



UYGHUR TRIBUNAL TRANSCRIPT

10 – 13th September 2021, London

All time specifications relate to the video recordings of the live hearings available on YouTube (account: Uyghur Tribunal): [Uyghur Tribunal - YouTube](#)

Witness testimony in this transcript is organised in order of appearance.

Table of content

10th September 2021	
Mehray Mezensof	1
Helmet Rozahun	11
Elise Anderson	18
David Tobin	35
Teng Biao	46
Abdulhakim Idris	59
Maya Wang	75
Jessica Batke	90
11th September 2021	
Christian Tyler	109
Nena Tromp	128
Abdusalam Mohammad	136
Rahima M. Nuri	143
John Packer & Yonah Diamond	150
Bahram Sintash	182
Julie Millsap	194
Darren Byler	211
12th September 2021	
Muetter Iliqud	223
Conor Healy	235
Nathan Ruser	258
Baqitali Nur	267
Erbakit Otarbay	274
Orynbebek Koksebek	281
Maya Mitalipova	289
Rukiye Turdush	300
James Millward	308
Geoffrey Cain	323
13th September 2021	
Andrew Khoo	338
Ethan Gutmann	357
Laura Harth	373
Charles Parton	386
Rodney Dixon	407
Gulzire Aulhan	419
Rian Thum	426
Peter Irwin	435
Adrian Zenz	445

10th September 2021 (00:33:50 – 1:16:50)

Mehray Mezensof

COUNSEL – Do you know what colours prisoners were forced to wear?

MEHRAY MEZENSOFF – Yes, I mentioned in my testimony that my husband had to wear

a cream vest. The only other colour I know of was orange, which was used for political prisoners. That is the only other colour I know.

COUNSEL – You say the detainees were transferred amongst facilities, did your husband tell you what sort of health examination they had before?

MM – I'm not a hundred percent sure, it was a general health examination. From what I know, he made it sound like when you apply for a visa and you have to get a general health examination done. It was a blood test, urine analysis and maybe ultra sound. It did not take long. Maybe about half an hour.

COUNSEL – You mention in 2019 a police officer stated prisoners graduated and were sent back home, do you know why this happened and why they were rearrested later?

MM – I have no idea why this happened. In 2019, there were not many prisoners released at all. Prisoners were being released and allowed to come back home. Those who worked in factories were allowed to come home once a week to visit their family then taken back to factories to work. I have no idea why that happened.

PANEL – You travelled a number of times to Urumqi, my understanding is that you had no issue due to your husband's background?

MM – I never had trouble no.

PANEL – Why did you husband go to Turkey the first time?

24 MM – The first time he went for a holiday. Before going, he was in holiday in Malaysia
25 for two weeks and he decided to go to Turkey as well, so he got the tourist visa and
26 went to Turkey on holiday.

27 *PANEL – You're Australian, so where did you meet him?*

28 MM – I met him online, we were introduced that way.

29 *PANEL – Counsel mentioned a type of chair, did your husband describe exactly what*
30 *happened?*

31 MM – He did not go into much detail, but he said any time he was taken out to
32 questioning he was made to sit on the chair.

33 *PANEL – I understand his feet and hands were shackled, was there anything over the*
34 *body?*

35 MM – There was nothing over the body, only on the chair.

36 *PANEL – You had the opportunity to visit your husband in hospital, could you describe*
37 *the conditions and nurses?*

38 MM – They were well known hospitals in Urumqi, the facilities were adequate. He was
39 cared for by doctors and nurses there. In my testimony there were always policemen
40 with us.

41 *PANEL – You describe four policemen looking after them, two Uyghur, two Han*
42 *Chinese, were the instructions given by the Han Chinese or Uyghurs?*

43 MM – They were on equal terms from what I know. They also were just in charge of
44 just looking after them and making sure he did not run away. They did not make it
45 sound like they knew anything about my husband's case.

46 *PANEL – When he was in the detention centre, your in-laws were taking him clothes*
47 *and money, what was the money for?*

48 *MM – When he was in the detention centre, we got told. The policemen told them they*
49 *have a place you can buy food, supplies, and for example socks and clothing. That*
50 *was what the money was for.*

51 *PANEL – Did he tell you if he actually received the money?*

52 *MM – He said every time he was given it, he did actually receive it.*

53 *PANEL – At one stage, you were getting photographs and letters from your husband,*
54 *was this from police?*

55 *MM – Yes, it was.*

56 *PANEL – On one occasion, you had contact, how did you get this letter?*

57 *MM – I got taken a photo of the letter which was sent to me by WeChat. I was in*
58 *Australia then.*

59 *PANEL – Did he get into trouble?*

60 *MM – No.*

61 *PANEL – He was released and detained a few more times, this was by police from*
62 *different cities, do you know who was giving orders or what was the connection?*

63 *MM – At that time, when I was in Urumqi, his family did try and find out by going to*
64 *different places to find where the order was coming from and who to talk to about the*
65 *situation. We never found out where the orders were coming from.*

66 *PANEL – You said they were just picking up anybody because of quotas, who gave*
67 *the quotas?*

68 MM – From what I'm presuming, I think it was the district police to the neighbourhood
69 police so they would then arrest people.

70 *PANEL – Your husband suffered psychological damage, how did this continue?*

71 MM – He was in shock, even though he was released and told he 'graduated', he
72 always felt this unease. He never felt safe. He was so happy to be home but he always
73 had this thought at the back of his head that maybe this is not over. He was still
74 constantly looking over his shoulder and having to live in fear. He just couldn't be a
75 hundred percent content. He was always really afraid.

76 *PANEL – Was his sleep disrupted?*

77 MM – From time to time, he did have nightmares. After a while as time went on, he was
78 able to adequately sleep and the nightmares stopped as well.

79 *PANEL – You had heard he got 25 years, do you know how that decision was*
80 *reached?*

81 MM – Until now, just because I heard this news, I have lost contact with this person.
82 From my understanding there was some sort of court proceeding, whether this was in
83 an actual court or made up I am not sure. A judge had presented the charges and
84 gave the sentencing. I am not sure if it is an actual judge or someone stepping in and
85 pretending. My contact said there was a court proceeding and a judge gave out the
86 sentence.

87 *PANEL – You describe in your statement, ill-treatment of your husband. It seems to*
88 *centre around a display of his identity of Uyghur, he accidentally spoke to an officer in*
89 *Uyghur and was punished for a day, and refused food when singing. Did he express*
90 *views to you as to why he was being treated this way?*

91 MM – Not really, everyone was treated this way. My husband was not specifically
92 being targeted. They were all treated the same. They had to speak Mandarin, whether
93 you knew the language or not. They just did not speak at all.

94 *PANEL – Since you have had no contact with him for some time, you have made some*
95 *enquiries, have you had any response at all?*

96 MM – Since April this year, I have been making enquiries through a different
97 department. They have been enquiring on my behalf. We have, so far, received no
98 response so far from the Chinese embassy on the whereabouts of my husband's
99 situation.

100 *PANEL – In regard to yourself, have you been intimidated in any way, or contacted?*

101 MM – Since I have been back and gone public with my husband case, I have not been
102 intimidated or contacted.

103 *PANEL – Only on second charge charged with separatism, why do you think this*
104 *happened at this point not earlier?*

105 MM – My understanding is that, each time he was arrested, it was by police officials in
106 different districts. I am not sure how and why this third time he was taken by police
107 officers that they charged separatism even though they had already questioned him.
108 Obviously, they had suspicions but they always found him innocent. I do not know how
109 he can be innocent in two districts and not in two other districts.

110 *PANEL – You say that he was not physically only psychologically tortured, the third*
111 *time do you have evidence of his physical torture?*

112 MM – Since he was arrested last year, apart from knowing where he is being held, I
113 have no idea how he has been treated.

114 *PANEL – Do you think the timing of your husband’s first arrest was significant?*

115 MM – A part of me thinks maybe yes as, right before, that is when the Australian visa
116 was granted. I think, did someone find out? Is that why as he was about to leave the
117 country? The timing is suspicious. It was exactly right after the visa was granted.

118 *PANEL – Given he appeared to be sentenced for separatist activity, why do you think*
119 *decisions were made before that to release him? He wasn’t held permanently from the*
120 *first detention, why do you think he may have been released on those occasions?*

121 MM – From what I think, he did everything they asked. He was interrogated for 6
122 months. After that, they realised through asking questions that he has not been
123 involved in illegal activity. From then, pretty much, he knew he was innocent but they
124 did not want to let him go even though the investigation was over. They felt for some
125 reason he still needed to be re-educated. Which is why he was transferred to a re-
126 education school. The way they do things, and make decisions. It is not clear why one
127 person does it one way and another different. There is no evidence against my
128 husband.

129 *PANEL – Given the allegations about your husband, are there any reasons you can*
130 *think of why the allegation of separatism might have been made against him?*

131 MM – I cannot think of any reason at all. Although the announcement my husband –
132 he had travelled five, six times in Istanbul. He would take Chinese tourists around
133 Turkey and translate for them. I cannot think of any reason why. He did not have time
134 for that. He was just enjoying his life working, making money. It makes me upset to
135 how they can say that about my husband when he has never done anything like that.

136 *PANEL – Do you have any communication with them and do you know how they have*
137 *been treated during the time of your husband’s detention?*

138 MM – I lost contact with them quite a while ago, since last year I have not spoken to
139 any of them. Since I went public, through one of my contacts I do know they are doing
140 their case. I know they have been harassed by police officers on a few occasions and
141 asked questions about me and why we are not in contact any more. They were never
142 detained or anything. From my knowledge, they are still in Urumqi.

143 *PANEL – As per your comment there was no reasoning why the officers acted as they*
144 *did, was there anything systematic about the behaviour? Do you have any sense*
145 *whether that behaviour was local or was derived from somewhere more central?*

146 MM – I think it was central it is quite obvious if they were targeting him because he
147 was Uyghur. For them being Uyghur and travelling overseas, especially to Turkey, as
148 China released a list of sensitive countries they deemed suspicious. They had seen
149 how life was over there, and the police officers made it seem like they were
150 brainwashed by going to those countries and so, had to be re-educated and have their
151 thoughts changed. He was a target because of who he is, because of his ethnicity.
152 They want to keep us secluded from the outside world as they are afraid for some
153 reason as these people, anyone who had travelled overseas were being targeted and
154 were the number one suspect. As they travelled and saw how things were somewhere
155 else. They saw this as a threat really.

156 *PANEL – When your husband was detained, did you speak to others who had relations*
157 *who were detained? If so, did you come to a view what the overall objective of detention*
158 *was?*

159 MM – Yes, I did speak to other people who were detained and in a similar situation.
160 From what I got from them and my husband it was as if they had to denounce their
161 identities, to be stripped of their identities, their culture and region. They wanted to

162 transform them into more Han Chinese. They were forced to denounce their religion
163 saying they do not follow or believe in Islam or God. Say that they are not going to do
164 anything that goes against the Communist Party and try live their lives more like the
165 Chinese. I feel like from anyone the people who I spoke to, it was a similar thing to
166 brainwash them and make them into whatever they wanted them to be.

167 *Panel – You have used the word brainwash. On one of his returns, did you or him*
168 *think he had been brainwashed?*

169 MM – Not at all, I never got that from my husband. He is really strong so he did
170 whatever he had to do to get through that. He never lost who he was at all. He
171 remained the same.

172 *PANEL – Your answer is helpful because one of the things that may test the tribunal*
173 *is whether brainwashing can ever be genuinely effective. Did you form a view whether*
174 *brainwashing others in the community were successful?*

175 MM – No matter how much they try, you cannot just erase someone's identity. My
176 husband was over 25 and you cannot just get rid of 25 years of someone's life. You
177 hear of teenagers being detained. That is a long time. I do not think it is possible from
178 anyone that they had been successful. You cannot just erase someone's identity by
179 re-educating them. And I did not see it in anyone.

180 *PANEL – It would be easy to infer the intention of the authorities that brainwashing*
181 *should be successful, as only if it were would they release people back out into*
182 *society? Do you think the authorities were deceived into thinking it was working?*

183 MM – I think so, probably. My husband did and said whatever he had, if it meant he
184 had a chance of coming back home. The only thing on his mind was coming home.

185 Everyone would do whatever they had to come home. They managed to convince the
186 police officers to let them go.

187 *PANEL – Was the detention centre newbuild, purpose built?*

188 MM – The first time he was arrested, taken to detention centre, that was old. Then, at
189 that time, there were no re-education camps in that district that my husband would be
190 re-educated in the detention centre. Then, he was taken to the concentration camp
191 which was newly built.

192 *PANEL – The new-build, did he tell you about the cells and did he tell you whether
193 they had modern lavatory facilities, or buckets in the corner like other facilities?*

194 MM – It was both, just because he was held in numerous facilities, in the newer built
195 facilities, he said the lavatory was in the cell. There were 7-8 detainees and in one
196 corner was the lavatory. The other places he said it was fairly old and ancient and
197 much worse and used a bucket.

198 *PANEL – Even in a new build where the state had the facilities to build proper facilities
199 for humans, they still built that?*

200 MM – The facility he was held in was built like that. What I heard from others, it
201 depended on the place you were. In other places, the lavatory was in a different room.
202 In my husband's room, they did everything there, eat, sleep and go to the toilet.

203 *PANEL – Did he tell you that in order to get food, which was passed through hatch in
204 door, inmates had to kneel on ground for and sing a song in praise of China?*

205 MM – Yes, they had to, it was compulsory for people to do that. If they refused, they
206 were refused the food for the day. They were given that three time a day so had to
207 sing three times a day.

208 *PANEL – Kneel and praise China or starve?*

209 MM – Yes.

10th September 2021 (1:17:15 – 2:07:00)

Helmet Rozahun

COUNSEL – My first question for you, Mr. Rozahun, is about the video with the National Security Bureau official. Can you confirm whether the Japanese media verified the authenticity of the official you've identified in the video or whether that video underwent any verification process?

HR – There are two videos. First, I recorded on the 10th of May. And the second one was actually recorded by the media in June 7th. There is a pretty big media company that recorded. During the second time we had the video call, I asked their ID, they have shown their proper state police ID on the screen.

[interruption]

HR – Also, my brother confirmed that they were state police.

COUNSEL – You stated that the Chinese national security agents initiated the calls with you through your family. Are you able to tell us why you might've be targeted?

HR – From 2018-2019, I've lost contact with my family completely. Then, secondly, on the 3rd of October 2017, they contacted my wife asking to speak to me. Since 2018 I was one of the very active members in Japan to expose what is happening and the genocidal policies. So, I became the executive member of the Japanese Uyghur Association in 2019. In my opinion, the reason they targeted me was because an executive member and they wanted to obtain information from me

COUNSEL – You stated that, after the second call with your relatives, you ignored your older brother's calls. Was that because of your political activities in Japan?

24 HR – When I had the phone call and spoke to my brother, and I knew he was under
25 pressure. I also heard there was widespread situation among Japan that the security
26 palace and all of family members put under pressure to communicate with them and
27 provide information. And I knew the purpose of their information that's why I ignored
28 their calls.

29 *COUNSEL – Subsequent to that episode Mr. Rozahun you spoke to Japanese media*
30 *and your story has been covered. I guess there are two questions here. What was the*
31 *reason for that? And second, has there been any retaliation against your family for that.*

32 HR – Well on the first video call, you can see from this photograph. [Mr. Rozahun holds
33 up photo to the camera] You can see that my brother's neck was swollen. When I
34 asked him, it was because of the incident with water. When I was carrying water, I had
35 an incident and hurt my back – that is what he told me.

36 *[interruption]*

37 *COUNSEL – Perhaps I could remind the witness of the question: why did you take this*
38 *case to the media and was there any indication retaliation?*

39 HR – As I mentioned earlier, as I spoke to my brother for the first time I could see– it
40 was visible that he was abused. Then I also caught the police with him– later I
41 caught the policemen and when he spoke to me very rude, intimidated me. Initially,
42 my plan was to record the audio of the conversation, however seeing my brother, the
43 state of my brother, I decided to take video which lasted about 40 minutes. After seeing
44 the state of my brother. I had a fight in my head, I've been thinking '*what can I do to*
45 *help my brother?*' Then, thinking about how to save and rescue my brother's life. I had
46 to make some decision: either I work for them, spying help them provide information.
47 I also know that the situation, demanding from them, I know could become more, it will

48 increase, also I worried for my brother. Whether they would break his leg or torture
49 him, that was extremely difficult decision for me. Then I thought: there might be
50 some kind of justice. If I can expose the suffering and what is exactly happening to my
51 brother, then the Chinese government might stop and there might be some kind of
52 justice. Well, in my opinion, what the Chinese government is doing is state terror against
53 me, this is like terrorist taking hostage of my brother and demand money and this is
54 exactly what is happening to me. They are taking hostage of my brother and putting
55 pressure, forcing me to do this against him and that's why I thought it's important for
56 me to expose this to the media, through media.

57 *COUNSEL – Thank you, I will pass this onto the panel.*

58 HR – Regarding about the retaliation, I lost contact, no information regarding my
59 family, siblings.

60 *PANEL – Thank you for joining us and good morning. Can I go back? From my*
61 *calculation, you've been going from Xinjiang for about 20 years now. Can you tell us*
62 *how easy it was to leave, to travel, to get a passport and to go to Japan, when you*
63 *left?*

64 HR – I left my country in 2005, it has been 16 years now. At the time, the situation
65 wasn't as serious as it is now. If we pay extra money, we could get it. The purpose of
66 my visit to Japan was to study and to do a postgraduate degree.

67 *PANEL – If one looks at the period up until you went to Japan, the first of the 2 phones*
68 *in summer 2018. What communication did you have with your family? Was it relatively*
69 *easy to contact your family back home in Xinjiang up to that stage, up to the two phone*
70 *calls?*

71 HR – Well, I had my own business, my own company. I wasn't involved in any political
72 movements so therefore my situation was better. From 2016-18 I could contact my
73 family about once or twice a month using the WeChat application.

74 *PANEL – And during this period, up until this first phone call May 2018. Had you ever*
75 *been contacted by anyone who was a state official or a Chinese communist party*
76 *official?*

77 HR – Up until August 2018 I was able to speak to my younger brother, as he had
78 cancer at the time so he was brave enough to contact me. That was the last time I
79 spoke to him, that was August 2018. And then, between 2018, until December 2019, I
80 lost contact - I didn't have direct contact with anyone also because of this situation I was
81 aware of the situation so with the deteriorating situation, I deleted the WeChat app
82 from my phone. I didn't have any communication from my phone.

83 *PANEL – You said from your statement, that security officials knew a fair bit about*
84 *you. Can you give us some sense about the depth of information they had about you*
85 *& your activities in Japan?*

86 HR – Well, during the first video call, it didn't come across that they knew anything. But
87 during the second video, when the media recorded that conversation, I realized they
88 knew so much about the association, Uyghur Association, in Japan including the
89 names of the executive members also some of the activities we carried out there. So,
90 what surprised me most is that we planned for an event on the 24th of June and that
91 was only among the 7 executive members however they knew about it. That was kind
92 of miss, in my opinion

93 *PANEL – It is clear from your situation that the authorities had a fair amount of*
94 *information on the Association. I just wanted to ask what extra did they expect from*
95 *you... because they seemed to be well informed already.*

96 *HR – Well, the video, when it was released, I believe it was the 24th of June and we*
97 *didn't inform all 7 members of the executive committee instead we only shared the*
98 *information amongst the 4 of us. Because we did have some suspicion and I wondered*
99 *because they couldn't get anymore information. They therefore expected to target me.*

100 *PANEL – Because when you look at one of the transcripts of the call, that the securities*
101 *official made, to help you which I think from the transcript was one of your ambitions,*
102 *there didn't appear any pressure to return to China but rather to stay in Japan and to*
103 *help state security officials with information about the association in Japan.*

104 *HR – Well I don't really know what their purpose was but I can only guess and they*
105 *said we know you don't have residency, permanent residency in Japan and if you*
106 *collaborate with us we can help you that and, in addition, we can help you with other*
107 *things to make your life easy. Most importantly, we can guarantee the safety of your*
108 *family members*

109 *PANEL – Because later on in the second call, I think your brother wants you to not*
110 *only cooperate but to contribute and to not to believe anti-Chinese stories– and to*
111 *return to Xinjiang. Do you think that for family reasons? Because that is obviously quite*
112 *different than working on a residency for you?*

113 *HR – My family believe that he said all that under pressure. On the video you can see*
114 *that he was looking around as he was seeking an answer of what he should say next.*
115 *'You know' also hints that you know, you should understand. He used language like*
116 *'you know it, you should understand'– so all of that, you should understand. He didn't*

117 speak freely, he was speaking under pressure. And, if you really watch the video
118 carefully, you can see there is one incident that they kind of pushed my brother very
119 rudely.

120 *PANEL – Thank you, one last question. At the end of your statement, you refer to a*
121 *Uyghur woman returning to Japan visiting her father but then her body returning home.*
122 *Could you say more about what happened in this incident?*

123 HR – The person I mentioned, the young lady, her name is *Migmay*. She was studying
124 at Tokyo University. In August 2019, she went home after learning her father was
125 detained. We had a really close relationship, after she went home one year later, we
126 learned she died in detention. So, we contacted the Japanese media to report what
127 happened to her. Also Radio Free Asia also reported what happened to her, so RFA
128 reported she was detained in a camp where she died

129 *PANEL – You talk about the officials from the security bureau is this the same thing*
130 *as the Xinjiang security bureau or is it another branch based in Beijing?*

131 HR – As I stated in my statement, the person who spoke to me is from the state security
132 palace. They are directly operated or controlled by the central government not the local
133 or provincial government.

134 *PANEL – Do you know who is in charge of the SP, security bureau? Do you know who*
135 *is in charge of the security bureau mentioned in the report?*

136 HR – Well, based on what he said [holds up photo to the camera] he said we are directly
137 controlled by the central government. And we can control any central embassy and
138 have direct communication with them.

139 *PANEL – Could you please let us know, if any of your colleagues had similar*
140 *approaches to them by Chinese authorities for information?*

141 HR – Well yes, I can give you an example. The vice president *Ahmet Liptip* he also
142 experienced a similar thing, they (the police) pressured him after holding his father as
143 a detainee. Pressurizing him to provide information. Also, there is ongoing pressure
144 against Abdul Karim who is the current president of the Japan Uyghur Association,
145 they are continuing to pressurize him to stop his activities, so there are similar
146 situations

147 *PANEL – We're out of time. Thank you very much for attending the tribunal and*
148 *providing evidence which has now concluded.*

149 HR – Can I say a few words?

150 *PANEL – Go ahead.*

151 HR – I was just like to say that, through giving evidence, I would like the world to learn
152 what is...I want more pressure to the Chinese government and to relieve my people of
153 the atrocity they are facing.

10 September 2021 (2:29:10 – 3:30:16)

Elise Anderson

ELISE ANDERSON – Thank you for the opportunity to speak before you today. In my oral remarks, I would like to share a brief overview of the Qaraqash List, per my organization’s research on it. Some parts of this presentation will repeat information from my written testimony, but I will also highlight other details which weren’t in my short submission but which are of potential interest to the panel. So, let’s get started. The Qaraqash List--shown here in a redacted version prepared by UHRP--is a spreadsheet containing 677 rows of detailed information about 311 detainees under the management of Bostan subdistrict in the county seat of Qaraqash county, Hotan prefecture. The purpose of the document, which is titled “Internees related to ‘unreturned’ persons,” appears to have been to track the social relations and “re-education” “progress” of these detainees, and eventually to determine whether they should be released. The detainees share several things: 1) they are all Uyghurs, 2) they are all under the administration of the Bostan subdistrict (even in cases where evidence shows that their home address is outside Bostan, in a different township), and they are all related to “unreturned people,” which denotes other Uyghurs who have gone abroad and not come back to the Uyghur Region. The spreadsheet contains 12 columns, which detail various kinds of information about the 311 detainees. Here, I have zoomed-in views of those 12 columns, which include information about the following:

1. Entry numbers. 1-677

2. Facility of detention. Four detention centers and a “healthcare facility.”

3. Date interned. The entries stretch from April and May 2017 to October 28, 2018.

Updates continued to be made through March 2019, however.

4. Detainee name. This cell lists each detainee's first and last names, transliterated into Chinese characters. The names make it immediately obvious that these individuals are Uyghur.

5. ID number. This cell lists each internee's 18-digit Chinese national ID number.

All IDs show that the individuals were born in Qaraqash county.

6. Responsible subdistrict office. Administrative unit at the county-town level.

7. Responsible neighborhood office. This cell notes the neighborhood administrative office responsible for each internee. All eight neighborhoods in Bostan subdistrict are here.

8. Detainee address. These addresses are likely those noted in each internee's household registration.

9. Reason(s) for detention.

10. Management level: "normal" (普), "strict" (严), or "maximum" (强) management.

And now, to the bottom image:

11. "Three circles." This is the most extensive column of the document, recording detailed information about 1) immediate and extended family, 2) friends and neighbors, and 3) religious inheritance/practice.

12. Evaluation. This column notes whether a particular detainee should remain in internment or be released.

In my organization, we conducted a close reading and textual analysis of the document as well as a translation and a redaction of part of the document, as part of our work to discern what the data could tell us. We were struck by the detail in the 11th

column, the “Three Circles”. Entries in this column include detailed information about individuals associated with each of the 311 detainees, including their name, ethnic group, sex, ID number, age, employment place/status, and/or behavior status (e.g., “good behavior,” “ok behavior,” etc.). Other information included in some, but not all, entries include detention status and any relevant prior criminal charges and/or sentence lengths. Many entries make note of the use of what we translated as “three circles and six diagrams collision analysis” (三圈六图碰撞分析), which appears to be a novel method authorities are using to gather and analyse data, as we have not found it in use in other leaked databases.

Community officials of the Management Committee for Places of Worship conducted a collision analysis of Tursuntohti XXX's "Three Circles and Six Diagrams." It was found that, before being sent to a re-education center, he occasionally performed Namaz at home. On Fridays, he occasionally visited the mosque to perform Jüme Namaz. After eating, he performed Dua and occasionally celebrated the two holidays. This religious knowledge originated from his grandfather Turdi, deceased 1994.

When including all individuals mentioned in the Three Circles cell, the total number of individual Uyghurs mentioned in the document (according to figures calculated by Dr. Adrian Zenz) is 2,802 adults and hundreds of minors, totalling more than 3,000 people. 656, or 23.43%, of the 2,802 persons are or were at one point in time interned or imprisoned -- 137 w/ prison sentences (4.9%), 42 in detention centers (1.5%), and 477 in re-education (17%). In our original reporting and analysis, one key part of this document's significance was the way it provided confirmation of other policies and tools in use in the region since 2016/2017.

The Qaraqash List mentions the Integrated Joint Operations Platform, a predictive policing app, at numerous points in the “Three Circles” column, emphasizing how surveillance and data-gathering are part of the system of detention. Per our count, there are approximately 106 references to the IJOP in this spreadsheet.

Another significant point about the Qaraqash List is that it provides confirmation of the implementation of the XUAR government’s program of intense monitoring inside the home--here I’ve noted it as the “Becoming Family” program, but I also might have titled this slide even more accurately as “work groups in Uyghur homes.” The document contains 3 references to community-level cadres living inside Uyghur homes to monitor what happens inside and a total of 28 references to community-level cadres more generally. We calculated some limited demographic statistics, based on information, about the 311 main detainees. In our analysis, 94% of them were men, while 6% were women. This correlates to information we have obtained from testimonies and investigative reporting from 2017 into the present, which have all suggested that men are disproportionately targeted in the various forms of state custody. Of the 311 main detainees, 39% were in centre 1, 38% in centre 2, 3% in centre 3, and 19% in centre 4. 1% were in a healthcare facility of some sort.

In his own report on the document, Dr. Adrian Zenz calculated a broader range of statistics that accounted for all the adult persons in the document. He found an age distribution of 25 to 49 years as the main age range of interned individuals, that half of people were interned April-June 2017, two-thirds in 2017 and another one-third in 2018. Evidence suggesting links to forced labour also appear in the list, though I do not have time to go into them here.

95 I include photos of camps 1 through 4, in screenshots from Google Earth, which we
96 captured in February 2020. I'll flip through these quickly.

97 *[displays four pictures]*

98 We referenced the work of Shawn Zhang to identify the locations and likely locations
99 of these camps. Adrian Zenz provides further confirmation of the camp locations in his
100 own report on the issue. We were also interested in the cell describing reasons for
101 detention. Of the 311 detainees:

- 102 - 115 Family planning violations
- 103 - 91 Unsafe/untrustworthy post 80s, 90s, or 00s person
- 104 - Violations involving religious practice in some way or another
- 105 - Overseas connections
- 106 - Other reasons I can share later if requested

107 Our report from February 2020 includes this detailed table in the Appendix, where we
108 list reasons for detention in greater detail than in the body of the report.

109 Final judgments by officials show that many detainees were remaining in or under
110 some form of close monitoring and control:

- 111 - 98 of the 311 were "released" into community management and control
- 112 - 77 were "finished/safe"
- 113 - 43 were under "continue training, finish after one year"
- 114 - 41 "working at the (industrial) park"
- 115 - 34 continue training
- 116 - And more, including 2 sentenced to prison

At the time it was published in the international press, the third high-profile leak of documents relating to the campaign in the Uyghur Region, the Qaraqash List was significant for the way it provided a granular look into the system we had already come to understand so well. The document has several important implications:

- Evidence for linkages between the Integrated Joint Operations Platform (IJOP) and the information gathered and stored on individual Uyghurs at the subdistrict and neighbourhood levels of geopolitical administration in the Uyghur Region;
- Linkages between this information and other government policies and tools, including the Becoming Family program and the program of forced labour;
- The scope and intent of data-gathering, and the direct relationships between that data and various forms of repression playing out in the Uyghur Region today;
- The role of guilt-by-association in Chinese Party-state repression of Uyghurs; and
- Evidence that the Party-state has effectively criminalized everyday life as it restructures Uyghur society from the ground up.

COUNSEL – The presentation focused on the camps, my few questions refer to outside of the camps. In your report you describe a system of intense, intrusive, extensive and high-tech surveillance comprised of high-tech systems such as IJOP - you refer, towards the end, to the becoming family program where more than 1 million individuals, mainly Han Chinese, are paired off with Uyghurs in order to spy on them and report on families. My question, relating to this kind of surveillance outside the camps for those Uyghurs who are supposedly free, how closely are they monitored by the Chinese authorities...to what extent are those free Uyghurs almost totally and continuing surveillance?

142 EA – Given what we know about the surveillance and monitoring system, even
143 Uyghurs who are free or outside custody are constantly subjected to checkpoints and
144 monitoring in different systems such as plug phones into tools so police can scan,
145 facial recognition systems and body scanners at these checkpoints. In addition, the
146 ‘free’ Uyghurs who are visited by representatives of the state by the Becoming Family
147 Program, for example. Accounts in the secondary literature that mention the Becoming
148 Family program, detail the way Uyghurs do not feel free to speak in the Uyghur
149 language or cook food they want to cook, or, where they cook with the Becoming Family,
150 they cannot ask what kind of meat is in the food as that might be a sign of religious
151 extremism. The Becoming Family members document what happens inside the family
152 home, asking children about daily life. Technological surveillance, checkpoints,
153 scanners and human element where there is more room for error. Those two things
154 combined, in my opinion, they are not free even when they are ‘free’.

155 *COUNSEL – To what extent is this intrusive surveillance accorded to Han Chinese?*

156 EA – To best of my knowledge, this kind of surveillance is not used on Han Chinese
157 people in the region. I was last in the region in 2018. I saw at checkpoints, there are
158 separate lines, there were in 2018, that Uyghurs and other non-Han people had to go
159 through. There was different treatment - even though Han Chinese had to go through
160 checkpoints, they did not have to go through same lines. In literature, the Becoming
161 Family cadres going into people's home is just for Uyghurs and Kazakhs.

162 *COUNSEL – What activities are criminal on the list? We often hear Chinese authorities*
163 *state individuals in prison are there are engaging in criminal activities. In your report*
164 *you state that activities can be classed as suspicious include things such as practising*
165 *religion, is that correct? Is following Uyghur religions potentially criminal or suspicious?*

166 EA – Yes, given the way I understand the Qaraqash list and broader context,
167 assembled and used effectively, many if not all expressions of distant cultural and
168 religious are at least suspicious if not downright criminalised. In the exert I read to you,
169 the note that he performed Dua, a kind of prayer after eating, or celebrating ‘two
170 holidays’ those are practises as much cultural as they are religious – the lines between
171 the two are not immediately obvious. Evidence that criminality is all encompassing and
172 broad sweeping comes from second highest reason for detention is unsafe post
173 80s, 90s, 20s. The mere fact of when someone was born as suspicious. Amemorable
174 example, some people were noted as suspicious and recommended for detention as
175 they had applied for a passport and never gone abroad. Some people apply for
176 passport and that makes them suspicious – wide ranging, and broad sweeping.

177 *PANEL – The use of this document, when the document came to your team, had it*
178 *already been assessed or did you approach it with an open mind?*

179 EA – We did approach it with an open mind and attempted as best we could assess
180 whether it could be genuine. We concluded it was genuine in our eyes.

181 *PANEL – As you went through the process, did you at any stage have doubts, or was*
182 *it a question of confirmation of what you expected or hoped was genuine?*

183 EA – For me personally, there were instances where it appeared that some ID
184 numbers were incorrectly recorded, were not the proper length, names recorded
185 inconsistently, some people obviously male were female – these things made me
186 doubt. Ultimately, we came down to think this was the result of human error. There are
187 clear instances of people recording it and writing it down.

188 *PANEL – The copy of the original, is it possible to say how many people contributed*
189 *or would it have been a single scribe?*

190 EA – It is not possible to say how many people contributed to it, my suspicion is it was
191 not one as indicated by the sheer number of entries.

192 *PANEL – Could you briefly summarise the bases on which you concluded it was*
193 *genuine?*

194 EA – We found linguistic clues in the document namely regarding naming conventions
195 particular to the region. We also found that factual information corroborated details
196 such as the IJOP and Becoming Family program as evidence it was likely. It wasn't
197 every single entry that referenced those. There are not as many references as if
198 someone was trying to make it fit a predetermined narrative. Re the Chinese ID
199 numbers, we did not have access to a database of numbers to run an analysis to check
200 if they were accurate. Dr Zenz was able to use documents and databases from his
201 own cache of documents to show many ID numbers were authentic. Additionally, in
202 comparison to other documents we have reviewed before, we thought it was genuine.
203 In discussion with other experts such as Dr Zenz and others we reached out to, we
204 all determined that it appeared genuine.

205 *PANEL – Was the giveaway by someone from the PRC?*

206 EA – In the days followed publication of our report, media and Dr Zenz, Chinese state
207 media claimed it was inauthentic – China Daily inadvertently confirmed the authenticity
208 of the document in an article referencing a person's name and information from the
209 list. This particular individual's information and name had not been made public as it
210 was redacted in the released document. The Chinese then released a video featuring
211 a woman in 190 of the Qaraqash list in this video she claims she was never interned.
212 She notes her age (which is the same as in the list). The final entry notes it was
213 recommended she could continue her release and detention on account of good

214 behaviour. That would explain why she was able to be in the video perhaps more
215 easily than other people.

216 *PANEL – This video was trying to show the document was false?*

217 EA – Yes, that is what it was attempting to show. She says ‘don't interfere with my
218 good life’. This bears the features of other similar videos. Akin to forced confessions.

219 *Panel - Are there other non-Chinese sources critical to assessment of this document?*

220 EA – I have not seen any other on this particular document.

221 *PANEL – Does your answer suggest there are some academic opinions on another*
222 *document?*

223 EA - Not in any published source. I have heard some people doing work on primary
224 sources link to Shanghai list – there are some doubts of the authenticity of that list.

225 *PANEL – Has the PRC published criticisms of detail of the list, or simply said it is*
226 *forged?*

227 EA – They have published in China Daily, China Times, they have brought out people
228 on the list such as video I have described here. China Daily brought out someone
229 mentioned in family circle 346 row of document, saying that this is not true and he
230 doesn't understand why he is in the document. The attempts at refutation have taken
231 this form.

232 *PANEL – Has the refutation always been by the person rather than pointing out*
233 *inaccuracy of the statistical or other details?*

234 EA – Yes, I am not aware of any publishing of inaccuracy of statistics or other details.

235 *PANEL – People may say things at the behest of the government?*

236 EA – Yes.

237 *Panel - Is anything known about the person who leaked document... is anything known*
238 *about the person or possible category of person?*

239 EA – We do describe in our report the chain how it came to us as several individuals
240 were happy being public. It came to us as several individuals were happy to be public
241 about that, we received it from linguist and activist Abduweli Ayup and he received it
242 from Asiye Abdullahad in the Netherlands. Ms Asiye says she received document from
243 an official in Qaraqash county as part of the same leak from China Cables.

244 *PANEL – China cables, same question, were they subject to non-Chinese criticism,*
245 *academic or otherwise?*

246 EA – Not that I am aware.

247 *PANEL – Is the likely source, an official in office who made document?*

248 EA – Yes.

249 *PANEL – Given your broader experience, is this indicative of at least one person not*
250 *persuaded by the philosophy that lies behind the control of the Uyghurs?*

251 EA – Correct, at least one other instance of a relatively high ranking official on a county
252 level disagreeing with the policies and openly doing so.

253 *PANEL – The document itself has extraordinary detail of reasoning behind people*
254 *being detained, does that suggest the presence in the community of unknown spies,*
255 *are spies working without population knowing about it?*

256 EA – It could be, I don't think there is iron clad evidence of it. We do know, and this
257 predates current campaign (2016-17), neighbours have often been recruited to spy on

258 one another, through relatively formalised everyday social organisation such as the
259 10-household system where people have to be on the lookout for one another. Dr
260 Byler has written based on evidence he gathered, that the authorities have offered
261 rewards for spying and informing on one another.

262 *PANEL – The Becoming Family program, you refer to that, can you explain what that*
263 *is?*

264 EA – The Becoming Family program grew out of established program in 2016 and it
265 grew from 2014 program that was instituted across Uyghur autonomous region
266 dispatched cadres to work alongside and to monitor daily lives of individuals who were
267 living there. That was 2014 and in 2016, after Chen Quanguo assumed control, they
268 revived this into Becoming Family – where Han cadres, government representatives
269 are dispatched to be family members to Uyghurs and Kazakhs, they can pop in
270 unannounced, live amongst the family, be part of cooking and stay the night. As
271 scholars such as Darren Byler have written about extensively, the real intent of the
272 program is monitoring, surveillance and thus ultimately a form of control.

273 *PANEL – We will hear more about this and how bad behaviour is frequently reported.*
274 *In general. it is another way of providing information to justify detention?*

275 EA – Yes.

276 *PANEL – Turning to the significance of the document, the column allows for possibility*
277 *of release or further detention, does that necessarily imply that there is detailed*
278 *monitoring in detention?*

279 EA – The column itself does not.

280 *PANEL – How could a decision be made, that someone’s behaviour has improved in*
281 *detention, be made without monitoring?*

282 EA – Correct, details how they were being monitored are not here.

283 *PANEL – Moving away from the document, when people are in detention, when they*
284 *are in the tiger chair, sometimes in the tiger chair and left for a week, there may be or*
285 *must be records available to the PRC in order for the information to be recorded?*

286 EA – I can imagine so though I have not seen such records. We know from first hand
287 testimony the centres are fitted with cameras and screens. This is one way of
288 generating data and records.

289 *PANEL – Accounts of torture, is it likely that there must be records planning the*
290 *program for particular detainees and monitoring the progress in order that this*
291 *document be prepared?*

292 EA – It is likely there are but have seen no such things.

293 *PANEL – You’re entitled to answer with whatever level of confidence as you wish,*
294 *what is the purpose behind this?*

295 EA – This is a bit interpretive. I see the relationship between the party states, CCP
296 and state of PRC and Uyghur region as a colonial relationship. I believe that the
297 leadership and entire governing structure are deeply anxious about its rule in this
298 region particularly as Uyghurs and Kazakhs have resisted assimilation for many
299 decades. The region sits atop vast natural resources and part of belt and road initiative
300 – there are major economic reasons. It is a place where the party state wants to exploit
301 economically and integrate fully into the PRC and eliminate other sources of loyalty

302 peoples like Uyghurs express. Religion is another form of loyalty; these things are
303 terrifying to the party state.

304 *PANEL – My last question is general; it is said that there is an effort to eliminate Uyghur*
305 *culture, language, identity and ultimately to merge nations and ethnicities. First, has*
306 *the PRC ever acknowledged that is true, second, has the PRC ever said anything that*
307 *it wants to maintain the Uyghur identity, religion?*

308 EA – The PRC has never come out and said in those words ‘we intend to eliminate
309 Uyghur culture, religion, identity, language...’. When faced with evidence, if we just
310 look at what is happening with the language in schooling, all it takes to eliminate it is
311 to cut off education in that language which is what we see happening.

312 *PANEL – Whether it might have done if it had genuine intentions to maintain the*
313 *identity, in our country would be uncomfortable for politician to say they want Scottish*
314 *identity to be maintained, does the PRC say it wants to maintain Uyghur identity?*

315 EA – The PRC will pay lip service to Uyghur culture by saying look we love this music,
316 we love this dance. Officials have tweeted about this. They do not say we want to
317 maintain this.

318 *PANEL – Why are they worried about people letting people go abroad when they are*
319 *encouraging other Chinese to go abroad to go and get knowledge or whatever they*
320 *want?*

321 EA – The way I understand the evidence for everything happening, the authorities are
322 worried about people going abroad as they are less monitorable and controllable in
323 that way. A number of policies of the past decade, including people's convenience
324 card policy, are about bringing people back to places they came from so they can be

325 more easily monitored, surveyed and controlled. That motivation is outward and
326 upward – a desire to control.

327 *PANEL – It might be because they want to bring back western ideas of liberation and*
328 *freedom and that might unsettle their program?*

329 EA – That is potentially another element. In the period when I lived there, many
330 Uyghurs would say I want to go abroad but struggled to get passports. They said they
331 wanted to go abroad to broaden their minds, but authorities here do not want our minds
332 open.

333 *PANEL – What was the reaction of the Uyghur population, was the data a surprise to*
334 *them?*

335 EA – In one sense, it was confirmation for Uyghurs outside the PRC who felt like they
336 were screaming and no one was listening – it was confirmation of what people were
337 saying. It was shocking to see details again with composite details of individuals on
338 local level. CNN found the sister of one of the detainees who was living in Turkey and
339 she broke down crying in the interview, and said she never imagined her sister would
340 be taken away and had no contact. Receiving confirmation, even if it was something
341 she already knew, was still shocking and traumatising.

342 *PANEL – May I ask you to return to the notion of those detained and those free, and*
343 *reflect for us briefly on notions of trust. What does the existence of this leave for wider*
344 *society, what has happened to social solidarity amongst Uyghurs as a result of the*
345 *existence of these sorts of spreadsheets?*

346 EA – From the literature reporting on this region and this crisis there is evidence the
347 policies and practices have eroded trust between Uyghurs sometimes on family level

348 and also, on level of friends – might consult Dr. Joanne Smith Finley ‘Now we *don’t talk*
349 *anymore*’ which details such erosion of bonds which Uyghurs.

350 *PANEL – You referred, a number of times, to Dr Zenz’s work on the Qaraqash list, what*
351 *does your organisation do to satisfy itself about his methodology?*

352 EA – Part of it is reviewing his work and assessing and following the paper trail to the
353 documents that he examines - it is a fact that so much of his research is based on the
354 government documents itself. This makes us satisfied that his data and methodology
355 are sound.

356 *PANEL – Can you conclude anything from Qaraqash list or wider work that officials*
357 *need to fulfil quotas?*

358 EA – The Qaraqash list itself contains no evidence itself that officials are trying to meet
359 quotas. However, there are details in the China cables as well as in the Urumqi police
360 files published in the Intercept in 2021 that officials have been trying to fulfil quotas.

361 *PANEL – The common conception of prison is four walls but with surveillance*
362 *Equipment, Xinjiang has been described as an open-air prison, do you recognise that?*
363 *If that is the case, what is the purpose from your view of the detention and re-education*
364 *and other penal establishments?*

365 EA – First, yes, I do recognise it as an open-air prison. The process of that began
366 before 2016, it was well underway already. To the second part of the question, the
367 point is power and intimidation. To send a message that if you do not behave you can
368 be here as well. That is about a display of power.

369 *PANEL – In your experience and knowledge, is it possible for these profound*
370 *strategies by PRC to be done without the direction of the central authorities?*

371 EA – In my opinion, no. It would be impossible for these policies to be enacted without
372 the control of central authorities.

373 *PANEL – The last column in list is decision making, do we know from list who is making*
374 *these decisions. All they say is approved. Second thing, the category of people 80s,*
375 *90s, 2000s – why is that? Because they grew up in a more liberal time?*

376 EA – Language throughout the document says things such as ‘community level
377 opinion’ this is referred to community neighbourhood officers. Some language refers
378 to opinions of subdistrict level. Second question – people born in 80s, 90s, 2000s grew
379 up in a different era of China becoming more open, might have received more outside
380 influence which increases the chance of openness. There are so many ways for
381 Uyghurs to be suspicious, I wonder if authorities are just looking for labels to come up
382 with. I can only speculate as to this. It seems likely.

1 10th September 2021 (3:31:17 – 4:17:50)

2 David Tobin

3
4 *[Technical issues in the first minutes of the expert witness' presentation.]*

5 *COUNSEL – You have noted that the Autonomous regions have remained directly*
6 *supervised by the state council, the highest level of central government, and are more*
7 *effectively monitored than the provinces. When you used the terms “supervision” or*
8 *“monitoring”, is that in the traditional sense of oversight over Xinjiang or is it more*
9 *active management?*

10 DAVID TOBIN – It is both. The institutional oversight has not changed in that the
11 regions must report to the state council, and the XUAR government policy
12 implementation must be explained to the state council, and the state council comment
13 back. Any regional government documents are entirely focused on how they have
14 successfully implemented policies, not how they create policy. It is publicly available,
15 but it is written to the centre - it is meant for the centre to read and they comment on
16 the effectiveness of the implementation (for example, Xi Jinping at the 2020 Xinjiang
17 Working Group meeting commented on how effectively they had been implementing
18 his policies and how successful they had been). Looking at an institution like the
19 Bingtuan, that was presumed to be semi-autonomous, but looking at all the documents
20 posted on a daily basis on local government websites for cadres, about how they do
21 their daily work, the emphasis is on the monitoring and supervision mechanisms,
22 essentially the meetings between party and state representatives to justify how policy
23 is being implemented and whether it is being effectively implemented. There is
24 evidence on paper and also in terms of how people's daily work operates.

25 COUNSEL – You have explained the direct connection between official ethnic policy
26 and national security, and you have also noted that some of the terminology of these
27 ethnic policies appear in documentation related to internment camps, transformation,
28 education and propaganda videos illustrating vocational training. Is it correct that we
29 can ascribe direct responsibility for these policies to Xi Jinping and to senior state
30 officials?

31 DT – Yes. The policy is clearly made by Xi, as Xi has obviously centralised power
32 within the party, hence why he is being seen as responsible for these policies in the
33 literature, but also in China. He is responsible for *making* policy. Obviously, that is very
34 broad. There is therefore, a debate about whether Xi is aware of some details. But of
35 course, these policies have been enacted for a number of years. Xi uses increased
36 monitoring and supervision mechanisms, which were already in use. Policy has always
37 been implemented by the government but made by the Party. So, even if Xi did not
38 make specific orders in 2015 or 2017, the feedback mechanisms are such that he is
39 very aware of every detail of these policies, and he would know about this before I
40 would. That relationship between regional government and Party-state is very
41 important because that feedback mechanism is really focused on assuring the centre,
42 assuring Xi that these policies are being implemented. So, even if he did not give very
43 specific orders to use specific torture methods, he knows about this now, through
44 these mechanisms. He has the oversight to change this. But, it is important to remind
45 ourselves that this ethnic policy is seen as a security matter hence why it goes to the
46 very top. It might be unusual for a British audience to think of things like a language
47 policy as pertaining to security, but in Chinese politics is very clear that all ethnic
48 policies pertain to national security and sovereignty. So, language policy, religious
49 repression, torture methods are all directly related to China's top leaders' thinking on

50 security hence why there are many areas of life in China that have become more
51 open, but not this one. This is seen as a national security matter. That is why there is
52 increasing monitoring.

53 *COUNSEL – There are a number of allegations being made about the commission of*
54 *crimes against the Uyghurs in Xinjiang. To what extent, if at all, could such crimes be*
55 *committed without the consent of the XPCC or the central party structures?*

56 DT – I cannot conceive how they would not know. Even if the cadres kept this secret,
57 everyone kept it secret, it is in the global news. This issue is seen as an issue
58 pertaining to the survival of the Chinese state. The top leaders prioritise this, and even
59 if the cadres don't give them information, which would be risking their careers and their
60 life, they know about this from other channels and are very concerned about these
61 issues.

62 *COUNSEL – Would it be possible for the central party or government structures to be*
63 *aware of alleged crimes but at the same time not to have any direct role in ordering,*
64 *planning, or conspiring to commit these alleged crimes in Xinjiang?*

65 DT – No, because Xi appoints... I mean, the way Chinese politics has worked out is
66 as if it is a courtly drama of these different personalities and there is no way of
67 analysing these concepts in political science. But looking at how the institutional
68 framework works: Xi Jinping appoints Chen Quanguo, he appoints him because he
69 knows his work in Tibet, he is aware of that and he knows he will apply this and follow
70 orders. That is why Chen Quanguo was given the position in the first place, and he is
71 monitored and supervised. Then, the Politburo standing committee meetings include
72 some of these people who are making these decisions in the Bingtuan and regional
73 government. Therefore, it is conceivable that a top leader does not know what

74 happens at a specific time on a specific day, some minor details, but it is not
75 conceivable that he does not know how these policies are being implemented.

76 *COUNSEL – Is it possible that there may be broad pronouncements of policy goals*
77 *announced by the central party or government but that in no way the central party or*
78 *government will have directed that those goals be pursued through the commission of*
79 *crimes?*

80 DT – I do not see how because Xi keeps giving speeches to celebrate how well this is
81 working. So, even if he was not directing it, he now has the authority to stop it. In fact,
82 it is illegal to say Xi is not in command of the party in China. It is his core role to know
83 about national security. All the debates in Chinese politics are about “we need to
84 change national ethnic policy”. After the 2009 violence, Wang Yang says: “if we don’t
85 change these policies, there will be more violence.” Wang Yang is now on the Politburo
86 standing committee, he is in discussions pertaining to national security that are being
87 directed by the Politburo standing committee. They are giving orders to regional
88 governments at all times. If a cadre were to instigate an act of violence that was
89 considered irrational or unethical, or could damage China’s national security, that
90 would be stopped. That is what Xi wants to know: are cadres implementing policy
91 correctly? And he has said they are implementing it effectively.

92 *COUNSEL – Could it be plausible that local cadres or keen, eager local officials may*
93 *commit these alleged crimes in order to efficiently implement broad central policy*
94 *goal, but that, in reality, this is a local affair, not directed from above?*

95 DT – It is not local affair directed from above because of the structure of the party-
96 state. The party-state is in command. What the debates in Chinese politics in political
97 science are often about is “how much control does the centre have on the provinces?”

98 Of course, many reforms come from *ad hoc* experimentation. Deng Xiaoping said
99 “reform!” and then people start experimenting. But this is an area of national security
100 where you are told if you criticise ethnic policy, that is against national security, that
101 could threaten national sovereignty. So, at a sociological level, there are limitless
102 incentives not to experiment in this area. You are risking so much: why would a local
103 cadre do something that could potentially be seen as jeopardising national security?
104 In the period between now and when Xi came to power, when things were being re-
105 thought, there was a lot of experimentation at the local level, with private companies
106 or hospitals putting up signs saying: “No beards” or “No praying in the hospital,” that
107 did not seem to be directly ordered. That was an example of experimentation, but that
108 is going back to 2012. Those mechanisms are now such that, and this is common
109 knowledge, they are now rolled out as a policy.

110 *COUNSEL – You have noted that Wang Junzheng is the Bingtuan Party Commission*
111 *Secretary and he is also a Xinjiang regional government senior official. You have*
112 *noted that he is an example of a cross-posting, could you explain to us the rationale*
113 *to have cross-posted him in that particular way?*

114 DT – I cannot speak to the inner workings of these individuals and the relationships
115 at that level but I can explain the political rationale as it presents itself to me. So, the
116 purpose of cross-posting is to create an interlocking structure between party and state,
117 with people in party and state positions. So, the party remains in command, not simply
118 on paper but every meeting is going to have someone from the Party in the room, and
119 that shapes the discussion and what can be done. That is the principle. In terms of this
120 specific case, the Bingtuan historically had an uneasy place in Chinese politics
121 because it was formed from different factions of the civil war. So, Xi Jinping was
122 concerned about both its capacity to separate from China at one point, or at least from

123 the party, but also that it may implement policies, including policies that would be too
124 chauvinistic and would create problems for the Party with Uyghurs. What Xi Jinping
125 has done, and what he stresses in his speeches on the Bingtuan, is that that
126 relationship now should not be *ad hoc*. It needs to be formalised, drawn into the centre,
127 institutionalised and not treated specially. It should be seen as in control by the Party,
128 directed by the Party, and it has to meet the Party's goals. So, my reading is that the
129 reason to do that is to enmesh the Bingtuan in the Party-state so that it has less
130 autonomy on a daily basis.

131 *PANEL – You wrote that “frank discussions” have now ended in the Politburo Standing*
132 *Committee, indicative of increased personal control by Xi Jinping and presumably*
133 *meaning increased personal responsibility for the actions of that committee, which*
134 *basically controls everything else. How do you know that when you also tell us that all*
135 *the discussions are only held in secret?*

136 DT – First of all, the notion of what was called “democratic centrism” was seen widely
137 both in the literature in China and outside as the mechanism to contest policy, which
138 is why it is so significant. During Hu Jintao's era, this notion of the “factions” was widely
139 acknowledged. People like [Shengli] worked on this issue specifically, saying that
140 these factions (the “princelings,” and the “Communist Youth League”) are open. So,
141 we did not know that the “frank discussions” were, and generally speaking we leave it
142 at that. This has changed now: first of all, there is the signalling, the fact that there is
143 no more discussion of “factions,” the fact that all the mainstream literature agrees that
144 there are no alternative ideas on the big issues being promoted. People are being
145 silent, they are saying “we can't talk to the media anymore,” and so forth. In terms of
146 the mechanisms, we know that the key mechanism that sort of hamstrung Hu Jintao's
147 final session in power was that Xi Jinping ended presidential term limits. This is a very

148 important matter because the last years of Hu's reign were entirely dominated by the
149 discussion of "who comes next?" So, they knew he was going soon and there is going
150 to be a new leader whereas with Xi, we know that, as things stand, he does not leave
151 power after two limits so how can you challenge that? Secondly, Xi, unlike Hu, does
152 not have a balance in the Politburo Standing Committee. The balance between those
153 factions was visible, demonstrable - we knew who was trained by the Communist Youth
154 League, and who was associated with the Princelings. Now, that make-up is not there,
155 it is dominated by what would be called the Princelings and those that, in Chinese
156 politics, would be seen more as nationalists than socialists.

157 *PANEL – With reference to the Supreme People's court, you said that in 2005 they*
158 *were granted the right to pronounce death penalties. Do you have any knowledge of*
159 *the number of death penalties that have passed in China each year?*

160 DT – I have no statistics to hand but I remember that the last few years of statistics
161 being released that China was executing more people than almost every other state
162 combined. So, those numbers are publicly available. The significance of that was that
163 the centre believed that the provincial courts were executing too many people. They
164 called it "low-quality sentences," implicitly acknowledging that they were not sure if
165 these trials were fair. That was the thinking behind - that the provinces had too much
166 autonomy, so it is part of Xi's way of reigning things in, but that issue of "low quality"
167 sentences predated Xi.

168 *PANEL – And the current situation? Do we know who is passing most of the death*
169 *penalties? Are they occurring at the level of the XPCC are they still occurring at lower*
170 *regional courts?*

171 DT – There are people speaking today that know more on this, but as I know it is the
172 Supreme People’s court who is executing the sentences.

173 *PANEL – Related to that, do the Bingtuan courts pass these sentences?*

174 DT – They were, just like all provinces and autonomous regions governments were
175 doing. That is why it was formerly called a “state within a state.” Of course, now the
176 centralisation of the Bingtuan, and its increased monitoring and supervision, mean it is
177 not really a state within a state but it is simply a parallel state institution to the
178 autonomous regional government and subservient to the Party.

179 *PANEL – You talk about Bingtuan’s 2000 year-long strategic mission to secure*
180 *frontier, territory and assimilate minority people. Have you come across other such*
181 *long-term plans? Specifically, something we have come across regarding a three-point*
182 *plan that extends into decades, one of which is specifying either the elimination of*
183 *Uyghur people or control or re-education?*

184 DT – I have not seen that document so I cannot comment on it. My professional opinion
185 is that I would like to see the document but also, when you read official Chinese
186 documents, and particularly the narratives that you refer to, there are many things that
187 are not considered controversial in China but that could not be said in English. When
188 you translate them into English, it does sound shocking. Obviously, China praises the
189 PRC, certainly the CCP praises itself for not adopting Western policies of coercion and
190 colonialism, even when the Bingtuan says that China has a 2000 years-old secular
191 mission in Xinjiang. For me, in terms of what the intent is behind all this, announcing
192 a policy of fusion that means assimilation is a smoking gun. Prior to that, regarding the
193 intergenerational debate on ethnic policy that I discussed, I was surprised at the lack
194 of comment on that debate because you had all the most influential intellectuals in

195 China on the subject, debating ethnic policy for the first time. The “second generation”
196 policies that we largely see today in the areas of language, education, the crackdown
197 on religion, promote the *Zhonghua Minzu* (shared national identity), they have all been
198 adopted. The first generation’s argument was not that this was ethically wrong, but
199 that this would be ineffective, and the current policy of regional autonomy and economic
200 development would naturally assimilate Uyghurs. So, for me, the intent that we are
201 talking about is there but I cannot comment on the specific documents you mentioned.

202 *PANEL – Regarding the legal framework governing both the ethnic minority regions*
203 *and peoples themselves, could you tell us what the Constitution of the PRC says about*
204 *ethnic minority peoples? And then, can you say a little bit more about what the national*
205 *law and particularly the 1949 law on regional autonomy says?*

206 DT – I always say politics is in command, not law. Today, in China, the Party is in
207 command, not the rule of law. The rule of law, as I understand it, is when the law is
208 above politics. There may be some exceptions in extreme cases of national security
209 but in China, politics is in command so many issues pertain to national security and
210 they come first. The constitution is not usually taken with the same level of gravity as
211 in other countries, because people know that the party, the politics is in command and
212 that the constitution is not above them. In the constitution itself though, it does make
213 it very clear that there is ethnic equality before the law. All groups have the right to
214 speak their own languages, to practice their own religion, to develop their cultures as
215 they see fit. When I think of the constitution, the first thing that comes to my mind is
216 my time in Urumqi where I remember seeing, outside Islamic colleges, large political
217 propaganda slogans about the constitution, saying “you must respect the constitution”.
218 And, one minute away from that site, there were employment adverts for small
219 businesses saying, “Han only” or “No minorities.” People don’t take the constitution

220 seriously but yes, it does guarantee ethnic equality and preservation of language and
221 religion. Regarding the regional autonomy law, it is not above the Party. The law was
222 made in 1949. Mao Zedong was genuinely concerned that Xinjiang and Tibet, and
223 places with concentrated minority populations who were called “barbarians” until that
224 point, would separate. So, Mao had promised independence but when he came to
225 power, he said “independence within socialism is reactionary,” so it was suddenly a
226 crime. It uses the language of “modernisation” of the region, which obviously can
227 denote urbanisation and infrastructure and so forth, but in my work, it denotes the
228 removal or limiting of the use of Uyghur language and of Uyghur religion. So, it is talked
229 about in terms of ethnic problem. It is not about giving people autonomy, it is about
230 maintaining China’s sovereignty in regions that they were specifically insecure about
231 because they had little or no political control over. This law was reformed with minor
232 changes in 1984, and it has not changed since then.

233 *PANEL – Since your presentation was frustrated by technical issues, do you have*
234 *anything else that you would like to tell us? Also, have you been provided with the*
235 *research product of our team, in the form of an organigram, is there anything about*
236 *that organigram that you would say was inaccurate?*

237 DT – The main points of my presentation were covered. I would simply restate that all
238 ethnic policies in the PRC are considered a national security matter pertaining to
239 sovereignty. Ilham Tohti, for example, was prosecuted under the anti-separatism law,
240 not extra-legally like in internment camps operations, for academic writings on ethnic
241 policies. Frankly, his writing is more moderate than mine, less critical, because he was
242 trying to stay out of trouble. He would say the Party is doing very well in Xinjiang, its
243 focus on development is astute, it is raising the advanced productive forces of the
244 people. But he said that for these policies to really work, and for Uyghurs to remain

245 satisfied, they would need to address ethnic discrimination. That was why he was
246 prosecuted under law - because commenting on discrimination is seen as a threat on
247 sovereignty. Fusion politics does need to be historicised within Chinese political history
248 and society. Xi did not invent this idea. 1950's debates between anthropologists called
249 'fusion' a form of assimilation. Xi Jinping makes the policy, he appoints the people to
250 implement the policy and he monitors it to ensure that it achieves its intended goals.
251 With regards to the organigram, I chose not to go through every detail in my
252 submission because there is a lot of things that could be said. I did look at it and spoke
253 to the Panel to say "this is sound", but what I want to add to it is: the Party is in
254 command. If there are additional questions about the specific institutions or actors, I
255 would be happy to comment in the future.

10 September 2021 (5:26:16 – 6:24:57)

Teng Biao

TENG BIAO – Good afternoon everyone, I will talk about the Uyghur genocide and human rights abuses in China, and I will put this into the domestic, political and legal context in China. The human rights situation in China is deteriorating. China is one of the worst countries in terms of human rights and freedoms. Chinese government violates every fundamental freedom and right. The censorship is strict, torture, wrongful conviction and arbitrary detention are all rampant. Also, there is serious human rights abuses like extrajudicial killings, organ harvesting, discrimination and the death penalty. Since Xi came to power, he has started a comprehensive crackdown targeting human rights lawyers, dissidents and NGOs, so-called evil cults, all kinds of religions, internet, and universities and he also started an anti-corruption campaign. Targeting private companies and entrepreneurs and of course Tibet, Hong Kong, inner Mongolia and in Xinjiang/East Turkestan, things are getting worse and worse there. The Communist party has an exaggerated sense of insecurity. After 1989, up to the early 1990s, there are some new social energies, in promoting civil society. The Communist Party is also facing an economic crisis, social and ideological crisis. So, after this sense of insecurity, the Communist Party crackdown on society brutally. The Chinese government has established high tech totalitarianism and uses big data, artificial intelligence like facial recognition, voice recognition, DNA and surveillance cameras to tighten its control people. This kind of high-tech totalitarianism is working effectively with the other methods that the Communist Party established after 1949, like

24 the use of secret police, networking, testability, black jails, the brainwashing and mass
25 arrest for distance.

26 These are some pictures of surveillance cameras and facial recognition. The DNA and
27 the gait-recognition (technology). Also, during Covid-19, also the health code is also
28 used by the government to control people. There are many different extrajudicial
29 detentions and extra-legal detentions, including re-educating through labour. It was a
30 policy in 2013. Some like with the RSDL (Residential Surveillance at a Designated
31 Location) and Compulsory Mental Hospital Drug Treatment. Black jails detaining
32 prisoners and the legal education centre targeting Falun Gong practitioners, 100s of
33 practitioners were illegally detained in those centres. They were forced to work and
34 they were tortured. I think a 100% of those detainees were tortured in those legal
35 education centres. And they were forced to convert, to give up their belief.

36 The Communist Party is obsessed with the idea of education or re-education from the
37 names of the extra judicial detentions. And the difference between the concentration
38 camps in the Uyghur area and other legal detention camps include those camps are
39 targeting certain ethnic minorities, certain religion and culture with the purpose of
40 eliminating their culture, religious and ethnic and identity. They were forced to give up
41 their identity and its part of the genocide. And also the systemic rape and assault make
42 these camps more special. And also, the birth control/forced abortion practiced in
43 Xinjiang. So, the torture is rampant at the institutional in China. The reason for it is the
44 narrow definition of torture. So, the definition of it is more narrow than the international
45 edition. The flawed evidence rules and there is no judicial independence, the police
46 has a higher power than the judges and also the immunity of the torturers. Most of the
47 torturers. The political dissidents like the Falun Gong, Uyghurs so torture is more
48 severe. And also, the lawyers are persecuted in China. So, all religions are

49 persecuted, some more brutally than others. The most persecuted religions include
50 Tibetan Buddhism, Uyghur Muslims and to a lesser extent Christianity.

51 So, Chen Quanguo was the head of Tibet and before he became the party secretary
52 in Japan. He has used and intensified his playbook through travel restrictions and
53 travel restrictions. And the Chinese Communist party manipulates Han-chauvinism
54 and the discrimination of Uyghur Muslims and other minorities. The party is also using
55 the idea of/long tradition of *dayitong* (the Great unification) of the Chinese nation and
56 the so-called “Chinese dream” and the dream of a Chinese nation to resort to the anti-
57 Muslim sentiment and the international anti-Muslim narrative is also used to justify the
58 on-going genocide. Next, I will speak about my experience. So, to conclude, these
59 concentration camps or Uyghur genocide do not arise from a vacuum, with respect to
60 the tradition of the party in thought reform and brainwashing. And also, its
61 manipulation of, nationalism, Han-Chauvinism. Thank you very much and I look
62 forward to your questions

63 *COUNSEL – Thank you very much Dr Biao for your report. You referred to black jails,*
64 *can you expand on what you mean by black jails.*

65 TB – Yes, so two different concepts of black jails. A narrow concept of black jails are
66 detaining petitioners who are these Chinese people who suffer from wrongful
67 convictions. And they go to big cities like Beijing to petition the cracks in their cases.
68 So that is the narrow of the Black jail. And the wider meaning refers to all kinds of
69 actual legal detention, including legal detention centres detaining Falun Gong
70 practitioners.

71 *COUNSEL – How many different types of detention centres have you detected in*
72 *China and which one of them are in Xinjiang?*

73 TB – The most similar to the ones in Xinjiang are legal detention centres that detain
74 Falun Gong practitioners. As I have documented, there are still more than seven
75 different kinds of judicial detentions but the concentration camps in Xinjiang are part
76 of the genocide and detain at least a million Uyghurs and Kazakhs and other Turkic
77 minorities. That is totally unacceptable. That is the worst documented.

78 *COUNSEL – And can you tell the panel which one of the camps practices more violent*
79 *torture than the others?*

80 TB – I would say the concentration camps are the worst, the so-called education
81 centres by the Chinese government and the legal education centres in other parts of
82 China. Both of them are the worst. But the scale of torture and as I have mentioned
83 the systemic sexual assault is a practice in the concentration camps in Xinjiang and
84 that is special.

85 *COUNSEL – Can you explain why there is such a strong focus on Uyghurs? Why have*
86 *they targeted this group so brutally, compared to the others?*

87 TB – So, I have explained the legal system and the political system and the rule of the
88 communist party and the human rights abuse is always there and the Communist party
89 in facing an economic crisis, it intensified its crackdown on civil society. And what's
90 special in Xinjiang is that Uyghurs and other Turkic Muslims are a different race, have
91 a different culture, language and religion. The Communist Party sees the Uyghurs and
92 other Turkic people as a threat to stability, their excuse is that they are fighting
93 terrorism, extremism and separatism. Simply speaking, the political consideration of
94 maintaining the political monopoly is the biggest motive to crack-down on the Uyghurs.

95 COUNSEL – *In what way would you say Xinjiang situation is worse than other*
96 *situations in China? Compared to Tibet, which had a difficult time as well. Is it worse*
97 *than Tibet?*

98 TB – Yes, so according to a human right report by Freedom House the ranking of
99 Tibet's human rights situation is worse than North Korea and Freedom House did not
100 rank Xinjiang separately but according to all the reports and my observations, I keep
101 regular contact with my friends in main China so it's obvious that the human rights
102 situation is worse than in Tibet. So, regarding the torture, the totalitarian surveillance,
103 the mass incarceration and yeah, almost everything is much worse than in Tibet.

104 COUNSEL – *Thank you very much Mr. Biao, the panel members have questions for*
105 *you now.*

106 PANEL – *Dr Teng, you've explained the similarities and differences between the legal*
107 *centres and the re-education camps in 2013. You mentioned in your paper there was*
108 *a re-education scheme through labour which was abolished in 2013. Could you tell us*
109 *what that was? And if there was anything comparable with the reports on forced labour*
110 *in Xinjiang?*

111 TB – Thank you. So, the education through labour system was started in 1947 in the
112 Mao Ding's era and was abolished in 2013. So, these camps detain hundreds of
113 thousands of dissidents and those people who committed [slight] crimes and also
114 activism and political dissidents and Falun Gong practitioners and other religious
115 believers who are detained in those re-education camps and prisons. And they were
116 forced to work so forced labour is rampant in China and, as I observed, forced labour
117 in concentration camps in Xinjiang is also rampant and it has both economic and
118 political motives.

119 *PANEL – Could the system of abuse, as it is alleged, taking place in Xinjiang...in your*
120 *opinion, could that be taking place without the backing of President's bureau and other*
121 *central bodies. Are there individuals that you would identify as principally responsible*
122 *for the decision-making and the implementation of those policies?*

123 TB – We know ...[inaudible]... in Xinjiang, genocide in China. We should not exclude
124 those people who have higher power than Chen Quanguo and of course the Politburo,
125 and the standing members of the Politburo and they make the final decision. And
126 China has a system where the party controls everything and the General Secretary of
127 the Party, which is Xi Jinping, has more power than other standing members so, from
128 the scale of the concentration camps and the response responding to international
129 pressure regarding this issue, we can technically draw the conclusion that without Xi
130 Jinping's permission, and Chen Quanguo, Chen Quanguo does not have the power
131 to detain a million people. So, all the top leaders, especially Xi Jinping, should be
132 responsible for the genocide.

133 *PANEL – Thank you. Can you explain to us, after Xi became President, I think there*
134 *was an amendment to the Constitution, about the Chinese people; all Chinese people*
135 *and the leadership of the Communist Party of China, the guidance of Leninism and*
136 *Maoism etc, and the new bit was, and Xi Jinping thought on socialism with Chinese*
137 *characteristics for a new era. Could you help us understand the significance of that*
138 *phrase and its addition to the constitution?*

139 TB – Yes, so Xi Jinping has removed the presidential term limit from the Constitution,
140 and he is becoming the live long President, dictator and he has resorted to cultural
141 personality similar to Mao Ding and no one can challenge him or politically rival him
142 especially the brutal crackdown on civil society. And like the term 'Xi Jinping thought'

143 is written into textbooks, so he has turned China from a collective dictatorship during
144 Jiang Zeming and Hu Jintao's era to a more personal dictatorship. So, in my opinion,
145 he has changed the political landscape even though the one-party system did not
146 change after 1949.

147 *PANEL – You say that the CCP controls all the media and that it is propaganda and*
148 *brainwashing have become more powerful, effective while its harder at the same time*
149 *more difficult for people to access independent information. What is your sense of the*
150 *awareness of the wider Chinese population of the situation of the Uyghurs and how*
151 *would you say they regard Uyghur people?*

152 TB – The censorship is really strict in China- the party controls all of the media
153 including the Internet, social media. It is very difficult for Chinese people to know all
154 the information censored/blocked by the authorities. I think the vast majority of
155 Chinese people know the details about the concentration camps. The persecution of
156 Uyghurs, only a few Chinese can use VPN/circumvent the Great firewall(?) and they
157 know what's happening in Xinjiang. Another point is, they don't care, the fear is
158 everywhere in China and people are afraid to talk about any sensitive issues. Those
159 who know what's happening in Xinjiang, cannot talk about things to their friends and
160 they don't care, indifference is everywhere in China. And another thing is, Han
161 chauvinism, so Han Chinese are more than 90% of the Chinese population, majority
162 of them directly or indirectly discriminate against ethnic minorities. And they have
163 somehow thoughts of a great unification and superiority of Han Chinese. And the
164 propaganda is very effective, so the Chinese [propaganda] says that Xinjiang people
165 are separatists/extremists and they want to be an independent country like that. So
166 many Han Chinese people see Uyghurs as terrorists and separatists and so I have a
167 few friends in Xinjiang (who are Han Chinese) and I tried to tell them what is happening

168 there and they don't care, they even applaud the policy and they say... they say
169 social/political stability has improved and they don't know the details but that they don't
170 care about the human rights abuse in those camps

171 *PANEL – Thank you, you say that the goal, the goal of the party is eradication of the*
172 *cultural identity, faith and ethnic identity of Uyghurs and other Muslim minorities and*
173 *the complete destruction of the possibility of their resistance. Given that you've*
174 *described a widespread system of abuse, in the rest of China and repression and fear*
175 *what leads you to the conclusion that we're talking about the complete destruction or*
176 *eradication identity. What are the features that make it that much worse than the*
177 *situation you've described elsewhere?*

178 TB – Since 1949 the Communist party has strengthened its totalitarian system, but
179 this kind of high-tech technology is unprecedented. It's different from the Soviet Union
180 or North Korea in its usage of high technology. This kind of totalitarian surveillance
181 that really makes the resistance extremely if any possible. They can prevent people
182 from gathering together especially those activists / potential activists, the government
183 of these technologies can monitor them closely and control. And they also use what I
184 call collective punishment and even the activists who are brave enough to resist, the
185 government can silence their family members and the government can use their family
186 members of take relatives as hostages to punish or silence the activists what we have
187 seen in the Uyghur activist, including many prominent Uyghur activists overseas the
188 Chinese governments sentence their brother sister relatives to a long imprisonment.
189 That is collective punishment and the Chinese government never hesitates using the
190 people living in China.

191 *PANEL – Thank you very much, that has been very helpful, and informative. Can I just*
192 *ask about two medical things? One is about drug rehabilitation and institutionalisation.*
193 *Can you just tell me who do they do this too and secondly what drugs do they use?*

194 TB – So the Chinese police use the compulsory drug treatment like to those people
195 who are addicted to heroin, cocaine, marijuana all kinds of drugs. It's a crime to
196 produce or sell those drugs but not a crime to consume those drugs. The police forced
197 those people to...

198 *PANEL – Thank you, that isn't quite what I meant. Certainly, the Uyghurs are put into*
199 *camps and also the actual concentration camps, if that's what they are called. They*
200 *are given drugs to sedate for various other things and I was never quite sure what they*
201 *were.*

202 TB – Oh, you mean that they gave drugs to the Uyghurs.

203 *PANEL – Yes.*

204 TB – I don't have experience and research on that but ... in Chinese policing and
205 detention facilities they force detainees to *[inaudible]* many times. So, one example is
206 the 709 crackdown where many people, over 320 human rights lawyers, were
207 detained or persecuted so many of them and most of them are my close friends. They
208 were forced to have the drugs during the detention and some of them have mental
209 problems after several months or more than a year or two years of detention. So one
210 of the human rights lawyers, his name is Li Chunfu...he's a human rights lawyer and
211 he got severe mental problems after the detention so it's... So, what is happening in
212 Xinjiang and the labour camps, I think the Communist Party will use the same method.

