

**HUMAN RIGHTS VIOLATIONS  
IN  
EASTERN TURKISTAN**

**PUBLICATION OF ASSOCIATION  
OF ENTELLECTUALS: 17**

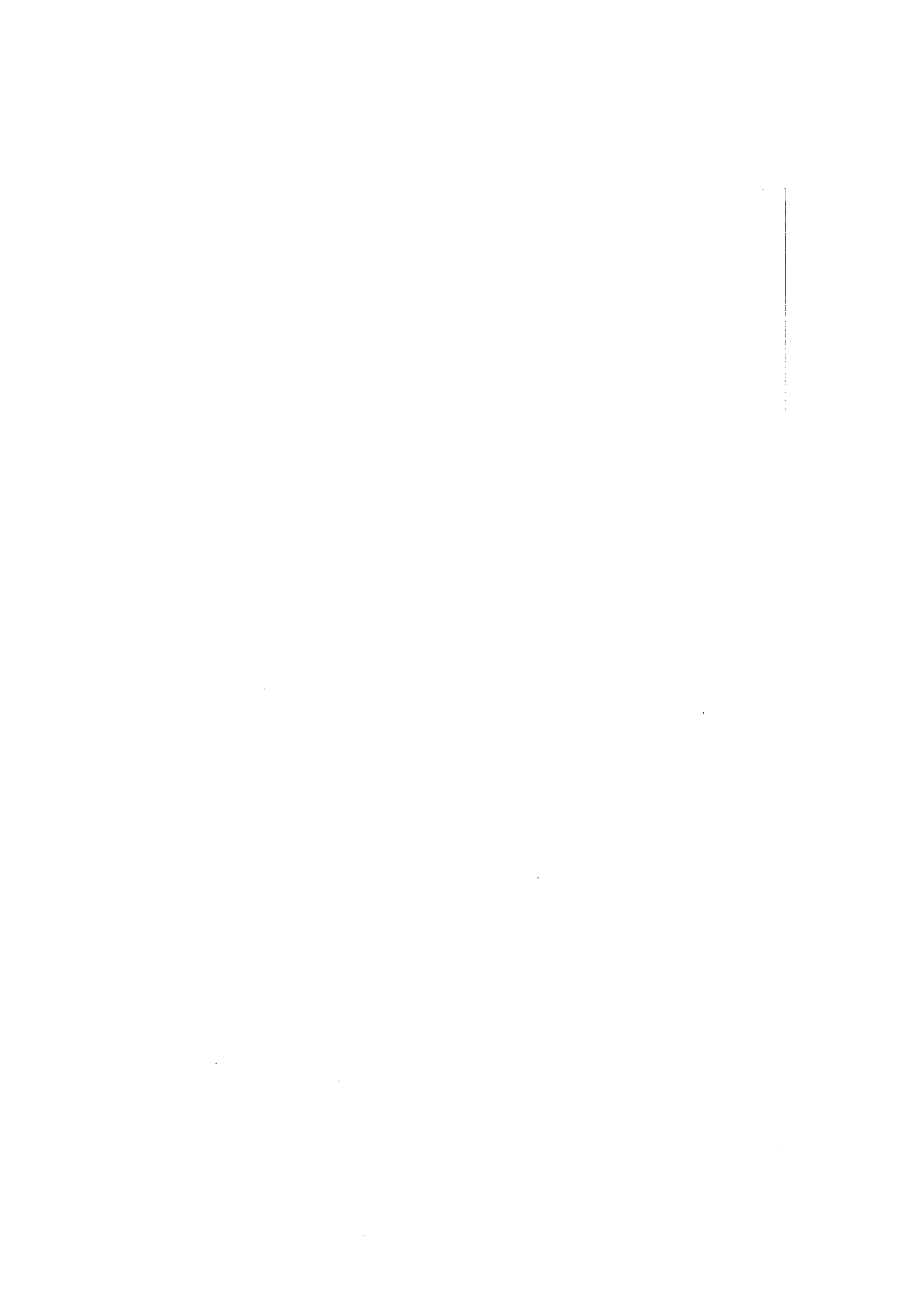
**İSTANBUL 2000**

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## ***FOREWORD***

When we talk about Eastern Turkistan actually we are mentioning the name of the most oppressed, the most colonized and most unjustly exploited part of Turkic World. But it is not widely known.

Eastern Turkistan, is the name of the geography where Turkic peoples' basic rights are violated. That's why even the change of the name of this country to "Sinkiang" means "the newly won land" is good example of how this country became the victim of assimilation policies. E. Turkistan is the heart of Asia. "Strategical heart of Asia! It is the geography where approximately 50 million Turks are still existed. Disregard of settlement of thousands of Chinese into this country in order to change the demographic situation, this is the whole case. Out of 148 mines in China, 118 of them are in E. Turkistan. Gold, silver, copper, uranium, lead are some of these. Massacres are still continued as they had been the case in the past.

E. Turkistan is not the subject of E. Turkistan only. This is not an individual question or personal case. It would be enough to feel and sense this as a Turk. I believe that many people in Turkey must be rescued from this evil of unconsciousness. We went to Crimea for the "day of sacrifice (Kurban Holiday)" some years ago. Before we went, the question asked to us was "Do you have any bondage with Crimea?" "No, I said, being a Turk and a human being will be enough and must." I don't have to be from Western Thrace or belong to some other Turkish ethnic groups or minorities in order to defend the human rights of native people of those regions. For this reason, we must approach the Turkish issue from democracy and the human rights point of view and every scholar in Turkey have to be involed to these subjects. We are going to deal with a Turkic World where forced birth controls, nuclear testings and genocides, untrialied executions widely used. For this reason to deal with those people and intolerable facts are our humanitarian task. By the way it is debatable whether human rights are reserved only for European people or not.

For a long time those who dealt with these issues are considered as shovenist. But now situation is different and many events opened to people's eyes. Those who come aganist the subject dealing with the Turkistan abroad Turanism support it now. The subject of Turkish World, which marginalized then, had became major issue of today.

Consequently I would like to point out the previous official visit of Jiang Zemin, the president of China to Turkey in April 2000. Turkey may create more political and economical relations with various countries notably China. In this process Turks of Eastern Turkistan should play a constructive and peaceful role between the two countries and bridge good will. In order to open the way, it is necessary to establish a common human rights watch committee in order to prevent new abuses of human rights and violations in China. Before doing that and realising new efforts these is no need to reward the president of China with "State Prize". Unfortunately that prize was given to the president regardless of the intolerable violations, genocides, handicapped people left behind from the nuclear testings, untrialeed executions in China. I would like to hope a better future for Eastern Turkistan, peace and stability and hope that the ones who are deeply involved with human rights in Turkey, pay more attention to the most colonized and most unjustly exploited part of the Turkic World.

*Prof. Dr. Mustafa E. ERKAL*  
*The President of the*  
*Association of Entellectuals*

## **CHINESE FOREIGN POLICY IN THE 21<sup>ST</sup> CENTURY: EXPANSIONISM IN ASIA AND THE TURKIC WORLD<sup>1</sup>**

**Timur KOCAOĞLU**  
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In the 20<sup>th</sup> Century, we have witnessed both the fall of several empires of the 19<sup>th</sup> century (Ottoman, Austria-Hungary, and Great Britain) and the rise of new ones (the Soviet Union and Communist China). The ambitious drive to establish a Nazi German empire failed at the end of the WWII. Although the Soviet empire on the remnants of the Tsarist Russian empire was established and collapsed within the early and last years of the 20<sup>th</sup> century (1918-1991), the state of Russian Federation, with a reduced size, survives as the third Russian empire (after the Tsarist and the Soviet Russian empires). The Communist China since 1949 entered the 21<sup>st</sup> century as the remaining second empire on earth after the Russian one. While both the Russian and Chinese empires do not hesitate to launch brutal military offensives (Russian army units in Chechnia and the Chinese army units in Eastern Turkestan) in order to hold on to their present boundaries, they also persuade long term foreign policies aimed to widen their colonial aspirations in Asia and especially in the Turkic World.

After the return of Hong Kong by Britain in 1998 and Macau by Portugal in late December 1999 to China according to bilateral accords, the Beijing leadership has been following an aggressive expansionist policy toward the independent state of Taiwan. China put on an impressive display of military might at its 50<sup>th</sup> anniversary parade in Beijing last year. Taiwan is located on the top of the priority list of China's 21<sup>st</sup> century policy. The high ranking Chinese officials have openly stated to annex Taiwan even if it requires bold military intervention. "Independence for Taiwan would absolutely not mean peace but war,"

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<sup>1</sup> This paper was delivered at the Panel on "China and the Turkic World in the 21<sup>st</sup> Century" held on February 27, 2000 at Tarık Zafer Tunaya Kültür Merkezi, organised by Doğu Türkistan Göçmenler Derneği (East Turkistani Émigré Association). Timur Kocaoğlu is Associate Professor of Central Asian Studies at Koç University.

warned PRC Vice Premier Qian Qichen.<sup>2</sup> China urged the world to accept its absorption of Taiwan, or risk violent consequences. China's Vice-Minister of Foreign Affairs, Wang Guangya, told an audience of Western defence ministers and top military brass, "Sending the wrong message [of support] to the leaders of Taiwan might lead to results you don't want to see."<sup>3</sup> In his annual "threat assessment" testimony before the US Select Committee on Intelligence, CIA Director George Tenet stated that the "coming months" growing tensions between Beijing and Taiwan could lead to a regional "military flare-up."<sup>4</sup>

US Secretary of State Madeleine Albright said that China has adopted a "much more aggressive" stance on Taiwan in recent years but said the hardening position was not necessarily a prelude to war.<sup>5</sup> However, strategic writings, from the mid-1990s through 1999, by China's political and military leaders show the PRC is planning for war against the United States, according to a new Pentagon study.<sup>6</sup> The book describes how the late-Chinese leader Deng Xiaoping set the current anti-U.S. military strategy of, "bide our time and build up our capabilities." Among tactical plans, Chinese strategists describe how to defeat U.S. aircraft carrier battle groups through a combination of submarines, electronic warfare and precision weapons. In addition, cyber-attacks on computer networks are highlighted. "We can make the enemy's command centers not work by changing their data systems," wrote Maj. General Pan Junfeng.

China has major land and sea boundary disputes with India (3,380 km), Russia (3,645 km), North Korea (1,416 km), Vietnam (1,281 km) as well as rows over various islands and maritime boundaries with Philippines, Malaysia, Japan, Taiwan, Brunei. The recent statements by Chinese officials and China's military

<sup>2</sup> Speaking at a Beijing forum on Beijing's plan to reunify with Taiwan, Chinese Vice Premier Qian Qichen also repeated the PRC opposition to "any force" -- i.e. the US -- selling advanced weapons or transferring technologies for a missile defense system for Taiwan (Xinhua News Agency, 29.1.2000).

<sup>3</sup> Wang Guangya was speaking at an international security conference in Munich, Germany on February 6 (Reuters, February 6, 2000).

<sup>4</sup> George Tenet said: "Although Beijing today stills lacks the air and sea-lift capability to invade Taiwan, China has been increasing the size and sophistication of its forces arrayed along the Strait, most notably by deploying short-range ballistic missiles..." *Washington Times* (February 3, 2000). For the complete text of the speech by George Tenet, see the following WebPage: <http://www.cia.gov> and tick the button "Speeches and Testimony."

<sup>5</sup> Testifying before a congressional panel, Albright said Beijing's release last month of a "white paper" containing a warning that Taiwan faced invasion if it rebuffed reunification, had to be seen in context" in the report "Albright Sees China 'Much More Aggressive' On Taiwan Than In The Past" by *Agence France Presse* (March 3, 2000).

<sup>6</sup> The unclassified book, *China Debates the Future Security Environment*, was published by the Pentagon's Office of Net Assessment. The author, Michael Pillsbury, a highly respected defense policy planner fluent in Chinese, analyzed some 600 internal Chinese writings by 200 military authors. The writings collectively detail how the PRC plans to defeat a superior foe [the U.S.] by using both military and non-military means, such as propaganda, deception, electronic and cyber-warfare and covert actions. (*Washington Times*, February 2, 2000).



writings clearly point out the objectives of Beijing to get hold of these disputed lands and maritime boundaries in the 21<sup>st</sup> century even by means of military power. Since the late-Chinese leader Deng Xiaoping, the Beijing leadership is continuing its bold 20-year old effort to boost China's economy. Without abandoning its firm Communist ideological dictatorship in the political life, China only allowed liberalism in its economy. The main reason behind the economic liberalism, however, is to provide funding for new military strength for China's expansionist goals in the present century.

