

The Persecution of the Uyghurs and Potential International Crimes in China*

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I. Introduction

This paper considers the legal characterization of China's historical and current treatment of the Uyghurs and, more specifically, whether China's attacks on the Uyghurs can properly be characterized as crimes against humanity or genocide under international criminal law. This paper draws from a broad canvassing of open sources, including foreign media and the documentation efforts of major human rights organizations, supplemented by reports from activists and journalists closer to the field. It also incorporates information from documents internal to the CCP that were leaked in November 2019 and February 2020, which have either been verified by linguists and regional experts,¹ or whose authenticity has not been disputed by Chinese authorities that are aware of their dissemination to international media.² For the reasons outlined below, the Chinese government is manifestly committing crimes against humanity in its treatment of the Uyghur population. The specific crimes against humanity implicated are: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced sterilization, and other forms of sexual violence of comparable gravity; persecution; enforced disappearance; apartheid; and other inhumane acts. Additionally, many of the acts committed against the Uyghurs can also be characterized as acts of genocide; although genocidal intent has yet to be incontrovertibly established, the international community should be attentive to the emergence of evidence of such intent.

II. Background

The Xinjiang Uyghur Autonomous Region ("XUAR" or "Xinjiang") is a region located in China's northwest region, bordering India, Pakistan, Afghanistan, Tajikistan, Kyrgyzstan,

¹ See Bethany Allen-Ebrahimian, *Exposed: China's Operating Manuals For Mass Internment And Arrest By Algorithm*, INT'L CONSORTIUM OF JOURNALISTS (Nov. 24, 2019), <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>; Adrian Zenz, *The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang*, 8 J. OF POL. RISK (2020), available at <https://www.jpolorisk.com/karakax/>.

² See Steven Lee Myers, *China Defends Crackdown on Muslims, and Criticizes Times Article*, N.Y. TIMES (Nov. 18, 2019), <https://www.nytimes.com/2019/11/18/world/asia/china-xinjiang-muslims-leak.html>.

Kazakhstan, and Mongolia. The Uyghur are ethnically Turkic, not East Asian, and hail originally from Central Asia; indeed, while government-sanctioned Chinese historians tend to claim that the Uyghur are indigenous to the Xinjiang region, most other historical accounts situate the Uyghur as descendants of peoples from modern-day Mongolia.³ Unlike the majority Han Chinese population, who are primarily Mandarin Chinese speakers,⁴ the Uyghur population is predominantly Muslim⁵ and has its own language.⁶ As of the most recent census in 2010, Uyghurs make up 45.84% of the Xinjiang population,⁷ and Xinjiang is the only Chinese province with a majority Muslim population.⁸ Indeed, some Uyghurs label the territory “East Turkestan”—a name that hints at the dream of an independent nation.⁹

The Chinese conflict with the Uyghurs over the land that constitutes the XUAR effectively began in 1949, when Beijing began to settle People’s Liberation Army soldiers on military state farms in Xinjiang.¹⁰ The 1990s saw a second massive assimilation drive in the XUAR, prompted by the collapse of the USSR and Beijing’s fear of instability in the region.¹¹ As part of its “Big Development of the Northwest” plan, the government introduced economic

³ See Mahesh Ranjan Debata, *Indigenous or not: Uyghurs and their claim to Xinjiang*, DOWNTOEARTH (Oct. 30, 2018), <https://www.downtoearth.org.in/blog/governance/indigenous-or-not-the-uyghurs-and-their-claim-to-xinjiang-61971>; MICHAEL DILLON, XINJIANG: CHINA’S MUSLIM FAR NORTHWEST 9 (2003); Sean R. Roberts, *Imagining Uyghurstan: re-evaluating the birth of the modern Uyghur nation*, 28 CENTRAL ASIAN SURV. 361, (2009).

⁴ Eleanor Albert, *Religion in China*, COUNCIL ON FOREIGN RELATIONS (last updated Oct. 11, 2018); the CCP is also officially atheist. *Id.*

⁵ See James Millward, *China’s Two Problems with the Uyghurs*, LOS ANGELES REVIEW OF BOOKS (May 28, 2014), <https://lareviewofbooks.org/article/chinas-two-problems-uyghurs>.

⁶ See generally, WORLD UYGHUR CONGRESS, MOVEMENT FOR UYGHUR MOTHER LANGUAGE BASED EDUCATION (2014), available at <https://www.uyghurcongress.org/en/wp-content/uploads/Movement-for-Uyghur-Mother-Language-Based-Education.pdf>; RUSTEM SHIR, UYGHUR HUMAN RIGHTS PROJECT, RESISTING CHINESE LINGUISTIC IMPERIALISM: ABDUWELI AYUP AND THE MOVEMENT FOR UYGHUR MOTHER TONGUE-BASED EDUCATION (2019), available at https://docs.uhrp.org/pdf/UHRP_Resisting_Chinese_Linguistic_Imperialism_May_2019.pdf.

⁷ NATIONAL BUREAU OF STATISTICS OF CHINA, 2010 POPULATION CENSUS (2010).

⁸ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 10 (2005), available at <https://www.hrw.org/reports/2005/china0405/china0405.pdf>.

⁹ See *id.* at 13.

¹⁰ *Id.*; HUMAN RIGHTS WATCH, *Behind the Violence in Xinjiang*, (Jul. 9, 2008, 12:46PM), <https://www.hrw.org/news/2009/07/09/behind-violence-xinjiang>.

¹¹ HUMAN RIGHTS WATCH, *Behind the Violence in Xinjiang*.

incentives to attract Han settlers, leading to the arrival of between one and two million Han Chinese migrants to Xinjiang.¹² These economic benefits, however, were reserved for the Han Chinese to the exclusion of the Uyghur community, leading to brewing resentment over the stream of new settlers, job discrimination, and the loss of lands, which was amplified by China's increasingly restrictive policies on the exercise of religion.¹³ The corresponding effects of this large migration of Han Chinese on local culture, language, and traditions also exacerbated these ethnic tensions.¹⁴ This discontent culminated in a failed uprising in February 1997 in Ghulja,¹⁵ which prompted a massive crackdown involving tens of thousands of arrests and dozens of executions of Uyghurs.¹⁶ Thus Xinjiang's status as a police state was born, undergirded by the perception that the Uyghurs' are an ethno-nationalist threat to the Chinese state, the belief that Xinjiang serves as a breeding ground for the "three evil forces" of separatism, terrorism, and extremism, and by the Uyghurs' designation as one of the Chinese Communist Party's ("CCP") "five poisons."¹⁷

As early as 2005, Human Rights Watch documented the "systematic repression of religion ... in Xinjiang as a matter of considered state policy,"¹⁸ at a "level of punitive control seemingly designed to entirely refashion Uighur religious identity to the state's purposes,"¹⁹ which seemed to be primarily the "enforcement of loyalty to the Chinese Communist Party and

¹² *Id.*

¹³ *Id.*

¹⁴ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 10 (2005).

¹⁵ Known as Yining in Mandarin Chinese.

¹⁶ HUMAN RIGHTS WATCH, *Behind the Violence in Xinjiang*; AMNESTY INT'L, PEOPLE'S REPUBLIC OF CHINA: REBIYA KADEER'S PERSONAL ACCOUNT OF GULJA AFTER THE MASSACRE ON 5 FEBRUARY 1997 (2007), available at <https://www.amnesty.org/download/Documents/64000/asa170012007en.pdf>; AMNESTY INT'L, REMEMBER THE GULJA MASSACRE? CHINA'S CRACKDOWN ON PEACEFUL PROTESTERS (2007).

¹⁷ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 4 (2005); AMNESTY INT'L, FEAR FOR SAFETY/FEAR OF TORTURE AND ILL-TREATMENT (2005), available at <https://www.amnesty.org/download/Documents/84000/asa170162005en.pdf>.

¹⁸ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 4 (2005).

¹⁹ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 7 (2005).

the State.”²⁰ This repression included the arrests, torture, and executions of peaceful activists for alleged involvement in “separatist activity,” austere restrictions on religious activities, chronic and daily harassment, and restrictions on travel²¹; less substantiable allegations of forced organ harvesting from Uyghur political prisoners also emerged.²² In 2009, a protest in Urumqi against false rape allegations that targeted Uyghur men devolved into violence; while observers disagreed on the root cause of the escalation, the Chinese government accused the World Uyghur Congress—an international organization of exiled Uyghurs—and its leader Rebiya Kadeer of planning the riots.²³ In the aftermath of this unrest, the government further intensified pressure on the Uyghur community, engaging in a plethora of human rights abuses including enforced disappearances,²⁴ arbitrary arrests and detention,²⁵ torture and other ill-treatment,²⁶ mass

²⁰ *Id.* at 6.

²¹ *Id.* at 3-4; for a comprehensive overview and analysis of sources of ethnic tensions in the region in recent history, see 伊力哈木 [Ilham Tohti], 当前新疆民族问题的现状及建议 [PRESENT-DAY ETHNIC PROBLEMS IN XINJIANG: OVERVIEW AND RECOMMENDATIONS], available at <https://chinachangedotorg.files.wordpress.com/2015/05/e4bc8ae58a9be59388e69ca8efbc9ae5bd93e5898de696b0e79686e6b091e6978fe997ace9a298e79a84e78eb0e78ab6e58f8ae5bbbae8aeae1.pdf>, translated at http://docs.uyghuramerican.org/pdf/ilham-tohti_present-day-ethnic-problems-in-xinjiang-uyghur-autonomous-region-overview-and-recommendations_complete-translation1.pdf.

²² See ETHAN GUTMANN, *THE SLAUGHTER* 15-20, 25-26 (2014).

²³ Chris Buckley, *China calls Xinjiang riot a plot against rule*, REUTERS July 5, 2009.

²⁴ HUMAN RIGHTS WATCH, *PROMISES UNFULFILLED: AN ASSESSMENT OF CHINA’S NATIONAL HUMAN RIGHTS ACTION PLAN 21* (2011), available at <https://www.hrw.org/sites/default/files/reports/china0111webwcover.pdf>; HUMAN RIGHTS WATCH, “WE ARE AFRAID TO EVEN LOOK FOR THEM”: ENFORCED DISAPPEARANCES IN THE WAKE OF XINJIANG’S PROTESTS 21-32 (2009), available at <https://www.hrw.org/sites/default/files/reports/xinjiang1009webwcover.pdf>; AMNESTY INT’L, “JUSTICE, JUSTICE”: THE JULY 2009 PROTESTS IN XINJIANG, CHINA 21 (2010), available at <https://www.amnesty.org/download/Documents/36000/asa170272010en.pdf>; AMNESTY INT’L, *China must reveal whereabouts of Uighur children detained after deadly clash* (Jan 6, 2012, 00:00AM UTC), <https://www.amnesty.org/en/latest/news/2012/01/china-must-reveal-whereabouts-uyghur-children-detained-after-deadly-clash/>.

²⁵ HUMAN RIGHTS WATCH, *PROMISES UNFULFILLED: AN ASSESSMENT OF CHINA’S NATIONAL HUMAN RIGHTS ACTION PLAN 33-36* (2011); AMNESTY INT’L, *Urgent Action: Demand Release of Seriously Ill Uighur*, AI Index ASA/17/011/2011 (Mar. 10, 2011), available at <https://www.amnesty.org/download/Documents/28000/asa170112011en.pdf>.

²⁶ AMNESTY INT’L, “JUSTICE, JUSTICE”: THE JULY 2009 PROTESTS IN XINJIANG, CHINA 22 (2010); AMNESTY INT’L, *China urged to release Uighur activist allegedly tortured in prison* (Dec. 20, 2010, 00:00AM UTC), <https://www.amnesty.org/en/latest/news/2010/12/china-debe-liberar-activista-uygur-presuntamente-torturado-carcel/>.

surveillance,²⁷ and persecution.²⁸ China also pressured foreign governments to forcibly return Uyghur asylum seekers to China.²⁹ In the wake of the 9/11 attacks in 2001, and the United States' subsequent military response, China was able to justify these actions as part of the global "War on Terror,"³⁰ and, indeed, President Xi officially launched the "People's War on Terror" in 2014.³¹

Even against this already bleak baseline, there has been in recent years a dramatic magnification of repressive policies against Uyghurs in Xinjiang. In 2014, the same year as several high profile attacks allegedly perpetrated by Uyghurs in the Xinjiang region,³² the CCP launched the "Strike Hard Campaign against Violent Terrorism" in Xinjiang, with the aim of

²⁷ HUMAN RIGHTS WATCH, PROMISES UNFULFILLED: AN ASSESSMENT OF CHINA'S NATIONAL HUMAN RIGHTS ACTION PLAN 49 (2011).

²⁸ HUMAN RIGHTS WATCH, *Behind the Violence in Xinjiang*; HUMAN RIGHTS WATCH, PROMISES UNFULFILLED: AN ASSESSMENT OF CHINA'S NATIONAL HUMAN RIGHTS ACTION PLAN 49 (2011); Dan Levin, *China Remodels and Ancient Silk Road City, and an Ethnic Rift Widens*, N.Y. TIMES (Mar. 5, 2014), <https://www.nytimes.com/2014/03/06/world/asia/china-remodels-an-ancient-silk-road-city-and-an-ethnic-rift-widens.html>.

²⁹ HUMAN RIGHTS WATCH, PROMISES UNFULFILLED: AN ASSESSMENT OF CHINA'S NATIONAL HUMAN RIGHTS ACTION PLAN 62-63 (2011); HUMAN RIGHTS WATCH, *Letter from HRW to Grand Imam Ahmed el Tayeb Re: Forced Return of Ethnic Uyghurs to China* (July 7, 2017, 12:37PM EDT), <https://www.hrw.org/news/2017/07/07/letter-hrw-grand-imam-ahmed-el-tayeb>; HUMAN RIGHTS WATCH, *Malaysia/China: Prevent Forced Return of Uighurs* (Aug. 22, 2011, 6:38PM EDT), <https://www.hrw.org/news/2011/08/22/malaysia/china-prevent-forced-return-uighurs>; Sara Colm, *Analysis: Inside Perspective on Uighurs*, THE PHNOM PENH POST (Dec. 20, 2010), <https://www.phnompenhpost.com/national/analysis-inside-perspective-uighurs>; HUMAN RIGHTS WATCH, *China: Forcibly Returned Uighur Asylum Seekers at Risk* (Dec. 22, 2019, 2:08PM EST), <https://www.hrw.org/news/2019/12/22/china-forcibly-returned-uighur-asylum-seekers-risk>; AMNESTY INT'L, *Urgent Action: Demand Release of Seriously Ill Uighur*, AI Index ASA/17/011/2011 (Mar. 10, 2011); WORLD UYGHUR CONGRESS AND UYGHUR HUMAN RIGHTS PROJECT, *ALTERNATIVE REPORT: SUBMISSION TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE (CAT) IN CONSIDERATION OF CAT/C/CHN/52(2015)*, available at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/CHN/INT_CAT_CSS_CHN_22111_E.pdf.

³⁰ HUMAN RIGHTS WATCH, *Behind the Violence in Xinjiang*.

³¹ *Xinjiang's Party chief wages 'people's war' against terrorism*, CHINA DAILY (May 26, 2014), https://www.chinadaily.com.cn/china/2014-05/26/content_17541318.htm.

³² See Joanne Smith Finley, *Securitization, insecurity and conflict in contemporary Xinjiang: has PRC counter-terrorism evolved into state terror?*, CENTRAL ASIAN SURV. 1-3 (2019); James Millward, *'Reeducating' Xinjiang's Muslims*, CHINAFILE (Feb. 7, 2019), <https://www.chinafile.com/library/nyrb-china-archive/reeducating-xinjiangs-muslims>.

further systematizing the restrictions on Uyghurs' civil liberties.³³ In mid-2014, Xinjiang officials demanded the return of Uyghur migrants in the capital of Ürümqi to their rural hometowns, for the purported purpose of obtaining a new identity card—the People's Convenience Card.³⁴ Most of these migrants were denied the card, and consequently forced to remain in the rural heartlands of Xinjiang, far from the major cities that have benefited from economic development.³⁵ In 2016, Chen Quanguo, who previously oversaw Tibet, was appointed the new Xinjiang Communist Party Secretary.³⁶ It seems clear now that this move lay the groundwork for the present crisis. In his capacity as the Tibet Communist Party Secretary, Chen gained notoriety and favor in large part due to his penchant for hardline approaches to ethnic conflict; indeed, many of the tactics that he went on to roll out in Xinjiang—including the hyper-securitization and militarization of the region, implementation of mass surveillance systems, promotion of inter-ethnic marriages, and mass detention of those seen as overly religious—were first trialed and perfected in Tibet.³⁷

Several explanations have been proposed for the recent deterioration in the treatment of the Uyghurs. Some argue that it is reflective of the CCP's fear of a growing “anti-China”

³³ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA'S CAMPAIGN OF REPRESSION AGAINST XINJIANG'S MUSLIMS 11-25 (2018), available at https://www.hrw.org/sites/default/files/report_pdf/china0918_web2.pdf.

³⁴ Joanne Smith Finley, *Securitization, insecurity and conflict in contemporary Xinjiang: has PRC counter-terrorism evolved into state terror?*, 38 CENTRAL ASIAN SURV. 1, 3, 23 n.6 (2019).

³⁵ *Id.* Note that this economic development has nevertheless largely benefitted Han Chinese settlers. *Id.*

³⁶ Chris Buckley, *The Leaders Who Unleashed China's Mass Detention of Muslims*, N.Y. TIMES (Oct. 13, 2018), <https://www.nytimes.com/2018/10/13/world/asia/china-muslim-detainment-xinjiang-camps.html>; Adrian Zenz & James Leibold, *Chen Quanguo: The Strongman Behind Beijing's Securitization Strategy in Tibet and Xinjiang*, 17 CHINA BRIEF, available at <https://jamestown.org/program/chen-quanguo-the-strongman-behind-beijings-securitization-strategy-in-tibet-and-xinjiang/>; Edward Wong, *China Said to Detain Returning Tibetan Pilgrims*, N.Y. TIMES (Apr. 7, 2012), <https://www.nytimes.com/2012/04/08/world/asia/china-said-to-detain-returning-tibetan-pilgrims.html>.

³⁷ *The origin of the 'Xinjiang model' in Tibet under Chen Quanguo: Securitizing ethnicity and accelerating assimilation*, INT'L CAMPAIGN FOR TIBET (Dec. 19, 2018), <https://savetibet.org/the-origin-of-the-xinjiang-model-in-tibet-under-chen-quanguo-securitizing-ethnicity-and-accelerating-assimilation/>; Sui-Wee Lee, *China's top Tibet official orders tighter control of Internet*, REUTERS (Feb. 29, 2012), <https://www.reuters.com/article/us-china-tibet/chinas-top-tibet-official-orders-tighter-control-of-internet-idUSTRE8200BZ20120301>.

coalition.³⁸ Another proffered rationale is that the persecution of the Uyghurs is key to China's burgeoning relationship with Russia, which has historically offered the most support to the Uyghur independence movement. One such theory is that suppressing or eliminating the Uyghur population would prevent the Uyghur independence issue from becoming a wedge or a bargaining chip in the Beijing-Moscow relationship.³⁹ Third, this intensification of Uyghur persecution also coincides with an increasingly Han-centric brand of Chinese nationalism.⁴⁰ Finally, the crackdown on Uyghurs also serves China's economic interests. Since Xinjiang is the bridge between China and the Silk Road Economic Belt states, stability and security in Xinjiang have become strategically imperative to the success of the Belt and Road Initiative and thus to Xi Jinping's legacy.⁴¹ Furthermore, China is struggling to compete with other sources of cheap labor in Southeast Asia, one solution to which may be forced labor from detainees that allows the state to maintain its competitive edge.⁴² Lastly, Xinjiang is also a rich well of valuable natural resources including oil, gas, and coal⁴³—indeed, the CCP has calculated the region to be China's deepest source of oil, coal, and natural gas.⁴⁴ Indeed, the name Xinjiang translates literally to

³⁸ See, e.g., Miles Maochun Yun, *China's Final Solution in Beijing*, THE CARAVAN, no. 1819, 2018, available at <https://www.hoover.org/research/chinas-final-solution-xinjiang>.

