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Human Rights and Multi-level Governance**



**THE UYGHURS: A CASE OF HUMAN RIGHTS  
VIOLATIONS?**

*Supervisor:*

Prof. Lorenzo Mechi

*Candidate:*

Maria Leonor Albuquerque Trigueiros Rodrigues Alves

No. 2039404

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*“When doing something, give it your best!”* – To my mom: my rock, my fighter, my hero. The most beautiful human being in this world, the perfect Woman, the most caring Mother, the greatest fighter, the one that will always smile through the pain, and the one that places all above herself, you are a true inspiration. Thanking you will never be enough, I love you.

## **Abstract**

In the Tarim Basin, the Uyghurs are the major ethnic group. Since 1949, the People's Republic of China (PRC) has administered this province, and Xinjiang has been dominated by the Chinese Communist Party, which has turned it into a hotbed of anti-Uyghur animosity. As Uyghurs are forced into detention camps and undergo "political reeducation" to pledge allegiance to the Chinese Communist Party, with harsh discipline, physical, and psychological punishment, Xinjiang has become one of the most closely watched places in the world. The Chinese Communist Party has been providing the Xinjiang authorities with permission to ensure measures meant to sinicize the population of Xinjiang, through measures to eradicate religion and ethnicity, and to further eradicate the Uyghur people. The Genocide Convention supports the findings of genocide according to the breach of every act inflicted upon the Uyghurs and prohibited in Article II, the Rome Statute of the International Criminal Court confirms China's crimes against humanity, against the Uyghurs, and the Committee on the Elimination of Racial Discrimination and China, the Torture Convention, and the International Labor Organization all argue the presence of human rights breaches within the People's Republic of China. The international response on the allegations of an anti-Uyghur animosity revolves around weighted sanctions, and various reports and assessments on the reality of Xinjiang. The intent here revolves around finding the human rights agenda on this matter, to safeguard the Uyghur population from extinction.

**Keywords:** Uyghur, China, CCP, XUAR, Xinjiang, Genocide

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## Introduction

When approaching the concepts of peace, conflict and violence, it must be understood that they all coexist and depend on each other, since their total scope is not autonomous, relying on the underpinnings of the Human Rights concept and arena.

With regard to conflict, it is known that it cannot be eradicated, as it is inherent to social life and is part of human interactions. However, there is a possible transformation related to the disassociation of violent practices, adopting peaceful mechanisms, articulating interactions, conflicts and choices, in other words, articulating socialization. It is important to realize that violence compromises freedom and equality, whether in its direct or indirect form, as a disruptor of peace. In this sense, direct violence refers to physical violence, and indirect violence refers to the imposition of will, manipulation, oppression, inequalities or identity persecution.

Violence and conflict can be used here to understand the motivations behind the serious and various allegations of human rights violations in Xinjiang, against the Uyghur Muslim minority group. The structure follows a chronological historical approach, on the creation and emergence of the Uyghur people. The Uyghurs, a Turkic people that make up a major part of the Xinjiang-Uyghur Autonomous Region (XUAR), constitute the majority ethnic group in the Tarim Basin, a region that was previously conquered by the Qing Empire in 1759 and then incorporated as the new administrative region of Xinjiang. This region has fallen under the administration of the People's Republic of China (PRC), as the "Xinjiang Uyghur Autonomous Region". The region rapidly saw an increase of Chinese discontent, emerging on sentiments of fear, associated to the concept of terrorism and extremism, followed by a "Campaign against Violent Terrorism" and a "People's War on Terror", interpreted as the turning point to the mass atrocities in Xinjiang, and viewed as the organic Chinese structure to elevate the country. Following a line of analysis on the vocational system, the implementation of the "re-education camps" concept, and the virtual internment of the region that is viewed as an "open air prison", this research argues a great necessity to deconstruct the *genocide in the making*, on considerations of articles, witness testimonies, human rights reports and the evaluation of China's international

position within international treaties. On deconstructing the abuses, atrocities, crimes against humanity, and human rights violations that the Uyghurs have been enduring for the last decade, the research here tries to justify the absence of a world—wide indignation on Beijing’s behavior, focusing on legal instruments, such as the Genocide Convention, the Convention on Torture, the 1998 ‘Rome Statute’ of the International Criminal Court, the International Labor Organization, the International Convention on the Elimination of all Forms of Racial Discrimination, and on the analysis of the United Nations Human Rights Office of the High Commissioner’s *Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region*. The purpose falls on searching for accountability, at the expense of the Uyghur people, specially since what motivates this research is the functionality that these legal instruments have, or should have, on acting upon conflicts and emergencies. A focus must always be on the world’s security, in which all participating states consent to giving up their major role in resolving conflicts and, in addition, consent to acting jointly against any state that is in breach of their obligations as part of the community. In China’s situation, the community party argues an absence of guilt on the violations of human rights, continuing to deny the existence of the ‘political training centres’.

This goes hand in hand with the scenario of a dueling arena between China and mostly democratic western systems and IOs, in a constant challenge for human rights improvements in the Chinese state. China’s participation in human rights and security instruments is seen, by researcher Dan Zhu, as ‘empty gestures’, and this is why the aim of this analysis focuses on the search for understanding the political and economical motivations that the Chinese government may have on insisting to ‘re-educate’ the Uyghurs, or to gain further geographical control over the region of Xinjiang, with a possibility of having to do with the emergence of the Belt and Road Initiative. Moreover, the focus is also on the belief system in which China relies on, being it on the religious or areligious path, or even in regard to the ethnic view that must cover the communist country, as it is commonly confirmed by the Chinese government that the country focuses on a single ideology, focused on the Han Chinese. This being said, the analysis that is made during this research relies on trying to reach a common ground to China’s actions, and to further understand if there is a final decisive goal to which China is aiming, or if



the atrocities being committed on the Uyghur community only relied on the Chinese system of belief in which this religious and ethnic minority cannot be a part of. With this analysis, the motivation also passes through a scrutiny on how the international arena and the human rights community is responding to the numerous allegations of human rights violations that are ongoing, at least, since 2017, with numerous reports and official leaked documents that prove the allegations to have veracity.

The aim of this research is to analyze the situation in Xinjiang, by giving background historical context that will further improve the level of analysis, by defining the emergence of both people, the Han Chinese and the Uyghur, and by focusing on the description of the atrocities and crimes committed, or alleged, from within the ‘concentration camps’, to the outside living situation of Xinjiang. After this scrutiny, the purpose falls on analyzing the concept of the ‘Uyghur Genocide’, and to further use the legal instruments mentioned above, to understand what are the crimes being committed, and why the international system is failing to hold China accountable. Finally, it falls on the analysis of whether there is legal action strong and suited enough, to end the mass incarceration, the atrocities and the violations of human rights in Xinjiang, or if the human rights community has given up on standing for the Uyghur people, setting a problematic precedent.

## Chapter 1 – The historical background of the Uyghurs

*“The identity of the present people known as Uyghur is a recent phenomenon related to Great Game rivalries, SinoSoviet geopolitical maneuverings, and Chinese nation-building.”<sup>1</sup>*

### 1.1. The Han Dynasty, the Han China, and the Uyghur Kaghanate

To understand the disparities between Chinese and Uyghurs, between China and Xinjiang, and both their background statements, it must be noted that these parallels date back to the Central Plains states and dynastic rule<sup>2</sup>. It can be brought back to the first military colonies, the so-called Tuntian, and commanderies, or *duhufu*, established in 120 and 60 before the Common Era, respectively. The military colonies served under the Han dynasty (206 B.C.E. – 220 C.E), which is said to be the first to ever exercise military and political control over Xinjiang (formally called Xinjiang Uyghur Autonomous Region, or XUAR<sup>3</sup>; from now on I will regard the region as Xinjiang, being that only around 1884 did the region had officially become recognized as that), more than two millennia ago. The Commission on Human Rights, through the Working Group on Minorities, drafted the paper “China’s Minorities: The Case Of Xinjiang And The Uyghur People”, in which Dru C. Gladney, Professor, from the University of Hawaii, presented evidence on the Uyghur Empire, and how they reportedly emerged only after the fall of the Turkish Khanate (552-744 C.E.), at a time when the Uyghurs were considered only as “a collection of nine nomadic tribes”, which followed the sedentarization of the Uyghur, at the same time the Chinese Tang state started to become interested in trade and its lucrative outcomes<sup>4</sup>. Followed by the Tang dynasty (618-907) and the An Lushan rebellion in the mid-eighth century, only the Qing dynasty (1644-1911) ruled Xinjiang after the cease of

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<sup>1</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE. *Sub-Commission on Promotion and Protection of Human Rights. Working Group on Minorities; Ninth Session.* Commission on Human Rights.

<sup>2</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land.* New York, NY, United States of America: Columbia University Press.

<sup>3</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land.*

<sup>4</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE. *Sub-Commission on Promotion and Protection of Human Rights. Working Group on Minorities; Ninth Session.* Commission on Human Rights.

the Central Plains dynasties<sup>5</sup>. Of course, the interaction of the Chinese state was followed by socio-religious changes, and the Uyghurs became under foreign influence, adopting cultural, agricultural, and dress practices from the Chinese, which Professor Dru C. Gladney believes to have occurred because of extensive trade and military alliances<sup>6</sup>. However, this goes to say that various authors and historians argue an absence of Chinese history at this time, as William Kirby states that “there was no ‘China’ in a formal sense under the dynastic rule”, and the idea of a nation was not yet constructed. It is then said by Gardner Bovingdon that “the ‘Chinese nation’ was a modern invention dating to no earlier than the late nineteenth century, although just as their counterparts around the world did, Chinese nationalists concocted an ancient origin and a linear history of their ‘self-some, national subject’ moving through time”<sup>7</sup>.

It is important to stress that the stories told by politically motivated Chinese historians separate the Uyghurs and their ethnic origins away from the Xinjiang of today, by connecting their history and origin to Mongolia. The Uyghur tribes are understood as being the principal social and political force in Xinjiang only in the ninth century after they migrated from Mongolia. This leads to the proposition of the Han Chinese as the original inhabitants of the region, which is propagated by the Chinese state and controlled by the Chinese press<sup>8</sup>. Conversely, according to Uyghur nationalists, the Uyghurs emerged around six thousand years ago, being that there is no old enough written and archeological evidence to support this statement. Oppositely, other Uyghur nationalists have made reference to being descendants from an earlier time, from a confederation of people called Xiongnu. They are said to have sought control over Xinjiang, and to have engaged in a “tug of war” with the Han dynasty, mainly due to the historical belief in Chinese-language histories that the Xiongnu were the mortal enemies of the Han dynasty<sup>9</sup>.

The origin of Uyghurs appears historically as one of the largest population groups in Central Asia by also constituting an ethnic Turkish Muslim minority group in China’s

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<sup>5</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>6</sup> Gladney, D. C. (May 2003). CHINA’S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>7</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>8</sup> Tursun, N. (2008). The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History. *China and Euroasia Forum Quartely*, 6, No. 3, pp. 87-100.

<sup>9</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

Northwestern Region, later called Xinjiang Uyghur Autonomous Region, or East Turkestan. According to Debnath and Chatterje, the modern history of the Uyghurs goes back to two Islamic cities, Kashgar and Khotan, and in the late 16<sup>th</sup> century Khojas became the Uyghurs' spiritual leader, replacing the Sufi order<sup>10</sup>.

More reliable accounts of the region and its ancestors can be found in early Chinese dynastic records dedicated to the rise of the Xiongnu, in the third century *Before the Common Era* (BCE), at a time when the founder of the empire, Modun (Chanyu of Xiongnu), wrote a letter to the Chinese emperor informing that he had subjugated twenty-six states. Evidence of a Chinese encounter with Eastern Turkistan only came half a century after the letter of Modun, on accounts of a quest for an alliance against Xiongnu, when the Chinese emperor of the Han dynasty sent a Chinese envoy to the region that returned years later with valuable information of the region. Upon discovering the locations, history, and military powers of the so-called (by the Chinese) Western Regions, the Chinese were quick to understand the economic power of the Xiongnu and its dependency on the states of the Western Regions, and for this reason, the Han Chinese developed a policy to separate the region from the Xiongnu, "to undermine its economy base". Consequently, the Xiongnu power, over the region, collapsed in the second half of the century and Han China took control and dominated the Western Regions, at least until one century later, when the Xiongnu overthrew the Han hegemony and took control over Eastern Turkistan. This led to a rivalry in one of the Western Regions cities between the Xiongnu and the Yarkent king, which had "declared himself as 'Chanyu' in 41 AD and competed with the Xiongnu for the supremacy of the Western Regions"<sup>11</sup>.

Moreover, the Chinese Central Government's official *White Paper* on Xinjiang declared and confirmed the claim regarding the Han Chinese as the original inhabitants of Xinjiang<sup>12</sup>, confirming that "In 840, large numbers of Uighurs (one of the ancient names for modern Uyghurs) entered Xinjiang. The Uighur, originally called Ouigour, are

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<sup>10</sup> Debnath, K., & Chatterjee, S. (2021, June). The Uyghurs of Xinjiang: Politics of Identity and Internal Colonialism. *Journal of Kolkata Society for Asian Studies*, 7(1), 22.

<sup>11</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*. United States: Palgrave Macmillan US.

<sup>12</sup> Tursun, N. (2008). *The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History*.

strange from the ancient tribe Teli.”<sup>13</sup> The government-sponsored view also credited the Han empire as the first to station garrison troops in Xinjiang to open up wasteland for the cultivation of farm crops, being that they established an inflow of Han people to the region at the same time the Western Regions Frontier Command was established, in 60 B.C.<sup>14</sup>.

Han China took control over the Western Regions in the second century, but still encountered some difficulties along the way, specifically in Kashgar, when a troop of more than 30,000 Han Chinese soldiers was sent to conquer but could not take hold of the small city that was under the rule of the Kashgar king. By 220 A.D., the Han dynasty had fallen, the Chinese rule over the Western Regions was no longer prevalent, and the “city-states of the region either established their independent rules or came under the rule of other empires, such as the Kushans and Hephthalites, during this period”<sup>15</sup>. In the fifth century, the steppes suffered from a dramatic change as the leader of Ancient Turks took control over the region, resulting in the domination of Eastern Turkistan by a steppe power. However, in the sixth century, around the year 648, China rose under the Tang dynasty and expanded its rule to Western Regions, having as a new rival the neighbor of the region, Tibet, and a third one that emerged at the end of the seventh century, named the Turgesh Kaghanate, that usually disturbed the Tang dynasty in the Western Regions. However, the Turgesh was subjugated, and the Western Regions were settled as becoming under the rule of the Ancient Turks in the eighth century<sup>16</sup>.

Although the Uyghurs founded an empire in 774, in what is known today as Inner Mongolia, Mongolia, and Siberia, the empire was quickly pulverized by the Qirghiz in 840 and was rapidly forced to emigrate to Gansu and Xinjiang, in the Tarim Basin, where the name ‘Uyghur’ started to be mentioned and reckoned.<sup>17</sup> In the eighth century, the Islamic Arabs emerged as a new power at the time that the Turgesh Kaghanate was

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<sup>13</sup> *History and Development of Xinjiang*. (May 2003). Retrieved from <http://www.china.org.cn/e-white/20030526/index.htm>

<sup>14</sup> Tursun, N. (2008). *The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History*.

<sup>15</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

<sup>16</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

<sup>17</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

declining, giving also space for the Uyghur Kaghanate to emerge and dominate the land now known as Mongolia. At the time, there was a rivalry between the Arabs and China in which both strived for power. The Arabs, as “the winning party”, *interestingly* removed their power from the region, allowing the Uyghur Kaghanate to grab in the “power vacuum”, as they started to dominate the region and expand in the 750s. As the Uyghurs started to dominate the region, both Tibet and the Karluks became disturbed, although the Uyghur supremacy prevailed until the fall of the Kaghanate in 840, a much relevant year for the region, as it became extremely populated with various native powers emerging at the same time. The Karakhanids were established in the ninth century and quickly established their power in the southern parts of the region, as did the Turpan Uyghur Kingdom, in the northeastern part of the region. This being said, the various emerging cities led the Tarim Basin into becoming representative of the Islamic culture after the tenth century, in a period between the fall of the Uyghur Kaghanate and the rise of Chinggis Khan, although the kingdom of the Turpan Uyghur was forced to accept the supremacy of the Tang China. Nonetheless, the rise of Chinggis Khan gave new opportunities to the Uyghurs, and the Turpan Uyghur leader, Barchuk Art Tigin, was given an important post as the fifth son of Chinggis Khan. With this new global empire, and new relevancy attributed to the Uyghur leaders, the Uyghurs started to enjoy some autonomy in their land, from China to Anatolia<sup>18</sup>.

## **1.2. Qing Dynasty and the settlement over Xinjiang**

It was at the beginning of the seventeenth century that a new authority rose in the East of the region. The Manchus had already taken control over Beijing and had established a new dynasty, the Qing dynasty, in China, as they also took over the power of the Southern and Eastern parts of Mongolia around 1644<sup>19</sup>. The period of Mongol domination is of great relevance to further comprehending the ethnic history of Central Asia, in a period when “a common political space established by Mongol rule on the vast territory of Eurasia created favorable conditions for intensive interactions between peoples speaking different languages and following different forms of economic life

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<sup>18</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity, and Geopolitics*.

<sup>19</sup> Ibid.

(sedentary and nomadic)”<sup>20</sup>. Professor Dru C. Gladney mentions the research of Morris Rossabi to explain that it was not until 1760, after the defeat of the Mongolian Zungars, that the Manchu Qing dynasty was the one to have power over the region of Xinjiang, in which the Manchus established their ‘new dominions’ that were eventually expanded to Russian influence after the Yakub Beg rebellion took over control<sup>21</sup>.

Nonetheless, according to Kamalov, the breakage of nomadic tribal unions, the processes of assimilation and the trade of goods between various cultures in the Mongol period led to a transformation in the ethnicity present on the Central Eurasia map, which led to the formation of “contemporary ethnic groups” and helped shape the “distinct features of the local sedentary Turkic population”, in the Tarim Basin. The Turkis consolidated their population upon the Qing conquest in 1759, led by a more intense political separation from western Central Asia. However, the control was soon under the domain of the Russian Empire, and the separation between Central Asia into Russian and Chinese domains did not help terminate the interactions between the “Russian (West) and Chinese (East) Turkestan”<sup>22</sup>.

Between 1757 and 1759 the Manchus subjugated the whole of the Zunghar and the Tarim Basins. The Manchus quickly studied the societal behaviors of the different region structures, as they established different kinds of structural administration systems in Eastern Turkistan: “In the Zhungar basin, they expanded their banner system of Mongolia, (...) in the northern cities of Urumqi, Turpan, and Hami (they) established the province system (...) for governing the sedentary population, (lastly) in the Tarim basin (the Manchus) integrated the previous administrative structure with the imperial Qing rule”<sup>23</sup>. In addition to this, the Manchus excluded the Khojas from the region, forcing them to find shelter in the western states of Bukhara, Khokand, and Afghanistan, as the Qing dynasty made sure there was a clear separation between the locals and the outside military in the Tarim Basin<sup>24</sup>. The Qing Dynasty began its ruling on a bloody conquest over the territory in the mid-eighteen century and Xinjiang was then settled and bounded

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<sup>20</sup> Kamalov, A. (2021, October 29). Uyghur Historiography. *Oxus Society for Central Asian Affairs*.

<sup>21</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>22</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>23</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

<sup>24</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

to a Central Plains state. To shape and construct a strong empire, the Qing control set a colonial rule to make this “imperial administration” pay for itself, as it remained distant from China. However, it suffered from repeated rebellions from the Turkis in the early 1800s and mid-1860s, although in the 1820s the “literatus” Gong Zizhen suggested to the emperor a transformation from the colony into a province, which firstly was turned down but later accepted in the face of the Turkis insurrections<sup>25</sup>. The Qing dynasty was, at the time, focused on pacifying the region, which ended up happening through setting military outposts, “which supported a vassal-state relationship”<sup>26</sup>.

It was from this moment on that the immigration of chinese began, which later led to the 1860s uprising by the Chinese Muslims of Gansu that helped to establish the formation of an independent state, led by Ya’qub Beg from 1864 until 1877 when he was dethroned by General Zuo and Xinjiang returned to the power of emperor Qing. Ya’qub Beg showed weak control over the region since the beginning of its ruling when trying to immediately establish diplomatic negotiations with the Russian, the British, and the Ottoman empires, which led the Russian generals in Central Asia to take advantage and conquer a strategic piece of the Ili Valley region of the weakened state<sup>27</sup>.

After the Qing dynasty settled control over the Tarim basin, the Khohand Khanate, a neighbor of the Tarim basin, started to gain influence, and in the nineteenth century started to establish their power, to force the Qing dynasty to “give some privileges”, in a way of support to the Khojas which had fled into the land of this khanate to survive. Between 1815 and 1860 there were several uprisings until the Khohand Khanate gained independence, settled in Eastern Turkistan, and established diplomatic relations with Britain and Russia. Nevertheless, after his death in 1877, the Qing dynasty was able to regain its power with the help of Russia, defeating the rest of the khanate and establishing a Qing rule completely different from the previous one<sup>28</sup>. Fuller and Starr argue in “The Xinjiang Problem” that the Qing conquest, “or ‘reconquest’” of Xinjiang in 1759 and the later Qing state that was turned into a province in 1884 can only be interpreted as part of

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<sup>25</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>26</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>27</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>28</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.



a “colonial-era processes analogous to Russian’s expansion into Central Asia, France’s into Algeria, or Britain’s into India”<sup>29</sup>

By mid-nineteenth century, the process of the gradual sinicization of the Qing dynasty turned the Manchus into a reign of Chinese characteristics and quickly changed the model of governing the region which was consolidated and established as a province, “governed in the same way as the Chinese provinces of the empire”, hence, the indirect style of governing the region no longer prevailed. The two periods of the Qing court in Eastern Turkistan can be compared between the first era, the “Manchu rule”, and the latter one, as the “Chinese rule”, being that in reality the two eras can be traced back to the same dynasty, and the only real change is seen in the regions’ name, since Eastern Turkistan, or Western Regions, became “Xinjiang” in 1884<sup>30</sup>, when the Qing Dynasty officially reclassified Xinjiang from a colony to a province<sup>31</sup>.

Kamalov argues that national discourse reached Xinjiang on purpose, from ways of the Russian Empire, and that the Taranchi Turks of Semirech’e, whose migrations led to the Russian Empire, were pioneers of the Uyghur national idea, later supported by the Bolsheviks in the 1920s implementation of national policy, and by the Xinjiang government in the 1930s. It is also credited that the origin of Uyghurs has both a process of biological genetic and social nature and that it has been differently approached by various academic traditions. On the other hand, the Chinese work on the ethnicity is strongly motivated by the Sinocentrism, which takes strong roots in imperial ideology. According to Kamalov, the discussion of the ethnic and cultural development of the Tarim Basin that resulted in the formation of the modern Uyghurs must take into consideration some historical facts, such as the primary and ancient presence of the area, which was part of the Indo-Iranian world; then, only upon the 3<sup>rd</sup> century BCE did the region started to see the Turkicization upon the rise of the Huns, which was later finished by the time of the Mongol Empire; after that, between the 15<sup>th</sup> and 16<sup>th</sup> centuries, the population in the post-Mongol period started to convert to Islam; by the 18<sup>th</sup> century, the Qing Empire had conquered the Tarim Basin<sup>32</sup>.

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<sup>29</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*. Central Asia-Caucasus Institute.

<sup>30</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

<sup>31</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>32</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

### 1.3. The emergence of Chinese nationalism and the province of Xinjiang

As for Chinese nationalism, it is believed that it had its first appearance in the late nineteenth century whilst the Qing empire was on the verge of collapsing and panic was settling in with Japan's "unexpected naval defeat" in 1894. As the Chinese nation was awakening, Zhang Binglin, a distinguished literatus, started being noticed on his envisioned societal views. He believed that the Chinese nation could be both racially and culturally unified, although to achieve this goal, the focus had to be on separating mutually hostile groups that would not be able to get along. The Chinese could save the territories and the nation by discarding and abandoning non-Hans from the process, to relieve non-relevant parcels from the nation and from the territory that was not part of the Ming up to that specific time<sup>33</sup>.

When talking about the historical connections between Xinjiang and China, PRC President Jiang Zemin gave a speech mentioning Xinjiang as a part of the Chinese homeland since ancient times. At the time of his visit to Xinjiang, in 1998, President Jiang Zemin recalled Xinjiang's past, as he mentioned the Western Regions and the Western Han's administrative military-agricultural colonies. As clear as the message was, President Jaing made sure to indicate that Xinjiang was already part of the country as early as 60 B.C., "since the Han Dynasty, and during the Tang, Song, Yuan, Ming and Qing dynasties". The message stated the occupational imperialist powers, the English and the Russian powers, and the various opportunities to seize control of the region after the Opium War. This being said, the Qing Dynasty government made sure to establish the Xinjiang province in 1884, after resisting the outside forces<sup>34</sup>.

During the 1890s, Zhang Binglin made sure to demonstrate his abhorrence from the Manchus and his stand against the Qing dynasty, while perceiving Xinjiang as not worthy of being part of a "purified" China, but at the same time believing it would eventually be part of it, since it did not "belong to anyone else". And despite Laing Qichao's (another influential literatus) belief in asserting the "yellow race" and

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<sup>33</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>34</sup> Tursun, N. (2008). *The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History*.

advocating on a “broad nationalism” (*da minzu zhuyi*) that would save the nation from being weakened and fragmented, the radical and astute politician Sun Yat-sen’s belief was set on an anti-Manchuism, staging an inefficacious rebellion in 1895. He fled to Japan and after returning to China he was dubbed “father of the Republic” for being credited with leading the Republican Revolution in 1911, and for taking the Qing dynasty down, an actual uprising brought by Wuchang. Sun Yat-sen was then recognized as the first president and soon adopted the “broad nationalism” advocated by Laing Qichao, based on severe “incompatibilities between anti-Manchuism and the desire to keep all Qing territories”. In 1919, he advocated for Hans to abandon their distinct nationality, history, and identity, which they took pride in, and to fully integrate with the Manchus, Mongols, Muslims, and Tibetans. Chiang Kai-shek, who succeeded Sun as head of the national party GMD, put forth an ethnological theory that suggested all of China's diverse peoples shared a common racial origin, and cultural differences were solely due to regional disparities. These doctrines were designed to reject any notion of secession for regions under the Republic's governance, as Chiang argued that if Xinjiang were to become a province and the Qing Dynasty transformed into the Chinese nation, Xinjiang and its people were expected to remain an inseparable part of that nation. By 1927 Chiang had centralized all authority in Nanjing<sup>35</sup>.

Ever since the 1911 Revolution through the Communist takeover in 1949, the Republican government had virtually no *de facto* influence over the region of Xinjiang. Surprisingly, towards the end of this protracted period of semi-autonomy, which was disrupted by coups, uprisings, and brief independent states, the Communists were able to firmly reattach Xinjiang to China<sup>36</sup>. By the time they were done, the Taranchi (a term used to describe the Muslim sedentary population that resides around the Tarim Basin) elites, as well as the legal and bureaucratic structures, had begun to support the idea of a Uyghur nationality, distinct from the province of Xinjiang. Due to the cessation of financial support from interior China, which resulted in higher taxes and an unstable economy, the 1911 revolution had an impact on political and cultural changes. Then, due to the central Republican government's inability to maintain control in Xinjiang,

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<sup>35</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>36</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

neighboring countries became more influential, with the Soviet Union taking a particular interest. There was a desire to formalize the "various nationalities" as a result of conflicts with the Taranchi and Kashgari peoples in the 1920s over matters pertaining to their own identity within the Soviet Union. Along with the Taranchis and Kashgaris of the Soviet Union and the Altishahri and Taranchi of Republican China, the Uyghur nationality achieved triumph with this<sup>37</sup>.

Regarding Xinjiang in its republican period, Bovingdon assumes it as a "colonial rule in national guise", since the first governor of the province after 1911, Yang Zengxin, enforced and enacted policies to keep the people of the region under ignorance and responded with unhinged brutality to any political uprisings, for example by "famously ordering rebellious underlings to be beheaded at a banquet". Nonetheless, even Yang Zengxin's successor, Jin Shuren, had similar behaviors and even forced Turkis to displace their land in order to create space for Han immigration, exempting only them from land taxes<sup>38</sup>. It is by the end of the Qing dynasty that mentions of the Great Game rivalries between China, Russia, and Britain, start to emerge. This period saw the destruction of the region of Xinjiang, to be blamed on competing loyalties between the two short-lived attempts to reach independence: one attempt fell into the proclamations of an "East Turkestan Republic", the other mentions Yining<sup>39</sup>. The southern Tarim Basin lost control, and around 1933 the Kashgars started a rebellion that resulted in the declaration of the East Turkestan Republic (ETR)<sup>40</sup>, also known in legal documents as "Turkistan Government" or "Republic of Uyghuristan"<sup>41</sup>, "regarded as a new phase in the development of the society" and affecting a vast area of the region. This led to the so-called "Republican trends" in the twentieth century movements of Eastern Turkistan, at least until the fall of the ETR when the region fell under Soviet influence<sup>42</sup>, because even though it was considered by historians as a "fully elaborated state, with flag, currency, and government", the ETR only lasted around one year due to the lack of diplomatic

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<sup>37</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>38</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>39</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>40</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>41</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>42</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*.

recognition from Britain and the Middle Eastern states, because of both their allegiance and support for the Nanjing government<sup>43</sup>. Additionally, the capital of the ETR was conquered by the Chinese Muslim army in 1934, and a nationalist sentiment toward the Uyghurs grew after a Kashgar newspaper article urged its readers to start using the name Uyghur<sup>44</sup>.

Before that, the forms of the Central Asian states were grounded on khanates or emirates, until the fall of the Russian Tsarist Empire, when the Central Asian states started to declare the “many short-lived republics”, as above-mentioned “Republican trends”. This modernization movement was seen as an outcome to the Jadidism, which started to erupt among the Russian Muslims since the nineteenth century. The movement was based on Muslim reformers in the Russian empire who aspired the modernized Islam to take change and guide their societies, as it well happened in Xinjiang with the establishment of Jadid schools in Kashgar<sup>45</sup>.

Through 1944, the region of Xinjiang was ruled by Jin’s *de facto* successor, Sheng Shicai, as a puppet of the Soviet Union. During his ruling, Sheng imprisoned over a hundred thousand people, counting to a majority of Turkis, while others founded a “more or less independent polity” in the southern Tarim Basin, from 1934 until 1937<sup>46</sup>. Again, the Russians assisted militarily in order to eradicate the anti-Soviet doctrine of ETR members, deploying Russian troops in various Xinjiang cities, and once again Xinjiang and its ruler Sheng became economically and politically dependent of the Soviet Union. Sheng Shicai encouraged a series of developments, interests, and ideas alongside the Soviet Central Asia. It inspired a governance that would change the role of Uyghurs in the region, since it was inspired by “imitation of soviet administration”, merging two previous administrative and governmental points of view: on one hand, followed an indirect rule and overlapping sovereignties; on the other, it sought a more bureaucratic and systematic administrative composition, as it gave some control to non-Han officials, which would end up being a dangerous situation and ending up purging these political

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<sup>43</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>44</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>45</sup> Guljanat Kurmangaliyeva; Konuralp Ercilasun. (2017). *The Uyghur Community: Diaspora, Identity and Geopolitics*. United States: Palgrave Macmillan US.

