

Verdict in the Case of Alimujiang Yimiti Sentenced by the Kashi District Intermediate Court

On August 6, 2009, Kashi District Intermediate Court of Xinjiang Uyghur Autonomous Region sentenced Alimujiang Yimiti to 15 years of imprisonment in the Criminal Verdict coded (2009) Ka Zhong Xing Chu Zi No. 88. He is also deprived of his political rights for five years. (The duration of his detention is calculated as from January 12, 2008 through January 11, 2023.)

Alimujiang Yimiti is a person of Uyghur ethnicity born on June 10, 1973. He has completed a two-year college education and was a manager in the Kashi Branch of Jirehouse, a British company in foodstuff processing. He originally resided at Room 604, Building 3, No. 12, Shengli Road, Tianshan District, Urumqi. Before his arrest, he resided at Room 601, (8-2) Unit 1, Huicheng Residential Compound of Kashi. On January 12, 2008, he was placed under criminal detention by Kashi Municipal Public Security Bureau on suspicion of endangering the state security. He was arrested in accordance with law on February 20, 2008 and currently he is being detained at Kashi Municipal Detention Center.

The defense counsel Liang Xiaojun from Daoheng Law Office of Beijing and the defense counsel Li Dunyong from Gongxin Law Office of Beijing attended the court trial.

On July 11, 2009, Kashi Branch of People's Procuratorate of Xinjiang Uyghur Autonomous Region submitted its public prosecution at this court, accusing the defendant Alimujiang Yimiti of providing a foreign national with state secrets in the Indictment Statement coded (2009) Xing Su Zi No. 65. Because the case involved state secrets, the court trial was not open to the public. Kashi Branch of People's Procuratorate of Xinjiang Uyghur Autonomous Region appointed the procurators Abudurehman Kadier and Alimujiang Abulimiti to appear in court to support the public prosecution.

The Kashi Branch of People's Procuratorate of Xinjiang Uyghur Autonomous Region charged:

From April 20, 2007 through May 16, 2007, Alimujiang Yimiti gave on two occasions Mr. "xxx," a foreign national, information on reconnaissance and security defense and internal management of religious work that involve state secrets. In this way, he has committed the crime of providing state secrets to foreign nationals.

Opinions of the defense counsels: the accusations lack facts and legal basis. Administration for Protection of State Secrets of Xinjiang Uyghur has overstepped its own authority and the case should be evaluated by the National Administration for Protection of State Secrets. The issues listed as top secrets in this case do not meet the actual definition of a state secret. The classified evaluation report does not qualify as an important legal document and should be signed or stamped by more than two people performing the evaluation. They hereby requested that the court rule in accordance with law.

It is found out through the hearing:

After the defendant Alimujiang Yimiti had a talk of investigation with Kashi Municipal Bureau for Religious Affairs on April 16, 2007, he went to the residence of Mr. “xxx”, an American national, on the morning of April 20, 2007. The residence is located at Donghu Residential Compound in Kashi where he gave Mr. “xxx” information on the reconnaissance and protection work that involves state secrets and the information on how the agencies in charge of ethnic and religious affairs were investigating the illegal religious infiltration by Mr. “xxx” and other people.

On the afternoon of May 16, 2007, Alimujiang Yimiti once again went to the residence of Mr. “xxx” and exchanged with Mr. “xxx” the content of each other’s previous talk with law enforcement officers in their investigations. He gave Mr. “xxx” information on the people engaging in religious infiltration who were being investigated by the law enforcement agencies and the performance of some of the people being investigated. They also discussed how they should deal with the situation.

Evidence:

(1) Testimonies from witnesses

The witnesses Saidulaai Sikaer and Kasimujiang testified respectively that at about 12:25 Beijing time on April 20, 2007 and on May 16, 2007, they personally saw Alimujiang Yimiti who was working in orchards in Hannanlinanlike town of Shule county went into the house of Kuerbanjiang located in Building 22 in Donghu Residential Compound.

