

112TH CONGRESS
2D SESSION

H. RES. 576

Expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights by implementing severe restrictions on the rights of Uyghurs to freely associate and engage in religious and political speech, subjecting detained Uyghurs to torture and forced confessions, carrying out extrajudicial killings against Uyghur dissidents, and pressuring other governments to unlawfully return Uyghurs to China, where they face mistreatment and persecution.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2012

Mr. MCGOVERN (for himself, Mr. SMITH of New Jersey, Mr. ELLISON, Mr. WOLF, Mr. MORAN, and Mr. PITTS) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights by implementing severe restrictions on the rights of Uyghurs to freely associate and engage in religious and political speech, subjecting detained Uyghurs to torture and forced confessions, carrying out extrajudicial killings against Uyghur dissidents, and pressuring other governments to unlawfully return Uyghurs to China, where they face mistreatment and persecution.

Whereas Uyghurs in China face worsening repression by the Government of China, through increasing controls on religious, political, and cultural activity, and through increasing security restrictions, deprivations of due process, forcible disappearances, torture, and extrajudicial killings;

Whereas as a result of this institutionalized discrimination by the Government of China against Uyghurs, confrontations between Uyghurs and Chinese police have intensified since July 5, 2009, when violence broke out in Urumqi during initially peaceful protests, reportedly resulting in the deaths of 197 people and the detention of more than 1,400 people;

Whereas hundreds of persons detained after the July 2009 riots have not been accounted for by the Government of China, and serious allegations of torture and other human rights abuses by Chinese police have gone uninvestigated;

Whereas many of the Uyghurs detained in relation to the July 2009 events are feared to have been subjected to torture and forced confessions during their imprisonment;

Whereas trials for many of the Uyghurs charged in relation to the July 2009 events have lacked transparency, and defendants have allegedly been denied the right to choose their attorneys;

Whereas at least 24 Uyghurs and 2 Han Chinese have been sentenced to death, 9 individuals have been sentenced to death with a 2-year reprieve, 8 Uyghurs and one Han Chinese man have been executed, and several more individuals have been sentenced to life in prison or given jail terms in connection with the July 2009 events;

Whereas, on July 18, 2011, reports indicate that Uyghurs in Khotan who had gathered at a local bazaar to peacefully protest repressive Chinese policies were arrested by Chinese police, prompting an angry crowd to follow the police to the police station, where violence broke out;

Whereas at least 4 people were reportedly killed as a result of the July 18, 2011, clashes, and an estimated 70 people were allegedly arrested in connection with the event;

Whereas, on the weekend of July 30, 2011, a series of knife and bomb attacks took place in the city of Kashgar, resulting in the deaths of several people;

Whereas in September 2011, 2 men were given 19-year prison sentences, and 4 men were sentenced to death by a Chinese court for their alleged involvement in the July 30, 2011, and July 31, 2011, attacks;

Whereas the 4 condemned men were allegedly tortured into giving confessions and were denied adequate legal representation during their trials, despite Chinese claims that their trials were “open and fully protected the suspects’ legal rights”;

Whereas, on December 28, 2011, during an official 100-day “Strike Hard” campaign in Xinjiang, Chinese forces fired on a group of Uyghurs in Khotan;

Whereas 7 members of the Uyghur group were reportedly killed, along with a Chinese security officer, while 4 Uyghurs were injured, and 4 adults and up to 5 children from the group, ages 7 to 17, were and continue to be detained following the clash;

Whereas the whereabouts of these detained individuals are unknown, but they are believed to still be held in deten-

tion in China, and are feared to have sustained serious injuries;

Whereas in addition to severely mistreating Uyghurs within China, in the last few years, the Government of China has reportedly increased its pressure on other countries, including Cambodia, Kyrgyzstan, Laos, Malaysia, Nepal, Tajikistan, and Uzbekistan, to return Uyghurs who had sought asylum in those countries back to China;

