

**Communiqué Alleging the Arbitrary Detention of Qurban Mamut, Ekpar Asat, and Gulshan Abbas, Citizens of the People’s Republic of China**

**February 21, 2022**

**Submission to:**

*Working Group on Arbitrary Detention*

*Working Group on Enforced and Involuntary Disappearances*

*Special Rapporteur on the rights to freedom of peaceful assembly and of association*

*Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*

**I. IDENTITY**

**a) Mr. Qurban Mamut**

**1. Family name:**

Mamut (Chinese characters: 马木提; pinyin: *mamuti*)

**2. First name:**

Qurban (Chinese characters: 库尔班; pinyin: *kuerban*)

*Submitter’s Note: In Uyghur naming conventions, the second name, in this case Mamut, is a patronymic rather than a surname, and the first name is used in formal address. We therefore refer to Mr. Qurban Mamut by his full name in the first mention, and Mr. Qurban in following mentions. To prevent confusion, in this submission we will refer to his son, Mr. Bahram Qurban, by his full name throughout.*

**3. Sex:**

Male

**4. Birth date or age (at the time of detention):**

10 October 1950

**5. Nationality/Nationalities:**

People’s Republic of China

**6. Identity document (if any):**

650102195010104017 (National ID)

**7. Profession and/or activity (if believed to be relevant to the arrest/detention):**

Mr. Qurban Mamut is a prominent Uyghur intellectual. As the editor-in-chief of the Uyghur-language magazine *Xinjiang Civilization* until 2011, he selected and edited works by influential writers on Uyghur culture, history, politics, and social development for publication. After retiring, he continued to work part-time as

editor-in-chief at the Xinjiang Science Publishing House. He also signed a 2005 petition advocating support for Uyghur-language education.

**8. Address of usual residence:**

84 Tuanjie Road  
Radio and Television Bureau Neighborhood  
Nanwan Street Subdistrict, Tianshan District  
Urumqi, Xinjiang Uyghur Autonomous Region (XUAR) 830001  
People's Republic of China

**b) Mr. Ekpar Asat**

**1. Family name:**

Ekpar (Chinese characters: 艾克拜尔; pinyin: *aikabaier*)

**2. First name:**

Asat (Chinese characters: 艾赛提; pinyin: *aisaiti*)

**3. Sex:**

Male

**4. Birth date or age (at the time of detention):**

29

**5. Nationality/Nationalities:**

People's Republic of China

**6. Identity document (if any):**

E18230820 (Passport)

**7. Profession:**

Ekpar Asat is a businessman who founded a popular social media platform that featured news, history, literature, column, entertainment, music, and legal updates. He is also a philanthropist benefitting older people and children with disabilities.

**8. Address of usual residence:**

Xinjiang He Shun Garden, Da Wan District,  
Urumqi, Xinjiang Uyghur Autonomous Region (XUAR) 830000  
People's Republic of China

**c) Ms. Gulshan Abbas**

**1. Family name:**

Abbas (Chinese characters: 阿巴斯; pinyin: *abasi*)

**2. First name:**

Gulshan (Chinese characters: 古丽先; pinyin: *gulixian*)

**3. Sex:**

Female

**4. Birth date or age (at the time of detention):**

12 June 1962

**5. Nationality/Nationalities:**

People's Republic of China

**6. Identity document (if any):**

650103196206122322 (National ID)

**7. Profession:**

Retired Physician

**8. Address of usual residence:**

Third Floor Unit 302

Shen Li Road #318

Urumqi, Xinjiang Uyghur Autonomous Region

People's Republic of China

**II. ARREST**

**a) Mr. Qurban Mamut**

**1. Date of arrest:**

Exact date unknown; possibly November/December 2017, or as early as March/April 2017 (see Section IV, Circumstances of Arrest for more information)

**2. Place of arrest (as detailed as possible):**

Unknown

**3. Forces who carried out the arrest or are believed to have carried it out:**

Unknown; submitter believes it is likely that the arrest was carried out by Public Security Bureau officials in the Xinjiang Uyghur Autonomous Region (XUAR), possibly from Mr. Qurban Mamut's city of residence, Urumqi.

**4. Did they show a warrant or other decision by a public authority?**

Unknown

**5. Authority who issued the warrant or decision:**

Unknown

**6. Reasons for the arrest imputed by the authorities:**

Unknown

**7. Legal basis for the arrest including relevant legislation applied (if known):**

Unknown

**b) Mr. Ekpar Asat**

**1. Date of arrest:**

Exact date unknown; possibly April 2016 (see Section IV, Circumstances of Arrest for more information)

**2. Place of arrest (as detailed as possible):**

Unknown

**3. Forces who carried out the arrest or are believed to have carried it out:**

Unknown; submitter believes it is likely that the arrest was carried out by Public Security Bureau officials in the Xinjiang Uyghur Autonomous Region (XUAR), possibly from Mr. Ekpar Asat's city of residence, Urumqi.

