

COALITION FOR
GENOCIDE
RESPONSE

Situation of the Uyghurs in Xinjiang
Genocide by All Possible Means

Briefing April 2021

About

The Coalition for Genocide Response (CGR) is a human rights coalition-building organisation that works towards a comprehensive response to genocide and other international crimes, engaging the UK, regional and international actors. We are independent of any government, political party, international institution, or faith group. Patrons include the renowned judge, the Hon. Michael Kirby AC, CMG, founder of Genocide Watch, Professor Gregory H Stanton, and Sir Geoffrey Nice QC. Members include the Aegis Trust, All Party Parliamentary Group on North Korea, Burma Campaign UK, European Centre for the Responsibility to Protect, Genocide80Twenty, Genocide Watch, Oxford Human Rights Hub, Queen Mary University of London Law and International State Crime Initiative, Yazda, and others.

Summary

The Coalition for Genocide Response calls upon Parliamentarians to support the motion on genocide that is to be debated on 22 April and recognise the Chinese Government's atrocities against the Uyghurs for what they are – genocide.

This briefing discusses the available evidence of the atrocities and legal opinions on the issue of genocide.



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1. What is Genocide?

Genocide is an international crime laid out in the Genocide Convention and defined as acts ‘committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.’¹ These acts can include mass killing, bodily or mental harm, deliberately inflicted conditions to bring physical destruction, forcibly reducing the birth rate and transfer of children. To meet the legal definition of genocide, these acts must be perpetrated with the specific intent to destroy a protected group, in whole or in part.

2. Do the Atrocities against the Uyghurs Amount to Genocide?

Genocide is a word that should not be used lightly. However, where all elements of the legal definition are present, the atrocities should be recognised for what they are. The Coalition for Genocide Response, calling on legal opinions, testimony and other documents, believes that the time has now come for the atrocities being perpetrated by the Chinese Government against the Uyghurs to be recognised for what they are: genocide. The below analysis draws heavily on two legal analyses: firstly, by the Essex Court Chambers⁴ (ECC) and secondly, by a group of over 50 experts on genocide (NI/RW).⁵

1) The Targeted Group

The Genocide Convention protects national, ethnic, racial or religious group. Uyghurs are a Turkic ethnic group, and as such are a protected group under Article II as an ethnic group. ECC and NI/RW considered Uyghurs as an ethnic group. It may be further considered that Uyghurs, a predominately Muslim community, may be protected under Article II as a religious group.

2) Mens Rea: Specific Intent

For the crimes discussed below to meet the legal definition of genocide, they must be carried out with the *specific intent* to destroy a protected group in whole or in part.

ECC: ‘It is not clear from the evidence to date that there is evidence of an intention to physically exterminate living Uyghurs; indeed, Chinese authorities which reap economic advantages from Uyghur forced labourers have some incentive to keep the majority alive. However, in our view, **an intention to destroy the Uyghur**

¹ Article II, UN Convention on the Prevention and Punishment of the Crime of Genocide

⁴ Alison Macdonald QC, Jackie McArthur, Naomi Hart, Lorraine Aboagye, ‘International Criminal Responsibility for Crimes Against Humanity and Genocide against Uyghur Population in the Xinjiang Uyghur Autonomous Region’ (26 January 2021).

⁵ Newlines Institute for Strategy and Policy and Raoul Wallenberg Centre for Human Rights, ‘The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention’ (March 2021).

population of XUAR as a group—that is, as a cohesive social and cultural entity—is more readily made out. This evidence includes that relating to the infliction of bodily and mental harm in detention, the forcible removal of Uyghur children from the Uyghur population, and efforts to prevent births within the Uyghur population.’

NI/RW: ‘The following [quotes] lay out China’s explicit high-level orders, policies, destructive campaigns, and pattern of acts, which evince and demonstrate the intent to destroy the Uyghurs as a group as such.’

‘President Xi gave the following orders in the context of the offensive: “The weapons of the people’s democratic dictatorship must be wielded without any hesitation or wavering;” **“show absolutely no mercy;” and “even after these people are released, their education and transformation must continue.”**”

‘In 2017, the Party Secretary for Yarkand County, where nearly all 900,000 residents are Uyghur, gave a speech at a rally in a public square as part of President Xi’s campaign in the region, urging party members to **“wipe them out completely... Destroy them root and branch.”** Moreover, the security chief of a township in Kashgar reported the following declaration by a Chinese official in discussing State policy behind the mass internment drive: “you can’t uproot all the weeds hidden among the crops in the field one by one—you need to spray chemicals to kill them all ... re-educating these people is like spraying chemicals on the crops” [emphasis added].’