213 *PANEL – Thank you very much, so the second question you touched on it but didn't*
214 *go further about organ transplantation. Is there a system by which they choose*

215 particular people for this? I understand that everyone has their DNA. First of all, is
216 that true for everybody that enters the camps? We are told they get blood tests and one
217 of them is on DNA. Would you have any information on how they choose the people
218 from whom they will be harvesting the drugs, sorry, harvest the organs, beg your
219 pardon?

220 TB – Yes, so briefly, the Chinese government are forcibly transplanting the organs and
221 they are targeting [inaudible] – organ harvesting victims are [inaudible] Falun Gong
222 practitioners. They pause of the organ harvesting. After 1999, the party persecuted
223 Falun Gong and then they organ harvest among the group they have a long
224 experience in organ harvesting and the same thing happened to the detainees in
225 Xinjiang. So, the same experience, of persecuting Falun Gong to Xinjiang

226 PANEL – Thank you, the last question from me and it's a general one. From what
227 you're saying, that the media is highly stamped on, how much do the Chinese public
228 know about what's going on in Xinjiang?

229 TB – Most of them don't know what happening in Xinjiang and one thing I should
230 Mention - if they know the details, some of them will speak out and I remember a
231 Chinese activist, Han Chinese, was sentenced to 4 years because he disclosed
232 information in Xinjiang. Several months ago, many Chinese people accessed
233 clubhouse and they listened to Uyghur people and other victims and then they know
234 and they show their support. And some overseas like me, support the Uyghurs and the
235 Turkic people so not many but the problem is that it is difficult and very risky for the
236 people in Chinese to get the information about Xinxiang.

237 PANEL – It's been widely reported and sought to control a wide range of groups from
238 Falun Gong but more recently that group has widened to journalists, entrepreneurs

239 *(Jack Ma, Alibaba), actors and sportspeople and others - anybody who could demand*
240 *loyalty from the party itself. So, one imagines that is part a insecurity issue, partly it's a*
241 *competition for loyalty but the question is how is it different from the Uyghurs?*
242 *Why is it worse? Why is the repression distinct for them in comparison to the other*
243 *groups so different?*

244 TB – Thank you, so the propaganda and the brainwashing and censorship are always
245 there. But what's different in Xinjiang and the concentration camps, they use the torture
246 they use mass detention to practice that brainwashing. So that is torture, not just
247 misinformation or propaganda without violence, that is different. So, the purpose is to
248 eliminate the culture, the identity of the Uyghur people. That is different. The
249 brainwashing of the Han people is for loyalty, to the party or to Xi Jinping, they don't
250 need to use, rape or mass incarceration. So yeah, I think the two main *[inaudible]*...

251 PANEL – *Could I just ask you about torture which you wrote about in your statement.*
252 *I suppose at the fundamental level, how do people define it? I assume narrowly, it still*
253 *includes physical harm and psychological harm as well. Torture is presumably to the*
254 *law - people seem to get away with torturing. I wondered what the official sanction*
255 *would be? I wondered what the lawyer's role would be in terms of these criminal*
256 *offences and their enforcement?*

257 TB – Thank you, so torture is legally prohibited in Chinese criminal law and criminal
258 procedural law and the people who commit torture can be convicted and sentenced to
259 a few years of prison but in practice, very new like the police and the prison guards are
260 and very few of them, and the torturers are convicted and even some of them. For
261 example, a policeman, tortured a detainee to death. According to the criminal law
262 should be sentenced life imprisonment or death penalty but in reality, but they long got

263 a few years but that's disproportionate and the lawyers. 420 and but very few of them
264 want to deal with criminal cases but it's risky to take criminal cases if they are willing
265 to challenge the abuse of power by the authorities. So many criminal defendants don't
266 have a representation and I was a human rights lawyer but I was detained, tortured,
267 and disappeared and disbarred so it's dangerous to be a criminal lawyer challenging
268 power.

269 *PANEL – Thank you. The PRC seems to have their own notion of the human rights,*
270 *they're part of the UN Human Rights periodic review and a white paper has come out*
271 *this year. What's your view on the PRC's use and understanding of human rights?*

272 TB – Yes, so for a long time, human rights was taboo and nobody could talk about
273 human rights but then the Chinese government wanted to use the concept of human
274 rights, so human rights was written into the constitution. But first, the Chinese
275 government manipulated the definition of Human Rights - already has the right to
276 survival , development to undermine the civil and political rights and second, all
277 degrees of human rights, all the fundamental human rights were written in the
278 constitution but they didn't care about human rights. Because the number one priority
279 of the Chinese government is to maintain its one-party rule and China has ratified at
280 least 24 or 25 human rights treaties but they really manipulate, they have to tell lies
281 when they are being reviewed or criticized for human rights issues. But, for example,
282 there are political prisoners they have committed regular crimes yeah that is it.

283 *PANEL – I have two short questions for you and they must be short because we're*
284 *short on time. Imagine a visit, there is a record of your entry, your visit, there is a record*
285 *of the reason for your discharge. Do you know or do you have an opinion about when*
286 *individuals go into detention there is a record of why they go in, a record of the plan*

287 *for their treatment and there is a record of torture, do you know if there is a record of*
288 *those— sort of parallel of what you expect in a hospital.*

289 TB – You mean in a hospital?

290 *PANEL – No, the hospital is just an analogy where you are taken into a place and*
291 *dealt with, there is a linear record of your stay there. Is there the same linear record*
292 *that reason for entry reason for entry, plan for torture and reason for release? Is there*
293 *a written record of that somewhere?*

294 TB – According to the law, there should a written record of the detainees going into
295 and going out of the hospital but the government officials' access is arbitrary. If the
296 detainees are special like human rights activist or dissents or Falun Gong and they don't
297 follow the law, the regulations so that is even in criminal procedure, the formal
298 procedure. And regarding the detention camps...

299 *PANEL – I'm going to cut you off because we are nearly out of time. Should there be*
300 *written record but what torture and inmate is going to suffer? Should there be such a*
301 *record?*

302 TB – Yes, there should be. Like the physical condition but I'm afraid because of all the
303 facilities including the hospital I'm afraid— I'm afraid there won't be they won't mention
304 the term torture and often they don't care about the legal requirement.

305 *PANEL – And should there be a record of the requisition of the thing called the tiger*
306 *chair - the Chinese government denies they the Chinese government denies of its*
307 *existence. They deny that it exists.*

308 TB – Yes, they deny it even if so, many survivors exist, they deny it.

10 September 2021 (06:25:40 – 07:18:00)

Abdulahakim Idris

AI – My research has been mostly on how China has been buying silence of Muslim nations that we would expect to ally with Uyghur Muslims. These being primarily Muslim majority countries, usually we would expect to hear a pronounced outcry against the Uyghur genocide but we didn't hear it. Still, in East Turkistan, copies of Quran burned, mosques turned into bars, the kids educated in atheist schools. Still, we didn't hear any word from any Muslim leader, any Muslim institution or we didn't see any demonstration in any Islamic country.

China to use information in Islamic countries. They use several arguments, first is "internal affairs discourse". They are saying since the occupation of East Turkistan in 1949, it is internal matters -; nobody should interfere in our issues. Secondly is, they use language of "extremism", "religious extremism". Actually, in Chinese eyes, the three evils are religious extremism, separatism and terrorism. This three aspects is designed to put entire population in a box and this works in Muslim minority countries because they are against religious extremism, separatism and they have terrorism problems. Third is using propaganda. China uses Chinese-Islamic association to tell all the Muslim countries leaders and institutions, telling them, "we are fine, we just have problem with extremist people". They held press conferences, seminars abroad in Muslim countries and they use Hajj pilgrims like diplomacy. They invite many governmental and civil society Muslim leaders to East Turkistan, a pre-arranged mask to show them "this is fine".

24 If you look, I studied Islamic news outlets and we don't find any reports about the
25 tragedy in East Turkistan. For example, in Egypt there is an *Akhbar el-Yom*
26 newspaper, this is the second newspaper after *Al-Ahram* and this newspaper there is
27 a page but by the Chinese embassy with news from China like every day sold for the
28 Egyptian people. So, this governmental media outlet which cannot report about the
29 Uyghur issue properly and nothing happening there.

30 The CCP uses vaccines and diplomacy to get these countries under Chinese
31 influence. In Turkey there was more an outcry about Uyghur genocide amongst the
32 opposition parties so China delayed the distribution of the vaccine to Turkey. Same in
33 Lebanon, Lebanon is very sectarian countries, there is a Hezbollah working like a
34 branch of CCP. But Sunni media outlets, they were talking about Uyghur issue and the
35 government couldn't support China openly. Chinese government delayed vaccine
36 distribution there, too. In many countries around the world to bring under control.

37 As you heard before, many colleagues testified before me. China is treating East
38 Turkistan and Uyghur people like a colonial treat. I was born there, I went to school
39 there and I am almost thirty years closely analysing, studying their decisions, their
40 implementation, their education system. They built Bingtuan in our country, the XPCC,
41 semi-military company, like an East Asian company that were built by the British in
42 India and they are controlling almost 90% of East Turkistan economy, roads, waters,
43 energy, any sources. They can put more than three million Uyghurs in concentration
44 camps. This BRI (Belt and Road Initiative) is one version of the Bingtuan Islamic
45 countries. They have very nice name: *Wen Wen, Connecting People to People, Serve*
46 *the Mankind* - that is the slogan of the CCP but the reality is very tragical. This silk

47 road... the BRI had three contents: silk road economic built, the twenty-first century
48 silk road and digital silk road.

49 I was asked by counsel to concentrate on Central Asian so I will talk about this issue.
50 First, I will talk about Iran. As you know, Islamic Republic of Iran, their constitution one
51 second third to be about Muslim worldwide. To protect them, to serve to forgot. But if
52 you look what the Iranian regime did with China, you can see it. Especially the Iranian
53 supreme leader Ali Khamenei. He was President of Iran, was once President. He
54 visited Kashgar, he went to *Etkai* mosque. He prayed there. He said, I was that time
55 in Egypt. And he said “when I was studied at *Phoem*, I read a lot of poems about
56 Kashgar, I wished I visited, my dream came true...” Why do I tell you this? Because
57 Iranian supreme leader knows what is happening right now in East Turkistan, knows
58 what China is doing on war on Islam and faith... it is not war between Muslim and
59 Christians, it is not war between Muslim and Jews. It is war on entire religion.
60 Christianity, Buddhism, especially Islam. Even Iranian didn't hear it and today closed
61 a 400 billion-agreement with China for the next 25 years. China is building roads,
62 infrastructure, China is installing their HUAWEI system, 5G networks and many more.
63 What does the HUAWEI system mean for China? It means they can now monitor every
64 word, every aspect installed these HUAWEI systems.

65 In Saudi Arabia, Muhammed Bin-Salman (MBS) made perfectly clear, he sees China
66 as a key column for his 2030 vision. He wants to modernise Saudi Arabia and China
67 investing right now more than 93 billion USD including a drone factory near Riyadh.
68 After MBS visited China he gave a statement on Chinese TV, which says China has a
69 right to security, to counter terrorism efforts against so called religious extremism, and

70 China showed this in every corner of East Turkistan, telling the Uyghur people even
71 Saudi Arabia supported what we are doing here.

72 Next are the Gulf countries, there is a quote on economic. For instance, UAE decided
73 to work with China very closely, there is a Confucius Institute, agreed to educate their
74 children in Chinese Mandarin and singing anniversary of CCP's hundred years there.
75 In Dubai, there was a secret internment prison for Uyghurs. To keep them in Dubai.
76 This is all deported or they didn't exceed their passports or residency in Dubai. If you
77 look in Central Asia, Saudi Arabia, Turkey, UAE there were many Uyghur
78 businesspeople. They were doing business with the local people. They have partners
79 in China, Chinese companies. After Xi Jinping began this genocide against Uyghurs,
80 they lost their entire businesses.

81 I talked about Egypt. Egypt has a very good relationship with China. They are building,
82 around the Suez Canal, a free economic zone. Rich President is sitting in their palace,
83 has a good relationship, even the Muslim Brotherhood president, Mohamed Mursi,
84 when he was President, he went first to China. After him came El-Sisi, doing business
85 with China. Egypt deported 2017, many students. They were studying at Al-Azhar
86 University, the oldest Islamic institution in the world and they deported Uyghur
87 students back to China.

88 As you see, investment, that is a nice word but it is not investment of Chinese version.
89 It is corruption, disinformation. This is security, diplomatic pressure. They have right
90 now military presence in Tajikistan, they have many military personnel under name
91 security companies in Kazakhstan and Kirgizstan. What is happening in Kirgizstan, as
92 we know many changing governments but no change for China, they are in control
93 right now.

94 I should talk a little bit about Afghanistan, Taliban and Islamic organisation. China has
95 very close relationship with Pakistan military and security apparat. Pakistani military
96 can choose their government, how they chose, we know it. The Taliban, had since its
97 foundation very good relationship with China. Even 1998, China's ambassador to
98 Pakistan met with Taliban mullah in Kandahar. In 2000, before 2001 in 2001, in 2000
99 they deported 13 Uyghurs from Afghanistan to China. Recently the Taliban announced
100 Mohammad Hassan Akhund will be prime minister of Taliban government. He was at
101 the time when the Taliban deported Uyghurs and everyone knows today that the
102 Taliban are seeking a close relationship with China, doing the same.

103 There are two organisations. One was designed to repress Uyghurs abroad - the
104 Shanghai Cooperation Organisations. Since its establishment, the resolution...if you
105 look the resolution analysed, it is just meant against Uyghurs. The Uyghurs have a
106 border with Kazakhstan, Kirgizstan, Tajikistan, Afghanistan but there is no one who
107 can flee those countries. If they flee those countries, even in Pakistan, they will give
108 them back so, Uyghur refugee what we have today in Turkey, they went through China
109 even Southeast Asia, Cambodia those countries... What does that mean? It means
110 that those Central Asian countries are already under Chinese control. Even
111 Huseyincan Celil, a Canadian citizen in Uzbekistan, was deported back to China,
112 sentenced to life in prison. The other organisation is the Organisation of Islamic
113 Cooperation (OIC). They 2019, early 2019 there were delegation. They went to East
114 Turkistan, Kashgar, Urumchi... in this delegation there were some diplomats from
115 Central Asian, especially from Kazakhstan. They came back and they did a resolution
116 to condemn this situation in East Turkistan in Dubai Summit. The China interprets,
117 through Saudi Arabia and Pakistan, changed those resolution to support China's
118 genocidal policy in East Turkistan - that's what is happening.

119 *PANEL – Before you will be answering questions, Mr Idris, we fully understand your*
120 *commitment to the cause and the passion with which you speak but you must*
121 *understand that we are completely dispassionate, and you will be asked questions of*
122 *fact and it will help us if you will be as matter of fact as possible.*

123 *Could I begin with a question about yourself? You grew up in Xinjiang and you left a*
124 *few decades ago. Why did you leave and when was that?*

125 *AI – My testimony is all policies, politics because I am victim of Chinese policies in*
126 *East Turkistan. I left East Turkistan in 1986 after my parents put me in underground*
127 *medresse, I studied five years in Hotan. At that time, Soviet Union invaded Afghanistan*
128 *so, China give freedom to build our mosque and learn a little bit about our religion. I*
129 *went underground medresse. My teacher was imprisoned for over 20 years. He taught*
130 *us - teachers and I learned by him. My parents, actually that was my wish, when you*
131 *study at medresse in a box you know. First come to mind is Al-Azhar University, Cairo.*
132 *It is every Muslim's desire to go there, to learn the Islamic beliefs. So, my parents*
133 *managed to send me abroad to study there. I studied four years in Egypt. After that, I*
134 *got out, it was a one-way ticket because we couldn't go back to East Turkistan, we*
135 *immigrated to Europe. We came to Germany at the end of the 1990s.*

136 *PANEL – You couldn't go back because you feared for your safety? Fear of being*
137 *detained?*

138 *AI – 1989, from Egypt we went to Hajj in Saudi Arabia. There were many people from*
139 *East Turkistan but with them was a scholar. We know him in our city in Hotan. He was*
140 *very close to our teacher. We sat in Arafat with more than 70 students from Pakistan,*
141 *Egypt and he told us "we made a big mistake," "we send you abroad to study," "if you*
142 *come back, you have two ways - you will teach true religion in our country, you will be*

143 put in jail or you will be dead – our people never benefit from you or you will cooperate
144 with Chinese government and in that case, our people will never benefit from your
145 studies and maybe you will go to hell.” It was like a stone in our hearts and we figure
146 out almost one year at that time, we decided we have to go to West, to Europe, to
147 Australia, to America to bring our case in the world. That was my journey.

148 *PANEL – To return to your testimony, you say in 2019, at the UN Human Rights*
149 *Counsel, 27 countries issued a letter flattering China for its successes on human rights*
150 *and then it increased to 50. Can you elaborate first of all on these 37 countries that*
151 *supported their human rights record and their increase to 50?*

152 AI – Yes. In 2019, it was almost two years...more than millions of people were in jail. In
153 2019, it was two years I didn't speak my parents, thousands of Uyghur people lost
154 contact with their known ones. At that time, 22 countries wrote a letter to condemn
155 China's policy in East Turkistan and there were almost 30 some countries supporting
156 China's policies, increased almost 50 to 57. I think one withdrew its signature, Qatar.
157 The 50 countries if you look, there is a list in my report, most of them are Muslim
158 countries - majority Muslim countries. The 22 countries that supported Uyghurs are
159 America, UK and Western countries and recently joined by one Muslim country or, call
160 Muslim country, Bosnia-Herzegovina. The rest of them are all non-Muslim countries
161 condemning Chinese policy in East Turkistan.

162 *PANEL – So are they all countries, the ones that support China, are they all countries*
163 *with BRI investments?*

164 AI – Of course. The BRI investment, if you look what they go along with China is first of
165 all, they are all authoritarian regimes. Second, some of them are members of the BRI.

166 Third, is China's disinformation and united front plus Chinese embassies working very
167 well. They get the support through this initiative.

168 *PANEL – You talk about these countries exchanging blacklists. Can you elaborate on*
169 *what you mean by blacklists?*

170 AI – Yes, the black list is designed to get each other the Shanghai Cooperation
171 Organisations members. There are eight countries right now in Central Asia. They
172 have many resolutions. There is Shanghai resolution against extremism, terrorism,
173 separatism and they agreed to bring a black list in exchange for that. For example,
174 China in Kazakhstan, those persons are terrorists, they have economic criminal
175 record. We want them back or you arrest them for us. In practice, Kazakhstan or
176 Kyrgyzstan can say the same but mostly it was to bring the Uyghurs under control.
177 Especially if you look at Kazakhstan, there are many hundred thousand Uyghurs living
178 there for almost 100 years and Kyrgyzstan there were many Uyghur living there. After
179 the Soviet Union collapsed, China jumped up establish this Shanghai Cooperation
180 Organisation and through this they announced BRI again.

181 *PANEL – These countries do most or all have extradition treaties with the PRC and if*
182 *they do, when they are requested for certain people, do they deport them*
183 *unquestioningly?*

184 AI – What I saw and analysed in the report, the Shanghai Cooperation Organisations
185 member doesn't need extradition treaty because they already agreed on this
186 organisation to cooperate and arrest and deport each other. But China tried to get
187 extradition treaty with several BRI countries, for example, right now one person is
188 sitting in custody in Morocco recently. Morocco wants to deport him to China. His name

189 is Hassan Idris but the legal process is still going on in Morocco. Morocco had in 2016
190 an extradition treaty with China.

191 *PANEL – So, for instance in the Moroccan case, in Morocco they are going through*
192 *legal procedures regarding the person in question? So, that person may not be*
193 *extradited? Is that the case, is that what you are saying?*

194 AI – Extradition is possible in Morocco and not in Central Asian and Middle Eastern,
195 Arabic countries.

196 *PANEL – And the reason being?*

197 AI – Reason being, for example, the Emirates very cooperative with Chinese
198 government and the Central Asian countries are, of course, minding their hand in the
199 Shanghai cooperation treaties and even Egypt has deported a lot of Uyghurs. In Saudi
200 Arabia, there were many Uyghurs living in Medina and Mecca. They lost their
201 Residency, the Chinese embassy doesn't give them an extension on their passports.
202 They tell them go to China, so many managed to go to Turkey or somewhere else.
203 This is their practice. With the Chinese surveillance technology capability, they already
204 have personal information about every Uyghur living abroad including Central Asia,
205 Saudi Arabia. In Saudi Arabia, for example, there are many Uyghurs living there and
206 they are Saudi citizens but it still says Chinese immigrant or *Bohari* or Uyghur. We
207 have right now some families contacting in Turkey, somewhere from Afghanistan,
208 somewhere more than 26-80 families. They are living there almost 40 years but they
209 are afraid because China and Taliban have a very close relationship or Taliban harm
210 them or deport them to China. They want to leave Afghanistan. This is their fear.

211 *PANEL – In your report, you also talk about Western corporate giants. Are you saying*
212 *that the PRC are also buying their silence?*

213 AI – Yes, China has invested more than 40 years in two things. One is to corrupt
214 Western politicians, stealing their technology and installing their own people in these
215 big companies as CEOs or their wives or their employees are from China. If you have
216 today, a Hilton hotel or a Hilton company building a hotel in Hotan, where I am from,
217 where the mosque was destroyed and we ask them not to do it. They are doing it
218 because of fear of Chinese money. The same is in [inaudible], NBA, and I spend more
219 than 19 years in Germany. Tragically, Germany has this genocide history but still
220 Volkswagen, BMW, Mercedes Benz, Addidas, Boss who designed the clothes for the
221 Nazis. They are doing business in East Turkistan.

222 *PANEL – Are you saying that these corporates are denying that anything is happening*
223 *regarding alleged crimes against humanity or are they ignoring the information or*
224 *evidence out there?*

225 AI – I recently closely watched a hearing in Washington of the US Congress. They
226 invited several big companies CEOs and asked them those questions. They didn't
227 answer. They were so silent on China. But, if there is any social issue in America or in
228 Western, they will target, they would sponsor it but if they come to China they are very
229 silent. I think they will lose their own money or the company money and the money
230 bringing them silent.

231 *PANEL – In your report, you are mentioning the Winter Beijing Olympics next year. Are*
232 *you proposing a similar argument for them? That the PRC has bought their silence as*
233 *well on this issue regarding the Uyghurs or what is your point?*

234 AI – I am so happy you are asking this question. 2008, there was the Beijing Olympic,
235 where China started to show its muscles around the world. From that time on, they
236 say “Ok, we developed this, we have enough money, we know how we can influence
237 the world and the Western countries.” From that time on, they see the Olympics as a
238 propaganda show to promote their image. Like the Nazis did with Berlin 1939
239 Olympics, the 2022 Winter Olympic under this circumstance. When we look China
240 do what they are doing in East Turkistan, in Tibet, in Mongolia, even on Han Chinese
241 people in Hong Kong and again threatening the Taiwan, in this circumstance, to give
242 them Olympics, to propagate for their own image - it will be a disaster.

243 *PANEL – I remember the 2008 Olympics, that ethnic minorities did figure as part of*
244 *the show, the sporting spectacle. What is your view in terms of next year’s Olympics?*
245 *Will ethnic minorities, including the Uyghurs, be invited to participate in any kind of*
246 *presentation or show or spectacle?*

247 AI – I live in the US and some time ago we went outside and we saw some Indian
248 people there in a museum and some tourist taking picture of them. I denied to take
249 picture with them because they reminded me of what is happening right now in East
250 Turkistan. They will use our clothes, our music, our best of food to show the world,
251 they are fine. At the same time, they are destroying this culture and letting people
252 disappear. They will show some Uyghurs dance, happy dancing like this. From the
253 past what they did, I can project it.

254 *PANEL – To move on to the comment you make about the Chinese Foreign minister,*
255 *Wang Yi. He made the following comment: “The situation of a country’s human rights*
256 *shall be judged by its people rather than other countries based on their own*
257 *preferences.” Now, China PRC is also signatories to international conventions which*

258 *are basically saying things like crimes against humanity, genocide has to be an*
259 *international decision. Can you elaborate on, what appears to me, like a contradiction?*

260 AI – I am very surprised that UN didn't say anything about this argument. It is that
261 China is signatory on many UN agreement. If China's Foreign minister Wang Yi says
262 this quote - it shows they already see the universal freedom and universal freedom of
263 speech and values is collapsed, they are saying. They are saying that the next step of
264 the world order will be totalitarianism. Where he says this in Central Asia with the
265 meeting with the Iranian, Saudi Arabian countries: we cannot go to the Chinese
266 internet web freely - Chinese people are not free to join world internet system, they
267 have their own firewall internet system. They propose this to authoritarian countries
268 like Iran and Central Asian countries, especially Tajikistan, to build them this firewall
269 system. I imagine some future, some Iranian dissident will not be able to talk their
270 loved one in Iran. This is coming and for your question you know, this is the reality. It
271 shows Chinese policies, if you look back...China did everything what they planned and
272 what they said. But in the liberal worlds or free worlds, never took them serious. Just
273 imagine if you do business with them, if *medicinals* grow up, they will become like
274 us. But from that time on when the Deng Xiaoping begin to cheat Western countries
275 in the 1970s, they had five-year plan, six-year plan, seven-year plan – they did it.
276 When the Chinese Foreign minister says universal value is collapsing, they mean it
277 and my analysis.

278 *PANEL – I have two more questions. One is on the Chinese Islamic Organisation. You*
279 *wrote that, in order to sinicize Islam, the Chinese Islamic Organisation has led the*
280 *demolition of the domes and minarets of the few mosques left standing. What kind of*
281 *Islam are they promoting and in this kind of Islam, is Ramadan allowed, for instance?*

282 *Is the headscarf allowed? Everything else we are hearing is that in Xinjiang these are*
283 *not allowed. Is it just in Xinjiang?*

284 AI – You know when I began here I said “As-salamu alaykum”. I am allowed to say
285 this here. You are not allowed as a Muslim to say “As-salamu alaykum” in my country.
286 If you say “As-salamu alaykum”, you are a religious extremist. You have some mental
287 illness. What the Chinese Islamic Association is doing is they cover up. They go to the
288 friendly governments to China, particularly to Egypt, Saudi Arabia, Malaysia, they are
289 talking to them “you are free, we enjoy our religion, everything is fine, there are no
290 mosques there but there are some separatists, some terrorists, things like this.” That’s
291 doing in Islamic countries but two weeks ago, I live in Virginia, there is ADAMS Centre -
292 a big Islamic society in Virginia. They have 10-20 *mashoras*. We have a close
293 relationship with them. The head of this organisation gets a visit from Beijing, a Hui
294 Muslim...a so-called Hui scholar Muslim came and told them that Uyghurs are a
295 problem. Uyghur Muslims are separatist. We Hui Muslims are not. Right now, China
296 government are not repressing them but they threatening them very good. If you
297 cooperate with the Uyghur Muslims, may China repress us too. This shows China
298 united front religious department sending their employee, a so-called Islamic scholar,
299 to a disinforming Islamic country or institution and they are going to Islamic societies
300 in Western countries, too. The head of the ADAMS centre was a little bit taken, you
301 know what he said? “If I support Uyghurs, maybe China is already doing this and they
302 begin the repression of other Hui Muslims”. How the Chinese, CCP’s mentality distant
303 from and how they bring other people under control. This shows their thinking.

304 *PANEL – To return to the BRI – we are in Europe, and I know that you were asked look*
305 *at the Middle East and Central Asia, but there are countries particularly Greece, Italy,*

306 *Hungary and this country as several others. Are you suggesting that PRC are buying*
307 *the silence of such countries in Europe?*

308 AI – We are here, UK was part of the EU but not anymore. If you look in EU, one of
309 the G-7 countries is Italy. Italy bankrupted by the CCP. If you look there are many
310 Chinese companies. They are producing their goods in China, bringing to Italy those
311 special economic... get the stamp “made in Italy”. Through this they destroy Italian
312 mid-size economy. They were very good in home-goods, furniture and glass. They are
313 all gone. They built highways in Montenegro, in the middle of Europe. Right now,
314 Montenegro cannot pay the cost. Maybe China will take over or Brussels will pay for
315 it. If you look at Indonesia, China is already interfering with their government. Similar
316 in Malaysia. The former Prime Minister, Mahathir Mohamad from Malaysia. He went to
317 Beijing because the former government of his cabinet already had a treaty with China
318 about the BRI - “Silk Road Project”. Mahathir told the Chinese “look, this is not good
319 for us”. The project given in China. The project will take the Chinese company. The
320 Chinese company will build the project. Chinese employer working there and their
321 money will paid by the Chinese company what we get. Just that to pay it. And he came
322 back and, as you know, in Malaysia there are many Chinese origin Malaysians. They
323 had small parties, checked their support from Mahathir... loses cabinet. China says I
324 am not interfering with your government already says already doing this in Malaysia.
325 When we look at Sri Lanka, the ports were beautifully built. Sri Lanka couldn’t pay it,
326 China took it for the next 100 years. Then, if you look in the government report in
327 Pakistan. At least for 40 years for China, and China can employ their military there
328 because China has this law, every big China company must cooperate with people
329 liberation armies, it means any investment deal or any deal with China is deal with
330 people liberation armies.

331 *PANEL – The Uyghur people are in the way of the Belt and Road initiative, aren't they?*

332 *AI – Yes.*

333 *PANEL – Let's use the word persecution just for the purposes of this question. Are*
334 *they being persecuted because they are in the way of the Belt and Road Initiative or*
335 *are they being persecuted because they are the Uyghur people?*

336 *AI – They are persecuting...I think, in my analysis, because the Uyghur people knows*
337 *from their heritage experience how to warn other countries coming danger from China.*
338 *To conquer Central Asian, they have to destroy Uyghur people because we Uyghur*
339 *people are in the silk road, had many religions...*

340 *PANEL – Precisely. Are you saying that they are being persecuted, using the word*
341 *just for these purposes. Are you saying they are being persecuted simply because*
342 *they are a block in the road? Is that why they are being persecuted?*

343 *AI – They are persecuted because they are owner of this land and a block condemned*
344 *to go West.*

345 *PANEL – We are trying to get to the same topic. Imagine an area of China, away from*
346 *all the Tajikistans and Kazakhstans and no minerals and there is the Uyghur people.*
347 *Would China bother to persecute them then?*

348 *AI – I believe yes because in almost 136 years of colonisation by China, Uyghurs lived*
349 *many genocides, many tragic days and you know China knows what they did to*
350 *Uyghurs people. They are afraid of the Uyghurs people as a people.*

351 *PANEL – One question of detail. You spoke of successful efforts by the PRC to*
352 *extradite people back into China. What will happen to them if they were returned to*
353 *China? Do you know?*

354 *AI – For example, Huseyincan Celil was deported from China to Uzbekistan. He is*
355 *sentenced for life in prison. He is a Canadian citizen sitting right now in jail. And others,*
356 *for example, some of the students they deported to China. They are sentenced or in*
357 *concentration camps.*

358 *PANEL – Is any of them, to your knowledge, living free in China having been*
359 *extradited?*

360 *AI – No. Nobody.*

1 **10 September 2021 (7:38:58 – 8:39:40)**

2 **Maya Wang**

3
4 MAYA WANG – Thank you very much for the opportunity to testify and for the
5 introduction. The introduction, very well, aligns with the specific piece of evidence we
6 will be discussing today. The Aksu list, published in December 2020, is a leaked list of
7 around 200 detainees. It is our third report of Xinjiang's use of big data system
8 integrated joint operation platform that the police use to survey the population in
9 Xinjiang. The Integrated Joint Operation Platform aggregates data on people in
10 Xinjiang and flags those it deems potentially dangerous. Some are then interrogated
11 and sent to camps and prisons. We have more evidence on the IJOP. In terms of the
12 Aksu list, the evidence we submitted discusses how we extensively verified the list. I
13 am happy to discuss that. It includes mobile phone numbers, ID numbers as well as
14 the geographical coordinates of information sent by the source. I will talk about what
15 the Aksu list shows. It shows the authorities are using the IJOP system which flags
16 people's relationships, communications and movements as well as if they are
17 travelling or staying with someone deemed suspicious. The examination of the list
18 suggests the authorities consider the following behaviour suspicious: practising Islam
19 in ways not authorised, studying the Quran without state permission, allowing children
20 to do so, using suspicious software, travelling to suspicious countries such as Saudi
21 Arabia, Turkey, travelling around without authorities' authorisation, going off grid such
22 as switching off their phone, having mismatched identity such as car driving a car
23 which did not belong to them, downloading extremist software, have untrustworthy
24 thoughts, being young, being born before the 1980s and 90s, having unstable thoughts

or improper sexual relationships. In some cases, this behaviour happens many years earlier. On the list, you can see the authorities refer to behaviour from mid 80s, 90s, mid 2000s - 3 decades before the crackdown even began. Although the authorities use the word terrorism and extremism for people on list, the allegation does not appear to refer to these people having committed, or incited the act of violence. About 1 in 5 people are being attacked by the IJOP for downloading terrorist content, 4 in 5 people are detained as they are related to or know someone who had downloaded such content. The examination of the list also suggests Turkic populations are presumed guilty until proven innocent; a man was sent to political camp because 'suspicion of him cannot be eliminated and would require further examination'. Consistent with rhetoric, education camps are preventative detention. The relevant behaviour is deemed suspicious but not criminal. They are held there until their loyalty can be ascertained. I am now happy to take any questions.

COUNSEL – My first question relates to IJOP. I'd like to get a sense of how much and the extent of information it collects. If you start from moment a person wakes up, goes out who they meet, after they return home - how much of these daily activities are captured and recorded on IJOP?

MW – To the extent of my knowledge, a person's daily activity from the moment they leave the house is captured by the systems that surround them. We are talking about surveillance cameras, data doors (when people go through checkpoints collect iris scanning, surreptitiously capturing them) crossroad, go to supermarket – all this information is recorded.

COUNSEL – To the degree you know, is there the same degree of surveillance on Han Chinese?

49 MW – Systems cover Xinjiang, naturally capture all residents there. From the
50 information we analyse, it is only Turkic peoples whose information is used in the way
51 that would lead to, first of all, greater scrutiny and presumed guilty until proven innocent.
52 In practice, you have Han Chinese members the vast majority are impacted by IJOP
53 system but examining behaviour is generally over Uyghurs. It is entirely Uyghurs.

54 *COUNSEL – Could you expand slightly on this point, on basis of this system and*
55 *policies, Uyghurs presumed guilty until otherwise and how that operates.*

56 MW – There is a mass surveillance system that collects data on everyone without any
57 law at all to specify narrowly what kind of behaviour would trigger a particular reaction.
58 Data is general. In addition to that, if you look at official literature, the authority's
59 terminology is that everyone who ought to be detained, should be detained – so it does
60 not presume that people are innocent until proven guilty. In fact, the official language
61 suggests that, to extent possible, ethnic priorities should be held in facilities until they
62 can be vetted and proven safe.

63 *COUNSEL – In your report, you mention the system ‘arbitrarily selects Turkic Muslims*
64 *for detention’ can you tell us what you mean by ‘arbitrarily’ and why it has a bias?*

65 MW – First, the implementation of the system itself. The Turkic people are when
66 aligning to go through checkpoints, Han people are waved through without the same
67 checking for the minorities. Second, the term arbitrary refers to much of behaviour
68 under surveillance and flagged has no basis in Chinese law. The law does not say that
69 if you use WhatsApp or Sapia (a bio sharing application) is against the law, it does not
70 say travelling outside Aksu region or going to Afghanistan or Turkey is going against
71 Chinese law. So, these punishments are targeted at minorities are arbitrary and not
72 based in law.

73 COUNSEL – *Sounds to me the selection of Turkic minorities or Uyghur minorities is*
74 *far from arbitrary and is purposeful and targeted and focused on these minorities.*
75 *Would you agree? If so, what is the purpose of targeting them through this system?*

76 MW – I agree. The word arbitrary refers mostly to fact it is completely outside the law
77 (the mass surveillance and political education system). The crackdown taking place is
78 targeted at Turkic people with the explicit intention to transform or eradicate their
79 deviant thoughts, to transform them into loyal subjects of the CCP.

80 COUNSEL – *Given your research of policies in the area, does this targeting of such*
81 *minorities is a leg in a broader plan towards total control of these minorities in the*
82 *area?*

83 MW – It would appear it is part of the CCPs plan to force assimilate minorities under
84 the rubric of Han-centric view of future China. Because Uyghurs and other Turkic
85 people are considered more against/disobedient or minority groups, they are targeted
86 specifically, for these abuses with the intention to force assimilation and toward an ideal
87 of Han identity.

88 COUNSEL – *The main way of not being flagged is not to be Uyghur, not to practice*
89 *Uyghur religion or practices - is that correct?*

90 MW – It is but beyond that, you have to prove with all the biases against you, that you
91 are not sick. You have to do much more than that, just abandon your identity.

92 PANEL – *First, I want to speak in relation to the Aksu list, asking questions about*
93 *verification. Secondly, some questions on its specific substantive content. On the*
94 *verification – when you received the document, presumably your first step was to think*
95 *about how you might check and satisfy yourself as to its veracity. What steps did you*
96 *take?*

MW – We received the list from an anonymous source sent to us in 2018. In fact, it was sent to Radio Free Asia's Uyghur service. They handed it to us in August 2020 after delay due to it was not clear it was sitting there. Human Rights Watch used audio on list to verify its authenticity. I will explain the steps.

We shared the list with the Uyghur diaspora from that region (specifically Aksu) - we identified 18 names. There were about 200 ID numbers unique we checked on an official ID database, which is a small database of all ID's in China, so we were able to match 2 of them. Other databases were leaked by a separate person and reported by the Intercept – we checked these and a third of ID's matched the database based in Urumqi. The list contained 27 unique phone numbers, 14 we could match on WeChat. In most cases, the numbers were from Aksu. 2 out of 27 were based outside of China – we called this number, the one person who picked up was a woman who identified her sisters ID on the list. The source who sent us the list attached a few other pieces of evidence. We were able to perform analysis on the information and found the geographical coordinates, shows the information was sent from a large complex, political camp by Australian Policy. Using this, we were confident the Aksu list came from a particular facility in Aksu. I'm obscuring some details to protect the identity of the source.

PANEL – Can I ask you to assure the tribunal that you approached with the document with an open mind as to it being genuine and in particular, as you went through process, did anything give you pause to consider if had confirmation bias or if mind was open to veracity of the document?

MW – In general, at Human Rights Watch we take the evidence with high level of scepticism. In this case, we did very extensive steps of information to verify the list.

121 Having said that, I think bias does exist, so we had discussed very extensively and
122 carefully what the list shows and what we know about the list.

123 *PANEL – Apart from the PRC, has any academic opinion from outside the PRC has*
124 *expressed doubts as to the document status as a genuine spreadsheet?*

125 MW – The Chinese government has provided specific feedback – we sent the list in
126 original form to two specialists on Xinjiang who looked at terms and language in list
127 are consistent with what they known of the Xinjiang crackdown and of official
128 documents.

129 *PANEL – Moving to the substantive content of the list, is there something known about*
130 *person who leaked it? Can you tell us in your view might be the motivation of person*
131 *who leaked it as they did?*

132 MW – I cannot ascribe very much of source obviously and have to stay close to what
133 we published. It would appear to have come from a detention facility or complex of
134 detention facilities that previously identified as political education camp. I believe the
135 person has some capacity as a worker in that facility and there's no message attached
136 to any of this information. I believe that it is possible that the person thinks this has to
137 be exposed or come to light in some ways. Beyond that, it is hard to judge the specific
138 motivation of this specific person.

139 *PANEL – Is this the case that the document on its face evidences intensive monitoring*
140 *of the practice of detention and monitoring of the effects of detention?*

141 MW – The list itself would suggest the authorities keep meticulous records of the
142 method of detention. The impact is not contained in the Aksu list. It would be in a
143 separate list leaked by another researcher which shows the impact – what happens to

144 detainees after they are subject to political detention such as leading to re-education,
145 detention or imprisonment.

146 *PANEL – That column you referred to, I presume is a specific column in the*
147 *spreadsheet, is that akin to a management category which indicates the level of*
148 *management that should be attached to an individual?*

149 MW – Referring to strict management versus ordinary level. In some cases, it is
150 indicated some people are subject to more strict management procedures.

151 *PANEL – Can you confirm whether, in your knowledge, everyone whose name is on*
152 *the list is Uyghur?*

153 MW – Yes.

154 *PANEL – To what degree, in your assessment, the Aksu list is integrated with other*
155 *aspects of security and surveillance systems that the tribunal has heard about, in*
156 *particular IJOP? Is the spreadsheet and IJOP system integrated – could they be*
157 *envisaged as living independent lives? Could they exist without each other? To what*
158 *extent are they intertwined?*

159 MW – They are intertwined in extent Aksu list is people who have been flagged by
160 IJOP system. It cannot exist without the IJOP. The precise structure is hard to gauge
161 And, as a researcher, we don't know how the particular documents live in the data
162 systems.

163 *PANEL – We don't know a great deal about the authors of the list but what we can*
164 *presume is visible to us is administrative micromechanics - the mechanics of how*
165 *people administer in a penal or quasi-penal system. Could you say anything to us to*
166 *reflect on what the role of the judicial system is here. So, articles 37 of the constitution*

167 states that all arrests must be made either by a prosecuting agency or ordered by the
168 courts, but is it the case that neither of those agencies are involved in the detentions
169 here, is this a record of extra judicial practices?

170 MW – None of judicial system is involved in detention of the people on the list, it is
171 completely extrajudicial.

172 PANEL – There is another Human Rights Watch report called ‘Break their lineage,
173 break their roots’ there is one paragraph I want to read into the evidence. The passage
174 reads ‘the United States State Department and Parliaments of Canada and Netherlands
175 have determined China's conduct constitutes genocide under international law.
176 Human Rights Watch has not documented the existence of genocidal intent at this
177 time. Nonetheless, nothing in this report precludes such finding. If such evidence
178 emerges, the acts committed against Turkic Muslims in Xinjiang protected by 1948
179 genocide convention, could also support a finding of genocide’. This says Human
180 Rights Watch has not documented genocidal intent, does this remain Human Rights
181 Watch’s position?

182 MW – Yes.

183 PANEL – We have heard wide ranging evidence and opinions as to the motives of the
184 State, I regard to treatment of minority population in Xinjiang and inter alia it's not an
185 exhaustive list. It has been suggested this might include a desire for land and
186 resources, the Belt and Road Initiative and strategic policies around it. The other side
187 of the coin is the inability for state party to broke any kind of competition for its sole
188 loyalty, a desire for homogeneity of the population – do you have a view on any other
189 those or specifics in regard to priorities in your opinion? And anything else that could
190 come to mind to notable intent?

191 MW – Of course, the Chinese government is opaque – this is consistent of increasing
192 pressure of presidency that the region of Xinjiang has been repressive for long time,
193 more repressed than other regions, it also can go further into that scale. Having said
194 that the Chinese government's attitude is to invent itself great nation, it is using
195 minorities to reflect itself as great by subjugating another people to its power. I think
196 that is the general purpose of the crackdown. It generally has a life of its own. What
197 that means is police departments claims and tries to get greater resources by claiming
198 there is a big problem in Xinjiang, initially small problems have been reinvented as
199 bigger problem. We see the human cost of a system where crackdowns are held up
200 as government model to get promoted to the party system.

201 *PANEL – Can you throw any light...the region has become an open-air prison and IJOP*
202 *is an important component of that to survey its entire population, is that something you*
203 *would recognise, difference between incarcerated between four walls and what occurs*
204 *in the region is narrower in UK or US?*

205 MW – Of course, Xinjiang is probably a pretty difficult experience. Having said that, the
206 description of open-air prison is quite accurate. One element of crackdown that has
207 not received as much attention is variable levels of controls which are made possible
208 by IJOP. People flagged by the system for different restrictions, some people labelled
209 to only move around in their village or town. If can go for work that day, seek
210 permission to commute. Other people are only allowed to be in that prefecture or go
211 to Urumqi. Most Uyghurs have had their passports confiscated so cannot leave China.
212 These are different levels of restrictions accorded to different people depending on
213 relationships and level of threats to authority. No other government in the world or
214 history has been able to categorise people in relation to threat implemented across a

215 region so large a land mass. Xinjiang also lies in the ability of the authorities to control
216 over large population of people.

217 *PANEL – In your experience when researching in this country, is it conceivable the*
218 *policies being enacted at regional level could have emanated from anywhere other*
219 *than central state of Beijing?*

220 MW – General policies – no, could not have originated anywhere without Beijing's
221 explicit approval. Having said that, the specific designs of the system probably has quite
222 a lot of local variations. The general policy would have to be directed by Beijing.

223 *PANEL – I want to position NGOs, such as NGOs such as Human Rights Watch, in the*
224 *world order. NGOs like Human Rights Watch and Amnesty are major important*
225 *components of the modern world, do you accept that?*

226 MW – I would say so. I hope so if we can have human rights.

227 *PANEL – So much are the big NGOs part of the world order, that they find themselves*
228 *criticised for being either political or subject to political pressure. The complaints may*
229 *not be justified but that is the sort of complaint that can be made against them.*

230 MW – Yes.

231 *PANEL – Both those organisations in reporting rarely name witnesses and more often,*
232 *or perhaps nearly always, maintain confidentiality and anonymity of witnesses in*
233 *footnotes where a witness is referred to in some ways.*

234 MW – Yes, in Xinjiang.

235 *PANEL – Normally, there may be exceptions. That is the normal practice of Human*
236 *Rights Watch and Amnesty. Are you aware Amnesty has also prepared a report on*
237 *the allegations of genocide against the PRC in respect of the Uyghur people?*

238 MW – I am not aware of that specific report by Amnesty. Increasingly, the use of
239 pseudonym has been a long-standing practice in Xinjiang for the repercussions it
240 would lead to increasingly in China for our work. In other parts of the world, it is not
241 common practice.

242 *PANEL – By relying and anonymising witnesses, the big human rights organisations*
243 *rely on the public reposing trust in them to be honest and accurate in their reporting.*

244 MW – That would be a part of the reporting as you might be able to see a large report
245 relies on official sources which have been openly available, also much of the
246 documentation from the IJOP.

247 *PANEL – I am dealing with only evidence coming from individuals and their*
248 *anonymisation. Are you aware of two other reports, one from a chamber of barristers*
249 *in London and the other from the British Human rights bar committee dealing with*
250 *allegations of genocide?*

251 MW – I have not seen others specifically on the issue of genocide.

252 *PANEL – To return to generality the way Human Rights Watch and Amnesty prepare*
253 *their reports. In 2014, reports on entirely different subject matter, North Korea, was*
254 *made at the instigation of the UN Human Rights Council by Justice Kirby, Australia's*
255 *top court and Sonia Biserco, are you aware of this?*

256 MW – I am aware of it.

257 *PANEL – Are you aware to prepare that report, Justice Kirby held open public evidence*
258 *hearings with witnesses giving evidence, just as witnesses are giving evidence in this*
259 *tribunal?*

260 MW – Yes.

261 *PANEL – Are you aware that in doing that, in having open and public hearings, Justice*
262 *Kirby was changing UN practice, which was opposed to such practices?*

263 MW – No, I have not been following that.

264 *PANEL – This tribunal is hearing evidence in public with witnesses almost all*
265 *appearing with name and image available for the public to view. Do you accept that in*
266 *the modern world this form of tribunal open and public, following Justice Kirby’s lead,*
267 *is the best type of method to hear evidence where it is possible?*

268 MW – Yes.

269 *PANEL – To go back to the IJOP, you described its sophistication as a system to*
270 *exercise control in the implementation of policies. How would you compare it with*
271 *whatever is happening in the rest of China in the use of technologies? Is it much more*
272 *advanced, is it similar?*

273 MW – Push back on the idea of sophisticated or advanced systems, they are intrusive.
274 One cannot say that the use of WhatsApp is terrorism, the only shocking aspect to the
275 systems is that they are unaccountable, this is why certain variables are used to
276 indicate a particulate crime. The Xinjiang use of mass systems reflects in elsewhere
277 in China but also differs. Nowhere else in China are people directly put into the
278 detention centre. In Xinjiang, its clear use of surveillance is a feature of the crackdown,
279 and a feature of this. In other parts of China, we have seen other systems of ID
280 systems, collection biometrics, the big data systems known as police cloud that identify
281 track monitor people and relationships and set parameters of certain behaviour
282 authorities consider unusual to flag people to monitor. Nowhere else, none of these
283 other systems flag people for detention. The consequences are very different. It seems
284 to me that the intrusion, the collection of biometrics in Xinjiang between the ages 12-

285 65 submits biometrics, including DNA, without consent. I do not think this kind of
286 collection happens elsewhere in China but if it does, it does not to this extent and not
287 to everyone.

288 *PANEL – Following on from that, do you have any information on IJOP, on its sources?*
289 *We know its capacity to integrate, how much is the information from technological*
290 *sources and how much from disclosure from human beings?*

291 MW – It would seem it is a mix as well as humans, primarily police officers and low-
292 level officers in the community office controlled by the party. They collect and insert it
293 in the IJOP system. One of the ways we could understand the IJOP is because we
294 obtained a copy of the police mobile phone app which communicates the IJOP system
295 and we reversed engineered it to understand how it works. It demands large amount
296 of human input.

297 *PANEL – Can you tell from the information you have who has access to it? Obviously*
298 *local police. In theory, would the access go right up to CCP in Beijing?*

299 MW – What we do know is that there are permission levels, so a low official would not
300 have every data point. How that permission level is organised is unclear. This large
301 volume of data in Xinjiang ranging from police reports on GPS movements in real time,
302 is being collated in some ways generating large database(s), there is an IJOP office
303 which is situated in police departments. Presumably, some level of summarising would
304 have to be done to make it useful – what level that happens on is unclear. We can
305 definitely analyse just how much higher up it is known. The authorities are aware of
306 this and how many are detained, and the political education camps have no legal
307 basis.

308 *PANEL – I will ask a similar question in relation to access of Aksu list, and access to*
309 *this information – who the detainees are and their alleged offences? Do you know who*
310 *has access to that list?*

311 MW – As I said, I could imagine the particular camp authorities have it and the IJOP
312 office as part of Xinjiang police have the information. The list is pooled from the system.
313 The list itself is a permutation of the information available on the database. The police
314 will have it. Beyond that, I would not be able to know. But people are categorised
315 according to threat level – this analysis seems available outside Xinjiang. There are
316 Xinjiang offices responsible for monitoring people outside of the Xinjiang region
317 throughout China. I would think the Minister of Public Security would have all the
318 people who are considered security threat in their system.

319 *PANEL – In the evidence we heard on the Qaraqash list, we heard about three circles -*
320 *people's detention on grounds not on what they themselves have done but of what*
321 *others such as friends or family have done. Is there anything in the Aksu list which*
322 *shows approach for reasoning of detention through neighbours, friends and family?*

323 MW – The Aksu list describes people monitored and detained for close relationships.
324 For example, a woman in foreign country, Ms T, her sister was detained as she called.
325 The sister did not even pick up the call because she called and she was abroad, this
326 was the reason for detention.

327 *PANEL – You talked about a report focusing on mass surveillance. In that examination*
328 *of experts, was there anything which was parallel to infrastructure? Are there other*
329 *infrastructures we could identify of particular organisation such as Huawei?*

330 MW – The IJOP was developed by the CETC, sorry for not remembering the full name.
331 That is in our report. That is a state-owned enterprise. I believe CTC own Hikvision –

332 surveillance companies which are well known for surveillance manufacturing.
333 Hickvision according to another researcher's work is responsible for much of the
334 hardware that is part of the IJOP system. CTC is owned by the state.

335 *PANEL – I wondered you have the list and found data there, I suspect it won't take*
336 *the PRC long to find out who source was. I want to know having got the list, what are*
337 *HRW going to do about it? What is the next step? And what is the implications of the*
338 *list of relatives of people named on it?*

339 MW – We have not shared the list itself to protect the source. I think the government
340 paradoxically is poor at collecting information and poor at analysing – we continue to
341 keep that document and share it with only select researchers that are cross
342 referencing some of the information. As to the families, there are only some identified
343 immediate family members. Because the information is not given on what happens
344 afterwards to their families, it only provides only a bit of extra information to the family
345 members who have seen the publication of the report. The next stage is really sharing
346 this with select researchers.

10th September 2021 (8:43:37 – 9:40:00)

Jessica Batke

JESSICA BATKE – Thank you for having me here today. I have been asked to address the role of the CCP in governance and decision making in the PRC generally. I am also trying to identify key decision-making positions... [*technical issues*]. The key ideas that I would like to leave with you today are, number one: that the CCP permeates all levels of governance, ensure key party and state positions are held by the same individuals and that the CCP has an explicit guiding role in setting national and local policy. Secondly, even though the Party-state is notoriously opaque, which means it can be difficult for to trace the provenance and history of any particular policy, we are still able to assess the likelihood of departments' or individuals' involvement in policy formulation or implementation by looking at the Party-state's intertwined bureaucratic structures. Thirdly, there are a number of bureaucratic players that bear responsibility for policy formulation and implementation in the XUAR and that includes both party and state organisations at the central and local levels, and all major appointments in those organisations are made by the party.

First, let us look at the party's relationship to the PRC's governance structure. On paper, China's governance apparatus has a clear separation between the Party and state governance structure, with one exception which we will set aside for now. Even though there is this nominal separation, both the PRC constitution and the CCP constitution mandate a leading or guiding role for the Party with regards to the state. In practice, it is this leading and guiding role that is the defining characteristic of the entire governance system. It is largely party entities that set policy courses and issue

directives, while state and government entities enact them. But even this formulation that I have just laid out is somewhat of a false one and that is because Party cadres have key-roles in every government organ, meaning that the Party is deeply enmeshed in government structure up and down the hierarchy.

I would like to turn to illustration A, which is an abstract representation of the underlying architecture of CCP power. We can think of this by looking at party committees. For example, there are party committees at every level of government, in the central down to the local level, including the province, the county and the town. These correspond with government bodies at those levels and at each level, the party committee provides guidance to government organs at that level. It also transmits directives and guidance downward to parties at lower level, and it happens at every single point in that hierarchy, which means that anywhere you are, there is always a party body on hand to ensure compliance and transmit directives. And yet, if anything, this illustrate still understates the degree of fusion between party and state bodies and that is because party institutions and personnel are even further intertwined with state and government institutions. So, in addition to these party committees which I just mentioned, there are also party committees embedded within government organs. So if, for example, we are talking about the ministry of education, that means there is a party committee embedded in the ministry of education and the person that is the head of the ministry of education is usually the party secretary of the ministry of education's party committee. And if you look at local people's governments, there is a similar crossover. So, if we are looking at a province, the governor of a province is almost always the deputy party secretary of that province, and this goes up and down again in the hierarchy.

49 In addition to that, there is a number of party policy advisory bodies just focused on
50 one issue area. A good example of this, relevant to what is happening in the Uyghur
51 region, is the Politics and Law Commission that is at the central level and also at the
52 local levels. It advises on issues related to law enforcement and the justice system.
53 There is also a system of leading small groups. Relevant to us would be the Xinjiang
54 Work Coordination Small Group, that is a party policy advisory body and it brings
55 people together from all sorts of different state and party organs to formulate and
56 advise what people should do with regards to policy in the region. But, in all of these
57 cases, the actual party members are often the exact same individuals that are manning
58 the highest government posts. Now, that does not mean that the party is all-powerful
59 in all cases. That also does not mean that there is perfect coordination but it does
60 mean that the CCP is the guiding force behind all major policy initiatives and that
61 absolutely includes the current campaign against Turkic ethnic peoples in the Uyghur
62 region. The scale, the scope, the cost, the duration of a campaign like this means that
63 party officials at all levels are necessarily implicated. While we are able to explain what
64 the general party-state structure looks like, the Chinese system is really opaque, so
65 we do not have a lot of information about who or when exactly formulated any
66 particular policy. In some cases, we honestly don't even know which individuals are
67 holding really important party posts but we do not need to know the precise procedural
68 history of each policy in order to identify the officials or the offices that are likely
69 involved in their creation or application. As I said before, intensive and expensive
70 policy programs like the ones that we are currently seeing in the Uyghur region do not
71 happen without a high degree of bureaucratic compliance, and there are many party-
72 state officials up and down the hierarchy that are helping shape and realise the policies
73 that we are seeing implemented in the region.

74 So, very quickly, I would like to turn to the second illustration, just to review some of
75 the entities throughout the party-state bureaucracy that have a hand in determining
76 policy and implementation. I will not go through all of these and the illustration is
77 necessarily incomplete but hopefully we can review some of the key ones. At the top
78 is the Politburo Standing Committee... [*Technical issues*] The fact that the illustration
79 is hard to view, it is so complex and large, is part of the point of this diagram. There
80 are large numbers of entities, both of the Party and state, that have a role in this, and
81 a lot of individuals that overlap between institutions. If everybody takes that away from
82 this, then I am happy with that. I will quickly point out a few entities: as I was saying,
83 at the very top in the middle is the Politburo Standing Committee, headed by General
84 Secretary Xi Jinping. It is very important to note that there is no way that this could
85 happen without the approval of the top leader. And similarly, again reinforcing the idea
86 that a lot of structures are echoed at the central and local levels, if you go straight
87 down to the XUAR CCP Standing Committee, the same body at the provincial level
88 and the highest authority in the XUAR, it will have similar oversight and responsibility
89 for policies in the region. I would then just point to the left of the Politburo Standing
90 Committee. There is the Politics and Law Commission and I mentioned this earlier.
91 This is a body at the central level that oversees and offers policy guidance on a range
92 of issues and includes people representing the ministry of public security, the court
93 system, the procuratorate, the justice department, the People's armed police, so it is
94 a very important Party entity that has influence over a lot of the state organs which are
95 going to be implementing policy. I think it is probably best to leave it there, I look
96 forward to your questions.

97 *COUNSEL – You have stated that the party-state system in the PRC is opaque and*
98 *it is difficult to assess who exactly makes decisions in respect to alleged repression*

99 *and repressive policies in Xinjiang. With what degree of certainty could you say, if at*
100 *all, that the Politburo or other central bodies would have formulated these specific*
101 *repressive policies?*

102 JB – I would need a specific example of the policies. For example, if you take the “re-
103 education” facilities, I cannot say with high confidence that that was formulated at the
104 Politburo level, I can say extremely with high confidence that it was approved of and
105 signed off at that level. I cannot speak to where exactly that was formulated, whether
106 that was at the provincial level or whether that was above.

107 COUNSEL – *To be a bit more precise, could the Politburo have given broad policy*
108 *direction or provided, for instance, approval - tacit or express - for the commission of*
109 *crimes to fulfil these policy goals?*

110 JB – Absolutely, and the way that policy generally works in China is that higher level
111 party organs will issue broad policy goals and at the local levels, it is up to leaders to
112 determine the best way to actually formulate, on the ground, policy that will lead to the
113 realisation of these goals. That is exactly how it works in the PRC.

114 COUNSEL – *To what extent, if crimes were being committed in Xinjiang, would*
115 *knowledge and information about those crimes filter back up the bureaucracy to the*
116 *Politburo or other central bodies?*

117 JB – One of the things we don’t understand very well about China is “how much does
118 the leadership know at a very granular level?” There is a lot of incentives all the way
119 up and down the chain to only transmit positive news back up. However, with a
120 campaign of this magnitude and one, again, that is obviously at the behest of central
121 leadership, there is no way that they would not know the contours of what is
122 happening.

123 COUNSEL – *[You wrote?] that the CCP is the guiding force behind all major policy*
124 *initiatives, including the campaign against Uyghurs in Xinjiang, stating that “the scale,*
125 *scope, cost and duration of which necessarily means party officials at all levels are*
126 *necessarily deeply and directly implicated.” I have three questions in respect to that.*
127 *First, how possible is it for people lower down the hierarchy to resist or refuse policy*
128 *direction from above?*

129 JB – I cannot speak to any specific people or level because of the opacity both of the
130 Chinese state and, in particular, to what is happening in the region. But I think it would
131 be very hard for anybody, for example at the provincial level or below, to openly defy
132 orders. I believe that there has been reporting, particularly of individuals in the Uyghur
133 region who try to ameliorate some of the harsher policies and they were then
134 themselves sent to camps or prison. So, it is not an easy task to openly defy such
135 dictates.

136 COUNSEL – *How possible is it for people lower down the hierarchy to take action on*
137 *their own initiative, such as commission of crimes, in pursuance of broad policy?*

138 JB – Again, it depends at what level of specificity. For instance, if we are talking about
139 a prison guard, I am sure that there is some latitude in their day-to-day life to commit
140 abuses against inmates in a prison. But in terms of larger policy campaigns or
141 directives, like with the camp system, it is hard to imagine that that entire system was
142 thought up and executed without higher level approval, so it really depends on how
143 minor or micro we are talking about. But large-scale abuses that require planning and
144 cooperation for execution will not have been completely independently generated, or
145 they won't have occurred without higher level buy-in.

146 COUNSEL – *Is there any evidence of directions being given at any level of hierarchy*
147 *to stop the commission of alleged crimes in Xinjiang?*

148 JB – I am not aware of any but I also don't have access to all of the policy directives
149 that the centre is giving down to the regional level.

150 COUNSEL – *Finally, can you explain why Han Chinese cadres, rather than Uyghurs,*
151 *serve in the highest-level party positions in Xinjiang? And to what extent do Uyghurs*
152 *themselves have autonomy to shape their own policies in Xinjiang?*

153 JB – As far as I know, this isn't expressly stated anywhere. We just know that this is
154 what happens because people who track Chinese leadership have noticed over time
155 that it is Han officials holding the high party level positions and Uyghurs or other ethnic
156 minorities, depending on the area, hold the highest state or government positions. This
157 is a practice that is long-standing, it is actually a slight reversal on the Russian practice.
158 The Chinese government used the Soviet Union system as its model. So, there is no
159 explicit statement of why this is. My interpretation is that the Chinese government
160 views these individuals as less trustworthy, they don't view them as the same as them,
161 and they feel like they can better ensure compliance and that their directives are being
162 followed when they have "one of their own" in the position. On the second question, I
163 would say they have very little autonomy. While there are Uyghurs in key government
164 posts there, we know that there are individuals in the government who have been sent
165 to prison or camps for trying to ameliorate some of the harsher policies. I think it is
166 very hard, once you are in the government system - particularly higher up like at the
167 top of the regional government - to shape a policy that would be more open and
168 inclusive and allow Uyghurs to have more of a voice in their governance. This may be

169 different at the most local levels but if we are talking about regional policy, it would be
170 very difficult.

171 *PANEL – In your opinion, have Xi Jinping's thoughts on socialism with Chinese*
172 *characteristics for a new era and the linked cult of personality impacted policy in*
173 *Xinjiang?*

174 JB – I would not attribute policies currently being enacted in the region directly to Xi
175 Jinping's thoughts on socialism with Chinese characteristics or any sort of makings of
176 a cult of personality. They are not completely separate, however, the issues that the
177 Chinese Communist Party sees in Xinjiang are beyond just this one person and that
178 is that they are very concerned about any idea, structure, or force, that citizens would
179 view as more authoritative than the CCP. In this case, they are very concerned that
180 Uyghurs' and other Turkic people's ethnic identity or their own sense of ethnicity, or
181 their religion constitutes something that they believe in and has more authority than the
182 CCP. I believe that is the root of what is happening and not as much Xi Jinping's
183 publicity campaign.

184 *PANEL – Can we assume that President Xi has overview and oversight of policy as it*
185 *is developed in the region?*

186 JB – Absolutely.

187 *PANEL – Following from that, could you say a bit about what the specific contribution*
188 *of Chen Quanguo, as first political commissar, is in relation to policy?*

189 JB – Chen Quanguo is the Party Secretary of the region and he is also the First
190 political commissar of the Xinjiang Production and Construction Corps (Bingtuan). He
191 has a lot of leeway and he is the highest authority in the region. It has been an open
192 question: to what extent he himself formulated any given policy in the region? A lot of

193 what we are seeing implemented mimics what was happening when he was Party
194 Secretary of Tibet from 2011 to 2016. So, it is likely that he has had a large influence
195 in the particular policies here but I cannot say with certainty exactly what policies he
196 individually formulated or whether he tasked others to do that and he signed off on it.
197 In any case, he has a large amount of power in the region.

198 *PANEL – You referred to “dual-hatted” individuals with both party and governance*
199 *roles with, for example, heads of ministries also frequently being heads of party*
200 *committees. Lowering down the scale of hierarchy, is this also the case in Xinjiang?*
201 *For example, leading a school or a boarding school, or a detention centre or other*
202 *facilities, in practice would these roles be overlapping?*

203 JB – That is a good question but I do not know the answer to whether individuals in
204 charge of a given prison, camp or school would have particular roles in the party.

205 *PANEL – If there were two individuals involved at any stage, does the Party always,*
206 *in practice, take precedence, in your experience?*

207 JB – In general, yes. I think it would depend on the individuals... If someone is very
208 high up in the central government, they would probably trump a very low-level party
209 official but also that person high up in the central government would likely be a party
210 official. So, it is hard to disentangle that question simply because the organisation
211 system is such that, if you are important in the government, you are also important in
212 the party.

213 *PANEL – Regarding the Xinjiang work coordination group, you referred to multiple*
214 *organisations addressing counter-terrorism and counter-extremism, and your remind*
215 *us in your report that these terms cover every-day activities being labelled as extremist*

216 *or as terrorist. In your judgement, is this the criminalisation of Uyghur ethnicity in*
217 *Xinjiang or wider China?*

218 JB – Yes, it is the attempt to stigmatize and, in some cases, to criminalise behaviours
219 which are seen as traditionally associated with the Uyghur ethnicity or other Turkic
220 peoples and that also includes aspects of religious faith and practice.

221 *PANEL – Looking at the Education Xitong, is this the body that is supplanting the*
222 *Uyghur language with Mandarin?*

223 JB – Yes.

224 *PANEL – And the references that we find in documents to “bilingual education policy,”*
225 *is it always a euphemism for ridding schools of the Uyghur language?*

226 JB – For all the cases that I am aware of, yes.

227 *PANEL – With relation to young people, you talk about boarding schools as designed*
228 *to hold children whose parents both had been sent to re-education camps or prisons.*
229 *Could you tell us how you understand these boarding schools in the region to differ*
230 *from elsewhere in the country? And how they might differ from what are labelled*
231 *“orphanages”?*

232 JB – I’ll first say that this is not my area of expertise so I may not be able to address
233 this to your satisfaction. But from my understanding, these are different inasmuch as,
234 first of all, these boarding schools are for children both of whose parents have been
235 detained in this campaign, and as far as I am aware there are no boarding schools
236 elsewhere in China specifically set up for children both of whose parents have been
237 swept up in this manner. Secondly, from what I know, one of the explicit aims of these
238 boarding schools is to break generational transmission of Uyghur language and

239 culture, and instead inculcate a strong sense of identity with China as opposed to
240 Uyghur ethnicity, to ensure that the children speak Mandarin first and that they have
241 fully understood and enact the behaviours that the CCP believes make you a good
242 citizen.

243 *PANEL – You refer also to the 2017 Xinjiang De-Extremification Leading Small*
244 *Groups. Is this the body with overall responsibility for the observation and monitoring*
245 *of the population in Xinjiang.*

246 JB – I do not believe it is. I am not sure but, just based on where it sits in the hierarchy,
247 it is a provincial level body - these small groups are usually policy-advisory bodies.
248 They are not usually “day-to-day implementation” bodies. Perhaps there would be a
249 number of different institutions that would have some hand in surveillance, although I
250 believe a vast majority of the surveillance is undertaken by the Public Security officials.

251 *PANEL – You refer to the mission to keep sufficient Han Chinese in Xinjiang, related*
252 *to Justice, prisons, re-education camps. Do you understand the re-education camps,*
253 *the prisons, the justice system in the region to be part of this mission to move or*
254 *change the ethnic balance in favour of Han Chinese? To disperse the Uyghur*
255 *population within the region and from the region?*

256 JB – I am confused. Do you mean the running of these institutions? The appointment
257 of individuals to these entities? Or the way that they are being run?

258 *PANEL – You talked about policy. Is the principle underpinning the policy, as you*
259 *understand it, more about the ethnic balance in favour of Han Chinese than it is about*
260 *justice in more general terms?*

261 JB – I don’t know that I would say that. There are certainly campaigns and institutions
262 which very much try to alter the population make-up. A good example of that is the

263 Xinjiang Production and Construction Corps (*Bingtuan*), they definitely try to
264 encourage Han settlers to move into the region. I would not say that, for example, the
265 justice department in the region is primarily trying to change the ethnic balance of
266 population of the region. It is formulating laws and regulations that effectively
267 criminalise some aspects of Uyghur culture, identity and religious faith.

268 *PANEL – Regarding the focus of policy implementation in the region, you say it is*
269 *obscure to find the origins of certain policies but do you perceive a colonial*
270 *relationship between the region and Beijing? Or do you see the regional governance*
271 *as having a direct say in that?*

272 JB – I would say it is much closer to a colonial relationship. I do not believe that Turkic
273 people or others living in the region have any effective say in how the government
274 runs, as a group.

275 *PANEL – To what degree would you say there is space for policy interpretation at the*
276 *highest level in the region?*

277 JB – You are talking about for example the Party Secretary for Xinjiang, correct? Well,
278 I think at that level, any “interpretation” will likely not be in favour of greater inclusion,
279 tolerance or respect for Turkic peoples. Any sort of innovation happening at that level
280 is likely to make things harsher for most people. There is a number of reasons for that,
281 and one of them is that if you want to continue to move up the chain, you want to be
282 seen as a “voracious” practitioner of the policy guidance you are receiving from above.
283 So, to the extent that there are possibilities for innovation or leeway at the provincial
284 level, it is most likely going to be to make it harsher than perhaps people at the central
285 level might have envisioned.

286 *PANEL – Just to make sure I have understood properly. You have talked about alleged*
287 *crimes taking place at a low level, possibly without reference to Beijing, but could you*
288 *say or estimate at what level alleged crimes can be committed without referencing to*
289 *Beijing? At what level could crimes happen without reference to Beijing?*

290 JB – In terms of overall, large-scale policy, like opening up a camp or sending people
291 to factories, I don't think that sort of high-level policy would happen at any level without
292 reference to Beijing. But again, if you are talking about really specific implementation,
293 for instance, if they say: "in this village we are going to round up 'X' number of people
294 and send them along," they may not be saying "Beijing told us we had to round up that
295 percentage of the township and send them to camp." But they would be saying "we
296 are getting directives from above to make sure that we are locking up everyone who
297 needs to be locked up." So, it is a matter of specificity.

298 *PANEL – Would it be sensible for people assessing how things work in China to avoid*
299 *altogether drawing comparisons with Western democracies?*

300 JB – It is hard to say that you could never draw any comparisons between any
301 governments at all but generally, in terms of how the Party is embedded in state
302 organs, it does not have a parallel that I am aware of.

303 *PANEL – Western democracies often inherit a sort of state organised and led by*
304 *omnipotent monarchs. The democracies came from that, and they have linear lines of*
305 *control from the President or Prime Minister and the Cabinet and so on. To that extent,*
306 *it is relatively easy to imagine conceptually or visually and that simply does not apply*
307 *in a Communist state like this?*

308 JB – I am not an expert on the history of Western democracy, but no, I do not believe
309 it applies.

310 *PANEL – So, the diagram suggests there are three pillars: State, Government and*
311 *Party. You accept that there are three distinct pillars of that kind?*

312 *JB – As specified in the PRC constitution, yes, that is de jure how those institutions*
313 *are set up.*

314 *PANEL – The diagram does not show a conical or triangular line of management to*
315 *the top and suggests a diffuse management pattern. Is it in your view an accurate*
316 *representation of reality?*

317 *JB – I would not take the “diffuse pattern,” as you describe it, of this chart as the “be*
318 *all and end all” for how power flows through the PRC. The real problem here is that,*
319 *as you noted, it is too complicated and if I were to make it readable to anyone at all, I*
320 *could not draw lines between all the different entities in all the ways that they interact*
321 *with each other and between other people that they share. What this was trying to*
322 *represent was the institution and individuals that may have had direct involvement in*
323 *policy making and implementation in the region. This diagram, however, does not*
324 *show how power flows. The de jure document is drawn from the PRC constitution and*
325 *the CCP constitution, whereas this document is created from my best estimates of*
326 *those organs of the party and the state and government I think are most likely to be*
327 *involved in policy, this is not drawn from any formal constitution.*

328 *PANEL – That is the first exhibit but the second exhibit shows how people have*
329 *multiple functions in different parts of the three columns. We have heard that even if*
330 *there aren’t clear lines that can be drawn in a diagram, the reality is that power*
331 *concentrates and centralises in the position of the President. Do you accept that?*

332 JB – In the position of the CCP General Secretary, not in the position of the President.
333 He does not derive his key-power from the fact that he is President but from being
334 Head of the Party.

335 *PANEL – About the Bingtuan, for which you used the formula of a “state within a state”,*
336 *we heard that since the advent of President Xi, it has actually been more formalised,*
337 *institutionalised and clearly under control of the Party, really enmeshed in the Party-*
338 *state, would you agree with that?*

339 JB – Yes.

340 *PANEL – Could I hear your description of the “fusion” doctrine?*

341 JB – I am not an expert on the fusion doctrine and I cannot speak to that.

342 *PANEL – Do you have any sense of whether political policy is being subverted to some*
343 *degree to motivations driven by personal gain and enrichment, like with the*
344 *appropriation of land and property or benefitting from forced labour? Put simply, is*
345 *Chen Quanguo getting rich?*

346 JB – I do not know if Chen Quanguo is personally enriching himself with this. I think it
347 would be less likely than in the case of his predecessor, Wang Lequan, who was in
348 power for a very long time and has long been suspected of making a lot of money from
349 what was going on in the region. I think that it is certainly not impossible that he is
350 getting rich from this but I would assess that his motivations are political by nature.
351 Certainly, there are a number of other people throughout the system that I am sure
352 are getting rich. One thing that the chart does not show and that we have not talked
353 about are state-owned enterprises which function in the region, as well as “poverty
354 alleviation programs” which aim to employ Uyghurs and others and pay them well
355 below market rates. So, those sort of institutions would be well-poised to find monetary

356 gain in what is happening but I would assess that the goals of higher leaders are
357 political and not personal enrichment.

358 *PANEL – We have heard from various people about their experience in detention.*
359 *Who makes that decision to detain? Would it be the Department of Public Security?*

360 JB – This is difficult to know and it could change depending on situation. I have heard
361 from RFA reporting that in some areas, local leaders were given quotas of people that
362 needed to be sent to camps. Whether that was Public Security officials, whether that
363 was the local Party committee or whether that was someone else, I do not know.
364 Certainly, I do not believe that Public Security is in charge of the camps themselves,
365 they are in charge of initial detention stations but I believe it is the Justice Department
366 that is running the camp. So, in any given individual situation, it could be someone from
367 any of these bureaucracies.

368 *PANEL – So, if someone goes to prison, which body would be immediately*
369 *responsible?*

370 JB – For someone going to prison, it would be the procuratorate and the court system
371 because they are the one trying them and making the decision on the jail sentence.
372 For the formal prison system, I believe they would go to court. Now, in the current
373 campaign, there might be instances where perhaps people are being sent directly from
374 camps to prison but my understanding is that if you are going to a prison, you do have
375 some sort of trial through the formal justice system.

