

URGENT ACTION

JOURNALIST SENTENCED TO 15 YEARS IN PRISON

Hairat Niyaz, a journalist from China's ethnic Uighur community, was sentenced to 15 years in prison on 23 July 2010. He continues to be held incommunicado and has been denied access to legal counsel of his choice.

Hairat Niyaz (whose name can also be spelled as Gheyret Niyaz or Hailaite Niyazi) was arrested at his home on 1 October 2009. At the time, the police told his family that he was detained because he had "given too many interviews". According to the arrest notice, he had been arrested for "endangering state security".

On 15 July 2010 the authorities informed Hairat Niyaz's wife, Risalet, that she could hire a lawyer to represent him. Risalet and Ilham Tohti, editor of the website Uighurbiz (also known as Uighur Online), which Hairat Niyaz also administrated, were planning to hire a lawyer to represent Hairat Niyaz; however, they were then told that he already had a lawyer, unknown to them, representing him.

Hairat Niyaz was tried, convicted and sentenced on 23 July 2010 by a court in Urumqi, the capital of the Xinjiang Uighur Autonomous Region (XUAR). Risalet was able to attend the trial. The prosecutors relied on essays he had written prior to the July 2009 protest in the XUAR and interviews he gave to Hong Kong media after the violence as evidence. During the trial, Hairat Niyaz reportedly insisted that he had broken no laws and was only carrying out his duty as a citizen and journalist. It remains unclear whether Hairat Niyaz will appeal.

Hairat Niyaz was last known to be held in Tianshan detention centre in Urumqi, although his current whereabouts are unconfirmed.

PLEASE WRITE IMMEDIATELY in Chinese, English or your own language:

- Urging the authorities to release Hairat Niyaz immediately and unconditionally;
- Calling on them to guarantee that Hairat Niyaz will not be tortured or otherwise ill-treated;
- Calling on them to ensure that he is given immediate access to legal counsel of his choice, his family and any medical attention he may require.

PLEASE SEND APPEALS BEFORE 7 SEPTEMBER 2010 TO:

Director General, XUAR Department of Justice

USOUR Abuliz Tingzhang,
Xinjiang Weiwuer Zizhiqu Sifating,
27 Renminlu, Urumqi 830002,
Xinjiang Weiwuer Zizhiqu,
People's Republic of China,
Fax: +86 991 2311590

Salutation: Dear Director General

Chief Procurator, XUAR People's Procuratorate,

YUSUFU Maimaiti Jianchazhang,
Xinjiang Weiwuer Zizhiqu Renmin Jianchayuan,
63 Jianguolu, Tianshanqu, Urumqi,
Xinjiang Weiwuer Zizhiqu
People's Republic of China

Salutation: Dear Chief Procurator

Chairman of the XUAR People's Government

Nur BEKRI Zhuxi
Xinjiang Weiwuer Zizhiqu Renmin Zhengfu Bangongting
2 Zhongshanlu
Urumqi 830041
Xinjiang Weiwuer Zizhiqu
People's Republic of China
Fax: +86 991 2817567 or 2803621
Email: master@xinjiang.gov.cn

Salutation: Dear Chairman

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 290/09 (ASA 17/060/2009). Further information: <http://www.amnesty.org/en/library/info/ASA17/060/2009/en>

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ADDITIONAL INFORMATION

Hairat Niyaz is a well-known journalist within China's Uighur community. He graduated from Beijing National University in 1982, has since worked for several publications and deliberately uses the Chinese language to report on the culture and situation of Uighurs in the XUAR to better reach Chinese-speaking domestic and overseas audiences. He has been a senior journalist with the Xinjiang Economic Daily, Chief Editorial Director of Xinjiang Legal Daily, and Deputy Director of the legal magazine *Fazhi Zongheng*. His interview on the 5 July 2009 unrest in Urumqi is available online at http://www.yzzk.com/cfm/Content_Archive.cfm?Channel=ag&Path=2311577102/30ag3a.cfm

On 5 July 2009 hundreds of Chinese of Uighur ethnicity gathered to demonstrate at the People's Square in Urumqi. The demonstrators were protesting the authorities' perceived inaction following the death of at least two Uighur workers after a factory brawl in Shaoguan, in China's southern province of Guangdong, on 26 June that year. The demonstration, announced on Uighur websites several days beforehand, including Salkin, Diyarim and Uyghur Biz, was scheduled to begin at 5 pm. In addition to websites, information about the demonstration was circulated on QQ, an instant messaging service in China, and via SMS.

During that afternoon, the protesters swelled to thousands of people. Violent rioting erupted later in the evening, particularly in the southern parts of the city, in what appears to have been largely Uighur attacks against Chinese of Han ancestry. In subsequent days, Han Chinese also carried out retaliatory attacks on Uighurs. According to official figures, 197 people died in the course of the violence on 5 July, the vast majority of them (156) Han Chinese, 10 Uighurs, and 11 people of the Hui minority. Unofficial sources, and in particular Uighur groups, claim many more Uighurs were killed on 5 July and in the following days.

According to official figures, at least 198 people have been sentenced in connection with the unrest, following trials fall short of international fair trial standards. At least nine people have been executed and at least 26 more sentenced to death, including death sentences with a two-year reprieve.

Shortcomings in the legal proceedings include restrictions on the defendants' ability to freely choose their legal representation coupled with officially sanctioned, possibly politically pressured and biased legal aid, allegations of torture and other ill-treatment in detention leading to coerced "confessions", and corruption and political interference in courts.

The Chinese authorities cut internet access in the XUAR during the night of 5-6 July 2009. According to Li Zhi, the then Chinese Communist Party secretary in Urumqi, this was "to quench the riot quickly and prevent violence from spreading to other places". SMS and international telephone services were also cut. The services have been gradually restored, with email facilities partially restored in February 2010 and internet access "fully" restored on 14 May 2010. However, internet access in the XUAR, like elsewhere in China, is still far from free since the government censors the internet, blocks certain sites and monitors individuals' activities online.

In April, Gulmira Imin (f), a regular contributor to the website Salkin, was sentenced to life imprisonment for "splittism, leaking state secrets and organizing an illegal demonstration". Dilixiati Paerhati, the editor of Diyarim, has not been seen since August 2009 when he was taken away from his home by unidentified men. Ilham Tohti was also detained for about two weeks in July 2009. In April, he was prevented by the authorities from travelling to Turkey to attend an academic conference.

On 27 September 2009 the XUAR Regional People's Congress Standing Committee issued new regulations that explicitly forbade the use of the internet to "endanger state security" or "instigate ethnic separatism".

China's Criminal Law already includes provisions on "endangering state security", which include "subversion of state power", "splittism" and "leaking state secrets". Over recent years the authorities have increasingly used these vaguely-worded provisions to silence and imprison peaceful activists and to curtail freedom of expression.

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