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Treatment of the Uyghur Ethnic Group in the People's Republic of China

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(202) 707-6462 (phone) • (866) 550-0442 (fax) • law@loc.gov • <http://www.law.gov>

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*Staff of the Global Legal Research Center**

SUMMARY Members of the Uyghur ethnic group in China are identifiable by their Islamic religion, cultural heritage, traditional clothing, diet, language, and appearance. Uyghurs primarily reside in the Xinjiang Uyghur Autonomous Region (XUAR) of northwestern China. However, a 2010 population census found a total of 68,000 Uyghurs living in other areas of China as well.

Despite legal protections for freedom of religion, speech, publication, assembly, association, procession, and demonstration, central and regional authorities are reportedly combating “religious extremism” in the XUAR as a means of maintaining stability, leading to concerns that the exercise of lawful rights is being restricted.

Similarly, protections for ethnic minority languages and cultural identities are provided by the Constitution and a series of laws and regulations, and government authorities have been promoting “bilingual education” in the XUAR. However, some Uyghurs fear that the policy aims at assimilating young Uyghurs into Han Chinese society at the expense of their Uyghur identity.

Violent clashes involving political or ethnic tensions in the XUAR or involving Uyghurs outside of the XUAR reportedly included attacks committed by Uyghurs, with attackers convicted in court of terror-related crimes. Rights advocates and analysts located outside of China, however, have raised concerns that authorities are using excessive force against Uyghur protesters and that officials fail to distinguish between violence and terrorism versus peaceful dissent.

The definition of “terrorism” under Chinese law appears to be much broader than the definitions commonly adopted in international and national law. The terms “religious extremism” and “ethnic separatism,” which rights groups say are often applied to the Uyghurs residing in the XUAR, are commonly linked with terrorism in government statements and in a draft counterterrorism law.

I. Introduction

Uyghurs (*Weiwu'er* in Chinese Pinyin, also spelled *Uighur* or *Uygur*) in the People's Republic of China (PRC or China) are a government-designated ethnic minority group mostly living in the

* This report responds to a series of questions presented by the Executive Office for Immigration Review regarding the Uyghur ethnic group in China. The report is based on information derived from materials within the collection of the Library of Congress and from other open sources, including national statistics, scholarly publications, and the reports of research organizations. The Law Library is particularly grateful for the work of the Congressional Executive Commission on China, which extensively surveyed news reports provided by major international media outlets and the Chinese media in its annual reports and in analyses on Xinjiang.

Xinjiang Uyghur Autonomous Region (XUAR) in northwestern China.¹ According to the most recent 2010 national population census, Uyghurs comprise the fourth largest ethnic group in China, with an official population of 10.069 million, amounting to 0.76% of the Chinese population.² There are approximately 10 million Uyghurs living in the XUAR, along with 8.83 million Hans (the national majority), and 1.42 million Kazakhs among the total 21.82 million population in the region.³

According to the PRC Constitution, regional autonomy is practiced in areas where ethnic minorities live in concentrated communities. “In these areas organs of self-government are established to exercise the power of autonomy. All ethnic autonomous areas are integral parts of the People’s Republic of China,” the Constitution asserts.⁴

Since the 1950s, large numbers of Hans began moving into the XUAR after the establishment of the autonomous region. Economic disparities and ethnic tensions grew between the Uyghur and Han populations, in particular after 1990 when the influx of Hans became especially pronounced.⁵ Meanwhile, during the 1990s, Uyghur separatist groups in Xinjiang began frequent attacks on the Chinese government.⁶ The government has taken steps to combat separatism, terrorism, and “religious extremism” in the XUAR.⁷ Since September 11, 2001, China has raised international awareness of Uyghur-related terrorism and linked its actions to the global “war on terror.”⁸ Violent clashes in the XUAR have reportedly been on the rise since a particularly violent outbreak occurred in July 2009 in Urumqi, the capital city of the XUAR, which resulted in 197 deaths and 1,721 injuries.⁹

¹ *Uighur*, ENCYCLOPAEDIA BRITANNICA, <http://www.britannica.com/EBchecked/topic/612772/Uighur>; *Weiwu'er Zu [Uyghur Ethnic Group]*, STATE ETHNIC AFFAIRS COMMISSION OF THE PRC, <http://www.seac.gov.cn/col541/index.html> (both last visited Mar. 24, 2015).

