



“To Make Us Slowly Disappear”

The Chinese Government’s Assault on the Uyghurs

UNITED STATES
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SIMON-SKJODT CENTER
FOR THE PREVENTION OF GENOCIDE

THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM'S Simon-Skjodt Center for the Prevention of Genocide seeks to do for victims of genocide today what was not done for the Jews of Europe. The failures that led to the Holocaust and the conviction that the Holocaust was preventable—as are future genocides—are the foundation for the center's work. The center strives to ensure broad, enduring, bipartisan commitment among policy makers in the United States and around the world to prevent and respond to genocide and related crimes against humanity and advance justice and accountability. Our primary strategies include research and analysis, education, and public and governmental outreach.

Bearing Witness reports are an essential part of our research and analysis efforts. They are intended to shed light on the risk factors, warning signs, and effects of potential and actual mass atrocities. Importantly, they are also intended to elevate the voices and experiences of those facing persecution and most affected by genocide and related crimes against humanity.

The Simon-Skjodt Center is grateful to the many colleagues, researchers, advocates, and international criminal law experts who shared their insights and contributed to this report. The center is particularly indebted to members of the Uyghur community who shared their personal experiences and perspectives.

Cover: In July 2015, outside the Id Kah Mosque in the ancient Silk Road trade town of Kashgar, Uyghur men and women pray during Eid al-Fitr, a joyous Muslim holiday that marks the end of Ramadan. Police vehicles and security line the public square in Xinjiang, China. *Photograph courtesy of Alexandra Williams*

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“In the ‘transformation-through-education’ camps, life and death do not mean the same thing as they do elsewhere. A hundred times over I thought, when the footfalls of guards woke us in the night, that our time had come to be executed. When a hand viciously pushed clippers across my skull, and other hands snatched away the tufts of hair that fell on my shoulders, I shut my eyes, blurred with tears, thinking my end was near, that I was being readied for the scaffold, the electric chair, drowning. Death lurked in every corner. When the nurses grabbed my arm to ‘vaccinate’ me, I thought they were poisoning me. In reality, they were sterilising us. **That was when I understood the method of the camps, the strategy being implemented: not to kill us in cold blood, but to make us slowly disappear. So slowly that no one would notice.**”

Rescapée du Goulag Chinois (Survivor of the Chinese Gulag)
by Gulbahar Haitiwaji, co-authored with Rozenn Morgat¹

Executive Summary

For decades, the Chinese Communist Party (CCP) has sought to forcibly assimilate the Uyghur Muslim community in the Xinjiang Uyghur Autonomous Region (Xinjiang) of northwest China. Originally the CCP’s goals were pursued most visibly through prohibitions on the expression of Uyghur religion and culture, and the destruction of sites of Uyghur religious and cultural heritage.

In recent years the Chinese government’s intrusive mass surveillance of the community has intensified, and the networks of government-run detention centers and prisons in Xinjiang have expanded significantly, resulting in the mass incarceration of between one to three million people, primarily Uyghurs. Additional recently surfaced information signals that the Chinese government’s conduct has escalated beyond a policy of forced assimilation. This includes, in particular, a deepening assault on Uyghur female reproductive capacity through forced sterilization and forced intrauterine device (IUD) placement as well as the separation of the sexes through mass detention and forcible transfer.

The United States Holocaust Memorial Museum is gravely concerned that the Chinese government may be committing genocide against the Uyghurs. The Chinese government is failing in its legal obligation to prevent this crime. The seriousness of the assault on the Uyghur population demands the immediate response of the international community to protect the victims.

¹ Gulbahar Haitiwaji describes what she endured in detention. She was detained from 2017 to 2019. Gulbahar Haitiwaji and Rozenn Morgat, “‘Our souls are dead’: how I survived a Chinese ‘re-education’ camp for Uighurs,” trans. Edward Gauvin, *The Guardian*, January 12, 2021, <https://www.theguardian.com/world/2021/jan/12/uighur-xinjiang-re-education-camp-china-gulbahar-haitiwaji>.

This report builds on the Museum's March 2020 announcement that there was a reasonable basis to believe that the CCP had perpetrated the crimes against humanity of persecution and of imprisonment or other severe deprivation of physical liberty against Uyghurs. This report analyzes additional information available in English in the public domain concerning the treatment of China's Uyghur community in Xinjiang, and finds there is now a reasonable basis to believe that the crimes against humanity of forced sterilization, sexual violence, enslavement, torture, and forcible transfer are also being committed.

The persecutory nature of violations perpetrated by the Chinese government against the Uyghurs of Xinjiang and the privileging of Han Chinese (the majority ethnic group) culture over that of other communities, is all the more alarming when set against the CCP's coercive efforts to curtail female reproductive capacity. There is an increasing entrenchment of Han supremacist values in the Chinese government's treatment of the Uyghurs, which has nurtured an environment where genocidal ideologies can take root.

This report adds to the growing body of statements and reports highlighting their plight. Notably, in January 2021, then-US Secretary of State Mike Pompeo declared that the Chinese government was committing genocide as well as crimes against humanity. This was later reiterated later by current US Secretary of State Antony Blinken. Between February and June 2021, the parliaments of Canada, the Netherlands, the Czech Republic, Lithuania, Belgium, and the United Kingdom all passed motions declaring that China was committing genocide against the Uyghurs or that a serious risk of genocide existed.

The Museum, as well as many other researchers and institutions, is working under significant restrictions on access to critical information. This is by design. The Chinese government continues to intentionally impede the flow of information concerning its assault on the Uyghurs of Xinjiang. The information that has made its way into the public domain gives rise to grave concerns about crimes committed by the Chinese government.

The Museum adds its voice to the calls for an urgent independent investigation into the serious international crimes that have been reported against Uyghur and other Turkic Muslim communities in Xinjiang. Further, the Museum calls on the Chinese government to uphold its responsibility to ensure accountability for serious human rights violations. This includes through the establishment of, and granting of unfettered access to, an independent impartial entity, such as a United Nations-mandated Commission of Inquiry, Fact-Finding Mission, or Investigative Mechanism, mandated to collect, analyze, and preserve information and evidence of human rights violations and international crimes, including crimes against humanity and genocide.

Given the scale of the atrocity crimes as well as the challenges inherent in confronting crimes committed by a powerful state, the international community needs to coordinate their efforts and prioritize protecting the Uyghur community from these crimes. The impunity with which the Chinese government has been able to commit these crimes thus far cannot persist. The future of a people may depend on swift, coordinated action by global actors. This report should serve as a clarion call for action to protect the Uyghur community.

Introduction

Since at least 2017, the Chinese Communist Party (CCP)² has been responsible for a campaign of abuses—including forced sterilization, torture, sexual violence, and forced labor—against the Uyghur Muslim community in the Xinjiang Uyghur Autonomous Region (Xinjiang) of northwest China.³ Between one and three million people, mainly Uyghurs, have been arbitrarily detained.⁴

There is an increasing entrenchment of Han supremacist values in the Chinese government’s treatment of the Uyghurs, which has further dehumanized this minority group and nurtured an environment where genocidal ideologies can take root. While some violations described below have been documented against other minority groups in China, the scale and severity of the Chinese government’s coordinated assault on the Uyghur community is unprecedented.

In March 2020, the United States Holocaust Memorial Museum⁵ concluded there was a reasonable basis to believe that the CCP perpetrated the crimes against humanity of persecution and of imprisonment or other severe deprivation of physical liberty against Uyghurs.⁶ The following report analyzes additional information available in English in the public domain concerning the treatment of China’s Uyghur community in Xinjiang, and concludes that in addition to these crimes, there is now a reasonable basis to believe that the crimes against humanity of forced sterilization, sexual violence, enslavement, torture, and forcible transfer are also being committed.

The United States Holocaust Memorial Museum is also gravely concerned by information indicating that the Chinese government may be committing genocide against the Uyghurs. The Chinese government is failing in its legal obligation to prevent this crime. The seriousness of the assault on the Uyghur population demands the immediate response of the international community to protect the victims.

This information triggers the legal obligation, binding on all states, to take appropriate action to prevent or halt genocide, as well as the international community’s responsibility to protect victims of genocide and crimes against humanity.

² Also referred to in this report, as the “Chinese government” and “Chinese authorities.”

³ This report focuses on crimes against the Uyghur population in Xinjiang. Other Turkic Muslims, including Kazakhs as well as members of other communities, also face state-led repression and violence.

⁴ “Assistant Secretary of Defense for Indo-Pacific Security Affairs Schriver Press Briefing on the 2019 Report on Military and Security Developments in China,” US Department of Defense, May 3, 2019, <https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/1837011/assistant-secretary-of-defense-for-indo-pacific-security-affairs-schriv-press/>.

⁵ Hereinafter, “USHMM” or “the Museum.”

⁶ “Simon-Skjodt Center Director Delivers Remarks on China’s Systematic Persecution of Uyghurs,” USHMM, March 6, 2020, <https://www.ushmm.org/genocide-prevention/blog/simon-skjodt-center-director-delivers-remarks-on-chinas-systematic-persecut>.

Genocide and crimes against humanity are among the gravest crimes known to humankind. The punishment of both crimes formed part of the world’s commitment to “never again” after the Holocaust. Those who perpetrate these crimes wreak profound harm on the immediate victims and communities and set in motion trauma that can cascade down through multiple generations.

In February 2021, the United Nations High Commissioner for Human Rights underlined the need for an “independent and comprehensive assessment” of the human rights situation in Xinjiang.⁷ The Museum adds its voice to the calls for an urgent independent investigation into the serious international crimes allegedly being committed against Uyghur and other Turkic Muslim communities of Xinjiang.

Further, the Museum calls on the Chinese government to uphold its responsibility to ensure accountability for serious human rights violations. This includes the establishment of and granting of unfettered access to a new independent impartial entity, such as a United Nations (UN)-mandated Commission of Inquiry, Fact-Finding Mission, or Investigative Mechanism, which would be mandated to collect, analyze, and preserve information and evidence of human rights violations and international crimes, including crimes against humanity and genocide.



Bahram Sintash has been searching for his father since 2017. His father, Qurban Mamut, is a well-known Uyghur journalist and was detained by the Chinese government a couple of months after returning home from a visit with his son in the United States. It was his first time traveling overseas. *US Holocaust Memorial Museum*

“My father is in a camp. I don’t know where exactly—he disappeared. I would sell my house to get my father back, but this is different. He’s kidnapped by a very powerful government and they don’t need money.”

Bahram Sintash

⁷ Jamie Keaton, “UN rights chief cites ‘need’ to assess rights in Xinjiang,” *Associated Press News*, February 26, 2021, <https://apnews.com/article/china-coronavirus-pandemic-united-nations-michelle-bachelet-f41f35c61368d97f824a879c6831992d>.



Background: A History of Discrimination

The Uyghurs are an ethno-religious minority group in China. They are part of the larger Turkic Muslim community and reside primarily in the Xinjiang Uyghur Autonomous Region of northwest China. The Uyghur population of Xinjiang is approximately 12 million people, which represents about 50 percent of the total Xinjiang population.⁸ Uyghurs have a rich and unique culture expressed through their language, religious traditions, dance, music, and art.

For decades, the Chinese government has sought to forcibly assimilate Xinjiang’s Uyghur Muslim community, most visibly through prohibitions on the expression of Uyghur religion and culture and the destruction of sites of religious and cultural heritage. Furthermore, since the early 1950s, Chinese government policy has sought to change the demographics of Xinjiang. To this end, the government has provided significant economic incentives to attract Han Chinese to resettle in Xinjiang, including land and jobs, subsidized housing, free medical care and education, and lump sum payments.⁹

⁸ Ted Regencia, “What You Should Know About China’s Minority Uighurs,” *Al Jazeera*, July 8 2021, <https://www.aljazeera.com/news/2021/7/8/uighurs-timeline>.

⁹ Nathan Ruser and James Leibold, “Family de-planning: The coercive campaign to drive down indigenous birth-rates in Xinjiang,” Australian Strategic Policy Institute, May 12, 2021, 18, https://s3-ap-southeast-2.amazonaws.com/ad-aspi/2021-05/Family%20deplanning%20v2.pdf?IO4rxtbW_U_p5C6usSJ4EpMFHm6khL7uE.

Unrest in Xinjiang rose to wider public attention in the late 1980s. Uyghurs voiced discontent about the state's preferential treatment of the Han Chinese community, the majority ethnicity in China. The preferential treatment given to the Han Chinese led to socioeconomic inequalities between the communities,¹⁰ resulting in growing grievances against the state.

Uyghur activists have frequently sought independence from China, recalling the two East Turkestan Republics that Uyghurs briefly established in the 1930s and 1940s.¹¹ In 1989, the East Turkestan Islamic Movement (ETIM)¹² emerged in Xinjiang, with one stated goal: to reestablish an independent state for Uyghur communities called East Turkestan.

The Chinese government responded to the struggle of the Uyghurs for self-determination and the emergence of the ETIM with increased repression of the entire Uyghur population in the name of combating “separatism.”¹³ This took the form of state suppression of the religious and cultural expressions of Uyghur identity, and quickly led to protests and then to violence. In 1990, Uyghurs in the town of Baren in Xinjiang's Kashgar prefecture rebelled against restrictions on the practice of Islam imposed by the Chinese government.¹⁴ The state responded with force, killing an estimated 1,600 Uyghurs.¹⁵ In 1997, in Ghulja county in Ili prefecture, northern Xinjiang, a similar protest was met with a violent crackdown by authorities, including arbitrary arrest, torture, and summary executions of Uyghur demonstrators.¹⁶ Since at least the 1960s, tens of thousands of Uyghurs have sought refuge from the repression, fleeing China and crossing the bordering Central Asian states. Thousands of Uyghurs travelled by foot and horseback into Afghanistan in

¹⁰ Ilham Tohti, “Present-Day Ethnic Problems in Xinjiang Uighur Autonomous Region: Overview and Recommendations,” *China Change*, April 22, 2015, https://chinachange.org/wp-content/uploads/2015/05/ilham-tohti_present-day-ethnic-problems-in-xinjiang-uighur-autonomous-region-overview-and-recommendations_complete-translation3.pdf.

¹¹ “East Turkestan: Brief History,” World Uyghur Congress, <https://www.uyghurcongress.org/en/east-turkestan-2/>.

¹² Also known as the Turkestan Islamic Movement (TIM) or as the East Turkestan Islamic Party (ETIP), it was generally referred to by the Chinese government as the East Turkestan Islamic Movement (ETIM), though the group itself did not use that name.

¹³ James Millward, “Violent Separatism in Xinjiang: A Critical Assessment,” *East-West Center, Policy Studies* 6, 2004, <https://www.eastwestcenter.org/system/tdf/private/PS006.pdf?file=1&type=node&id=32006>; Crackdowns by Chinese authorities based on “separatism” charges also have a long history in Tibet, and the Chinese government has frequently accused His Holiness, the Dalai Lama, of “splittism.” Kelsang Dolma, “Tibet was China's first Laboratory of Repression,” *Central Tibetan Administration*, August 31, 2020, <https://tibet.net/tibet-was-chinas-first-laboratory-of-repression/>;

¹⁴ Joanne Smith Finley, “Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang,” *Journal of Genocide Research* 23, no. 3 (November 2020): 348–70, <https://www.tandfonline.com/doi/full/10.1080/14623528.2020.1848109>.

¹⁵ Marika Vicziary, “State Responses to Islamic Terrorism in Western China and their Impact on South Asia,” *Contemporary South Asia* 12, no. 2 (2003): 243–62; Eastern Turkestan Union in Europe, “Baren victims remembered,” *East Turkestan Information Bulletin* 3, no. 2 (April 1993), https://caccp.freedomsherald.org/et/etib/etib3_2.html.

¹⁶ “People's Republic of China: Gross Violations of Human Rights in the Xinjiang Uighur Autonomous Region,” Amnesty International, April 1999, 18–23, <https://www.amnesty.org/en/documents/asa17/018/1999/en/>.

the decades prior to the Taliban taking control in 1996, with some becoming Afghan citizens and raising families there.¹⁷

In 1998, a small group of Uyghurs, numbering in the hundreds, came together in Taliban-controlled Afghanistan, with the intent of launching a religiously inspired insurgency against Chinese rule.¹⁸ The group was referred to by the Chinese government as the ETIM but does not appear to have used that name itself. It reportedly had a strained relationship with both Al Qaeda and the Taliban, the latter maintaining a diplomatic relationship with the Chinese government during the time that it governed Afghanistan.¹⁹ By December 2001, most of the Uyghurs associated with the group had fled Afghanistan or been killed, resulting in the group's effective dismantling. In 2002, twenty-two Uyghurs were captured by bounty hunters and sold to the US military.²⁰ They were then transferred to Guantánamo, where they were held for years before being exonerated and released.²¹

Following the September 2001 attacks on the United States, the Chinese government co-opted the language of the “War on Terror,” framing its treatment of the Uyghurs of Xinjiang as a critical part of countering the “Three Evils” of terrorism, religious extremism, and separatism. In October 2001, then-US President George W. Bush, speaking at an Asia-Pacific Economic Cooperation summit, warned that other countries should not use the “war on terrorism” as an “excuse to persecute minorities.”²²

In August 2002, amid intense diplomatic pressure from China at a time when the United States was trying to prevent a UN Security Council veto over action against Iraq, the United States designated the ETIM—seemingly conflating the Xinjiang-based movement seeking self-determination with the now-defunct Afghanistan-based group that China referred to as

¹⁷ Emily Feng, “They Fled China Decades Ago. Now, They Must Flee The Taliban In Afghanistan,” *National Public Radio*, September 5, 2021, <https://www.npr.org/2021/09/05/1034439279/they-fled-china-decades-ago-now-they-must-flee-the-taliban-in-afghanistan>; Asim Kashgarian, “Uyghurs From Afghanistan Fear Deportation to China,” *Voice of America*, September 1, 2021, <https://www.voanews.com/a/south-central-asia-uyghurs-afghanistan-fear-deportation-china/6210234.html>.

¹⁸ Sean R. Roberts, “Why did the United States Take China’s Word on Supposed Uighur Terrorists?” *Foreign Policy*, November 10, 2020, <https://foreignpolicy.com/2020/11/10/why-did-the-united-states-take-chinas-word-on-supposed-uighur-terrorists/>.

¹⁹ Roberts, “Why did the United States Take China’s Word.”