376 *PANEL – Which body would be making decisions regarding labour, whether forced or*
377 *described as voluntary?*

378 JB – I do not have a good answer to that. I think in the case of these poverty alleviation
379 programs, that is a larger government policy and from what I understand work teams

380 go to individual villages and attempt to convince people to go to factories. Another
381 aspect of forced labour is people who were put in camps and then sent to factories, in
382 that case it may be the justice officials. Again, it really depends on what forced labour
383 we are talking about.

384 *PANEL – Would it be the same answer for decisions of death penalty? Meaning*
385 *generally, the courts but occasionally, someone else?*

386 JB – No, a formal death sentence would come from a court.

387 *PANEL – We have heard testimonies where they talked about death sentences but*
388 *they did not mention courts so, in the cases we are considering, is it the same system?*
389 *Is it the same system in Xinjiang as in the rest of the PRC?*

390 JB – Technically, yes. If you are being tried and given a death sentence throughout
391 China, you will be going through the People's Court system. Whether or not there are
392 additional extra-legal sentences handed out in some camps, I am not aware.

393 *PANEL – Faced with these structures, if you hold these institutions stable, how would*
394 *an individual flow? What would an ambitious individual looking at this say to*
395 *themselves about how to climb? What would they need to do? Would they need to be*
396 *zealous in their implementation of the policy? Would they need to show off “X” in*
397 *relation to poverty alleviation? Etc.*

398 JB – There are a number of different ways that you can climb up. As you climb up the
399 Ladder, there are ceilings on your age. So, if you want to get up to a certain level you
400 have to be younger than a certain age to get that post. There really isn't a good way,
401 if you started at the very bottom of the ladder, to work your way to the top during one's
402 lateral lifespan. So, people who are at very high positions in the central government
403 generally, have “leapfrogged.” There are two mechanisms by which they do that - put

404 simply, either through the Communist Youth League or by being associated with other
405 leaders that have moved up and who brought them up with them. The way that you
406 would get in a position to be able to be leapfrogged in such a way is indeed by showing
407 performance on measures that the Party and state have decided are important. For
408 instance, I know that local leaders are judged on economic growth in their area, on
409 poverty measures and more recently, measures have been added like environmental
410 factors. Certainly, leaders are judged on how much unrest occurs in their area, etc.
411 These sorts of things would mark you out as being a “star” and then, after slowly
412 working your way up, you would get noticed and maybe you could leapfrog to another
413 level. But you could almost never make it to the top without some sort of leapfrog
414 mechanism.

415 *PANEL – How far up the hierarchy are there women represented?*

416 JB – There are women on the CCP Central Committee and I believe there is one
417 woman in the Politburo, which is a 25-member body, but I am not sure. There are no
418 women at the CCP Politburo Standing Committee, which is currently a 7-member
419 body, nor have there ever been.

420 *PANEL – Looking at your first example of the parallel CCP and state government*
421 *entities, if you were hungry for power, would you choose the left-hand or the right-*
422 *hand ladder?*

423 JB – That is somewhat of a false divide because the entire CCP Organisation
424 Department exists solely to put people in positions. Usually, when you are assigned a
425 position, it goes along with a state position. So, if you are Deputy Party Secretary of
426 your province, you are going to be Governor of that province. In many cases, you do
427 not choose, you are given positions on both sides.

428 *PANEL – At the beginning, you said there was something you set aside to which you*
429 *might come back later, would you like to speak on this?*

430 JB – It was just the point that, on paper, the Chinese government is set up so that the
431 Party is separate from the state and government structures and the major exception
432 to that is the People's Liberation Army (PLA). The PLA is overseen by the Party and
433 nominally also by the state but in practice, it is a Party army.

11th September 2021 (00:12:08 – 1:21:43)

Christian Tyler

CHRISTIAN TYLER – Am I audible? Thank you. I first went to China 1983 through the Financial Times. Spent a number of visits so I got to know something about the place and the economic open that was going on. I went to the Northwest- sorry I went to the North, but I never went as far west as Xinjiang. In 1995, I went on a trip, an expedition for just amusement. To cross the desert with camels. Down to the *Locke* desert- from *Jinhung* through the desert along the south road which was, at the time, still primitive compared to what I hear it is now. There was a trip across the desert out to *Masatag* north to the river to Aksu, return by jeep to the north side to Urumqi so quite a lot of perspective. On that occasion, I noticed the obvious bullying of the locals by the incoming Han Chinese. The more I saw, the more I wanted to record it because I didn't know if anyone had done so yet. Some academics, and studies on the region which I discovered later. And the second visit I went in 2002 just after 9/11. And massive increase in security of course. Borders closed and so on. This time I went with my wife and a friend from Kazakhstan, toured across the north to Urumqi and down to *Irfan* back to Kashgar and stay in the desert which is further north. Staying all the time with Uyghur families for which was not difficult to get permission as long as one did not stay longer than 3-4 days. So, I had a lot of time with Uyghur people and talking to as many people about the situation, as much as they would speak to me about the situation. I kept a note of all the conversations. The people I talked to were not aware that I had of what I was doing. By that point I had left the financial times, by then I had been there for 13/30 years and thought it was time to move on. The people I was

25 talking to saw me as a tourist, which is what the I told the authorities I was. I didn't
26 want them to know because they wouldn't have spoken at all if they'd known what I
27 was up to. There was some deception involved I suppose. Obviously I was very careful
28 not to mention any names.

29 The book I wrote, as counsel said, was a book on history that started in very ancient
30 times- John took it on. Nobody heard of Uyghurs- I thought nobody knew about the
31 Uyghurs except for me. Obviously, there were some sources and I got everything I
32 could find. I went to Turkey to do some research and met Uyghurs of the Diaspora
33 leaders.

34 I'm not an academic and I wrote a book that I wanted to be read by travellers to the
35 region so they would have idea of what was going on and what the history of the place
36 was.

37 The purpose of my testimony, as counsel says, to show that the present program is just
38 an extreme version of a policy of assimilation for 70 years of the Communist Party
39 rule; to correct the egregious claims made about the history of the region which are
40 made by Chinese officials to justify the present program. To establish that the Uyghurs
41 are distinct culture or race in contrast to the Communist Party claim that they've always
42 been Chinese. To show that the Party's claim to be fighting terrorism, religious
43 fanaticism and backward thinking are a pretext for a far more program of annexation
44 and elimination of culture and forcible elimination. And to argue that protests and acts
45 of violence of Han Chinese should be seen as retaliation for ill treatment and injustice
46 and destruction- local assets and properties. And as counsel says, there are 4 sections
47 to my testimony (1) a history of my occupation of East Turkestan and others (2) the
48 ethnic policy of the Communist Party rule (3) the regimes justification and for the

49 repression and its undeclared motives since communist rule and (4) the suppression
50 should be seen as much the cause of ethnic violence and not the consequence of
51 ethnic violence.

52 *COUNSEL – Thank you Mr. Tyler. I just have three questions for you before I hand*
53 *you off to the panel. My first question is that you’ve noted that the Shanghai of 1996*
54 *cut off routes of neighbouring countries for Uyghur dissonance, would that explain*
55 *why in your view that Uyghur refugee flows are very minimal in neighbouring countries?*

56 CT – Uyghur refugee flows?

57 *COUNSEL – Uyghur refugee flows minimal. I mean flow of people into neighbouring*
58 *countries. What would explain that?*

59 CT – Explain what? Sorry I didn’t hear the question.

60 *COUNSEL – So, my question is that there are obviously Uyghurs fleeing alleged*
61 *persecution in Xinjiang, what would explain the fact that there are very minimal flows*
62 *into neighbouring countries?*

63 CT – Now?

64 *COUNSEL – Yes.*

65 CT – Investment in other countries. So, Chinese investment and trade and so on is
66 conditional upon them cracking down on existing communities of refugees who fled
67 various demonstrations or riots that occurred in Xinjiang. Yes and to make sure no
68 more are allowed in so the borders are effectively closed to those people, realistically.
69 If they try and get across.

70 COUNSEL – *My second question is that you identified the goal of Xi Jinping's*
71 *government as to see the Uyghurs and others to disappear as cultural and racial*
72 *entities. My question is, does that necessarily entail does crimes against Uyghurs?*

73 CT – No it doesn't– when the English colonized Wales, I don't think they had to
74 commit– well I don't know, my history is not very good– needed to commit crimes for
75 the Welsh to eventually accept what they were getting from Britain and by retaining
76 their own identity, customs and language.

77 COUNSEL – *It does. Might you have a view on why alleged crimes are occurring, if*
78 *the goal is assimilation?*

79 CT – Crimes against the Uyghurs?

80 COUNSEL – Yes.

81 CT - Well it's a good question. They are seen– the Uyghurs– are seen as a constant
82 threat because of their religion. The way in which the Han Chinese have taken over in
83 running the place and taking charge of the assets and resources of the place brought
84 a lot of resentment. Therefore, there have been protests and complaints, at local
85 level and sometimes larger numbers, and that has been an opportunity to teach them
86 a lesson. The crimes that are—going on- I don't understand that at all except of course,
87 the aim now is to remove Uyghurs and others– completely. And so, any sign of dissent
88 or contrary practice from any of the ethnic Muslim minorities is going to be punishable.
89 Is punishable and is being punished

90 COUNSEL – *Finally, my last question. You indicated that the northern part of Xinjiang*
91 *is more assimilated than southern part of Xinjiang. Would that be described by a*
92 *successful policy in the North, prior to being implemented in the south?*

93 CT – I think so, yes. Because the opportunities for work were all in the [*Mancu*
94 00:25:42] conquered area. And Urumqi is the provincial town so it's gone away from
95 Kashgar which is the old Turkey capital. The opportunities are there, the education is
96 there, the facilities are there. A lot of people migrated up and the well/better educated
97 Uyghurs work there. Relationship between Han and Uyghur or should we say the well-
98 educated ones can be reasonably good. Its further down and further south where the
99 problems main arise. But that's not to say that Urumqi, as we know, very large protests
100 and demonstrations.

101 *COUNSEL – Final question arising from that. If there was a successful assimilation*
102 *policy in the north and alleged crimes in the North have reduced or not as prominent*
103 *in the North as in the South– would that suggest that something similar might happen*
104 *to the South?*

105 CT – I don't know, I don't have the answer to that– I think that is a difficult question
106 because successful assimilation policy can mean two different things. It can mean, it
107 could be that people are willing to accept the incoming culture, like the Saxons and
108 the Normans, and adapt the language of the incoming culture. But also, also successful
109 assimilation in Beijing's eyes could be a complete elimination of dissent and
110 disagreement or cultural religious different, it rather begs the question what you mean
111 by successful? As I have said before, there have been violent but also peaceful
112 assimilations in history. One could draw up a list of both.

113 *PANEL – Mr Tyler, you write in your submission there is a distinction to be made earlier*
114 *occupation by the Chinese in the region and this is without the desire to conflate the*
115 *differences we just heard between the north and the south but there are distinctions*
116 *between the earlier part of the region to recent developments. I wonder if you could*

117 *draw on your knowledge of the history of the region to explain to the tribunal, what*
118 *those differences are and then secondly, explain why you characterize present day as*
119 *one of settler colonialism. And what the features of that formal occupation are?*

120 CT – Well, the central difference until 1959 the area had been largely left to itself,
121 it wasn't conquered. The Han dynasty was briefly there, the *Tang* dynasty had fought
122 for power with the Uyghurs and the Tibetans in the 7th century competed but then
123 retired quite quickly. So, the real occupation started in the 1730s and consummated in
124 1770- the *Manchu* policy, being themselves barbarians to teach barbarians as
125 though they were distinct people and allowed the Uyghurs– the Turkic were allowed
126 to be left alone–the garrisons were set up – which still persist, they were set up but
127 the communities were kept apart. No Han Chinese were allowed to settle until 1830
128 then traders and people came there– mostly traders, there were quite a lot of Han but
129 there was no attempt to bring the Turkeys into the Han. Until the brief 7-year rule of a
130 warlord called Yacub Bey from Uzbekistan took over in 1870/1860s when the whole
131 of East Turkistan became briefly independent. There was a great Chinese conquest
132 went in preparing– spent years preparing, he captured the shortly after there was an
133 attempt Sinicize Uyghurs and many of the things being done now wholesale attempted
134 piecemeal so special school, special education. Having to bow down, having to- all
135 elements of the present. It lasted a few years. It did fail. And then most of the locals
136 just dodged it. So that was failure– so after that period, the government had no– the
137 dynasty was declining elsewhere and they lost their group. The place fell into the
138 hands of warlords and became a private fiefdom so it wasn't until when the nationalists
139 they didn't have nominal control of the place and indeed it was two independent
140 republic set up during that time. So, it wasn't until 1949 that a program, the systematic
141 program of assimilation but it was extremely it was mild, it was idealistic there is a lot

142 of enthusiasm of bring culture and civilization to the west. The locals were pleased to
143 get the help and assurances of the Han Chinese and there– its worth saying that the
144 Han Chinese who have been since 1949 are almost as upset with the present regime
145 as the Uyghurs are, when I say Uyghurs, I also include the Kazaks. So, um yeah.

146 *PANEL – To my second question, if you would elaborate on what the features are of*
147 *the present day, described as multiple people, as settler colonial. What is the*
148 *distinction?*

149 CT – When you say ‘today’ do you mean since we’ve learned about the camps?

150 *PANEL – I mean, scholars have identified, haven’t they, a change 2014-2016.*

151 CT – I would say it’s an intensification not a sea change. I would say intensification.
152 There were camps– not camps but compulsory indoctrination sessions when I was
153 there. Teachers and editors, all sort of professionals were being marched off to write
154 essays about– to learn about Chinese history and write about it and praise for the
155 authorities. The language was already under attack, it was progressive in education–
156 the history books were burned– I’m talking about this century. In the beginning of the
157 century and people were given– a few lines with the Quran and burned. The language
158 was under attack. The literature was under attack, the thoughts of people were already
159 under attack.

160 *PANEL – What arises from that then is whether what is underway here, is an attempt*
161 *to adjust the populations or an attempt to eradicate Uyghur tribunal. I wonder whether*
162 *you could reflect on that for the Tribunal*

163 CT – I can’t say which it is– I can only say what it looks like and it looks like eradication
164 of identity combined with an overwhelming attempt to achieve overwhelming Han
165 domination. The fact that the birth rate– in the June hearings, the figures of the

166 Uyghurs plummeted to practically zero in some areas so clearly there is a third element
167 which is the physical elimination if you like, it seems to be a wish to remove them
168 without actually killing— stop them from being born.

169 *PANEL – What then are the economic drivers of what is happening in the region?*

170 CT – Region is very strategically placed. It is on the border between the Asian and
171 European markets, we have to go through Xinjiang to get there so road connections
172 are important. The belt road initiative, which I now read is flailing a bit, that depends on
173 the peaceful transfer of goods and people in that region. Any trouble in that region is
174 bad for the economic aims of China. They are already- when I was there last- they
175 were apparent in central Asia begin to worry about the number of Chinese people
176 physical presence. There were afraid of being taken over. But anyway, that's the
177 situation is an important part of the economic program. There is of course, a genuine
178 wish to develop the west not only because there is lot of space there for the population
179 but because there is oil and cotton and all kinds of assets there. There is water. They
180 were keen to develop the west, for the west to but also to bring it up to level with inner
181 China especially eastern China which developed first

182 *PANEL – Thank you, you're very helpful in your submission. Could current campaigns*
183 *the strike har campaign and last time, and present-day policies and per the present*
184 *day in very much historical context. I wonder if you could explain to the tribunal why it*
185 *is you characterize the current regime's goals as more pragmatic than idealistic? I'm*
186 *interested in that distinction and I'm not fully sure why you describe it that way*

187 CT – Could you tell me where that is?

188 *PANEL – it's in your elaboration of deeper motivations of the regime so partly Han*
189 *chauvinism, the insecurity of the CCP. Page 10 of your report*

190 CT – Thank you. Ah yes, what I'm trying to say there is that the economic motives
191 have become whether it has to do with equalizing incomes, or public protests as well
192 as developing assets. The idealistic aim, which I will talk about, without religions. But
193 it is now more so about hard economics

194 *PANEL – Thank you. On page 13 of your submission, you describe a growing culture*
195 *of fear. The tribunal has heard a fair amount about the growth of fear, erosion of social*
196 *solidarity and erosion of trust. I wonder if you could say a bit about that from your*
197 *perspective and also perhaps link it to your earlier observations? Economic*
198 *development and the north and the south and specifically the proletarianization of*
199 *labour*

200 CT – well it was my impression that the people– as you say, the better educated people
201 especially the east, which is closer to mainland, which I call mainland. Much more
202 used to the Han, more give and take and the understanding of the south. The fear I
203 spoke about and the fear expressed to me expressed to me about those people that
204 applied to people of all ranks. Even people of university, which studied Chinese and
205 were fluent, were afraid of losing jobs. I can't remember but someone had said "it was
206 just a matter of holding on to your job- you do anything to keep your job because you
207 knew there was somebody Han Chinese who could get it if they wanted." So, although
208 the relations between the two were different in the cities, especially amongst the
209 educated people, the insecurity of the Uyghurs was very great and fear of talking and
210 making comments that could get back to the authorities. And also, it's worth saying in
211 that second visit, I think, we came across only one Han Chinese who spoke Uyghur
212 and he was working with a forester- but he had learned Uyghur which was remarkable.
213 He was travelling with the jeep. He was the only one I saw who could speak to
214 Uyghurs on a daily basis and that was– that gave you an idea of how severe it was,

215 the separation. There were bank in Gulja were being told to learn English. Oh sorry-
216 were being told to learn Uyghur, encouraging– so that was a sign but the number of
217 people that do it is actually small.

218 *PANEL – Thank you. So in closing then, it's said by some that there is an effort to*
219 *eliminate Uyghur identity. To your knowledge, has the PRC expressly acknowledged*
220 *that – on the contrary has the PRC ever said or given an indication that it was just to*
221 *maintain Uyghur identity?*

222 CT – Yes. I'm not aware, it certainly has said in the past that it wants to maintain the
223 culture profile/identity of minorities of period. In those periods, especially at the start,
224 there was definitely a policy of resisting greater Han chauvinism which meant that you
225 acknowledged this minorities and you tried to be proud of them, gave them benefits of
226 one more child. It was part of an idealistic campaign of– the same as the Soviet Union.
227 But, at the same time they were going to be forced into the socialist mould, they couldn't
228 do anything that could socially fall into that. I've called the policy ambivalent because
229 it varied so much over time from idealistic, acceptance and/or even pride singing
230 dancing. As long as they stuck to singing and dancing– I mean if you'd been to those
231 shows in China you know what I mean they are full display. Behind, they are not being
232 treated right.

233 *PANEL – Thank you very much, that was very informative. Earlier you implied the BRI*
234 *working, I was just wondering if you could perhaps expand on that. You said it was*
235 *perhaps...*

236 CT - The belt road initiative?

237 *PANEL – Yes.*

238 CT – The wider economic penetration all over the world, they've got debts
239 accumulating and the money is not coming back. So, the program is being wind down
240 to support the trade, its spending on. The program is winding down.

241 *PANEL – Could I just follow that on. China seems to be spending a lot of money both*
242 *a lot inside and abroad. Where is it getting from?*

243 CT – I'm not an economic expert, I'm out of touch with that side, but of course they
244 have massive surplus with trade with the US. They have an enormous 'shadow
245 banking'. There are serious worries about one big company which seems to be
246 running out of money- I don't remember which one, I don't have my notes with me. So,
247 there is always a financial program, its just a question of how long they could go on
248 postponing it with a positive trade balance. I'm not qualified to give you a proper
249 answer on that, I think.

250 *PANEL – I'd like to ask you a question about the Uyghurs and how they are presented*
251 *to the rest of the Chinese population. You refer, on your page 6, that they are*
252 *denigrated, not patriotic and dangerous and, page 10, the current regime is reverting*
253 *back to superstitious, violent and not patriotic. Do you have particular sources which*
254 *indicate the material is being fed to Chinese people?*

255 CT – I can't identify, for you, the sources for those counter comments. I've heard about
256 them in different contexts, from many different people and I'm afraid I can't tell you
257 how it's been brought together in one place. Scholars have studied, Frank Dikötter,
258 the Danish scholar who was written a lot about China's innovation policies. I think you
259 would find a lot there for example but I know from VOXPOP, from complaints on how
260 Uyghurs are presented, when they go to Mainland China.

261 *PANEL – So, if I could just clarify, these are ideas that you’ve picked up from minority*
262 *peoples, presented to you from Han Chinese?*

263 *CT – I’ve had Han Chinese say something to me about Tibet, for example, which would*
264 *make your hair curl. Tibetans– poor Tibetans were very backwards and they have*
265 *reputation for being ‘savages’ for Han Chinese. They are very strong on identity and*
266 *characterizing other races. That’s been a long tradition that they’ve been ruled by*
267 *barbarians- the Mongols, the manchu, I can’t remember the other ones. They have*
268 *been kind of sucked into the Chinese bureaucracy being so strong and efficient.*
269 *They’ve absorbed, sinicized these people over the centuries. So, they’ve always come*
270 *out looking Chinese. It’s a curious theme. Although they’ve been- a long, long time -*
271 *they’ve been ruled by barbarians over the border.*

272 *PANEL – Thank you for your testimony. On page 9, at the top, you write about sexual*
273 *offences against Turkey women as a trigger for protest. First of all, can I clarify with*
274 *you, is that Han sexual offences against women?*

275 *CT – Yes.*

276 *PANEL – So this is about up until 2002. So, you’ve probably heard what is happening*
277 *in Xinjiang lately recently/lately. We at the tribunal about the fact that more men are*
278 *detained than women in detention centres. In one report, up 91% so this means that*
279 *there are a lot of Turkic women without their men folk, brothers, or sexual offenses or*
280 *perhaps forced marriage. Can you speculate as to whether the conditions can rise to*
281 *sexual offences - could you also the overall consequences the one child policy in China*
282 *which has led to preferences of boys over girls, as in India, perhaps 100 men to every*
283 *90 women so there is a massive need for women. So, could you speculate that there*

284 *are more people coming to the region, more women that are on their own and what*
285 *that could lead to?*

286 CT – It is plain from reading the history of the place that a lot of incidents from the past
287 have started with Han Chinese assault on a Turkey women. I've read many cases in
288 modern times as well and the people of the families are being sorted– the assaulted
289 women are being jailed rather than the assailant– I've read a lot about that. What you
290 say about the future is difficult for me to answer. Clearly there is a lot of forced marriage
291 going on, we've heard about that in earlier hearings. That's not new either by the way.
292 Forced marriages occurred General (name inaudible) in the 1870s. There are a lot of
293 girls being forced to marry Han Chinese– bribed or forced according to the evidence,
294 we heard the families are threatened if they don't consent to the weddings. They will
295 suffer. There are, or were, a lot of migrant workers- I don't know about the situation
296 now but there were a lot of migrant works who come in to do work and hang around
297 and so they are a constant sort of threat. They are a threat because Han are a threat
298 and Uyghurs are extremely defensive of their women folk and don't hesitate to attack
299 them if they are forward. I can see what you mean by a large number of the men locked
300 out that they women are particularly vulnerable. And we've heard evidence- families
301 are assigned Han friends/men to ensure ... I can't really say what will happen. The
302 whole campaign, birth control campaign is very demoralizing– and for families,
303 shaming for the men. I can't see anything but trouble.

304 *PANEL – With respect to the Han friends, are there more men than women? Male*
305 *friends?*

306 CT – From what I read, because of course this system didn't exist when I was there,
307 the men were introduced into these families.

308 *PANEL – What sort of threats are issued? What happens if a woman says ‘no, I don’t*
309 *want to marry you’? Threats of detention, family being taken away?*

310 CT – I think your family would be in trouble

311 *PANEL – Trouble meaning?*

312 CT – Well, they would be taken away.

313 *PANEL – Trouble like detention?*

314 CT – I don’t know precisely but there is also a period where a lot of Uyghur were being
315 exported into China to learn or become factory workers to learn whatever. I’m talking
316 about 5 to 6 years ago, there was a fear that a lot of them were forced into prostitution
317 in inner china

318 *PANEL – You and others including Professor Roberts that there have been acts of*
319 *violence perpetrated by Uyghurs, authorities have characterized this as particularly*
320 *differently from 20 years ago, that this is a war on terror. You and others have described*
321 *it differently. And I wondered what gave that difference legitimacy?*

322 CT – Can you refer me to what I said?

323 *PANEL – You described it as a reaction to...*

324 CT – Yes, that point. This a quite difficult question to deal with. Quite clearly there
325 have been some violent and savage attacks by Uyghurs. Let me just first say that it is
326 difficult to find out what happened, the official reports of the two riots in 1990 are high
327 politicized. Two completely different versions - the one you hear locally and one that
328 appears officially by the Party documents. So, the actual event is always unclear. Why
329 do I say that there are retaliatory? Let me just take the word terrorism. What we mean
330 by terrorism? We know what we mean. It’s an act of violence, against innocent

331 people/persons to instil fear. We make the motive of extreme authority or frightening
332 people into something else. They know what they are doing. For the moment what we
333 understand as terrorism is Jihad and people being influenced by mullahs and going
334 out and killing somebody. The Palestinians were described as terrorism until they got
335 their status, or guerrillas/freedom fighters. Terrorism was used by George Bush Jr to
336 launch his war against terror. To launch his specific threat- Al Qaeda, ISIS type of
337 terrorism- religious fanaticism. And innocent victims and the Chinese picked up really
338 quickly. And what we've heard repeatedly they use it now to describe anything that
339 they don't like, which they disprove of- different versions of these incidents. I don't
340 know enough about each incident to tell you that this is definitely retaliatory for some
341 act of aggression, the destruction of a mosque or the rape a woman or some other
342 miscarriage of justice.

343 The big Urumqi demonstration of 2009—if I've got that right— started out as a peaceful
344 demonstration in Urumqi to show solidarity with Uyghurs. 18 Uyghurs were killed, two
345 of them were accused of raping a Han woman— I don't know if that happened, who
346 knows? It was a big march, a big protest. What we saw, the public saw, Han Chinese.
347 Two Han Chinese women with bloody faces that was the famous picture. I discovered
348 — well other people not just me— I did give evidence at an asylum appeal in Bedford of
349 a young woman who had been on that march who was seeking asylum here. And her
350 account of what happened was extremely enlightening— complete with maps and what
351 happened in different stages and it turned out at all as the Chinese official Chinese
352 viewed- it started out as a peaceful march, they'd gone down a street they shouldn't
353 have and the soldiers started shooting in the air and then shooting demonstrators.
354 There was genuine pandemonium. The police chased after them. Police shot in the
355 streets into the evening. Meanwhile, a lot of the Uyghurs south of Urumqi with shops

356 and started ransacking the Han shopkeepers. These two women were damaged– I
357 don't know if it was a car that had been blown up.

358 So, I just give that example because it's very hard to know the truth of all these
359 incidents but there is no doubt at all that the very violent attacks on Chinese military
360 and civilians bombs the [*Kumway* 1:09:36] railway attack, didn't know every much
361 about. Didn't include knifing railway station that looks to me like terrorism. Because it's
362 against innocent people, used to illustrate their hate for Han Chinese, what I'm trying
363 to argue here.

364 There comes a point that the only way you can get back at the "enemy" / the invader
365 is to attack him or take revenge for an injustice you suffered, or somebody in your
366 family had been imprisoned or raped or whatever it may be. Some of these attacks
367 were to steal weapons and steal explosives. But, like I've said elsewhere, it's very easy
368 to get weapons in Xinjiang. We could find examples in other countries where that as
369 happened as well.

370 The only way you can characterize it, if you were to put all these instances together-
371 let me just mention one more, let me just check the date, it's in here somewhere. The
372 three people who were in Tiananmen square, I think it was this man, his wife and his
373 mother-in-law. I forget. Ask yourself what kind of terrorist attack is that? Why would
374 you take your mother-in-law with you? Why take your wife? So, there is something
375 about that. There is something to know, I would love to know the story behind that.
376 What were the people doing in Tiananmen square? They injured 20 people but it was
377 peculiar form of terrorism. I wanted to say, if you add all these instances together
378 different version of them, produced by different parties, you can't help feeling that at

379 the bottom, here is a retaliatory motive. It is a getting back at a perceived injustice- a
380 physical attack...

381 *PANEL – Thank you for everything you’ve told us. Unless Professor Lynch and Kumar*
382 *have found it appropriate to ask somewhere that there is no historic– genetic*
383 *connection... Apparently, those with great medical experience say... Is there no*
384 *genetic connection, so far as you know?*

385 CT – As far as I know, the Uyghurs have a Turkic lineage - they came from the north...
386 a lot of them married Indians... They’ve got Indo-European.

387 *PANEL – I’ll stop you right there because it seems like we’re on the right track there.*
388 *And I’ll give my colleagues the chance to ask questions. This willingness and*
389 *enthusiasm to have Han men marry Uyghur women... does that then demonstrate that*
390 *there is no particular desire with genetic purity, to have the Sinicization of the Uyghurs?*

391 CT – I don’t think it’s about generic purity.

392 *PANEL – Thank you. I don’t know if you attended yesterday’s hearings, but I asked*
393 *Mr Idris a question, I think you cover in a different way. Where you cover in the*
394 *agreement, the Shanghai Agreement of 1996 and the Border zone. He gave us a lot*
395 *of evidence about, and I asked him about that the belt road initiative. We agreed to*
396 *use the word persecution as a general term, not a technical term, just for the purposes*
397 *of the question and I asked him, was the persecution because they are Uyghurs or is*
398 *the persecution because they are in the way of belt road initiative? I think his answer*
399 *was ambiguous but I’d like your comment- is the persecution, use the term in the*
400 *general way if you don’t mind, because they’re Uyghurs or because they’re in the way*
401 *of the Belt Road Initiative?*

402 CT – I'll try to be *[inaudible]* I want to say that it's because they are in the way because
403 they are trouble and trouble because they're Uyghurs,

404 *PANEL – You write in your paper that the conceptualization of rights being different in*
405 *China versus the West. I wonder if you could say a bit more about that, whether you*
406 *think senior people in the CCP believe their policies and their acts are consistent with*
407 *their conception of human rights or whether they are actually breaching their own*
408 *conception*

409 CT - I can't tell you what human rights means to them about the policy but I can tell
410 you, they don't have the same idea of human rights. It's the collective rights - the
411 people's rights that matter. The people are defined as anybody that the party likes
412 them to do. People have got to be protected individuals that misbehave. Anybody
413 outlines things differently- they don't have human rights, they don't get a lawyer, a trial
414 and all the things we insist on. They are, I think, used to Uyghurs, is that it's a cancer.
415 They are a religious cancer. Yes. I don't think human rights as we understand it, a
416 western invention, is seen as universal.

417 *PANEL – What was said earlier was that it was a fight between good and evil. Any act*
418 *that would protect the party or state...*

419 CT – I don't know how people line up with political parties but there have been people
420 in the past who have spoken as though minorities are just colourful subdivision of
421 Chinese people, but they are people who have rights of their own. They would see
422 them as deserving more than just exterminate value have the status.

423 *PANEL – One another question: you've written a book– as counsel mentioned. You*
424 *have a different version of history as you mentioned. I just wonder what the reaction*
425 *to your book has been in China. Has anyone sought or tried to disprove it?*

426 CT – I've never had anyone approach me about the book but whenever I gave a lecture
427 on it there was always someone who was clearly from the Chinese embassy. But he
428 wouldn't talk to me. I'd ask for his help with a slide projector occasionally and he looked
429 a bit disconcerted. I've had some Chinese students say they can't believe what I'm
430 trying to prove and they just don't believe it. I believe them when they say it - they
431 don't know anything about Xinjiang.

432 *PANEL – Mr Tyler, thank you very much for your evidence.*

11th September 2021 (1:22:39 – 1:53:31)

Nevenka Tromp

NEVENKA TROMP – Before we start explaining the *de jure* organigram that you now see in front of you, I would like to refer to the history of this concept. This concept of trying to understand the functioning of China as a state in relation to large-scale violence in Xinjiang province was actually a reflection of the work I was doing as a member of the Leadership Research Team at the United Nations Tribunal for the Former Yugoslavia. The background is as follows: observing the results of the state use of violence opens a very important question. This question is “What is the relationship between states, state institutions, and individuals working in these institutions in the commission of these crimes?” It goes to show the intention of the state institutions. In order to understand the functioning of every official on the ground, one has to establish first, what is the *de jure* structure of a state and how a state functions. *De jure* structure is basically nothing else than a systematisation and collection of laws with, first of all, the constitution but also, the law on the government, the defence and so on. What you see now is the concept of the functioning of China as a state, based on a very abstract concept: how any state in the world *ought* to function. This is what the prescriptive idea of the state is. What we found, interestingly, and it reflects the work I was doing at the Research Team as we are looking at a Communist state, is a concept of the state called “Party-state.” On this organogram, as you notice different colours (blue, green, and red) and you will see that we were following the pattern of the so-called “pillars” of power. The first one is the state itself. It obviously represents legislative power, but also a very important concentration of

25 power embodied by the President of the state. The second power is the government,
26 the executive power. One has to understand that if you tried to make a hierarchy, the
27 state would come first. For instance, everyone in this room probably knows who the
28 President of China is, but hardly anyone would know who the Prime Minister of China
29 is. That shows how exposed those people in power are. This concentration of power
30 through the President of the State is obvious thanks to all these links you are seeing.
31 If you follow the pink lines, they go from top down and show how state institutions
32 relate and how they are connected on a lower level in a very centralised structure.
33 Hopefully, you will see that there is a continuous connection from all decisions made
34 at the state level and they go down to local levels. The government is nothing else
35 than an enabler. In these institutions, the civil servants, who usually have double
36 positions as Party members and in the government, enact all decisions made at the
37 top level. A separate and quite elaborate pillar of power is the Party. The reason why
38 this is important is that Party structure, and Party hierarchy, is the backbone of the
39 state. Looking to this diagram for where the decision-making process takes place first,
40 in the sense of long-term strategic policies, then it would definitely be the Party,
41 followed by the state, with the government in third place. So, when we did this research
42 on behalf of the UT, with the help of junior researchers - including a Mandarin-speaking
43 researcher, we were able to fill all these boxes with links to the actual documents,
44 some of which we had to translate ourselves. So, this is not evidence by itself but this
45 is actually an analytical tool. When you click on these links, you will be led to the
46 original text of the laws that we present here. The prescriptive way, or “how things
47 ought to work,” is usually not what it is in reality. In reality, in the *de facto* organogram,
48 we paid a lot of attention to individuals occupying different positions because the
49 policies and the complexity of decision-making is very often reflected on the situation

on the ground. For that purpose, we were following the double or triple positions that were held by prominent members of the Communist Party. We have created these two organograms so that they basically complete each other. So, you see now if you click on one of those links, for example here “National Congress of the Party,” you will be able to read the original document as a reference material. I would bring your attention to this - it is important not to think in terms of formal or informal, because *de facto* connections are not informal, they are very much formal. They are based on combinations of different positions held but they have something “*ad-hoc-ish*” in them because we never know what positions the next person will hold. It is, therefore, very important to stay anchored in the reality of ongoing Chinese politics to understand what is really happening. Now, why did we concentrate on decision-making processes? Well, for very obvious reasons - there is a very strong indication, in the Western democracies as well as in authoritarian regimes, that those who make decisions are also those who unmake decisions. So, in the case of China, if the CCP receives evidence that the practices displayed in Xinjiang province are questionable and possibly criminal, then those in power would also have power to review them. Thank you very much.

PANEL – Given the opacity of the de facto power structures, for the purpose of our work, in your view, how legitimate is it to make inferences about these power structures?

NT – I would strongly recommend that any inference or decision made about this should be confirmed by witnesses with knowledge of what is really happening.

72 *PANEL – Jessica Batke’s organogram shows two structures: the party and the state*
73 *government. Why does this one separate state and government whereas she stays to*
74 *the “two pillars” instead of the three?*

75 NT – When we discussed this issue with Jessica Batke, this was her position. She
76 does not see a difference between state and government. I think there is a legitimate
77 way to say that there is no difference. If you go to the state pillar, the green one, you
78 will see judicial power on one side and then you will see executive power. For us,
79 because the functional President of the state, I would separate it from the government
80 as more important. You could see it as one, but I think it is very important to see it as
81 separate because the President is also Secretary General and the Party should be
82 an important point of reference when it comes to how concentration of power looks in
83 reality and which individuals have power to start or stop the processes we are
84 discussing here. This is why we did not pay too much attention to the Prime Minister
85 of China, because we all look first to the President.

86 *PANEL – Regarding the place of the People’s Liberation Army (PLA) at the heart of*
87 *this organigram, following the lines leading to Xi Jinping, so there is nobody between*
88 *Xi and the PLA?*

89 NT – I am not an expert of China. I have offered a concept of how to follow the power
90 and decision-making process. But in the organogram, you will very easily see at the
91 Party level, the Military Commission. Then, you have the Central Military Commission
92 as well (*in the state pillar*). If you look in the *de facto* organogram, you will see the same
93 name as Secretary-General for the Party, President of the State, and Chairperson of
94 this military committee which is an extraordinary concentration of power in one person.

95 *PANEL – So, if you go downwards, the organogram leads to the XPCC and Xinjiang*
96 *itself. Can we imagine the PLA collaborating with these bodies in Xinjiang itself? Would*
97 *they have a presence?*

98 NT – I do not think I am the best person to answer this. This is too detailed for my
99 knowledge. But a general answer to any question that goes from top down, is that any
100 important decision should go and be supported through the Party hierarchy and
101 structure top-down. If we keep in mind that none of these executive bodies operate
102 without parallel Party structure, then the answer is probably yes, but then again I am
103 not an expert on China.

104 *PANEL – The XUAR has “autonomous” in its name, but from that chart it does not look*
105 *like it has much autonomy, even on the de jure chart?*

106 NT – I think that is something we should explore, this system of complexity and
107 federalisation of China, under the light of the fact that this was copied from the Soviet
108 system. Autonomous provinces are a different category than Republics. They do not
109 exist because they are given some form of autonomy, but because these territories
110 belong to minorities and not peoples. In the Soviet constitution, there was a huge
111 normative difference between “nations” (which have the right to self-determination, the
112 right to secession, if all others agree, which in practice means never), and
113 “autonomous provinces” (which do not have a right to secede). This aspect of the
114 Soviet constitution was also copied in China, as well as in the former Yugoslavia so
115 we learned about this as children in primary school, and it is different from the Western
116 understanding of “autonomous.”

117 *PANEL – A couple of witnesses have said that things happening on the ground could*
118 *not happen without the approval or more of President Xi. Does your organigram help*
119 *us in any way in respect to that proposition?*

120 NT – No.

121 *PANEL – You gave an account of responsibility decision-making, including the power*
122 *to put something right, to change something. Does that help us at all, if you wanted to*
123 *follow a trail of decision-making, if you wanted to track particular decisions to higher*
124 *level at the top?*

125 NT – Not directly, but indirectly it might. The task before this tribunal is to investigate
126 alleged criminal activities and atrocities. If one of these acts were to be qualified as
127 criminal, then one would have to go to the notion of criminal intent. So, if you look into
128 this state and then ask yourself if these atrocities have been planned for a certain goal,
129 and execution of this goal predisposes violence and criminality against individuals and
130 groups, who is responsible? How could decision-making be such that those in charge
131 of decision-making know that they could achieve it only by application of mass violence
132 against individuals, groups, national minorities. Then, the question is “could a state
133 have a criminal intent?” This is a huge debate. If state can have criminal intent, who
134 exactly within the state? Who are the individuals who have criminal intent? So, in this
135 organogram, one could and should ask the question “if everything is centralised and
136 goes top-down, did Party individuals and those in charge of state structure have power
137 to plan such activities or strategies, and how does it reflect on the people on the
138 ground?” For example, has a prison guard criminal intent to do harm to the whole
139 group? So, this organogram gives a lot of possibilities to reflect on this important
140 question. Can states be criminal? When does criminality of the state come? Who are

141 the individuals who actually represent the state? And who of these individuals had the
142 means, power, capacity to plan and execute such policies?

143 *PANEL – In the setting of the Yugoslav wars, you were dealing with post-formal*
144 *communist states and one thing considered for genocide by experts in genocide was*
145 *whether the controlling marionette strings for genocide might be invisible but,*
146 *nevertheless, the controlling mechanism would be there. With a functioning Communist*
147 *state, is it possible for there to be invisible marionettes strings for such activities? Or*
148 *does the duplication of roles and multiplicity of bodies make less easy?*

149 NT – The crux of the answer here is that, per definition, the state has to monopolise
150 violence. Any violence happening and not in control by the state structure will be
151 sanctioned by the state. No state can allow proliferation of violence by any group
152 without endangering its very existence and position. In the case of the former
153 Yugoslavia, there was a need to have auxiliary groups like party armies which were
154 used by the state for its own criminality and purposes, and there was no accountability.
155 I don't know about the Chinese situation but, as it is now, there is no need for tolerance
156 for any group in China. There is no state of emergency or war, or immediate threat of
157 war, so we are talking about a peaceful time in a very powerful state that deals with
158 these issues as its own internal questions, claiming its right on its own sovereignty.
159 This makes China quite different from other cases I worked on - states that were in
160 conflict, in state of war or in post-conflict society. China has none of these measures
161 that would require a different approach, or a change in use of state force.

162 *PANEL – We have had a number of comparisons made by witnesses between what*
163 *is alleged to be going on in Xinjiang and the Nazis and the National-Socialist party in*

164 *the 1930's and 1940's. Have you studied that state structure? How does that compare*
165 *with what we have here, if you have any insight?*

166 NT – I cannot give you an answer to this.

1 **11 September 2021 (2:22:30 – 3:02:30)**

2 **Abdusalam Muhammad**

3
4 *COUNSEL – You mention in your statement that you worked as a chef in the kitchen*
5 *which was close to the interrogation room. Did you witness any of the inmates being*
6 *interrogated or tortured?*

7 ABDUSALAM MUHAMMAD – From the interrogation room, I could see people dragged
8 because the detainees did not have the ability to walk into their cells.

9 *COUNSEL – Did you notice how they looked like after they were tortured? Where they*
10 *in a healthy position or badly beaten? Can you explain a bit more on that?*

11 AM – Their faces were swollen up, eyes, faces bruised, also marks of red and because
12 their soles of their feet were beaten, they did not have the ability to walk and they were
13 dragged in this manner into their cells.

14 *COUNSEL – Did you hear on the inmates say “I wish I was the one who died”?*

15 AM – Yes, I heard that. This person was interrogated for three various forms of
16 swelling. I also heard “if the time hasn’t come to essentially die, then the time hasn’t
17 come”.

18 *COUNSEL – Can you explain anything more about the types of torture that you*
19 *witnessed being inflicted upon the inmates?*

20 AM – In the cells, you cannot speak about the torture, you can physically see it on the
21 bodies. In the cells, you are made to sit on chairs for 12 hours straight and they are
22 made to recite CCP poetry, poetry and sayings that praise the CCP. There are 60 to

23 70 elderlies in there as well which do not have the ability to recite and remember some
24 of these verses and during the time of eating, there is a short timeframe of about 10-
25 15 minutes where we are able to speak about what is happening. Every 48 hours or
26 so, we are allowed to go to a lavatory but normally, if we are to go there was a bucket
27 inside of the cell.

28 *COUNSEL – In May 2015, they declared that you are innocent. After being kept*
29 *months and months in the camp but they did not effectively release you. They sent*
30 *you to another camp, can you explain why?*

31 AM – After I was declared innocent, normally for you to be innocent/to prove your
32 innocence you are interrogated. Also, your parents and close ones are interrogated for
33 being declared innocent but after that, I was taken to one of these so-called re-
34 education centres to be educated.

35 *PANEL – Can I ask you a few questions about your background? You were a teacher*
36 *at a very young age of 16 and you thought physical activities and also Chinese*
37 *language. Were you taught Mandarin in school?*

38 AM – In East Turkistan is where I am from. I studied primary and middle school there
39 and I was one of the best students. And from that I was chosen to be a teacher teaching
40 physical education as well as being a Mandarin teacher. After a while, because I didn't
41 have enough money, I trained to be a chef.

42 *PANEL – I assume you were taught Mandarin in school?*

43 AM – Yes, I studied Mandarin and I taught Mandarin to the kids, and I studied very
44 well.

45 *PANEL – Can you tell us why the Head of the Religious Affairs reported you to the*
46 *police? Was it because of your grandfather and father who was an Imam at the*
47 *mosque?*

48 *AM – During that time, because I come from a religious family practicing the Friday*
49 *prayers, we would be visited by certain officials within our township and village. We*
50 *were labelled and seen to be as religious, as dangerous.*

51 *PANEL – You then moved to Hotan, were you pressurised by the police there and if*
52 *so, did you get the impression that one told your home police that you moved there?*
53 *Were you pressurised in Hotan?*

54 *AM – Initially no. When I moved to Hotan I was busy being a chef and going about my*
55 *own business. However, after, in 2014, China launched the campaign against the*
56 *Uyghurs. We got pressure - our restaurants were raided, being questioned at that time.*
57 *Every month our houses would be raided, our sleeping quarters and everything they*
58 *would go through, our furniture. They raided our home every month.*

59 *PANEL – You then became seriously ill. You said you couldn't be treated in Hotan and*
60 *you got a travel permit and a doctor's note and a green card and that was in*
61 *September. Why did it take two months for the police to issue an arrest warrant on*
62 *you?*

63 *[Translator intervention] – Was there a specific time that you wanted that he was ill?*

64 *PANEL – He said that he had been to the police to get a permission and also the*
65 *doctor's permission. Why did it then take them two months to issue an arrest warrant*
66 *before he gave himself up?*

67 *[Translator intervention] – Ok but with the serious ill part, I am not...*

68 *Panel – He said that he moved to Hotan because he was seriously ill.*

69 *[Translator intervention] – I will translate that bit.*

70 *Panel – Apologies, I will ask you one at a time.*

71 AM – Because of China's bloody campaign in 2014, whether it would be locking up
72 our elites, our religious figures and also my health wasn't great at this stage, so I
73 decided to go to Urumqi.

74 *PANEL – And then the arrest warrant was issued two months later. Was this because*
75 *it was a new system? Getting the Uyghurs in?*

76 AM – Yes, initially there was no warrant for my arrest, I went to Urumqi for my health.
77 I learned English and later, I found out that there was an arrest warrant and this was
78 issued two months later.

79 *[Translator intervention] – Can I clarify with him as to the reason why it was late?*

80 *PANEL – When you were arrested and taken in, what happened to his wife and family,*
81 *where they harassed?*

82 AM – Yes, my family experienced lots of pressure and harassment. After four months
83 after my arrest, my wife got very ill. She has serious heart problems.

84 *PANEL – Can I move on to the training camps and the detention camps? When they*
85 *discovered that you can cook, what were you able to cook? Did you have vegetables*
86 *and meats and things or was it just steamed buns again?*

87 AM – For the officials or the cadres, we would have everything prepared. For the
88 detainees, they received what I would describe as “white vegetables” and rice and at
89 time ready-to-go noodles.

90 *PANEL – What were the facilities there? Would you have beds?*

91 *AM – The training centre itself has high walls with barbed wire. Yes, we were given a*
92 *room. We had to bring our own bedding sheets and each room had three bunk beds.*
93 *So, we slept six to a room.*

94 *PANEL – What is the definition of a training camp? What were they training you for?*

95 *AM – Seven days a week, we would receive so called “training”. Each day, we would*
96 *be visited by different administration throughout the seven days. There would be seven*
97 *different administrations visiting us. Generally, for us to praise CCP policy and teach*
98 *us to be not separatist. To go against separatism and that any form of religion is*
99 *extremism. So, this would happen from 8-5 PM with a break in the middle and then*
100 *another training session from 6-10 PM.*

101 *PANEL – There is another sentence which I didn’t understand. What do you mean by*
102 *saying “the quality of illegal elements was intertwined with those 70, 80, 50, 30 rules”*
103 *[para.7 of witness statement]? What are these?*

104 *AM – There are fifty types of extremism and 70 types of religious activity that goes*
105 *against the law.*

106 *PANEL – You then got passports for all your family and yourself to leave the country?*
107 *Which country did you go?*

108 *[Translator intervention] – You mean how he got them?*

109 *PANEL – No, he got them and left the country. Where did he go?*

110 *[Panel Chair intervention] – We ought to check if the witness is happy to answer the*
111 *question.*

112 *PANEL – OK. Ask him not to answer if he is not happy.*

113 AM – In 2013, I was given a tourist passport, which they had taken away from me. In
114 2016, I received a passport and by myself, I travelled to Dubai and Egypt and later
115 Turkey. My wife and kids joined me. They couldn't fly straight to Turkey. They first
116 went to Dubai and then Turkey.

117 *PANEL – After all the problems, do you have any health problems? Either physical or*
118 *mental? Is the family otherwise well?*

119 AM – My wife still has heart problems. Very serious heart problems. I have lung
120 problems from sleeping on the floor for so long. My lungs were seriously injured. I
121 suffered a lot and I receive treatment since the past five years, but I am not OK. Still
122 going through the treatments.

123 *PANEL – The nature of the detention centre, which you also refer to as camps - how*
124 *big was the detention centre that you were in?*

125 AM – I saw it being constructed. It is a very big complex. Very big, high walls,
126 surveillance with barbed wire filled with classrooms and cells.

127 *PANEL – When you were cooking, for how many people were you cooking for?*

128 AM – Initially, I was there for 70 days. Upon my release, they told me to be a chef and
129 I thought to myself that if I go to the outside, I might be detained again. So, I agreed,
130 and I ended up cooking for around 150 -160 inmates.

131 *PANEL – Were all the inmates of the detention centre Uyghurs?*

132 AM – I was actually made to cook in two different places. I was transferred and in both
133 those places, the detainees were all Uyghurs.

134 *PANEL – Coming now to your experience in the re-education camps. What proportion*
135 *of people had first been incarcerated in detention centres? Approximately?*

136 AM – Around 20% from the detention centres that go to the training centres and the
137 rest...20% of the people from the training centres are from detention centres and the
138 ones in the detention centres around 80% are given further punishment either prison
139 sentences, 7-15 years simply for something like listening to something religious.

140 *PANEL – Referring to para. 6 of your witness statement, is it a fact that all people from*
141 *the detention camps, everyone, was severely tortured?*

142 AM – Around 50%, I know you ask about the detention centre...in the training centre
143 around 50% would be beaten most of the time and would be suffering mental and
144 psychological harassment. It depends on your behaviour. 50% were and were
145 suffering punishment or torture.

11th September 2021 (3:02:55 – 3:52:00)

Rahima Muhammad Nuri

COUNSEL – In the hospital in which you worked, undertaking these abortions on women pregnant 4 months and above, you said it was clear these women were being forced to undertake these abortions. Were these women Uyghur women or were they Han Chinese women?

RAHIMA NURI – I believe they were forced because to remove or abort a child at 4-5 months is not beneficial to the women's health. Some, because they have known of the family planning laws as they cannot go above a certain amount, do this to not be punished or receive any fines.

COUNSEL – Can you specify if these women were Uyghur or Han women?

RN – There were a lot of Uyghur women, there were some Chinese but very few.

COUNSEL – Even in the category of women pregnant 4 months and above, did this include Han Chinese women?

RN – Yes, there were.

COUNSEL – You state you decided to leave the job as you found it unethical and dangerous to have abortions at such a late stage. Could you speak to us about why you felt it was unethical and how it felt to carry out abortions which you knew were unethical but could not raise any concerns with the hospital?

21 RN – I saw this with my conscience I felt this was a crime and the same as killing a
22 human being. I could not raise this with the administration as it was a Chinese policy
23 and it would be like criticising the policy.

24 *COUNSEL – Moving to your pharmacy, helping Uyghur women removing IUDs in*
25 *secret. You state that whereas Han Chinese women could go to an official hospital to*
26 *remove such devices, Uyghur women had to do it in secret. Why was there a*
27 *difference - why could Uyghur women not go to a hospital?*

28 RN – In the cities, people cannot have more than 2 children, so to not go against family
29 planning policy they need to get special permission to get IUDs removed. Because
30 they cannot get such permission and they know they have gone against the policy, to
31 avoid punishment they come to us to get their IUDs removed.

32 *COUNSEL – When you say ‘they’ do you mean Uyghur women not Han Chinese*
33 *women?*

34 RN – Yes, I mean Uyghur women.

35 *COUNSEL – What would happen, has it ever happened that the Chinese authorities*
36 *discovered that a woman removed an IUD secretly – has this happened and what*
37 *would happen?*

38 RN – We had a registered legal pharmacy, the IUD removal was done in my home
39 itself, we were never caught. If there is a raid or we are checked, they come straight
40 to the pharmacy. We were very careful about this. If they found out that I carried out
41 the practices, they would close down the practice, close the pharmacy and punish me
42 for going against the family planning policy.

43 COUNSEL – *From your own knowledge, you were carrying out removals of IUDs in*
44 *secret between 2002-2007. At that time, the surveillance system we have heard a lot*
45 *about had not been fully developed and it was still possible for women to come to your*
46 *home to carry out the operation in secret. Would you still be able to carry this out today*
47 *with the surveillance systems currently in place?*

48 RN – No way, it is impossible.

49 PANEL – *You say that over 100 women had abortions at the hospital every day, how*
50 *are you confident about that figure?*

51 RN - I'd like to clarify this does not just refer to abortions but all family planning
52 operations to stop pregnancies, such as inserting IUDs, of course with abortions as
53 well.

54 PANEL – *Can you tell us how late abortions took place? Were there abortions taking*
55 *place at 6-7 months of pregnancy or later than that?*

56 RN – Yes, there were aborted.

57 PANEL – *What was the latest you know about?*

58 RN – At 8 months.

59 PANEL – *Were any of those born alive?*

60 RN – Yes, some were born alive but not long after, they died.

61 PANEL – *You say from 2010, family planning in China got stricter, in what ways did it*
62 *get stricter?*

63 RN – They started to be everyday checks from the authorities. I would tell my kids to
64 leave the home every two days as I knew there were checks coming. Heavy fines were
65 imposed. Some people were sent to prison.

66 *PANEL – You say most women were referred for abortions by the family planning*
67 *office where your sister worked. Can you tell us more about this office and where it*
68 *received its directions from?*

69 RN – They get their orders from the Chinese government.

70 *PANEL – Do you know which part?*

71 RN – No.

72 *PANEL – You say your sister was imprisoned as she left the family planning office.*
73 *What was her job there?*

74 RN – She was involved in advertising and promoting. She would go from house to
75 house and explain the family planning policy. She would also hand out pills for
76 sterilisation to stop women becoming pregnant.

77 *PANEL – When was she imprisoned and how did you know she was imprisoned for*
78 *resigning?*

79 RN – In 2016, I was able to get a passport and leave for Turkey. I heard from my friends
80 she was imprisoned. The actual reason for her being imprisoned had to do with ethical
81 religious reasons. She was also covered and so, I assume she was detained as she
82 was promoting religious ideas.

83 *PANEL – Do you know if there was any judicial process in her imprisonment?*

84 RN – No, I am not aware of any as I was not able to keep in touch.

85 *PANEL – Do you know if she is still imprisoned?*

86 RN – From messaging on a secret chat using phrases like this person is impossible to
87 trace, I knew that she was still in prison. She has four children and I do not know their
88 whereabouts.

89 *PANEL – Your sister-in-law was also imprisoned after resigning from her job in a*
90 *hospital. You say she resigned because of the conditions, can you tell us about these?*

91 RN - She felt she was not able to pray or not able to live out her religion. Also, the
92 unethical practices brought on by family planning.

93 *PANEL – What were the unethical practices?*

94 RN – She worked in various departments in the hospital, whether the female ward or
95 others. The treatment she got from others and work practice things, the everyday
96 interactions she felt uncomfortable with. Not long after she also fell pregnant and this
97 went against family planning policy. My brother's child, when he was three years old,
98 people reported him to the authorities and my brother was fined 100,000 Chinese yen.

99 *PANEL – How do you know your sister-in-law was imprisoned and was a reason given*
100 *for her imprisonment?*

101 RN – Before I had heard from others, she was sentenced for 3 years. Using WeChat
102 I asked secretly has she come out of the hospital and the response was that she
103 hasn't. This indicated she was not free.

104 *PANEL - You talk about families who had more children than permitted, and hiding*
105 *children so not being able to go to school. How widespread was this situation in your*
106 *area?*

107 RN – According to my knowledge, I feel this is about 40-50% are in this situation about
108 my immediate surroundings.

109 *PANEL – With regard to termination at a late stage of pregnancy, I would anticipate a*
110 *large number of live births. You said they died soon after. How did they die? Was*
111 *anything used to bring on or accelerate their deaths?*

112 RN – Yes, the injections given initially has the AB amount and within 72 hours that
113 child dies naturally on its own.

114 *PANEL – So three days later. Were any of these babies' given injections after they*
115 *were born?*

116 RN – So yes, while they are in the stomach the injection was given. It was done before,
117 not after, they are born.

118 *PANEL – If the children were born now to mothers who had their IUDs illegally, would*
119 *the parents be fined, or would the children be taken to boarding school?*

120 RN – Speaking from experience, my brother was fined. Recently I found out my friend
121 in Turkey, but when she had given birth in China, she was fined 1,700,000 Chinese
122 yuan.

123 *PANEL – What are the health risks to the mother when she has a late abortion?*

124 RN – Some women do have health risks, some don't. Those that do, suffer great blood
125 loss and side effects of the injection. The uterus is ripped and also, it can affect the
126 other organs.

127 *PANEL – Have you seen any mothers pass away due to a late abortion?*

128 RN – I cannot remember. May I add something?

129 *PANEL – Let us hear what she has to say.*

130 RN – From 2002-2007, with my pharmacy there was an incident involving two women
131 running away in order to give birth. At 7 months, a woman came to me asking me to
132 assist in the birth and using various medication we tried to give birth. Later we had to
133 take her to another facility, but the child died during the birth. Two or three days later,
134 another woman comes from the same town at 9 months. I helped her with her birth.
135 Because this woman gave birth outside of the family planning policy, they had to show
136 the body of a dead baby to the authorities, so she is not punished. So, we exhumed
137 the baby which was born at 7 months as proof the other child was not born. After the
138 woman gave birth, she requested that they find an injection to stop the mother lactating
139 as, if the authorities check later the woman is lactating, they will know the child is alive.
140 Because on my conscience over time, it was not just IUDs removal from 2002-07. I
141 also assisted in the births of 150-200 women. You would want to ask the question why
142 women would put themselves in dangerous situation coming to a clinic like mine. It is
143 because the women are trying to escape the family planning policy. It shows how dire
144 the situation is for our people.

1 11th September 2020 (5:24:25 – 7:24:13)

2 John Packer & Yonah Diamond

3
4 PACKER & DIAMOND – Our testimony today builds on the report from March 8 of this
5 year, *The Uyghur Genocide: An Examination of China's Breaches of the 1948*
6 *Genocide Convention*, which was jointly published by the Newlines Institute for
7 Strategy and Policy (the Newlines Institute) and the Raoul Wallenberg Centre for
8 Human Rights (RWCHR) and to which we served as Principal Author and Principal
9 Advisor. The report was the result of a *pro bono* collaboration of over 50 independent
10 experts from around the world with a range of relevant expertise, including on China's
11 ethnic policies, Xinjiang, genocide and international law, of whom 32 experts are
12 named in the report.

13 The report analyses whether China bears State Responsibility for genocide against
14 the Uyghurs, in breach of the Genocide Convention, and concludes that China is
15 responsible for genocide against the Uyghur group, including every genocidal act in
16 Article II. The report only makes significant findings of fact when supported by direct
17 evidence, including eyewitness testimony and government documents, or reliable
18 satellite imagery analyses. While we did not address crimes against humanity, our
19 factual findings can and should be admitted as evidence of such crimes as well.

20 We examined the question of whether China bears *State responsibility* for genocide,
21 *not* individual criminal responsibility— a distinct legal *régime*— for the following
22 reasons.

23 At present, the absence of an international court with jurisdiction over Chinese officials
24 does not render the Genocide Convention, a multilateral treaty that is legally binding

on China and 151 other States, inapplicable, nor does it make ongoing State violence against Uyghurs and other Turkic Muslims any less urgent. The burden therefore falls on States, and the Tribunal in this instance, to reach official determinations as to whether China, as a State, is responsible for genocide in breach of the Genocide Convention and to then take effective countermeasures to respond, seek justice, and halt violations that are ongoing or prevent those at serious risk.

Moreover, the repressive and sophisticated system in XJ is designed to diffuse individual responsibility to the point of nonrecognition, sustained by a complex hierarchy of government bodies, officials, and even artificial intelligence. Many of these acts are, by their nature, not acts of individuals but products of a State system. In our view, this system is unprecedented in many ways and therefore requires a context-specific approach to assess a crime of the severity, magnitude, and complexity of genocide.

The Law

Under a State responsibility analysis, the primary sources of law are the Genocide Convention and the ILC Articles on Responsibility of States. The Vienna Convention on the Law of Treaties (VCLT), or the “treaty on treaties,” to which China is also party, provides the primary rules for *interpreting* the Genocide Convention. The jurisprudence of the International Court of Justice is not legally binding, though can be considered persuasive authority.

Art. 31 of the VCLT provides the applicable interpretive approach:

• A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.

On a plain reading of Article II of the Genocide Convention, *any one* of the five acts on its own constitutes genocide if committed with the requisite intent to destroy, in whole or in part, the identified protected group, as such. Genocide can be committed through acts (b) and (e) alone, neither of which necessarily entail physical or biological destruction of the group members. An interpretation of group destruction as encompassing the social unit in all its complexities is not only based on a good faith ordinary reading of the terms, but is also a well-accepted interpretation rooted in authoritative decisions by international bodies, including the European Court of Human Rights, Guatemala's Commission for Historical Clarification, and even a decision of the International Criminal Tribunal for the former Yugoslavia.

The terms of the Genocide Convention must also be read in the light of its object and purpose—to prevent genocide and safeguard the existence of human groups.

There is no uniform standard of proof to be applied to allegations of genocide under international law, though it is clear that the appropriate evidentiary standard must account for the serious challenges in evidence-gathering.

China not only refuses to cooperate with any international investigation but hides and destroys evidence within its exclusive territory and control, and actively seeks to portray its policies in the region positively through propaganda and forced video statements. China has thus far blocked any independent, unfettered access to the region, and yet, was elected last year to a three-year term on the Human Rights Council, one of the key bodies empowered with initiating a fact-finding mission.¹ The

70 leaked government blueprint for the mass internment system, known as the Telegram,
71 contains an entire section devoted to “strict secrecy,” banning all “mobile phones and
72 cameras” in the facilities, and a directive to train staff to maintain secrecy over
73 important data, which are not to “be disseminated,”² nor “open to the public.”³ Former
74 detainees have been (1) forced to sign documents never to disclose their experiences
75 in the internment camps (on penalty of being sent back along with family members),
76 (2) coached on what to say upon release, including to deny they were ever in
77 detention, and (3) forced to appear in videos portraying internment and the party in a
78 positive light.

79 Over the past couple years, Chinese authorities have destroyed critical evidence,
80 including scrubbing or omitting critical data for the region from public record—including
81 birth rate, population breakdown, birth control, and prison information— and burning
82 documents related to internment.⁴ This destruction of evidence tends to occur
83 following major leaks of documents. For example, according to one cadre, in the
84 aftermath of the release of the “China Cables,” “It took five or six days to burn
85 everything [in the office].”⁵ The government has also expelled an unprecedented
86 number of foreign journalists (at least 56 foreign correspondent positions remain
87 unfilled since 2020 due to expulsions and visa delays—in 2017, it used to take as little
88 as 2 weeks to process, now its indefinite),⁶ and continues to harass and monitor the
89 few journalists who are granted limited access to the region— restrictive conditions
90 which were only exacerbated by the COVID-19 pandemic.⁷ The evidentiary burden
91 must account for these serious limitations, which also give rise to negative inferences.⁸

92 There is zero requirement under specific intent to look into the minds of officials or find
93 statements expressing explicit intent to destroy the Uyghur group. China’s purported

counterterrorism goals behind its crackdown do not determine the State's intent; its objective and comprehensive system of destruction against the Uyghurs does. The inference of specific intent is measured by objective standards, including State-orchestrated and interconnected destructive campaigns, which target every aspect of the Uyghurs as a group and, when viewed as a whole, can only amount to an intent to destroy the group as such. I will close with a summary of these destructive campaigns.

First, the all-encompassing mass surveillance system that terrorizes Uyghurs throughout XJ has broken up families and severed communal bonds.

Second, the mass internment campaign has further torn Uyghur families and communities apart, through rounding up Uyghurs and other Turkic Muslims in the estimated millions.⁹ According to leaked documents and former detainees, grounds for detention were often for who they are - such as being "born after 1980s" or "untrustworthy," charges that criminalize an entire ethnicity,¹⁰ where "being ethnic Uyghur" is an official factor which could also result in detention¹¹ and harsher prison conditions. The vast majority of these detainees are Uyghur men between the ages of 18 and 55,¹² resulting in an increase in divorces, as well, to escape the stigma or sexual abuse of live-in cadres.¹³ The government is also subjecting Uyghurs to a parallel unprecedented system of long-term forced labour programs.¹⁴

Neither of these campaigns show any signs of abating. Recent reports demonstrate that Uyghurs are increasingly being transferred to serve long-term formal sentences, confirming a concerted plan to render the internment campaign more permanent with a veneer of legitimacy.¹⁵

Third, the Chinese Government is simultaneously engaged in a well-documented systematic coercive birth prevention campaign targeting Uyghurs in tandem with the mass internment drive, even describing these campaigns in the same terms— “strike-hard campaigns,”¹⁶ both conceived at high-level meetings. According to the leaked Karakax List, where Uyghurs comprise 80% of the population, the two most cited reasons, by far, for detention or internment are (1) “birth policy violations” and (2) persons born after “1980s, 90s, or 2000s.”¹⁷ These two principal reasons for detention, and the fact that the vast majority of detainees are Uyghur men between 18 and 55, reveal that a key driver of the mass internment campaign is the coercive birth prevention programs, and vice versa, either by enforcing strict “birth policy” rules or detaining young or middle-aged persons.¹⁸

The authorities coercively impose these systematic birth prevention measures, including sterilization and IUDs, through the ever-present threat of detention¹⁹ or other penalties, and further erode Uyghur communal bonds by incentivizing reporting on “illegal births” with cash rewards.²⁰ Officials are further required to subject women to regular pregnancy checks and pregnant women are forced to undergo abortions upon internment or if deemed illegal.

By 2019, the government planned to subject over 80% of women of child-bearing age in the Southern four prefectures (Hotan, Kashgar, Aksu, and Kizilsu) to sterilizations or IUDs.²¹ These Southern target areas are significant since Uyghurs comprise approximately 90% of the population in the South.²² And the available data shows that these campaigns are drastically driving Uyghur birth-rates down.

In 2018, Xinjiang had the highest net IUD placements of *any region in China* (calculated as placements minus removals), despite making up 1.8% of China’s

total population.²³ An August 2020 report from a majority Uyghur prefecture noted that 88% of all childbearing age women have IUDs or have been sterilized.²⁴ Between 2017 and 2019, the birth-rate across Xinjiang dropped by nearly half—the most extreme drop out of any region in the world since 1950,²⁵ with greater decreases in indigenous majority areas. Even in areas that are majority Han further North, we see the same downward trend in Uyghur births. Available data for 2019-2020 show that these decreases are continuing, with Southern Xinjiang's growth rates already near or below zero,²⁶ at a time when China is encouraging childbirth across the country to fend off a national crisis—all demonstrating a clear discriminatory program suppressing Uyghur births in the region. The government does not even dispute these declines in birthrates, but instead attributes them to “the comprehensive implementation of the family planning policy.”²⁷ Moreover, China's US Embassy outwardly admitted that the anti-extremism policies in Xinjiang made “Uygur women... no longer baby-making machines.”²⁸ The combined mass internment and coercive birth prevention campaigns deprive the Uyghur population of the ability to reproduce and further point towards an intent to biologically destroy the Uyghur group as such.

Fourth, the government has forcibly transferred Uyghur children *en masse* into State-run Han group settings, in breach of Art. II (e), which further evidences an intent to destroy the group by tearing families apart with the express goal of preventing the transmission of Uyghur traditions, religion, culture, or language²⁹ - essentially cutting off the next generation of Uyghurs.

Fifth, the State has banned and is erasing Uyghur language, culture, religion, history, literature, and poetry.

Sixth, the State has destroyed or damaged the vast majority of XJ mosques (approx. 16,000 acc. to reliable satellite imagery analyses by the Australian Strategic Policy Institute) and the majority of sacred sites, including sites at the heart of Uyghur identity like Ordam Padshah,³⁰ or what is widely considered the holiest Uyghur site.³¹ Why would the authorities go to the middle of the sand dunes to remove a few flag poles, areas which serve no economic or other purpose? Because they know that's the heart of Uyghur identity, and are therefore destroying that specifically, along with their connection to the land. Many remaining sites have been converted into commercial or civic spaces or enclosed with walls or checkpoints.³²

In early 2018, officials extended these destructive practices into domestic, private Uyghur spaces, intended to transform “backward” Uyghur lifestyles and erase ethnically distinct Uyghur architecture.³³ Authorities have specifically ordered the destruction of two household features that stand at the center of Uyghur domestic and sacred life.³⁴ The practices connected to these destroyed or converted sacred sites and household features not only carry religious significance for the Uyghurs but also strike at essential elements of Uyghur identity, culture, communal bonds, and connection with the land.³⁵ Lastly, the government is selectively targeting prominent Uyghur community leaders and the guardians of Uyghur identity to harsher prison, and even death, sentences,³⁶ or disappearances. There is a growing list of hundreds of disappeared or imprisoned Uyghur intellectuals from 2016 to the present, including Government officials, prominent academics, celebrated writers, poets, linguists, tech developers and the like.³⁷ Some of these figures were even praised by the government, for instance, for fostering understanding and building bridges between minorities and the Government,³⁸ or the Han majority.³⁹

Conclusion: In Whole or In Part

188 The government is committing independent and interconnected destructive
189 campaigns and attacks targeting every possible aspect of what defines the Uyghurs'
190 survival as a group: the coerced reduction and prevention of Uyghur births; severance
191 of all Uyghur social bonds; mass internment characterized by widespread torture and
192 sexual violence; disappearance of Uyghur community leaders, household heads, and
193 intellectuals; eradication of communal, spiritual, and religious Uyghur sites and rituals;
194 erasure of Uyghur language and heritage; and the forcible transfer of the next
195 generation of Uyghur children from their homes to be raised in Han settings by the
196 State. When taking an aerial view of the comprehensiveness of these policies and
197 their destructive impact on the Uyghurs one can only conclude that they evidence an
198 intention to destroy the Uyghurs as a group as such.

199 There is also sufficient evidence to infer the State's genocidal intent to destroy a
200 substantial part of the Uyghur group on a narrow interpretation of biological
201 destruction, based on China's own statistics and directives. These official documents
202 conclusively show that Uyghur birth rates are plummeting and growth rates are near
203 or below zero. These birth rates will only continue to drop so long as the draconian,
204 coercive birth prevention measures, mass internment and forced labour schemes
205 remain in place. The fact that China has concealed all recent Xinjiang prison data
206 (since 2018) and birth rate data (since 2019-2020) from public record,⁴⁰ a departure
207 from longstanding tradition of public documentation by the State, can only lead to the
208 negative inference that Uyghur birth rates continue to decrease. We hope this Tribunal
209 will put the victims at the centre in your deliberations, while adhering to the appropriate,
210 conceptually coherent legal regime. It is possible to do both.

211 COUNSEL – *You’ve identified that the intent to destroy on the part of the PRC is*
212 *destruction of the Uyghurs as a whole or in substantial part. Are you able to justify why*
213 *the destruction is substantial, either in numerical or other terms?*

214 P&D – We would first submit that the comprehensive destructive campaign aims to
215 destroy the group as a whole. Especially by sheer numbers, millions in different
216 categories for example mass sterilisation, internment. If one would take a narrower
217 interpretation of intent, biologically or physically, then would have to look at the number
218 of births prevented, number of women disproportionately sterilised in Uyghur majority
219 areas and make determination whether that is substantial part physically – in our view,
220 based on a plain reading and interpretation of international law, this destructive
221 campaign is sufficient to prove a campaign to destroy a group.

222 The obligation under the Genocide Convention is not to commit genocide with regard
223 to the specific group which Uyghurs constitute in whole or in part – or is disjunctive in
224 that phrase – so do not need to establish every one or whole, must look at the notion
225 of in part – quantitative and qualitative, with no specification to time threshold or period.
226 It may be there needs to be an event of mass execution, it may be quantitative
227 numbers will be destroyed apart of group quant as percentage or a real number. Wish
228 to underline, ‘in part’ also speaks to qualitative; if a group ceases to exist by character,
229 then part of the group has been destroyed. That is a necessary precondition for *raison*
230 *d’être* of the Convention is to prevent destruction of *the group* as such. Not distracted
231 by a numbers game or period of time.

232 COUNSEL – *Would you still maintain that, knowing that policies in Southern Xinjiang*
233 *are not replicated in the North generally, the proof of targeting of intellectuals is in the*
234 *hundreds or thousands and the proportions of those being targeted with alleged*

235 *prohibited acts are less than 15-20%? Could it be possible to justify still an intent to*
236 *destroy a substantial part?*

237 YD – The mass sterilisation and birth prevent campaign though lots of evidence
238 suggesting aggressively pursued in south where Uyghurs are 90% in some places in
239 north. For example, in Urumqi. Every Han majority district experiences a growth in
240 birth, but Uyghur majority district experience declines in birth rates – confirmed in
241 county in the north where Uyghurs experience discriminatory decline in birth rates
242 (shown by Rian Thum). We do not have so much information recently of birth rates.

243 'In part' can be a qualitative feature, if part of group targeted for long term prison
244 sentences, death, disappearances which intellectuals are subjected to that is further
245 evidence as it carries more weight as these are representatives of the group and
246 guardians of the community. When they are disappearing or dying that carries greater
247 weight for the question of in part.

248 JP – From the ordinary application of treaty law, the treaty doesn't stipulate a
249 threshold, understanding the intent of state, consent was not the establishment of
250 threshold, we are not disagreeing with the qualification of substantial to treaty – the
251 reason is because don't believe a single individual subject to one of five acts would be
252 sufficient to constitute a breach of the Convention even if killing individuals might be
253 motivated by another of genocidal character. That notion should not be reduced to an
254 imaginary numerical threshold – 15-20% - think of country for example: if it was 20%
255 of UK is over 10 million people. Your reference was to single elements. We need to
256 interpret the conduct of the state, as there is a need to attribute responsibility to the
257 whole of acts – not to single elements which do the trick it would be erroneous to do
258 so. Look in context and light of pattern it becomes clearer.