After the collapse of the Soviet Union, China found several new neighbours many of which are pretty weak both economically and politically. The Russian Federation is now less threatening for China; in contrary Moscow needs China's capital investment and labor force in the Far east. According to various reports, about half a million Chinese have settled in the Far east zone of Russian Federation. The number of Chinese in the Central Asian republics is rapidly increasing: 150,000 in Kazakstan, 65,000 in Kirgizstan, 15,000 in Tajikistan, 10,000 in Uzbekistan, and 5,000 in Turkmenistan.<sup>7</sup> The Beijing leadership has managed to persuade the presidents of the three Central Asian republics (Kazakstan, Kirgizstan, and Uzbekistan) to sign special bilateral treaties which have several articles on combating terrorism and the separatist movements. These articles were cleverly designed to suppress the independence drive of the Turkic people in East Turkistan (Xinjang Uyghur Autonomous Region).

In the 20<sup>th</sup> century, there were two successful attempts by the Turkic peoples that resulted in the establishment of two independent Republics of East Turkistan in 1933 and in 1944. Both independent republics were brutally crushed by Chinese military forces. Since 1949, however, the Turkic peoples in East Turkistan have staged numerous uprisings and revolts.<sup>8</sup> After the dissolution of the USSR, Beijing became very nervous for the possible influence of the five independent Central Asian republics on the inclination of the Turkic peoples of East Turkistan for self-determination. Therefore, signing bilateral treaties with Central Asian republics was a major success in international politics for the Chinese leadership. Because with these accords, China appeases Central Asian republics for not giving any moral or material support to the separatist drives in its Xinjang region on the one hand and also warn and demoralise those Uyghurs and Kazaks who seek independence of East Turkistan from Chinese hegemony. The Chinese population in East Turkistan has increased to 49 % from 7 % since 1949. The population ratio of the capital city of the region, Urumchi, was 80 % Turkic and 20 % Chinese in 1960, but the 1999 figures show the city now has 80 % Chinese and only 20 % Turkic population. The city Kashgar had a low

<sup>7</sup> Unofficial information gathered from the interviews conducted with various visitors to the mentioned areas.

<sup>8</sup> *Doğu Türkistan'da İnsan hakları ve İhtilalleri*. İstanbul: Aydınlar Ocağı Yayını, 1999.

proportion of Chinese since 1949, but this proportion is on the change for the benefit of the Chinese population after the opening of the new railroad between Urumchi and Kashgar in January 2000. Life is not easy for the 10 million Turkic peoples (mainly Uyghurs and Kazaks) living in East Turkestan.<sup>9</sup> The Chinese government's birth control policy conflicts with their traditionally large families, and nuclear testing has taken its toll as well.

China has been testing various "Biological Weapons" in East Turkistan for a long time. Doing research in the US on nuclear pollution, Ken Alibek is a Russian exile who left the USSR eight years ago when he was an expert at the "Soviet Union Nuclear Bacteriological Weapon Storage Center." He revealed in his book *Biohazard* in 1992 that Gorbachev had asked the center to prepare a proposal for developing bacteriological weapons. However, Alibek's research found two rare kind of bacteria, Ebola and Marburg, which doctors had never seen, even in Africa, not far from the Malan nuclear testing spot. This indicates that China began experimenting with bacteriological weapons as early as in the 1980s.<sup>10</sup> During the first years of the 1980s, epidemics occurred continuously in south Xinjiang and caused many deaths. Nobody knew the names of the epidemics, so they were identified as "No.1 disease, "No.2 disease" and so on, according to the year the disease struck. In the end, people simply dubbed the epidemics "unknown illnesses."

Besides the successful manoeuvre to pacify the Central Asian republics, China has been moving carefully to ease and possibly divert Turkey's concerns about the persecution of the Turkic peoples of East Turkistan. Since early 1950s, there has been a very important and active East Turkistani émigré community in Turkey. This community consisting of both Uyghur and Kazak Turkic peoples has several associations and foundations which have been very vocal in protests against the Chinese repression in East Turkistan. Especially, during the political leadership of late Isa Yusuf Alptekin, the East Turkistani émigré community was very instrumental and influential in drawing the attention of Turkish high-ranking officials to the problems of East Turkistan. Aware of the potential's of the East Turkistani émigré communities and various Turkish groups in Turkey, China has been keenly following to sign special bilateral accords with Turkey to restrain and control Ankara's any criticism of Beijing's inhuman policies in East Turkistan. The Turkish Foreign Ministry's attempt to remove the flag of Eastern Turkistan from the small Isa Yusuf Alptekin park in Sultanahmet in Istanbul after Chinese Foreign Ministry's protests and the un-

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<sup>9</sup> The exact number of the Turkic peoples of East Turkistan is not known. The latest Chinese census of 1982 puts the Turkic population of Xinjiang to around 7 million. The Uyghur and Kazak émigrés from East Turkistan claim the Turkic population of region from 10 to 30 million. I guess a number around 10 million is objective, but 30 million is an exaggeration.

<sup>10</sup> Cao Chang-ching, "The fight for East Turkestan" *Taipei Times* (October 14, 1999).

fortunate decree by the previous prime Minister Mesut Yilmaz forbidding the opening and hanging of the national flag of the East Turkistan in demonstrations and meetings by private citizens and organisations, display how Beijing could be influential not only in restraining the peaceful activities of the East Turkistani émigré community, but also interfering in the internal affairs of Turkey. Turkey should develop its economic and political relations with China, but should carefully study the policies of the Western countries and the US toward Beijing. The US is the major country which has enormous trade and business with China, but Washington do criticise Beijing leadership over its grave human rights abuses in China and also in Tibet and East Turkistan as well as its handling of the Taiwan issue. The US has opened the Radio Free Asia which broadcast 24 hours daily to China in Chinese, Tibetan, Uyghur and other languages. Turkey needs to develop a better foreign policy toward China by not overlooking the rights of its brethren Turkic peoples in East Turkistan.



# **THE RIGHT OF SELF-DETERMINATION IN THE INTERNATIONAL LAW AND REGIONAL AUTONOMY**

**Özlem YÜCEL \***

## **I. HISTORIC DEVELOPMENT OF SELF-DETERMINATION RIGHT IN THE INTERNATIONAL LAW (I.L)**

Disregard of being integral part of the I. L. in the XX. century major studies and thoughts in the self determination concept formalized in XIX. Century. With the influence of French Revolution in 1789, Italian Lawyer Mancini forwarded "the principle of nations" which regarded as one of major opinions about the doctrine of determination about future of the people. In the light of this thought, every National society must become a state. Self-Determination, in concern of Int. Law forwarded in the 1<sup>st</sup> W. War years. In these years (1917) two countries mentioned the name of self determination one was U.S. the other was the Soviet Union<sup>1</sup>.

U.S. President Wilson also mentioned the self-determination in his "Wilson Principles". These principles seen as major factors in the determination of peace treaties after 1<sup>st</sup> World War. As these principles seen as political principles, they influenced on the treaties signed after the war. Consequently, Self-Determination could not found its place in these treaties. Involvement of said right in Int. Field, realized after the World War II. While War was continuing, on 14<sup>th</sup> August 1941, British Prime Minister Churchill and the U.S. President Roosevelt mentioned the name of this principle in the 2<sup>nd</sup> and 3<sup>rd</sup> articles of Atlantic Declaration. However this could realized only after its inclusion in U.N. Act of I/II, 55 and 76<sup>th</sup> articles. In two agreements under auspices of U.N, "Agreement on political and Civil Rights" signed in 1966, and "International Agreement on Economic, Social and Cultural Rights" Signed in 1976 the meaning and scope of this right, in the Int

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<sup>1</sup> For the historic development of this subject look at ARSAVA A. F. "Self determination" View and look to its Historic Development and Aaland Islands Question" An gift to Seha L. Meray. 1<sup>st</sup> Volume. Ankara Univ. Political Science Scholl Publication: 465 Ankara 1981 pg: 55-67.

law determined. In U.N.'s 24<sup>th</sup> October 1970 accepted 2625 (XXV) numbered "statement of Int. Legal principles for friendly relations and cooperation between states", this right mentioned<sup>2</sup>.

U.N. faced immense, problems in front of the Incidents occurred in Self-determination. After the occurrence incidents in Morocco, Tunisia and in Cyprus, Self-determination became the major talking subject<sup>3</sup>.

There is strong bondage between Self-determination and International security. After collapse of the Eastern Block the Self-determination issue had become a major treat for global security. Most of events within the framework of O.E.S.C are related to Self-determination. That's why this Questions –feorrection within O.E.S.C. is necessary. Inclusion of Self-determination in the VIII article of its ten major articles, accepted by O.E.S.C's Helsinki Final Act in Aug. 1<sup>st</sup> 1975.

This right is ordered under the headline of "Right of equality of peoples and their Self-Determination." We also see the same thing in the Paris Act.

In order to understand the Self-determination Right, its application in O.E.S.C. documents, ten major principles (territorial integrity of the state, Non-intervention to interior affairs to nations, Non-changibility of borders, Equality of nations and others) must be understood. Also colonizations, conquest of countries are not existent. In our times it has provocative character and has potential danger. That's why this subject was totally abandoned within O.E.S.C. After collapse of Eastern Block, the subject of Self-determination brought in front of O.E.S.C. like a nightmare. This Question is threatening Eupore as well as World peace and security today.

## II. THE QUALITY OF SELF-DETERMINATION RIGHT

Many arguments and discussions arose about whether self-determination concept is right, or it is a principle, in its existence in the Int. Law when Self-Determinations appeared for the first time in the U.N. Act. Its evaluation as a "right" in its French text, differently than its English text flamed discussions even in more intensified level. Former Soviet Union, African, and Asian states showed great efforts for its evaluation as "right". However African nations became more sensitive on the subject. Because acceptance of Self-determination as a rights resulted with the concept of "every tribe must be state". Later African states saw its bloody examples in their lives. In our days it is accepted that people do have self-determination right and it is openly stated in the Int. Law.

Self-Determination has two sides: First one is about interior –organization of the states. It status that people without foreign pressure can choose any desired Administrative Regime. This is commentaried as the will of the people to choose and determine the administrative power. However as this right is

<sup>2</sup> MERAY S. L. Introduction to Law of States. Vol. I Ankara 1968 pg: 138.

<sup>3</sup> Mentioning the name of self- Determination for the first time by the Soviet Union is accepted. But in the same time Wilson also mentioned it in his principles.

obtaining economic content, states will to use their continuous power over the natural resources is becoming the past of Self-Determination right as well.

The second side is that people has right of state founding, or choose to baund any state they wish. It means one people way separate from one state and unite with the other or have right to found their own state. However Int. Law brought some conditions on the use of this right. Primarily, it is accepted that a part of the country and people on it seceded from that state, then no self-determination right can be used in the foundation of state. Int. Court of Justice has indicated that only colonies do have this right.

The other situations where self-determination rights can be used in order to found an independent state according to Int. Law are those: 1) In the Colonial countries 2) Countries under invasion 3) Countries under Racist dominated states. Self-Determination right for peoples under colonial rule can be possible with in these conditions. Major condition is that people must be under colonial rule. Liberation of people form colonial rule is called decolonization.

For the reason of colonized peoples and state integrity, a problem arose concerning how the differenciation on the judicial basis will be done among the communities who cannot use the self-determination right. According to U.N. General Assembly decision colonized country is not the part of colonizer country. That's why no objection seen in this point. In order to be a colonized country, a condition is needed of the existance of different statues between Metropolitan state and colonized one.

No "people" description given in O.E.S.C. documents. However no self-determination given to minorities for secession in the Helsinki Final Act. Causes took us to this determination are these:

1) Minority rights are ordered in the Documents VII th principle, and handled within the Human Rights section.

2) No self-determination issue is talked in the Kopenhagen Document which ordered minority rights in a greater scope. Because minority rights are focused within the Human Rights.

3) Also Minority Rights are given mainly to persons. Mainly individual Minority Rights are taken not collective minority rights.

4) Non of the O.E.S.C. documents has orders that minorities have self-determination right, but on the contrary minority rights cannot be used against the damaging the territorial integrity of the nation.

The only reason of why secessed newly indepedent nation from the former nation cannot use the self-determination right, is the settlement of "state's integrity" principle in the Int. Law. According to this principle, state's integrity can change but only by the states' permisison and desire.