² *1-6 Ge Diqu Fen Xingbie, Minzu de Renkou [1-6 Regional Population by Genders and Ethnic Groups]*, in TABULATION ON THE 2010 POPULATION CENSUS OF THE PEOPLE’S REPUBLIC OF CHINA, <http://www.stats.gov.cn/tjsj/pcsj/rkpc/6rp/indexch.htm>.

³ *Id.*

⁴ XIAN FA art. 4 (1982), 2004 FAGUI HUIBIAN 7, English translation in THE LAWS OF THE PEOPLE’S REPUBLIC OF CHINA (P.R.C. LAWS) (2004) 5.

⁵ ENCYCLOPAEDIA BRITANNICA, *supra* note 1.

⁶ PREETI BHATTACHARJI, COUNCIL ON FOREIGN RELATIONS, UIGHURS AND CHINA’S XINJIANG REGION (May 29, 2012), <http://www.cfr.org/china/uighurs-chinas-xinjiang-region/p16870>.

⁷ *Id.*; Ch. IV, *Xinjiang*, in CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA 2014 ANNUAL REPORT (CECC REPORT) 162, <http://www.cecc.gov/publications/annual-reports/2014-annual-report>.

⁸ BHATTACHARJI, *supra* note 6.

⁹ Reza Hasmath, *What Explains the Rise of Ethnic Minority Tensions in China?* (Paper Presented at the American Sociological Association Annual Meeting, San Francisco, Aug. 16–19, 2014), available at [https://www.academia.edu/2502813/What Explains the Rise of Ethnic Minority Tensions in China](https://www.academia.edu/2502813/What_Explains_the_Rise_of_Ethnic_Minority_Tensions_in_China).

II. Identification of Uyghurs

Uyghurs are generally Muslims.¹⁰ In addition to the Islamic religion, they are also identifiable by other markers, including cultural heritage, traditional clothing and diet, and language.¹¹ The Uyghur language is part of the Turkic group of Altaic languages.¹²

Uyghurs may also be differentiated from Hans by their appearance. “Physically, Uyghurs do not look like Han Chinese,” according to a scholar who has been studying the Uyghurs for about twenty years. “Their physical types are much more diverse given that Central Asia has long been a crossroads of civilizations, and they have many European physical characteristics that would likely distinguish them from the Han,” he said in an interview.¹³

Under Chinese law, information pertaining to citizens’ ethnicity is recorded in their household registration and resident identification cards (ID cards), though this information may be not in the passports. In China, all citizens are required to register with the public security organs in their permanent place of residence, where a household register recording identification information such as name, ethnicity, gender, and date of birth is kept.¹⁴ Household registration booklets containing the identical information are issued to families, which provide the principal basis for the establishment of identity.¹⁵ ID cards and passports are issued on the basis of the household registration.¹⁶ The law on ID cards requires citizens’ ethnicity to be recorded in the ID cards.¹⁷ The passport law, however, does not require the ethnicity to be recorded in ordinary passports.¹⁸ Therefore, the fact that a person belongs to the Uyghur minority group should be reflected in his/her official identification documents, including the household registration booklet and the ID card, although such information may not be recorded in his/her passport.

¹⁰ STATE ETHNIC AFFAIRS COMMISSION OF THE PRC, *supra* note 1.

¹¹ *Id.*; Hasmath, *supra* note 9.

¹² ENCYCLOPAEDIA BRITANNICA and STATE ETHNIC AFFAIRS COMMISSION OF THE PRC, *supra* note 1.

¹³ Sean Roberts, *Ethnic Clashes in China: Uighurs vs. Han Chinese*, WASH. POST (July 28, 2009), <http://www.washingtonpost.com/wp-dyn/content/discussion/2009/07/07/DI2009070701491.html>.

¹⁴ Hukou Dengji Tiaoli [Regulations on Household Registration] (promulgated by the Standing Committee of the National People’s Congress (NPC) on Jan. 9, 1958), arts. 3 & 4, 1958 Jan.–June FAGUI HUIBIAN 204–05.

¹⁵ *Id.* art. 4.