<sup>46</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

intellectual elites (Uyghur, Han)<sup>47</sup>. However, as history repeats itself, Sheng tried to cut ties with the Soviets in 1942 but after 2 short years regretted it and tried to reverse his decision, leading the nationalist leaders to “relieve him of his position” as they established a Chiang loyalist and Han chauvinist as ruler. Wu Zhongxin took no time in aiming at “permanently altering the ethnic balance in the province”, as he immediately opened Xinjiang to Han immigration, being that it was financed by the Chinese government. With this, the Uyghurs, the Qazaqs and other groups settled in the previous Xinjiang three northwest districts and from 1944 until 1949 established and held the Eastern Turkestan Republic as an independent government in Ghulja<sup>48</sup>. The author Dru C. Gladney, through the *Working Group on Minorities*, stresses that the Han migrations started to be incorporated in the Xinjiang Region due to Chinese policies and encouragements, as China’s intent was to establish a primary programme to assimilate its border regions, as a policy of “integration through immigration”<sup>49</sup>. During this period, around 1945, the nationalists set out to negotiate with the ETR government, and with Soviet stimulation, they agreed on a coalition in Urumqi, with representatives from Ghulja. Set to collapse, this coalition started to become frail around 1947. General Zhang Zhizhong started to travel around Xinjiang making speeches since he had been already sent to negotiate the coalition, but this time he started to compare Xinjiang with British India, or with the American colony of the Philippines, in a sense of “global tide of decolonization” and possible independence of Xinjiang, though he expressed great doubt about true independence, “fearing that instead it would fall under the control of another state, understood to be the Soviet Union”<sup>50</sup>.

In 1949 when the Chinese Communist troops entered Xinjiang, the Chinese immediately seized control over the region by sending ethnic Han Chinese soldiers, calling it “Production and Construction Corps” that eventually increased the Han population in Xinjiang<sup>51</sup>. As stressed by Dru C. Gladney, the Nationalist policy of recognizing the Uyghurs as a minority under Chinese rule emerged upon the ‘peaceful liberation’ taken out by the Chinese Communist of Xinjiang, in October 1949, as they

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<sup>47</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>48</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>49</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>50</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>51</sup> Debnath, K., & Chatterjee, S. (2021, June). The Uyghurs of Xinjiang.

seized to establish the Xinjiang Uyghur Autonomous Region exactly six years later. This led to large migrations of 300,000 Uyghurs and Kazaks to flee towards Central Asia<sup>52</sup>.

#### 1.4. The ‘Uyghur’ name

With the opinion and research of various authors and intellectuals, the “Uyghur” name is credited to have different meanings and interpretations because of unreliable historiography from different sources. The first meaning implies “ancient” or “historical” Uyghurs due to the background as Turkic people, said to possibly be present in texts of the 4<sup>th</sup> century. The history of “ancient” Uyghurs can be recognized according to two distinct periods of time: the first recalls the early nomadic states – or Kaghanates (Turk El) – in the present-day territory of Mongolia and Zungharia; the second period, between the 9<sup>th</sup> and 13<sup>th</sup> century assumes the formation or creation of existence of the “sedentary Uyghur states” in the Tarim Basin<sup>53</sup>. After these two periods, the Uyghur as a name had its decline and it gradually disappeared, as the name and their religion was promptly forgotten when the Qarakhanid Empire began to Islamize the Buddhist Uyghur population in the Tarim Basin<sup>54</sup>. Professor Dru C. Gladney argues that the re-emergence of the label “Uyghur” had been inappropriately used for the last 500 years since it recalled the Buddhist population of the Turfan Basin, although the name was “stuck as the appellation for the Turkish-speaking Muslim oasis dwellers”, never being disputed.<sup>55</sup> Only in the 20<sup>th</sup> century did the name reappeared, when another meaning for the ethnonym “Uyghur” portrayed the present-day sedentary population of Xinjiang<sup>56</sup>, as it also emerged from a Soviet conference to fight off the threat of a Pan-Turkist revolt, by allocating the Uyghur name to the Turks of Central Asia located in Xinjiang.<sup>57</sup> In spite of the above mentioned, Kamalov also mentions Sean Roberts’ and David Brophy’s research to argue that the Uyghur name had no ethnic meaning, but rather had a political symbolism attached to the

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<sup>52</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>53</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>54</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>55</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>56</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>57</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

three main groups of East Turkistan, living in Russian Turkistan – the Taranchis, the Kashgaris, and the Dungans<sup>58</sup>.

Garner Bovingdon goes on to explain that the Chinese nation strongly sustains the belief that the Uyghurs are and were part of China's 'great family of minzu' since they have appeared on the map. However, Uyghur nationalists assert the birth of their nation to have come from a much earlier period, and their identity to be recognizably different and divergent from the Chinese nation<sup>59</sup>.

### 1.5. “Uyghur state free of Han Chinese control”<sup>60</sup>

In order to have legitimate action on imposing restrictions on the Uyghur community, China transformed the image of this minority group into a 'national threat', turning the constitutional and legal protections for ethnic and religious practices into meaningless documentation<sup>61</sup>.

The real issue began when the Chinese authorities changed their approach regarding the restrictions imposed on the Uyghur community and on their cultural practices, leading to the Urumqi Riots<sup>62</sup>. First seen as peaceful protests, the riots quickly escalated to the mass killing of Han civilians<sup>63</sup>. However, the uprisings began much sooner, and Justin V. Hastings analyzes the different riots and uprisings that categorized the region of Xinjiang and that eventually led to the Chinese naming of Uyghurs as *terrorists*<sup>64</sup>. In the research “*Charting the Course of Uyghur Unrest*”, Hastings explains that his analysis has focused specially in understanding the legitimate grievances of the Uyghurs and of the Chinese, as he tried to be the most unbiased possible<sup>65</sup>. The author goes on by defining the course of Uyghur unrest and Uyghur-related violence incidents over three phases “defined by the nature of Chinese government policy towards Uyghur

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<sup>58</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>59</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>60</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest. *The China Quarterly*, pp. 893-912.

<sup>61</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*. China's De-Extremization of Uyghurs in Xinjiang. New America.

<sup>62</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention*. Newlines Institute for Strategy and Policy.

<sup>63</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>64</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>65</sup> Ibid.



‘separatism’”<sup>66</sup>. According to Ali Çaksu, the region of Xinjiang had a “relatively calm and conflict-free period” counting from the end of the Cultural Revolution until the Tiananmen Massacre in 1989, at a time when the Uyghur treatment started to aggravate<sup>67</sup>.

It must be noted that the 1990s saw in China a series of violent events and uprisings on grounds of national identity and religious practices. Beijing realized that the 1980s policies meant to integrate the minorities, turned the Uyghur integration into Uyghur resistance on being part of the Chinese state-nation, causing more space between the two peoples and their much different cultures. This led to nationalist sentiments reflected with the Baren uprising, among others. Plus, the sentiment of anxiety experienced by China was also believed to have to do with the collapse of the USSR, which could lead to breaches in the territorial integrity of China<sup>68</sup>.

The first phase began with the uprising in Baren in April 1990, at a time which Justin V. Hastings considers the low level of “logistically sophisticated violence in Xinjiang itself”. This outbreak was meant to invade Baren, by attacking the local government offices and taking control over them, which they did for a couple of hours, until the principal military force of the Chinese government, the *People Liberation Army*, took control over it. Following the Baren conflict, a series of bombings proceeded in various cities around Xinjiang, with the clear intention of taking government offices down. Chinese government sources claimed to have broken up at least 17 rebel cells until 1992, although these cells were of uncertain nature. Nonetheless, the government sources continued to take down cells and assuming Uyghurs as *terrorists*, claiming that the primary perpetrators of a series of bombings were the “Islamic Revolutionary Party”, at a time when other seven groups were identified in the aftermath of the bombing campaign<sup>69</sup>. On another note, the Cultural Revolution left a sentiment of alienation towards the minorities, leading to little sympathy for cultural and linguistic differences from the Red Guards<sup>70</sup>. In the second phase, in 1996, hundreds of Uyghurs were executed on the suspicion of violence and ‘separatist’ activities, on the hands of the “most

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<sup>66</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>67</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China. *Islamophobia Studies Journal*, 5, 175-198.

<sup>68</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

<sup>69</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>70</sup> Hayes, L. D. (2015). *Political Systems of East Asia: China, Korea, and Japan*. (E. G. Book, Ed.) Routledge, Taylor & Francis Group.

comprehensive” *Strike Hard* Campaign, a Chinese solution that came from the violent implementation of the Politburo’s pronouncement, which had resulted from the “Minutes of the Central Politburo Committee Meeting concerning safeguarding Xinjiang’s stability”. With this, riots increased in Xinjiang until mid-1998, when the Chinese government’s measures started to work, and the violence declined. At this point, Xinjiang started to be heavily controlled, with several radar stations “for border defense”, 260.000 border defense force personnel, and 400.000 internal security force personnel. Hastings mentions here that “every crackdown since 1996 has been accompanied by reports of human rights violations”, followed with mass roundups of Uyghur suspects, trials and executions<sup>71</sup>. The many uprising and violent events portrayed are seen as the response image of the assimilationist approach taken by the Chinese Government, following the 1980s. The CCP started to restrain practices of both Uyghur ethnicity and Islamic religious activities, as it also implemented extraordinary measures drafted to ‘indiscriminately’ target crimes associated to nationalism, religious activities, and interethnic socioeconomic tensions<sup>72</sup>. With this, the third phase followed the 9/11 terrorist attacks in the United States, which the Chinese took advantage of, by aligning with the US and claiming they’ve been also suffering from *terrorism*, even portraying the Uyghurs as being tied to al-Qaeda<sup>73</sup>. Right before that, China had already declared its fight against the Uyghur separatism, as “part of the global war on terror”, while it encouraged the Central Asia governments’ to align with the formation of the *Shanghai Five*, in a way to focus on “separatism, fundamentalism and terrorism”. The Chinese strategy was aligned on an economic and diplomatic integration approach, as China offered to settle territorial disputes and shift the relations with its neighbors towards a more lucrative one. By doing this, Beijing gained support from Pakistan, Kyrgyzstan and Kazakhstan<sup>74</sup>. By 2002, the new *Shanghai Co-operation Organization (SCO)* had established a new premise, focused on the creation of a regional anti-terrorism agency<sup>75</sup>. Between 1997 and 2001, the Chinese state saw a series of security campaigns, and starting with the 1997 Yili riots, Beijing established the “100-Day Crackdown Campaign, the “General Campaign Against

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<sup>71</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>72</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

<sup>73</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>74</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

<sup>75</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

Terrorism”, and the “Strike Hard Campaign”.<sup>76</sup> A new uprising of Uyghur-related violence incidents led, in 2009, to a series of riots between Uyghurs and Han Chinese in Urumqi, although this time it was not planned. This time, rumors of Uyghur workers sexually assaulting a Han woman led to the riots that resulted in the death of two Uyghurs, then, further riots occurred based on dissatisfaction over the inaction of the government's response regarding the first riots<sup>77</sup>. The problem here is that the treatment given to the Uyghurs, the discrimination they suffer in matters of employment and education, the poverty, the corruption and restriction on freedoms all sum up to eventual criticism that is interpreted by the Chinese as a sign of separatism and extremism, which ends up in violent protests against the Han Chinese, as it was the case in July 2009, that stemmed “from the Uyghurs’ desperation after decades of discrimination and persecution”<sup>78</sup>. The riots led to an internet shutdown followed by an increased travel control, which was fortified by check points and added guards’ stations to regulate the Uyghurs travel passes. Xinjiang became “one of the most closely monitored regions in the world”, under the control of Xi Jinping, who continued to impose less Islamic devotion, which meant more state control<sup>79</sup>.

## 1.6. Demographic breakdown

In the current days, it is possible to acknowledge an influence that has been integrated in Xinjiang in matters of economic, political, demographic, ethnic and commercial issues and that are structurally linked to the policies of the Qing Era, which can with no doubt be linked to migration patterns in the region, in a “deliberate swap of Uyghurs” for Hans. According to evidence provided by Millward, the demographic patterns show that the Xinjiang’s population in 1941 was constituted by up to 80 percent Uyghurs and 5 percent of Hans, while the scenario in 1990 changes and it turns for 47 percent Uyghurs and 38 percent Hans<sup>80</sup>.

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<sup>76</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*..

<sup>77</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>78</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>79</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>80</sup> Millward, J. A. (2007). *Euroasian Crossroads: A History of Xinjiang*. New York : Columbia University Press.

The Chinese have been migrating to Xinjiang at a steady growth since the mid-eighteenth century, where a census of Han and Hui people have settled in the two Xinjiang prefectures of Zhenjiang and Dihua, in Urumqi, counting 114,348 Han's and Hui's in the western part of the region. According to Wang Xilong, an estimate of "over 155,000" Chinese reclaimed the land in northeastern part of Xinjiang, which according to Millward was not permitted to the Han and the Hui, nor were they allowed to settle permanently in the Tarim Basin cities. On the south part of Xinjiang only Chinese merchants would pass by, estimating that the numbered would only reach the hundreds<sup>81</sup>. Although the majority ethnic group in China is the Han Chinese, significant demographic changes occurred in Xinjiang following the establishment of the People's Republic of China in 1949. Over the subsequent three decades, millions of Han Chinese settlers migrated to the region. Beijing began expressing concerns about Uyghur ethnonationalism and religious revival in the 1980s. Despite being outnumbered, Han Chinese in Xinjiang held advantages in employment access compared to the Uyghur minority, exacerbating feelings of discontent and leading to expressions of revolt and insurrection within the Muslim faction<sup>82</sup>. These migration patterns were seen as a response to Chinese policies that encouraged the Han population to move to the Xinjiang Region, encouraging them towards communication, education and occupational shifts. With this, Xinjiang documented an increase of the Han migration and of their local population, of around 2,500 per cent between 1940 and 1982, which Professor Dru C. Gladney affirmed to have represented an average annual growth of 8.1 per cent<sup>83</sup>.

When comparing to the census from the Qing dynasty of 1818, which counted 63,767 Uyghur households in the Tarim Basin (Kashgar, Yarkand, Khotan Aksu, Sairam, Bai, Korla, Bugur, Kucha, Shayar), meaning 320,000 Uyghurs, with the numbers estimated by Wang in regards to the total population of Chinese in Xinjiang (155,000 Chinese), Millward interprets these numbers by admitting that given the limited presence of Uyghurs in Urumqi and the newly established settlements along the Northern Route during that time, Uyghur population in Xinjiang in the early nineteenth century can be approximated to 320,000. Consequently, the number of Chinese individuals (Han and

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<sup>81</sup> Millward, J. A. (2007). *Eurasian Crossroads: A History of Xinjiang*. New York : Columbia University Press.

<sup>82</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>83</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

Hui) in Xinjiang around 1800 was roughly half the number of Uyghurs, resulting in a ratio of one Chinese individual to every two Uyghurs, being that these numbers and geographical distribution has “remained largely the same since soon after the Qing conquest”. Millward goes further to affirm the Han settlement was being concentrated in “areas of state-sponsored agricultural reclamation”, “transportation routes” and even in “new urban centers and Qing agricultural reclamation areas”<sup>84</sup>.

The tensions started to arise when the Han started to discriminate the Uyghurs in Xinjiang, even being given some advantages, i.e., employment, that the Uyghurs were not having, which eventually culminated in violent clashes with the police, which the Han population and the government later categorized as separatist coups, alleging ties to the terrorist group Al-Qaeda. This is interpreted as one reason to why the Chinese authorities labeled the Uyghurs as dissidents of terrorism, prompting some to migrate and triggering further protests and uprisings, ultimately resulting in mass killings within this group<sup>85</sup>.

“The Uyghur population in Xinjiang alone is now over 20 times what it was in 1818. Uyghurs have also expanded into what is now northern Xinjiang, especially into İlulja (Yining) city. Uyghurs are native to the Zungharian basin, as well as to the Tarim, in a way they were before the Qing conquest”<sup>86</sup>. As for the present day, it must be noted that there are approximately eight million Uyghurs, Kazaks, and Kyrgyz in Xinjiang, which constitutes the world’s fourth largest concentration of Turkic peoples<sup>87</sup>.

### **1.7. The back and forth of the Chinese vs. the Uyghurs**

The history for Xinjiang has its basis in the simplicity of the anachronism and its name set by the meaning of “new boundaries” or “new dominions”, being reckoned to have emerged in the eighteenth century when the region was established as a province. More precisely in 1884, and ever since, Xinjiang has served and has also been involved in a series of contestations that are said to have been performed as a tool for political gains, as it will be explained later<sup>88</sup>. As for Uyghur scholars, and according to Nabijan Tursun, the Uyghurs were the main actor in the political, economic, and cultural life of

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<sup>84</sup> Millward, J. A. (2007). *Euroasian Crossroads: A History of Xinjiang*.

<sup>85</sup> Gizbert, R. (2019, September 07). *Aljazeera*. Xinjiang: The Story China wants the world to forget.

<sup>86</sup> Millward, J. A. (2007). *Euroasian Crossroads: A History of Xinjiang*.

<sup>87</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.

<sup>88</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

Xinjiang, and that the disputed Chinese political control and influence only appeared after 1759 and 1884. Contrary to this stance, the Chinese scholars argue influence and importance well before the eighteenth century, being that after the Qing Dynasty took control, “Chinese exerted not only political but cultural control over the region”<sup>89</sup>.

Nationalist historians, officials and intellectuals have offered distinctive historical narratives for the regions’ background, as it is the case of Chinese state actors’ manipulation of the historiography of Xinjiang, which moves in order to disseminate the idea of a greater state power held in the region. Every single text, regarding the Xinjiang region, published in China, since 1959, has been preceded by the obligatory statement that “Xinjiang has since ancient times been an inseparable part of China”, some texts even mentioning a relationship as old as five thousand years long<sup>90</sup>. With this, Chinese historians argue that the political entities mentioned by the Uyghurs, the ones that have had supposedly administrated Xinjiang, were only to be interpreted as local governing entities, and that these entities were only meant to be under the control of the central dynasties, being that at the end, they were not meant to enjoy full independence of administration. Contrasting to this position, the Uyghur historian Tughun Almas, among others, stressed that the Uyghur traditions goes hand in hand with the concept of nation-building, and that there was a fully independent administration in the states established by them, as there was also proof of their capacity as independent states, connected with diplomatic and commercial relations with China and many other countries<sup>91</sup>.

In the beginnings of the Communist takeover, the Chinese concept of nation took a turn on the notions advertised by the Republican period and the PRC became strongly controller of the history writings. Kamalov argues that there was no space for alternative visions or interpretations, hence, the author affirms that the “revived concept of Chinese nation had (...) modifications: (a) all nationalities of China comprise a single Chinese nation; (b) China was a ‘united multi-national state’ since times immemorial; (c) ethnic minorities are part of the Chinese nation and they never set up states independent from China”. These alterations were, according to the author, a perfect fit between the

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<sup>89</sup> Tursun, N. (2008). *The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History*.

<sup>90</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>91</sup> Tursun, N. (2008). *The Formation of Modern Uyghur: Historiography and Competing Perspectives toward Uyghur History*.

“sedentary population of Xinjiang with historical Uyghurs”<sup>92</sup>. However, historians and authors understand and concur that the obligatory statements mentioned previously were interpreted as a mean to extinguish Uyghur history, and to weaken some future independence – notwithstanding of being nothing other than a rhetoric statement. Presented with this side of history and to resist the official Chinese statements, Uyghur nationalists *mirrored* the Chinese initiative, creating and stating histories on the grounds of six thousand years of history with Xinjiang and other independent states near the region, successfully gaining resistance to Chinese rule in the 1980s<sup>93</sup>. It did not last long for the Chinese to rapidly contradict and stop publications of Uyghur nationalist historiography on its national grounds and to strongly vilify its authors. Uyghur nationalist history aimed at strengthening its claims closer to the international community to make their case on self-determination and in order to provide further evidence on their righteous independent states in the past<sup>94</sup>. Considering this, the Uyghur National Movement started to emerge. The Uyghur National Movement had some of the same phases to the ones of various Central Asia peoples and Kamalov argues the existence of three main phases for the creation of the movement by mentioning Eric J. Hobsbawm’s work in applying these phases to the Uyghur case: the first phase as (a) the “cultural, literary, and folkloric materials” collected by scholars; a second phase (b) regards “a body of pioneers and militants (that) begins political campaigning for ‘national idea’; lastly, the author mentions (c) the “nationalist programs (which) acquire mass support”. The earlier phases are said to have occurred within the Russian Empire, along Uyghur and Xinjiang experts, and then the Taranchi intellectuals of Russian Semirech’e which serves as militants of the Uyghur Movement idea. By the end of 1920s and early 1930s, the idea of Uyghur National Movement had already gained mass support in the Soviet Central Asia and Xinjiang. This national movement idea was promoted by the Taranchi intellectuals, with support from the Bolcheviks, while the implementation of the national policy in Central Asia was occurring<sup>95</sup>.

The modus operandi of Chinese historians fell into adopting diplomatic and marital alliances with royalty from all over the Tarim Basin, at the same time Chinese

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<sup>92</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>93</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>94</sup> Ibid.

<sup>95</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

merchants and soldiers were settling into temporary campsites along Xinjiang. This gave them the justification to assume all lands and dynasties as part of China as we know it today, including Xinjiang. Conversely, the region of Xinjiang is also disputed to be identified as the 'Eastern Part of Turkestan' due to the large number of Turkis who remain there and on the account of the 'short-lived' first Eastern Turkestan Republic (1933-1934) in southern Xinjiang, established through the Committee for National Revolution in 1932, by an Islamic scholar named Muhämmäd Imin Bughra. On another note, most Uyghurs also believe and regarded Xinjiang as theirs, owing to the fact that the Qazaqs, Qirghiz, Uzbeks, and Tajiks gained "recognition in 1991 as proprietors of states bearing their ethnonyms", and urged for the change of name from Xinjiang to 'Uyghurstan'<sup>96</sup>. As mentioned, the narratives of both the Uyghurs and Chinese differ in matters of the origin of Xinjiang, as one asserts the Chinese control as a result of colonial conquest, and the other claims the territory as theirs "from time immemorial", respectively<sup>97</sup>. By viewing themselves as autochthonous, some Uyghurs even used to claim they were the "sole indigenes" of the region and others were simply viewed as immigrants, which was clearly and inevitably denied by the Chinese historians which continued to publish and affirm that Xinjiang was a multicultural and multi-*minzu* territory since prehistorical times. The premise was both that the Uyghur Empire was originally from Mongolia, and that the Hans were among the firsts to inhabit Xinjiang, even before the Huigu (Uyghurs), and others, i.e., the Mongols, Qazaqs, Uzbeks, Manchu, Hui, and Xibo. Of course, such affirmation as the latter one presupposes the idea that neither the Hans nor the region was represented as "China", over two millennia ago<sup>98</sup>.

Regarding the connection between Chinese historiography and the Uyghurs, the first level of analysis goes through the mentioning of the Chinese term for Muslims and for Uyghurs, which was *Huihu*. This term goes back to the Qing Empire's conquest of the Tarim Basin, which was known as "Muslim territory", where all the local Turkic population was treated merely as Muslim. The Chinese history of Xinjiang sets the concept of a Chinese nation, first in the Republican period and then during the People's Republic of China. Sun Yat-sen, portrayed as the father of Chinese democracy, and his perception of the Chinese nation went from believing in a union of the five nationalities

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<sup>96</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>97</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.

<sup>98</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.



(Hans, Manchus, Mongols, Muslims, and Tibetans) to only siding with Hans. Nonetheless, the Nationalist government of Chiang Kai-shek believed in the eternal unity of China and the continuity of 5,000 years of the “five clans”, which Chinese historians disregard by drawing clear differences between the Uyghurs and Turks, “rejecting any continuity between them”<sup>99</sup>. By mentioning the Chinese scholar Li Dongfang, Kamalov even goes further by affirming a clear separation of Turks and Uyghurs, and a separate clan with non-other than a line with a political agenda. The argument, brought in by an altercation between leaders of the East Turkistan Republican and the chairman of the provincial government Zhang Zhizhong, was only meant to claim and to assure that the Uyghurs were not indigenous to Xinjiang and therefore had no rights under the territory<sup>100</sup>. However, in “*China’s Minorities: The Case Of Xinjiang And The Uyghur People*”, Dru C. Gladney, has explained that the Uyghurs claims go to tell that Xinjiang is their land and their territory, even though the Uyghur Kingdom was based, as mentioned previously, on present-day Outer Mongolia<sup>101</sup>. Kamalov argues that there was great importance in separating the history of Xinjiang from the history of the Uyghurs to deny the genetic ties between the Tarim basin “ancient dwellers” and the “present-day population of the region”<sup>102</sup>. The argument here considers the Uyghurs as newcomers to the Tarim basin since the migration of the nomadic Uyghurs dates 840CE, which immediately assumes the course of migration to deprive them of homeland rights. This being said, the Chinese nation also shut down the idea of the Turkic origin of the Uyghurs, being that even the First Secretary of the Communist Party of Xinjiang – Wang Enmao – affirmed the Uyghur nation as a “branch on the great tree of the Chinese nation”, and not a branch from the Turki nation’s great tree, which was always seen as a threat to China’s national security due to the Pan-Turkism and its power at the time<sup>103</sup>.

The Chinese history vision was drafted and submitted in a period of supervision of the PRC, and with this, every statement regarding the region of Xinjiang or of the Uyghurs begins with claims of the region or the Uyghurs as an “integral part of China since ancient times”, or as “members of our big family”. Even most of the information

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<sup>99</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>100</sup> Ibid.

<sup>101</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>102</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>103</sup> Ibid.

regarding the Uyghurs in China comes from Han scholars and intellectuals, and its narrative has since been radicalized by the PRC for their side of the story to maintain credibility<sup>104</sup>. Bovingdon argues that Beijings' control of the region hasn't been legally challenged by the international community since 1949, and the political control over Xinjiang persists because of the refusal to recognize any "minority *minzu*" in China as indigenous, which is the main reason the Uyghurs emphasize their indigeneity, codified within the indigenous rights and protections by foreign actors and international organizations, as an only resource on contesting the political control<sup>105</sup>. There are different views regarding the historiography of the Uyghurs and the historiography of Communist China, and Kamalov understands that "China's conquests... were depicted as the emperor's efforts to unify the subjects to bring them back under the civilizing influence of the Celestial Empire and to restore the world order", in the same view that the Uyghurs were interpreted by Feng Jiasheng, Cheng Suluo, and Mu Guangwen, as having two stages in their history: first, as the authors mention, a primitive communal system attached to a sense of feudalism, then a second stage focused on a "feudal serf society". Kamalov follows the narrative by mentioning the Qing conquest of Xinjiang, which was first named as an "annexation" and then changed to "unification", while the Uyghur states were first stated as "feudal countries" and later became "local regimes". The constant change and corrections revealed to Kamalov a "revival of the Sinocentric vision of history", subjecting China as the "Son of Heaven", the "Middle Kingdom"<sup>106</sup>.

The whole concept of religion in China, and all issues raised from and by the region, can transfer guilt and reason to the Marxist-Leninist Communist Party, "the regime in China since 1949", made to oblige atheism and to see religious ethnic groups who may be capable of mobilizing masses as threats to the well-being of the state's political dominance. Needless to mention that the majority of rebellions against this Chinese dominance came from Tibetans and Uyghurs in matters related to their religious disparities with the Han people<sup>107</sup>.

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<sup>104</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>105</sup> Bovingdon, G. (2010). *The Uyghurs: strangers in their own land*.

<sup>106</sup> Kamalov, A. (2021, October 29). Uyghur Historiography.

<sup>107</sup> Zhang, B. (2022). An Analysis of China's Muslim-Related Policies from the Perspectives of Ethnic Heterogeneity, Sinicization and "Anxiety Management". *Islamophobia Studies Journal*, 7, No.1, pp. 45-55.

As previously mentioned, there is a difference between Xinjiang of the Hans and local Uyghurs, and East Turkistan for the Uyghur intellectuals and diasporas abroad, while they both reference the same region. The difference also consists in the time zones used: while the Hans use “Beijing time”, the Uyghurs follow the local time, “consistent with the area’s topographical position”, or the “Xinjiang time”<sup>108</sup>.

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<sup>108</sup> Caproni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

## Chapter 2 – China’s Policies and Sinicization

### 2.1. Development of Religious Policies in China

*“Chinese intellectuals were very proud in their assumptions that China was the only nation in the world without religion.”<sup>109</sup>*

The European *concept of religion* began appearing in the Chinese language at the beginning of the twentieth century, through connections and ties with the Japanese. China let in the complexity of meaning to religion, ending up fixating the concept around the social existence into groups of people and social organizations, at a time when religion was being structured as a sociological function for society, accompanied by human feelings, devotion, and worship. This being said, Chinese intellectuals believed that only a minority of the Chinese population had a religion, and the focal point of religion focused primarily on the study of religious organizations and institutions<sup>110</sup>.

The author Zhuo Xinping introduces the *“Religious Policy and the Concept of Religion in China”*, as he first sought to analyze the dynamics of the religious politics of the Communist Party of China and the government of China, asserting that “religion is interwoven with the problem complexes of political stability, national unity and containing social amity”<sup>111</sup>. There was an anti-religious attitude, associated to long traditions that were still present since the fourth century B.C.E., with which people associated religion with superstition<sup>112</sup>. It was at the beginning of the twentieth century that the concept of religion started to become unclear in China. There was extreme resistance towards China’s previous religious traditions, but these ended up being weakened in Chinese society due to the Revolution of 1911 and the demise of the feudal system in China<sup>113</sup>. Before that, during the Qing Dynasty (1644-1912), the Ministry of Rites, one of the six ministries of government (responsible for overseeing court

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<sup>109</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China. In M. Deeg, & B. Scheid, *Religion in China: Major Concepts and Minority Positions, 1*, pp. 51-64. Austrian Academy of Sciences Press.

<sup>110</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China.

<sup>111</sup> Ibid.

<sup>112</sup> Kolodner, E. (1994, August). Religious Rights in China: A Comparison of International Human Rights Law and Chinese Domestic Legislation. *Human Rights Quarterly, 16*, No. 3, pp. 455-490.

<sup>113</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

ceremonies, imperial examinations, and China's international affairs in addition to religious rites<sup>114</sup>) established a more restricted legislation on religious liberties, even introducing legislation that could punish who did not comply with these restrictions<sup>115</sup>.

Plus, the author Zhuo Xinping stresses that the turn of the century brought an unfavorable climate due to the Chinese resistance towards European religious influences, especially towards Christianity, which “had left a negative impression on most Chinese as being an indivisible part of imperialist aggression and colonization”, since the Opium Wars<sup>116</sup>.

It was only around 1919 that the concepts of “science” and “democracy” appeared in China, with the ‘New Culture Movement’, that brought “modernization in the twentieth century”. Zhuo Xinping stresses that the relevant Movement that regards this modernization was categorized as the ‘May Fourth Movement’, as it also introduced “criticism of imperialism and feudalism”, followed by criticism of Confucianism, for its traditional and conservative feudalistic characteristics. By following this Movement, China was able to find the Communist Party in 1921, which was immediately followed by an “Anti-Christian Movement” and an “Anti-Religion Movement”. This period was categorized through comparisons between philosophy and religion, among intellectual reformers in China, as they constantly discussed religion “rather condescendingly”. Religion was seen as an attitude of faith, and Xinping believed that the satisfaction of belief should hinder the mental exploration and intellectual curiosity that would cancel the rational necessity of the human. This is exactly what the traditional Chinese “*literati*” means. According to Xinping, the interest in philosophy is rather preferred over religion, principally due to the Chinese past, which according to Laing Qichao (“a representative of this period”), follows a line of the differentiation that China has over other nations on the matter of having *no* religion. In the early twentieth century, a flow of Chinese intellectuals gathers to unify their belief in an ‘*a-religious*’ Chinese nation, associated with a culture without religion. Confucianism and Daoism are both religions of indigenous origin to China<sup>117</sup>, thus, Confucianism was accepted and interpreted as a philosophy rather than a religion, as it was also interpreted as a “set of traditional

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<sup>114</sup> Lie, H. (2012). *My China Roots*.