³⁹ See, e.g., *id.*; Robert D. Kaplan, *The Quiet Rivalry Between China and Russia*, N.Y. TIMES (Nov. 3, 2017), <https://www.nytimes.com/2017/11/03/opinion/china-russia-rivalry.html>.

⁴⁰ See, e.g., John M. Friend & Bradley A. Thayer, *The Rise of Han-Centrism and What It Means for International Politics*, 17 STUDIES IN ETHNICITY AND NATIONALISM 91, 99-106, (2017); Miles Maochun Yun, *China's Final Solution in Beijing*, THE CARAVAN, no. 1819, 2018.

⁴¹ See, e.g., Anna Hayes, *Interwoven 'Destinies': The Significance of Xinjiang to the China Dream, the Belt and Road Initiative, and the Xi Jinping Legacy*, J. OF CONTEMP. CHINA 1, 7-15 (2019); Miles Maochun Yun, *China's Final Solution in Beijing*, THE CARAVAN, no. 1819, 2018; Emily Feng, *Crackdown in Xinjiang: Where have all the people gone?*, FINANCIAL TIMES (Aug. 4, 2018), <https://www.ft.com/content/ac0ffb2e-8b36-11e8-b18d-0181731a0340>.

⁴² See, e.g., Jianli Yang & Lianchao Han, *Did a Muslim Slave Make Your Chinese Shirt?*, WALL ST. J. (Oct. 16, 2019), <https://www.wsj.com/articles/did-a-muslim-slave-make-your-chinese-shirt-11571264293>.

⁴³ Edward Wong, *China Invests in Region Rich in Oil, Coal and Also Strife*, N.Y. TIMES (Dec. 20, 2014), <https://www.nytimes.com/2014/12/21/world/asia/china-invests-in-xinjiang-region-rich-in-oil-coal-and-also-strife.html>.

⁴⁴ Edward Wong, *China Invests in Region Rich in Oil, Coal and Also Strife*, N.Y. TIMES (Dec. 20, 2014), <https://www.nytimes.com/2014/12/21/world/asia/china-invests-in-xinjiang-region-rich-in-oil-coal-and-also-strife.html>.

“new frontier,” emphasizing the region’s centrality to China’s economic and political expansion.⁴⁵

III. Current Situation

The present level of persecution against the Uyghurs has reached an historical high. Both inside and outside of the political re-education camps that have captured international media attention, Uyghurs in Xinjiang live a life of chronic repression. Outside the camps, the Chinese government has imposed upon the Uyghurs an acute system of mass surveillance, arbitrary arrests and detention, enforced disappearances, cultural and religious erasure, separation of families, and forcible transfers and deportation of Uyghurs both inside and outside of China. Inside the camps—of which there are between 500 and 1,400, according to recent estimates⁴⁶—Chinese authorities subject detainees to torture and other cruel, inhuman and degrading treatment, and to cultural and religious erasure, as well as potentially to sexual and reproductive violence, violations of reproductive rights, organ harvesting, and forced labor.

a. Persecution Outside the Camps

i. Mass Surveillance

Although mass surveillance networks are in place in other parts of China, the surveillance network in Xinjiang is now so penetrating that the region has been described as an “open-air prison.”⁴⁷ Uyghurs are watched by their neighbors, by government officials, and by a network of

⁴⁵ *Xinjiang Authorities Push Uyghurs to Marry Han Chinese*, RADIO FREE ASIA (2017), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy2.html>.

⁴⁶ Adrian Zenz, a senior fellow in China Studies at the Washington-based Victims of Communism Memorial Foundation, estimates that the number is between 1,300 to 1,400. Adrian Zenz, “*Wash Brains, Cleanse Hearts*”: *Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign*, 7 J. OF POL. RISK (2019), available at <http://www.jpolorisk.com/wash-brains-cleanse-hearts>. Uyghur activists at the East Turkistan National Awakening Movement reported having documented nearly 500. Shaun Tandon, *Uighur researchers say China running more camps than known*, AGENCE FRANCE-PRESSE (Nov. 12, 2019), <https://news.yahoo.com/uyghur-researchers-china-running-hundreds-more-camps-181157759.html>.

⁴⁷ U.S. COMM. ON INT’L RELIGIOUS FREEDOM, 2019 ANNUAL REPORT 37 (2019), available at <https://www.uscirtf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>; Jianli Yang & Lianchao Han, *Did a Muslim Slave Make Your Chinese Shirt?*, WALL ST. J. (Oct. 16, 2019).

mass surveillance, and are also prevented from contacting anyone outside of China.⁴⁸ For example, under the “ten-households, one unit” policy, groups of ten households are held responsible for monitoring one another, facing collective punishment for infractions by any one household.⁴⁹ Street corner police stations, known as “convenience police stations,” form a dense control complex, carefully organized in a grid system that divides populations into geometric units for tighter and more focused surveillance.⁵⁰ In addition to these police stations, information is collected through: police reports; CCTV cameras with facial recognition or infrared capabilities; WiFi “sniffers” that collect identifying addresses of networked devices; security checkpoints and visitors’ management systems that gather license plate numbers and ID card numbers; and government-mandated home visits and homestays that can last for up to five days.⁵¹ Kitchen knives in Xinjiang are tracked by QR codes that include the owner’s ID number, photo, ethnicity, and address,⁵² and vehicles are subject to mandatory location trackers.⁵³ All of this information is fed into the Integrated Joint Operations Platform (“IJOP”), which aggregates

⁴⁸ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4-5, 12, 83-87 (2018).

⁴⁹ *Timeline of Chen Quanguo’s Uyghur Region Policy*, RADIO FREE ASIA, <https://www.rfa.org/english/news/special/uyghur-oppression/> (last visited Nov. 20, 2019); see also “一体化联合作战平台” 每日要情通报: 第 2 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 2], available at <https://www.documentcloud.org/documents/6558501-China-Cables-IJOP-Daily-Bulletin-2-Chinese.html>, translation at <https://assets.documentcloud.org/documents/6558502/China-Cables-IJOP-Daily-Bulletin-2-Enlighsh.pdf> (encouraging the use of ten households units to monitor individuals in Xinjiang known to have obtained foreign nationality and applied for Chinese visas, or have obtained certificates from Chinese embassies and consulates).

⁵⁰ HUMAN RIGHTS WATCH, CHINA’S ALGORITHMS OF REPRESSION 15-16 (2019), available at https://www.hrw.org/sites/default/files/report_pdf/china0519_web5.pdf.

⁵¹ HUMAN RIGHTS WATCH, *China: Big Data Fuels Crackdown in Minority Region* (Feb. 26, 2018, 7:00PM EST), <https://www.hrw.org/news/2018/02/26/china-big-data-fuels-crackdown-minority-region>; see also UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 16-17 (2020), available at https://docs.uhrp.org/pdf/UHRP_QaraqashDocument.pdf.

⁵² Steven Melendez, *In locked-down Xinjiang, China is tracking kitchen knives with QR codes*, FAST COMPANY (Dec. 20, 2017), <https://www.fastcompany.com/40510238/in-xinjiang-china-some-knives-branded-with-owners-qr-codes>.

⁵³ Steven Melendez, *When CCTV cameras aren’t enough: Chinese police order drivers to install tracking devices on their cars*, FAST COMPANY (Feb. 21, 2017), <https://www.fastcompany.com/4031016/when-cctv-cameras-arent-enough-chinese-police-order-drivers-to-install-tracking-devices-on-their-cars>.

data about individuals,⁵⁴ flags to officials those whom it deems potentially threatening, and determines who should be rounded up by police, investigated, and sent to political re-education camps or other detention facilities.⁵⁵

Another facet of this mass surveillance of the Uyghurs is the extensive collection of their biometric data through a Xinjiang-wide program that was, according to state media, officially completed in October 2017.⁵⁶ Chinese authorities collected the DNA samples, fingerprints, iris scans, and blood types from all Xinjiang residents between the ages of 12 and 65 through the “Physicals for All” medical examination program.⁵⁷ Although the government’s official position was that the program was voluntary, in practice individuals were expected to comply and pressured into participation. There were reports of neighborhood committees demanding involvement, of officials being encouraged to coerce individuals into taking part, and of a general understanding that opting out would be a suspicion-arousing sign of a “thought problem” or political disloyalty.⁵⁸ The biometric data of “focus personnel”—that is, those considered threatening to regime stability—and their family members were taken regardless of age.⁵⁹ In

⁵⁴ HUMAN RIGHTS WATCH, CHINA’S ALGORITHMS OF REPRESSION 1 (2019), IJOP collects information such as the individual’s name, ID type and number, ethnicity, address, license plate number, profession, education, passport, phone number, relationship with head of household, blood type, height, photo, political status, religion, “religious atmosphere” (fair or strong), reason for seeking asylum or education abroad, destination country, exit time, changed identity? (if yes, to what), and reason for leaving Xinjiang. *Id.* at 24.

⁵⁵ *Id.*; HUMAN RIGHTS WATCH, *China: Big Data Fuels Crackdown in Minority Region*; see also “一体化联合作战平台” 每日要情通报: 第 2 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 2], (encouraging the detention of Xinjiang residents who IJOP identified as having obtained foreign nationality and applied for Chinese visas, or having obtained certificates from Chinese embassies and consulates). See also UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 14-15 (2020).

⁵⁶ Xinjiang: 2017 Nián Quánmín Jiànkāng Tǐjiǎn Gōngzuò Quánbù Wánchéng (新疆: 2017 年全民健康体检工作全部完成), Xīnjiāng Rìbào (新疆日报) (Nov. 2, 2017), http://www.gov.cn/xinwen/2017-11/02/content_5236389.htm; HUMAN RIGHTS WATCH, *China: Minority Region Collects DNA from Millions* (Dec. 13, 2017), <https://www.hrw.org/news/2017/12/13/china-minority-region-collects-dna-millions>.

⁵⁷ HUMAN RIGHTS WATCH, CHINA’S ALGORITHMS OF REPRESSION 15 (2019); HUMAN RIGHTS WATCH, *China: Minority Region Collects DNA from Millions*.

⁵⁸ HUMAN RIGHTS WATCH, *China: Minority Region Collects DNA from Millions*.

⁵⁹ HUMAN RIGHTS WATCH, *China: Minority Region Collects DNA from Millions*.

addition, Chinese authorities have also collected voice samples from Uyghurs during passport application processes⁶⁰ and at police checkpoints.⁶¹

Finally, former detainees are released to even harsher conditions of mass surveillance. In addition to the modes of surveillance detailed above, former detainees—and their relatives—are frequently monitored by local officials who regularly assess and record their moods and behavior along metrics such as: whether their thoughts are “stable”; whether they can “recognize their mistakes”; whether they have a “sincere attitude of regret”; and whether they present a threat.⁶² At an extreme, some receive daily visits from local cadres, and are obligated to sign in every morning and attend rollcall in the evenings.⁶³

ii. Arbitrary Arrest and Detention

Although it is impossible to know just how many Uyghurs Chinese authorities have detained since the crackdown began, one widely accepted estimate suggest that somewhere between several hundred thousand and over one million Uyghurs have been detained in state-run detention facilities, with many Uyghurs reporting that over half of their family members are currently sequestered in either extra-judicial re-education camps, pre-trial detention, or prison.⁶⁴ The U.S. State Department estimates that, in total, as many as two million people have passed

⁶⁰ HUMAN RIGHTS WATCH, CHINA’S ALGORITHMS OF REPRESSION 15 (2019).

⁶¹ Isobel Cockerell, *Inside China’s Massive Surveillance Operation*, WIRED (May 9, 2019), <https://www.wired.com/story/inside-chinas-massive-surveillance-operation/>.

⁶² UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 13 (2020).

⁶³ *Id.*

⁶⁴ Adrian Zenz, *New Evidence for China’s Political Re-Education Campaign in Xinjiang*, 18 CHINA BRIEF (2018), available at <https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang>; CHINESE HUMAN RIGHTS DEFENDERS & EQUAL RIGHTS INITIATIVE, *China: Massive Numbers of Uyghurs & Other Ethnic Minorities Forced into Re-education Programs* (Aug. 3, 2018), <https://www.nhrd.org/2018/08/china-massive-numbers-of-uyghurs-other-ethnic-minorities-forced-into-re-education-programs>. This estimate was cited by the CERD Committee in its concluding observations to its review of China. Comm. on the Elimination of Racial Discrimination, Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), UN Doc. CERD/C/CHN/CO/14-17 (2018), para. 40. Note that Zenz has recently revised his estimate to between 900,000 and 1.8 million. Adrian Zenz, “*Wash Brains, Cleanse Hearts*”: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign, 7 J. OF POL. RISK (2019).

through the re-education camps alone since April 2017,⁶⁵ and a leaked internal memo by Chinese authorities describes how 15,683 “suspicious persons” were detained in a single week in June 2017.⁶⁶ Xinjiang Party Secretary Chen Quanguo has encouraged this overreach, exhorting officials to “round up everyone who should be rounded up.”⁶⁷ Most of those detained in the re-education camps are never charged with any crime: indeed, the CCP itself has directed local authorities to acknowledge to relatives of detainees that their loved ones are not criminals, but instead are being held for their own good because they have been “infected by unhealthy thoughts.”⁶⁸

And yet, although the CCP has claimed that the re-education camps are merely “Vocational Skills Education Training Centers,” policemen have rounded up many Uyghur individuals who plainly do not need such training, including academics, writers, journalists, doctors, and entertainers,⁶⁹ as well as the elderly.⁷⁰ A leaked internal document adds to these conflicting narratives, repeatedly referring to the detainees as being punished,⁷¹ and Chen

⁶⁵ *The China Challenge, Part 3: Democracy, Human Rights, and the Rule of Law: Hearing Before the Subcomm. On East Asia, The Pacific, And International Cybersecurity Policy of the U.S. S. Comm. on Foreign Relations, 115th Cong.* (2018) (testimony of Deputy Assistant Secretary Scott Busby, available at https://www.foreign.senate.gov/imo/media/doc/120418_Busby_Testimony.pdf).

⁶⁶ “一体化联合作战平台” 每日要情通报: 第 14 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 14], available at <https://assets.documentcloud.org/documents/6558505/China-Cables-IJOP-Daily-Bulletin-14-Chinese.pdf>, translation at <https://assets.documentcloud.org/documents/6558506/China-Cables-IJOP-Daily-Bulletin-14-English.pdf>.

⁶⁷ Austin Ramzy & Chris Buckley, ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims, N.Y. TIMES (Nov. 16, 2019), <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

⁶⁸ Austin Ramzy & Chris Buckley, ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims, N.Y. TIMES (Nov. 16, 2019).

⁶⁹ ARIA in Action, Part 1: Human Rights, Democracy, and Rule of Law, *Hearing Before the Subcomm. On East Asia, The Pacific, And International Cybersecurity Policy of the U.S. S. Comm. on Foreign Relations, 116th Cong.* (2019) (testimony of Rushan Abbas, Director of Campaign for Uyghurs, available at https://www.foreign.senate.gov/imo/media/doc/040919_Abbas_Testimony.pdf).

⁷⁰ Sada Seytoff & Alim Seytoff, *Academic Freedom Watchdog Demands China Unconditionally Release Prominent Uyghur Scholar*, RADIO FREE ASIA (Nov. 2, 2018), <https://www.rfa.org/english/news/uyghur/scholar-11022018134451.html>.

⁷¹ 吐鲁番市集中教育培训学校学员子女问答策略 [Tactics from Turpan City for answering questions asked by the children of concentrated education and training school students], translated in *Document: What Chinese Officials Told Children Whose Families Were Put in Camps*, N.Y. TIMES (Nov. 16, 2019).

Quanguo has been quoted as directing that the centers “teach like a school, be managed like the military, and be defended like a prison.”⁷² To this end, in accordance with party directives, these facilities are surrounded by perimeter walls, guard watchtowers, and armed guards in order to “prevent escapes.”⁷³ The justification by which officials condemned Uyghur individuals to the camps were often trivial. The “Qaraqash Document”—an internal document leaked in February 2020 by the Uyghur Human Rights Project—detailed the reasons for which internees in a district of Qaraqash county were detained. Such reasons often included overseas connections, ranging from overseas travel—especially to any of the twenty-six “sensitive” countries,⁷⁴ going on an unofficial Hajj, applying for a passport,⁷⁵ communicating with someone abroad, to conduct as benign as “accidentally clicking on an overseas website on their phone.”⁷⁶ Even domestic travel and contact garnered suspicion, with several Uyghurs in Qaraqash detained for movements within China or for communications with persons outside of their county.⁷⁷ Officials also detained Uyghurs in Qaraqash for innocuous religious practices—including any unofficial

[hereinafter Tactics from Turpan City],

<https://www.nytimes.com/interactive/2019/11/16/world/asia/china-detention-directive.html>.

⁷² See, e.g., Ben Dooley, *Inside China’s internment camps: tear gas, Tasers and textbooks*, AGENCE FRANCE-PRESSE (Oct. 25, 2018), <https://www.afp.com/en/inside-chinas-internment-camps-tear-gas-tasers-and-textbooks>.

⁷³ 自治区机关发电 [Autonomous Region State Telegram] para. 14, available at <https://assets.documentcloud.org/documents/6558509/China-Cables-Telegram-Chinese.pdf>, translated at <https://assets.documentcloud.org/documents/6558510/China-Cables-Telegram-English.pdf>; Philip Wen & Olzhas Auyezov, *Tracking China’s Muslim Gulag*, REUTERS (Nov. 29, 2018), <https://www.reuters.com/investigates/special-report/muslims-camps-china/>.

⁷⁴ These countries are: Afghanistan, Algeria, Azerbaijan, Egypt, Indonesia, Iran, Iraq, Kazakhstan, Kenya, Kyrgyzstan, Libya, Malaysia, Nigeria, Pakistan, Russia, Saudi Arabia, Somalia, South Sudan, Syria, Tajikistan, Thailand, Turkey, Turkmenistan, United Arab Emirates, Uzbekistan, and Yemen. Alexandra Ma, *China is using flimsy excuses to lock up its Muslim minority on a huge scale — here are some of the bizarre reasons people are in jail*, BUSINESS INSIDER (Sept. 16, 2018), <https://www.businessinsider.com/china-gives-these-excuses-to-imprison-uyghur-ethnic-minority-2018-9>.

⁷⁵ Detention for this reason is especially unjust and arbitrary in light of the fact that the government, during a brief period in 2015, encouraged Uyghurs to apply for passports, and that many of the Uyghurs detained on this basis appear to have applied for passports during this window. UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 10 (2020).

⁷⁶ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 10 (2020).

⁷⁷ *Id.*

religious activities such as fasting, prayer, or attendance of religious events and ceremonies; studying religion; having a household with a “dense religious atmosphere”; wearing a veil or having a wife who wore a veil; or having a beard.⁷⁸ Other targeted Uyghurs include those who fail to perform community work such as flag raising or carrying out patrol duty, and those who violate the state’s birth planning policies.⁷⁹

Detainees are deprived of their physical liberty not only for their own behaviors and beliefs—which is, in itself, a violation of established human rights norms—but also those affiliated persons.⁸⁰ Officials often target the relatives of Uyghur journalists and activists—especially those working abroad—in apparent retaliation for their work.⁸¹ To this end, the Qaraqash Document kept detailed records of the personal information and behavioral records of internees’ “Three Circles”: their immediate and extended family, their friends and neighbors, and their religious circles.⁸²

Besides the re-education camps, recent years have also seen a spike in the arbitrary arrest and detention of Uyghurs in the formal criminal system. Detention in the camps can lead to formal imprisonment,⁸³ but data also strongly suggest the categorical targeting of Uyghurs for groundless arrests, trials, and prison sentences on the sole basis of their ethnic identity and religious beliefs. For example, in 2017, arrests in Xinjiang accounted for almost 21% of all arrests in China, despite the Xinjiang populace making up only 1.5% of China’s total

⁷⁸ *Id.* at 11, 16.

⁷⁹ *Id.* at 13.

⁸⁰ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 3, 24-25 (2018).