259 COUNSEL – *When referring to substantial part, what you are talking about is intent to*
260 *destroy a substantial part rather than the actual destruction of a substantial part?*

261 JP – Yes.

262 COUNSEL – *You’ve mentioned and quoted various statements by President Xi and*
263 *other high-officials, might these be explained as relating to policies to root out terrorism*
264 *and/or pursue an assimilation or forced integration project rather than a destructive*
265 *one through the commission of crimes?*

266 JD – Here, I would refer the tribunal back to the real requirement for intent to destroy
267 is not an explicit statement. Historically, it is not case, even with the final solution it is
268 not evidently clear it meant the mass destruction of Jews. This simply does not exist
269 in history. Both required in ICC and international criminal tribunals – they rely on
270 general criminal context to derive intent. I would say these statements, while indeed
271 horrific and evidencing in a sense an intent to break roots and wipe them out root and
272 branch, which could refer to ‘terrorists’ and ‘extremists’ when combined with the
273 broader context for Uyghurs and Turkic minorities. That is not the primary evidence of
274 intent which are the destructive campaigns.

275 COUNSEL – *What evidence is there to suggest prominent leaders, intellectuals,*
276 *religious figures are being specifically targeted as opposed to falling generally within*
277 *the dragnet deployed by the CCP or the PRC for apparent extremist-oriented*
278 *behaviour?*

279 JD – It appears that people in those positions, Uyghurs in those positions, are
280 subjected to harsher sentences and disappearances. That would have to be
281 scrutinised with further fact witnesses. That is the case. Even death sentences and
282 Imams dying in prisons.

283 COUNSEL – You said in the *New Lines* report there are reports of mass death – is
284 there an evidential basis for this? The citation you provide has deaths only in the
285 hundreds – the Uyghurs number many millions. Is there anything else we should
286 consider in respect of the evidence in relation to mass death?

287 YD – At present, there is not exactly a lot of available primary evidence indicating. One
288 would have to ask what mass death means. If the numbers we have do not appear to
289 be mass death. Also, stress the Xinjiang Victim Database has documented death in
290 detention or shortly after. A lot of these individuals are 35-55 or under 18. China held
291 a press conference confirming deaths documented by the Xinjiang Victim Database
292 which is relatively small sample of the overall sample of victims. It increased from
293 10,000 victims earlier this year to 25,000 today that are registered. There are also first-
294 time testimonies, one Uyghur in particular who testified to 9 deaths in her cell in 3
295 months. While this is one testimony this is a situation where all circumstances must
296 be taken into consideration. So, deaths confirmed clearly do not demonstrate the full
297 extent. There is also systematic neglect of medical treatment, systematic and
298 widespread torture, and prisoners dying as result of torture. Have to take this into
299 consideration.

300 JP – The conclusions reached by the collective to *New Lines* report do not turn on
301 article 2.a finding to be breach in 2.b, c, d or e. This would be plainly wrong and an
302 absurd reading of the convention. It would be to say required killing to find subsequent
303 breaches. In literature there is the term ‘slow burning genocide’, takes place over
304 period of time – used in context of Rohingya, also in Canada indigenous women and
305 girls disappear. There is a confluence of conditions contribute to state which give rise
306 to, among other things, killing but also gives rise to other breaches, I would suggest not
307 to stumble over that. Our suspicion looking at whole is that numbers exceed what have

308 been reported now and our expectation such numbers will grow should there be
309 unfettered access to investigation.

310 *COUNSEL – You’ve focused your report on Southern Xinjiang – why are these*
311 *prohibited acts not occurring in Northern Xinjiang to the same extent, if indeed they*
312 *are not?*

313 YD – There is evidence of discriminatory birth rate decline in the north, prisons
314 geolocated over 380 build or expanded across Xinjiang. So, every populated area –
315 not only in southern Xinjiang though aggressive forced birth prevention campaign, we
316 see evidence pursued more aggressively in the south that is significant as Uyghurs
317 are 90%, so you know group targeted are them. The destructive policies are not
318 restricted to the south.

319 *COUNSEL – You have departed from a traditional interpretation of specific intent as*
320 *set out in the jurisprudence of the ICTY/ICTR/ICJ namely, that the intent to destroy is*
321 *restricted to intent to physically or biologically destroy. Some of the prohibited acts of*
322 *genocide are acts of conduct not result and therefore fall within this traditional*
323 *interpretation. Three short consequential questions arise: Why are you not applying*
324 *the interpretation of the genocide convention as set out in the jurisprudence of ICJ and*
325 *ICTY/ICTY when considering specific intent?*

326 JD – Because the treaties that govern it say we should not. If you read the treaties,
327 what you have characterise as traditional is the practice elaborated in *lex speciales* –
328 specific legal regime applicable to individual responsibility. With regard to individual
329 responsibility is specific limited legal regime – not only distinct legal regime. In
330 international criminal, Rome Statute explicitly says has no implication shall have not

331 law regard to states. Even Article 10 says jurisdiction should apply intra the regime for
332 consistency.

333 Second of all, more important, general international law. Here, the Geneva Convention
334 law of treaties which codify the cumulated practice of states and developed it, and is
335 believed to be the reference makes clear we should apply the Genocide Convention
336 as treaty law to states, observed (to quote the court) to take for example; we believe
337 erroneous, notions elaborate protection of individual, standards to individuals and so
338 forth and apply them to states. We believe traditional and orthodox approach is broad
339 established practice of all international law is one we are suggesting. One decision of
340 court of the International Court of Justice which has applied it in this way and we believe
341 this is erroneous.

342 *COUNSEL – [They have set out extensive jurisprudence on this question yet you apply*
343 *a lower threshold not necessarily consistent with the jurisprudence: “Based on the*
344 *ordinary meaning of the terms of Article II in their context and in light of their object*
345 *and purpose, the “intent to destroy [the protected group] ... as such” encompasses an*
346 *intent to destroy the group to the point that the group no longer exists as a group and*
347 *can no longer reconstitute itself as such”]* Note: ICJ jurisprudence still selectively used
348 *to interpret particular aspects of specific intent – seems inconsistent and piecemeal.*

349 *COUNSEL – Are you not conflating here two things – an intention to do something*
350 *(namely physical or biologically destroy) and the outcome or result of that intention.*
351 *Would you agree that intent to just socially or culturally destroy the group would be*
352 *insufficient to meet the test?*

353 JP – When we approached this matter, we were asked straightforward question – is
354 there a breach in our opinion in context of facts as appear to be with regard to

responsibility of state party, the PRC, in the matter of genocide. We applied traditional orthodox international law. If you look at article 2, which we only looked at as there are other obligations to China under Article 3/4, it is very clear in ordinary meaning it can be nothing other than ordinary that physical destruction is not the entirety of obligation explicitly there is for example is mental harm which is disjunctively identify. There is explicitly the removal of children, can interpret over long period of time. Group as such in 'existence', quoting from General Assembly resolution, 'existence of group is not merely a composite of atomised biological beings, it is group as such'. In our view, a number of provisions of Article 2 would in physical or biological terms at least three do not, so extraordinary for state parties to dispense of specific obligations of treaty the no reference in law. Article 58 the conflation in our view has been conflation of two regimes of individual and state where it is applicable law nor sensible to apply.

YD – The question presumes that first intention to destroy implies a person intentionally doing something but clearly state responsibility – states intention has to be interpreted – courts have looked at scale, destructive campaigns, looked at results to find intent. Add to John's point that acts c and d have spec intent attached to it whereas others do not (physical and biological destruct). The Genocide Convention was product of years of deliberation, seem strange to include extra words that imply this intent to destroy group meaning the general intent encompasses group and all that defines the group as such, added words as such. ICJ has hear disputes between states in own statute states its own decisions are not legally binding on ICJ itself beyond that specific dispute. it is difficult to say you have to apply standards from ICJ especially as China not recognise the ICJ.

COUNSEL – Finally, would your conclusion on intent still hold if you had applied the conservative interpretation of the law – that intent to destroy entails physical or

380 *biological destruction? Would the intent to socially or culturally destroy would not meet*
381 *the test?*

382 JP – The Genocide Convention does not say that. We would start with Article 32 – all
383 law established this, what matters here is the consent of states. State is sovereign.
384 The ICJ is not sovereign over states, it is an institution that serves states members,
385 statute of court is part of charter and it is an adjudicative body, one of 8 optional means
386 to solve dispute. It is dispute resolution mechanism for states. How international law
387 works and what is reliable we have to proceed with the orthodox means. The treaty
388 does not say ‘social’, it says ‘as such’ which gives specificity to it. The ‘part’ is
389 qualitative and quantitative. This would have to go to heart of existence of group. May
390 a group exist absent language? I think it would be manifestly possible to exist absent
391 an element of identity. No single identity marker identifies the group. Position to see
392 treaty as whole, look at all Acts compositely, specifically Article 2 there are 5 essentially
393 Acts to look at and draw attention to.

394 *COUNSEL – Standard of proof is beyond reasonable doubt, except a state’s duty to*
395 *prevent as of course it is absurd to apply standard to something not yet occurred or is*
396 *occurring, you have given other situations where not apt to apply beyond reasonable*
397 *doubt. Could you clarify whether you think there is any situation where beyond*
398 *reasonable doubt situation would be applicable to state responsibility?*

399 JP – No. General international law doesn’t stipulate standard of proof. No customary,
400 no treaty, one of notorious questions, notorious that there is no standard. Look in
401 practice of states, look at the ICJ studied in Geneva academy identifies 15 different
402 standards of practice. Jurisprudence is small and limited, in respect of genocide is
403 minute - 2 cases. There are 158,000 treaties registered by obligation under Article 1, 2

404 UN charter. There're more than 1000 multilateral treaties. In 100 years ICJ and a
405 permanent court of international justice, just 200 cases have even been adjudicated.
406 It is improper to talk of traditional position of things on standard of proof. And it won't
407 exist and doesn't. Where state responsibility attached, Article 2 body established by
408 UN pursuant to Article 13 of the Charter and treaty based, defines the wrongful act of
409 a State as 2 elements only: the wrongful act of state when conduct act/omission s
410 attributed to the State under international law and constitutes a breach of an
411 international obligation of the State. To qualify that as dependent that on adjudicated
412 outcome on a standard of proof which may be extraordinarily high is inappropriate, all
413 international law would cease to function. States conduct themselves on the
414 assumption, a state may attribute acts to wrongful state then entitled to make
415 countermeasures with exception of individual responsibility. This is not *lex speciales*,
416 a peculiar international law as important of individual protected by human rights law.
417 If speak to legal advisors in most countries, fail advise of government if bound by
418 standard of reasonable doubt.

419 YD – Even according to international courts, beyond reasonable doubt standards is to
420 protect a defendant from sanctions, sanctions are to protect individuals so I do not
421 think it is applicable to states. Second point, consider what China has been doing -
422 leaving out and taking information out or omitting birth data for region departing from
423 long standing tradition of public information, how can someone be convinced beyond
424 reasonable doubt in this framework? How can someone operate in this framework?
425 This is why state responsibility is important as it allows others to make determination
426 without any cooperation and with obstacles and destruction of evidence in the way.

427 JP – Of course the regime of international human rights law and European Court of
428 Human Rights operates to a standard beyond reasonable doubt, within the context of
429 *lex specialis*.

430 PANEL – Of all the reports that have ventured to express opinions on genocide by the
431 PRC this year, you are the only one to present here, we are very grateful. Not only are
432 reports the preserve of distant anonymity, the USA has chosen to express an opinion
433 that another state what is sometimes cause the greatest of all crimes. But not thought
434 it necessary to explain on what material or means it has reached that conclusion. I will
435 be comparatively brief. Even in an extended period of time I have no doubt my
436 colleagues will want to ask a lot of questions. It is necessary in light of what you have
437 said to explore a little history. And so, it was in 1921 assassinated Grand Vizier of
438 Ottoman Empire in Berlin, Raphael Lemkin law student couldn't understand why army
439 was about to be whereas Grand Vizier had avoided this. He became obsessed with this
440 to murder of nearly all family in WWII to advance concept of genocide. Find himself in
441 pol climate which exists to this day of state resistance to direction of law and morality
442 and, as William Schabas says in his book, there was an appalling experience at London
443 Conference where Statute of Nuremburg trial was corrupted to ensure wouldn't expose
444 America for pursuit the lynching of black Americans. He was successful in having the
445 term genocide as a new term used as a term of description in four maybe three of the
446 first Nuremburg trials but the judgment showed him the difficulty of controlling states
447 from outside such things as holocaust of Jews was not going to be allowed for. Went
448 to UN and forced the convention through. Extraordinary act for single human to do.
449 That convention should be understood to be much unloved by all the great powers,
450 they didn't want it but had to have it. Do you agree so far? Yes. Later discussions
451 various things considered and eliminated e.g., cultural and political such as in hands

452 of Russia. Let us be under no doubt genocide is not unique feature of human bad
453 behaviour it is a defined segment on what humans do to other humans starting with
454 thinking and thoughts and ending in mass killing. What is also not well known, and you
455 confirmed this, is genocide was then forgotten. Through 50s, 60s, 70s, towards end of
456 60s or was it the end of the 70s Great Britain acceded the convention, then China then
457 US, an unpopular and unwanted convention so far as states were. Reason they didn't
458 want it may be Article 1. There may be other reasons – Article 1 if you find genocide,
459 as a state anywhere in the globe, you have to do something. No state wanted this.
460 However, having acceded to it, one e.g. in 1971, GB foreign secretary dissolved
461 response re Bangladesh, nothing to be tried, we can't decide, and said dead letter or
462 falls on barren ground. Since then, has there been any occasion when any government
463 has responded to the imperative in Article 1?

464 JP – Responded in contentious case?

465 PANEL – By doing something, sending armies in?

466 JP – There was the invocation in February 1992 which regard to protection of Kurds
467 in north of Iraq and Shia Arabs in south of Iraq to protect those groups explicitly
468 concerns of genocide.

469 PANEL – Which government, what did they do?

470 JP – Resolution 667 – all necessary means taken of states including UK, mention as
471 antecedent to vulnerable of Kurds, gassing in Halacha. There was credible and serious
472 risk there would be genocide.

473 PANEL – This part of 1990s?

474 JP – February 1991.

475 PANEL – This is the first time GC may be, was some effect. Come to 1998, first
476 genocide trial, this is demonstrative of efficacy of GC, not very much. If move forward
477 when come to e.g., Rwanda, in Rwanda foreign secretary was reported as Bangladesh
478 saying word genocide shouldn't be used in 1993/4/5 re the former Yugoslavia there
479 was determination never to use the term as would have forced the hand of the forced
480 to doing it. So, they never allowed use the word, they did not want it to have effect. This
481 is a people's tribunal as you understand. It will not make recommendations and will
482 provide one piece of information. Here to fill a gap as Jean Paul Satre saying in respect
483 of the Vietnam tribunal. Although the Tribunal isn't an activist body, will not become
484 one, it would prefer its outcome to be of effect. Several parliaments around world have
485 pronounced genocide as being committed and nowhere succeeded in getting
486 governments to act under Article 1 of the Genocide Convention. The British
487 government is so determined not to allow Article 1 to be considered that it has imposed
488 on itself a protocol where it says genocide can only be determined by a judge, but as
489 there isn't a judge who can determine it, there can be no determination. They are
490 continuing to avoid possible activation of Article 1 even though the British Parliament
491 voted unanimously. There is no idea amongst the 9 of us what conclusion we will
492 reach. Would you accept that the simpler the conclusion, one way or another, that a
493 tribunal representing the public interest resolves, is more likely to give effect than if it
494 is complex in its resolution?

495 JP – In short, simplicity is always welcome in such matters, especially if to move public
496 conscience is goal. I concur entirely of summary of historical experience I would
497 suggest is at start odd as law as stated in Genocide Convention and is at odds with
498 the *raison d'être* of convention was adopted by the UN General Assembly the day
499 before the Universal Declaration of Human Rights, not by coincidence. In order of

500 human development re international relations charter of UN, establishes two
501 parameters for states: 1. You may not at liberty destroy part of population (ethnic,
502 rational, religious, national group) genocide puts part in that, and the Declaration of
503 Human Rights obligations in obligations in charter Article 1 and 5 says the state must
504 direct its functions to wellbeing of individual, must positively contribute to wellbeing.
505 Has sad to watch last 75 years and the persistent violations in particular genocide
506 conventions of non-application.

507 *PANEL – Is simplicity preferred to complexity at this stage? If this tribunal, peoples,*
508 *make decision when no precedent for conviction other than by mass killing, with a*
509 *different interpretation of standard of proof from the highest, is this likely to be subject*
510 *to accepted by any government?*

511 Yes, I do. We have third case at of *The Gambia v Myanmar*. The Gambia acting on
512 public interest, a small weak state standing up for Genocide Convention. The point is
513 that it is time we change practice of states. Contribution of tribunal is to undermine the
514 point. Simple and clear to distinguish individual and state responsibility. People can
515 understand state cannot be arrested, prosecuted, put in jail. A simple example from
516 Rohingya one of the key elements of persecution 1982 law of citizenship, that law was
517 not enacted by individual, cannot be repaired by an individual, it was act of state.

518 YD – I don't think people's tribunal should consider political ramifications of its
519 decision. I would assume it would retain more authority if stuck to the law. Which is in
520 Genocide Convention, not in political reality. I do think that the decision based in the
521 law will retain more power.

522 *PANEL – How much what you talk about make any sense to the average person off*
523 *the street?*

524 JP – I think it would to normal people, who come to here. They understand what state
525 is quite clearly. Number of people dealing with this here with Brexit. Not esoteric or
526 complex – state existed since time immemorial. If we are trying to move, the tribunal
527 may move states to act. The consequences of report specifically debated in
528 parliaments where decisions were taken for example. Belgian, was read by the state
529 department in the US and can say it is in the province knowledge of existing
530 government in Washington told previous member of cabinet. This is not without
531 bearing and I hope tribunal has aspiration for the man in street but also the responsible
532 authorities of state.

533 *PANEL – How to get to Parliament if not via the man in street? How much of detail of*
534 *law, practice, court ever in the mind of hundreds of parliamentarians, my suggestion it*
535 *would be very little? A point Mr Diamond point made on the burden proof to stop people*
536 *being hanged if they shouldn't be - in areas of law where it applies, earlier on you said*
537 *the difficulties of proving something have to be taken into consideration in adjusting*
538 *standard of proof? Is that right? Does the legal system not work on the basis that if*
539 *don't have the evidence, isn't this just bad luck? How change that?*

540 YD – In the ICJ's first decision, *Corfu Channel* case, I dealt with this as the country in
541 question had complete control over territory the court has to give more weight to
542 indirect or circumstantial evidence. It is fundamental principle of law as well as just
543 practically something, we have such mountains of evidence pre-2019 operating in
544 conditions got worse over pandemic with close to zero transparent reporting on
545 Xinjiang. These are critical factors in overall.

546 *PANEL – What do you think of this observation, that the tribunal should not be*
547 *concerned with what it does not have, or what it might have in a conventional*

548 *investigation, but must do as physicists or engineers when faced with impasse and*
549 *unknown path of enquiry - is to look elsewhere, test conclusions with same rigour as a*
550 *tested investigation with more investigation, do you accept that?*

551 JP – We accept that but standard would not be beyond reasonable doubt.

552 *PANEL – This was in China tribunal where beyond reasonable doubt was applied and*
553 *finding of crime and not of crime were made.*

554 JP - There is a problematic aspect in this tribunal as you are simultaneously looking
555 at individual and state. That is not international practice there is either individual or
556 state responsibility. You have given yourself challenging task. I would say one should
557 be cautious in terms of applying that. I would say it would be sensible to say if looking
558 at individual for example a Head of State or Head of CCP in autonomous area in
559 Xinjiang, or detention camp, apply *this* standard and, looking at state, apply *that*
560 standard – that is not inconsistent, it is entirely reconcilable.

561 *PANEL – You have supplied the material for us to make that choice and bifurcated*
562 *decision if we choose to do so. If indicated, a possible outcome it is not expression or*
563 *expectation it's an opportunity to consider the efficacy of simplify or efficacy – given*
564 *what is of concern with the Genocide Convention should be activated and not left on*
565 *one side.*

566 *PANEL – You quote in document a huge difference in relative birth rates in recent*
567 *years in Uyghurs and Han population but don't give absolute values, can you tell us*
568 *how absolute birth rates compare, how big is the different?*

569 YD - I'm not a statistician, this might be better addressed to the Australian Policy
570 Strategic Institute, Dr Thum, Dr Zenz who have conducted analyses. When growth
571 rates are approaching 0, birth rates approaching 0, decline by 80 % from one year to

572 next – in absolute numbers as well the numbers have dropped dramatically abed on
573 previous birth rates in the Uyghur community.

574 *PANEL – We have heard earlier today as more repressive comes to power there is*
575 *increasing hiding of births of Uyghur population, there is also concerns there may be*
576 *further bias in data in virtue of interest of those in charge to reduce the birth rate of the*
577 *Uyghur population, to show the figures show this is happening. Do you think this is*
578 *real?*

579 JP – The Chinese policies on births are now new or secret. What is extraordinary here
580 is how being applied and now being clearly purposefully we believe as part of
581 consistent with genocidal intent, are being applied to intent to hide. One may imagine
582 the negative inference in this – this is not a one off, what leads us to think this way is
583 others.

584 YD – What you meant officials have quotas to meet and so they may be fudging the
585 data?

586 *PANEL – Question if that bias – the question coming round to is, if over time, if we take*
587 *birth rates as they were a few years ago and project forward 10 or 20 years, with all*
588 *shortcomings of modelling, there is no doubt proportion Uyghurs would increase than*
589 *Han population. It is possible that, with current situation, it would remain stable. What I*
590 *am asking you do you think if proportion of Han to Uyghur remains stable over next 20*
591 *years, would that count as genocide, as socially engineered to prevent an increase in*
592 *the Uyghur proportion?*

593 YD – Go back to the Genocide Convention, it is difficult to compare populations our
594 analysis is not about numbers how many births, it's about all of the destructive
595 practices and how that contributes to destruction. The physical body is not relevant to

596 those questions, if you are taking a restrictive approach there has to be a certain
597 number of births prevented, shown their numbers are being prevented. This is more
598 apt question for John or Rian Thum or Adrian Zenz or Nathan Ruser who have looked
599 at data and know if that is the way the trends are going.

600 JP – The speculation of projection of demographics that takes a single factor and
601 ignores transfers of population, move out population, departs from provision Article 2
602 on prevention of births. We have not speculation, we have evidence of acts attributed
603 to state which *have* prevented births. We would stop at our position 11 September
604 2021, our view that attributable to the PRC there have been acts which have prevented
605 births of a substantial number destroying and with the intention to destroy Uyghurs as
606 such.

607 *PANEL – Two questions, if I may. Thinking about intent, is it on state responsibility*
608 *analysis enough these acts take place, don't have to prove any particular kind of intent*
609 *not on part of senior CCP official, just show these acts, on mental stage are brought*
610 *together, and don't have to concern ourselves on your view to trying to attribute*
611 *decisions to one group, or one person, if acts take place that is sufficient to meet that*
612 *intent?*

613 YD – Yes, that is view of international criminal tribunals which preside over individual
614 responsibility – they admit it is near impossible to look into mental state, why the
615 majority of those decisions are based on a broader context and why acts rather than
616 inquiry into someone's mind?

617 JP – We are not saying sufficient to have strict liability analysis act occurred and
618 therefore, there is intention – the Genocide Convention explicitly and unusually
619 stipulates an intent. Just the simple word intent, which is very unusual, is the idea

620 deliberate purposeful, not merely that just the act occurred. How does one know there
621 is intent? Assimilate the state as individual is a fool's game. There are elements of
622 state which are acts of state which are by their character are not attributable to
623 individual. In China, it is constructed in such a way so this is not possible. For example,
624 the application of artificial intelligence, where does responsibility for individual sit there?
625 But do know what state responsibility is. If organs, individual of state, for example the
626 head of State, not only entities but specific actors such as head of State, head of
627 Government, carry *in personam* acts responsibility. Their acts and words spoken are
628 relevant to the state – may not separate from state. What Boris Johnson says does
629 matter. We you are looking at intent, not exactly a mind, we have to understand what
630 the deliberate and purposeful intention of those acts. We are talking about a powerful
631 state, China, we are not talking about develop countries no country of control. This is
632 state with all means and tech of deciding law, public policy, thought, party, agent, etc
633 - those may be through pattern of conduct even with omission of words, that is intent.
634 They didn't build detention centres not intending to detain people. We have to
635 deductively draw inferences. Key elements are 'as such' re a group. Was intent
636 destruct, if in part not whole, of group 'as such' - connectivity the deliberate purposeful
637 connectivity connected to Uyghurs.

638 *PANEL – If one can show detention centres, clearly state are put state in detention,*
639 *how far does that get you down the intention road?*

640 JP – Very far but is not all work, needs as such. There is an intent to do such act. If
641 they are now aimed at destruction of group as such you need additional work.

642 YD – You can look at it this way. How the historical commission in Guatemala, last line
643 of the last slide please, some of these aren't genocidal acts: Destruction of mosques,

644 burning books, official categorisation of Uyghur as grounds for detention. Those things
645 have to be viewed from a bird's eye. Starting from 2017 not only acts cumulatively it
646 looking at all of this together, and whether points towards logical sequence, this is way
647 commission phrased it. Is it the logical result from targeting the group from literally
648 every possible way you can in addition to 5 acts.

649 *PANEL – You seek to persuade us that as a People’s Tribunal whether a fair and just*
650 *standard of proof should account for restriction on securing direct evidence. In doing*
651 *that, you cite ICJ Corfu channel case. I am wondering how far that is relevant to us*
652 *here. In that case, the ICJ affirmed because state exclusive territorial control makes it*
653 *difficult to victim states difficult to furnish proof that would waratrant, case of victim*
654 *states, how might that apply in our context?*

655 YD – Genocide Convention victim states are the 151 other states, genocide is not to
656 commit is obligation not to commit so we are all victims.

657 JP – In general practice of states there is not a stipulated standard of proof – balance
658 of probabilities or preponderance. These references are Anglo-Saxon law not Islamic
659 law for example, not invoking one cultural or legalistic above others. Essentially
660 balance of probabilities, interesting about the Genocide Convention of gravity of
661 different standard so one can imagine look at Genocide Convention what would be
662 applicable for Article 5 – state must include in domestic law; do we need a beyond
663 reasonable doubt standard? If not, there we can assume its intended not to be there.
664 We can just read their laws. States are duty bound to share laws. It is possible to
665 imagine, we have actually applied higher standards, clear and convincing, we do not
666 believe it should be beyond reasonable doubt for the state for all of its obligations.

667 *PANEL – If reliance insufficient evidence in terms of Article 2.a so reliant on b-e, what*
668 *does destruction look like either whole/in part that human biological probably not*
669 *dissimilar in some forced marriage? What does it look like in 10 years' time, if you*
670 *imagine someone planning this, what are they conceiving in their mind that this group*
671 *would look like? Second bit of question is some policies if attributable for instance to*
672 *around education, sterilisation, are very long-term policies, presumably the outcome*
673 *could be very long term, does that matter re our determination?*

674 JP – Second point does not matter - time not threshold. I speak to you as a Canadian,
675 we have such examples. Difficulty is to look over time. If stop at certain point in time,
676 you have to establish where in that timeline. Duty is to prevent. Also, not waiting or
677 absurd to have the result before the prevention.

678 What would it look like – scholars take note of Daniel Firestein, Gregory Stanton have
679 spoken about stages, they have mapped out, genocide not accident or instant but on
680 the whole, genocides are planned, conducted over time. If we did look like to normal
681 person in street, we could imagine the dehumanisation that end of the, if we reduce it
682 only to physical biological human beings no one would argue would remain that the
683 group does not exist, a group as defined in the convention, ethnic, religious, they must
684 have a character of belonging of groupness, if distilled all elements of group of just left
685 with bones, flesh with no esprit, no ability to self-generate, you have destroyed the
686 group. We have evidence of this from other genocides – interruption of reproduction,
687 socially and culturally. I think humans can understand this. We would recognise this.

688 YD – Think a lot of people would get confused seem forced assimilation or cultural
689 genocide – those terms do not accurately reflect the situation. What is the impact of
690 mass sexual violence in prison, the impact of years of prison in torture, of tearing

691 families apart not get back together? If China says they want to create entire single
692 nation, race and were happy to include Uyghur people in race, what does that mean
693 for rates of suicide? There are so many factors. The terms I just mentioned are almost
694 colonial and not looking from victims' perspective. The destruction of religion, the
695 destruction of culture, if you take away cream cheese bagels it's a way of life for some
696 people more important than physical existence. 10 years' time destruction is terrifying
697 to think about.

698 *PANEL – First, there is individual responsibility vs state responsibility. What if the state*
699 *and individual is fused, for example we have measures of party states, President Xi*
700 *has changed the constitution so he is president for life and has head of several bodies,*
701 *lots of guidelines back to and President Xi – what happens to your argument when the*
702 *state and individual are fused in this way?*

703 JP – L'état c'est moi. In the same way, possible to imagine synonymy of state and
704 individual for example. Monarch – two going in sync which is extremely rare. Though
705 do in some states for example in Saudi Arabia – his acts are of the state. May be case,
706 part of problem for public in lay sense – we want to personify it, we were told this was
707 Stalin, Hitler. But it wasn't Hitler, it was the system, it was the judiciary dare I say in
708 the third Reich. A lot of the operative elements may be very small but it has reach. So
709 we have to escape, as part of your task to help the public understand, that it is not
710 reducible to one bad guy. Bad apple-ism is a distraction. In case of complex system
711 like China it is almost a constructed distraction. I have the theory of such regimes, I
712 was assistant to the Special Rapporteur in Iraq. The role of party in which is implicated
713 almost everything couldn't be professor in Iraq without being a party member.
714 Elements penetrate to become the state. The state is the primary actor in international
715 relations and law which gives us passports it is also primary responsibility of

716 interaction. Let's not let the state off the hook. They are may be overlapping, may be
717 individual with individual responsibility and, at same time, state.

718 *PANEL – Look at Article 2 of the Genocide Convention, at the five elements there, as*
719 *a lay person I am wondering does our understanding of these, how imp demonstrate*
720 *the intersection of certain of these 5 elements?*

721 YD – The Acts are discreet in terms of the *actus reus* of the crime. One would look at,
722 First, whether there is an intent to destroy group as such and if there is, then have
723 members been killed, torture, imprisoned, caused serious bodily harm, each one on
724 its own. The real question for you is looking at intent to destroy demonstrated by the
725 mass atrocities, by coordinated campaign of targeting. The acts are illustrative of how
726 you go about destroying a group. These acts have been amply demonstrated by this
727 tribunal.

728 JP – From a logical perspective, the five are discreet and stipulated as such as matter
729 of treat interpretation. Proving one is sufficient. Finding coherence, approach of actor
730 responsibility, it is sensible there is intersection that they not only take children away
731 but they also create conditions which is an extremely wide area. The intersectional
732 approach is telling. What we recorded, we believe there are violations discreetly under
733 each one and all of them.

734 *PANEL – To conclude, if there was a circumstance where under your analysis of state*
735 *responsibility a case of genocide was made out, if strong left found a document from*
736 *the later showed he had initiated conduct but for a different reason, what say to that?*

737 JP – These are not mutually exclusive.

738 *PANEL – So it is genocide and not genocide?*

739 JP – No, you may be committing genocide with additional purposes. Like breaking and
740 entering. I cannot imagine genocide historically with one without some additional
741 purposes. In Auschwitz gas chambers, they were melting gold.

742 *PANEL – If having made determination, you find a document from the leader ordering*
743 *the behaviour for an intention different, what would you say then? Would you say*
744 *determination is mistake?*

745 JP – No, as the conclusion is on the composite of acts you can infer. Otherwise I would
746 just say note and lock it in a safe saying the purpose of my genocide is not to commit
747 genocide. That is part of the argument about sole purpose. If simply means the PRC
748 issues a statement, and they do claim the intention is counter terrorism, population
749 policy, economic even if document to support this.

750 YD – There is no defence of genocide.

751 *PANEL – Remember bad things people do to each other. Just in case helpful in future*
752 *evidence, sociologists look at genocide from different perspective look at different*
753 *circles, is their circle bigger or is it Venn diagram that intersects? If we would like to*
754 *find contemporaneous writer opposing your views, who would it be? Apart from*
755 *Shabas. Only ones good enough to tell us. Who would be the person to turn to for the*
756 *other view?*

757 JP – Certainly Shabas with whom we agree on many things, but on a few we disagree.
758 I would think there are a number of scholars from who will hold position essentially
759 from now there are narrow areas of law such as international criminal law become self-
760 generated and closed. They talk to each other and quote each other. I believe there
761 would be a number of international criminal law scholars who will support the views of
762 Shabas. I would say they are mistaken.

1 11 September 2021 (7:41:50 – 8:20:39)

2 Bahram Sintash

3 *[transcribing note: low-quality recording, please do not quote directly]*

4

5 BAHRAM SINTASH – My testimony today included three important topics. Topic one:

6 Demolishing of Uyghur mosques. The Chinese government's on-going crackdown in

7 the Uyghur region is aimed at elimination Uyghur ethno-cultural identity and

8 differentiated Chinese identities of Uyghurs Islamic State has been a measure target

9 of this campaign. The campaign of mosques demolishing began in 2016. The

10 campaign has taken the form of eradicating tangible signs of the region's Islamic

11 identity from the principal landscape. The campaign was termed the "rectification

12 programme". The programme of the mosque rectification programme was

13 undertaken with the justification of mosque demolishing. The CCP Central Committee

14 released an intro document which called for unilateral ban on mosque construction or

15 expansion of mosques and a reduction of mosques. Instead, the Uyghur Autonomous

16 Region has witnessed a way of shrinking mosques and a reduction of many mosques.

17 More than 140 mosques, which have fully or partially destructed or demolished or have

18 Islamic architectural features removed. Information from my source in the region and

19 my examination over 400 mosques and religious sites on the satellite imagery since

20 2017, about 30-40% of mosques were demolished in the townships in major counties

21 and cities all across the Uyghur region. The small village mosques are the majority of

22 the destroyed mosques. At the end of my research in 2019, I estimated that 80% of

23 village mosques have been affected all around the Uyghur region which means, in total,

24 as many as 15,000 are affected by the campaign. This number must have been
25 increasing still.

26 Demolition of mosques is at the heart of Chinese government campaign of genocide
27 in Uyghur homeland. It appears that their ultimate goal is to eliminate the Islamic faith
28 in Uyghur region. Without mosques, Uyghurs cannot deliver their religion and culture
29 to the next generation. Without mosques, Uyghur become religiously homeless in their
30 own homeland. Uyghur neighbourhoods and relocation of Uyghurs. The Chinese
31 government has demolished Uyghur neighbourhoods on a mass scale in various
32 townships and cities all around Uyghur homeland in the past few years.

33 Mosque destruction. The Chinese government has been doing this campaign under
34 the disguise of the Chinese government...under the disguise of the “demolition of
35 eradicating absolute poverty and public convenience”. Regional government has
36 publicly announced that the demolishing of Uyghur neighbourhood is the realisation of
37 the Central Chinese government plan. Xinjiang Autonomous Region even released
38 data on how many Uyghur homes and neighbourhoods have been demolished and
39 how many Uyghurs have been re-located to confirm their extremism in this mission.

40 Daily News emphasised the opinions of Secretary General Xi Jinping pointing out “that
41 it is necessary to increase the follow-up support for the relocation and poverty
42 alleviation”. According to China Economic Daily News, Xinjiang government
43 completed the relocation mission in 2019 with 169,400 people in 4146 households
44 across the Uyghur region. About 87% of the relocation were in the Kashgar, Hotan,
45 Aksu Prefecture. According to Tianshan Net, the Chinese Uyghur Autonomous Region
46 government and development commission has decided to complete the demolishing
47 of “old neighbourhoods”. 230, 000 will be demolished in the 20/21 plan. The Chinese

48 Central government has allocated 2.8 billion Yuan, about 440 million USD for re-
49 development of Uyghur region.

50 Examples. According to the Tianshan Net news story, residents of Kachung village in
51 Yarkant were re-located to Yonggang district which was built 50 kilometres away from
52 Yarkant in 2017. According to the RFA report on this resettlement of Yarkant county,
53 the Uyghur community is relocated to Kachung, Qoshirap and Damsivillages in the
54 Qoshirap river valley were removed out of their ancient village and homes. The
55 Uyghur farmers are now factory workers which is alien to their way of life and customs.
56 According to the Xinhua New, since 2017, Chinese government has relocated 40 000
57 Uyghur villagers living in Kargilik to the resettlement location in the country of Aktash
58 district. Currently these Uyghur farmers are being relocated to the Aktash, are working
59 in Chinese shoe factory. The factories are being built in the resettlement where the
60 Uyghurs are under the complete control. [inaudible] are being demolished and new
61 buildings are built on demolished sights all over Uyghur homeland. I documented eight
62 of these neighbourhoods which were demolished in Urumqi, Yarkant, Kargilik,
63 Karikash between 2018 and 2019. The campaign of demolishing of Uyghur
64 neighbourhoods and relocation of Uyghurs was never done with the consent of the
65 Uyghurs and result of Chinese government crackdown.

66 *COUNSEL – Mr Sintash, all of this is in your report with the pictures. I have two or*
67 *three questions which I would like to raise before I am asking the Tribunal to pose their*
68 *questions. You say in your report that you have personally investigated the demolition*
69 *or partial destruction of 140 mosques. You also refer to your examination of 400*
70 *religious sites. Is it correct, especially the figures you quote, the 1500 mosques is your*
71 *best estimate and not based on empirical studies of the sites?*

72 BS – We have a method of using how many percentage of the mosques being
73 demolished. Also collecting the official records, the official they told that the
74 percentage of the mosque in particular counties and towns to we can estimate the
75 amount of the demolished mosques using the targeted cities. For example, Tangi, is
76 a small city, there are about 15 mosques that were available but 80% there were
77 demolished and using this kind of method we apply that to the other cities and
78 townships, we can estimate the number. The 15, 000 is limited. It must be more than
79 this until now. That is my best estimation but could be 70, 000 or 60, 000. This is my
80 estimation of 2019.

81 *COUNSEL – You say that 30-40% are demolished. If the Chinese government wanted*
82 *to demolish, why did they stop at 30-40%? Why did the Chinese government not*
83 *demolish all of them?*

84 BS – I think that the work that we have done affected Chinese action on this because
85 we published those. If the world were to know about China's demolition of the mosques
86 so the report was published in 2019. I think Chinese government could rely on the
87 demolition of mosques because of the report being released. China cannot demolish
88 entire mosques. They can keep some of them to show the international community
89 that they are preserving mosques and that they are available, but the point is that
90 these mosques are not the majority...for example, main target to demolish mosques
91 that township people, the farmers don't have available mosque in their own town.
92 Some of the larger mosques in the centre of the country, they are available. For
93 example, if a mosque wasn't demolished but is there but China always ...to lie to the
94 world that they are preserving the mosques and still there and that what we are saying,
95 Uyghur researchers are saying, that historic mosques are being demolished is wrong.

96 China just keeping some of them. The number is shocking, more than 15, 000 mosques
97 have been demolished. This is true. We have facts of that.

98 *COUNSEL – The demolition of the old neighbourhood: is this policy limited to*
99 *Xinjiang or is this being carried out throughout China? The older neighbourhoods are*
100 *destroyed to give way for new cities?*

101 BS – I don't know what the policies are for other parts of China but people are tricked,
102 poverty alleviation means makes money, better lives. I think it comes for Uyghurs. This
103 could change our way of life or customs. For example, the people that are being moved
104 into what I called "labour ponds", where people work in the factories, this is how
105 Uyghurs have been living so this could affect Uyghur national population growth
106 because as you know, Uyghurs are Muslim. We have different life style because of
107 culture. We have a higher population growth compared to other parts of China. So, if
108 people move into the factory neighbourhoods, this affects our growth of population
109 because as you know the city population to township and farmers because of the living
110 style. ...in the farmers...population growth is more than in cities. Now, Uyghurs are
111 living somewhere under full control, limit cultural a limited size of houses where they
112 live, work in the factories. This changed entire Uyghur style of living and customs
113 affected Uyghur natural birth population.

114 *PANEL – You describe the desecration of mosques that were taken down - domes and*
115 *some minarets. Is that a precursor to total demolition or are the mosques still usable*
116 *or not?*

117 BS – Can you repeat, please?

118 *PANEL – You describe the taking down of domes and minarets of mosques and I*
119 *asked is that a precursor that leads to total demolition or do they carry on being used?*

120 BS – Because the domes and minarets is the main architectural element. It is what
121 makes it a mosque. Without a minaret or dome, this building becomes a *[inaudible]*.
122 According to my research and some of the testimonies, China government is using
123 that building for other duties, for example, a centre using propaganda for the
124 government to gather people for the meeting and somehow, they use the same
125 location for other duties, not for using for the mosques so people no longer go to these
126 mosques and pray as before. There is a lock and no one can enter the mosque. This
127 is about the destruction...

128 *PANEL – You cite the Bitter Winter report in 2018 where, in the city of Kumul, 200 of*
129 *the 800 mosques were being destroyed and you also suggested the destruction of a*
130 *further 500, leaving only 100 out of 800 was planned for demolition in 2018. Do we*
131 *know whether that has occurred?*

132 BS – The 140 demolished mosques research was conducted by myself. I examined
133 and located originally 1000 locations and found 400 of those locations that I suspected
134 must be demolished and I found 140 completely demolished and partially demolished
135 mosque locations. Evidence is overwhelming. Everywhere we could find more
136 evidence, where, when, what location, I investigate. And also, Uyghurs... *[technical*
137 *issues arising]* We have overwhelming evidence. Everywhere people are saying that
138 mosques are being demolished in their compounds.

139 *PANEL – I am very sorry to hear about the disappearance of your father and in that*
140 *section of your report, you say that it is estimated that 435 intellectuals have*
141 *disappeared. I wondered what the denominator for that figure is. How many people*
142 *would be classified as intellectuals amongst the Uyghur population?*

143 BS – It is 380 in my report. This is the number from late 2018, beginning 2019. That
144 number has since increased to up to 500. People lost entire Uyghur intellectuals. As
145 you know, Uyghurs have a long history. We are very educated. We have so many
146 intellectual people among us. Now, Uyghur society is without their own intellectuals.
147 We might say more than 5% of well-known Uyghur intellectuals.

148 *PANEL – After the demolition of the mosques, what do they build on the site? Do they*
149 *build on top of it and, if so, does that attract other Uyghurs to it as a possible sacred*
150 *site?*

151 BS – After China demolished mosques, they built department buildings. So, instead
152 building in modern style of using for religious practice. Also, demolished
153 neighbourhoods being turned into new residential area in style of Chinese
154 characteristics. We have overwhelming evidence for that. Chinese immigrants are
155 settling in these new neighbourhoods after the demolition of Uyghur neighbourhoods,
156 where the Uyghur neighbourhood was demolished.

157 *PANEL – In the name of poverty alleviation, several communities including a lot of*
158 *families have been forcibly moved out of their villages and homes. Some of whom*
159 *would have had vast pastures and huge amounts of fertile farmland you note in your*
160 *report. Do you have any information as to what might have happened to that land after*
161 *they were forcibly removed and what evidence do you have regarding the movement?*
162 *How do you prove that it is forcible?*

163 BS – The people who moved out of their own village and towns, that location is the
164 best part of the vast area where they have the rivers and great place for farming.
165 People move out of their own village and move somewhere, middle of nowhere on the
166 plains. Government builds new neighbourhoods with thousands of homes, so the

167 Uyghurs inside that neighbourhood, labour camps. People work in the camps and
168 these resettlements, neighbourhoods of Uyghurs become the place where Chinese
169 government settle their own immigrants. We have all the evidence for this, Radio Free
170 Asia and other sources. If you are interested, we can provide more evidence of this.

171 *PANEL – It is taken away from them? They don't owe that land anymore?*

172 BS – They have no longer...cannot go back to village.

173 *PANEL – One imagines that the destruction of religious sites seeks to destroy*
174 *religiosity or Islam in the region. In your view, is that likely to succeed?*

175 BS – What is the question, sorry?

176 *PANEL – The destruction of religious sites is presumably to destroy the religion. Is*
177 *that likely to succeed or will the practice of Islam be practiced elsewhere? In homes?*
178 *Underground or other places? This has happened in other repressive regimes or*
179 *alleged repressive regimes.*

180 BS – You know mosques are...you know Muslims call mosques “a home”, to practice
181 Islam and join as a community and mosques are the place where Muslims with the
182 next generation...it is the place where Muslims have their own religious practice and
183 continue their culture. The question is, China...there is not a lot of people who can go
184 inside mosques. People even cannot practice religion in their home because even
185 China monitors daily living in their homes. Islam is at the time, at the moment so. I
186 don't believe China will officially erase Islam officially from the Uyghur region but China
187 is reaching their goal. Now, Uyghur cannot tell by themselves, publicly, that they are
188 Muslim because of this pressure. Now, the Uyghur girl needs to marry the Han
189 Chinese, they cannot reject the other male Han Chinese and marry Uyghurs. In the
190 past, we said “we are Muslims, we don't marry non-Muslims” but right now people can

191 no longer say this. Based on this evidence, China is reaching their goal. They have
192 targeted Islam to erase Uyghur identity.

193 *PANEL – Can I ask a couple of questions about the demolition programme inside*
194 *Uyghur neighbourhoods? You refer to eight that you have documented. They look like*
195 *large sights. I wonder whether beyond that, you have any indication on the scale of the*
196 *resettlement is? It looks like huge amounts of new housing being built there.*

197 BS – Example one is my own hometown where around 4-5 neighbourhoods were
198 around 30-40 000 Uyghurs have been living, it has been completely demolished within
199 three months. Imagine how this happened, what kind of force the government used.
200 In three months, 40 000 people moved from where they have been living for many
201 years. This is shocking. This happened to not only one town but is happening in entire
202 Uyghur region, mostly in the Southern part of the Uyghur region. I documented eight
203 of these locations, which are mostly central in the townships. The number is very
204 shocking.

205 *PANEL – And, as you say, the speed of which the demolition takes place is*
206 *extraordinary. Do you know what the process is for once a site has been identified?*
207 *The process is for moving people out?*

208 BS – This is a huge action in as little as three months. You can see in as little as one
209 year after the old building have been demolished, the new buildings have been built.
210 In one year. New settlement location. New modern building. As I mentioned earlier,
211 evidence shows that around 30, 000 or 40, 000 people in the part of the city. Their flats
212 bulldozered. We have evidence of that with satellite imagery, not only of one location
213 but of many other locations in different cities and townships.

214 *PANEL – Are you aware of any protests or opposition against these forcible*
215 *relocations?*

216 BS – China has this system of re-education and detention and relocation of Uyghurs
217 to part of new labour towns. Uyghurs don't have rights there according to this policy.
218 These are new resettlement locations - China has made a place to put the Uyghur
219 population in. This is a man-made plan to erase Uyghur culture. This effects the
220 population growth that includes actual campaign.

221 *PANEL – So, the new residence in these regions, are they entirely Han Chinese? No*
222 *Uyghurs would go back to these neighbourhoods or allowed back to these*
223 *neighbourhoods?*

224 BS – AP journalist went to a county in the Uyghur region in 2019. He sent a picture of
225 neighbourhoods - very new building. He said that he couldn't compare this to regions
226 in Inner China. There is no difference to other Chinese regions anymore, no difference
227 to Han Chinese cities. Mostly Chinese people in these locations. Chinese government
228 has a campaign to support Chinese immigrants and people moving into the Uyghur
229 towns and where are the best places to live, which part of the city or township.
230 According to the record, new Han Chinese immigrants provided home for free and
231 provided with a job so many Inner China citizens, residents who are looking for a job
232 or better life are moving in Uyghur town in Southern part of Xinjiang.

233 *PANEL – In your research on the demolition of mosques, have you seen any patterns*
234 *where the demolition maybe was particularly extensive? Any areas of the region? Or*
235 *conversely, have you seen any areas where far viewer mosques have been*
236 *demolished?*

237 BS – My research area, mosques are primary target of this demolishing because the
238 Uyghur homeland is a vast land. The distance between the townships and cities is
239 very far so that Uyghur residents practice Islam in their own township. But 80% of
240 village mosques are demolished, that is why this number is up to 15 to 60 000. And
241 then, some of the iconic mosques are demolished in township and cities so the
242 population of the Uyghur region up to 95% population of Uyghur in the Southern of
243 Uyghur region and that is why more mosques were demolished in the Southern part
244 of Uyghur region compared to North. This campaign has been China demolishing
245 mosques in all of Uyghur region.

246 *PANEL – Thank you very much for attending the Tribunal to give evidence.*

247 BS – Can I have two minutes to talk about my father, please? My father, Qurban
248 Mamut, is a former editor in-chief of *Xinjiang Civilization Journal*. He was not seen in
249 the public since March 2017. My father's case highlights the faith of Uyghur
250 intellectuals. Like I mentioned earlier, 380 have been detained and my father's case
251 highlights the government's repression of culture and religion of the Uyghur region.
252 Intellectuals like my father are the ultimate target of Chinese crackdown.

253 For example, according to mainstream media, a famous writer and one of my father's
254 best friends who has been in the Chinese detention camp, still in the detention facility;
255 in a concentration camp. Another example, Uyghurs are religious scholars,
256 Muhammad Salih Hajim died in Chinese police custody at the age of 82.

257 So, these are very shocking, Uyghur intellectuals like my father are most vulnerable
258 and important people for Uyghur society. Since the disappearance of four years, I have
259 no information about my father. My father might have died or been killed in one of
260 these Uyghur locations or killed or jail. China has to provide information about my

261 father, the most vulnerable and important Uyghur, their well-being and where-about.

262 Are they still alive or killed? Any information, we want to know. We are demanding

263 this and need to know.

11th September 2021 (8:22:55 – 9:07:12)

Julie Millsap

JULIE MILLSAP – In preparing this presentation, because there have been so many colleagues, even here at the Tribunal who have touched on some of these themes, in regard to children being removed from their parents and placed in these government-run facilities, etc. I am going to take a few minutes to reinforce the aspect of systemic racism that underlies this entire thing, by also looking at some of the broader policies being enacted across the PRC. These have enormous implications for Uyghurs because this is the most extreme situation occurring today, and it is on the rise since Xi Jinping's ascension, but it is something that has always been underlying in the PRC. Even though Uyghurs have faced restrictions on promised conditions of "autonomy", such as mother tongue education for decades, they have been treated with varying degrees of oppressing discrimination both in the region and throughout China proper. This narrative of anti-extremism, when combined with some anti-western trends in education occurring under Xi Jinping as well as general restrictions on the increasing privatisation of education in the PRC, gave us a bit of a marker that naturally Uyghurs would come into direct conflict with the Party's objectives, due to their cultural, religious, and ethnic influences and traditions. I am going to look at a few of the things that are involving other ethnic groups and I will come back to what I believe are some important to highlight from the report.

Here is something that would very commonly be encountered in a textbook today throughout China. This would target about age 5, pre-primary school level. [*Reads extract*] What we observe from this is this marked intent to reinforce this idea of

25 homogeneity, not only ideologically but also physically, starting from a very young age.
26 This concept of establishing the idea of “Han Chinese versus the other” starts at an
27 increasingly young age, and this is a very recent trend. We are observing that, while in
28 the past that might have been things that were very common in the curriculum in
29 primary school, now, with the expansion of state-run facilities and the “kindergartens”
30 in the Uyghur region, there is really an opportunity to instil this type of mentality even
31 from age three or younger. This also has to do with the privatisation of education.
32 Previously in China, parents might have had the opportunity to select a private pre-k
33 program... *[interruption]*

34 With what are actually very recent changes regarding the view of private education in
35 China and some very marked steps that are being taken by Chinese officials to
36 effectively shut a lot of that down, I also believe we will continue to observe concerning
37 trends regarding targeting even young children with this type of messaging throughout
38 China, obviously reinforcing this environment with an increased risk of genocide in the
39 PRC from my viewpoint.

40 Just to highlight some interesting phrases that are popping up in propaganda: there is
41 the idea of “Ideological and Political Baptism” - a very interesting and specific phrase
42 to use. Anti-Western Sentiment also plays in this dynamic of strengthening the idea of
43 a Han Chinese ethnicity as identified by the PCC and in line with “Marxist values” as
44 was recently re-emphasised by Xi Jinping himself. Being able to place anybody who
45 might potentially have any sort of influence or values that exist in contrast to that
46 agenda as “the other” is also a high priority for the regime, hence the rise in anti-
47 western sentiment and crackdowns on things like foreign holidays, etc. Here are a few
48 interesting quotes that are just demonstrating again that across the country we start
49 to observe these things:

50 • *“Chinese children should only be taught by Chinese teachers. Foreigners*
51 *could brainwash them.”* (Education official in Inner Mongolia Autonomous
52 Region, October 2019).

53 • *“Chinese children should look at Chinese faces.”* (Education official,
54 December 2019)

55 This raises interesting questions because when we say “Chinese”, we could be
56 referring to nationality as the regime often tries to establish that they maintain some
57 sort of ownership over Uyghurs but, at the same time, we can see that when it is
58 convenient, they strive to use more of a racial undertone to establish who is “truly”
59 Chinese, meaning in line with Party values.

60 This is another interesting thing demonstrating that actually many of the other ethnic
61 groups are very aware of what is happening to the Uyghurs. One of the things that I
62 believe allow for some pushback on the narrative that the CCP is using to justify its
63 policies of why children need to be carefully educated, in line with these values, why
64 we need to pushback on extremism, is the fact that this mother tongue policies are
65 now being repeated against Mongolians. This is a group of people that do not fit this
66 narrative at all, and yet it is the exact same policy. This type of things enacted a few
67 years ago, against Uyghurs, is now repeated against Mongolians with the recent arrest
68 of between 7000 to 15,000 people potentially, to the extent that they even had to move
69 police from other departments such as the traffic police to jails in Inner Mongolia to
70 accommodate the large number of arrests. In my interviews with other individuals from
71 different ethnic groups throughout China, it is interesting to note that 100% of them
72 were aware of what was happening to Uyghurs.

73 This slide is an interesting side note, which states that home-schooling exists in the
74 PRC. Uyghurs have consistently utilised underground schools, we don't have a lot of
75 specific facts or figures but some of the interviews that I conducted with Uyghur
76 individuals, they had children very recently enrolled in underground schools or home
77 schooling. Often, this is related to violations of birth policy. Many times, Uyghur parents
78 choose to send their children abroad, so a lack of choice in education affects Uyghurs
79 and targets them with this genocide. So, when they would be sent abroad, potentially
80 then they could be targeted for having made that choice as well. *[interruption]*.

81 Finally, I am sharing this story with permission from a minor child that I interviewed,
82 who made it to Turkey and had a similar background of making that choice as a result
83 of being the fourth child and not being registered. Having gone to Turkey as a result
84 of not having that type of educational choice, his family visited him and upon coming
85 back to the country, the family was interrogated, and the child was interrogated as well.
86 There were tactics used where he was placed in one room, and his father was placed
87 in another room, and he was told "if you don't tell the truth about the reasons for your
88 trip, your father will be tortured." At the time he was a pre-teen. Eventually, he did go
89 back to Turkey with his teacher, and his parents have disappeared into the camps. He
90 is there without his parents. This is a very common situation. So, another situation to
91 keep in mind is how these parameters regarding educational policies also affect
92 Uyghur children when they do make those choices to offer them an alternative to send
93 them abroad. Now, under the current policies, when the parents are sent to the camps,
94 the children can be effectively cut off, they don't have money coming in. Our
95 organisation has done extensive interviews and work on this, and there is now an
96 extensive homeless population in Turkey of these minor children who are effectively
97 stranded there and homeless, as their parents have disappeared. This is a quote from

98 him, “I will never forgive or forget what you did.” I had asked him “what would you say
99 to Chinese officials if you could say anything?” So, the last point I want to emphasise
100 before hearing your questions is just that there is a lot of things that we could get into
101 in the topic of education and there is the lot that cannot be quantified. The mental
102 harm that is being done to minor children as a result of these policies, to forcibly
103 assimilate them into a Han Chinese identity and as a result of trying to escape. That
104 impossible choice is really quite horrifying.

105 *COUNSEL – I would like to learn more about these boarding schools. Do we know if*
106 *parents send their Uyghur children to them voluntarily or forcibly? Do we know whether*
107 *children of different ages are sent to these schools? And do we know how long they*
108 *would stay in such boarding schools?*

109 JM – It is difficult to get concrete figures about this. One thing that I do feel very
110 comfortable saying is that parents would not voluntarily send their children to these
111 schools. This is why I say it is very important to understand the Chinese cultural
112 context. With children that young, it is not something that is done in China, it is just not
113 done. We see through videos linked out on Chinese social media, mostly from Chinese
114 teachers, that the youngest identified child in one of these videos was two years old, I
115 believe. That is contrary to education regulations itself, which states that the minimum
116 age is three years old. It also draws the point that these are obviously facilities that are
117 not regulated by the same standards. But again, we do not have a lot of information
118 on how long they would be there for unfortunately. But I can state confidently that it is
119 counter-cultural to send a child as young as the ones featured in these videos to that
120 type of facility.

121 COUNSEL – *In the report, you do refer to the effect of the long-term separation of*
122 *families that these boarding schools bring about. Could you speak a little more about*
123 *the long-term effects? Particularly, what is the impact of this transfer of children to these*
124 *schools? For instance, would these children, when and if they return to their family,*
125 *still recognise their parents as their parents? Would they still recognise the Uyghur*
126 *group as their group?*

127 JM – I would say it is highly unlikely and a lot of that is based on the age of the child.
128 This question might be better suited to a child psychologist or a specialist but what I
129 can say is that, based on what we see of the attempts that are made to indoctrinate
130 these children, I think all of us can recognise that this has an almost immeasurably
131 negative impact on a child's mind and their development in that particular agegroup.
132 To be separated from their parents does have enormously negative impacts in
133 general, and then to watch as these techniques are used to brainwash... Even in
134 videos of children that look to be about three or four years old. One of them in particular,
135 in the case of a father in Turkey who had no idea where his child was, and the first
136 time he was able to identify him was seeing a video on Chinese social media
137 accidentally, where he recognised his own son in one of these facilities. The child is
138 three years old, the teacher is asking him questions in Chinese, and the children
139 answer in this very uniform, rapid-fire kind of way. I have previously also worked in
140 language education, and the types of questions that they are asking and the structure
141 that they are using, the vocabulary that they are expecting a two- or three-year-old
142 child to use, in and of itself indicates that the people in charge of taking care of these
143 children are absolutely not qualified to do so. But the priority here is brainwashing, it
144 is not even Mandarin language education, it is to get these children to forsake their
145 ethnic identity by asking them questions like "What is your mother-country?" A three-

146 year-old does not understand the concept of “mother-country” or “nationality.” I think
147 these are actually very important things to examine. I cannot necessarily make a
148 broad-ranging statement on what the long-range impact of that type of separation from
149 parents would be but I think, based on all we know on children’s development, it will
150 have an enormously negative impact. On a side note, we know that there have been
151 reports of some people who do receive calls from their children who, if the parents are
152 abroad, will repeat lines such as “my teacher told me that you are a bad person” to
153 their parents. So, they are very much being targeted by this intentional brainwashing.

154 *COUNSEL – You said the transfer of children is not voluntary, it is forcible, and that*
155 *one of the main purposes of these boarding schools is to eradicate Uyghur culture and*
156 *inculcate a sense of Han Chinese way of life. You also told us that the likely impact of*
157 *this forcible transfer of children to these boarding schools is that they will likely feel*
158 *that they do not belong to the Uyghur group any longer. What do you think are the*
159 *overall purposes of this policy being implemented by the Chinese authorities?*

160 JM – To force Uyghurs to assimilate to a definition of “Chinese” as defined by the
161 Chinese Communist Party.

162 *PANEL – You say in your report that you looked at prime resources, was that on social*
163 *media? In Turkey? Did you ever go to Xinjiang?*

164 JM – I personally have not. This report is compiled using open sources (first-hand
165 testimonies, interviews with people missing children and sometimes minors
166 themselves) and through analysing different social media video. But most of this is
167 opensource information or previous strong reporting that has been done. The intent is
168 really to compile it all together so we can see an overall picture of the direction that
169 the CCP has and is continuing to go in.

170 *PANEL – How many minors have you come across? They were in Turkey, sent there*
171 *by their families, is that correct?*

172 JM – I am personally aware of 200 cases of youth in Turkey that were effectively
173 stranded there.

174 *PANEL – There are also parents there who are without their children, how many of*
175 *these parents would be in Turkey or elsewhere without their children, do you think?*

176 JM – This is difficult for me to estimate because I have personally spoken to five
177 different parents, but I would not be comfortable making an assertion about how many
178 there actually are. Many Uyghurs are making a decision about whether or not
179 speaking to someone like me or publicly raising their child's case might have
180 immediate detrimental or retaliatory effects. I suspect there are many more who are
181 in this situation.

182 *PANEL – When you did your research and looked at the current ethnicity of the*
183 *teachers, did you find that they all were Han?*

184 JM – I have actually seen a few cases of Uyghur teachers in these facilities, but in the
185 videos, I have only ever heard people speak in Chinese. So, again it appears that most
186 are Han Chinese but you will see Uyghurs speaking Chinese in some of these.

187 *PANEL – Have you come across any supposed orphans or children whose parents*
188 *are detained, who are now with Han families?*

189 JM – This is an area that I would like to see more research done on. It is something
190 we have heard rumours about but there has not been a lot of in-depth research on it.
191 That is potentially, if I am speculating, the next step, encouraging Han families to take
192 some of these children but I don't have a lot of information on this at this time.

193 *PANEL – What do you know about the conditions of these schools? Have you come*
194 *across any information about the conditions and quality of these facilities?*

195 JM – It seems that individual situations vary quite a bit. For example there have been
196 videos of people allegedly meeting with a child through a fence or things like that, but
197 those are hard to verify. The facilities too seem to vary quite a bit depending on their
198 location and their size but, in general, they resemble a typical public kindergarten of
199 the lowest quality. You will have a lot of children all in one room, on very simple beds,
200 sitting in chairs, etc. From my observations, there are a lot of children in one place,
201 which would indicate to me that they are not well-cared for, and that they are not hiring
202 qualified or adequate staff to be caring for children who potentially are all forcibly
203 separated from their parents and suffering enormous trauma.

204 *PANEL – Have you come across any of these children being punished because they*
205 *speak Uyghur or they do something they are not supposed to?*

206 JM – We have actually, not just in recent years, interviewed people about their
207 experiences in Chinese schools even before these stricter language policies were
208 enacted. As early as 2004 or 2005, people often report teachers discriminating against
209 them or enacting forms of punishment for speaking Uyghur. That is something that
210 has been ongoing for the Uyghur people for decades. In terms of videos, I have not
211 come across anything that I could point to but we have heard reports, yes. You can
212 also see this in propaganda, with posters everywhere saying: “Please speak the
213 common tongue.” It is a clear demonstration that this is a rule that children are
214 supposed to follow, but I cannot speak to the punishment if they break the rules,
215 particularly at a younger age.

216 *PANEL – Is there a difference between “boarding schools” and “orphanages” in terms*
217 *of how they are articulated and understood in Xinjiang?*

218 JM – In my viewpoint, no. Again, I am not too comfortable saying for certain that there
219 aren’t any distinctions between them but, based on my personal opinion, I do not believe
220 any parent would voluntarily send a child that young to a boarding school, particularly
221 in the types of facilities we are looking at.

222 *PANEL – The word “orphanage” means the child has no parents, but in a lot of cases*
223 *the parent might be alive and that person or both might be in detention, correct?*

224 JM – I might defer to other people about this. I don’t have a lot of particular knowledge
225 and I cannot say confidently where the parents are. I suppose one differentiation, and
226 you might want to verify this, that might be applicable: I think a lot of times orphanages
227 are pre-existing facilities that, from my observation, are being utilised but because of
228 the need to expand these, that might be the time they would more often boarding
229 schools. I have observed that when foreigners in the region try to get information this
230 and they ask the locals about certain facilities, they tend to call it a boarding school
231 more often. However, in the function of it I think it is essentially the same.

232 *PANEL – Of all the schools that you come across, whether they are called boarding*
233 *schools or orphanages, they are all fenced with security cameras, or are they quite*
234 *open?*

235 JM – I have not come across one that was open. To be fair, in general, I think schools
236 in China increasingly have these types of measures and this has to do with the
237 increased surveillance state in general.

238 *PANEL – Even with the boarding school, a child would go home. Do you know if these*
239 *children ever go home, on holidays or weekends?*

240 JM – We don't have a lot of information on that and, because I believe boarding
241 schools are constructed for children whose parents are detained, I would estimate that
242 they don't go home a lot. But it is a possibility that if there are relatives outside the
243 camp, they might be offered the opportunity to visit with them again, we do not have a
244 lot of verifiable numbers or information on that.

245 *PANEL – Is it only Xinjiang that has received this exponential growth of schools or*
246 *orphanages over the last few years, or are there other regions?*

247 JM – It is dedicated to the Uyghur region.

248 *PANEL – And what is your understanding of that?*

249 JM – I think it is quite clear that the situation that the Uyghurs are facing is an
250 intentional attempt to eradicate them, from my viewpoint. So, naturally, with so many
251 people put in concentration camps, the government does have to address the issue
252 with children.

253 *PANEL – Do you know, if adults are relocated, if their children would stay in that school*
254 *near their regional home or would these children go with their parents?*

255 JM – I interviewed a mother who, when she identified her children via video, stated that
256 her children were in a town very far from her hometown. So, I am not sure how many
257 people are in this situation, or what the motivating factors behind making a decision to
258 move a child far from their relatives are. It is an indication that this is an option and
259 that Chinese officials feel comfortable doing that.

260 *PANEL – Do siblings tend to keep together? Do you have information on this?*

261 JM – I do not have information about this.

262 *PANEL – Regarding the Convention on the Rights of the Child, of which China is a*
263 *signatory, you stated how the children are not allowed to enjoy their own culture, their*
264 *own religion or their own language, so basically, they are violating that convention,*
265 *how does the state rationalise in China this contradiction?*

266 JM – It is rationalised with very heavy propaganda as we have all seen, with this
267 continued pushback from the CCP that “No, in fact Uyghurs are offered many
268 opportunities to enjoy and showcase their culture,” etc. There are many measures they
269 use to justify this but I think in general, the pushback from the Chinese state is to call
270 these allegations false and that they are offering people ample opportunities to
271 preserve their culture. The only way I have seen that defined is by dancing, the other
272 aspects of culture are being actively destroyed.

273 *PANEL – You say those directives are from Beijing, what is your source for that?*

274 JM – In general, I think that as many have testified on this tribunal, it would have to be
275 from Beijing. Anything drafted by the Education Ministry has to go to the People’s
276 Congress for approval before being drafted into law. It is quite clear that all of this goes
277 through Beijing.

278 *PANEL – Do you know which body, which organisation?*

279 JM – From the People’s Congress and then handed on down, that is typically how it
280 works.

281 *PANEL – You talked about the “low quality” of national minority cultures, and by*
282 *implication peoples, have you ever come across any other derogatory terms like “low*
283 *quality” for Uyghurs or Turkic Muslims?*

284 JM – Yes. We have a state actor that feels comfortable using Western social media
285 platforms to call Uyghur women “baby-making machines.” So, yes, I have come across
286 other terms that are extremely derogatory. They also used terms like “ideological
287 illness,” “low-quality humans,” “terrorists.”

288 *PANEL – Do you know about the quality of education that they receive? For instance,*
289 *Xi is shown as a grandfather, so he is almost like a surrogate family members. Is this*
290 *done systematically? i.e., people like Xi and the CCP become the “new family”?*

291 JM – Yes, and specifically Xi Jinping. Even in August, when this new announcement
292 about the implementation of Xi Jinping thought into curriculum across China. It is this
293 increasing attempt to make the Party represented by on figure who is lovable and
294 who, in my personal viewpoint, can be offered as an alternative to religion. Also, its
295 quite intriguing to notice some of the parallels with what we have seen during the
296 Cultural Revolution, that was not as common for several decades in China but now
297 under Xi Jinping, it is being resurrected in a way. The types of language and adoration
298 that was used for Mao Zedong for example, and that really had not been repeated on
299 that level since, can be seen expanding in a striking way with Xi Jinping.

300 *PANEL – We have heard about people in detention being told to sing songs or poems*
301 *valorising President Xi. Is this always a variation of the same theme?*

302 JM – They are always very similar, yes. I think it has actually been remarked on by
303 some former detainees in the camp how a lot of the songs that they are singing
304 resemble children’s songs.

305 *PANEL – Reading what you have written about current advice on patriotic education,*
306 *one could argue that this is a very similar type of education to what is going on in*
307 *kindergartens and schools throughout China. So, what is the specific problem that you*

308 *can articulate in Xinjiang in relation to this type of education? You could argue that*
309 *patriotic education of this type actually takes place in countries with very different*
310 *systems from that of China, with young children in an equal type of approach in Western*
311 *democratic states.*

312 JM – It is not necessarily that patriotism in and of itself would be labelled a negative
313 thing. However, one thing that we need to recognise about China is that the word
314 “patriotism” is very much tied to other words and other concepts. So, when they say
315 [? – 8:57:50], meaning “love the country,” it is used simultaneously with “love the
316 party.” A huge problem for me is not loving China or teaching children that they should
317 love their country, which is not abnormal *per se*, but because of the deliberate efforts
318 of the PRC to link Chinese identity to a political system, rather than to a country itself.
319 This, to me, is an indication that this war on diversity of thought is a actually the huge
320 problem here. Many have touched on why Uyghurs are targeted, they are using the
321 narrative of extremism, combatting extremism, but it has more to do with Uyghurs’
322 potential to have independent thought, or thought/belief outside of the state. This is
323 the problem with it, they are tying patriotism to loyalty to this political party that does
324 not allow for any diversity of belief.

325 *PANEL – Concerning bilingual education and language policy, I look at the sources*
326 *you used, going back as far as 2007. We might imagine that if academics were getting*
327 *published then, it must be relating to primary data that dates back to 2005. So, by that*
328 *point, bilingual education was being labelled as a euphemism for Mandarin focus in*
329 *education. But that lies in direct contradiction to what the state has said it is doing in*
330 *terms of promoting minority languages, so I would appreciate your comments on that.*
331 *Then, when I turn to the documents of a more recent period on language policy and*
332 *emanating from the Ministry of Education, I see that there is still an emphasis on*

333 *bilingual education, and particularly in kindergarten. My question is, do we have any*
334 *data between those two dates to actually trace what might be going on in Xinjiang?*
335 *Given the difficulty in academics from outside the region entering and engaging in this*
336 *type of research, and also the difficulty of Han Chinese researchers actually feeling*
337 *confident doing research in this region for fear of getting labelled, I want to understand*
338 *the development of policy over this period.*

339 JM – I will do my best to answer that, though I think there are other people more
340 qualified to talk on that. In 2004, there was a big push to start instituting the bilingual
341 language programs in the region. Almost immediately there were widespread reports
342 that this was not “bilingual”, but this was really to push Mandarin. Since then, the
343 government keeps using the same language but in reality, we can see there’re rules
344 and policy being implemented, where there is signage on the walls saying, “Speak
345 Mandarin.” Again, we have to remember that China is not a country that is ruled by
346 law. Their policies can change on a whim. How they are enacted can vary at a local
347 level. This has evolved a bit under Xi Jinping, I would say that things are more efficient,
348 for lack of a better word. In the past, it might take quite a while for things to trickle down,
349 there might be fluctuations in how things are implemented on a local level, based on
350 how the local education authorities or officials felt like implementing things. And,
351 because of these increased restrictions, crackdown, and brutally oppressive
352 environment that the region is at present, I suspect that has a lot to do with why there
353 isn’t as much and it is become more centralised and effective. Another thing that we
354 should examine is the way that “bilingual education” is being implemented in Inner
355 Mongolia and in fact in last year’s massive language protest that happened in relation
356 to that. We, outside of the country, should take note that parents (Mongolian parents)
357 immediately reacted to this policy with some sort of knowledge of what was happening,

358 that this was not bilingual education and their rights to have their children educated in
359 their mother tongue were being taken from them. I cannot say so much with clarity
360 about figures, but I think there is a pretty clear indication that people are aware that
361 this is a euphemism for taking their rights to that type of education away.

362 *PANEL – Going back to the boarding schools, there must be a huge amount of*
363 *psychological trauma. Have you ever heard anything about these children being*
364 *looked after by doctors or psychologists? Secondly, are the children allowed to play*
365 *or are they kept in order through the day? Third, are they fed healthy food, if you know*
366 *anything about this? Finally, there is a new curriculum coming that the CCP is putting*
367 *together, all based on Xi Jinping's thoughts, are they going to be taught anything other*
368 *than propaganda about China?*

369 JM – That might require quite a bit of speculation. I do not have information about most
370 of this. Regarding the question of whether or not children are allowed to play, I can
371 say that, based on what policies in public facilities outside of the region are, I would
372 find it unlikely; maybe some table games, to some extent, that are easy for the teacher
373 to control the environment. I hope so, but I do not have conclusive information about
374 what goes on in a lot of these places. In terms of Xi Jinping's thought and its
375 implementation in the new curriculum and the question of whether the children will be
376 taught things outside of that, I think they will be. As the new Education Minister has
377 just come in in August and he was actually speaking specifically about the need to
378 foster critical thinking, and all these great sounding words. I think that absolutely, they
379 will be taught other things. I think the authorities will continue to put an emphasis on
380 making sure that Chinese children can compete with the outside world, particularly in
381 the fields of science and technology. It is not necessarily that they are completely
382 unprepared to institute educational programs, it is just that the developmental

383 appropriateness, and the priorities in the ways that political indoctrination seeps into a
384 lot of subject areas, are quite interesting. To answer your question about reasonable
385 food, I do not have a lot of information. From what I have seen in videos it looks fairly
386 typical, if not particularly remarkable. On psychological help, I have not heard anything
387 about it.

1 11 September 2021 (9:07:30 – 9:43:40)

2 Darren Byler

3
4 DB – I will keep my remarks fairly short and will reserve time for discussion and mostly
5 focus on the most recent report talking about this term “ethnic extinction,” or *minzu*
6 *xiaowang*. My understanding of this is drawn on another witness, David Tobin's book
7 where he analyses high school and educational school textbooks that were published
8 by the Xinjiang Education Bureau or ministry very shortly after the violence in Urumchi
9 in 2009. In these textbooks, they begin to really emphasise ethnic extinction as a sort
10 of inevitability, something that is underway where ethnic groups will be dissolved into
11 a kind of higher civilisation, that is enacted to the Chinese nation or Chinese national
12 civilisation. It really is a kind of social Darwinism that is being endorsed in these
13 textbooks and is being taught to the students and that is representative of this kind of
14 thinking that informed, what is called the second generation of *minzu* policy, which is
15 adapting these norms; de-emphasising ethnic difference and instead emphasising
16 national identification with the Chinese nation.

17 So, what has come out of this system is the residential school system that closely
18 resembles the North American education system for native Americans in the United
19 States and the system in Australia for aborigines where children are separated from
20 their parents and taught the Chinese language and Chinese ideology. The Uyghur
21 identity or Kazakh identity that these students have is de-emphasised and something
22 that is lacking and something that is less than the national identification. The way that
23 this was really implemented was... there was creation of it and evolved over time but
24 in 2017, it was when the State hired 90,000 new educators as it says in state

25 documents, very directly, and I looked at thousands of job advertisements for the
26 teachers that they were hiring. Over and over, it says the qualifications for teaching in
27 Xinjiang are that the person should have a political background that is free of any
28 problems, that they should speak Chinese at a very fluent level - native speaking is
29 encouraged or preferred - and that they should have no affiliation with religious practice.
30 It says religion but because it is Xinjiang, we are talking about Islam. Islam is not
31 something that the teacher should have a relationship to.