²⁰ Leyland Cecco, “‘It breaks my heart’: Uighurs wrongfully held at Guantánamo plead to be with families,” *The Guardian* (UK), October 7, 2020, <https://www.theguardian.com/us-news/2020/oct/07/uighur-men-guantanamo>; Charlie Savage, “U.S. Frees Last of the Chinese Uighurs from Guantánamo Bay,” *New York Times*, December 31, 2013, <https://www.nytimes.com/2014/01/01/us/us-frees-last-of-uighur-detainees-from-guantanamo.html>.

²¹ Leyland Cecco, “‘It breaks my heart’”; Charlie Savage, “U.S. Frees Last of the Chinese Uighurs.” By late 2013, all 22 had been released and resettled in various countries. Under its domestic law, the United States could not repatriate them to China due to China’s history of mistreatment of its Uyghur population.

²² George W. Bush, Transcript of speech delivered at Asia-Pacific Economic Cooperation summit in Shanghai, China, October 20, 2001, <http://www.cnn.com/2001/US/10/20/gen.bush.speech/index.html>.

ETIM—a terrorist organization, and supported China’s successful efforts at the United Nations to designate the ETIM a terrorist organization.²³

The Chinese government continued to regard the Uyghur community as a terrorist threat. The state’s burgeoning preoccupation with Islam was deeply felt by the Uyghur and other Turkic Muslim communities. Chinese authorities required imams to undergo training and state certification in order to practice; religious weddings and funerals required written permission from the state. Despite there being few violent events in Xinjiang between 1997 and 2008, the Chinese government increasingly profiled the Uyghurs as terrorists or potential terrorists and marginalized them, including by denying them equal educational and professional opportunities.²⁴ The consequent social exclusion and the shrinking access to economic opportunities fed the grievances held by the Uyghur community.

These grievances led to the emergence of the Turkistan Islamic Party (TIP) (also known as the East Turkistan Islamic Party, or ETIP).²⁵ While TIP employed a strategy of making threats—such as threatening a chemical and biological weapons attack on the 2008 Beijing Olympics—there is little evidence of attacks organized by the group being launched inside China.²⁶ Chinese officials seized upon the existence of threats in order to broadly characterize Uyghur separatists as terrorists.²⁷ Consequently, the Chinese government enforced further restrictions—notably on religious practice—on the Uyghur community throughout Xinjiang, despite the absence of any information indicating that individuals were a threat or in any way connected with TIP.²⁸ The United States officially delisted the ETIM/TIP as a terrorist organization in November 2020.²⁹

²³ US Department of State, *Determination Pursuant to Section 1(b) of Executive Order 13224 Relating to the Eastern Turkistan Islamic Movement (ETIM)*, Richard L. Armitage. 02-22737, Washington, DC: Federal Register, 2002, <https://www.federalregister.gov/documents/2002/09/06/02-22737/determination-pursuant-to-section-1b-of-executive-order-13224-relating-to-the-eastern-turkistan>; UN Security Council, *Eastern Turkistan Islamic Movement*. QDe.088: April 7, 2011. Online, https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/entity/eastern-turkistan-islamic-movement.

²⁴ Rian Thum, “The Ethnicization of Discontent in Xinjiang,” *The China Beat*, DigitalCommons@University of Nebraska - Lincoln, October 2, 2009, <https://digitalcommons.unl.edu/chinabeatarchive/574/>; Ilham Tohti, “Present-Day Ethnic Problems in Xinjiang.”

²⁵ While the Chinese government asserts that TIP is a later iteration of ETIM, there is little evidence to state definitively that this is the case. Andrew McGregor, “Will Xinjiang’s Turkistani Islamic Party Survive the Drone Missile Death of its Leader?” *Terrorism Monitor* 8, no. 10 (March 12, 2010): <https://jamestown.org/program/will-xinjiangs-turkistani-islamic-party-survive-the-drone-missile-death-of-its-leader/#.VwuxPvkrJhE>.

²⁶ McGregor, “Will Xinjiang’s Turkistani Islamic Party Survive?”

²⁷ Ibid.

²⁸ In 2005, Human Rights Watch documented the “systematic repression of religion ... in Xinjiang as a matter of considered state policy,” at a “level of punitive control seemingly designed to entirely refashion Uighur religious identity to the state’s purposes.” *Devastating Blows: Religious Repression of Uighurs in Xinjiang*, Human Rights Watch, April 2005, <https://www.hrw.org/reports/2005/china0405/china0405.pdf>.

²⁹ US Department of State, *Terrorist Exclusion List*. Washington, DC: Bureau of Counterterrorism. Online, <https://www.state.gov/terrorist-exclusion-list/>; US Department of State, *In the Matter of the Designation of the Eastern Turkistan Islamic Movement Also Known as ETIM as a “Terrorist Organization” Pursuant to Section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act, as Amended*, Michael R. Pompeo. 2020-24620, Washington, DC: Federal Register, November 4, 2020. Online,

On July 5, 2009, approximately 1,000 Uyghurs gathered in Xinjiang’s capital, Urumqi, to protest the deaths of two Uyghur migrant workers in Guangdong. They had been killed in a brawl after the rumored rape of Han female factory workers by Uyghur men. Initially nonviolent, the protests descended into clashes between members of the Uyghur and Han communities. Nearly 200 people were reportedly killed and hundreds injured, with the vast majority of the officially recorded casualties being identified by authorities as Han Chinese.³⁰ Uyghur organizations claimed a massive undercounting of Uyghur casualties.³¹

In 2013, a car was driven into a crowd at Tiananmen Square, Beijing, killing two tourists and three people in the car—a man, his wife, and his mother—in what appeared to be a suicide attack.³² At the time, TIP claimed it was behind the attack, though many Xinjiang experts “responded with skepticism.”³³ In March 2014, the Chinese government blamed Uyghur separatists for killing more than 30 people and injuring more than 100 in a knife attack at a train station in Kunming, in Yunnan Province.³⁴ A month later, a deadly attack occurred during Chinese President Xi Jinping’s visit to Urumqi.³⁵ In May 2014, in Urumqi, two cars ploughed into shoppers while setting off explosives.³⁶ Chinese authorities held Uyghur separatists responsible for the attack, which reportedly killed 31 people and injured more than 90.³⁷

Chinese authorities blamed these attacks on Uyghur extremists and in mid-2014, launched the “Strike Hard Campaign Against Violent Terrorism.”³⁸ The increasing power of the state to surveil

<https://www.federalregister.gov/documents/2020/11/05/2020-24620/in-the-matter-of-the-designation-of-the-eastern-turkistan-islamic-movement-also-known-as-etim-as-a>; Alim Seytoff and Mamatjan Juma, “US Drops ETIM From Terror List, Weakening China’s Pretext For Xinjiang Crackdown,” *Radio Free Asia*, November 5, 2020, <https://www.rfa.org/english/news/uyghur/etim-11052020155816.html>.

³⁰ Associated Press in Beijing, “China executes nine over Xinjiang riots,” *The Guardian*, November 9, 2009, <https://www.theguardian.com/world/2009/nov/09/china-executes-nine-xinjiang-uyghur>; Ariana Eunjung Cha, “Death Toll Debated In China’s Rioting,” *Washington Post*, July 11, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/11/AR2009071100464.html>.

³¹ Eunjung Cha, “Death Toll Debated.”

³² Jonathan Kaiman, “Jeep crash in China’s Tiananmen Square leaves five dead,” *The Guardian*, October 28, 2013, <https://www.theguardian.com/world/2013/oct/28/china-tiananmen-square-crash-beijing>; Hannah Beech, “In China, Deadly Bomb and Knife Attack Rocks Xinjiang Capital,” *Time*, April 30, 2014, <https://time.com/83727/in-china-deadly-bomb-and-knife-attack-rocks-xinjiang-capital/>.

³³ Jonathan Kaiman, “Islamist group claims responsibility for attack on China’s Tiananmen Square,” *The Guardian*, November 25 2013, <https://www.theguardian.com/world/2013/nov/25/islamist-china-tiananmen-beijing-attack>; McGregor, “Will Xinjiang’s Turkistani Islamic Party Survive?”

³⁴ Andrew Jacobs and Chris Buckley, “China Blames Xinjiang Separatists for Stabbing Rampage at Train Station,” *New York Times*, March 2, 2014, <https://www.nytimes.com/2014/03/03/world/asia/china.html>; “Four sentenced in China over Kunming station attack,” *BBC News*, September 12, 2014, <https://www.bbc.com/news/world-asia-china-29170238>.

³⁵ Beech, “In China, Deadly Bomb and Knife Attack.”

³⁶ Associated Press, “Urumqi car and bomb attack kills dozens,” *The Guardian*, May 22, 2014, <https://www.theguardian.com/world/2014/may/22/china-urumqi-car-bomb-attack-xinjiang>.

³⁷ Associated Press, “Urumqi car and bomb attack.”

³⁸ “Four sentenced in China,” *BBC News*; Megha Rajagopalan, “China security chief blames Uighur Islamists for Tiananmen attack,” *Reuters*, October 31, 2013, <https://www.reuters.com/article/us-china-tiananmen/china-security-chief-blames-uighur-islamists-for-tiananmen-attack-idUSBRE9A003L20131101>; “Break Their Lineage, Break Their Roots: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims,” Human Rights Watch, April 19, 2021,

and detain led to deepening restrictions on the entire Uyghur community in Xinjiang. Across the region, roadblocks and checkpoints were established. Uyghurs who lived in Xinjiang's main towns were required to return to their towns and villages of origin to receive passbooks, called "people's convenience cards," which severely restricted their freedom of movement.³⁹

By 2016, Uyghurs with passbooks could no longer leave their hometowns. Many in southern Xinjiang had their passports confiscated, making travel abroad effectively impossible. Chinese state social media accounts increasingly referenced Uyghur "re-education" campaigns. A network of detention centers, referred to by the state as "re-education centers," expanded dramatically after the fall of 2016 when Chen Quanguo, previously the Communist Party Secretary in Tibet and responsible for developing and implementing repressive policies there, was appointed Party Secretary in Xinjiang.⁴⁰ Building on tactics used in Tibet, Chen placed police and paramilitary troops every few hundred feet in Xinjiang's main towns, deployed teams to monitor Uyghur families in person, and expanded the number of detention centers and prisons in the region.

The rate of resettlement of Han Chinese into Xinjiang—a longstanding CCP policy—has risen rapidly over the last five years. During the same timeframe, greater numbers of Uyghurs were forced into the government's network of detention centers and prisons. It is estimated that between 2015 and 2018, two million new residents moved into Han-majority regions in Xinjiang.⁴¹

The state has aggressively promoted intermarriage between Han Chinese and Uyghurs in the region, and particularly between Han men and Uyghur women, reflecting both societies' patrilineal nature.⁴² To this end, the state has reportedly offered preferential university entrance for children of mixed families with one Han parent over children whose parents are both from minority communities, and magazine articles provide tips on how Han Chinese men can attract

<https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

³⁹ Ben Mauk, "Inside Xinjiang's Prison State," *New Yorker*, February 26, 2021, <https://www.newyorker.com/news/a-reporter-at-large/china-xinjiang-prison-state-uyghur-detention-camps-prisoner-testimony>.

⁴⁰ "Exploring Xinjiang's Detention System," Australian Strategic Policy Institute, September 2020, <https://xjdp.aspi.org.au/explainers/exploring-xinjiangs-detention-facilities/>; Megha Rajagopalan, "This Is What A 21st-Century Police State Really Looks Like," *Buzzfeed News*, October 17, 2017, <https://www.buzzfeednews.com/article/meghara/the-police-state-of-the-future-is-already-here>; Chun Han Wong, "China's Hard Edge: The Leader of Beijing's Muslim Crackdown Gains Influence," *Wall Street Journal*, April 7, 2019, <https://www.wsj.com/articles/chinas-hard-edge-the-leader-of-beijings-muslim-crackdown-gains-influence-11554655886>.

⁴¹ Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birth Rates in Xinjiang," Jamestown Foundation, March 17, 2021, 3, <https://jamestown.org/product/sterilizations-iuds-and-mandatory-birth-control-the-ccps-campaign-to-suppress-uyghur-birthrates-in-xinjiang/>.

⁴² Darren Byler, "Uyghur Love in a time of Interethnic Marriage," *SupChina*, August 7, 2019, <https://supchina.com/2019/08/07/uyghur-love-in-a-time-of-interethnic-marriage/>.

Uyghur women.⁴³ Refusing to submit to such marriages carried a risk of one or one's family being detained.⁴⁴ This remains the case today.

The increased repression of the Uyghur community coincides with the burgeoning economic importance of Xinjiang to the Chinese government. In 2013, President Xi launched a flagship “Belt and Road Initiative,” (BRI) which aims to link Beijing with more than sixty countries around the world via railroads, gas pipelines, shipping lanes, and other infrastructure projects.⁴⁵ Xinjiang is seen as a critical link between China and Central Asian, Middle Eastern, and European markets, with three of the six economic corridors passing through Xinjiang and a major economic hub planned for the Xinjiang-Pakistan border.⁴⁶ The Chinese government has heavily invested in the project, reportedly \$1 trillion, with key infrastructure running through the Xinjiang region.⁴⁷ This large-scale infrastructure project, extending across Asia, the Middle East, Europe, and Africa, is a very high priority of China's political leadership. Thus control over the region—which the Chinese government treats as synonymous with controlling the Uyghur population—is seen as essential to the BRI's intended success.⁴⁸

The Chinese government's decades-long repression of the Uyghurs of Xinjiang is underpinned by multiple, linked, and often mutually reinforcing beliefs. The first is that the Uyghurs as a group are perceived to pose a threat to the security of the Chinese nation. Second, given the critical importance of Xinjiang to the BRI, the Chinese government views any perceived threat posed by the Uyghurs as having significant economic ramifications. Yet, while the Chinese government leverages the language of the “War on Terror” with its undercurrents of Islamophobia, it has not sought to identify threats, but rather has targeted the entirety of the Uyghur population. What is seemingly most threatening to the CCP is a fact of a community with a non-Han sense of identity.⁴⁹

⁴³ 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>; Darren Byler, “Uyghur Love.”

⁴⁴ Leigh Hartman, “China coerces Uyghur women into unwanted marriages,” *ShareAmerica*, September 24, 2019, <https://share.america.gov/china-coerces-uyghur-women-into-unwanted-marriages>.

⁴⁵ Andrew Chatzky and James McBride, “China's Massive Belt and Road Initiative,” *Council on Foreign Relations*, last updated January 28, 2020, <https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative>.

⁴⁶ Wei Shan, “Xinjiang casts uncertainty over the Belt and Road Initiative,” *East Asia Forum*, November 29, 2019, <https://www.eastasiaforum.org/2019/11/29/xinjiang-casts-uncertainty-over-the-belt-and-road-initiative/>.

⁴⁷ While estimates of the size of the BRI vary wildly, the most common estimate tied to the project's promised infrastructure investment is \$1 trillion. Jonathan E. Hillman, “How Big Is China's Belt and Road?” *Center for Strategic and International Studies*, April 3, 2018, <https://www.csis.org/analysis/how-big-chinas-belt-and-road>.

⁴⁸ The government sees control over XUAR as essential to its Belt and Road Initiative (BRI), a large-scale infrastructure project extending across Asia, the Middle East, Europe, and Africa. The BRI is a very high priority of China's political leadership, and the government therefore may be willing to dedicate immense resources to controlling the Uyghur population in XUAR. Asim Kashgarian and Rikar Hussein, “China's Plan in Xinjiang Seen as Key Factor in Uighur Crackdown,” *Voice of America*, December 22, 2019, <https://www.voanews.com/extremism-watch/chinas-plan-xinjiang-seen-key-factor-uyghur-crackdown>.

⁴⁹ “Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims,” *Human Rights Watch*, September 9, 2018,

At the bedrock of these beliefs is the CCP's ascribing of less inherent value to the Uyghur community. The devaluation of the Uyghurs, and consequent privileging of the Han Chinese community and their culture, has led to a growing entrenchment of Han supremacist beliefs and the marginalization and increased dehumanization of minority groups, notably the Uyghurs. This in turn has normalized to the CCP and its supporters the greater repression of and violence against the Uyghurs of Xinjiang, opening the door to the commission of crimes against humanity and genocide.

<https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

It is believed that between one and three million people, mainly Uyghurs, have been held in Xinjiang's detention centers, where they have been detained ... without formal arrest, trial, or sentence.

XINJIANG'S NETWORK OF DETENTION CENTERS AND PRISONS

Since 2017, there has been a dramatic expansion of the infrastructure of detention centers and prisons across Xinjiang, and the corresponding size of the population detained within.⁵⁰

Detention centers, also routinely described as “internment camps” or “detention camps,” are officially referred to by the Chinese government as “vocational education and training centers.” The CCP insists that the centers are aimed at countering the spread of separatism, terrorism, and religious extremism through “free” education and job training.⁵¹ It is believed that between one and three million people, mainly Uyghurs, are held in Xinjiang's detention centers, where they have been detained extrajudicially, which is to say, without formal arrest, trial, or sentence.

In September 2018, Federica Mogherini, then-High Representative of the European Union for Foreign Affairs and Security Policy, referred to concerns over the expansion of “political re-education camps” in her statement to the European Parliament.⁵² In May 2019, Randall Schriver, US Assistant Secretary of Defense for Indo-Pacific Security Affairs, said that “at least a

⁵⁰ “Exploring Xinjiang's Detention System,” Australian Strategic Policy Institute.

⁵¹ Xiang Bo, “Full Transcript: Interview with Xinjiang government chief on counterterrorism, vocational education and training in Xinjiang,” *XinhuaNet*, October 16, 2020, http://www.xinhuanet.com/english/2018-10/16/c_137535821.htm; “Xinjiang: China defends ‘education’ camps,” *BBC News*, September 17, 2020, <https://www.bbc.com/news/world-asia-china-54195325>.