<sup>115</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>116</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>117</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

costumes”, mainly by the Ming and Qing Dynasties, and especially by Matteo Ricci<sup>118</sup>, an Italian Jesuit, and missionary that spent his life in China<sup>119</sup>, among other Jesuits<sup>120</sup>. Confucianism suffered from attempts to be acknowledged as the state religion, which eventually failed, and this religion was left with a negative impact on society. On another note, Buddhism, seen as a foreign religion, was also interpreted as a philosophy rather than a religion<sup>121</sup>, and it shifted rather soon to be the state religion of Northern China, soon after being introduced to the Chinese country in the first century C.E.<sup>122</sup>. Only Daoism had a religious impact, as the “only native religion in China” that followed a connection with folk religions, “superstitious practices, traditional customs and habits of the Chinese people”<sup>123</sup>. The Chinese state, “imperial and republican as well as communist”, is interpreted by Barbalet as being poorly organized in terms of its religion, being that it rules tradition through political dominance and control of religion, where the “typical orientation of the state towards religion since the early Ming Dynasty (...) has been a mix of regulation and prohibition”<sup>124</sup>. And because of this poorly organization, and also due to shifting national boundaries, the emergence of Islam in China’s Xinjiang region is only estimated to have appeared around the mid-eight century C.E.<sup>125</sup>.

This being said, religion was starting to be replaced. Cai Yuanpei, the president of the Beijing University “during the period of the new cultural movements”, published his thoughts, on how to “Replace Religion with Aesthetic Education” (August 1917), in which he stressed religion as an ‘*old-fashioned pedagogical method*’, that was ready to be “de-mythologized through human reason and scientific methods”. Cai Yuanpei believed that religion should be separated from education, as moral and intellectuals connections with religion would occur either way. Thus, Yuanpei strongly believed and advocated for the replacement of religion with aesthetics education in order to develop

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<sup>118</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>119</sup> Spence, J. D. (1986, August ). The Memory Palace of Matteo Ricci. *The Journal of Asian Studies*, 45, No. 4 , pp. 831-833.

<sup>120</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>121</sup> Ibid.

<sup>122</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>123</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>124</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE. In J. Barbalet, A. Possami, & B. S. Turner, *Religion and the State: a Comparative Sociology* (Vols. pp. 185-206). Anthem Press.

<sup>125</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

the modern human society. On the other hand, most Chinese intellectuals strongly believed that the “traditional culture of China should be molded by philosophy”<sup>126</sup>.

### 2.1.1. The Communist Party of China and Religion

The connection between the Communist Party of China and Religion as concept had, since day one, a close relation in regards to the party’s political and economic interests, as it was closely influenced by both Marxist and Leninist religious theories<sup>127</sup>, with a clear association between the interpretation of religion and the subservient perspective of giving primacy to the needs of the social state, as “China begins with the society, the collectivity, and concentrates on general (not individual) welfare”<sup>128</sup>. A set of principles was settled on the founding days of the CPC<sup>129</sup>, to introduce a new policy doctrine in regards to the ethnic minorities, to be called *San Ge Libukai*, or *Three Inseparable Ties*<sup>130</sup>, in order for its relation to religion to be “clear and decisive”: Zhuo Xiping stresses that, firstly, the CPC “would not combat religion directly”; secondly, communists and religious followers should be able to create political alliances “in the fight against imperialism and feudalism” in order to create a unified front, known to be one of the most relevant *secret weapons* of the CPC during the Chinese revolution<sup>131</sup>, a policy whose purpose was to “unite the mass of believers and nonbelievers and enable them to centre all their will and strength on the common goal of building a modernized, powerful socialist state”<sup>132</sup>. A third principle followed the concept of freedom of religious belief, and that this freedom should be respected and protected. However, this third principle had a basis of planned progress for the Chinese society, since the apparent intent of the CPC was to develop and reform the society until a point when religion and belief would become useless for their followers, having no need for the CPC to directly fight against religion<sup>133</sup>. The CPC had a more gradual approach, and it presented this stance as

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<sup>126</sup> Xiping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>127</sup> Ibid.

<sup>128</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>129</sup> Xiping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>130</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

<sup>131</sup> Xiping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>132</sup> Chang, K.-M. (2018). New Wine in Old Bottles. *China Perspectives, No. 1-2*, pp. 37-44.

<sup>133</sup> Xiping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

a “historical product that will disappear only when the socioeconomic and cultural conditions improved to the extent that people will no longer required this opiate”<sup>134</sup>.

To further comprehend Chinese culture and religion, it must be noted that until very recently, the concepts of both religion and philosophy were unknown to the Chinese language, which can be seen as a disparity in accordance with the China’s view of Daoism as a philosophy and also a religion. In the present day, Daoism is interpreted as a religion in the “Western sense”, politicized by requirements, regulations and cultural transformations. Of course, the Chinese views and traditions of religion has not much to do with the Western sense of the understanding of religion, as the author Jack Barbalet introduces certain problems to the notion of “Chinese religion”. Barbalet stresses that the main issues of the Chinese religion’s notion relies on the specification and classification that China attributes to religion, that much differs from the “focus on a deity, a sacred-profane dichotomy, transcendent” aspects of the “Western sense” notions of religion<sup>135</sup>.

With the founding of the People’s Republic of China, the new constitution “theoretically guaranteed” religious freedom, which they associated with a theory of ‘five characteristics’ of religion, being them the mass, the national, the international, the complex and the long-term characteristics of religion<sup>136</sup>. From this moment on, religion is “tolerated, but not encouraged”, and it is protected as long as it does not obstruct China’s socialist intents<sup>137</sup>. From 1957 to 1977, religion was viewed as a “passive, negative factor in the establishment of Chinese socialism”, which tuned again to being valued after the Cultural Revolution, at a time when China was reforming its politics and economy, whilst opening to the ‘outside world’<sup>138</sup>. At this time, there was a clear influence of Marxism-Leninism, with Mao Zedong’s thought and Deng Xiaoping’s Theory, that made the Cultural Revolution (1966-76) a way of advancing socialism “towards a worldwide victory”<sup>139</sup>. Nonetheless, the period of the Cultural Revolution saw “tens of thousands” of Buddhist, Daoists, and other temples being destroyed in what was categorized as anti-religious campaigns<sup>140</sup>. Thus, China drafted the *Document 19*

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<sup>134</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>135</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.

<sup>136</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>137</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>138</sup> Xinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>139</sup> Mohanty, M. (2003, April). CPC's Fourth Generation Ideology. *Economic & Political Weekly*, 38, No. 14, pp. 1365-1369.

<sup>140</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.



directive<sup>141</sup>, in which “the basic viewpoints and basis politics in relation to religion in the socialist period” were settled<sup>142</sup>.

Furthermore, Barbalet goes on by mentioning Max Weber’s characterization of Chinese religion – “*The Religion of China*” –, as he mentions Weber’s view of the “failure in Imperial China to develop rational or modern industrial capitalism”. The main point relies on traditional Chinese values, both from Confucianism and Daoism, that could prevent China’s motivations from religious adherents desire to innovate. Confucianism “generates a rationalism”, and Daoism “promotes an orientation to complicity in life”, which in Barbalet’s view, and from Weber’s thinkings, turns against profit seeking and capital accumulation<sup>143</sup>. The analysis of China’s position on religions “cohabits within a polytheistic culture of non-exclusivity”, which Barbalet contrasts with the advancements made by China in the post-1978 market economy<sup>144</sup>. On October 1, 2006, the Information Office of the State Council of the PRC, associated with the launch of the “*harmonious socialist society*”, proclaimed the CPC’s intent to guide and motivate each ethnic group to work with each other groups, as a mean to build a ‘comfortable life and a beautiful home’<sup>145</sup>. To put the Chinese state in a rather organized religious framework, the CPC managed religion according to three different administrative institutions: at the level of the party-state, the United Front Work Department of the CPC Central Committee (UFWD, 2018), and the State Administration for Religious Affairs (SARA), made for assisting the party committee with religious policy making and communication with religious leaders, and lastly, the “patriotic associations of the five state-sanctioned religious<sup>146</sup>”.

### **2.1.2. Extensions to the Constitution: remarks on religious freedom**

This being said, the third Constitution of the PRC extended, in 1982, the religious freedoms, which were assigned in Article 36 of the Constitution. This extension managed to remain until the current day, and had its basis on moving state prohibitions to state

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<sup>141</sup> X Jinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>142</sup> X Jinping, Z. (2015). Religious Policy and the Concept of Religion in China, pp. 51-64

<sup>143</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.

<sup>144</sup> Ibid.

<sup>145</sup> Zhang, B. (2022). An Analysis of China’s Muslim-Related Policies, pp. 45-55.

<sup>146</sup> Chang, K.-M. (2018). New Wine in Old Bottles, pp. 37-44.

regulations on religion<sup>147</sup>, reinforcing the matter of ethnic relations associated to equality and unity<sup>148</sup> while it also declared that religions are not to “engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state”, and with this, the state must “protect normal religious activities”, as it assures religious freedom<sup>149</sup>. Eric Kolodner stresses that Article 36 only guarantees protection towards “normal” religious activities<sup>150</sup>.

China sought to have “extreme care”, “absolute seriousness”, and “constant reflection” when it came to religion and the problems associated with it. The 1980s were therefore a period of reforms, of market economy and of unprecedented space for religious freedom and expression, with evidence of religious commitments and activities in the rural and urban areas. The reforms in both Buddhism and Daoism (a religion with an important role in Chinese capitalist success) were the most consist reforms in the religious matter of the People’s Republic of China, with a growth of temples, priests and adherents to the religions, at the same time that Christianity started to gain presence in China, especially in the rural sector of the PRC<sup>151</sup>. It can be understood that the new interpretations of religious freedom made by the Chinese state in the extended Article 36 was part of a “broader generalization” that followed the international capitalist economy, as China was ready to enter the “world political stage”. Thus, the religious movements under protection of constitutional guarantees in China, expressively the Daoist, Buddhist, Catholic, Protestant and Islamic organizations, were part of a “reorientation of the mid-1980s” to attract capital and overseas Chinese investments, an eventual “development of a capital market”<sup>152</sup>. As for Articles 52-54, Kolodner argues that the imposition on the individual to “safeguard the unity of the country” persists, and the elasticity of these articles only serve as obstacles to religious adherents that suffer from vague constitutional protections and derogations clauses. The author mentions the “broad scope of constitutionally protected religious rights”, protected under the Constitution, but rather

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<sup>147</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.

<sup>148</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

<sup>149</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.

<sup>150</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>151</sup> Barbalet, J. (2011). CHINESE RELIGION, MARKET SOCIETY AND THE STATE.

<sup>152</sup> Ibid.

easily open to modifications and removals “at the whim of the party”, followed by an absence of an independent judiciary, that only ensures the Party’s monopoly<sup>153</sup>.

The 1982 Constitution led, according to advocates, to an enshrinement of the religious freedoms, but the same advocates argue a great deal of issues, which still needed development, especially in regard to democratic institutions that should serve as a protective device in the Constitution<sup>154</sup>. In April 2016, Xi Jinping called for the Party to organize religious believers in accordance with “his Chinese dream”, through the ‘National Religious Work Conference’. Xi’s perception of the religious sphere, upon becoming Party Secretariat, met some challenges to his ruling goals, and the main topics discussed in the Conference dealt with his perception of religious extremism, and anti-Chinese sentiments<sup>155</sup>. Xi Jinping dictated his perception on the importance of “fusing religious doctrines with Chinese culture”, in order to prevent foreign obtrusion, since the CPC’s ultimate goal was for the religious work to “achieve its complete internal and external sinicization”, according to CPC’s religious policy adviser Zhang Xunmou, in 2019<sup>156</sup>. Above all, Jinping believed that the main cause for the challenges had emerged from what he considered “the failure of the religions to accept and become integrated into ‘fine traditional Chinese culture’”. The issue was of greater importance because of Xi’s views about Christianity and Islam, which were both seen as the religions with the least confidence in Chinese culture, primed with Western values, and extremism. As a concept, the term sinicization only appears, in its official form, in 2015, seen as a state initiative to put pressure on religions, to further incorporate Chinese customs into their practices and beliefs, as Kue-Min Chang stresses that religion in China serves as a political tool to be used in strategic functions for the government<sup>157</sup>. The high suspicions on religious subversion prompted, in 1991, the then-Party chief Jiang Zemin to tighten religious policies and introducing Document 6, meant to stabilize the regime after the 1989 Tiananmen crisis. Chang argues that this Document set back the advancements made in regard to the religious freedoms permitted by Document 19, as Document 6 added a requirement for previous governmental approval of religious activities to proceed. It

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<sup>153</sup> Kolodner, E. (1994, August). Religious Rights in China, pp. 455-490

<sup>154</sup> Chang, K.-M. (2018). New Wine in Old Bottles, pp. 37-44.

<sup>155</sup> Ibid.

<sup>156</sup> Ruser, N. (2020). *Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang*. Australian Strategic Policy Institute. International Cyber Policy Centre.

<sup>157</sup> Chang, K.-M. (2018). New Wine in Old Bottles, pp. 37-44.

became the “first central-level regulation to explicitly declare the government’s power to administer religious affairs”<sup>158</sup>. From the 1990s onwards, the bureaucratic control increased and two major administrative decrees were settled: the “Regulations on the Administration of Religious Venues” (1994), and the “Regulations on Religious Affairs” (2005). Chang mentions that the latter covered all administrative work of religious organizations, as it also extended bureaucratic discretion to religion issues and made the religious organization *de facto* subsidiaries of the state, being it the “highest-level government regulation on the management of religion in China since 2005”. The latest update showed that, the revision of 2017, with 77 articles, “not only preserved but also intensified the extant bureaucratic oversight”. When published in 2018, the Regulation on Religious Affairs displayed the desire of Xi Jinping to guide and to rule through the logic of control and exclusion and exercising control over the religious spheres through government supervision<sup>159</sup>.

## **2.2. The Uyghurs religion and ethnicity: Muslim-focused perspectives**

The concept of religion in China is not as linear as it can be perceived in the European setup. It is needed to further comprehend that the social and cultural dynamics and of identity in the relation between religion and the Chinese has various viewpoints due to a process of modernization of China during the twentieth century.

The focus goes on China’s Muslim-related policies, mainly in the sense of their history together since the seventh century, when Muslims started to appear in China. Muslims started to experience integration, but also persecution, depending on the following dynasties in China<sup>160</sup>. Islam became an important, non-exclusive, cultural strand of the Uyghur identity, and professor Dru C. Gladney stresses its relevance given the socio-political oppositions with which the Uyghurs had been challenged. As Sunni

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<sup>158</sup> Chang, K.-M. (2018). *New Wine in Old Bottles*, pp. 37-44.

<sup>159</sup> Chang, K.-M. (2018). *New Wine in Old Bottles*, pp. 37-44.

<sup>160</sup> Zhang, B. (2022). *An Analysis of China’s Muslim-Related Policies*, pp. 45-55.

Muslims, the main part of Uyghurs adheres to branches of “*Naqshbandiyya* Central Asian Sufism”, as they share a belief in Sunni Islam with Hui Muslim Chinese, in Xinjiang<sup>161</sup>.

Additionally, Muslims in China did proclaim their loyalty towards the Central Empire, but occasionally would revolt against it. When the Republic of China emerged, the concept of “Five Races under One union” emerged too, leading to the emergence of the “Hui” as one of the official races, one of few that stayed in the side of Muslims. This being said, the People’s Republic of China also recognized Islam as one of the five official religions in the region, leading to around 25 million Muslims in China, less than 2% of the population<sup>162</sup>. Now, the Chinese Government focuses their system on the belief of atheist religious policies, and although Islam is, in theory, allowed in Xinjiang, the true behavior of this government passes by controlling it tightly. There are several restrictions and limitations on religious practices, from the number of Uyghurs permitted to go on *hajj*, one of the five fundamental Muslim practices, to prohibiting non-state-led cultural events, and demanding the training of imams “to take place in the state-run schools in Urumqi”. Combined with the shared history, cultural practices, language, and ethnicity, the identity as Muslims also served to bind Uyghurs and to create a greater barrier away from the Han Chinese<sup>163</sup>. The 1996 Politburo’s Meeting, with the results coming from the *Minutes of the Central Politburo Committee Meeting concerning safeguarding Xinjiang’s stability*, settled at the time that illegal religious activities and the ethnic separatism were the two greatest threats to the stability of Xinjiang<sup>164</sup>, leading from this moment on to a constant and motivated hatred towards the religious freedom of the Uyghurs.

Kunal Debnath & Souvik Chatterjee explain in their analysis of “*The Uyghurs of Xinjiang: Politics of Identity and Internal Colonialism*” that the Uyghur problem can be perceived through “the prism of identity-based politics”, focusing both on the Chinese side in terms of ‘politics of domination’, and the ‘politics of recognition’ on the Uyghur side. By viewing the Uyghur ethnic group as both a subject and an object, both authors understood that this matter has become an issue of “ethno-religious identity” determination, on the subject side, since the ethnic group has sought to settle their own State. Contrary to that, the Chinese view of the Uyghurs as an object has culminated in

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<sup>161</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>162</sup> Zhang, B. (2022). An Analysis of China’s Muslim-Related Policies, pp. 45-55.

<sup>163</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>164</sup> Ibid.

exploiting an identity and forcing them into assimilating with the Chinese nationalist identity. The mentioning of genocide is here introduced to give a name to the Chinese exploitation and forced nationalism, understood as a “form of cultural genocide” (Finnegan 2020) <sup>165</sup>, which will be mentioned and researched later in this paper.

Bozhen Zhang introduces the differences between the Uyghurs and the Hui, and stresses that despite sharing a religion, the two groups suffer from different policies and impositions by the Chinese government. Zhang stresses that the focus and the desired outcome persisted in Sinicization<sup>166</sup>. The Uyghur people started to become Islamized in the 10<sup>th</sup> century, and in the 16<sup>th</sup> century, almost every Uyghur was identified as Muslim. Zhang affirms that China’s actions towards the Muslim communities cannot be interpreted as “anti-Islam” since its Muslim-related policies have to be evaluated according to the different periods of history in which the aims of Sinicization varied. He goes on by mentioning that China’s official *atheist* nation also hosts various ethnicities and religions, and more than 20 million Islam adherents are not forgotten, as China’s aims goes hand in hand with “promoting ethnic harmony to avoid offending each side when it considers its Muslim-related policies”. Nonetheless, Zhang agrees on the fact that some policies were harsh and badly thought-out policies in a “one-size-fits-all” matter<sup>167</sup>. Media and scholars of contemporary China have contemplated, in the last two decades, a set of possible explanations to the way that the ethnic relations in China have evolved, and Chinese scholars on the matter have “signaled that Han-Uyghur ethnic relations are basically peaceful”. When there is a sense of lack of integration, these scholars attribute resistance to the Uyghur actions<sup>168</sup>.

On the other hand, scholars “outside the PRC” affirm that the sources of instability in Xinjiang can be traced back to the Chinese regional autonomy system, whilst another few take the role of both the Hans and the Uyghurs into consideration, going back to a unsolvable volatility. The author Elena Caprioni proposes a different interpretation on the matter of these ambiguities, focusing the research in more than just two agents (Hans and Uyghurs) and just the structure of the regional autonomous system, simply by questioning the necessity to situate the different agents and “their related heterogeneous discourses”

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<sup>165</sup> Debnath, K., & Chatterjee, S. (2021, June). The Uyghurs of Xinjiang.

<sup>166</sup> Zhang, B. (2022). An Analysis of China’s Muslim-Related Policies, pp. 45-55.

<sup>167</sup> Ibid.

<sup>168</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang, pp. 267-287.

on matter of the tolerance the agents may have on sharing the same land<sup>169</sup>. The Uyghurs, as opposite to nomadic Muslim people, show a greater attachment toward their land and “oasis of origin”, as they preserve their identity and their history by focusing and putting effort into traditions that are often understood as resistance to recent Chinese rule. Nonetheless, Dru C. Gladney also stresses that within the region, Uyghurs may be seen “as united around separatists or Islamic causes”, but they still carry some division in religious conflicts, more concretely within “Sufi and non-Sufi factions, territorial loyalties ..., linguistic discrepancies commoner-elite alienation, and competing political loyalties”. This being said, the paper on “*China’s Minorities: The Case of Xinjiang And The Uyghur People*”, drafted by Dru C. Gladney, claims this contested understandings of history as a current debate over the separatist and the Chinese claims<sup>170</sup>.

However, the image portrayed by the Chinese Government regarding the peaceful living conditions in Xinjiang has little to do with the realistic scenario, as Elena Caprioni confirmed the disparities, after living and studying Xinjiang, and reaching the conclusion that Hans and Uyghurs may study and work in the same schools and work units, but they do not live in the same districts<sup>171</sup>. Adding to the issues raised above in regard to the “securitization” and “Islamophobia”, the author Bozhen Zhang agrees that what could be seen as the turning point to Muslims was precisely followed by the policies that the Western countries interpreted as “human rights infringements”, and “anti-Islam”, or even “genocide”, from countries such as Russia, India, and China, who had turn their backs on Muslim migrants and refugees<sup>172</sup>.

### **2.2.1. The “cultural integration” of Xinjiang**

In Xinjiang, the Uyghurs only total to under half of the population, being that the Kazaks and Kyrgyzstan add up to the number of Turkic Muslims, rising to over half of the total. They have adopted and have consolidated their identity as Uyghurs, which was encouraged by Beijing’s policies since 1957, when Mao named the province. From this

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<sup>169</sup> Ibid.

<sup>170</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>171</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

<sup>172</sup> Zhang, B. (2022). An Analysis of China’s Muslim-Related Policies, pp. 45-55.

moment on, the region should be called “Xinjiang Autonomous Uyghur Region”<sup>173</sup>. As settled by the *Working Group on Minorities* Paper of 2003, the Uyghurs are an official minority nationality of China, as they are identified as the second largest of ten Muslim peoples in China, and the primarily habitants of Xinjiang Autonomous Uyghur Region<sup>174</sup>. The decision to create an autonomous region came from the “strange dialectics of Communism”, rooted in the nationality policies of Stalin. Both Stalin and Mao (later on) interpreted the creation of an autonomous region as a way to recognize the transition to the Communist Party, in order to prevent the obsolete and eventual consolidation of socialism from the local identities. Graham E. Fuller S. Frederick Starr see this process as a tactic, “as the idea of national autonomy would itself ultimately become a meaningless political concept under Communism”<sup>175</sup>. Ali Çaksu goes on by saying that the hatred imposed against the Uyghur Muslims comes from “Islamophobia”, as China treats Islam as a mental illness, and the general religious beliefs as a pathology<sup>176</sup>.

According to Fuller and Starr, the essence of the “Xinjiang Problem” regards the economic development as a “zero-sum game” for the indigenous population, in a way that this loosing part also forfeits their culture and homeland, and “even their very existence as a distinct people”. There is a true commitment of the government of the People’s Republic of China regarding their intent to go further and beyond to protect the territorial integrity of the state, as they hold onto Xinjiang<sup>177</sup>. The availability to have Islam as religion in China enters in the scope of Beijing’s national policy in regard to that religion, through the constant attempts to place the Islamic activities under the ‘China Islamic Association’, an official state-directed body. This institution follows directives from the Chinese Communist Party’s leadership, in order to “adapt Islam to socialist society”, to “refuse the fallacies of religious extremism”, and to guide through patriotism. Also, they are entrusted with the responsibility to “train Islamic teaching personnel” in order to avoid “illegal religious activities” and are given extra points in the National College Entrance Examination, also benefiting from ethnic minority quotas for employment in the public

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<sup>173</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.

<sup>174</sup> Gladney, D. C. (May 2003). CHINA'S MINORITIES: THE CASE OF XINJIANG AND THE UYGHUR PEOPLE.

<sup>175</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.

<sup>176</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>177</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.



sector. The issue here regards the Chinese determination to sinicize, or to “make something more Chinese”, something that is seen as more difficult when dealing with the Uyghurs, which are believed to be more aligned with their own religious and ethnic identity. Zhang exemplifies this course of action by mentioning that the Uyghurs choose to educate in schools where courses were taught in Uyghur language, rather than attending the Mandarin education that has stronger national importance and additional privileges. Of course, this course of action leads to resentment in the Uyghur community, leading to the statistic of 82% of Uyghur teenagers not being able to read Chinese<sup>178</sup>. The social divisions between Han and Uyghur people is also perceived according to their course of action before taking on career activity. The complexities of the education system can be perceived according to the fact that this system in Xinjiang is institutionalized, and ethnic minorities are given the choice between following their education course of action in Chinese language, or in their own. Eventually, the course of education taken follows the Uyghurs in different paths, and the ones with an education in Chinese have much more prospects to succeed<sup>179</sup>. The People’s Republic policies recall some of the nineteenth century Qing policies in the twentieth century, which is not surprising given the Uyghur and Muslim responses to these policies, that bring memories from the “approximately forty earlier national and religious revolts, wether that of Yakut Bey and his state of Kashgaria in the period 1858-1874 or that of Sheng Shih-ts’ai of the East Turkistan Republic in the 1940s”<sup>180</sup>.

Since 1949, the Chinese Communist Party has exercised authority over Xinjiang, and activists claim that since that time, the party has implemented policies that have caused a number of Uyghur minority practices to gradually fade away on a religious, cultural, and commercial level<sup>181</sup>. The ETR contemplated ceding authority to the PRC under Soviet pressure in order to regain complete control of the area. By influencing the elites and social forces that would jeopardize the party's vision for the new government, the CCP intended to put into effect its own model of Chinese administration along the confines of the ancient Qing dynasty. The Uyghurs were considered to be the centre of

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<sup>178</sup> Zhang, B. (2022). An Analysis of China’s Muslim-Related Policies, pp. 45-55.

<sup>179</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*. Institute of Peace and Conflict Studies.

<sup>180</sup> Fuller, G. E., & Starr, S. F. (n.d.). *The Xinjiang Problem*.

<sup>181</sup> Wat, K. L. (2018). *Why China is keeping a tight grip on Xinjiang*. South China Morning Post.

society during the PRC era, but in the 1950s, a change in strategy that held the Uyghurs in lower regard than the rest of China resulted in their expulsion from Central Asia. In 1950, the CCP resolved to abolish the Islamic judicial system, and Islamic law was likewise outlawed. The Uyghurs, like all PRC subjects, were made to build socioeconomic relations in line with Mao's ideology, which compelled them to confront "nationality questions" by having to adapt to and follow Chinese cultural standards<sup>182</sup>. From 1955 until the present time, Xinjiang was seen as the Uyghur Autonomous Region, however, the region is now spoken about as the region of "cultural integration", which the author of *Cultural Erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang*, Nathan Ruser, argues to be the place where different religions, cultures and peoples are forced to blend and coexist. The fact is that 60% of Xinjiang is made of 25 million residents who practice some form of Islam, and the majority of the population of the region are Turkic and Uyghur minorities<sup>183</sup>.

The issues in Xinjiang are mainly reported on basis of 'illegal' and 'abnormal' religious practices and activities, because there is, since 2009, tight control over the Islamic traditions and activities, such as fasting, worshiping, education and other displays of belief. Religion materials and objects, such as Qurans, prayer mats and CDs, started to be confiscated and destroyed, on basis of 'extremism' and 'religious fanaticism'. According to Ruser, the goal in 2014 went through "persisting with the trend towards secularization", and in 2017 the region was already regulated through a guide to 'deradicalise' the extremists. Through a set of rules revised in October 2018, the state government had given authorization for the mass detention of Uyghurs to start, leading them to the 're-education camps'. Additionally, the pressing sinicization plans allocated towards Xinjiang leaves the activists and researchers to wonder on how Xi Jinping's agenda and planned advancements in the economic arena and in the Belt and Road initiatives could be linked<sup>184</sup>.

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<sup>182</sup> Thum, R. (2018). *The Uyghurs in Modern China*.

<sup>183</sup> Ruser, N. (2020). *Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang*.

<sup>184</sup> Ruser, N. (2020). *Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang*.

### 2.3. Chinese's ethnic, religious, and minority policies

The Chinese government presents itself as a multi-ethnic nation, and according to said government, there are 56 officially recognized ethnic groups in China, in which the majority, by more than 90% of the total population, relies on the Han ethnic group. Conversely, the other 55 ethnic group make up less than 9% of China's population<sup>185</sup>.

To further comprehend the Chinese actions regarding religions, and their practices, in the state, it is necessary to understand that since the establishment of the People's Republic of China, the Chinese government "has been trying hard to foster a *zonghua minzu* (Chinese nationality) identity" in order to transcend the ethnic divisions<sup>186</sup>. The term *minzu* has given authors and scholars much to think about and to analyze when dealing and researching minority and ethnic policies in China. Li Xi Yuan introduces the concept of *minzu* through different translations, which normally encounters two different alternative terms: 'ethnicity' or 'nation'. Nonetheless, the author stresses that most Chinese government departments and public sectors prefer to rather use the term 'nationalities', reconned by English translations, which ended up being translated to different variants, such as 'nation', 'national', and even 'ethnic' or 'ethnicity' – Li Xi Yuan gives the example of the former 'Nationalities University of China', that has changed its English name to 'Minzu University of China'<sup>187</sup>.

The Chinese government began to structure a series of ethnic policies in the 1950s, and by formulating a system to identify and classify ethnic groups in the country, they introduced a system of regional ethnic autonomy and various "preferential" treatment policies, all focused on 55 minorities<sup>188</sup>. Shuping Wang follows this approach by recollecting the basis of the *minzu* term, which served as a way to unify as many Chinese people as it could be possible during the nationalist revolution, and successfully lead Western colonists and the Japanese imperialist away, shaping the criteria used to

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<sup>185</sup> Zhang, B. (2022). An Analysis of China's Muslim-Related Policies, pp. 45-55.

<sup>186</sup> Zhang, B. (2022). An Analysis of China's Muslim-Related Policies, pp. 45-55.

<sup>187</sup> Yuan, L. X. (2015). Ethnicity or nationality? Minority policy and ethnic conflict in contemporary China. In *Ethnicity as a Political Resource: Conceptualizations across Disciplines, Regions, and Periods* (pp. 151-171). University of Cologne Forum; Transcript Verlag.

<sup>188</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality: An Empirical Assessment of Ethnic Policy in Urban China. *China Review*, 18, No. 2(Frontiers and Ethnic Groups in China), pp. 185-216.

categorize groups through common blood, common language, common religion, and costumes. The concept around *minzu* stratifies the multiple ethnic groups that live in China, which were confirmed by the Constitution of the People's Republic of China and classified by the 'unified' country. The state structured the policies of ethnic groups by classifying *minzu* around four kinds of criteria, and as mentioned above, these criteria were meant to be interpreted and manifested through common culture ("mainly in terms of religion and living habits"<sup>189</sup>), being them the common language, common economy, common psychological nature, and common territory. This policy was implemented, according to Mario Krämer, to reach and stabilize the imbalance present between the Han majority and the minorities, or *minzu*, thus, the policy began to be presented in the *minzu* 'autonomous districts', being then bound to the specific territories<sup>190</sup>. Li Xi Yuan argues that these criteria may settle the different *minzu*, but national identity should prevail over any ethnic identity, which should, respectively, accept the political and economic positions and conditions determined by the country<sup>191</sup>.