Non-usage of self-determination right against the integrity of the state is determined in the 2625 (XXV) numbered "International Legal Principle Declaration

for friendly Relations and Interstate Cooperation" accepted on 24<sup>th</sup> October 1970 by the U.N. General Assembly. The most important indicator for the determination of right of self-determination of peoples is the interior law documents of states themselves. (Soviet constitution gave the self-determination right). If related state gave this right, then that state cannot be blamed of not having this rights in its system. Soviet Union collapsed in this framework, and Chekoslovakia divided into two by the agreement of two peoples. Of Self sided Self-determination is out of Question. The Yugoslavia is very interesting case. According to Yugoslav official view federated states do not have any right to be secceded. But Croatia and Slovenia were thinking differently. Yugoslav view was that these states united and formed Unity, They don't have self-determination right anymore.

The another problem is that, whether self-determination right in U.N. Act has responsibility for states or not. This problem was solved by 24<sup>th</sup> October 1970 dated U.N.G.A. according to this decision, Self-determination is right for peoples, obligation for states. Disregard of recognition of self-determination as a right for peoples, it does not give them right found a state.

Some writers believe that self-determination had become JUS Cogens Rights. They believe that those Int. Treaties which decrease or limit self-determination right must be abolished.

### **III. SELF-DETERMINATION RIGHTS IN THE EASTERN TURKISTAN EXAMPLE**

Eastern Turkistan is a country which is named as "Sinkiang" within the boundaries of China. As we can see from the history we see attempts by China to invade this country. No invasion ocured between 762 and 1759. In 1862, The independence of the country recognized by the Ottoman State, Russia and England. In 1877 China again invaded the country. In 1947, % 95 of the population was Turkish. However in 1980, Chinese percentage in the country was % 26.

China's state Head, Mao in his 1950 Adress said that "Eastern Turkistan is Chinese Land for 2000 years". We saw from above realities that how they are contrary to what Mao had said.

China according to National Autonomous Region Act, founded Uigur Autonomous Region in 1<sup>st</sup> October 1955.

Concerning of existance of self-determination right for Eastern Turkistan we can say that, typical foreign state invasion is the subject matter. As self-determination is must for countries under invasion, then this right is discussible for Eastern Turkistan too.

Self-Determination is absolute right in the Int. Law. Its discussion of being right or principle has lost its judicial meaning. Problem faced by Int. Law in subject of self-determination is the definition and coverage of "People". Self-Determination cannot be given to those separatist dogmas in the unitary states. Undeterminative factors in self-determination seriously threated the peace and security of our world.



**PRESENT SITUATION  
IN  
EASTERN TURKISTAN AND HER PROBLEMS**

**M. Rıza BEKİN**  
*Retired General*

Today under this meaningful roof, I am going to talk about a country which is far away from Turkey physically (about 7000 km) but spiritually so close, also the most disfortunate country in the history and her unfortunated people.

This country is the mother land of Turks, The Eastern Turkistan.

Remembering them and this country is humane, national, and religious obligation in the age of Human Rights and Int. Law. We give our great gratitudes as Eastern Turkistanis to the Association of Intellectuals for arranghy this meeting in order to show support to recent evnts in Eastern Turkistan and Independence- Freedom struggle of our people against Chinese invaders.

**Eastern Turkistan**

Covering 1.828.418 km<sup>2</sup> land mass and also being in the Middle of Asia, Eastern Türkistan's historic and geographic name was changed to "Xingiang" which means "NewLand" in 1884 after the Chinese-Manchu invasion of 1876. After Communist Chinese invasion of 1949, the country received the administrative statue of "Xingiang Uigur Autonomous Region" in 1955.

Considered as "Pivot of Asia" by European scholars, this country, geopolitically, and religiously, is undivisible part of the Turco-Islamic world.

By international relations Eastern Turkistan has boundaries with Russia in the North, Kazakhstan, Kirgizia and Tajikistan which make-up western Turkistan, In the West; Afganistan- Pakistan - India- Tibet. In the south. China (Kansu and Chinghau states) in the east and Mongolia in the North-East. Because all these geo-strategical locating of this country possesses great importance.

Being in the intersection of old " Silk Road", Eastern Turkistan is located in 34-40 parallels and 74-95 longitudes in the Northern Hemisphere.

### **Brief History Of The Country**

In her long history E. Turkistan had existed under the rule of "Feodalistic Kingdoms" which composed "Central" or "real element" power for Turkish states and Chanates. This country had been the center to scythians in B.C 8<sup>th</sup> and 3<sup>rd</sup> centuries, to Huns in B.C.-300-A.C.-93, to Kushan state in 40 - 420, To Siyanpis in 220-386, to Topa state in 383-460, to Jujan Tatar Kingdom in 402-555, to Gok Turks in 552- 774, to Uigur State in 774-840, to Karluk state in 751-8770, To Karahans and Turco-Mongol Chagatai Kingdoms in 1217-1508 and to Seidiye Chanates in 1509-1679.

The first recorded contact between Eastern Turkistan and China is the visit of Emperor Wu Ti's ambassador to area in B.C 139-119.

Later on, China invaded the country for six times till 776. Non of these invasions continued more than 45 years. Total invasion period was 175 years.

One thousand years of period between 8<sup>th</sup> and 18<sup>th</sup> centuries, had been the age of peace and prosperity. This age saw the development of cultural relations, trade, also political stability.

Playing important role in all these historic events, Eastern Turkistan had been the key point for development of the region culturally and economically.

### **Chinese-Manchu Invasion**

However this peaceful age stopped by Chinese-Manchu invasion in 1759. In Accordance to "divide and conquer" policy, the country divided to four regions by the empire. The result of this was annihilation of one million people through various tortures. This history which is full of crimes against humanity continued for 103 years. Under leadership of a woman named Dilshad chatun. Who is known as "the symbol of honor", Eastern Turkistan raised for freedom, however it was suppressed, right after the execution of Dilshad by hanging.

### **Eastern Turkistan Islamic State**

Repeated 42 times, these public revolts finally came to success in 1863. In this era an Eastern Turkistan Islamic state founded under leadership of Yakub Han Bedevlet. This state officially recognized by Ottoman State, England, and Russia. Yakub Beg Homaged to Ottoman Ruler Abdul Aziz, sermioned for his name and printed money.

### **Second Chinese -Manchu Invasion**

However this independent Turkish state continued only for 15 years. Country again invaded by China in 1876. This invasion period continued till 1911.

### **Chinese Military Governors And Period Of Riots**

The Turkish resistance against Colonialist Chinese-Commintang Military governors continued.

From the very beginning of Chinese invasion in 1759, till our times, there had been 200 different armed revolts against the colonizer, and for about four times our people had tasted the "freedom"

### **Eastern Turkistan Islamic Republic**

Accumulated hate against colonialism and slavery, development of National identity spirit, created massive liberation movements within Eastern Turkistan in 30's and also by the influences of Jeditism and Awakening movements in Central Asia. These riots and revolts mentioned bellow occurred in the country that founded the base for the foundation of Kashgar Republic:

- National struggle started under the leadership of Salih Dorga and Hoja Niyaz Haji in KUMUL in 1931, opened way for Liberation of the area within short period of time.

- In 6<sup>th</sup> January 1933 we witnessed public movements under leadership of Mahmud Muhiti and his brothers, Maksud and Mevsul in Turfan. After Liberation of Turfan and Aksu, Kuchar reconquered by the Muhiti guerrillas.

- Hoten revolution started in Feb 20<sup>th</sup> 1932. However secret Revolutionary Committee activities founded in Karakash by Mehmet Emin Buğra and his brothers Abdullah and Nur Ahmet, go wayback to 1931.

- In Feb. 20<sup>th</sup> 1932, Karakash rescued, Hoten Liberated. Hoten National forces later rescued Kargalik, Poskam, Yarkent, Yeni Hisar from the enemy and forwarded toward Kashgar.

- In July 1933 Kazakh Turks in Altay, under leadership of Sherif Han Töre, annihilated the remaining Chinese forces in the North and maintained total control.

- Kashgar revolutionaries under leadership of Timur Bei; with the support of Uzbek Military Unit, attempted to found Basis for the meeting of all National forces Leaders and Representatives.

These National movements brought a historic opportunity for the people who had been hungry for freedom which they had been deprived for a century.

After long talks and discussions on 12<sup>th</sup> November 1933 E. Turkistan Islamic Republic declared in Kashgar.

The first thing this state did was to contact with newly founded Republic of Turkey. The Minister of Foreign Relations Kasım Can Hacı introduced his loyalty to Ankara by sending telegraph there from India. In the telegraph it was said that "We send our greetings from Blue flag to Red flag".

Country in order to protect her freedom, applied to countries like U.S.A., Turkey, England, France, Soviet Russia, Japan, Switzerland, Sweden, Egypt, Afganistan, Germany and sent diplomats.

Unfortunately the Life of this republic was short. In the result of armed intervention of Russia, as a part of her traditional Asia policy, to Central Asian Republics for the fear of "Spread of effects of separatist movements" in the; East to the Western Turkistan, also continued warface against Chinese and Tugans, unsatisfactory actions and policies of president and some other politicians, E. Turkistan tragetically last her independence one more time.

#### **In The Result Of Russians To E. Turkistan**

Invitation of Russians by Chinese general governor Shin Shi Sei to Turkistan between 1935-37, they sent about 400 agents into the country as doctors, teachers, consultants, engineers and in other professions. All these elements settled in the military, public, economic and administrative establishment of the country and took all the political and administravite initiatives into their hands.

Through this method, and settling into the country, Russians arrested 300.000 people and annihilated them through various tortures, including late president Hoja Niyaz Haji.

In the result, between 1937 and 1944, Eastern Turkistan ruled by Russians independently out of Central China. By 1944, Nationalist Chinese forces took over the control of the country.

#### **Eastern Turkistan Republic**

Dissolution of National Government in 1933, Russian Domination, ever increasing pressures by Chinese governors forced Turkistani intellectuals to come together and to found new wave of Awakening. Especially in the Gulcha (İli) where of the populatin is hight, people gathered around a freedom fighter named Ali Han Töre and decided to start a new indenpendence struggle against colonialism.

#### **Social Structure And Demographic Conditions**

Eastern Turkistan is consisted of Turkish Uigurs, Kazakhs, Uzbeks and a few Kirgız, who speak various dialects of Turkish language.

In time of 1949 Red Chinese invasion, total percentage of minority peoples in Turkistan was 6% (Mainly, Chinese, Manchur, Shive, Mongolian). However in the result of settlement of thousands of Chinese, Turks are becoming a "minority" in their own country. Brought under the banner of "Army of production and Construction", "Security Troops", Chinese are settled in the most beautiful areas of the country. Chinese population rate passed 80% line in cities like Urumchi, Aksu, Kucha. Populations of newly founded "Chinese cities" reached to a million each. Also "small settlements points" organized around 5000 mine fields, political and economic privilages given to Chinese.

Native population is forced to leave their lands. About 95 % of workers who work in state agencies, Local Administrative bodies and industrial fields are Chinese. These Chinese are destroying peace and security in the society. Chinese rulers expressed that they have to increase the Chinese Population in the region to 3 times more than its present level.

### **Economic Situation**

Eastern Turkistan possesses Oil, Wolfram, gold, coal, Uranium and other rich raw materials. Out of 148 different mines in China, some 118 of them are in Turkistan. 5000 mine fields are operated in Turkistan. This consists about 85 % of all the mine fields in China.

Oil, extracted from 500 regions, Natural Gas from 30 regions of E. Turkistan. Oil Reserve of the country determined of 8 billion tons. Every year 10 million ton of oil transported to China.

Half of CHINA'S coal reserves are in Turkistan. Annual Gold Production is around 360 kg Possesing 150.000.000 km<sup>2</sup> of farm lands and 12.000 km<sup>2</sup> forested lands, 60 million large and small cattles are feeded in the plains of Turkistan.

Being one of the richest country in the world, Eastern Turkistan today is "in the statue of the most underdeveloped country" and its people is starving in the worst conditions of human misery. The major Reason for this is the removal of richesses of the country to China through most savage ways and transforming the entire incomes of the industrial Complexes of the country to the tresuries of Beijing. Chinese Rulers confess that 85 % of Chinese Raw Material wealth comes from E. Turkistan. About 90 % of workers in the industry and 99 % of workers in the oil fields are chinese. That's why unemployment rate among Turks is high.

### **Nuclear Testings And Environmental Question**

China's nuclear center and fields of experment are in Eastern Turkistan. Government without safety regulations applies Nuclear Testing. Since 16<sup>th</sup> October 1964, 11 in the underground 44 Nuclear testings carried out. The last testing carried out on 17<sup>th</sup> August 1995.