32 What I found from my interviews with teachers and children of teachers in the region
33 that as this new group of teachers was hired, Uyghur teachers that were already
34 teaching in the system were often pushed aside. They became janitors, maintenance
35 folks, people that were assistants to the teachers. These new educators really became
36 a priority within the new system, throughout all of Xinjiang. My feeling and I think the
37 evidence shows that what is really happening here is a transfer of children from one
38 ethnic group to another. From the minority to the majority because the children are
39 really being raised within this education system. The boarding schools varies in terms
40 of how separated the children are from their parents but many cases they are
41 separated for at least a week at a time, often for much longer. In some cases,
42 especially for the children of detainees or people that are imprisoned they become the
43 wards of the state. One state document I found shows very clearly that the education
44 system is intended to shift to what they call a “mode 2” form of instruction that is
45 Chinese only.

46 *[Intervention Chair] – It is difficult to understand you clearly.*

47 DB – What I was saying was that the school system is being shifted to what they call
48 “mode 2 form of instruction”; Chinese only as mode of instruction. Even if the school

49 is officially labelled as bilingual, the internal documents and they are not even that
50 internal, I found these on government websites, says that the intention is to move to
51 “mode 2” - that is only Chinese language.

52 The other thing that I look at in this report is mostly Han civil servants that were sent
53 to become the relatives of Uyghurs and their families and Kazak families. It is quite
54 clear that the groups that they were supposed to target were the family members of
55 detainees and prisoners. That was the first targeted group and then there is others
56 that simply live in a sensitive area or village who were also assigned family, Han
57 Chinese older brothers and sisters.

58 The manuals say very clearly that the families are not to practice Islam. That is one of
59 the things that they are observing. They are asking the families, Uyghur families, to
60 confess their loyalties to the government and make sure that they children are learning
61 Chinese. Very often the children act as interpreters for the Han or State workers that
62 are being posted in their homes. The visitors are also to ensure that Uyghur rituals like
63 marriages and funerals are done in a way that is standardised according to the new
64 norms that are being imposed. It is having an effect on life ritual and social
65 reproduction itself. They are also supposed to comfort the family because they
66 understand it is difficult to have a family member missing and financial hardship that
67 is associated with that.

68 The third thing I am looking at in the report is a white paper from the State Counsel
69 Information Office that speaks to Uyghur history and really revises Uyghur history. It
70 says very directly that Uyghurs are not a Turkic people; a counter factual claim. It says
71 also, that Islam is not their “natural religion” and it also says that maintaining normative
72 halal standards as other Muslims would do in other places of the world is an anti-

73 civilisation practice. This opens up and is part of really removing Uyghurs from their
74 land and way of life. We see that in the desecration of sacred lands, cemeteries and
75 shrines, the demolition of mosques or the halting of mosque activities which is fairly
76 widespread, particularly in rural areas. Taken together all of these forms of institutional
77 capture and transformation is what is accelerating the ethnic extinction framing that
78 the textbooks used over the last decade.

79 *COUNSEL – You’ve detailed that the push for Han dominance has become much*
80 *more explicit under Xi Jinping and you state that the Chinese ethno-state is here to*
81 *stay. To what extent does that mean the ethnic extinction project is to continue in its*
82 *current form?*

83 DB – It seems that the institutional processes are capturing Uyghur institutions and that
84 it is spreading to, like the last witness mentioned, places like Inner Mongolia and
85 Tibet. That capture process is really accelerating. Once an institution has been
86 transformed in focus it is difficult to redirect it. I can’t say for sure that Xi Jinping won’t
87 reverse directions, but it is a very troubling trend and hiring 90 000 teachers is a large
88 logistical challenge and moving them costs a lot of money. The state invests a lot in
89 pushing forward with this campaign and that makes it hard to imagine a dramatic
90 reversal.

91 *COUNSEL – The ethnic extinction project, as you have highlighted in your report, is*
92 *rooted in Chinese academic thinking and also other settler colonial projects. You seem*
93 *to be suggesting in your report that total assimilation rather than physical extermination*
94 *of the Uyghur population is a key goal. What might account as a commission then as*
95 *crimes against Uyghurs?*

96 DB – Can you repeat the last part of that question?

97 COUNSEL – *My reading of your report is that you seem to be suggesting that the*
98 *policy goal here is total assimilation rather than the physical extermination of the*
99 *Uyghur population. What might account for the commission of alleged crimes against*
100 *the Uyghurs?*

101 DB – Total assimilation is a violent process. Separating children from their parents,
102 transferring them from one ethnic group to another is part of that assimilation process.
103 Mass internment is a part of that as well. I think in my interview with Han civil servants
104 in people's homes, they talk about this as a benefit for the Uyghurs. They understand
105 that it is going to be difficult but that in the end, they will be grateful because they have
106 saved them from themselves. That is the sort of sentiment that I hear from state
107 officials and employees of the state. It is not dissimilar from other settler-colonial
108 projects. There is a justification that people give to themselves to justify their actions
109 but it is a violent process and that is unmistakably.

110 PANEL – *In your report, you cite a couple of academics including Ma Rong as a way*
111 *of example. Can you contextualise for us the status, the impact, the influence, that*
112 *scholars such as him would have on policy makers and policy?*

113 DB – Ma Rong is one of the most influential scholars of Inner Asia, He was influenced
114 by Southeast Asian culture, he spent time in Tibet, Xinjiang and Inner Mongolia. He
115 received his PhD from Brown University in sociology. I think, my sense of reading his
116 work was, that he was really influenced by American multiculturalism. That is what he
117 wanted China to achieve in some ways. By emphasising Chinese language education
118 and de-emphasising ethnic difference, he felt that he was opening up China to the
119 minorities. He and Hu Lianhe and Hu Angang were the three main figures in this new
120 framing of ethnic policy and were influential. They work in central universities, and they

121 are connected to the Communist party. It is not entirely clear to me, and I am not an
122 expert on the inner working of the polit bureau, how their education policy went from
123 their writings into an actual policy and action. Discussion of this was widespread;
124 something that many scholars and government officials were aware of and would read
125 and certainly permitted and embraced by Xi administration at that time. I think the
126 discourse moved from the scholarship to the policy fairly rapidly, but I don't know the
127 pathways in which it moved though.

128 *PANEL – In your report you discuss extinction of Uyghur identity. If I change the word*
129 *to destruction because one of the things we are as a Tribunal tasked with is*
130 *considering, amongst other things, whether genocide is being committed - what do you,*
131 *and I asked this question already of one of the witnesses earlier, what does destruction*
132 *look like in 10 or 20 years because the people may look the same but what would that*
133 *involve? What does extinction mean, assuming that it does not involve mass killing or*
134 *the perpetration of Article 2 of the Genocide Convention but it did involve (e) [Forcibly*
135 *transferring children of the group to another group] but it would involve (b) - (d), in*
136 *other words, the others. What would it look like if we would walk around Urumqi? What*
137 *would it feel like and look like in your mind, extinction or destruction?*

138 DB – I use that term because that is the term that is used in the text as it helps to
139 understand the thinking logics. What will this look like in 10 - 20 years? We have family
140 separation which is endemic throughout society. Many children separated from their
141 parents. Children are being taught to see their own identity as something that is
142 lacking. The result will be some sort of lost generation of children who feel alienated
143 from their own society and the Chinese one that they are meant to embrace because
144 they are still able to feel different, even though as they are supposed to feel assimilated.
145 The trauma that comes from separation is also something that will play out for

146 generations. I don't know how it is going to look like in the streets, if you have a
147 conversation with someone and you understand what is happening to their families, it
148 will begin to bring up drama almost immediately. What we found in other settler colonial
149 contexts is that those that have gone through residential school system, often have
150 psychological problems down the road - there is substance abuse issues that often
151 raise to the fore. It plays out in myriad ways but what is clear is that society itself will
152 be deeply damaged.

153 *PANEL – You talked about the objective of the Chinese authorities to be a single nation*
154 *race. There are obvious reasons why they might want it but why would they want that*
155 *from your experience?*

156 DB – I think it is part of the story that they tell themselves of their nation; that their
157 nation is a revolutionary nation. That it is anti-imperialist, that is inclusive, that it is
158 liberated the people on the frontiers like the Uyghurs. So, it is hopping them along. The
159 way that they talk about the future of the nation is about the Chinese dream and also
160 about global China and extending power and the economy and civilisation throughout
161 the world. Sort of restoring Chinese dominance in the world. I think, on a more concrete
162 level, it means having access to the resources of the Uyghur region. Having access to
163 the labour of the Uyghur population as well. One of the issues in China is the raising
164 costs of labour in Eastern China; that is where the manufacturing centre of China or
165 going to places like Vietnam or Bangladesh so if you have this new sort of population
166 that can be put to work on a mass scale in textiles, that's a way of keeping
167 manufacturing close to home. There is a pragmatic economic to some of what they
168 are doing as well.

169 *PANEL – We heard about the inability of Uyghurs to cross borders - to leave either the*
170 *region or the country. We also heard a good deal of evidence about surveillance*
171 *equipment and fear and control and so on. It has been described, the Uyghur region,*
172 *as an open-air prison. Is that something you would recognise?*

173 DB – Yes, absolutely. The systems of control are comprehensive. They use a great
174 management system which means people are not permitted to travel beyond particular
175 sections without permissions. So, there is a check point system that is very similar to
176 crossing a border as you move between counties where you have your IDs scanned,
177 face scanned. So, there is various types of restrictions on people's movements, even
178 moving from one county to another requires a process. So moving to other parts of the
179 country or leaving the country is many steps beyond what many people can even
180 imagine at this point. The control is quite intense. It is a kind of digital enclosure system
181 that has a material aspect to it with these checkpoints. There is tracking of people's
182 phones, of people's movements as they go from space, their car is being tracked.

183 It means that many people are under a kind of neighbourhood arrest and this is
184 widespread at the scale of the population. One of the same city systems I have
185 examined, talks in detail about how everyone in the county is tracked at all times. If
186 anyone is coming to a county, if they are not registered in that county, the police system
187 will alert them to this presence as they move through space. They also talk about face
188 recognition systems being used in key transit places like train stations and bus
189 stations and, of course, in the mosques as well. The mosque itself should have face
190 recognition system.

191 You can see that the built environment itself is watching people and informing on
192 people. They also hired 60,000 or so grit workers that work throughout that space and

193 work as human surveillance informants, monitoring the population as they move
194 through checkpoints. Yes, it is one of the most comprehensive police states, carceral
195 systems in the world which makes the ability to escape it quite difficult if you are a
196 Uyghur or a Kazakh person who is targeted by the system. The interesting part about
197 this system or the novel aspect is, that because it is using so much digital surveillance,
198 the Han population which isn't targeted by this system can carry out their lives fairly
199 uninterrupted with some minor inconveniences. There is a kind of dual or bifurcated
200 world. The kind of apartheid system is actually right on top of itself which is unique in
201 the history of settler colonialism or apartheid systems. That is what the system is doing.
202 It is not clear what will happen longer term. Eventually, these technologies will
203 probably be updated. There needs to be continued investment in them if they are paying
204 for all of these people to run the system and command the system. Political will is
205 necessary to maintain it. We will see if it will stay in place.

206 *PANEL – To operate a system leading to the extinction of the type you identify, the*
207 *person above the person who is being managed, manipulated and controlled, may or*
208 *may not believe in the principle but may simply be following orders. The person above*
209 *him may or may not believe in the principle. He or she may be working just according*
210 *to orders - do you have any idea, impression or evidence of how far up, in probably*
211 *inappropriate words, the management chain believe in the extinction policies rises?*
212 *How far up?*

213 DB – That is a difficult question to answer because it is such a complex one in terms
214 how many people are involved in this system. We can identify some general trends
215 among the Han population who is resident in this space. There has been a Han
216 presence in the region for hundreds of years but a small number of people have been
217 there up until the 1950s. In the 50s and 60s, a larger number of people moved to

218 the region, more in the North, more in the Kazakh areas and those people identify
219 themselves as locals, as Xinjiang people or old Xinjiang people. They see Uyghur and
220 Kazakh food as their food, they have more of an attachment to life as it was before
221 and my sense from the interviews is that those folks often see that is happening as
222 unnecessary, as costly, as counter-productive or potentially counter-productive. They
223 are fearful of retaliation of Uyghur people eventually, which is shared by leadership as
224 well. Which is one reason why they want to maintain the system or shift people from
225 the camp or factory system into prison itself.

226 The other share of population that came are people that came for resource extraction
227 system that was built up in the 1990s and 2000s, that is part of the Open up the West
228 campaign, which is the precursor of the Belt and Road initiative. Those people came
229 as economic migrants, looking for a better life. They don't really know how life there
230 was before. They are much more on the side of the government when it comes to
231 crack down on the Uyghur population, to do what is necessary to feel safe. I think
232 many people, especially those that are in Southern Xinjiang - the Uyghur majority areas,
233 they understand that they are taking the land of the Uyghurs and they understand that
234 theft produces a response and they want to be protected as they do that.

235 I am speaking in very general terms here but the fear is that there will be retaliation for
236 what they are doing and they feel that this is the Chinese state really caring for them,
237 protecting them. They are proud of the sophistication of the systems because it is
238 showing the world class position of the state. There is that view as well. So, what I am
239 saying is that some people, depending on their positioning, view this system as
240 productive and that extinction is a necessary thing to do. They might not use that term
241 because that is coming out of a scholarly position which most people don't have. In
242 general, they would agree with those sorts of evils.

243 *PANEL – You talked about an in-built floor in this educational system where, because*
244 *the children are still being treated as different, they are not going to come to see*
245 *themselves as the same as the majority. So, there is a kind of “doomed to fail” aspect*
246 *of it, including trauma as you described. You described the trauma of it. Have you seen*
247 *anything that suggests that Chinese academic or government officials are thinking*
248 *about this and what the longer term implications are going to be? If this policy*
249 *essentially doesn’t work.*

250 DB – Right. One of the aspects of the system is that it is racialised. The racial pheno
251 types of a Uyghur person, most of them cannot pass, it is foreign. And so, at the level
252 of the body, it is not fully possible for them to assimilate. They will still be seen as
253 foreign or different. Even at that level it is difficult. Many of my Ughur informants, many
254 I have spoken to at times and talked about, studying Chinese all their life, speaking it
255 very fluently even without an accent, they will still be ostracised. If you do speak
256 Chinese, ostracization is lessened but typically there are still if you are meeting a
257 stranger these kinds of reactions. I experienced it. So yes, that is a major problem.
258 The system is not particularly well thought out. I think the Chinese state is figuring
259 things out as they go. They are drawing on certain historical precedents when it come
260 camp systems, they have used them in the past during the Maoist period, in relation
261 to the Falung Gong, so there is a reflex to put people in camps when you are dealing
262 with a large population of people.

263 Other aspects of this, the mass separation of the children, that’s unique to this moment
264 and I think they haven’t thought about what is going to mean longer term. My sense is
265 that Ma Rong, you know as one of the architects of this sort of thinking, I think he
266 misunderstood multi ethnic policy in the United States, when he is saying he want
267 something like American multi-culturalism. He was thinking about something like

268 immigrant societies rather than native peoples who have an attachment to the land,
269 their own language. The state came to them rather than them going to that state. He
270 wasn't thinking about what happened when you begin to erase an entire people who
271 have no fault of their own being captured by the state. All that is to say, I don't think
272 they have a plan, they are making it up as they go and that is one of the real travesties
273 of what is happening.

274 *PANEL – A specific question about education policy and the enforcement of education.*
275 *We learned that the XPCC controls a large part of the region. Are the same policies*
276 *and the same approach taken in areas under its control in Xinjiang as it is in the rest*
277 *of the province? Does the education department for the region cover everything in*
278 *the region?*

279 DB – That is a good question. The Bingtuan, the XPCC, most of the land that they
280 control is farm majority land and they are in charge of a number of camps and they
281 run prisons and things like that. But I think they have less, a smaller Uyghur population
282 of students in their control. They might have some mandatory things when it comes to
283 education policy. They could have a slightly different one, so that it is just in a way
284 policy is implemented in the locality. I haven't seen a major difference in terms of how
285 policy is rolled out. My sense is that it is probably quite similar to how the way
286 education policies are being implemented in other parts of the region.

12 September 2021 (0:14:25 – 1:17:55)

Muetter Iliqud

MUETTER ILLIQUD – Thank you for inviting me again. I will focus on the UTJD's methodology and satellite approach. I will start with the background. Since 1950s, the PRC has maintained an incarceration system involving forced labour - a vast network of facilities. In 1994, in response to increased international criticism they ended this system by changing the name from labour camps to prisons and for non-prisons to community correction centres. In 2017, the NGO Human Rights Defenders found that government arrests accounted for 21% all arrests in East Turkistan in China though it is only 1.5% of the total population. Network of re-education camps are new modern day gulags. China's entire labour system that was officially abolished in 2013. In the past 4 years words like re-education, police surveillance and forced labour have become three main focuses for recent articles related to human rights abuses towards Uyghurs in China. Chinese authorities initially denied the existence of camps and forced labour, later describing them as vocational training centres, re-education camps. The investigation's results show and collect more evidence and collection more information. The objectives are: 1. To register the disappeared and extrajudicially interned Uyghurs and other Turkic peoples in East Turkistan. 2. To present a comprehensive dataset, shedding light on all known geo-located detention facilities across East Turkistan. 3. To present a quantitative analysis of all known detention facilities and an assessment on the spatio-temporal changes of different types of detention facilities.

24 **The methodology:**

25 First of all, we gather info publicly available information from social media platforms.
26 This type of information is labelled as unconfirmed, many testifiers use social media to
27 post testimonies and carry out campaigns for family members and to raise awareness.
28 Usually given by family members, friends and colleagues. We try to get in touch with
29 them and try confirm existence of testimony and confirm. Then, this status changes to
30 confirmed. The next step is to verify. This is challenging due to the PRC's information
31 control restrictions in East Turkistan. Then we make use of extensive reportage of
32 news outlets both on the ground and invest journalism and some leaked government
33 documents – Karakax, China Cables, construction tender notices – these are evidence
34 of Chinese government's notices of construction of camps – we combine with satellite
35 analysis. Then have the Shanghai list, the most leaked black list recourse of suspected
36 Uyghur terrorists, including children, more than 1 million in the database of Uyghur
37 terrorists. Contains data of all walks of life, children as young as 5, seniors over 80,
38 Uyghurs who travelled abroad as well as those not been abroad. This is an example.

39 Then we use the UTJDs multilingual online registration forms. Uyghurs affected by a
40 massive network of internment camps, they can fill out forms. We have many
41 datapoints linked to datapoints. They include 'Chinese language proficiency',
42 'occupation', 'religiosity', etc... These are used for qualitative and quantitative
43 analyses. We have telecommunications. Some interviews via skype, telephone calls
44 are most convenient to person test and inform of risks. They can do anonymously –
45 such as filling out a paper-based form. We suggest most secure channels for testifiers.
46 We then have face to face interviews. Representatives travel to different countries in
47 Europe to conducts face to face interviews. We cooperate with local Uyghur
48 communities in different countries through local volunteers.

49 In the end, we go through a verification process, we label the data as confirmed or
50 verified. Confirmed means we have reached out to witness and asked for accuracy of
51 testimony by interview and building connection. Testimonies are also based on news
52 reports such as telephone interviews as Radio Free Asia also confirmed. Then, as
53 verified, if the witness is able to provide documentary evidence for example, official
54 imprisonment or detention notice from police station, official notice from Chinese
55 embassies or consulates. Such type as usually given to Uyghurs abroad, actively
56 searching for missing family members, we also identify detainees through state-run
57 Chinese media. In this case it is usually the diaspora community who come to us to
58 report testifying. We have status updates via the Working Group on Enforced
59 Disappearances from the UN. This working group serves as a channel for
60 communication between family and other sources. We verify based on the status
61 updates. We can only verify when the testifier comes to us and confirms the database.

62 We are now on part two: Satellite imagery analysis. I will present the approach and
63 the analysis regarding detention facilities and estimation of overall capacity. The first
64 thing we do is search for evidential information related to the detention facilities. Since
65 2018, we have collected various kinds of evidential information relating to China's mass
66 detention of Uyghurs and other Turkic people, categorised into 6 categories – witness
67 testimony, news reports, and research articles, Chinese government official
68 documents, ground truth and videos, popular map searches and satellite data. Based
69 on sources. Data sources is how it looks. Any information in these categories is
70 considered initiation threat to detention. We link all to each other and build fact based
71 databased.

72 I will go through table one by one. Some of our satellite findings are from witness
73 testimonies, which are usually video or written by camp survivors or employees. They

74 can provide corroborative evidence on facilities, construction design, detainees
75 number estimate, cell size, colour of uniforms. This is Omar Bekali, this is a camp we
76 identified based on his statement in Karamay city. This is Quelbinur Sedik, a former
77 camp teacher, in Urumqi in March-Dec 2017. The same applies to Tursunary
78 Ziawaden. Also rely on some news reportage and research articles. Usually also on
79 independent or research unit such as ASPI, Adrian Zenz. Radio Free Asia, retrievable
80 data points some first-hand information some visited facilities in person. Then we also
81 rely on Chinese government official documents, like China Cables, Qaraqash list, and
82 tender notices. Retrievable data points include detention location, data, size, facility,
83 official name and detention. The temporal range refers to 2016-2019 because, from
84 2020, it has been hard to get documents from the Chinese government as the
85 information restriction flow. Then we rely on some ground truth pictures and videos
86 taken by media outlets. The datapoints will be the facilities official names and security
87 features. Here, we see the re-education camp, taken from short video published by the
88 Los Angeles Times in 2009. The camp was converted and repurposed from Hongyan
89 garment factory. We can see a watch tower and guard and see two policemen running
90 over. Here is another example, video published by the Wall Street Journal. Again, we
91 can see a watchtower in front of the building. The video – based on popular map
92 services, 360, Baydou, officially recognised by the Chinese government, Baydou
93 provides restriction only from 2015-2016. Datapoints include location information and
94 names, addresses, etc. The last category is satellite data: Imagery taken from google
95 earth and Are GIS World, temporal ranges 2002-2021. This application provides high
96 resolution satellite imagery for geolocation and continues monitoring. We collected
97 15,000 more satellite high resolution images, more than 30 pieces key evidence of
98 existence of detention facilities. Without diving too deep into the table, based on the

characteristics listed on left hand side we can distinguish between diff incarceration type – re-education, prison, pre-trial, Laogai prison farms. This is how they look like visual image. Happy to answer questions later.

Our next methodology is to assess the security level of various incarceration types. The main sec features of various types are visible in the satellite images and security level is determined of sum of values given. Each security feature is given a value shown, and it values accordingly. Take a look at watchtower value of 3, as only appears in high security detention facilities and army bases. High mast lighting values 1 as it is a common feature in high security detention facilities, government entities and sports centres. The security level is equal to the sum of values given to various security features detectable in satellite images and can be divided into four levels, A, B, C, D – if between 8-13 this is incarceration type with high security. If between 6-7 it is high security, etc. We have evaluated each locations veracity, whether re-education camp or not, based on security level and cross checking between various sources and datapoint have registered 234 re-education camps. In total, highly confident on 191 of them, low confidence on 34 of them, for 9 we have insufficient data. We have estimated overall detention capacity based on two types of mass calculations. The first is on cell number, second on room size. In first case, estimation of overall capacity is equal to total number of cells times detainees per cell. We get the result as shown on table beside. Overall capacity between 1,608,000, to 2,016,000 for prisons can find on table. Second type of estimation is on detention cell size – equal total area of detention cells – get overall capacity of detention facilities 1,374,000. Again, will come to this later. We have documented 234 re-education camps and 357 prisons, pre-trial, 87 Laogai prisons. This is a prison city on outskirts of Bashegim City, 2nd division. It is

123 under control of Xinjiang construction corps'. The next one here is prison city on
124 outskirts of Aqsu city, and another on outskirts of Hotan.

125 This is the output result. A well-documented facility has around 60 data points, covered
126 by subtitles of table 11. Key evidence, security level and features, camp statistics and
127 estimation of capacity, other strategic facilities, fact-checking and expert assessment.
128 Our overall findings, we have found 67 camps that have very high security level, like
129 prisons. A total of 147 camps have forced labour factories inside or near the camps,
130 we suspect they are related or connected to forced labour. At least 31 re-education
131 camps satellite imagery shows visible detainees in orange, blue or red uniformed. At
132 least 5 of the re-education camps are repurposed from former hospitals or health
133 centres. At least 42 camps are next to anatomic laboratories which may be connected
134 to forced organ harvesting. At least 42 have crematorium within 10km. From Radio
135 Free Asia have confirmed 2 crem in Aksu. A total of 56 camps are built next to pre-
136 trial or admin detention centres. It is more convenient to transfer from re-education
137 camps to detention centres. 147 prisons or detention centres are newly built or
138 expanded between 2017-2020 and the old and small ones were demolished. Some of
139 the security features of the 217 re-education camps have been removed starting from
140 April 2019. We believe this is due to increase international pressure on the Chinese
141 government as more evidence is evolved. This is the end of my presentation.

142 *COUNSEL – Can you confirm these data points are all location in Xinjiang?*

143 MI – Yes.

144 *COUNSEL – Concentration camps, you call them re-education camps, what specific*
145 *features make this different from the others?*

146 MI – We do identify four types of incarceration based on their location. We distinguish
147 four types based on security features, construction design, construction repurposed
148 time, size facility location, changes made to international pressure and visibility of
149 detainees on satellite images. If we look at security features, second on table. Re-
150 education camps have equipped passages between buildings. The watch towers are
151 square-shaped. There are fences around the buildings. For prisons and pre-trial
152 detention centres, they have the same security features. The watchtowers are round
153 shaped, there are fences inside or out the wall. For Laogai prison farms, they do have
154 both round and square watch towers. We found out some identifiable security features
155 were mostly removed and this is from spring 2019. For prisons, all security features
156 are in use and the expansion are going on and for pre-trial detention. We believe this
157 is because China believes this is the judicially recognised facility and they are not very
158 afraid of these incarceration types being revealed. The Laogai systems, the majority
159 of them were abolished in 1994. When there were strong criticisms against them at
160 the time. We found out most are converted into prisons and not fully abolished.
161 Visibilities of detainees, for re-education camps detainees can be identified via
162 satellite. We can identify them in more than 40 camps whose uniforms are in red or
163 blue. This is not the case for the rest of the incarceration types.

164 *COUNSEL – The numbers you refer to 1,370,000, over 2.3 million people – This is the*
165 *capacity rather than the actual numbers?*

166 MI – Yes, this is the capacity, not the actual number of detainees. We believe these
167 buildings can fit in 1,800,000-2,000,000.

168 *PANEL – I'd like to ask a few about your methodology. The first question is about*
169 *capacity. In your first slide you refer to a 'massive network' – when you use that phrase*
170 *do you mean that both in terms of size and how extensive they are, they are massive?*

171 MI – We have started this research a year ago, within a year we have found and
172 identified 234 camps, there is only one expert and therefore, massive in a sense means
173 there is huge detention facilities built starting from 2017. We can see from the satellite
174 images that they are extending, the expansion of this camps starting from 2018 we
175 can see forced labours camps built next to the re-education camps. The newly built
176 re-education camps were built next to factories located in different cities.

177 *PANEL – What is the difference between confirmed and verified?*

178 MI – Confirming the evidence, a first example is social media - if we have gathered
179 testimony from social media, first label as unconfirmed. After reaching out and
180 interviewing that person, we will literally ask personal background questions; when they
181 left their region and last connected with their family members, and relations to
182 detainees. After detailed in reviewed this is confirmed existence of the testimony. In
183 other cases, we do refer to the telephone interviews conducted by Radio Free Asia
184 where they call to governmental institutions – this would also be confirmed. Verified is
185 a little bit different, it means if they can provide documentary evidence on their
186 testimony, such as a notice of imprisonment which can be from a certain police station
187 saying someone has come to pay their debt. If they can provide this kind of data they
188 will be labelled as verified. Letters by Chinese embassies can be labelled as verified
189 – it refers to the detainees of family members abroad. Gulbahar Jelilova's relatives in
190 Kazakhstan received a lot of letters telling them about her situation. Some other cases
191 refer to UN working group on enforced disappearance. We have a registration form in

192 the database and testifiers can register an account and detailed account of their
193 missing family members. We have a different team working on translation – when this
194 is done, we will send it to the UN Working Group on Enforced Disappearances, and
195 they will work on locating them. If the testifier comes back with more information, it will
196 come back as verified.

197 *PANEL – It is constantly changing; you can move people between the two?*

198 MI – Yes.

199 *PANEL – How quickly can buildings can be repurposed?*

200 MI – That is not my area of expertise.

201 *PANEL – Have you seen a repurposing happening in real time in this data here?*

202 MI - I am not the satellite expert on this, sorry.

203 *PANEL – You have given us great idea of satellite imagery. Can you give us a sense*
204 *of how this might look on the ground, are they in densely populated areas, how visible*
205 *might they be to those who caught sight?*

206 MI – Most of the re-education camps and prisons and other type of facility are located
207 on the outskirts of the cities. It is therefore not visible to the general public to figure out
208 places on their own without any detailed check. We do have some pictures and
209 readings that are issued by different leaders' panels. We can see those facilities are
210 on the outskirts, most have watch towers and police guards can see people coming.
211 They can detect them far away. It is not very visible.

212 *PANEL – Could you show us that slide?*

213 MI – Yes. We can see that there is around the mountain and we can now see some
214 other type of city construction around this facility. We can see watch tower and marked
215 as red, and another watch tower next to the main building. This is a camp located in
216 Urumqi which is also a bit outside Urumqi. This was repurposed from a garbage
217 factory.

218 *PANEL – A facility of this size needs personnel. Can you give us a sense of coming*
219 *and goings, what are the transport links to the facility, how is that done?*

220 MI - I can refer to the testimonies of former camp detainees which rely on ... mentioned
221 that from the detention centre there will be taken to a car and minibus and driven there.
222 They will have their heads covered by a black hood not to detect the roads and where
223 it is located. Lately we have found that there are .. taken to forced labour factories and
224 do not go out from the main entrance but from two passages so they will not be visible
225 on satellites.

226 *PANEL – And the personnel? Do they come and go? Are they resident?*

227 MI – No, it varies accordingly. Some detainees are kept in these camps for at least
228 three months, in other cases 10-18. The time periods vary accordingly. We do not
229 know how this is defined.

230 *PANEL – The supporting personnel, are they going in and out on a daily basis?*

231 MI - I know one case when I interviewed a former camp detainee, her husband working
232 in a forced labour camp. She told me that her husband was allowed to come back but
233 also spent days continuously there. He worked as a guard so not a detainee, he was
234 employed there and allowed to come back and visit his family once a week. This is not
235 applicable to detainees or workers.

236 *PANEL – Did you have discussions in your team about alternative explanations for*
237 *what is going on in these camps?*

238 MI – Yes, because we do go through a cross check process and we do check the
239 location of the detention camps from Chinese map services. For some of the 234
240 camps, we did find out that they are labelled as a camp on the Chinese map sources
241 with another name such as ‘Xinjiang vocational school’. Even if labelled as such, we
242 can see facilities are equipped with high security facilities such as barbed fences and
243 watchtowers. We do go through this type of cross checking.

244 *PANEL – Often a room is overcrowded with your 2.3 million estimates, could it be*
245 *double that? Some are really crowded, so it is a low estimation?*

246 MI – Yes, based on detainees itself. We have based it on the model camps which the
247 BBC visited, they had a dorm room with 8-9 beds but, according to the former camps
248 detainees, most have explained there were 20-30-40 people in each cell. We did not
249 take such numbers and referred to the minimal estimation – which is 10-12 based on
250 model camps. It is important to note we have generalised this data to each detention
251 facility which we should not do. We have not considered the inside design of this
252 construction – e.g. how rooms are placed.

253 *PANEL – You said some were new camps. Can you see if they are differently*
254 *arranged? You haven’t got much information about the inside.*

255 MI - I can try explain from the first picture. We rely on satellite picture when the camp
256 is being built. We can see a corridor on the middle and cell rooms on the side – this
257 will be 16 cell rooms on each side and 32 on each floor, with four storey building, so
258 there are 128 cells in this building. We did not consider the other facilities which might
259 be in the building such as toilets, torture rooms or administrative room.

260 *PANEL – You mention possible of using camps for .. have you any more information*
261 *on that?*

262 MI – We suspect this might be involved in organ harvesting as we have found this is
263 only one case where a camp is next to a we do not have other evidence on that.
264 This is an ongoing project to get additional evidence in support of this theory.

265 *PANEL – We have re-education camps and detention camps. What do they call a*
266 *prison? There are four types of camp, re-education, ...*

267 MI – Prison and also a pre-detention trial centre. These are different. From the satellite
268 images they look the same, equipped with same security features and how buildings
269 are constructed and cell rooms but this does not mean they refer to them with the
270 same terminology.

271 *PANEL – Do you know what proportion of facilities, have been identified as such by*
272 *two different sources?*

273 MI – We are highly confident on 191 re-education camps. For 31 of them we could see
274 visible detainees, in 16 of them has appeared from photos of people visiting and
275 carried out reportage on these facilities. There are 13 camps which are supported by
276 pictures, some videos began from media outlets and we do steps we found on social
277 media as well. Four of the camps are confirmed by witness testimonies. They have all
278 confirmed and identified the location based on the documents we have provided and
279 have gone through such a process. 18 of the facilities are cross checked by Chinese
280 government's official documents, such as the Qaraqash list, as some detention centres
281 are mentioned. The last one is 112 camps that could be supported by camp
282 development changes – when we find security measures removed from international
283 pressure, we confirmed this is a camp.

12th September 2021 (1:18:00 – 2:19:15)

Conor Healy

COUNSEL – The next witness works for IPVM, an independent US-based research organization focused on surveillance technologies and businesses. This organization has dedicated significant resources to covering China as the world's largest market for surveillance of the industry's most prominent companies. In his report to the Tribunal titled "Surveillance Detection: Analytics in China", the witness covers the technical capabilities of surveillance networks in Xinjiang including Uyghur face detection and its application as well as which government/corporate entities are involved in developing these technologies. Mr. Healy, the Tribunal has received and read your report they have done so in detail, so I'll invite you now to make a short presentation but in the interest of time please do not let it go over 10 minutes.

CONOR HEALY – OK, I'll do my best to keep the time and thank you for having me. I want to offer some context for my testimony just at the outset. Since our founding as an organization IPVM mission has been to hold surveillance creators and users accountable and we publish reports on unethical activities on everywhere from Colombia to California. The People's Republic of China's unethical use of surveillance against Uyghurs has been utterly unequal and deeply troubling to us as technologies. Since 2018, we have published a dozen of reports on these issues that taken together, show that Chinese companies have designed, implemented advanced surveillance designed to specifically to target Uyghur Muslims. In my testimony today, I'll speak about two issues addressed in my expert report: certain government initiatives executed by two prominent technologies...

25 *[interruption] PANEL – A little slower perhaps?*

26 CN – Yeah of course, I'll try to slow down. And then, second, mass surveillance
27 systems used to identify ethnic Uyghurs on the basis of their faith and facial feature.
28 So, this is HIKVISION, world's largest surveillance manufacturers. Roughly 20,000
29 employees, 2020 global revenue of 10 million dollars, it operates globally and the UK
30 it has a 40 % market share. It originated from the China Electronics Group operation,
31 a PRC state owned entity created to supply the People Liberation Army and
32 HIKVISION continues to be state owned according to the Rome financial findings.
33 They've established a significant presence in Xinjiang, since being awarded multiple
34 security projects in 2017 for its installations. These both include the installation of
35 mosque surveillance and supplying surveillance to Xinjiang re-education camps. I'll
36 briefly explore both of these in greater detail. In Pishan County, Xinjiang HIKVISION
37 received a contract for "Security Protection and Prevention Control System". It
38 included camera installations in mosques and 'education through transformation
39 centres', a term I understand refers the infamous Uyghur re-education camps. Another
40 contract was in Xinjiang's Moyu county, for a social defence system, it included
41 surveillance in re-education centres and mosques specifically it specified facial
42 recognition cameras would be placed at each of the 966 mosques in Moyu County. So,
43 facial recognition systems such as those installed, such as the ones in Moyu and
44 Pishan County, allow authorities to catalogue the identities of those attending mosques
45 and could proactively monitor attendance and identities of people attending in real
46 time. HIKVISION claims it has no knowledge and control over how its technology is
47 used in the region. It's important to note that these projects go beyond simply selling
48 the cameras, they're private-public partnerships meaning HIKVISION does not only
49 constructs but operates the installation for several years as shown in both tenders and

50 HIKVISION's own financial findings. The Pishan County project, for example it includes
51 direction operation into 2040, while the Moyu county project runs through 2035.

52 Turning now to DAHUA, which is the second surveillance manufacture. I think I need
53 some water... my mouth is getting dry

54 *[interruption] PANEL – A little slower still, please.*

55 CN – So, DAHUA's contracts span more than 180 million dollars. They're comparable
56 to HIKVISION. The companies' origins are private, however, their contracts in Xinjiang
57 total a billion US dollars. Again, two of these is 685 million USD surveillance project
58 in Yarkant County. DAHUA was contracted to build and operate for a period of 9 years,
59 a mass surveillance network and construct convenient police stations for its residents.
60 You do the math, that's 7 USD for each of the county's 850,000 residents– I should say
61 that a contract of this size is virtually unheard of in the security sector. There are no
62 countries that have projects of this size.

63 A second one in Qiemo County worth 61 million dollars includes a system that captures
64 the features of wireless MAC addresses so known as WiFi sniffers rather. According
65 to reports by Human Rights Watch, these devices, Integrated... or IJAW used in
66 combination used to identify users of network devices. So, China's mass surveillance
67 such as those that have been installed in Xinjiang but installed across the country
68 made use of advanced analytical technologies to automate the process of data on
69 citizens characteristics and more importantly their ethnic characteristics. Here [on the
70 screen], you see an ethnic minority was inadvertently positioned 2018 conference. The
71 company was later found to be marketing specifically described as detecting Uyghurs
72 and such systems are trained to assess a person or an image on the facial features
73 alone. That required a significant amount of machine learning and effort known to have

74 been applied in many different ways. Here you see a technical document, Hara city, a
75 smart city software designed by DAHUA, smart police management. This means that
76 DAHUA surveillance seems to be what it believes to be a Uyghur, smart city
77 management. This means a warning would be sent to the police, a real time Uyghur
78 warning. The document various subcategories of individuals, including Uyghur with
79 “hidden terrorist inclinations” as well as detection. I should note that this is not a single
80 or accidental mention of real time Uyghur warnings, the term 14 separate times, in this
81 document as well as in other DAHUWA documents, cities functionality. It is not
82 exclusively used in surveillance, Uyghur face detection was employed by ALIBABA in
83 cloud shield... here you see a screenshot of their own documentation, showing the
84 solutions capability to detect whether or not a person detected an image or video
85 posted online. A Uyghur... that could automatically flag the content for removal.
86 Another reiteration in a confidential HUAWEI report regarding in-cooperability with
87 *Makebi*— one of China’s largest facial recognition developers. It showed the two
88 companies worked together to test a “Uyghur alarm” featuring a Uyghur face
89 recognition product... Huawei also patented this technology. July 2018 patent
90 application, HUAWEI described the facial recognition technology using surveillance to
91 identify and returning to possible results, or Uyghur the patent application was
92 submitted jointly, science, the PRC top research arm. Numerous other Chinese
93 technologies have filed for similar Uyghur detection including MEGVII, ALIBABA have
94 filed for patents for ethnicity detection without mentioning the specific ethnicity. Others
95 are known to have developed technology but not patent it. Uniview—which you see up
96 there [on screen]—is the third largest corporation other large surveillance
97 manufacturers... logo is not up there but many of these companies have deflected
98 these findings. Huawei for example said, “it’s a test with no real world application”.

99 Irrespective of the validity of that statement. It should be noted that building ethnicity
100 detection requires significant effort in investment. For a Uyghur facial detection system
101 manual data set, containing thousands of Uyghur faces would be necessary and this
102 would require thousands of hours of work. The proliferation of these technologies said
103 to be an outcome of state policy. In detailed standards are issues all sectors of govt
104 including in surveillance which specify how bidders would win government tenders.
105 December 2019, we uncovered this draft document which was a standard for face
106 recognition systems. And its specifically included ethnicity detection and in bracket
107 said Uyghur slash non-Uyghur. That standard not officially published however similar
108 national provincial standards have been published since requisite facial recognition
109 system used to determine skin colour as you can see from the example here. They do
110 not specify from what... detection. As you can see there, these are standards that
111 have been published. The fact that Chinese authorities have specifically requested
112 Uyghur face recognition technologies and tenders in security networks. Here, you see
113 a map of regions issues tenders and request explicitly Uyghur face detection from an
114 analysis we've done November 2019. Since then several other example requesting
115 Uyghur face detection that are more recent. This next slide is taken from a recent BBC
116 Panorama documentary and shows the testing of a face recognition product by an
117 unnamed company and what are by all appearances Uyghur detainees. First, it should
118 be noted that for developers validate the performance of facial recognition products,
119 Uyghurs are likely to used as test subjects. Second, camera-based analytics are
120 being used to conduct continually advanced analyses for public security officials. This
121 system shown here (on the screen) is an emotional detection system. Uyghur
122 detection face system. It's intended to analyse a subject, an emotional state. I'm
123 zooming in here on red which represents negative ... measured by the camera. We do

124 doubt if such a product performs very well. You know we can, nevertheless, continue
125 to explore face recognition system that play a key role in China's policies towards
126 Uyghurs. And, with that, I've gone over my 10 minutes and would love to answer any
127 questions you may have.

128 *COUNSEL –: Thank you. My first question relates to the Uyghur face detection*
129 *technology that you've spoken about and you did mention, to develop such*
130 *technology distinct processes and quite a bit of investment. This is not just a natural*
131 *extension general detection technology. So, two questions: you did mention some*
132 *standards, official documentation, requiring a focus on Uyghur detection. If you could*
133 *speak about that. And related, given that this technology had to be purpose built,*
134 *what in your view is the purpose?*

135 CH – Yeah, so video analytics technology are often grouped in face recognition when
136 we talk about them and that's also the case in China when China's national
137 specification of these policies. They are in fact ... in terms of the technology and
138 process then, as an add on, you pull the ability to recognize an ethnicity or a gender for
139 that matter etc.; which other things these systems are trained to detect, so it is a
140 process that'll require a significant amount of work. Unfortunately, we don't know what
141 exactly the development process of any of these is like in China. WE can only speak
142 generally, to what we would expect from a such a development process. Having said,
143 I did mention this in my report. There is some evidence that individuals are being hired
144 in Urumqi– we don't know what but that's exactly the kind of work you'd expect. You'd
145 have people manually going through images maybe drawing boxes around faces.
146 Setting up a database, so that a machine you could learn from that database. So that
147 it is accurate. As for the purpose for what this technology is, you know, I can again
148 really speculate here because China– the state - has not explained what the purpose

149 of this technology is. But if you look at real time Uyghur warnings by Dahua, for example,
150 so that's a smart policing solution and it would appear what they are specifically trying
151 to detect are Uyghur that are not supposed to be in the particular locale we're in- in
152 other words "unsuspected" Uyghur. In other places, the technology seems to be a sort
153 of preventative measure, if you will. I can only describe it as bigoted prevention
154 measure. A simple example, there are various surveillance analytics that you could
155 use to detect intruders as they enter a building. And, you know, that is relatively
156 common, or detect persons engaged in suspicious activity sort of grouped in
157 technologies that you would be grouped in system now. And so, Uyghur detection
158 considered a useful functionality in the same context that intruder detection might be.

159 *COUNSEL – Thanks for that and just for the real time Uyghur warnings that you*
160 *mentioned, that send reports to police when the system detects a Uyghur of concern,*
161 *for instance. So, the system is able to discriminate between for example Han Chinese*
162 *and Uyghurs and is able to hone in and single out Uyghurs–*

163 CH – Yes.

164 *COUNSEL – Just because they are essentially Uyghur and it then has the ability to if*
165 *there is anything of concern and as you mentioned, it could be a matter simply an*
166 *Uyghur being in an area they're not expected to be by the system. Right?*

167 CH – Yeah and *Hyber* city, the city with real time Uyghur warnings. Like said, it's a
168 smart city management solution. What it implies is that the police in a given area where
169 the software is used, you know, they would have an operation centre that has lots of
170 surveillance software. It implies that one of the incidents reports they would be
171 processing and have people looking over and addressing would be Uyghurs detected
172 on the street and they would evaluate whether that is something they would need to

173 do something about. So yeah, if you're Uyghur and walking down the street, and you
174 get captured by a camera, it's not unreasonable to expect that seconds later there are
175 police evaluating whether or not requires intervention.

176 *COUNSEL – And thank you, I just have two brief questions and pass it to the panel.*
177 *The first is that yesterday, that an 'open air' prison was used to describe the area in*
178 *Xinjiang because of the high tech. What do you make of that description?*

179 CH – I'm sorry, could you repeat that?

180 *COUNSEL – So, in the view of this intrusive surveillance and focus singling out*
181 *Uyghurs, the term "open air prison" was used.*

182 CH – To describe the province?

183 *COUNSEL – Yes, to describe the province. What would you make of that description?*

184 CH – IPVM has evaluated a lot of surveillance projects, in many regions which are
185 sold to governments and prison systems. There is no system available to most of the
186 world as advanced and intrusive as what is being deployed in Xinjiang and, for that
187 reason, I would agree. I don't think there are prisons in the UK or the US that have
188 surveillance technologies as extensive as that

189 *COUNSEL – Thank you for that and my final question - where do we go from here?*
190 *And how likely is it that is not just surveillance or monitoring or controlling people can*
191 *be taken even further. In your report, you refer to the Xindi law enforcement*
192 *management centre which include as much interrogation– tiger chair essentially.*
193 *Could you speak to us a little about what that could be? And where is this technology,*
194 *where could this technology go- with respect to focusing on an ethnic minority?*

195 CH – Yes, I didn't include that in initially my testimony, simply for the reason that there
196 is no evidence that product was developed specifically to evaluate Uyghurs. Having
197 said that, these advanced technologies, I think you can expect them to be used in the
198 context of detention, which is happening. They have capabilities that are hard for us
199 to conceptualize but I imagine that such technology will be used. Its hard to say what
200 exactly we'll expect in the next couple of years. They have capabilities that are kind to
201 conceptualize, they are advancing very quickly but you know this is an—even now— an
202 unprecedented ability to analyse the population and identify people's characteristics
203 in this way. I think it will continue to continue to surprise us.

204 COUNSEL – *Thank you, I'll pass you on to the panel.*

205 PANEL – *The witnesses referred to the tiger chair, we've heard a lot of reference to it.*
206 *Those of us reading the papers have seen drawings of it. I don't know if Mr. Healy is*
207 *in the position to throw up on the screen image of one. Of an actual tiger chair? Is it*
208 *available on your screen? Probably not.*

209 CT – It's not in my presentation, is my report— if someone busy in the back could...

210 PANEL – *Thank you for your statement, can you give us a sense of when this ethnicity*
211 *detection intensified in Xinjiang?*

212 CT – Well, I've personally seen patent applications that go back as far as 2012, the
213 vast majority of them have been patented 2019 and 2020. Tenders requesting this
214 technology go back as far 2017 and continue, essentially, to the present day,

215 PANEL – *OK. You mentioned a draft to the Minister of Public Security, which you had*
216 *access to. Are you able to tell us how you had access? And how did you verify that it*
217 *was the authentic article?*

218 CT – Yes, so I put up on the screen. I just put up on the screen what you're referring
219 to. It was available online– most of what I've presented to you is online. One of the
220 surprising things about our research, is that– is that a lot of this isn't hidden very well.
221 Speaking of methodologies, our methodologies is to acquire on– is to rely on
222 documents– the documents of the Department/Ministry of Public Security of various
223 public bureaus. You know– I don't think this is very interpretive. We are relying on what
224 the government itself in China has said it wants and what companies said they've built.

225 *PANEL – Have you got any comment with regards to how accurate these analogies*
226 *deem to be. For instance, in the West, we're aware of facial recognition, there are*
227 *reports that are coming out from US and Europe that technology cannot detect White*
228 *& Black faces. So in China, have you come across anything to say that, you know, that*
229 *people believe that it is 100% accurate or perhaps 50% accurate?*

230 CH – Yes, a few things come to mind. So, there are government standards that have
231 specified a level of accuracy. That they want for this technology. I may have included
232 that in the report, if not, I'm happy to provide that. I don't remember each number they
233 specified, but it was certainly over 50%– they put this on a 0 to 100 scale basically.
234 And we haven't tested these products so we don't know how accurate they are but
235 China has the world's leading AI and facial recognition and just about all of them have
236 been involved in developing Uyghur detection. When I say all of them, I mean all of
237 the prominent ones in general.

238 *PANEL – In your research, are you able to make any connection between detection*
239 *and something that's actionable afterwards. Uyghur alarms can you make further links*
240 *between the data the detection and anything that happens afterwards. For instance,*
241 *incrimination or....*

242 CH – In terms of how the alarms, what they then signify?

243 *PANEL – So what happens after?*

244 CH – Unfortunately not, we've ... our focus on the technology. I think that that is an
245 area research. If it's possible to determine how this is being used.

246 *PANEL – You write in your report that ethnicity is thought to be Uyghur for short, how*
247 *did you come to that conclusion?*

248 CH – A few different ways. So, if you look at the standard up on the screen, what the
249 standard refers to as ethnicity recognition– Uyghur/Non-Uyghur. I think that has more
250 significance than it appears to cause there are dozens of ethnicities in China so that
251 is a pretty specific statement about what the interpretation. In addition to that, in terms
252 of the actual implementation. The standards that precede the implementation, so that
253 adds that additional context that helps us– sort of make a claim that identity ethnicity
254 detection means Uyghur detention and, beyond that, there's a company called Breese,
255 they are a– I believe a subsidiary of UNIVIEW which I mentioned is the largest
256 company in China. They've said in their own guidance; ethnicity detection refers to
257 Uyghur detection. You know, there are people who deal with government projects
fairly
258 frequently.

259 *PANEL – And the next claim you made, is of automated racism so that follows from*
260 *the statement you just made. Does that come across as correct?*

261 CH – Yeah.

262 *PANEL – I will come back to the Tiger Chair. But first, Huawei. Everyone knows about*
263 *Huawei, there is a high-profile case around Huawei. They've been accused of this that*
264 *and the other, Huawei comes back and always denies these allegations. I'm not aware*

265 *of them being called racist but that probably comes in with the fact that accused with*
266 *colluding with the PRC. If they are denying those allegations, what have you come*
267 *across in your research?*

268 CH – Well, when we first reported on Huawei's– it was the Uyghur alarm functionality
269 you refer to, Huawei said it was just a test. It wasn't meant for real world applications.
270 Its suspicious on its own, as I've mentioned it requires a lot to build these technologies,
271 it's a bit unusual that they would build these technologies and kind of ditch it after a
272 test. And after that denial, that the company did not do this, we then found that they
273 patented it. I mean they had a patent for the technology and, at the same time, were
274 downplaying this as some fringe activity. You talked about collusion with the Chinese
275 government, I don't think its matter of making accusations, it was co-authored by the
276 Chinese Academy so it did occur they developed this with the Chinese government.
277 Then we can make allegations about what that means and how it was used. But its
278 factual.

279 PANEL – OK thank you. So, this technology and various technologies, they don't just–
280 *they're not just distributed in Xinjiang nor in China but also elsewhere where PRC is*
281 *engaged in trade, so we've heard about the digital silk route. We've heard about such*
282 *technology being sold cheaply and even gifted to other countries. Could this be the*
283 *way of PRC extending not only influence but also control? Second question, related to*
284 *that, is it something that these governments could also be party to enjoy in terms have*
285 *having technology, in order to control and perhaps even oppress their own population?*

286 CH – Yeah, it's entirely possible and we're talking about that issue, we need to speak
287 more broadly than ethnicity detection. These are systems that provide all sorts of
288 different insights even without being able to detect race. There are various reports that

289 China's been exporting these technologies to other countries— I mean China is already
290 the largest exporter of sort of conventional surveillance technologies. When I think
291 about these technologies, the term “techno-authoritarianism” comes up. That is what
292 they conceptually could be used for. I didn't include in my presentation or expert report,
293 but there's a tender for mass surveillance system in the city of Yangkaw that our team
294 has analysed dating from March 2020 and that tender describes the ability— it does by
295 the way request Uyghur detection. But separate from that, it describes the ability to
296 conduct predictive analytics on the population that it could then be used to prevent
297 social unrest. So, in other words, if realised, we're talking about a system that
298 anticipates protests before they occur. You know dissident is always innovative and
299 always finds a way to operate in a distance, but I don't know how dissidents could
300 operate in those conditions. If their own actions are understood by these technologies,
301 sort of better than any human could do - to extent of predicting whether or not they're
302 engaging in behaviour that the government disagrees with - that is very scary,

303 *PANEL* – In your report you also talk about Alibaba, that is in terms of video
304 surveillance which we've heard about. We haven't heard about the internet content
305 moderation. Could you elaborate on this?

306 *CH* – Yeah, sure. So, I mean it's well known that China sensors its internet extensively.
307 And a big part of how they do that and frankly how other companies like Facebook
308 that they don't want on their site- its automated. They use machine learning systems
309 to flag content that should be potentially removed. And that's what Alibaba's cloud
310 shield solution does. And they thought it was useful to build Uyghur detection into that
311 solution. From what I understand— or not from what I understand, there have been
312 reports of Uyghurs having difficulty posting images and things online. It's the kind of
313 technology that could be behind that.

314 *PANEL – So, in their patents, they actually use the word race and ethnicity, and the*
315 *patent is rewarded to them afterwards.*

316 CH – Alibaba?

317 *PANEL – With Alibaba, yes.*

318 CH – Yes.

319 *PANEL – Some of these companies obviously operate globally. The EURO Football*
320 *tournament– Alibaba was everywhere. So, basically, these companies are quite-*
321 *you’ve already used the word- unethical globally as well. Is this suggestion? Am I*
322 *taking this too far?*

323 CH – I think it is very reasonable to say that they’ve acted unethical ways globally. You
324 know this gets off the subject of Uyghur but if you take the example DAHUA, the South
325 Korean equivalent of the FCC, recently revoked all of their authorisations because they
326 falsified their test results. HIKVISION and DAHUA have both made 100s and millions
327 of dollars selling fever detection equipment that does not work, across the world –
328 we’ve actually published a peer reviewed in the Journal of Biomedical Optics to prove
329 this. They applied an algorithm, that essentially adjusted the results so appeared
330 normal. They were basically faking it but spent millions of dollars on this stuff. In terms
331 of unethical use of surveillance, I think most of that ends up being the end user. So, it
332 might be too far that these companies are going through the UK or the United States
333 making decisions that then result in unethical uses– government authorities are the
334 ones making those decisions. In terms of more unethical examples more generally us.

335 *PANEL – So there are many ways we are deeply implicated. We’re not just talking*
336 *about Xinjiang but we’re talking about Xinjiang. The entire global position in it. Would*
337 *you agree?*

338 CH – Yes.

339 *PANEL – I'd like to talk about the tiger chair but you haven't really elaborated on it.*

340 *Could you please talk about this before I ask you questions about it?*

341 CH – Tiandy smart interrogation table. Surveillance manufacturers they too have
342 developed Uyghur detection. And this is one of their other products: it's a smart
343 interrogation solution. There isn't much I can say in terms of what analytics used in
344 combination with this solution. There have been reports– if you sort of go back. If you
345 look at the motion detection solution I showed you, I would consider it likely that in
346 general technology is not specifically motion detection integrated into this so called
347 smart interrogation solutions. And yes, that is a tiger chair– which human rights has
348 reported that are those used for torture of detainees that they are left in this group for
349 hours and hours on end and that is what comes with this one-stop-shop police
350 management system.

351 *PANEL – Did you get this from the internet?*

352 CH – Yes.

353 *PANEL – Available in China even though initially they denied the existence of such a*
354 *chair?*

355 CH – I don't specifically recall if Tiandy denied the existence.

356 *PANEL – The PRC are denying it?*

357 CH – We didn't get any comment from the PRC. I believe the PRC has denied that
358 they've tortured detainees in general.

359 *PANEL – But they've accepted the fact that they have a chair?*

360 CH – I'm not sure.

361 *PANEL – And is it in only in China? Is it also being distributed globally?*

362 CH – Well I think it's only in China that Tiandy is selling it, if you're asking? But I think
363 tiger chairs have a longer history. It would probably be in many places.

364 *PANEL – And my last question relates to the people's liberation army that HIKVISION*
365 *were supplying technology to the PLA and that this was transferred to the IJOP, the*
366 *integrated joint operations platform. Have you come across this technology by PLA by*
367 *any other way? What I'm trying to understand, how the civil and military are blurred–*
368 *how these areas come together?*

369 CH – I think HIKVISION's relationship with the People's Liberation Army is interesting
370 to discuss. We did a collaboration with the Wallstreet journal in which we've published
371 extensive evidence of their work with the People's Liberation Army. There was a study
372 that one of their employees collaborated with the PLA on the, forced to improve the,
373 lethality of their service to missiles to artillery using HIKVISION's technology. There
374 were listed as a Tier 1 supplier. They were at the highest possible level to the People's
375 Liberation Army. By the way, about the study, the one improving the lethality of missiles.
376 That was on HIKVISION's own website, that is where we found that study and the
377 researcher listed as a HIKVISION research. Their response to that was: "we had
378 nothing to do with this, and this employee was only acting in his personal capacity,
379 and so, the counterpoint I suppose is that HIKVISION employees are working in their
380 capacity collaborate with the PLA in terms of missile technology.

381 *PANEL – I'm going to interrupt before we pass it on. For those who may not be familiar,*
382 *the tiger chair loops at the bottom which we can see, so the feet are immobilized, but*
383 *what is not quite visible also is that there are restraints on the top so that your wrists*

384 *are immobilized and your ankles are immobilized and if it is torture. You're left there*
385 *for as long as it suits them, is that right?*

386 CH - Yes, that is how I understood it.

387 *PANEL – We have heard in some of the evidence of tiger chairs that the loops could*
388 *be tightened electrically. Are you aware of it?*

389 CH – I actually am not aware of that.

390 *PANEL – Could you tell us how advanced actual masked facial recognition are as*
391 *opposed to ethnicity detection?*

392 CH – Facial recognition systems, in general, are technology that sort of works in most
393 places. There have been some issues in places like the US. With them not working
394 for every demographic equally, I think the facial recognition systems worked just fine
395 for their explicit purpose which is to identify people.

396 *PANEL – So, what I am coming to is that it only works if you have a data bank to identify*
397 *from. What I was wondering was, what proportion of Uyghurs are on those databases*
398 *compared to Han people living in that region.*

399 CH – Interesting question. I think almost everyone in the region would have be in those
400 databases. There have been reports faces profiled, DNA taken and sort have had
401 finger prints– I think sort of done for the whole population. I think that in most of China,
402 face recognition would probably recognize most people. I would note, its actually not
403 the case you need the database for face recognition to work. You can still capture a
404 face profile, you just wouldn't have an identity or a name. And you can still get a lot of
405 data on people's movement and you could track a suspect/unknown person.

406 *PANEL – When you say the whole population, do you mean the Uyghur population or*
407 *the whole population of Xinjiang. What were you suggesting?*

408 CH – Certainly, the whole population of Uyghurs and Xinjiang. I think that the whole
409 population of the province. I wanted to clarify that I haven't seen any specific data on
410 exactly how well developed the database is. The data we do have is that China as a
411 a practice from relevant citizens to that could be used– that implies that most people
412 can be identified by– uncertainty as to exactly extensive their data is.

413 *PANEL – Who are the major funders of IPVM?*

414 CH – Subscribers. Basically, we're sort of like any other media organization. 90% of
415 our revenue comes from subscriptions and the other 10% comes from courses-
416 basically, we teach people courses on how to install surveillance. We do not have any
417 government funders or dubious financial ties. We certainly not being funded by the US
418 government except by the extent that an individual you know might buy a subscription.

419 *PANEL – Nor Apple, nor Microsoft– I take it?*

420 CH – Certainly not. Whoever buys Apple surveillance, maybe they have subscription.

421 *PANEL – Thank you very much. It is rather horrifying and rather interesting. Just going*
422 *back to the tiger chair, how do you think this could help torture somebody? I mean,*
423 *what are the parameters you might be taking from that big machine that we can see*
424 *there?*

425 CH – The chair itself or the machine?

426 *PANEL – Well the two are linked, aren't they? I'm just wondering what the machine*
427 *might be doing with the chair.*

428 CH – I'm just thinking back to the report. I think we do go into some detail on exactly
429 what the solution offers and to the best of my recollection, to an extent, its case
430 management— you know, keep track, perhaps how long someone's being interrogated.
431 If they're using analytics to evaluate somebody with the emotional state of the
432 detainee. But I wasn't totally expecting to talk about it so I'll have to refresh my mind
433 on all the details.

434 *PANEL – Fair enough. Obviously, these techniques will go on and on and develop. Do*
435 *you think they might be able to actually detect your DNA?*

436 CH – Using a camera?

437 *PANEL – Yeah can't see how at this stage.*

438 CH – I don't see how.

439 *PANEL – One last question, maybe this is a bit facetious, how could one use this*
440 *technology in a good way? Here, it's kind of to track the Uyghurs. Something we could*
441 *use the same technology for in hopefully better circumstances.*

442 CH – I think for the Uyghur face detection. I've spent some time thinking about this. I
443 cannot think of a single application of this technology that has a positive outcome for
444 anyone. If someone can, I'm happy to hear it. But realistically, this targets a particular
445 race and surveillance is used to monitor people, so it implies it's for monitoring a race
446 in particular. I see nothing positive about that- there are no positive use cases and, to
447 be honest, this is a technology that shouldn't have been developed. And it's a shame
448 that it exists.

449 *PANEL – Thank you. In terms of these companies, to what extent would you describe*
450 *them as independent companies or actually government owned in a sense a level of*
451 *requisition, tendering that is going on. Are they China?*

452 CH – So many of these companies, they co-wrote the experience they are talking
453 about the ones that request HIKVISION or DAHUA- I'm certain they were co-authors
454 on at least 2 examples. And there are other Chinese countries that have been co-
455 authors so that partially answers the question. Also, by their own statements. They are
456 not independent from the government. HIKVISION says it's a state-owned company.
457 So, I think that is a pretty clear-cut case. Their chairman, Chen Zongnian, holds the
458 role of being director of the research group and CCTC simultaneously. DHUWA,
459 they're only 13% government owned, they claim to be independent while at the same
460 time holding groups for their party ideology and making clear statements that you
461 always follow the party. And of course, working on all these projects in Xinjiang which
462 implies a certain level of dedication to the state goals.

463 *PANEL – In terms of the motion state, you referred to– I think you suggested/implied*
464 *they are underdeveloped/inaccurate, but do you foresee they are developed to a high*
465 *degree of accuracy following on Professor Kumar's question. How might you envision*
466 *it being used other than this example monitoring people who are being tortured for*
467 *example?*

468 CH – So most people that analyse surveillance technology are doubtful a motion
469 recognition will ever be as accurate as you and I talking right now. But even then, this
470 interaction is a bit subjective, its hard to pin down the specific emotion of any particular
471 face greater than a particular accuracy. And to develop – adds a layer of complexity,
472 that being said I would caution people, the fact that they don't work actually makes this

473 worse, it's not whether they work but whether or not they're being used. And the
474 context of their use seems to be evaluating their emotional states, and when I say
475 emotional states, I'm also referring to tendencies-aggressiveness, violence- things that
476 could factor in on someone is treated. And if its inaccurate, it's probably worse.

477 *PANEL – Thank you. Can I just ask a little about government participation? Does the*
478 *Chinese government fund research into ethnic recognition technology? Or is it funded*
479 *through the companies getting these contracts.*

480 CH – I honestly am not sure. I can tell you they fund mass surveillance projects in
481 Xinjiang, they purchase the technology so they're buying it as per who's funding the
482 research, you could argue HIKVISION being a state-controlled company, they involved
483 Uyghur based detection. So, at a minimum the government has funded this through
484 their statement entities.

485 *PANEL – Do you know what entities the contracting parties are?*

486 CH – It varies widely but it's the security bureau, or police entities.

487 *Panel, TC – National or provincial?*

488 CH – It is typically provincial from local authorities.

489 *PANEL – Is it part of the specification, sorry this will reveal my lack of technological*
490 *Education, that they link into the job specification?*

491 CH – Not exactly, it is part of the specification that they link into the government
492 surveillance networks. That is very normal to see, they want these unified systems
493 that many different security levels can access. But the tender notes specifically
494 mention the Integrated Joint Operation system. I can't definitely say that is what they
495 are referring to.

496 *PANEL – And last question, for which I win the prize of naivety, is there recourse under*
497 *Chinese law/ regulation in relation to the use of stored information about them?*

498 CH – If I'm not mistaken, discrimination is illegal on the basis of race or officially
499 speaking. The government has a position on that– I could be wrong.

500 *PANEL – But no right of access to your information?*

501 CH – Not as far as I know. Including in practice. There is no right of access.

502 *PANEL – Just a couple of questions if I've got time. How should we imagine this*
503 *technology being used, standard on massive screens or is it much more sophisticated*
504 *than that. The machinery allows someone sitting in a local police state to be alerted to*
505 *a specific interest, how does it work?*

506 CH – I think it would be both- this gets into a bit of speculation because we haven't
507 seen inside centres, or operation centres that would use these technologies. But I
508 believe you would be both.

509 *PANEL – With this number of cameras, you would need an army of people looking at*
510 *huge set of screens– or not?*

511 CH – Not necessarily. A sort of mundane analogy, let's take traffic cameras. Traffic
512 cameras, up until recently, would have required - if you wanted to watch traffic or look
for
513 a particular car– you would need someone looking at the screens. I think this
514 demonstrates the software these days, rather than the hardware in terms of what the
515 system can really do or what it's for. Widely available technology, you have then
516 transformed that system where everyone is going- direction of travel, the amount of
517 traffic, you can use to track people down, all sorts of analytic to traffic people and all
518 you've done, something that was done technology beforehand.

519 *PANEL – And you don't always need, it alerts different systems automatically.*

520 CH – The system would create an alert based on whatever parameters they've set.

521 So, I mean it eventually goes to someone, so you could filter through instances that

522 would be manually looked at by a person

523 *PANEL – Just to conclude, I could buy a tiger chair from Tiandy- nobody would object.*

524 CH – Yeah... I mean if you were a public security official, I would assume so.

525 *PANEL – Thank you very much indeed, Mr Conor, for coming to help us.*

526 CH – Thank you for having me.

12th September 2021 (2:41:45 – 3:23:01)

Nathan Ruser

COUNSEL – Your research, I mentioned earlier, relates to looking at the physical environment in Xinjiang in the province, increased securitisation, physical changes in urban and rural landscape, widespread demolition of Islamic spaces of worship. Chinese government sources repeatedly said developments in Xinjiang have been made for the people there. From your understanding of and analysis of the imagery you have processed, is this the case and is it for all the people there?

NATHAN RUSER – China cites the 2008 earthquake to pursue development and demolition policy. We see a deliberate attempt to severely demolish Uyghur public space, housing and public sacred sites under the guise of urban renewal. There is no consent from people who lived in these houses and no recourse to say they chose their houses. Traditional Uyghur houses, low density but 1-2 storeys tall, suitable, in landscape for 100-1000s of years, have been demolished you don't see in the rest of China. One issue that might be illustrative is the demolition of mosques. 900 sacred sites, 600 mosques, a third are being demolished since 2017. Although this has been in purview of urban development, as stated in media sources, we found a high proportion of mosques demolished are bland – empty lots, sometimes parking, sometimes parks, but not anything to back up urban renewal or development. With Uyghur housing you are seeing, when you go through Hotan/Kashgar, you see signs of what buildings used to look like and how we have revitalised that. We can see this stripping away the genuine aspect of culture and making it a cultural Disneyland – just

24 blanket demolition exists outside of indigenous housing in Xinjiang. It gives way to
25 generally high-rise building, more easily securitised in a grid fashion.

26 *COUNSEL – Would it be correct to say that, while these developments could develop*
27 *some proportion of society, they seem to be at the detriment of Uyghur people and*
28 *culture?*

29 NR – Yes, they target specific areas of Uyghur housing not more generally. Also, scale
30 seems greater than urban demolition in rest of China. In last week or two, policies put
31 in place which stems urban demolition without consulting with people who live there.
32 Hopefully, that applies to Xinjiang there. When we look at policies there is disparity
33 between how applicable in Xinjiang and in rest of China.

34 *COUNSEL – You base your opinion on satellite imagery, give a view on increased*
35 *securitisation, indigenous housing, tall buildings. Can you provide an analysis of what*
36 *the quality of life or conditions of living in Xinjiang looks like today?*

37 NR – It is hard to make that judgement from a satellite perspective, especially during
38 2017-2020, the level of securitisation of Uyghurs not detained was quite invasive and
39 annoying to say the least. Demolition in neighbourhoods, grid roads, separate cities
40 into easily policed lots. Convenience police stations appeared on most corners in
41 those blocks. Checks on each street every 100m for Uyghurs to get their biometrics
42 checked. It indicates more the level of displacement, not so much to indicate the quality
43 of life is necessarily lower – not living without toilets but it is severing of the cultural
44 connection to the land in many neighbourhoods has been there for 100s of years.
45 Connection to land and town has been severed and placed in high rise buildings.

46 *COUNSEL – In your view, are these significant changes appear temporary or intended*
47 *to be permanent?*

48 NR – Blanket securitisation has been limited since 2020, end of 2019 – qualifying
49 language as convenience police stations scale back, some less securitised. A period
50 of intense criminalisation of Uyghur culture, to some extent, that may be lifting. These
51 changes in general seem permanent to the urban fabric and not something that can
52 be wound back. For example, in Urumqi and Kashgar, limited demolition before 2010,
53 there is not reversing of these demolitions, not building new Uyghur neighbourhoods
54 in Uyghur style – become unified housing towers. Beyond urban fabric, there is the
55 permanent relocation of people for labour programs and for farms. These are hard
56 to turn back. In many cases, in the bureaucratic mess in Xinjiang, even if there was a
57 will to reverse – who owns what has been lost. I have heard reports, cannot vouch as
58 on a satellite is difficult, children are sent to state run schools and boarding schools, a
59 lineage is being lost. Changes are not so much they don't seem to be loosening of the
60 firmness. I have confidence harsh measures have affected security there –
61 government officials have not become softer or more humane, its more what was
62 being presented as urgent threat to Uyghur culture and ordinary acts of culture were
63 as in 2017, that has been addressed in many policy makers now which is why we are
64 seeing policies loosen.

65 *PANEL – Which government authorities might have overseen the commission of the*
66 *sorts of activities we have discussed such as the demolition of mosques or the*
67 *construction of detention facilities?*

68 NR – I mentioned a forthcoming report before from my colleagues – this is still
69 forthcoming. I have not worked on it myself. It's a party drive approach – they have
70 more control than government. Specific policies in an area, it is quite locally run at a
71 country level, or county working group that is being given power to implement region
72 wide directives. Headed by party secretary of the region or township and incorporated

73 low level civil servants or judiciary or education board of the county, and that is how
74 the region wide directives trickle down.

75 *PANEL – Asked details of citation in institute reports in Australian... [Australian*
76 *Strategic Policy Institute?]*

77 NR – That has been most cited on issue of forced labour than detention centre.
78 Research is held in high regard in Australian government circles, it is independent and
79 non-partisan. We see statistics and citing reports back. Being substantive basis of
80 policy that is largely being forced labour issue as Australian government has taken
81 less action on camps, but more instrumental on forced labour. The rest of our research
82 statistics findings are referenced in the preamble of discussions.

83 *PANEL – On question of independence, I believe the Xinjiang Data Project is*
84 *predominantly funded by the UK foreign office. Could you tell us how they manage*
85 *independence around those kinds of grants?*

86 NR – We run on specific projects grants and largely funded by the US state
87 department. We have proposed the research we want to do and we got funding and
88 grants for those specific proposals. We are quite confident to maintain independence
89 and we go to them with their findings, and tell them without them being involved in
90 editorial processes.

91 *PANEL – To go back to what you were saying around the destruction of culture, we*
92 *heard a witness yesterday who estimated about 24,000 mosques and 10-15,000 have*
93 *been demolished or altered. That is in keeping with your view?*

94 NR – That fact might come from our findings. It comes from the 2004-2005 census –
95 which listed all the religious sites, there are about 24,500 mosques – used by
96 government sources to say there is no persecution. We did extensive research on

97 mosques. What we did was collect points of interest databases from Chinese
98 commercial sources, google maps for China and we researched mosques and found
99 16 million points. We culled that to mosques in Xinjiang and found a few hundred.
100 Then looked outside of this, in each country, picked random townships and visually
101 searched. We found 600-700 across Xinjiang different prefectures, then returned to
102 pre 2017 and extracted that using 2005 [*economic centre?*]... One third had been
103 demolished – about 8000 mosques entirely, 7500 mosques damaged and de-
104 islamified such as the removal of domes, Islamic architecture, removal of Islamic
105 architecture. For example, a Heritage mosque in southern Xinjiang: the main
106 gatehouse and prayer hall were demolished but some still standing. The upshot was,
107 we found 1/3 demolished, 1/3 damaged or rectified they use. Also coupled that with,
108 this wasn't part of estimation, about 75% of mosques remain standing physically. We
109 cannot assess this from space but a lot of more recent visitors report that three
110 quarters of mosques that remain 1/3 are locked, shut, unopen in some way, which is a
111 huge number. We have found similar percentages of public sacred sites such as
112 shrines but also cemeteries in some regions.

113 *PANEL – With a third of mosques not demolished, what can you tell us about where*
114 *they tend to be located?*

115 NR – We found on research was in a state-run journal by party school lecturer which
116 recommended a unit should have one mosque and should stand by rectification
117 standards, only opened one day of week and on holidays. I can check the reference.
118 Remained were low key mosques to start with, without Islamic architecture, majority of
119 mosques had minarets and domes removed and one third undamaged were one's
120 square buildings before fit with rectification standards. Geographically, we see a very
121 uniform policy where consistent throughout Xinjiang - whether prefecture, rural, urban,

122 still rate one third demolished, the rest have been rectified and de-Islamified. Few
123 exceptions in Urumqi – much higher repropotion of mosques are standing, some
124 reports say some still open. I am not saying some mosques not demolished in Urumqi
125 as there has been, but some are still standing. Perhaps as the city is maybe more
126 cosmopolitan and more in rest of world eyes. Some extent the same in Kashgar,
127 largescale Islamic sites, shrines and mosques in Kashgar city have not been
128 demolished – some theme-parkified. Otherwise, we see a blanket rate of demolition.