‘XUAR Party Secretary Chen Quanguo distributed Xi’s speeches, told thousands of police officers and soldiers to prepare for a **“smashing, obliterating offensive,”** and gave the repeated order to **“round up everyone who should be rounded up.”**”

‘In 2014, President Xi declared that extremism would require “a period of painful, interventionary treatment.” In his 2016 policy agenda speech, Chen described religious extremist thought and behaviour in XUAR as a **“malignant tumour” and a “communicable plague,” requiring more radical and invasive surgery.** In early 2017, Party officials ramped up efforts to “eradicate tumours.””

‘The intent behind the campaigns targeting the Uyghurs is further laid bare by an XUAR Government directive to **“break their lineage, break their roots, break their connections, and break their origins.”**”

3) *Actus Reus: Genocidal Methods*

The evidence suggests that the Chinese Government is using the following genocidal methods:

(a) Killing members of the group

Genocide does not necessarily entail the immediate destruction of the group by mass slaughter. Furthermore, as the Tribunal in the ICTY case of Radovan Karadžić confirmed ‘a numeric assessment of the number of people killed is not required for the *actus reus* of genocide to be established.’⁶

NI/RW: ‘Large numbers of Uyghur detainees have died or been killed under police or camp custody, and people who report such deaths can receive lengthy sentences. There is at least one confirmed report of mass deaths within an internment camp, and newly built crematoria in the region indicate that authorities may be concealing the overall number of deaths and torture within the camps. Elderly and prominent Uyghur religious figures, or detainees who succumb to the military-style routines, are particularly vulnerable to death or disappearance in detention, with a number of religious scholars dying shortly after taken into custody.’

‘There is a growing list of **nearly 450 disappeared or imprisoned Uyghur intellectuals** from 2016 to the present, including Government officials, tech founders, prominent university professors, deans, medical researchers, doctors, journalists, editors, publishers, celebrated artists, poets, linguists, computer engineers, and the like.⁷ Many of these guardians of Uyghur culture and identity are subjected to formal, often harsher prison sentences, and even death sentences,⁸ evidencing a deliberate Government policy of specifically targeting prominent Uyghur leaders.’

The numbers of Uyghurs killed are unknown. It is very unlikely that the numbers will ever be known. Considering the large scale of enforced disappearances, it is likely that some of them have been killed. The issue needs to be assessed by an independent investigation.

See also:

⁶ *Prosecutor v Karadžić* (Judgment) IT-95-5/18-T (24 March 2016) 542.

⁷ Uyghur Human Rights Project, ‘Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland’ (March 2019) 22.

⁸ Shepherd, Christian, ‘Fear and Oppression in Xinjiang: China’s War on Uighur Culture’ *Financial Times* (12 September 2019).

Radio Free Asia, '[At Least 150 Detainees Have Died in One Xinjiang Internment Camp: Police Officer](#)' *Radio Free Asia* (29 October 2019).

At least 150 people have died over the course of six months while detained at an internment camp for mainly ethnic Uyghurs in northwest China's Xinjiang Uyghur Autonomous Region (XUAR), according to an official source, marking the first confirmation of mass deaths since the camps were introduced in 2017.

Radio Free Asia, '[Xinjiang Rapidly Building Crematoria to Extinguish Uyghur Funeral Traditions](#)' *Radio Free Asia* (26 June 2018).

Between March 2017 and February 2018, the XUAR government listed 5-10 million yuan (U.S. \$760,000 to \$1.52 million) tenders for contractors to build **nine “burial management centers” that include crematoria in mostly Uyghur-populated areas throughout the region**, according to a report listed on the official website of the Xinjiang Production and Construction Corps (XPCC).

Ivan Watson and Ben Westcott, '[Uyghur refugee tells of death and fear inside China's Xinjiang camps](#)' CNN (21 January 2019).