(2) Conclusion from the Evaluation

The classified evaluation statement by the Administration for the Protection of State Secrets of the autonomous region has confirmed:

1. On April 20, 2007, the information the defendant provided to a foreign national called “xxx” involves secret intelligence, subjects of important reconnaissance and protection by the authorities and their work on these people. It is concluded that the content of their conversation is classified state secrets.
2. On May 16, 2007, the information the defendant illegally provided to the foreign national “xxx” on the investigation Kashi Bureau for Ethnic Affairs was conducting on illegal Christian infiltration, the information on the investigators and some of the people being investigated are issues of the internal management in religious work and should not be disseminated to other people or published as it is regarded as secret intelligence.

(3) Notes of reconnaissance by Kashi District Public Security Bureau

1. After Alimujiang Yimiti was investigated by Kashi Municipal Bureau on April 16, 2007, he made a special trip on the morning of April 20, 2007 (12:53—14:20) to the American's residence located in "Donghu Residential Compound in Kashi where he reported that he had been investigated by Kashi municipal agencies in charge of ethnic and religious affairs because he had been trying to convert people to Christians with "xxx" among the people of Uyghur ethnicity. He also reported to him the subjects of the important reconnaissance and protection work and how the authorities were working on him.

2. On the afternoon of May 16, 2007, Alimujiang Yimiti once again went to the residence of Mr. "xxx" where Mr. "xxx" told him in details how he was investigated and questioned by agencies in charge of ethnic and religious affairs and how his case was handled by Foreign Affairs Office of the Public Security Bureau and Bureau for Industrial and Commercial Administration.

After that, Alimujiang Yimiti provided him with information on the investigators from Kashi Municipal Bureau for Ethnic and Religious Affairs, information on some investigators and issues on the internal management of religious affairs.

Documented evidence

1. Proof of household registration from Urumqi Public Security Bureau
2. Illegally provided a foreign national with the identities of people guilty of disclosing state secrets.

Mr. "xxx" is a male and an American national. His passport number is 209481369 and was born in California, USA on November 25, 1952. He speaks fluent Uyghur and Chinese. On May 10, 2008, Kashi Municipal Public Security Bureau made a decision of canceling his legal stay in China on suspicion that he was illegally preaching Christianity and engaging in infiltration. He was ordered to leave China by May 31, 2008.

Kashi District Intermediate Court of Xinjiang Uyghur Autonomous Region holds the following opinion: Alimujiang Yimiti defies the law of the state and violated the state's law and regulations on the protection of state secrets and colluded with foreigners.

Respectively on April 16, 2007 and May 16, 2007, he twice illegally provided Mr. "xxx", a foreign national, with intelligence on the reconnaissance and protection work and internal management issues in religious affairs that involve state secrets. This conduct of his has constituted the crime of illegally providing state secrets to foreigners. The facts on the crime committed by Alimujiang Yimiti and the charge against him are tenable and this court supports them.

The defendant Alimujiang Yimiti illegally provided top confidential state secrets to Mr. “xxx”, a foreigner and a piece of intelligence that must not be disseminated or published without approval. His crime is very serious and he should be severely punished in accordance with law.

The defense counsels argued that the Administration for the Protection of State Secrets of Xinjiang Uyghur Autonomous Region has overstepped its authority, that this case should be evaluated by the National Administration for the Protection of State Secrets instead and that the top confidentiality of this case does not meet the definition of a top state secret. However, pursuant to Article 7 of the “Supreme Court’s Interpretation on Several Questions Concerning the Specific Application of Law in Hearing Cases of Stealing, Spying into, Purchasing and Illegally Providing State Secrets and Intelligence,” the defend counsels’ defense opinions are not accepted.

To safeguard state security and interests, socialist system, social stability and pursuant to Clause 1 of Article 111, Clause 1 of Article 55, Clause 1 of Article 56 of the Criminal Law and Article 2 of the “Supreme Court’s Interpretation on Several Questions Concerning the Specific Application of Law in Hearing Cases of Stealing, Spying into, Purchasing and Illegally Providing State Secrets and Intelligence,” Alimujiang Yimiti is hereby sentenced to 15 years of imprisonment and is deprived of his political rights for five years.

(The duration of his detention is calculated as from January 12, 2008 through January 11, 2023.)