⁵² European Parliament, *Speech by High Representative/Vice-President Federica Mogherini at the plenary session of the European Parliament on the state of the EU-China relations*, Federica Mogherini. Strasbourg: European Union External Action Service, September 11, 2018. Online, https://eeas.europa.eu/headquarters/headquarters-homepage/50337/speech-hrvp-mogherini-plenary-session-european-parliament-state-eu-china-relations_en.

million but likely closer to three million citizens” were imprisoned in detention centers, which he described as “concentration camps.”⁵³

Alongside this system of extra-judicial detention, Uyghurs are also incarcerated in prison after having been sentenced for alleged crimes including terrorism, separatism, and inciting ethnic hatred. In 2014, about 21,000 people were sentenced to jail terms in Xinjiang; by 2018, that number had surged to nearly 133,200.⁵⁴ The average length of prison sentences has also increased. According to Xinjiang’s statistical yearbooks, 87 percent of all sentences in 2017 were for more than five years, up from 27 percent in 2016.⁵⁵ Human Rights Watch, in its analysis of almost 60 formal prosecutions in recent years, found that many prisoners had been convicted “without committing a genuine offense.”⁵⁶ For example, a Uyghur man was sentenced to ten years in prison on the charge of “inciting ethnic hatred and discrimination” for telling others what was prohibited and what was permissible under Islamic law.⁵⁷ There are concerns about whether trials abide by due process, with reports of detainees being tortured to confess to charges, denied access to lawyers, and being tried in perfunctory proceedings.⁵⁸

Detention centers and prisons in Xinjiang have been documented as sites of massive human rights abuses, including torture; rape and other acts of sexual violence; forced sterilization; forced labor; and inhuman and degrading treatment. As detailed in this report, many of these abuses constitute crimes against humanity, and may constitute acts of genocide.

⁵³ US Department of Defense, *Assistant Secretary of Defense for Indo-Pacific Security Affairs Schriver Press Briefing on the 2019 Report on Military and Security Developments in China*.

⁵⁴ Rebecca Wright, Ivan Watson, and Ben Westcott, “Uyghurs in Xinjiang are being given long prison sentences. Their families say they have done nothing wrong,” *CNN*, August 2, 2021, <https://edition.cnn.com/2021/06/24/china/xinjiang-prisons-china-intl-hnk-dst/index.html>.

⁵⁵ Wright, Watson, and Westcott, “Uyghurs in Xinjiang are being given long prison sentences.”

⁵⁶ “China: Baseless Imprisonments Surge in Xinjiang,” Human Rights Watch, February 24, 2021, <https://www.hrw.org/news/2021/02/24/china-baseless-imprisonments-surge-xinjiang#>.

⁵⁷ “China: Baseless Imprisonments Surge,” Human Rights Watch.

⁵⁸ *Ibid.* See also, “Uyghur ‘Political Criminals’ Jailed Without Trial in Xinjiang’s Kashgar Prefecture,” *Radio Free Asia*, October 31, 2017, <https://www.rfa.org/english/news/uyghur/trials-10312017151531.html>.

State Violence Against the Uyghurs, 2017–present

Xinjiang has been described as one of the world’s most intrusive police states.⁵⁹ Since 2017, there has been a sharp increase in surveillance that facilitates the Chinese authorities’ monitoring, arrest, and detention of Uyghurs in Xinjiang.⁶⁰ China’s use of mass surveillance of its population is neither new nor unique to Xinjiang. However, the combined use of technology-based surveillance with in-person surveillance, as well as the scale of persons subject to this dual surveillance, distinguishes this situation from other mass surveillance programs. Furthermore, as the surveillance program is connected to the mass detention of Uyghurs, such surveillance should be understood as a tool used by China to facilitate the targeting of Uyghurs for imprisonment and other severe deprivations of their liberty. Although the Chinese government describes its treatment of the Uyghurs as an effort to counter terrorist or separatist threats, its policies and practices extend far beyond any reasonable counterterror methods and target the Uyghur civilian population as a whole.

Mass surveillance

Methods of surveillance range from low-tech policing to high-tech facial recognition. China experts have suggested that CCP Party Secretary Chen Quanguo was deployed to Xinjiang in August 2016 “so that he could spend the first six to seven months on a massive securitization drive, involving mass recruitments of police forces, constructing thousands of new police stations and checkpoints, and installing large-scale surveillance systems.”⁶¹

⁵⁹ Tara Francis Chan, “How a Chinese region that accounts for just 1.5% of the population became one of the most intrusive police states in the world,” *Business Insider*, July 31, 2018, <https://www.businessinsider.com/xianjiang-province-china-police-state-surveillance-2018-7>.

⁶⁰ Chan, “How a Chinese region”; Johana Bhuiyan, “‘There’s cameras everywhere’: testimonies detail far-reaching surveillance of Uyghurs in China,” *The Guardian*, September 30, 2021, <https://www.theguardian.com/world/2021/sep/30/uyghur-tribunal-testimony-surveillance-china>.

⁶¹ Adrian Zenz, “The Karakax List: Dissecting the Anatomy of Beijing’s Internment Drive in Xinjiang,” *Journal of Political Risk* 8, no. 2 (February 2020): <https://www.jpolrisk.com/karakax/>.

By early 2017, building on tactics he had used in Tibet,⁶² Chen established thousands of “convenience police stations.”⁶³ These are street corner bulwarks for community-based policing, which are arranged in a grid, electronically connected with each other and placed roughly every 500 meters in Urumqi—all of which allow for intensely focused surveillance and ease of arrest.⁶⁴ Messaging apps are constantly monitored; authorities demand that residents install surveillance software on their phones and that drivers install a Chinese-made satellite navigation system in their vehicles.⁶⁵

Since 2017, the Chinese government has also invested heavily in biometric technology and the construction of large-scale national biometric databases.⁶⁶ Uyghur and other Turkic Muslims’ biometrics are collected without informed consent,” and voice samples are taken during passport application processes and at police checkpoints.⁶⁷ Official CCP documents “suggest that police are collecting voice patterns together with other biometrics—fingerprints, palm prints, and profile photos, as well as urine and DNA samples.”⁶⁸

⁶² Chris Buckley, “The Leaders Who Unleashed China’s Mass Detention of Muslims,” *New York Times*, October 13, 2018, <https://www.nytimes.com/2018/10/13/world/asia/china-muslim-detainment-xinjiang-camps.html>; Adrian Zenz and James Leibold, “Chen Quanguo: The Strongman Behind Beijing’s Securitization Strategy in Tibet and Xinjiang,” *China Brief* 17, no. 12 (September 21, 2017): <https://jamestown.org/program/chen-quanguo-the-strongman-behind-beijings-securitization-strategy-in-tibet-and-xinjiang/>; “The origin of the ‘Xinjiang model’ in Tibet under Chen Quanguo: Securitizing ethnicity and accelerating assimilation,” International Campaign for Tibet, December 19, 2018, <https://savetibet.org/the-origin-of-the-xinjiang-model-in-tibet-under-chen-quanguo-securitizing-ethnicity-and-accelerating-assimilation/>.

⁶³ “Xinjiang Introduces ‘Convenience Police Stations’ to Closely Monitor Uyghurs,” *Radio Free Asia*, 2017, <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy1.html>; James Leibold and Adrian Zenz, “Beijing’s Eyes and Ears Grow Sharper in Xinjiang,” *Foreign Affairs*, December 23, 2016, <https://www.foreignaffairs.com/articles/china/2016-12-23/beijings-eyes-and-ears-grow-sharper-xinjiang>.

⁶⁴ “Xinjiang Introduces ‘Convenience Police Stations’,” *Radio Free Asia*.

⁶⁵ Scilla Alecci, “How China Targets Uighurs ‘One by One’ for Using a Mobile App,” The International Consortium of Investigative Journalists, November 24, 2019, <https://www.icij.org/investigations/china-cables/how-china-targets-uyghurs-one-by-one-for-using-a-mobile-app/>; Roseanne Gerin, “Report: Uyghurs in China Forced to Install Surveillance App That Leaves Their Data Unsecured,” *Radio Free Asia*, April 10, 2018, <https://www.rfa.org/english/news/uyghur/report-uyghurs-in-china-forced-to-install-surveillance-app-that-leaves-their-data-unsecured-04102018164341.html>; Edward Wong, “Western China Region Aims to Track People by Requiring Car Navigation,” *New York Times*, February 24, 2017, <https://www.nytimes.com/2017/02/24/world/asia/china-xinjiang-gps-vehicles.html>.

⁶⁶ “China: Voice Biometric Collection Threatens Privacy: Police, AI Giant Collaboration in Legal Gray Area,” Human Rights Watch, October 22, 2017, <https://www.hrw.org/news/2017/10/22/china-voice-biometric-collection-threatens-privacy>.

⁶⁷ “China: Voice Biometric Collection Threatens Privacy,” Human Rights Watch; “China’s Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App,” Human Rights Watch, May 1, 2019, <https://www.hrw.org/report/2019/05/01/chinas-algorithms-repression/reverse-engineering-xinjiang-police-mass>.

⁶⁸ “China: Voice Biometric Collection Threatens Privacy,” Human Rights Watch. In this report, Human Rights Watch states that official tender documents revealed that, in 2016, voice pattern collection systems were purchased by the police bureaus in Xinjiang, following the “Notice to Fully Carry Out the Construction of Three-Dimensional Portraits, Voice Pattern, and DNA Fingerprint Biometrics Collection System.”

In April 2019, the use of advanced facial recognition technology to track and control the Uyghurs was documented, with reports that the Chinese government was using facial recognition technology, integrated into the networks of surveillance cameras, to look exclusively for Uyghurs “based on their appearance and keeps records of their comings and goings for search and review.”⁶⁹ In September 2021, the London-based Uyghur Tribunal was provided with expert testimony on the use of advanced analytic technologies by the Chinese government, including the use of “Uyghur face detection (UFD), a system trained to determine if a person in an image or video is Uyghur on the basis of their facial features.”⁷⁰

The mass detention of Uyghurs in Xinjiang is underpinned by a surveillance system that operates primarily through mass data collection and an artificial intelligence platform, called the Integrated Joint Operations Platform (IJOP).⁷¹ In December 2020, a leaked list of more than 2,000 detainees from Xinjiang’s Aksu prefecture indicated that the majority of those flagged by the IJOP system had been detained for everyday, lawful, nonviolent behavior, such as receiving calls from a foreign number.⁷²

Beginning in 2014 and re-launched in 2017, the Chinese government instituted a program in which approximately 200,000 Communist Party members were sent to Xinjiang and embedded in Uyghur households.⁷³ These groups live in Uyghur homes, where they investigate, monitor, and report on the individuals and families on a daily basis, and upload information they gather into the IJOP application.⁷⁴ Such intrusive monitoring raises the risk of sexual violence.⁷⁵

⁶⁹ Paul Mozer, “One Month, 500,000 Face Scans: How China Is Using A.I. to Profile a Minority,” *New York Times*, April 14, 2019, <https://www.nytimes.com/2019/04/14/technology/china-surveillance-artificial-intelligence-racial-profiling.html>.

⁷⁰ Conor Healey, “Uyghur Surveillance & Ethnicity Detection Analytics in China: Expert Report Presented to the Uyghur Tribunal,” Uyghur Tribunal, September 12, 2021, <https://uyghurtribunal.com/wp-content/uploads/2021/09/Conor-Healy.pdf>.

⁷¹ The IJOP produces lists of “suspect” individuals which, on their own, can be the basis for detention. According to Human Rights Watch, the IJOP platform collects massive amounts of personal information, and can mark many forms of “lawful, everyday, non-violent behavior—such as ‘not socializing with neighbors, often avoiding using the front door’—as suspicious.” The lists created through IJOP lead to a remarkable number of people being detained; Bulletin No. 14, from the China Cables, shows that during a one-week period, IJOP listed 24,412 people, of whom 15,683 were placed in internment camps and 706 arrested. “China’s Algorithms of Repression,” Human Rights Watch.

⁷² “China: Big Data Program Targets Xinjiang’s Muslims: Leaked List of Over 2,000 Detainees Demonstrates Automated Repression,” Human Rights Watch, December 9, 2020, <https://www.hrw.org/news/2020/12/09/china-big-data-program-targets-xinjiangs-muslims>.

⁷³ The campaign was titled, “Visit the People, Benefit the People, and Bring Together the Hearts of the People.” Zenz, “The Karakax List,” sections 3.2–3.3.

⁷⁴ Zenz, “The Karakax List,” sections 3.2–3.3.

⁷⁵ “Eradicating Ideological Viruses,” Human Rights Watch.



A Uyghur Muslim worshiper prays inside the Kashgar Idgah mosque, the biggest in Xinjiang province, during early afternoon prayers on August 5, 2008. *REUTERS/Nir Elias*

Prohibitions on Uyghur religious and cultural expression

Since 2017, the Chinese government has instituted more restrictive policies and laws limiting Uyghurs in Xinjiang from speaking the Uyghur language, wearing traditional clothing, having beards, wearing headscarves in public places, using traditional Islamic greetings, and performing a number of Uyghur religious and cultural practices.⁷⁶ Engaging in regular prayer or fasting for Ramadan are considered by the Chinese authorities as “signs of extremism.”⁷⁷ In 2019, a Uyghur woman, reportedly charged with promoting the wearing of headscarves, received a ten-year prison sentence.⁷⁸ These policies have had the effect of criminalizing the Uyghurs’ culture and

⁷⁶ Darren Byler, “The ‘Patriotism’ of Not Speaking Uyghur,” *SupChina*, January 2, 2019, <https://supchina.com/2019/01/02/the-patriotism-of-not-speaking-uyghur/>; Dake Kang, “Correction: China-Xinjiang-Banished Textbooks story,” *Associated Press News*, September 3, 2019, <https://apnews.com/4f5f57213e3546ab9bd1be01dfb510d3>; Qiao Long and Yang Fan, “China Bans Use of Uyghur, Kazakh Textbooks, Materials in Xinjiang Schools,” *Radio Free Asia*, October 13, 2017, <https://www.rfa.org/english/news/uyghur/ethnic-textbooks-10132017135316.html>; Sophie Richardson, “China Bans Many Muslim Baby Names in Xinjiang: Absurd Edict Part of Growing Restrictions on Uyghurs,” Human Rights Watch, April 24, 2017, <https://www.hrw.org/news/2017/04/25/china-bans-many-muslim-baby-names-xinjiang>; “China: Draconian repression of Muslims in Xinjiang amounts to crimes against humanity,” Amnesty International, June 10, 2021, <https://www.amnesty.org/en/latest/press-release/2021/06/china-draconian-repression-of-muslims-in-xinjiang-amounts-to-crimes-against-humanity/>.

⁷⁷ “‘Forgive my children for not fasting’ – Ramadan in Xinjiang,” Amnesty International, May 3, 2019, <https://www.amnesty.org/en/latest/campaigns/2019/05/forgive-my-children-ramadan-in-xinjiang/>.

⁷⁸ Shohret Hoshur, “Uyghur Woman Handed 10-Year Prison Term Over Headscarf Claim,” trans. Richard Finney, *Radio Free Asia*, September 19, 2019, <https://www.rfa.org/english/news/uyghur/headscarf-09192017174307.html>.

their practice of Islam. Even ordinary acts such as going to a mosque may be a basis for arrest or detention.⁷⁹

Uyghurs and other Turkic Muslims in Xinjiang are obliged to attend weekly Chinese flag-raising ceremonies, as well as political indoctrination meetings.⁸⁰ Under a program that commenced under Chen Quanguo, Turkic Muslims have been pressed to publish open letters in the media announcing their loyalty to the CCP and renouncing their Turkic roots and religious beliefs.⁸¹ State employees who use the Uyghur or Kazakh languages risk being labeled “unpatriotic” and “two-faced,” both of which are cause for detention.⁸²

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 Chinese, or were otherwise determined to have become sufficiently loyal Chinese subjects.”

In a white paper published in July 2019 by China’s State Council Information Office, the government denied the Uyghurs’ Turkic ancestry, stating that “Islam is neither an indigenous nor sole belief system of the Uyghurs” but was imposed by the expansion of the Arab Empire, and that “theocracy” and “religious supremacism” were a betrayal that needed to be opposed.⁸³

In detention centers, the restrictions are more oppressive. The publicly stated aim of the camps is “re-education,” with multiple pronouncements by the state that the camps are designed to “wash brains” and “cleanse hearts.”⁸⁴ Detainees are forbidden from praying, having beards, engaging in religious practice, and speaking any Turkic languages.⁸⁵ Former detainees reported being told that

⁷⁹ Lindsay Maizland, “China’s Repression of Uyghurs in Xinjiang,” Council on Foreign Relations, March 1, 2021, <https://www.cfr.org/backgrounder/chinas-repression-uyghurs-xinjiang>.

⁸⁰ “Eradicating Ideological Viruses,” Human Rights Watch.

⁸¹ “Xinjiang’s ‘Open Letters’ Forces Uyghurs to Put Loyalty to China in Writing,” *Radio Free Asia*, 2017, <https://www.rfa.org/english/news/special/uyghur-oppression/ChenPolicy3.html>.

⁸² “Break Their Lineage,” Human Rights Watch.

⁸³ The State Council Information Office of the People’s Republic of China, *Historical Matters Concerning Xinjiang: VII. Islam Is Neither an Indigenous nor the Sole Belief System of the Uyghurs*, July 2019. Online, <http://www.scio.gov.cn/ztk/dtz/39912/41087/41103/Document/1660045/1660045.htm>;

Ben Westcott and Yong Xiong, “Xinjiang’s Uyghurs didn’t choose to be Muslim, new Chinese report says,” *CNN*, July 22, 2019,

<https://edition.cnn.com/2019/07/22/asia/china-xinjiang-uyghur-muslim-intl-hnk/index.html>; “Break Their Lineage,” Human Rights Watch.

⁸⁴ Adrian Zenz, “Wash Brains, Cleanse Hearts: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign,” *Journal of Political Risk* 7, no. 11 (November 2019), <http://www.jpolrisk.com/wash-brains-cleanse-hearts>.

⁸⁵ Peter Stubbley, “Uighur Muslims forbidden to pray or grow beards in China’s ‘re-education’ camps, former detainee reveals,” *Independent*, March 22, 2019,

they would “not be allowed to leave the camps unless they learned over 1,000 Chinese characters and spoke Chinese, or were otherwise determined to have become sufficiently loyal Chinese subjects.”⁸⁶ One Kazakh female detainee described detainees having to go to the bathroom in pairs “so one woman could keep an eye on the other, in part to prevent forbidden religious expression, including ablution.” She recalled being made to write “confession letters, which included thanks ‘to the Communist Party for the education it provided,’ and for ‘giving us this opportunity to clear our evil thoughts.’”⁸⁷

Destruction of Uyghur religious and cultural property

The Chinese government has destroyed Uyghur cultural and religious sites, including the razing of mosques in an effort to remove signs of the regional Islamic identity.⁸⁸ Satellite imagery and on-the-ground reporting shed light on the extensive and continuing destruction of cultural and religious sites in northwestern Xinjiang.⁸⁹

Around 8,500 mosques across Xinjiang, constituting approximately one third of the region’s mosques, have been destroyed since 2017.⁹⁰ Another 30 percent were “damaged in some way, including the removal of architectural features such as minarets or domes.”⁹¹ About 50 percent of protected cultural sites have been damaged or destroyed, including the total destruction of Ordam *mazar* (shrine), an ancient site of pilgrimage dating back to the tenth century. Satellite imagery suggests that the majority of sites remained as vacant lots while others were turned into roads and car parks or converted for agricultural use. Despite this widespread and deliberate destruction, the Chinese authorities officially claimed that the demolition was due to building-code violations and for the protection of Muslims and their religious activities.⁹²

<https://www.independent.co.uk/news/world/asia/china-uyghur-muslim-education-camps-forbidden-beards-pork-xinjiang-a8835861.html>.