In the result of testings, environment destroyed, cases of physical disability among the population ever increased, children borned handicapped, feeding grounds poisoned. In front of this threat, people is vulnerable and without protection. Radioactive effects are after seen in vegetables and fruits. As a matter of fact, banning of Eastern Turkistani origin products by the Western countries in the result of determining radiation in Turkistani origin nuts, is good example to this. According to recent informations, Melons and water melons shortened as size of apple. In the contrary, However Chinese government accepted the mutual economic interests and signed treaties.

### **The Religious Policy of Communist Regime**

After the installation of Communist regime, the new wave of pressures brought against the religions practices. In 1952, General governor Burhan Shehidi stated that 12.000 mainly religious figures had been executed.

Application of "open softness" policy after death of Mao, brought a short period of tolerance into the society. However by 80's, the same wave of anti-religious policies applied again.

The ruler of Communist China, General Vang En Mov, in his 14<sup>th</sup> May 1988, speech, openly expressed the real face of its policy; "Not to worship must be supported, and religious leaders who defend socialism should be cooperated with. Religious education must absolutely be limited. Those who go to pilgrimage must be kept under strict Government Control".

On the other side, in order to open to other Muslim countries, China show tolerance to religious practices the surface. Pilgrimages kept totally under control. Pilgrimage groups are prepared from 10 people each and Communist Respondent remains as their leader.

Mosques could not be stopped from the pray disregard of various pressures and anti-Religious propaganda.

Eastern Turkistanis resist to any types of social and cultural relations with Chinese. As time could allow, they actively show their reactions and hatred. National movements took place in 1953, 55, 57, 62, 67, 69, 70, 85 and 89, reflected in the world press. "Barin Revolt" in 1990 is a good example of how alive the National feelings are in the country.

In 1990, about 400 Religious teachers arrested in Aksu, Kuça, Kashgar, Kargalik and Hoten, under the claim of doing Religious propaganda and Anti-Communist activities. Some were executed and handicapped.

### **Causes Of Revolt**

A gross human rights violations occurring in the region since 1949. These violations are mainly the part of Chinese government's official policy of Racism and pressure. Some violations occurred in the result of violation of Chinese Constitution and the statues of Autonomy, by the Communist Party officials and their arbitrary and intente exploitation of their obligations. Propogated re-economic structuring in China, have not reflected to country's political structure. The government and all other state agencies are under strict control of CKP. Because large part of China is isolated from the rest of the world, free movements of Human Rights organizations within the region is illegal.

The only thing known disregard of all these secrets, is that those who came against, the Chinese officials donot have SECURITY OF LIFE. All social problems, social activities ruthlessly suppressed. Approaching the World through Trade, Chinese government runs away from International Cooperation

when it comes to "Human Rights". Everything considered anti-Regime in China, Eastern Turkistan, and in Tibet mercilessly and savagely annihilated. Thousands of opposition figures, Human Rights defenders arrested and sent to exile, to military encampments. The inhumane treatment against them identified by Amnesty International. According to International organizations, basic human Rights of ethnic people of Eastern Turkistan grossly violated; They are being held without trial or sent to labor encampments by the decisions of court procedures which are far from basic international justice standards, subjected to immense punishments such as forced sleep over the piece of wrap or over the straw, not even allowing of usage eating, Massive executions of Turks in the stadiums for show down. All these reports are written in the officials reports.

If accusation against suspect is the defence of the motherland, the death sentence decision by the court make everything straight. Communist party controlled "Trial" give human life an end by chaining suspects by neck, hands and feet.

"Death sentence" applications in Eastern Turkistan, differently than in other countries, is used to intimidate and subjugate people. These killings realized widespread and arbitrarily by the deadsquads. When these execution orders given, The Judicial principle of proof of Accusation against political activists is not needed.

To all these, Our women taken out from their homes STERILIZATION and MASS ABORTIONS are applied. Forcefully above quota babies born or still in the Mother's fetus immediately taken by force in the unhealthy environments, and killed without consent of their families. Later their organs (liver, heart, cornea, eye) are removed for selling abroad. Their baby bodies then burned in the private ovens. All these matters are identified by Human Rights organizations.

Between 4<sup>th</sup>-8<sup>th</sup> February, a "Morning pray" was held by thousands of people for 200 patriots killed in action. A military emergency installed in the Gulcha city. The Curfew was applied about in every province of the region.

All airports shut down, entrance and exit in and out of the region banned. Roads to Kazakhstan and Kirgizia are closed off.

#### Arrests

Between 4<sup>th</sup>-7<sup>th</sup> February approximately 3500 people in Gulcha city arrested. All residential points taken under control. By the 11<sup>th</sup> February thousands of males, young and old arrested. Between April 1996-December 1996 arrested rose from 58,000 to 70,000. According to last information reached to headquarter of Eastern Turkistan-American Human Rights Committee on 13<sup>th</sup> February, about 5000 arrested in last four days.

### **Wounded, Dead**

Wounded are reported to be in the thousands. Actual number is not known. Because wounded people have no opportunity to go to state hospitals, their treatments done at home by primitive methods. On 11<sup>th</sup> February according to expression sent to our center by a doctor whose name concealed was that "Chinese tyranny is in the intolerable level, the treatment of wounded people is illegal. Many of our Mujahedens had died because of no treatment done of them. Also the same doctor said that "the bodies of dead mujahedens burned." This news also approved by Hong Kong based Ming Bao Newspaper and one local TV station. The same newspaper with its interview with an Uigur Turk, said that till the eve of 11<sup>th</sup> February over 1000 Uigur Turks were killed. Our sources estimate the death casualty even higher. Till this time the real figure still has not been determined.

On Feb 12<sup>th</sup> the news of 105 casualties was received. Also according to Taiwanese News Agency Report, that in the villages of Gulcha city 100 young people killed in the village squares. Our sources confirmed this. This 100 people massacred in Kipekyüzü and Celiyüzü villages of Gulcha.

30 members of Resistance Organization were arrested and executed in Urumchi. This news ratified by the spokesmen of CKP. Too. In the event of Feb. 12<sup>th</sup> 10 Turkistani killed and 140 Chinese soldiers wounded. This information too official stated. This official statement displays the seriousness and bloodiness of the event. Isolation of the region from the rest of the world is a sign of high number of dead and wounded.

### **Last Situation**

Clashes continue seriously. Lives of thousands of people under blockade is worrisome. Arrested and exiled 58.000 people in the Amnesty International's Reports, is facing the danger of death. No information of whereabouts of 3500 people arrested between 4-7<sup>th</sup> February 1997, received. Chinese state terror is continuing with all its intensity and those who killed in action are burned in the ovens, in order not to give a way to another Public Revolt. On the roads and in city centers 1000 burned military vehicles reported.

### **Our Requests From Chinese Government:**

- Permission of Press Members to enter the Eastern Turkistan for direct investigation of events there.
- Stop of Untried executions.
- Release of those who are below 18 years of age.
- Permission to Amnesty International, United Nations Human Rights Commission and other Agencies to have full investigations in the Region, prisons, and camps.



- Expelling of Chinese immigrants who are mainly prisoners and possess the purpose of Genocide, Chinese Military forces and their families who settled in the region under the Banner of Farmers, Civil Servants.

- Maintenance of just trials of those 58.000 people under surveillance of International Lawyers Association, within the frame work of Human Rights and Rules.

- Banning of forced Abortion and forced birth controls.

- Religious and National Cultural Rights and freedoms.

And permission by Chinese officials to allow 5 member Delegation of our Center to go to Eastern Turkistan....

**Our Requests From Turkish Government:**

- Emergency meeting of National Assembly and held of secret session.

- Official initiative of National Assembly to Human Rights commission to send delegation to the Region.

- Maintenance of sending help to the region by the Red Crescent.

- Official initiative under auspices of the U.N. send International Organizations to the region.

- Recognition of rights of citizenship and residency to Eastern Turkistans who escaped and came to Turkey to while fighting there.

- Republic of Turkey consulate to open in Eastern Turkistan, just like Chinese Consulate in Istanbul. If this cannot be recognized, then closure of Chinese Consulate in Istanbul.

**Our Requests From International Organizations:**

- Sending the Human Rights Delegation to the region.

- Humanitarian aid of Red Cross for treatment of wounded in the events there. United Nations to open emergency representative in the region.

As a result, struggle of existence of more than 26 million Turks in the Eastern Turkistan (50 million-Azer Aslan) continues, disregard of inhumane colonial mentality which cannot be equaled to any types of human honor and dignity. Eastern Turkistans are deprived of all types of basic human rights today. I would like to introduce that this oppressed people who give struggle off the right to live as human being and right of existence wait for emergency care and in interest from the humanity.



## **EASTERN TURKISTAN REPORT AND HUMAN RIGHTS VIOLATIONS**

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### **I. Eastern Turkistan**

This state survived between 1944-49 in the result of China's war with Japan and later on through the civil war within China. However it couldn't organized and failed remaining independent, till 1859 Eastern Turkistan passed two independence experiences, however non of them had been long lived.

In recent years, it was believed that economical liberalization in China will effect her politics too. This view is bound to collapse of the Soviet Union however this assumption does not seem appropriate. First of all the demographic structure of China is not as same as Soviet Union's. Existance of 50 vorious ethnic groups in the country is true. But more then 90% of some 1 Billion people is ethnically Chinese "Han" element. This population mainly gathered in the eastern part of the country. Eastern Turkistan and Tibet remained rarely populated regions however in the result of assimilation policies, population in the east forcefully transformed to the west and "Han" ethnic domination is attempted to be maintained. In the Eastern Turkistan Uigur-Han ratio is 2:1 for the Uigur side. However in Inner Mongolia Chinese ratio is 6 times more than native inhabitants. The same settlement policy is still continued also in Tibet.

According to Chinese official sources, there are 20 million Muslims in the country. 8 million of this is Uigur. However Eastern Turkistanis are claming that they are 22 million.

### **II. How The Recent Events Started**

Events started in the Karadong-Karatepe mosque which is located in one of the outskirts neighborhoods of the İli (Gulcha) city which is 40 km from Kazakh border in the Northwestern part of Eastern Turkistan. About 30 women

gathered in the mosque for prayer in one of holy days of the Ramadan. In this moment Chinese military forces attacked them and started to beat them with iron sticks and bars, took them to security. Neighborhood residents requested for the release of women. From the inside the bodies of three women thrown out in front of the of 100 people group. Seeing this emotionalized group attacked and lynched two police officers there and started walking toward the center of the city. In the night of this event, thousands of people in various mosques with the slogans of "Freedom to Motherland", "Long live independence" started walking toward the center of the city, after this news. Communist party buildings are given to fire. Chinese Militia fired on the people, as a reaction 5000 gathered people started to attack. Being in the under ground for 45 years for freedom, Eastern Turkistani Islamic party and Eastern Turkistani freedom party members began guerrilla type street fights against the fire power of Red Chinese soldiers.

Clashed continued from the night of 4<sup>th</sup> February 1997, till 7<sup>th</sup> February. In the morning 196 Freedom fighters, 100 Chinese soldiers claimed to be killed in action. 140 heavily wounded reported. 1000 Turkistani wounded in the actions and no medical Treatment given to them according to informations received. Between 4<sup>th</sup> and 7<sup>th</sup> February about 3500 people arrested and sent to concentration camps.

Communication held with organization members, we have received the information that on 8<sup>th</sup> February an armed resistance decision is taken in the entire region. In the morning of the same day a demonstration held in front of the Chinese consulate in Istanbul. That day prayer was banned in the entire region except in two mosques in capital Urumqi. Hearing the demonstration in Istanbul, people in Eastern Turkistan and sticks invaded the streets. Under the slogans of "Long live Turkey" "Long live Istanbul", "Long live Turkish Unity", "Long live Atatürk", people attacked the houses, stores, and cars of Chinese settlers, police stations given to fire. On February 9<sup>th</sup> all Chinese police and civil servants kicked out of Karakash, Guma and Kargalik counties. These three counties are declared as "Liberated regions". Now these counties are under blockade of Chinese army. On 7<sup>th</sup> February Itlichi and Lop counties cleared from Chinese soldiers and police.

Also it was heard that Chinese settlers are escaping toward the North. About 4000 Chinese left Turkistan already.

