reported that two Uyghur individuals had been sentenced to death for their alleged involvement in an incident in Serikbuya (Selibuya in Mandarin), Maralbeshi County in Kashgar Prefecture. The trials were reportedly hastily arranged, held behind closed doors and marked by a total disregard for internationally accepted legal standards and due process. With this in mind, MRAP feels that the international community must urgently address the situation in order to ensure that the rule of law and the full enjoyment of a fair and open trial prevail over the meddling of outside interference in these clearly politically-motivated trials.

### **Maralbeshi incident**

On 23 April 2013, the Chinese authorities revealed via its media that, at approximately noon, 21 people were killed and 19 arrested (11 immediately after, with a further 8 six days later) at Serikbuya in Maralbeshi, the Xinjiang Uyghur Autonomous Region (XUAR), the People's Republic of China.

According to the Chinese authorities, 15 community workers, whose professional role was not specified, accompanied by police, were notified of "suspicious" individuals who, as Deputy Public Security Minister Meng Honwei stated, were allegedly 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 on the flags, without specifying what the slogans actually said, as well as materials for making weapons, combat training equipment and illegal religious materials.

Within the official narrative, there are many inconsistencies and the lack of independent verification of the facts should call to question. Various Uyghur human rights organisations, including the World Uyghur Congress (WUC) and the Uyghur American Association (UAA), have professed their strong reasons to believe that the official narrative does not reflect the actual turn of events. These doubts were also corroborated by a BBC investigation to Serikbuya in which interviews with residents were undertaken.

According to their accounts reported from the ground, the confrontation began when a Chinese "community workers" and police illegally broke into the house of a Uyghur family, forced the women present to unveil and the men to shave off their beards, subsequently shooting and killing one protesting Uyghur male. As the confrontation escalated, the Uyghurs in the house, feeling threatened, allegedly 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.

A subsequent undercover BBC investigation by Damien Grammaticas into the incident on the ground largely corroborated with this version of events. Mr. Grammaticas informed the BBC-readership that: many of the people to whom he spoke were frightened to speak to him due to fears of reprisals; many people had been informed to not speak to "journalists" and "outsiders"; and that the official narrative was markedly different from the versions of

locals. Mr. Grammaticas and his team were subsequently temporarily detained and removed from the scene.

## Death sentences

Xinhua reported on 12 August 2013 that two Uyghurs, Messrs Musa Hesén and Rehman Hupur, had been handed the death sentence by the Kashgar Prefecture's People's Court for their alleged involvement in the 23 April 2013 Maralbeshi incident, with the former being purportedly the "co-founder of a terrorist organisation". Three other unnamed Uyghur men were also handed heavy sentences ranging from 9 years to life.

The report went further by saying that the group had been, "carrying out illegal religious activities [and] promoting religious extremism", citing a court statement, which also say that the group allegedly "made 10 explosive devices and carried out explosive tests," without going into further clarification of details.

Whilst all acts of violence in all its manifestations must be condemned, in this instance no conclusive or substantiated evidence of their involvement has been disclosed to the public, whilst the hastily arranged trials were conducted behind closed doors with a distinct lack of due process and no independent scrutiny, which is vitally important to ensure the independence of the judiciary. The only evidence disclosed of the individuals in question was video footage of them walking together down a street, which was neither incriminating nor seemingly relevant to the case.

MRAP fears that these sentences may be politically-motivated as a result of recent unrest in the XUAR which has claimed the lives of approximately 140 people, with possibly another 750 people arrested and/or detained. Due to the politically sensitive nature of the recent unrest in the XUAR, and the fact that both sources on the ground – including reports from independent media – have widely corroborated their alternative narrative of events, which placed the blame on the Chinese authorities, MRAP is concerned that these trials and harsh sentences are being used to crackdown on further unrest in the region.

Alarmingly, according to the reports, all the 5 defendants had reportedly "confessed" to their alleged crimes. Given that torture and other inhuman, cruel or degrading treatment is rife in the PRC, MRAP is extremely concerned by the revelation that their confessions were obtained under duress.

Past precedents elucidate the severity of the situation of such sentences; death sentences are usually hastily executed (within 3-5 weeks of the sentence being handed down), and provide almost no opportunity to lodge an appeal through their refusal, in spite of correct legal procedure permitting so. According to legal code, defendants are permitted to go through the double appeals procedure, in which the first appeal is undertaken by the High People's Court, and then the second at the Supreme People's Court of the PRC.

The fact that it is impossible to know whether a lawyer of their own choosing had been selected speaks volumes in itself, and therefore raises further questions that are in need of immediate clarification. As is often the case, this is something not afforded to victims, in spite of legal guarantees.

Finally, the Chinese media has been reporting that further trials will be undertaken in the near future, meaning that further handing down of death sentences to Uyghurs are a very real possibility for not only their alleged involvement in the Maralbeshi incident, but also for their alleged involvement in any of the unrest which was subsequent to it, especially in Lukchun, Hotan and Urumchi - this remains irrespective of whether the allegations are true or false.

## **Recommendations**

Free, open and fair trials are the cornerstone of a flourishing independent judiciary and the rule of law. The lack of ability to independently verify the allegations and the proceedings of the trials causes great concern, especially in one of the most populace states in the world to continue using the death penalty. If these trials are politically-motivated as it may seem, the effects of them on the wider Uyghur community cannot be understated, in particular on the likelihood that they would fear to come forward to report human rights abuses. These death sentences therefore have even further far-reaching consequences than the potential human rights abuses within the sentences themselves, as freedom of expression and of opinion are significantly curtailed.

### **In view of the information above, MRAP calls upon the People's Republic of China:**

- to implement a moratorium on the use of the death penalty and to envisage the abolition of it in the penal code;
- to disclose all necessary information on the trials so that independent observers can assess whether any human rights violations have taken place - this includes, *inter alia*, all evidence used against the individual; details of the trial's proceedings; information on what actions have the Chinese authorities undertaken to ensure a fair trial; whether non-interfered appeals will be permitted;
- to extend an open invitation to the UN Special Rapporteur on the Independence of Judges and Lawyers.

### **MRAP calls upon:**

- the UN Special Rapporteur on the Independence of Judges and Lawyers to investigate on and report to the Human Rights Council about the trials held in the Xinjiang Uyghur Autonomous Region.

### **MRAP calls upon the international community:**

- to reaffirm its commitments to UN General Assembly Resolutions 62/149 and 63/168, and the progression towards a global moratorium on the death penalty;
- to convey its concerns at the use of the death penalty in the PRC and make representations to the government to move towards its abolition.

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