⁸⁶ “Eradicating Ideological Viruses,” Human Rights Watch.

⁸⁷ Nathan VanderKlippe, “‘I Felt Like a Slave’: Inside China’s Complex System of Incarceration and Control of Minorities,” *The Globe and Mail*, March 31, 2019,

<https://www.theglobeandmail.com/world/article-i-felt-like-a-slave-inside-chinas-complex-system-of-incarceration/>.

⁸⁸ Bahram Sintash, “Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines,” Uyghur Human Rights Project, October 28, 2019,

https://docs.uhrp.org/pdf/UHRP_report_Demolishing_Faith.pdf. The destruction of cultural and religious property is a war crime under the Rome Statute, but is not a potential crime against humanity in itself. It may be an indicator of a separate crime against humanity, such as persecution, or genocide.

⁸⁹ Nathan Ruser et al., “Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang,” Australian Strategic Policy Institute, September 2020,

<https://www.aspi.org.au/report/cultural-erasure>.

⁹⁰ Chris Buckley and Austin Ramzy, “China Is Erasing Mosques and Precious Shrines in Xinjiang,” *New York Times*, September 25, 2020,

<https://www.nytimes.com/interactive/2020/09/25/world/asia/xinjiang-china-religious-site.html>.

⁹¹ Helen Davidson, “Thousands of Xinjiang mosques destroyed or damaged, report finds,” *The Guardian*, September 25, 2020,

<https://www.theguardian.com/world/2020/sep/25/thousands-of-xinjiang-mosques-destroyed-damaged-china-report-finds>.

⁹² “Xinjiang govt denies foreign media reports of ‘tearing down mosques,’ says it is reconstructing them for safety of Muslims,” *Global Times*, April 19, 2021,

<https://www.globaltimes.cn/page/202104/1221463.shtml>.



Rushan Abbas holds a picture of her sister, Dr. Gulshan Abbas, who has been detained by the Chinese government in an attempt to silence Rushan and discourage her activism for Uyghurs. Rushan does not know the fate of her sister. The same day a talk Rushan gave about Uyghur persecution was posted on YouTube, her aunt along with her sister (pictured here) disappeared from their homes in China. *US Holocaust Memorial Museum*

Mass incarceration

Between 2017 and 2019, the Chinese government built and expanded hundreds of detention centers and prisons in Xinjiang, and detainee populations soared.⁹³ While their exact numbers cannot be confirmed, as of August 2020, publicly available data suggests that there are as many as 300 to 400 detention centers and prisons where Uyghurs are being detained.⁹⁴ Between one and three million people are estimated to have been detained for some period of time.⁹⁵

In addition to the numbers held in detention centers, traditional prison populations are growing in Xinjiang. Since 2017, significantly more people in Xinjiang have been sentenced, and sentences

⁹³ Zenz, “Wash Brains, Cleanse Hearts”; “Exploring Xinjiang’s Detention System,” Australian Strategic Policy Institute.; Shaun Tandon, “Uighur researchers say China running more camps than known,” *Agence France-Presse*, November 12, 2019,

<https://news.yahoo.com/uighur-researchers-china-running-hundreds-more-camps-181157759.html>.

⁹⁴ Alison Killing, Megha Rajagopalan, and Christo Buschek, “Blanked-Out Spots On China’s Maps Helped Us Uncover Xinjiang’s Camps,” *Buzzfeed News*, August 27, 2020,

https://www.buzzfeednews.com/article/alison_killing/satellite-images-investigation-xinjiang-detention-camps; Kelsey Munro, “Xinjiang Data Project website launch,” Australian Strategic Policy Institute, September 25, 2020, <https://www.aspi.org.au/news/xinjiang-data-project-website-launch>.

⁹⁵ US Department of Defense, *Assistant Secretary of Defense for Indo-Pacific Security Affairs Schriver Press Briefing on the 2019 Report on Military and Security Developments in China*. Several months earlier, State Department Deputy Assistant Secretary for Democracy, Human Rights and Labor Scott Busby referenced “at least 800,000, and possibly more than 2 million” people who had been detained since April 2017. *Testimony of Deputy Assistant Secretary Scott Busby, Before the Subcommittee on East Asia, The Pacific, And International Cybersecurity Policy, 115th Congress, 1–7 (2018)* (Scott Busby, Dept. Asst. Secretary, Bureau of Democracy, Human Rights and Labor),

https://www.foreign.senate.gov/imo/media/doc/120418_Busby_Testimony.pdf. There are no indications that the detention figures have decreased since those statements were made.

have been for longer terms. Many Uyghurs are charged and sentenced for offenses related to ordinary activities, including religious expression.⁹⁶

The Chinese government initially denied the existence of the extensive detention center network. When faced with irrefutable evidence, the government argued that these were “re-education” or “vocational-training” centers. In November 2019, leaked official Chinese documents came to light that provided instructions to government officials regarding the implementation of the mass detention and surveillance scheme (referred to as the “China Cables”).⁹⁷ Days later, an additional document was leaked, containing data about Uyghurs who were detained, including the government’s reasoning for keeping or releasing a person from detention (referred to as the “Karakax List”).⁹⁸

Between one and three million people are estimated to have been detained for some period of time.

The Karakax List provides information as to why Uyghurs are being detained—due to non-criminal expressions of their culture and religion, such as “having religious marriage rites,” or “donating to a mosque”—and demonstrates targeting based on their ethno-religious practices.⁹⁹ This targeting is exacerbated by the fact that China’s legal system uses a “presumption of guilt”¹⁰⁰ as well as “guilt by association.” For example, Uyghurs were put into detention based solely on having a family member who was separately detained.¹⁰¹

While detained, Uyghurs are forced to participate in what the Chinese authorities refer to as “transformation through education,” to strip away Uyghur culture and their Islamic faith and replace it with a Han Chinese culture and CCP ideology. This includes forcing detainees to learn community songs, take classes in Mandarin, and obey rules prohibiting Islamic practices. President Xi has referred to the need to eradicate “viruses of the mind” through “a period of painful, interventionary treatment.”¹⁰²

⁹⁶ “China: Baseless Imprisonments Surge,” Human Rights Watch.

⁹⁷ Bethany Allen-Ebrahminian, “Exposed: China’s Operating Manuals for Mass Internment and Arrest by Algorithm,” *International Consortium of Investigative Journalists*, November 24, 2019, <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm>; Scilla Alecci, “How China Targets Uighurs ‘One by One’ For Using A Mobile App,” *International Consortium of Investigative Journalists*, November 24, 2019, <https://www.icij.org/investigations/china-cables/how-china-targets-uighurs-one-by-one-for-using-a-mobile-app/>.

⁹⁸ For the underlying PDF and an analysis of this document, see Zenz, “The Karakax List.”

⁹⁹ Zenz, “The Karakax List,” section 4.2.4.

¹⁰⁰ As opposed to the “presumption of innocence.”

¹⁰¹ Zenz, “The Karakax List,” section 3.5.

¹⁰² Austin Ramzy and Chris Buckley, “The Xinjiang Papers, ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims,” *New York Times*, November 16, 2019, <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

In 2018, the UN Office of the High Commissioner for Human Rights (OHCHR) stated, “it is alleged that no formal charges are laid against detainees, who are also not provided access to legal remedies, are denied contact outside the centers, and are held for unspecified periods of time which [are] tantamount to enforced disappearance and arbitrary detention.”¹⁰³ In November 2019, over 400 leaked internal Chinese government documents revealed that, when faced with questions about whether detained relatives had committed a crime, officials were instructed to say that they had not: “It is just that their thinking has been infected by unhealthy thoughts.”¹⁰⁴

As discussed below, some detainees in the camp system are dispatched to work in factories and farms, some of which are physically connected to or located very close to the camps themselves. In some cases, those held in detention centers are sentenced and transferred to conventional prisons. An analysis of government documents, public sentencing records, and testimonies collected by the Xinjiang Victims Database indicated that “at least three hundred thousand more people received prison sentences between 2017 and 2019 than in typical previous years,” with families learning that relatives were serving long sentences for “offenses such as ‘propagating extremism’ (fourteen years) and ‘picking quarrels and provoking trouble’ (nineteen years).”¹⁰⁵



A guard stands in a watchtower of Kashgar prison in Kashgar, Xinjiang Uyghur Autonomous Region, China, May 3, 2021. *REUTERS/Thomas Peter*

¹⁰³ Elina Steinerte et al., Internal Communication Form, CHN 21/2018, Geneva: OHCHR, 2018. Online, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24182>.

¹⁰⁴ Ramzy and Buckley, “The Xinjiang Papers.”

¹⁰⁵ Mauk, “Inside Xinjiang’s Prison State.”

Torture and ill-treatment

Physical and psychological violence suffered by Uyghur detainees at the hands of the detention center authorities is well documented. Survivors have reported being beaten, whipped with cables, hung from ceilings and walls, stomped, forced into stress positions, placed in solitary confinement, subjected to electric shocks and prolonged shackling, forcibly deprived of sleep for extended periods, and deprived of food.¹⁰⁶ These methods of torture were echoed in an account provided by a former police officer involved in interrogating detainees.¹⁰⁷ Some reports describe Uyghurs dying while in custody.¹⁰⁸

In a hearing before the US Congressional-Executive Commission on China, Mihrigul Tursun, a Uyghur woman, provided the following testimony: “I was taken to a special room and placed in a highchair. Bands held my arms and legs in place and tightened when they pressed a button. The guards put a helmet on my shaved head. Each time I was electrocuted my whole body would shake violently, and I could feel the pain in my veins. I thought I would rather die than go through this torture.”¹⁰⁹ The same survivor testified that, while detained, she was stripped naked and forced to undergo a medical examination. She also recounted horrific detention conditions, including being chained at the wrist and ankles to dozens of women and held together in a 420-square-foot underground cell, with no toilet facilities and only a small opening in the ceiling for ventilation. The experience, she said, left her with lasting trauma.

“I thought I would rather die than go through this torture.”

Mihrigul Tursun, Uyghur detention center survivor

¹⁰⁶ “Eradicating Ideological Viruses,” Human Rights Watch; Gerry Shih, “China’s mass indoctrination camps evoke Cultural Revolution,” *Associated Press News*, May 17, 2018, <https://apnews.com/6e151296fb194f85ba69a8babd972e4b>; Ruth Ingram, “Confessions of a Xinjiang Camp Teacher,” *The Diplomat*, August 17, 2020, <https://thediplomat.com/2020/08/confessions-of-a-xinjiang-camp-teacher/>;

Ivan Watson and Rebecca Wright, “Allegations of shackled students and gang rape inside China’s detention camps,” *CNN*, February 19, 2021, <https://edition.cnn.com/2021/02/18/asia/china-xinjiang-teacher-abuse-allegations-intl-hnk-dst/index.html>.

¹⁰⁷ Rebecca Wright, Ivan Watson, Zahid Mahmood and Tom Booth, “‘Some are just psychopaths’: Chinese detective in exile reveals extent of torture against Uyghurs,” *CNN*, October 5, 2021, <https://edition.cnn.com/2021/10/04/china/xinjiang-detective-torture-intl-hnk-dst/index.html>.

¹⁰⁸ Shohret Hoshur, “At Least 150 Detainees Have Died in One Xinjiang Internment Camp: Police Officer,” *Radio Free Asia*, October 29, 2019, <https://www.rfa.org/english/news/uyghur/deaths-10292019181322.html>;

Ingram, “Confessions of a Xinjiang Camp Teacher”; “Break Their Lineage,” Human Rights Watch, which states that, “[n]umerous deaths in detention or shortly after release from custody have been reported since 2018.”

¹⁰⁹ US Congressional-Executive Commission on China, *The Communist Party’s Crackdown on Religion in China Hearing Before the Congressional-executive Commission On China*, Mihrigul Tursun. Washington, DC: Congress.gov, 2018. Online, <https://www.congress.gov/event/115th-congress/house-event/LC64946/text?s=1&r=81>.

Another former detainee stated that he was held in a metal outfit for 12 hours and was unable to move his head during that time.¹¹⁰ Detainees also reported being subjected to sexual torture, discussed below, during interrogations.

The torture and conditions of detention suffered by detainees, as well as the indefinite length of the detentions, have caused psychological harm. Those who were released described suicide attempts by fellow detainees, as well as the lasting trauma of those who survived.¹¹¹

Forced sterilization and other birth prevention measures

For decades, the Chinese government has been known for its highly restrictive national birth control policies, most notably for its “one-child-per-family” quota. Instituted in 1979, it was amended in January 2016 to allow each couple to have two children.¹¹² This policy—which aimed at poverty alleviation and broader economic development—was directed toward Han Chinese couples, while couples from ethnic minorities were initially treated with greater leniency. In July 2017, a uniform policy was devised and implemented, permitting two children per household in urban areas and three per household in rural areas, regardless of ethnicity.¹¹³ The Chinese government’s implementation of the various iterations of its birth control policies have been characterized by horrific conduct committed against minority communities and the majority Han Chinese. These include forced abortions, including of late-term pregnancies, forced IUD placement, and involuntary sterilizations.¹¹⁴

As part of the “Strike Hard” campaign that began in mid-2014, national authorities focused on restricting births within Uyghur and other Turkic Muslim communities. Official government documents suggests that the CCP views larger families within the Turkic Muslim communities as both being a result of, and a catalyst for, religious extremism and “splittism.”¹¹⁵ In practice, the 2017 policy shift disproportionately impacted minority communities and has led to a sharp decrease in Uyghur birth rates, both in absolute terms and relative to the birth rates of the Han Chinese community in Xinjiang.

¹¹⁰ “Eradicating Ideological Viruses,” Human Rights Watch.

¹¹¹ “Eradicating Ideological Viruses,” Human Rights Watch.

¹¹² William Yang, “How has the one-child policy affected China?” *DW*, August 19, 2018, <https://www.dw.com/en/how-has-the-one-child-policy-affected-china/a-44749604>.

¹¹³ Joseph Hincks, “China’s Restive Xinjiang Province Changes Family Planning Rules to ‘Promote Ethnic Equality,’” *Time*, August 1, 2017, <https://time.com/4881898/china-xinjiang-uyghur-children/>.

¹¹⁴ Michael Weisskopf, “One Couple, One Child: Abortion Policy Tears at China’s Society,” *Washington Post*, January 7, 1985, <https://www.washingtonpost.com/archive/politics/1985/01/10/one-couple-one-child/0568abce-b2b8-4437-861f-5dc7b797efa4/>; “China forced abortion photo sparks outrage,” *BBC News*, June 14, 2012, <https://www.bbc.com/news/world-asia-china-18435126>; *Forced Abortion and Sterilization in China: A View from the Inside, Before the Subcommittee on International Operations and Human Rights of the House Committee on International Relations*, 105th Cong., June 10, 1998, http://commdocs.house.gov/committees/intlrel/hfa49740.000/hfa49740_of.htm.

¹¹⁵ Zenz, “Sterilizations, IUDs, and Mandatory Birth Control.”

Prior to 2017, the Chinese government had relied on providing cash incentives to Uyghur and other minority communities to have fewer births.¹¹⁶ After 2017, it shifted to more coercive approaches to reducing births. This included the leveraging of hefty fines, with non-payment resulting in incarceration. There is information to suggest, however, that only Turkic Muslims are detained in camps if unable to pay the fine.¹¹⁷ The violation of the CCP birth control policy has been a significant driver of the mass incarceration of Xinjiang’s Uyghur community: in the Karakax List, the most common reason for detention was “excess births.”¹¹⁸

Following the end of the “one-child” policy, the number of sterilization procedures carried out on women across China plummeted—with the exception of Xinjiang. In 2017 and 2018, the number of sterilizations in Xinjiang increased sharply, “despite Turkic Muslim communities’ traditional reticence toward such procedures.”¹¹⁹

Between 2014 and 2018 the rate of placement of IUDs, a form of birth control, in Xinjiang also rose dramatically. In 2014, just over 200,000 IUDs were inserted in women in Xinjiang; by 2018, that figure had increased by more than 60 percent to nearly 330,000 IUDs, with this rise taking place at a time when everywhere else in China, women in Han-majority areas were getting the devices removed.¹²⁰

In 2019, the Chinese government set in motion its “Special Action Plan of the ‘Two Thorough Investigations’ of Illegal Births,” mandating counties to implement intrusive birth control measures, notably IUD placements and permanent sterilizations.¹²¹ In the same year, the Xinjiang provincial government planned to either sterilize or place IUDs in at least 80 percent of women of child-bearing age in four prefectures where the Uyghur population is most concentrated.¹²² Consistent with the reasons for detention given in the Karakax List, Uyghur and other Turkic Muslim women reported that they were threatened with detention if they refused to submit to these procedures.¹²³ Chinese government officials justified this campaign by linking high birth rates with religious extremism.¹²⁴

In line with the CCP’s Special Action Plan, state authorities in Xinjiang moved aggressively to order women in Xinjiang to have IUDs inserted. In Bayingol prefecture, authorities ordered “all

¹¹⁶ “Xinjiang’s first batch of more than 30,000 farmers and herdsmen benefited from the ‘fewer births, faster prosperity’ project (新疆首批3万多户农牧民受益‘少生快富’工程),” *Xinhuanet*, April 2007, <https://archive.is/cm36P>; “70 counties and cities in Xinjiang enjoy special incentives and assistance for rural family planning families (新疆70县市享受农村计划生育家庭特殊奖励扶助),” *China News Network*, May 2011, <https://archive.is/kur33>, quoted in Ruser and Leibold, “Family de-planning,” 17.