Shuping Wang mentions Dr. Sun Yat-sun's research and his identification of five ethnic groups in China, being them the Han, the Manchu, the Mongol, the Tibetan, and the Hui. With this, the Communist Party of China structured their minorities policy based on socialist Russia's nationality theory, and based on the guidelines of that same theory, the CPC focused on the creation of a nation formed through a stable group with common language, region, economic life and psychological characteristics. In China, these characteristics can diverge due to historical moments in which some nationalities may speak more than one language, and some ethnic groups may have migrated and scattered nation-wide. The Chinese government did in fact use the *minzu* definition to identify China's minorities, including as factors the self-identification, the historic documents and the opinions of other parts of the population, leading to the acknowledgement of 56 nationalities, or ethnic groups. Dr. Sun Yat-sun's nationality doctrine is, according to Shuping Wang, the first to advocate for equality between nationalities in China, which

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<sup>189</sup> (Fei 1980: 148); Yuan, L. X. (2015). Ethnicity or nationality? Minority policy and ethnic conflict in contemporary China. In *Ethnicity as a Political Resource: Conceptualizations across Disciplines, Regions, and Periods* (pp. 151-171). University of Cologne Forum; Transcript Verlag.

<sup>190</sup> Krämer, M. (2015). Ethnicity as a Political Resource in Different Regions of the World. In *Ethnicity as a Political Resource: Conceptualizations across Disciplines, Regions, and Periods* (pp. 99-107). University of Cologne Forum.

<sup>191</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

the Chinese Communist Party encouraged through ‘*equity, union, and thriving together*’, as the official policy for the treatment of minorities<sup>192</sup>. According to Li Xi Yuan, the focus must be in enforcing political and legal equality of the totality of individuals, which goes against many scholars positions of viewing the legitimacy of modern states settled by the political and civil rights of autonomous individual subjects. This being said, the author stresses that the focus must diverge from ethnicity, which it is also mentioned by the author as it often being coupled with ethnic nationalist and conflict, emerging from cultural identity, a shared history, and ideology<sup>193</sup>. On the other hand, Wang argues that the Chinese government eventually perceived that open societies have a bigger precedent for success, hence China’s decision to develop policies on economic reform, but also focusing on ‘opening’ the society, through a system of regional autonomy, under leadership of a central government<sup>194</sup>. This being said, Li Xi Yuan introduces the economic advantages that the Han Chinese have enjoyed with the establishment of the minority policies, and that the author proposes to have to do with the hidden political discourse of ‘ethnic equality’ and ‘solidarity’. The author stresses this on the grounds of the different economic resources made available for each ethnic group and its territory, which were “legally and politically established”, on the basis of the deferring economic value of the different regions and lands. An example of this is the fact that the regions occupied by the Han people are the ones with the highest economic values, and even in Xinjiang, the Han occupy the “rich land of Zhungeer Basin and South of Tianshan Mountain, while most Uyghur live on relatively barren land north of Tianshan Mountain”. Nonetheless, the issue persisted on the basis of the enjoyable benefits of the minority policy, implemented by the Constitution. Within the “confirmed *minzu* autonomous districts”, where the ethnic people can enjoy this policy, the issue turns on the fact that this policy is territory-bounded, and the only people granted of enjoying the policy are the domestic inhabitants. On the contrary, the *hui*, or migrating people, are not meant to

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<sup>192</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups: A Comparative Study. *International Journal on Minority and Group Rights*, 11, pp. 159-185.

<sup>193</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>194</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

enjoy the same rights, “in any locality”, and even members of the Han majority ‘suffer’ from this rule<sup>195</sup>.

Elena Caprioni sees the context of the PRC Constitution as a “government’s message” to the Hans and Uyghurs, that share the same destiny, during a period of socialist ethnic and religious relations emergence, ready to develop the public policy, the economy, and the culture of Xinjiang<sup>196</sup>. Caprioni mentions the Regional Ethnic Autonomy Law to interpret the type of autonomy that some regions have: Article 15 states that “all autonomous government organs are ‘under the unified leadership of the State Council and are subordinated to it”, and Article 19 “gives the National People’s Congress the power to approve or refuse statutes before they are put into effect”<sup>197</sup>. As for Wu and Guangye He, and their interpretation of the Law of Regional Ethnic Autonomy, there must exist a focus on Articles 17 and 18, which mention the necessity to reserve local governments and legislature key posts for citizens of the ethnicity exercising regional autonomy, as Articles 22 and 23 also mention the necessity for special attention and priority to minorities in the autonomous agencies and institutions, which the authors assume as an implication to more career opportunities for the ethnic minorities, with a lesser sentiment of competition with the Han, in the autonomous areas<sup>198</sup>. As for Caprioni, she stressed that there is in fact a recognition of the minorities autonomy, insofar as they do not “hinder the political, economic, and cultural socialist Chinese system and do not threaten the unity and security of the country”<sup>199</sup>, whilst the “amended law also mandated the central government to facilitate the socioeconomic development of these areas”, by focusing on poverty reduction, investments in infrastructures, fiscal transfers and facilitating the development of provinces in the East<sup>200</sup>. Wang sees this decision of regional autonomy as a basis of historical ground, as opposed to the self-determination, independence, and the right to secede promised by the Chinese Communist Party during the Democratic Revolution<sup>201</sup>, in order to also prevent minorities to install any kind of

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<sup>195</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>196</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

<sup>197</sup> Ibid.

<sup>198</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>199</sup> Caprioni, E. (2022, June). Daily Encounters Between Hans and Uyghurs in Xinjiang: Sinicization, Integration or Segregation? *84, No.2*, pp. 267-287.

<sup>200</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>201</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

secession or independence<sup>202</sup>. Plus, Wang stresses political consensus derived from China's struggles with the various nationalities during the late 19<sup>th</sup> century and early 20<sup>th</sup> century's imperialist invasions of the semi-feudal and semi-colonial eras, as this regional autonomy's decision came from the absence of regional concentration, or geographic location, of the various ethnic groups. An example of this can be understood through China's Uyghur minority, which is dispersed around the country, while the majority of the Uyghurs lives in the Xinjiang region, home to 13 different nationalities. On other parts of Xinjiang, other minority nations prevail, rather than the Uyghurs, like Mongolians and Huis, but since the Uyghurs make up for the majority of the population in the Xinjiang Uyghur Autonomous Territory, the Uyghurs institutions are the ones to be in charge of the territory<sup>203</sup>. There were designated members of the ethnic group that typically served as the head of state for the autonomous jurisdictions at various levels, which were established by the party-state, always depending on the size and density of the community. The governments were given autonomy in terms of budgeting, economic planning, and policies regarding cultural issues, setting them with freedom to interpret, to modify and to put into practice the state policies they sounded fit, in accordance with their regional circumstances<sup>204</sup>. This relationship between the State and the autonomous regions is defined, by Wang, as being based on the principle of autonomy, exercised in a unified nation, but under leadership of the central government. This means that China's Constitution and the Law of Regional Autonomy of Minorities must be followed accordingly to their powers and rights, whilst having legislative power to make regulations on the matter, using the autonomous nationalities language as working language<sup>205</sup>. The introduction of the 1980s economic reforms and "instituted new policies" made to promote regional development are seen, by author Li Xi Yuan, as an encouragement for rural workers to migrate to urban production centers, mainly in the sense of reaching the different regions with different strategies, which the author agrees to have been cause of ethnic conflicts<sup>206</sup>.

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<sup>202</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>203</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>204</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>205</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>206</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

The Regional National Autonomy Law gives the autonomous regions power to appoint and promote leaders and experts from local minority nationalities, to establish a public security force and to make their own policies in regards to economic governance, “in accordance with the nationwide place of central government”<sup>207</sup>. Xiaogang Wu and Guangye He argue that the Chinese Government aimed to construct a unique national structure of ‘diversity and within Chinese configuration’, meaning that the goal was to create 56 theoretical equal constituencies made to work together as a promotion to ethnical peace among the diverse groups<sup>208</sup>, in a state composed of ‘unified multiple *minzu*’<sup>209</sup>. Nonetheless, Wang stresses that these policies work in theory, but lack political structure when the rule of law is absent, when the powers and rights which the autonomous region is entitled to are not implemented, or even when there is not an effective and fully exercised democratic system. Minorities in China feel mistreated, and the evidence points to an economic discrepancy between the minority regions and others, specially since minorities are situated in the poorest regions of China<sup>210</sup>. As an example, the riots in Lhasa and the ones in Urumqi, in 2008 and 2009, respectively, also serve to show that the government’s claims of the policies great success were unsuccessful in easing the inter ethnic tensions, and that the policies were not effective<sup>211</sup>. The 1980s economic growth also left a grand discrepancy between the much richer Han cities over the minority autonomous districts, leading to many ethnic people to move to the eastern cities, in search of job opportunities and wealth, accentuating the income gap among nationalities even more<sup>212</sup>. On the period of Deng Xiaoping, minorities were marginalized on the expense of China’s advancements on economic growth. This means that minorities, living in areas that did not produce such economic growth, were left with income gaps, in the interior of the country, while the Han Chinese lives mainly along the coast, where the income was easily increasing. The political sensitivities and feelings of minority

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<sup>207</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>208</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>209</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>210</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>211</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>212</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171



oppression increased with the breakup of the Soviet Union and the cross-border contacts established with Kazakhs, Kirgiz, and other Muslim minorities in Central Asia<sup>213</sup>

With many differences between the *minzu*, and since the foundation of the PRC, China has been vigilant of possible attempts to overthrow its socialist structure, or actions to transform it into a capitalist country, specially from hostile powers in the international community and of Western interference<sup>214</sup>. Ever since the 1989 Tiananmen violence, which was followed by the Communist Bloc, the CPC felt vulnerable to leadership change and feared religious subversion<sup>215</sup>. Nonetheless, the minorities and their *fragile* regions are seen as the weakest and most vulnerable and feasible to be approached by international forces. Conversely, China shows little worry about hypothetical encouraged separatists movements, and it shows it by encouraging international exchange and by allowing, through the Law of Regional Autonomy, the autonomous regions of engaging in trading with foreign countries, making it “responsive to criticism by the United Nations and international human rights organizations”<sup>216</sup>. And it was with the first Constitution of China, in 1954, that minority groups were entitled to the rights of regional autonomy<sup>217</sup>. The ethnic groups in China are obliged to follow the Constitution and other laws, and to maintain the unity of the nation and keep the nation’s interest above all, while maintaining a united and mutually beneficial relationship with the other ethnic groups. Additionally, China is said to have given to minorities a broad scope of autonomous rights, such as the rights to develop economic frameworks, and establish police forces. The issue stands in how China decides to protect the ethnic groups and minorities, and the way it deals with the international human rights mechanisms, since there is not much Chinese initiative to apply international norms regarding the ethnic groups<sup>218</sup>.

On another note, China’s position on the application of the principle of self-determination has been of support when exercised by other countries whilst in the processes of decolonization, such as it was shown in Africa’s and Latin America’s

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<sup>213</sup> Hayes, L. D. (2015). *Political Systems of East Asia: China, Korea, and Japan*. (E. G. Book, Ed.)

<sup>214</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>215</sup> Chang, K.-M. (2018). New Wine in Old Bottles, pp. 37-44.

<sup>216</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

<sup>217</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>218</sup> Wang, S. (2004). The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups, pp. 159-185.

processes of self-determination. As for the Communist Party of China, the encouragement given to the ethnic groups was meant to advocate for the self-determination against colonists, but after the colonists were *driven away*, China's position on this principle shifted, as it started to see it as a twisted principle with ulterior motives. Shuping Wang interpreted China's position as a risk it was not ready to take, and that the risk of secession in the country would lead to bigger precedents and a fractured society. An example of that were the various Uyghur separatist incidents that have taken place from 1990 to 2001<sup>219</sup>. The different ethnic groups that live in China all have one common ground: they all "lag behind the Han in education, employment and wage"; but there are still various internal discrepancies among themselves, mostly shown by the socioeconomic relationship of each minority group with the Han, mostly due to the geographical isolation that most minorities take from one another in comparison to the Han people, which leads to the "uneven" regional development in China<sup>220</sup>. Xiaogang Wu and Guangye He argue that the comparisons between minorities and the Han need to take the unbalanced distribution across different regions into account, specially since the educational gap between ethnic groups and the Han is mostly due to the "compositional differences in the geographic location of residence and family socioeconomic background", at least in the early reform years of China. Between the 1980s and the 1990s, the period of China's reforms lead to ethnic affirmative policies, which were said to have an effective outcome, especially since the Uyghurs started to have a better chance than the Han to enter the Government and public institutions<sup>221</sup>. The fact is that the policies of the 1980s aimed at integration and status improvement, led by minorities-friendly strategies. These policies granted the minorities time to recover their religious and cultural traditions, and the Uyghurs in Xinjiang started to be allowed to build mosques, publish religious books, open Islamic schools and manage their affairs with less state intervention. As a result, Xinjiang in the 1980s saw an increasing economic and political empowerment<sup>222</sup>. However, the structural changes of the employment sector lead to the rise of labor market discrimination against

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<sup>219</sup>Wang, S. (2004). *The People's Republic Of China's Policy on Minorities and International Approaches to Ethnic Groups*, pp. 159-185.

<sup>220</sup> Wu, X., & He, G. (2018, May). *Ethnic Autonomy and Ethnic Inequality*, pp. 185-216.

<sup>221</sup> Wu, X., & He, G. (2018, May). *Ethnic Autonomy and Ethnic Inequality*, pp. 185-216.

<sup>222</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

the Uyghurs, leading to the pattern of ethnic stratification competition between the market's necessity to enlarge the gap, and the state's counter action of reducing it<sup>223</sup>.

The system of regional autonomy, considered as a pillar of China's ethnic policies, has been stable since the 1980s, and two peak periods of the establishment of autonomous regions can be found, in 1954 and in 1984, with the establishment of the first Constitution of the new regime's ethnic policy and with the establishment of the Law of Regional Ethnic Autonomy, respectively. Xiaogang Wu and Guangye He stress that China's territory has been defined into 5 autonomous regions, 30 autonomous prefectures and 120 autonomous counties, which ends up adding to a percentage of 71 ethnic minorities and a 64 percentage of the state's territory. In some cases, the ethnic group can still be a minority of the autonomous regions, whereas the Han Chinese accounts the majority of the population of the territory, as it happens in three autonomous regions. This being said, Xiaogang Wu and Guangye He affirm that the ethnic autonomous regions can be viewed "mainly as a product of state ethnic policies, although they may also be associated with spatial effects on ethnic disparities". The studies undertaken by Wu and He show that people are more likely to become professionals in the autonomous regions, regardless of their ethnic status, due to the fiscal transfers and socioeconomic development policies targeted on the autonomous areas, although they mention that minorities are still the ones to benefit less from the system implemented by the Chinese government, specially in terms of wages<sup>224</sup>. However, Bhavna Singh argues that since China allowed the Han population to move and settle in the Xinjiang region, the discontent among Uyghurs increased, mainly due to the increase of struggle for resources and opportunities caused by ethnic-based discrimination policies, resented by the Uyghurs, since these policies are said to be biased in favor the Han. The author puts the cause of this discontent on the fact that the Han people are usually chosen to most of the "upper echelon jobs in government institutions", as well as for the (rather low number) of decision-making capacities, that fall on Han dominion<sup>225</sup>.

In 2000, the Central Government of China introduces the 'Western Development Plan', a plan aimed to reduce the income gap disparities in the regions and nationalities, made to increase the ethnic labor employment and to develop the industries, mainly

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<sup>223</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>224</sup> Wu, X., & He, G. (2018, May). Ethnic Autonomy and Ethnic Inequality, pp. 185-216.

<sup>225</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

through economic aid, employment, financial aid and trade<sup>226</sup>. The plan focused on assimilating the region within the larger national economic system, as industries were settled in Xinjiang, in order for the standard of living to be as close as possible as the rest of the country<sup>227</sup>. This plan led to an investment of billions of dollars towards Xinjiang, and it did develop new industries, “mainly in resource exploitation, agro-industry, and tourism”, as a way to promote minority peoples, in what the author Li Xi Yuan calls an “affirmative action”. However, it was up to the eastern developed cities to implement the political tasks of the Development Plan, and the manufactures rushed to hire workers from Xinjiang<sup>228</sup>. The several policies implemented focused on education, tourism and agriculture, “as also a propaganda campaign through the media”<sup>229</sup>. The fast economic growth led to new problems in the development of agriculture, a sector that had been forgotten with the development and the focus on the industry and in the urban areas. Xinjiang became divided and south Xinjiang was considered to be of low value, “and weak in terms of competition in the labor market”, with a much wider gap between the city and the countryside<sup>230</sup>. Bhavna Singh stresses that this Western Strategy is to be seen as a plan towards a “key strategic location facilitating the oil and gas trade”. Xinjiang is to be known for its abundant oil resources, as it boasts the “largest natural gas-producing capabilities in China”, a key factor for the Chinese economy to grow, through policies to extract the resource without being forced to compensate the Uyghurs. This being said, Singh argues the cause for the rising social differences in Xinjiang, that ended up widening the rural-urban income divisions and the social differentiation, in what can be interpreted as “inequitable regional development acts”<sup>231</sup>.

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<sup>226</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>227</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>228</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>229</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>230</sup> Yuan, L. X. (2015). Ethnicity or nationality? Pp. 151-171

<sup>231</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

## Chapter 3 - Description of the abuses and atrocities

### 3.1. China's actions towards the Uyghur

Upon reaching power in the party, Xi Jinping started to take the collective leadership established before, and transformed the party leadership into a concentrated power structure. The Party enshrined, in the Constitution, what is called as “Xi Jinping Thought”, a concept only heard of with Mao, and now established in the Jinping Era, on a journey towards the “great rejuvenation of the Chinese nation”<sup>232</sup>. The purpose here is interpreted as a way for Xi to provide a different model than the Western one, as Jinping ambitions to show the world a system and a culture of socialism for countries that desire to “speed up their development while preserving their independence”. The issue stands when Xi’s desires collide into the concepts of “national security” and “patriotic united front”, mentioned in the 19<sup>th</sup> National Party Congress: his speech mentioned the full implementation of the Party’s basic policy on religious affairs and of the obligatory Chinese orientation of religious in China; plus, Jinping stresses how much protection must be implemented in order to combat acts of subversion, sabotage, terrorist or religious extremist activities, and even ethnic separatist activities. This being said, Chang argues that this is the clear drive of Xi’s program on sinicising religion, as Jinping mentioned in May 2015 that guidance to religions adaptation towards the socialist society would be taken by means of an increase on the level of the rule of law in religious work.<sup>233</sup> The attempt to “Sinicize religion” is closely tied to the intent of the officially atheist Communist Party, to have all religions under its control and in line with the Chinese culture, as it is the goal of Xi Jinping to bring the Han Chinese to a hierarchical superiority<sup>234</sup>. Clearly, the model of socialism advertised by Xi Jinping tries to, at the same time, give to the minorities a sense of content, all in order to claim that the social system of China works.

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<sup>232</sup> Chang, K.-M. (2018). New Wine in Old Bottles. *China Perspectives*, No. 1-2, pp. 37-44.

<sup>233</sup> Chang, K.-M. (2018). New Wine in Old Bottles. *China Perspectives*, No. 1-2, pp. 37-44.

<sup>234</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

“As long as China is able to maintain an atmosphere of fear, keep even marginally effective control of the territory of Xinjiang itself and convince Central Asian countries to crack down on any Uyghur rebels in their midst, any violent groups will have difficulty planning or procuring supplies for sophisticated acts of rebellion, although the opening of an increasing number of land routes between Central Asia and China may make it more difficult for China to police the legitimate ports of entry into Xinjiang. The future of Uyghur unrest may lie in "creative" incidents that require little planning or materials, and against these China has proven less effective.”<sup>235</sup>

It is believed that Uyghur violence had its peak in 2008, however, sporadic disturbances among different ethnic groups persist, and have been common, at least until 2017<sup>236</sup>. The author Bhavna Singh interprets “China’s Triple Conundrum” by arguing that the investments, political harangues and propaganda were some of the arrangements the Chinese government tried to implement in order to control the development in Xinjiang, to make it ‘harmonious’, ‘stable’, and ‘integrative’, as the author mentions the publishing of White Papers, in 2003 and 2009, with mentioning of the CPC visions for the XUAR. Nonetheless, Singh argues that the Urumqi Crisis of 2009 served to demonstrate the weakness and inefficacy of the Chinese policies that were characterized to deal with the ethnic and separatist movements that ‘destabilize’ Xinjiang. In addition, Bhavna Singh argues the persistency of a ‘nationalities question’, or *minzu wenti*, in the People’s Republic of China, with various issues that lead to the East Turkestan Islamic Movement (ETIM), known as “the ‘gravest terrorist threat’ to national sovereignty”. This movement is said to be the main cause of disturbances of anti-government and separatist issues within the Uyghur population<sup>237</sup>.

In addition, it is also relevant to mention the ‘Xinjiang Production and Construction Corps (XPCC), initially established in 1954 to guard frontier areas, as a ‘social organization’ entrusted by the Chinese Communist Party as a special Government,

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<sup>235</sup> Hastings, J. V. (2011, December). Charting the Course of Uyghur Unrest, pp. 893-912.

<sup>236</sup> Soliev, N. (2019, January ). UYGHUR VIOLENCE AND JIHADISM IN CHINA AND BEYOND. *International Centre for Political Violence and Terrorism Research*, 11, No. 1 (Annual Threat Assessment), pp. 71-75.

<sup>237</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

“in accordance with the laws and regulations of the state and the Xinjiang Uyghur Autonomous Region”. It grew stronger through taking and reclaiming lands and having its own population of more than two million workers and farmers. It was abolished in 1975, but re-emerged in the 1981; by 2001 it was already settled as an “important force for stability in Xinjiang”<sup>238</sup>. Nonetheless, Singh argues that this organization is one of the reasons for the growing tensions between the Han Chinese and the Uyghurs, since the government sees the XPCC as having an important role in the strategies for order maintenance, and the local population finds it as a perpetrator of violence and as a force that allows abuses of human rights<sup>239</sup>.

### 3.1.1. Internment and Re-education camps

By 2010, the situation was critical to the point that any Uyghur endeavor to preserve ethnic identity and religious practices were immediately seen as ‘unpatriotic’ and “a threat to the motherland’s territorial integrity”<sup>240</sup>. Upon visiting the region, Xi Jinping stressed the need for a “period of painful, interventionary treatment”<sup>241</sup>. With this, the Chinese government launched a "Campaign against Violent Terrorism" and a "People's War on Terror" in XUAR in May 2014. As part of this campaign, the XUAR authorities had to construct and erect systems and structures with cameras linked to centralized high-tech command centers, some of which even had facial recognition technology, close to mosques and other relevant locations<sup>242</sup>. In light of this, and out of concern for a potential revival of violent confrontations, the Chinese government made the decision to move through with stringent security and monitoring measures. The government has implemented one of the most intrusive public monitoring schemes ever seen, using technology as the primary tool for repression<sup>243</sup>. Xinjiang is, according to international journalists and academics, the autonomous region with the tightest security

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<sup>238</sup> IX. *Establishment, Development and Role of the Xinjiang Production and Construction Corps*. (n.d.). Retrieved August 2023, from Government White Papers: <http://www.china.org.cn/e-white/20030526/9.htm>

<sup>239</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>240</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

<sup>241</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*. Asia Pacific Issues. East-West Center.

<sup>242</sup> Soliev, N. (2019, January ). UYGHUR VIOLENCE AND JIHADISM IN CHINA AND BEYOND. *International Centre for Political Violence and Terrorism Research, 11, No. 1*(Annual Threat Assessment), pp. 71-75.

<sup>243</sup> Roth, K. (2019). A Ameaça Global da China aos Direitos Humanos. *Human Rights Watch*.

in the country, as it is “essentially run as a modern police state”, in an area saturated with police officers and Chinese flags<sup>244</sup>. Electronic checkpoints, numerous surveillance cameras with facial recognition technology, and cell phones are now all under government control via an application that stores the biometric data of the populace<sup>245</sup>. In addition to these methods, there was an increase in police presence on the streets as residents began to be routinely stopped and asked for identification documents. They also began to collect biometric information from XUAR residents by voice and fingerprint analysis, facial / retinal scans, DNA analysis, and blood type<sup>246</sup>. As it is pointed out by Michel Li, the region of Xinjiang can now be characterized as a police state due to security cameras in the streets, sophisticated data analysis softwares, and tracking technology, associated with an extensive number of police jobs advertised since 2008<sup>247</sup>. Today, the Uyghur cities can be characterized and recognized by armed checkpoints in the city centers, security cameras and facial recognition-equipped CCTV (closed circuit TV) in every street, and hi-tech drones disguised as real birds that fly over the region<sup>248</sup>.

It can be said that from 2014, everything changed in the Uyghur Region. In May 2014, as mentioned previously, the Chinese Government launched the ‘Strike Hard Against Violent Extremism’, a campaign theoretically designed for international-linked threats of terrorism, which according to the *Uyghur Human Rights Policy Act of 2020* only served as justification for human rights violations towards ethnic minorities and members of the Xinjiang Uyghur Autonomous Region community. Since 2014, the Government of the People’s Republic of China are said to have detained over 1,000,000 Uyghurs, among other members of Muslim minority groups, such as ethnic Kazakhs and Kyrgyz<sup>249</sup>. In August 2016, the new Xinjiang Communist Party secretary, Chen Quanguo took over power and started to impose mass detentions and surveillance of Uyghurs, going through the same course of action as he did previously when he was party secretary of Tibet, where he “pacified the region through intense securitization and widespread

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<sup>244</sup> Li. M. (2018). *Preventive Measures: Increasing Government Restrictions on the People of Xinjiang*. Harvard International Review.

<sup>245</sup> Roth, K. (2019). A Ameaça Global da China aos Direitos Humanos. *Human Rights Watch*.

<sup>246</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>247</sup> Li. M. (2018). *Preventive Measures: Increasing Government Restrictions on the People of Xinjiang*.

<sup>248</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>249</sup> Uyghur Human Rights Policy Act of 2020. (2020). *Public Law 116-145 - JUNE 17, 2020* (pp. 1-11). Information, Authenticated U.S. Government.



social control mechanisms<sup>250</sup>, which some leaked documents prove, since Chen ordered the Xinjiang authorities to “round up everyone who should be rounded up”<sup>251</sup>

The label of "re-education" is here introduced, and can be interpreted as a government strategy to succeed in eliminating the ethnic group from the province, justifying its actions with the possibility of the minority group's affiliation with terrorist groups, and using it as a pretext that these arrests contribute to the security of Xinjiang, assisting in the fight against "the three great evils": separatism, extremism, and terrorism<sup>252</sup>. According to Patrik Meyer, the three evils, or “three forces” revolve on ethnic separatism, religious extremism and international terrorism, meant to argue Xinjiang as a national and security threat. Among others, this is an example of the “politics of unease” used by the Chinese Government to “construct a patchwork of insecurities” between the 1990s and the 2000s<sup>253</sup>.

According to Michel Li, the Xinjiang policy delegitimizes the history and language of the Uyghur legacy, and in addition, the use of Uyghur language, in textbooks for school, is banned, for the purpose of re-education. These policies are seen as resources to prevent Uyghur violence, which in reality trigger the Uyghur community. The disparities between this policy and the governments’ inconsistencies in terms of policy leaves much to understand. On the one hand, the Party Secretary and Xinjiang officials have passed the restrictions registered ahead; nonetheless, Li stresses the Central Government is responsible for advocating religious and cultural protection, while the persecutors measures are left to the regional governments. However, Li also argues that the attempts of the Central Government to promote economic development and protect minority cultures in Xinjiang ended up having relative success. The problem relies on the Central Government’s action to only show support for the measures taken about economic inequality, and not for the responsibility for the failed freedoms of the Uyghurs<sup>254</sup>. The White Papers of 2009 on Xinjiang do in fact mention and claim that economic development in the region has succeeded, but the discontent within the ethnic minority

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<sup>250</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>251</sup> *Nowhere feels safe: UYGHURS TELL OF CHINA-LED INTIMIDATION CAMPAIGN ABROAD*. (2020). Retrieved August 2023, from Amnesty International: <https://www.amnesty.org/en/latest/research/2020/02/china-uyghurs-abroad-living-in-fear/>

<sup>252</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>253</sup> Meyer, P. (2016). *Extremizing Uyghurs' National Identity and Islamic Practices*.

<sup>254</sup> Li. M. (2018). *Preventive Measures: Increasing Government Restrictions on the People of Xinjiang*.

was obvious, and violence did not only diminish, it started to escalate into non-cooperative means<sup>255</sup>. Some ‘Deradicalization Regulations’ emerged in 2017, as the Chinese authorities tried to codify measures able to ‘contain and eradicate’ extremism, however, the arrests number rose significantly: a Humans Rights Watch 2021 Report says that in 2017, 21% of the arrests were traced back to Xinjiang, not forgetting that the XUAR makes as little as 1,5 percent of the total population of China, and these rising arrest numbers were mainly codified as political crimes<sup>256</sup>. The “Regulations on De-extremification”, adopted in March 2017, saw the internment of Uyghurs to escalate. Ali Çaksu mentions Xinjiang specialist Darren Byler, who suggests that “Chen, with the support of the Xi administration, made the decision to move from simply a police state security approach to a mass human re-engineering approach in managing the Uyghur population”, an approach that had its basis on creating a stable society, refrained from threats and problems, as done by Chen in Tibet<sup>257</sup>.

Chinese officials’ dehumanization of the Uyghur people started with accusations that they were “disloyal to the state”, “untrustworthy”, and even “anti-society” and “anti-civilization”, as they lacked advancement despite being a part of Chinese civilization. The Uyghurs were forced to acknowledge their lack of advancement as members of society in the “re-education camps” and continue to do so today. They are considered unworthy of making a positive contribution to society. Therefore, Chinese officials even indoctrinate this ethnic group by teaching them that "there is no such ethnic group as the Uyghurs and that “being a Uyghur is a crime” or even that the Uyghurs cannot presume themselves as human beings<sup>258</sup>. Various forms of abuse started to emerge around the Uyghur population, as the Chinese authorities started to ask Uyghur families to “voluntarily” accept ‘home stays’, in order for these authorities to monitor the families, looking for signs of extremism and terrorism. This period saw various behaviors being punished, on grounds of the activities to carry terrorist or extremist intentions. Praying, possessing religious texts, abstaining from alcohol, pork or tobacco are activities considered as signals of

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<sup>255</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>256</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>257</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>258</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

extremism. At times when the male head of the household is already in detention, ‘male cadres’ join the Uyghur family’s house; as for children, the very young ones are placed in schools and institutions where the process of social and educational sinicization is already embedded in the environment, and the middle school students are separated from their families and go through the same processes as the young children, in institutions designed for facilitating sinicization <sup>259</sup>.

February 18, 2017, marks the day that Zhu, an Han Chinese official announced the end of all terrorist and separatist activities, under the “powerful fist of the People’s Democratic Dictatorship”. From this day forward, the police started to raid Uyghurs homes and taking them for questioning, as they stopped and arrested other Uyghurs in borders and airports<sup>260</sup>.

