

Briefing: The New Implementation Guidelines for the Counter-Terrorism Law in East Turkestan Will Reinforce Government's Curbs on Human Rights

Introduction

The Uyghur Human Rights Project (UHRP) is concerned that the “Xinjiang Uyghur Autonomous Region Implementing Measures of the Counter-Terrorism Law of the Peoples Republic of China¹” passed by the regional government on July 29th and coming into force on August 1st constitutes a continuation of the government's passage of legislation that will be used to infringe upon the human rights of Uyghurs in East Turkestan.

- The regional implementation guidelines do nothing to resolve the issue of the counter-terrorism legislation's broad and vague definition of terrorism.
- The law describes “extremism,” specifically religious extremism, as the cause of terrorism but provide no definition of what constitutes religious extremism. The guidelines forbid “instigating, encouraging or enticing a minor to participate in religious activities,” the wearing of clothing that “advocates extremism” and make specific reference to Islamic practice by forbidding “distortion of the concept of halal.” UHRP is concerned that this will give license to the authorities to infringe upon peaceful religious practices.
- The guidelines forbid “spreading rumors” and “distorting sensitive cases,” making or reproducing materials with “extremist content” and allows the authorities to restrict gatherings and the activities of various organizations, which may be used to control any objective reporting on incidents as well as constituting a restriction on the right to free expression.

UHRP continues to encourage observers to remain skeptical that the new guidelines will be implemented transparently and in a manner consistent with internationally agreed upon human rights standards. UHRP is firm in its condemnation of terrorism but remains skeptical of the Chinese government's linking all incidents to a coordinated overseas Uyghur threat.

Background

On July 29th the Standing Committee of the Xinjiang Uyghur Autonomous Regional People's Congress unanimously passed the “Xinjiang Uyghur Autonomous Region Implementing Measures of the Counter-Terrorism Law of the Peoples Republic of China,” making it the first province to pass a regional interpretation and guidelines for implementation of the national counterterrorism law which went into effect in January 2016. It includes additional guidelines not included in the national law and widens the national law's already broad definition of what constitutes terrorism.

¹ China Law Translate. (2016, August 1) Xinjiang Implementing Measures for the P.R.C. Counter-terrorism Law. Retrieved from <http://chinalawtranslate.com/xjcounter-terror/?lang=en>

The regional regulations are the latest in a series of laws that reframe dissent in East Turkestan from criminal acts of “separatism” to ones of “terrorism.” The fact that this is the first regional law to be implemented demonstrates that these laws are squarely aimed at the Uyghur population. Beginning after the attacks of 9/11, the Chinese government has sought to tie its policies and actions in East Turkestan to a narrative of an international war on terror, thereby legitimizing them to domestic and international audiences.

Previous changes and expansions in the laws concerning terrorism include the 2001 revisions to the Criminal Law, including harsher punishments, limiting the spread of information and holding of public assemblies where anti-government sentiments are expressed. November 2014 saw the publication of the draft national Counter-Terrorism Law; in its definition of terrorism the first draft included ‘thought, speech or behavior’ deemed subversive. Although this was deleted, subsequent drafts and the final law include “advocacy” as potential terrorist activity without precisely defining what constitutes advocacy.

Subsequent years saw an expansion of a counter terrorism bureaucracy and an increasing show of force in East Turkestan. In 2014 the regional government increased the public security budget by 24 percent to 6.1 billion yuan (US\$1 billion) and doubled the amount spent on “counterterrorism.”² This means that fully 12% of the region’s budget goes towards security, although more recent figures have not been published.³ The government does not publicize the number of PLA, People’s Armed Police (PAP) and other security personnel stationed in East Turkestan, but it is widely believed to be significantly higher than the average in other provinces.

The passage of the regional counter-terrorism laws can be characterized as part of the ongoing and worsening of the militarization of East Turkestan. The head of the standing committee of the regional legislature, Mr. Nayim Yasen, was quoted in the official media describing the region as China’s “main battlefield” in its war on terror;⁴ while addressing the PAP Xi Jinping was quoted as describing the Kashgar area as the “‘front line’ of anti-terrorism and stability maintenance.”⁵ Recent exercises by a force of 3,000 PAP included the use of drones, assault helicopters and all-terrain assault vehicles exemplify

² Congressional-Executive Commission on China, (2014 October 9) Annual Report 2014. Retrieved from http://www.cecc.gov/sites/chinacommission.house.gov/files/2014%20annual%20report_0.PDF

³ Hilman, Ban and Tuttle, Gary (2016) Ethnic Conflict and Protest in Tibet and Xinjiang: Unrest in China's West. *Columbia University Press*

⁴ Xinhua (2016, August 6). Xinjiang issues China's first local counterterrorism law. Retrieved from http://news.xinhuanet.com/english/2016-08/06/c_135567634.htm

⁵ Martina, Michael (2014 April 29). China's Xi says Xinjiang is front line on terrorism, hails police. *Reuters* Retrieved from <http://www.reuters.com/article/us-china-xinjiang-idUSBREA3S03D20140429>

this militarization.⁶ This is part of a shift in strategy declared by Xi Jinping in January 2014 putting a new emphasis on “social stability” instead of economic development.