- 4. Did they show a warrant or other decision by a public authority?**  
Mr. Ekpar Asat's family have never been provided with legal documents pertaining to the case, despite requests for such documents.
- 5. Authority who issued the warrant or decision:**  
Unknown
- 6. Reasons for the arrest imputed by the authorities:**  
Unknown
- 7. Legal basis for the arrest including relevant legislation applied (if known):**  
Unknown

**c) Ms. Gulshan Abbas**

- 1. Date of arrest:**  
Exact date unknown; last heard from on September 10, 2018 (see Section IV, Circumstances of Arrest for more information).
- 2. Place of arrest (as detailed as possible):**  
Unknown
- 3. Forces who carried out the arrest or are believed to have carried it out:**  
Unknown; submitter believes it is likely that the arrest was carried out by Public Security Bureau officials in the Xinjiang Uyghur Autonomous Region (XUAR), possibly from Ms. Gulshan Abbas's city of residence, Urumqi.
- 4. Did they show a warrant or other decision by a public authority?**  
No, the authorities have not shown any legal documents to her family. The family, to this date, does not know precisely about her whereabouts or condition in detention.
- 5. Authority who issued the warrant or decision:**  
Unknown
- 6. Reasons for the arrest imputed by the authorities:**  
Unknown. No legal documents have been provided to her family. Based on a statement by the Chinese Foreign Ministry on December 31, 2020, Gulshan Abbas was imprisoned on charges of "participating terrorist activities, aiding terrorist organization and disrupting public order."

As a retired physician, her family can confirm, she has never had anything to do with "terrorism" or "terrorist" organizations, so it is difficult to know how the authorities arrived at this charge.

It is believed that Gulshan Abbas was taken away just days after her sister Rushan Abbas, a Uyghur activist in the US, made a speech about the mass detention of Uyghurs in Xinjiang. Rushan Abbas has since come under attack by Chinese official media, such as the Global Times, which has accused her of being a "separatist" and spreading rumors about the detention of Uyghurs in Xinjiang.

More generally, leaked documents from the Xinjiang government have shown that there is an emphasis on monitoring Uyghurs abroad and targeting individuals

domestically with ties to targeted individuals abroad.<sup>1</sup> Thus, this is one reason why many Uyghurs in the diaspora have relatives who have been detained.<sup>2</sup> Moreover, many Uyghur journalists and Uyghur activists have had their family members detained, in what appears to be an act of retaliation calibrated to stop their journalism or advocacy.<sup>3</sup>

## 7. Legal basis for the arrest including relevant legislation applied (if known):

Under the Criminal Procedure Law, according to Article 85, authorities are supposed to notify family members within 24 hours of a detention, but there is a large loophole in this requirement (highlighted):

“After taking someone into custody, they shall immediately deliver the person in custody to be detained in a detention center, no later than 24 hours. The person taken into custody's family shall be notified within 24 hours of their being taken into custody, **unless there is no way to contact them or it is a crime endangering national security or a terrorist activities crime where notification might obstruct the investigation.** After the situation that would obstruct investigation has passed, they shall immediately inform the person in custody's family.”

In CHRD’s experience in dealing with cases from the Xinjiang Uyghur Autonomous Region, as well as those of other credible organizations such as Amnesty International<sup>4</sup> and the Rights Practice<sup>5</sup>, Chinese authorities have not carried out the detentions in Xinjiang with any form of due process, and detainees are denied the right to legal counsel.<sup>6</sup>

Furthermore, although it is unknown for certain whether Gulshan Abbas was subjected to a “re-education center”, which is possible, it is worth noting that this form of detention does not even comply with China’s own laws, or international law, since the deprivation of liberty in the education camps is not specifically provided for by law.<sup>7</sup>

While transparency with respect to trials and criminal judgments has always been low in the Xinjiang Uyghur Autonomous Region, over the past few years it has become almost completely untransparent. With respect to crimes of endangering

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<sup>1</sup> <https://www.icij.org/investigations/china-cables/read-the-china-cables-documents/>

<sup>2</sup> <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>  
<https://www.voanews.com/a/press-freedom-how-china-uses-family-members-pressure-uyghur-journalists/6203382.html>; <https://www.hrw.org/news/2021/06/09/families-activists-who-flee-xinjiang-pay-heavy-price>