¹⁶ Jumin Shenfenzheng Fa [Law on Resident Identification Card] (promulgated by the NPC Standing Committee, June 28, 2003, effective Jan. 1, 2004) art. 10, 2003 FAGUI HUIBIAN 64. Huzhao Fa [Law on Passports] (promulgated by the NPC Standing Committee, Apr. 29, 2006, effective Jan. 1, 2007) art. 6, 2006 FAGUI HUIBIAN 159.

¹⁷ Law on Resident Identification Cards art. 3, *id.* at 62.

¹⁸ Law on Passports art. 7.

III. Treatment of Uyghur Communities Outside of Xinjiang

A. Uyghur Communities Outside of the XUAR

A few Uyghur communities have historically lived in other areas in China outside of the XUAR, such as Taoyuan County in Hunan Province and Mianchi County in Henan Province.¹⁹ The Uyghurs in Taoyuan County moved into the area some six hundred years ago, and those in Mianchi County have lived there for over five hundred years.²⁰ After generations of intermarriage to other ethnic groups including the Hui and Han, Uyghurs belonging to these communities are not as identifiable as those in the XUAR in terms of their appearance, diet, and cultural identity. Still, they are acknowledged by the government as an ethnic minority and therefore the state policies on ethnic minorities apply to them.²¹

There are also Uyghur communities in other areas of China. The cities of Beijing and Shanghai along with Zhejiang Province and Guangdong Province have seen a significant increase in the number of Uyghurs coming for work, education, and business opportunities in recent years.²² In total, the 2010 Census found that there are some 68,000 Uyghurs in other areas of China outside of the XUAR.²³

B. Treatment

China has a set of state-sponsored preferential policies for ethnic minorities, which apply not only to areas containing minorities, but also to minority individuals. For individuals, there are preferences, in particular for education and family planning.²⁴ Ethnic minority students enjoy preferential admissions to colleges and lower school fees.²⁵ Most ethnic minorities are allowed to have a second child under the official “one-child” policy.²⁶

¹⁹ STATE ETHNIC AFFAIRS COMMISSION OF THE PRC, *supra* note 1.

²⁰ Reyihan Kade'er, *Hunan Weiwu'er Zu Wenhua Rentong Diaocha Ceji* [Side Note on Investigation of Cultural Identification of Uyghurs in Hunan], INSTITUTE OF ETHNIC LITERATION, CHINESE ACADEMY OF SOCIAL SCIENCES (Sept. 25, 2005), http://iel.cass.cn/news_show.asp?newsid=1359; Yuxi Youge Weiwuer Zu: Sanmenxia Shi Mianchi Xian Beiyuchi Cun Tanfang [A Uyghur Village in Yuxi: Visit of Beiyu Village, Mianchi County of the Sanmenxia City], HENAN RIBAO [HENAN DAILY] (July 7, 2007), http://epaper.dahe.cn/hnrbcnb/htm2007/t20070707_1028265.htm.

²¹ *Id.*

²² Ma Rong, *Woguo Bufen Shaoshu Minzu Jiuye Renkou de Zhiye Jiegou Bianqian yu Kuadiyu Liudong: 2010 Nian Renkou Pucha SHuju de Chubu Fenxi* [Changes in the Occupational Structure and Transregional Flow of Some Employed Ethnic Minority Populations: Preliminary Analysis of the 2010 Census Data], 33(6) ZHONGNAN MINZU DAXUE XUEBAO [JOURNAL OF SOUTH-CENTRAL UNIVERSITY OF NATIONALITIES] 12 (Nov. 2013).

²³ TABULATION ON THE 2010 POPULATION CENSUS OF THE PEOPLE'S REPUBLIC OF CHINA, *supra* note 2.

²⁴ Barry Sautman, *Affirmative Action in China*, 17(1) PACIFIC RIM L. & POL'Y J. 77 (Jan. 1998), available at <https://digital.lib.washington.edu/dspace-law/bitstream/handle/1773.1/849/7PacRimLPolyJ077.pdf?sequence=1>.

²⁵ *Id.*

²⁶ Laney Zhang, *China: Provincial Family Planning Regulations Amended Allowing More Couples to Have a Second Child*, GLOBAL LEGAL MONITOR (Aug. 6, 2014), http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205404091_text.