An bombed attack carried out on the rail road line that bounds Eastern Turkistan to China by Resistant fighters. The news of explosion on the bridge in one of vitally important rail road point prevented Chinese forces in a great deal. The name of this bridge identified as "YediKudug Bridge" in the Morning of 18<sup>th</sup> February freedom fighters attacked Tarim concentration camp, and freed hundreds of Turkish prisoners.

### III. Human Rights Violations In Eastern Turkistan

Gross human rights violations occurred in the region since 1940. Majority of these violations are based to official policy of China. Economic development in the country is show-piece. Large part of the country is still isolated and Human Rights organizations do not have right to enter to these regions. Social movements ruthlessly crushed. Chinese government runs away in concern of "Human Rights".

Thousands of opposition groups and individuals are kept under strick control in the prisons, concentration camps without healthy conditions.

According to International Organizations basic human rights of ethnic people of Eastern Turkistan grossly violated, they are being held without trial or sent to labor encampments by the decisions of court procedures which are far from basic international justice standards, subjected to immense punishments such as forced sleep over the of wrap or over the straw piece of not allowing of usage of toilets in time of need, forcing them to do their toilets on the plates they use for eating, also massive executions of Turks in the stadiums for show-down. All these violations are written in the official reports.

If accusation against suspect is the defence of the Mother Land, the death sentence decision of the court will take make every thing straight. Communist Party controlled "trial" give human life an end by chaining suspects by neck, hands, and feet.

Death sentence application in Eastern Turkistan, differently then in other countries, is used to intimidate and subjugate the people. These killings realized widespread and arbitrarily by the deadsquads. When these execution orders given, the principle of proof of accusation against, political activists is not needed. To all these, women are taken out from their homes and by force sterilization and mass abortions applied. Babies born or still in the mother's fetus immediately taken by force in the unhealthy environments and killed without consent of their families. Later their organs (liver, hearth, cornea, eye) are removed for selling abroad. Their baby bodies then burned in the private ovens. All these matters are identified by human rights organizations.

Today people arrested arose to even higher proportions. Being 58.000 between April 1996-December 96 this number might have increased to 70.000. According to 13<sup>th</sup> February information of Eastern Turkistan- American Human Rights committee, in the recent events 5000 people arrested. Entire jails and concentration camps filled, those who could not be taken in, thrown to cold air condition stock piles. In unhealthy conditions, our people is faced hunger and starvation.

Wounded are reported to be in the thousands. Because majority of these wounded do not go to hospitals, their treatments done at homes by primitive methods. Many of these die from blood loss and their bodies burned. Hong Kong based Ming Bao Newspaper confirmed this. 1500 people killed in recent events.

5000 people arrested between 4-18 February, their addresses are not known. On 16<sup>th</sup> February about 9000 freedom fighters, within 50 people groups, displayed in the city squares naked-without dress and tortured in front of the people. With this, the resistance of Turkistan intended to crashed psychologically.

"Right to live" in China is being violated continuously. Death sentence is used in offensive types of offences also. In 1994, two farms executed because they stole 36 cows from the state farm. Even young people under eighteen years of age whose punishments postponed, latter they executed. According to Int. Amnesty, 2780 death sentences are given, 2025 of these are carried out. This number is 3 times more than the world average. Executions carried out in first 6 months of 1995 is 1147. Beside all these Chinese security forces fire on the people in Turkistan indiscriminately. In 1990, About 1000 Chinese forces fired on the praying people in Barin, close to 100 people killed. With these methods, "the organ transport" is intended. According to Human Rights reports %90 of liver transplants are realized by this way. Selling of one liver makes about 15.000 USD. These and related events are the major cause of instability in Turkistan. For 48 years this yurrany continues and counterresistance is given.

#### **IV. What Can Be Done In The International Platforms?**

First of all this tyranny is against the Chinese Constitution and Act of Autonomy. This can be expressed. According to 38<sup>th</sup> Article of Chinese Constitution "In autonomous areas where more than one nationality exist together, then every nationality is given right to be represented" Also in the same article "people congresses and Revolutionary committees are self-Administrative bodies of autonomous regions, autonomous provinces and autonomous counties." According to 39<sup>th</sup> Article "They also fulfill the duties and authorities of local state agencies". Also in the same article "The self-administrative organs in the National Autonomous Regions may give special orderings under the light of cultural, economic and political peculiarities the Nationalities they represent. While these organs fulfill their obligations, they mainly use the written and speech language of be National or Nationalities whom make up the majority of the population in that region". According to 40<sup>th</sup> Article of the Constitution "The Superior judicial organs of the state, totally guarantee Autonomous practice and application of the self-administrative bodies in the National Autonomous Regions, show great care for the education of officers of various minority nationalities."

Chinese Constitution also in the Basic Rights and obligations section, had lined the Human Rights between 44<sup>th</sup> and 59<sup>th</sup> articles. In the 45<sup>th</sup> Article "citizens possess rights of expression, communication, press, assembly, organization, marching, demonstration, Right of expression of ideas, openly stating them, expand, discuss and making public spectacle."

Also in the 46<sup>th</sup> article "Citizens' use the right of worship to religion and right of individual and residency are antouchable. Citizens, without decision of people's court and ratification of people's procuratures (Administrative bodies) cannot arrested. Arrest can only be done by the public security agencies."

These existent judgements in the Chinese Constitution can be used as a legal support in the international platforms.

#### V. Universal Declaration Of Human Right

This Declaration published in 1948. United Nations General Assembly ratified this and no objection faced while in the ratification. 8 states which China was not among them put drawback to some of the articles.

These judgement in this declaration openly indicate contrary Attitude of China:

a) No one can be sentenced from an action which does not possess on offence.

b) Respect to private, domestic life, residency of every individual.

c) Respect to thought, conscience and religion rights of every individual.

d) Every individual has right to express his /her thought (Art: 10)

e) Every individual has right to live, security and personal security (Art: 3)

f) No one can be subject to torture, unhumane and dishonorable treatments (Art: 5)

Article of the declaration says that: "Everybody has a right of social and international order for total application of rights and freedoms declared in this declaration."

Also in the declaration these reminders given about obligations of signatory states:

"Dignity of all the members of the human family and matters of recognition of these unrotating and equal rights, for the freedom, justice and world peace.

"Recognition of Human Rights and its contemptibility is being caused in the result of many barbarities which forced human conscience to revolt and for the world where people survived from horror and poverty and have the belief of living in a world of right to express and believe."

And with this order it brings follow-up obligation of Human Rights to member states: Member States, whether they show the respect while performing the guarantee for major rights and human rights by having cooperation with the United Nations organization." Finally Declaration states that if states not to fulfill these rights and freedoms, then "Right to Resist" is going to come into being. This is said that: "Human being in order not have to revolt against tyranny and pressure, for last option, then protection of human rights with the legal regime is must."

Also in addition to these 1945 U.N. treaty. brought this obligation to countries that "To develop friendly relations based on respect to self-

determination and equality principle among nations and to take all other measures appropriate for the strenghtening of world peace.”

#### **VI. Declaration About Giving Freedom To Countries And Peoples Under Colonialism**

The Head of Cabinet of Ministry of Soviet Union Kruchev, in his Letter to U.N. General Assembly secretary on 23<sup>rd</sup> September 1960, asked for placement of “the declaration about giving freedom to Countries and peoples under Colonialism” in the 15<sup>th</sup> session of the General Assembly meeting.

Kruchev in his letter expressing that more than 100 million people live under colonialism, and their independencies should be given. However European countries approached this suspiciously. Asian and African countries said “Yes”. Turkey was the only European country that said “yes”. In the content of the declaration it was said that: “Being in the conscioussness of necessity of formulation of environment of friendly relations to major freedoms and human rights without doing seperation on the basis of religion, language, sex, race and equal rights of all peoples... Accepting the determinative role in obtinance of their freedoms, and hunger of freedom of all loyal peoples... Taking consideration of important role to facilitate the independence movements in the none-autonomous countries and countries under guardianship, the United Nations must consider that rejection of the independencies of these countries and obstade in front of their freedom movements, will intensify conflicts and will possess major treat to the world peace... Accepting that the world peoples wish and desire for the end of the colonialism... Believing that colonialism prevent loyal peoples, from social, cultural, and economic developments and being contrary to the ideal of universal peace of the United Nations... Confirming that peoples do have ability to use their natural resources, freely for their developments... Believing that all types of racist applications do create crisis in these countries and their liberation period is being unresistable... Applausing newly independent nations and accepting strong freedom tendencies in these countries... officially declare the vitality and importance of immediate and unconditional abolishment of colonialism believing that these peoples do possess right to use their administrative powers... And for this cause these matters to be stated that:

a) Subjection of peoples to colonialism, foreign exploitation and domination are contrary to major human rights, contrary to U.N. Act and abstacle for world peace and cooperation.

b) Peoples have right of self-determanition. They have right to determine cultural and social developments independently.

c) Assumption of unsatisfactoriness of peoples educational, economic or social levels, can not be the basis for delayment of independence. In order to



give' loyal peoples peaceful usage of their rights of freedoms. types of armed movinterventions against them and all pressures must be stopped, integrity of national states must be respected.

d) In order to give opportunity for independent usage of freedom rights to all countries under guardianship or un-autonomous, Measures use going to be taken for unconditional transfer of power to these- peoples disregard of race, religion and color.

China signed this treaty and didnt drawback. This declaration under auspice of U.N. can be proved that Eastern Turkistan was covered by this and discussion can be opened.

#### **VII. International Agreement On Individual And Political Rights (New York 1966)**

Prepared by the U.N., in the beginning of this agreement, it is said that: "According to principles declared in the U.N. treaty, considering the cornerstone of peace, justice, and freedom in the world, recognition of equality and honor that come from the Qualities of all members of human family... Knowing that these rights based on the honor in the Quality of human individuality... Giving attention to the responsibility of development of universal respect for human Rights and freedoms by the nations according to U.N. Treaty.... "Agreed on these matters.

a) All the peoples do have right of self-determination. According to this right they will form their political statues and maintain their economic, cultural and social developments freely. (Art: 1/1)

b) All peoples can exploit their Natural resources. No society can be deprived from obtaining the tools necessary for their development and existance. (Art: 1/2)

c) States responsible of administering the countries under their guardianships will support the self-determination right of the peoples and will respect in accordance to U.N. treaty (Art: 1/3)

d) All states signed this agreements are going to take obligation to sustain these given rights to all peoples under their jurisdictions without basing to race, color, sex, language, religion, property, political thought and respect to these given rights.

e) In conditions when existed legal measures are not satisfactory, state part of this agreement is responsible of taking measures and necessary legislative measures for maintaining the application of recognized rights from this agreement. In accordance to judgements of this agreement and its own constitutioned rules. (Art: 2/2)

f) None of the judgement in this agreements cannot be comment by the way of usage of one of these recognized rights to be annihilated, or limited or gave way to any action or attitude against. (Art: 5/1)

g) State part of this agreement, cannot do limitation or contrary to these recognized rights with the assumption that anyone of these rights is contrary to state law, or tradition. (Art: 5/2)

After these general principles in the III. section, major individual rights and freedoms are given:

a) Every human being has a right to exist... No one can take this by force (6/1)

b) Death sentence can only be applied by the decision of authoritative court (6/2)

c) Death sentence cannot be given to those under 18 who commit crime and to pregnant women (Art: 6/5)

d) No one cannot be subject of torture, dishonorable treatments. No one, without his/her consent can be subject to medical or scientific experiments (Art: 7)

e) Everbody has individual freedom and security. No one can be arrested arbitrarily, and subject to deprivation of freedom without proper court order. (Art: 9/1)

f) Those who are deprived from their freedoms, the procedures must be done in accordance with respect to his/her birthright and his/her honor (Art: 10/1)

g) Non-Adult Suspects must be kept away from Adults, and within short period should be taken before the court. (Art: 10/2)

h) No intervention must be done against private affairs, family or communication of the individual arbitrarily or not. No attack should be allowed against honor or fame of the individual in the society. (Art: 17/1)

i) Everybody has thought, conscience and religion freedoms. This right is given for free usage, practice and learn of religion individually or by in mass gatherings. (Art: 18/4)

j) No one is subject to religious intolerance and pressure (Art: 18/2)

k) Everbody is equal in front of the laws and without separation protected by laws equally (Art: 26)

n) Rights of minorities protected by the signatory states. Minorities do have right to benefit from their culture, right to pray and usage of their language (Art: 27)

There are of course a lot of rights in this agreement in this direction. Human Rights Committee founded for following the cases opposite to this agreement. The candidates to committee introduced by each state, latter elected by majority vote and secretly by the U.N. General Assembly. To the Committee more than one person cannot enter. Election of Committee members based on equity... Distribution based on, different cultural forms, representation of major Legal systems are considered. Elected for four years. May be elected one more time.