¹¹⁷ “China Cuts Uighur Births with IUDs, Abortion, Sterilization,” *Associated Press News*, June 29, 2020, <https://apnews.com/269b3de1af34e17c1941a514f78d764c>.

¹¹⁸ “‘Ideological Transformation’: Records of Mass Detention From Qaraqash, Hotan,” Uyghur Human Rights Project, February 2020, 10, https://docs.uhrp.org/pdf/UHRP_QaraqashDocument.pdf. Notably, the limited data provided in the Karakax List suggests that while men listed were detained for this violation, their wives were not.

¹¹⁹ “Break Their Lineage,” Human Rights Watch.

¹²⁰ “China cuts Uighur births,” *Associated Press News*.

¹²¹ Zenz, “Sterilizations, IUDs, and Coercive Birth,” sections 2.1.–2.3.

¹²² *Ibid.*, 2–3, 12.

¹²³ *Ibid.*, 1, 15.

¹²⁴ *Ibid.*, section 1.2.

[women] that meet IUD placement conditions and are without contraindications must have [IUDs] placed immediately.”¹²⁵ While commonly regarded as a temporary birth prevention measure, Uyghur women fitted with IUDs reported that they are only removable via a surgical procedure, and that they face prison terms or fines if IUDs are removed by medical personnel not approved by the state,¹²⁶ raising the concerning possibility that they function as a long-term birth control measure in women and girls of child-bearing age. Given the highly coercive environment in which these policies are enacted, it is unlikely that Uyghur women have an effective way to refuse the procedure, and there are reports that women who do refuse are detained.¹²⁷

Testimonies of former detainees and at least one detention center employee, former Xinjiang residents, and the CCP’s own documents suggest that “hundreds of thousands of Turkic Muslim women have been subjected to mandatory pregnancy checks, forcible insertion of intrauterine devices (IUDs), and forced sterilizations and abortions: practices that rose sharply in Xinjiang even as they had fallen to very low levels in China nationwide.”¹²⁸ Uyghur and Kazakh women held in detention centers report being subjected to forced sterilizations and IUD placements while in detention.¹²⁹ After being released and leaving China, some survivors stated that they were medically examined and found to be sterile.¹³⁰

There are also more limited public reports of Uyghur women forced to undergo abortions. Three Kazakh women, also members of Xinjiang’s Turkic Muslim community described being forced to terminate their pregnancies by the authorities in Xinjiang.¹³¹ Survivors who were pregnant at the time of detention also reported being kicked in the stomach and forced to abort their pregnancies.¹³²

The Chinese government’s assault on the regenerative capacity of the Uyghurs and other Turkic Muslims has focused on the reproductive capacity of female members of the groups, underscoring the fact that men and boys are often not considered as reproductive agents in the same way that women and girls are. At the time of writing, there is no clear indication of a policy of curtailing the reproductive capacity of male members of the targeted communities.

¹²⁵ Ibid., 13; “Break Their Lineage,” Human Rights Watch.

¹²⁶ Zenz, “Sterilizations, IUDs, and Mandatory Birth Control,” 14.

¹²⁷ Gulchehra Hoja, “Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications,” *Radio Free Asia*, August 3, 2020, <https://www.rfa.org/english/news/uyghur/women-08032020140148.html>.

¹²⁸ Smith Finley, “Why Scholars and Activists,” 348–70; See also, “China cuts Uighur births,” *Associated Press News*.

¹²⁹ “China cuts Uighur births,” *Associated Press News*.

¹³⁰ Ibid.

¹³¹ Amie Ferris-Rotman et al., “China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture,” *Independent*, October 6, 2019, <https://www.independent.co.uk/news/world/asia/china-uyghur-muslim-women-abortion-sexual-abuse-genocide-a9144721.html>; Amie Ferris-Rotman, “Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals,” *Washington Post*, October 6, 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.

¹³² “China cuts Uighur births,” *Associated Press News*.

Impact on birth rate of Xinjiang's Uyghur community

The Chinese government has explicitly set birth rate targets for the Uyghur-majority areas of southern Xinjiang that are among the lowest in the world.¹³³ Already the cumulative impact of the Chinese government's birth control policies has been significant, with population growth in the two largest Uyghur prefectures in Xinjiang falling by 84 percent between 2015 and 2018.¹³⁴ Hotan county in southern Xinjiang, where the population is 99 percent Uyghur, saw a 70.8 percent drop in the birth rate recorded between 2012 and 2018.¹³⁵

A comparison of the 2018 birth rates in the eight districts of Urumqi, Xinjiang's regional capital, proves revealing. All six of the Han-majority districts have recorded a rise in birth rates, with two districts reporting rises of 50 and 60 percent.¹³⁶ In the two districts of Dabancheng and Urumqi County, where Uyghurs and other Turkic Muslim groups form the majority, the birth rate declined by 17.34 percent and 9.9 percent, respectively. In June 2021, Nathan Ruser, co-author of the May 2021 Australian Strategic Policy Institute paper "Family de-planning: The coercive campaign to drive down indigenous birth-rates in Xinjiang," provided a written submission to the Uyghur Tribunal, stating,

[F]or 2018, the Han-majority counties had a birth-rate that stayed effectively stable since the crackdown, with a total of around 300 more children born in 2018 than would be expected from the 2011–2015 pre-crackdown baseline figures. Meanwhile, counties with a majority population of indigenous nationalities (namely Uyghurs) saw over 160,000 fewer children born than could be expected. Partial data suggests this trend has worsened for 2019 and 2020.¹³⁷

In 2019, at least 186,400 fewer children were born in Xinjiang compared to what would have been expected if birth rates had remained static at the pre-2017 baseline, with "roughly 95 percent of Xinjiang's missing births" appearing to be in indigenous-majority counties.¹³⁸ Following 2017's new birth control directive, the *Xinjiang Statistical Yearbook* no longer reports county-level birth rate data for the various ethno-religious communities, rendering it impossible to track comparative birth rates.

¹³³ Ruser and Leibold, "Family de-planning," 19.

¹³⁴ Zenz, "Sterilizations, IUDs, and Mandatory Birth Control," 2.

¹³⁵ Ruser and Leibold, "Family de-planning," 11.

¹³⁶ Ruser and Leibold, "Family de-planning," 15.

¹³⁷ Nathan Ruser, "Written Submission to Uyghur Tribunal – Summary," Uyghur Tribunal, June 5, 2021, <https://uyghurtribunal.com/wp-content/uploads/2021/06/06-1035-IUN-21-Nathan-Ruser-Family-De-Planning-English.pdf>.

¹³⁸ Ruser and Leibold, "Family de-planning," 15.

In such a coercive environment, it is unlikely that any Uyghur woman can be said to have voluntarily consented to these procedures.

While the Chinese government does not dispute the birth rate reductions in Xinjiang, or that it is instituting a policy of sterilization and IUD implantation, it argues that “those who complied with the family planning policies did so voluntarily.”¹³⁹ These policies must, however, be considered within the overall oppressive context that exists in Xinjiang, including notably the ever-present threat of detention and consequent family separations. Uyghur women have testified that doctors have sterilized or fitted them with IUDs in detention or that they submitted to these procedures outside of detention facilities because they were told that refusal constituted grounds for being placed in a detention center. In such a coercive environment, it is unlikely that any Uyghur woman can be said to have voluntarily consented to these procedures. The disproportionate and significant rate of birth reductions in Uyghur-majority areas of Xinjiang suggests that this policy currently targets the Uyghur community specifically.

With China facing a population crisis due to low birth rates, it has sought to increase its fertility rates generally, with a 2021 working paper of the People’s Bank of China stating, “education and technical progress cannot compensate for the decline in population. In order to achieve the long-term goals in 2035, China should fully liberalise and encourage childbirth.”¹⁴⁰ The Chinese government’s aggressive efforts to substantially reduce Uyghur and other Turkic Muslim births in Xinjiang are distinctly out of the step with national policy and concerns.

Sexual violence

Female former detainees have spoken of the systematic use of rape, sexual abuse, and torture of women held inside the detention centers by agents of the Chinese government.¹⁴¹ A female detainee detailed having suffered multiple gang-rapes and electric shocks to her genitalia, and witnessing camp authorities taking women from her cell to be raped.¹⁴² Another Uyghur woman,

¹³⁹ Ivan Watson, Rebecca Wright, and Ben Westcott, “Xinjiang government confirms huge birth rate drop but denies forced sterilization of women,” *CNN*, September 21, 2020,

<https://www.cnn.com/2020/09/21/asia/xinjiang-china-response-sterilization-intl-hnk/index.html>.

¹⁴⁰ Ruser and Leibold, “Family de-planning,” 19.

¹⁴¹ “Break Their Lineage,” Human Rights Watch. See also, Matthew Hill, David Campanale, and Joel Gunter, “‘Their goal is to destroy everyone’: Uighur camp detainees allege systematic rape,” *BBC News*, February 2, 2021, <https://www.bbc.com/news/world-asia-china-55794071>. The use of sexual violence as a method of torture of Uyghur prisoners followed earlier documented practice, with Amnesty International first reporting Uyghur prisoners being sexually tortured in Chinese government detention as early as April 1999. “People’s Republic of China,” Amnesty International. In the June 2021 hearings before the Uyghur Tribunal, a Uyghur man recounted being subjected to sexual violence shortly after being detained in Kashgar city in August 2013. Abdulweli Ayub, “Abdulweli Ayub: Full statement,” Uyghur Tribunal, June 7, 2021, <https://uyghurtribunal.com/wp-content/uploads/2021/06/04-1710-IUN-21-UTFW-013-Abduweli-Ayup-Eng-lish-1.pdf>.

¹⁴² “Break Their Lineage,” Human Rights Watch.

detained in Xinjiang for the second time in March 2018, detailed the sustained sexual and physical violence she suffered there:

a Han policeman came and kicked me directly in the head, and I fell down, and he kept kicking me in the stomach and head, and I felt that my stomach was split open. He cursed me and kicked me, he said all these Uyghur are like this, they should be treated like this, and then he kept kicking me, and then I passed out. I woke up and found myself in my own cell. I felt like I was going to die, and I felt like my whole insides were splitting open. My roommates took me to the bathroom, and I saw that I was bleeding constantly. My roommates ran to the police and told them that I was bleeding constantly, and the police didn't care, saying that it was normal ...

Even though I was in that situation, they took me in for questioning ... there were three police officers, and they did that to me, and once they did it together, and I have no words to describe the inhuman cruelty of the violence, they didn't just beat me, and they didn't just satisfy their sexual desires, I remember clearly, they did that to me three times, and once they used those iron bars, electric shock wands. They raped me by inserting iron bars, electric batons, and other equipment into my genitals ... For my own sexual assault, once by them with these electric rods, iron bars and other devices, and three times by them artificial rape. The first time, I was raped by all three of them together. I remember it very clearly. I can't cry and I can't die ... my soul and heart are dead.¹⁴³

Another female detainee, a woman from Urumqi, also described seeing camp guards taking “pretty girls” out of the cells at night.¹⁴⁴ Former detainees have also spoken of being forced to strip or restrain the hands of the victims.¹⁴⁵ Male and female detainees have shared accounts of being raped using electrified sticks.¹⁴⁶ Forced sterilization and forced placement of IUDs also constitute acts of sexual violence.¹⁴⁷

Documentation of the commission of rape and other acts of sexual violence remains challenging due to the stigma faced by both female and male survivors who come forward, and the Chinese government's actions to restrict access to survivors and others in Xinjiang. As a result, it is difficult to assess the true scale of the violence suffered.

¹⁴³ Tursunay Ziyawudun, “Witness Statement: Tursunay Ziyawudun,” Uyghur Tribunal, June 5, 2021, <https://uyghurtribunal.com/wp-content/uploads/2021/06/05-1400-JUN-21-UTFW-019-Tursunay-Ziyawudun-English.pdf>.

¹⁴⁴ Zumret Dawut, “Witness Statement: Zumret Dawut,” Uyghur Tribunal, June 5, 2021, <https://uyghurtribunal.com/wp-content/uploads/2021/06/05-1450-JUN-21-UTFW-020-Zumret-Dawut-English.pdf>.

¹⁴⁵ Hill, Campanale, and Gunter, “‘Their goal is to destroy everyone’”; Watson and Wright, “Allegations of shackled students.”

¹⁴⁶ Steve Chao, “Exposed: China’s Surveillance of Muslim Uighurs,” *Al Jazeera*, February 1, 2019, <https://www.aljazeera.com/features/2019/2/1/exposed-chinas-surveillance-of-muslim-uighurs>; “Break Their Lineage,” Human Rights Watch.

¹⁴⁷ “The Hague Principles on Sexual Violence,” Women’s Initiatives for Gender Justice, <https://4genderjustice.org/test1/>.

Forced labor and forcible transfer

Forced labor as a general form of punishment and “re-education” has a long history in China, most notably through the notorious Laogai system of prisons, factories, and farms.¹⁴⁸ While the Chinese government claims that this national system was shut down in 1994, the CCP continues to force Uyghurs to work, notably in China’s cotton and textile industries.

As early as 2006, the Chinese government instituted “labor transfer” policies, under which ethnic minority communities were placed into jobs in Xinjiang and across China, ostensibly for the purposes of poverty alleviation. In the post-2017 period, however, a surge in ethnic minorities, including Uyghurs, being transferred around the country to work in factories and on farms has been documented, with increasing indications that these labor transfers are occurring under highly coercive conditions.

It has been conservatively estimated that more than 80,000 Uyghurs were transferred out of Xinjiang to work in factories across China between 2017 and 2019, with some of them being sent directly from detention centers.

Industrial parks have been set up near detention centers, or are physically connected to them.¹⁴⁹ According to documents in the Karakax List, compliance with “work” assignments is a factor for determining whether a person is “trustworthy,” with a negative finding on “trustworthiness” forming the basis for being placed in a detention center or a new term of continued detention.¹⁵⁰ The United States Department of Labor’s Bureau of International Labor Affairs stated that, in one detention center in Kashgar, Xinjiang, “Uyghur detainees work as forced laborers to produce textiles. They receive little pay, are not allowed to leave, and have limited or no communication with family members.”¹⁵¹

Recently released detainees have also described being used as forced labor.¹⁵² It is estimated that “at least 100,000 ex-detainees in Xinjiang could be working in conditions of forced labor.”¹⁵³

¹⁴⁸ “The Laogai System,” Laogai Research Foundation, <https://laogairesearch.org/laogai-system/>.

¹⁴⁹ Shohret Hoshur, “Internment Camp Assigned Uyghur Forced Laborers to Xinjiang Textile Factory: Official,” *Radio Free Asia*, November 14, 2019, <https://www.rfa.org/english/news/uyghur/laborers-11142019142325.html>.

¹⁵⁰ Zenz, “The Karakax List.”

¹⁵¹ US Department of Labor, *Against Their Will: The Situation in Xinjiang*, Washington, DC: Bureau of International Labor Affairs, 2020, <https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang>.

¹⁵² Zenz, “The Karakax List;” See also, VanderKlippe, “I felt like a slave.”

¹⁵³ Amy Lehr, “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains,” Center for Strategic and International Studies, October 16, 2019,

Uyghurs and other Turkic Muslims from Xinjiang have been forcibly transferred to work in factories in other Han-majority areas of China. It has been conservatively estimated that more than 80,000 Uyghurs were transferred out of Xinjiang to work in factories across China between 2017 and 2019, with some of them being sent directly from detention centers.¹⁵⁴ A government program called Xinjiang Aid has been documented as transferring more than 150,000 “surplus rural workers” to jobs outside the region since 2018.¹⁵⁵

While officials claimed the laborers were migrant volunteers, not detainees, “one notice described the conditions under which the migrant laborers live and work as ‘concentrated, closed-off, military-style management.’”¹⁵⁶ Uyghurs and other Turkic Muslims transferred to work in factories in other areas of China “typically live in segregated dormitories, undergo organized Mandarin and ideological training outside working hours, are subject to constant surveillance, and are forbidden from participating in religious observances.”¹⁵⁷ Government documents reportedly show that transferred workers are assigned minders and have limited freedom of movement.¹⁵⁸

Transfer of Uyghur children

In November 2016, Chen Quanguo, Party Secretary of Xinjiang, issued an order that all “orphans” in Xinjiang should be placed in state institutions by 2020.¹⁵⁹ This included children whose parents had been detained. Given the disproportionate detention of Uyghurs in Xinjiang, this had a significant impact on this community.

Uyghur infants as young as a few months old have been removed from their families.

Since early 2018, state authorities have mandated special treatment for Uyghur children of “couples where both partners are detained in re-education ... [or] in vocational training center[s].”¹⁶⁰ Such children are classified as constituting a “special needs category” who are

<https://www.csis.org/analysis/connecting-dots-xinjiang-forced-labor-forced-assimilation-and-western-supply-chains>.

¹⁵⁴ Vicky Xiuzhong Xu et al., “Uyghurs for Sale,” Australian Strategic Policy Institute, March 1, 2020, <https://www.aspi.org.au/report/uyghurs-sale>.

¹⁵⁵ Mauk, “Inside Xinjiang’s Prison State.”

¹⁵⁶ Mauk, “Inside Xinjiang’s Prison State.”

¹⁵⁷ Xiuzhong Xu et al., “Uyghurs for Sale.”

¹⁵⁸ Xiuzhong Xu et al., “Uyghurs for Sale.”

¹⁵⁹ “China: Children Caught in Xinjiang Crackdown,” Human Rights Watch, October 16, 2018, <https://www.hrw.org/news/2018/10/16/china-children-caught-xinjiang-crackdown>.

¹⁶⁰ Adrian Zenz, “Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang,” *Journal of Political Risk* 7, no. 7 (July 2019), <http://www.jpolarisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/>.

entitled to be placed in “centralised care.”¹⁶¹ Uyghur infants as young as a few months old have been removed from their families.¹⁶² An unknown number of children who had been left in the care of extended families following the detention of their parents have been forcibly removed to state institutions. Reports indicate that authorities in certain areas of Xinjiang have imposed quotas for the number of orphans who must be institutionalized.¹⁶³

Uyghur children who cannot be classified as “orphans” have been forcibly transferred to full-time boarding schools, without the consent of their parents and where their parents have limited visiting rights.¹⁶⁴ Parents and other family members serving as children’s guardians indicated that they were threatened with being sent to detention centers if they resisted the removal of their children and their transfer to these schools.¹⁶⁵ While held there, the children are prevented from practicing their Muslim faith, and are forbidden to use their own language, forcing them to learn Mandarin, thereby erasing the practice of Uyghur culture and religions in the community’s younger generations.¹⁶⁶

The Xinjiang regional government has invested in the building of orphanages and boarding schools: between 2017 and 2018, it published procurement notices to build or expand at least 45 institutions with collectively enough beds to house 5,000 children.¹⁶⁷ In a 2020 resolution, the European Parliament referred to the findings of research suggesting that, by the end of 2019, over 880,000 Uyghur children had been placed in boarding facilities.¹⁶⁸

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ “China: Xinjiang Children Separated from Families,” Human Rights Watch, September 15, 2019, <https://www.hrw.org/news/2019/09/15/china-xinjiang-children-separated-families>; Human Rights Watch, “China: Children Caught in Xinjiang Crackdown.”