In 1993, the State Ethnic Affairs Commission issued the Regulations on the Work of Supporting Ethnic Minorities in Urban Areas, which provide various forms of protection and assistance, including nominating minority government officers, providing educational facilities, and applying favorable policies on education and taxation.²⁷

On the other hand, as a response to the recent violent incidents occurring in and outside of the XUAR, authorities are reported to have “implemented repressive security measures targeting Uyghur communities inside and outside the XUAR.”²⁸ According to the 2014 Annual Report of the Congressional-Executive Commission on China (CECC report),

[s]uch measures included arbitrary detentions, domestic repatriation of migrant communities to the XUAR, crackdowns on peaceful religious practices, police and paramilitary patrols and searches of the general Uyghur population, restrictions on Uyghurs’ access to hotels in areas outside of the XUAR, and requests to citizens living outside of the XUAR to report on the presence of any Uyghur tenants or other Uyghurs or “people from Xinjiang” within their communities.²⁹

IV. Restrictions on Freedom of Religion, Speech, Peaceful Assembly, and Expression of Political Opinion

A. Legal Provisions

Article 36 of the PRC Constitution provides constitutional protection for citizens’ freedom of religion and guarantees state protection of “normal religious activities.”³⁰ In addition, according to article 35, citizens enjoy “freedom of speech, publication, assembly, association, procession, and demonstration.”³¹ Government officials who unlawfully deprive citizens of freedom of religion are criminally liable if the circumstances are serious.³² The country’s official ethnic policies also reiterate protection of the freedom of religion of ethnic minorities.³³

²⁷ Chengshi Minzu Gongzuo Tiaoli [Regulation on the Work of Support Ethnic Minority in Urban Areas] (promulgated by the State Ethnic Affairs Commission, Sept. 15, 1993) art. 9, STATE COUNCIL GAZETTES (Nov. 20, 1993) 1099, 1100.

²⁸ CECC REPORT, *supra* note 7, at 162.

²⁹ *Id.*

³⁰ XIAN FA art. 36 (1982), 2004 FAGUI HUIBIAN 4, 12, English translation in THE LAWS OF THE PEOPLE’S REPUBLIC OF CHINA (P.R.C. LAWS) (2004) 5, 15.

³¹ *Id.* art. 35.

³² Xing Fa [Criminal Law] (promulgated by the NPC Standing Committee, Mar. 14, 1997, effective Oct. 1, 1997), 1997 FAGUI HUIBIAN 18, 86.

³³ *Zhongguo de Minzu Zhengce [Ethnic Minority Policies of China]*, CENTRAL PEOPLE’S GOVERNMENT OF THE PRC (July 14, 2006), http://www.gov.cn/test/2006-07/14/content_335746.htm.

B. Freedom of Religion in Practice

Despite the above-mentioned legal provisions and official policies, the central and regional authorities have reportedly highlighted the need to maintain stability in the XUAR by combating “illegal religious activities” or “religious extremism” as a response to the increasing number of violent clashes involving Uyghurs occurring in and outside of the region.³⁴ Specifics of practicing religion by Uyghurs in the XUAR are reported to include the following:

- Members of the Communist Party of China and employees on the state payroll are not permitted to wear religious attire such as Islamic headscarves and coverings, or engage in religious practices such as fasting during Ramadan.
- Individuals under the age of eighteen are not allowed to enter religious places of worship such as churches, temples, and mosques, or to pray in school.
- The study of religious texts is only permitted in designated state schools.
- Government informers regularly attend gatherings, sermons, or prayers in local churches, temples, and mosques.³⁵
- Authorities have enforced tight restrictions on the religious aspects of Uyghur marriage customs.
- Regional and local authorities have trained female religious specialists, known as *biwi*, in how to educate other Muslim women to oppose illegal religious activities and dress in a “modern” fashion, without wearing a jilbab or covering their face.³⁶

C. Other Rights

Government authorities also reportedly restrict media coverage and online expression over violent incidents involving Uyghurs.³⁷ The CECC report finds that the officials “moved quickly to suppress news and online discussion about violent incidents.”³⁸ The report also cites research indicating that the XUAR authorities have used charges of “endangering state security” to punish people for peaceful activism, free expression of ethnic identity, and independent religious activity.³⁹

The life sentence of Uyghur scholar Ilham Tohti, a professor at Minzu University and founder of the website Uyghur Online, raised particular concerns that Chinese authorities persecuted Tohti for peacefully exercising his rights under Chinese law.⁴⁰ On September 23, 2014, Tohti was

³⁴ CECC REPORT, *supra* note 7, at 169.