Concerns

The passage of the regional counter-terrorism law does nothing to assuage UHRP’s concerns expressed in our [briefing](#) on the original national level law, namely that the definition of what constitutes terrorism has been left deliberately vague in order to give the authorities the ability to use terrorism prosecutions as a tool to maintain its power, not to protect the country’s citizens. Indeed the new details seem to underscore that the regulation is aimed at the Uyghur population and may be used to suppress legitimate religious and cultural expression and peaceful political dissent.

Of particular concern is the apparent increasing emphasis on ‘religious extremism’ as the cause of terrorism. UHRP expressed concerns regarding the inclusion of “compelling others to wear or bear clothes or symbols that advocate terrorism in a public place,” in Article 3 of the national law due to its potential use to infringe upon traditional Islamic dress and Article 4 of the national law stating “the state opposes all forms of using distorted religious teachings or other means to incite hatred or discrimination, to advocate violence and other extremism; eliminating terrorism’s ideological basis.”⁷ Article 51 of the new regional law elaborates on this by forbidding “forcing, instigating, encouraging or enticing a minor to participate in religious activities” and “distorting the concept of halal,” and even adds defacing currency to the list of terrorist linked activities. All this suggests that the authorities intend to continue and expand their already considerable interference in Uyghurs’ right to peacefully practice their religion.

Article 51 also forbids “spreading rumors” and “distorting sensitive cases,” making or reproducing materials with “extremist content” and allows the authorities to restrict gatherings and the activities of various organizations, which may be used to control any objective reporting on incidents as well as constituting a restriction on the right to free expression. The national law defines a terrorist organization as any assembly of three or more people for the purposes of carrying out terrorist activities; given the lack of a clear definition of terrorism this has the potential to infringe on the right of free assembly.

Among the measures for security and prevention are listed “education” efforts to counter “extremism” aimed at both the general population and clerical personnel; the guidelines state that management of religious sites will be strengthened, again suggesting that efforts at social control and repression of religious expression will be increased.

⁶ Blanchard, Ben (2016 August 16) China tries out new hardware in Xinjiang counter-terror exercise Reuters. Retrieved from

<http://www.reuters.com/article/us-china-security-xinjiang-idUSKCN10R0HZ?il=0>

⁷ China Law Translate. (2015, December 27). Counter-Terrorism Law (2015). Retrieved from

<http://chinalawtranslate.com/%E5%8F%8D%E6%81%90%E6%80%96%E4%B8%BB%E4%B9%89%E6%B3%95-%EF%BC%882015%E4%B9%89/?lang=en>

These implementation measures will be carried out by an array of new and existing departments and organizations, suggesting that the authorities intend to greatly expand their reach into society in the name of counter-extremism. The regional implementation guidelines call for the establishment of a three tier system of agencies for counter-terror work; a leading agency at the provincial level, and at prefectural city and county level city levels as well as a separate counter-terror agency for the Xinjiang Production and Construction Corps under the authority of the provincial level agency. The guidelines call upon all relevant departments to mobilize village committees, resident committees, enterprises and public institutions and societal organizations to jointly develop counter-terrorism and counter-extremism efforts and states that units and individuals have an obligation to assist and cooperate with counter-extremism work.

Conclusion

The fact that East Turkestan is the first place to have regional implementation measures for the national counter-terrorism law underscores that the Chinese government's counter-terrorism policy is being developed with Uyghurs as its main target. It is part of a pattern of increasing securitization of the situation in East Turkestan which is likely to exacerbate the issues instead of resolve them. Of particular concern is the apparent increasing focus on "religious extremism" as the cause of terrorism, which is likely to be used to increase control and repression of Uyghur religious institutions and cultural expression.

The new implementation measures are the latest in a series of laws expanding and concentrating the power of the Xi administration. The international community should see them in the light of an increasing amount of repression and human rights abuses. Given the Chinese government's lack of transparency regarding issues in East Turkestan, skepticism should be applied before accepting government statements about incidents in East Turkestan, including the application of the new counter-terrorism implementation guidelines.

UHRP believes that these implementation guidelines for the national counter-terrorism law will do little to resolve the issues in East Turkestan. Instead of addressing the problems of the economic marginalization of the Uyghur population, the repression of free religious practice and use of the Uyghur language as well as the increasing atmosphere of suspicion towards Uyghurs, the guidelines clearly indicate that authorities intend to continue and increase the militarization of the region. The implementation guidelines suggest that authorities continue to regard East Turkestan as a "battlefield".