<sup>3</sup> <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>

<sup>4</sup> <https://xinjiang.amnesty.org>

<sup>5</sup> <https://www.rights-practice.org/news/abuse-of-law>

<sup>6</sup> <https://www.rights-practice.org/news/abuse-of-law>

<sup>7</sup> <https://www.chinalawtranslate.com/en/explainer-on-xinjiang-regulations/>

state security, Duihua, an organization that monitors criminal justice developments in China, noted:

“The lack of publicly available data in recent years makes it impossible to ascertain whether the majority of ESS cases continued to be concluded in the [Xinjiang] region”.<sup>8</sup>

In addition to this, one other channel for ascertaining more about criminal cases in China is to access criminal verdicts made public on government websites. The Chinese government had once attempted to facilitate greater judicial transparency by compiling all verdicts on the China Judgements Online platform. However, in 2021, almost all cases related to ethnic minorities and sensitive political cases were taken down, making it more difficult to find information on cases like that of Gulshan Abbas.<sup>9</sup>

### III. DETENTION

#### a) Mr. Qurban Mamut

- 1. Date of detention:** November/December 2017 (exact date unknown, possibly as early as March/April 2017)
- 2. Duration of detention:** Unknown
- 3. Forces holding the detainee under custody:** Unknown
- 4. Places of detention (indicate any transfer and present place of detention):** Unknown
- 5. Authorities that ordered the detention:** Unknown; submitter believes it is likely that the detention was ordered by Public Security Bureau officials in the Xinjiang Uyghur Autonomous Region (XUAR), possibly from Mr. Qurban Mamut’s city of residence, Urumqi.
- 6. Reasons for the detention imputed by the authorities:** Unknown (see Section V for context regarding detention of Uyghur intellectuals)
- 7. Legal basis for the detention including relevant legislation applied (if known):** Unknown (see Section IV for context regarding legal basis of detention of Uyghur and other minority groups in the XUAR)

#### b) Mr. Ekpar Asat

- 1. Date of detention:** First went missing on April 7, 2016
- 2. Duration of detention (if not known, probable duration):** Until present
- 3. Forces holding the detainee under custody:** Aksu Prison

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<sup>8</sup> <https://www.duihuahrjournal.org/2022/01/decoding-state-security-trials-part-i.html>

<sup>9</sup> <https://www.chinafile.com/reporting-opinion/viewpoint/verdicts-chinas-courts-used-be-accessible-online-now-theyre-disappearing>

**4. Places of detention (indicate any transfer and present place of detention):**

It is believed that Mr. Ekpar Asat was held in various “education and vocational camps” or detention centers, until he was later transferred to the Aksu Prefecture Prison in January of 2019.

**5. Authorities that ordered the detention:** It is unknown.

**6. Reasons for the detention imputed by the authorities:**

Mr. Ekpar Asat founded a popular social media app that featured news, history, literature, column, entertainment, music, and legal updates. The US Embassy in Beijing encouraged Ekpar Asat to apply for the State Department’s International Visitor Leadership Program (IVLP) after he met with Max Baucus, then the American ambassador to China, in Xinjiang in 2014.

Thus, his arrest could be in connection with his app, or related to his having participated in the IVLP program.

However, his family has been unable to receive any legal documents related to his case, and thus even the nominal, official reason for his arrest is unknown.

More generally, leaked documents from the Xinjiang government have shown that there is an emphasis on monitoring Uyghurs abroad, those who have been abroad, and targeting individuals domestically with ties to targeted individuals abroad.<sup>10</sup> While it is possible that Mr. Ekpar Asat may have been targeted due to his participation in the IVLP program, it is also possible that he simply was detained because he was a Uyghur with overseas experience and overseas connections and a sister living abroad.

**7. Legal basis for the detention including relevant legislation applied (if known):**

The Chinese Embassy has claimed that Mr. Ekpar Asat was sentenced to 15 years on the charge of “inciting ethnic hatred and ethnic discrimination.” His family has had no evidence that a lawyer was present at the trial, or if indeed there was a trial.

**c) Ms. Gulshan Abbas**

**1. Date of detention:** As mentioned above, the specific date is unknown, but she was last heard from on September 10, 2018.

**2. Duration of detention (if not known, probable duration):** since September 10, 2018.

**3. Forces holding the detainee under custody:**

Urumqi Police or Kashkar police.

**4. Places of detention (indicate any transfer and present place of detention):**

Possible locations Urumqi, Artush or Kashkar

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<sup>10</sup> <https://www.icij.org/investigations/china-cables/read-the-china-cables-documents/>

**5. Authorities that ordered the detention:**

Unknown.

**6. Reasons for the detention imputed by the authorities:**

Unknown.