States side to agreement, inform anti-Agreement human Rights violations to U.N.G.A. (General Assembly), G.A. introduce these reports to committee for

investigation. However, the subject matter attempted to be solved among the countries themselves. Committee's handling of the question takes place only in accordance to general principles of International Law and within this base all domestic law channels are run out. Committee in solution of the problem tries "friendly solution" method. If this does not work then "Reconciliation Commission" founded. Within a year a problem is introduced to G.A. as a report.

By introduced protocol validated in 1976, those individuals whose rights had been violated can also be applied. Here again all the domestic law channels must have been run out. Committee informs state and asks for information. Situation annually reported to G.A. with a report.

#### **VIII. Agreement On The Prevention Of Genocide And Punishment**

This agreement accepted by the U.N.G.A. on December 11<sup>th</sup> 1946. According to Agreement Genocide is the partial or total annihilation or destruction of National, ethnic, racial or religious group. These physical and mental destructions, interruption of births among the group, Treaty making an genocide. Those individuals could not be punished. Signatory states must indicate this in their interior Laws and must determine the level of punishments. Those individuals could not be punished are transformed to International Court of Punishment. In this situations states must return criminals in.

If Genocide committed by the state, then situation is taken to Int Court of Justice.

According to Int. Legal principles recognized in the decisious of the court and Nurnberg Court Document, Non-consideration of puhishment of Domestic Law within the framework of International Law, doesnot save anybody from international responsibility. If this person is in the post of state head doesnot change the situation. Also receiving order from state authorities doesn't change the situation.

#### **IX. Declaration Of Abolishment Of All Types Of Separation And Intolerance Based On Religion And Faith (1981)**

In the beginning of this declaration, it is reminded that Universal Human Rights Declaration and International Agreement on Political Rights declared that no separation on the basis of religion, thought and faith freedoms before the Law and said that "Considering guarantee and respect to religion and faith freedoms and these being one of major elements of concept of life for those persons who possess religion or faith; it is stated that unacceptability of usage of religion or faith freedoms stated in the UN documents for intentions cannot go side by side with causes and intentions of these documents which attempt to develop respect, tolerance and under standing in concern of religion and faith.

These are some judgements lined after this entrance:

1) Everbody possesses conscience and religion freedoms. This right covers worship, praying, practicing and learning of religion and faith either individually or together. (Art: 2)

2) Noone can be subject to compulsion to limit his/her religion selection or practice. (Art1/2)

3) Noone canbe subject to state agencies, human group, and persons because of her/his religious beliefs. (Art: 2/1)

Expressions "intolerance and separation based to Religion and faith" explained this way. "It means all types of, marginalization, differenciation aganist the recognition of major freedoms and human Rights based to Religion and faith (Art: 2/2)

Doing seperation on the basis of Human faith and Religion, is contrary to the principles of U.N. Treaty and will be condemned as the violation aganist said human rights and major freedoms, as well as to details of it. Agreements and an obstacle in front of the peaceful and friendly existance among Nations. Parents do have right to give Religious education to their children. No parent is going to be forced to give his/her children religious education" (Art: 5/2)

"Child is going to be defended aganist all types of religious based separation. He/she will be raised with tolerance, friendship, universal brotherhood, peace and with the spirit of respect to other's religions and faiths." (Art: 5/2) On the 6<sup>th</sup> Article what Religion and faith freedoms cover are given as:

Worship, opening worshipping places, supply of tools to perform pray, publication on these fields, distribution of these materials, teach and learn, educating necessary religious heads, appointing them, electing, determination by right of succession, celebration of religious days and ceremonies, founding communication sistem in the international level and continuation of it.

#### **X. Helsinki Final Act (1973-1975)**

This document VIII. section carries the headline of "Eual Rights and Self-determination of Peoples". It is said that: "All the peoples in every time without foreign intervention do have right to determine their political statues and follow their economic, cultural, and social development all the time.

#### **XI. Organization Of European Security And Cooperation (Oesc) Paris Act (1990)**

Meeting hold in Berlin (1991), Prague (1192), in Helsinki (1992) Stockholm (1993) many different decisions taken. This is period of Conference of E.S.C. in 1990 Paris Act signed. In its "Guide principles for the Future" section and under the headline of "Human Dimension" it was said that: "We are going to work ever more harder for the betterment of conditions of national minorities who

add richness to the lives of our societies. We determine our deep believe for formulation of necessary conditions for the strenghtening and protection of ethnic, cultural, language and religion identities of national minorities, within the friendly relations between our peoples, beside of peace, justice, integrity and democracy. We state that problems related to national minorties can be solved within the Democratic framework. We accept that National Minorities who are part of Universal Human Rights, should be respected. For the protection and having Cooperation on the National Minorities in their emergency needs....”

### **XII. Copenhagen Meeting Document (1990)**

About 30- to- 40 Articles of this document dedicated to Minority Question. In this document it is said that: “It is determined that respect to minority rights of the persons will be the major element for democracy, integrity, peace, justice in the participatory states as a part of universally recognized Human Rights. These judgements lined latter on:

31- National minorities are equal before the law and possess equal rights to use Major Human Rights and freedoms. Participatory states are going to take every measure necessary to create equal opportunity and freedoms for national minorities.

32- Being a member of any ethnic group is individual’s personal option. No disadvantage arose for this matter. National minorities without fear of assimilation attempt to possess right of free expression of tought, protection and development. Minority member individuals possess these rights bellow:

32- 1- Free usage for mother toungue.

32- 2- Formulation and organization of educational, cultural, and religion facilities through public aid, voluntary financial contributions in accordance to national procedure.

32- 3- Religious activities rights for minorities. Free expression of tought, continuation and advencement of religious education.

32- 4- Minorities can create communication network with their kinship in other countries who possess same language, culture and religious heritage.

32- 5- Receival information and exchange of knowledge in the mother toungue.

32- 6- Founding organizations in their own countries, participating activities of International Non-Governmental Organizations.

Individuals who are members of minority groups can benefit from their rights of individuals or together. No dis-advantage come into being for usage of these rights or not.

33- Participatory states will protect these rights and create environment for the application of these rights. For this intention, in order to maintain measures, state decision making bodies will consult with organizations of minority groups. These measures must be appropriate to the principles of equality and prevention of separation.

34- Participatory states must try to create all types of environment for the use of minority languages in accordance with state's national procedure and minorities do have education in their native tongues.

35- Participatory states will respect Minorities' attempt to protect their rights and activities to develop themselves. The intention of this cooperation is to strengthen peaceful and friendly relations between peoples.

36- Participatory states, accept that development of constructive cooperation about the problems of national minorities has private importance.

Participatory states, will make that some minority groups do have local and autonomous administrations which related to special historic and territorial conditions. In this base states will create appropriate state policy to formulate conditions which would benefit the direction of reaching to these targets.

Participatory states will create cooperation, solidarity, mutual respect and tolerance environment without ethnic or religious separation. Also solution of problems in accordance to civil state principle based dialogue will be encouraged.

37- Non of these judgement has any commentary of contradiction to final Act and U.N. Principles and Causes.

38- Participatory states will bound all agreements related to Minority Human Rights and freedoms. If they didnot do that yet, those who recognize right to complaint will think about being a part to related agreements.

39- Participatory states must be in cooperation with International Organizations which have research and study on human rights concerning the problems of national minorities in accordance with U.N. or European Commission.

Also Expert Meeting in order to discuss the Question of National Minorities can be searched.

40- Participatory states condemn all types of Racism, totalitarian rule, hatred based on ethnicity, hostility against foreigners. In this framework they accept the special problems of Gypsies. Participatory states state that they are willing to struggle against those above. In the result,

40. 1- Participatory states take necessary actions by using all types of tools necessary in accordance their constitutional systems and International obligations for defence against violance and ethnic hatred.

40. 2- States will promise that they are going to take all actions possible to protect persons of ethnic minority and their property against all types of violence on the basis of ethnic, religious, cultural hatred.

40. 3- States will take necessary actions in order to increase tolerance and understanding in the fields of education, culture and in information in National and local levels in accordance to their constitutional systems.

40. 4- Racial presudice and hatred questions in the education system must be the important matters to point.

40. 5- Unjusticeness faced by individual can be complaint and state will attempt to heal the wound in accordance with domestic procedure.

40. 6- States must view all the documents, consider to be part of and must maintain harmony with all these including judgements, and periodic report defence.

40. 7- They are going to investigate the opportunity of acceptance of International mechanisms, notices related to separatist activities, states, and individuals.

41- Participatory states underline the importance of balanced approach in the subject of cooperation and security in the Europe and determine their loyalty to human dimensions of C.E.S.C. They are agreed that C.E.S.C Human Dimension Conferenre, Vienna Closing Document have proved their importance the solution of certain problems, development of cooperation and dialogue, and human dimension mechanism. They express their satisfaction on the develepment of these methods as a part of C.E.S.C. period.

42- Participatory states agreed on the increase of influence of methods described in the 1-4<sup>th</sup> paragraphs of C.E.S.C. Human Dimensions section of the Vienna Closing Document. They decide these matters.

42. 1- Information request and attempts done by participatory states in written form, the answer will be given them no more than 4 weeks, as soon as possible.

42. 2- Execution of bilateral meetings mentioned in the second paragraph three weeks beginning from the date of application.

42. 3- If no result came out from bilateral meeting, then avoiding to bring problems to the meeting which have no relations with the subject.

43- Participatory states investigated concrete suggestions about the betterment of obligations about C.E.S.C. Human dimensions. In this framework, in order to investigate special cases and situations, sending of observation team, foundation of Committee for C.E.S.C. Human Dimensions, offering of solutions to states, individuals, organizations, increase of mutual and multilateral attempts evaluated.

They decide that, they are going to investigate for betterment and development of Human dimension mechanism in next meetings of C.E.S.C. and taking more measurements in accordance. They agreed that these new and influential developments will give more security to contribute the prevention of clashes and maintaining the security.

### **XIII. The Report Of Meeting Of National Minorities Expert**

1991 Meeting of C.E.S.C. in Geneva Minorities Question handled by detail.

Being satisfied on democracy's influence on the major human rights and freedoms in the states where minorities exist, and their usage of democratic

agencies in these countries, Acceptance of various approaches to Human Rights issues in the countries where there are variety of situations and constitutional systems in relation to application of C.E.S.C assurances. Being in the consciousness of creating better solutional methods for betterment of questions of minorities and considering them as a factor of richness within the society.

Determining the need of fulfilling the obligations and respect to human rights and freedoms mentioned in all int. Documents. Respecting to all promises passed in Helsinki Final Act, Madrid Final Act, Vienna Final Act, Kopenhagen Meeting Document of C.E.S.C Human Dimension Conference, Krakoi Cultural Heritage Symposium Document and Paris Act for New Europe, they put their determinative wills below.

The representatives of participatory states consider Paris Act for New Europe, C.E.S.C Human Dimensions Conference, and Declaration of Copenhagen Meeting as the basis for their works. Betterment of human rights in every field, free Trial procedures equal rights and statues, political pluralism, free expression of thought are guaranteed.

Effective participation of minorities to public administration, their participation of their country's solution of National problems, also their participation of Decision Making procedures of their countries, solution of minority problems through constructive meetings and consultations, will be encouraged.

Equal Rights of all citizens, respect to minority rights will be deserved.

All types of Assimilation methods are going to be abandoned. Education residency, employment fields are going to be deserved for betterment for the situation of minorities. Judiciary and administrative channels must be open to those minority individuals who suffered through consequences. Mentioning all those above they note that:

a) Representation of minority groups in the decision making policies especially in the fields of Education, Culture and Religion.

b) Local and autonomous administration in relation with National Minority affairs in the country basis by the existance of Administrative organs through the free and periodic elections.

c) In the situations where autonomy is not used, then administration of ethnic peculiarities concerned affairs.

d) Local Administrative forms.

e) Allowence of having mother language education in satisfactory level in areas where minority groups possess a respectable number of population.

f) If there is no possibility to open minority language schools then attempting to find the ways to accept the diplomas of schools given education in that language.

g) Foundation of state Research Institutes which can distribute the knowledge which respecting laws of equal opportunity.



h) Financial and technical aid of state to minority groups who want to open educational and religious facilities.

i) Civil Relations Service in the situations of local troubles.

j) To prevent trouble may be arose between neighboring communities. To create cooperation.

k) Creating easiness for continuing dialogue between border regions or founding joint commissions in regional levels.