¹⁶⁴ Human Rights Watch, “China: Xinjiang Children Separated.”

¹⁶⁵ 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>.

¹⁶⁶ Human Rights Watch, “China: Xinjiang Children Separated”; “China is putting Uighur children in ‘orphanages’ even if their parents are alive,” *Independent*, September 21, 2018, <https://www.independent.co.uk/news/world/asia/china-uighurs-human-rights-muslims-orphanages-xinjiang-province-reeducation-a8548341.html>.

¹⁶⁷ “China is putting Uighur children in ‘orphanages’,” *Independent*.

¹⁶⁸ European Parliament, *Resolution on forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region*, 2020/2913 (RSP), Strasbourg: Legislative Observatory, 2020. para D, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2020/2913\(RSP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2020/2913(RSP)).



Uyghur American activist Ferkat Jawdat holds a photo of his mother, who was detained and later released in Xinjiang, China.
US Holocaust Memorial Museum

Crimes under International Law

The Museum is gravely concerned that the Chinese government may be committing genocide against the Uyghurs. Publicly available information establishes that there is a reasonable basis to believe crimes against humanity are being committed. The Chinese government must halt these crimes—the seriousness of which demands the immediate response of the international community to protect the victims.

This information triggers the legal obligation, binding on all states, to take appropriate action to prevent or halt genocide, as well as the international community’s responsibility to protect victims of genocide and crimes against humanity.

To date, the Chinese government has issued blanket denials when faced with allegations of violations of international law committed against the Uyghurs of Xinjiang.

Crimes against humanity

Crimes against humanity, which can be committed in war and in peace, are recognized as “unimaginable atrocities that deeply shock the conscience of humanity.”¹⁶⁹ A crime against humanity occurs when a person or persons commits one of the specific acts enumerated in Article 7 of the Rome Statute, as part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack.¹⁷⁰

An “attack” must be committed “pursuant to or in furtherance of a State or organizational policy to commit such attack” and requires that “the State or organization actively promote or encourage such an attack against a civilian population.”¹⁷¹ It is not required that the policy be adopted by the highest level of the State; policies adopted by regional or local State organs could be sufficient.

“Widespread” refers to the large-scale nature of an attack, primarily reflected in the number of victims.¹⁷² “Systematic” refers to the organized nature of the acts of violence and the recurrence of similar criminal conduct on a regular basis. It involves “a pattern or methodical plan” that is “thoroughly organized and following a regular pattern.” Only the attack as a whole, not the individual acts, must be widespread or systematic.¹⁷³ The acts must be “part of”—and not simply coincide with—the widespread or systematic attack directed against a civilian population. In addition to the intent to commit the underlying crime, the person or persons responsible must be found to know of the broader context in which their actions occur.

Based on the information reviewed in this report, there are reasonable grounds to believe that the Chinese government has directed a widespread and systematic attack against the Uyghur population of Xinjiang. The attack, which is directed toward the Uyghur civilian population with no evidence of any attempt to target individuals affiliated to any armed groups, comprises the arrest and detention without charge of members of the Uyghur community; the physical abuse

¹⁶⁹ UN General Assembly, *Rome Statute of the International Criminal Court*. July 12, 1999, Preamble. Online, https://legal.un.org/icc/statute/99_corr/preamble.htm. Under international customary law, the notion of crimes against humanity has evolved, aided significantly by the jurisprudence arising from the international criminal tribunals, including the ICC, the International Criminal Tribunal for the former Yugoslavia, and the International Criminal Tribunal for Rwanda.

¹⁷⁰ ICC, *Elements of Crimes*, The Hague, The Netherlands: ICC, 2011, art. 7(1)(h). Online, <https://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf>.

¹⁷¹ UN General Assembly, *Rome Statute*, art. 7(2); ICC, *Elements of Crimes*, art. 7, Crimes Against Humanity Introduction.

¹⁷² *The Prosecutor v. Akayesu*, ICTR-96-4-T, Trial Judgement, International Criminal Tribunal for Rwanda, September 2, 1998, para. 579-580, <https://unictir.irmct.org/sites/unictir.org/files/case-documents/ict-96-4/trial-judgements/en/980902.pdf>; *The Prosecutor v. Rutaganda*, ICTR-96-3-T, Trial Judgement and Sentence, December 6, 1999, para. 67-69, <https://unictir.irmct.org/sites/unictir.org/files/case-documents/ict-96-3/trial-judgements/en/991206.pdf>; *The Prosecutor v. Musema*, ICTR-96-13-A, Trial Judgement and Sentence, January 27, 2000, para. 204, <https://unictir.irmct.org/sites/unictir.org/files/case-documents/ict-96-13/trial-judgements/en/000127.pdf>.

¹⁷³ *Prosecutor v. Blaškić*, IT-95-14-A, Appeals Judgement, July 29, 2004, para. 101, <https://www.icty.org/x/cases/blaskic/acjug/en/bla-aj040729e.pdf>; *Prosecutor v. Kunarac, Kovac, and Vuković*, IT-96-23 & IT-96-23/1-A, Appeals Judgement, June 12, 2002, para. 93-96, <https://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf>; *Prosecutor v. Brđanin*, IT-99-36-T, Trial Judgement, September 1, 2004, para. 135-6, <https://www.icty.org/x/cases/brdanin/tjug/en/brd-tj040901e.pdf>.

committed against them in detention; the forced sterilization of Uyghur women as well as the forced placement of IUDs; the forcible removal of Uyghur children; and the destruction of Uyghur cultural and religious property. There is also clear evidence, much of it coming from leaked Chinese government documents, that the aforementioned actions against the Uyghurs are committed in accordance with government policy.

This attack is widespread, occurring across Xinjiang, against a large number of victims, many of whom are or have been detained. The attack is also systematic, in that it is thoroughly organized and follows a regular pattern. Significant resources are used to construct and run a network of detention facilities and linked industrial parks. The large-scale nature of the attack also speaks to its systematic nature. The scale of the detention of Uyghurs and high rates of forced sterilization of Uyghur women relative to the Han Chinese majority is strongly indicative of senior political authorities at a regional and national level bearing responsibility for the widespread and systematic attack which is ongoing against the Uyghur civilian population of Xinjiang.

There is a reasonable basis to believe that the Chinese government is committing the following acts as crimes against humanity: persecution, imprisonment or other severe deprivation of physical liberty, torture, enforced sterilization, enslavement, and forcible transfer.

Persecution

The crime of persecution requires “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity,” based on “political, racial, national, ethnic, cultural, religious, gender . . . or other grounds that are universally recognized as impermissible under international law.”¹⁷⁴

The Chinese government has, through a myriad of ways, deprived the members of Xinjiang’s Uyghur community of their fundamental rights on the basis of their religious, ethnic, and cultural identity. These include the right to liberty and security of person; not to be held in slavery; to be free from torture and cruel, inhuman, or degrading treatment or punishment; to equality before the law and to equal protection from discrimination; to be free from arbitrary arrest and detention; and to be free of arbitrary interference with one’s privacy and family.

As discussed earlier, the Uyghur community has been subject to arbitrary arrest and detention. The mass incarceration is facilitated by a highly invasive system of mass surveillance used to identify and locate Uyghurs, itself a breach of the right to privacy and to security of person. As discussed above, the targeted communities have been subjected to torture while in the custody of state authorities, and have been forced to labor in highly coercive circumstances.

The forced sterilization and forced placement of IUDs is a severe violation of the rights to security of person, and to be free of arbitrary interference in their family life, as well as an attack on the bodily integrity and autonomy of female members of the Uyghur community.

The Chinese government is violating the Uyghur community’s fundamental rights with discriminatory intent based on their religious, ethnic, and cultural identity. Both law and practice

¹⁷⁴ UNGA, Rome Statute, art. 7(2)(g), 7(1)(h).

target expression of Uyghur religious and cultural identities, including regulating their appearance, the observance of religious rites and holidays, and prayer; and prohibiting the use of their own languages. Persecution can encompass the destruction of sites of religious and cultural heritage,¹⁷⁵ which has been widespread in Xinjiang.

The attack on Uyghur reproductive capacity is specifically directed toward Uyghur women, who—it is important to emphasize—are persecuted not only by reason of their ethnic, religious, and cultural identity, but also because of their gender.¹⁷⁶

Imprisonment or other severe deprivation of physical liberty

Under the Rome Statute, and taking the contextual elements discussed above as fulfilled, the crime requires the imprisonment or other severe deprivation of physical liberty, where the gravity of the conduct was such that it was in violation of the fundamental rules of international law. The crime requires a deprivation of liberty,¹⁷⁷ imposed arbitrarily (which is to say, without legal justification and/or due process of law), and that the act or omission leading to deprivation of liberty was committed with the intent to deprive a person arbitrarily of liberty,¹⁷⁸ or with knowledge that this is likely. Even if the severe deprivation of liberty is lawful in China, where it runs contrary to international law, it will still be arbitrary and can constitute a crime against humanity.

With between one to three million people estimated to have been held within a large detention camp network without legal justification and/or without due process, these are tantamount to arbitrary detentions. Moreover, where prisoners have been arrested, tried, and incarcerated on the basis of acts such as “splittism,” the definitions of which are vague or overly broad, and/or in trials which afford no due process, these imprisonments are also tantamount to arbitrary detentions.

Torture

Under the Rome Statute, torture as a crime against humanity requires the intentional infliction of severe pain and suffering, physical or mental, upon a person in the custody or under the control of the accused. While there is no definition of what is “severe,” “it is constantly accepted in applicable treaties and jurisprudence that an important degree of pain and suffering has to be

¹⁷⁵ *Prosecutor v. Dordević*, IT-05-87/1-A, Appeals Judgment, International Criminal Tribunal for the former Yugoslavia, January 27, 2014, paras. 557-559, <https://www.icty.org/x/cases/djordjevic/acjug/en/140127.pdf>.

¹⁷⁶ The ICC Office of the Prosecutor’s Policy on Sexual and Gender-Based Crimes states “It is important to view different types of discrimination as a totality, and not in isolation, as they can overlap with one another,” citing the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 28, which notes that, “The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity.” ICC Office of the Prosecutor, *Policy Paper on Sexual and Gender-Based Crimes*: June 2014, fn. 25, <https://www.icc-cpi.int/iccdocs/otp/otp-policy-paper-on-sexual-and-gender-based-crimes--june-2014.pdf>.

¹⁷⁷ *Prosecutor v. Kordic and Cerkez*, T-95-14, Trial Judgment, International Criminal Tribunal for the former Yugoslavia, February 26, 2001, para. 302, https://www.icty.org/x/cases/kordic_cerkez/tjug/en/kor-tj010226e.pdf.

¹⁷⁸ *Prosecutor v. Kordic and Cerkez*, T-95-14; *Prosecutor v. Krnojelac*, IT-97-25-T, Trial Judgment, International Criminal Tribunal for the former Yugoslavia, March 15, 2002, para. 115, <https://www.icty.org/x/cases/krnojelac/tjug/en/krn-tj020315e.pdf>.

reached.”¹⁷⁹ When assessing the seriousness of acts charged as torture, one “must take into account all the circumstances of the case, including the nature and context of the infliction of pain, the premeditation and institutionalization of the ill-treatment, the physical condition of the victim, the manner and method used, and the position of inferiority of the victim.”¹⁸⁰ The extent that an individual has been mistreated over a prolonged period of time will also be relevant.¹⁸¹

The forced sterilization and other forced birth control measures of Uyghur women in and of themselves constitute torture. The physical violence reported as occurring in detention, including beatings, use of electric shocks, and use of stress positions also constitute torture. These acts of torture have taken place in detention centers run by the Chinese government.

Enforced sterilization

The crime against humanity of enforced sterilization requires that those responsible deprived one or more persons of biological reproductive capacity; and that the conduct was neither justified by the medical or hospital treatment of the person or persons concerned, nor carried out with their genuine consent. This deprivation excludes non-permanent birth control measures.¹⁸²

The forced sterilization of Uyghur women meets this criteria. It is considered that the coercive environment to which Uyghur women were subjected—including being threatened with detention or being sterilized while held in the custody of the Chinese authorities—does not permit genuine consent to be obtained. This is borne out in the testimonies of the survivors interviewed by human rights organizations and journalists.

Enslavement

The crime against humanity of enslavement requires the perpetrator to have “exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.” Indicia of enslavement include, “control of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced labour.”¹⁸³ Whether labor by detained persons constitutes enslavement depends on whether “the relevant persons had no real choice as to whether they would work.”¹⁸⁴

¹⁷⁹ *Situation in the Central African Republic in the Case of the Prosecutor v. Jean-Pierre Bemba Gombo*, ICC-01/05-01/08, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, ICC, June 15, 2009, para. 193, https://www.icc-cpi.int/CourtRecords/CR2009_04528.PDF.

¹⁸⁰ *Prosecutor v. Krnojelac*, IT-97-25-T, para. 182.

¹⁸¹ *Ibid.*

¹⁸² ICC, *Elements of Crimes*, Article 7(1)(g)-5, footnote 19.

¹⁸³ *Prosecutor v. Kunarac, Kovac, and Vukovic*, IT-96-23-T & IT-96-23/1-T, Trial Judgment, International Criminal Tribunal for the former Yugoslavia, February 22, 2001, para. 542, <https://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>. This was confirmed in *Prosecutor v. Kunarac, Kovac, and Vukovic*, IT-96-23 & IT-96-23/1-A, para. 119, and was later followed in *Prosecutor v. Kaing Guek Eav (alias Duch)*, 001/18-07-2007/ECCC/TC, Trial Judgment, Extraordinary Chambers in the Courts of Cambodia, July 26, 2010, para. 342, https://www.refworld.org/cases/ECCC_4c56ccfb2.html. Note the ICTY Statute, unlike the ICC Statute, did not contain the separate crime of sexual slavery.

¹⁸⁴ *Prosecutor v. Krnojelac*, IT-97-25-T, para 359.

The forced labor of Uyghurs who have been arbitrarily detained in detention centers amounts to enslavement. Where they lack the ability to leave and/or where the environment in which their decisions are taken is coercive to the point where the giving of genuine consent is not possible, their labor would also be considered forced and would evidence the crime against humanity of enslavement. Similarly, Uyghurs who are transferred to other areas of China to work in factories in contexts where they lack the ability to leave and in the context of a coercive environment would also be considered to be victims of the crime of enslavement.

Forcible transfer

Under policies set and implemented by the CCP, Uyghurs from Xinjiang have been transferred to other areas of China to labor, with the transfer being the result of coercive acts, most notably the threat of detention. “[F]ear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person” can characterize an act of displacement as forcible transfer.¹⁸⁵

Genocide

The Museum is gravely concerned by information available in the public domain indicating that the Chinese government may be committing genocide against the Uyghurs.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, ratified by both China and the United States, first codified the crime of genocide and set out the legal obligations to prevent and punish. Article II of the Convention establishes that the crime of genocide is committed when a prohibited act is committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These are commonly referred to as the “protected groups.” The prohibited acts, as set out in the Convention, 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; and (e) forcibly transferring children of the group to another group.

The Uyghurs are a protected group, as defined by the Convention

Both ethnic and religious groups are protected groups within the meaning of Article II of the Genocide Convention, with ethnic groups defined as groups “whose members share a common language or culture”¹⁸⁶ and religious groups as groups “whose members share the same religion, denomination or mode of worship.”¹⁸⁷ The Uyghur Muslim minority are an ethnically and religiously distinct group. The Chinese government’s census data records the Uyghurs as a distinct ethnic group, and their expressions of ethnic and religious identity unambiguously place them within the groups protected under the Convention.

¹⁸⁵ ICC, *Elements of Crimes*, art. 7(1)(d), n.12.

¹⁸⁶ *Prosecutor v. Akayesu*, ICTR-96-4-T, para. 513.

¹⁸⁷ *Prosecutor v. Akayesu*, ICTR-96-4-T, para. 515.

Commission of acts which may constitute genocide, if committed with the requisite intent

A number of non-lethal acts which may be constitutive of genocide if committed with the requisite intent have been documented as being committed by the Chinese authorities against the Uyghur community. They include: causing serious bodily or mental harm; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.

Acts that may cause serious bodily or mental harm include rape and sexual violence; torture and other cruel, inhuman, or degrading treatment or punishment; and deportation and forcible transfer.¹⁸⁸ Publicly available information indicates that the Chinese authorities have caused serious mental and bodily harm to members of the Uyghur community through the forced sterilization of Uyghur women; the forced placement of IUDs; the detention of members of the Uyghur community; the physical abuse of detainees; the forced separation of Uyghur families, including children, whether by transfer or detention; and the forced labor extracted from Uyghurs held in detention as well as those recently released or otherwise not detained. The commission of rape and other acts of sexual violence against Uyghur women and girls would also constitute an act causing serious mental and bodily harm.

Measures imposed to prevent births within the group. In the case of the Uyghurs, the commission of this prohibited act is seen most clearly in the forced sterilization of Uyghur women, and the forced or otherwise coerced implantation of IUDs in circumstances where they cannot be removed without surgical intervention approved by the state. Forced sterilization and forced IUD implantation, while shocking, are one part of a broader context in which the Chinese government is preventing births within the Uyghur population. Other measures imposed to prevent births would include the commission of forced abortions of pregnant Uyghur women; the separation of Uyghur couples of child-bearing age through a result of detentions and forcible transfer; and the coercion of young, unmarried Uyghur women into marriages with Han Chinese men.

In respect of the forcible transfer of children of the protected group to another group, the Chinese government systematically separates Uyghur children whose parents or guardians are held in detention centers.¹⁸⁹ The disproportionate detention of Uyghurs in Xinjiang means that tens of thousands of Uyghur children have been removed from their families into the custody of the state.¹⁹⁰ There they are forbidden to speak the Uyghur language or practice Islam and are forced to learn Mandarin. The stripping of Uyghur children of their religion and culture forms part of the government's long-existent policy of forced assimilation. The generational impact of the government's coordinated assault on the Uyghurs, of which this forcible transfer of children is part, is as yet unknown.