**7. Legal basis for the detention including relevant legislation applied (if known):**

Unknown.

**IV. CIRCUMSTANCES OF ARRESTS**

**Background and policy context of arrests**

Chinese officials have consistently denied reports of rights abuses against Uyghur, Kazakh, Hui, Uzbek, Kyrgyz, and other minority groups in Xinjiang. In recent years, strict censorship, surveillance, and the threat of detention for those providing information have also severely restricted access to information about the region and its people, making it nearly impossible to obtain information about the well-being and whereabouts of individuals, as well as any legal procedures applied.

Over the last decades, individual Uyghur and other ethnic minority persons have been prosecuted under policies that consider expressions of minority culture to be potential evidence of separatism or even terrorism. Since 2016, government authorities have implemented a coordinated campaign to detain large numbers of Uyghur and other minority leaders in culture, academia, business, and professional life. These detentions are part of a larger campaign targeting Uyghur and other minority groups in the region with security restrictions, surveillance, censorship, and political education.

According to scholars of the region and its policies, the underlying policy rationale for the detention of intellectuals is to diminish the influence and legitimacy of Uyghur and other minority cultural expression and language use. These goals are in turn instrumental to forcibly assimilating Uyghur and other minority groups into a Party-determined national Chinese culture. According to these policies, eliminating the independent expression of Uyghur and other minority ethnic, cultural, and religious identities in Xinjiang is essential to a larger campaign of curbing perceived national security threats arising from the region after several incidents of terrorism and violent unrest that state authorities have attributed to religious extremism and ethnic separatism.

**a) Mr. Qurban Mamut**

The Chinese government has made very little information about Mr. Qurban Mamut's detention public. Mr. Qurban's son, Mr. Bahram Qurban, lost contact after his father made a February 2017 trip to visit him in the U.S. Mr. Bahram Qurban believes his father might have been detained as early as March 2017, as this would explain the loss of contact.



In October 2018, a family friend living abroad told Radio Free Asia that Mr. Qurban was detained late November or early December 2017, according to information gathered from neighbors. The neighbor also reported that other family members had been threatened—likely indicating why Mr. Qurban’s family in China has not shared any information about Mr. Qurban’s disappearance.

In June 2020, a Chinese public official revealed that Mr. Qurban had been “classified as a ‘detained person’” in an interview with Radio Free Asia, but the official—employed in public culture administration for the XUAR government—provided no further details about the circumstances of the detention. When asked whether Mr. Qurban was being held in a re-education camp or was serving a prison sentence, the official said she did not know.

### **Possible reasons for arrest and coercive measures**

Although authorities have refused to provide essential details about the circumstances of Mr. Qurban’s detention, possible circumstances are indicated by research based on survivor accounts, Chinese government policy documents, statements from Chinese officials, and analysis of maps and other data by scholars, journalists, and human rights organizations. Such research suggests the factors Chinese authorities likely consider to be justifications for restricting Mr. Qurban’s freedom and what coercive measures authorities may have imposed.

The submitter believes that the main factor underlying Mr. Qurban’s detention was his importance as an intellectual and cultural figure within the Uyghur community. After 2016, as part of a wider counter-terrorism crackdown, authorities in Xinjiang launched a campaign targeting intellectual, cultural, and professional figures within Uyghur, Kazakh, and other minority communities. Researchers have collected information on 312 detained<sup>11</sup> intellectual and cultural elites as of late 2021 but believe the actual number to be higher.

The known details of post-2016 detentions of minority intellectuals have often featured previously sanctioned expressions of minority culture used as potential evidence of separatism or extremism. For example, several Uyghur education officials were sentenced<sup>12</sup> to life imprisonment or the suspended death penalty for “separatism,” “inciting ethnic hatred,” and “promoting religious extremism.” State authorities based these charges on the publication of textbooks featuring several Uyghur historical figures—textbooks that had previously met state approval for publication in 2003 and 2009. Mr. Qurban’s work as an editor of a state-sanctioned publication on Uyghur culture and social issues would therefore make him vulnerable to similar charges, with similarly severe penalties.

In addition to criminal detention, other coercive measures reportedly used against intellectuals have included being held in political re-education camps. Literature professor Mr. Azat Sultan was dismissed from his post as a vice president of Xinjiang

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<sup>11</sup> [https://uhrp.org/wp-content/uploads/2021/12/The-Disappearance-of-Uyghur-Intellectual-and-Cultural-Elites\\_2021-12-07-1.pdf](https://uhrp.org/wp-content/uploads/2021/12/The-Disappearance-of-Uyghur-Intellectual-and-Cultural-Elites_2021-12-07-1.pdf)

<sup>12</sup> <https://news.cgtn.com/news/2021-04-02/The-war-in-the-shadows-Challenges-of-fighting-terrorism-in-Xinjiang-Z7AhMWRPy0/index.html>

University and was detained in January 2018 for expressing anti-Party and separatist sentiments in an educational setting. Researchers believe he was held in a re-education camp until he was released<sup>13</sup> in July 2019.