129 With the exception of the demolition of cemeteries which seems to be done at local
130 level. Such as [Arku?] all traditional cemeteries demolished – ecologically sustainable
131 cemetery project – and individual counties at different rates. Disparity between
132 cemetery and mosque demolition.

133 *PANEL – Turning to another of your areas, detention centres. We know from your*
134 *report in June, we identified 380 new and expanded since 2017, also listening to*
135 *evidence about that this morning. Do you have a sense of how many of the 280 are*
136 *re-education, as opposed to prisons or other kind of a facility?*

137 NR – I can check. But while doing that, the differentiation is made on physical
138 architecture and securitisation, highly secured prisons or tier 3 camps are pretrial
139 detention centres. Of tiers we considered re-education, camps were tiers 1-2 there
140 were 111 and 96 facilities, tier 3 (mostly be pretrial and detention centres) 70 of those,
141 tier 4 (traditional prisons) 110 of those. There are different ways to break it up. For
142 example, in their investigation BuzzFeed looked at the same data. In ours, 111 plus 96
143 are re-education, 180 are pre-trial detention or prisons.

144 *PANEL – We have also heard estimates about capacity, have you attempted to*
145 *estimate?*

146 NR - We have been careful. There are too many unknowns to estimate a number. We
147 don't know how many detainees are in a cell – it varies in the same centre with different
148 levels of security. Buzzfeed has the most reliable figures on total capacity. We
149 generally say, when we look at the data, that the figure of 1 million does not seem
150 absurd based on size and scale of facilities. We like to look at it, not at the total number
151 of detainees - which is complicated to estimate, we look at how many people in
152 Xinjiang per detention site. There are 14-15 million Uyghurs and other Turkic minorities
153 in Xinjiang so about 1 facility for 35,000 indigenous residents of Xinjiang. This is an
154 astounding figure – it is comparable to Turkey constructing 435 for the Kurdic
155 population in last 3-4 years, or New York building 55 detention centres for black
156 Americans just in New York City since 2017.

157 *PANEL - Does that include children?*

158 NR – Yes, the rate potentially higher. There is no scientific index, just a comparative
159 tool. Detainee estimate cannot be put down.

160 *PANEL – If you say 1 million is not unreasonable, can you suggest what range we*
161 *would see, between minimum and maximum?*

162 NR – This is complicated as this is capacity, rather than people detained at one point.
163 Guess currently not at full capacity as number of sites security have closed –
164 600,000-1,500,000 is a figure maybe not far from that but hard firm estimate.

165 *PANEL – In a city like Shanghai, appears to be massive clearance of low-level housing,*
166 *displacement of people and creation of high-level buildings. You have told us the scale*
167 *is greater in Xinjiang, do you have any numerical data to substantiate that statement?*

168 NR – Not currently, we have a few examples illustrative to look at including a base line
169 over other cities. I can point to Manas county, an example which very clearly shows

170 an abnormal rate of demolition and Qaraqash county – I can share my screen? In most
171 cities it is over a quarter, and over a half has been demolished which is different...
172 best way to compare in rest of China when neighbourhoods get demolished it's
173 because of project such as road being built, a need for something to occupy this space.
174 Not the case in Xinjiang – they stay razed and barren.

175 *PANEL – In the calculation of the range of institutions, clearly two estimates is capacity*
176 *and the occupants. Is it reasonable to assume that the occupancy is pretty close to*
177 *the capacity given that the ongoing construction of the new facilities in your view?*

178 NR - I would say that is it safe to say the peak occupancy was close to the capacity
179 as most sites was built in response to the policy. They were not already there (the
180 buildings) at peak of project occupancy was close. It is trickier now as construction
181 seen now is higher security areas, but securitisation appears to be in the lower security
182 camps. This fits in from what hear from survivors and seen from figures, that increasing
183 numbers of people detained are sentenced to formal prisons and that explains the
184 growth – can't draw because construction is ongoing capacity is increasing. I believe
185 a fair number detained are now released into residential neighbourhood super
186 surveillance or programs but out of the detention system and ones that did not show
187 satisfactory progress are sentenced to formal prison.

188 *PANEL – Can I ask you to speculate, in your experience or opinion, release from*
189 *detention centre into the community, the gradient into the community is, motive not*
190 *much different to being in a centre or in wider community given the security?*

191 NR – There is a different strain on local police officers – in leaked police reports, police
192 are required to visit formal detainees. We call them three classes – former detainees,
193 the others I can't remember off top of my head. Certainly, they get a higher level of

194 surveillance, not just physical but also people are regularly assessed on acquiescence
195 to government policy.

196 *PANEL – Are you able to say, on doors of high-rise new buildings, are all subject to*
197 *entry and exit cameras?*

198 NR – This is not something we can tell. We see high level of security there – people
199 responsible dedicated security of those communities and those building of housing
200 compounds but that appears to be quite across the board in Xinjiang. Han
201 communities have level of neighbourhood watch. It is hard to ascertain how that
202 differs.

203 *PANEL – If there were cameras at every door of high build - whether everyone in home*
204 *or house - would be easy to check, is it possible to have cameras there/?*

205 NR – I would be shocked if not. It is unclear if they do exist whether they feed into
206 public security database to say this Chinese ID number is at home right now. I can
207 suspect they can but I am not the best person to speak on that.

Baqitali Nur

COUNSEL – You stated that in the detention camp they beat you every day, and they beat you with a plastic rod by asking “reveal your crimes! You are hiding it!” Could you explain to the Tribunal how you were beaten on a daily basis?

BAQITALI NUR – It happened in the very beginning of my detention. They accused me of visiting one of the twenty-six “terrorist” countries. That is why they questioned me and asked me to reveal my crimes. I was sitting on a tiger chair for 24 hours. There were many other things that happened. When they questioned me, it would always be a severe interrogation.

COUNSEL – You said that you were beaten every day by a plastic rod. Can you explain that a bit further?

[Technical issues]

BN – I was locked up in a prison during the first two days. It happened when they questioned me. They asked why I went to Kazakhstan, what kind of people I met or communicated with while I was there. They asked those questions and tortured me, beat me, and coerced me to sign papers that I did not understand.

COUNSEL – You also refer, in your statement, to a young man by the name of Ablimit, that was in your cell and was beaten by the guards. Can you explain the situation of Ablimit to the Tribunal?

BN – I was with him in the same cell. One day, around midnight or 12:30, he was taken away. He was only taken back after four days, and he was paralysed when he was

24 taken back to the cell. The head-warden, who was a Han Chinese, asked me to help
25 Ablimit to eat food and whenever he wanted to go to the toilet, I needed to accompany
26 him. Since the cameras were installed everywhere and we were not allowed to speak
27 in the camp, the only place that we could speak was in the toilet. So, once when I took
28 him to the toilet, I asked him what happened. He said that those guys were from the
29 State Security Bureau and they took him to a place where they hung him from the
30 ceiling. Initially, his feet did not touch the floor but after four days, his body stretched
31 so much that his feet touched the floor. He thought “what have I done?” and he was
32 thinking that he should have died rather than experiencing such torture. He was beaten
33 up by electric batons as well. He was tortured and ended up in the detention centre
34 because he had attended [a *mashrab* – 3:34:42], which is a kind of gathering for
35 Uyghur people.

36 *COUNSEL – Is there anything that you wish to add to your statement?*

37 BN – In 2015, my wife was forcefully made to abort. By that time, she had been
38 pregnant for over six months. I have all the relevant documentation. The foetus in her
39 body was ripped off and she passed out twice. It happened on 9 December 2015.

40 *PANEL – If we can go back to the beginnings of your detention - at the time you were*
41 *arrested, were you a Kazakh citizen at that stage?*

42 BN – No, I was a Chinese citizen. I used to have a business - I was selling vegetables
43 to Kazakhstan. Two months prior I had gotten back the passport from the local
44 authorities. On 1 November 2017, I was detained at the [*Khorgas* – 3:38:48] border.

45 *PANEL – Can you tell us what travels you had in Kazakhstan before you were detained*
46 *in November 2017? Were you a regular visitor to Kazakhstan?*

47 BN – From 2007, I would travel back and forth between Kazakhstan and China,
48 because I had business to do and relatives there.

49 *PANEL – Can I ask what your passport was? Were those travels done without a*
50 *passport or was this a new passport replacing an existing one?*

51 BN – Yes, it was my second passport. It was newly issued.

52 *PANEL – When you were first detained by the police and spend two or three days in*
53 *a police station, the questioning all seemed to be about the people that you had met*
54 *in Kazakhstan following the grant of this new passport.*

55 BN – Yes.

56 *PANEL – But apart from suggesting that you had met terrorists, or “bad people” I*
57 *believe they called them, did they give you any idea who it was that they were*
58 *concerned you had met while you were in Kazakhstan?*

59 BN – No, they did not. They would not tell me. I asked them back “what kind of people
60 have I contacted?” or “what kind of people do you mean are related to terrorism?” But
61 they did not say anything, instead they asked me to confess my guilt and that was it.

62 *PANEL – They asked you, while you were detained in the police station, to sign a*
63 *confession, which I think you said to counsel was written in Mandarin, which you did*
64 *not understand?*

65 BN – Yes.

66 *PANEL – You stated that during your time in the police station you were tortured, and*
67 *torture included being confined to a tiger chair. Could you give us a bit more detail*
68 *about the torture treatment you received in the police station?*

69 BN – They were from the State Security. There were two guys named Erkin and Murat.
70 When Murat was out of the room, Erkin tied me up and beat me, and ordered me to
71 confess. I asked: “what should I confess?”, “what crime have I committed?” but instead
72 of replying to me, he gave me some papers that were pre-written in Chinese with
73 stamps, and he ordered me to sign these papers. Then I was fitted on the tiger chair
74 for 24 hours. It started from the early morning and continued to the early morning of
75 the second day. Both my legs and my hands were tied to the chair.

76 *PANEL – After three days, you were taken to a detention centre and you said the*
77 *detention centre that you were in was primarily for men, but not old men, and that*
78 *women and older men were kept separately. Could you say a bit more about your daily*
79 *routine? You described in your statement 10 to 15 hours of sitting without movement,*
80 *and daily beatings...*

81 BN – I was taken to building No.1, on the sixth floor. Before going to that particular
82 room, we went through several gates and every gate was opened only with the
83 fingerprint of the policeman. Every gate was flanked by two policemen. The door of
84 the cell room was chained to the wall so you cannot open it wide, so you have to bend
85 a bit to be able to enter the cell. The amount of people varied, in the beginning there
86 were eight people, there were times where there were twelve people in the room, and
87 they were changing the people all the time. At some point, the total number reached
88 more than 9,000 people. It was too crowded, then they transferred the old men and
89 the women to another camp.

90 *PANEL – You described in your statement the very poor quality of the food you were*
91 *given in prison. Could you just say what was the quantity of the food like?*

92 BN – For breakfast, we would be given cold congee [*rice porridge or gruel*] with a
93 steam bun which is only this big. In the evenings, we would have some celery and a
94 little amount of food. The food was really bad there, even the dogs would not have
95 eaten it.

96 *PANEL – You stated in your statement that you witnessed many other people being*
97 *paralysed and killed, particularly young people, who were taken away at night and not*
98 *returned. Can you give any idea of the numbers of people that you saw, or were aware*
99 *of, who were paralysed or killed in the detention centre?*

100 BN – Yes, there were many people who suffered like this. We would have to sit for
101 fifteen hours. I can say that around 80% of the internees had their legs swollen
102 because of these long periods of time sitting at on their chair. Eventually, some of them
103 became disabled. They did not care if we learned something or not, because they
104 would bring those disabled people, including the completely blind people, to sit to
105 study. I remember a Uyghur guy, named [*? – 3:54:13*], who was completely blind, and
106 the two guards would accompany him and take him to his seat. The purpose was not
107 to teach us anything because among us there were people who finished school in
108 Mandarin language and there were people who had studied abroad, so they did not
109 need any education. So, in most cases we learned how to sing songs.

110 *PANEL – After eight months of detention in the centre, you collapsed and were taken*
111 *to a hospital. Could you tell us what the nature of the illness you were suffering from*
112 *was, and what was the quality of the facilities in the hospital you were taken to?*

113 BN – On 26 June 2018, in the morning, the guy called Ablimit, from Chapchal county,
114 passed out. Nobody cared about him, he was lying on the floor. In the afternoon, I
115 fainted and I vomited blood. So, my case was serious and I was taken to the hospital,

116 and I spent fifteen days in the emergency room. Actually, the hospital I was taken to
117 used to be a disease prevention centre and it was repurposed to a hospital for the
118 camp detainees. It was almost like a prison, because we were being monitored all the
119 time and there were more than a hundred people taken to that hospital almost every
120 day. To be honest, everyone in those camps ended up being somehow sick. I did not
121 see anyone who did not develop any disease after spending time in the camp.

122 *PANEL – During your twenty-four hours in the tiger chair, were you released to go to*
123 *the toilet?*

124 BN – Yes, I was given permission to go to the toilet only once.

125 *PANEL – When detained, were blood samples taken from you?*

126 BN – Yes, blood was drawn from me. I spent three months and twenty days in the
127 hospital, and in total they drew blood maybe a dozen times.

128 *PANEL – Did you see the container into which the blood went and if so, can you say*
129 *roughly how large or small it was?*

130 BN – They would bring three such containers, for about thirty grams.

131 *PANEL – Was any reason given to you for why blood samples were being taken?*

132 BN – I haven't got a clue. We did not have the right to ask or speak. We needed to do
133 what we were asked to do. It is the general situation for all ethnic minorities. The
134 policemen there would taunt us saying, "you are beasts" and "this is your life now, you
135 will spend the rest of your life like this."

136 *PANEL – In your statement, you described the number of people in your cell - initially*
137 *eight, rising to twelve. Could you tell us how big the cell was?*

138 BN – I think it was around three by three metres.

139 *PANEL – You also described that in other cells there were a greater number of people,*
140 *up to forty. How big were those cells? Were they different in size from your cell?*

141 BN – There were different cell rooms. There were rooms for forty people, thirty-five
142 people or twenty. I was able to see them when I was being taken to the “evening
143 interrogation” as they called it. On my way to that interrogation room, I saw them.
144 These were mainly in Building No.3.

145 *PANEL – So, in those 3x3 metres cells that contained forty people, there was not*
146 *enough room to sleep, is that correct?*

147 BN – Yes.

148 *PANEL – Before I thank Mr Nur, the Tribunal, which responded to a request from the*
149 *World Uyghur Congress, is described as looking into alleged offenses in respect of*
150 *both Uyghurs and Kazakhs. Has the Tribunal from the beginning been seeking and*
151 *willing to call Kazakh witnesses as this witness and the next two demonstrate?*

152 COUNSEL – Yes, they are all from Kazakh heritage.

153 *PANEL – Thank you for giving evidence Mr Nur.*

1 12th September 2021 (4:06:25 – 4:47:40)

2 Erbakit Otarbay

3
4 COUNSEL – *In your statement you said that while in detention, you were beaten*
5 *several times, including with an electric baton, and one time you ended up*
6 *unconscious in a hospital following a beating. Could you tell us a little bit more about*
7 *these beatings?*

8 ERBAKIT OTARBAY – First of all I would like to greet all the panel members. Yes, it
9 happened because I resisted, as I did not commit any crime but ended up there. So, I
10 would ask them back “why am I detained?” That is why they beat me up and, after I
11 passed out, they took me to the Tacheng Regional People’s hospital and when I came
12 to myself, I was receiving an infusion in a hospital room.

13 COUNSEL – *Could you describe some of the details of these beatings? You*
14 *mentioned in your statement the use of electric batons, kicking... Would you be ready*
15 *to talk about this?*

16 EO – I can talk about it. Because we resisted, they would take us to a separate
17 washroom where there were no cameras installed. They would beat us using electric
18 batons.

19 COUNSEL – *Were such beatings something exceptional, or were they dispensed quite*
20 *regularly in the camps?*

21 EO – Such situation would happen a lot. Whenever you resisted them, they would do
22 this.

23 COUNSEL – *What do you mean by “resist them”? Could you give us examples?*

24 EO – The food in the camp was really of bad quality and to be honest, dogs would not
25 eat that kind of food. We would ask them for better food and more food. Whenever
26 we asked this, they would get angry and they would say “it is your choice to eat it or
27 not eat it,” and they would then take us to that room and beat us up.

28 *COUNSEL – Could you give us a sense of the command structure in the camp? For*
29 *example, in respect of these beatings, would there be a commander who ordered*
30 *police to beat prisoners, or was each individual guard free to beat prisoners according*
31 *to their own will?*

32 EO – The ordinary policemen inside the camps could do whatever they wanted.

33 *COUNSEL – But the fact that they would take you to a room with no cameras suggest*
34 *therefore, that they did not want these beatings to be recorded, and that they were*
35 *there for acting not according to camp regulations, would that be a correct*
36 *understanding of the situation?*

37 EO – They would beat us with whatever they had in their hands. They would do it only
38 in that room. I spent 98 days in the prison, and in the prison and in the detention centre
39 they would do the same thing - whenever they beat us, they would take us to such
40 separate room.

41 *COUNSEL – From your experience, either in the prison or in the detention camp, have*
42 *you ever seen or heard of a prison officer or a guard being disciplined or reprimanded*
43 *for beating prisoners?*

44 EO – Once there was an incident: two guys, since they were not given enough food,
45 they had a quarrel over one steam bun. For that, they were punished.

46 *COUNSEL – [What about guards being disciplined?]*

47 EO – I am having difficulty hearing the translation because of the feedback and also,
48 I was hit on the ears in the camp, so I have hearing problems.

49 *[technical issues]*

50 *PANEL – When you were working in the iron ore mine, you were phoned by the police*
51 *to say you had not cancelled your household registration (hukou). Why had you not*
52 *cancelled it, as you left the country three years previously?*

53 EO – I don't really know about it. What I thought was that since we moved to
54 Kazakhstan, I thought after obtaining the Kazakh citizenship I would then be able to
55 cancel the household registration back in China. That is why, it is impossible to cancel
56 the registration and to then leave China.

57 *[technical issues]*

58 *PANEL – The police phoned you and then drove you 600 or 700 kilometres to your*
59 *home to help you cancel the registration. Were you surprised that they would be driving*
60 *you 600 kilometres?*

61 EO – Yes, I was surprised. At that moment I was fearful, thinking “why are they taking
62 me there?”

63 *PANEL – Counsel mentioned WhatsApp being illegal, why is WhatsApp illegal and*
64 *WeChat was not?*

65 EO – They told me “You could use WeChat, why are you using WhatsApp instead?”
66 They also told me that I had some religious preaching on my phone and they asked
67 why I was listening to these sermons.

68 *PANEL – You then were sent to a detention centre for 98 days. You were handcuffed*
69 *and shackled, put in a room for 42 people and you were sleeping in shifts with ten*

70 *people. When ten people were sleeping, were the other people able to sit down, or did*
71 *they have to stand up in the cell if there was no room?*

72 EO – No, actually that room was only for seven people so that is why it was not
73 possible for the others to sit down or lie down. So, when ten were sleeping, all the
74 others had to stand up, and without any movement.

75 *PANEL – During your 98 days, did you have any contact with your family?*

76 EO – No, I did not.

77 *PANEL – You were then transferred to a camp. They removed your handcuffs and*
78 *shackles, and you were allowed your own clothes. Was this camp different from*
79 *before?*

80 EO – In general, all of them were the same. The only difference was the food and the
81 general conditions there were much better.

82 *PANEL – Then, a few weeks later, you were transferred back to prison. By “prison” do*
83 *you mean the detention centre where you were handcuffed or do you mean the camp?*

84 EO – That was the prison in the Tachen region, for minor criminals. It was a real prison.

85 *PANEL – You said that this prison was newly-built, were the facilities any better?*

86 EO – It was a one-story building and we would clean the room as we were given cloth
87 clean. There were between 39 and 42 people in each room. There were three-level
88 bunk beds.

89 *PANEL – Were the toilet facilities in the same room or outside?*

90 EO – The toilet was inside, but it was open\

91 *PANEL – Was it a flushing toilet or a bucket?*

92 EO – It was a modern toilet, in the corner of the room.

93 *PANEL – You then had some classes. You said there was an ordinary class, a*
94 *strongly-managed class and a strictly-managed class. How did they divide you up*
95 *between these three? Was this in terms of your education level or was it related to*
96 *something else, like being more abusive?*

97 EO – It was according to the so-called crimes of the people.

98 *PANEL – Barely a month later, there was a notice from a superior leadership to take*
99 *you back to the camp. Who was the superior leadership?*

100 EO – His surname was Pan and he was the head of the prison. He did so because I
101 “resisted,” in that I went to a both Kazakh and Chinese language school, so my
102 Chinese was really good, that is why I thought I did not need to learn this. In the end,
103 he said to me that I did not receive enough education and needed to be sent back.

104 *PANEL – You said you were sent again back to a camp, but this time you had shackles*
105 *and a hood on, whereas in the camp before they took all that off.*

106 EO – Every time you are transferred between the prison and the camp, you would be
107 shackled and handcuffed and hooded.

108 *PANEL – So, it seems to me you went from the police station, the detention centre to*
109 *then camp, then prison, then camp and then back to prison. Why were they keeping*
110 *on moving you?*

111 EO – The answer is easy - I was against the rules all the time. Once the reason they
112 sent me to prison was because they asked me to call my wife and children in
113 Kazakhstan and tell them to go back to China. I did not do so and on March 17, they
114 sent me to prison. After a month, they sent me back to the camp.

115 *PANEL – So, the last camp had factories for cars, garments, food and drinks. You*
116 *wanted to do the garment factory. What were the conditions like in the factory?*

117 *EO – The factory was located on one corner of the same compound, and the sewing-*
118 *machines were mostly old, made-in-Japan machines, but some of them were new*
119 *ones. Compared to the other facilities, the clothes we were given to wear were much*
120 *better, and the quality of the food was better.*

121 *PANEL – You are now at home. Have you any illnesses that were produced while you*
122 *were under detention, psychological or physical?*

123 *EO – I have lost my hearing ability. Before being taken to the camp I weighed 98*
124 *kilograms and when I was released, I weighed only 71 kilograms. Now, I became so*
125 *weak that even doing simple things makes me sweat a lot.*

126 *PANEL – You describe a Kazakh man, named Kosun, who was beaten to death and*
127 *then your own experience on 14th or 15th October 2017, where you were also beaten*
128 *and subsequently taken to a hospital. Why do you think they wanted to save your life*
129 *but expand somebody else's life?*

130 *EO – Yes, the guy named Kosun was beaten to death, and it was done by a Kyrgyz*
131 *man named *Tumaghai* and I was beaten up by the same guy and ended up in the*
132 *hospital. When I was in the hospital the deputy-head of the prison, Tahir, was there*
133 *too. When I came to myself I realised that I had been shackled, handcuffed and lied*
134 *down on the hospital bed.*

135 *PANEL – When you were working in the factory, were you given a salary and, if so,*
136 *was it enough to live on?*

137 *EO – No, I was not.*

138 *PANEL – And where was this factory?*

139 EO – It was outside the city of Tarbaghatay.

140 *PANEL – You say that all the items that you sewed had no label on them, except on*
141 *one occasion and then you were told to take it off. Since you left that factory, have you*
142 *seen any of those clothes being sold online or in shops, anything similar to the things*
143 *that you were making?*

144 EO – I have not seen any of them being sold, because I was released on 23rd
145 December 2018, but I was still on house arrest until 23rd May - the day when they
146 accompanied me to the border with Kazakhstan.

147 *PANEL – So, they released you and allowed you to leave the country. Do you know*
148 *why they allowed you to leave the country?*

149 EO – Because my wife and children were in Kazakhstan and, I am not sure, but I think
150 at some point there was a policy or a change in policy, and they allowed family
151 members to be reunited.

152 *PANEL – Thank you for your evidence.*

153 EO – Can I add something?

154 *PANEL – Yes.*

155 EO – I came to give evidence to the Tribunal, to be the voice of Turkic Muslims who
156 are suffering there. I only want to add that I asked for the asylum status here.

1 **12 September 2021 (5:31:30 – 6:14:30)**

2 **Orynbek Koksebek**

3
4 *COUNSEL – Can you confirm that both detention centres in which you were detained*
5 *were re-education camps?*

6 ORYNBEK KOKSEBEK – Both are Chinese camps, I could call them prisons and I
7 spent, in total, 125 days or four months. After that I was under house arrest for two
8 months.

9 *COUNSEL – In the second detention centre, you stated you were chained all the time,*
10 *as well as beaten all the time. Are you able to tell us more by way of detail?*

11 OK – When I crossed the border the first time, I was taken by a guy named *James*
12 to the very first camp. And the reason I was taken there, was I was a Kazakh national
13 and I could not speak any Chinese. While I was taken to the second camp I was
14 shackled and handcuffed and hooded. But I would say that I was tortured mostly in the
15 first prison when I was taken into a hole or well-like thing.

16 *COUNSEL – You’ve stated that you still receive pressure from the Chinese*
17 *government. Is this something you are willing or able to talk about?*

18 OK – I would say there are many people who work for the Chinese government in
19 Kazakhstan. I was one of the first, I was one of the detainees who was released very
20 early. So, when I came to Kazakhstan, the guys like *Yerbakhult* was still in China.
21 So, even at that time, I started receiving some threats from those guys but I did not care
22 and I started giving interviews to various media.

23 *PANEL – After you had been to the police station and you were staying with your*
24 *cousins, the family were frightened to talk to you. Why was that?*

25 OK – When I crossed the border, my cousin met me at the border and there were other
26 policemen who told me to, that we needed to go to Karakax. And after going there, I
27 had to sign these documents. But before that, in 2015, I had obtained Kazakh
28 citizenship.

29 *PANEL – Before his detention, he says that his relatives were frightened to talk to*
30 *him?*

31 OK – I stayed in my aunt's son's house first and all the family members there were
32 afraid of talking to me, especially talking about the people being sent to those
33 education centres. And they were afraid to meet, like, to register me after I arrived in
34 China. I did not understand why they were doing this. Then, I went to my hometown
35 which was a village and I witnessed so many things have changed there. Although I
36 did not have the local phone number, I started receiving phone calls. It happened
37 before even my relatives bought me a local number. So, after receiving, after getting
38 the new number I again just received so many threatening phone calls.

39 *PANEL – And were your family also receiving threatening phone calls?*

40 OK – Yes, they also received phone calls but they did not give me the details. But what
41 they told me was that there was a guy named James who told them that he would take
42 me back to, see me off, to the Kazakh/China border.

43 *PANEL – So, instead of taking you to the border, they made you have some more tests.*
44 *Can you describe, you say it's a hospital-like place, was it like a laboratory? Can you*
45 *describe it a bit better?*

46 OK – It was December 17th 2017, the guy named James first told me he would bring
47 me to the border and he was with another three Han Chinese guys and I said goodbye
48 to my relatives. But, instead of taking me to the border, they brought me to another
49 place. When we reached there, they told me that I needed to have a medical check-
50 up first. That facility was really good, it looked really nice. And that they had my blood
51 samples, they drew blood from my fingers and from my veins. And I had other, some
52 other tests too. And James got all the papers given by the hospital about my check-
53 up. Then I asked him what was going on but he did not answer. Instead, he talked to
54 those Chinese guys, Han Chinese guys, in Chinese, which I did not understand. Then,
55 in the end, they took me to a place which was surrounded by barbed wires.

56 *PANEL – You were then, from the place with the barbed wires, taken on to a re-*
57 *education camp where you said there were seven people in a cell. You said there was*
58 *no water. Was there no water to drink?*

59 OK – After I was being taken to that compound, which was surrounded by barbed wire,
60 after entering in to that building I wanted to make a phone call first but the guy,
61 *James*, took my phone away and instead he asked, ordered me, to take off my
62 clothes and I was left only with my underwear. And there was another older guy who
63 provided me with some casual clothes to wear and then I was handcuffed and taken
64 to that room where the seven people were staying. I am not quite sure if one of them
65 was Han or Hui but what I remember is he spoke Chinese, Han Chinese, Mandarin
66 Chinese. The other guys were Uyghurs. But all of them were afraid of talking to me or
67 just even having meals with me. During the daytime, they were absent from the cell
68 for hours, sometimes for up to three hours, and they were taken back.

69 *PANEL – When they came back, do you know where they had been? Were they being*
70 *interrogated?*

71 OK – I wanted to know the reason and I asked, but I had to ask in Kazakh and nobody
72 replied to me in Kazakh because they spoke Chinese and Uyghur. I did not understand
73 any of those languages. There was Han Chinese, the guard, whose surname was
74 Yang and there was another Han guy who was a bald guy and the day, two of them
75 came to my cell and took me to interrogate me. They would call it *tanhua*. In Chinese
76 [it means] to have conversations, something like that. Then, four people took me to
77 another place to question me and they asked if I knew why I came to that place and
78 they also explained to me that I was a traitor, I was using dual citizenship and I was in
79 debt. Then they also told me that I had signed a paper to renounce my Kazakh
80 citizenship. I told them I did not understand anything and that they said, okay we will
81 explain [to] you and they took me to the hole.

82 *PANEL – Can you tell us about what happened when they tried to put you down the*
83 *well?*

84 OK – It was a well and there was a metal stair and the four guys ordered me to take
85 the stairs to get in to the well. After that, they ordered me to raise my hands and look
86 upwards and when I did, they poured water from the above. And then what I remember
87 is, I fainted because when I came to myself, I was sitting in the cell with the seven other
88 guys. And when I came to myself, one of the guys told me that I should confess my
89 crime.

90 *PANEL – Were the seven other people in the well with him or were you alone in the*
91 *well?*

92 OK – I was alone in the well. The seven people are the people who were with me in
93 that cell room, not in the well because the well was so tiny that only one person can
94 be there.

95 *PANEL – You write that you were in the well for seven days. Did they feed you?*

96 OK – They did not feed me because I fainted and, to be honest, I don't even remember
97 if I was there for hours or for days. I am suffering from memory loss, so I don't
98 remember.

99 *PANEL – You then later on were asked to memorise three songs in Chinese and it*
100 *took you one and half months to sing them. What I want to know is, if you couldn't do*
101 *it, was that when they made you sit on a small plastic chair where if you leant*
102 *backwards, you were beaten and then possibly put in the tiger chair? Did this ever*
103 *happen to you?*

104 OK – After the well incident, they told me that I needed to learn three Chinese songs
105 which included the 'east is red without the communist party there would be no new
106 China' and the Chinese national anthem. It was very hard for me to recite those songs
107 but, meanwhile, all the other guys there helped me including *Yerbakhult*, *Yerkhan* ,
108 and *Sumcar* those guys helped me a lot and there were other women like *Eainer
109 Nursolu* and *Nursolu* is now in Kazakhstan.

110 *PANEL – Did they ever put you in the tiger chair?*

111 OK – They told me that if I failed to learn those songs, then I would be given a prison
112 term -up to five years prison term. But only the detainees were aware of this, so I am
113 not sure if I was given this prison term in reality. All the other times that I was forced
114 to sit on a plastic stool without any movement. If I moved my hand or legs, then I would
115 be punished.

116 *PANEL – You could hear people being beaten and screaming. Did you ever see them*
117 *doing this to your fellow inmates?*

118 OK - Yes, I witnessed such things. The guy I mentioned, surnamed Yang, threatened
119 me - that I would be sitted on the tiger chair but I wasn't sitted on that. But, he also
120 threatened me saying that I would be deprived of food for seven days and because he
121 was angry that I kept saying that I was a Kazakh citizen. I was allowed to meet my
122 relatives and, when I was taken to that room to meet my relatives, I would be shackled
123 and during that time I saw two women, one Kazakh and another Uyghur woman, and
124 the Kazakh women went there to see her baby.

125 *PANEL – You were given an injection in your right side. Were the other inmates also*
126 *given injections?*

127 OK – It wasn't only me who was injected and it happened in the very first prison. Not
128 long after I was taken to that prison, I was injected and all the other people there were
129 injected too including *Yerbakhult* and *Sumcar*. And I remember the guy named
130 *Sumcar* broke his hand because he asked for salt. We were not given salt while we
131 were there. I would cry a lot there because I was so worried that I wouldn't be released
132 because I could not learn any Chinese and it was very hard for me to recite songs.

133 *PANEL – You wanted to commit suicide. Was this because you were so depressed*
134 *and low or where you just wanting to get out?*

135 OK – Yes, I tried to commit suicide but fortunately, the guys like *Yerbakhult* rescued
136 me. All this happened because I did not speak any Chinese. Every time they
137 questioned me, they kept saying that I wouldn't be released at least for five years and
138 they would always ask why I become Kazakh citizen. So, in total, I was requested about
139 27 times and each time they repeated this. They also asked me to sign some

140 documents which I did not understand at all and I have signed it and only after that, I
141 realised that actually, it was about renouncing my Kazakh citizenship and restoring my
142 Chinese citizenship. So, I regretted - if I understood that, I wouldn't have just signed it
143 but I'm very thankful to the guys like *Yerbakhult* and some other Uyghur and the
144 Kyrgyz guys in there because they witnessed what I experienced and I hope they will
145 give evidence if they are still alive.

146 *PANEL – You are now back in Kazakhstan. Can you briefly explain how you are? Do*
147 *you still suffer from what you have been through?*

148 OK – I am still in depression and every time I recall my experiences I just cry. Those
149 guys like *Yascar* and James scolded me a lot, they tortured me mentally and
150 especially *Yascar*. Also, although his name sounds like Kazakh but he wasn't
151 Kazakh, I think he was Uyghur or some other ethnicity. I am not sure about that but he
152 scolded me a lot. He asked me to prove that I hadn't renounced my Kazakh citizenship.
153 Today, I came here to give evidence and just to find an answer finally why I was
154 detained in the first place.

155 *PANEL – You may have a view and opinion on why the PRC, the People's Republic*
156 *of China, has been doing the things it's done to you and to others. If you have a view*
157 *or opinion and would like to tell us what it is, please do.*

158 OK – Yes, the atrocities the Chinese government have perpetrated, not only to me but
159 to the whole Muslim population including the Uyghurs, Hui, Kyrgyz and others. What
160 they want to do is they want all these people to speak one language which is Mandarin
161 Chinese. They also want to conquer the entire world. It's not just the thing I'm made
162 of. The guy named *Yascar* told me that one day that China will conquer the world. I
163 told him that no, you will never be able to conquer the people like us. I wonder if we

164 can get, if the people like us would get, any freedom? If there is any freedom for us
165 and was it fair? What is the definition of fair, fairness?

166 *PANEL – Who was the man who told you China wants to rule the world?*

167 OK – The guys like *James* and others, I remember his name and I think he was the
168 deputy head of that prison and he also told me the name of the head of the prison. But,
169 because of my memory loss, I cannot remember their names. And there was another
170 guy named *Yascar* he was the deputy head there too. He kept saying to me that I
171 shouldn't say that I am a Kazakh citizen anymore.

172 If it's allowed, I would ask the panel members that what do you think the Chinese
173 government is doing is right because I was a Kazakh national and they just detained
174 me for no reason. Is there any legal judgment about that and will they continue to
175 trample on our human rights as if we were dogs and cats? The last thing I would like
176 to mention is now I am going back to Kazakhstan. I don't know about my future, if I will
177 be detained or if someone will kill me but still, I would like to express my gratitude to
178 the Kazakh government, the Ministry of Kazakhstan, that they rescued me and all the
179 Uyghur people who have organised this. Thank you.

12th September 2021 (6:16:10 – 6:55:20)

Maya Mitalipova

MAYA MITALIPOVA – I want to talk about the large-scale DNA sequencing in Xinjiang, or East Turkestan. We know that from about 2016...

[*Technical issues*]

MM – We know from credible sources that entire populations of Uyghurs, Kazakhs and other Turkic ethnicities in occupied East Turkestan, named as XUAR, have been forcefully health-checked. Blood samples were drawn since around 2016. These procedures were not performed on the Han Chinese population of Xinjiang, but only on the Turkic population. The entire Turkic population's blood was used for DNA sequencing. Now, what is DNA sequencing? It is a process of determining the nucleic acid sequence, the order of nucleotides in DNA. It includes any method or technology that is used to determine the order of the four bases (adenine, thymine, guanine and cytosine). I just want to briefly talk about the applications of DNA sequencing - it is applied in many aspects of biological research, in medical research, forensics, and anthropology. But the question that remains unanswered is, why is the Chinese government using millions of people's DNA sequencing data? It is a very expensive procedure to perform DNA sequencing on such a large scale, so there has to be a very valid payback outcome for these procedures. Several new methods for DNA sequencing were developed in the mid- to late 1990's and were implemented in commercial DNA sequencers by 2000. Together, these were called the "next-generation" or "second-generation" sequencing technologies ("NGS methods"), they are highly scalable, allowing the entire genome to be sequenced at once. Now, there

are sequencing machines which are produced by companies like Thermo Fisher, here in Massachusetts, which allow the sequencing of thousands of samples at once, but those machines are expensive of course. Next-generation sequencing technology has tremendously empowered the researchers to get insights in health, human and animal origins, and it catalysed the “personalised medicine” movement. NGS technologies allows potential benefits for personalised medicine with, for instance, organ transplantation.

Since the first organ transplantation was conducted in 1953, the overall process of organ transplants has been remarkably developed, not only in surgical techniques, but also, in peri-surgical treatments, like appropriate matching donors and immune-suppressing agents, and other factors that improved this technology. Now, organ transplantation is considered a routine, curative treatment for end-state diseases in kidney, heart, liver, lungs and other organs. Even with these successful improvements in transplantation, the acute rejection rate is still significant and it is up to 60%, especially in the first two years after the transplant. And why is that? There is immuno-compatibility between the donor and the recipient, and if that is not a perfect match, the organs can be rejected within those first two years. How to overcome these difficulties in organ transplant technologies? One of the best solutions could be DNA sequencing technologies, especially developed after 2010. NGS technology can be applied to patients suffering from organ failure and failed organ transplantation, estimating rejection rates using the specific biomarkers identified by this NGS between the patient and the donor and finding the best-matching donor, transplanting the organ, and achieving successful donor transplantation. The diversity of the human genome is as immense as the population of human beings on earth. Those diversities reach from population to personal diversities, caused by genomic variations like deletion,

50 insertion, translocation, copy-number changes, single nucleotide polymorphism and
51 others. The development of genomic research and organ transplantation can help in
52 pursuing the accomplishment of the goal of long-term function of allografts. Until
53 recently, genomic approaches have not actively been applied in organ transplants.
54 Finding potential genes and biomarkers related to a certain disease entity, and
55 understanding their mechanism are not easy, and time-consuming and expensive
56 task. Improving sequencing technologies dramatically reduces this time and effort.

57 For successful organ transplants, doctors rely on several important criteria, including
58 several main blood tests, self-service tests and limited DNA tests to determine if a
59 patient and a potential donor are a match. Now, scientists have come up with a
60 comprehensive DNA scoring system, using many genes to predict long-term success
61 of the transplantation. Current genetic tests detect differences in DNA sequencing at
62 just a few specific locations in the genome of the recipient and the organ donor. The
63 fewer the differences, the better the chance of long-term acceptance of the new organ.
64 Scientists argue that a much larger scale collection of DNA data, for a large number of
65 genes would give a better indication, and a better survival of the allograft in the
66 recipient. There is a huge direct link between DNA sequencing and organ transplant
67 outcome. We know that the Chinese government favours forced organ harvesting from
68 prisoners of conscience and this has been for a substantial period of time, involving a
69 large number of victims. It is beyond doubt, on the evidence presently received, that
70 forced harvesting of organs has happened...

71 *[interruption]*

72 MM – Uyghurs detained in secretive political prisons, or “re-education camps” as they
73 call them, in northwestern Xinjiang, may have their organs harvested for profit by the

74 CCP. It has been said by a former surgeon who was forced to carry out this procedure
75 in 1995. Unsurprisingly, China has the second highest transplant rate in the world with
76 amazingly short transplant wait time, with as little as two or three weeks.

77 *[interruption]*

78 *COUNSEL – As I understand it, the two reports you have submitted are just in*
79 *preliminary form, partly because of extreme time pressure you were under to provide*
80 *these to the Tribunal. Might I ask whether you are able and willing to provide a fully*
81 *sourced report identifying the exact sources of some of the claims that appear in the*
82 *two reports?*

83 *MM – The sources are just a review of what is the link between DNA sequencing and*
84 *organ transplantation. As I said, if the Chinese government can afford... I mean no*
85 *other private entity can afford to do a large-scale DNA sequencing in millions, up to*
86 *twenty million people in Xinjiang, so there has to be a reason why. I don't have direct*
87 *evidence that this has been actually applied to Uyghur or Kazakh people but, if they*
88 *are being selected for DNA sequencing, I think that there is a big link that this could*
89 *be used in order to prepare them for forced organ harvesting.*

90 *COUNSEL – My question really was about three claims in particular, by way of*
91 *example. The report suggests the DNA sequencing of the entire Uyghur population,*
92 *first. The second that there are state-wide health checks and blood samples only for*
93 *Muslims and the third claim was that there is extensive blood plasma collection within*
94 *detention facilities. These are in the report, unsourced at the moment and, if you*
95 *happened to have those sources, might you be able to identify them for us?*

96 MM – So, I do have a source for the blood and plasma collection centres in Xinjiang,
97 especially from 2017 to today. It is from Beijing News and this is a source from the
98 Chinese government.

99 *COUNSEL – You have stated that it would be very expensive to DNA sequence the*
100 *whole Xinjiang population. You provided a few more details in your presentation. Can*
101 *you tell us exactly what kind of numerical costs are we talking about?*

102 MM – Yes. The least expensive genome sequencing, for one sample, for one person,
103 can cost from \$1,000 to \$5,000. We are talking about a population of at least 10 million
104 people. The cost of the DNA sequence will depend on how widely this will be
105 sequenced, is it a whole genome sequencing, or a short DNA sequencing? And as we
106 know, the Chinese government purchased and supplied to Xinjiang quite a few, and
107 very expensive, DNA sequencing machines from Thermo Fisher. And up until today we
108 know that Thermo Fisher and another company, [*inaudible* – 6:32:17], which supplies
109 DNA sequencing kits, are still supplying those to the area and especially to the
110 Xinjiang area.

111 *COUNSEL – You have suggested that such large-scale testing could indicate that the*
112 *testing was for either more successful organ transplantation or reducing the incidence*
113 *of organ rejection, are there any other plausible reason for such large-scale testing?*
114 *For example, for identification of problematic illnesses or other forms of treatments*
115 *that might benefit the population.*

116 MM – Of course, DNA sequencing can be used in a wide variety of purposes. I just
117 concentrated on organ transplantation because we know that crematoriums were seen
118 next to concentration camps, and there is evidence of that, and there was a report by
119 Radio Free Asia. We know that people from the camp come out and sometimes no

120 one returns, and there are lots of missing people, especially young people. Those
121 people can be subjected not just to torture but to organ harvesting. These, along with
122 numerous testimonies, lead to the conclusion that these people could be subjected to
123 organ harvesting as well, which in my opinion is most likely.

124 *COUNSEL – You have claimed that massive blood plasma collection from Uyghur*
125 *detainees occurs around every two weeks, and that frequent blood collection may not*
126 *allow blood cell regeneration. What is the evidential basis for this claim? If you do not*
127 *have it to hand, is that something you might address in writing to the Tribunal?*

128 MM – Yes, multiple testimonies from former detainees confirmed that they had been
129 giving blood. We are trying to find out the frequency at which inmates in re-education
130 camps have been giving their blood. In mid-June 2020, one Chinese company was
131 given a contract to give up to 900 tons of blood plasma in Xinjiang alone and this is a
132 really huge part of the entire Chinese blood plasma supply, especially given the fact
133 that there was another company who was already in contract with Xinjiang. As I
134 mention in my writing, you need a minimum of two months between the blood
135 withdrawals in order to regenerate blood cells, and this is considering that you have a
136 proper diet and health status. We know that if this is happening in camps, and much
137 more frequently, this could be explaining why we have so many people coming out
138 with such a poor health status that they are dying within two months of their release.
139 Their health condition is very poor when they come out. This could also be one of the
140 reasons why detainees are released and shortly after their release, they die at home.

141 *PANEL – [inaudible] ... we hear from multiple sources that blood is being taken, and*
142 *we assume that there is widespread DNA testing, but there seems to be a remarkable*
143 *lack of direct evidence and it would be good to know whether you know what type of*

144 *DNA testing is being done. Do you know whether it is whole genome sequencing or*
145 *just SNP analysis?*

146 MM – I cannot answer this question but, according to my research, Thermo Fisher
147 has sold quite a few machines to Xinjiang. According to them, five or ten machines
148 have been sold. The capacity of these machines is pretty large, each cost around a
149 quarter or a half million dollars and its sequencing capacity is pretty good. In the
150 machines that I researched, from the two 2019 New York Times articles about this,
151 the machines are very advanced, so they can do a whole genome sequencing.
152 Especially with the technologies existing at the moment, and this is definitely not
153 something a private company can afford to do. We think this is state-funded research.
154 And we know that China wants to have this not only in Xinjiang, as they have already
155 done it from 2013 in Tibet, and I have read quite a few articles about this. I cannot
156 answer the question of what type of DNA sequencing they are performing but knowing
157 what kind of machines they purchase, I would assume that they would do a whole
158 genome sequencing. It is expensive but it is very advanced and would give them a
159 much wider range of experiments to do with the data... *[interruption]*

160 *PANEL – You talked about the use of a comprehensive DNA scoring system and from*
161 *your report, I could not quite understand how that is being devised and tested?*

162 MM – The comprehensive DNA scoring system was developed especially with kidney
163 transplantations, and I actually reviewed some articles on organ transplantation. In
164 cases of kidney failures, particularly in children, the relatives can be successful donors,
165 so, they have developed genetic marking and the allografts had prolonged survival...
166 *[interruption]*

167 PANEL – In your report, you refer to fifty-three pairs, does that mean that this has been
168 tested in fifty-three donations?

169 MM – Yes, in one article it is fifty-three pairs and... [interruption]

170 PANEL – So, in terms of organ rejection, the power of a study of fifty-three is incredibly
171 low - you would not be able to take that as an assumption, that would be a preliminary
172 finding to be tested. I don't think anyone in the UK or in the US is routinely using such
173 a system. That is not to say that you could not do research on much larger numbers
174 to find out. You referred to forced organ transplantation and, again, it is good to know
175 if you have any recent, definitive evidence that that is going on, and what category of
176 people are being put in that situation. You give a reference from twenty-six years ago,
177 which is not terribly useful I think, so it would be good to know if you have got more
178 data there. Another thing - all the people that we have the chance to talk to, talked
179 about frequently having blood taken but it is nearly always about relatively small
180 volumes of blood going into small vials whereas, if people are doing plasma collection
181 by venesection, it is going to be a whole bag of blood taken off and that is not the
182 reports we have been hearing. So, again, any evidence that you may have that these
183 large volumes of blood are being taken, would be very useful.

184 MM – I know that there is a contract, actually two contracts in the Xinjiang area that
185 have been signed starting from 2017. One contract should have ended in August 2021.
186 And it is a pretty significant amount of plasma that they promised to collect. Of course
187 I don't have any evidence, but when the next company comes with a much increased
188 volume of plasma collection in the same area, there should be some source for the
189 plasma. Of course, with the limited number of people that we have that can testify,
190 there is no evidence that I can bring to the table, I just don't have it. I follow the news,

191 and business news on the subject and, regarding the forced organ harvesting, I know
192 that there are conclusions from the China Tribunal, and the people in detention could
193 be subjected to forced organ harvesting as well.

194 *PANEL – At the moment, worldwide, the biggest databases for DNA are the Biobank*
195 *in the UK and the 100000 Genomes Project. Of course, these are consented samples.*
196 *I am not sure what you are saying. So far, what we heard from the fact witnesses is*
197 *that they have had small quantities of blood put into bottles and it is nowhere like*
198 *taking blood to extract plasma. I take your point that frequent blood tests would lead*
199 *to lack of regeneration of red cells, and particularly with a poor diet. I would like you to*
200 *tell us what are the reasons for raising this? Is it for research? Is it for stopping forced*
201 *organs transplantations at the rate they are going? And I think you do raise an*
202 *interesting point, that if they are sitting on a most enormous database of DNA, and I*
203 *suspect they are not doing whole-sequencing DNA although they may well be thinking*
204 *of experimenting on that.*

205 *MM – It is not the area of my research, but I was trying to understand why the Chinese*
206 *government goes to the point of collecting biometric data like DNA sequences (which*
207 *can be used for multiple reasons). But all the reasons I mentioned really don't apply*
208 *to the people in detention, the entire Turkic nation that they are genociding. Yes, to*
209 *study with this research base but you don't have to actually conduct such an extensive*
210 *project on such an extent. What really bothers me is that is it a very expensive project*
211 *to do, it has to be a state-funded project to sequence DNA from let's say minimum ten*
212 *million people. The reason why we cannot develop very successful organ*
213 *transplantation, even though we have the tools to do that, is that the person who dies*
214 *at a moment does not have the time to get the match or to become a donor for the*
215 *person in need. That is in a normal, non-authoritarian country. That is why we cannot*

216 perfect the procedure of organ survival in a patient for more than ten years after being
217 transplanted. But here we have the government who collects the biometric data and
218 sit on it, which is extremely expensive, probably nearly a billion-dollar project, so there
219 has to be some sort of purpose to have these done. They have done it on our people,
220 on Tibetans as well, but they have not done it on Han Chinese. Excluding Han Chinese
221 and having all the Turkic people, especially in detention, where they can find out if you
222 are a perfect match because your biometric data is already there. Then, here comes
223 the recipient, from any country, maybe even Saudi Arabia, with cash, they need an
224 organ, and they don't have to wait that long, a couple of weeks maybe even less. It is
225 not just the DNA sequencing procedure by itself, there are highly trained, PhD-level
226 bioinformatics people who process this data. You have a recipient needing an organ,
227 you can just blast it in the machine, and you have ten million people's data, and if that
228 person [the perfect match] is not in a detention camp but at home, they are still in an
229 open-air prison because in no time that person can be taken to a camp and made into
230 a organ donor. That is one of my assumptions and, unfortunately, I don't have
231 evidence for that, and I cannot have that evidence because when you donate, you
232 don't survive. Witnesses have reported detainees disappearing in the night and never
233 coming back, and no one sees them.

234 *PANEL – It is not quite true to say that you can't tissue type patients for transplants,*
235 *because all renal transplants are tissue typed, it is true that cardiac and liver*
236 *transplants aren't typed but that is more because it is not found useful, rather than the*
237 *fact that you can't technically do the test. I accept that by creating a huge bank you*
238 *could, in theory, select very good matches and I completely agree that your*
239 *supposition is a possibility, and what we know about what happened to other groups*

240 *raises that strongly, but it is very important that we actually have some confirmatory*
241 *data.*

242 MM – Yes, we know that there is a lot of DNA-sequencing supplies, that there are
243 companies that are still supplying the area. There was even a sanction from 2019 by
244 the U.S. government and two companies in the U.S. have failed to comply - they still
245 supply, not because they did not stop it but because they have subcontractors in China.
246 10% of Thermo Fisher's business in China alone... *[interruption]*

247 PANEL – Yes, but please bear in mind that many groups throughout the whole of
248 Europe, including my own institution actually, send our samples to China for
249 sequencing because they do it so much cheaper than we can do it in this country or
250 in the U.S. So, it is not a surprise that they do huge amounts of sequencing.

12th September 2021 (6:55:23 – 7:32:16)

Rukiye Turdush

COUNSEL – Tell the tribunal briefly how the pregnant women in Xinjiang get round the family planning of the central government?

RUKIYE TURDUSH – The family planning policy in East Turkestan I would like to say – against Uyghur women should not be part of the national family planning as East Turkestan was colonised and there is no need to control it. Also, they relaxed the policy for Han Chinese but made it stricter for Uyghurs. I interviewed 8 women about the family planning policy. I have not interviewed family planning workers. I only did two of these workers. Based on their conversation I found out how the family planning workers work there. The family planning policy were strictly implemented as the policy comes from the party top. If these workers do not implement them [interrupted to ask her to slow down] The family planning workers do not have some power which comes from responsibility given by the CCP. If they do not, they may end up in prison. It is listed in policy documents. These family planning workers – the system gave no loopholes. At every county level and prefecture, family planning workers work in villages – every three months officers can come to check on them. If they find any woman was hiding or pregnancy village family planning workers are responsible. I interviewed 8 women how they hide their children. 7 tried to move to other city, or other areas to hide illegal children. They escaped. Only 1 hid in own basement, did not go outside for 1 year until deliver baby and gave bribe to village family planning worker. The family planning workers cannot, even if pay the bribe, they cannot hide these women. Only these women moving to other places as they do not have Huco in other

25 cities. In other cities, family planning workers based on residential papers, call Huco.
26 They find women come from other cities and will call the old home town and force her
27 to go back. But if they give them a lot of money maybe they will want to help. The
28 person woman gave her a lot of money, maybe she wanted to help she doesn't notify
29 to her boss. It is very difficult as family planning workers are very loyal to CCP, many
30 know the genocidal outcome of the FP policy and impact on Uyghur life. They know it
31 is harmful for the baby but don't know genocidal effect. These conclusions I go not
32 directly interview from the FP workers only 2 family planning workers. Those 8 women
33 I interviewed, constantly interrupted the family planning workers and had conversation
34 with them. I found out from the conversations, they were very loyal and although
35 recognised genocidal policy they still wanted to implement them and were worried they
36 would lose their jobs.

37 *COUNSEL – Can you explain process of dehumanisation of the Uyghurs of terms and*
38 *remark on the negative impact? Can you explain further the remarks you mentioned in*
39 *the report? The derogatory remarks.*

40 RT – There is 'kill the weeds' the Chinese officials spray the chemicals to kill the weeds
41 – this was said by one of the other chiefs of Uyghur guy found by RFA who interviewed.
42 This dehumanises the Uyghurs. When they are dehumanised, it is easy to kill them.
43 Even if they are not high-level official. we do not know his name. The other official told
44 them. Although he is not high level but still represents the CCP which shows intention.
45 More derogatory words from social media include calling Islam an 'infectious disease'
46 like a 'cancerous tumour', like a tumour it has to be 'cured' in a re-education hospital.
47 Even though they used such words referred to directly to religious extremism, it has
48 worked with cancerous too as affect entire populations identities. 2-3 million are
49 incarcerated, Chinese government's target is not just terrorists, it is whole group, they

50 have systematically incarcerated Uyghurs. Members of the CCP, part of it and they
51 words represent instructions. [interruption to say to slow down again]. Whatever they
52 say, represents the CCP's decisions. So-called re-education camps do not look like
53 people educate, they torture, re-education hospital it looks nothing like school or
54 hospital. It is torturing people; you have a testimony that there is rape and torture. It is
55 prison style internment or concentration camp. This is represented in CCP's decisions
56 and intentions policies. Cancerous tumours in their words they refer to religious
57 extremism and terrorism but it is, implicitly they are attacking the entire Uyghur
58 population's religious identity and belief. We know because they incarcerate – they
59 direct select national group of East Turkestan, not randomly selected individuals
60 because of religious extremism. We can see they want to attack or destroy the Uyghur
61 or Turkic population in whole or in part. Chinese consulate said they said they will 'fight
62 to make them normal people' at the US embassy. For them, Uyghurs are not normal
63 or human people. This reveals intention of high levels officials. Xi Jinping in 2014
64 'absolutely no mercy' that means, this term can be taken in any way torture, killing,
65 rape, anything, gives the green light from a high-level official to other officials
66 implementing those policies, to do anything to these people. It was in the testimony of
67 Tursunay Ziawudun and another lady, guards told them in the camps even if they kill
68 you, nobody asks and nobody cares so behave. Xi Jinping has the intention to do so.
69 It is not an abrupt decision, he gave the order before the action. It was said in 2014
70 and policies implemented in 2017. This was his words, this order aligned with planned
71 policies, so reveals his special intent. He also said, 'round up who should be rounded
72 up' - who should be refers to terrorists then why all Uyghurs rounded up?

73 *COUNSEL – This question relates to the third part of your report. You have given 62*
74 *pictures and children taken away, as you requested, this will not be published. Can you*

75 *please tell me whether there have been studies on the psychological effects on these*
76 *children? Has there been any such studies to find out what happens to these children*
77 *after separation?*

78 RT – The mental effects on children is severe. I interviewed a woman whose children
79 were released recently 2021, her 4 children were taken. When they were returned
80 after, she told me they do not want to talk to her. They were afraid of their own mum.
81 They feel shock they do not want to speak in Uyghur. Her eldest is 14 - taken when 11,
82 she fully spoke Uyghur, within three years she no longer did. Maybe she was too afraid
83 or she really forgot it. She was so afraid. The youngest one forgot the Uyghur
84 language. Her mother said they are changed. She cannot talk much as she is from
85 East Turkestan – we speak in coded language so it is not easy to communicate. There
86 is another case that those kids - I did not directly interview them – a kid was brought
87 to Turkey as had a Turkish passport. He refused to speak Uyghur or answer to
88 anybody. The kids become like this. I had a video I have collected the girls where I
89 asked what if the Chinese teacher asks to say something in Uyghur, they said they do
90 not want to say it. They asked ‘What if you hit me, teacher hit me if I say it?’. She was
91 afraid. Ok, we will not do anything. She said her brother's name and thought it was so
92 weird. They are teaching Uyghur language as weird. Another videos of kids not – one
93 of the teachers tried to speak to her – she just looked shocked and doesn't move her
94 eyes. Other videos posted by Chinese workers where kids were crying all the time
95 waiting for mummy to come back.

96 *COUNSEL – Briefly, if one was to construct ‘weeds’ and ‘tumour’, would you say that is*
97 *terms relating to reformation or assimilation, or is it relating to destruction?*

98 RT – Related to destruction. If humans are weeds you can easily destroy them. Uyghur
99 become weeds the intention is for destruction.

100 *PANEL – Relating to family planning and workers and women you have interviewed,*
101 *you have given us some information. I would like to ask whether these 8 interviews*
102 *reveal anything about how these women managed to continue to hide and educate*
103 *their children as they grow up?*

104 RT – They could not send children to school as they were considered illegal. The fine,
105 as a result, is based on income and could be 5-10%. Even if they pay the heavy fine
106 the children cannot go to school. In 2015, the Chinese gave Huco. Then, in 2015,
107 everywhere in China start to give allowing them to register so they could go to school,
108 people started to register their kids. In 2017, they started to take the kids. In a family of
109 4 kids, 1 was illegal, so they took all the kids.

110 *PANEL – Dehumanising language is symbolic and has direct impact on the people*
111 *who are experiencing it, and on the wider population?*

112 RT – Yes.

113 *PANEL – The weaponizing of language?*

114 RT – Yes, as ‘absolutely no mercy’ is a greenlight. One example from an interview -
115 workers came to camp and sprayed liquid on women over their uniforms and these
116 women were jumping in immense pain and the shock of immense pain. It was
117 disinfecting these women as they have skin diseases. How are these poisonous? They
118 take really people as weed.

119 *PANEL – They are echoing the language. Children permanently separated from their*
120 *parents – you mention 62 missing children and therefore 62 family tragedies but also,*

121 *arguing here that we are talking about a community breakdown with so many lost*
122 *children. How would you describe the impact, in summary of 2 or 3 words, what words*
123 *would you choose?*

124 RT – Deliberate infliction of conditions of life to destroy – children taken, families
125 destroyed.

126 *PANEL – Parents themselves use words like concentration camps, some written notes*
127 *to children, Chinese orphanage camps. Do you have precise understanding of*
128 *difference between formal terms the state is using? We have evidence of increasing*
129 *number of boarding schools and orphanages. I would like to ask you about Uyghur*
130 *language and of state Mandarin – is the language clear cut or is it interchangeable?*
131 *Are families and communities, and is state, differentiating between boarding schools*
132 *and if they are what is the difference?*

133 RT – Orphanage camps are when children are taken when parents take to the camp
134 but baby onwards. They can access to school but have to come back to the orphanage
135 camp. Boarding schools are mandatory. The girl released from orphanage camp - she
136 was in grade 4 when taken, she couldn't access to the school. She was released, when
137 14, to grade 7 where she has extreme difficulty to catch up. I don't think people mix up
138 orphanage camp or boarding school. Both are forced, no one goes voluntarily. People
139 maybe want to send kids to boarding school but don't want to be separate from their
140 kids for a long time. They have no time to communicate with their parents who in
141 villages were sent to farm and work and don't come back all day. Even if kids come
142 back on Sunday, they still cannot see their kids. A woman in forced labour and could
143 come back but her kids could not as the kids could only come back every two weeks.

144 *PANEL – When a child is in orphanage camp, that child has no access to trainees,*
145 *teachers or lessons at all?*

146 RT – From my data, some kids have access. Some kids whose parents are in Italy
147 have school in daytime, but have to go back. Now they have disappeared from that
148 school too.

149 *PANEL – Some children are going back and forth?*

150 RT – The 4 kids accessing school and in camp because parents in Italy - contact was
151 looking for but could not access. Before they were in the school and at night, at camp.
152 I need more research.

153 *PANEL - I am worried about their psychological effects, is there any help from there*
154 *as separated from parents?*

155 RT – No.

156 *PANEL – What happens to those who leave? Although they speak mandarin, they are*
157 *still Uyghur.*

158 RT – They do brainwashing, it is not just mandarin language, they were completely
159 brainwashed into Han Chinese. We have no data on children released of over 18. I
160 am thinking, even if kids are released, they cannot be Uyghur as those released do not
161 have any connection with their mother. Even children released, they cannot contribute
162 to their own community. When Uyghurs die, the children become Han Chinese. This
163 will destroy the Uyghur nation.

164 *PANEL – In a way they have a crisis of identity but although they speak mandarin...but*
165 *will always look different. Will they be second class citizens?*

166 RT – We will see when they grow up. Brainwashed and forced to say they are Chinese
167 and not Uyghur. Still kids remember their roots or not, we do not know. Remember the
168 words ‘break lineage, break origin, break connection’ – this applies to the orphanages.
169 So, connection is cut as they cannot see parents - they cannot speak their language or
170 eat Uyghur food or practice religion which breaks their origin, and cannot be visited.
171 What kind of identity crisis they go through will need more research.

1 **12 September 2021 (7:52:46 – 8:39:25)**

2 **James Millward**

3

4 JAMES MILLWARD – I was planning to read the oral testimony I had written. Some
5 things may be of particular interest to the Tribunal. I don't have a PowerPoint
6 presentation, I understand you are short for time. Maybe, since you have the written
7 version...maybe I'll skip to the very last part of that talking about Zhonghuaism. This
8 Zhonghua identity and how it is related to assimilationism and racialization of
9 Zhonghua identity. The PRC's assimilationist turn and racialisation of Zhonghua
10 identity. With the collapse of the USSR in 1991, PRC scholars and Party ideologues
11 debated whether Soviet nationalities policies themselves had contributed to the
12 disintegration of the USSR. Some called for a second-generation Chinese ethnicity
13 policy that would promote "melding" and "fusion" of ethnic groups, and reduce state
14 and party support for the 55 non-Han identities and their nominally autonomous
15 territories and eliminate territorial set asides. Which were nominally territorial set
16 asides in the first place. When Xi Jinping came to power in 2013, he embarked on a
17 radical revision of the PRC diversity system. He moved to the bureaucracies stealing
18 ethnicity and religion out of the government and under party control. Xi announced in
19 2014 that problems in Xinjiang would require attention - not just to material measures
20 that is, to economic development. But also, to psychological and spiritual issues.

21 He launched a campaign to Sinicize religion in China by destroying domes and
22 minarets and by removing crosses, moons and stars from architecture. These
23 Sinicization methods included hanging the national flag, party slogans in houses in
24 worship and even erasing the word halal from windows of restaurants. Since 2017, this

25 so-called Sinicization programme has completely erased some thirty percent of
26 mosques and shrines in the Uyghur region and removed major architecture elements
27 such as dome and minarets from another 25% of religious structures. Moreover,
28 General Secretary Xi has promoted the ideal of a unitary homogeneous Chinese
29 identity, labelled Zhonghua as an ideological centerpiece closely related to his China
30 dream. As one current Chinese political text phrase puts it, “take firmly the foraging
31 of Zhonghua collective consciousness” as the main political line. The Zhonghua
32 concept is meant to be some kind of super ethnicity. A national category above and
33 encompassing all of the other ethnic categories. This super ethnicity is much more
34 cultural in character than say, passport citizenship would be. The word Zhonghua itself
35 is composed of two Chinese characters that each individually mean ‘China’ or
36 ‘Chinese’. The officially promoted characteristic of Zhonghua identity are virtually
37 indistinguishable from the customs of Han. This muscular state promotion of
38 Zhonghua identity is in effect then, a top-down effort then, to Hans’ eyes or Sinicize
39 the non-Han ethnic groups in China.

40 Another prominent slogan at least appearing since 2018, makes Zhonghua a racial
41 concept and suggests that Uyghur and other Xinjiang non-Han groups are, in fact,
42 biologically part of the Zhonghua lineage. The official press read out from a recent
43 Xinjiang work forum in 2020 quotes Xi Jinping saying, “every ethnic group of Xinjiang
44 is a family member linked to Zhonghua bloodlines. This official invocation of blood ties
45 has been accompanied by spurious articles falsely claiming that the Uyghur language
46 is linguistically Chinese and not Turkic. And that Uyghurs are not historically
47 descended from Central Asia Turkic peoples, rather from so called Zhonghua people.
48 This is an assimilationist narrative arguing in effect, Uyghurs are primordially Chinese
49 whether they know it or not. Because the characteristics of the Zhonghua category are

for all practical purposes indistinguishable from those in the Han category, Zhonghuaism is a kind of Han supremacism. It is not the kind of chauvinism that excludes diverse ethnic groups from membership in the international community or expels them across national borders. Rather, the current PRC assimilationism seeks to forcibly merge Xinjiang and non-Han peoples into an invented identity mandating that distinctive ethnic features be scrubbed away through false historical narratives, cultural and language erasure, rhetoric about shared bloodlines or coerced re-education.

Whilst, at the same time, re-engineering Han and non-Han demographic rations in Xinjiang. Today's PRC assimilationism is diametrically opposed to the diversity system espoused and practiced during the first six and a half decades of the PRC. The phrase forging collective Zhonghua consciousness reminds me of a metaphor we now reject in the United States, that of the melting pot. The Chinese Communist Party, however, has substituted a blast furnace for the melting pot and directed it at the indigenous peoples of Xinjiang and, increasingly, at other non-Han and its speakers of languages other than Mandarin.

Its industrial strength metaphor of the blast furnace embraced and publicly trumpeted by the CCP itself aptly characterises the physical coercion and cultural violence of the concrete policies inflicted upon Xinjiang indigenous peoples since 2017. That is the end of my oral testimony.

COUNSEL – My first question is, how might you reconcile the narrative emanating from the CCP that the Uyghurs are primordially Chinese and ought to be assimilated to that original state with policies that seek to physically or biologically change the Uyghur population?

74 JM – That is a good question. I guess I would say that rhetoric and ideology is tending
75 in the direction I have described. Namely trying to explain away or cover up the
76 differences. At the same time, I think the overall goal is to make the inconvenience,
77 inconvenient difference of Uyghurs and Kazakhs and non-Chinese people to make
78 that inconvenience go away right? To make Xinjiang look much less like (inaudible)
79 East Turkistan and more like a Chinese place - to get rid of this inconvenient colonial
80 appearance. So, both rhetorically and ideologically and then also in terms of
81 demographic engineering. Both of those are tending towards that same goal.

82 *COUNSEL – You have extensively documented systemic ethnic discrimination of*
83 *Uyghurs going back decades. There is an implicit suggestion in your book that a*
84 *combination of assimilation and repression, together with huge investment, appears to*
85 *be making up for previous failed assimilation attempts. Could this mean that once*
86 *assimilation, or as you call it Mandarinisation, is achieved, coercive and repressive*
87 *measures might stop?*

88 JM - That is asking me to predict the future and I'm not ready to do that. I don't think I
89 can. There is a question about what achieving this would mean, would even...as our
90 last witness was discussing...even the loss of ability to speak Uyghur would mean the
91 people themselves are no longer Uyghur. That does not mean the State stops treating
92 them with suspicion. Even if they do learn Mandarin. The idea that this is some sort of
93 solution and that it will. If it reaches whatever conclusion or whatever ultimate goal
94 the architects of these policies hope for, I don't think all will be peaceful and smooth
95 running in future. That's me and that is my own prediction. I'm not a fortune teller.

96 *COUNSEL – You alluded to it, what in your view would it mean to be assimilated to an*
97 *acceptable level?*

98 JM - I do believe this kind of assimilation is not acceptable as a policy at all. I wouldn't
99 say there is an acceptable level of that. I may be misunderstanding the question.

100 *COUNSEL - I meant in the sense that the PRC consider an acceptable level of*
101 *assimilation of the Uyghur people.*

102 JM – Certainly, if we take the measures that have been taken and look at the measures
103 that have been taken - various aspects of cultural erasure, destruction of culture and
104 architecture and severe pressure on languages. Some of the incentives and pressure
105 for mixed marriage. The goal is to have what are perceived as uncomfortable aspects
106 of ethnicity and culture, to no longer be salient.

107 I didn't single out religion but obviously religion is a central part of that - the main target,
108 but not only target, of PRC policies has been against Islamic beliefs. Simply for them
109 not to be salient. For the optics of Xinjiang as I said before, to no longer display such
110 difference.

111 *COUNSEL – You characterised what is happening to the Uyghurs as not just cultural*
112 *but demographic genocide. At page 400 of your book, you explain the basis of that*
113 *assessment. Can you explain why the demographic decline of the Uyghur population*
114 *is not incidental to a general assimilation policy but it is something which is intended*
115 *or intentional?*

116 JM – I am sure you have heard from other witnesses the details and you have had a
117 chance to read yourselves, the studies of birth suppression policies that we have seen
118 going on in the Uyghur region. I have been convinced myself on close reading of those
119 studies and even looking at the underlying documents. I am convinced myself,
120 particular by the wording, not so much...Well, in addition to the qualitative data that,
121 particularly, Adrian Zenz has put forward. But I found most compelling and most

122 frightening some of the qualitative data. In other words, the wording he has discovered
123 in many government documents, talking about population optimisation and the human
124 problem. Even documents talking about demographic proportion is the greatest
125 danger to Xinjiang and to security. These statements being made in 2018/2019, very
126 very recently. After all of the camps and other measures are supposed to be
127 addressing the so-called terrorism threat. After they were well in place and after in fact
128 public/ state media had proclaimed that the terrorism threat was over. At the same
129 time, there are internal or less public comments and statements from Xinjiang officials
130 saying that the human problem is a problem of demographic proportion still exists. So,
131 the evidence I have for wording it that way in my chapter is the same information and
132 same studies the Tribunal has seen. I find it convincing.

133 *COUNSEL – My final question before I hand you over to the PANEL. The literature*
134 *and report we have received, and you cited Dr. Zenz yourself, seem to suggest policy*
135 *discrepancies in policies and promulgated and implemented in northern and southern*
136 *Xinjiang? How might you account for this discrepancy?*

137 JM – Are these policies specifically with regards to the camps are referring or more
138 generally?

139 *COUNSEL – A mix of alleged measures to intend to restrict births as well as the*
140 *imposition of camps.*

141 JM – I think it depends on particular policies perhaps. As the Tribunal knows, there
142 are significant geographical and demographic differences between North and the
143 South of Xinjiang. There are southern parts, particularly Hotan and Kashgar, that area
144 are still majority Uyghur and the densest population of Uyghurs are in those areas. I
145 think that, specifically the policies you are alluding to, the difference is explained by

146 that existing difference of the spread of population - who is living where and what
147 groups are concentrated where.

148 *PANEL – Thank you for your excellent report. At the beginning of your oral*
149 *presentation, you say the logical place to start in the understanding of CCP policy*
150 *towards the Uyghurs is with the occupation of that area in 1949. Other witnesses we*
151 *heard from tried seemed to stress the importance of the prior history and I wonder*
152 *whether you think that, actually, the independence movements in the years leading up*
153 *to 1949 actually underlie many of the current attitudes of the Chinese state and the*
154 *way they behave?*

155 JM – That is a good question. Perhaps a good corrective. I would say they underlie
156 some of the PRC concerns. There were efforts to create an independent Turkic state
157 or Uyghur state in the period from the fall of the Ching Empire in 1912 up and through
158 1940 or 1949. The reason why I was trying to draw attention to 1949 I guess is, as a
159 historian, we work with interpretation and emphasis and how we tell the story. I've
160 changed a little. If any of you have read all 400 pages, you'll notice a change in tone
161 between the last chapter, which I sent you part of my testimony and before that. That
162 is, of course, occasioned by my own disappointment and horror by what has happened
163 in recent years. I wasn't sure which way it would go, when I finished that book in the
164 2000s. Now, unfortunately, it is looking much worse. I am drawing attention to 1949
165 because I think the effects of... , First of all most of the Han that have moved into the
166 region, have not been there since the Han empire. Most of them have been come in
167 since 1949. The main institutional means by which this colonisation, or development
168 or whatever you want to call it, is going on here that too is also established in 1949s
169 or early 1950s, namely the Binghtuan Xinjing Construction Corp. Although there have
170 been efforts, you might call them 'dreams' of colonising Xinjiang even under the

171 nationalist government. Sun Yat-Sen, in one of his books, has a chapter on the
172 colonisation of Xinjiang and Mongolia because colonisation was not a bad word in the
173 early 20th Century. Those dreams were largely aspirational they were never realised
174 in 1949 and, since then, the PRC has started putting them into practice. That is why I
175 draw more attention to that dividing line.

176 *PANEL – With regard to separatism and independence, one of the ways forward*
177 *towards achieving such a thing in a western democracy is through a plebiscite. And*
178 *such a thing is, of course, not possible in a totalitarian state or communist state. Do you*
179 *think that means, by definition, such states are guilty of contravention of international*
180 *human rights?*

181 JM – Simply because of plebiscites or other kinds of... are not possible? That is a good
182 question. I have not thought about this myself. I did not read all of my preamble or oral
183 testimony. One of the points I wanted to make in that is that the PRC had a way of
184 managing diversity which they put in place with the system of 56 minzu, the so-called
185 territorial regional autonomy system and various things like that. Although it was not
186 always observed and honestly practised, there were periods when in fact it was. The
187 early 1950s and 1980s. Many non-Han peoples in Xinjiang, including the Uyghur
188 scholar Ilham Tohti, has said that the period of the 1980s was in some way a golden
189 age for Uyghurs in Xinjiang. It shows the way in which the system could actually work
190 to prevent majoritarian control by Han to celebrate cultural difference rather than
191 suppress it. We have seen this ourselves. A very different approach in the 2008 Beijing
192 Olympics, where some may remember the children dressed up in costumes of all the
193 different peoples were paraded around. Some criticism and snarky comments about
194 that, it seemed mainly Han children dressed up in minzu costumes. That is the kind of
195 problem we wish we had now. Rather than erase those differences, the state

196 publicises them and celebrated them. I am not saying... It is hard to compare a top
197 down system of comparing diversity with the ideals of diversity management in a liberal
198 democracy. You can certainly compare it with the reality of what can happen even in
199 liberal democracies, pointing at the United States. I make a point that in 1950s Jim
200 Crow, America was arguably and I think quite clearly, a worse place to be non-white
201 than Xinjiang was to be non-Han in the 1950s, at that point, right? So, *ipso facto* being
202 in a party state such as the PRC does not mean ethnic suppression, that cultural
203 erasure and so on and so forth has to happen. That is why I draw attention to their
204 systems and approaches of the early PRC. In a way the Soviet Union has a similar
205 kind of system in some way as well.