There was a reason for the government's extensive control measures. Buildings known as "re-education camps" started to be constructed in Xinjiang in 2017, with the intention of reshaping Muslims' mindsets and converting them to the Chinese Communist Party. The surveillance system implemented in the province was used to identify who should be held in these camps, which some experts have referred to as a “government-led programme of cultural genocide”<sup>261</sup> All Islamic topics were made illegal after the XUAR People's Congress passed new ‘de-extremification’ rules, and Article 14 of the 2016 Counterterrorism Law mandated the establishment of ‘educational transformation’ through ‘behavioral corrections’ and ‘trainings’<sup>262</sup>. At first, the camps were labelled as “vocational schools for criminals”, but as soon as these camps started to see academics, intellectuals, artists and elderly people, the definition lost its credibility<sup>263</sup>. The XUAR authorities have been constructing more permanent and “cavernous” infrastructures marked by barbed wire fencing, concrete walls, and the absence of natural light. The detention camps serve as entryways to the regular jail system. More than 1400

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<sup>259</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>260</sup> *Secret documents reveal how China mass detention camps work*. (2019, November 25). Retrieved August 2023, from Associated Press: <https://apnews.com/article/china-cables-ap-top-news-international-news-china-race-and-ethnicity-4ab0b341a4ec4e648423f2ec47ea5c47>

<sup>261</sup> Soliev, N. (2019, January ). UYGHUR VIOLENCE AND JIHADISM IN CHINA AND BEYOND

<sup>262</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>263</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

extrajudicial confinement camps (excluding prisons) are allegedly present throughout the region, according to researchers<sup>264</sup>. The term “re-education” camps was settled, and this time, Chinese authorities associated these camps for terrorists and extremists – to be noted that the term “extremist” was added in order for children and teenagers, as well as elderly people, could be imprisoned without the foe accusation of terrorism<sup>265</sup>. Uyghurs are arbitrarily sent to these camps where they are subjected to political ‘re-education’ compelled to pledge allegiance to the Chinese Communist Party, and to internalize the propaganda in favor of Chinese identity. They are exposed to actual ‘brainwashing’ in order to coerce them into denying their beliefs. These facilities operate similarly to high-security prisons, with strict discipline, physical and psychological punishment, and inmates strictly forbidden from escaping. Inmates are forced to stay until various members of the government acknowledge that there has been a change in their mentality, that is, a renunciation of Islam and recognition of Chinese identity, as well as loyalty to the Communist party<sup>266</sup>. When pressed, and despite current evidence to the contrary, the Chinese government maintains that all detentions are arbitrary, and denies the existence of any political indoctrination in these camps, claiming that they are merely “vocational training and education institutions” that house residents potentially affected by extremist ideas<sup>267</sup>: in August 2018, the United Nations Committee on the Elimination of Racial Discrimination estimated that more than one million Uyghurs and other Muslim minorities were detained and forced into the camps for political indoctrination purposes<sup>268</sup>; however, various Uyghur human rights organizations believe the number of detainees to be around the triple of the above mentioned number<sup>269</sup>. Some Chinese authorities claim that the camps are “hospitals for ideological illness”, as it was previously mentioned, because some Chinese authorities interpret Islam as a mental disease. Nevertheless, Ali Çaksu affirms that the camps are “definitely interment or concentration

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<sup>264</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>265</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>266</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>267</sup> Roth, K. (2019). A Ameaça Global da China aos Direitos Humanos

<sup>268</sup> *Committee on the Elimination of Racial Discrimination reviews the report of China*. (2018, August). Retrieved August 2023, from United Nations Human Rights Office of the High Commissioner for Human Rights (OHCHR)

<sup>269</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

camps with daily forced indoctrination, forced labor, torture and rape”. Other sources affirm that “voluntary job training” is the reason given by the Chinese government on the the detainment of more than one million ethnic minorities and Muslim individuals. After the detainees leave the camps, the official intent is to make every effort to get the person a job, however, the detainees described that they are forced to sign job contracts with long working hours, low pay, and “barred from leaving factory grounds during weekdays”<sup>270</sup>. And although satellite photographs and government records indicate such places with prison characteristics associated with strong security and preventive measures, such as escape, the Chinese government continues to claim a goal of “vocational education” in its new detainee camps. Detainees are allegedly subjected to full-body searches, forced to undress in front of guards, while their heads are covered, and have their hair shaved. These detainees are also compelled to sign paperwork declaring that failure to follow the rules will result in punishment, as they are monitored throughout their stay in these jails. Furthermore, the Uyghurs are subjected to a system of institutionalized forced labour, in which inmates work in factories and cotton-picking operations, among other things. Furthermore, a large number of garment firms employ these detainees, referring to them as “employers” and refusing to acknowledge claims of the aforementioned forced labour<sup>271</sup>. This actions are interpreted by Cullen Hendrix and Marcus Noland as activities of counterterrorism or extremism, with the intent to reduce poverty. The CPC believes on coercive methods as the only response to contribute to the process of reducing radicalization, and the political reeducation, the forced assimilation, the attenuation of attachment to Uyghur/Turkic Muslim religious and cultural origins, and the forced transfer into paid agricultural and industrial employment, only serves to reach their political and economic desires. The intent could be interpreted according to the Xinjiang Ministry of Justice declaration to “wash brains, cleanse hearts, support the right, and remove the wrong”<sup>272</sup>.

Ali Çaksu argues that the Chinese authorities were not so fast to officially confirm the existence of camps, as they denied their existence until October 2018, when evidence was flowing, and the satellite and other leaked photographs and videos prevented the CPC

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<sup>270</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

<sup>271</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*

<sup>272</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang.*

to hide the truth. Chinese and western activists have been searching and displaying evidence and information on the growing number of internment camps, for example, Shawn Zhang, an online activist, has published and listed 94 internment camps by sharing satellite images and GPS locations; Çaksu gives another example, with mention of Adrian Zenz, who made information publicly available, from official sources such as government websites and Chinese internet sources. Information from inmates, former Uyghur teachers and secret video recordings have given researchers proper evidence about the physical situation of the camps, as these researchers and activists also bring up proof from propaganda photographs of the Chinese government. The growing evidence is also able to demonstrate the locations, sizes and number of camps. As China started to change its discourse, it began claiming the existence of “vocational training”, in a sense of “transformation-through-education”, to rid the Uyghurs of ‘extremism’, and to “provide them with job training – even highly educated intellectuals, businesspeople and retirees”<sup>273</sup>. Plus, the “vocational skills improvement” is said to be offered to the prisoners after a whole year in the camp, while “Manner Education” is the introductory “vocational training”, being mandatory<sup>274</sup>. Furthermore, the research done by Amnesty International goes through leaked documents of late 2019, when new information surfaced about the campaigns and its origin linked to Chinese President Xi Jinping, who called for a ‘fight’ to “struggle against terrorism, infiltration and separatism” in Xinjiang<sup>275</sup>. Conversely, the Chinese Embassy in the United Kingdom argues that the so-called leaked documents are fabrications and fake news, and that Xinjiang is now a much safer place, with efficient measures, and “no single terrorist incident” since then. Moreover, religious and personal freedoms of the re-education centres prisoners are said to be “fully respected” in the XUAR, as well as issues regarding Xinjiang are to be considered exclusively as internal affairs of China, as told by Chinese Foreign ministry spokesman Geng Shuang<sup>276</sup>.

The issue about these ‘re-education’ camps is that there is a great amount of evidence showing prison-like buildings and facilities. Ali Çaksu argues that the camps were definitely built for the purpose of internment. The author goes on by enumerating

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<sup>273</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>274</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

<sup>275</sup> *Nowhere feels safe: UYGHURS TELL OF CHINA-LED INTIMIDATION CAMPAIGN ABROAD.* (2020).

<sup>276</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

prison-like characteristics: the buildings are packed with surveillance cameras (including in the dormitories and bathrooms ), the camps have walls and watchtowers, the inmates are said to be monitored 24 hours a day, the inmates lack any kind of privacy or freedom, the rooms (or cells) have sealed iron bars on the windows and the facilities have wire fencing around all of it. With access to satellite image, it was possible to understand the creation of a new facility to be constructed and occupied: in October 2017 there was an empty camp site, that some months later, in August 2018, was almost built; in September of that same year the camp was already packed with several thousands of inmates. This specific camp is said to have four building complexes and a floor space of around 110,000 m<sup>2</sup>. This ‘newly built Yingye-er Re-education Camp’ “show various signboards with rules and regulations written in Chinese”, as the “Heart-to-Heart Regulations” stress impositions on anti-extremism, explaining how this impositions should be followed: “this is apparently the official name for the brainwashing process and the ideological indoctrination” <sup>277</sup> . Again, the interment camps, or prisons, are surrounded by watchtowers, double-locked doors and video surveillance, in order to prevent the inmates from escaping<sup>278</sup>.

The activities embodied in these camps are described according to video evidences from official sources, where they show how the detainees learn the Chinese official language – Mandarin –, to learn about legal education, on matters of the laws and regulations of national security and anti-terrorism, and training for vocational education, along forced labor, especially since China sells products and equipments to other parts of the country and needs the forced laborers to know the language. Çaksu believes that the part of “legal education” is meant to forge indoctrinations and brainwashing, as part of the process for ‘re-education’, which the detainees must abide to, to later be able to recite the policies documents and Xi Jinping’s speeches to the current President of China. Unsurprisingly, the official information in regard to these activities shows a completely contrary imaging to the testimonies of some inmates, as they confess the camp work to be centered on military style training, while having to denunciate Islam and their islamic beliefs, since they learn and are lectured to repudiate the religion on basis of the dangers associated with it. Washing hands and feet are seen as Islamic ablution, women are

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<sup>277</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>278</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

obliged to apologize for wearing long clothing, and no one must pray or teach the Quran to their children, hence, any Islamic practice is prohibited. Additionally, they are supposed to criticize themselves and their relatives while showing appreciation for the ruling Communist Party<sup>279</sup>. The documents exposing the Chinese authorities and government about the camps have proven that there were secret operations manuals directed to the camps, and the officials were instructed on what to tell children and how to warn them about the repercussions if they spoke about the detentions<sup>280</sup>. The authorities present in the camps force the inmates to eat pork and drink alcohol, they cannot go to the bathroom when they please to, and cannot see a doctor when ill. Non compliance with the rules is cause enough to the inmates to be sent to solitary captivities, to be beaten and physically tortured, while going through deprivations of food and sleep, with no account for gender or age. At the age of 29, a Uyghur woman – Mihrigul Tursun – told to reporters in Washington that she had spent four consecutive days, without sleep, being interrogated; she had her hair shaved and was subjugated to intrusive medical examinations, also being electrocuted – she admitted: “I thought that I would rather die than go through this torture and begged them to kill me”<sup>281</sup>. Also, Erzhan Qurban, a Kazakh man who was arrested on basis of “committing crimes in Kazakhstan”, confessed that, during the nine months he was held, he was “treated like an animal”, as he affirmed that “It wasn’t education, it was just punishment”<sup>282</sup>.

These camps have a system of classifying the inmates, as they divide them into three levels of security and sentences: the first level of inmates are the ones considered illiterate Uyghur farmers that were imprisoned only for not speaking Chinese; the second level consists on people who were caught with so-called separatist materials, wether at their home or in their smartphones; a final third level are the ones who had studied religion abroad, came back and were thought to be affiliated to foreign elements, having sentences of 10 to 15 years in the camps. The Chinese authorities make sure to target “prominent

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<sup>279</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>280</sup> *Nowhere feels safe: UYGHURS TELL OF CHINA-LED INTIMIDATION CAMPAIGN ABROAD.* (2020)

<sup>281</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>282</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).



Uyghur intellectuals, academics and artists to erase the Uyghur ethnic identity”<sup>283</sup>. Moreover, the inmates in these camps, being them Uyghurs or other minorities, are kept under a score, which goes up or down according to how well they speak and dominate the Mandarin language; plus, the score can also shift accordingly to how strictly they follow the rules of the camps: the detainees are obliged to speak Mandarin and are tested on it weekly, monthly, and seasonally. When detainees do well on these tests, they are rewarded on their score, and are given perks such as family visits and eventual graduation and exiting the camps. However, if they do poorly, the detainees suffer from consequences, such as being sent to “stricter management areas”, food deprivation, beatings, and longer detention sentences<sup>284</sup>.

Uyghur children are part of the Uyghur population that is being imprisoned and detained. When a Uyghur parent is taken into the internment camps, the Chinese authorities prohibit the family and close relatives of the children to take care of them, and these Xinjiang Muslim children often end up being sent into state-run orphanages<sup>285</sup>. According to information provided by the Radio Free Asia, in 2018, an estimate of 3,000 children were already in these orphanages, the so-called ‘Little Angel Schools’. The facilities are as overcrowded and are lacking living conditions in same the same way the adult re-education camps are, especially since these schools harbor children from the age of 4 to 14, never allowed to go outside the schools, which does not happen, since the facilities are surrounded by walls and barbed wire<sup>286</sup>. The modus operandi ends up being the same of the internment camps when talking about ‘re-education’, since these children are educated according to the Chinese culture and values of the Communist Party. The functioning of these orphanages fall under the scope of brainwashing the children and training them into becoming “proper Chinese”, to further erase their ethnicity and religious identity, and deleting any Uyghur culture. Also, Chinese authorities use this kind of orphanages as a tool to take the children in order to separate Uyghur families, by distancing children from their parents and creating trauma for the the Uyghurs in China

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<sup>283</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>284</sup> *Secret documents reveal how China mass detention camps work*. (2019, November 25).

<sup>285</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>286</sup> Hoshur, S. (2018, September 13). *Uyghur Children Separated From Parents, Held in 'Little Angels Schools' in Xinjiang*. Retrieved August 2023, from Radio Free Asia: <https://www.rfa.org/english/news/uyghur/separated-09132018132251.html>

and abroad, which ends up being linked to yet another goal: by taking children that are in the country, the Chinese authorities have power to blackmail Uyghurs outside China, to make them return home <sup>287</sup>.

### 3.1.2. Uyghur day-to-day

The Uyghur Region constantly sees individuals hiding from their true Muslim self, as their day-to-day as changed, and the ones fasting, praying, wearing a hijab, and even individuals who grow a beard are almost certainly to be arrested on basis of extremism and terrorism. The new living conditions of the Uyghur population in the region are now based on avoiding any Muslim practice, and the opposite of it is encouraged: the Uyghurs have to distance themselves from Islamic injunctions, such as avoiding to eat pork and drinking alcohol, something that is forced upon them when in the internment camps. In order to ensure compliance, the Chinese authorities often make surprise visits to stay with the Uyghur families. Plus, the government of China imposed “anti-halal campaigns”, in order to safeguard the ethnic unity of the country, and ‘official harassment’ for re-educational purposes, for example the cutting of women’s clothes on the streets when these are too long; regarding the clothing policies, it is noted by Çaksu that in authentic photographs, the Uyghur women wear jeans and shorts, no hijab or veils, and the slogan for this practices reads: “Wear civilized, good-looking clothes, be beautiful Urumqi people, resolutely oppose abnormal clothing and behavior!”. To add to this, another policy made by Mao Zedong constituted the changing of all time zones into a single one, on basis of ‘national unity’; any disparity encountered in clocks, for example setting the time on a watch for ‘Urumqi time’, is seen as a form of resistance towards the CCP, and the Uyghur individual to be arrested on terror charges<sup>288</sup>. Moreover, a program was reinstated and the Chinese government sent approximately 200,000 Communist Party members to Xinjiang, in order to incorporate them in Uyghur households<sup>289</sup>. There is now an

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<sup>287</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>288</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>289</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*. THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM, Simon-Skjodt Center for the Prevention of Genocide.

undeniable lack of privacy and violation of human dignity inside family houses. The policies of ‘re-education’ are widening at the second, and officials from the government have authority to visit the homes of the Uyghurs, to stay there for days or weeks, and to arrest whoever disagrees with these visits, on the basis of the official “cultural exchange” program, to be interpreted and accepted in order to comply with the “Pair up and Become family” slogan. This obviously serves as time for the officials to take notes and assess the loyalty of the Uyghurs towards China, as it also serves as an easier fix to force marriages between Uyghur girls and Chinese men: Çaksu observes this course of action as “state-sponsored rape and contribute to ethnic cleaning and genocide”<sup>290</sup>. Additionally, these groups that are sent to Uyghur homes are instructed to upload the information gathered into the called Joint Operations Platform, or IJOP<sup>291</sup>.

### 3.1.3. Persecution and Surveillance

The substantial issue of the Uyghur internment and persecution falls into the term coined by Banian, who defined virtual internment, where the virtual is interpreted as the total structure in which a targeted group experiences a directly employed repression and intimidation, even when the group is not physically held in prisons or is subjected to legal sanctions. The virtual internment, defined in the context of the US’s ‘War on Terror’ program to alienate unsupportive and hostile actors (i.e., individuals, communities, organizations), imposes to the group, individuals or communities, a set of behavioral guidelines, which end up being more reflective of a life as prisoners than that of free man and women. Contrary to the “quasi-visible” American structure, the Chinese case is defended publicly and openly by the state, and it can be directly observable through common aspects with the American structure, such as the targeting of an entire community and the forcing behavioral changes through mentally inducing a state of control that aims to shape the following generations in the country<sup>292</sup>.

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<sup>290</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>291</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>292</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

China's aim is seen as the growing construction of an 'high-tech authoritarian country', and has been doing so by creating unprecedented national surveillance systems and by focusing on the investment of surveillance technology: "thousands of companies in China offer smartphone surveillance equipment, facial-recognition technology, deep-packet inspection gear and application filtering"<sup>293</sup>.

According to Amnesty International, a 137-page Chinese document was leaked in February of 2020, which contained detailed information about the people from Xinjiang. This leaked document included religious habits and personal relationships as a mean to determine which people should be interned in the so-called "re-education camps", information this that supported the evidence of violations of rights that were previously documented by Amnesty International<sup>294</sup>. The classified information that was found in the documents introduced, to the researchers and activists, a clear path towards the Chinese government's deliberate strategy to "lock up ethnic minorities even before they commit a crime, to rewire their thoughts and the language they speak". The *Associated Press* was also able to interpret "a new form of social control" from the leaked papers, with the usage of artificial intelligence and data collected from the mass surveillance technology. These documents were able to give strong proof on what the *Associated Press* stresses as the "most significant description yet of high-tech mass detention in the 21<sup>st</sup> century in the words of the Chinese government itself"<sup>295</sup>.

The support for the technological surveillance advancements comes on the hands of the government, which is pushing companies to research and develop these technologies, to track the whole Chinese population, with an extra focus to the targeted group's faces and clothing and receiving the data from the companies. In addition, the Chinese government stops Uyghurs in the streets and plugs an electronic device in their cellphones to scan it, as it also imposes to the Uyghurs that they download and install the application '*Clean Net Guard*', also meant to scan information from their phones, such

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<sup>293</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>294</sup> *China: Uyghurs living abroad tell of campaign of intimidation*. (2020, February 21). Retrieved August 2023, from Amnesty International: <https://www.amnesty.org/en/latest/news/2020/02/china-uyghurs-living-abroad-tell-of-campaign-of-intimidation/>

<sup>295</sup> *Secret documents reveal how China mass detention camps work*. (2019, November 25).

as photos, videos, audios, ebooks, and other documents. China does the same persecution with DNA from the Uyghurs, drawing blood and scanning the faces and voices of individuals in the street, calling it “free health checks”, with the assistance of American expertise and technologies: “the Chinese authorities received help from biotech giant Thermo Fisher (a Massachusetts company) and Kenneth Kidd (a prominent Yale University geneticist) as they built an enormous system of surveillance and control”<sup>296</sup>. The digital screening system, IJOP, was designed to screen whole populations, as the *Associated Press* stresses that it was initially built as an intelligence-sharing tool to study the US army’s use of information technology in Iraq and Afghanistan. The IJOP is able to send people to an internment camp through a computer, and it defines the suspicious and extremist behaviors in a worrying broad classification: activities such as traveling abroad, using cell phone apps that cannot be monitored by the government and even asking others to pray are cause enough for this screening system. This led Rian Thum to argue that a computer being able to send people to an internment camp is “absolutely unprecedented”, as it happens in no other place in the world<sup>297</sup>. The control of Uyghurs goes, furthermore, by their homes, where the ethnic minority encounters QR Codes, installed by the government for easy access on the personal details of the people living there, which Ali Çaksu compares and argues to be “much more” than the David’s Star on Jew’s homes in Nazi German<sup>298</sup>. The *Associated Press* mentions the words of Adrian Zenz, leading security expert on the far western region of Xinjiang, to affirm and to “confirm that this is a form of cultural genocide”, and that “it really shows that from the onset, the Chinese government had a plan”. The Chinese leaked documents show the lack of evidence on the Chinese authorities part, and that detainees are innocent of the crimes attributed to them. A specific document showed that behind digital surveillance, the ultimate goal seems to be “to prevent problems before they happen”, which the *Associated Press* interprets as a way to calculate who will rebel against the system, and being detained before they do. In a single week, in June 2017, the screening system identified around 25,000 “suspicious persons” in Xinjiang, and 15,000 were immediately sent to the

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<sup>296</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

<sup>297</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

<sup>298</sup> Çaksu, A. (2020). Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China.

camps, while others were sent to prison and house arrest<sup>299</sup>. In December 2020, a leaked list from the Xinjiang's Aksu prefecture showed an estimate of more than 2,000 detainees, flagged and detained for “everyday, lawful, nonviolent behavior”, such as receiving phone calls from foreign numbers<sup>300</sup>.

Amnesty International published reports and statements coming from Uyghurs living abroad, and through a series of testimonies regarding the campaign for intimidation coming from China, this ONG was able to reveal the Chinese authorities pressure on the foreign embassies, as well as messaging apps and threats made by phone calls to the fleeing Uyghurs. It goes to say, according to the Amnesty International's China Researcher Patrick Poon, that Uyghurs living abroad are still suffering from China's repression against Muslims, in an extent ‘far beyond its borders’<sup>301</sup>. The surveillance goes through the Chinese embassies, that keeps an eye on the Uyghurs and pressures the countries and their governments to deport the Uyghurs back to China. Sometimes, this pressure passes by blackmailing Uyghur students and workers living abroad, by holding their families as hostages until they return home. Çaksu confirms that “it is not possible to say that a particular country is safe for Uyghurs”, and the danger of living abroad increases if the international Chinese influences increase<sup>302</sup>. Patrick Poon stresses that the testimonies given to Amnesty International “illustrate the global scope of China's campaign against Uyghurs, Kazakhs and others originally from Xinjiang”, as embassies were instructed to collect information about the members of these ethnic groups. There is an estimate of around 1-1.6 million Uyghurs living outside of China, with significant diasporas in Kazakhstan, Kyrgyzstan and Uzbekistan, and smaller ones in Afghanistan, Australia, Belgium, Canada, Germany, Norway, Russia, Saudi Arabia, Sweden, the Netherlands, Turkey and the United States. This being said, Poon urges all governments that are hosting members from the Xinjiang diaspora to protect them from the intimidation and hostility, since the evidence of violations is ever-growing, and it confirms that

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<sup>299</sup> *Secret documents reveal how China mass detention camps work*. (2019, November 25).

<sup>300</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government's Assault on the Uyghurs*

<sup>301</sup> *China: Uyghurs living abroad tell of campaign of intimidation*. (2020, February 21). Retrieved August 2023, from Amnesty International

<sup>302</sup> Çaksu, A. (2020). *Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China*.

Uyghurs and other ethnic minorities from Xinjiang that are deported back, are at risk of being detained and sent to the camps<sup>303</sup>. Research made available by Amnesty International actually raises awareness about governments who have been pressured by China, and others who have caved on China's intimidation policies. In 2015, Thailand returned over 100 Uyghurs who were there in a sought for refuge. Egypt is also believed to have deported 16 students, in 2017. The issue stands on awaiting for asylum statutes, although during this wait the probability of deportation usually increases<sup>304</sup>. Moreover, Uyghurs living abroad are searched for, and tortured for information on the whereabouts of others, which is exactly what happened to Mamattursun Omar, a Uyghur man who was arrested after working in Egypt. "They strapped him to a contraption called a "tiger chair," shocked him with electric batons, beat him with pipes and whipped him with computer cords", in order to make him to confess where other Uyghurs working with him were<sup>305</sup>.

#### 3.1.4. "Terror Capitalism"

Byler introduces the suffering of the Uyghur Region on the hands of "terror capitalism" and 'digital dictatorship', in an attempt to eradicate the Uyghur culture. Byler suggests terror capitalism as the security industrial complex that supports the economy of the region, in a project that controls and suppresses the Uyghur population to venture a capitalist experiment<sup>306</sup>:

*"The reason why it is important to refer to the industrial complex as one marked by "terror," is because the label "terror" posits that Uyghur and Muslims more generally pose an existential threat to the Chinese nation. As such, Uyghur society can be treated as a space of exception where the normal rules regarding basic human rights no longer apply. In China the term "terrorist" is generally*

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<sup>303</sup> *China: Uyghurs living abroad tell of campaign of intimidation.* (2020, February 21). Retrieved August 2023, from Amnesty International

<sup>304</sup> *Nowhere feels safe: UYGHURS TELL OF CHINA-LED INTIMIDATION CAMPAIGN ABROAD.* (2020).

<sup>305</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

<sup>306</sup> *Xinjiang specialist Darren Byler for Sinopsis: A project far more extreme than the Stanford Prison Experiment.* (2018, November 21). Retrieved August 2023, from SINOPSIS: CHINA IN CONTEXT AND PERSPECTIVE: <https://sinopsis.cz/en/xinjiang-specialist-darren-byler-for-sinopsis-a-project-far-more-extreme-than-the-stanford-prison-experiment/>

*associated only with bodies marked as Muslim, so it allows Chinese leaders, and the Chinese public as a whole, to see it only as a threat associated with a different people in distant borderland. Labeling Uyghur society in this way also provides cover for the Chinese state when confronted with the fact of their crimes against humanity by international institutions such as the United Nations.”*<sup>307</sup>

The *Associated Press* mentions that experts say the detentions are clear violations of China’s own constitution, while mentioning Margaret Lewis, a professor of Chinese Law at Seton Hall University, who says that the Communist Party is “circumventing the Chinese legal system in Xinjiang” and that “they’re not even trying to justify this legally... this is arbitrary”<sup>308</sup>. This being said, Çaksu argues that the “War on Terror” is a complete euphemism to disclose the forced ethnic and cultural assimilation in the Uyghur Region, that is aimed at breaking the spirit of the Uyghurs, as a Uyghur man told to the author, saying that “it does not kill; it makes us worse than killed”, while one other Uyghur man wonders if it is just a nightmare<sup>309</sup>.

The Chinese government is believed to have built an estimate of 300 to 400 detention centers towards Uyghurs from 2017 to 2019, which estimates between one and three million people being incarcerated, being that between those years, the number of prison sentences increased to 300,000 more people. Also, the number of traditional prisons has also grown since 2017 until the present day<sup>310</sup>.

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<sup>307</sup> *Xinjiang specialist Darren Byler for Sinopsis: A project far more extreme than the Stanford Prison Experiment.* (2018, November 21).

<sup>308</sup> *Secret documents reveal how China mass detention camps work.* (2019, November 25).

<sup>309</sup> Çaksu, A. (2020). *Islamophobia, Chinese Style: Total Internment of Uyghur Muslims by the People's Republic of China*

<sup>310</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government's Assault on the Uyghurs*



## Chapter 4 – Classification of the abuse and HR violations

### 4.1. Classification of the abuse as Genocide

#### 4.1.1. Genocide as a concept

To first understand *genocide* as a concept, it is necessary to mention the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), in which genocide “*means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to cause its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group*”<sup>311</sup>.

Despite this applicability being occasionally seen as a component of domestic law, Haerens (2012) claims that this definition originates from international efforts and from its application on the statutes of the Hague-based International Criminal Court (ICC)<sup>312</sup>. However, it omits action against ‘class’ or ‘political enemies’. It was previously described by Thomas W. Simon as a repugnant group injury that relies on “negative group identity, intentionality, and acts of killing” and is therefore a three-way dilemma. Additionally, Simon supports the Convention’s narrow definition of genocide because the term “group” can be interpreted incorrectly<sup>313</sup>. Therefore, and even though the international community and authors may agree on what constitutes genocide, the actual action that the criminals take must have a clear conceptual definition. Raphael Lemkin established the philosophical and legal underpinnings of genocide by characterizing it as follows: “a coordinated plan of different actions aimed at the destruction of the essential foundations of the life of national groups, with the aim of annihilating the groups themselves”<sup>314</sup>. The 2014 United Nations document “Framework for Analysis of Atrocity Crimes” expressed

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<sup>311</sup> Convention on the Prevention and Punishment of the Crime of Genocide. (1948). *UN General Assembly. Treaty Series, vol. 78*, p. p. 277. United Nations.

<sup>312</sup> Haerens, M. (2012). *Genocide*.

<sup>313</sup> Simon, T. W. (1997). *Defining Genocide*.

<sup>314</sup> Regilme, S. S. (2022). *Human Rights at Risk: Global Governance, American Power, and the Future of Dignity*.

the term “atrocities crimes” to “refer to the three legally defined international crimes: genocide, crimes against humanity, and war crimes”. Brown & Smith also believed that the definitions of mass atrocity and genocide should be clarified. The UN also included “ethnic cleansing” in its list of mass atrocities<sup>315</sup>. According to Mamtimin Ala, the primary drivers of genocide are typically feelings of fear, rage, and hatred because moral desensitization caused by brainwashing and propaganda lowers the value of the group that is seen as the enemy of human existence. As a result of the aforementioned propaganda, the value of the targeted race, ethnicity, or religious group is steadily diminished in the eyes of the general public when this action is done against it. Ala continues, by arguing that “the action taken by the aggressor is based on targeted hatred in which the group’s human existence has no value and can be considered and interpreted as a group of animals or plants, which must be eradicated, as seen when the Nazis considered the Jews to be rats, an image used to repel the populace and to ignite the nation’s desire to decimate this group in order to save their own survival”<sup>316</sup>.

#### **4.1.2. The Uyghur Genocide under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948)**

The acts that may constitute genocide must be followed through a lease of ‘requisite intent’ because of the non-lethal acts are committed under this specific scope. As documented by the United States Holocaust Memorial Museum, the 2021 ‘Bearing Witness Report’, argues that the acts committed by the Chinese authorities against the Uyghurs constitute, throughout the majority of public information, non-lethal acts: bodily and mental harm, measures to prevent births, and forced transfers of children of the group<sup>317</sup>. To better comprehend the definition of the Uyghur Genocide, it is required to enumerate and support the conclusion of genocide based on the violation of every act forbidden in Article II of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. As previously stated, the Genocide Convention lists acts done with evil intent from ‘(a)’ to ‘(e)’ of Article II<sup>318</sup>. The 1948 Convention is

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<sup>315</sup> Brown, S. E. (2021). *The Routledge Handbook of Religion, Mass Atrocity, and Genocide*. Routledge.

<sup>316</sup> Ala, M. (2021). *Worse Than Death: Reflections on the Uyghur Genocide*.

<sup>317</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>318</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*.

ratified by China, setting legal obligations to prevent and punish the crime of genocide. This being said, it must be noted that both the ethnic and religious groups fall under the protection of Article II, and the Uyghur Muslim minority falls under the scope of both, being it an ethnically and religiously ‘distinctive’ group, in accordance to what is present in the Chinese government’s census data records<sup>319</sup>.