Few details about legal or security measures are made public, and in some cases officials have given the international community information about bases for conviction that conflicts with messaging to officials and residents of Xinjiang. For example, after former Xinjiang University president and geographer Mr. Tashpolat Teyip went missing in March 2017, the Chinese government publicly claimed that Mr. Tashpolat was arrested on bribery and corruption charges. In political study meetings within Xinjiang, however, officials have reportedly represented Mr. Tashpolat along with other detained education leaders as guilty of separatism.<sup>14</sup> One official has also confirmed the separatism accusation to news media.

Other factors potentially contributing to Chinese authorities' decision to detain Mr. Qurban include politically sensitive family connections and travels outside of China, for which Uyghur and other ethnic minority individuals have also been detained since 2016. Mr. Qurban's son works for Radio Free Asia, and as mentioned above, Mr. Qurban traveled to the United States to visit his son prior to being detained.

#### **b) Mr. Ekpar Asat**

As mentioned, Mr. Ekpar Asat went missing in April 2016 three weeks after returning to Xinjiang from the United States, where he had just attended the International Visitors Leadership Program organized by the US State Department.

The United States mentioned the case of Mr. Ekpar Asat in its 2019 human rights report. Later, after a group of US legislators called for his release, the Chinese Embassy in the US finally responded to them via email by providing very limited information about his detention. In less than a paragraph, the Chinese Embassy only revealed that "Ekpar is charged with inciting ethnic hatred and discrimination" and is facing 15 years sentence. No further information was provided.

During the first video conversation with his family since his detention, in January 2021, Mr. Ekpar Asat was seen to have lost a lot of weight and looked pale with black spots on his face. As he continues to suffer from a lack of sunlight exposure and malnutrition, it is feared that Mr. Ekpar's health will deteriorate further without access to proper medical care. In that video call, the correctional officers confirmed that Mr. Ekpar has been and continues to be held in solitary confinement since January 2019. Despite the prison's approval for transfer to a regular cell, the senior officials have rejected the proposal. Since January 2021, Mr. Ekpar against had three more calls with family in which he did not confirm any improvements as to the situation of solitary confinement.

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<sup>13</sup> <https://shahit.biz/eng/#222>

<sup>14</sup> <https://www.rfa.org/english/news/uyghur/intellectuals-jailed-10102018172605.html>

**c) Ms. Gulshan Abbas**

The Chinese authorities have not provided any information regarding the circumstances, time, or the legal basis of Ms. Gulshan Abbas's initial detention, or which authorities detained her. Relatives had heard that she was "studying", which is a euphemism for being sent to a "re-education camp".<sup>15</sup> Later, in December 2020, her family learned through a trusted source that she was sentenced to 20 years on the charge of "taking part in organized terrorism, aiding terrorist activities and seriously disrupting social order". The Chinese Foreign Ministry spokesman later confirmed she was sentenced on this charge.<sup>16</sup>

However, it is likely that her detention was triggered by her sister Ms. Rushan Abbas giving a speech about the mass detention of Uyghurs. As mentioned above, the Chinese government has retaliated against Uyghurs overseas who are active in journalism or advocacy by detaining their relatives.<sup>17</sup>

**V. REASONS WHY ARRESTS WERE ARBITRARY**

**a) Mr. Qurban Mamut**

**Mr. Qurban Mamut's detention is not authorized by the PRC Constitution or PRC domestic law (Category I)**

To date, authorities have provided no definitive information about the legal basis or authority under which Mr. Qurban has been detained, making it impossible to analyze the basis of his detention in specific terms. But in general terms, there is no basis under the Constitution or domestic law for detaining persons based on Uyghur or other minority identity, or of expressions of minority culture. Nonetheless, Chinese authorities have publicized security policies that prescribe detention in re-education camps and imprisonment for non-threatening expressions of Uyghur and other minority group identity in Xinjiang. The existence of such policies indicates that Mr. Qurban's detention is directly connected to his work as an editor of a prominent journal covering Uyghur culture and social issues. These circumstances would indicate that the deprivation of Mr. Qurban's liberty is lacking in legal basis under both the PRC Constitution and domestic law, thus falling under Category I.