³⁵ Hasmath, *supra* note 9.

³⁶ CECC REPORT, *supra* note 7, at 169–70.

³⁷ *Id.* at 168.

³⁸ *Id.*

³⁹ *Id.* at 165.

⁴⁰ *Id.* at 165–66.

sentenced to life in prison and had his property confiscated after being convicted of “separatism,” a crime under the category of “endangering state security.”⁴¹ He was convicted for spreading lessons containing separatist thoughts via Uyghur Online, coercing students to work for the website and building a criminal syndicate, and inciting ethnic hatred by distorting the causes of a number of riots and disputes that occurred in Xinjiang and Beijing.⁴²

V. Language and Cultural Identity

A. Protections Provided by Law

Protections for ethnic minority languages and ethnic cultural identities are provided by the PRC Constitution and a series of laws and regulations. Section 4, article 4 of the Constitution provides that “[a]ll ethnic groups have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.”⁴³ Authorities in ethnic minority autonomous areas are required by law to safeguard such freedoms, according to the Regional Ethnic Autonomy Law.⁴⁴ The Autonomy Law also requires the use of ethnic minority languages for government functions in ethnic autonomous areas and in schools.⁴⁵ The procedure laws guarantee the use of ethnic minority languages in courts.⁴⁶

Nevertheless, according to Uyghur scholar Tohti, the Uyghur language has not been properly respected for some time and its legal status as one of the official languages has not been properly safeguarded.⁴⁷ To him, the bilingual education carried out in the XUAR is one of the most disturbing social problems in the region.⁴⁸

B. Bilingual Education

Government authorities have been promoting bilingual education in the XUAR, in particular since May 2010 when a policy to universalize bilingual education was announced with the goals

⁴¹ *Id.*; *Yilihamu Tuheti Fenlie Guojia Ershen Xuanpan* [Second Trial Decision Announced on Ilham Tohti Separatism], TIANSHAN WANG (Nov. 21, 2014), available at <http://politics.people.com.cn/n/2014/1121/c70731-26071102.html>.

⁴² CECC REPORT, *supra* note 7, at 165.

⁴³ XIANFA art. 4, § 4 (1982), 2004 FAGUI HUIBIAN 4, 8, English translation in P.R.C. LAWS (2004) 5, 9.

⁴⁴ *Minzu Quyu Zizhi Fa* [Law on Regional Ethnic Autonomy] (promulgated by the NPC Standing Committee), Feb. 28, 2001) art. 10, 2001 FAGUI HUIBIAN 39, 42.

⁴⁵ *Id.* arts. 21, 37.

⁴⁶ *Minshi Susong Fa* [Civil Procedure Law] (promulgated the NPC Standing Committee, Apr. 9, 1991, revised Aug. 31, 2012, effective Jan. 1, 2013) art. 11, 2012 FAGUI HUIBIAN 1317, 1320; *Xingshi Susong Fa* [Criminal Procedure Law] (promulgated by the NPC Standing Committee, July 7, 1979, revised Mar. 14, 2012, effective Jan. 1, 2013) art. 9, 2012 FAGUI HUIBIAN 1252, 1254; *Xingzheng Susong fa* [Administrative Procedure Law] (promulgated by the NPC Standing Committee, Apr. 4, 1989, revised Nov. 1, 2014, effective May. 1, 2015) art. 9, http://www.spp.gov.cn/sscx/201502/t20150217_91466.shtml.

⁴⁷ Ilham Tohti, *Dangqian Xinjiang Minzu Wenti de Xianzhuang ji Jianyi* [Current Status of the Ethnic Problems in Xinjiang and Suggestions] (2011), <http://www.ilhamtohti.com/cn/?p=104>.