⁸¹ AMNESTY INT’L, *Separated Souls: Uighur journalist’s unbreakable resolve to help her detained family* (Mar. 16, 2018, 18:18 UTC), available at <https://www.amnesty.org/en/latest/news/2018/03/uighur-journalists-unbreakable-resolve-to-help-detained-family/>; AMNESTY INT’L, *Urgent Action: Detained Uighur Has Nervous Breakdown*.

⁸² UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 4 (2020). This information appears to power what officials termed the “three circles and six diagrams collision analysis” [三圈六图碰撞分析], a method by which authorities analyze and evaluate detainees. *Id.*

⁸³ Tactics from Turpan City.

population.⁸⁴ Indeed, the Chinese government has claimed in March 2019 to have arrested nearly 13,000 “terrorists” in Xinjiang since 2014.⁸⁵ Likewise, indictments, and thus convictions,⁸⁶ in Xinjiang accounted for approximately 13% of all indictments in China in 2017.⁸⁷ The numbers also reflect a concerning rising trend: the number of arrests and criminal indictments in Xinjiang have increased by 306% and 237%, respectively, in the past five years compared to the previous five-year period.⁸⁸ These increases are likely the result of the Strike Hard Campaign and hardline tactics adopted by Chen Quanguo, who is allegedly responsible for a 92% increase in “security spending” in Xinjiang in 2016 and 2017,⁸⁹ as well as for a significant expansion in police recruitment.⁹⁰

Chinese authorities often detain Uyghurs on the basis of overbroad crimes such as “separatism,”⁹¹ as was the case of Ilhan Tohti—a Uyghur academic who ran a website providing

⁸⁴ CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017* (July 25, 2018), <https://www.nchrd.org/2018/07/criminal-arrests-in-xinjiang-account-for-21-of-chinas-total-in-2017/>; Chris Buckley, *China’s Prisons Swell After Deluge of Arrests Engulfs Muslims*, N.Y. TIMES (Aug. 31, 2019), <https://www.nytimes.com/2019/08/31/world/asia/xinjiang-china-uighurs-prisons.html>.

⁸⁵ Lily Kuo, *China says it has arrested 13,000 ‘terrorists’ in Xinjiang*, THE GUARDIAN (Mar. 18, 2019), <https://www.theguardian.com/world/2019/mar/18/china-says-it-has-arrested-13000-terrorists-in-xinjiang>

⁸⁶ China’s conviction rate is as high as 99.9%. See Terence McCoy, *China score 99.9% conviction rate last year*, THE WASH. POST (Mar. 11, 2014), <https://www.washingtonpost.com/news/morning-mix/wp/2014/03/11/china-scored-99-9-percent-conviction-rate-last-year/>; Lily Kuo, *China’s criminal conviction rate is 99.9%* (Aug. 7, 2014), <https://qz.com/246696/chinas-criminal-conviction-rate-is-99-9/>.

⁸⁷ CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017*; see also Emily Feng, *‘Illegal Superstition’: China Jails Muslims For Practicing Islam, Relatives Say*, NPR (Oct. 8, 2019), <https://www.npr.org/2019/10/08/764153179/china-has-begun-moving-xinjiang-muslim-detainees-to-formal-prisons-relatives-say>.

⁸⁸ CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017*.

⁸⁹ Adrian Zenz, *China’s Domestic Security Spending: An Analysis of Available Data*, 18 CHINA BRIEF (2018), available at <https://jamestown.org/program/chinas-domestic-security-spending-analysis-available-data/>.

⁹⁰ Adrian Zenz & James Leibold, *Chen Quanguo: The Strongman Behind Beijing’s Securitization Strategy in Tibet and Xinjiang*, 17 CHINA BRIEF.

⁹¹ AMNESTY INT’L, *Urgent Action: Detained Uighur Has Nervous Breakdown*, AI Index ASA 17/0073/2019 (Mar. 20, 2019), available at <https://www.amnesty.org/download/Documents/ASA1700732019ENGLISH.pdf>; AMNESTY INT’L, *Urgent Action: 30 Relatives of Uighur Activist Arbitrarily Detained*, AI Index ASA 17/7421/2017 (Nov. 14, 2017), available at <https://www.amnestyusa.org/wp-content/uploads/2017/11/uaa25117-3.pdf>;

news and information about Uyghurs—who was sentenced to life in prison in 2014.⁹² Other related charges are “terrorism” and “religious extremism,” which are almost always leveled against ethnic minorities such as Uyghurs.⁹³ Chinese authorities make many of these arrests and detentions without any valid basis and frequently fail to respect the due process rights of detainees. To this point, three relatives of detainees interviewed by Human Rights Watch reported that at no point during the arrest were they presented with a warrant, with evidence of a crime, or with any other documentation, nor were they ever informed of which authorities were responsible for the arrest.⁹⁴ Lawyers interviewed by the Network of Chinese Human Rights Defenders (“CHRD”) described how defendants facing “terrorism” charges are not allowed to plead “not guilty,” and tend to be quickly put on trial and sentenced to prison. CHRD has also documented how lawyers risk dismissal from cases for attempting to protect their clients’ due process rights,⁹⁵ and has reported cases of other procedural abuses such as verdicts being prepared before the trials take place, or government officials, rather than judges, deciding sentences.⁹⁶

iii. Enforced Disappearances

In many cases of detained Uyghurs, relatives are not informed of their whereabouts until they are transferred to a formal prison,⁹⁷ if ever.⁹⁸ The #MeTooUyghur⁹⁹ movement on social media—through which individuals demanded proof from Chinese authorities that those detained

AMNESTY INT’L, *Urgent Action: 20 Relatives of Uighur Journalist Detained*, ASA 17/7964/2018 (Mar. 1, 2018), available at <https://www.amnesty.org/download/Documents/ASA1779642018ENGLISH.pdf>.

⁹² HUMAN RIGHTS WATCH, SUBMISSION TO UNIVERSAL PERIODICAL REVIEW OF CHINA (2018), available at <https://www.hrw.org/news/2018/03/29/submission-universal-periodic-review-china>; CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017*.

⁹³ CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017*.

⁹⁴ HUMAN RIGHTS WATCH, *China: Free Xinjiang ‘Political Education’ Detainees* (Sept. 10, 2017, 9:00PM EDT), <https://www.hrw.org/news/2017/09/10/china-free-xinjiang-political-education-detainees>.

⁹⁵ CHINESE HUMAN RIGHTS DEFENDERS, *Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017*.

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ HUMAN RIGHTS WATCH, *China: Free Xinjiang ‘Political Education’ Detainees*.

⁹⁹ “#MenmuUyghur” in Uyghur.

by the state are still alive and well—highlights this issue of enforced disappearance.¹⁰⁰ One online platform that allows relatives of detainees and activists to compile accounts of disappearances has recorded over 5,400 testimonies as of October 2019.¹⁰¹ Especially in the case of those abroad searching for missing friends or relatives in China, this dearth of information is exacerbated by the fear ingrained in Uyghurs in Xinjiang that international communication or the provision of assistance with locating detained persons would result in retaliation by the CCP.¹⁰²

Moreover, in preparation for the end of the academic semester and the concomitant return home of students whose family members have disappeared, CCP leadership issued a classified directive on how to handle these students' questions.¹⁰³ This guide instructed officials to tell students that their relatives are in, and cannot leave, "a training school set up by the government," along with a warning that the students' behavior could affect their relatives' prospects of release.¹⁰⁴ Similarly, the Qaraqash Document revealed that local officials would assess the attitudes and behaviors of detainees' relatives in determining detainees' prospects of release."¹⁰⁵ To this point, one entry in the Qaraqash Document involved a non-release recommendation on the basis of the detainee's family failing to join flag-raising ceremonies on time.¹⁰⁶

iv. Cultural and Religious Erasure

A fundamental aspect of the current treatment of the Uyghurs is their forced assimilation into the mainstream Han Chinese culture, and the government's repeated attempts to hollow out Uyghur culture. Uyghurs in Xinjiang are required to attend weekly, or even daily, Chinese flag-

¹⁰⁰Austin Ramzy, 'Show Me That My Father is Alive.' *China Faces Torrent of Online Pleas*, N.Y. TIMES (Feb. 17, 2019), <https://www.nytimes.com/2019/02/17/world/asia/uyghurs-china-internment-camps.html>.

¹⁰¹ XINJIANG VICTIMS DATABASE, shahit.biz (last visited Nov. 12, 2019).

¹⁰² PATRICK POON, AMNESTY INT'L, *Families of missing Uighurs terrified to search for their loved ones* (Mar. 31, 2019, 14:03 UTC), <https://www.amnesty.org/en/latest/campaigns/2019/03/uyghurs-too-scared-to-search-for-missing-family/>.

¹⁰³ Austin Ramzy & Chris Buckley, 'Absolutely No Mercy': *Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019).

¹⁰⁴ *Id.*

¹⁰⁵ UYGHUR HUMAN RIGHTS PROJECT, "IDEOLOGICAL TRANSFORMATION": RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 12 (2020).

¹⁰⁶ *Id.* at 13.

raising ceremonies, political indoctrination meetings and, at times, Mandarin classes,¹⁰⁷ and authorities have imposed punishments for refusal to watch state-run television programs or listen to state-run radio programs.¹⁰⁸ Speaking or writing the Uyghur language is discouraged: Chinese authorities have banned the use of Uyghur and Kazakh language teaching materials,¹⁰⁹ and state employees who use these ethnic minority languages are deemed “unpatriotic” and could be labeled a “two-faced person”—a charge that has resulted in the detention of at least hundreds of Uyghur public figures.¹¹⁰ Beginning in March 2017, and as part of a program initiated by Chen Quanguo, Uyghur public figures—including party cadres, government officials, religious clergy, and intellectuals—have published letters professing their gratitude and loyalty to the CCP, renouncing their Turkic roots, cultural and historical ties, and religious beliefs, and denouncing religious extremism and “two-faced” Uyghurs.¹¹¹ Chinese authorities have banned the common Arabic greeting meaning “peace be unto you,” and have erased Arabic from restaurant signage, mosques, street signs, and wall murals.¹¹² The CCP has also imposed strict movement restrictions on Uyghurs, ranging from prohibitions against leaving the country, to bars on leaving their locales, to house arrest.¹¹³ For example, in November 2018, Abdughapar Absunrusul, a

¹⁰⁷ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4, 69 (2018).

¹⁰⁸ SOPHIE RICHARDSON, HUMAN RIGHTS WATCH, *China Bans Many Muslim Baby Names in Xinjiang* (Apr. 24, 2017, 8:01PM EDT), <https://www.hrw.org/news/2017/04/24/china-bans-many-muslim-baby-names-xinjiang>.

¹⁰⁹ Dake Kang, *Correction: China-Xinjiang-Banished Textbooks story*, ASSOCIATED PRESS NEWS (Sept. 3, 2019), <https://apnews.com/4f5f57213e3546ab9bd1be01dfb510d3>; Qiao Long & Yang Fan, *China Bans Use of Uyghur, Kazakh Textbooks, Materials in Xinjiang Schools*, RADIO FREE ASIA (Oct. 13, 2017), <https://www.rfa.org/english/news/uyghur/ethnic-textbooks-10132017135316.html>.

¹¹⁰ Darren Byler, *The ‘Patriotism’ of Not Speaking Uyghur*, SUPCHINA (Jan. 2, 2019), <https://supchina.com/2019/01/02/the-patriotism-of-not-speaking-uyghur/>; see also UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 17 (2020).

¹¹¹ *Xinjiang’s ‘Open Letter’ Forces Uyghurs to Put Loyalty to China in Writing*, RADIO FREE ASIA (2017), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy3.html>; *Timeline of Chen Quanguo’s Uyghur Region Policy*, RADIO FREE ASIA, <https://www.rfa.org/english/news/special/uyghur-oppression/> (last visited Nov. 20, 2019).

¹¹² Darren Byler, *The ‘Patriotism’ of Not Speaking Uyghur*, SUPCHINA.

¹¹³ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4, 60-63, 81-85, 97-98 (2018).

prominent Uyghur businessman and philanthropist, was sentenced to death for taking an unsanctioned pilgrimage to Mecca.¹¹⁴

The government's religious restrictions are "so stringent that [the CCP] has effectively outlawed Islam."¹¹⁵ Stores are banned from using halal labels for non-food products and services, and there is also a broader campaign against halal foods and restaurants.¹¹⁶ Xinjiang authorities have also imposed bans on "abnormal" beards,¹¹⁷ wearing veils in public places,¹¹⁸ and common Islamic names with religious connotations,¹¹⁹ and consider private religious acts such as regular prayer or fasting for Ramadan as "signs of extremism."¹²⁰ One Uyghur woman, Horigul Nasir, was sentenced to ten years in prison for allegedly promoting the wearing of headscarves.¹²¹ Xinjiang authorities have also confiscated Qurans and prayer mats, and Uyghurs caught with these items can face harsh punishment.¹²² Uyghur imams, particularly "unauthorized" imams not registered with the CCP, risk maltreatment as a result of their positions.¹²³ For example, in early 2015, Chinese authorities forced Uyghur imams to dance in

¹¹⁴ U.S. COMM. ON INT'L RELIGIOUS FREEDOM, 2019 ANNUAL REPORT 37 (2019); Press Release, World Uyghur Congress, World Uyghur Congress Deeply Concerned of Reports of Death Sentence for Uyghur Philanthropist (Nov. 22, 2018), available at <https://www.uyghurcongress.org/en/world-uyghur-congress-deeply-concerned-of-reports-of-death-sentence-for-uyghur-philanthropist/>.

¹¹⁵ HUMAN RIGHTS WATCH, "ERADICATING IDEOLOGICAL VIRUSES": CHINA'S CAMPAIGN OF REPRESSION AGAINST XINJIANG'S MUSLIMS 4 (2018).

¹¹⁶ U.S. COMM. ON INT'L RELIGIOUS FREEDOM, 2019 ANNUAL REPORT 37 (2019).

¹¹⁷ SOPHIE RICHARDSON, HUMAN RIGHTS WATCH, *China Bans Many Muslim Baby Names in Xinjiang*.

¹¹⁸ *Id.*

¹¹⁹ The rationale is that such names "exaggerate religious fervor." Although not "illegal" per se, children with banned names cannot obtain household registration, which is essential for accessing public school and other social services. *Id.* The ban was also imposed retroactively, thereby requiring parents to change their children's names. *Timeline of Chen Quanguo's Uyghur Region Policy*, RADIO FREE ASIA, <https://www.rfa.org/english/news/special/uyghur-oppression/> (last visited Nov. 20, 2019).

¹²⁰ AMNESTY INT'L, "Forgive my children for not fasting" – Ramadan in Xinjiang (May 3, 2019, 13:39 UTC), <https://www.amnesty.org/en/latest/campaigns/2019/05/forgive-my-children-ramadan-in-xinjiang/>.

¹²¹ Shohret Hoshur, *Uyghur Woman Handed 10-Year Prison Term Over Headscarf Claim*, RADIO FREE ASIA (Sept. 19, 2019), <https://www.rfa.org/english/news/uyghur/headscarf-09192017174307.html>.

¹²² Shohret Hoshur, *Xinjiang's Korla City Seizes Qurans, Prayer Mats From Uyghur Muslims*, RADIO FREE ASIA (Oct. 2, 2017), <https://www.rfa.org/english/news/uyghur/qurans-10022017152453.html>.

¹²³ See "一体化联合作战平台" 每日要情通报: 第 20 期 ["Integrated Joint Operation Platform" Daily Essentials Bulletin No. 20], available at <https://assets.documentcloud.org/documents/6558507/China->

the street while chanting state propaganda, and to take an oath swearing not to teach religion to children.¹²⁴ Despite these strict restrictions on the religious practices of Uyghurs, ethnically Chinese Muslims, such as the Hui people, generally enjoy much wider latitude to practice the very same activities that are deemed illegal when performed by Uyghurs,¹²⁵ although recent crackdowns on Hui Muslims have also been reported.¹²⁶ The Chinese government also routinely stages public fashion shows and makeover tutorials in Uyghur communities as part of “Project Beauty,” which aims to transform the appearance of Uyghur women.¹²⁷ Uyghurs in the Xinjiang region have also been pressured into eating pork and drinking alcohol, in violation of their religious beliefs, and into displaying emblems of traditional Chinese culture during lunar new year celebrations.¹²⁸

[Cables-IJOP-Daily-Bulletin-20-Chinese.pdf](#), translation at <https://assets.documentcloud.org/documents/6558508/China-Cables-IJOP-Daily-Bulletin-20-English.pdf>.

¹²⁴ *Suppressing religious freedoms: Chinese imams forced to dance in Xinjiang region*, THE EXPRESS TRIBUNE (Apr. 18, 2015), <https://tribune.com.pk/story/871879/suppressing-religious-freedoms-chinese-imams-forced-to-dance-in-xinjiang-region/>; see also WORLD UYGHUR CONGRESS AND UYGHUR HUMAN RIGHTS PROJECT, ALTERNATIVE REPORT: SUBMISSION TO THE UNITED NATIONS COMMITTEE AGAINST TORTURE (CAT) IN CONSIDERATION OF CAT/C/CHN/5 2(2015).

¹²⁵ *Xinjiang Authorities Push Uyghurs to Marry Han Chinese*, RADIO FREE ASIA (2017), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy2.html>.

¹²⁶ See Emily Feng, *‘Afraid We Will Become The Next Xinjiang’: China’s Hui Muslims Face Crackdown*, NATIONAL PUBLIC RADIO (Sept. 26, 2019), <https://www.npr.org/2019/09/26/763356996/afraid-we-will-become-the-next-xinjiang-chinas-hui-muslims-face-crackdown>.

¹²⁷ Project Beauty also funds the construction of beauty parlors and certification of Uyghur beauticians—a career which Uyghur women are often coerced into—in Xinjiang, establishing 2889 new beauty parlors and 7954 newly certified Uyghur beauticians in 2018 alone. Project Beauty also forms an integral part of CCP’s “Three News” campaign, which combines study sessions, cultural programs, and local workshops to “advocate a new lifestyle, establish a new atmosphere, and construct a new order.” Timothy Grose, *Beautifying Uyghur Bodies: Fashion, “Modernity,” and State Power in the Tarim Basin*, CONTEMPORARY CHINA CENTRE BLOG (Oct. 11, 2019), <http://blog.westminster.ac.uk/contemporarychina/beautifying-uyghur-bodies-fashion-modernity-and-state-power-in-the-tarim-basin-2/>.

¹²⁸ Jon Sharman, *China ‘forcing Muslims to eat pork and drink alcohol’ for lunar new year festival*, THE INDEPENDENT (Feb. 7, 2019), <https://www.independent.co.uk/news/world/asia/china-muslims-xinjiang-pork-alcohol-lunar-new-year-spring-festival-uyghur-islam-a8767561.html>; Qiao Long & Luisetta Mudie, *Chinese Officials Force Muslims to Drink, Eat Pork At Festival*, RADIO FREE ASIA (Feb. 6, 2019), <https://www.rfa.org/english/news/uyghur/festival-02062019140637.html>.

As an additional means of disconnecting Uyghurs from their heritage, Chinese authorities have systematically destroyed sites that are culturally or religiously significant to Uyghurs.¹²⁹ In recent years, there have been dozens of verified cases of mosques and religious sites razed by Chinese authorities¹³⁰; researchers believe authorities have bulldozed hundreds, if not thousands, of mosques in total. While the vast majority of cases are difficult to verify due to a lack of records and the widespread surveillance in Xinjiang,¹³¹ one estimate by the Uyghur Human Rights Project and Uyghurism put this number at between 10,000 and 15,000 demolitions.¹³² For those mosques allowed to stay standing, government officials have de-sanctified them in other ways, such as through the removal of crescents from atop the mosques, or by installing framed copies of the state’s policies on “de-extremification” or “ethnic unity” on their walls.¹³³ The CCP has also razed the Old Town of Kashgar—the ancient cultural center of Uyghur civilization, tearing down 65,000 homes and resettling 220,000 Uyghur residents.¹³⁴

¹²⁹ See Lily Kuo, *Revealed: new evidence of China’s mission to raze the mosques of Xinjiang*, THE GUARDIAN (May 6, 2019), <https://www.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang> (“If one were to remove these ... shrines, the Uighur people would lose contact with earth. They would no longer have a personal, cultural, and spiritual history. After a few years we would not have a memory of why we live here or where we belong.”). For a comparison of such demolitions to the demolitions of synagogues and Jewish cemeteries on Kristallnacht in Nazi Germany, see Fred Hiatt, *In China, every day is Kristallnacht*, THE WASH. POST (Nov. 3, 2019), <https://www.washingtonpost.com/opinions/2019/11/03/china-every-day-is-kristallnacht/?arc404=true>.