Participatory states agreed that above approaches way be beneficial for the better went of situations of minorities. Religious hatred, ethnic hostilities must be prevented in every level of national societies. Tolerance and better relations between peoples must be encouraged. People's consciousness and education on tolerance, racial hatred, violence must be increased. Racial crimes must be tried in the court totally cleared from racial prejudice and orders must be given by justice. Cultural monuments protected, environment of the region preserved. Usage of press information should be respected.

#### **XIV. Agreement Against Racism In Education (Paris, 1960)**

This agreement defines Racisms' in Education as "To abolish the equality in education based on race, color, sex, language, religion, political view, societal or National identity. "This agreement states mainly: a) to prevent group or individual from education. B) to limit group or individual to standard education.

Conflicts are solved in court of justice.

#### **XV. Int Agreement On Abolishing Of All Types Of Racism (New York 1965)**

Founded by U.N. Attempts. "Racisms" defined as "Attempt to marginalize, limit, separate group of people or individual based on race, color or nationality from basic human rights and freedoms in the fields of society, politics, economics and culture."

"Participatory state takes the responsibility of every type of racism against individual or group would come from Her- agencies and institutions." (Art: 2/a)

"Participatory state must correct all its judicial institutions and prevent all types of racist activities." (Art: 2/c)

Reconciliation commission founded in the U.N. Also in the top 18 member Abolishing of Racism Committee organized.

#### **XVI. Agreement On Abolishing All Types Of Hostilities Against Women (1979)**

Committee on prevention of hostilities against women founded (Art: 17)

### **XVII. Regulations Of Behaviour Standart Should Be Applied To Prisoners (1955)**

Ratified on 31<sup>st</sup> July 1957. Minimum conditions applied to prisonery determined here.

### **XVIII. Agreement Aganist Torture, In Humane Or Honor Breaking Treatment (New York 1984)**

Torture defined as physical and spiritual pain giving aganist human being or group of people in the basis of political view, race, culture or religion by state or by any other authoritated individuals." (Art: 1)

An committee was founded on this basis.

### **XIX. Children Rights Declaration (1959)**

Signed in Geneva in 1924. In the beginning of this declaration it was said that not being matured physically and mentally they deserve the care and love of mother, father, state, relative or third individual. For happiness of the child "every child possesses all types of rights disregard of birth, nationality, language, religion, sex, race."

### **Result And Evaluation**

1) China's treatment against Eastern Turkistan is open and clear. This treatment and other in humane policies against the native people of E. Turkistan is totally Genocide.

2) What can be done in the world concerning of Human Rights. No state in the world can say "This is my citizen, what is it to you?" any more. Powerful-advanced Technology do not hide realities, and in short period of time reality surface over the water.

3) Chinese tyranny must be explained to the world. Forexample sensitive photographs can be illustrated in the world press. Beside all these can sanctions against China worked out? As we know European and American Human Rights organizations follow China from close approximity. However because China is not in such a Regional formulation, the work of these sanctions are becoming almost impossible. Then this Question must be taken with the U.N. Non of these agreements signed by China. In order to display the opposition of China to these agreements, U.N. Security Council and General Assembly must be active. China is 5 permanent member of security council which can use "Veto" right. However China cannot use this right in regard to subject about herself. China can be brought before the General Assembly where she may use its Veto right if the sanction to apply against her. If all other roads are closed then 377 (v) Numbered 3<sup>rd</sup> November 1950 "Decision on Unification for Peace" of U.N.G.A. As we know Security Council has the major authority and Rrsponsibility on the peace

and security Questions. However in cases of abuse of veto right by any Council member then G.A. way take over its power authority and do give decisions.

However Human Rights subject unfortunately became an political agenda for nations to use it as their political goals. Polarization in the world creates interest oriented dogma good for their National Interests or not. These troubles forced Nations to be more suspicious about the Agreements signed is not an "Domestic Affair Question" any more. That has an International Character. No state can act any way she wants in concern of this subject. As civilization increases "Sovereignty" and "Don't Intervine to my domestic Affairs" words are losing their influences. NGO's are also giving activities in this field. Also Int. Pressure Groups, like NGO's do have some certain influences in this field NGO's are in below:

**1) Int. Red Cross Committee**

Founded in 1863 in Switzerland. Give service for humane reasons. Major working field is protection of prisoners of War and Wounded. Uses "Quiet Diplomacy". In time of determination of human Rights Violations, it declares it to World Opinion.

**2) Int. Lawyers Commission**

Consist of choosen Lawyers from different Judicial systems expect commuinst Countries. Major reason is to show respect to Law and defence of Human Rights through Law. It sends observatory teams to politically motivated areas around the world. It has a "Consultative statue" in the European commission level, in UNESCO and in the U.N.

**3) Int. Unity for Human Rights**

Founded in U.S. in 1942 Helped writting Declaration of Human Rights. Researches and investigates Human Rights violation cases, prepace reports. Has right to apply to the U.N. General secretary in case of receival of Negative answer from the individual state.

**4) "Pen" Club**

Founded in England in 1921. It is the association of writers. Support expressing of thought and freedom of press. Attempts to create public-opinion about those writers who jailed or censored.

**5) Amnesty International**

Founded in England in 1961, Defends Human Righst in the Int. Platforms Against all kinds of torture and death penalty. Works for right Regulation all over the world. It has supporters in 150 countries with 50.000 people. Attempts

to found political and ideological support base for Human Rights issues. Till this time over 10.000 prisoners released because of its workings. This Agency's relations with governments are not good. Banned in the Soviet Union. Received Nobel peace prize in 1977.

#### **6)French Green Movement**

This organization can be active against china's Nuclear Testings.

As a result, we must know how to create relations and strong communication with these organizations condemning Turkey for important questions, we invite these international organizations not to be unactive in the front of the genocide in China. Of course Eastern Turkistan will enter the period of independence, just like in events took place in Soviet Russia. Economic liberalization in China must happen in political field too. Problems in Eastern Turkistan exist in other autonomous regions as well. Democratization is subject-matter for China's own people too. We hope that all the joint problems of Turkish World to be solved in the 21<sup>st</sup> century.

## **EASTERN TURKISTAN REALITY, CHINESE MIGRANT FLOW AND SELF-DETERMINATION**

**Arslan ALPTEKİN**

I would like to talk about some developments about Eastern Turkistan before I pass to real subject. According to Int. Amnesty Report, racial, cultural, economical, environmental genocide policies are becoming intolerable in the country. People of the country is subject to mass arrest and tortures. Int. Amensty has called "Urgent Actions" campaign to stop mass executions carried out by Chinese goverment against Turkistani Turks, in 15<sup>th</sup> January 1999. 3<sup>rd</sup> March 1999, Annual Report of U.S. State Department gave expanded coverage to human rights violations against Eastern Turkistan, Tibet, inner Mongolia and Chinese Democratic opposition. Finally U.N. human rights Commission sent a team of observers to Eastern Turkistan to see the events in place on 8-21 March. We can say that world public opinion stated to show sensitivity toward Eastern Turkistan question. In an positive environment like this, statement given by Turkish Prime Ministry 1998/36 numbered notice that E. Turkistan is "Chinese Land" and bringing limitations to activities of Turkestani civil society establishments in Turkey created resentment.

This notice says that "Eastern Turkistan is Chinese Land". Chinese scholars like Prof. Dr. Yan Jiachi, Dr. K. Chang, Dr. Shue Wei and many others, who assymed to foreign countries defended that E. Turkistan never been Chinese territory. However a country which call herself a "Turk", considering the mother land of Turks as "Chinese Land" is shameful. Consideration of E. Turkestan as "Chinese Land" is primarily against the principles of international law. Because Chinese rule disregard of claiming Turkistan as her own, cannot produce any legal documentation to prove this claim. Law doesn't accept the claim of colonized country being the national territory of invading country by armed force. On the other side, there is no reason of bringing limitations to

activities of Turkistani establishments, indicated in the concealed notice. Because late Mesut Sabri Baykuzi, late Mehmet Emin Buğra and late İsa Yusuf Alptekin in their sincere views on Turkey did not run to extreme, did not want to put Turkey in to a difficult situation.

### I. Chinese Immigrant Policy

Till the 18<sup>th</sup> century of Chinese invasion of E. Turkistan, those who settled in this virgin lands were mainly of Chinese soldiers. After the Manchurian invasion Sibos, Solons, Daury and Manchus started settling here with their families. These soldiers with their families were considered superior than the native people. They were not taxed. This racism opened way to poverty and landlessness among the native population.

Eastern Turkistan was an exile place for China, just like Sibiria to Russians. Ministry of Justice declared E. Turkestan as exile where a lot of number of accused were sent. Latter they were allowed to have their families with them too. How strange that Chinese Administration gave them land, cows, ships and a money to build houses. After crashing the revolt led by Yakub Bei in 1870 against Qinq dynasty, by Zou Zongtang, an important Han colony founded here.

Another population settement period occured in 1946, when Chinese Koumintang Government increased the number of military force in the area from 20.000 to 100.000 in order to crash the revolt in İli, Altay and Tarbagotay. Later joining CKP, these soldiers stayed there and become farmers and industrial workers. CKP not just took over the administration but exactly applied the same policy of Dr. Sun Yatsen who formulated the policy of exploitation of natural resources of E. Turkestan for the development of China and removal of certain number of population to these empty territories in order to decrease population pressure in central provinces. Chinese settement-immigrant policy is very important in her colonial policy.

After another invasion of Eastern Turkistan in 25<sup>th</sup> September 1949, a new settement policy applied. According to this new "addition of sand" policy, "People's Liberation Army" came. In order to balance the huge male population, voluntary female settlers brought in. Later, political educators, engineers, doctors, students and skilled workers were sent in.

While we talk about Chinese settement policy we should talk about the importance of construction and production cooperatives. These cooperatives founded in 5<sup>th</sup> November 1954. Today ever % 90 of workers of these cooperatives are Chinese. In the result state supported farms in Eastern Turkistan saw huge influx of settlers there.

The professional situation of settlers, can be classified as mainly education and state civil servants, secondly military forces, thirdly voluntary workers, fourthly skilled workers from factories, fifthly students, engineers, doctors and graduates. The

last group is the people came here by their own will from villages mainly. The settlement and comfort of life opportunities in Turkistan maintained by state.

In the result, Chinese population being only 6.14 % in 1953, today it aroses to 40.72%. That means, being 479.000 in 1954, became 2.445.000 in 1964, and to 5.346.300 in 1984.

## II. Population Transfer And Int. Law

Population transfer is important subject and possess potential treat in int. level. There is no definition of "population transfer" application of any legal procedure to population transfer is very difficult. There is difference between population transfers done in peace time and in war time.

There is a report prepared by two experts in the U.N. "Protection of Minorities and Prevention of Separatism Lower Commission". Here human dimensions of the subject was held. Report defines populations transfer as "change of location of human beings by state officials for political or economic reasons."

State may be active or passive in the transfer however sistematical, consciouss, and necessary involvement of the states is observed. (Geneva Agreement Article 49)

Legal documents about the transfer can be 1907 Lahey Agreement, rights and obligations of sides in the war time; 1949 Geneva Agreement on protection of persons in time of war; 4<sup>th</sup> Geneva Agreement on unallied civilians in war time.

As Eastern Turkistan invaded in 1949; then Chinese immigrant transfer to this country violates 49<sup>th</sup> article of 4<sup>th</sup> Geneva Agreement. This agreement ratified by People's Republic of China (PRC) in 28<sup>th</sup> June 1956.

Geneva Agreement in the 49<sup>th</sup> article expresses that: forced relocation of people in the invaded territory is illegal disfavour. However this article is not valid in the time of "forced military reasons and security of the people".

Article 49 is also mentioned that "invading forces cannot exile native people out not resettle its own civil people there. "Jean Pictet argues that this section of Article 49 argues that "This article accepted in World War II years in order to prevent the colonization of invaded regions ethnically and culturally by invaded forces, by transferring, portion of their population there, who claimed these regions as their own". According to Pictet, "these transfers worsened the existance of native peoples as a race." Application of forced settlement of immigrant to Turkistan by China, proves that China still violates the 49<sup>th</sup> Article.

## III. Population Transfer And Self-Determination

When we analyze self-determination right, we must look at two things before we go to discussion of this right. These rights are "a right to the homeland" and "a right not to be demographically manipulated." self-determination right is

started after "the declaration about giving independence to peoples and colonial countries. "Declaration states that:

1- Colonization of peoples is the rejection of major rights. It is threat to world peace and security.