If Chinese authorities have detained Mr. Qurban as part of implementing the region's security policy, under which his past work as a journal editor would be considered evidence of his being a security threat, these authorities have violated numerous rights guaranteed to Mr. Qurban under the PRC Constitution. Articles 35 and 36 guarantee the right to free expression and religious belief, respectively. Chinese authorities will have violated Mr. Qurban's rights under these articles, as well as Article 47 which guarantees

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<sup>15</sup> <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA1724012020ENGLISH.pdf>

<sup>16</sup> <https://www.barrons.com/news/china-confirms-uyghur-doctor-jailed-for-terrorism-01609409103>

<sup>17</sup> <https://www.nytimes.com/2021/07/27/world/asia/xinjiang-china-crackdown.html>

the freedom to engage in “scientific research, literary, and artistic creation, and other cultural pursuits.” Article 33 guarantees citizens equality before the law and respect for human rights from the government, which Chinese authorities have violated by discriminatorily targeting Mr. Qurban as a member of the Uyghur community, in addition to violating his human rights as detailed below under the section on Category II.

If authorities have detained Mr. Qurban in a political re-education camp, they will have done so in violation of the Constitution’s Article 37, which guarantees freedom of person and prohibits restriction of such freedom by means other than by decision of the People’s Procuratorate or by decision of a People’s Court. Detentions in re-education camps also violate Articles 8(5) and 9 of the PRC Law on Legislation, under which restrictions of freedom of person must be authorized by statutes passed by the National People’s Congress or its standing committee. Detentions in political re-education camps are not authorized by the Procuratorate or the People’s Courts, nor is qualifying national legislation<sup>18</sup> applied in detaining persons for re-education.

As noted above under Section IV, the Chinese government’s counterterrorism policy in Xinjiang has also included the prosecution of minority intellectuals on charges of “separatism,” “inciting ethnic hatred,” and “promoting religious extremism” for being involved in the publication of material concerning minority identity and history. Given Mr. Qurban’s work as the main editor of a preeminent magazine on Uyghur culture, it is possible that he may have been criminally detained, prosecuted, and sentenced on similar grounds. If so, the Working Group should consider that such charges would be too vague to qualify as *lex certa*. In the known cases cited above, these charges are shown to be too broadly applicable for individuals to regulate their conduct accordingly. If Mr. Qurban has indeed been charged and sentenced under such laws, Chinese officials have deprived him of his liberty without a specific legal basis and thereby violated the due process of law upheld by the principle of legality in Article 11(2) of the Universal Declaration of Human Rights.

**Mr. Qurban Mamut’s detention is a result of the exercise of his rights guaranteed by articles 7, 18, 19, and 20 of the UDHR and 18, 19, 22, 26, and 27 of the ICCPR (Category II)**

Authorities have not provided information about the basis of Mr. Qurban’s enforced disappearance and it is therefore not possible to specifically analyze the connection to the exercise of his rights. Nonetheless, as established above, the Chinese government has implemented a security policy of depriving persons of personal liberties for non-threatening expressions of minority culture in Xinjiang, particularly when such expression has involved collaboration with others and dissemination to a public audience. Mr. Qurban was the founder and chief editor of a prominent journal of Uyghur culture and social issues, he would have worked with other Uyghur academic and cultural figures to publicize their work to a wider audience, including in the Uyghur language.

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<sup>18</sup> <https://www.lawfareblog.com/no-new-xinjiang-legislation-does-not-legalize-detention-centers>

Consequently, Mr. Qurban's detention is likely connected to his exercise of his rights under the UDHR to freedom of thought (as guaranteed by Article 18), opinion and expression (Article 19), and association (Article 20). His detention would also violate his rights under the ICCPR to freedom of thought (Article 18), expression and opinion (Article 19), and association with others (Article 22), as well as his right as a minority to enjoy his own culture and use his own language (Article 27).

Finally, given that the security policies in Xinjiang under which Mr. Qurban has likely been detained are known explicitly to target Uyghur and other minority individuals, Chinese officials have also violated the UDHR's Article 7 guaranteeing equal protection of the law and the ICCPR's Article 26, also guaranteeing equal protection and prohibiting discrimination based on race, language, and religion.

The above violations fulfill the conditions for arbitrary detention under Category II.

**Authorities have not observed international norms relating to Mr. Qurban Mamut's right to a fair trial (Category III)**

Chinese authorities have not shown that Mr. Qurban Mamut's due process rights have been respected since taking him into custody. Mr. Qurban's son has not been able to access any official documentation concerning his father's detention.