¹³⁰ Lily Kuo, *Revealed: new evidence of China’s mission to raze the mosques of Xinjiang*, THE GUARDIAN (May 6, 2019). For a list of demolished Uyghur mosques in Xinjiang, see *List of Demolished Uyghur Mosques in XUAR*, UYGHURISM, <https://www.uyghurism.com/culturalgenocide> (last visited Nov. 20, 2019).

¹³¹ Lily Kuo, *Revealed: new evidence of China’s mission to raze the mosques of Xinjiang*, THE GUARDIAN (May 6, 2019).

¹³² BAHRAM K. SINTASH, UYGHURISM, UYGHUR HUMAN RIGHTS PROJECT, *DEMOLISHING FAITH: THE DESTRUCTION AND DESECRATION OF UYGHUR MOSQUES AND SHRINES* 38 (2019), available at https://docs.uhrp.org/pdf/UHRP_report_Demolishing_Faith.pdf.

¹³³ Joanne Smith Finley, *‘Now We Don’t Talk Anymore’: Inside the ‘Cleansing’ of Xinjiang*, CHINAFILE (Dec. 28, 2018), <https://www.chinafile.com/reporting-opinion/viewpoint/now-we-dont-talk-anymore>.

¹³⁴ Dan Levin, *China Remodels and Ancient Silk Road City, and an Ethnic Rift Widens*, N.Y. TIMES (Mar. 5, 2014).

Authorities have additionally destroyed burial grounds where generations of Uyghur families have been buried,¹³⁵ which many view as an attempt to disconnect Uyghurs from their history and ancestry.¹³⁶ At least 45 cemeteries have been exhumed and flattened, including shrines and tombs of famous Uyghur individuals. For example, the burial site of Lutpulla Mutellin, a prominent Uyghur poet, was destroyed and turned into a “Happiness Park” complete with fake pandas, children’s rides, and a man-made lake, while graves were moved to an industrial zone in the desert.¹³⁷ Family members of those buried in targeted burial grounds are given only two days to claim remains, which are otherwise relocated as unclaimed corpses into new spaces that are tightly packed and leave little space for families to leave gifts as is part of Uyghur tradition.¹³⁸ This destruction has been done with little care or respect for the deceased, with reports of human bones being left behind—despite officials’ insistence that the measures are “civilized”¹³⁹—and little justification has been provided for the demolitions besides making way for urban reconstruction, ensuring “standardization,” or “sav[ing] space and protect[ing] the ecosystem.”¹⁴⁰ Furthermore, authorities are also setting up crematoria, or “burial management centers,” to conduct the burial of Xinjiang residents in contravention of Uyghur burial traditions.¹⁴¹

There have also been reports of coerced marriages between Uyghur women and Han Chinese men. Official state policies promoting such marriages range from providing preferential

¹³⁵ See CNES, AIRBUS DS, EARTHRISE & AFP, *Then and now: China's destruction of Uighur burial grounds*, THE GUARDIAN, <https://www.theguardian.com/world/2019/oct/09/chinas-destruction-of-uighur-burial-grounds-then-and-now>.

¹³⁶ *Even in death, Uighurs feel long reach of Chinese state*, AGENCE FRANCE-PRESSE (Oct. 9, 2019), <https://web.archive.org/web/20191009135602/https://www.afp.com/en/news/15/even-death-uighurs-feel-long-reach-chinese-state-doc-1ky71r1>; Adam Withnall, *China ‘building cark parks and playgrounds’ over Uighur Muslim graveyards ‘to eradicate ethnic group’s identity*, THE INDEPENDENT (Oct. 9, 2019), <https://www.independent.co.uk/news/world/asia/china-uighur-muslims-burial-grounds-satellite-xinjiang-a9148996.html>.

¹³⁷ *Even in death, Uighurs feel long reach of Chinese state*, AGENCE FRANCE-PRESSE (Oct. 9, 2019).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Shohret Hoshur, *Xinjiang Authorities Use ‘Burial Management Centers’ to Subvert Uyghur Funeral Traditions*, RADIO FREE ASIA (Apr. 19, 2018), <https://www.rfa.org/english/news/uyghur/burials-04192018141100.html>.

university entrance for children of mixed families,¹⁴² to offering cash payments for inter-ethnic couples to marry, to posting online videos of happy inter-ethnic couples, to publishing magazine articles with tips on how Han Chinese men can “win the heart of a Uyghur girl.”¹⁴³ Uyghur activists, however, emphasize the more insidious aspects of these policies, noting that women who refuse these marriages risk being sent to re-education camps or having family members sent to the camps.¹⁴⁴ These coerced marriages are related to the broader “Pair Up and Become Family” policy,¹⁴⁵ pushed by Chen Quanguo shortly after he took over as Xinjiang Communist Party Secretary, under which Han Chinese individuals are assigned to Uyghur families as “relatives”¹⁴⁶ or “big sisters and brothers.”¹⁴⁷ These faux relatives stay in the homes of their Uyghur “families,” with the aim of both increasing surveillance and encouraging the assimilation of Uyghurs into mainstream Chinese culture.¹⁴⁸ In some cases, male Han Chinese “relatives” sleep in the same beds of women whose husbands have been detained in the internment camps—

¹⁴² Eva Xiao, *China pushes inter-ethnic marriage in Xinjiang assimilation drive*, AGENCE FRANCE-PRESSE (May 16, 2019), <https://news.yahoo.com/china-pushes-inter-ethnic-marriage-xinjiang-assimilation-drive-044619042.html>.

¹⁴³ Darren Byler, *Uyghur Love in a time of Interethnic Marriage*, SUPCHINA (Aug. 7, 2019), <https://supchina.com/2019/08/07/uyghur-love-in-a-time-of-interethnic-marriage/>; *Xinjiang Authorities Push Uyghurs to Marry Han Chinese*, RADIO FREE ASIA (2017), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy2.html>.

¹⁴⁴ Darren Byler, *Uyghur Love in a time of Interethnic Marriage*, SUPCHINA (Aug. 7, 2019) <https://supchina.com/2019/08/07/uyghur-love-in-a-time-of-interethnic-marriage/>; Leigh Hartman, *China coerces Uighur women into unwanted marriages*, SHAREAMERICA (Sept. 24, 2019), <https://share.america.gov/china-coerces-uighur-women-into-unwanted-marriages/>.

¹⁴⁵ “结对认亲” in the original Chinese; it is also referred to as the “Uyghur-Chinese One Relative,” the “United as One Family,” or the “Becoming Family” initiative; see also Darren Byler, *China’s Government Has Ordered a Million Citizens to Occupy Uighur Homes. Here’s What They Think They’re Doing*, CHINAFILE (Oct. 24, 2018), <https://www.chinafile.com/reporting-opinion/postcard/million-citizens-occupy-uighur-homes-xinjiang>.

¹⁴⁶ *Xinjiang Authorities Push Uyghurs to Marry Han Chinese*, RADIO FREE ASIA (2017), <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy2.html>.

¹⁴⁷ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 16 (2020).

¹⁴⁸ Dake Kang & Yanan Wang, *China’s Uighurs told to share beds, meals with party members*, ASSOCIATED PRESS NEWS (Nov. 30, 2018), <https://apnews.com/9ca1c29fc9554c1697a8729bba4dd93b>.

a practice which CCP officials have described as “normal” and a means to “promote ethnic unity.”¹⁴⁹

Uyghurs in China are also effectively cut off from the global Muslim community, including friends and family abroad; international communication is looked upon with suspicion, and those caught using WhatsApp or other foreign communications software, or those who have connections to any of a list of twenty-six “sensitive countries,” have been interrogated, detained, and even tried and imprisoned.¹⁵⁰ Indeed, the Qaraqash Document is essentially a list of detainees in the “re-education” system who have relatives overseas.¹⁵¹ Chinese authorities also target users of Zapyra,¹⁵² an app developed by a Beijing startup that allows users to download the Quran and share religious teachings.¹⁵³ Likewise, the IJOP has flagged individuals from Xinjiang who have obtained foreign citizenship and applied for Chinese visas, or who have obtained certificates from Chinese embassies or consulates abroad, for detention.¹⁵⁴

Finally, many former detainees are “released” to job placements far from their homes, which may be an additional method by which authorities aim to weaken their sense of community, culture, and heritage.¹⁵⁵

¹⁴⁹ Shohret Hoshur, *Male Chinese ‘Relatives’ Assigned to Uyghur Homes Co-sleep With Female ‘Hosts’*, RADIO FREE ASIA (Oct. 31, 2019), <https://www.rfa.org/english/news/uyghur/cosleeping-10312019160528.html>.

¹⁵⁰ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4, 14-15 (2018).

¹⁵¹ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 9 (2020).

¹⁵² Known as “Kuai Ya” in Mandarin Chinese.

¹⁵³ “一体化联合作战平台” 每日要情通报: 第 20 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 20]; Scilla Alecci, *How China Targets Uyghurs ‘One By One’ For Using A Mobile App*, INT’L CONSORTIUM OF INVESTIGATIVE JOURNALISTS (Nov. 24, 2019), <https://www.icij.org/investigations/china-cables/how-china-targets-uyghurs-one-by-one-for-using-a-mobile-app/>.

¹⁵⁴ “一体化联合作战平台” 每日要情通报: 第 2 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 2].

¹⁵⁵ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 12 (2020).

v. Mandatory and Coerced Sterilization and Birth Control

Of the reasons for detention listed in the Qaraqash Document, violations of birth policies—that is, having too many children—was the most common, representing 115 of the 409 reasons for internment reported in the leaked document.¹⁵⁶ This link observed between family planning violations and internment reflects a crackdown on Uyghur and other minority births that has been intensifying over the past five years.

Beginning in 2010, the Xinjiang region saw significant increases in Uyghur and other minority population growth rates, just as Han Chinese population growth rates began to decline and the relative proportion of Han Chinese in the region began to shrink.¹⁵⁷ Chinese academics and government officials have described such minority population growth as “excessive,” as a catalyst of “religious extremism and splittism,” and as a threat to national security.¹⁵⁸ Thus, as early as 2015, Xinjiang government circles were taking note of the relationship between “religious extremism” and Uyghur population growth, with a May 2015 government broadcast stating that “religious extremism begets re-marriages and illegal extra births.”¹⁵⁹ That same month, the district secretary of Hotan asserted at a family planning meeting that “de-extremification is an opportunity to eliminate the influence and interference of religion on family planning,”¹⁶⁰ a sentiment reiterated in the Xinjiang White Paper, a document generally denounced by international observers as a key piece of CCP propaganda aimed at justifying the repressive and persecutory policies taken against the group.¹⁶¹ Following this heightened interest

¹⁵⁶ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 9 (2020).

¹⁵⁷ ADRIAN ZENZ, STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP’S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG 4-6 (2020), available at <https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x19523>.

¹⁵⁸ *Id.* at 7.

¹⁵⁹ *Id.* at 7-8.

¹⁶⁰ *Id.* at 8; 闫国灿同志在地区卫生计生工作会议上的讲话 [Speech by Comrade Yan Guocan at the Regional Health and Family Conference], 和田政府网[HOTAN GOVERNMENT NET] (May. 30, 2015), available at <http://archive.is/fCkb3>.

¹⁶¹ ADRIAN ZENZ, STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP’S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG 8 (2020); Joyce Huang, *Rights Activists Denounce*

in minority births in 2015, population growth rates across counties with minority population shares of 50 percent or greater began to decline.¹⁶²

In 2017, a new phrase began to crop up in government documents related to family planning in Xinjiang suggesting an imperative to: “*severely attack* behaviors that violate family planning.”¹⁶³ That same year, local governments in the region launched a “Special Campaign to Control Birth Control Violations,” seeking to unearth and punish birth policy violations dating as far back as the 1990s, with especially harsh punishments proposed for violations committed after July 28, 2017, when Xinjiang reformed its family planning policy to eliminate ethnic distinctions in birth policies.¹⁶⁴ A regionwide directive issued in 2018 ordered the continuation and expansion of this campaign, and county-wide implementation schemes were issued in April and May of that year.¹⁶⁵ Evidence from a number of counties supports the inference that there was widespread adoption of a policy of internment for birth control violations.¹⁶⁶ Qiemo County, for example, specifically mandated that discovered violators be subjected to “birth control measures with long-term effectiveness,” referring to either the implantation of intrauterine devices (IUDs) or sterilizations, and to “vocational skills education and training,” referring to extrajudicial internment at reeducation camps.¹⁶⁷ Likewise, the high number of detentions related to family planning violations in Qaraqash suggests the adoption of a similar policy. Some counties required internment for failure to pay fines related to birth policy violations.¹⁶⁸ Yet these fines were concurrently increased, sometimes amounting to three to eight times the average annual

China’s Xinjiang White Paper, VOA NEWS (Mar. 19, 2019), <https://www.voanews.com/east-asia-pacific/rights-activists-denounce-chinas-xinjiang-white-paper>.

¹⁶² ADRIAN ZENZ, *STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP’S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG* 8 (2020).

¹⁶³ *Id.* (emphasis added).

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *See* UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 9 (2020).

¹⁶⁷ *Id.* at 10-11.

¹⁶⁸ Two such counties are Nilka County and Qapqal County. *Id.* at 11. Fukang County and Mori County likewise asserted that those unable to pay fines would be “death with through coercive measures,” including internment. *Id.* at 12.

disposable income in the county.¹⁶⁹ In particular, those family planning violations deemed to have come about “due to the influence of extreme religious thinking” were to be “dealt with severely.”¹⁷⁰ In 2018 and 2019, the notion of “[z]ero birth control violation incidents” became cemented as a standard target for county family planning policies.¹⁷¹

Recently, many minority regions began to conceal population data, suggesting government officials’ awareness of their sensitivity; for example in 2019, Kashgar Prefecture, for the first time in two decades, did not disclose birth, death, or natural population growth rates.¹⁷² Concurrently in 2019, government officials launched a “Special Action Plan of the ‘Two Thorough Investigations’ of Illegal Births,” which applied additional pressure on counties to implement intrusive birth control measures, namely IUD implantations and permanent sterilizations.¹⁷³ The Xinjiang Health Commission’s 2019 budget planned for over 80 percent of women of childbearing age in four rural minority prefectures to be subjected to “birth control measures with long-term effectiveness,” which were to be verified through quarterly IUD checks, bi-monthly pregnancy tests, and monthly family visits, with “focus persons” deemed especially problematic receiving even more frequent checks.¹⁷⁴ These measures were not voluntary. Bayingol Prefecture, for example, ordered that “all [women] that meet IUD placement conditions and are without contradictions must have [IUDs] placed immediately.”¹⁷⁵ This campaign increased IUD implantation rates that were already high; for example, spring 2017 and fall 2018 birth control statistics from K k Gumb z District revealed that IUDs were fitted in 73.5 percent of married women of childbearing age—numbers which would likely have increased after the implementation of the 2019 policy.¹⁷⁶ In 2018, 80 percent of net added IUD

¹⁶⁹ *Id.* at 12.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.* at 9.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 13.

¹⁷⁶ *Id.*

placements¹⁷⁷ in China were performed in Xinjiang, yet the region makes up only 1.8 percent of the nation's population.¹⁷⁸ Indeed, in 2014, IUD placements in Xinjiang represented only 2.5 percent of total IUD placements in China.¹⁷⁹ Between 2015 and 2018, Xinjiang placed 7.8 times more net added IUDs per capita than the nationwide average.¹⁸⁰ In some cases, IUDs were fitted even in women who had not surpassed the permitted number of births; for example, records from K k Gumb z detailed IUDs implanted in women who had had only one child, and Nilka County's 2019 family planning policy involved the fitting of IUDs after just one birth in women who were part of the "floating population."¹⁸¹ These IUDs were designed and legislated to be removable only through a surgical procedure, and the state has imposed prison terms and fines on any removal procedures not performed by state-approved medical practitioners.¹⁸²

The 2019 campaign has also resulted in a significant number of coerced sterilizations. In 2019, the Xinjiang Health Commission budgeted RMB 120 million (approximately USD 16.7 million) for a project providing free "birth control surgeries"—including IUD services, abortions, and sterilizations—to all four southern regions in Xinjiang, with the aim of reducing the regions' 2020 birth rates and population growth rates.¹⁸³ County budget plans paint a stark picture of the undertaking. For example, the 2019 family planning budget plan of Guma County provided for a projected 8,064 sterilization procedures, while that of Hotan City aimed to complete 14,872 female sterilizations over the course of the year.¹⁸⁴ While the number of sterilization procedures in the rest of China plummeted following the 2016 abolition of the country's longstanding one-child policy, sterilizations surged in Xinjiang in 2017 and 2018, even despite Muslim minorities' traditional reticence towards such procedures.¹⁸⁵ Of the money

¹⁷⁷ "Net added IUD placements" refers to the number of placements minus the number of removals. *Id.* at 14.

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.* at 15.

¹⁸⁴ *Id.* at 16.

¹⁸⁵ *Id.* at 15-16.

dedicated to female sterilizations in Uyghur regions, at least some is received from the central government in the form of direct “central to local special transfer payments” specifically earmarked for the promotion of “full coverage of free surgeries for women of childbearing age.”¹⁸⁶ The amount that the Xinjiang Health Commission budgeted towards this project increased to RMB 140 million (USD 19.5 million) in 2020, and such aggressive budgeting for birth control will likely continue until the state’s birth prevention targets are reached.¹⁸⁷

Participation in these birth control measures is frequently coerced. In both 2019 and 2020, the Xinjiang Health Commission has budgeted RMB 750.4 and 733.9 million (USD 104.7 and 102.4 million) respectively towards cash awards for participation in IUD placements and sterilizations.¹⁸⁸ Uyghur women have also reported threats of internment for refusal to undergo these “free” medical services.¹⁸⁹ Moreover, a Uyghur doctor has testified that the sterilization procedures performed on minority women are generally irreversible.¹⁹⁰

At a national level, this crackdown on Uyghur births stands in stark contrast to the relaxation of birth restrictions in the rest of the country, where the Chinese government has, since 2016, been encouraging citizens to have two children and even providing financial incentives such as tax breaks or wedding and childbirth subsidies to boost birth rates.¹⁹¹ This difference in policy has become clear even within Xinjiang, where Han majority regions have seen population growth rates nearly eight times higher than those in more rural, predominantly minority regions.¹⁹²

¹⁸⁶ *Id.* at 19.

¹⁸⁷ *Id.* at 17, 19.

¹⁸⁸ *Id.* at 18-19.

¹⁸⁹ *Id.* at 15.

¹⁹⁰ *Id.*

¹⁹¹ See Tara Francis Chan, *Chinese authorities are offering wedding subsidies and cash payments to lure 'high quality' women into having more babies*, BUSINESS INSIDER (July 30, 2018), <https://www.businessinsider.com/china-one-child-policy-implications-women-children-2018-7>.

¹⁹² ADRIAN ZENZ, *STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP’S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG* 3, 9 (2020).

vi. Separation of Families

In addition to the removal of family members through mass detention and job placements far from home, many families have also been separated as a result of heightened restrictions on the movement of Uyghurs. For example, the tightening of passport controls and border crossings have led to children being left without their parents on the other side of the border.¹⁹³ Because Xinjiang authorities punish contact with those abroad, many Uyghurs report having lost contact with their relatives, including their young children, for months or over a year.¹⁹⁴

There has also been a push, concurrent with the recent intensification of re-education efforts, to effectuate the intergenerational separation of Uyghurs. Many Uyghur children have been left effectively parentless due to the mass incarcerations, and Chinese authorities have ordered the removal of these children from the care of their extended families, transferring them instead to state institutions without the consent of their relatives.¹⁹⁵ These transfers follow a November 2016 order from Chen Quanguo to place all Xinjiang orphans into state institutions by 2020, for the purported purpose of “concentrating” orphans previously cared for “in a scattered manner”—an order that includes no mention of the families’ or the children’s consent.¹⁹⁶ The policy also defines orphans broadly as “children who have lost their parents or whose parents cannot be found” which, in some regions, includes children whose one or both parents have been detained.¹⁹⁷ Government documents refer explicitly to “couples where both partners are detained in re-education” and “couples where both partners are in vocational training center,” and the

¹⁹³ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 5, 83-86 (2018); *The Communist Party’s Crackdown on Religion in China: Hearing before the United States Congressional-Executive Commission on China*, 115th Cong. (2018) (testimony of Mihrigul Tursun) [hereinafter Testimony of Mihrigul Tursun] (transcript available at https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/REVISED_Mihrigul%20Tursun%20Testimony%20for%20CECC%20Hearing%2011-28-18_0.pdf).