2- Peoples have right of self-determination. They freely determine their political statues follow their economic, social and cultural development freely.

Also in the 1<sup>st</sup> and 55<sup>th</sup> articles of U.N. Treaty in the 1<sup>st</sup> articles of economic, social and cultural rights agreement and Civil-political Rights Agreements, this right is mentioned. In 1930 Chinese Soviet Republic also gave right of self-determination in its constitutional program.

Population transfer policy and its application is curtailed form of rejection against self-determination right. Demographical exploitation influences the unity of self-determination, and destroy is application by the peoples. Self-determination can only be applied with free will. Under colonial power people cannot express her will in the referendum and other related events.

Rejection of self-determination right of E. Turkistan is the rejection of fourth article of Geneva Agreement and other humane laws.

#### **IV. Is Dialogue Possible With China?**

In 1979, Chinese Prime Minister Deng Xioping in his talks with Dalai Lama representatives had said that "We are ready to solve all the problems with you. Our doors are open. You may request every thing from us except independence. Don't caskle us independence "Chinese Ministry of Foreign Affairs confirmed this speech in August 1993.

In those years Hong Kong's governor Chris Patten have said that it is useless to enter any dialogue with China.

Between 1979-98 Dalai Lama tried every means of dialogue with Chinese officials to solve the Tibetan Question, however Chinese pressed monologue rather than dialogue in every disscussion attempts.

Many international pressures done aganist China in concern of Tibet however no positive reaction received from Chinese side. Beijing, in every int. meetings argues her own understanding and sincerity in Tibetan Question and Tibeti side as rude and involuntary. But in the reality Chinese officials always had been prejudice, racist and haughy. Deceits and lies made up by China in her relation to Tibet, published as books by Tibetians.

This situation tells us that Turkistan Question can never be solved by dialogue. The truth of "freedom doesn't come as piece of cake but taken with blood" is realized Chinese attitude toward Tibet.



## **EXPLOITED EASTERN TURKISTAN**

**Dr. Ahmet TÜRKÖZ**

We know that major reason of Chinese colonization in E. Turkistan is the importance of this country for China economically and economic base for human rights violations here.

### **I. Soviet Miracle Was Fed From Turkish Resources ? How About China?**

Entering to subject, we would like to bring an analysis of Mao in this subject. He was saying that "We are saying China is crowded and has a lot of resources. Actually Han nationality has crowded and minorities have large lands and a lot of resources. "Mao's determination and economic richness of Turkistan bring this question to our minds. China's being economic power after 80's based on exploitation of E. Turkistan? This subject must be searched and investigated independently.

The subject forced us to ask above question was an investigation done about Azerbaijani oils. Research done by one Azerbaijani scholar about this field concerning why. Report prepared by former President of Azerbaijani Parliament Resul Guluyev also brings a lot of interesting facts in front of us. According to all these, behind the "Soviet miracles" had oil rather than Marxist ideology. Between 1872-1913, about 50% of the world oil production was in Russia and 95-97 % of this was exploited from Baku region. The oil used by Soviet Army during the W.W. II about 90% (22-23 million ton) was also coming from Baku.

### **II. Colonialism And Plea Of Civilization Bringing**

Lets look at colonial activities of England in India. This country left untouched from civilization, people and her land under poverty, her intellectuals prevented. On the contrary English claimed that they brought culture and technology to autonomous regions. In 1982 constitution and 1984 autonomy act it was identified that qualified workers and staff experts are going to be educated and state will help them. However from the past history we remember that

colonial countries never allowed to develop and always kept under backwardness and illiteracy.

Chinese head of state Zhao Ziyang's expression such as "Eastern Turkistan must tolerate the difference between itself and other coastal and northwestern regions" can prove our idea for backwardness. For this reason E. Turkistan did not see the investments she needs till 1990's and probably won't see it till 21<sup>st</sup> century. Disregard of China's propaganda that E. Turkistan is developing, recent events and incidents there have proved the contrary which Chinese officials found difficulty of answering. Recent years especially in the Deng period we see that China is looking for other channels to earn the loyalty of E. Turkistan. There is trend of decrease of pressure against the country. First time Chinese authorities are realizing that if they require something from E. Turkistan they must return something back.

### **III. China's Opening To The World And E. Turkistan**

Beijing had decided to carry out economic reforms as the key of integrity and stability in Turkistan. With the attempts of increasing living standards in E. Turkistan, China is in the trend of increasing its economic bondages with Central Asian republics. By this China is attempting to find markets for her goods, develop "modernization" in the Turkistan and decrease hostility while increase the living standards. Other assumed benefits are to strengthen secular oriented states of Central Asia, against Islamic rule supporters, to break these republics' economic ties with Russia or for worse case, to distance them away from Pan-Turanist attractiveness may be reason for this. Economically powerful China accepts E. Turkistan as a major factor in her "open-door" policy. China see E. Turkistan as a great potential for the industrialization of her coastal regions, also usage of "Silk Road Economy" to open more markets to her products and goods. Being cut out in the Beginning 20<sup>th</sup> century, by the attempts of nationalizations of Soviets and Chinese, an Ancient Central Asia Silk Road Economy is flourishing. Also pressures of the int. oil industry's to China on opening of Eastern Turkistan and increase of need of China to oil can be the other major reasons for liberations in China.

### **IV. Natural Resources Belong To Eastern Turkistan**

Crisis between Eastern Turkistan is and Han Chinese is well known by outside observers, but it is little known by outsiders that one of the major reasons for this crisis is the struggle over E. Turkistan's natural resources. A television broadcast from Urumqi on May 1990 on ethnic revolt occurred in Kashgar on April 1990, it was said that the major reason for ethnic clashes is the resource problems. Also in this broadcast it was said that resources belong to people and state, not to specific people or region. For investment in E.

Turkestan Beijing spend 24.6 billion yuan between 1953-1988. According to popular view in E. Turkistan; Beijing is exploiting natural resources of the country for coastal regions, without returning something back. This belief is major reason for people's resistance against Beijings economic policies. This metropolitan-local relations brought new rivalry after 1980. Increase of supra-national economic relations with the int. oil industry, forced central Beijing to increase its economic role in the development and strenghtening of the region.

However central goverments policies for Eastern Turkistan provide "Inner Colonial Loyalty" model which creates impossibility for the autonomous development for E. Turkistan. Then this model is the model of Beijing which E. Turkestan is going to be helped as well as colonized and exploited.

#### **V. Backward Minorities**

Consuming differences between coastal and inner regions worsened Turkistan's domestic trade in 80's. According to E. Turkistani economists, the oil products exported worsened and created negativities in their domestic trade. Almost all western regions are selling their raw materials through the state determined price, however buying industrial consuming goods from coastal regions with higher market prices. So in the result these price differences brought loss of billions of Yuan for every western region, that this amount is more than the state aid to these regions. This regional trade unbalances created stagnation through country and almost collapsed the E. Turkistani market.

This issue is coming in front of us as a Chinese version of colonial behaviour of non-allowance of humanly development that we mentioned before. So with the "give and get" policy Chinese officials can control the E. Turkistan.

As we see, from the economic reforms of 1980-90 minority groups almost used nothing and could not benefited. Economic developmental situations of minority regions are not hearth opening. According to report prepared by Chinese Academy of Sciences, the problems, diffuculties and ethnic crisis in minority regions, their economies are studied and observed.

According to state statistical agency about 70 million Chinese citizens are living below the poverty line and another 70 million live a little above of this line. If minorities are about 8% of the country, then minorities make about 43.75 % of this number (the percentage of the people under poverty level)

Regional inequality is also growing. Disregard of positive statements given by Chinese authorites about great develepmental levels of minority regions, extraction of oil in Eastern Turkistan, explotation of rich coal mines in Inner Mongolia and export of coal, the huge gap of poverty in minority regions, differences in average income between regions are still the way of life. Production in Eastern Turkistan, Tibet and Inner Mongolia is increasing however living standarts of the peoples are decreasing with a great number.

Industrial projects developed by state do have little or almost no effect on the native population. Overwhelming majority of 40.000 workers who develop oil fields in Tarim Basin are Han-Chinese from Eastern China. In one report published, the attention mainly was given to hostilities between Hans and Minorities on the subject of increasing gap between East and West. The expression backwardness was used to legalize the application of socialism and the support of "big brother Han" in the first years of PRC, today this expression serve the dis-favor and dislike of minorities against their problems and problems their countries are facing in the result of racist policies of the Chinese regime. Of course this approach of régime creates more opportunities for more revolts and explosions expected in the future.

#### **VI. Eastern Turkistan is Exploiting**

When Red China came to this country there were 11.500.000 sheeps 1.600.000 large cattle, 780.000 horses, 68.000 donkeys and 20.000 camels. Reds banned eating of sheep and increased its population to 22.000.000. The wool obtained from long and thin wooled sheeps had been more that in America and Australia. Animal and animal products produced in E. Turkistan and sent to China can be classified as: 1.759.000 sheeps, 128.000 sheeps, 6.405.000 sheep skins, 2.600.000 suit dress from skin, 4.600.800 shoes, 5.199 ton of wool, 985 ton of dairy products, between 1950-58.. some of agricultural products transfered to China from E. Turkistan are: 71.640 ton of wheat, 22.424 ton of bean, 345 ton of dried water melon, 215 ton of dried grape. Exported fruit in 1959 is 1.130.000 ton and entire income of it went to China. In the recent years Chinese transfered 8 million barrel of raw oil, 906.000 ton of coal, 444.000 ton of salt from E. Turkistan to China in first 3 months of 1989. In 1990 produced cotton's 70% gone to Shangai, Shian (Xian) and Beijing.

#### **VII. Chinese Immigrants Or Chinese Colonizers ?**

In order to control the colony, or huge number of settlers moved (transfered) to this country. Administrative body always had been Chinese. Actually Chinese settlers always considered as colonizers in the native people's eyes. China considers ethnic regions as vital for her national interests. First that, ethnic areas make about 86% of China's borders with outside world and secondly these regions are vital for economic development of China. For these reasons assimilation of these regions is important for the survival and strenghtening of Han-Chinese interests.

#### **VIII. Rail Roads And Their Relations To Colonialism**

10 major raidroad lines connect E. Turkistan with coastal regions. Recognizing importance of rail-roads for European colonial powers in the past, can be better understood why China gives too much importance to Rail Road system.

The Railroad project that united Soviet Central Asia and Urumgi by Soviet Union, realized only after the 80 million dollar credit given to China as a debt by the Soviet government. It had strategical reasons behind this. Moscow, was intended to decrease the insecurity near its borders and to increase political ties with China. Beijing saw this project as an important infrastructure for the development of north-west region. Turkistan saw this as a family visit on the both sides of the border.

Eastern Turkistan also see this project as the gate of exporting its oil to the Europe via Central Asia. However China wants to use this railroad as the economic development of Shanghai and coastal regions. Mentioning this vital point would be beneficial. We should not back compulsory for independent state to cover all parts of her country with the railroad network.

### **IX. Inner Colony Eastern Turkistan**

A support study done last year by the French Anatolian Research Institute panel performed in Istanbul in the subject of "Uigurs in the 20<sup>th</sup> century" by Hawaii University Professor Dr. Dru. C. Gladney. He is in his introduction, expressed that Eastern Turkistan had become the inner colony of China after investigating ethnic, cultural historical, economical, political structure of Turkistan briefly.

Inner colony term is used by the American sociologist M. Metcher first time in 1975 in his study of Celts in England. According to him inner colonialism is the political administration of frontier region by central regime and economic exploitation of the frontier. However another difference of inner colonialism from other type of colonialism is that this specific region is exploited also under direct rule of central régime and its people considered as minority. Sometimes a few economic activities held in these regions but the major intention of this is to exploit that country and carry her resources to exploiting country.

In the result major fronts of Chinese colonialism on E. Turkistan determined. Primarily cultural superiority, mission of civilization, helpful attitude from Confucius teaching are always had been a tool in the Chinese hands. Secondly, rich natural Resources and agricultural fields. Thirdly transfer of Chinese population to Eastern Turkistan is seen by the native people as an imperialism. Fourthly, Chinese influence to Middle East and Central Asia passes through Eastern Turkistan. Regional authority of PRC is increases her power in the Central Asia. China sees the collapse of USSR as a advancement opportunity in the Central Asia and see the ethnic, religious, family bondages of Eastern Turkistan with there countries as a tool to reach to this goal.