¹⁸⁸ *The Prosecutor v. Semanza*, ICTR-97-20-T, Trial Judgment, International Criminal Tribunal for Rwanda, May 15, 2003, para. 320, <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-97-20/trial-judgements/en/030515.pdf>; *The Prosecutor v. Ntagerura, Bagambiki, and Imanishimwe*, ICTR-99-46-T, Trial Judgment, International Criminal Tribunal for Rwanda, February 25, 2004, para. 664, <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-99-46/trial-judgements/en/040225.pdf>.

¹⁸⁹ Human Rights Watch, "China: Xinjiang Children Separated"; "China is putting Uighur children in 'orphanages'," *Independent*.

¹⁹⁰ European Parliament, *Resolution on forced labour*.

Presence of genocidal intent

The crime of genocide also requires that the perpetrator(s) not only intend to commit the prohibited act(s), but also that the acts are committed with the intent to destroy, in whole or in part, the protected group. The crime of genocide is primarily a crime of intent, with the drafters of the Genocide Convention indicating that the pivotal “intent to destroy” meant the intent to physically and biologically destroy the protected group, in whole or in part.¹⁹¹ The eradication of the Uyghur culture and religion, while it almost certainly constitutes other crimes, does not on its own constitute the crime of genocide.

The crime’s special intent to destroy has historically often been inferred from conduct, including statements. This has included the perpetrators’ “deeds and utterances considered together, as well as from the general context of the perpetration of other culpable acts systematically directed against the same group.”¹⁹² Relevant conduct includes the physical targeting of the group and/or their property, the use of derogatory language toward members of the targeted group, and the methodological planning.¹⁹³ The scale of atrocities committed, their general nature, and the fact of deliberately and systematically targeting victims on account of their membership in a particular group, while excluding members of other groups, are other factors from which one can infer genocidal intent.

To date, determinations of genocidal intent in other cases have been found wholly or primarily based on the finding of the intent to physically destroy the protected group, a finding which itself has leant heavily on evidence of mass killings. Given the limited reports of Uyghur deaths in detention, there is insufficient evidence at this time of the intent of the Chinese government to systematically kill living Uyghurs.

The privileging of mass killing, and of the intent to physically destroy, in genocide analyses has had clear gendered implications and resulted in crimes committed against women and girls being more likely to be excluded from the continuum of genocidal violence. This is relevant in this case, as Chinese policy appears to be largely directed toward destroying, in substantial part, the Uyghur community’s ability to regenerate, primarily through attacking the reproductive capacity of Uyghur women.

¹⁹¹ *Prosecutor v. Brđanin*, IT-99-36-T, para. 694; *Prosecutor v. Tolimir*, IT-05-88/2-T, Trial Judgment, International Criminal Tribunal for the former Yugoslavia, December 12, 2012, para. 741, <https://www.icty.org/x/cases/tolimir/tjug/en/121212.pdf>; *Prosecutor v. Seromba*, ICTR-2001-661-I, Trial Judgment, International Criminal Tribunal for Rwanda, December 13, 2006, para. 319, <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ict-01-66/trial-judgements/en/061213.pdf>. See also William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge: Cambridge University Press, 2009), 271–272; Larissa van den Herik, “The Meaning of the Word “Destroy” and its implications for the Wider Understanding of the Concept of Genocide,” in *The Genocide Convention: The Legacy of 60 Years*, eds. Harmen van der Wilt et al., (Martinus Nijhoff Publishers, 2012), 51–58. Much of the later international criminal jurisprudence has adhered to this definition of genocidal intent.

¹⁹² *Prosecutor v. Gacumbitsi*, ICTR-2001-64-T, Trial Judgment, International Criminal Tribunal for Rwanda, June 17, 2004, para. 252, http://www.worldcourts.com/ict-01-64/trial-judgements/2004.06.17_Prosecutor_v_Gacumbitsi_2.htm.

¹⁹³ *Prosecutor v. Kayishema and Ruzindana*, ICTR-95-1-T, Trial Judgment, May 21, 1999, para. 93, <https://unictr.irmct.org/sites/unictr.org/files/case-documents/ict-95-1/trial-judgements/en/990521.pdf>.

More recently surfaced evidence in the public domain—and in particular the assault on Uyghur female reproductive capacity through forced sterilization and forced IUD placement, as well as the separation of the sexes through detention and forcible transfer—signals that the Chinese government’s conduct has moved beyond a policy of forced assimilation. There are troubling indicators of this shift present in the information that is currently publicly available.

... Chinese policy appears to be largely directed toward destroying, in substantial part, the Uyghur community’s ability to regenerate, primarily through attacking the reproductive capacity of Uyghur women.

First, the consequence of the CCP’s measures to drive down the Uyghur birth rate is startling, exceeding by more than double the 2017 Xinjiang directive’s goal for decreasing the birth rate compared to 2016 levels. As noted above, in 2019, at least 186,400 fewer children were born in Xinjiang compared to what would have been expected if birth rates had remained static at the pre-2017 baseline, “with roughly 95 percent of Xinjiang’s missing births” appearing to be in indigenous-majority counties.¹⁹⁴

Second, the persecutory nature of violations perpetrated by the Chinese government against the Uyghurs of Xinjiang and the privileging of Han Chinese culture over that of other communities becomes more alarming when set against the CCP’s driving down of Uyghur birth rates in Xinjiang, mainly through coercive efforts to curtail female reproductive capacity. This is particularly so given that the Chinese government continues to set lower birth targets for Uyghur-majority areas, in a context where increasing the Chinese population is becoming a national priority. Language around “optimization” of the demographics of Xinjiang indicates greater value is being accorded by the Chinese government to the Han Chinese community than the Uyghur Muslim community. There is an increasing entrenchment of Han supremacist values in the Chinese government’s treatment of the Uyghurs of Xinjiang which has further dehumanized this minority group and nurtured an environment where genocidal ideologies can take root.

The coercive interventions of the Chinese government to prevent sizable numbers of Uyghurs from coming into being raises legitimate questions about the existence of the intent to biologically destroy the group, in whole or in substantial part. More information—including, for example, data concerning the Uyghur community’s ability to regenerate itself despite the sharp decline in what had previously been a relatively high birth rate as compared to the Han Chinese community, as well as whether the forced use of birth prevention measures extends to Uyghur women who have not exceeded the stated birth quotas—is needed.

The limited nature of verifiable information presents clear challenges to the legal analysis of the presence of genocidal intent. This is by design, with the Chinese government continuing to

¹⁹⁴ Ruser and Leibold, “Family de-planning,” 15.

impede the flow of information concerning its crimes against the Uyghurs of Xinjiang. The information which has made its way into the public domain gives rise to serious concerns that the Chinese government may be committing genocide against the Uyghurs.

States' legal obligation to prevent genocide

Given the Chinese government's control of the territory, and the existence of credible information indicating that the crimes against the Uyghurs are being committed by agents of the government in accordance with government policy, it is the primary responsibility of the Chinese government to show that it is taking concrete measures to prevent genocide, including by immediately halting the violations that are occurring and by cooperating with international monitors and investigators to ensure the violations targeting the Uyghur community have ceased.

The legal obligation to prevent genocide is binding on every state, not just the state committing the crimes, and is recognized as an obligation under customary international law.¹⁹⁵ In the landmark 2007 *Bosnia v. Serbia* judgment, the International Court of Justice held,

[A] State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally learn of, the existence of a serious risk that genocide will be committed.¹⁹⁶

The ICJ went on to clarify that the obligation to prevent was:

one of conduct and not of result ... the obligation of the States parties is ... to employ all means reasonably available to them, so as to prevent genocide so far as possible. A State does not incur responsibility simply because the desired result is not achieved; responsibility is however incurred if the State manifestly failed to take all measures to prevent genocide which were with its power, and which might have contributed to preventing the genocide.¹⁹⁷

The ICJ specified that the obligation varied according to the capacity of States to "influence effectively the action of persons likely to commit, or already committing, genocide."¹⁹⁸ The Court referenced three factors which could provide a measure of a State's capacity: the geographic distance between the State and the scene of the events; the strength of the political and other links and the main actors in the events; and the legal position vis-à-vis the situations and the persons facing the danger.¹⁹⁹

¹⁹⁵ The US government has adopted a more limited understanding of the obligation to prevent genocide. Todd F. Buchwald and Adam Keith, *By Any Other Name: How, When, and Why the US Government Has Made Genocide Determinations* (Washington, DC: USHMM) March 2019, 19, https://www.ushmm.org/m/pdfs/Todd_Buchwald_Report_031819.pdf.

¹⁹⁶ *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, International Court of Justice, 2007, para. 431, <https://www.icj-cij.org/public/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>.

¹⁹⁷ *Bosnia and Herzegovina v. Serbia and Montenegro*, International Court of Justice, para 430.

¹⁹⁸ *Ibid.*

¹⁹⁹ *Ibid.*

The duty to prevent a genocide also imposes on States an obligation to employ all means reasonably available to them, so as to prevent genocide so far as possible. The duty to prevent genocide is not simply about a moral commitment to the idea of “Never Again.” Rather it is a binding legal commitment on States to take all measures to prevent genocide that are reasonably available to them. It is essential that discussions take place within and among States as to how they can and should meet their legal obligations.

The existence of serious risk of genocide

A serious risk of genocide against the Uyghurs is apparent and underscores the urgent need for states, both the Chinese and others, to take steps to prevent genocide. Notably the mass incarceration of Uyghurs; the persecutory repression of and violence against the Uyghur community on the basis of their ethnicity and religion; the policies of forced sterilizations and IUD placement that have disproportionately affected the reproductive rights of Uyghur women; and the destruction of cultural and religious property.

Indeed, the persecution, mass detentions, and enforced sterilizations of the Uyghur population are not only crimes against humanity, but also represent a serious risk of a genocide occurring or in progress. The persecution of the Uyghurs, and all of the underlying acts that comprise that persecution, show a clear pattern of discrimination against the Uyghurs on the basis of their ethnicity and religion.

Genocidal ideologies, and ultimately the crime itself, are nourished by bigotry. Devaluation of a sub-group, and a creeping acceptance of their marginalization, provide fertile ground in which pre-genocidal prejudices take root. The serious risk of genocide is heightened when this othering ceases to exist in thoughts and attitudes and becomes “a political and physical exercise where a specific targeted group was no longer seen as part of the larger polity.”²⁰⁰ Early warning signs and risk assessment are the first phase of preventing genocide.

In 2014, the United Nations published its Framework of Analysis for Atrocity Crimes²⁰¹ that set out common risk factors for atrocity crimes, as well as specific risk factors for genocide. Common risk factors relevant to the Chinese government’s treatment of the Uyghur community in Xinjiang include:

- Past or present serious violations of international human rights law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations, or individuals²⁰²
- Reasons, aims, or drivers that justify the use of violence against protected groups, populations or individuals, with one identified indicator being “real or perceived threats posed by

²⁰⁰ Anthonie Holslag, “Exposed Bodies: A Conceptual Approach to Sexual Violence during the Armenian Genocide,” in *Genocide and Gender in the Twentieth Century: A Comparative Survey*, ed. Amy E. Randall (London: Bloomsbury Academic, 2015), 93.

²⁰¹ UN, *Framework of Analysis for Atrocity Crimes*: UN, 2014. Online, https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

²⁰² The comment to this common risk factor notes, “These are typically violations of civil and political rights, but they may include also severe restrictions to economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals.” *Ibid.*, 11.

protected groups, populations or individuals, against interests or objectives of perpetrators, including perceptions of disloyalty to a cause”

- Capacity to commit atrocity crimes, with one indicator being a “strong culture of obedience to authority and group conformity”
- Events or measures, whether gradual or sudden, that provide an environment conducive to the commission of atrocity crimes, or that suggest a trajectory toward their perpetration, with indicators including:
 - The strengthening of the security apparatus; its reorganization or mobilization against protected groups, populations, or individuals
 - The imposition of emergency laws or extraordinary security measures that erode fundamental rights
 - The imposition of severe restrictions on the services and movements of NGOs, international organizations, media, or other relevant actors
 - Increased violations of the right to life, physical integrity, liberty, or security of members of protected groups, populations, or individuals; or recent adoption of measures or legislation that affect or deliberately discriminate against them
 - Increased serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror
 - Imposition of life-threatening living conditions or the deportation, seizure, collection, segregation, evacuation, or forced displacement or transfer of protected groups, populations or individuals to camps, rural areas, ghettos, or other assigned locations
 - Destruction of property related to cultural and religious identity.

The first of the Atrocity Framework’s specific risk factors for genocide include “past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes.” Multiple indicators of this risk are relevant to the Chinese government’s conduct toward the Uyghur community:

- Past or present serious discriminatory, segregational, restrictive, or exclusionary practices, policies, or legislation against protected groups
- Denial of the existence of protected groups or of recognition of elements of their identity
- History of atrocity crimes committed with impunity against protected groups
- Past or present serious tensions or conflicts between the protected groups and the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision-making processes, security, expressions of group identity, or to perceptions about the targeted group

The second specific risk factor for genocide include signs of an intent to destroy in whole or in part a protected group, with indicators including:

- Widespread or systematic discriminatory or targeted practices or violence against the lives, freedom, or physical and moral integrity of a protected group, even if not yet reaching the level of elimination

- Development of policies or measures that seriously affect the reproductive rights of women, or that contemplate the separation or forcible transfer of children belonging to protected groups
- Methods or practices of violence that are particularly harmful against or that dehumanize a protected group, that reveal an intention to cause humiliation, fear, or terror to fragment the group, or that reveal an intention to change its identity
- Attacks against or destruction of homes, farms, businesses, or other livelihoods of a protected group and/or of their cultural or religious symbols and property

“This is about the future of the world because China is changing the rule of law. China is basically setting the example for the next world order. And Western democracy and its values are at stake here.”

Rushan Abbas, Uyghur activist whose sister is detained



Eset Sulaiman has been a Radio Free Asia reporter since 2013. After he made inquiries about authorities forcing Uyghurs to relocate their homes to make way for a Chinese mining corporation in Kumul, Sulaiman lost all contact with his father, mother, two brothers, and mother-in-law. *US Holocaust Memorial Museum*

A Unique and Pressing Policy Challenge

The atrocity crimes against the Uyghurs pose an unusual set of challenges to policy makers. Understanding the specific features that make this case different and challenging should help inform an effective policy response. Three factors stand out: competing US interests and diverse national interests among like-minded countries, the strategic difficulty of convincing China to change its behavior, and the nature of the atrocities.

First, significant competing US and other like-minded governments' interests in relation to China and the region complicate the development of a US atrocity-prevention strategy. Interests vis-à-vis China range from trade to east Asian security, to addressing global climate change. Policy makers determine how to balance these interests—although US officials have long cited human rights concerns among other interests in China, none have explained how interests in preventing mass atrocities relate to other US interests. Other goals, such as regional security cooperation and economic interests, have been prioritized in national security strategies. While internationally coordinated sanctions were announced earlier this year,²⁰³ there is no coordinated

²⁰³ Jessie Lau, "Joint Xinjiang Sanctions Widen Rift in China's Ties with the West," *The Diplomat*, March 26, 2021, <https://thediplomat.com/2021/03/joint-xinjiang-sanctions-widen-rift-in-chinas-ties-with-the-west/>.

atrocities-prevention strategy among like-minded states, and addressing crimes against Uyghurs has not been prioritized in any nation's national security policy.

Second, China's growing economic, military, and political strength makes it easier for Chinese leaders to rebuff external calls for change, dismissing them as interference in Chinese internal affairs, and more difficult for external actors to build broad coalitions and find effective points of leverage. The fact that the atrocities have been ongoing for years means that the Chinese government has already invested significantly in and absorbed some political or reputational costs associated with its policy of systematic repression. Perhaps most alarmingly, it has witnessed the world's acceptance of these atrocities with little repercussions and no criminal accountability. It is typically more difficult to convince leaders to reverse a course of action that they believe benefits them than to forgo one in the first place. Especially if they feel it is working and there are no disincentives to stop them.

Third, the nature of China's atrocities against the Uyghurs, and specifically its assault on the regenerative capacity of the group, challenge standard policy responses. The Chinese government's multi-faceted attack on Uyghurs does not rely on large-scale killings, as commonly occur in recognized genocides. Rather, China has relied on a combination of high-tech surveillance, intimidation, mass detention, forced labor, forced transfer, and coercive birth control practices to commit atrocity crimes. The lack of mass killing has probably reduced the amount of international outrage, especially before the size of the mass detention program became public, and made it easier for China to deflect criticism.

Policy responses

The US government and other governments have taken a variety of actions in response to China's mass atrocity crimes against the Uyghurs, though they have been insufficient to halt the widespread abuses.

Atrocity determinations: On January 19, 2021, then-Secretary of State Mike Pompeo issued a determination that the mass atrocities against Uyghur Muslims and other ethnic and religious minority groups in Xinjiang, China, constituted genocide and crimes against humanity.²⁰⁴

The Biden administration echoed this in the US State Department's 2020 Country Report on Human Rights Practices in China, issued on March 30, 2021, stating:

Genocide and crimes against humanity occurred during the year against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang. These crimes were continuing and include: the arbitrary imprisonment or other severe deprivation of physical liberty of more than one million civilians; forced sterilization, coerced abortions, and more restrictive application of China's

²⁰⁴ Michael R. Pompeo, "Determination of the Secretary of State on Atrocities in Xinjiang," press statement, January 29, 2021, <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>.

birth control policies; rape; torture of a large number of those arbitrarily detained; forced labor; and the imposition of draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement.²⁰⁵

Between February and June 2021, the parliaments of Canada, the Netherlands, the Czech Republic, Lithuania, Belgium, and the United Kingdom all passed motions declaring that China was committing genocide against the Uyghurs or that a serious risk of genocide existed.²⁰⁶

Targeted sanctions on Chinese officials: The United States and other governments have placed sanctions on Chinese officials and state-owned entities judged to be responsible for mass atrocities in Xinjiang. On March 22, 2021, the United States, Canada, the United Kingdom, and the European Union announced the coordinated sanctions referenced above on Chinese officials in Xinjiang.²⁰⁷ This followed the US Department of the Treasury’s Office of Foreign Assets Control (OFAC) sanctions²⁰⁸ in 2020 against several senior officials in China responsible for crimes against the Uyghurs, including Community Party Secretary for Xinjiang Chen Quanguo.²⁰⁹ The US Department of State has announced visa restrictions on senior officials for their responsibility in crimes in the region.²¹⁰

²⁰⁵ US Department of State, *2020 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)*, Washington, DC: Bureau of Democracy, Human Rights, and Labor, March 30, 2021. Online, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/china/>.