⁴⁸ *Id.*

of having over 90% of ethnic minority children in elementary and middle schools throughout the region enrolled in bilingual education, and all those in high schools proficient in Mandarin Chinese, by 2020.⁴⁹

Uyghur families, according to Tohti, would welcome better Mandarin Chinese education for their children, while the mainstream opinion in the Uyghur society is that it must not be at the cost of sacrificing Uyghur language proficiency.⁵⁰ Implementation of the bilingual education policy has been criticized for focusing on Mandarin Chinese—in many places classroom instruction is reportedly taking place primarily in Mandarin Chinese, largely replacing instruction in languages spoken by ethnic minority groups.⁵¹ The CECC report reflects the concerns of some Uyghur students and rights advocates who fear that bilingual language education aims to assimilate young Uyghurs into Han Chinese society at the expense of their Uyghur identity.⁵²

VI. Responsibility for Violent Clashes

Violent clashes in the XUAR have been on the rise ever since the July 2009 Urumqi riots.⁵³ According to the CECC report, in the past year alone “deadly incidents and attacks that likely involved political or ethnic tensions and that took place in the XUAR or involved Uyghurs outside of the XUAR led to more than 300 fatalities.”⁵⁴

The violent clashes, according to the CECC report, included attacks committed by Uyghurs, and some of these attackers were convicted in court of terror-related crimes.⁵⁵ The Chinese government has asserted that the Uyghur attackers are “being poisoned by the holy war propaganda of militant Islam, propaganda flooding across the border from Pakistan and Afghanistan on DVDs, mobile phones and the Internet.”⁵⁶ Overseas rights advocates and analysts, however, have raised concerns that authorities are using excessive force against Uyghur protesters. They have also expressed concern that Chinese officials fail to distinguish between violence and terrorism versus peaceful dissent.⁵⁷

⁴⁹ Ch. IV, *Xinjiang*, in CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA 2010 ANNUAL REPORT, <http://www.cecc.gov/publications/annual-reports/2010-annual-report>; Lu Yao, *Xinjiang Shuangyu Jiaoyu Xianzhuang Diaocha [Investigation of the Bilingual Education in Xinjiang]*, LIAOWANG DONGFANG ZHOUKAN (Aug. 4, 2014), available at <http://news.sina.com.cn/c/2014-08-04/180630628732.shtml>.

⁵⁰ Tohti, *supra* note 47.

⁵¹ CECC REPORT, *supra* note 7, at 170; *Weiwu'er Daxuesheng Zhuanwen Cheng: Xinjiang Shuangyu Jiaoyu Zhixing Shang Bei Yanzhong Niuqu [Uyghur College Student Wrote: Implementation of the Bilingual Education Seriously Twisted]*, BOXUN NEWS (Jan. 25, 2011), available at <http://tibet.woeser.com/?p=25465>.

⁵² CECC REPORT, *supra* note 7, at 170.

⁵³ Hasmath, *supra* note 9.

⁵⁴ CECC REPORT, *supra* note 7, at 163.

⁵⁵ *Id.* at 164–65.

⁵⁶ Carrie Gracie, *Xinjiang: Has China's Crackdown on "Terrorism" Worked?*, BBC NEWS (Jan. 2, 2015), <http://www.bbc.com/news/world-asia-30373877>.

⁵⁷ CECC REPORT, *supra* note 7, at 162.

Observers note that one of the reasons for the violent clashes can be the frustrations experienced by Uyghurs as the rapid pace of Chinese development in the region has brought an influx of Han Chinese migrants to Xinjiang and has displaced Uyghurs from their traditional livelihoods and communities.⁵⁸ Research suggests that socioeconomic factors play a fundamental contributory role in the tensions and clashes.⁵⁹ The ethnic tensions and violence in Xinjiang are deemed “manifestations and expressions of an acute ethno-cultural consciousness” stemming from the Uyghurs’ “low socioeconomic status due, in part, to internal Han migration in the XUAR, and a labor market process . . . that has shaped a split and segmented labor market.”⁶⁰

The accuracy of reporting on the violent clashes may be questionable, which contributes to the lack of clarity on this issue. The CECC report references the accounts of domestic and international observers and international media sources, who raise questions about the government’s version of the violent clashes and stated reasons for denying access to foreign journalists to areas experiencing violent clashes or attacks, underscoring the government’s lack of transparency and failure to release key details about violent conflict and subsequent criminal procedures.⁶¹

VII. Government Claims of Terrorist Elements Within the XUAR

A. Factual Support for the Claims

According to a Council on Foreign Relations (CFR) report on Uyghurs in the XUAR, the most famous Uyghur separatist group in Xinjiang, the East Turkestan Islamic Movement (ETIM), has been labeled a terrorist organization by China, and by the United States and the United Nations Security Council as well. China claims the group has links to al-Qaeda and says that its members were trained in jihadi terrorist camps in Pakistan to launch attacks in Urumqi.⁶² “Reports say Pakistani officials have also admitted that the militants in western China have ties to the Pakistani Taliban and other militants in northwestern Pakistani regions along the Afghan border,” according to the CFR report.⁶³ The report also observes that China has accused the Uyghurs of plotting thousands of terror attacks, although some say that China exaggerates the danger posed by Uyghur terrorists.⁶⁴

⁵⁸ Roberts, *supra* note 13.