¹⁹⁴ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 5, 85-87 (2018).

¹⁹⁵ HUMAN RIGHTS WATCH, *China: Xinjiang Children Separated from Families* (Sept. 15, 2019, 8:00PM EDT), <https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families>; HUMAN RIGHTS WATCH, *China: Children Caught in Xinjiang Crackdown* (Oct. 16, 2018, 8:00PM EDT), <https://www.hrw.org/news/2018/10/16/china-children-caught-xinjiang-crackdown>.

¹⁹⁶ HUMAN RIGHTS WATCH, *China: Children Caught in Xinjiang Crackdown*.

¹⁹⁷ *Id.*

state began to issue urgent directives on how to deal with children of such detained or “double-detained” parents in early 2018.¹⁹⁸ Moreover, even children who are not orphans by any definition may be automatically transferred, without the consent of their parents, to full-time boarding schools, where they are only allowed home on weekends and holidays and parents have only limited visiting privileges.¹⁹⁹ Those who resist the removal of their children to these schools risk being sent to detention camps for their defiance.²⁰⁰

The institutions in which these children are housed range from boarding schools, including boarding preschools, to so-called “rescue, care and protection centers for children in especially difficult circumstances,” to traditional orphanages.²⁰¹ The CCP is building these centers at a feverish pace: as of September 2018, the CCP has budgeted over US\$30 million to build or expand at least 45 of these “rescue, care and protection centers” since the beginning of 2017, creating enough beds to house 5,000 children.²⁰² These facilities largely mirror the re-education camps housing adults. A Uyghur worker at one such orphanage has described the conditions as “terrible,” with children “locked up like farm animals in a shed” and fed only “rice soup” most of the week.²⁰³ Children are taught Mandarin Chinese and punished for speaking their native languages,²⁰⁴ and also taught to sing and dance to propagandistic songs.²⁰⁵ These

¹⁹⁸ Adrian Zenz, *Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang*, 7 J. OF POL. RISK (2019), available at <http://www.jpolrisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/>.

¹⁹⁹ *China is putting Uighur children in ‘orphanages’ even if their parents are alive*, THE INDEPENDENT (Sept. 21, 2018), <https://www.independent.co.uk/news/world/asia/china-uyghurs-human-rights-muslims-orphanages-xinjiang-province-reeducation-a8548341.html>.

²⁰⁰ Emily Feng, *Uighur children fall victim to China anti-terror drive*, FINANCIAL TIMES (July 9, 2018), <https://www.ft.com/content/f0d3223a-7f4d-11e8-bc55-50daf11b720d>.

²⁰¹ Adrian Zenz, *Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang*, 7 J. OF POL. RISK (2019).

²⁰² *China is putting Uighur children in ‘orphanages’ even if their parents are alive*, THE INDEPENDENT (Sept. 21, 2018).

²⁰³ Shohret Hoshur, *Dozens of Uyghur Children of Xinjiang Village Camp Detainees Sent to Live in Orphanages*, RADIO FREE ASIA (July 2, 2018), <https://www.rfa.org/english/news/uyghur/orphanages-07022018143057.html>.

²⁰⁴ *China is putting Uighur children in ‘orphanages’ even if their parents are alive*, THE INDEPENDENT (Sept. 21, 2018).

²⁰⁵ HUMAN RIGHTS WATCH, *China: Xinjiang Children Separated from Families*.

placements are accompanied by state propaganda extolling the benefits of placing children “under the loving care of the Party and the government,”²⁰⁶ yet a retired government official in Kashgar has hinted at the more nefarious aspects of these schools, stating, “I would not advise [the general population] to send [their] own children there. It is really all just the children of Uyghurs.”²⁰⁷ There have also been reports of children of Uyghur detainees being put up for adoption to Han Chinese families.²⁰⁸

vii. Deportation and Forcible Transfer

In August 2019, drone footage was posted online showing hundreds of detainees—believed to be Uyghurs—with shaved heads, shackled and blindfolded at a train station in Xinjiang, awaiting transfer.²⁰⁹ Their origin and destination are relatively unknown, though analysts and former detainees suggest that those in the video were being transferred from a lower security re-education camp to a higher-security and more expansive facility, which may be accompanied by a formal prison sentence.²¹⁰

There have also been cases of Uyghurs abroad being forcibly deported from their countries of residence and returned to China. In early 2017, China demanded the return of Uyghur students living abroad, accusing the community of “separatism” and religious extremism.”²¹¹ In the wake of this demand, there were reports of Chinese authorities detaining

²⁰⁶ Adrian Zenz, *Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang*, 7 J. OF POL. RISK (2019).

²⁰⁷ Emily Feng, *Uyghur children fall victim to China anti-terror drive*, FINANCIAL TIMES (July 9, 2018).

²⁰⁸ Rushan Abbas, Director, Campaign for Uyghurs, Remarks at Contemporary Uyghur Society in a time of “Reeducation” (Oct. 1, 2019); Nurgul Sawut, Director of the Board of the Oceania Region, Campaign for Uyghurs, Director of Government Relations and Policy Outreach, Australian Uyghur Association, Remarks at The Long Arm of the Dragon (June 20, 2019) (transcript available at <https://bitterwinter.org/the-repression-of-uyghurs-and-other-muslim-minorities/>).

²⁰⁹ War on Fear 战斗恐惧, *Xinjiang, a New Explanation*, YOUTUBE (Sept. 17, 2019), <https://www.youtube.com/watch?v=gGYoeJ5U7cQ>; Nathan Ruser (@Nrg8000), TWITTER (Sept. 21, 2019, 3:17AM), <https://twitter.com/Nrg8000/status/1175353408749891584>.

²¹⁰ Matt Rivers, Max Foster, & James Griffiths, *Disturbing video shows hundreds of blindfolded prisoners in Xinjiang*, CNN (Oct. 7, 2019), <https://www.cnn.com/2019/10/06/asia/china-xinjiang-video-intl-hnk/index.html>; Nathan Ruser (@Nrg8000), TWITTER (Sept. 21, 2019, 3:17AM), <https://twitter.com/Nrg8000/status/1175353408749891584>.

²¹¹ HUMAN RIGHTS WATCH, *Egypt: Don’t Deport Uyghurs to China* (July 7, 2017, 11:50PM EDT), <https://www.hrw.org/news/2017/07/07/egypt-dont-deport-uyghurs-china>; Matt Rivers, Max Foster, &

family members of these students in order to coerce them into returning to China.²¹² China has also cooperated with foreign governments to ensure the return of Uyghurs abroad; for example, in July 2017, Egyptian authorities arrested at least 62 Uyghurs living in Egypt without informing them of the grounds for their detention, denied them access to lawyers and contact with their families, and put at least 12 Uyghurs on a flight to China.²¹³ These arrests and deportations followed a meeting between Egyptian Interior Minister Magdy Abd al-Ghaffar and Chinese Deputy Public Security Minister Chen Zhimin, where Chen stressed China's eagerness to exchange information about "extremist organizations."²¹⁴

b. Persecution Within Detention

It is difficult to determine when exactly Chinese officials began to plan and implement the mass detention of Uyghurs. The re-education camps, for example, began coming to the attention of the media around April 2017,²¹⁵ with the majority of facilities completed in early 2017,²¹⁶ while the detention of Uyghurs in extralegal detention centers has been documented since 2016.²¹⁷ According to a former re-education camp teacher, the internees are categorized into three groups, which differ in level of security and duration of detention.²¹⁸ The lowest level generally consists of illiterate individuals who are incarcerated purely for not speaking Chinese,

James Griffiths, *Disturbing video shows hundreds of blindfolded prisoners in Xinjiang*, CNN (Oct. 7, 2019).

²¹² Joëlle Garrus, *No place to hide: exiled Chinese Uighur Muslims feel state's long reach*, HONG KONG FREE PRESS (Aug. 19, 2018), <https://www.hongkongfp.com/2018/08/19/no-place-hide-exiled-chinese-uyghur-muslims-feel-states-long-reach/>; HUMAN RIGHTS WATCH, *Egypt: Don't Deport Uyghurs to China*.

²¹³ HUMAN RIGHTS WATCH, *Egypt: Don't Deport Uyghurs to China*.

²¹⁴ *Id.*

²¹⁵ See, e.g., Rob Schmitz, *Families of the Disappeared: A Search For Loved Ones Held in China's Xinjiang Region*, NATIONAL PUBLIC RADIO (Nov. 12, 2018), <http://npr.org/2018/11/12/665597190/families-of-the-disappeared-a-search-for-loved-ones-held-in-chinas-xinjiang-regi>.

²¹⁶ Philip Wen & Olzhas Auyezov, *Tracking China's Muslim Gulag*, REUTERS (Nov. 29, 2018).

²¹⁷ See Emily Feng, *Uighur children fall victim to China anti-terror drive*, FINANCIAL TIMES (July 9, 2018).

²¹⁸ Gerry Shih, *China's mass indoctrination camps evoke Cultural Revolution*, ASSOCIATED PRESS NEWS (May 17, 2018), <https://apnews.com/6e151296fb194f85ba69a8babd972e4b/China%E2%80%99s-massindoctrinationcamps-evoke-Cultural-Revolution>.

the middle of those caught with religious materials in their homes or on their phones, and the highest of those who had studied religion abroad or otherwise seen as having suspicious foreign connections.²¹⁹ According to a confidential internal document approved by Zhu Hailun—Xinjiang’s Deputy Party Secretary, Chen Quanguo’s right hand man, and the region’s top security chief—detainees are placed based on an initial screening in either general management, strict, or very strict zones—which vary in “education and training methods”—and are managed according to a scoring system that measures their behavior.²²⁰ These scores determine potential transfers of detainees between zones, the treatment of detainees within their respective zones, as well as “rewards, punishments, and family visits.”²²¹ In order to be released, detainees must have maintained a good score, be categorized at the “general management” level, and have served at least one year,²²² although there have been cases of the camps releasing detainees sooner.²²³ The overall scope of these incarcerations is massive: somewhere between several hundred thousand and over one million Uyghurs have been detained in state-run facilities,²²⁴ and as many as two million people in total have passed through the internment camps since April 2017.²²⁵ Between

²¹⁹ *Id.*

²²⁰ 自治区机关发电 [Autonomous Region State Telegram] para. 14.

²²¹ *Id.* at para. 16.

²²² *Id.* at para. 17.

²²³ Austin Ramzy & Chris Buckley, *New Leak Reveals Orders for China’s Internment Camps*, N.Y. TIMES (Nov. 24, 2019).

²²⁴ Adrian Zenz, *New Evidence for China’s Political Re-Education Campaign in Xinjiang*, 18 CHINA BRIEF (2018), available at <https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang> (Zenz estimated the detainee number by extrapolating from a leaked Xinjiang police report, released by a Turkish TV station run by Uyghur exiles, as well as from reports by Radio Free Asia); CHINESE HUMAN RIGHTS DEFENDERS & EQUAL RIGHTS INITIATIVE, *China: Massive Numbers of Uyghurs & Other Ethnic Minorities Forced into Re-education Programs* (Aug. 3, 2018), <https://www.nchrd.org/2018/08/china-massive-numbers-of-uyghurs-other-ethnic-minorities-forced-into-re-education-programs> (CHRD and ERI made the estimate by extrapolating the percentages of people detained in villages as reported by dozens of Uyghur villagers in Kashgar Prefecture during interviews with CHRD).

²²⁵ *The China Challenge, Part 3: Democracy, Human Rights, and the Rule of Law: Hearing Before the Subcomm. On East Asia, The Pacific, And International Cybersecurity Policy of the U.S. S. Comm. on Foreign Relations*, 115th Cong. (2018) (testimony of Deputy Assistant Secretary Scott Busby, available at https://www.foreign.senate.gov/imo/media/doc/120418_Busby_Testimony.pdf).

April 2017 and August 2018, 39 camps tracked by Reuters and Earthrise Media have tripled in size.²²⁶

i. Torture, Cruel, Inhuman or Degrading Treatment, and Deaths in Detention

Many of the accounts of the treatment of detainees in China's re-education camps reveal conduct that amounts to torture or cruel, inhuman or degrading treatment ("CIDT"). A former prisoner, Mihrigul Tursun, testifying before the US Congressional-Executive Commission on China, detailed the abuses she suffered. These included being stripped naked and forced to undergo a medical examination;²²⁷ being told she would die in the camp; being interrogated for three days and nights in an electric chair known, as the "tiger chair," in a room full of belts and whips; and being electrocuted and beaten during this interrogation.²²⁸ Another former detainee similarly recounted how policemen interrogated him by strapping him into a tiger chair and by hanging him to a barred wall by his wrists.²²⁹

Tursun described how 40 to 68 women, chained at the wrists and ankles, were put in the same 420-square-foot underground cell with just one small hole in the ceiling for ventilation, and in which they were expected to urinate and defecate. Detainees were forcibly administered drugs that made her feel "less conscious and lethargic" and lose her appetite,²³⁰ while other female

²²⁶ Philip Wen & Olzhas Auyezov, *Tracking China's Muslim Gulag*, REUTERS (Nov. 29, 2018).

²²⁷ Another former detainee, Gulbahar Jelilova, has made similar claims to these, testifying that "[o]n her arrival at the prison she was given a medical exam [during which] [s]he was stripped naked and [prison officials] took a blood and urine sample before placing her in a cell. A little time later the officials placed a black hood over her head, and she was taken to another location and more blood tests were taken as well as ultrasound tests. In two of the prisons in which she was detained, it was routine to be medically tested and injections were given every 10 days. Jelilova was imprisoned after interrogation in three different prisons in Urumqi." INDEPENDENT TRIBUNAL INTO FORCED ORGAN HARVESTING FROM PRISONERS OF CONSCIENCE IN CHINA, FINAL JUDGMENT & SUMMARY REPORT para. 89 (2019) [hereinafter CHINA TRIBUNAL SUMMARY REPORT], available at https://chinatribunal.com/wp-content/uploads/2019/07/ChinaTribunal_SummaryJudgment_17June2019.pdf.

²²⁸ Testimony of Mihrigul Tursun; see also Gerry Shih, *China's mass indoctrination camps evoke Cultural Revolution*, ASSOCIATED PRESS NEWS (May 17, 2018) (recounting former detainee's interrogation in a tiger chair).

²²⁹ Gerry Shih, *'Permanent cure': Inside the re-education camps China is using to brainwash Muslims*, ASSOCIATED PRESS (May 17, 2018), <https://www.businessinsider.com/what-is-life-like-in-xinjiang-reeducation-camps-china-2018-5>.

²³⁰ Testimony of Mihrigul Tursun.

detainees were given drugs that caused their periods to stop and, in some cases, caused severe bleeding that occasionally resulted in death.²³¹ This account of detainees being forcibly administered drugs is corroborated by the accounts of other former detainees such as Sayragul Sauytbay—who described pills and injections that led to cognitive weakening, amenorrhea in women, and sterility in men.²³²

Detainees were only permitted to move when a voice, speaking through a speaker system, allowed them to, and were incessantly observed through video cameras and microphones.²³³ A leaked CCP directive corroborates these allegations, ordering “full video surveillance coverage of dormitories and classrooms free of blind spots, ensuring that guards on duty can monitor in real time, record things in detail, and report suspicious circumstances immediately.”²³⁴ Tursun recounted how, since the cell was not large enough for all the detainees to sleep at the same time, ten to fifteen women would stand while the others slept, rotating every two hours, such that the detainees were never able to have a full night’s sleep; to this end, guards also woke the detainees at 5:00 a.m. every morning.²³⁵ Former detainees emphasized the emotional distress stemming from the deplorable living conditions and the prospect of indefinite detention.²³⁶ Detainees in one cell could hear the abuse and suffering of detainees in other cells, further amplifying their psychological trauma.²³⁷ Detention officers also deprived detainees of adequate food; they were

²³¹ *Id.*

²³² Zamira Rahim, *Prisoners in China’s Xinjiang concentration camps subjected to gang rape and medical experiments, former detainee says*, THE INDEPENDENT (Oct. 22 2019), <https://www.independent.co.uk/news/world/asia/china-xinjiang-ughur-muslim-detention-camps-xi-jinping-persecution-a9165896.html>.

²³³ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 41-42 (2018); Philip Wen & Olzhas Auyezov, *Tracking China’s Muslim Gulag*, REUTERS (Nov. 29, 2018).

²³⁴ 自治区机关发电 [Autonomous Region State Telegram] para. 3.

²³⁵ Testimony of Mihrigul Tursun; *see also* CHINA TRIBUNAL SUMMARY REPORT at para. 89 (“She stated that all three detention centres were overcrowded and dirty. The women took turns sleeping as there was not enough space for everyone to lie down. They were barely given food to eat. They were given showers once a week with one bar of soap which resulted in body sores for the women.”).

²³⁶ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 2, 36, 41-42, 49-50, 54-55 (2018).

²³⁷ Testimony of Mihrigul Tursun (“We could hear the beatings, the men screaming, and people being dragged in the hallways because the chains in their wrists and ankles would make terrible noise when they touched the floor. The thought that these men could be our fathers or brothers was unbearable.”); *see also*

often not provided food all day and, when they were, it was insufficient—a small steamed bun or water with some rice.²³⁸ Camp authorities also generally ignored detainees' need or requests for medical treatment.²³⁹

The detainees were forced to sing songs hailing the CCP and Xi Jinping.²⁴⁰ They were punished harshly for minor infractions of the camps' arbitrary rules: for example, authorities would deny food to or beat those whose voices were weak or who could not sing songs in Chinese, or who could not remember the rules of the camp.²⁴¹ One former detainee recounted how, after resisting re-education efforts, he was placed in solitary confinement in a two-by-two meter cell, where he was handcuffed, deprived of food and water, and forced to stand for 24 hours without sleep.²⁴² Indeed, a leaked internal document instructs officials to deal with internees who have “a vague understanding, negative attitudes or even show resistance” through “assault-style transformation through education,” in order to “ensure that results are achieved.”²⁴³ Tursun recounted the lasting emotional trauma and physical health issues that she and her children continue to suffer, as well as the continued trauma of the fear that her family would be tortured in retaliation for her speaking out.²⁴⁴

Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, RADIO FREE ASIA (Oct. 30, 2019) (“The screaming, pleading, crying, is still in my head.”).

²³⁸ Testimony of Mihrigul Tursun.

²³⁹ Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, RADIO FREE ASIA (Oct. 30, 2019).

²⁴⁰ Testimony of Mihrigul Tursun.

²⁴¹ *Id.*

²⁴² HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 50 (2018).

²⁴³ Adrian Zenz, “Wash Brains, Cleanse Hearts”: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign, 7 *J. OF POL. RISK* (2019).

²⁴⁴ Testimony of Mihrigul Tursun.