First, with proof of mass killings of Uyghur captives in police custody or internment camps, the purpose of “(a) killing members of the group” towards the Uyghurs is assumed. Second, the acts of “(b) causing bodily or mental harm to members of the group” have also been demonstrated through the systematic torture of Uyghur detainees, who are subjected to sexual and inhuman violence, punishment, humiliation, and systematic mass rape and other sexual abuses, as well as coercive birth prevention procedures<sup>320</sup>. The mental suffering imposed on the Uyghurs is then related to the everyday brainwashing and CCP propaganda that this minority is forced to endure, such as screaming party slogans and being forced to physically refuse their own faith (setting praying mats on fire, eating pork...)<sup>321</sup>. In addition to this, it must be noted that acts such as rape and sexual violence are common within the camps, as other factors fall in this category, being them the forced separation of Uyghur families and the forced labor<sup>322</sup>. Concerning “(c) deliberately inflicting on the group conditions of life calculated to cause its physical destruction in whole or in part”, researchers have discovered evidence of the specific methods of the physical destruction in Article II – “deprivation of food, medical care, shelter or clothing, as well as lack of hygiene, systematic expulsion from homes” – since Uyghurs were forced to flee their homes and deported to internment camps, where they are denied adequate food, clothes, medical treatment, suffer from sleep deprivation, malnutrition, and unclean and overcrowded conditions. Detainees are frequently denied meals when failing to comply with the camps instructions, or are intentionally served substandard food for speaking Uyghur or not speaking Chinese. Furthermore, there is

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<sup>319</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>320</sup> Chao, S. (2019, February 01). *Exposed: China’s surveillance of Muslim Uighurs*. Retrieved August 2023, from Aljazeera: <https://www.aljazeera.com/features/2019/2/1/exposed-chinas-surveillance-of-muslim-uighurs>

<sup>321</sup> *Threat of Re-Education Camp Drives Uyghur Who Failed Anthem Recitation to Suicide*. (2018, February 05). Retrieved August August 2023, from Radio Free Asia: <https://www.rfa.org/english/news/uyghur/suicide-02052018165305.html>

<sup>322</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

substantial evidence based on government documents that supports the systematic abuse of “(d) imposing measures intended to prevent births within the group” since the Government waged a ‘Special Campaign to Control Birth Control Violations’ in XUAR and has been structuring a mass female sterilization within the Uyghur regions: more than 25% have already been sterilized, with “zero birth control violation incidents”, in 2018 and 2019<sup>323</sup>. In the following years, sterilization procedures were carried out due to state support, and many women suffered forced placements of IUDs, however, it was already noticeable that “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”<sup>324</sup>. The genocidal analysis from the ‘Bearing Witness Report’ states that there has been ‘clear gendered implications’ that resulted in crimes committed against women and girls, with a clear intention of the Chinese policies to destroy the Uyghur community’s ability to regenerate and reproduce: the sexes are separated through detention and forcible transfer, which is interpreted as another signal that “the Chinese government’s conduct has moved beyond a policy of forced assimilation”<sup>325</sup>. Lastly, the Genocide Convention condemns the act of “(e) forcibly transferring children of the group to another group”<sup>326</sup>. There has been evidence of the creation of highly securitized “child welfare guidance centres”, in which the detained children are confined in *de facto* orphanages<sup>327</sup>, which have also been described as overcrowded and inhumane, as mentioned previously when talking about the ‘Little Angel Schools’. These venues are considered to be safe places for children whose parents are jailed by Chinese authorities; nonetheless, there is a Chinese learning environment with state-adopted methods and in which the state is “forcibly transferring Uyghur children to State-run Han group settings”<sup>328</sup>, mostly by

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<sup>323</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*.

<sup>324</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>325</sup> Ibid.

<sup>326</sup> Convention on the Prevention and Punishment of the Crime of Genocide. (1948). *UN General Assembly. Treaty Series, vol. 78*, p. p. 277. United Nations.

<sup>327</sup> Qin, A. (2020, October 15). *In China’s Crackdown on Muslims, Children Have Not Been Spared*. Retrieved August 2023, from The New York Times: <https://www.nytimes.com/2019/12/28/world/asia/china-xinjiang-children-boarding-schools.html>

<sup>328</sup> Ibrahim, D. A. (2021). *The Uyghur Genocide*.

stripping them of their religion and culture as part of the government's policies of forced assimilation<sup>329</sup>.

For some, the classification of the abuse of genocide is not yet settled, however, the parliaments of Canada and the Netherlands, and the United States State Department have determined that China's actions towards the Uyghurs constitutes genocide under international law, once the Turkic Muslims of Xinjiang are protected by the 1948 Convention<sup>330</sup>. The 'Bearing Witness Report' follows the research on the possibility of genocide by introducing the 'presence of genocidal intent', which follows the intent to destroy the protected group. This intention falls under the primary drafting on the crime of genocide because it requires the perpetrator(s) to intend to commit the prohibited evil acts, but to do it with the genocidal intent to eradicate a group, both physically and biologically. However, the destruction of the Uyghurs religion and culture does not constitute the crime of genocide. And neither the nature of verifiable information can be of assistance to a legal analysis on the confirmation of a genocide in Xinjiang<sup>331</sup>. Nonetheless, the incorporation of the cultural dimension on the codification of genocide, intended by Raphael Lemkin, who coined the notion in 1943, would accelerate the process of investigating the atrocities against the Uyghurs in Xinjiang, however, this notion was removed from the Genocide Convention, and it is not criminalized<sup>332</sup>.

#### 4.2. The International Criminal Court and China

The *Rome Statute of the International Criminal Court* asserts the criminal intention against humanity in ways of "unimaginable atrocities", to which the *United States Holocaust Memorial Museum* made mention when publishing the 'Bearing Witness Report: *To Make Us Slowly Disappear*' (The Chinese Government's Assault on the

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<sup>329</sup> (2021). *Bearing Witness Report - "To Make Us Slowly Disappear": The Chinese Government's Assault on the Uyghurs*

<sup>330</sup> "Break Their Lineage, Break Their Roots" China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims. (2021, April 19). Retrieved August 2023, from Human Rights Watch: <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting#2908>

<sup>331</sup> (2021). *Bearing Witness Report - "To Make Us Slowly Disappear": The Chinese Government's Assault on the Uyghurs*

<sup>332</sup> *Accountability for Uyghur Cultural Genocide under International Law: Call for an Overhaul of the International Treaties Framing the Crime of Genocide*. (2022, October 07). Retrieved August 2023, from Grow Think-Thank: <https://www.growthinktank.org/en/accountability-for-uyghur-cultural-genocide-under-international-law-call-for-an-overhaul-of-the-international-treaties-framing-the-crime-of-genocide/>

Uyghurs) wrote a report to lead the research on the crimes against the Uyghurs, with a first approach on Article 7 of the Rome Statute, that mentions the systematic attacks directed against a civilian population<sup>333</sup>.

China's position on the Rome Statute started with a positive enforcement, as the Chinese government showed to be an important supporter of the ICC, and showed relevant input on its drafting, however, China was one of seven states that voted against the adoption of the Rome Statute<sup>334</sup>. It remained involved in subsequent developments of the Court, "with a prominent position in the work of the Preparatory Commission, helping to draft the supplementary documents to the Rome Statute", and participating in drafting meetings as an observer<sup>335</sup>. According to a 'Fact Sheet' from Amnesty International, the government of China followed three positions on the non participation of the Rome Statute: first, it argued a set of concerns on the definition established for 'crimes against humanity' and 'war crimes'<sup>336</sup>, that according to the Chinese government go beyond the generally accepted customary international law<sup>337</sup>. Then, it showed concerns on the establishment of 'crime' and definition of 'aggression' under the jurisdiction of the ICC<sup>338</sup>, something that China believes the United Nations Security Council would act better on, "without any constraints"<sup>339</sup>. This is because, as a permanent member of the UNSC, China believes that jurisdiction over the crime of aggression and finding whether an act of aggression had been committed by a state should be exclusively set on the Security Council's power, in order not to compromise the UNSC's central role in safeguarding world peace<sup>340</sup>. Lastly, the Chinese government expressed unease on the

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<sup>333</sup> (2021). *Bearing Witness Report - "To Make Us Slowly Disappear": The Chinese Government's Assault on the Uyghurs*

<sup>334</sup> Fact sheet: China and the International Criminal Court. (2007). *ASA 17/023/2007*. Amnesty International.

<sup>335</sup> Zhu, D. (2020, January 10). China, the International Criminal Court, and Global Governance. *Australian Journal of International Affairs*.

<sup>336</sup> Fact sheet: China and the International Criminal Court. (2007). *ASA 17/023/2007*. Amnesty International.

<sup>337</sup> XUE, R. (2014). *China's Policy Towards the ICC Seen Through the Lens of the UN Security Council*.

<sup>338</sup> Fact sheet: China and the International Criminal Court. (2007). *ASA 17/023/2007*. Amnesty International.

<sup>339</sup> XUE, R. (2014). *China's Policy Towards the ICC Seen Through the Lens of the UN Security Council*.

<sup>340</sup> Zhu, D. (2020, January 10). China, the International Criminal Court, and Global Governance. *Australian Journal of International Affairs*.

possibility of the Rome Statute to be subject to political bias and interference<sup>341</sup>, since “the *proprio motu* power of the ICC Prosecutor to initiate investigations could lead to political abuse of the Court”<sup>342</sup>. Furthermore, China argues that the Statute imposes obligations to non-States Parties, without their consent, which is then followed by the violation of the principle of State sovereignty and of the Vienna Convention on the Law of Treaties. Xue Ru, author of the Policy Brief “*China’s Policy Towards the ICC Seen Through the Lens of the UN Security Council*”, argues that China’s diplomatic route follows a specific set of ‘Five Principles of Peaceful Coexistence’, with an intrinsic believe in the notion of State sovereignty, making sure to mention it constantly, specially within the UNSC, in matters regarding the ICC. China opposes the ICC’s possible jurisdiction over non-State Parties, intrinsic in Article 12(2) of the Statute, because it “would conflict with the treaty law principle of *pacta tertiis nec nocent nec prosunt*. The issue with the ICC can be interpreted in its jurisdiction, because the Court’s power to place the whole judicial system of a State on trial, is viewed by China as an unacceptable interference in a state’s internal affairs<sup>343</sup>. These concerns amount to the ICC’s interference in China’s policies, with the Court being able to address the “possible recurrences of extremist, separatist and terrorist violence in Xinjiang and Tibet provinces”. The ‘preventative measures’ established by the Chinese government in Xinjiang are told as domestic law, which makes it more difficult to access and categorize the human rights violations towards the Uyghurs, specially in the context of the China-ICC relationship<sup>344</sup>.

Following the countless reports from abuses in Xinjiang (and absence from international response), two Uyghur activist groups, the East Turkistan Government in Exile and the East Turkistan National Awakening Movement, decided to use the force of an international law forum to challenge China, in an unprecedented manner. Submitted on July 6, 2020, the activist groups complaint to the Office of the Prosecutor (OTP) at the ICC, against the Chinese leadership, had its grounds on the evidence (from witness

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<sup>341</sup> Fact sheet: China and the International Criminal Court. (2007). *ASA 17/023/2007*. Amnesty International.

<sup>342</sup> XUE, R. (2014). *China’s Policy Towards the ICC Seen Through the Lens of the UN Security Council*. Retrieved August 2023, from Torkel Opsahl Academic Epublisher: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.toaep.org/pbs-pdf/27-xue>

<sup>343</sup> Ibid.

<sup>344</sup> Zhu, D. (2020, January 10). China, the International Criminal Court, and Global Governance. *Australian Journal of International Affairs*.

testimonies and official reports) of Chinese officials (including President Xi Jinping, public governors, Chinese secretaries and People Liberation Army officials) being responsible for a possible genocide, associated to crimes against humanity, against the Uyghur population (in Xinjiang)<sup>345</sup>. Moreover, the activist groups lobbied the court to investigate the ongoing processes of the unlawful arrests, deportation from other countries and repatriation of thousands of Uyghurs<sup>346</sup>. These allegations fall under the use of threats, intimidation and use of physical force to compel 85-90% of the total population in Tajikistan, to return to China<sup>347</sup>. However, because China is not a party to the ICC, it is not subject to the ICC's jurisdiction, according to the Rome Statute. This does not mean the ICC is refrained from taking action: it has jurisdiction over international crimes if part of said crime was performed on a signatory's territory, according to the ICC decisions in 2018 and 2019 from Pre-Trial Chambers I and III, regarding the case of Myanmar/Bangladesh, in an investigation on the crimes committed against the Rohingya people, as told by an editor of *Lawfare*, Tia Sewell. This time, the ICC was able to gain authority over the crimes that had occurred within the borders of signatory party of the ICC. This goes to say that according to the legal team behind the complaint, and with the precedent that the ICC settled, there is cause to use the allegations of unlawfully deported Uyghur victims that have been sent back to Xinjiang, from Tajikistan and Cambodia, as part of “a concerted and widespread campaign by the Chinese government to round up tens of thousands of Uyghurs abroad and those who have fled persecution, to force them back into occupied East Turkistan”. Tia Sewell stresses that this complaint asks for investigations into every crime allegations in China, but also into the crimes that happened partially in Tajikistan and Cambodia, both parties to the Rome Statute<sup>348</sup>.

The ICC decided not to open an investigation into China's crime allegations due to the lack of jurisdiction over a non-Member party to the court, since the abuses “have been committed solely by nationals of China within the territory of China” and the basis

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<sup>345</sup> Sewell, T. (2020, July 21). *Unpacking the Recent Uighur ICC Complaint Against Chinese Leaders*. Retrieved August 2023, from Lawfare: <https://www.lawfaremedia.org/article/unpacking-recent-uighur-icc-complaint-against-chinese-leaders>

<sup>346</sup> Hernández, J. C. (2021, May 10). *I.C.C. Won't Investigate China's Detention of Muslims*. Retrieved 2023 August, from The New York Times: <https://www.nytimes.com/2020/12/15/world/asia/icc-china-uighur-muslim.html>

<sup>347</sup> *Uyghur groups want to take China to the International Criminal Court*. (2021, June 10). Retrieved August 2023, from The Economist: <https://www.economist.com/china/2021/06/10/uyghur-groups-want-to-take-china-to-the-international-criminal-court>

<sup>348</sup> Sewell, T. (2020, July 21). *Unpacking the Recent Uighur ICC Complaint Against Chinese Leaders*.



to proceed were not sufficient<sup>349</sup>. Plus, the crimes committed in Tajikistan and Cambodia were addressed, and the OTP's concerns "with respect to their conformity with national and international law" interpreted the transfer of people to China as not appearing to amount to the crime against humanity of deportation under article 7(1)(d) of the Statute, concluding the assessment by arguing an absence of the required elements to consider the crimes described in the complaint<sup>350</sup>. Moreover, it is noted in the ICC's "Report on Preliminary Examination Activities, 2020" that the forcible removal of persons from a location does not always constitutes the crime of forcible transfer or deportation, given the example from the 'Naletilić & Martinović' case of the International Criminal Tribunal for the Former Yugoslavia, in which the Trial Chamber also concluded that the forced removal of Bosnian Muslim civilians from their homes and their transfer to a detention centre did not constitute unlawful transfer as a crime under the ICTY Statute<sup>351</sup>.

Since then, Rodney Dixon, the lawyer for victims of Chinese repression in Xinjiang, alongside his team, has submitted further evidence, in June 2021, in November of that same year, and in June 2022, counting on the precedent set by the The Myanmar-Bangladesh case, so that the judges can find the ICC's jurisdiction to be in the whole of the crimes against the Uyghurs, since Tajikistan is part of the ICC territory, and the crime being committed begins within a state where the court has authority over, continuing into China. Other central Asian countries, such as Afghanistan, Uzbekistan, and Kyrgyzstan are said to have Uyghur populations, and Afghanistan is also a signatory of the Rome Statute, however, Dixon stresses that there isn't enough information to add it as a relevant piece to the investigation<sup>352</sup>.

It is also worth mentioning that satellite reports have showed the destruction of mosques, sacred burial grounds, and other religious sites, on the hands of Chinese officials, which according to the Chinese constitution, protects "places of scenic and historical interest, valuable cultural monuments and relics, and other important items of China's historical and cultural heritage", which Giovanna O'Connell, in a *Just Security* article, argued to only be seeming to apply to the Han Chinese culture. This goes to say

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<sup>349</sup> Hernández, J. C. (2021, May 10). *I.C.C. Won't Investigate China's Detention of Muslims*

<sup>350</sup> The Office of the Prosecutor. (2020). *Report on Preliminary Examination Activities 2020*. International Criminal Court.

<sup>351</sup> Ibid.

<sup>352</sup> *The case against China at the ICC*. (2022, August 12). Retrieved August 2023, from Eurasianet: <https://eurasianet.org/the-case-against-china-at-the-icc>

that similar crimes have been investigated by the ICC, “including the destruction of protected religious and historic sites in Timbuktu”<sup>353</sup>.

#### 4.2.1. China’s Crimes (against humanity) under the Rome Statute

It must be then noted that, in accordance to the Bearing Witness Report, there are clear grounds to assume a clear intention on the direct and widespread attacks towards the Uyghurs, with no intention to decriminalize or attempt to target specific armed groups, nor there are clear information on terrorist groups in the region of Xinjiang. Furthermore, the attacks follow a pattern, organized through a large-scale structure, which The Bearing Witness Report tells that the large scale of Uyghurs detentions and the high rates of forced sterilization are proof of “senior political authorities at a regional and national level bearing responsibility for the widespread and systematic attacks”<sup>354</sup>. Therefore, it is possible to believe that the Chinese government is in clear *violation* of the following lines of Article 7 of the Rome Statute: 1. – (c) enslavement, (d) forcible transfer, (e) imprisonment or other severe deprivation of physical liberty, (f) torture, (g) enforced sterilization and (h) persecution<sup>355</sup>.

Starting with (c) enslavement, it must be noted that it was mentioned previously how Uyghurs in the ‘Re-education Camps’ are obliged to follow instructions on these camps, to work and to obligatorily sign contracts with factories with ‘dreadful’ conditions, to provide textiles. They are detained and forced to endure long periods of labor, without leaving the factories for the whole weekdays<sup>356</sup>. The Rome Statute stresses that the conditions under 1. (c) enslavement, go through 2. (c), the “exercise of any or all of the

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<sup>353</sup> O’Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*. Retrieved August 2023, from Just Security: <https://www.justsecurity.org/72074/how-china-is-violating-human-rights-treaties-and-its-own-constitution-in-xinjiang/>

<sup>354</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>355</sup> *Rome Statue of the International Criminal Court; PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW*. (n.d.). Retrieved August 2023, from [https://legal.un.org/icc/statute/99\\_corr/2.htm](https://legal.un.org/icc/statute/99_corr/2.htm)

<sup>356</sup> Bureau of International Labor Affairs. (n.d.). *Against Their Will: The Situation in Xinjiang*. Retrieved August 2023, from U.S. Department of Labor: <https://www.dol.gov/agencies/ilab/against-their-will-the-situation-in-xinjiang#:~:text=Uyghurs%20detained%20in%20camps%20and,no%20communication%20with%20family%20members.>

powers attaching to the right of ownership over a person”<sup>357</sup>, to which a report on forced labor – “*Uyghurs for Sale*” – made reference, since Uyghur workers, who were able to leave China, have told that there was a constant fear of being sent back to the camps while they were working in factories. Furthermore, these factories, under Chinese authorities and ‘factory bosses’, are said to track the Uyghur workers physically and electronically, keeping a central database developed by the Xinjiang’s Human Resources and Social Affairs Department. The report on “Forced Uyghur Labor” mentions the *International Labor Organization’s* list of eleven indicators of forced labor, such as “ being subjected to intimidation and threats, such as the threat of arbitrary detention, and being monitored by security personnel and digital surveillance tools; being placed in a position of dependency and vulnerability, such as by threats to family members back in Xinjiang; having freedom of movement restricted, such as by fenced-in factories and high-tech surveillance; isolation, such as living in segregated dormitories and being transported in dedicated trains; abusive working conditions, such as political indoctrination, police guard posts in factories, ‘military-style’ management, and a ban on religious practices; excessive hours, such as after-work Mandarin language classes and political indoctrination sessions that are part of job assignments”<sup>358</sup>. This being said, it must be noted that the ‘Bearing Witness Report’ recalls that labor by detained persons constitutes enslavement when “the relevant persons had no real choice as to whether they would work”, which the Uyghurs amounts to, from the impossibility to leave the camps, to the lack of consent in the coercive methods of action inside and outside the camps and places of labor, and the transference of detainees to other regions in China to work in the factories<sup>359</sup>. The same can be amounted for when taking (d) forcible transfer, into matter, as it is defined under the “forced displacement of the persons... from the areas in which they are lawfully present, without grounds permitted under international law”<sup>360</sup>. The Australian Strategic Policy Institute, or ASPI, estimates that between 2017 and 2020, 8,000 Uyghurs that were already under detention in the camps, have been sent to factories

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<sup>357</sup> *Rome Statue of the International Criminal Court; PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW.* (n.d.).

<sup>358</sup> Xiuzhong Xu, V., Cave, D., Leibold, J., Munro, K., & Ruser, N. (2020). *Uyghurs for sale: Forced Uyghur labour.* Australian Strategic Policy Institute.

<sup>359</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>360</sup> *Rome Statue of the International Criminal Court; PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW.* (n.d.).

“throughout China linked to eight-three global brands”, which the researchers from the Center for Strategic and International Studies argue to be linked to the Chinese government’s plan for Xinjiang’s economic development on improving the textile hub<sup>361</sup>. Then, the (e) imprisonment or other severe deprivation of physical liberty is gathered through all the above-mentioned informations regarding the detention/re-education camps under Chapter 3, where imprisonment and deprivation of liberties constitutes the grand majority of this act, which has been systematically enforced on the Uyghurs since 2017. Plus, the *GDI Foundation* has revealed, through a leaked database, that the Chinese authorities have implemented a tracker, called “Muslim tracker”, which is currently locating around 2.5 million Muslims in Xinjiang<sup>362</sup>. The imprisonment and deprivation of liberties goes through the detention centers that have rapidly grown as networks of jails, pre-existing ‘Re-education through Labor camps’, factories, old Party schools, and new facilities created for the sole purpose of detaining Uyghurs. This being said, it must be noted that on October 9, 2018, the XUAR government published a set of regulations that created a ‘quasi-legal’ framework for the internments, and that Xinjiang had launched a “vocational education and training program according to the law”, with the goal of eradicating terrorist activities and religious extremism. The violations of Human Rights and mentions of ‘concentration camps’ that quickly painted the prisons and camps were justified as crucial acts to fight against the ‘Three Evils’<sup>363</sup>. On the fight against the ‘Three Evils’, China is viewed as having clear intentions on the “infliction of severe pain or suffering, whether physical or mental”, on the Uyghurs living inside and outside the re-education camps, which is set as an act against humanity, categorized under the Rome Statute’s Article 7, 1(f)<sup>364</sup>. Either the mention to the (g) enforced sterilization, or the

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<sup>361</sup> Maizland, L. (2022, September 22). *China’s Repression of Uyghurs in Xinjiang*. Retrieved August 2023, from Council on Foreign Relations: <https://www.cfr.org/background/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights#:~:text=Many%20people%20who%20were%20arbitrarily,to%20eighty%2Dthree%20global%20brands>.

<sup>362</sup> Werleman, C. (2019, February 26). *Why Does No One Care That China Is Ethnically Cleansing Uighur Muslims?* Retrieved August 2023, from The Forward - JEWISH. INDEPENDENT. NONPROFIT.: <https://forward.com/opinion/419901/so-much-for-never-again-why-the-world-ignores-the-potential-genocide-of/>

<sup>363</sup> Groot, G. (2018). *INTERNMENT AND INDOCTRINATION — XI’S ‘NEW ERA’ IN XINJIANG*. Retrieved August 2023, from The China Story: <https://www.thechinastory.org/yearbooks/yearbook-2018-power/chapter-4-internment-and-indoctrination-xis-new-era-in-xinjiang/>

<sup>364</sup> *Rome Statue of the International Criminal Court; PART 2. JURISDICTION, ADMISSIBILITY AND APPLICABLE LAW*. (n.d.).

physical violence perpetrated on the Uyghurs, the several reports of violence in the processes of detention and indoctrination constitute torture, “including beatings, use of electronic shocks, the use of stress positions”<sup>365</sup>. Furthermore, the detained Uyghurs are forced to eat pork, drink alcohol and stand for several hours straight, as many more examples show the “internment programme aimed to rewire the political thinking of detainees”, all in order to inflict physical and mental pain<sup>366</sup>. Moreover, the Chinese government continues to pursue the forced sterilization of Uyghur women, to permanently shift the regional demographics and eradicate the whole ethnic group<sup>367</sup>, taking advantage of the camps to sterilize the women, rape them, force abortions and force medical experiments, such as give the detainees pills and shots, and even practice organ harvesting, which was brought to the attention of a meeting of the UN Human Rights Council in September<sup>368</sup>. This is what Gulzira Mogdyn (as many other women) suffered from, with procedures “aimed at curbing their ability to reproduce”, and even having her fourth child, still a fetus, cut out from her body without anaesthesia<sup>369</sup>. Experts argue that they have credible information on detainees being forcibly subjected to blood tests and organ examinations, with the results being registered in a database of living organ sources, thus, facilitating the allocation of the harvested organs<sup>370</sup>.

Maisumujiang Maimuer, the Chinese Religious Affairs Official, affirmed that the Chinese intent with the Uyghurs was to “break their lineage, break their roots, break their

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<sup>365</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>366</sup> Shih, G., & Kang, D. (2018, May 19). *Muslims forced to drink alcohol and eat pork in China’s ‘re-education’ camps, former inmate claims*. Retrieved August 2023, from INDEPENDENT: <https://www.independent.co.uk/news/world/asia/china-re-education-muslims-ramadan-xinjiang-eat-pork-alcohol-communist-xi-jinping-a8357966.html>

<sup>367</sup> Fox, A. (2022). *China’s Crimes Against Humanity Upon the Uyghur People Under the Rome Statute of the International Criminal Court the Rome Statute of the International Criminal Court*. Loyola University Chicago International Law Review Loyola University Chicago International Law Review. International Law Commons . Retrieved from <https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1233&context=lucilr#page3>

<sup>368</sup> Ioanes, E. (2019, October 22). *Rape, medical experiments, and forced abortions: One woman describes horrors of Xinjiang concentration camps*. Retrieved August 2023, from INSIDER: <https://www.businessinsider.com/muslim-woman-describes-horrors-of-chinese-concentration-camp-2019-10>

<sup>369</sup> Ferris-Rotman, A. (2019, October 05). *Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals*. Retrieved August 2023, from The Washington Post: [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](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)

<sup>370</sup> Gerin, R. (2021, June 15). *Belgium, Czech Republic Legislatures Pass Uyghur Genocide Declarations*. Retrieved from Radio Free Asia.

connections, and break their origins; Completely shovel up the roots of “two-faced people,” dig them out, and vow to fight these two-faced people until the end”<sup>371</sup>, which can now be perceived through the above described crimes against humanity, that has been researched and reported by activists and human rights organizations. The *Human Rights Watch* report ‘China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims’ has declared that although the Chinese government’s oppression of Turkic people is not a recent phenomenon, it has reached unprecedented levels in recent years, and the oppression either on the inside or in the outside of the detention facilities persists intensively on this targeted group<sup>372</sup>.

The ‘*Bulletin No. 2*’, one of the Chinese leaked documents of 2019, gave the world enough evidence on the violations of human rights towards the Uyghurs, living in Xinjiang, and abroad. Chinese embassies and consulates are said to “subject Uyghurs and other predominantly Muslim ethnic groups to individualized screening if they apply to renew their Chinese passports or obtain a visa to return to China”. The issue stands on the sweeping programme of mass surveillance, in which the Chinese authorities decide who are the individuals that may be suspects of terrorism, which ‘cannot be ruled out’. These suspected terrorists are arrested or sent to be “re-educated”. Amnesty International stresses that states have an obligation under international law and they must comply with the principle of *non-refoulement*, meaning that people must not be returned to their country, or others, if there is a risk of serious human rights violations or abuses towards the returner. This being said, both Germany and Sweden have ensured that they will not deport Uyghurs and other predominantly Muslim ethnic minority individuals from Xinjiang, back to China<sup>373</sup>. This is why Hendrix and Noland have urged national governments to improve the condition of the Uyghurs within their borders, in order to facilitate asylum procedures<sup>374</sup>.

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<sup>371</sup> “*Break Their Lineage, Break Their Roots*” *China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*. (2021, April 19)

<sup>372</sup> *Ibid*.

<sup>373</sup> *China: Uyghurs living abroad tell of campaign of intimidation*. (2020, February 21).

<sup>374</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

### 4.3. The Committee on the Elimination of Racial Discrimination and China

On August, 2018, the UN Committee on the Elimination of Racial Discrimination concluded its review on the report on China, stating a great concern on the racial discrimination intrinsic in Xinjiang, with regard to laws fighting terrorism, separatism, and extremism, against the Uyghurs (and the tibetans and other ethnic minorities). While citing ‘credible sources’, an expert stated, on the review, that “China had turned the Xinjiang Uyghur Autonomous Region into something that resembled a massive internment camp shrouded in secrecy”, defining the region as a “no rights zone”, in which the members of the Xinjiang Uyghur minority, were viewed as enemies to the state and treated as a threat to national security, only based on their ethno-religious identity<sup>375</sup>. The Committee on the Elimination of Racial Discrimination asked the Chinese authorities to provide information regarding the detainees and those who had disappeared, to their relatives, while it urged the government to cease all intimidation and reprisals against the Uyghurs and other ethnic Muslim communities, to provide them with adequate remedies and reparations, and to effectively implement “the 2018 (Concluding observations on the combined fourteenth to seventeenth periodic reports of China) recommendations, as well as the 2015 Concluding Observations of the Committee against Torture, and the UN Human Rights Office’s assessment of human rights concerns in XUAR of August 2022”. The Concluding Observations stressed their concern on the domestic legislation of China regarding the absence of a definition of racial discrimination, in conformity with Article 1 of the Convention, stressing that this definition should go hand in hand with the adoption of a comprehensive anti-discrimination law. The basis for the Committee’s Concluding Observations fall under the recommendation that China should establish independent national human rights institutions, “in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)”<sup>376</sup>. The Committee on the Elimination of Racial Discrimination inferred on

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<sup>375</sup> *Committee on the Elimination of Racial Discrimination reviews the report of China*. (2018, August). Retrieved August 2023, from United Nations Human Rights Office of the High Commissioner for Human Rights (OHCHR)

<sup>376</sup> International Convention on the Elimination of All Forms of Racial Discrimination. (2018). Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China) \*. *Committee on the Elimination of Racial Discrimination*.

the allegations of human rights violations in the Xinjiang Uyghur Autonomous Region, calling on the People's Republic of China to investigate them, alongside of calling on the release of all individuals unlawfully arrested and deprived of their liberty, being them in the Vocational Education and Training Centres, or any other facilities that are denying the individuals from their freedoms. Due to lack of improvement on their human rights situation in Xinjiang, China was object to a decision, submitted in 2022, in the 108<sup>th</sup> session of the Committee<sup>377</sup>. Acting under its *Early Warning and Urgent Action Procedure*, the Committee on the Elimination of Racial Discrimination called upon the State Party to ensure the investigation on all allegations of human rights violations, to ensure the freedoms and liberties of all, to review the legal frameworks for national security and counter terrorism, and to ensure the full compliance with the state's obligations under the International Convention on the Elimination of All forms of Racial Discrimination<sup>378</sup>.