(b) Causing serious bodily or mental harm to members of the group

Causing serious bodily or mental harm to members of the group means ‘an intentional act or omission which causes serious bodily or mental harm to members of the protected group and requires proof of a result sexual and rape punishment, or treatment degrading or inhuman torture, include may and ⁹’ violence, serious injuries to external and internal organs.¹⁰

ECC: ‘We consider that the evidence before us establishes that acts causing **serious bodily and mental harm** have been committed against the Uyghur population of XUAR. There is evidence of the infliction of bodily and mental harm on Uyghurs in detention, much of which would plainly rise to the level of being “serious.” Indeed, in the context of crimes against humanity, we have concluded that much of this conduct probably constitutes torture and/or inhumane acts causing great suffering or serious injury to body or to mental or physical health. Additionally, **forced sterilisations are**

⁹ Ibid., 543.

¹⁰ Ibid., 545.

a form of both mutilation and serious sexual violence and are therefore capable of occasioning serious bodily and/or mental harm within the meaning of [Article IId].’

NI/RW: ‘Uyghurs are suffering serious bodily and mental harm from systematic torture and cruel treatment, including rape, sexual abuse, exploitation, and public humiliation, at the hands of camp officials and Han cadres assigned to Uyghur homes under Government-mandated programs. Internment camps contain designated “interrogation rooms,” where Uyghur detainees are subjected to consistent and brutal torture methods, including beatings with metal prods, electric shocks, and whips. The mass internment and related Government programs are designed to indoctrinate and “wash clean” brains, driving Uyghurs to commit or attempt suicide from the threat of internment or the daily extreme forms of physical and psychological torture within the camps, including mock executions, public “self-criticisms,” and solitary confinement.’

See also:

Adrian Zenz, [‘Coercive Labour and Forced Displacement in Xinjiang’s Cross-Regional Labour Transfer Program’](#) (March 2021).

New evidence from the Nankai Report, other Chinese academic publications and publicly available government documents provides strong proof of the systemically coercive nature of Xinjiang’s labour transfer programs and underscores a process-oriented approach towards designating such programs to be forced labour. These sources also show that the primary aims of **labour transfers are not economic, but political and demographic.**¹¹

Matthew Hill *et al.*, [““Their Goal Is to Destroy Everyone”: Uighur Camp Detainees Allege Systematic Rape’](#) *BBC News* (2 February 2021).

Tursunay Ziawudun, who fled Xinjiang after her release and is now in the US, said **women were removed from the cells "every night" and raped by one or more masked Chinese men. She said she was tortured and later gang-raped on three occasions, each time by two or three men. (...)**

¹¹ *Ibid.*, 26.

"My job was to remove their clothes above the waist and handcuff them so they cannot move," said Gulzira Auelkhan, crossing her wrists behind her head to demonstrate. "Then I would leave the women in the room and a man would enter - some Chinese man from outside or policeman. I sat silently next to the door, and when the man left the room I took the woman for a shower."

John Sudworth, [‘China Uighurs: A Model’s Video Gives a Rare Glimpse inside Internment’](#) *BBC News* (4 August 2020).

[Mr Ghappar, inmate in one of the ‘re-education camps’] writes about the **constant sound of screaming**, coming from elsewhere in the jail. "Interrogation rooms," he suggested.

And he describes squalid and unsanitary conditions - inmates suffering from lice while sharing just a handful of plastic bowls and spoons between them all. (...)

"During the epidemic period they were found outside playing a kind of game like baseball," he writes.

"They were brought to the police station and **beaten until they screamed like babies, the skin on their buttocks split open and they couldn't sit down.**"

Zamira Rahim, [‘Prisoners in China’s Xinjiang concentration camps subjected to gang rape and medical experiments, former detainee says’](#) *The Independent* (22 October 2019).

Sayragul Sauytbay, a Chinese Muslim of Kazakh descent reported:

“There were almost 20 people in a room of 16 square meters. There were cameras in their rooms, too, and also in the corridor. Each room had a plastic bucket for a toilet. Every prisoner was given two minutes a day to use the toilet, and the bucket was emptied only once a day.”

Ms Sautybay said women were **systematically raped** and that she was forced to watch a woman be repeatedly assaulted.

“The policemen ordered her to disrobe and simply raped her one after the other, in front of everyone,”

“While they were raping her they checked to see how we were reacting. People who turned their head or closed their eyes, and those who looked angry or shocked, were taken away and we never saw them again.”