There have also been several accounts of deaths in these re-education camps²⁴⁵—Tursun herself witnessed nine deaths in three months of detention,²⁴⁶ and a Chinese police officer confirmed that 150 detainees had died between June and December 2018 in just one of four internment camps in Kuchar²⁴⁷—which raise additional concerns about physical²⁴⁸ and psychological abuse.

ii. Cultural and Religious Erasure

The erasure of Uyghur culture and religion seems to be a primary goal of the camps; indeed, multiple government platforms state unambiguously that the purpose of the camps is to

²⁴⁵ Weli Memet, a 55-year-old Uyghur businessman in good health prior to his detention, died in December 2018. His body was never turned over to family, allegedly because he “suffered severe torture and was cremated afterwards,” or perhaps because “his internal organs were harvested for transplants.” His family was informed of his death while “100 to 200 armed police officers encircled the neighbourhood to contain any emotional disturbance,” and relatives were prevented from holding a prayer service in lieu of conducting funerary rights in the absence of his corpse. Shohret Hoshur, *Uyghur Businessman Dies While Detained in Xinjiang Political ‘Re-education Camp’*, RADIO FREE ASIA (Jan. 28, 2019), <https://www.rfa.org/english/news/uyghur/businessman-01282019143318.html>; see also Shohret Hoshur, *Uyghur Father of Two Dies After Falling Ill in Xinjiang Re-Education Camp*, RADIO FREE ASIA (Apr. 12, 2018), <https://www.rfa.org/english/news/uyghur/father-04122018153525.html> (recounting the death of 34-year-old Uyghur man after nearly six months of incarceration at a reeducation camp); Shohret Hoshur, *Uyghur Man Buried Amid Strict Security After Latest Xinjiang Reeducation Camp Death*, RADIO FREE ASIA (June 8, 2018), <https://www.rfa.org/english/news/uyghur/gulja-burial-06082018164250.html> (discussing death and burial of 65-year-old Uyghur man after nine months in a political reeducation camp); Shohret Hoshur, *Uyghur Teenager Dies in Custody at Political Re-Education Camp*, RADIO FREE ASIA (Mar. 14, 2018), <https://www.rfa.org/english/news/uyghur/teenager-03142018154926.html> (documenting death from unknown causes of a teenage Uyghur boy who had been detained in a re-education camp for traveling overseas); Shohret Hoshur, *Elderly Uyghur Woman Dies in Detention in Xinjiang ‘Political Re-Education Camp’*, RADIO FREE ASIA (May 24, 2018), <https://www.rfa.org/english/news/uyghur/woman-05242018164854.html> (noting death of an elderly Uyghur woman from health complications after her incarceration at a political reeducation camp).

²⁴⁶ Testimony of Mihrigul Tursun.

²⁴⁷ Shohret Hoshur, *At Least 150 Detainees Have Died in One Xinjiang Internment Camp: Police Officer*, RADIO FREE ASIA (Oct. 29, 2019), <https://www.rfa.org/english/news/uyghur/deaths-10292019181322.html>.

²⁴⁸ See Shohret Hoshur, *Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage*, RADIO FREE ASIA (Oct. 29, 2019), <https://www.rfa.org/english/news/uyghur/beat-10282019164142.html>.

“wash brains” and “cleanse hearts.”²⁴⁹ Detainees are forced to learn Mandarin Chinese and forbidden from speaking any other language.²⁵⁰ They must sing praises of the CCP and memorize rules applicable to Turkic Muslims, such as those restricting Islamic practices and the Uyghur language.²⁵¹ Former-detainees reported being told that they would not be allowed to leave the camps unless they learned over 1,000 Chinese characters and spoke Mandarin, or were otherwise determined to have become sufficiently loyal Chinese subjects.²⁵² Officials also forced detainees to criticize themselves, their fellow internees, and their friends and family for their cultural and religious practices, with those who regurgitated state propaganda particularly well or who criticized their peers especially harshly rewarded with transfer to more comfortable conditions.²⁵³ This conduct is in line with an internal directive that orders camp officials to “promote the repentance and confession of the students for them to understand deeply the illegal, criminal and dangerous nature of their past behavior.”²⁵⁴

Authorities have prohibited religious practice of any kind, and detainees are punished for the performance of peaceful religious acts: guards closely watch detainees for signs of religious activity, and prevent detainees from engaging in acts such as praying or growing beards, which

²⁴⁹ Adrian Zenz, “Wash Brains, Cleanse Hearts”: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign, 7 J. OF POL. RISK (2019).

²⁵⁰ Peter Stublely, *Uighur Muslims forbidden to pray or grow beards in China’s ‘re-education’ camps, former detainee reveals*, THE INDEPENDENT (Mar. 22, 2019), <https://www.independent.co.uk/news/world/asia/china-uyghur-muslim-education-camps-forbidden-beards-pray-pork-xinjiang-a8835861.html>; see also 自治区机关发电 [Autonomous Region State Telegram] para. 8 (describing how detainees should “[a]dhere to the daily concentrated study of the national language (Mandarin), law, and skills” and how camps should “make remedial Mandarin studies the top priority”).

²⁵¹ HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4, 9-10, 39-40 (2018). According to a former detainee, these rules included: the prohibition of Islamic greetings, Uyghur or Kazakh writings on Uyghur restaurant signs, the use of Uyghur or Kazakh in public spaces, Uyghur or Kazakh language schools, and the establishment of minority-only chat groups on WeChat, QQ, and other social media websites; the ban on communications with any person in the 26 “sensitive” countries; and the cash rewards for the intermarriage of Han Chinese and Kazakhs. *Id.* at 39-40.

²⁵² HUMAN RIGHTS WATCH, “ERADICATING IDEOLOGICAL VIRUSES”: CHINA’S CAMPAIGN OF REPRESSION AGAINST XINJIANG’S MUSLIMS 4, 38-39 (2018).

²⁵³ Gerry Shih, *China’s mass indoctrination camps evoke Cultural Revolution*, ASSOCIATED PRESS NEWS (May 17, 2018).

²⁵⁴ 自治区机关发电 [Autonomous Region State Telegram] para. 11.

are both seen as signs of extremism.²⁵⁵ Detainees are also cut off from any contact with “the outside world apart from during prescribed activities” in the name of “[p]revent[ing] trouble,” according to a leaked internal directive; to this end, detainees are forbidden from having cellphones.²⁵⁶ Detention officers have also forced detainees to eat pork, in violation of the religious beliefs held by many Uyghurs.²⁵⁷ One former detainee who refused to follow these internal rules was sent to solitary confinement and deprived of food for 24 hours.²⁵⁸ To ensure that this religious erasure sticks, camp officials have also purportedly forced detainees to sign documents agreeing not to practice their religion before releasing them.²⁵⁹

iii. Less Substantiated Claims

Several other recurring themes—namely sexual and reproductive violence, organ harvesting, and forced labor—have emerged from accounts of former detainees. Due to the clandestine nature of the camps, especially the almost complete lack of access afforded to independent observers, however, these claims are difficult to verify. Although these claims currently require further proof and more robust corroboration, the international community should nevertheless be on notice that these accusations have been levelled against Chinese government actors, and be alert to any supporting evidence that may arise.

²⁵⁵ Peter Stubbley, *Uighur Muslims forbidden to pray or grow beards in China’s ‘re-education’ camps, former detainee reveals*, THE INDEPENDENT (Mar. 22, 2019).

²⁵⁶ 自治区机关发电 [Autonomous Region State Telegram] para. 3.

²⁵⁷ Zamira Rahim, *Prisoners in China’s Xinjiang concentration camps subjected to gang rape and medical examinations, former detainee says*, THE INDEPENDENT (Oct. 22, 2019); Peter Stubbley, *Uighur Muslims forbidden to pray or grow beards in China’s ‘re-education’ camps, former detainee reveals*, THE INDEPENDENT (Mar. 22, 2019).

²⁵⁸ Peter Stubbley, *Uighur Muslims forbidden to pray or grow beards in China’s ‘re-education’ camps, former detainee reveals*, THE INDEPENDENT (Mar. 22, 2019).

²⁵⁹ Emily Rauhala & Anna Fifield, *She survived a Chinese internment camp and made it to Virginia. Will the U.S. let her stay?*, WASH. POST (Nov. 17, 2019), <https://www.washingtonpost.com/world/2019/11/17/she-survived-chinese-internment-camp-made-it-virginia-will-us-let-her-stay/?arc404=true>.

1. Sexual and Reproductive Violence

One key alleged manifestation of this torture and CIDT in detention is sexual and reproductive violence perpetrated against detainees.²⁶⁰ Former detainees have recounted stories of rampant sexual abuse in the camps. These allegations include rape, sexual humiliation, violations of privacy such as being filmed in the shower, and degrading and invasive acts such as having their genitals rubbed with chili paste.²⁶¹ Former detainees accused policemen of systematically raping female detainees—taking “the pretty girls” away from their cells “on an everyday basis”—and claimed that detainees were forced to watch their fellow inmates be raped, sometimes repeatedly.²⁶² The policemen would purportedly also observe the reactions of those who were forced to watch, taking away those who turned their heads, closed their eyes, or looked shocked or angry.²⁶³ Those women who were taken away—usually young and unmarried²⁶⁴—were apparently never seen again, and one former detainee, Tursunay Ziyawudun, recounted learning that they had died while in the hospital.²⁶⁵

²⁶⁰ Note, however, that at least one former detainee who has come forward with such allegations has given different accounts at different times; although this fact in itself does not mandate the conclusion that the testimony is unreliable, such claims should be considered with additional scrutiny.

²⁶¹ Amie Ferris-Rotman, *Abortions, IUDs and Sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals*, THE WASH. POST (Oct. 7, 2019), https://www.washingtonpost.com/world/asia_pacific/abortions-iuds-and-sexual-humiliation-muslim-women-who-fled-china-for-kazakhstan-recount-ordeals/2019/10/04/551c2658-cfd2-11e9-a620-0a91656d7db6_story.html; Amie Ferris-Rotman, Aigerim Toleukhan, Emily Rauhala & Anna Fifield, *China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture*, THE INDEPENDENT (Oct. 6, 2019), <https://www.independent.co.uk/news/world/asia/china-uighur-muslim-women-abortion-sexual-abuse-genocide-a9144721.html>.

²⁶² Zamira Rahim, *Prisoners in China’s Xinjiang concentration camps subjected to gang rape and medical experiments, former detainee says*, THE INDEPENDENT (Oct. 22 2019); see also Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, RADIO FREE ASIA (Oct. 30, 2019).

²⁶³ Zamira Rahim, *Prisoners in China’s Xinjiang concentration camps subjected to gang rape and medical experiments, former detainee says*, THE INDEPENDENT (Oct. 22 2019).

²⁶⁴ Matt Rivers & Lily Lee, *Former Xinjiang teacher claims brainwashing and abuse inside mass detention centers*, CNN (May 9, 2019), <https://www.cnn.com/2019/05/09/asia/xinjiang-china-kazakhstan-detention-intl/index.html>.

²⁶⁵ Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, RADIO FREE ASIA (Oct. 30, 2019).

Emerging reports of the camp conditions also reveal frequent and invasive violations of detainees' reproductive rights, in addition to the invasive birth control policies witnessed outside of the camps and the increasing number of women sent to the camps for violations to such policies. For example, according to the testimony of multiple former detainees, drugs that officials forcibly administered to detainees caused amenorrhea in women and sterility in men, potentially as a means of forced sterilization if these effects are proven to be permanent.²⁶⁶ Such a case is not improbable: for example, a medical examination by U.S. doctors confirmed that Mihrigul Tursun—whom camp officials had forcibly subjected to unidentified drugs and injections—had, in fact, been sterilized.²⁶⁷ There were also accounts of forced implantation of contraceptive devices and forced abortions, some of which were performed without anesthesia.²⁶⁸ Officials may also be forcibly sterilizing detainees: Ziyawudun reported that authorities took her and other women “to the hospital and operated on them so that they no longer could have children,” although Ziyawudun herself was spared due to a gynecological condition.²⁶⁹

2. Organ Harvesting

Accounts of forced organ harvesting from Uyghur detainees have also surfaced. These join extensive allegations against China of forced organ harvesting from political prisoners such as the Falun Gong. Indeed, one researcher avers that the first known case of live organ harvesting

²⁶⁶ Testimony of Mihrigul Tursun; Zamira Rahim, *Prisoners in China's Xinjiang concentration camps subjected to gang rape and medical experiments, former detainee says*, THE INDEPENDENT (Oct. 22 2019), <https://www.independent.co.uk/news/world/asia/china-xinjiang-uyghur-muslim-detention-camps-xi-jinping-persecution-a9165896.html>; CHINA TRIBUNAL SUMMARY REPORT at para. 89; ADRIAN ZENZ, *STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP'S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG* 19 (2020).

²⁶⁷ Peter Stublet, *Muslim women 'sterilised' in China detention camps, say former detainees*, THE INDEPENDENT (Aug. 19, 2019), <https://www.independent.co.uk/news/world/asia/uyghur-muslim-china-sterilisation-women-internment-camps-xinjiang-a9054641.html>.

²⁶⁸ Amie Ferris-Rotman, *Abortions, IUDs and Sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals*, THE WASH. POST (Oct. 7, 2019); Amie Ferris-Rotman, Aigerim Toleukhan, Emily Rauhala & Anna Fifield, *China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture*, THE INDEPENDENT (Oct. 6, 2019).

²⁶⁹ Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, RADIO FREE ASIA (Oct. 30, 2019), <https://www.rfa.org/english/news/uyghur/abuse-10302019142433.html>.

in China was performed in Xinjiang against death-row prisoners,²⁷⁰ and that the first forced organ harvesting from prisoners of conscience was committed against Uyghur activists following the Ghulja massacre in 1997, allegedly on behalf of aging, high-ranking CCP officials who needed tissue-matched organs.²⁷¹ An extensive 2016 report by David Kilgour, Ethan Gutmann, and David Matas concluded that “[t]he source for most of the massive volume of organs for transplants [in China] is the killing of innocents: Uyghurs, Tibetans, House Christians and [Falun Gong practitioners].”²⁷²

Although much of the research in this area remains inferential, elements of the current situation do seem to suggest that Uyghurs are currently, or are at risk of becoming, victims of forced organ harvesting, given the systematic and comprehensive collection of Uyghurs’ biometric data, as well as the rapid, almost frenzied construction of crematoria in the region.²⁷³ In June 2019, the Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China (“China Tribunal”)²⁷⁴ adjudged that between fifteen and seventeen million Uyghurs have been blood and DNA tested,²⁷⁵ amounting to “evidence of medical testing [of Uyghurs] on a scale that could allow them, amongst other uses, to become an ‘organ bank.’”²⁷⁶

²⁷⁰ ETHAN GUTMANN, *THE SLAUGHTER* 15-20 (2014).

²⁷¹ *Id.* at 25-26; Ethan Gutmann, *The Party’s Testing Ground: Recent Trends in Chinese Organ Harvesting of Prisoners of Conscience*, Remarks at the “Uyghur Struggle for Human Rights” Conference before the European Parliament (Oct. 22, 2015) (transcript available at <https://ethan-gutmann.com/the-partys-testing-ground-recent-trends-in-chinese-organ-harvesting-of-prisoners-of-conscience/>).

²⁷² DAVID KILGOUR, ETHAN GUTMANN & DAVID MATAS, *BLOODY HARVEST/THE SLAUGHTER: AN UPDATE* 418 (2016), available at https://endtransplantabuse.org/wp-content/uploads/2017/05/Bloody_Harvest-The_Slaughter-2016-Update-V3-and-Addendum-20170430.pdf.

²⁷³ Isabel Van Brugen, *Witnesses Fear Chinese Regime Murdering Uyghurs for Their Organs*, *THE EPOCH TIMES* (Oct. 29, 2018), https://www.theepochtimes.com/witnesses-fear-ccp-murdering-uyghurs-for-their-organs_2699333.html; Rushan Abbas, Director, Campaign for Uyghurs, Remarks at Contemporary Uyghur Society in a time of “Reeducation” (Oct. 1, 2019).

²⁷⁴ The China Tribunal is an independent tribunal backed by the International Coalition to End Transplant Abuse in China, an Australian human rights organization, and headed by Sir Geoffrey Nice, a former prosecutor at the International Criminal Tribunal for the former Yugoslavia. *China Tribunal: Final Judgement and Report Hearing 17th June 2019*, CHINA TRIBUNAL, <https://chinatribunal.com/china-tribunal-final-judgement-and-report-17th-june-2019/> (last visited Nov. 14, 2019).

²⁷⁵ CHINA TRIBUNAL SUMMARY REPORT at para. 88.

²⁷⁶ INDEPENDENT TRIBUNAL INTO FORCED ORGAN HARVESTING FROM PRISONERS OF CONSCIENCE IN CHINA, *SHORT FORM OF THE CHINA TRIBUNAL’S JUDGMENT* 3 (2018), available at

Although the tribunal did not unequivocally find that organ harvesting of Uyghurs was occurring, it emphasized the “vulnerability of the Uyghurs to the will of the PRC to establish and maintain complete control over them by incarceration [and to] being used as a bank of organs.”²⁷⁷ Activists have also reported the advertising of “halal” organs in Islamic states,²⁷⁸ and the existence of an “organ exportation” fast-track lane in Kasghar Airport in Xinjiang,²⁷⁹ which both strongly suggest large scale organ harvesting from Uyghurs.

3. *Forced Labor*

The camps may also serve as conduits to a vast network of forced labor. Although the evidence is still developing, all of the conditions for forced labor seem to exist, with satellite images showing the recent emergence of new factories, connected to or near the camps, where inmates allegedly provide low-paid or unpaid labor.²⁸⁰ These factories have purportedly become an extension to the re-education camps: laborers live in dormitories, may be prohibited from

https://chinatribunal.com/wp-content/uploads/2019/07/China-Tribunal-SHORT-FORM-CONCLUSION_Final.pdf; see also CHINA TRIBUNAL SUMMARY REPORT at para. 77 (“[T]he Tribunal concludes, with certainty, that the medical testing of groups including Falun Gong and Uyghurs was related in some way to the group concerned because other prisoners were not tested. The methods of testing are highly suggestive of methods used to assess organ function. The use of ultrasound examinations further suggests testing was focused on the condition of internal organs. No explanation has been given by the PRC for this testing; blood or otherwise.”); CHINA TRIBUNAL SUMMARY REPORT at para. 88 (“over the last 18 months, literally every Uyghur man, woman, and child – about 15 million people – have been blood and DNA tested, and that blood testing is compatible with tissue matching”); CHINA TRIBUNAL SUMMARY REPORT at paras. 165-66 (“Medical testing of groups including Falun Gong and Uyghurs was related in some way to the group concerned because other prisoners were not tested. The methods of testing are highly suggestive of methods used to assess organ function. The use of ultrasound examinations further suggests testing was focused on the condition of internal organs. No explanation has been given by the PRC for this testing; blood or otherwise... there has been a population of donors accessible to hospitals in the PRC whose organs could be extracted according to demand for them coinciding with the long term practice in the PRC of forced organ harvesting and with many Falun Gong along with Uyghurs being compelled to have medical tests focused on their organs.”)

²⁷⁷ CHINA TRIBUNAL SUMMARY REPORT at para. 171.

²⁷⁸ CJ Werleman, “*Indescribably Hideous*”: *China’s Harvesting of Uyghur Muslim Organs*, BYLINE TIMES (Oct. 29, 2019), <https://bylinetimes.com/2019/07/16/indescribably-hideous-chinas-harvesting-of-uyghur-muslim-organs/>.

²⁷⁹ Hataru Nomura, *Proof of China’s Organ Harvesting Found in Xinjiang Proof of China’s Organ Harvesting Found in Xinjiang*, THE LIBERTY WEB (Sept. 21, 2018), <http://eng.the-liberty.com/2018/7286/>.

²⁸⁰ Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018), <https://www.nytimes.com/2018/12/16/world/asia/xinjiang-china-forced-labor-camps-uyghurs.html>.

returning home on a regular basis, and make nothing for their work until they “complete their training.”²⁸¹

To this point, since the crackdown on Uyghurs began in 2014, CCP officials have encouraged the vertical integration of China’s garment manufacturing sector by moving textile and garment factories closer to the cotton production that has historically been in Xinjiang, hinting at a textile and apparel expansion plan that depends heavily on the forced labor of inmates at the various detention facilities.²⁸² An internal directive alludes to this policy, ordering that “[a]ll students who have completed training will be sent to vocational skills improvement class for intensive skills training for a school term of 3 to 6 months,” and that “[a]ll prefectures should set up special places and special facilities in order to create the environment for trainees to receive intensive training.”²⁸³ Furthermore, in April 2014, Chinese authorities implemented incentives—including monetary compensation, tax exemptions, and electricity subsidies—for local governments to build production sites near the camps and for companies to take on re-education camp inmates and “graduates.”²⁸⁴ Indeed, although production in Xinjiang has historically been prohibitively expensive, a recently published advertisement for a textile and apparel park known for its use of former detainees claimed to cost thirty percent less than facilities in other parts of China.²⁸⁵

²⁸¹ Shohret Hoshur, *Internment Camp Assigned Uyghur Forced Laborers to Xinjiang Textile Factory: Official*, RADIO FREE ASIA (Nov. 14, 2019), <https://www.rfa.org/english/news/uyghur/laborers-11142019142325.html>.