#### **4.4. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the “Torture Convention”) and China**

The Chinese government has been a signatory of the Convention on Torture since 1988, making it obligatory to fulfill the rights and obligations of the Convention, as it is an international human right treaty<sup>379</sup>. However, the reports and allegations on crimes in the region of Xinjiang has made authors and researchers to believe that the practice of torture and ill treatment have been entrenched within China's criminal justice system. The reported information usually falls on the systematic surveillance, harassment and enforced disappearances, alongside the ill-treatment and torture on the detention

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<sup>377</sup> China: UN Committee on the Elimination of Racial Discrimination calls for probe into Xinjiang rights violations. (2022, November 24). Retrieved August 2023, from United Nations Office of the High Commissioner: <https://www.ohchr.org/en/press-releases/2022/11/china-un-committee-elimination-racial-discrimination-calls-probe-xinjiang>

<sup>378</sup> COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION. (14 November – 2 December 2022). *PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURE*. Decision 1 (108).

<sup>379</sup> Athallah, M. R. (2022, February). Violatio of the Conventino Against Torture in the Xinjiang Educatin Map. pp. 1-15. Retrieved from [https://www.researchgate.net/publication/358906605\\_VIOLATION\\_OF\\_THE\\_CONVENTION\\_AGAIN\\_TS\\_TORTURE\\_IN\\_THE\\_XINJIANG\\_EDUCATION\\_CAMP#fullTextFileContent](https://www.researchgate.net/publication/358906605_VIOLATION_OF_THE_CONVENTION_AGAIN_TS_TORTURE_IN_THE_XINJIANG_EDUCATION_CAMP#fullTextFileContent)



centres<sup>380</sup>. These allegations led to the Commissioners from the bipartisan and bicameral Congressional-Executive Commission on China, a North American Commission to monitor human rights in China, to release a letter towards the Chair of the United Nations Committee Against Torture, in which the Commissioners urged the need for a ‘robust’ review of the Chinese Government, due to its failure to submit its country report on time. A press release from the Congressional-Executive Commission on China stated, on April, 2022, that the worsening of the human rights situation in China, particularly in Xinjiang, was an object of great concern, and that the Committee Against Torture should exert its power to pursue a review, even without China’s country report, because “no country should avoid scrutiny for failing to file its report in a timely manner”, since the Committee, upon the non-submission of a report, “has authority to conduct a review and adopt concluding observations in the absence of a report”<sup>381</sup>. The Torture Convention has authority, under the signatory states, to take action into preventing “any act by which severe pain or suffering, wether physical or mental, is intentionally inflicted on a person”, to which Xinjiang is reportedly suffering from, wether in the detention camps, or in the virtual internment. The reports from former Uyghur detainees mention the current brainwashing, food and sleep deprivation, crowded cells, adding to the beatings and other forms of torture<sup>382</sup>. However, China has had some reservations about Article 20 of the Torture Convention, ending up not ratifying the optional protocol, meaning that the Chinese authorities have no legal obligation to accept the “regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment”<sup>383</sup>.

An analysis of Article 1 of this Convention, on the definition of torture has, according to Muhammad Reza Athallah, three elements worth approaching, to determine

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<sup>380</sup> *China: At a Glance*. (n.d.). Retrieved August 2023, from World Organization Against Torture: <https://www.omct.org/en/where-we-work/asia-and-the-pacific/china>

<sup>381</sup> *COMMISSIONERS URGE A UN COMMITTEE ON TORTURE REVIEW OF CHINA*. (2022, April 21). Retrieved August 2023, from Congressional-Executive Commission on China: <https://www.cecc.gov/media-center/press-releases/commissioners-urge-a-un-committee-on-torture-review-of-china>

<sup>382</sup> O’Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*.

<sup>383</sup> *Accountability for Uyghur Cultural Genocide under International Law: Call for an Overhaul of the International Treaties Framing the Crime of Genocide*. (2022, October 07). Retrieved August 2023, from Grow Think-Thank: <https://www.growthinktank.org/en/accountability-for-uyghur-cultural-genocide-under-international-law-call-for-an-overhaul-of-the-international-treaties-framing-the-crime-of-genocide/>

the act of torture, against the Uyghurs in Xinjiang: the infliction of pain and suffering, the purposive element and intent to torture, and the status of the perpetrator being a public figure. It can be said that according to the countless reports and statements, pain and suffering were in the majority of time, very much present within the internment camps, with not only physical pain, but also allegations of intentional psychological torture; this was mostly done to collect information and confessions from Uyghurs already in detention, in order to track other individuals from this community. It must be noted that the infliction of pain cannot be categorized as torture without an intended purpose, and within the camps, the purpose of the Chinese officials was to make the Uyghurs to denounce their culture and religion, to erase it completely in the future. Moreover, the existence of such camps can be traced back to the Chinese government, that has empowered the authorities to pursue the governments fulfilling. This being said, Reza Athallah stresses that the elements based on Article 1 were fulfilled, since China failed to take legislative, administrative, judicial, and other measures to prevent the act of torture in Xinjiang<sup>384</sup>.

#### **4.5. The International Labor Organization and China: a focus on forced labor**

The various above-mentions on forced labor to which the Uyghurs have been subjected to, are considered to have to do with Xinjiang's resources, since this region stands globally pivotal in two single products, notwithstanding the small region's economy. The region stands out with its production of cotton, that accounts to about 20 percent of the global cotton production, surpassing the US annual production. In addition, Xinjiang accounts nearly half of the world's production of poly silicon, which is the material commonly used for the production of solar panels. Putting it into consideration, it is noted by Hendrix and Noland that these productions have a serious impact on the global markets, and freezing the productions would eventually lead to consequences and fallbacks in the global supply chains, and a huge setback on the development of sustainable energy systems. Conversely, the authors make a relevant remark on the forced labor that is present in these two markets, that saw in 2018, an estimate of at least 570,000

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<sup>384</sup> Athallah, M. R. (2022, February). Violatio of the Conventino Against Torture in the Xinjiang Educatin Map. pp. 1-15.

rural labor transferred to the seasonal cotton picking in Xinjiang<sup>385</sup>. An *Australian Strategic Policy Institute* report has showed that an estimate of more than 80,000 Uyghurs were sent to the Xinjiang Aid program between 2017 and 2019, to work in factories around China, in which the transferred workers are assigned minders and have limited freedoms<sup>386</sup>. Countries such as the US, Canada, and Australia, have strict laws prohibiting the import of forced labor productions, and China, has signatory of the International Covenant on Economic, Social, and Cultural Rights, is in clear violation of Article 6, that prohibits forced labor<sup>387</sup>. And even if China is not party to the treaties against forced labor promulgated by the International Labor Organization, Article 23 of the Universal Declaration of Human Rights states the basic protections against the forced labor, and so does Article 4 of China's Constitution, that assures the protection of minorities<sup>388</sup>. The US sanctions on China increased alongside concerns on forced labor, as the US Department of Labor added five goods (i.e., gloves, hair products, textiles, thread/yarn, and tomato products ) 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". This goods are said to be produced in Chinese factories, by the hard and forced work of Uyghurs and other Muslim minorities, to which the US Customs and Border Protection (CBP) issued a 'Withhold Release Order' (WRO) on January, 2021, in order to prevent imports coming from forced labor. The US Department of Commerce took action by placing and indicating dozens of Chinese entities, to crimes in Xinjiang, on the US 'Entity List', said to prevent the North American companies from exporting services and technology goods from these companies. Plus, the Senate passed the 'Uyghur Forced Labor Prevention Act', in July 2021, to further control the import of goods from Xinjiang. Furthermore, other 'Uyghur-human rights-related provisions' were introduced by the 'Ensuring American Global Leadership and Engagement (EAGLE) Act', meant to deal with provisions on combating force labor in Xinjiang<sup>389</sup>.

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<sup>385</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>386</sup> Xiuzhong Xu, V., Cave, D., Leibold, J., Munro, K., & Ruser, N. (2020). *Uyghurs for sale: Forced Uyghur labour*.

<sup>387</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>388</sup> O'Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*.

<sup>389</sup> (2021). *Bearing Witness Report - "To Make Us Slowly Disappear": The Chinese Government's Assault on the Uyghurs*

Furthermore, the European Parliament published, on December 2020, a Motion for a Resolution on forced labor regarding the situation of the Uyghurs in Xinjiang, with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law. The Parliament regarded to Articles 4, 5, 9 and 18 of the 1948 Universal Declaration of Human Rights, to Articles 1 and 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to the International Labor Organization's 1930 Convention on Forced Labor (No. 29) and 2014 Protocol to the Forced Labor Convention, and to other EU institutions, in order to condemn the atrocities and human rights violations that were being committed in Xinjiang. It called on the Chinese authorities to put an end on the violence towards the ethnic and religious minorities, and called on the Chinese government to end the extrajudicial detention of Uyghurs, to further ensure the self-determination of citizens about labor and mobility, to provide meaningful access for independent, international and impartial investigations into the treatment of the Uyghurs and other minorities, and to terminate any forms of surveillance, to give a civic space with respects for freedom of religion, teaching, and worshiping, all since the previous EU Parliament's efforts to amend the human rights situation in Xinjiang, since the Resolution on the Situation of Uyghurs in Xinjiang from 19 December 2019 showed no meaningful changes until the time of this motion, a year later. This is why the EU Parliament directed the motion to call on the Commission, to request to China to ratify and to implement the International Labor Organization's 1930 Convention on Forced Labor (N.29), and the 2014 Protocol on the Forced Labor Convention. The same goes for advising the Commission on strengthening the process to monitor and detect exportations and products that have been made by the hands of forced labor<sup>390</sup>.

Furthermore, the G7 leaders were complied to issue a stance on combating the Uyghur forced labor, when on June 23, 2022, the 'members and supporters' of the Coalition to End Forced Labor in the Uyghur Region sent a letter, in advance of the G7

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<sup>390</sup> Xiuzhong Xu, V., Cave, D., Leibold, J., Munro, K., & Ruser, N. (2020). *Uyghurs for sale: Forced Uyghur labour*.

annual Leader’s Summit on 26-28 June. This letter was sent with the purpose of urging the EU, France, Germany, Canada, Italy, Japan, the United States, and the United Kingdom, to take decisive measures on pressuring the government of China regarding the forced labor and other human rights violations against the Uyghurs and other Turkic and Muslim individuals of the XUAR. This follows the G7 Foreign Ministers’ ‘communiqué’ of May 14, 2022, in which the intergovernmental political forum showed commitment to “tackle instances of forced labor”. The Coalition to End Forced Labor in the Uyghur Region urged the adoption and enforcement of important control mechanism that could stop the production of goods, “tainted with Uyghur forced labor”, an initiative that was also introduced by the G7 Employment Ministerial Meeting, on May 24 of the same year. This letter argues that so far, the United Kingdom “has introduced a proposal to ban force labor product in public healthcare supply chains”, the EU has introduced a ‘Call for Evidence’ after publishing its proposal “for a EU legislative instrument to effectively ban products made by forced labor from entering the EU market”, and the United States sought after the Uyghur Forced Labor Prevention Act. The Coalition called on these leader to take further action, in line with their commitments, to introduce legislation to stop the products from Uyghur forced labor to enter the markets, to share data necessary for the enforcement of these measures, and to hold accountable the corporations that have not still taken action to remove the Uyghur forced labor from their supply chains<sup>391</sup>.

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<sup>391</sup> *Letter to the G7 leaders on combating Uyghur forced labour*. (2022, June 24). Retrieved August 2023, from World Uyghur Congress: <https://www.uyghurcongress.org/en/letter-to-the-g7-leaders-on-combating-uyghur-forced-labour/>

## Chapter 5 - International Response and Uyghur Resistance

### 5.1. China vs the World vs Human Rights

*“What stands out about the designation of genocide in China is not so much the nature and magnitude of the atrocities but the diplomatic, military, and economic heft of the perpetrating government.”*<sup>392</sup>

Author Dan Zhu introduces China’s position and traditional treatment of its citizens as internal state affairs, arguing that it can not be inferred that China has a total rejection of the validity of international human rights norms, since it has signed and ratified most of the international human rights treaties, “including conventions on racial discrimination, discrimination against women, apartheid, refugees, genocide, and torture, with the major exception being the International Covenant on Civil and Political Rights”, to which the author follows up by stating the critics views of this being regarded as empty gestures. Nonetheless, Zhu stresses that when it comes to global governance on human rights, China is not keen in endorsing multilateral humanitarian interventions, and in showing support for certain international interventions that prevent and punish the most serious violations of human rights, usually amounted to international crimes<sup>393</sup>.

The allegations of disappearances and missing persons started to be received by the Office of the UN High Commissioner for Human Rights (OHCHR) in 2017, when various civil society groups started to make waves on the disappearances of members of the Uyghur and other predominantly Muslim ethnic minority communities in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China<sup>394</sup>. According to the ‘Uyghur Human Rights Policy Act of 2020’, assembled by the Senate and House of Representatives of the United States of America in Congress, the Government of the PRC, through the central and regional Chinese government policies, has systematically discriminated against minorities and has denied these minority groups a series of civil and

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<sup>392</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>393</sup> Zhu, D. (2020, January 10). China, the International Criminal Court, and Global Governance.

<sup>394</sup> United Nations Office of the High Commissioner. (August 31, 2022). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China*.

political rights, such as the freedom of expression, freedom of religion, freedom of movement and the right to a fair trial, all issues to be discussed ahead<sup>395</sup>. The issue stands at the heart of various violations of international human rights laws and norms, as the Chinese Government violates the *International Convention of the Elimination of All Forms of Racial Discrimination*, acceded by the PRC; the *Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment*, signed and ratified by the PRC; the *International Covenant on Civil and Political Rights*, signed by the Chinese Government; and the *Universal Declaration of Human Rights*<sup>396</sup>. The issue stands on China's compliance with the international human rights norms, since it availed itself from the opt-out mechanisms of traditional human rights treaties, in order to prevent itself from claims of human rights violations regarding the detention centers and the violations of the rights to religious freedom and freedom from arbitrary detention. This means that the ongoing repression measures in Xinjiang are not to be subjected to international adjudication before any human rights court, since they are theoretically "short-term emergency response measures to safeguard secular rights... under threat in Xinjiang"<sup>397</sup>.

The 'Bearing Witness Report' argues that the Chinese government's control of the territory binds it to being the prime responsible actor behind the unlawful acts, and the prime responsible actor into taking measures to prevent the continuity of crimes against humanity and the making of a genocide. The government is incumbent on halting the violations, by firstly establishing a greater cooperation with international monitors. However, the legal obligation under the prevention of genocide falls within the state committing the crimes, but it is also binding and obligatory recognized on every state, under customary international law, to which the International Court of Justice proclaimed (in the landmark 2007 *Bosnia v. Serbia* judgment) the state's obligation to prevent, and their duty to act. Under clarifications, the International Court of Justice specified that the obligation of states must be interpreted according to its capacity to influence the actions of the actor that is likely to commit, or is committing genocide. Three factors were

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<sup>395</sup> Uyghur Human Rights Policy Act of 2020. (2020). *Public Law 116-145 - JUNE 17, 2020* (pp. 1-11).

<sup>396</sup> Ibid.

<sup>397</sup> Zhu, D. (2020, January 10). China, the International Criminal Court, and Global Governance. *Australian Journal of International Affairs*.

referenced by the Court: “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”<sup>398</sup>.

## 5.2. The “Chinese Ultranationalist Chauvinism” and the world’s response

It must be noted at this time that the CCP's anti-Uyghur propaganda has shifted the Han Chinese perceptions of the Uyghurs, viewed as a dangerous virus with high contagious potential. This has allowed the crimes and the genocide in the making, to be justified on the grounds of “purification” and “cultural cleansing”, as the CCP presents a picture of what a healthy life would look like without the Uyghurs. In order to persuade the Germans that eliminating the Jewish population was necessary, Xi Jinping, who shares Hitler's ideal of a natural society, employs “biological terms” and “linguistic building blocks” in a similar manner to the German dictator<sup>399</sup>. State obligations fall under the employment of all means possible and available to them to prevent this ‘cleansing’, since “the duty to prevent genocide is not simply about a moral commitment to the idea of “Never Again”, but a binding legal commitment on all States<sup>400</sup>. The Chinese Government rest its beliefs on the supremacy of the nation, and it takes no chances with the emerging different regions that may spur separatist movements, which the nation suppresses with promotion of unity<sup>401</sup>. The surge of the ‘Uyghur Pacification’ rests an explanation on the upcoming Chinese ultranationalist chauvinism, based on the assertiveness to affirm an ethnic pride and racial purity. Xi Jinping is willing to show the world how the China’s Han ethnicity is superior, as it told to former President Trump and his wife Melania, on November 8, 2017, in a visit to the Forbidden City in Beijing. Jinping vowed to them that the ‘Chinese person’ must be defined as “someone who is a descendent of the dragon with black hair and yellow skin”. This is reason to believe that the prejudice is intrinsic in the Chinese society, with mentions of Uyghurs, with non-Chinese facial features, being

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<sup>398</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>399</sup> Ala, M. (2021). *Worse Than Death: Reflections on the Uyghur Genocide*. Rowman & Littlefield.

<sup>400</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>401</sup> Li. M. (2018). *Preventive Measures: Increasing Government Restrictions on the People of Xinjiang*.



denied services such as being refused a hotel, train and plain tickets, or even walking on the streets<sup>402</sup>.

Nonetheless, Michel Li argues that the policies on the promotion of unity may cause China's kin to be isolated from the mainland<sup>403</sup>. This goes to say that among others, the United States Government finds the activities of China in Xinjiang as constituting crimes against humanity, associating genocide to these crimes. Canada, the Netherlands, and the United Kingdom are some of the countries that also accuse China of crimes against humanity and genocide, alongside Amnesty International and the Human Rights Watch<sup>404</sup>. Following the legislatures of the democratic parliaments mentioned before, the Belgium parliament recognized, on June, 2021, the treatment of Muslim Uyghurs in Xinjiang as crimes against humanity, as it warned for the "serious risk of genocide". This stance followed Czech Republic Senate's vote, which motion declared that China's policies toward Uyghurs and other ethnic and religious minorities were amounting to genocide and to crimes against humanity, whilst the German parliament was said to be conducting an inquiry into these allegations<sup>405</sup>.

However, countries such as Australia, New Zealand, and even Japan have refrained from taking a stance, as they are more trade-dependent on China. Japan has also refrained from imposing coordinated sanctions on Chinese officials, being the only G7 country to do so, in March 2021, as the chamber failed to act on a draft resolution condemning human rights practices in Xinjiang. The issue rests on taking action after interpreting the crime, and "if one accepts the conclusions of the US, UK, Belgium, Canadian, and Dutch governments, then it is incumbent on concerned governments to take action to halt these atrocities"<sup>406</sup>. This is why the crimes against the Uyghurs pose such challenges to the policy makers. In the specific case of the United States relationship with China, the difficulty lies on trying to convince the Communist country to shift the genocidal behavior, and the atrocities, which giving its nature becomes an even harder situation to address and to end. The remarkable and competing US's and other 'like-minded governments' interests are deeply connected to China and to the region, making

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<sup>402</sup> Yu, M. M. (2018, October 09). *China's Final Solution In Xinjiang*. Retrieved September 2023, from Hoover Institution: <https://www.hoover.org/research/chinas-final-solution-xinjiang>

<sup>403</sup> Li, M. (2018). *Preventive Measures: Increasing Government Restrictions on the People of Xinjiang*.

<sup>404</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>405</sup> Gerin, R. (2021, June 15). *Belgium, Czech Republic Legislatures Pass Uyghur Genocide Declarations*

<sup>406</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

it more complex to address ‘atrocities-prevention’ strategies. Moreover, there are clear interests in the region, mainly focused on the trade to East Asian security, and this leads to the complexity of establishing policies that won't hurt future international interests. As much as the United States makes various mentions to its concerns on the human rights violations in Xinjiang, the ‘Bearing Witness Report’ argues that other issues are seen as more relevant to the American country, and issues such as regional security and economic interests take the lead, and are prioritized, on the national security strategies. Also, the planning on sanctions and atrocities-prevention strategies from the US and other ‘like-minded governments’ stayed in the ‘backseat’ of the state’s priorities, letting the crimes against the Uyghurs to be forgotten<sup>407</sup>. The Human Rights Watch report ‘China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims’ stresses that governments are increasingly taking action and joining statements at the United Nations Human Rights Council, nonetheless, this report also states that members of the Organization of Islamic Cooperation are still following and commending the Chinese government’s policies of Xinjiang. The abuses and violations of human rights in Xinjiang started to be reported along the years since 2017, although it was only in 2020 that governments felt compelled to stop denying evidence, and in June 2020, special rapporteurs and working groups amounting to 50 UN special procedures were issued<sup>408</sup>. The problem with sanctions, as advanced by Giavanna O’Connell, falls under the loopholes and that they can sometimes prove to be ‘fruitless’ in addressing the root cause. O’Connell argues that it is up to the liberal democracies to cast a wider net, in order to target the elite CCP officials, with a special target on the officials responsible for the Strike Hard Campaign. She further notes that by targeting the highest echelons of power, the incentives shift onto behavioral changes, accelerating the political movement towards negotiations<sup>409</sup>.

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<sup>407</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>408</sup> “Break Their Lineage, Break Their Roots” *China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*. (2021, April 19)

<sup>409</sup> O’Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*.

### 5.2.1. China's Alliances

China's focus is to refrain any uprisings, and it does so by strengthening the Shanghai Cooperation Organization, believing it has the ability to provide a safety net at odds with the Muslim fundamentalism in the SCO member states, mainly through anti-terrorist exercises with neighbors against Uyghur terrorism and by focusing on giving to the SCO a relevant role on reviving the "old 'silk route'"<sup>410</sup>. The ongoing project for the construction of the Belt and Road initiative has been one of the main reasons the researchers and activists believe to be causing the persecution on the Uyghurs. This project, estimated around \$4-8 trillion, has its signature projects in the Uyghur region, being that "the New Eurasian Land Bridge starts from Xinjiang, runs through Kazakhstan, Russia, Belarus, Poland and finally reaches Germany", in the same region of the China-Turkey corridor, and the China-Pakistan Economic corridor, with both corridors having its start in Xinjiang<sup>411</sup>. By having and focusing its interactions with southern neighbors, such as India and Pakistan, China has been focused on containing threats of terrorism in the region, and enjoying the link by having Uyghur refugees, in the SCO countries, sent back to Xinjiang.. An example is the joint exercise with Pakistan, when in 2003 the two countries settled on going in the direction of "pruning radical elements" in both countries, meeting in Xinjiang. The relation between Pakistan and China tightened around 2003, with the joint exercise and when later, in October of that year, the Pakistan military killed the leader of the East Turkestan Islamic Movement, Hasan Mahsum. From that moment on, the relation expanded to a more cooperative one, given also the geographical proximity<sup>412</sup>. China's economic and geopolitical diplomatic ties with countries entangled in the "Belt and Road" strategy, associated with the unwillingness of others to arrest and extradite Chinese officials for fear of repercussions, and the fact that the ICC does not have its own enforcement body, have all been part of causes that have been leading to the absence of action in the international arena, and their compliance to let China continue with human rights atrocities<sup>413</sup>.

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<sup>410</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>411</sup> Yu, M. M. (2018, October 09). *China's Final Solution In Xinjiang*

<sup>412</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>413</sup> O'Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*

### 5.2.2. Muslims x. China

The Western responses to the Uyghur atrocities contrasts with the broader Islamic world, which has been silent on the persecution of the Muslim minorities in China, probably because they may risk “looking like hypocrites over their own records of human rights abuses”. In addition, the Organization of Islamic Cooperation was reportedly quiet during the review of China’s human rights records at the United Nations, since very few leaders spoke, which was speculated as a risk jeopardizing lucrative partnerships. The current “deepening economic relationships, coziness with authoritarianism, and the allure of a ‘Confucian-Islamic’ alliance against the west” variants, all lead to a comfortable position that outweighs the political willingness of the Muslim governments to act upon China’s atrocities towards the Sunni-Muslim Uyghurs<sup>414</sup>. The other perspective on the lack of action relies on the Uyghurs not having a religious connection that has enough power to “provoke a Pan-Islamic counterpunch against Beijing's suppression”. Miles Maochun Yu argues, in the Article “*China’s Final Solution in Xinjiang*”, that the Uyghurs are predominantly Sunni Muslims, having no symbiotic link to Muslims of the Middle East, and evidently, no relation to the ongoing political and religious wars. Contrary to the Roman Catholic Church, with a central political and religious authority in the Vatican City, Miles Maochun Yu stresses that the issue relies on the absence of a central religious authority to “voice Uyghurs’ plight and render support in their behest”<sup>415</sup>. This being said, it must be questioned why Indonesia, the world’s most populous Muslim country, has kept quiet on the repression of the Muslim minorities in China. First, it has to be mentioned that Indonesia sees the Uyghurs persecution as a legitimate response to separatism, religious extremism or terrorism, and the Uyghurs crackdown is seen only as China’s ‘domestic affairs’. The *Institute for Policy Analysis of Conflict* argues, through its report on “The Exodus to Southeast Asia”, that China is Indonesia’s largest trading partner, with big investments in the country, causing it to feel pressured into complying with the alliance. The fact falls mostly on the dismissal of reports of human rights

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<sup>414</sup> Zeballos-Roig, J. (2019, February 08). *The United States’ Role in China’s Persecution of the Uighurs*. Retrieved September 2023, from The New Republic: <https://newrepublic.com/article/153089/united-states-role-chinas-persecution-uighurs>

<sup>415</sup> Yu, M. M. (2018, October 09). *China’s Final Solution In Xinjiang*. Retrieved September 2023, from Hoover Institution: <https://www.hoover.org/research/chinas-final-solution-xinjiang>

violations, that are commonly interpreted in the country as American propaganda to the ‘Sino-US power struggle’, associated to Indonesia’s own domestic affairs. Since supporters of Uyghur freedom are associated to the defeated candidate in the presidential election, on April, 2019, a change of heart from the current president, Joko Widodo, would lead to him being viewed “as capitulating to pressure from the religious right”<sup>416</sup>.

### 5.2.3. The Belt and Road Initiative (BRI)

The Belt and Road Initiative, or as it is commonly known, One Belt One Road, is part of China’s massive investments, focused on a infrastructure project, and introduced by the Chinese president Xi Jinping, in 2013, meant to reach the globe and restructure the economy and geopolitics of Eurasia. According to David Arase, in its research of “China’s Two Road Silk Roads Initiative”, this programme has emerged as a ‘pathway’ to build land transportation corridors, connecting China to Europe, and all Eurasian subregions, in hopes of creating a network of economic corridors to support China’s strength and increase its political leverage, to what Jinping calls a “community of shared destiny”<sup>417</sup>. Moreover, Michael Clarke, on his article for the *Strategic Analysis*, addresses “The Belt and Road Initiative: Exploring Beijing’s Motivations and Challenges for its New Silk Road”, in which he argues that the BRI is an attempt to resolve geopolitical dilemmas on China’s “‘hybrid’ strategic orientation”, adding to a grasp on responding to the United States challenges to rebalance the Asia-Pacific region<sup>418</sup>. Arase argues that this initiative also serves Jinping’s wills to establish a “new type of great power relationship” with the US, which the author interprets to have to do with the structural bipolarity that is present in the international system, in which China has power and ability to restructure the world, having to first figure how to adjust the relations with the existing great power that falls on the United States, avoiding direct conflict with it. China’s initiatives agenda falls on the creation of railways and ports, creating a connection through the crucial points in Eurasia, through land and sea. This creates an interdependency that gives to China a

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<sup>416</sup> Institute for Policy Analysis of Conflict. (2019). *The Exodus to Southeast Asia: Explaining Indonesia’s Silence on the Uyghur Issue*.

<sup>417</sup> Arase, D. (2015). *CHINA’S TWO SILK ROADS INITIATIVE - What It Means for Southeast Asia*. ISEAS - Yusof Ishak Institute. Southeast Asian Affairs.

<sup>418</sup> Clarke, M. (2018). *The Belt and Road Initiative: Exploring Beijing’s Motivations and Challenges for its New Silk Road*. Strategic Analysis. Routledge, Taylor & Francis Group.

greater leverage on the leading position of the Eurasian multilateral economic policy settings. The relevance that must be given to this initiative, on the hands of the atrocities in Xinjiang, has much to do with the position that this region holds geographically. As Beijing designates various provinces as Eurasian gateways, Xinjiang is caught up, as it faces Central Asia, “with onward linkages to the Caspian Sea region, the Arabian Sea region, the Black Sea region, the Mediterranean Sea region, and Eastern and Northern Europe”, and borders Russia, Mongolia, Kazakhstan, Tajikistan, Kyrgyzstan, Afghanistan, Pakistan, and India<sup>419</sup>, which explains James Millward’s characterization of it being a “‘Eurasian crossroad’ linking the civilizations of Europe, the Middle East, South Asia and East Asia”. This being said, Michael Clarke stresses that given the Xinjiang-China history, Beijing’s recent approaches on the XUAR can be interpreted on the region’s geopolitical position to be an asset, which was proven right with the advancements made on the region, in early 1990s, with the integration of Xinjiang with China, as Clarke recalls the “double-opening strategy”, to establish security cooperation with China’s Central Asian neighbors, as a “Eurasian Continental Bridge”, with Central and South Asia, and the Middle East. By mid 2000s, China made great progress in the development of direct trade relations with the Central Asian states, and secured the exploitation of Xinjiang’s own oil and gas resources. Clarke stresses that since 2013, Beijing has been implementing measures made to ensure the compliance and the ‘comprehensive supervision’ of the region and of the Uyghur community, by increasing the police patrols, the electronic surveillance and the provision of DNA samples, adding to the repression of religious freedom. Moreover, the delivering of economic development in the region did not shift the disaffection felt by the Uyghurs, since the Beijing’s “‘developmental’ model in Xinjiang, ... constitutes ‘an attempt to bring an ever-increasing number of Han to the region and to further marginalize traditional Uyghur communities’”, leading nowhere other than to the emergence of a ‘security state’, categorized with repression and oppression on the Uyghurs<sup>420</sup>.

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<sup>419</sup> Arase, D. (2015). *CHINA'S TWO SILK ROADS INITIATIVE - What It Means for Southeast Asia*. ISEAS - Yusof Ishak Institute. Southeast Asian Affairs.

<sup>420</sup> Clarke, M. (2018). *The Belt and Road Initiative: Exploring Beijing's Motivations and Challenges for its New Silk Road*.

### 5.3. International Response

“Describing a crime is clearly of secondary importance to taking action to stop the crime”<sup>421</sup>

China’s clear violations of human rights, and crimes against humanity, began to be seen around the world, as foreign governments started to feel pressure into taking action against it. The European Union, Canada, the United Kingdom, and the United States have all imposed targeted sanctions on Chinese agencies and companies implicated in the accusations of human rights violations, as they also imposed sanctions on the Chinese government<sup>422</sup>, such as the coordinated sanctions on Chinese officials in Xinjiang, issued on March 22, 2021<sup>423</sup>. The EU targeted four senior officials, as the sanctions served to freeze their assets, ban them from traveling in the European bloc, and prevent them from being financially assisted by European citizens and companies. Moreover, the EU sanctions froze the assets of the Xinjiang Production and Construction Corps Public Security Bureau, which the *Associated Press* says that it is described as a “state-owned economic and paramilitary organization”, with control over the economy of Xinjiang. China’s Foreign Ministry argued the sanctions as lies and disinformation and retaliated with its own sanctions, against ten individuals and four institutions, alongside barring them from entering the mainland, and cutting them off from financial deals<sup>424</sup>.