206 *PANEL – Those system changes that occur where responsibility for religious and*
207 *cultural changed from State to party, did that really matter? In a party state, isn't*
208 *everything under the control of the party anyway? Is that they really significant move?*

209 JM – It is a common perception that... We are hearing the word totalitarian being
210 applied to China again more and more. It is a common perception that it is highly
211 centralised, the centre has control over everything that is going on. Of course, China
212 is a very big place, it is a place with provincial differences and local differences - many
213 many...A very large and complicated bureaucracy. So, the move of religious affairs
214 and ethnic affairs into the party is part of Xi Jinping's broader efforts to assert direct
215 control over key aspects of governance in China. The very fact that he does this shows
216 he feels he wanted closer control over that. The quick answer is that it was not as
217 centralised as you might have thought before, having things out in the government
218 bureaucracy kept them out of direct control of the supreme leader.

219 *PANEL – Thank you. My final quick question. If I may quote the final part of your*
220 *chapter you kindly gave us, you say, “a ruler may use an arsenal of technologies to*
221 *terrorise a vast territory but when he confuses harmony with uniformity, he will be*
222 *weak and his country will be small in the eyes of the world.” Is that intended as a rather*
223 *pessimistic statement or is it full of optimism that the inherent weakness in the system*
224 *will soon going to lead to a change at government or change of regime?*

225 *JM - I suppose my feelings, when I wrote that a year ago, were an uncomfortable*
226 *mixture of both perhaps meant as a warning - not that Xi Jinping is reading my book.*
227 *Should he or others read it, I would hope that they would see that. And also, of course,*
228 *trying to invoke the notion of harmony which was much more central than previous...*
229 *Ten years or so ago in China. I would hope that they would see that. And also, of*
230 *course, trying to evoke the notion of harmony which was much more central than*
231 *previous... ten years or so ago in China. I think it is more intrinsically a Chinese value*
232 *or than homogenisation or uniformity would be.*

233 *PANEL – The study of genocide is, in many places, a separate field of study, correct?*
234 *You are a historian and I know that Georgetown has various departments that include*
235 *genocide as part of their work; the Jewish Centre and other activities. Correct?*

236 *JM – Yes.*

237 *PANEL – Would you feel in any way comfortable dealing with the genocide discipline*
238 *– which is essentially I think sociological but also historical, would you be comfortable*
239 *in dealing with how it might assess what is been happening in Xinjiang?*

240 *JM - Not by virtue of having colleagues down the hall who do that, I think - not to be*
241 *dismissive of your question. Not being a jurist myself or international jurist, I have been*
242 *reading and learning about definitions under meanings of genocide myself throughout*

243 this process. It was not something I paid sufficient attention to earlier on. As I
244 mentioned before, I have been convinced by studies, I mentioned by Adrian Zenz and
245 by others of intent to do things which fit definitions as I read them of genocide. I do on
246 occasion use their term, I am not running away from that term myself. I do not see
247 myself in any position to comment on whether there isn't a genocide in a technical
248 sense.

249 *PANEL – I wonder if you can help us at all with forced assimilation of the kind you*
250 *describe, not natural assimilation, might qualify within that larger Venn Diagram circle*
251 *as genocide. The sociological concept.*

252 JM – Sure. Within the larger Venn Diagram and perhaps the narrower one as well. To
253 put a historical cast on it, I think that current policies in Xinjiang have in a way, whether
254 it is conscious or not - I don't know, they have in a sense reinvented the wheel by
255 approaching some of the same issues that were seen as existential problems say in
256 the 19th Century in Europe or through the actions of colonialism and efforts to achieve
257 control to open wilderness - to achieve a kind of state control and to securitise areas
258 through all those same kinds of processes. I think we have seen very similar things
259 going on in Xinjiang now that we saw in the American west that led to the treatment of
260 first nations in Canada or Australia, or even to inter-ethnic or inter-communal strife in
261 Europe in the early 19th or 20th century. I don't know what is in the heads of Chinese
262 leaders who propose this, I think they're coming at it perhaps from a more Chinese
263 point of view, that is thinking about this educational transformation which has roots in
264 Confucian thinking as well as in communist policies. And so, drawing on that, but then
265 as those impulses flow together with artificial intelligence and with security concerns
266 and with modern industrialisation and all of these modern and political tools, they came

267 to this same kind of a place... They have come to the same kind of place as we have
268 seen in other parts of the world that we do call genocides.

269 *PANEL – We’ve heard a lot about brainwashing. One of the questions is, does*
270 *brainwashing ever work? Or is brainwashing simply a part of the enforcement of*
271 *behaviour by terror? Your experience as a historian, does brainwashing ever work?*
272 *Do people really ever change?*

273 JM – So, I prefer to use the term the Chinese themselves have been using, ‘educational
274 transformation’. I don’t mean that as a euphemism. To say that these places are
275 vocational camps or vocational schools, that is a lie. That is untrue. Part of their goal
276 is this transformation, I think is true. It is right there in black and white. Now we can
277 translate that as brainwashing or re-education, these are slightly different connoted
278 terms for the same sort of thing. Coercive efforts to change people’s mentalities, they
279 work the way you just said they work. They work because of their coercive nature or
280 they can work because of that. Because of the threat of force and the continued threat
281 of force and because of [*Inaudible – 8:29:07*] and psychological torture and all of those
282 things. They don’t work as a benign process but I think that, unfortunately, has an
283 effect of beating down people in such a way. Whether it will reach the goals which the
284 Chinese Communist Party says it wants to reach in Xinjiang is another question. It can
285 reduce a potentially festive population to submission.

286 *PANEL – Professor Millward, men and women are experiencing muscular blast*
287 *furnace assimilation quite differently are they not?*

288 JM – Yes, I would say that is definitely true.

289 *PANEL – Can you elaborate for us? I wonder about whether it is too simplistic what is*
290 *going on as a policy of, assimilate if you can but attack if you must.*

291 JM – You are alluding to the particular pressures that women have been put under
292 and forced suppression and all of those. And of course, the experience in various types
293 of incarceration and internment, at least from the cases that we know, you have heard
294 many eye witness accounts from that we know that experience is different from women
295 than men. Arguably much more horrific. Certainly, in the area of reproduction and
296 women in society, even before the really hard-edged policies began in 2017, there
297 were policies about don't wear the veil. Trying to discourage women from wearing the
298 veil or any kinds of face or head coverings. It is interesting the way they were carried
299 out. I have forgotten the precise term for it but the beauty campaign; "let your beautiful
300 hair fly and let your beautiful face be revealed." And there is a consistent discourse
301 about...that continues despite everything else and despite narrative about terrorism
302 and so on, about how beautiful Uyghur women are. This has been officially part of the
303 portrayal of Uyghur women for decades. They sing, they dance, they are beautiful,
304 they have long hair and so on and so forth. I'm not capable of talking about this as
305 many of my colleagues are of talking about this in gendered terms. It is very clear that
306 the push for marriage and the way in which the State advertisements of marriages
307 between Han and Uyghurs have been played out/have been shown. Then, of course,
308 the pressure on reproduction. This is a very sharp edge of this that and thank you for
309 the question I need to give some more thought to it myself. If we do really look from
310 the women's point of view on this, the biological aspects of it are much more clear.

311 *PANEL – You made some comparison in regard to the treatment the PRC is meting*
312 *out to its indigenous population with that meted out to the indigenous population in the*
313 *US, perhaps most notably under President Jackson's presidency and, of course, others.*
314 *But in that case, it was almost entirely, unless you are going to correct me, motivated*
315 *around land and the acquisition of land or the appropriation of land. It would appear*

316 *from the evidence we have heard it is in part a motive, in regard to the PRC and the*
317 *Uyghurs. Could you expand as to whether you think there are other motives other than*
318 *that relatively simple one?*

319 JM - Meaning more to material motives perhaps and not just land grabs? You are
320 speaking of the Xinjiang case, not the American case. Well, here is where the cotton
321 industry is quite interesting, the cotton growing and cotton spinning. And it's been a
322 process of at least twenty years whereby acreage on which cotton was grown has
323 moved from eastern China out into Xinjiang. But, more than that and more recently, the
324 spinning industry, the spindles on which factories spinning of cotton has moved
325 progressively from eastern China into Xinjiang. This has been part of a couple of five
326 year plans, talking about this. A combination of perhaps market forces but also pushed
327 by the State. And I think it is quite clear why this is happening. As the cost of labour in
328 eastern China has gone up and there have been efforts to move manufacturing in
329 China – in eastern parts of China - up the value chain, then the lower valued industries
330 of textile manufacturing has been pushed out further into Xinjiang, into the corner.
331 Really to the last place where labour is still cheap or the cheapest labour in China. An
332 argument could be made that the need to control Xinjiang more effectively from the
333 eye of the state is tied to the push of cotton growing and, in particular, spinning and
334 textile manufacture we've seen out there. This is to a certain extent, corroborated by,
335 not all the factories built, but many of the factories that have been built through the
336 Pairing Partnership Programme, some of them even adjacent to or within the same
337 compounds within the internment camps. Many of these are in fact textile firms/ textile
338 factories. Many of the so-called vocational training and the factory labour that people
339 have been transferred to from camps or encouraged or coerced into from their villages
340 are textiles. So, we are seeing... You could argue that there is a process here of

341 proletarianising poor farmers in Xinjiang and moving them into factory labour, in
342 particular in these low value electronics assembly, textiles and other things like that. I
343 want to evoke Ilhan Tohti again. I mention him in the chapter. Many of you may have
344 seen that. His argument was that the types of market reforms which were so effective
345 for raising standards of living in the rest of China from the late 70s on, in particular
346 opening up... Making the market accessible to farmers. That has not happened in
347 Xinjiang - poor Uyghur farmers have not been permitted to do that. It is not exactly the
348 same kind of political economy of chasing people off the land, that you referred to.
349 There is arguably an economic motive behind these sorts of forced changes that have
350 been imposed on the people of Xinjiang.

12th September 2021 (8:39:43 – 9:25:50)

Geoffrey Cain

GEOFFREY CAIN – Thank you for having me. I do not have a formal PowerPoint presentation but I would like to summarise my work and my report briefly. I come from a background in investigative journalism, I was at The Economist and the Wall Street Journal many years ago. I covered a number of genocides and a genocide tribunal. Cambodia, Myanmar, I have been to North Korea and covered authoritarian regimes, been all over China... I decided to write this book and to begin this process of interviews because, in all the reporting and investigative journalism I had done, I felt that something in Kashgar, something in the western region of China, was significantly different than what I had experienced earlier, and that is the deployment of these novel technologies that so many experts here have discussed. While these technologies have been well-documented in the quantitative data, particularly in excellent reporting by BuzzFeed, which won the Pulitzer Prize, and also by Dr Zenz, and excellent historical research by Dr Millward who just testified. I was interested in qualitatively gathering experience evidence in the form of experiences that would show what it is like to both be the developer of these technologies and its victim. In many cases, my interviewees were both. So, from August 2017 until just about six or seven months ago, I had interviewed a number of people who were as close to the inside, I think, as I could get, of this system and I had uncovered a number of key things. But, in particular, I had explored the long-term development of a number of technologies in surveillance and espionage by the Chinese state. There is much that we can get into, but long story short, my overarching conclusion in my book “The Perfect Police State”

25 is that what started out as a targeted campaign that the state claimed was one of
26 counterterrorism, antiterrorism and the impression of dissidence emerged or was a
27 snowball effect of sorts, in which the people who were developing the technology
28 began buying into the propaganda and the statements, and the policies of the
29 Communist Party of China. Before they realised what truly was happening, the
30 technology was targeting them too, these were Uyghur technology workers. So, it was
31 very much a slow-grind of a process, in which new novel digital camera technologies,
32 (we are talking ten/fifteen years ago), new deep neural net technologies and AI were
33 being set up, and mass data gathered. And it wasn't until the years 2014-2015, that
34 many of the Uyghur technologists who I was interviewing had realised these systems
35 were simply a dragnet and that the systems were actually not that sophisticated but
36 that they were designed to impress upon the victims that they were sophisticated,
37 which is just as good as being excellent in your algorithms and technological
38 developments. That is just a brief summary of the technological aspect of my own
39 research and I will open it up to questions.

40 *COUNSEL – You mentioned how this policy towards the Uyghurs started out as a*
41 *policy to fight extremism. Just to clarify, in what did it evolve?*

42 GC – Just to clarify the question, into what did it evolve after the counterextremism
43 measures?

44 *COUNSEL – Yes, that is right. Did it remain simply a policy of fighting extremism?*

45 GC – On paper, it did. In practice, it did not. According to four former Uyghur technology
46 workers who were embedded in some of these offices that were involved in the
47 technology, despite the official policy of counterextremism, they say that within the
48 offices they worked in there was an informal policy or a clear understanding and

49 certainly, internal discussions that the goal would be to essentially to target everyone
50 in a massive dragnet campaign. One Uyghur technology worker who I interviewed was
51 directly involved in efforts to scan and surveil early on (in around 2011 to 2013) text
52 message data and messages that had been going through WeChat and various
53 Chinese chat apps, to scan them for key words, like “bomb,” “terrorist,” “gun,” words
54 that were declared by the state to be evidence of extremism. In the process of doing
55 these mass scanning of text messages, the artificial intelligence systems simply,
56 according to them, identified anyone who might have had any kind of statement that
57 was irrelevant to extremism but maybe contained one of these words that were flagged
58 for follow-up or investigation. So, in practice, there was certainly, in their own internal
59 discussions, an effort to surveil anyone that could be surveilled.

60 *COUNSEL – In your field research, you also interviewed government officials and*
61 *diplomats. By any chance, through these interviews, did you manage to glean at what*
62 *level of governance this policy was set?*

63 GC – Some of the former officials that I interviewed had left China and they actually
64 did not have much information, or at least did not want to reveal much about the levels
65 of policy. I can say the most revealing interviews that I did were with the technology
66 workers, because they were actually in the room where these surveillance systems
67 were being used and they were involved in setting them up. They said that, at the
68 beginning, many of these policies were more at the local level - this would be around
69 2005 to 2007 - that was their understanding of events. I have also gone through various
70 old Chinese press releases and statements that had been published historically and
71 had verified some of this information in writing. So, they do have a good memory of
72 what happened. My interviewees draw diagrams and I wish I had included them in the
73 report, but I was a little bit concerned that these diagrams might reveal their exact

position in this bureaucracy. But, in the diagrams they suggested, and I verified this with actual technological experts and software experts who understand artificial intelligence deeply (one of them was a former Google developer), much of the data goes straight to Beijing. This goes to the Ministry of Public Security and in certain cases, the Ministry of State Security, which I suppose would be considered a step-up in terms of the extremity of surveillance.

COUNSEL – The implication here is that the policy would have been set, or at least known of, by these ministries that you mentioned. In your book, you refer to the “three inter-locking patterns” that you have identified, one of which is surveillance and the other two being psychological, and physical torture. Are you saying therefore, that all of these three limbs, including psychological and physical torture are part of official policy towards the Uyghurs?

GC – Yes, I believe so. I do believe that this is an official policy but that the authorities, both at the local and national level, have their own understanding of what they are often doing. Professor Millward just talked about some of the language that is deployed in these “transformation through re-education” camps. Based on my 168 interviews, I did find an overwhelming pattern and I could trace specific interviews to specific camps, specific vocational training centres. Many of these people had come out of the same camps and they had expressed overwhelming patterns of particular practices in each camp, or in each region of Xinjiang. In particular, in and around Kashgar and in the southern part of Xinjiang, the people I interviewed had reported drastically higher levels of psychological and physical torture. There was still a lot in northern Xinjiang too. It would be difficult to parse through every single interview and put them all into a special category of their own but yes, the people who had been through concentration camps overwhelmingly processes of psychological torture in which they would be

99 forced to play strange games. There was one example in the report, from one camp
100 in Kashgar, where one of the detainees would be seated in front of two tables and one
101 table, for example, would have a home, a road, and a car... and they are supposed to
102 re-arrange this “neighbourhood” to make it look like it is correctly placed. The other
103 table would have models of an AK-47 assault rifle, a grenade and such, and they would
104 be asked to move around these models to arrange them properly so that they looked
105 correctly placed on a table. The trick to this question, and this is where the
106 psychological torture comes in, is that if the detainees actually touch the models of the
107 weapons, they would be put in solitary confinement, sometimes they would be hit with
108 rubber sticks with spikes on them, they would be forced to stand still for thirty minutes
109 or more and if they moved they would be hit again, often in very painful positions like
110 the sole of their feet, the buttocks, sometimes on the head... [interruption]

111 *PANEL – You spoke of Cambodia, which were the other genocidal sites you have*
112 *considered?*

113 GC – So, I was a journalist originally covering, about twelve years ago now, the Khmer
114 Rouge Tribunal in Cambodia. I have covered Myanmar and the Rohingya situation
115 there and, though it is not genocide, I have covered many authoritarian regime. I have
116 been inside North Korea, which runs its own network of concentration camps; Russia;
117 Turkey... My specialty as a journalist is attempting to get as far as humanly possible
118 into some of these regimes and describing and showing their workings.

119 *PANEL – Comparisons can be interesting for journalists but they can be very valued*
120 *for academic disciplines, for example the discipline of genocidal studies. Comparisons*
121 *can even be valuable for lawyers. So, am I right in thinking that you found a lack of*
122 *similarity between what you were encountering in the PRC and what you had seen or*

123 *knew of elsewhere? Or were you seeing some similarities and some differences that*
124 *you wanted to understand and explain?*

125 GC – While covering North Korea’s concentration camps and human rights abuses,
126 there is one key difference - I felt as if I was stepping into the past, the height of the
127 Cold War, when it comes to the Khmer Rouge or the North Korean gulag system.
128 There really is a strong sense, in these places, of outright massacre, there are mass
129 graves and death camps that I think came to mark the genocides and the atrocities of
130 the 20th century and the early 21st century. But, when going to Xinjiang and when
131 investigating and interviewing people from this region, I get the overwhelming feeling
132 of stepping into the future. This is a new kind of mass atrocity that has not been
133 documented before on this scale, with the use of these novel technologies I often felt
134 like I was entering a science-fiction novel, like 1984 or Minority Report by Philip K.
135 Dick. I think that is the key difference - China, I do believe, is carrying out mass
136 atrocities against the Uyghur people but it is being done in a way that is extremely
137 sinister because it rests upon the slow erasure of a people, its culture and identity, in
138 part through the forced use of contraception but also through these tactics of
139 psychological torture.

140 *PANEL – Vast differences... What, if any, were the similarities?*

141 GC – There is an overwhelming similarity that I have documented in all these places,
142 and I believe Doctor Millward touched on this too. It is the belief in a kind of “master
143 race,” or an overarching race that stands above all else, and that wants to erase the
144 minorities or bring them to some kind of supposed higher level of development. This
145 is a pattern that has been well-documented in the Cambodian genocide, this idea of
146 this master Cambodian ethnic utopia, solely for the people of Cambodia. There were

147 massacres of minorities, Cham Muslims in particular, and Vietnamese ethnic
148 minorities. The entire North Korean regime, I and many scholars believe, is actually
149 built on this stance of national unity and pride. Many people point to this regime and
150 say it is communist but there is, increasingly, a line of scholarship and journalism that
151 documents North Korea as fascistic as opposed to a communist regime. Coming from
152 these countries and going to China, a multi-ethnic state with many localities,
153 languages and cultures, what alarms me is I see a lot of the same broad forces taking
154 hold. This belief in being a “master of the domain,” that the Han Chinese must dominate
155 the nation and must erase or supposedly develop the Uyghur people into something
156 more than they are. That is a dangerous line of thought.

157 *PANEL – Before I come to the next topic, we ought to touch on your methodology. It*
158 *is in your paper but not in the oral record. You tell your narrative through three*
159 *particular witnesses, two anonymised and one not. You have checked the account*
160 *through them with a great deal of other material and you then had a double check*
161 *through somebody speaking local languages who is a professional fact-checker, is*
162 *that right?*

163 GC – Yes, that is correct. I wanted this book, and any book that is of an investigative
164 nature of a mass atrocity anywhere in the world must be rigorously and thoroughly
165 fact-checked through multiple stages. So, I did 168 interviews because I wanted to be
166 able to corroborate as furthest as I could what is happening, and I chose three
167 particular people for my book who I thought were the closest to the inside of the
168 system, who could best shed a light on what was going on. Me and my fact-checker
169 did check carefully the recording interviews for any kind of discrepancy... *[interruption]*

170 *PANEL – Has there been any published criticisms of the methodology of your book,*
171 *of which this is but an extract?*

172 GC – I am not aware of any published criticism. My publisher and I go through every
173 review, we have not seen anything yet in Mandarin language and the book does
174 appear to be deleted from search engines in China, they can find my other book which
175 is about Korea but not this particular book about the Uyghurs. So, I am not aware of a
176 direct criticism levelled at the methods.

177 *PANEL – The Tribunal may find itself concerned with two issues at least. One, the*
178 *intention of the decision-makers in doing what they are doing and two, is the Uyghur*
179 *population being in some way destroyed? So far, as intent is concerned, when we look*
180 *at brainwashing, what do you say to the question - does brainwashing work to change*
181 *the person or is it effective because it terrorises the person?*

182 GC – Based on my interviews, I believe it is effective, and I do think that the authorities
183 in Xinjiang have been improving and perfecting systems of re-educating, or we could
184 say brainwashing people. One of the main characters in my book, a young woman
185 named Maysem recounted in terrifying and gut-wrenching detail, the intensity in only a
186 period of one week, the overwhelming force with which she was psychologically
187 bombarded with messages and psychological torture and physical torture. And, only
188 after one week, she did manage to get out through some bureaucratic bungling on the
189 part of the state and also with the help of her family. She recounted for one year after
190 that, not being able to do anything, she would lie on her bed all day with her curtains
191 closed and sleep. She was traumatised and she would have terrible dreams, and at
192 one point, she had somatic symptoms - her heart started hurting unbearably and that
193 was the point at which she decided to go seek counselling and speak to a psychologist.

194 It was through this process of recovery that she started to understand by talking to her
195 therapist what exactly had happened to her because it was not clear, it was as if she
196 had had her memory wiped. She had kind of internalised the demands of the
197 Communist Party to the point where she had been simply unable to talk to someone
198 in authority, there was this never-ending fear that someone was coming for her, that
199 she had to stay at home, not go to class (she was a graduate student)... This is what
200 it does.

201 *PANEL – If brainwashing, accompanied or otherwise by torture, is genuinely*
202 *successful, and the person so treated emerges at the end changed, then she or he*
203 *will need little in the way of supervision, control or further violence because the*
204 *changed person will follow, in this case literally, the Party line. But that does not*
205 *happen, does it?*

206 GC – I did not find evidence that people in Xinjiang simply start following the Party
207 line. From my interviews, the tendency or the pattern was more about an abundance
208 of fear that makes them avoid standing out in a way that would attract the attention of
209 the authorities, of the Party. I suppose, in a sense, that would be one method of
210 nudging people to follow the Party line.

211 *PANEL – One element of intention on the part of the authorities that the Tribunal may*
212 *want to consider is the intention genuinely to change the way people are, as opposed*
213 *to changing what people do. Is your evidence that changing what people are does not*
214 *really work?*

215 GC – Yes, that is a good question. My interviewees, the witness Maysem and
216 numerous other interviewees who I spoke with over the years, felt that they had been
217 changed inside in the sense that there was this weight, this darkness that followed

218 them wherever they were, even if they had left China and hopefully living safely. I think
219 it is a very hard question to answer because the way the interviewees describe it is
220 that they were behaving differently but it was as if whatever inner self they had, had
221 been suffocated and bludgeoned, and there was something in their personality that
222 was no longer getting through and coming out - they had been changed in that way.

223 *PANEL – In your report, you describe how they became frightened of what to do*
224 *because of the uncertainty of consequence and they became like robots. In short, if*
225 *the intention is to change how people are, it fails as a system. If it has any effect, this*
226 *might be encouraging for those who think there is real humanity that is inherent, it*
227 *changes how they behave but, perhaps to echo what Professor Millward implied, there*
228 *is every prospect that they or their progeny might eventually return to who they are,*
229 *yes?*

230 GC – Yes, I agree with that.

231 *PANEL – You have told us about one of the games they had to play. In one of the bits*
232 *of footage from the camps, if my memory is correct, the inmates are literally singing*
233 *the English children’s ditty, “if you’re happy and you know it clap your hands!” An*
234 *almost unbelievable sight when screened on a British television. Why would that be*
235 *done?*

236 GC – I have seen similar videos. Based on my own research, I would conclude that
237 that is a propaganda ploy for the international community. We do know that the PRC
238 has invited various UN and government officials, even a top-UN counterterrorism
239 official (to suggest this is merely a counterterrorism effort and not a mass atrocity of
240 some kind). I have seen many of these videos and it is the only reasonable
241 explanation.

242 *PANEL – If they were seriously advancing, for publicity purposes aimed at the West,*
243 *a video showing grown people whose native language is Chinese or Uyghur singing*
244 *an English song, they are pretty naïve, aren't they?*

245 GC – I think it strongly suggests that they have been changed in some way or they
246 are operating under the weight of the Party demands. I would not see a reason for a
247 group of grown men and women to sing a children's song in unison for outside
248 consumption on their own free will, it seems incredibly unlikely.

249 *PANEL – I want to clarify, when you use the term “psychological torture,” is your*
250 *understanding of that term the same as “mental harm”?*

251 GC – That is a good question. I would say yes. Obviously, I am not a psychologist. I
252 do not approach this from the actual field of psychiatry, I come more from a
253 background in genocide studies and investigative journalism. I chose that term after
254 speaking to actual experts on torture and psychiatrists. Many people prefer this term
255 because “torture” has the foreboding sense that there is an end effort to change how
256 you will behave, whereas “mental harm” is a much broader term, to my understanding,
257 that could operate on a spectrum. People can harm each other in many ways but
258 torture is done with a clear end and a clear purpose, often by a state actor or some
259 kind of institution that is doing it for political purposes.

260 *PANEL – Following that, if we have a cyber-dimension to this both inside the detention*
261 *centres or prisons and outside of those buildings as well, you could argue that mental*
262 *harm is being exacted on people who are removed from such confining places and*
263 *direct figures of punishment or authority.*

264 GC – Yes, I would agree with that.

265 *PANEL – The objective and the outcome, potentially, of the brainwashing,*
266 *psychological torture or however you want to describe it, could inevitably change a*
267 *person but it does not necessarily mean that they are changed as a cheerleader for*
268 *the regime. For instance, it may render them a “shell” of a person, at least temporarily,*
269 *and possibly permanently. Is that what you meant?*

270 GC – Yes, that was my finding in my interviews. Keeping in mind that I was interviewing
271 refugees and Uyghurs who were overseas, I did not interview anyone actually in
272 China. It is hard to say right now, in China, what exactly is happening with respect to
273 psychological torture. My interviewees had left the region between typically 2014 and
274 2017. I could not locate anyone who had left after early 2018. Bearing in mind that I
275 am reporting on psychological torture that is well documented from about two to three
276 years ago. When they had escaped overseas, they were never “cheerleaders” for the
277 regime. I guess you could make that distinction between reframing the human into a
278 positive cheerleader, versus a more negative approach where you are stripping them
279 of their identity. One of the most common descriptions that I heard from refugees was
280 that their family, or other detainees or themselves had felt like a patient who had woken
281 up from a car crash and had amnesia. They had been stripped of their identity and it
282 was a process of re-building after being able to get out of the region.

283 *PANEL – So, the net effect of the psychological torture could be to render that person*
284 *or those people or the entire population potentially, supine, repressed, unable to react,*
285 *completely dominated. Is that correct?*

286 GC – Yes, I believe that is the word - they are dominated. They are unable to react to
287 normal human situations.

288 *PANEL – One of your three people, called Irfan in your paper, who was an intelligence*
289 *officer within the PRC State Security. And in that position, he went to Afghanistan to*
290 *look at, among other things, connections between the Uyghurs and terrorism based*
291 *out of Afghanistan, something which I think the PRC government has alleged over*
292 *some time. You said he did a similar job in Turkey and found no evidence that this was*
293 *the case. Did he find any evidence in Afghanistan that there were any or significant*
294 *groups of Uyghurs there training as terrorists?*

295 GC – He did find some evidence. He found evidence of some Chinese citizens who
296 were primarily Uyghurs among these Taliban-connected militias, but he said that the
297 number was extremely small and that the operations they were involved in were quite
298 distant from you could say the “core” Taliban. So, these were a small contingent of
299 Uyghurs who had hoped to go overseas and to train in armed conflict and warfare and
300 to return to Western China and supposedly create a califate over Central Asia. The
301 thing is, we have to keep this material in perspective - it was a very short time that he
302 was in Afghanistan because the evidence he was finding was so far and few between.
303 There were some Uyghurs there but it was not some kind of major threatening force.
304 He was later relocated to Turkey as a Chinese intelligence operative, where he spied
305 on various community and business leaders from the Uyghur community. He admitted
306 that he could find no evidence of a terrorist network. When I was investigating this
307 book, I was personally in touch with contacts in the various Kurdish regions of Syria
308 and Iraq who were connected to the Uyghurs, and I was in touch with fighters in the
309 Syrian Civil War. Obviously, I could not go to Syria and verify this first-hand, but they
310 told me that the Uyghur units that were fighting with various terrorist groups there were
311 small in numbers and were suffering heavy casualties. They were not particularly

312 impactful, they were not a particular threat. So, the idea that they would be able to
313 return to China and wage some kind of jihadi struggle is very far-fetched.

314 *PANEL – Forgive me for over-labouring this point - if we accept, as you have posited,*
315 *that this psychological torture would render these individuals dominated, is it*
316 *reasonable to say that they have lost their identity as a group?*

317 GC – Yes, I think that is reasonable. At least, when I was reporting on the story, they
318 were rapidly losing their identity and it was only by going overseas that they could
319 regain their identity. But it was a long and difficult process.

320 *PANEL – In your experience of all your travel and reporting, would it be understood*
321 *and intended by the authorities that that would be the result and the outcome?*

322 GC – Yes, and I think they have made clear in their own policy statements and public
323 statements that they want to turn this region into a Han Chinese region. The goal is
324 ultimately a form of cultural eradication.

325 *PANEL – In your experience, could such a policy be devised at a local level by local*
326 *authorities or would it have to be done at some higher policy level?*

327 GC – I don't think it would be possible to orchestrate it merely at the local level, and
328 my evidence for that statement is that in my own historical interviews, and in historical
329 documentation from fifteen or twenty years ago, there were many local initiatives but
330 it was simply not enough to release this level of surveillance and suppression on such
331 a vast scale. I think "scale" is the key word. The man appointed to be Party Chief in
332 Xinjiang, Chen Quanguo, who is sanctioned by the U.S. Commerce Ministry, is
333 someone who had done similar tactics in Tibet. And, I cannot personally prove this but
334 I do not believe that someone like him could be appointed to head Xinjiang region

335 without the approval and the careful consideration of people at the very top of the
336 Chinese government system.

337 *PANEL – This loss of identity, do you think this will then be propagated on to the next*
338 *generation?*

339 GC – I think it already is being propagated on to next generations. We have seen much
340 documentation and evidence of children being taught Mandarin Chinese language and
341 being skipped over for the Uyghur language. I think that language is a big component
342 of that but the more sinister element, to me, is the allegations of forced sterilisations
343 and the dropping birth rate. I think that a combination of this shrinking of the population,
344 alongside the fact that the children of the region, the Uyghur and Kazakh children, are
345 growing up under this system would suggest that within one generation, the region will
346 look vastly different than what it looks like now.

347 *PANEL – Thank you Mr Cain.*

1 13th September 2021 (0:09:43 – 1:13:17)

2 Andrew Khoo

3
4 COUNSEL – I have a handful of questions for you, arising from [your?/the?]
5 preliminary advice, in reference also to the legal opinions on the situation in Xinjiang,
6 which are publicly available. Might I begin by asking you if you've had sight or an
7 opportunity to read the three legal opinions on alleged crimes being committed in
8 Xinjiang from Essex Court Chambers and the Bar of Human Rights Committee and
9 the Newlines Institute?

10 ANDREW KHOO – Good morning/good afternoon from Kuala Lumpur. The answer to
11 your question is yes, though not in as much detail as I would have liked but I have read
12 through as much as possible the three reports and opinions you have referred.

13 COUNSEL – Thank you. I don't have questions specific about those reports, we would
14 be grateful if you might be able to indicate in your answers whether there are any
15 points of convergence or divergence in those legal views/opinions that may help us
16 better identify the underlying sources behind particular interpretations of law.

17 AK - I think it's fair to say, in a broad sense, I am in agreement with the opinions and
18 views that have been expressed.

19 COUNSEL – My first question is that there is a large body of international law that is
20 potentially applicable to the evidence before the tribunal. In terms of international law,
21 how far would you consider it permissible to depart from applying the law from the
22 body of law that is known as peremptory norms? And just for the benefit of everyone
23 here, by peremptory norms, we mean international law from which non-derogation is

24 *permissible and usually entails duties on the part of the state to the world at large. So,*
25 *we're talking about genocide, crimes against humanity, torture, crime of aggression,*
26 *slavery and a relatively restrictive group of crimes*

27 AK – I would be very slow in departing from these peremptory norms. Unless there is
28 a very good reason to do and purely case-by-case basis.

29 COUNSEL – *In relation to genocide, and identifying preparators and a specific intent*
30 *to destroy, might you tell us what you understand to be by “destroyed”?*

31 AK – To destroy has connotations of elimination, erasure of some form - it could be
32 total, it could be partial. Basically, to use some common parlance, it's akin to trying to
33 wipe them off the face of the earth

34 COUNSEL – *Related set of short questions. You'll be familiar that all surrounding facts*
35 *and circumstances maybe be considered when trying to ascertain the specific intent*
36 *of a person or preparator. To what extent, if at all, are the alleged crimes being*
37 *committed in Xinjiang that are not the five exclusive prohibited acts of genocide*
38 *relevant to the issue of intent?*

39 AK – I would say it adds to the body of evidence that the tribunal may issue to consider
40 so that it is indicated a consistent policy or program, systematic... that would add to
41 the preponderance of evidence pointing to the major crimes that the tribunal is
42 considering.

43 COUNSEL –Can you clarify as a matter of jurisprudence, how far motive and policies
44 are relevant to the issue of specific intent?

45 AK – Well, I think, you've been talking about the– or you've used the word perpetrator.
46 I would agree with some of the opinions that would draw a difference between the

47 state as a body that is seen to be committing these crimes as opposed to an individual.
48 And so, I think in terms of the state, it may not be necessary to discover specific motive
49 but more broad policy to achieve certain goals. Then the question becomes, how are
50 those goals achieved and in what way? Then, of course, you look at the— you would of
51 course consider the individual, which I don't believe is the case here. Then, you have
52 to actually talk about actual knowledge or desire to bring about the outcomes that
53 constitute the elements of the crime.

54 *COUNSEL – So, might it be possible for an alleged perpetrator to have a particular*
55 *goal – say for instance assimilation and a particular motive, say for instance*
56 *eradication of terrorism or economic development but at the same time not intend to*
57 *destroy a group or even intent to commit any crime?*

58 AK – Yes, I think that is possible.

59 *COUNSEL – You'll be aware of the Packer and Diamond report to the Tribunal; and*
60 *the associated Newlines report. There is a view that "destroy" must mean more than*
61 *intent to physically or biologically destroy, notwithstanding the jurisprudence in the*
62 *area. Are you of the same view?*

63 AK – I think, to me, it's a matter of emphasis rather than any substantive agreement. I
64 think when we talk about destruction, destruction can come in many forms and it can
65 be expressed in different ways. I'm saying again that it's that preponderance of a wide
66 range of activities that are undertaken in order to achieve what we consider to be
67 destruction.

68 *COUNSEL – I'll put a question to you that I put to Professor Packer. Would you rule*
69 *out an intention to socially destroy a group? If you wouldn't, what would be the*
70 *jurisprudential basis for such a view?*

71 AK – Well, I go back to what I said earlier about an attempt to raise a people group,
72 certainly, social and cultural identities are of/part and parcel of the group. I would say
73 that attempting to eradicate those can be viewed, in conjunction with other activities
74 or actions, as an attempt to destroy.

75 *COUNSEL – Various legal opinions relating to alleged genocide in Xinjiang suggest*
76 *at least a substantial part of the Uyghurs are being targeted in Xinjiang. The*
77 *jurisprudence indicates the starting point is the numbers, but qualitative factors may*
78 *also be relevant when developing a substantial part. My question is of the allegations*
79 *being made in respect of Xinjiang, there in terms of the numbers, if not, then what*
80 *other factors may be relevant?*

81 AK – I think it's not a question of pure numbers. Although, from what I've read and
82 heard, the numbers themselves...in terms of the number themselves are quite large.
83 Being subjected to restrictions and other limitations of their liberty. To me, substantial
84 could also be qualitative in nature. For example, if you were able to single out and
85 identify leaders or religious leaders, or cultural leaders or thought shapers. These
86 would also constitute a substantial group of people. Carry the heritage and traditions
87 of that particular group. Or to be, in a sense, holders of the heritage of that group.

88 *COUNSEL – Can you clarify for us that destruction in substantial part, is part of the*
89 *intent of the crime? So, it is actually not necessary to destroy a substantial part, but*
90 *simply that the perpetrator has an intent to destroy a substantial part.*

91 AK – One has to look at the policy in place, how that policy is being implemented or
92 given effect. And whether or not it involves targeting. As I said key leaders, people
93 who are holders of cultural and social traditions and practices, people who in a sense
94 or embody or represent the identity of that people group.

95 COUNSEL – As you are aware, the tribunal is considering both individual responsibility
96 and state responsibility. Can you please explain whether a state can commit a crime
97 and how exactly according to the jurisprudence?

98 AK – Well, I would be hesitant to say that a state can commit a crime but in terms of
99 state responsibility, I would say there are (in international law) obligations placed on
100 states as a result of treaties that they've entered into and treaty obligations that they
101 have therefore taken upon themselves, either by way of omission or by way of
102 obligation of that treaty or commission of those things that are in violation of those
103 things. I think you could say that a state could be made responsible and I think in
104 shorthand, people may say that 'that state has committed a crime' although, strictly
105 speaking, that would not be accurate.

106 COUNSEL – So, in attributing responsibility to a state for a crime, would you say that
107 you require an individual?

108 AK - I think the short answer is yes. I think there has to be organs/officials of the state
109 that are implementing the policy or the laws that have been passed by the state. And
110 it is implementing and the way in which those policies have been implemented, if they
111 were to, as a result of that, end up in the commission of crimes then the individual may
112 be himself, or themselves, held responsible but it is also the attribution of responsibility
113 over the person by way of command or perhaps control that would allow the state to
114 attributed to the commission of those acts.

115 COUNSEL – And, just by way of clarification, are you able to explain to us how specific
116 intent might be identified in relation to individuals and then how you might attribute that
117 to the state?

118 AK – Well, if you are looking at the individual, I believe that individual has to satisfy the
119 specific intent, perhaps understand what he is doing or her. The nature of and the
120 effects of the act that he/she are carrying out in furtherance of state policy.

121 *COUNSEL – Just two more questions, if I may. Can you provide some clarification -*
122 *what we mean by state responsibility in terms of genocide, crimes against humanity?*
123 *Just to be more specific, what is the difference between attributing a crime to a state*
124 *and then the duties arising under treaties or customary international law relating to, for*
125 *instance, prevention, duty to prohibit, duty to punish or the duty to enact legislation?*

126 AK – Well, can I take the second part, first? So, as I mentioned a little earlier, that the
127 obligations taken on by a state, as a result entered into international treaties, taking on
128 obligations set up on specific treaties. So that in most cases will entail prohibiting such
129 acts, criminalizing such acts, implementing laws, promulgating laws to prevent such
130 acts from happening and then to punish people who commit those acts and also talk
131 about elements of remedy and perhaps compensation so that would be on the state.
132 But the state also has policies and have to be carried out... these have to be carried
133 out by individuals acting in compliance directives from the state or other bodies that
134 are associated with the state. And, if those individuals also commit atrocities, then I
135 would say that their acts can be attributed to the state.

136 *COUNSEL – Thank you. You might not have had a chance to see the discussion with*
137 *Professor Packer - there was a discussion with standards of proof. My question is, what*
138 *standard of proof would you say is ordinarily applied to state attribution of crimes?*

139 AK – From my reading of the law, there doesn't appear to be a single standard of proof
140 in terms of how you attribute state responsibility or what standard to measure a state's
141 complicity in the matter. I read somewhere that there could be different interpretations

142 so, I suppose that is not terribly helpful. But to me what the tribunal has to do or might
143 consider doing, is looking at the overall picture and to look at different policies and
144 different practices. Which, in themselves, may not necessarily point to a sufficient
145 degree of culpability but in building an overall picture where one can see very clearly
146 how state policy is being implemented in a way that results in acts of genocide.

147 *COUNSEL – At the ICJ, about the two seminal cases related to genocide, the view*
148 *was that very high standards must be applied in attributing the crime of genocide to*
149 *the state. That was then elaborated to suggest that ‘beyond a reasonable doubt’ would*
150 *be an appropriate standard. Would you then encourage them, as Mr. Diamond and*
151 *Professor Packer did the Tribunal, in applying a different standard for the reasons they*
152 *gave and for the reasons of the particular circumstances in which, allegedly, Uyghurs*
153 *find themselves in, in Xinjiang?*

154 AK – I believe that, since Packer & Diamond used the phrase “clear and convincing
155 evidence”, as you say, the understanding is beyond reasonable doubt. I think, again, it
156 may be a question of degree as what you mean by beyond a reasonable doubt. I would
157 look at the preponderance of evidence that is available to the tribunal and use that as
158 a guide to come to a decision.

159 *PANEL – Mr Khoo, first of all - by way of full disclosure, you and I first met when you*
160 *were appointed to the China Tribunal that I chaired investigating forced organ*
161 *harvesting, that issued its judgement in June 17, 2019 and signed off its written, early*
162 *in 2020. Since then we’ve maintained light social contact but (not) having discussed*
163 *this matter at all since until you were asked, either possibly by me or properly by Mr.*
164 *Hamid Sabi, to be a legal expert. Is that correct?*

165 AK – Yes, Sir Geoffrey, that is correct.

166 *PANEL – And the reason you were asked, as you know, the sanctions implied by the*
167 *People’s Republic of China on various people, including the tribunal, had the effect*
168 *making the United Kingdom lawyers unavailable to us and you were good enough to,*
169 *at my and Mr. Sabi’s request, to agree to help us, as things might have affected the*
170 *United Kingdom ...*

171 *AK – Yes, that is true. I run a small practice, which doesn’t extend to very broad and*
172 *commercial work and so I don’t think consequence anything that the PRC would do*
173 *that to me, at least from a commercial point of view, would put me out too much.*

174 *PANEL – Well, we’re very grateful to your assistance and we will leave as much time*
175 *allocated to my colleagues for reasons that will become clear. First of all, and given the*
176 *audience for these proceedings, what is jurisprudence?*

177 *AK – Is that the question? What is jurisprudence?*

178 *PANEL – Yes, what is jurisprudence?*

179 *AK – At one level, it is the principles underlying the law. It is legal philosophies that*
180 *inform how laws ought to be made or how laws ought to be implemented. It also*
181 *extends to discussions about the law, how the law is or was, or ought to be and the*
182 *decisions that have been made, and the reasonings and the rationale underpinning or*
183 *underlying those judgements. So, it is quite a lot, it is collected quite a lot of discussion*
184 *and debate about what the law is and ought to be.*

185 *PANEL – There is absolutely no criticism and gratitude to you for answering questions*
186 *that embody such a huge amount of learning, but it is pretty unlikely isn’t it - the*
187 *concept of or content of legal jurisprudence is going to be known to the average non-*
188 *expert educated citizen around the world.*

189 AK – Quite possibly– it is not something that the average person would necessarily
190 think about in his/her 9 to 5 job.

191 *PANEL – Would you be tolerant to the following remark, not of course directed at you*
192 *in any way, but the following light-hearted remark that the law and jurisprudence has*
193 *provided a nice playing ground for lawyers and judges since the start of the ad hoc*
194 *tribunals for Yugoslavia and Rwanda in 1993.*

195 AK – You use the word playground, I suppose that is the light-hearted comment you
196 are making. I think there is a lot of discussion about this area, because the whole area
197 of international criminal law has traversed different issues over the years. I think
198 lawyers and judges, and other interested parties, are keen to try and work out whether
199 or not there can be a broad and systematic way in dealing with these different
200 emanations of criminal law by the use of a use of a set of standards that could be
201 universally applied and that is where the discussion and debate has centred around.

202 *PANEL – But we find from– well, first of all, on another note and remark, it was John*
203 *Packer and his colleague who were good enough to stand behind their point in front*
204 *of this Tribunal and the other three - and Amnesty, Human Rights watch and the*
205 *American government - analysis of their finding of genocide was also not publicly*
206 *authored or indeed publicly articulated. Packer is on his own and the others haven't*
207 *appeared. Is that right?*

208 AK – I don't have a very detailed knowledge of that. I assume that is the case, yes.

209 *PANEL – But just reading their reports, it is clear that there's differences in opinion.*

210 AK – I suppose there are. I don't think you can put a whole group of lawyers and get
211 everybody to agree on everything. But I think we are all trying to work out, I mean
212 some of the key issues which I suppose the tribunal will exercise. Things like the scope

213 of the crime, the applicability of the law, what will constitute a commission of that crime,
214 what will constitute sufficient evidence, what is the level of proof that needs to ascertain
215 to a conclusion. And, I suppose in any one of those areas that could well have some
216 disagreement in terms of the approach that needs to be taken.

217 *PANEL – Mr. Khoo, now I’m going to explain why and [give] the remaining time to my*
218 *colleagues. Join such an analogy as is appropriate between this tribunal between a*
219 *jury and a criminal trial, a jury and criminal trial making a decision about a trial has to*
220 *be directed in straightforward terms as understood by them, like those watching in the*
221 *public gallery and trial.*

222 AK – Yes, I suppose the question then is, who is giving that direction?

223 *PANEL – Well, in the jury trial, it’s the judge. And so far as this group of 9 individuals*
224 *composing the Tribunal, we’re looking for an individual or bodies of individuals - it might*
225 *be you, it might be counsel, it might be you in combination with the opinions that*
226 *someway synthesize - we are looking for a straightforward direction of law that could*
227 *be as understood by you, by us and as understood by public and as understood by*
228 *the PRC. And so, what I’m going to do Mr. Khoo, is almost immediately ask my*
229 *colleagues to ask their questions and concerns and then perhaps to invite you, maybe*
230 *counsel, to see if you can prepare for us in writing, straightforward direction that could*
231 *be published. Would you prepared to cooperate with that as an exercise?*

232 AK – Yes, it would be my pleasure to do so.

233 *PANEL – Because the word genocide was advanced between 1948-1993, has been*
234 *this suggestion that the convention was activated in decisions made about the Kurds*
235 *a little earlier than the 90s or earlier 80s even, that is not clear. When it started to be*
236 *used, it started to be used by members of the public in describing particular atrocities,*

237 *of which they were concerned. The public are using this term now and*
238 *parliamentarians are not using this term about the Uyghurs treatment, but they are not*
239 *able to use it in a simple way if they follow the jurisprudence because the jurisprudence*
240 *is muddled. Would you accept that?*

241 AK – Well, I think if we were to reflect, one of the reasons perhaps why an absence
242 of focus in genocide, as you say between 1948-1980s, was the fact that we were not
243 necessarily looking at large scale that were happening and perhaps that incidents after
244 the fall of the Soviet Union, the break-up of eastern Europe that led to warfare between
245 states. Once again see atrocities that were committed but again, these were primarily
246 atrocities that were committed in the context of the war. I think it might be a little bit
247 easier for the average person to understand the atrocities in the context of war and to
248 understand genocide from that perspective. I think when it comes to a more slow form
249 of genocide, that takes many, many years. It takes incremental actions in the part of a
250 state and its organs to bring about a destruction of a people that might be a little bit
251 more challenging. From many different angles, how one could still say that genocide
252 was happening and I suppose the development of the jurisprudence have been in that
253 regard to sort of say - even though this may not look like your average wartime atrocity,
254 these are nonetheless very serious and grave crimes that qualify as war crimes or
255 crimes against humanity or even genocide.

256 *PANEL – Thank you, it's a big step for private individuals to deal with an allegation of*
257 *genocide and crimes against humanity against the most populous nation on the earth.*
258 *Which must be accorded respect and not be exposed to risk of unfairness of any kind.*
259 *And the one way of being certain, we can do that, is to look at genocide being proved*
260 *if, and only if, the requisite intent is proved in an individual level at the level of beyond*
261 *a reasonable doubt. That's the way we can show respect, that's how we save the PRC*

262 *from unfairness. Would you agree that it would most likely fit the general public view*
263 *of what genocide is?*

264 AK – I think the phrase beyond a reasonable doubt is in the collective mind of Fox-
265 American con-dramas and so that formulation is something that people on balance
266 would have heard of. I suppose, given that it is a criminal trial, I think people would
267 understand that. The challenge is when you move from an individual to a state - how do
268 you prove beyond a reasonable doubt vis-à-vis a state. State has a mind that directs
269 its actions. And so, we have to draw parallels for what would be the mind of the state
270 when it comes to attributing or at least saying there was criminal intent. I think that is
271 where the challenge is for the average person.

272 *PANEL – If the Tribunal elected to say it would not find genocide against the state*
273 *unless it found in an individual was powering the state's genocidal intent, then it could*
274 *be sure it wasn't being unfair to the People's Republic of China?*

275 AK – Yes, I would agree with you.

276 *PANEL – Thank you for your presence today. I would like to talk about joint criminal*
277 *enterprise, with individual responsibility. As against state responsibility. If we join*
278 *criminal enterprise, there is a substantial number, perhaps, in positions of state power,*
279 *provincial or otherwise. And they have positions, decision making power, if that's quite*
280 *substantial. Does that then become like the state? What I'm trying to get at, can you*
281 *have both frameworks, operating together?*

282 AK – I think the short answer is that you can. But I think in terms of if you're talking
283 about a criminal act amongst individuals, then joint enterprise - when people come
284 together and conspire with each other to achieve a certain criminal outcome - and
285 therefore, there has to be a degree of communication, collaboration. You may not be

286 a partner in the whole thing. You may be a partner in some of that but it's a long, a
287 chain that results in the commission of a criminal activity. And so, I suppose the
288 challenge with that in terms of the state and the individual, there may be no such kind
289 of evidence active collaboration partnership. I'm thinking in particular of an individual
290 that receives a directive from a state organ but a particular state to implement a
291 particular policy the question is by implement and following orders and by
292 implementing those policies do you actually get into a joint criminal enterprise. I think
293 that would be those would say that may not be correct. So then if I look at certain
294 individuals, you have to ask and I've been thinking about this for a while - you have to
295 ask if these people can be said to be in a sense, the alter ego to the state. That they
296 are, in some ways, they are "the state." The state being there is no one individual that
297 necessarily represents the state but in certain cases, but especially true of
298 authoritarian... whose thoughts, speeches, directives take on, in a sense the authority
299 or the Imprimatur of the state. If therefore, if more than one person, they sing the same
300 tune, in a sense, as what policies are, how they should be implemented. Then you can
301 say that there is, that would be the criminality, evidence of criminality of the state
302 invoking the idea of criminal enterprise.

303 *PANEL – Would it be fair to say that the allegations as made against the PRC, in*
304 *contemplation of genocide, are very different from any that have been considered by*
305 *formal court convention/jurisprudence since the establishment of the convention? In*
306 *other words, it is very different from Rwanda or Bosnia and therefore the latitude or*
307 *scope for disagreement may well be wider and therefore, in a sense, the channels for*
308 *this tribunal are wider. Is that fair to say?*

309 AK – Very briefly, short answer, yes. As I was saying to Sir Geoffrey in our exchange
310 earlier, it may be very different or we may be able to see things in a slightly different

311 way or perspective when we are talking about situations where there are allegations
312 outside the context of an outright war or conflict, not so much the latitude but the,
313 perhaps, the way in would look at what constitute culpability would need to be different,

314 *PANEL – Mr Khoo, thank you. In relation to intent, which is clearly one of the issues*
315 *here, to what degree can you deduce intent from the acts themselves? The facts there*
316 *are particular offences contemplated by the Genocide Convention in a state. A number*
317 *of witnesses have said to us that the state is opaque in its structure and its decision*
318 *making. To what extent do you have to identify individuals, and that these events have*
319 *taken place and coming to a conclusion that they have not taken place in this structure*
320 *unless relevant people could have promulgated them or at least supported them?*

321 AK - I would tend to agree with the second part of your question, it may not be
322 necessary identify particular individuals to take note of the fact that these things have
323 occurred and these things would not have occurred before certain policies and
324 practices that were incumbent upon the individual to carry out and it is the existence
325 of those policies or programs would need to be tested against the idea whether there
326 was the idea of intent.

327 *PANEL – Thank you Mr Khoo, lots of points to consider here. In terms of genocide, we*
328 *have a lot of evidence that people are disappearing but we – I suppose crudely to say–*
329 *we haven't got the bodies to show for it. How much corroboration do we need to say*
330 *that there is genocide, in particular? I agree with you it's quite challenging and may not*
331 *well be sufficient evidence to prove that genocide has happened because of the*
332 *disappearance of people. The fact that people have disappeared, having gone through*
333 *the system of incarceration in a sense, their final presence was within the control of*
334 *particular authorities could be indicative of enforced disappearance or some form of*

335 murder. Yes so, we will never be able to prove that a 100%. The whole idea of
336 genocide is not necessarily to look at every particular criminal is there proof of
337 genocide. But sometimes, we cannot look at the totality of evidence but in comparison
338 to the other acts and ask ourselves whether some form of program that overall
339 encompasses all of these separate elements. And it's that preponderance of all of this
340 evidence when seen together that would/could the tribunal to come to the conclusion
341 in relation to whether genocide has occurred.

342 PANEL – I'm interested in this question of fairness to the state of China. And the
343 question that we wouldn't find against the state unless we were to find an individual
344 we could be sure, that we weren't being unfair to the state of China. Is that even
345 possible?

346 AK – Well I think the proposition that Sir Geoffrey put to me was that if the tribunal
347 decided that in trying to be fair to China they would not, they would want to have proof
348 of individual guilt, was that something that could be done? And I suppose the answer
349 is yes, it is for the tribunal to decide how it wishes to arrive at a decision. I say that
350 would be particularly challenge because some of the sessions I've heard there has
351 been no particular reference to any one individual who has alleged to have done this
352 or that. I think some of the opinions given - in the context of high level political leaders–
353 to me that is something you would have to look at, whether or not the evidence that
354 has been given to the tribunal that those individuals are responsible. I would prefer, I
355 would suggest, returning to the concept of state responsibility might be a more
356 productive approach to this whole issue. Then, in which case one would be
357 preponderance but to see the PRC, one would have to see that preponderance of
358 evidence and not just look at very isolated incidents or statements but to see and to
359 ensure there was sufficiently wide and robust evidence proving those state policies

360 and interpretations of this is to be done; statements about political aims and outcomes
361 that the state designed from those policies.

362 *PANEL – Mr. Khoo, we’re into round 2 I think, there is 10 minutes left. I’m going to*
363 *make my question extremely short. The Packer report seems to allow for that once*
364 *you’ve identified your standard of proof, you can nevertheless reduce it because the*
365 *evidential issue is difficult. If you don’t have evidence, it’s difficult to get evidence thus*
366 *you lower your standard of proof. You may have noted, if you heard that session, that*
367 *I expressed disagreement with that. Do you accept that once you accept a standard*
368 *of proof, you shouldn’t have to reduce it, simply because the evidential makes it difficult*
369 *to reach it?*

370 AK – Yes, once you have set the standard you should stick with it.

371 *PANEL – I’d like to talk about the standing of a People’s Tribunal. As you know, the*
372 *main reason why this was set up is because legal avenues were not possible. So,*
373 *whatever decision we come to at the end of the Tribunal... First, are there– what are*
374 *further legal possibilities? And secondly, can this somehow be made into a legal*
375 *avenue, are there precedents or can there be another way forward?*

376 AK – I think, at best, the decision of the tribunal will have moral weight, not necessarily
377 legal weight. Because, if one were to say the tribunal has come to this particular
378 conclusion and we take it to a court, the court will say no - at our processes, we’ll have
379 to re-hear all the evidence and come to a finding of our own. They would not merely
380 accept, the decision of the tribunal and say “well its proven and then we could move
381 on”, so then I think the authority of the Tribunal’s decision lies more in the moral sphere
382 where given the way– I’m sorry, just because I say the tribunal has moral weight does
383 not mean it does not have authority. Because of the way it’s gone about it, hearing

384 evidence/inviting people to offer evidence, I think the scope of the evidence and the
385 richness before the tribunal gives weight to any upcoming finding that the Tribunal
386 may have and then itself can be used for further activity for advocacy, on the part of
387 individuals interested in taking this further.

388 *PANEL – Can I just explore Article II with you please. So, the Preamble to Article II*
389 *includes the words “with the intent to destroy”. It does not say “with the intent to*
390 *physically destroy”. My understanding is that there is jurisprudence that suggests what*
391 *it should do. The question is, and a statement, is it true that the various five acts can*
392 *be dealt with separately? i.e. each individual one can be sufficient, as a matter of fact,*
393 *to achieve genocide, assuming that the intent was there. If that is the case, why would,*
394 *for instance, the words in Article C be included - where the words physical destruction*
395 *are included. I accept that there is a difference between the word intent and the act,*
396 *but nevertheless, you might think if it was intended that physical destruction was the*
397 *only way then it would be included in the preamble.*

398 AK – Mr. Vetch, I think [if] you read the jurisprudence, there is also a body of thinking
399 that the reference to physical is only in the context of where the word ‘physical’
400 actually appears. So, for example, in (C) where there’s mention of physical destruction,
401 then yes, then you have to read that definition. But, in terms of all the others, there may
402 not necessarily be a need to have physical destruction. I don’t think you’d necessarily
403 need to have to read the word physical into the—what they call— the Chapeau of Article
404 2 because it’s not there and there’s no reason to read the physical into those words.
405 Your other question, the way Article 2 is framed is genocide, that any of the following
406 acts - is not every act. So if you can say for— if there is sufficient evidence any one of
407 those acts has been committed, then you can come to a finding of genocide if it fits
408 within the intention to destroy.

409 *PANEL – So, just to reinforce the point then. If you look then, to clause B of the Article*
410 *2 - where it says causing serious bodily harm or mental harm– then by definition, unless*
411 *there’s mass suicide, it’s unlikely then the mental harm is going to result in physical*
412 *destruction.*

413 *AK – Yes, and the point is that mental harm, doesn’t have to have physical destruction,*
414 *mental harm by its physical nature, perhaps not physical.*

415 *PANEL – Sorry, this point is more of a point of clarification then where we got to in the*
416 *discussion. In relation to the standard of proof - as I understand it, the tribunal, on*
417 *advice, has no prescribed standard of proof you can look to with preponderance of*
418 *proof, look at reason doubt. And coming back to the point that Sir Geoffrey made about*
419 *the need—which all of us agree– to treat China with respect and fairness, if we decided*
420 *on a level of proof, haven taken your advice and listened to expert its different from*
421 *reasonable doubt, that would still be acceptable.*

422 *AK – Yes, that would be acceptable. Correct.*

423 *PANEL – This is a people’s tribunal and obviously there are laypeople like myself on*
424 *it but from a lay point of view, and indeed the scientific point of view, one always likes*
425 *to hear two sides to an argument. And now in this case one has been fair, and one has*
426 *invited the PRC on several occasions to take part. In a court, is the fact that one side*
427 *is not producing any evidence, considered that it being deleterious to the argument in*
428 *that they either might be hiding something or just not wanting to take part? How does*
429 *a court of law look at that? I mean we talked about intent and standard of evidence,*
430 *proof. Can we come to a conclusion on the absence of one party?*

431 *AK - The short answer is yes, you can but it would have to be done with extreme*
432 *caution. And in a criminal trial it would be the case that the judge would in some*

433 ways, try to ensure that the evidence and the presentation of the evidence and the
434 arguments of the prosecution would be fair to the accused. And so, the judge may
435 perhaps– be seen to be perhaps, stepping in sometimes on behalf of the accused- on
436 behalf of an accused to ensure there is a level playing field given the fact that the
437 accused is not there and that you're still proceeding, in absentia as it were. So, courts
438 can do that and they are doing that for example, a court in the Netherlands is hearing
439 evidence about the shooting down of the Malaysian airlines 17 and the accused
440 persons are not there. But then it becomes incumbent upon the bench there that there
441 is a level playing field as possible and this may involve them intervening on behalf of
442 the absence of the accused in order to make sure there is procedural fairness.

443 *PANEL – Thank you very much, Mr. Khoo you've been extremely helpful. I happen to*
444 *know you've made yourself available being involved in extremely significant difficulties*
445 *that your country is going through, and you've engaged the skills and position you hold*
446 *so, we are doubly grateful to you. I think you've noticed by the questions that the*
447 *tribunal would be most assisted by a straightforward and direction of the law. Not only*
448 *us but everyone else can understand who is dealing with the conceptual question, I*
449 *suppose. The visitor to the PRC standing there saying to herself/himself, am I now in*
450 *a country where the country is committing genocide? Sort of simple as that,*
451 *complicated. I hope that the questions haven't deterred you from working with our*
452 *team of lawyers for direction.*

453 AK – Not at all.

13th September 2021 (1:16:53 – 1:59:19)

Ethan Gutmann

ETHAN GUTMANN – Thank you for inviting me to testify a second time, and the opportunity to answer any external questions and internal questions from the tribunal itself. I will keep my remarks very brief. I understand the tactical quality was not so great last time around, and I partially structured my talk today around that deficiency. I also apologise in advance for any repetition. I will provide a very brief timeline of the transplant abuse issue, in a different form, correct and expand on refugee testimony regarding the organ harvesting cluster in Aksu, and address a point of contradiction that came up previously. Here is what we know - in the late 1980s, Chinese organ harvesting of executed prisoners becomes routine. In 1994, first report of live harvesting in the Urumqi area. In 1995, Dr Enver Tohti - a Uyghur surgeon, is ordered to extract kidneys and a liver from a live prisoner in the Western Mountain execution ground near Urumqi. In 1997, following the Ghulja massacre, Uyghur political and religious prisoners are harvested on a small scale on behalf of the high-ranking Chinese communist party cadres, in both Ghulja and Urumqi. In 1999, the Falun-Gong prosecution begins. In 2001, with approximately 2 million Falun-Gong in China's Laogai system, Falun-Gong prisoners are singled-out for retail organs-only examinations. Very specific examinations which simply go after the lungs, heart, kidneys, liver, and corneas. In 2002, wait times for foreign organ tourists become as little as two weeks. In 2003, incarcerated Tibetans and [? – 1:20:18] Christians start to receive retail organs-only examinations as well. In 2007, Chinese medical establishment acclaims that they are performing ten thousand transplants a year. In

25 2012, individual Chinese hospital numbers reveal that China is actually performing at
26 a minimum 60 000 transplants every year. In 2014, Chinese police enter Falun-Gong
27 homes to take blood and DNA samples compatible with tissue typing. In 2016, Beijing
28 forces ten million Uyghurs and Kazakhs, but no Han Chinese, to give blood samples
29 compatible with DNA and tissue typing. Camps are constructed, the prisoners are
30 given bi-monthly or monthly health checks compatible with cross-matching for organs.
31 In 2017, fast lanes for human organs, so called “green passageways”, appear in
32 Kashgar, Aksu and Urumqi airports. In 2018, an order is given to construct 9
33 crematoriums in the Xinjiang Uyghur Autonomous Region (XUAR), or East-Turkistan.
34 To give a sense of scale here, the first completed crematorium (near Urumqi) hires 50
35 Han Chinese security guards. In 2020, based on witness testimony from approximately
36 fifty camps, my estimate is that twenty-five thousand to fifty thousand Uyghurs, with
37 an average age of 28 years old, are being harvested for their organs every year.

38 I will move on from the timeline now. [*PowerPoint presentation starts*] In my previous
39 testimony, I spoke about what could be termed an “organ harvesting cluster” in Aksu,
40 comprised of two re-education camps. This one is said to be about 33,000 - that is,
41 obviously, an estimate. [The other one] is about 16,000, together that makes 50,000.
42 That tells you something, these are not exact numbers obviously. But this is the first
43 camp [*points to right side of first slide*], this is the second camp [*points to left side of*
44 *first slide*]. [*Showing right camp*] Inside this camp, is this hospital [*shows next slide of*
45 *hospital*]. This is the Aksu Infection Hospital. We have turned it from a north-south axis
46 to an east-west axis but it’s the same structure. This existed before the camp, the
47 camp was built around it. And obviously this is the newest section of the camp. Now,
48 the final element is up here. This is the crematorium. This is just about 900 meters, so
49 it is a little faster to get to the crematorium from the second camp and there is no

50 particular meaning to that, but this is the configuration of it and we don't really know
51 what goes on in here [*points at fields in the centre*] although it appears to be fields.

52 So, to reiterate, we have two re-education camps. We have a hospital, Aksu Infection
53 Hospital, built into the first camp, we have a large crematorium - let's look at that
54 crematorium now. This is the crematorium, isolated, we can see something that looks
55 like pipes leading to it and, if you look closely, that crematorium is quite close to the
56 Aksu river, so I originally assumed this was a water-based system.

57 *PANEL – What do you mean by “water-based?”*

58 EG - Alkaline hydrolysis is basically where you heat up water to about 300 degrees
59 Fahrenheit, the body over a couple of hours dissolves, including bones and fats and
60 so forth, and you're left with a very small amount of effluent which you can pump out
61 to other water sources if you want to get rid of it.

62 *PANEL – So your original assumption was that it was water-based, and then?*

63 EG - Well, I will get to that in a second. But I did run this by an expert and he said “I
64 don't see an exhaust system, but I do see these things that look like potential pipes.
65 Now that could be an exhaust system as well. I will get to why I think I was wrong
66 about that in June. But just briefly, I just want to throw this in context. That red circle is
67 the Aksu compound, including the crematorium and the camps and the hospital. If you
68 drive to the airport, which is up there, the white circle at the top. That's about 24
69 minutes and most people will drive faster than that so it would be more like 20 minutes,
70 that is fairly close. The interesting thing about that is that the Aksu Airport contains a
71 “green passage”, that is to say a VIP lane for human organ export to transplant
72 hospitals near the Chinese coast.

73 *PANEL – Have you got an image of the green lane?*

74 EG - I think I do, it is apparently the wrong one, it is one that has some English on it,
75 and I believe it is in Kashgar, but it may be in Urumqi, and I often confuse them. But
76 some of them do have English on them, some of them have Chinese and even a kind
77 of an Arabic script. But some of them has English as well. It is not uncommon in China
78 to see things expressed in English, I mean all policemen are wearing things that say
79 "POLICE" and in Chinese characters as well.

80 So, this is a fairly quick drive and the configuration of a prison attached to a hospital,
81 not built-in but attached to a hospital, is not new. We have seen several cases of this
82 during the high intensity period of Falun-Gong harvesting and in several provinces. I
83 don't want to talk about which provinces now because this is ongoing research and
84 we may be able to make some real headway on this. But, I will say, they are provinces
85 that are adjacent to Xinjiang. Yet, as I acknowledged back in June, similar all-inclusive
86 clusters like the one I have just shown you like this one in Aksu, have not been firmly
87 established in Xinjiang and East Turkestan. So, at the risk of going too far into the Aksu
88 weeds, I interviewed two witnesses in Turkey and I believe their testimonies germane.
89 The first interview is from a Uyghur male, who was in and out of the Aksu prison system
90 from 1998 to 2004. He establishes that the first local prison camp construction began
91 in 2013, approximately a five-minute drive from the current Aksu compound, just a bit
92 inland from the river. He also established that the Aksu infection hospital was originally
93 used for SARS virus patients (SARS-1, not Covid). In 2013, the hospital evolved into,
94 and it was well known for this, a treatment centre for "religious or extreme Muslim
95 dissidents." So, in my words, Aksu Hospital essentially became a re-education
96 hospital. As we know from [? – 1:28:52]'s personal research last year, the Aksu
97 Infection Hospital performs transplant surgery. They admitted to this, to her on the
98 phone. And it is a working hospital. The Aksu crematorium was also familiar to Witness

1. He pointed out that, seen from the road, it has a prominent sign, and he says that the air around there smells like “scorched or burnt bones”. He assumed the scent was from Chinese bodies, when he was living there or being incarcerated there, because the Han Chinese preferred to be cremated while Uyghurs generally don’t.

The second interview is from a Uyghur male from the Aksu area. This man drove by the crematorium nearly every day and he identified it as such. He also mentioned a strong noxious odour coming from the crematorium, which was apparently a common complain of residents and workers in the area. Therefore, even though we do not see visible smoke stacks, the scent from the crematorium suggests that it was not using a water-based system as I previously theorized, but a straightforward burn method. They just lowered the amount the smoke coming from it and probably used three methods: intense heat, filtration method, and, presumably to keep any smoke in a complete minima, a re-burner system, which basically reburns the gases and so forth, like distilling liquor. The burn process can dissolve the body 8 times faster than alkaline hydrolysis and I cannot give you numbers at this time, but it is fair to say that the potential crematorium volume here is significantly higher than we previously understood. We don’t know what exactly that volume is, how many bodies it can handle a day, but that is a significant change. I know that is very in the weeds, but it is interesting to me. Now, I will move on to a question which came up last time, namely that of contradiction. In a nutshell, in my own words, the question might be asked, “if the information that Adrian Zenz has uncovered regarding Uyghur female sterilisation, forced abortion, birth control and so on is true, and it is also true that healthy Uyghur organs from a single individual in the late twenties might fetch a combined price of £500,000 from a couple of foreign organ tourists, why would the Chinese authorities want to kill the golden goose?” And I summarised one of my answers last time, saying

124 that the Chinese are simply thinking in a very short-term way. There is every reason
125 to believe that in a decade or two we may be growing organs or 3D printing them. In
126 the meantime, the Chinese transplant industry is killing two birds with one stone - they
127 are calling an undesirable population for Beijing and they are turning a local profit at
128 the same time. Another answer is that the Chinese transplant industry has become a
129 "hungry beast" as I call it, and it drives the search for victims. Yet, it is a relatively
130 simple matter to move the rate of Uyghur organ harvesting from 5% to 7.5%, if
131 necessary. And, as a victim group, the Uyghurs are replaceable just as Falun-Gong
132 organs have, with some exceptions, been replaced with Uyghur organs or even
133 Kazakh organs. Tibetans are relatively untapped, for example, Hong Kong activists,
134 other democracy advocates are a potential source, even conceivably Taiwan. Yet, all
135 of these explanations just deal with the technical aspects of organ sourcing and they
136 do not address the core contradiction. And I think if we had just had a free-flowing
137 discussion, this is where the original question may have led and what it may have been
138 driving at. The fact is there is a massive contradiction in the Chinese Communist Party
139 actions, regarding forced organ harvesting of political, racial, religious prisoners in
140 China. I have never been able to fully solve it and I want to close by laying out this
141 puzzle; my China background is not in academia, it is in business. Therefore, I have
142 one insight that I received from my Chinese colleagues in Beijing nearly twenty years
143 ago. China's real medical future, financially, reputationally, is not in organ transplants,
144 that is an interim financial source. China's future is in pharmaceuticals. For the doctors
145 it's the pay-off, for Beijing it's the pillar industry and the contradiction is the global
146 success in pharmaceuticals requires a good product, it requires speed, but above all
147 it requires global and domestic public confidence in the Chinese medical industry. The
148 Chinese transplant industry provides a good product and it provides unmatched

149 speed in the world, nobody comes close. But the secrecy, the routine bribes that
150 foreign organ tourists are obligated to pay and the whiff, the rumour, even the denial
151 of live organ-harvesting and innocents killed to order stand in direct contradiction with
152 the free-world confidence that China needs to dominate the world's pharmaceutical
153 industry. So, that is the golden goose that is being killed here. And I think most of
154 China's Western defenders, such as the World Health Organization, the
155 Transplantation Society, and with an honourable mention to the Vatican, share in my
156 implicit understanding of this problem, this contradiction. Now, for a decade I have
157 assumed that I was writing about history, every time I wrote about this I would think
158 "this has got to be history", "surely Beijing will fix this in a year, maybe two, they cannot
159 continue on like this, it is simply too illogical." And the only difference between me and
160 my colleagues, as opposed to China's Western defenders, is that the latter group
161 made the assumption, or wanted to believe the assumption, that the Chinese were not
162 lying when they talked about transplant reform. It is since 2016, when the Chinese
163 doubled down on blood testing all Uyghurs above the age of 12. Any evidence that the
164 reform argument had accrued from soothing language, staged transplant hospital
165 tourists and faked voluntary donation numbers suddenly looked extremely suspect.
166 And China's Western defenders, predictably I suppose, moved to radio silence. Now, I
167 understand that reaction, I have thought about leaving this field for years but, unlike
168 China's Western defenders, the evidence of harvesting is always what pulls me back
169 in. It is perfectly legitimate to make the argument that organ harvesting of prisoners of
170 conscience is not occurring. However, it seems to me that the price of entry to make
171 this argument is to have a plausible alternate explanation for organ wait times of two
172 weeks or less (or even for hours in some cases with livers); mass disappearances;
173 mass health checks; the witnesses' testimony - a few of them are sitting in this room

174 right now; the Aksu Archipelago that I have been talking about and even Beijing's own
175 projection that China will perform 50,000 transplants this year, while acknowledging,
176 and you must acknowledge this too, that Beijing's own accounting of voluntary
177 donations has been exposed as statistically fraudulent by [Jacob Levy and Matt
178 Robertson]. Unfortunately for the Uyghurs in camps and prisons, China's bold move
179 into pharmaceutical production is a dream deferred. It has been crippled, perhaps
180 fatally, by Chinese secrecy surrounding the origins of Covid-19, the ham-handed
181 purchase and reselling of the world's PCP assets, and a Chinese vaccine that barely
182 clears the 50% effectiveness mark. And so, given the Chinese communist party's
183 somewhat inexplicable and certainly reckless medical trajectory, I stand by my original
184 statements regarding "maintenance genocide", however gullible that transmission
185 was. The sort of infrastructure that exists in Aksu may not drive the outcome but makes
186 it very easy to turn up the dial. Thank you.

187 *PANEL – You may have omitted something, unless my memory is wrong, about the*
188 *age range of disappeared persons.*

189 EG – It is about 28 to 29.

190 *PANEL – What is the source of that suggestion or evidence?*

191 EG – That is a number that comes from the World Organisation to Investigate the
192 Persecution of Falun-Gong. They have studied medical documents from China more
193 thoroughly than any other group I know, I have worked with them sometimes and I
194 agree with their logic on this, this has come through in many documents, that 28 to 29
195 is the preferred age.