“It was awful. I will never forget the feeling of helplessness, of not being able to help her.”

Ms Satuybay said that as well as torture, prisoners were also **subjected to mysterious human experiments.**

“The inmates would be given pills or injections,” she said. “[They] had different kinds of effects.

“Some prisoners were cognitively weakened. Women stopped getting their period and men became sterile.”

Amie Ferris-Rotman, [‘Abortions, IUDs and Sexual Humiliation: Muslim Women Who Fled China for Kazakhstan Recount Ordeals’](#) *Washington Post* (5 October 2019).

In December 2017, Gulzira Mogdyn, a 38-year-old ethnic Kazakh and Chinese citizen, was detained in Xinjiang after a visit to Kazakhstan because WhatsApp was found on her phone. She was placed under house arrest and examined by doctors at a nearby clinic, who discovered she was 10 weeks pregnant.

Officials told her she was **not allowed to have what would be her fourth child.** The following month, Mogdyn said, **doctors “cut my fetus out” without using anesthesia.** She still suffers from complications. (...)

A Kazakh woman with close relatives remaining in China was **forced to undergo two abortions, in 2016 and 2017, while living in Xinjiang.**

Simon Denyer, [‘Former inmates of China’s Muslim ‘reeducation ’camps tell of brainwashing, torture’](#) *The Washington Post* (17 May 2018).

food was poor, with meat infrequent and food poisoning not uncommon. Inmates sometimes were **forced to eat pork, forbidden in Islam,** as punishment.

Radio Free Asia, [‘Threat of Re-Education Camp Drives Uyghur Who Failed Anthem Recitation to Suicide’](#) *Radio Free Asia* (5 February 2018).

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

This method of genocide deliberately inflicts conditions on life that would, on an objective probability, lead to death or physical or mental harm of the targeted people.¹² The methods of destruction do not need to immediately kill the members of the group, but ultimately aim the physical destruction.¹³

NI/RW: ‘The authorities systematically target Uyghurs of childbearing years, household heads, and community leaders for detention in unliveable conditions, impose birth-prevention measures on Uyghur women, separate Uyghur children from their parents, and **transfer Uyghurs on a mass scale into forced hard labour schemes in a manner that parallels the mass internment.** In sum, China is deliberately inflicting collective conditions calculated to terminate the survival of the Uyghurs as a group.’

See also:

Bethany Allen-Ebrahimian, [‘The Scope of China’s Use of Forced Labor in Xinjiang Is Bigger than We Knew’](#) *Axios* (5 January 2021).

Dake Kang, [‘In China’s Xinjiang, Forced Medication Accompanies Lockdown’](#) *AP* (31 August 2020).

Annie Kelly, [‘“Virtually entire” fashion industry complicit in Uighur forced labour, say rights groups’](#) *The Guardian* (23 July 2020).

ASPI, [‘Documenting Xinjiang’s detention system’](#) (24 September 2020).

(d) Imposing measures intended to prevent births within the group

The imposition of measures intended to prevent births within the group does not only focus on the ultimate result, that is, the reductions of births,¹⁴ but also on the acts leading towards such reductions, including, ‘sexual mutilation, the practice of sterilisation, forced birth control, and separation of the sexes and prohibition of marriages.¹⁵’

¹² *Prosecutor v Karadžić* (Judgment) ICTY-95-5/18-T (24 March 2016) 546-548.

¹³ *Prosecutor v Akayesu*, Judgment, ICTR-96-4-T, 505.

¹⁴ International Criminal Court, Report of the Preparatory Commission for the International Criminal Court. Addendum. Part II, Finalised draft text of the Elements of Crimes, 2 November 2000, PCNICC/2000/1/Add.2, 7.

¹⁵ *Prosecutor v Akayesu* (Judgment) ICTR-96-4-T (2 September 1998) 506.

ECC: ‘There is prolific credible evidence of Uyghur women being subject to **measures that prevent them from reproducing**, either temporarily or permanently (such as by having **IUDs non-consensually implanted or through forced removal of their wombs**), as well as **forced abortions**. Such acts would, in our view, clearly constitute a form of genocidal conduct under [Article II d]. There is also evidence of Uyghur women being **raped in detention**. If it could be established that “the circumstances of the commission of such acts, and their consequences” are such that women are physically or mentally prevented from procreating as they otherwise would, this may also qualify as conduct falling with [Article II d].’