There is no publicly available evidence that Mr. Qurban or his family was shown an arrest warrant, that Mr. Qurban has had access to legal counsel while in custody, that he has been charged or tried in a timely manner under impartial conditions, including with fair opportunity to mount a defense, or that his rights have been respected in any investigation authorities may be pursuing in his case. Therefore, any criminal detention and prosecution of Mr. Qurban is in violation of his rights to due process and a fair and public hearing as guaranteed under the International Covenant on Civil and Political Rights (Articles 9 and 14) and the Universal Declaration of Human Rights (Article 10). The submitter further notes that Chinese officials have furnished no evidence that they have applied any legal process at all in detaining Mr. Qurban. As described above, many Uyghur, Kazakh, and other minority individuals like Mr. Qurban have been detained in political re-education camps as part of the region's counterterrorism policy; these detentions are not deprivations of liberty authorized by Chinese law (*supra* Section V, Category I), and are therefore in violation of the right not to be arbitrarily arrested or detained under Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights.

These violations of Mr. Qurban's procedural rights by Chinese authorities meet the conditions of arbitrary detention under Category III.

**Authorities have deprived Mr. Qurban Mamut of his liberty for discrimination based on his ethnic and social identities, and his language (Category V)**

What is described above regarding the counter-terrorism policies in Xinjiang indicates that Mr. Qurban Mamut has likely been detained for his work establishing a magazine on Uyghur cultural and social issues. This would constitute deprivation of his liberty for

discrimination based on his Uyghur ethnicity and use of the Uyghur language, and is therefore a violation of his rights to equal treatment by Chinese authorities meeting the conditions of arbitrary detention under Category V.

**b) Mr. Ekpar Asat**

**Ekpar Asat's detention is not authorized by the PRC Constitution or PRC domestic law (Category I)**

Given the lack of legal documentation, it is highly likely that the detention and subsequent arrest and indictment was not carried out with respect to the provisions of the Criminal Procedure Law.

Under the Criminal Procedure Law, according to Article 85, authorities are supposed to notify family members within 24 hours of a detention, but there is a large loophole in this requirement (highlighted):

“After taking someone into custody, they shall immediately deliver the person in custody to be detained in a detention center, no later than 24 hours. The person taken into custody's family shall be notified within 24 hours of their being taken into custody, **unless there is no way to contact them or it is a crime endangering national security or a terrorist activities crime where notification might obstruct the investigation.** After the situation that would obstruct investigation has passed, they shall immediately inform the person in custody's family.”

In CHRD's experience in dealing with cases from the Xinjiang Uyghur Autonomous Region, as well as those of other credible organizations such as Amnesty International,<sup>19</sup> Chinese authorities have not carried out the detentions in Xinjiang with any form of due process, and detainees are denied the right to legal counsel.<sup>20</sup>

**Mr. Ekpar Asat has been deprived of liberty as a result of the exercise of his rights or freedoms guaranteed by articles 7, 18 and 19 of the Universal Declaration of Human Rights and by articles 18, 19, 26 and 27 of the International Covenant on Civil and Political Rights (Category II)**

Authorities have not provided information about the basis of Mr. Ekpar Asat's enforced disappearance and it is therefore not possible to specifically analyze the connection to the exercise of his rights. Nonetheless, as established above, the Chinese government has implemented a security policy of depriving persons of personal liberties for non-threatening expressions of minority culture in Xinjiang, particularly when such expression has involved collaboration with others and dissemination to a public audience. Mr. Ekpar Asat did run an app and was an entrepreneur, and to some extent, he was involved in promoting the Uyghur language. He also had a track record of engaging in

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<sup>19</sup> <https://xinjiang.amnesty.org>

<sup>20</sup> <https://www.nchrd.org/2018/07/criminal-arrests-in-xinjiang-account-for-21-of-chinas-total-in-2017/>

charitable endeavors: helping children with disabilities and the elderly and providing children access to education.

Consequently, Ekpar Asat's detention is likely connected to his exercise of his rights under the UDHR to freedom of thought (as guaranteed by Article 18), opinion and expression (Article 19). His detention would also violate his rights under the ICCPR to freedom of thought (Article 18), expression and opinion (Article 19) as well as his right as a minority to enjoy his own culture and use his own language (Article 27).

Finally, given that the security policies in Xinjiang under which Mr. Ekpar Asat has likely been detained are known explicitly to target Uyghur and other minority individuals, Chinese officials have also violated the UDHR's Article 7 guaranteeing equal protection of the law and the ICCPR's Article 26, also guaranteeing equal protection and prohibiting discrimination based on race, language, and religion.

The above violations fulfill the conditions for arbitrary detention under Category II.

