

Xinjiang Uighur Autonomic Region Qakilik Country People's Court Criminal Judgement

Xinjiang [REDACTED] Criminal Review [REDACTED]

Public Prosecutor: Qakilik Country People's Procuratorate

[REDACTED] (additional name: [REDACTED]), male, born [REDACTED], Uyghur nationality, ID [REDACTED], born in [REDACTED] Xinjiang Region, primary school level education, household registration at Qirimqi Village, Third Group, No. 25, Qirimqi Village, Qarakash County, Xinjiang Region. No prior criminal record, CCP member. He was summoned for detention on August 9, 2017 on suspicion of the crime of assembling a crowd to disturb the social order. On June 23, 2009, he was arrested by the approval of Qakilik County People's Procuratorate on the crime of inciting extreme thoughts. He is now detained in Qakilik County Prison.

Attorney: [REDACTED], a lawyer of Xinjiang Ar Jin Lawyers Office.

Qakilik Country People's Procuratorate Criminal Prosecution Indictment (2018) 132 charged the accused [REDACTED] of the crime of incitement of ethnic hatred and ethnic discrimination on May 30, 2018 and filed an indictment in this court. On June 10, 2018, according to law, this court convened and held an open court session to try the case. Qakilik County People's Procuratorate Prosecutor Patigul Tomur sustained the indictment. [REDACTED], the defense counsel for the accused [REDACTED], came to court to participate in the hearing. The trial has now already concluded.

Qakilik County People's Procuratorate accuses the defendant [REDACTED] of incitement of ethnic hatred and ethnic discrimination. On December 2016, during the work of Qakilik Country's 36th corps, No. 315 National Highway, at the temporary worker quarters of the Sandstone Factory, he incited extremist religious thoughts in his colleagues [REDACTED] and others such as : Do not say dirty words, do not watch porn or you will become a kafir (non-believer), if you don't pray and watch porn, your soul will not be clean for 40 days and God will not accept your prayers. If you eat without praying, you will become a kafir. If you do not pray, you will be in hell and God will not forgive you. All people who do not pray are Han Chinese kafirs. You cannot eat food from women who do not pray. You cannot eat food from people who smoke and drink alcohol.

The defendant [REDACTED] acknowledged his crime. During the trial, he said that he committed these crimes because of his low legal awareness and low level of education and that he was guilty. He asked the judge to deal with him leniently and give him a chance to become a good man.

The counsel for defendant [REDACTED] said "his deeds constitute a crime and the People's Procuratorate's accusation against him is correct. Both the defendant, [REDACTED], and I have no argument against this accusation. Due to the defendant's low legal awareness and education level, he was easily susceptible to being misguided and committing crimes. He's guilty. This is his first criminal record and I ask the court to deal with him leniently".

During the trial it became clear that in December 2016, during the work of Qakilik Country's 36th corps, No. 315 National Highway, at the temporary worker quarters of the Sandstone Factory, he incited extremist religious thoughts in his colleagues [REDACTED] and others such as : Do not say dirty words, do not watch porn or you will become a kafir (non-believer), if you don't pray and watch porn, your soul will not be clean for 40 days and God will not accept your prayers. If you eat without praying, you will become a kafir. If you do not pray, you will be in hell and God will not forgive you. All people who do not pray are Han Chinese kafirs. You cannot eat food from women who do not pray. You cannot eat food from people who smoke and drink alcohol. The facts above prove his incitement of ethnic hatred and ethnic discrimination. The following evidence materials have been examined, confronted, and authenticated, as evidence in this case:

1. The criminal documents of Qakilik County Police Bureau. On August 8, 2017, the County Police Bureau suspected the defendant [REDACTED] of the crime of assembling a crowd to disturb social order and through examination, proved his crime.

2. The testimony of the witnesses [REDACTED] proves: that in December 2016, during the work of Qakilik Country's 36th corps, No. 315 National Highway, at the temporary worker quarters of the Sandstone Factory, he incited his colleagues [REDACTED] to prayer. And he told them that if they eat without praying, they will become kafir and will be sent to hell, that all people who do not pray are Han Chinese Kafir, and that you cannot eat food from women who do not pray.

3. The five time confession of the defendant, [REDACTED], proves his crimes.

4. The household registration of the defendant, [REDACTED], proves that his birthday was [REDACTED]. That means when he committed his crimes, he was an adult and is capable of taking legal responsibility.

The court found through its examination that all facts and evidence was collected and confirmed in legal ways. This court believes that the defendant, [REDACTED], spreading Halal (the Islamic ways of determining what is legal) and Haram (the Islamic ways of determining what is illegal) to others to incite ethnic hatred and ethnic discrimination constitutes a crime. The facts are clear and the evidence has been confirmed. According to the facts and nature of the crime committed by the defendant [REDACTED] the circumstances, and the harm that has been done to society, this court, according to Chapter 249, Chapter 55 and Chapter 58 of the Criminal Code of the People's Republic of China, makes the following verdict:

The defendant [REDACTED] for the crime of inciting ethnic hatred and ethnic discrimination, is sentenced to prison for ten years and the deprivation of political rights for five years.

The prison sentence is to be calculated from the date this judgment is executed. For the detention prior to this judgment's execution, one day of the detention to be set off against one day of the sentence, which is to say from August 9, 2017 through August 8, 2027.

The sentence of deprivation of political rights is to be calculated from the date following the effectiveness of this judgment.

If [the defendant] does not accept this judgment, [they] may, within 10 days of the second day after receiving this judgment, appeal to this court or directly to Bayinguoyu Mongolian Autonomous Prefecture Intermediate People's Court. Any written appeal should include one original and three copies of the appeal brief.

Erkin Hocimir, Chief Judge
Patigul Rozi, Assistant judge
Nuruzgul Barat, Assistant judge
June 12, 2018

Rahile Kurban, Court Clerk