NI/RW: ‘The systematic birth prevention campaign in Uyghur-concentrated areas is reinforced by the mass internment drive. In the camps, Uyghur women are subjected to **forced IUD insertions, abortions, and injections or medication halting their menstrual cycles**, while Uyghur men of childbearing age are targeted for internment, depriving the Uyghur population of the ability to reproduce. As a result of these interconnected policies, growth rates in Uyghur-concentrated areas are increasingly approaching zero.’

See also:

Sam Hancock, [‘Gang raped, shackled and broken students: Inside China’s “horrific” Uighur detention camps’](#) *The Independent* (19 February 2021).

Providing details of “multiple gang rapes” that took place, she said: **“I heard a girl crying and screaming in another room. I saw about five or six men going into the room and I thought they were torturing her.**

“But then I was gang raped. After that I realised what they also did to her.”

Matthew Hill *et al.*, [““Their Goal Is to Destroy Everyone””: Uighur Camp Detainees Allege Systematic Rape’](#) *BBC News* (2 February 2021).

Bill Bostock, [‘Chinese hospitals aborted late-stage pregnancies and killed newborns as part of a campaign to purge the Uighur culture, report says’](#) *Insider* (18 August 2020).

Hasiyet Abdulla, a Uighur doctor who spent 15 years working in hospitals in Xinjiang and now lives in Turkey, told RFA that when a child was expected to be born into a family who

already had two or three children or who'd had a child in the past three years, **the pregnancy would be terminated, even at "eight and nine months."**

Alexandra Ma, [‘China is reportedly sending men to sleep in the same beds as Uighur Muslim women while their husbands are in prison camps’](#) *Business Insider* (4 November 2019).

Chinese men **assigned to monitor the homes of Uighur women whose husbands were sent to prison camps** frequently sleep in the same beds as them

Amie Ferris-Rotman, [‘Abortions, IUDs and Sexual Humiliation: Muslim Women Who Fled China for Kazakhstan Recount Ordeals’](#) *Washington Post* (5 October 2019).

(e) Forcibly transferring children of the group to another group

The forcible transfer of children refers to the act of removing children from their families and communities and placing them with other groups.

ECC: ‘There is evidence of Uyghur **children being forcibly removed from their parents**. This includes their non-consensual placement in orphanages when one or both parents are in detention, and their mandatory placement in boarding schools. The fact that children are deprived of the opportunity to practise their Uyghur culture (for example, by being **punished for speaking their native languages and prevented from learning religion**), that they are sometimes given Han names, and that they are sometimes subject to **adoption by Han ethnic families**, all bolsters the evidence that their forced removal is carried out with the intention of destroying the Uyghur population as an ethnic group as such.’

NI/RW: ‘Where detentions and forced labour schemes are leaving Uyghur children bereft of both parents, they are **being sent to State-run orphanages** and raised in Chinese-language environments with standard Han child-rearing methods.’

See also:

Amy Qin, [‘In China’s Crackdown on Muslims, Children Have Not Been Spared’](#) *New York Times* (28 December 2019).

State media and official documents describe education as a key component of President Xi Jinping’s campaign to wipe out extremist violence in Xinjiang, a ruthless and far-reaching

effort that also includes the mass internment camps and sweeping surveillance measures. **The idea is to use the boarding schools as incubators of a new generation of Uighurs who are secular and more loyal to both the party and the nation.**

Human Rights Watch, '[China: Xinjiang Children Separated from Families](#)' (15 September 2019).

Adrian Zenz, '[Break Their Roots: Evidence for China's Parent-Child Separation Campaign in Xinjiang](#)' (2019) 7 *Journal of Political Risk*.

Radio Free Asia, '[Dozens of Uyghur Children of Xinjiang Village Camp Detainees Sent to Live in Orphanages](#)' *Radio Free Asia* (2 July 2018).

3. Conclusion

The above information, and further analysis in the two legal opinions, make a **clear case that the atrocities against the Uyghurs amount to the legal definition of genocide**, even if there are some differences between the opinion in terms of the genocidal methods deployed by the Chinese Government.

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