

**Opinion No. 29/2008 (China)****Communication addressed to the Government on 21 April 2008****Concerning Mr. Alimujiang Yimiti (Alimjan Yimit)****The State has signed but not ratified the International Covenant on Civil and Political Rights.**

1. (Same text as paragraph 1 of Opinion No. 17/2008.)
2. The Working Group acknowledges the cooperation received from the Government which submitted information on the allegations presented by the source.
3. (Same text as paragraph 1 of Opinion No. 17/2008.)
4. The case summarized below was reported to the Working Group as follows: Alimujiang Yimiti (Alimjan Yimit in Uyghur), male, ethnic Uyghur, a Christian in Xinjiang, married with two children, resident in Hami, Xinjiang Province, was arrested on 12 January 2008. His family was not informed of his arrest. Later, he was accused of subversion against the national Government and endangering national security, a serious crime which can carry the death penalty.
5. The source further reports that Alimujiang Yimiti was working as a project manager for a British company, Jirehouse, known as Xinjiang Jiaerhao Foodstuff Company Limited. He was in charge of managing the fruit garden funded by the company located at Boyakeqigele Village, Hannanlike Township, Shule Country. The company was reportedly targeted in a series of closures of foreign companies belonging to Christians in Xinjiang in September 2007 and Mr. Alimujiang Yimiti was accused of illegal religious infiltration activities in Kashi region in the name of doing company business. He was accused of preaching Christianity among people of Uyghur ethnicity and distributing religious propaganda materials. Mr. Yimiti is reported to be currently held in Kashi detention centre.
6. On 25 February 2008, Mr. Yimiti's lawyer was denied a meeting with him on grounds of national security. The investigations against Mr. Yimiti were being carried out in secret. Mr. Yimiti's detention followed years of reported intimidation and interrogation while working with his most recent employer and his previous employer, an American owned company, the Xinjiang Taipingyang Nongye Gongsi. Mr. Yimiti was regularly called in, both day and night, for interrogation by the local State Security Bureau. He was allegedly physically abused and injured. His house was also ransacked and possessions,

including his computer, seized. He made complaints to the State Security Bureau headquarters in Urumqi, but without success. Alimujiang Yimiti was forbidden from revealing any details of these interrogations as such action would be deemed to equate to “leaking State secrets”.

7. Those close to Mr. Yimiti say there is no proof of wrongdoing and are gravely concerned about the high level of secrecy surrounding his case. They are deeply concerned for his welfare. According to them, Mr. Yimiti is a quiet and very professional young man of immense integrity, who was careful not to mix his faith and business activities. Mr. Yimiti is neither a terrorist nor a separatist and is said to be a loyal Chinese citizen.

8. In its response, the Government reported that Alimjan Yimiti, born on 10 June 1973 in Hami, Xinjiang Province; originally Muslim, converted to Christianity in 1995, was detained in January 2008 by the Kashi public security authorities, pursuant to articles 103 and 111 of the Chinese Criminal Code, on suspicion of involvement in fomenting separatism and illegally passing State secrets abroad. On 20 February 2008, he was arrested with the approval of the procuratorial authorities. His trial opened on 27 May 2008 at the People’s Intermediate Court in Kashi, Xinjiang Province, and the Court ordered further investigation by the public security authorities.

9. Alimjan Yimiti is being held in Kashi prison. He is in good physical condition and is entitled to receive visits, appoint counsel and so forth in accordance with the law. His case is currently at the judicial procedure stage. According to the Government, his arrest has nothing to do with his religious belief.

10. The Government further states that Chinese citizens’ right to freedom of religious belief is protected by the Constitution and the law. Article 36 of the Constitution states: “Citizens of the People’s Republic of China enjoy freedom of religious belief”. Every citizen of China is free to believe in a religion or not, to believe in different religions, and to change from one religion to another. Chinese law and practice are consistent with the relevant provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other such international instruments and agreements.

11. Lastly, the Government points out that China is a country of many religions, and its citizens can freely choose and express their own religion and manifest their membership of it. It reports that, at present, there are over 100 million religious believers of all kinds, including 16 million Protestant Christians, five million Catholics and over 20 million Muslims. There are 100,000 places of religious worship, 300,000 clergy, and over 30 million religious associations. All religions are equal in status and coexist harmoniously; religious and non-religious people respect each other and mingle.

12. The source notes that Alimujiang Yimiti was arrested for having distributed religious propaganda materials and intending to convert people to Christianity, violating several Chinese laws and statutes, among them, articles 20, 43 and 45 of the 1 March 2005 Regulations on Religious Affairs as well as some Guidelines to apply the Regulations issued by the Party Committee of the Xinjiang Uyghur Autonomous Region. The Regional Ethnic Autonomy Law provides a specific framework for the Autonomous Regions to adapt national laws in the light of existing local conditions. Mr. Yimiti was previously accused of violating articles 3, 4 and 5 of the 1984 Regulations No. 1166; the 1990 Notice No. 30 and the 1992 Regulations No. 42.

13. According to the source, Mr. Alimujiang Yimiti was detained for having conducted activities which were considered illegal as well as religious infiltration in Kashi region. Although the 2005 Regulations on Religious Affairs (RRA) protect in general religious belief, and the rights of registered religious organizations, it attempts to control the growth and scope of activities of both registered and unregistered religious groups. These

Regulations seem to be introduced with the purpose of strengthening certain aspects of governmental control over religious activities. They distinguish between normal religious activities and religious extremism and public-order disturbances. Local officials can take decisions to detain and arrest religious believers. Particularly sensitive are religious activities in Xinjiang Uyghur Autonomous Region, a region with a Moslem majority and with separatist problems.

14. The Working Group notes that Mr. Alimujiang Yimiti (Alimjam Yimiti) has been charged with fomenting separatism and illegally passing State secrets abroad. If convicted, he could be subject to capital punishment. However, the People's Intermediate Court in Kashi did not find enough evidence against Mr. Yimiti regarding the charges for political crimes brought against him and ordered the Public Security Bureau to carry out further investigations.

15. Mr. Alimujiang Yimiti has been arrested and is being kept in detention solely for his religious faith and religious activities. Freedom of religion is a right recognized by article 18 of the Universal Declaration of Human Rights and by article 18 of the International Covenant on Civil and Political Rights, which China has signed but not ratified. His detention is also contrary to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the General Assembly in its resolution 36/55 of 25 November 1981.

16. The Working Group recalls that the Universal Declaration of Human Rights guarantees persons the right to manifest their own religion either alone or in community with others and in public or in private; the right to be free from discrimination based upon religions and the right to be free from unnecessary and arbitrary government regulation in exercising religious beliefs.

17. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Mr. Alimujiang Yimiti (Alimjan Yimiti in Uyghur) is arbitrary, being in contravention of articles 7, 9, 10, 11 (1), 12, and 18 of the Universal Declaration of Human Rights and falls within categories II and III of the categories applicable to the consideration of the cases submitted to the Working Group.

18. Consequent upon the Opinion rendered, the Working Group requests the Government of China to take the necessary steps to remedy the situation of the above-mentioned person and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

19. The Working Group also calls upon the Government to consider the possibility of an early ratification of the International Covenant on Civil and Political Rights.

Adopted on 12 September 2008