²⁸² FAIR LABOR ASSOCIATION, ISSUE BRIEF: FORCED LABOR RISK IN XINJIANG, CHINA 2 (2020), available at https://www.fairlabor.org/sites/default/files/documents/reports/fla-brief-xinjiang_forced_labor_risk_final.pdf; CITIZEN POWER INITIATIVES FOR CHINA, COTTON: THE FABRIC FULL OF LIES (2019).

²⁸³ 自治区机关发电 [Autonomous Region State Telegram] para. 19.

²⁸⁴ Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018); GOV’T OF XINJIANG UYGUR AUTONOMOUS REGION OF CHINA, Wusu City: The First Apparel Manufacturing Company Starting Operations in September, <https://web.archive.org/web/20181216214048/http://www.hts.gov.cn/weininfuwu>

²⁸⁵ *Yining County Textile Industry Zone - Processing the Nation’s Textiles Project*, Xinjiang Yili Kazakh Autonomous Prefecture People’s Government, October 17, 2018, <http://www.htqygs.com/html/ztl.info1736141357.html> or <http://perma.cc/3BVB-VTPQ>; AMY K. LEHR & MARIEFAYE BECHRAKIS, CENTER FOR STRATEGIC & INT’L STUDIES, CONNECTING THE DOTS IN XINJIANG 7 (2019), available at https://csis-prod.s3.amazonaws.com/s3fs-public/publication/Lehr_ConnectingDotsXinjiang_interior_v3_FULL_WEB.pdf.

According to activists, detainees have no choice but to work in these factories upon “graduation” from the re-education camps,²⁸⁶ and detainees assigned to factories may be bound for years.²⁸⁷ Thus, when the government claims that detainees have been “released,” or that they have “found employment,” it could simply mean that detainees have been sent to a factory—instead of a classroom—while still remaining locked in the same cell.²⁸⁸ Additionally, several detainees, at least in Qaraqash, were sent to perform forced labor prior to “completion” of the re-education program.²⁸⁹

Official plans published online detail how the program will transform ethnic minorities into a disciplined, patriotic, Chinese-speaking industrial work force.²⁹⁰ It is envisioned that all who have passed through the detention system—including those who have been formally released from the camps—will take jobs at these factories that “work closely with the camps to continue to monitor and control them.”²⁹¹ In 2018, in the city of Kashgar alone, officials aimed to send 100,000 detainees who had been through the re-education camps to work in factories.²⁹² As of 2018, China has documented the employment of 450,000 new Uyghur workers from impoverished households, struggling relatives of prisoners and detainees, and re-education camp detainees in the cotton and textiles industry.²⁹³ Citizen Power Initiatives for China alleges that

²⁸⁶ Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018); Darren Byler, Lecturer at the Department of Anthropology, University of Washington, Remarks at Contemporary Uyghur Society in a time of “Reeducation” (Oct. 1, 2019).

²⁸⁷ Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018).

²⁸⁸ Bernhard Zand & Adrian Zenz, ‘The Equivalent of Cultural Genocide’, SPIEGEL ONLINE (Nov. 28, 2019), <https://www.spiegel.de/international/world/chinese-oppression-of-the-uyghurs-like-cultural-genocide-a-1298171.html>; UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 11 (2020).

²⁸⁹ UYGHUR HUMAN RIGHTS PROJECT, “IDEOLOGICAL TRANSFORMATION”: RECORDS OF MASS DETENTION FROM QARAQASH, HOTAN 12 (2020).

²⁹⁰ Bernhard Zand & Adrian Zenz, ‘The Equivalent of Cultural Genocide’, SPIEGEL ONLINE (Nov. 28, 2019), <https://www.spiegel.de/international/world/chinese-oppression-of-the-uyghurs-like-cultural-genocide-a-1298171.html>.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ 孙瑞哲分享十大行业发展热点[Sun Ruizhe Shares Top Ten Industry Development Hot Topics], Mar. 4, 2018 (transcript available at http://www.ccta.org.cn/hyzz/201803/t20180305_3683861.html); *see also*

China has created a “cotton gulag” in the Xinjiang region, which produces 84% of China’s cotton output, in part with the labor of a large percentage of Uyghurs detained at re-education camps and prison inmates who are transferred to Xinjiang to do hard labor.²⁹⁴ This forced labor program evokes China’s previously abolished “re-education through labor” program, to which many Uyghur activists had been subjected in years prior.²⁹⁵

IV. Legal Analysis

Based on the acts detailed above, and assuming these allegations can be established to a criminal law standard, there is sufficient evidence to conclude that China is perpetrating crimes against humanity in Xinjiang. Additionally, many of the features of this campaign against the Uyghurs also implicate the crime of genocide. Although the evidence of genocide is less conclusive than that of crimes against humanity, especially with regard to the *mens rea* requirement, the situation should be closely monitored for evidence of genocidal intent.

c. Crimes Against Humanity

The Rome Statute of the International Criminal Court defines crimes against humanity as the commission of a range of enumerated acts²⁹⁶ “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”²⁹⁷ The

Jianli Yang & Lianchao Han, *Did a Muslim Slave Make Your Chinese Shirt?*, WALL ST. J. (Oct. 16, 2019).

²⁹⁴ CITIZEN POWER INITIATIVES FOR CHINA, COTTON: THE FABRIC FULL OF LIES (2019).

²⁹⁵ HUMAN RIGHTS WATCH, DEVASTATING BLOWS: RELIGIOUS REPRESSION OF UIGHURS IN XINJIANG 3-4 (2005).

²⁹⁶ The acts are: “Murder; Extermination; Enslavement; Deportation or forcible transfer of population; Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; Torture; Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; Enforced disappearance of persons; The crime of apartheid; Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.” Rome Statute of the International Criminal Court art. 7, July 17, 1998, 2187 U.N.T.S. 90. (entered into force on July 1, 2002) [hereinafter Rome Statute], available at <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>.

²⁹⁷ Rome Statute art. 7.

acts detailed above implicate the following crimes against humanity: murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced sterilization, and other forms of sexual violence of comparable gravity; persecution; enforced disappearance; apartheid; and other inhumane acts.

i. *Chapeau* Requirement

The predicate criterion of the Rome Statute’s definition of crimes against humanity is that the acts at issue be “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” This *chapeau* requirement can be broken down into four sub-requirements: (1) that the attack be “widespread or systematic”; (2) that the attack be directed against a “civilian population”; (3) that the acts be committed “with knowledge of the attack”; and (4) that the attack be “pursuant to or in furtherance of a State or organizational policy to commit such attack.”²⁹⁸ The first requirement of a “widespread or systematic” attack has been interpreted liberally: for example, the territory on which the attack is carried out need not be very large for it to be considered “widespread.”²⁹⁹ The mass incarceration of a million Uyghurs across the Xinjiang region is certainly sufficient to meet this requirement. The second and third requirements are also clearly met given that the situation at hand involves the targeting of essentially every Uyghur person living in the Xinjiang region. Internal documents disseminated amongst CCP officials that reference key elements of the crimes against humanity committed—such as “assault style re-education” of uncooperative detainees—further evinces the presence of knowledge of the attack.³⁰⁰

²⁹⁸ The Rome Statute further defines a qualifying action as “a course of conduct involving the multiple commission of [the enumerated acts] against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.” Rome Statute art. 7(2)(a).

²⁹⁹ Patricia M. Wald, *Genocide and Crimes Against Humanity*, 6 WASH. UNIV. GLOB. STUD. LAW REV. 621, 629 (2007) (“In one case the attack took place over an area of 20 kilometers; in others, three municipalities, three prefectures or two communes sufficed. Even a single prison camp qualified.”), available at https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1155&context=law_globalstudies.

³⁰⁰ 自治区机关发电 [Autonomous Region State Telegram] paras. 3, 11.

The fourth requirement, however, is less clear cut—indeed, a joint policy brief by the Global Centre for the Responsibility to Protect and the Asia-Pacific Centre for the Responsibility to Protect refrained from affirming the existence of such an organizational policy,³⁰¹ while the China Tribunal concluded that all elements of crimes against humanity were present in its analysis of China’s treatment of religious minorities.³⁰² The Elements of Crimes clarifies that this last criterion “requires that the State or organization actively promote or encourage such an attack against a civilian population,”³⁰³ while commentators have noted that the word “policy” in this definition was added late in the stages of the Rome Conference in order to articulate the consensus and provide assurance that isolated acts would not be treated as crimes against humanity.³⁰⁴

The situation at issue certainly constitutes much more than just spontaneous or isolated acts of violence, and it is clear that there is a national policy to commit the described attacks against Uyghurs. Indeed, there are striking parallels between the accounts of former detainees detained at different facilities and during different time periods—such as the repeated allegations of the use of a tiger chair, the forcible administration of drugs, as well as similarities in detention conditions—which speak to the existence of an organized policy.

Moreover, statements and documents by high-ranking CCP officials indicate that the campaign against the Uyghurs is the result of a systemic effort promulgated at the highest levels of the party. For example, in leaked speeches by Xi Jinping, the CCP leader instructed Xinjiang

³⁰¹ GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT & ASIA PACIFIC CENTRE FOR THE RESPONSIBILITY TO PROTECT, *THE PERSECUTION OF THE UIGHURS AND POTENTIAL CRIMES AGAINST HUMANITY IN CHINA 2* (2019), available at <http://www.globalr2p.org/media/files/2019-april-uighurs-brief.pdf>.

³⁰² CHINA TRIBUNAL SUMMARY REPORT at paras. 186-87.

³⁰³ Assembly of States Parties to the Rome Statute of the International Criminal Court, Elements of Crimes art. 7, U.N. Doc. ICC-ASP/1/3 (September 9, 2002) [*hereinafter* ICC Elements of Crimes], <https://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf>.

³⁰⁴ See Darryl Robinson, *Crimes within the Jurisdiction of the Court*, in *THE INTERNATIONAL CRIMINAL COURT, THE MAKING OF THE ROME STATUTE 96-97* (Roy S. Lee ed., 1999) (“[E]xplicit recognition of this policy element was essential to the compromise on crimes against humanity. It is the existence of a policy that unites otherwise unrelated inhumane acts, so that it may be said that in the aggregate they collectively form an ‘attack’. Delegations supporting the compromise explained that the policy element was intended as a flexible test . . .”).

police forces to “show absolutely no mercy” and unleash the “organs of dictatorship” against “radical Islam,” insisting that religious extremism had already captured broad swaths of the Xinjiang population.³⁰⁵ These speeches confirm Xi’s personal involvement in the catalyzation of this campaign of repression. Likewise, internal documents directing oppressive monitoring and control systems in the camps, as well as “assault-style re-education” of disobedient detainees were signed off by Zhu Hailun.³⁰⁶ Sweeping statements by Chen Quanguo—such as his exhortation to “round up everyone who should be rounded up” or that “the struggle against terror and to safeguard stability is a protracted war, and . . . a war of offense”—also suggest the intent to commit these crimes.³⁰⁷ Indeed, in light of Chen Quanguo’s track record in Tibet, which abounds in repressive policies, the decision to move him to Xinjiang may itself be indicative of the requisite *mens rea*. Some of these cited statements and documents reference the Uyghurs directly, such as one internal security bulletin that specifically flags the 1,869,310 Uyghurs using the Zopya peer-to-peer file sharing app for authorities’ attention.³⁰⁸ Others, such as Xi Jinping’s speeches, refer more vaguely to “terrorism,” “extremism,” or “radical Islam.”³⁰⁹ Although these speeches do not reference the Uyghurs explicitly, the CCP’s longstanding equivalence of Uyghur religiosity and separatism with violent extremism and terrorism suggests that this language may serve simply as thinly-veiled references to the Uyghurs.³¹⁰ Finally, county budget documents

³⁰⁵ Austin Ramzy & Chris Buckley, ‘*Absolutely No Mercy*’: *Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019); Austin Ramzy, *5 Takeaways From the Leaked Files on China’s Mass Detention of Muslims*, N.Y. TIMES (Nov. 16, 2019).

³⁰⁶ 自治区机关发电 [Autonomous Region State Telegram] paras. 3, 11.

³⁰⁷ Austin Ramzy & Chris Buckley, ‘*Absolutely No Mercy*’: *Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019).

³⁰⁸ “一体化联合作战平台” 每日要情通报: 第 20 期 [“Integrated Joint Operation Platform” Daily Essentials Bulletin No. 20].

³⁰⁹ Austin Ramzy & Chris Buckley, ‘*Absolutely No Mercy*’: *Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019).

³¹⁰ See, e.g., Enshen Li, *Fighting the “Three Evils”*: *A Structural Analysis of Counter-Terrorism Legal Architecture in China*, 33 EMORY INT’L LAW REV. 321, 325 (2019); Kilic Kanat, *Repression in China and Its Consequences in Xinjiang*, HUDSON INSTITUTE (July 28, 2014), <https://www.hudson.org/research/10480-repression-in-china-and-its-consequences-in-xinjiang>.

suggest efforts to sterilize Uyghur women or otherwise limit Uyghur births is funded, at least in part, by money from the central government intended to promote such birth control policies.³¹¹

The case of Wang Yongzhi, a CCP official who resisted the campaign, is also telling. Although he initially followed the leadership's orders to detain Uyghurs en masse in his region of Yarkand, he worried that this hardline approach would provoke backlash, exacerbate ethnic tensions, and hurt the region's economy.³¹² In a confession that is believed to have been made under duress, Wang professed that these misgivings manifested in his drinking on the job, and he eventually ordered the release of over 7,000 camp inmates in September 2017.³¹³ For this act of defiance, the CCP detained him, stripped him of all power, prosecuted him, and made an example of him³¹⁴ for "gravely disobeying the party central leadership's strategy for governing Xinjiang."³¹⁵ In 2017, the party also opened 12,000 investigations—twenty times more than the previous year—into other Xinjiang cadres for similar infractions, and purged or otherwise punished thousands of Xinjiang officials who resisted or failed to sufficiently carry out the mass detention campaign.³¹⁶ This routine removal of political obstacles to the campaign's full implementation further suggests that the treatment of the Uyghurs detailed in this report is the manifestation of an extant state policy.

The Chinese government's insistence on secrecy also points to the existence of an organizational policy. Leaked CCP directives warned officials that the "work policy of the vocational skills education and training centers are . . . highly sensitiv[e]," and directed officials to "strengthen [their] staff's awareness of staying secret," and instruct them to exercise "serious political discipline" and "secrecy discipline" in the camps, including the prohibition of any video

³¹¹ ADRIAN ZENZ, *STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP'S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG* 19 (2020).

³¹² Austin Ramzy & Chris Buckley, 'Absolutely No Mercy': *Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. TIMES (Nov. 16, 2019).

³¹³ *Id.*

³¹⁴ His confession and the investigation report were read aloud to officials throughout Xinjiang, and state media outlets portrayed him as corrupt. *Id.*

³¹⁵ *Id.*

³¹⁶ *Id.*

equipment in the camps.³¹⁷ Likewise, former detainees have reported being forced to sign documents agreeing not to divulge the internal workings of the camps.³¹⁸ This insistence on secrecy provides evidence for a high degree of centralized control over the camps, as well as an institutional awareness of the need to cover up the internal workings of the camps.

Finally, in the cases of some of these crimes against humanity, there exist explicit, written or otherwise recorded government policies, such as the laws prohibiting Islamic religious practices. Even in the absence of comprehensive written policies, the concerted, systematic nature and the massive scale of the attacks against Uyghurs incontrovertibly points to the existence of such state policy.

ii. Constitutive Acts

The facts detailed above provide evidence for each of the constitutive acts of crimes against humanity enumerated in the Rome Statute. The amount of evidence for each, however, varies; as such, in the sections below, the discussion of each of these acts will be ordered according to the amount and quality of evidence satisfying the elements of the crime, starting with the type of crimes against humanity with the most evidence available.

1. Persecution and Other Inhumane Acts

The crime against humanity of persecution, referring to “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity,”³¹⁹ based on “political, racial, national, ethnic, cultural, religious, gender . . . or other grounds that are universally recognized as impermissible under international law,”³²⁰ is implicated here. Even outside the camps, China’s use of highly invasive surveillance technology to identify, locate, apprehend, and wrongfully detain Uyghurs, as well as the mass aggregation of biometric data of Uyghurs, meet the elements of the crime of persecution. Formal legislation and informal rules that target the religious practices of Uyghurs—including their names, attire, appearance, diet, observance of religious holidays, and prayer—and the abuse of Uyghurs for violations of such rules make clear that

³¹⁷ 自治区机关发电 [Autonomous Region State Telegram] para. 25.

³¹⁸ Emily Rauhala & Anna Fifield, *She survived a Chinese internment camp and made it to Virginia. Will the U.S. let her stay?*, WASH. POST (Nov. 17, 2019).

³¹⁹ Rome Statute art. 7(2)(g).

³²⁰ ICC Elements of Crimes art. 7(1)(h).

Uyghurs are being targeted by reason of their religious and cultural identity. Other acts that qualify as persecution may include the razing of mosques and other religiously or culturally important sites, the involuntary implantation of contraceptive devices in or coerced sterilization of Uyghur women, the mandatory or coerced assimilation of Han Chinese individuals into Uyghur families either through government programming or marriage, and the forced indoctrination of Uyghurs into state propaganda both inside and outside of camps.

Moreover, the mass internment of the Uyghurs has also inflicted severe economic harms on the families of the detained. For example, leaked internal documents composed by local governments reveal how families have had their livelihoods destroyed and have fallen into poverty as a consequence of the internment of heads of households or even all able-bodied family members of a working age.³²¹ These economic harms may be sufficiently severe to amount to persecution.³²²

Short of a finding that Chinese authorities perpetrated such acts against Uyghurs on the basis of their ethnic, cultural, and religious identity, these acts may also be characterized as the crime against humanity of other inhumane acts. In particular, coerced marriages between Uyghur women and Han Chinese men could easily be considered such a crime, as the jurisprudence of the ICC and other international criminal tribunals has found that forced marriage “constitutes the crime of an other inhumane act within the meaning of article 7(1)(k) of the [Rome] Statute.”³²³

³²¹ For discussions of economic harms as persecution, *see, e.g.*, CHERIF M. BASSIOUNI, *CRIMES AGAINST HUMANITY IN INTERNATIONAL CRIMINAL LAW* 327 (2d ed. 1999) (defining persecution as “State action or policy leading to the infliction upon an individual of harassment, torment, oppression, or discriminatory measures, designed to or likely to produce physical or mental suffering or economic harm, because of the victim’s beliefs, views, or membership in a given identifiable group (religious, social, ethnic, linguistic etc.), or simply because the perpetrator sought to single out a given category of victims for reasons peculiar to the perpetrator.”); *Prosecutor v. Kupreškić et al.*, Case No. IT-95-16, Judgment of the Trial Chamber, ¶ 631 (Int’l Crim. Trib. for the Former Yugoslavia Jan. 14, 2000); *Prosecutor v. Tadić*, Case No. IT-94-1-I, Judgment of the Trial Chamber, ¶¶ 695, 707 (Int’l Crim. Trib. for the Former Yugoslavia May 7, 1997).

³²² *See, e.g.*, Tactics from Turpan City (instructing officials on how to respond to the economic concerns of detainees’ family members); Adrian Zenz, *China Didn’t Want Us to Know. Now Its Own Files Are Doing the Talking*, N.Y. TIMES (Nov. 24, 2019) (describing the economic fallout of these policies).

³²³ *Prosecutor v. Ongwen*, ICC-02/04-01/15, Decision on the confirmation of charges against Dominic Ongwen, ¶ 95 (Mar. 23, 2016), https://www.icc-cpi.int/CourtRecords/CR2016_02331.PDF; *see also* *Prosecutor v. Brima, Kamara & Kanu*, Case No. SCSL-2004-16-A, Judgment (Feb. 22, 2008); *Prosecutor v. Sesay, Kallon & Gbao*, Case No. SCSL-04-15-T (Mar. 2, 2009); *Prosecutor v. Chea et al.*, Case No. 002/19-09-2007/ECCC/TC (Nov. 16, 2018).