The international community is said to have faced some serious challenges upon taking the human rights abuses and systematic campaign to eradicate the Uyghur Muslim minority, into consideration. The issue presented by Cullen Hendrix and Marcus Noland falls within China’s position in the international and economic arenas, since the matter in hands encounters a global power with “substantial economic, diplomatic, and military power and influence”, seen as a rival of the United States. Plus, what is happening in Xinjiang, as much ignored as it has been, would be much easily dealt with if it was

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<sup>421</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>422</sup> “Break Their Lineage, Break Their Roots” *China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*. (2021, April 19)

<sup>423</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>424</sup> Cook, L. (2021, March 22). *EU, US, UK, Canada target China officials over Uyghur abuses*. Retrieved September 2023, from *Associated Press*: <https://apnews.com/article/eu-sanctions-4-china-officials-uyghur-abuses-bf221f9c5d495f82c384a34a713b2d26>

happening in any other less powerful country, and not in the affairs of a superpower, “with diplomatic ties to every corner of the globe and military spending surpassed only by the US”<sup>425</sup>. By making mention to China’s massive target economy, it must be noted that it is a pivotal actor in global value chains, and that broad-spectrum sanctions would not be effective, associated with a weak unity within the international community, that should be focused on enforcing the sanctions<sup>426</sup>. Its growing economic, political and military forces are seen as reason enough for why Beijing is able to dismiss and ignore any call for change, as it continues to argue external interference in Chinese internal affairs, making it harder for the external actors to establish a stronger leverage. The ‘Bearing Witness Report’ argues that China must have been prepared for many years for reputational and political costs, stressing that the state invested enough to cover the systematic repression. What is seen as the ‘most alarming’ issue relies on the fact that the world has been awfully silent on the matter of the Uyghurs repression, and while many activists and human rights organizations have warned the governments to act, China has been witnessing the worlds acceptance of the atrocities, in addition to little repercussions and the absence of criminal accountability, seeing no real disincentives to put an end to it, and since the unprecedented atrocities with a focus on assaulting the regenerative capacity of the group creates strong challenges on the standard policy responses. This being said, the US Holocaust Memorial Museum makes mention to a reduced international outrage, possibly explained by the lack of mass killings, “especially before the size of the mass detention program became public”<sup>427</sup>, while Sophie Richardson, China Director of Human Rights Watch, considers the international community’s response to the mass detentions as ‘anemic’<sup>428</sup>. Conversely, 50 United Nations experts, through an open letter signed by 321 world-wide organizations, called on June 26, 2020, for “decisive measures to protect fundamental freedoms in China”, making mention to the mass human rights violations in Xinjiang, in Hong Kong and in Tibet. Their concerns fell on the impact these violations have world-wide, since China is reportedly targeting

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<sup>425</sup> Hendrix, C., & Noland, M. (2021). *Economic Diplomacy and Genocide in Xinjiang*.

<sup>426</sup> Ibid.

<sup>427</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>428</sup> Zeballos-Roig, J. (2019, February 08). *The United States’ Role in China’s Persecution of the Uyghurs*. Retrieved September 2023, from The New Republic: <https://newrepublic.com/article/153089/united-states-role-chinas-persecution-uyghurs>



human rights defenders abroad, through persecution and suppression of academic freedom, and through internet censoring and digital surveillance. The call goes to the endorsement for a Special Session of the Human Rights Council to evaluate the range of violations by the Chinese government, and to establish an impartial UN mechanism to monitor and report the violations<sup>429</sup>.

In line with the allegations of atrocities and human rights violations, alongside the lack of action to hold the Chinese government accountable, a set of organizations sent out, on February 12, 2023, a joint public letter, stating that the “EU Should Prioritize Rights in Relations with China after Findings of Potential Crimes Against Humanity”. Amnesty International, the Front Line Defenders, the Human Rights in China (HRIC), the Human Rights Watch, the International Campaign for Tibet (ICT), the International Federation for Human Rights (FIDH), the International Service for Human Rights (ISHR), the Rights Practice, the Unrepresented Nations and Peoples Organization (UNPO), and the World Uyghur Congress jointly called on the High Representative for Foreign Affairs and Security Policy / Vice-President of the European External Action Service, to urge the European Union and its members to suspend the EU-China human rights dialogue, in order to prioritize concrete human rights outcomes “across all areas of their relations with China”. This goes after the release of the OHCHR report of August 2022, that stated the clear possibility of China’s actions constituting international crimes and crimes against humanity towards the Uyghurs and other predominantly Muslim groups, following the confirmation of Xi Jinping’s third term as the Chinese Communist Party leader<sup>430</sup>, and the every-day emergence of solid evidence on the political indoctrination movement, forced labor, separation of families, torture, and constant surveillance of people, amounted to what rights groups are calling as an ‘open-air prison’ in Xinjiang<sup>431</sup>. This being said, the organizations urged the EU and its members to “use

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<sup>429</sup> *Global call for international human rights monitoring mechanisms on China*. (2020, September 09). Retrieved September 2023, from Human Rights Watch: <https://www.hrw.org/news/2020/09/09/global-call-international-human-rights-monitoring-mechanisms-china>

<sup>430</sup> *Joint Public Letter: EU Should Prioritize Rights in Relations with China after Findings of Potential Crimes Against Humanity*. (2023, February 16). Retrieved September 2023, from Human Rights Watch: <https://www.hrw.org/news/2023/02/16/joint-public-letter-eu-should-prioritize-rights-relations-china-after-findings>

<sup>431</sup> Baillie, L., & Vandenbrink, R. (2020, December 30). *China: The International Community is Failing Xinjiang’s Uyghurs*. Retrieved September 2023, from United States Institute of Peace: <https://www.usip.org/publications/2020/12/china-international-community-failing-xinjiangs-uyghurs>

every opportunity to press for real human rights change and to counter China’s mounting crackdown on human rights and rights holders, at home, abroad and at multilateral level”, especially since the ‘human rights dialogue’ seems to be having no real positive outcome. They urge the EU to follow up on the OHCHR report on Xinjiang, to map prospects for universal jurisdiction cases against Chinese officials suspected of responsibility for atrocity crimes, to make it clear to China that the EU and its members states are ready to use all instruments in hands, in response to human rights violations, to publicly call for the release of all Uyghurs arbitrarily detained in prisons and camps in Xinjiang, to call the Chinese authorities to facilitate diplomatic access, and to urge the Chinese authorities to allow access across China<sup>432</sup>. To date, the international community is being called on by their failure to address this situation in a meaningful way, by their ineffective use of tools typically employed to deter and halt atrocities and by failing to recognize that the existing atrocity prevention toolkit is not adequate for the ongoing atrocities. This toolkit, designed for a response on conflict scenarios, of bilateral and multilateral interventions, to mitigate the atrocity risk, bears “little resemblance to the current situation in Xinjiang”, which led the United States Institute of Peace to argue that international actors should “reassess the toolkit to consider necessary adaptations”, and that new tools are necessary<sup>433</sup>.

Finally, the ‘Uyghur Tribunal Judgement, delivered at the Church House Westminster, on December 9, 2021, was introduced as an independent people’s tribunal and formed to consider the allegations that the People’s Republic of China has committed crimes against humanity, genocide, and torture, against Uyghur and other ethnic minority citizens in Xinjiang. This tribunal, acting under the principle of state responsibility, was guided by the Genocide Convention, the Convention on Torture, and for alleged crimes against humanity, and the 1998 ‘Rome Statute’ of the ICC, all in order to assess the evidence coming from Xinjiang<sup>434</sup>. The Tribunal’s final judgment concluded that the allegations of genocide and crimes against humanity were nothing but true, which the ‘Uyghur Human Rights Project’ (UHRP) Executive Director Omer Kanat stated that “it

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<sup>432</sup> *Joint Public Letter: EU Should Prioritize Rights in Relations with China after Findings of Potential Crimes Against Humanity*

<sup>433</sup> Baillie, L., & Vandenbrink, R. (2020, December 30). *China: The International Community is Failing Xinjiang’s Uyghurs*.

<sup>434</sup> (December 9, 2021). *UYGHUR TRIBUNAL JUDGMENT*. Church House Westminster.

should shock no one”. Considering the numerous leaked documents, meticulous expert analysis and testimonies from survivors, the Tribunal was sure that “the PRC... intended to destroy a significant part of the Uyghurs in Xinjiang as such, (and) has committed genocide”, and under Article I of the Genocide Convention, governments are obliged to act on their obligations, “to prevent and to punish” this crime<sup>435</sup>.

### 5.3.1. United States Action

Mike Pompeo, the then-Secretary of State (United States), issued on January 19, 2021, a statement constituting the mass atrocities against Uyghur Muslims (and other ethnic and religious minority groups in Xinjiang) as crimes against humanity, followed by it being a genocide. On March 30, of the same year, the Biden administration made mention of this statement in the US State Department’s 2020 Country Report on Human Rights Practices in China. Along other governments, the US has imposed some sanctions on Chinese officials and state-owned entities that were seen as responsible for the mass atrocities. Plus, the US Department of State also announced, “visa restrictions on senior officials for their responsibility in crimes in the region<sup>436</sup>”. The ‘Uyghur Human Rights Policy Act of 2020’, “An Act, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China”<sup>437</sup>, became US law in June 2020, with the purpose of enacting sanctions on individuals that participate in the persecution of the above-mentioned communities, with bipartisan support of the US Congress<sup>438</sup>. However, Rian Thum, the researcher focused on the Uyghur society, has argued that the Islamophobia that is now intrinsic in the Chinese society, has some fault to be encountered in Western’s Islamophobia, built by the United States, when they *declared* the East Turkestan Islamic Movement as a terror organization after the 9/11 attacks, connecting it

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<sup>435</sup> *Independent Uyghur Tribunal Concludes the PRC is Committing Genocide and Crimes Against Humanity Against Uyghurs*. (2021, December 09). Retrieved September 2023, from Uyghur Human Rights Project: <https://uhrp.org/statement/independent-uyghur-tribunal-concludes-the-prc-is-committing-genocide-and-crimes-against-humanity-against-uyghurs/>

<sup>436</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

<sup>437</sup> Uyghur Human Rights Policy Act of 2020

<sup>438</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

to the US's "war on terror"; adding to it, the Guantanamo Bay detention of 22 Uyghurs, captured in Afghanistan, in 2001<sup>439</sup>. Despite this, and after the 'Uyghur Human Rights Policy Act of 2020' became law, several actions took place in order to address forced labor and corporate supply chains in Xinjiang, coming from the US Congress. Moreover, the Congressional legislation saw the emergence of action from federal agencies, in support of the Uyghurs, being them the US Department of Treasury, that introduced sanctions towards senior officials in China "responsible for crimes against the Uyghurs, including Communist Party Secretary for the Xinjiang region Chen Quanguo", the US Department of State, that notified the introduction of visa restrictions on senior officials that are responsible for abuses in Xinjiang, the US Department of Commerce, that restricted dozens of Chinese entities "implicated in crimes in Xinjiang from accessing US markets and capital", and finally the US Department of Homeland, which ordered the detainment of shipments in their ports, to control the entry of products containing cotton, coming from the Xinjiang Production and Construction Corps, and implicated in forced labor<sup>440</sup>. The *United States Institute of Peace* argues that this set of sanctions and responses towards Chinese players responsible for the atrocities in Xinjiang are at a critical point, in which the United States must play a key role on leading the conversation, since the "American leadership is critical to the success of the atrocity prevention agenda, and prevention is a US national security priority". This can be argued right after the US State Department introduced the possibility and the consideration to address and label China's actions as mass atrocities and possibly a genocide, in line with the Congress's decision to take consideration over the 'Uyghur Forced Labor Prevention Act', and the 'Uyghur Forced Labor Disclosure Act', meant to put the burden on importers that must prove the products coming from Xinjiang are not tainted with forced labor, and meant for the US companies that must audit their supply chains for forced labor, respectively<sup>441</sup>.

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<sup>439</sup> Zeballos-Roig, J. (2019, February 08). *The United States' Role in China's Persecution of the Uighurs*

<sup>440</sup> *US Responses to China's Crimes Against the Uyghurs*. (n.d.). Retrieved September 2023, from United States Holocaust Memorial Museum: <https://www.ushmm.org/genocide-prevention/countries/china/case-study/response/us-responses-to-chinas-crimes-against-the-uyghurs>

<sup>441</sup> Ibid.

### 5.3.2. United Nations x. China

As observed by Bhavna Singh, there is speculation that mishandling concerning the Xinjiang question could lead to a turn of events for China, in a similar course of action to that of the USSR, since the majority of infrastructure and energy projects are present in the region and any disturbances could “create potential havoc for the Chinese economy”. The course of action regarding Xinjiang has bifold international response, of either countries having doubts about its strategy, or supporting and assisting the greater goals for a ‘peaceful rise’ in both the periphery and in Xinjiang<sup>442</sup>. China has been focusing on strengthening its strategic partnership with Russia, in a well-read attempt to create a stronger front against the US-led West. The Moscow-Beijing alliance had its ups and downs in the past, beginning with the support Russia demonstrated towards the Uyghur independence movement, alongside the Russian leaders Vladimir Lenin and Josef Stalin, however, in 1949, the tables turned and Stalin shifted the support towards Mao Zedong, starting an alliance with the People’s Republic of China<sup>443</sup>.

It must be mentioned that the Chinese status as a permanent member of the United Nations Security Council, holding a veto power, makes any joint action “on the atrocities against Uyghurs by the world’s main forum for international peace and security”, nearly impossible<sup>444</sup>. This can be confirmed with China’s and the West’s dueling letters that were sent to the UN Human Rights Council and to the UN High Commissioner for Human Rights, in the summer of 2019. Different countries backed the opposite letters, that respectively supported Beijing’s efforts to combat terrorism and extremism, or condemn the Chinese policies on the Muslim minorities. Endorsers of China’s letter counted with Angola, Bahrain, Belarus, Burundi, Cambodia, Cameroon, Comoros, Congo, Cuba, Egypt, Eritrea, Gabon, Laos, Myanmar, Pakistan, Russia, Saudi Arabia, South Sudan, Sudan, Syria, Togo, the United Arab Emirates, Venezuela and Zimbabwe. On the other side, the letter coming from mostly Western democracies, was signed by Australia, Austria, Belgium, Canada, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Japan, Latvia, Lithuania, Luxembourg, the Netherlands, New Zeland, Norway,

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<sup>442</sup> Singh, B. (2010). *Ethnicity, Separatism and Terrorism in Xinjiang: China's Triple Conundrum*.

<sup>443</sup> Yu, M. M. (2018, October 09). *China's Final Solution In Xinjiang*

<sup>444</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government's Assault on the Uyghurs*

Spain, Sweden, Switzerland, and the United Kingdom. On October 2020, the German Ambassador Christoph Heusgen made a statement on behalf of Germany and other 38 countries, in order to express serious concerns for the human rights situation in Xinjiang. Through a joint statement to the UN General Assembly's Third Committee, the 22 countries mentioned above, plus Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Haiti, Honduras, Liechtenstein, the Marshall Islands, Monaco, Nauru, North Macedonia, Palau, Poland, Slovakia, Slovenia, and the United States, demanded 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". In a *dueling* arena, Cuba's UN Representative Ana Silvia Rodríguez Abascal also presented a statement in defense of Beijing, calling Heusgen's statement out, on "political motivation and bias", and "unfounded allegations against China". This statement was supported by the countries mentioned in China's 2019 letter, although 10 countries were no longer associated (Tajikistan and Turkmenistan, Algeria, Bolivia, Burkina Faso, Nigeria, Oman, the Philippines, Qatar, and Somalia), and others joined: the Central African Republic, Dominica, Equatorial Guinea, Grenada, Guinea, Guinea Bissau, Iran, Iraq, Kiribati, Madagascar, Morocco, Mozambique, Nepal, Nicaragua, Palestine, Sri Lanka, Tanzania, Uganda, and Yemen<sup>445</sup>. The joint Statement delivered by Cuba, on the 50<sup>th</sup> Session of the Human Rights Council, served to deliver a message of opposition to the "politicization of human rights and double standards", as it served to call out the Western countries that were accused of using such politicization as pretext to interfere in China's internal affairs<sup>446</sup>.

The ongoing discussions within the United Nations on the violations of human rights, in Xinjiang, continues to see step backs along the years. This time, on October, 2022, the 47-member UN Human Rights Council had on a table a resolution to hold a

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<sup>445</sup> Putz, C. (2020, October 09). *2020 Edition: Which Countries Are For or Against China's Xinjiang Policies?* Retrieved September 2023, from The Diplomat: <https://thediplomat.com/2020/10/2020-edition-which-countries-are-for-or-against-chinas-xinjiang-policies/>

<sup>446</sup> Joint Statement Delivered by Cuba on Behalf of 69 Countries at the 50th session of the Human Rights Council. (June 16, 2022).

debate on the allegations of human rights abuses in Xinjiang, however, this resolution was rejected, with 19 votes against, 17 in favor, and 11 abstentions. The seriousness of this rejection falls on the vast evidence provided by a UN report, published in August of the same year, that defies China, with what was called by the Chinese Ambassador Chen Xu to the UN in Geneva, as a draft proposal based on politicization, fabricated lies and rumors. Plus, Chen Xu argues that this draft decision would not promote dialogue, but promote new confrontations, as he stated that “if China is targeted, tomorrow, any other developing country is going to be targeted”, on basing the acceptance of the draft as supporting the Western countries interference in the Chinese internal affairs. The human rights advocates called on the Human Rights Council failure to stand up for human rights, as Amnesty International called on the protection of the perpetrators instead of the victims, while the Human Rights Watch called this failure as an abdication of responsibility, and a betrayal of the Uyghur victims<sup>447</sup>. The Statement by UN High Commissioner for Human Rights, Michelle Bachelet, after the official visit to China relied on a set of issues, counting with Bachelet’s appreciation for the Government’s efforts to make the visit happen, as she argued that the visit was “an opportunity to hold direct discussions on human rights”. The Commissioner raised questions and concerns about the measures to counter act terrorism and radicalization in the XUAR, and while she mentioned the inability to assess the full scale of the Vocational Education and Training Centres (VETCs), she raised concerns on the lack of an independent judicial oversight of the operation of the program, on the allegations of the use of force and ill treatment within the facilities, and on the reports of the severe restrictions on the legitimate religious practices. In response to this concerns, the Chinese government assured the dismantlement of the VETCs system, to which Bachelet advised to the government to follow a review on all counter terrorism and deradicalization policies, “to ensure they fully comply with international human rights standards, and in particular that they are not applied in an arbitrary and discriminatory way”<sup>448</sup>. In regard to China’s 2016

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<sup>447</sup> Schlein, L. (2022, October 06). *UN Council Rejects Uyghur Resolution on China by Narrow Margin*. Retrieved September 2023, from Voice of America: <https://www.voanews.com/a/6778903.html>

<sup>448</sup> *Statement by UN High Commissioner for Human Rights Michelle Bachelet after official visit to China*. (2022, May 28). Retrieved September 2023, from United Nations Human Rights Office of the High Commissioner: <https://www.ohchr.org/en/statements/2022/05/statement-un-high-commissioner-human-rights-michelle-bachelet-after-official>

Counterterrorism Law, that permits mass arrests for citizens that are practicing their religion, Giovanna O’Connel argues that the religious argument can be proven as null, by it being in violation of international treaties ratified by China, and even if the Chinese government goes against its own constitution, it must be mentioned that Articles 9 to 11 of the Universal Declaration of Human Rights, ratified by China, guarantee basic due process rights<sup>449</sup>. Despite being successful, this official visit was said to be tainted by “a propaganda minefield laid out by the Chinese Communist Party”, as it was warned by 220 groups, lead by Tibetan, Uyghur, Hongkonger, Southern Mongolian and Chinese democracy groups, such as the *Campaign for Uyghurs, Free Tibet, Tibet Justice Centre, Uyghur Human Rights Project, World Uyghur Congress, the Hong Kong Watch*, etc.. These groups say that Michelle Bachelet, upon preparing for this visit, has not met with any of the affected communities, despite various attempts, and vast amounts of evidence of genocide and human rights violations and atrocities. The UN High Commissioner also chose to go on this visit without meeting with civil society organizations for briefings on Beijing’s crackdown. Furthermore, the groups argued that the High Commissioner ignored all offers to meet with survivors from the Uyghur internment camps, and has chosen to remain silent upon the 50 UN experts letter pressuring for “urgent and decisive measures to protect the fundamental rights and freedoms of those living under Chinese rule”.<sup>450</sup>

The United Nations Human Rights Office of the High Commissioner had previously issued an *Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region*, on August 31, 2022, in which the OHCHR expressed serious concerns for the allegations of human rights violations against Uyghurs and other predominantly Muslim communities, “particularly in the context of the Chinese Government’s policies and measures to combat terrorism and ‘extremism’”. The information on this Assessment was written in accordance with the work of various UN human rights mechanisms, and followed a rigorous review of documentary material, alongside the Chinese government’s own laws, policies, data, and statements, also

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<sup>449</sup> O’Connell, G. (2020, August 19). *How China is Violating Human Rights Treaties and its own Constitution in Xinjiang*.

<sup>450</sup> *Over 220 groups urgently demand UN High Commissioner immediately postpone her visit to China*. (2022, May 07). Retrieved September 2023, from World Uyghur Congress: <https://www.uyghurcongress.org/en/over-220-groups-urgently-demand-un-high-commissioner-immediately-postpone-her-visit-to-china/>



engaging in dialogue with China on matters of technical exchanges<sup>451</sup>. On its Assessment, the OHCHR has pursued a monitoring over the situation to assess the allegations and critically analyzing the available official documents, satellite images and other research materials, on a basis of assessing all the pertinent information, based on China's obligations under international human rights law, and human rights treaties to which China is a State Party, such as "the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (CESCR) and the Convention on the Rights of Persons with Disabilities (CRPD)", and the International Covenant on Civil and Political Rights (ICCPR), which China has also signed, but did not ratify yet<sup>452</sup>. Moreover, the Assessment recalls that China is bound by human rights norms, accepted as constituting customary international law, while some human rights norms can also be considered to constitute *jus cogens*, from which no derogation is permitted. When mentioning the measures meant to combat terrorism and 'extremism', the Chinese government persists on its response of doing so "in accordance with the law", through "powerful legal instruments" that curb illegal actions, that contain extremism, resist infiltration and prevent and punish crimes, all underscored by the local government in the XUAR, that "fully respects and safeguards civil rights including freedom of religious belief". To this, the OHCHR argues that the measures to combat terrorism and violent extremism, and the protection of human rights, must act as complementary and be mutually reinforcing, and not as conflicting goals, something that "remains a challenge in many legal systems".

This being said, the creation of the Chinese laws *PRC Counterterrorism Law* ("CLT") and the *Xinjiang Implementing Measures for the PRC Counterterrorism Law* ("XIM"), have raised concerns over the wording on the definition of terrorism, since it proposes notions such as "propositions", "social panic" and "other objectives". The OHCHR argues that this definition leaves space for vulnerability on the discriminatory

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<sup>451</sup> United Nations Office of the High Commissioner. (August 31, 2022). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*.

<sup>452</sup> United Nations Office of the High Commissioner. (August 31, 2022). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China*.

and arbitrary manners to which it can be used against innocent individuals or communities, as it does the same in the *Xinjiang Religious Affairs Regulation* (“XRAR”), that defines the ‘religious extremism’ by prohibiting “extremist... ideas”, “thought”, “activities”, “clothing”, “symbols”, “signs” and “content”<sup>453</sup>.

Furthermore, the ‘Vocational Education and Training Centres’ have been categorized by the Chinese government as being “in accordance with the law, to eradicate the breeding ground and conditions for the spread of terrorism and religious extremism”, to which the individuals are sent to on court and public security officials' decisions, after being given the option between these facilities or prison sentences, implying these centres as an alternative sanction. However, the information gathered by the OHCHR when conducting interviews on previously detainees does not corroborate the official Chinese sources, since none of the interviewees “felt they could challenge the referral process, and none had access to a lawyer prior to being sent to the VECT facility”, nor did they had information on the duration of stay in the facilities, or had any freedom to exit the facility and establish contact with relatives<sup>454</sup>. The OHCHR has requested information from the Chinese government regarding the curriculum and skills recognitions system in the centre, but it did not receive any documents on the matter. Nonetheless, first-hand accounts to OHCHR have revealed that there is a strong emphasis on “political teaching” and rehabilitation based on self-criticism, which under coercive administrative measures, are considered ‘inherently arbitrary’, according to the UN Working Group on Arbitrary Detention<sup>455</sup>.

The OHCHR Assessment corroborates all the documented allegations from activists and researchers, on a continuous basis of human rights violations and atrocities within the facilities, as documented previously, in Chapter 3 of this text, in regard to the claims on “terms of undue restrictions on cultural, linguistic, and religious identity and expression; rights to privacy and movement; reproductive rights; as well as with respect to employment and labour rights”. The claims on the implementation of the Chinese government’s measures against terrorism and ‘extremism’ raises concerns from the perspective of international criminal law, and the extent of the arbitrary and

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<sup>453</sup> Ibid.

<sup>454</sup> United Nations Office of the High Commissioner. (August 31, 2022). *OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China*.

<sup>455</sup> Ibid.

discriminatory detention and behavior towards members of the Uyghur community, “may constitute international crimes, in particular crimes against humanity”<sup>456</sup>. In response to this Assessment, the *Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland* issued the “Fight against Terrorism and Extremism in Xinjiang: Truth and Facts”, a document that stated this fight to be necessary and just, conducted under the rule of law and fully compliant with the respect and safeguard for human rights. This document makes mention of orchestrated events performed by anti-China forces and other Western countries, mentioning that Xinjiang is in full implementation of the freedom of religious belief, and in full compliance with the labor and employment policies, consistent with the international labor and human rights standards, without targeting any specific region, ethnicity or religion. Taking this into consideration, the *Permanent Mission* ends its statements by calling out the Anti-China forces in the US and the West, that have tried to “obstruct and undermine the progress of human rights in Xinjiang under the pretext of ‘protecting human rights’... pretending to care about the human rights condition of the people of various ethnic groups there, (when) their real aim is to destabilize Xinjiang and suppress China”<sup>457</sup>.

Given the scrutiny that China has been dealing with on its actions towards the Uyghurs and other ethnic minorities in Xinjiang, and after the OHCHR report and the judgment given on the Independent Uyghur Tribunal, the Chinese government is now under additional pressure, on the hands of the detailed report that has been submitted, by the *Campaign for Uyghurs*, to the fourth Universal Periodic Review of China. This report gives evidence on the genocide and crimes against humanity, said to be reviewed, alongside China’s human rights records, at the 45<sup>th</sup> session of the UPR Working Group, between January and February in 2024. Since the last Universal Periodic Review of China, in 2018, the PRC is said to have failed to comply with the commitments to which it agreed to, which the *Campaign for Uyghurs* argued that China’s actions not only did

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<sup>456</sup> Ibid.

<sup>457</sup> *Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland*. (2022). Retrieved from [https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX\\_A.pdf](https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf)

not stop, but were intensified, especially in their persecution of the people of East Turkistan, leading to an escalation of human rights abuses<sup>458</sup>.

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<sup>458</sup> Sohail, S. (2023). *CFU Press Release: CFU Submits Comprehensive Report for China's Upcoming Universal Periodic Review*. Campaign for Uyghurs. Retrieved from Campaign for Uyghurs.

## Final Remarks

*Full disclosure: this thesis falls on extensive research, and was structured in an unbiased manner, although focused on the human rights advocacy path. I am conscious of my choice to consider the matter in hands to be possibly classified as genocide, as my personal motivation falls on the defense of every Human Right, and on the attempt to answer the case question “The Uyghurs: a case of Human Rights violations?”.*

As introduced in the beginning of this thesis, the research done here had the sole purpose of analyzing the situation that endures in Xinjiang, an issue that is paramount to the world, and that has been enduring for long enough, specially without a course of action to end such atrocities, that should not take place in the XXI century. The relevance of the term ‘genocide’ is bigger than what it seems, because the promise of the “never again” is full of fake promises, and the international community is setting the world to admit that we are living in a failed human rights society.

After analyzing, researching and describing the situation, the atrocities, the torture, the forced sterilization of women, the abuses, and the overall treatment of this people, China’s course of action towards the Uyghurs and other ethnic minority groups should not go unnoticed and unapologetic. The issue stands on China’s motivations for its course of action, and this thesis has, through a thorough review, analyzed the religious and political motivations for the human rights violations of a whole population. The position in which China sets itself in matters of religion is viewed through a lens of a system of atheist religious policies, and the Chinese Communist Party has been more than transparent in showing the world its stand on this. However, the official position of the Chinese government passes by arguing that religion is accepted, while Islam has been encountering resistance in the Chinese territory, with measures built to eradicate it. It can also be mentioned that in matters of ethnicity and culture, Beijing has its feet grounded on their own national culture and ethnicity, with no room for change or additions. This being said, the measures taken by the authorities to further sinicize the whole population

of China are said to be proof enough that the Communist Party is set on their system of belief, focused on the Han Chinese and in no other group or people. The Belt and Road Initiative, with historical motivations, falls on the hands of the political and economical goals set by Xi Jinping, that does not look on matters for its desired end. The geographical position of the Xinjiang Uyghur Autonomous Region, in northwest China, brings with it a sense of legacy from the Silk Road, and it encounters several pathways for the development of China's massive investment, an infrastructure project meant to reach the world and meant to restructure the Chinese position, to center it on the economic and geopolitics arena of Eurasia.

The response and action set by the international community is truly absent, and with my personal opinion of the facts, there is a clear lack of interest to resolve the situation and to hold China accountable. At the expense of the lives and rights of the Uyghurs, economic interests and bigotries are being preserved, and the reaction toward the OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, the 'Uyghur Tribunal Judgement', the 'Uyghur Human Rights Act', and the Statement by the UN High Commissioner for Human Rights, Michelle Bachelet, after the official visit to China, are all living proof that the so-called allegations of human rights violations and crimes against humanity are met with comfortable ears and eyes, since there wont be enough proof of the human rights violations until the international community, the United Nations, the Human Rights Office of the High Commissioner, the European Union and other powerful international instruments are ready and prepared to actually deal with the situation. The presence of the communist country in the United Nations Security Council, as a permanent member, sustains the ideal of a failed human rights community, and until this presence is not remedied, the situation in Xinjiang will not turn, and the Uyghur population will continue to suffer at the hands of the Communist Party, that strongly believes to hold a seat in the arena that is meant to safeguard the world peace.

Praise must fall on the Uyghur advocates, such the Campaign for Uyghurs, the Uyghur Congress, the Xinjiang Victims Database, the Uyghur Human Rights Project, the Chinese Human Rights Defender, Amnesty International, the Human Rights Watch, etc., that are persistently fighting, to set the human rights record straight.

*“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<sup>459</sup>

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<sup>459</sup> (2021). *Bearing Witness Report - “To Make Us Slowly Disappear”: The Chinese Government’s Assault on the Uyghurs*

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