⁵⁹ Hasmath, *supra* note 9.

⁶⁰ *Id.*

⁶¹ CECC REPORT, *supra* note 7, at 162.

⁶² BHATTACHARJI, *supra* note 6.

⁶³ *Id.*

⁶⁴ *Id.*

B. Terrorism Under Chinese Law

The definition of terrorism under Chinese law appears to be much broader than the definitions commonly adopted in international and national law.⁶⁵ Currently, a National People's Congress decision on terrorism issued in October 2011 is in effect that defines the terms "terrorist activities," "terrorist organizations," and "terrorist" as follows:

- Terrorist activities: Activities that severely endanger society that have the goal of creating terror in society, endangering public security, or threatening state organs and international organizations and which, by the use of violence, sabotage, intimidation, and other methods, cause or are intended to cause human casualties, great loss to property, damage to public infrastructure, and chaos in the social order, as well as activities that incite, finance, or assist the implementation of the above activities through any other means.
- Terrorist organizations: Criminal organizations established for the purpose of carrying out terrorist activities.
- Terrorists: Those who organize, plan, and carry out terrorist activities or are members of any terrorist organizations.⁶⁶

A comprehensive counterterrorism law is being drafted. The draft provides another definition of "terrorism" as "any thought, speech, or activity that, by means of violence, sabotage, or threat, aims to generate social panic, influence national policy-making, create ethnic hatred, subvert state power, or split the state."⁶⁷

C. Linking Extremism and Separatism with Terrorism

Although not clearly defined in the existing legislation, the terms "religious extremism" and "ethnic separatism," which are found by rights groups to be applied in particular to Uyghurs and Tibetans,⁶⁸ are commonly linked with terrorism in government statements. The three are rhetorically expressed as "three forces" or "three evils" and combated by the government together.⁶⁹ "The three forces are the same thing by nature, and have been colluding with each

⁶⁵ Zunyou Zhou, *How China Defines Terrorism*, THE DIPLOMAT (Feb. 13, 2015), <http://thediplomat.com/2015/02/how-china-defines-terrorism/>.

⁶⁶ Quanguo Renda Changweihui Guanyu Jiaqiang Fankong Gongzuo Youguan Wenti de Jueding [Decision on Issues Related to Strengthening Counterterrorism Work] art. 2, NPC STANDING COMMITTEE GAZETTES 658 (July 2011); Laney Zhang, *China: Legal Definition of Terrorist Activities Clarified*, GLOBAL LEGAL MONITOR (Nov. 4, 2011), http://www.loc.gov/lawweb/servlet/lloc_news?disp0_1205402874_text.

⁶⁷ Fan Kongbuzhuyi Fa Caoan Quanwen [Full Text of the Draft Counterterrorism Law], http://www.npc.gov.cn/npc/xinwen/lfgz/flca/2014-11/03/content_1885027.htm (NPC official website; last visited Mar. 23, 2015); Zhou, *supra* note 65.

⁶⁸ HUMAN RIGHTS IN CHINA, COUNTER-TERRORISM AND HUMAN RIGHTS: THE IMPACT OF THE SHANGHAI COOPERATION ORGANIZATION 64 (Mar. 2011), http://www.hrichina.org/sites/default/files/publication_pdfs/2011-hric-sco-whitepaper-full.pdf.

⁶⁹ *He Wei Sangu Shili? [What Are the Three Forces?]*, XINHUA (July 13, 2009), http://news.xinhuanet.com/politics/2009-07/13/content_11698031.htm.

other from the very beginning to sabotage social stability,” according to an official government statement.⁷⁰ In drafting the proposed counterterrorism law, “religious extremism” is considered the “primary thought foundation of terrorism in China” and the state is against “all kinds of extremism.”⁷¹

⁷⁰ *Id.*

⁷¹ Full Text of the Draft Counterterrorism Law, *supra* note 67.