2. Imprisonment and Other Severe Deprivation of Physical Liberty

Chinese authorities have imprisoned up to two million Uyghurs in Xinjiang, arbitrarily and without due process, in re-education camps. Indeed, even those who are living outside of the detention facilities may have had their liberty so drastically limited by Chinese government policies that their treatment constitutes a “severe deprivation of physical liberty” within the scope of crimes against humanity. Thus, there is incontrovertible evidence that Chinese authorities have committed the crime against humanity of imprisonment and other severe deprivation of physical liberty.

3. Torture

The treatment of detained Uyghurs amounts to torture, as defined by the Rome Statute as “the intentional infliction of severe pain or suffering,”³²⁴ which can be either physical or mental.³²⁵ There may be a question as to whether the conduct at issue here rises to the threshold of torture under international law, or whether it may be more accurately categorized as other CIDT. The crimes are not discrete, but rather exist on a spectrum of severity, with no clear delineation between the two. In general, courts and scholars have distinguished between them on the basis of three factors: first, the intensity or severity of the pain or suffering inflicted; second, the purpose for inflicting it; and third, the status of the perpetrator.³²⁶ The Convention against Torture incorporates these considerations, defining torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public

³²⁴ Rome Statute art. 7(2)(c).

³²⁵ ICC Elements of Crimes art. 7(1)(f).

³²⁶ See, e.g., Nigel Rodley, *The Definition(s) of Torture in International Law*, in CURRENT LEGAL PROBLEMS (Michael Freeman, ed., 2002) 467, 468; *Denmark et al. v. Greece*, 12 YEARBOOK OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS 168 (1969); *Ireland v. United Kingdom (Irish State Case)*, 25 Eur. Ct. H.R. 5, 66 (1978)).

official or other person acting in an official capacity,”³²⁷ while any other cruel, inhuman and degrading treatment or punishment “not amounting to torture” is considered CIDT.³²⁸ Even if some of the acts reported are “only” CIDT, many of the acts committed against Uyghurs easily qualify as torture under these definitions. Such torturous acts include interrogation in electric “tiger chairs” and other violent means of interrogation, forced organ harvesting, as well as the beatings, solitary confinement, sexual violence, violations of reproductive rights, and deprivation of food or water that are arbitrarily inflicted on detainees. Several instruments, such as the Inter-American Convention to Prevent and Punish Torture and the U.S. Penal Code, also explicitly characterize the forcible administration of psychoactive drugs as torture.³²⁹

4. Enforced Disappearance

The conduct described also implicates the crime against humanity of enforced disappearance. Up to two million Uyghurs have been “arrested, detained, or abducted”³³⁰ “by, or with the authorization, support or acquiescence of” the Chinese government.³³¹ In thousands of these cases, the State has acted in ways that squarely fit within the ICC’s and other international tribunals’ definitions of enforced disappearance: it has “refused to acknowledge the arrest, detention, or abduction, or to give information on the fate or whereabouts of those persons,”³³² “with the intention of removing them from the protection of the law for a prolonged period of time.”³³³

³²⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment art. 1(1), Dec. 10, 1984, 1465 U.N.T.S. 85, *available at* <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>.

³²⁸ *Id.* at art. 16

³²⁹ Inter-American Convention to Prevent and Punish Torture, art. 2, Feb. 28, 1987, O.A.S.T.S. No. 67 (“Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.”); 18 U.S.C. § 2340 (“the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality”).

³³⁰ ICC Elements of Crimes art. 7(1)(i).

³³¹ Rome Statute art. 7(2)(i).

³³² ICC Elements of Crimes art. 7(1)(i).

³³³ Rome Statute art. 7(2)(i)

5. *Enslavement*

The forced labor of Uyghur detainees, if proven to be true, may also constitute enslavement as contemplated by the Rome Statute. Although the Rome Statute itself defines the crime narrowly as the “exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons,”³³⁴ the Elements of Crimes does interpret enslavement to encompass “exacting forced labor or otherwise reducing a person to a servile status.”³³⁵ The Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) held in the *Kunarac* case that exploitative conditions may rise to the level of slavery when factors such as control of movement, control of environment, use or threat of force, psychological control, and other forms of coercion that would diminish a person’s free will are present.³³⁶ Even if Uyghur laborers are well treated,³³⁷ the Nuremberg Tribunal has held that, even in the absence of torture or ill-treatment—indeed, even if persons are well-treated—slavery can exist where laborers are “without lawful process . . . deprived of their freedom by forceful restraint.”³³⁸ The forced labor of Uyghurs illegally detained in re-education facilities, as well as the automatic, involuntary transfer of “graduated” detainees to adjacent factories where they work for low or no wages, in conditions calculated to bring about emotional and psychological distress, in a state where the government has exerted total and arbitrary power over the Uyghur population, amounts to enslavement.

6. *Rape, Enforced Sterilization, and Other Forms of Sexual Violence*

The reports of coerced sterilization and implantation of IUDs in Uyghur women implicates this crime against humanity, which looks to whether a perpetrator has “deprived one

³³⁴ Rome Statute art. 7(2)(c).

³³⁵ ICC Elements of Crimes art. 7(1)(c), n.11.

³³⁶ Prosecutor v. Dragoljub Kunarac, Radomir Kovač and Zoran Vuković, Case Nos. IT-96-23-T & IT-96-23/1-T, Judgement in the Trial Chamber (Int’l Crim. Trib. For the Former Yugoslavia Feb. 22, 2001), §§ 543-543, available at <https://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>.

³³⁷ See, e.g., Chris Buckley & Austin Ramzy, *China’s Detention Camps for Muslims Turn to Forced Labor*, N.Y. TIMES (Dec. 16, 2018) (discussing state propaganda extolling the benefits of the “job training” program).

³³⁸ United States v. Pohl, Judgement (U.S. Military Tribunal at Nuremberg Nov. 3, 1947), http://www.worldcourts.com/imt/eng/decisions/1947.11.03_United_States_v_Pohl.pdf.

or more persons of biological reproductive capacity” without those persons’ “genuine consent.”³³⁹ Although the Elements of Crimes clarifies that the crime does not encompass “birth-control measures which have a non-permanent effect in practice,”³⁴⁰ the irreversible tubal ligations reportedly performed on Uyghur women satisfy this definition.

Moreover, if the allegations of sexual violence in detention—notably reports of gang rapes and acts of sexual humiliation—prove to be substantiated, the crimes against humanity of rape and sexual violence would clearly be implicated. Additionally, there would be a potential claim of sexual slavery, since Uyghur women have been deprived of their liberty in addition to being forced to engage in such sexual acts.³⁴¹ Likewise, allegations that camp officials took female detainees to the hospital to be sterilized or administered drugs that sterilized men and stopped the periods of women, if proven, may support viable claims of enforced sterilization.

7. Deportation and Forcible Transfer of Population

There are also viable claims of the crimes against humanity of deportation and forcible transfer, as Uyghurs in China and abroad have been “deported or forcibly transferred, without grounds permitted under international law, ... to another location, by expulsion or other coercive acts.”³⁴² The Elements of Crimes clarifies that both physical and psychological force, such as “fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person”—clearly implicated in China’s treatment of Uyghurs—can characterize an act of displacement as forcible transfer.³⁴³ This particular crime could apply not only to China and the forcible transfer of Uyghurs within country borders, but also countries such as Egypt that have forcibly returned lawfully present Uyghurs abroad to China without due process.

8. Murder and Extermination

While it is difficult to quantify the total number of Uyghurs subjected to murder and extermination in China, it is clear that a significant number have died in custody as the result of

³³⁹ ICC Elements of Crimes art. 7(1)(g)-5.

³⁴⁰ ICC Elements of Crimes art. 7(1)(g)-5, n.19.

³⁴¹ ICC Elements of Crimes art. 7(1)(g)-2.

³⁴² ICC Elements of Crimes art. 7(1)(d).

³⁴³ ICC Elements of Crimes, art. 7(1)(d), n.12.

poor treatment while incarcerated, while others have been subjected to “conditions of life . . . calculated to bring about the destruction of part of a population,”³⁴⁴ such as the deprivation of access to food and to medical care. Likewise, the forced sterilization and forced implantation of contraceptive devices in Uyghur women may constitute extermination as an indirect method of killing.³⁴⁵ And, although less readily verifiable, the charges of forced organ harvesting and forced abortions would, if proven, would also constitute the crime against humanity of extermination. Thus, Chinese authorities’ treatment of Uyghurs amounts to the crimes against humanity of murder and extermination.

9. Apartheid

China’s treatment of the Uyghurs may also amount to the crime of apartheid. Although the crime has never been applied outside of the South African context, the Rome Statute defines apartheid as “inhumane acts . . . committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”³⁴⁶ The “inhumane acts” may include the acts enumerated in the Rome Statute’s definition of crimes against humanity, or conduct “of a character similar to any of those acts.”³⁴⁷ In light of the numerous crimes against humanity levelled against the Uyghurs, the systematic privileging of Han Chinese in the Xinjiang area, and the formalized discrimination against Uyghurs—including the unyielding erosion Uyghur religion, language, and culture—it is clear that a viable claim of apartheid is rapidly emerging.³⁴⁸

³⁴⁴ “Extermination” includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population. Rome Statute art. 7(2)(b).

³⁴⁵ See ICC Elements of Crimes art. 7(1)(d), n.8.

³⁴⁶ Rome Statute art. 7(2)(h)

³⁴⁷ ICC Elements of Crimes art. 7(1)(j).

³⁴⁸ For claims of apartheid made by commentators, see, e.g., Azeem Ibrahim, *China Must Answer for Cultural Genocide in Court*, FOREIGN POLICY (Dec. 3, 2019), <https://foreignpolicy.com/2019/12/03/uighurs-xinjiang-china-cultural-genocide-international-criminal-court/>, Rian Thum, *What Really Happens in China’s ‘Re-education’ Camps*, N.Y. TIMES (May 15, 2018), <https://www.nytimes.com/2018/05/15/opinion/china-re-education-camps.html>.

d. Genocide

Many of the features of this campaign against the Uyghurs also implicate the crime of genocide. Both the Genocide Convention and the Rome Statute define genocide as the commission of certain acts “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”³⁴⁹ The enumerated acts are:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.³⁵⁰

First, the Uyghur group plainly qualifies as one of the Convention’s four protected groups: it is ethnically, racially, and religiously different from the majority Han Chinese population; indeed, the Chinese government itself recognizes the Uyghur as a distinct ethnic minority.³⁵¹

Furthermore, many of the constitutive acts are present here. It should first be noted that, although the prototypical genocide has historically involved the genocide category of “killing members of the group,” evidence of mass killings of the Uyghur has not emerged. The fact that the Chinese government is keeping most Uyghur detainees and forced laborers alive—and may well be incentivized to continue doing so in light of the economic advantages that Uyghur no- or low-cost labor confers to China—may weigh against a finding of this traditional type of genocide.³⁵² Nevertheless, evidence for the other three categories of genocide abound.

³⁴⁹ Convention on the Prevention and Punishment of the Crime of Genocide Convention, art. II; Rome Statute art. 6.

³⁵⁰ Convention on the Prevention and Punishment of the Crime of Genocide, art. II, Jan. 12, 1951, 78 U.N.T.S. 277 (1951).

³⁵¹ See, e.g., NATIONAL BUREAU OF STATISTICS OF CHINA, 2010 POPULATION CENSUS (2010).

³⁵² Thus, forced labor in the present context interacts with the genocide analysis differently than it did in the context of the Holocaust, where forced laborers were worked to death. See, *Forced Labor: An*

For example, the torture, rape, and sexual violence committed against Uyghurs could be considered genocide “by causing serious bodily or mental harm.”³⁵³ The International Criminal Tribunal for Rwanda (“ICTR”) elaborated upon this category of genocide in *Prosecutor v. Akayesu*, finding that it encompasses both mental and physical torture and “can be caused by the enslavement, starvation, deportation and persecution . . . and by [the victims’] detention in ghettos, transit camps and concentration camps in conditions which were designed to cause their degradation, deprivation of their rights as human beings, and to suppress them and cause them inhumane suffering and torture.”³⁵⁴ Many of these enumerated elements—including enslavement, persecution, and detention in degrading and inhumane camps—describe China’s treatment of the Uyghur.

Likewise, the deplorable living condition of incarcerated Uyghurs may constitute genocide “by deliberately inflicting conditions of life calculated to bring about physical destruction.”³⁵⁵ In particular, the CCP’s failure to provide adequate food, shelter, sanitation, and medical care to the legions of detained Uyghurs may trigger this concept of “slow death” as defined by the ICTY as the “lack of proper food, water, shelter, clothing, sanitation, or subjecting members of the group to excessive work or physical exertion”³⁵⁶ and by the ICC Elements of Crimes as the “deliberate deprivation of resources indispensable for survival, such as food or medical services, or systematic expulsion from homes.”³⁵⁷

Furthermore, the coerced sterilization and implantation of IUDs outside of the camps, as well as the administration of drugs that caused sterilization and amenorrhea, and forced abortions and implantations of contraceptive devices inside the camps, may constitute genocide “by

Overview, U. S. HOLOCAUST MEMORIAL MUS., <https://encyclopedia.ushmm.org/content/en/article/forced-labor-an-overview> (last visited Dec. 11, 2019).

³⁵³ ICC Elements of Crimes art. 6(b).

³⁵⁴ *Prosecutor v. Akayesu*, Case No. ICTR–96–4–T, Judgement of the Trial Chamber, ¶ 503 (Sept. 2, 1998).

³⁵⁵ ICC Elements of Crimes art. 6(c).

³⁵⁶ *See, e.g.*, *Prosecutor v Zdravko Tolimir*, Case No. IT-05-88/2-A, Judgement of the Appeals Chamber, ¶ 202 (Int’l Crim. Trib. for the Former Yugoslavia Apr. 8, 2015).

³⁵⁷ ICC Elements of Crimes art. 6(c), n.4.

imposing measures intended to prevent births.”³⁵⁸ This category of genocide may also contemplate measures taken by the Chinese government that minimize births within the Uyghur group, such as the separation of single- or double-detained Uyghur couples or the coercion of Uyghur women into inter-ethnic marriages. To this point, the ICTR had affirmed that this category of genocide “should be construed as sexual mutilation, the practice of sterilization, forced birth control, separation of the sexes and prohibition of marriages.”³⁵⁹ In patriarchal and patrilineal societies,³⁶⁰ in particular, the Tribunal noted that “an example of a measure intended to prevent births within a group [would be] the case where, during rape, a woman of the said group is deliberately impregnated by a man of another group, with the intent to have her give birth to a child who will consequently not belong to its mother’s group.”³⁶¹ Although the Tribunal’s hypothetical is not directly analogous to the case at hand, it is plausible based on the available evidence that the CCP’s conduct—of separating Uyghur couples through detention; sterilizing older, married women; and coercing young, unmarried Uyghur women into marriages with Han Chinese men—may share a similar goal of ensuring a new generation of children that do not belong to the Uyghur group.

Finally, the systematic separation of children from their families into state care may be characterized as genocide “by forcibly transferring children.”³⁶² As the ICTR noted in *Akayesu*, this category of genocidal acts sanctions not only direct acts of forcible transfer, but also “acts of threats or trauma which would lead to the forcible transfer of children from one group to another”³⁶³—an interpretation that would encompass the cases of parents who allow their children to be transferred to state-run boarding schools under threat of being labelled suspicious and targeted for detention. There is a lack of jurisprudence elaborating upon the requirements

³⁵⁸ ICC Elements of Crimes art. 6(d).

³⁵⁹ Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgement of the Trial Chamber, ¶ 507 (Sept. 2, 1998).

³⁶⁰ Defined by the Tribunal as societies “where membership of a group is determined by the identity of the father.” *Id.*

³⁶¹ *Id.*

³⁶² *Id.* at art. 6(e).

³⁶³ Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgement of the Trial Chamber, ¶ 509 (Sept. 2, 1998).

and weight of these last two forms of genocidal *actus reus*; nor is it clear if this conduct standing alone could sustain a genocide conviction or finding of state genocide. Thus, the Xinjiang situation may also provide an opportunity for courts and tribunals to clarify the constitutive elements of these two forms of genocide.

Another challenge to establishing the existence of a genocide is the *mens rea* requirement of a finding that the acts were committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”³⁶⁴ Given the dearth of readily verifiable information, this intent requirement is difficult to prove.³⁶⁵ Certain indicators of such intent are, however, present. For example, it is evident that many of the genocidal acts are borne of methodical planning on China’s part: there exists, as regional expert Adrian Zenz describes it, a “coordinated state campaign to promote ... intergenerational separation,”³⁶⁶ as well as an interwoven system of policies designed to prevent births within the Uyghur community. Likewise, state propaganda conflating Uyghurs and terrorists; the party’s systemic attacks against Uyghur cultural, religious, and historical sites; and the massive scale and intensity of the campaign against the Uyghur, taken together, suggest a desire to threaten or destabilize the continued existence of the Uyghurs group. Additionally, it may well be the case that genocidal intent has not yet fully formed, but that the current situation establishes a pathway to genocide of sorts.³⁶⁷ That is, Uyghurs are first given a chance to voluntarily assimilate; then, those who fail or resist at the first stage are sent to re-education camps, where means such as torture and other cruel treatment are used to ensure and expedite the assimilation process; and finally, in the stage that has not yet been reached, those who continue to resist even after being put through the re-education system will be killed

³⁶⁴ Rome Statute art. 6.

³⁶⁵ Cf. Azeem Ibrahim, *China Must Answer for Cultural Genocide in Court*, FOREIGN POLICY (Dec. 3, 2019) (“It was beyond doubt that these attacks against family life and the ability of Uighurs to have children are a systematic policy with genocidal intent even before the emergence of the leaked documents last month.”).

³⁶⁶ Adrian Zenz, *Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang*, 7 J. OF POL. RISK (2019).

³⁶⁷ Much like, for example, how the Islamic State allowed the Yazidi the choice to convert to Sunni Islam, pay a fee, or leave their homes in return for exemption from the mass killings. See, e.g., UNITED STATES HOLOCAUST MEMORIAL MUSEUM, “OUR GENERATION IS GONE”: THE ISLAMIC STATE’S TARGETING OF IRAQI MINORITIES IN NINEWA 14 (2015), available at <https://www.ushmm.org/m/pdfs/Iraq-Bearing-Witness-Report-111215.pdf>.

or otherwise disappeared. Thus, the forced assimilation of the Uyghur could be indicative of genocidal intent.

In sum, though the question of intent is unsettled, it would not be unreasonable to conclude that Chinese authorities are committing genocide against the Uyghur.

V. Conclusion

Shohrat Zakir, the chairman of the XUAR Government and the Deputy Party Committee Secretary of Xinjiang, recently claimed that China has “effectively contained” religious extremism and has “laid a good foundation for completely solving the deeply rooted problems that affect the region’s long-term stability.”³⁶⁸ But the evidence presented above—gathered by human rights organizations, grassroots activists, and major news outlets—demonstrates that this so-called solution is simply a criminal regime of repression against the Uyghurs, and that crimes against humanity and possibly genocide are currently under way in China. Indeed, to quote an exhortation by CCP religious affairs official Maisumujiang Maimuer during a state news commentary, it is evident that the vital purpose of China’s campaign against the Uyghurs is to “[b]reak their lineage, break their roots, break their connections and break their origins.”³⁶⁹

³⁶⁸ “Full Transcript: Interview with Xinjiang Government Chief on Counterterrorism, Vocational Education and Training in Xinjiang,” *The People’s Daily*, 16 October 2018, available at: <http://en.people.cn/n3/2018/1016/c90000-9508925.html>

³⁶⁹ Austin Ramzy, *China Targets Prominent Uighur Intellectuals to Erase an Ethnic Identity*, N.Y. TIMES (Jan. 5, 2019), <https://www.nytimes.com/2019/01/05/world/asia/china-xinjiang-uyghur-intellectuals.html>.