²⁰⁶ Roseanne Gerin, “Belgium, Czech Republic Legislatures Pass Uyghur Genocide Declarations,” *Radio Free Asia*, June 15, 2021, <https://www.rfa.org/english/news/uyghur/genocide-declarations-06152021171101.html>; “Canada’s parliament declares China’s treatment of Uighurs ‘genocide,’” *BBC News*, February 23, 2021, <https://www.bbc.com/news/world-us-canada-56163220>; “Dutch parliament: China’s treatment of Uighurs is genocide,” *Reuters*, February 25, 2021, <https://www.reuters.com/article/us-netherlands-china-uyghurs/dutch-parliament-chinas-treatment-of-uyghurs-is-genocide-idUSKBN2AP2CI>; Andrius Sytas, “Lithuanian parliament latest to call China’s treatment of Uyghurs ‘genocide,’” *Reuters*, May 20, 2021, <https://www.reuters.com/world/china/lithuanian-parliament-latest-call-chinas-treatment-uyghurs-genocide-2021-05-20/>; Patrick Wintour, “UK MPs declare China is committing genocide against Uyghurs in Xinjiang,” *The Guardian*, April 22, 2021, <https://www.theguardian.com/world/2021/apr/22/uk-mps-declare-china-is-committing-genocide-against-uyghurs-in-xinjiang/>.

²⁰⁷ US Department of State, *Joint Statement on Xinjiang*, Washington, DC: Office of the Spokesperson, March 22, 2021. Online, <https://www.state.gov/joint-statement-on-xinjiang/>.

²⁰⁸ OFAC sanctions prevent such persons or entities from receiving or providing funds, goods, or services from or to the United States.

²⁰⁹ US Department of the Treasury, *Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Accountability Act*, Washington, DC, July 9, 2020. Online, <https://home.treasury.gov/news/press-releases/sm1055>. Weeks later, OFAC sanctioned the Xinjiang Production and Construction Corps, a paramilitary organization headed by Chen. US Department of the Treasury, *Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order*, Washington, DC, July 31, 2020. Online, <https://home.treasury.gov/news/press-releases/sm1073>.

²¹⁰ US Department of State, *U.S. Department of State Imposes Visa Restrictions on Chinese Officials for Repression in Xinjiang*, Michael R. Pompeo. Washington, DC, October 8, 2019. Online, <https://2017-2021.state.gov/u-s-department-of-state-imposes-visa-restrictions-on-chinese-officials-for-repression-in-xinjiang/index.html>.

Restrictions on export of certain US goods: The US Department of Commerce has placed dozens of Chinese entities implicated in crimes in Xinjiang on its “Entity List,” which effectively prevents US companies from exporting technology goods and services to these named companies. Notably, these actions restricted US exports to several leading Chinese technology firms involved in producing surveillance and artificial intelligence tools.

Restrictions on Chinese imports tainted by forced labor: On January 13, 2021, US Customs and Border Protection (CBP) issued a Withhold Release Order (WRO) against cotton products and tomato products produced in Xinjiang, preventing those imports into the United States based on authorities contained in 19 U.S.C. 1307.²¹¹ Cotton and tomato products are significant export products of Xinjiang and are likely to be produced with forced labor; these broad sectoral import prohibitions sent a strong signal to China and global companies engaged in those sectors.

In 2020, the US Department of Labor added five goods believed to have been produced by forced labor by Uyghurs and other Muslim minorities in China to the List of Goods Produced by Child Labor or Forced Labor, as required under the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 and subsequent reauthorizations.²¹² These goods include gloves, hair products, textiles, thread/yarn, and tomato products.

Congressional action: In June 2020, the [Uyghur Human Rights Policy Act of 2020](#) became US law. This law, which passed Congress with bipartisan support, requires the tracking of and reporting on human rights violations against Uyghurs, ethnic Kazakhs, Kyrgyz, and other Muslim minority groups in Xinjiang and the enactment of sanctions on individuals participating in their persecution. The Senate also passed [S. 65](#), the Uyghur Forced Labor Prevention Act, in July 2021, which would ban the import of goods from Xinjiang unless importers could certify that the items were not manufactured with forced labor. The Senate furthermore passed [S. 1260](#), the United States Innovation and Competition Act of 2021, a comprehensive China-focused strategic competition bill. This legislation includes specific sanction provisions targeting forced labor in Xinjiang, as well as others targeting systematic rapes, coerced abortions, forced sterilization, and involuntary contraceptive implantations. Similar legislation, [H.R. 3524](#), the Ensuring American Global Leadership and Engagement (EAGLE) Act, was introduced in the House. The EAGLE Act includes several Uyghur-human rights-related provisions, including extensive provisions to combat forced labor in Xinjiang and extending P2 refugee protections for Uyghurs and other individuals from this region. The P2 priority category would also be provided in pending Senate and House versions of the Uyghur Human Rights Protection Act ([S. 1080](#) and [H.R. 1630](#)). In addition, [H.R. 4785](#), the Uyghur Policy Act, would create the position of Special Coordinator for Uyghur Issues at the US Department of State and set certain Uyghur-related policy priorities for the United States.

²¹¹ US Customs and Border Protection, *CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang*, Washington, DC, January 13, 2021. Online, <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-region-wide-withhold-release-order-products-made-slave>.

²¹² US Department of Labor, *Against Their Will*.

Multilateral action: China’s status as a veto-wielding, permanent member of the United Nations Security Council eliminates the possibility of any action on the atrocities against Uyghurs by the world’s main forum for international peace and security. China wields significant influence in other UN bodies as well, but member states have attempted to exert pressure through these fora. In October 2020, the United States joined 38 other countries in a joint statement to the UN General Assembly’s Third Committee (which deals with human rights) expressing grave concern for the human rights situation in Xinjiang and calling on China “to allow immediate, meaningful and unfettered access to Xinjiang for independent observers including the UN High Commissioner for Human Rights and her Office, and relevant special procedure mandate holders; to urgently implement [the Committee for the Elimination of Racial Discrimination]’s eight recommendations related to Xinjiang, including by refraining from the arbitrary detention of Uyghurs and members of other minorities.”²¹³ A group of 45 countries issued a retort, defending China’s actions.²¹⁴ This followed a similar exchange of competing letters at the UN Human Rights Council in 2019, in which the United States did not participate.

Actions by multinational corporations: Many of the world’s largest corporations have connections to Xinjiang. They are increasingly being pushed—by law, non-binding government guidance, advocacy groups, and consumer movements—to use their influence to help stop atrocities against Uyghurs. The US Commerce Department’s ban on imports that are tainted by forced labor and the US Treasury Department’s sanctions against Chinese entities have required corporations to scrutinize their supply chains and other business dealings or risk government penalties. In 2020, the US government issued a non-binding “Xinjiang Supply Chain Business Advisory,” which recommended that corporations “apply industry human rights due diligence policies and procedures” to address “reputational, economic, and legal risks.”²¹⁵ Several major corporations have reportedly stopped sourcing materials from Xinjiang. Recently, Chinese consumers, with encouragement from the CCP, have organized boycotts of Western brands that had made statements or taken action to eliminate their use of forced labor from Xinjiang.²¹⁶

²¹³ US Mission to the UN, *Joint Statement on the Human Rights Situation in Xinjiang and the Recent Developments in Hong Kong, Delivered by Germany on Behalf of 39 Countries*, Christoph Heusgen. New York, October 6, 2020. Online, <https://usun.usmission.gov/joint-statement-on-the-human-rights-situation-in-xinjiang-and-the-recent-developments-in-hong-kong-delivered-by-germany-on-behalf-of-39-countries/>. This followed a statement by 50 UN special rapporteurs and other experts at the Human Rights Council in June 2020 calling for increased investigations of the human rights situation in China, including XUAR.

²¹⁴ Catherine Putz, “2020 Edition: Which Countries Are For or Against China’s Xinjiang Policies?” *The Diplomat*, October 9, 2020, <https://thediplomat.com/2020/10/2020-edition-which-countries-are-for-or-against-chinas-xinjiang-policies/>.

²¹⁵ US Departments of State, Treasury, Commerce, and Homeland Security, *Xinjiang Supply Chain Business Advisory: Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses in Xinjiang*, Washington, DC, July 1, 2020. Online, https://www.state.gov/wp-content/uploads/2020/07/Xinjiang-Supply-Chain-Business-Advisory_FINAL_Fo-r-508-508.pdf.

²¹⁶ Peter S. Goodman, Vivian Wang, and Elizabeth Paton, “Global Brands Find It Hard to Untangle Themselves From Xinjiang Cotton,” *New York Times*, April 6, 2021 (updated July 2, 2021), <https://www.nytimes.com/2021/04/06/business/xinjiang-china-cotton-brands.html>.



Three years ago, Mamatjan Juma's brothers, Ahmatjan, a teacher (pictured here), and Abdukadir, a poet, were arrested by the Chinese government. He does not know if they are alive. "I wish no human being to go through this It's cruel. It's harrowing. It's painful. It's agonizing." *US Holocaust Memorial Museum*

The Way Forward

The Chinese government's responsibility

What is most clearly and urgently needed is for the Chinese government to immediately halt the commission of mass atrocity crimes against Uyghurs in Xinjiang. Specific next steps would include:

- Halting arbitrary detention and releasing all those who are being held arbitrarily or without due process
- Ending forced sterilization, forced birth control, and forced abortion
- Stopping the forcible transfer of Uyghur children from their families
- Ending the use of forced labor in Xinjiang and elsewhere in China
- Halting actions that infringe on the rights of Uyghurs to live freely in accordance with their customs, culture, and religious practice
- Granting full, unimpeded access to independent monitors including journalists and representatives of international investigative bodies, including those mandated to collect, preserve, and store information regarding international crimes, including crimes against humanity and genocide.

Range of options for the US government

It would be naive to expect the Chinese government to change course so dramatically without a concerted international effort. Having publicly declared that China is committing genocide and crimes against humanity, the United States and like-minded governments must be at the center of the effort to press China to end its atrocities against the Uyghurs.

Given that the US relationship with China implicates a wide range of issues, it is important to be direct and consistent about how the prevention of genocide and mass atrocities relates to other US priorities in China. Any formal or informal review of US-China policy should state explicitly that the United States has an important interest in preventing and mitigating mass atrocity crimes in China.²¹⁷ Such a judgment follows directly from US President Joe Biden's statement on International Holocaust Remembrance Day that "preventing future genocides remains both our moral duty and a matter of national and global importance."²¹⁸ Making it clear that this interest applies in China no less than anywhere else in the world would provide an important foundation for the development of specific US strategies to advance this interest.

Three complementary strategies might help stop the ongoing atrocity crimes against Uyghurs:

1. **Degrade the capacity of perpetrators to commit further atrocities.** This type of strategy is typically more likely to succeed when perpetrators are weak and when means to commit atrocities are scarce. Nevertheless, if external actors can increase the cost or decrease the operational efficiency of China's atrocities against Uyghurs, it could reduce future atrocities, even if China's overall policy doesn't change fundamentally. Examples of specific actions with potential to degrade perpetrator capacity include financial sanctions targeting commercial entities that are supporting China's repressive policies, export controls on advanced technologies, and creation of targeted technologies to jam or disable the technology being used to facilitate atrocities. As noted above, the US government has already taken some actions of this type, but they could be expanded.
2. **Persuade perpetrators to stop committing atrocities.** The United States and other external actors can try to affect the decision making of Chinese government leaders directly and indirectly (e.g., via other governments or economic actors). For example, restrictions on Chinese imports to the United States exact costs on the Chinese economy that the government may

²¹⁷ This would include the Department of Defense China Task Force that was launched in February 2021. For further information, see Joe Garamone, "Biden Announces DOD China Task Force," US Department of Defense, February 10, 2021, <https://www.defense.gov/Explore/News/Article/Article/2500271/biden-announces-dod-china-task-force/>. In addition, the *New York Times* reported "the administration has said it would carry out a comprehensive review of Mr. Trump's tariffs, export controls and other restrictions before making decisions." Ana Swanson, "Biden on 'Short Leash' as Administration Rethinks China Relations," *New York Times*, February 17, 2021 (updated March 26, 2021), <https://www.nytimes.com/2021/02/17/business/economy/biden-china.html>.

²¹⁸ The White House, *Statement by President Joseph R. Biden, Jr. on International Holocaust Remembrance Day*, Joseph R. Biden. Washington, DC, 2021. Online, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/27/statement-by-president-joseph-r-biden-jr-on-international-holocaust-remembrance-day/>.

wish to avoid. Publicizing the atrocities and enacting financial sanctions and visa bans on Chinese officials responsible for them impose political and reputational costs.

3. **Protect Uyghurs outside China.** Even outside of China, Uyghurs are being threatened and harassed, and some Uyghurs who have fled China have been forcibly returned.²¹⁹ One option available to the United States and other governments is to expedite refugee protections for Uyghurs who have fled China. For example, the Uyghur Human Rights Protection Act would “designate residents of the Xinjiang Uyghur Autonomous Region as Priority 2 refugees of special humanitarian concern.” The United States, through USAID’s Bureau for Humanitarian Assistance and/or the State Department’s Bureau of Population, Refugees, and Migration, could also provide assistance to vulnerable Uyghur populations residing outside of China. In addition, US diplomats could urge other governments to extend additional protections to Uyghurs residing or seeking refuge in their countries. These types of steps might seem insufficient when millions of Uyghurs remain inside China at acute risk of atrocities. They should not be seen as alternatives, but rather as complements to actions aimed at changing China’s behavior in the country.

A variety of specific options exist to help ensure that the State Department’s determination that the Chinese government is committing genocide and crimes against humanity against Uyghurs and other minorities is more than symbolic and contributes to the prevention of additional atrocity crimes.²²⁰

- The State Department could brief other governments privately on its determination of genocide and crimes against humanity, reviewing the relevant information and legal reasoning in as much detail as is feasible, in order to broaden a coalition of governments dedicated to stopping the atrocities. The State Department could specifically focus on building support from Muslim majority nations, many of which have remained silent on this large-scale persecution of a Muslim group, as well as key US allies.²²¹
- The State Department could release a public statement that, to the extent possible, includes the information that it relied on to conclude that genocide and crimes against humanity are occurring.
- The US Director of National Intelligence could ensure that the intelligence community regularly collects and analyzes information related to ongoing atrocity crimes and the risk of future atrocities in Xinjiang, including information on changes in birth rates and information specific to other Turkic Muslims in the region, in order to keep the president and US senior leadership fully informed.
- The State Department, in conjunction with the Director of National Intelligence, could conduct an annual review of the impact of BRI projects on labor standards, including whether

²¹⁹ For a description of transnational repression by the Chinese government against Uyghurs outside China, see “Uyghur Human Rights Project, No Space Left to Run: China’s Transnational Repression of Uyghurs,” Uyghur Human Rights Project, June 24, 2021, <https://uhrp.org/report/no-space-left-to-run-chinas-transnational-repression-of-uyghurs/>.

²²⁰ These ideas draw from general recommendations from a 2019 US Holocaust Memorial Museum report by two former State Department officials, based on a comprehensive review of past genocide determinations. For further information, see Buchwald and Keith, *By Any Other Name: How, When, and Why the US Government Has Made Genocide Determinations*.

²²¹ Catherine Putz, “2020 Edition.”

goods and services flowing through the BRI projects and network are based in whole or in part on forced, indentured, or child labor. Under the Tariff Act (19. U.S.C. 1307), the US government should prevent access for products identified as such to the US market, and could report such findings to the US Congress and share them with like-minded countries and the International Labour Organization (ILO) to ensure that no such products or services enter their national markets.

- The Secretary of State or a senior official whom he designates could lead a review of other actions that should flow from the determination of genocide and crimes against humanity. As recommended by a 2019 Museum [report](#) on genocide determinations, the review should consider specific actions in the following areas:
 - Amplify the voices of victims and show solidarity with them by, for example, hosting high-level meetings with victim advocates and issuing public messages of support.
 - Prioritize the protection of the victims, such as by providing refugee protection for Uyghurs fleeing persecution and supporting Uyghur communities in the diaspora.
 - Impose deterrent consequences, such as levying additional targeted sanctions against Chinese officials responsible for Uyghur policy, prohibiting the import into the United States of goods that were produced with forced labor in Xinjiang or other countries, and implementing other trade restrictions on China.
 - Facilitate accountability, including by pressing for independent and impartial investigations through UN or other mechanisms.
 - Rally support from others by, for example, coordinating diplomatic actions with US allies and promoting scrutiny of China's actions at the UN Human Rights Council.

The key role for the international community

As noted above, China presents very unique challenges. It is therefore critical that the community of nations act collectively, based on a common strategy, to prevent further atrocities and establish accountability for the atrocity crimes committed. A failure to do so risks normalizing these crimes when committed by a powerful perpetrator. Next steps could include:

- Like-minded states could establish a joint mechanism to coordinate a sanctions strategy. Such a mechanism could identify individuals or companies responsible for, or contributing to, mass atrocity crimes unfolding in Xinjiang and jointly target them. This mechanism could also monitor the efficacy of such sanctions and develop and coordinate collective mitigation strategies to adversarial responses by the Chinese government.
- States could develop a joint monitoring mechanism for the flow of goods and services through the BRI and their producers' compliance with ILO core labor standards. Member states could prevent the importation of those goods that were produced with forced or child labor, for example.
- States could set clear human-rights standards in their national laws pertaining to their companies operating in Xinjiang. These standards should be at least in full compliance with ILO core standards and the UN Guiding Principles on Business and Human Rights.
- Ensure accountability for serious human rights violations. Support the establishment of an independent impartial entity, such as a United Nations-mandated Commission of Inquiry,

Fact-Finding Mission, or Investigative Mechanism, mandated to collect, analyze, and preserve information and evidence of human rights violations and international crimes, including crimes against humanity and genocide.

- States should ensure the adequate protection of Uyghur refugees, and ensure that other countries hosting Uyghur refugee populations are providing appropriate protection.



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