Whereas arbitrary arrests, torture, harsh prison sentences, and forced disappearances have been carried out against asylum-seeking Uyghurs who have been forcibly returned to China, in violation of the principle of nonrefoulement;

Whereas at least 20 Uyghurs who had fled to Cambodia to seek asylum following the violence in 2009 were forcibly returned back to China from Cambodia on December 19, 2009;

Whereas 2 days following the extradition of the Uyghurs from Cambodia, China awarded Cambodia with an agreement to provide a United States \$1,200,000,000 aid and loan package;

Whereas after more than 2 years of not knowing the fate of the returned Uyghurs, recent reports indicate that 4 of the Uyghurs have been sentenced to life in prison, 12 have been sentenced to terms of between 16 and 20 years, and a woman and 2 children have been released, while the fate of the remaining Uyghurs remains unknown;

Whereas according to news accounts, the Uyghurs' trials were fundamentally unjust, in that defense attorneys were given insufficient time to prepare a defense, families of the accused were prevented from attending the trials,

and the accused were forced to cover their faces while entering and exiting the courtroom;

Whereas Uyghur refugee Ershidin Israel was forcibly returned to China from Kazakhstan in May 2011, in violation of customary international law as well as the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, to which Kazakhstan is a party;

Whereas 11 Uyghur refugees were extradited from Malaysia to China in August 2011, while 5 Uyghur refugees remain in Malaysia; and

Whereas Nur Muhammed, a Uyghur, was arrested in Thailand on August 6, 2011, charged with illegal entry into the country, and handed over to Chinese authorities at the airport in Bangkok, rather than being brought before a court as required under Thai law, and has since disappeared: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) strongly condemns any violence against in-
 3 nocent individuals regardless of their ethnicity, gen-
 4 der, or religious beliefs, and recognizes that individ-
 5 uals who have committed crimes must be brought to
 6 justice in full compliance with international human
 7 rights and legal standards, including independent
 8 courts, habeas corpus and due process protections,
 9 the free choice of legal defense, and the right to
 10 challenge the accuser and any evidence in court;

11 (2) recognizes that the government policies of
 12 suppression against the Uyghurs in Xinjiang, par-

1 ticularly the “Strike Hard” campaigns, as well as
2 government policies regarding other ethnic groups
3 within the People’s Republic of China, have created
4 an atmosphere of ethnic tension in those areas;

5 (3) calls on the Government of the People’s Re-
6 public of China to—

7 (A) desist from further executions based
8 on trials that violate international human rights
9 and due process standards;

10 (B) ensure that trials are conducted in an
11 open and transparent manner in accordance
12 with the international obligations of the Peo-
13 ple’s Republic of China;

14 (C) allow international observers and the
15 media to attend those trials;

16 (D) provide a list of all individuals de-
17 tained or arrested in the aftermath of the July
18 2009 events in Xinjiang to the International
19 Committee of the Red Cross and the public,
20 and to grant access to those individuals for
21 family members and independent legal counsel;

22 (E) cease all government-sponsored crack-
23 downs against people in the Xinjiang Uyghur
24 Autonomous Region, including against people

1 involved in peaceful protests or religious or po-
2 litical expression; and

3 (F) refrain from pressuring or requesting
4 other governments to forcibly return Uyghurs
5 to China; and

6 (4) calls on the President of the United States
7 to—

8 (A) unequivocally state the strong opposi-
9 tion of the United States to the legally flawed
10 trials, executions, and harsh prison sentences
11 against peaceful Uyghur protestors;

12 (B) raise those human rights concerns
13 publicly and in all meetings with Chinese offi-
14 cials;

15 (C) restate the interest of the United
16 States to open United States consulates in
17 Lhasa, Tibet, and in Urumqi, Xinjiang; and

18 (D) as a matter of policy, direct the
19 United States Embassy in Beijing to automati-
20 cally request permission from the appropriate
21 Chinese authorities for United States Embassy
22 staff to observe trials if credible reasons exist
23 that such trials may not meet internationally
24 recognized human rights and legal standards.

○