**Authorities have not observed international norms relating to Mr. Ekpar Asat's right to a fair trial (Category III).**

Similar to the above, in this case, and in all recent cases involving Uyghurs and other minorities in the Xinjiang Uyghur Autonomous Region, there is no evidence that the family of Ekpar Asat received notice of his arrest, that he was brought before a court to challenge the legality of the arrest, that he ever had access to a lawyer of his choice.

**Authorities have deprived Mr. Ekpar Asat of his liberty for discrimination based on his national and ethnic origin and his language (Category V)**

It is highly likely that Ekpar Asat was targeted as a Uyghur who took part in the IVLP program, for being a Uyghur who had been abroad and who had overseas connections, or for his prominence as a businessman promoting social connections within the Uyghur community in the Uyghur language.

**c) Ms. Gulshan Abbas**

**Ms. Gulshan Abbas's detention is not authorized by the PRC Constitution or PRC domestic law (Category I)**

Given the lack of legal documentation provided to Ms. Gulshan Abbas's family, and the lack of publicly available information on her case, including any criminal verdict, it is highly likely that the detention and subsequent arrest and indictment was not carried out with respect to the provisions of the Criminal Procedure Law (see Sections V(a)(Category I) and V(b)(Category I)).

These circumstances would indicate that the deprivation of Ms. Gulshan's liberty is lacking in legal basis under both the PRC Constitution and domestic law, thus falling under Category I.

**Ms. Gulshan Abbas has been deprived of liberty as a result of the exercise of her rights or freedoms guaranteed by article 7 of the Universal Declaration of Human Rights and by article 26 of the International Covenant on Civil and Political Rights (Category II)**

Given that the security policies in Xinjiang under which Ms. Gulshan Abbas has likely been detained are known explicitly to target Uyghur and other minority individuals, Chinese officials have violated the UDHR's Article 7 guaranteeing equal protection of the law and the ICCPR's Article 26, also guaranteeing equal protection and prohibiting discrimination based on race, language, and religion.

The above violations fulfill the conditions for arbitrary detention under Category II.

**Authorities have not observed international norms relating to Ms. Gulshan Abbas's right to a fair trial (Category III)**

Similar to the above, in this case, and in all recent cases involving Uyghurs and other minorities in the Xinjiang Uyghur Autonomous Region, there is no evidence that the family received notice of her arrest, that she was brought before a court to challenge the legality of the arrest, that she ever had access to a lawyer of her choice.

**Authorities have deprived Ms. Gulshan Abbas of her liberty for discrimination based on her national and ethnic origin and his language (Category V)**

As mentioned above, it is highly likely that the authorities have dealt with Ms. Gulshan Abbas in a discriminatory manner due to her ethnic origin.

## **VI. INTERNAL STEPS**

**a) Mr. Qurban Mamut**

To the knowledge of Mr. Qurban Mamut's son, Mr. Bahram Qurban, the family has not pursued domestic remedies. It is unlikely that any family members would have done so because of the likelihood of official retaliation that would make family members themselves targets of further persecution for seeking redress.

**b) Mr. Ekpar Asat**

Mr. Ekpar Asat's family has not pursued domestic remedies. It is unlikely that any family members would have done so because of the likelihood of official retaliation that would make family members themselves targets of further persecution for seeking redress.

**c) Ms. Gulshan Abbas**

Ms. Gulshan Abbas does not have any immediate family members in Urumqi. Multiple attempts to get information by her daughters, sister and brother in the United States have been unsuccessful, as the Chinese government refused to give out any information about her arrest, location, or current health.

In the absence of the potential to use domestic remedies, Ms. Gulshan Abbas's family in the United States has sought to use high level political channels to obtain more



information about her whereabouts, current circumstances, and to seek her release. US legislators wrote to China's then-Ambassador to the US, Cui Tiankai, inquiring about her case and asking for her release. Also, US Secretary of State Antony Blinken, US Senator Marco Rubio and US Senator Tim Kaine have tweeted about her case, and demanded her release on multiple occasions.

Her daughter also wrote to Ambassador Cui requesting information about her mother's case in August 2020. Amnesty International has issued urgent actions twice on her case on May 27, 2020 and January 21, 2021. Her sister Rushan Abbas testified at the U.S Congress & Senate. Her brother Dr. Rishat Abbas and her daughter Ms. Ziba Murat testified at the 74th and 75th UN General Assembly side events hosted by the US Department of State. Her case has also been submitted to UN WGEID of the OHCHR. Her daughter Ziba also delivered a statement at the 46th session of the UN Human Rights Council.

## VII. SUBMITTER'S CONTACT INFORMATION

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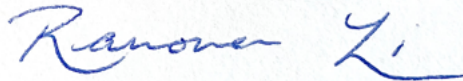
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