196 *PANEL – Could I start off on exploiting the idea of the "hungry beast." You say that*
197 *there are 60,000 organs transplanted a year, which is roughly going to equate to about*

198 30,000 organ donors if each donor gives two organs, which is a reasonable
199 assumption. Now, that is a very large number of donors, but it is considerably less
200 than the number of organ donors on a population basis in the UK. So, it is an absolute
201 big number, but relative to the population number in China, would you agree that it is
202 not huge?

203 EG - I absolutely agree.

204 PANEL – So, that, to my mind, raises the issue of why there aren't enough donors
205 from the sources that they used in the West and what the sources of donors are
206 outside of Xinjiang, and I ask, is there a live donor program in China?

207 EG - No, there is no real live donor. It is true that they have paid some families to say
208 “this person is at the end of their life, maybe we can stretch the rules a little at the end”
209 but, as I understand it, it has never been explicit but people do understand that people
210 are being used that are occasionally alive. The problem here is twofold: first of all,
211 there is a disagreement that I should flag, between me and one of my colleagues.
212 They claim that there is a huge taboo in traditional Chinese cultural against destroying
213 the body, I say “what do you mean, Han Chinese often cremate their bodies, how can
214 this be?” And the Communist Party, from my perspective, is very good at overcoming
215 all kinds of traditional taboos. So, I don't believe that is the issue. And I don't have
216 much evidence for my next statement but it is my impression, partly just knowing
217 Chinese culture, that organ harvesting has a very bad name in China and is considered
218 to be a kind of dirty business, a bit like drugs or something. It is huge money, there is
219 obviously doctors who are raking it in, they are very open about this, transplant
220 surgeons, and people feel you would be a sucker to give up your organs for nothing
221 at the end of your life.

222 *PANEL – But are there any relatives giving, say, kidneys to ...*

223 EG - Yes, specifically within families, there has definitely been movement in the area.

224 A single kidney within a family, that kind of thing. Of course not a liver, because that
225 involves a heart or a lung. But the kidneys are not the big problem in China and they
226 are not even where most of the organ tourists are going, they are not going to China
227 for kidneys anymore, they are going for the big-ticket items - lungs and hearts.

228 Particularly during the Covid period, there is evidence that that is where China has
229 been pushing and clearly, when you look at individual hospitals, that is what they want
230 to talk about. They want to brag about or showcase the fact that they have become
231 very good at lung transplants.

232 *PANEL – Can I ask, who owns the body when somebody dies in China? What I am*
233 *getting at is that if the state wants to harvest organs elsewhere in China, there is*
234 *presumably no opt-in or opt-out consent system?*

235 EG - You can opt-in to donating your body and the Chinese claim to have enormous
236 numbers in that area, I have lost track of them. The problem on that is that when Jacob
237 Levy, the Israeli doctor, and Matt Robertson, who is a terrific expert on this, sat down
238 with a statistician whose name I always forget - I am very sorry to not include him here -
239 but they looked at this very carefully and they found that they numbers created a
240 perfect parabolic curve. In other words, the voluntary donation numbers were based
241 on a single very simple equation to create a curve. So, the voluntary donation
242 numbers are made up, the chances of getting that kind of curve happening are one in
243 a million. They are fictional. We don't know what the real numbers are. But even so, I
244 would argue that even if we did know what the numbers are, how do you get two weeks
245 waiting time? How do you plan for these kinds of things? But they guarantee it all the

246 time and they get perfect tissue typing and cross-matching with foreign patients. And
247 the only way that it seems possible to do that... I mean it is one of these things, explain
248 to me how you do it because you can't arrange a car wreck and so forth.

249 *PANEL – A slight problem I have is whereas tissue typing is very important for kidney*
250 *transplants, you don't actually need it for liver and lung, which is what you say is the*
251 *major driver.*

252 EG - Yes, but we do know that they have done it several times with these emergency
253 liver- and even kidney - transplants, which are 4 hour deals, because we know three
254 hospitals that were reporting this. Now, they stopped reporting on it when Falun-Gong
255 sources started to pick up on this and started publicising it as they do – the hospitals
256 went to radio silence as they always do. But I believe you still have to have some sort
257 of tissue matching in place or you run into problems. The second thing is that they are
258 pretty much guaranteeing live organ harvesting and again, I am not as close to the
259 coalface as I would like to be on this but I did talk to Matt Robertson recently, and the
260 paper they are banding about I think it is available if you want to ask for it, pretty much
261 proves that it is all live organ harvesting. And that is why they are getting the success
262 rate they are, the lack of rejections, which is very unusual in the world. They are getting
263 better statistics than anyone in the world.

264 *PANEL – On that concept of people in detention and live organ harvesting, you talked*
265 *about, in 1994, execution squads ordered to not shoot to kill but to generate shock*
266 *and I don't understand that concept at all, as to how one could possibly do that.*

267 EG - There is someone in the audience who could explain it. But Enver Tohti describes
268 it as being shot in this side of the chest, the body does go into a kind of shock, although
269 it was not the way he described it to me in his first major interview on this. When he

270 made the first cut, the body actually responded and sort of lurched a bit. He has made
271 this argument again and again, that you cannot even cut up a rabbit - you would not
272 even be able to do it because the amount of physical activity that goes on, the body
273 has very strong instincts to defend itself under these conditions. We don't know, we
274 think that this was the original trial and error period, the first evidence we have of live
275 organ harvesting is 1994 and it simply screams coming from a hospital, then reported
276 by a Uyghur guard who was working for the Public Security Bureau of China. The
277 second one we have is Enver Tohti, describing how he did it, and that the body was
278 very weak, the person was very weak and eventually he could cut freely. I think there
279 have been arguments all over the map about this one, but the problem is it is very hard
280 to test out.

281 *PANEL – One other issue I just want to raise with you in light of other things we have*
282 *heard. You cite large blood volume testing and, suggesting that that is compatible with*
283 *cross-matching and lots of other things. When you say large volume, could you say*
284 *what you mean by that?*

285 EG: I mean we are talking about a [much larger] vial, instead of just your standard
286 [vial], that is all. And we think that has gone away too, that was an early effect. Let us
287 go back to 2000 or 2001 - the industry was still in its infancy in China, so maybe they
288 had all kinds of uses I don't know.

289 *PANEL – The reason I ask was someone was suggesting yesterday that there is a*
290 *plasma collection programme going on, and I wonder whether what you are talking*
291 *about here is related to that, but that would probably need volumes of half a litre or*
292 *more?*

293 EG – I could not agree with you more. I have steered clear of a lot of the talk about
294 tiger blood, and dragon blood and the various theories about that. And the Tibetans
295 have for years talked about this - how they were collecting vast amounts of blood, and
296 I have never seen consistent evidence on this point.

297 *PANEL – Could I just follow up, you said that people taking blood for tissue typing,*
298 *from the evidence we have heard, they don't know what the blood is taken from, so I*
299 *just wondered where you got your evidence that it is for tissue typing?*

300 EG – It is really a putting together of two things that we have learned. I was a sceptic
301 about organ harvesting, I was very interested in the Falun-Gong issue and writing an
302 intelligent book about the history of Falun-Gong and the conflict of the Chinese state.
303 What persuaded me that there might be something to the organ harvesting issue was
304 a woman who did not know anything about this issue at all, so she was not even
305 capable of spinning me on it. She described having a medical examination which
306 involves taking blood, and a urine sample too, as well as some sort of EKG and a lot
307 of probing in her abdomen. One other thing - they spent 10 minutes just shining a light
308 into her eyes, examining her corneas. They didn't do any peripheral vision test, no
309 focus test, nothing involving the brain. So, it really was not a vision test, it was just
310 about the tissues. But at least then, they were going for 15,000 apiece, that is the price
311 they were fetching on the market that came out in Chinese literature. So, it was putting
312 those two together, to say "well they are pretty clearly taking these organs out." Now,
313 there are a lot of other signs of this, for example, both Sayragul and Tursunay (these
314 are two witnesses from the Uyghur camps) both describe this phenomenon of- they get
315 a health check which involves blood tests and other tests as well, just what I have just
316 described. And then, about three or four days later, one case of piece of paper arrives
317 and there are check marks by say four or five of the names (these are all Uyghurs in

318 camps or Kazakhs in camps) and those people disappear shortly afterwards, about
319 four or five days afterwards. It is very regular. And these are completely different
320 camps. And this has been described on one side in this sort of faculty lounge, they say
321 this piece of paper appears, and in another side, they were given coloured bracelets
322 and those particular people disappear. What is their age? Well, about 28 to 29. When
323 do they disappear? In the middle of the night, etc. And so, it does seem responsive to
324 the blood tests. But having said that, Human Rights Watch made the case (they didn't
325 say but they made the case) that they were also doing cheek swabs to get DNA
326 samples and their assumption was this was all for surveillance, I don't agree. Maya
327 was on yesterday, from Boston, and she makes the case I think very clearly that DNA
328 can be very good for cross-matching, and you can go either way you may not even
329 need the blood anymore. But, having said that, what we saw with Falun-Gong - in my
330 mind, when they were clearly starting to run out of Falun-Gong in about 2013 (the
331 Falun-Gong they had in custody were getting long in tooth) - they were doing both a
332 blood test and a cheek swab. That just seems to me to be sort of Chinese
333 perfectionism, again they are trying to come up with a very good product and they are
334 trying to come up with a speedy product, or something that you can get on demand,
335 and I think they have cracked that.

336 *PANEL – Could I just ask, we have heard testimonies where the Uyghurs have been*
337 *asked to sign forms without knowing what is going on - are these documents for them*
338 *to sign off that they are going to give their body? I'm just wondering if there is any*
339 *paper evidence there.*

340 EG – I can't speak to that because they don't know what they have signed in many
341 cases, it would be a second-hand point anyways. We do know that the Chinese did
342 make an effort as part of the reform because they admitted they had been using

343 prisoners - they admitted actually all the way back in 2006 - that they had been
344 harvesting death row prisoners. And the issue about reform in 2012, and going into
345 2014 or 2015, was that they said to the West “we are not going to use prisoner organs
346 anymore,” but what they said to the Chinese press was “prisoners should sign a form
347 donating their organs,” which is precisely what happened. So, we know that a lot of
348 people signed forms, particularly the prisoner community. That community, as you
349 know, becomes very blurry. It was not as blurry with Falun-Gong. It is very blurry with
350 the Uyghurs particularly because they are going after so many males. A prison for
351 example (and more and more people are in prisons not camps) can be half Uyghur,
352 and it can be half regular prisoners. Are they asked to sign forms? Well, they know
353 that they are trying to do that with the prisoners, I guess to give it some form of
354 legitimacy. We had an example of a prisoner who could not write and could not read,
355 and they convinced him to donate his organs to the state, and he marked it with an X.
356 He said: “my mother is very poor she cannot come to collect my body”. These things
357 have been happening for years but, as for whether they are actually making any
358 attempt to make this look legal with the Uyghurs, if I had to guess, I would say no. I
359 don’t think they want any paperwork in this area.

360 *PANEL – Could there have been an alternative explanation, that they are doing*
361 *research and collecting a data bank for DNA?*

362 EG – I think that is possible, I mean it is not alternate, I think it is additive. So, in other
363 words, I’ve talked to three doctors, you go back to the 1990s, and they were sent out
364 deep into the field - most distant areas of East Turkestan, to very pure-blood Uyghur
365 communities, where they took blood samples from something like 30 children each in
366 the local schoolhouse. When I asked them, and I really was not pushing the issue,
367 “why did they make you do that?”, they said: “you know, it is for a biological weapon”.

368 They did not have any proof of that, they just assumed it was some sort of genetic
369 weapon that was being formed, and that the interest in DNA goes that way, and I'm
370 not in a position to refute them or to confirm it either.

371 *PANEL – The green priority signs for organs at the airport, the one you showed with*
372 *the 24-minute route, did you link that to flights to any particular part of the world? And*
373 *if yes, to where?*

374 EG – Yes. If you wanted to take something to Saudi Arabia, for example, you would
375 generally go to Urumqi - it is an international airport.

376 *PANEL – And the time from Urumqi to Saudi Arabian airports is roughly?*

377 EG - You could do this in something like five to six hours. You have got about twenty
378 hours with ECMO [Extracorporeal Membrane Oxygenation] to pull this off.

1 **13th September 2021 (2:18:20 – 3:16:15)**

2 **Laura Harth**

3
4 LAURA HARTH – Thank you. I was never posted in Beijing or representing the EU,
5 just a small correction. I will be testifying on behalf of Safeguarding Defenders. We
6 have acquired the unfortunate expertise on forced televised confessions, a practice
7 which has taken off in China recently. Before I begin, I would like to express my
8 deepest admiration for the witnesses who have come forward during these
9 proceedings. It is in their support that our submission seeks to expose the methods
10 against them with series of conferences in Urumqi. Only yesterday, the council to
11 tribunal echoed call to PRC to present evidence. Unanswered, in our evidence, the
12 counterevidence they have sought to present, have hallmarks of more human rights
13 violations. From publicly available doc and experience, Beijing sought to present to
14 world with the sole purpose to discredit, intimidate and silence witnesses overseas. I
15 will go through short sequence of slides, to exemplify key points I will make and answer
16 questions to best of my ability.

17 Since the start of the mass internment campaign the PRC's discourse has changed
18 starting from outright repeated denial, then acknowledging the existence of camps,
19 then denial again following the statement by XUAR Governor Shohrat Zakir who
20 declared all 'trainees' have graduated in 'vocational education and training centres in
21 Xinjiang' in October 2019. What we have seen, long before, and I'm talking decades,
22 especially during this timeframe during 2017 to today, 2019, from personal experience,
23 we saw increased and relentless use of their toolbox to silence witnesses and activists
24 overseas, Interpol red notices, transnational harassment, long arm policing, pressure

25 on foreign governments and non-governmental organisations - a campaign for keeping
26 the Uyghur 'issue' under wraps until 2018.

27 Following this 2018 change in discourse, with Uyghur witnesses abroad getting
28 growing attention, additional propaganda toolbox telling the Xinjiang story well also to
29 silence overseas witnesses and experts through slander, direct and indirect intimation
30 loved ones, forced televised confessions in live videos, government never represses
31 us by UHRP. This was an effort construed by more human rights violations, as the PRC
32 has a track record as denounced by numerous human rights bodies. Extracted through
33 torture, threats loved ones, promises of leniency, violate numerous human rights
34 provisions - the right to privacy and the right against degrading treatment.

35 The aim of such forced confessions is plural - the denial overseas claims such as
36 tribunals witnesses, defend gov policy, warn other witnesses of consequences to
37 themselves or loved ones. Ultimate and particularly relevant practice most of witnesses
38 have been victim of is to denounce through character assassinations and publicly
39 humiliated and vilify individuals who the government regard as the enemy, and create
40 atmosphere of fear - teaching others lesson as tactic to strike down on dissent and
41 activism.

42 Exemplifying efforts that the Uyghur tribunal know well as, so far 62 press conferences
43 between January 2020 to September 2021. Following claims of camp closure, carefully
44 analysed all conferences - forward a few slides, the above, plural aims are all clearly
45 present. End of August 2021, 39 conferences held in Xinjiang. Starting in December
46 2020, the Foreign Ministry in Beijing started hosting additional conferences ostensibly
47 aiming to reach a global audience, as clearly stated in a statement in December 2020

48 made by the deputy director general of the CPC Publicity Department of the Xinjiang
49 Uyghur Autonomous Region. Forward slide, see statement.

50 19 out of 62 conference engages in express slandering of witnesses abroad accusing
51 them of terrorism, fraud, family abandonment, illegal border crossing, using direct
52 video testimony of friends and relatives to denounce and warn. Character
53 assassinations made by officials are disturbing in relation to female victims. Move
54 forward with slides. These are some examples concerning female victims, we can
55 agree these display sexist attitudes which can never hold a credible place in public -
56 using alleged adultery, syphilis, to discredit them. Now, no less than 29 out of 62
57 conferences in Beijing, emphasizes on televised confessions with counter witnesses
58 present or in video productions. They include people identified as graduates, migrants,
59 religious figures, entrepreneurs, relatives, acquaintances. The testimony serves the
60 aim of denial, linked to outside events, such as sanctions or reports such as Zenz's
61 who are also aimed at. The statements almost unanimously follow a script laid out by
62 the Direct General in February 2021. In fact, if we look at some of them, they are similar
63 across conferences, exact working dates. As you are all aware, the Uyghur tribunal
64 figured in 4, now 5, press conferences as pre-emptive to outside events. May 25, 14
65 overseas witnesses targeted by official's video testimony and family testimony, as well
66 as retort counter witness. At same time, Deputy Director General stated 'we hold this
67 conference in order to speak out the truth and prevent international community being
68 deceived and manipulated, so that the public can examine and make judgement on
69 Xinjiang issues in an objective, impartial and rational way. Now, on the basis of this
70 overview and our experience of practice of forced confessions and aims since 2013,
71 we believe the truth professed in the statement is that the PRC attempts to deny on
72 human rights allegation as involved far-reaching campaigns to silence, intimidate,

73 harass and slander witness testimonies, either directly or through threats, to their family
74 in China. In response to growing reports such as proceedings as the Uyghur Tribunal,
75 the toolbox includes traditional television confession, confession practices amounting
76 to human violation, provoking long term trauma to victims, a gross violation of human
77 rights, confessors have no access to lawyers, not tried or heard in court and speak
78 lines scripted by authorities. The confessors are mentally and physically tortured, their
79 family threatened unless speak to the camera. We believe this is used in at least some
80 of the testimonies to deny overseas allegations, celebrate government policy public
81 humiliate individuals who the PRC deems enemies, create fear and to teach others a
82 lesson to crack down on dissent.

83 *COUNSEL – In relation to the PRC’s denial to existence of the camp - in your report*
84 *you note at the UN meeting, the Chinese delegation categorically denied mass*
85 *detention of Uyghurs and later acknowledged the existence of these camps for re-*
86 *education. Can you comment on the quality and accuracy on information that the PRC*
87 *provided around the issue of these camps initially?*

88 LH – The PRC, for a long time, denied such detention, camps, education centres as
89 they later called them. I was personally present in 2018 Geneva Council where
90 representatives denied any such things were going on. It is my personal belief when
91 the surge in 2018 made its comments, suddenly the Uyghur issues, witnesses abroad
92 gained international attention and credibility. I think China felt they had to change their
93 discourse to respond to changing international attention which lacked.

94 *COUNSEL – I will press you further, would you say the categorical denials in August*
95 *2018 at the UN, in formal form - were those the result of a mistake? Or lack of*
96 *knowledge, or other reasons?*

97 LH – I don't think that would be a mistake. If I refer to statements made by a
98 representative at the UN as something repeated over time in various forums. It was a
99 determined and deliberate choice to deny allegations, later contradicted by the
100 October 2018 reframing of the issue.

101 *COUNSEL – From my knowledge of diplomatic events, normally delegation*
102 *participating in high level meetings would have a country position. This country*
103 *position would have been agreed by cabinet. So, do you think this is the case here,*
104 *therefore delegation at UN categorically denying existence of camps was essentially*
105 *expressing position as by government of China?*

106 LH – Yes, that would be my personal position exactly as you stated.

107 *COUNSEL – My final question relates to practice to forced televised confessions you*
108 *have studied. Can you tell us more about the nature of such forced confessions and*
109 *how they work? For example, are there common features to look out for as tell-tale*
110 *signs they are forced, how do you know they are forced, would the individuals involved*
111 *be telling the truth?*

112 LH- We have these studied intensively over the years. They have gained international
113 attention, good to recall gained momentum since 2013, since Xi Jinping came to power.
114 Many organs involved in scripting and producing these. Reason has insight is lot of
115 foreigners have been subjected to these practices. Have seen over 100 in China,
116 some broadcast abroad on CGTN. The UK regulator Ofcom has held and convicted
117 sanctions of CGTN over these practices stating these are violations of right to privacy
118 of these people. Through these we know these confessions are extracted from mental
119 physical torture, threat loved ones, solitary, leniency promises – people brought to
120 testify scenario scripted. With televised confessions there may be extensive editing,

121 many press conferences and especially when it comes to video testimonies of families
122 or acquaintances, such as those for Uyghur tribunal – know video so we know there
123 is editing. Slightly different in the case of confessions made live during press
124 conferences in Urumqi or Beijing. However, I believe when look at these, have 62
125 press conferences 49 include testimonies, similarity between statements, following of
126 script which is responding to outside event, such as report or sanctions or officials
127 aboard a statement – a clear script of what people saying. Some wordings are the
128 same – some signs, if not all, are heavily scripted. Not able to interview any witnesses.
129 Based on experience, it is our conviction these testimonies are staged and scripted,
130 and knowing how extracted, at least some torture, threats, promise leniency have been
131 exerted.

132 *COUNSEL – It is possible though if that event can have testimony after event and not*
133 *necessarily be forced. From analysis any other indications, if look at these forced*
134 *confessions, from can suspect they are forced – you mention scripted, are there any*
135 *common metaphors and themes or any other indicators, patterns to look for?*

136 LH – People presented as graduates of education camps. What we see if all in the
137 beginning state that they have been influenced by friends, starts with that, poor level
138 of Chinese, not good at job and convinced by family members to sign up voluntarily to
139 educational training. Go on, described conditions in the camps – two statements, from
140 two different people – one was made at second Xinjiang conference on 10 January
141 2020, the 15th Xinjiang conference on 29 Oct 2020 were two different people. If you
142 look at them, they are almost literally the same from beginning to end, number of
143 classes, activities, also end both having been given cakes and sent best wishes on
144 birthdays. Out of 49 press conferences, the same can be said for entrepreneurs, see
145 same statements even in use of wording. Another one, next slide, example - these last

146 two statements are from same person but made four months apart. If we look at the
147 two, use of wording is almost exactly the same. Anyone could agree that would be
148 unlikely. Another indicator is looking at employees or workers where people make
149 unnatural statements – on the amount money of making, how they are looking forward
150 pensions – these are not things people voluntarily give up, especially if seeing
151 witnesses one after the other. They are personalised to some extent but follow same
152 script.

153 *PANEL – Can you tell us how the work of safeguards defenders is financed?*

154 LH – It is financed on a project basis by various governmental bodies.

155 *PANEL – Which ones?*

156 LH – I am not sure I can publicly disclose this but can offer it in writing.

157 *PANEL – Picking up on the previous question on to what extent do similarities*
158 *represent coercion. Clearly represent involvement by centralised body, is it possible*
159 *people could consent to effect chant a mantra taught? Does it necessarily mean*
160 *coercion?*

161 LH – The opportunity to visit or interview any of them is not present. There is some
162 degree of doubt that is reasonable. I do not doubt all could have given them in the way
163 they did in a very scripted version. Based on our experience, in forced televised
164 confessions, following a script and staging, at least a number of people coercion was
165 used. Goes in particular in looking at other parts, statements made against witnesses
166 overseas. In some cases, in one case regards particular broadcasting of a minor to
167 counter reports CNN reports on lost children of Xinjiang – two children of two families
168 were interviewed in CNN reporting, so CGTN published as interview with children
169 scripted and recorded in interview with children of second family. CGTN used in press

170 conference very strong indications that this was scripted so we have one witness
171 testimony that this happened.

172 *PANEL – Is that individual in a safe position?*

173 LH – No, so I prefer not to name any names.

174 *PANEL – With regard to comments made about this tribunal on 25 May, who do you*
175 *think those comments are aimed at?*

176 LH – That was slander campaign against witnesses of tribunal who were also
177 previously victims of slandering campaigns on TV. This one focused on 14 individuals
178 overseas, most of which to testify on Uyghur Tribunal. Videos show their family
179 members and acquaintances mirroring accusations in attempt to dissuade them from
180 testifying.

181 *PANEL – With regard to witness intimidation, do you have insight where instructions*
182 *to do so come from? How far up chain of command do they arise?*

183 LH – Very centralised, evidenced by since December 2020, after the start of press
184 conferences, in Urumqi they are moved directly at the Foreign Ministry in Beijing. At
185 the 25th Conference was in Beijing, hosting by Foreign Ministry. This is a central
186 government advert.

187 *PANEL – Forced confessions according to those held to give them are sometimes*
188 *rather curious. Although they made forced confessions, at trial there is no reliance on*
189 *it?*

190 LH - I do think they are.

191 *PANEL – Peter Humphrey gave an explanation how forced confessions can be made*
192 *– looks like an ordinary room but person is actually in a cage, which shows up on*
193 *shadows on wall, and a camera poking through hole.*

194 LH – Yes, it is possible. They are dressed in certain way, Uyghur in setting of
195 homeliness, children playing around, clear extent of staging. Which is obviously
196 different in press conferencing.

197 *PANEL – In a cage, Peter Humphreys case, there was an Ofcom investigation in this*
198 *country. See how other organs in state allow percolate through. Ofcom fined them*
199 *£200,000.*

200 LH – On August 26, there was a recent one and other three counts broadcast violations
201 in recent fines. Have been fined for total £450,000 over forced confession. There are
202 many more but not always possible to bring cases before relevant bodies abroad as
203 victims not come forward.

204 *PANEL – Detention between whole licence of Chinas television away. So, no*
205 *information would we have.*

206 LH - Those events CGTN did lose licence in UK in February this year as it found, after
207 evidence we provided, that CGTN in ample investigation was not able to refute that
208 this was a body controlled by the CCP which is not allowed in the UK. In other
209 jurisdictions, in France for example, this is not a violation so they have a licence there.
210 But there are investigations going on there for one case of forced confession. Other
211 are for slander or untrue reporting – particularly for case referring to Adrian Zenz.

212 *PANEL – People at press conference saying they have disappeared. A letter was*
213 *written inviting them to come give evidence, no reply and also have not heard of these*
214 *people since. Any comment on that conference?*

215 LH – It is typical. I am trying to make clear when try to rebuke what happening, it is
216 also Uyghur Human Rights reports, proof of live videos which used quite often which
217 do not constitute opportunity for people to contact abroad. Not be surprised if such
218 videos appear in coming weeks. Particularly worrying talking of long arm policing
219 threatening people, tricking people into involuntary returns, extradition, invite to relates
220 abroad, go to the consulate Chinese in the country where they are and try find
221 information. I am afraid these are the usual tactics made by Beijing to put information
222 out there but also threaten and maybe even coercing them in following advice and
223 putting themselves at risk.

224 *PANEL – From all these examples you have gathered, what would you say are the*
225 *events or issues that seem to most trigger this for public rebuttal? And secondly, what*
226 *do you know about the intended audience? Is there particular effort to make sure these*
227 *press conferences are viewed in certain countries?*

228 LH – What is interesting, although conferences are held with a lot of regularity and
229 there may appear a time schedule, it is clear that (and comes from statements) that this
230 is not fixed schedule but try to respond to outside events. May 25 was the only one
231 where they talked before the actual event. If you go from very beginning, January
232 2020, they expressed a view on news reports and the New York Times report. Then
233 one-month lapse then Adrian Zenz report on Qaraqash list then they respond to that,
234 then Uyghurs for sale report. It is very clear they try refute or refute what is raised in
235 reports, in finding the right testimonies.

236 Regarding the attendance, from a western view, it may be counterintuitive - not
237 something many in west people might read. Everything is available in English so
238 people who are not informed, people may find these discourses so it does help to bring

239 doubt into minds of people. They say, expressly – the conference is held at Foreign
240 Ministry, start after, foreign media conferences are in Beijing (14 of those). I quote
241 from the Deputy Director General of the CPC Publicity Department of Xinjiang, “press
242 conferences are reported through radio, TV, foreign languages and news apps in
243 fifteen languages, including English, Japanese, Indonesian, Malaysian, Turkish and
244 Arabic with an overall viewership over 200 million, so far – they reach a global
245 audience.” They are linked in a way, if you see what they mention to a human rights
246 council or events. They state so many support this. If I may use this time, if any foreign
247 press following this - if you see what questions they are asking, although maybe asking
248 good questions, would be to invite them to not take part in this effort which is their
249 presence seeking to legitimise the discourse Beijing is trying to project. Slandering
250 witnesses abroad and no responsible media should be legitimising this.

251 *PANEL – How many days I cannot remember after the closing of hearing was the*
252 *press conference with relatives? I have two questions; can you confirm where that*
253 *happened? Secondly, quite a number of people involved, something of logistical task*
254 *to find them all if in free environment - appreciate degree of speculation, any view on*
255 *timetable and readily availability?*

256 LH – We have four press conferences closely around the first session of the Uyghur
257 Tribunal. First was May 25 which was pre-emptive, including 14 counts of slander of
258 extensive family video testimony. So, they had been found prior to the start of the
259 Tribunal. This was in Beijing. Two then were held in Urumqi on 9 June with the support
260 of Foreign Ministry. Then 12 June and then we have one more in Beijing on 18 June.
261 Three of these had these relevant persons who rejected the witnesses. The parading
262 of family members. Based on facts videos already, the people had been selected. Look
263 at individual places these people have been targeted before. Around the Uyghur

264 Tribunal was bringing it all together. On 25 May, 14 counts of slander, many of these
265 had been targeted before.

266 *PANEL – In relation to these press conference, do you do psychological analysis of*
267 *body language? If so, what does that reveal?*

268 LH – I would not be personally qualified, no expertise in this. Others may know persons
269 have said appeared under duress, and unnatural, in body movement stiffness. Would
270 refer to those knowing to those talking.

271 *PANEL – If I was to try sum up some things you have said. To me, seems like none of*
272 *audience are Uyghur people. It is about creating fear and other ethnic minorities in*
273 *Mongolia, and efforts to stem language and learning about history and culture. Second,*
274 *is citizens of the PRC to keep them on side and feel nationalism. Third, is international*
275 *community – legitimacy, various areas in community, not only people but main ones*
276 *are bodies such as WHO, the UN, the Olympic committee - intensified due to Beijing*
277 *Olympics, World Cup football could happen, multinational corporations trade, third*
278 *governments; mainly those profits to earn and those from trade who do not necessary*
279 *part of BRI. Am I correct in making those areas of trying reaching?*

280 LH – They reach a very broad audience. Mainly abroad is the target. They have
281 different campaigns at home. One remark definitely targeting and instilling fear in
282 ethnic minorities, these are tactics we know against Uyghur used on large scale
283 against Chinese people human rights defenders, activists, throughout China which is
284 why we know them. Instilling fear in communities is proven tactics they have been
285 using. Try to target broad international audience which consists of many layers and
286 identities.

287 *PANEL – Peter Humphreys and his wife were both forced to confess. Between them,*
288 *and other people, well known to your organisation, following is clear - being forced to*
289 *confess even without physical coercion can be destructive of mental health?*

290 LH – Yes.

291 *PANEL – It is well known and publicised that damage to personality and mental health*
292 *simply from making forced confession can be extreme?*

293 LH – Yes, the trauma has been well described. If you allow me, those made to speak
294 out against family members, I cannot imagine what that must feel like or to receive.

295 *PANEL – Used to make public forced confession are prepared to process by being*
296 *physical abused, or better fed, allowed little time in comfortable position. People*
297 *speaking at press conferences about the Tribunal appear physically ok and well fed*
298 *with no signs of physical maltreatment. If their confessions were false and if*
299 *appearance were as stated, is that consistent of longer-term preparation?*

300 LH – Yes, especially in those stated in Tribunal as accounts appearing in different press
301 conferences. They would have good conferences. Proof of live videos that since those
302 people have disappeared or not ability to contact any of them. This may show they are
303 definitely not free after or prior, we have no direct proof. Interesting part of counter
304 witnesses in Urumqi which made some sense especially those testified in press
305 conference in Beijing – how voluntarily was their movement to Beijing? How were they
306 moved there, we know of forced labour and transfer. We have to ask how freely did
307 they go and participate? We have no direct reply but overall evidence points to a
308 number of them being coerced or forced to do this.

1 13th September 2021 (3:16:23 – 4:23:10)

2 Charles Parton

3
4 COUNSEL – *The paper that you have prepared is before all the members of the*
5 *Tribunal, would you like to make a few remarks in respect of your evidence?*

6 CHARLES PARTON – I will just make correction to what you said when you mentioned
7 *[in introduction of the witness by Counsel]* Yu Zhengsheng. He is no longer current,
8 he was in Wang Yang’s position in 2014, when the Second Work Conference was
9 held and therefore, could be said to be in charge of that “ethnic minorities” sector and
10 highly responsible. So, it is Wang Yang and his predecessor who are perhaps “up
11 there” with Xi Jinping as responsible. We could also, if you wish, consider the question
12 of how people react to the responsibility because I don’t think it is in anyway likely
13 that any government is going to sanction Xi Jinping or Wang Yang, but therefore the
14 question is “what is practical to sanction” and whether government will even go that
15 far. I will leave it at that because I think it might be more productive to answer
16 questions, if I can.

17 COUNSEL – *You have credited the CCP Central Xinjiang Work Coordination Small*
18 *Group as playing an instrumental role in policymaking in Xinjiang. How does that role*
19 *interact with other Xinjiang-related institutions such as the XPCC or the Standing*
20 *Committee of the XUAR, which you have placed in your report with a higher rank of*
21 *responsibility in the list of regional institutions?*

22 CP – First of all, I am not sure that it is right to take it as a strict ranking. After all, Wang
23 Yang heads up the Coordination Group and I put him right at the top, after Xi Jinping,
24 so it is not a strict ranking. Again, I go a little bit into the paper on the way that policy

25 is made in China, and particularly under Xi Jinping. There has been a lot of
26 strengthening of these coordination groups, or small groups, or, if they are very
27 important, commissions but they are basically the same thing, often with a permanent
28 secretariat if they are very important. They bring together the various interested parties
29 from across government or party, in order to make policy suggestions and so,
30 whatever the XPCC does or the regional government, will be in line with the policy laid
31 down by the centre. That policy is debated, drawn up, suggested by the Coordination
32 Group and that will go up to the Central Committee, and then the Politburo and,
33 ultimately, will be decided upon by the seven-member Politburo Standing Committee,
34 which is chaired by Xi Jinping. Having then decided the policy and disseminated it at,
35 for example, the Work Conference, it is up to the other groupings (which I have listed
36 in the paper) to implement that policy and to take the more generalised policy and
37 translate it into individual measures that happen on the ground. Very often in the way
38 that China is governed, when you have such an enormously large country, what comes
39 out of the centre is, by necessity, quite generalised in many areas. It is then made
40 specific on the ground, relative to the various conditions that might apply. So, in ethnic
41 minority policy, Tibet would be different from Mongolia, which will be different from
42 Xinjiang although the general principles are the same. That is why I think it is a very
43 crucial body, because the Coordination Group starts the whole process of getting
44 together the ideas and hammering out a draft on policy. But it will do that in cooperation
45 with the top-leadership, obviously, because it is led by Wang Yang and the PBSC will
46 have discussed the policy well before it is finalised. Quoting a member of the Party-
47 school from Xinjiang region, who ascribes the changing in the policy that were laid
48 down in the 2014 Work Conference to Xi Jinping's actions. Although, of course, in that
49 kind of centralised leadership, everything good or all policies are ascribed to the

50 Leader, I think it is very clear that he took an active part in it. As I say in the paper, if
51 you look at those Work Conferences and the attendance by all of the PBSC, all of the
52 Politburo except those members who are in charge of the five main municipalities.
53 That just tells you that the Party is saying to its members “this is a top policy decided
54 by the leadership, and you will implement it, it is very important.”

55 *COUNSEL – Notwithstanding your comments about high-ranking officials and their*
56 *importance, you have suggested great responsibility and focus be placed on*
57 *sanctioning lower-level officials who implement policy. Might you elaborate further on*
58 *the rationale for that?*

59 CP – This is a suggestion, whether of course it would be implemented by governments
60 is another matter. If the Communist Party leads everything as Xi Jinping frequently
61 assures us, then I think it is right to decide at what point responsibility not just for
62 making the policy but for implementing it goes down to. Given the way the Party
63 operates, given Party discipline, given the large numbers of the Party (about 95 million
64 members in the June figures), you cannot sanction and censor 95 million people. So,
65 you need to draw a line of where exactly you are sufficiently senior in the Party to be
66 responsible for its actions, not just in Xinjiang or Tibet, or elsewhere but generally, in
67 terms of the way that human rights are conducted, or indeed any policy throughout
68 China. So, this is an attempt to do that. I laid the level at director level, department
69 level (or **[juzhang – 3:27:00]**). Because, by the time you get to “department-level”
70 seniority, you are very actively implementing and, at the local level, deciding on what
71 the central guidelines mean. It is quite difficult, and I did some work on this, to establish
72 how many *juzhang* or department-level officials there are in China or indeed in
73 Xinjiang, and I think the best estimate I came up with is around about 40,000 to 50,000
74 throughout China, of which a large number will of course be at the centre. I do not

75 know how many would be in Xinjiang but it generally is about a thousand per province,
76 roughly. So, you would be looking at a thousand officials perhaps, in Xinjiang, who, I
77 think, cannot escape blame for implementing the policy.

78 *COUNSEL – How feasible would it be for these department-level officials, alleged to*
79 *have committed crimes, to commit crimes on their own initiatives? And how feasible is*
80 *it for them to decline to follow official policy?*

81 CP – I will start with the latter part. If you go against Party discipline, you are in big
82 trouble. If you look at the Commission for Corruption and Discipline, everyone always
83 concentrates on the “corruption” part, but actually it is the “discipline” part that is
84 probably doing far more action. Under democratic centralism, you can debate policy
85 but once it is formed you have to carry it out, otherwise you will lose your position and
86 quite likely get into far worse trouble than that as well. Since your position is everything
87 in terms of health, wealth and many other things (and I mean health, because as a
88 high-ranking official in particular, you would get better access to certain hospitals, etc.),
89 that is a very big disincentive. It is the end of your career so it is quite difficult for these
90 people to go against the central line. But, at the end of the day, if they are committing
91 crimes against humanity, or genocide under the definition of the UN, they have a moral
92 dilemma.

93 *COUNSEL – How sure can you be that it is indeed official policy that crimes be*
94 *committed rather than these crimes being merely permitted or ignored by senior*
95 *leadership? Perhaps that feeds into the suggestion that these department-level*
96 *officials are committing crimes on their own initiative as opposed to being directed*
97 *somehow from above?*

98 CP – There is always the danger, in China or in any [? – 3:30:54], of what you might
99 call the “Thomas à Becket” syndrome where a couple of knights will ride out and kill
100 an Archbishop or two. That is so but a counterargument to that is that when these
101 officials do commit these possibly “Thomas à Becket” crimes, they are almost
102 invariably not punished and indeed, in many cases, where one might have expected
103 them to be punished, you then see promotion. I think that that is an indication that they
104 are condoned at the very least, or possibly indeed encouraged to use their initiative to
105 ensure that policy laid down from the centre is implemented and imposed very
106 vigorously.

107 *PANEL – Could I ask a little bit about your time in China? Was your last time there*
108 *2016, and did you notice any change in the culture or political discussion after*
109 *President Xi came into power?*

110 CP – I finished my posting at the EU delegation in September 2016 and in 2017, the
111 British Foreign Office asked me to go back to cover the Party Congress from August
112 to December (the Congress was in October) and so I did. I went back again, for a
113 conference in November 2018 but since then, I have not been back and in the future
114 I will not go back because some of the things that I say and write are not very welcome
115 and I am a friend of Michael Kovrig’s, and having seen what he (the Canadian hostage)
116 has gone through, even if it is a very small risk in my case, it is not one I am willing to
117 take. Have I seen things sort of tighten up in that last period, which I would date from
118 when I went to the EU delegation in November 2011 and came out from the Foreign
119 Office posting in December 2012? Yes, of course. Things have been very much
120 tightened. When did I first notice it in the case of the Uyghurs, as opposed to reading
121 about it but seeing it as a small and unimportant, personal anecdote? I have an abiding
122 interest in carpets and I have several Xinjiang carpets. The guy who used to come

123 from Xinjiang and ring me up so I would go around his place and see if there was
124 anything worth buying, ceased to come around in about the end of 2015, and I
125 wondered why. It was only a little bit later that I realised that, of course, he probably is
126 not able to come around anymore, particularly since foreigners are going to his place,
127 buying carpets and chatting. Does that answer your question?

128 *PANEL – Yes, it does. You worked for years as a diplomat in China, could you talk*
129 *about the officials around you? Were they a lot quieter than normal or would they talk*
130 *to you like they did before?*

131 CP – Well, Chinese officials are always careful about what they say to foreign officials,
132 so that is the baseline but yes, it was a lot more restrained. In the early days, you
133 would hear people say things like “we do need more democracy,” and you would say
134 “well, intra-party democracy...” and these officials would say “no, we mean ‘real’
135 democracy...” That dried out completely. When I talk to friends and ex-colleagues,
136 academics and think-tankers, people in China now, it is very difficult to get an
137 expression of even mild dissent. And that applies, incidentally, to people outside
138 China, like Chinese who may or may not be going back. I think of an occasion the
139 other day where a fairly renown economist, with a professorship in a major British
140 university, really was not willing to debate an economic question but merely contented
141 herself with saying “it is the will of history”, which of course is a very “Party” line,
142 because I suspect she is just afraid to say her true opinion. So, yes, it has very much
143 tightened up and I could give you other instances.

144 *PANEL – About the promotion of Party-Secretary Chen from Tibet to Xinjiang, could*
145 *you elaborate on this? We know that there was a meeting about this with Chen and*

146 *President Xi, could you talk a little bit more about this process of promotion, and what*
147 *did it mean, in terms of moving from one region to another?*

148 CP – I think what one can say is that Xi Jinping has, with considerable speed,
149 particularly in the military field but elsewhere also, taken charge of the appointment of
150 cadres, of officials, of his mindset and adherence. I think it is noticeable that, if one
151 looks at the top thousand or so officials, they are in his mould and if they are not then
152 career tends to falter. If you are promoted in the way that Chen is and chosen for a
153 particularly sensitive job, and this is coming after the Work Conference in 2014 so not
154 long afterwards, then you are very much in line with Xi Jinping - you are clearly trusted
155 by him and you have clearly done the sort of job in Tibet in line with what the PBSC
156 and Xi Jinping in particular want. Some of the measures that he introduced clearly
157 gave him a sort of “name.” He was considered to have done a very good job in Tibet
158 and therefore, would do a very good job in Xinjiang.

159 *PANEL – Would he be subservient to the will of President Xi? I notice he is not in the*
160 *PBSC of seven but he is in the Politburo of 25. What does that mean in terms of power*
161 *relations?*

162 CP – Well, the PBSC of seven are the real power. They meet on a weekly basis and
163 the Politburo meets on a monthly basis. Each member of the PBSC will be in charge
164 of a particular line, whether it is the economy, or the United Front, or whatever. But
165 down at the Politburo, there are 25 members and each of them will also be in charge
166 of whether it is Foreign Affairs or economic matters, etc. So, to be one of the top-25 is
167 pretty powerful but ultimately, none of the Politburo members will go against the will
168 of Xi Jinping any more than I think the members of the PBSC are going to, I mean they

169 might have more license to argue a different case but ultimately, when Xi Jinping says
170 “jump!”, the answer from anybody is “how high?”

171 *PANEL – So, most of these policies, would they have been introduced in those*
172 *Standing Committee meetings? How do these processes work?*

173 CP – The making of policies in China is very complex and sometimes very long-
174 running matters. You will have lots of scholars and think-tankers writing papers and
175 suggestions. When those attract the attention of the Central Committee or the
176 Politburo members, as an academic or a think-tanker you would get financial and other
177 rewards and your ideas might be taken up. And you could trace through an idea that
178 reaches policy-level, like the Belt and Road, to an individual scholar or think-tank. That
179 will feed into the process but also, the Coordination Committee group is extremely
180 important in bringing together all the different areas of expertise and policy interest,
181 whether that is economic, cultural or religious, etc. Again, if you look at that excellent
182 piece of work by an American scholar that I copied in the paper, looking at who might
183 be members of it. All those people will be contributing to policy but, as I said at the
184 start, the views of the XPCC will be fed in, and the regional government and Party-
185 school out there and a whole range of thinkers. But ultimately, that has to be condensed
186 into a set of policy recommendations which will be considered by the PBSC, the
187 Politburo, the Work Conferences, although this latter one would only be about fine-
188 tuning at that stage.

189 *PANEL – Would it be fair to say that the stamp of approval would come at that point*
190 *in the hierarchy from the PBSC and then there are implementers elsewhere?*

191 CP – I would be hesitant to use the word “stamp of approval” because, obviously, there
192 is a stamp of approval but that phrase tends to suggest to people that the input from

193 the top-level people is minimal. That is not the message conveyed by the Party-school
194 professor. Party-schools are think-tanks in themselves, so they suggest policy, but
195 they are also disseminators and educators of local cadres. If he is saying that Xi
196 Jinping played a very active role, even allowing for exaggeration, I think we have to
197 take that at his word. It is the same while debating any country - to what degree is the
198 minister in the Foreign Office responsible for policy? One hopes that he has an input
199 in policy, just as officials make suggestions and interpret the outline and feed back in.
200 So, I cannot point an element of the policy and say "this was definitely Wang Yang's
201 suggestion, or Xi Jinping's," but the phraseology suggests that it is not just "stamping."

202 *PANEL – In terms of the sanctions that we have heard about, the lists are slightly*
203 *different - those that come from the U.S. include Xinjiang Party-Secretary Chen*
204 *Quanguo and those from the UK and countries in the EU exclude him. How do we*
205 *interpret this exclusion of Chen from those lists?*

206 CP – The first that comes to mind is "funk." If you are in America, you can afford, I
207 suppose, to be more robust, because China tends not to take it out on America as
208 hard as it does on other countries. But if you are a "second-tier" country, then you can
209 expect more chastisement than the Americans would get. And so, there is obviously
210 a worry in various governments that if you were to sanction them, the reaction from
211 China would be more severe, which it would be. But, as I argued in another paper
212 separate from this, many of the threats that China wants to impose on our trade,
213 investment, education, tourism, climate change, and city and services, are
214 exaggerated. There will be costs but at the end of the day, you have to make a decision
215 as to how much you value your values.

216 *PANEL – Speaking as a layperson - from the outside, the more powerful China has got*
217 *through trade, the more brutal it appears to be, with its own people and perhaps more*
218 *confident elsewhere. So, in the end, this is about trade and who you trade with. This*
219 *makes me think that there are many other countries to trade with (BRICS, MINT, etc.).*
220 *So, why does one continue to trade with a country that people are alleging is*
221 *committing such crimes?*

222 CP – I think this is quite an important question, because the degree to which you are
223 willing to impose sanctions is correlated to the degree of your fear, in particular to trade
224 and investment. In this separate paper (not connected to Xinjiang), I made the case
225 why we do not need to be so fearful but we do need to continue to trade with China,
226 if you look at the list of indispensable goods and supply chains, etc., China appears in
227 an awful lot of them. But the point I make in the paper is that trade goes on, however
228 bad your political relations are. Australia has said to have suffered drastically from
229 China's measures, it has not. One or two sectors have but even they have managed
230 to redeploy and sell elsewhere.

231 *PANEL – Going back to your paper, there was a meeting in 2020, by the Central*
232 *Xinjiang Work Forum, and you say that is particularly important, and you explain why*
233 *the other two before emerged as a response to something. Why did this one emerge?*
234 *What was important between 2017 and 2020 that led to the significance of this forum?*

235 CP – I think, if anything, the 2014 meeting would have been the most important of
236 them because that clearly etched in stone a very different policy from that pursued by
237 Hu Jintao. The 2020 meeting is likely to have been much more about fine-tuning the
238 policies, assessing their success and how they might need to be pushed on in various
239 directions. I think it was at an earlier time when clearly there was a shift from policy, a

240 hardening of the stance, to reflect Xi Jinping's and, at the time, Yu Zhengsheng's views
241 of where it should go.

242 *PANEL – What came out of this 2020 forum? Was there anything specific policy-wise,*
243 *reframing discourse, anything significant for our Tribunal?*

244 CP – They do not publish the full material. One only gets hints. My short answer would
245 be that it has underlined the determination to continue with the measures that were
246 decided earlier.

247 *PANEL – You have a list of members of the Central Xinjiang Coordination Small*
248 *Group. In that list, I do not see anyone responsible for family planning, birth controls,*
249 *detention centres. Could you highlight which figures are important here?*

250 CP – I do not think either the scholar who drew that up or I would say that that is an
251 exhaustive list of the committee. I think the point about that is that these days, if you
252 employ the skills of someone like Bellingcat or indeed a number of think-tanks here in
253 the UK, you can through good use of open sources, produce some very extraordinary
254 material. And if someone would put in the resources to do that, I think it would be
255 possible to draw up a much more authoritative list of who sits on that committee and
256 I think it should be done.

257 *PANEL – This Tribunal has treated the PRC with procedural fairness from start to last,*
258 *it is not interested in making recommendations, it is only interested in the finding of*
259 *facts. The time has come not to dodge the issue. The issue, ultimately, is whether*
260 *the PRC and President Xi has committed, or is committing, or has approved the*
261 *commission of either genocide and/or crimes against humanity. On how you instruct*
262 *crimes and mass crimes in nation-states, there might be at least the following three*
263 *alternatives: one is mind-reading (it is said certain high-ranking officials in Nazi*

264 Germany worked “towards” Hitler, working out what he wanted and then doing it).
265 Another method is invisibility of control (in Yugoslavia, for example, Milosevic and
266 Mladic had organised extra-judicial criminality but they managed to hide their traces
267 so, you could not see the lines but they actually existed). But in the PRC, we have
268 been told that it is such an organised state, with such a complexity of bodies, that you
269 cannot do either of those things. You either agree something should be done and do
270 it, or it does not get done. Is that roughly, right?

271 CP – I certainly would not say that this is a case of “mind-reading.” I would expect that
272 the concrete measures, such as detention centres for instance, could be found in a
273 paper before the PBSC. The size of the cells or how many people live in it - no, those
274 are far too little details. Decision-making in the PRC is very stovepiped and it goes
275 very high for things that we, in our societies, would delegate down. No, that is not the
276 general trend.

277 PANEL – A number of witnesses have told us, in respect to egregious things that are
278 done, this could not have been done without President Xi’s approval. That is one
279 approach to establishing responsibility. Would you accept that sort of answer could
280 accurately reflect reality?

281 CP – In many cases, yes. But you could also say that this would not continue to be
282 done with President Xi’s disapproval. And it is continued to be done. When it comes
283 to responsibility, that is why I say you need to look at whether anyone is ever
284 admonished for over-stepping the line. We are not going to see evidence of that except
285 in changes of behaviour, but I have not seen changes of behaviour.

286 PANEL – Or evidence in documents which are not yet available...

287 CP – Or evidence in documents some of which have leaked.

288 *P – I will come to that in just a minute. There is a rather discredited quotation from*
289 *Hitler, but nevertheless quite useful conceptually; he is said to have said “there are*
290 *many means by which a systematic and comparatively painless extinction of*
291 *undesirable races can be attained, at any rate without blood being shed.” Now, one of*
292 *the things we may have to consider as a Tribunal, whether there is an intention to*
293 *extinguish a race ultimately, not all of it or any of it by the shedding of blood, is if that*
294 *was a policy, that would have to be expressed but it would not be something that*
295 *could be done by inference, or by brain-reading, it would have to be there in the*
296 *documents?*

297 CP – I am very reluctant to talk about this issue and in the course of it mention Nazi
298 Germany. I think it just opens the field to people dismissing the argument, saying “you
299 are exaggerating, this is not the Holocaust, etc.” For that reason, although I think the
300 conditions in Xinjiang do meet the UN definition of genocide, nevertheless I think I
301 prefer to talk about crimes against humanity because I think the ICC definition is
302 difficult to get around... But again, if you look at what Xi Jinping says and has said, he
303 has quoted a number of times, a 18th century Chinese scholar I believe, and he did
304 so at the start of his own coming to power and in other contexts; *“If you wish to destroy*
305 *a nation, you must first destroy its history.”* I think that sums up his approach, he is
306 destroying its history, its culture, its roots. And again, in the recent August Conference
307 on Ethnic Minority Affairs, it is all about “socialist modernisation,” which is very
308 carefully defined in their thinking. That is about Han homogeneity, it is about “Chinese
309 nation,” “Chinese culture,” “Socialism with Chinese characteristics,” “building a
310 Chinese community,” the “Pomegranate seed” metaphor, etc. That is how he intends
311 to rid himself of this turbulent [? – 3:59:58].

312 *PANEL – If you can achieve an objective by a range of things and you articulate the*
313 *range of things but you don't articulate the central objective, would it be fair for those*
314 *looking at these matters to infer the central objectives by his articulated support for all*
315 *the other things?*

316 CP – Yes, but I think in a sense he has articulated the objective. It is to produce a
317 homogenised China, and that implies that these sorts of cultures, and religions and
318 way of life must disappear otherwise it is not Chinese.

319 *PANEL – Forcing the merging of these nations, which might happen naturally in a*
320 *peaceful society, with such things as detention centres, forced abortions, removal of*
321 *language or separation of children from parents, etc., is arguably achieving a*
322 *genocidal objective, and why shouldn't that be stated in the world?*

323 CP – One point I think is important, and that I am sure many other people have made,
324 is that ethnic policy in the old days was extinction via economic development. After
325 all, once the Uyghurs or Tibetans or whoever it is, are better educated (there is always
326 a strong line of being patronising) and wealthy, then all this business of autonomy and
327 such will just fade away... And there were measures to speed that up. What Xi Jinping
328 has done is put a turbocharger behind it. He is not patient enough to allow that to
329 happen. I do not know what he thinks but he certainly sped everything up with the sort
330 of measures that you have outlined. So, it is always dangerous to say what is going
331 on in Xi Jinping's head.

332 *PANEL – But we need to know this. We need to know what is in the head of the man*
333 *who heads the country that is on the evidence shown to have done these things. I*
334 *want you to tell us if we can do this by an inferential process, looking at all the things*

335 *that you have explained to us will accelerate by force that which has not and may not*
336 *happen by natural process.*

337 CP – Well, you can certainly adduce evidence and make an inference that will
338 convince some people and will not convince others. It will other be deniable until there
339 is a smoking gun. And even then, they are probably quite careful in the documents
340 always to have some degree of ambiguity.

341 *PANEL – You talked at the beginning about what would not happen insofar as*
342 *genocide findings are concerned. Our government, and any government signed up to*
343 *the Genocide Convention, is under a duty seriously to consider genocide allegations*
344 *because of their commitments to act under Article I of the Genocide Convention. It*
345 *should not be dodged.*

346 CP – No.

347 *PANEL – You have drawn to our attention the various leaks of documents. If a cache*
348 *of material relating to this were available, would it be the sort of material a person with*
349 *your particular skill would want to see and read in order to work out better how the*
350 *control chain went?*

351 CP – I think if documents are genuine then they should always be read carefully. They
352 are far more revealing than second-level commentary on them. I should just stress
353 that I am a jack of all trades and master of none - I am not an expert in Xinjiang, I look
354 at the Chinese Communist Party, if I have any expertise, it is that and all its
355 ramifications. In that sense, I have not read all those documents that came out and
356 there are plenty of scholars who I am sure you called, who would give you a better in-
357 depth assessment of where they lead. But as to your general point, yes, I think they

358 are very important and if they can be shown to be genuine, and I have no reason to
359 doubt, from the ones that I have read, that they seem to match the recipe.

360 *PANEL – You made the remark that there is both looking at the positive things and*
361 *also, the things that go on that would be stopped if they were not in some way allowed.*
362 *When you look at the reverse (the policy coming down but the information going up), in*
363 *your experience, is there a huge amount of reporting up? What kind of detail would*
364 *come up from Xinjiang back to the centre?*

365 CP – I would say an awful lot of information. It may not always be accurate, I mean
366 there is a long tradition of officials letting the centre know probably what it wants to
367 hear, but in some cases what they wanted to hear. Then, you have to consider the
368 ability, in 24 hours a day, to absorb that information. Because of the stove-piping and
369 the senior level at which decisions are made, one does sometimes wonder the degree
370 to which the information is being filtered on the way up.

371 *PANEL – The assumption is that the major pieces of information, major developments*
372 *would - glossed or not - work their way up?*

373 CP – That surely must be the case. Xinjiang is not a matter that you can sweep under
374 the carpet, although they did try to start with. It is an extraordinarily important matter
375 in terms of China's relations with the rest of the world, given the way that the rest of
376 the world has reacted. In that sense, it must occupy quite a lot of the top-leadership's
377 time. We do not know how often the PBSC has considered the matter but it is clearly
378 on their agenda quite often, I think. In that respect, they will want information about, if
379 not the minute details, the big trends because they have got to defend themselves
380 against attacks on them.

381 *PANEL – Just to clarify, in most circumstances, it is of course difficult to precisely*
382 *understand what is in the mind of President Xi. But given what you and others have*
383 *said about the command-and-control structure that exists in this country, and given*
384 *the importance of this particular policy, is it conceivable that he could not have known*
385 *about this? That he could not have been the at least part-orchestrator of this, or at very*
386 *worst, the approver of such a policy? And the fact is the policy is being implemented,*
387 *by all accounts, and therefore the gap narrows to a point where is it not legitimate to*
388 *adduce or infer his involvement and probably his direction?*

389 CP – I think it is quite inconceivable. I talked earlier and in the paper about the Work
390 Conferences, and if you sit through a Work Conference and Xi Jinping gives an
391 important speech on every occasion, you will have considered the contents of that
392 speech. But even at a sort of broader higher level, if you look at the way the CCP
393 legitimises itself not through the ballot box but through a number of legitimacies (I have
394 written about six of them) and apart from the economic prosperity, but one of them is
395 highly important - up there with “making China great again,” or “returning it to its rightful
396 place in the world” - it is the question of China’s territorial integrity. One of the big boasts
397 of the CCP and a big reason for its legitimacy is that only the Communist Party has
398 managed to return to China those bits which it lost at various parts of its history, very
399 often through the semi-colonial attacks of foreign powers. All the time, they are going
400 on about “we’ve got back Xinjiang, we’ve got Tibet, and we are getting Hong-Kong
401 and Macau, we are getting the South China Sea, etc.” In that context of the importance
402 of territorial integrity, the idea of not controlling Xinjiang, of risking that it might break
403 away or influence other parts and their behaviour and go against his whole vision, his
404 whole “China dream” is quite inconceivable. It has got to be up there on his desk, big-
405 time I would say.

406 *PANEL – I think it would be useful for the Tribunal to understand responsibility, not so*
407 *much for making laws, policies and implementing them, but on the contrary for*
408 *ameliorating potential bad practice. I wonder how feasible do you think it is for the*
409 *thousand- or so officials that you spoke about earlier, to make genuine attempts to*
410 *amend or to modify wrongs for example, or potential abuses, or would that also be*
411 *considered as going against the Party line?*

412 CP – If a policy is decided, then it is very dangerous to go against it. You can make
413 suggestions if you are brave and, eventually, if things are not going well with the policy
414 they might be listened to and the policy would then change. But it would have to be
415 done very much in the way of suggestion rather than disagreement with the policy.
416 That would be very dangerous. Xi Jinping himself has been railing against the
417 tendency of cadres throughout China on all sorts of matters just to sit back and let
418 things happen. There is a great reluctance to challenge the orthodoxy, that has been
419 one of his problems with being such a strong leader. Here we are in a very sensitive
420 area and you, as a mid-level to high-level official, are going to risk everything and
421 challenge it. That would take some courage, I think.

422 *PANEL – Are you saying that if Xi Jinping fails in Xinjiang, that dream of his*
423 *disappears and therefore, he has got to do everything he can to make sure that*
424 *directives on Xinjiang take place?*

425 CP – He has set the target of a modern China, the “China dream,” and as I just
426 discussed in terms of this legitimising of the Party through various ways, if you failed
427 or were seen to fail in that, that is a significant “minus” in the column. He realises that
428 and will be making great efforts to make sure that he does not fail. Does that answer
429 your question?

430 *PANEL – He has clearly taken over power, and he has made sure that he was going*
431 *to be there for life. So, really, he cannot lose because he would lose face.*

432 *CP – Well, you don't want to lose, in China. China is a matter of role, power, and blood*
433 *and claws. It would be very dangerous for him personally, to lose power. If enough*
434 *goes wrong with the ways he legitimises himself and were he to be unseated, it would*
435 *be deleterious to health and wealth. He will be pretty aggressive and ruthless in*
436 *maintaining power, whatever that means when it translates into policy.*

437 *PANEL – There was a press conference held by the Chinese ambassador to the UK*
438 *a few days ago, where he set out 28-point refutation of some of the work that we are*
439 *doing. So, he knows clearly what the allegations are. Do you have any sense of what*
440 *the connection is between a diplomat in London and Xi Jinping for instance? Would*
441 *he read cables, would he know what is being said in London, in your view?*

442 *CP – They would be reporting intimately the goings-on of this committee. Indeed, a*
443 *couple of days ago, Zhao Lijian, the Ministry of Foreign Affairs spokesperson, attacked*
444 *you lot and us lot, for holding this event. So, yes, for sure they know what is going on*
445 *and the propaganda department will be working overtime to negate anything that*
446 *comes out of it and spin it in the right way. I have no doubt that there will be*
447 *repercussions for some people - you, me or others - to discourage this sort of thing in*
448 *the future. How high will that go? It will certainly go to the United Front Department, I*
449 *expect [You Quan – 4:19:20] and others in the Party will be aware of it. Surely, they*
450 *will. The whole Xinjiang question is a serious matter, and you are bringing unwanted*
451 *publicity to what is going on, this needs to be cauterised.*

452 *COUNSEL – I have a last question - you have referred to the fact that Xi's*
453 *pronouncements and central organ instructions are often reiterated, confirmed at a*

454 *local level, particularly by departmental directors in the region. Is that process of*
455 *instruction/confirmation designed for internal Party discipline? Pronouncements and*
456 *instructions are obeyed throughout the hierarchy or is that really a confirmation by*
457 *local leaders that we have faithfully, and fully interpreted and applied your policy or*
458 *instruction?*

459 CP – If I interpret your question right, the answer would be that if you are a lower-level
460 official you implement what the upper-level tells you to the best of your ability, and you
461 do not deviate from it, and you might, if you took a risk (although risk-taking is not very
462 high at the moment) but you probably would not want to take that risk.

463 COUNSEL – *I guess my question is that there might be two intents to the policy. One*
464 *might just be “I’m giving a policy direction and I expect it to be followed, because we*
465 *are not sure if it will be a regional level,” but then there is something else, “we are*
466 *giving a policy pronouncement, some of which might be implied like what you are*
467 *required to do at a local level” and therefore, the local response is to say “we have*
468 *done this fully, as we understand it.” I guess there are two aspects there that are*
469 *difficult to separate out.*

470 CP – Yes, I mean central policy cannot be, in a country so big, always very specific,
471 down to how it is implemented at the county or township level. By necessity, officials
472 in the region will have to interpret and implement as they think that the centre’s
473 intention is. If they get it wrong, they will get it in the neck. They will play cautious with
474 it. But the actual details of it have to be left to lower levels because the PBSC is, while
475 responsible for the policy in the outlines, does not have the time to go into vast depths
476 or all the way down. Similarly, down at the provincial or regional level, Chen Quanguo
477 will leave the actual details of how detention centres work to lower-level officials. The

478 point is that even if they go a little bit further or a lot further than maybe the next level
479 intended, the level above is very unlikely to say no. They would probably run with it
480 because they don't know what the level above thinks.

1 13th September 2021 (5:03:50 – 6:06:20)

2 Rodney Dixon

3

4 RODNEY DIXON – We have a significant and important body of evidence we have
5 gathered regarding Uyghurs being targeted in ICC members states by the Chinese
6 authorities in order to arrest them and bring them back to China where they disappear.
7 We have gathered this body of evidence from various witness interviews and other
8 sources in a number of countries including Tajikistan, an ICC state party. There are
9 others including Cambodia. This evidence has been gathered by our investigation
10 team to be available to the ICC Prosecutor after Article 15 to open a full investigation.
11 We are not able to make the evidence available to the tribunal as the grave security
12 concerns for the witnesses and because it is confidentially before the ICC. We wanted
13 to make you aware of it. I can go into it in more detail as far as we are able to, given
14 the confidentiality agreements. Once you have considered all the evidence to take it
15 into the findings, as we find it is a core component as part of the genocidal plan, yes
16 Uyghurs are targeted outside China but also abroad. Chinese authorities have total
17 control over all group. No dissenting voices abroad, no possible to criticise abroad.
18 They can then be controlled and targeted as a group within China. We have seen this
19 practice in other genocides, such as Nazis bringing Jews back from elsewhere. It is a
20 core feature we see unfolding as well. It is important to reflect it in your findings based
21 on the evidence. Also, we would ask there may be remedies you are looking at. It is
22 vital that the ICC uses its jurisdiction, as these acts are taking place in ICC member
23 state parties, to investigate and prosecute. The ICC can prosecute persons for these
24 crimes. As far as remedies are concerned, we would recommend that they use article

25 15 is to investigate as the crimes start in other state parties but go into China. This is
26 the basis for jurisdiction, it is not a novel concept, we do it every day. If a crime starts
27 in one country and goes into another then both have jurisdiction, that is what is
28 happening here. An element is taking place in one state party and moving into another.
29 Thus, the ICC has jurisdiction in the original state party but over the whole crime
30 continuing into China. We have a significant body of evidence to consider in
31 deliberations and also ask ICC apply ICC to prosecute.

32 *COUNSEL – Can you give an indication of when prosecutor will give a preliminary*
33 *report and open the file and start the investigation?*

34 RD – There is no particular timeframe for the ICC prosecutor to act under article 15.
35 In December last year, further evidence was required. We have subsequently
36 submitted the further material in June this year, following our investigation. Hopefully
37 they will consider this in the coming months and decide whether to open an
38 investigation. It was stated the initial evidence a meeting with the prosecutor will be
39 done before final decisions. The decision remains with the prosecutor to make on
40 whether to open. At least a preliminary examination should be made before decision
41 to open investigation. It is hard to say precisely but hopefully in the coming months.

42 *COUNSEL – Relates to responding states, Tajikistan and Cambodia, have they*
43 *responded?*

44 RD – They have not responded yet, some outreach going on. Hope they will respond
45 and ICC state parties support this. If an investigation goes forward, it will be dependent
46 on them and likely occur on the coming months.

47 *COUNSEL – Will it possible to produce redacted copy so the tribunal has the benefit*
48 *of the full report?*

49 RD – We have distilled what we have been able to make public to submit. We are not
50 able to provide more of that also because the Office of Prosecutor is seized of the full
51 report. Particularly because of kind of material and also the next evidence as well, this
52 stage is as far as we can go. In the future, we will do that if we can. We can answer
53 further questions or in writing if the tribunal would benefit from further information.

54 COUNSEL – *Regarding Uyghurs in Tajikistan, 3000 Uyghurs there, 100 left, does the*
55 *report say what has happened to those missing? In China, or left, or just disappeared?*

56 RD – Our report does break it down to the evidence. In some places, it is an estimate
57 only. That would be for a full ICC investigation. There is more evidence out there.
58 Would need detailed investigation. The evidence so far shows that number is what is
59 left, left having been moved out to China or in limited circumstances have moved
60 elsewhere. That also gives the ICC jurisdiction if people have been forced elsewhere.
61 Some people have escaped China into ICC state parties. India would also give them
62 jurisdiction as it starts in an ICC state party and continues into another.

63 PANEL – *You and I have known each other since 1998, we have been in same*
64 *chambers, we have worked on many cases. On this matter we have spoken not at all*
65 *or the previous China Tribunal, save to extent when the possibility of inviting you to be*
66 *a witness, I may have been involved in the first email then handed to Hamid Sabi, is*
67 *that correct?*

68 RD – Yes.

69 PANEL – *As a starting point, could you assist the Tribunal by just rehearsing again the*
70 *reasoning that you give for the ICC being able to exercise jurisdiction of crimes have*
71 *occurred on ICC states. Could you set it out the different rounds?*

RD – Yes, they are differing grounds which all stem from the Myanmar-Bangladesh decision the crime found if essential crime takes place on territory the ICC has jurisdiction starting in the territory of Myanmar (Rohingyas deported to Bangladesh), have jurisdiction over entire crime in Bangladesh. The precedent is, that we use to argue in this case, they are essential elements of international crimes taking place on ICC territory, Tajikistan and Cambodia – arrested and deported into China (the opposite of the Myanmar case), or forcibly removed from China as through coercion escaped into Tajikistan and then flee. This also gives court jurisdiction. We are saying this precedent applies in this case. An investigation has been open for the Rohingya, should be here in this campaign targeting people abroad to bring them back. The court can take this into account as part of overall policy. It is an important aspect we have highlighted not come through in earlier case. As we are looking genocide, what we are submitting is the first act of the genocide, the targeting and arresting persons is taking place on ICC territory. Afghanistan is also a big concern as the Uyghur population targeted there in collaboration with the Taliban. The first act starts there, of course going abroad to bring back, much like the Second World War to look at the underlying principle. They bring them back to China where they are never heard of again which is essentially forcibly disappearance. As this continues into China. There might be acts which take place in China but that can also be taken into account by the court. Disputing the fundamental claim made by China that they have not interfered with other countries, that it is just an internal matter. We have evidence operators have been working in Tajikistan, it is not an internal matter, intimidating and arresting them and bringing them back into China which is part of the overall campaign.

PANEL – Could you elaborate for the tribunal on the paragraph 14 because you will appreciate the concerns of this tribunal are with affairs taking place in China. Can you

97 *provide your assessment of what is happening in China itself, as far as you are able*
98 *to?*

99 RD – It is a very pertinent question and hard to get information about it. People taken,
100 there are often in small groups to avoid international attention, are never heard from
101 again. We have no feedback whatsoever - they have effectively disappeared. It is hard
102 from our investigations to add to this. With the ICC, we may get more evidence that
103 you have been able to gather maybe cross reference names, at this stage they are
104 disappearing, and not heard from again. Where people are coming out the other way,
105 China has become heavily controlled with a new military base in right on the border.
106 Even though we do not have evidence of inside China, we may have evidence of
107 increased military presence on the border and in Tajikistan. We have to ask why that
108 is happening. Some people have been able to get out. This has made that incredibly
109 difficult. It also allows people to be monitored and stopped from leaving. The circle is
110 complete. They are cognisant of the control on the border. We would like this as part
111 of our body of evidence which should be reflected. There have been reports of another
112 military base but no evidence of another one. There may be more of other bases along
113 the border. One has to ask the question why now and what is the purpose of it? The
114 answer has to lie in the need to control the Uyghur population and people are not able
115 to get out.

116 *PANEL – Can you explain your reasoning behind your interpretation of the PRC?*

117 RD – We are looking at it from the point of view from evidence gathered. We are at
118 the early stages of investigation. If there are any indicators where talk about that
119 number of people, in the thousand, essentially disappearing. If they were being brought
120 back in order to work within the Chinese system, they would not be silenced in the way

121 the evidence shows. If China has a response to this, of course they should be. The
122 alleged plan to bring alleged persons back and target them as a group. They are
123 allegations made of terrorism which pops up in these kinds of circumstances, but no
124 evidence these persons have been involved in terrorist activities, just bandied this way
125 to cover up what is going on. We have no evidence of persons being involved in violent
126 activities. In addition to that, we have seen, limited to a few countries but, it is also
127 happening in European countries. In Australia, there is intimidation and threatened that
128 families in China will be harmed if they do not come back.

129 *PANEL – To take that point further, could you elaborate on paragraph 9-11 in which*
130 *you set out the methods used to bring Uyghur people back into China? You set out*
131 *two methods, including deception, what looks like high level organisations.*

132 RD – Evidence we have gathered shows these two methods are the primary ones
133 used. There is some evidence of a Uyghur person disappeared completely randomly
134 in Tajikistan and main two strands are either because they have families being
135 constantly harassed so they do not go back, their families threatened with arrest if
136 those in Tajikistan. We are talking about those who have worked there all their lives,
137 in markets and trading. It is not as though they have gone there for a short work trip.
138 They have roots there - some are intermarried and told they have to go back or their
139 families will be arrested. The other form of coercive conduct, a harder form. Because
140 persons living there, their papers are from the Chinese consulate in Tajikistan which
141 controls their right to be there. Once that is gone, now 'lawful' right to remain, persons
142 are deported back as they are 'not allowed' to be there. Taking place with members of
143 Chinese public security bureau present to carry out raid. An entire bazaar was raided
144 with all Uyghurs being seized which is being carried out with Chinese operatives. They
145 are taking them over the border in small groups to avoid attention, emptying out the

146 country of the Uyghur population even though they are part of it there. This all shows
147 a degree of sophistication – which requires detailed planning so it is below the radar
148 and does not attract attention. It is cunning to make sure it occurs without being
149 obviously noticed.

150 *PANEL – In broad terms, on theme of trust, we have heard repeatedly come up the*
151 *corrosive effects of loss of trust and effect of this on a community, the breaking of*
152 *bonds of social solidarity. Can you reflect for us on what we might describe as*
153 *transnational erosion of trust?*

154 RD – Very much, we have addressed this in our report. Those who remain do not trust
155 each other as they believe they are informers. They feel controlled and not able to
156 speak out and, in addition to that, they have the conserve and authorities monitoring
157 them. We have evidence as to how they are concerned that they could disappear at
158 any time. There is a system of punishment and reward if keep their head down. If they
159 show in any way rebellious, that will be punished. It is an extremely difficult environment
160 to survive in. It forces people to leave and go elsewhere. That is very common in
161 evidence gathered. We will see this in other countries, they cannot bear these
162 pressures.

163 *PANEL – What is the whole crime? Forced in or forced back?*

164 RD – For those forced back there is the classic Myanmar case – deportation back.
165 There is also persecution if taking place on discriminatory grounds. These are all
166 crimes against humanity, I should underline - the crime against humanity of deportation,
167 persecution, not able to come back to where they want to be, in jeopardy where they
168 want to be maybe. Clear crimes against humanity that the court can investigate. In
169 respect of those forced into China, they are the same crimes against humanity

170 deported constitutes a crime in Tajikistan and persecution as discriminatory grounds,
171 and inhumane acts faced on other sides. Enforced disappearance is a crime against
172 humanity. On top of that, saying that there is an alleged planned genocide, what
173 happens in these countries could be part of that plan. It is not the complete picture.
174 Rounding up people outside and bringing people back in who can then be targeted,
175 can be part of the overall genocide. The court can take account of what taking place
176 in China to decide if it is a genocide, even if the ICC cannot prosecute what is inside
177 China as China is not signed up. But, if it starts inside and continues outside, they can
178 look at what the plan and look at all the evidence. All the various crimes should be
179 investigated. But that is further down the line. At least what should happen is an
180 investigation to see if there is evidence and then there can be legal arguments as to
181 what can make up. The defence will have opportunity to put case forward.

182 *PANEL – What about Tajikistan? Are you asking for its role in these actions and in the*
183 *possible, not preventing criminal acts made against these individuals? Are you asking*
184 *for them also to be investigated for these crimes?*

185 RD – Our focus is on China, given the overwhelming evidence. Evidence of China's
186 evidence and bringing people back should be investigated. What evidence has
187 revealed - Chinese operatives are part of this and overseeing it and taking it forward in
188 orchestrated way. We are asking the prosecutor to investigate. As always, the
189 prosecutor has to look at all parties involved. It may be other states have to be looked
190 at. So far, we have chosen the priority is pushing an investigation in respect to China
191 itself. It is the difficult question prosecutor has to grapple with. As a result of that, others
192 must be looked at. Because the ICC has state parties' part of it, it will have to work
193 with those parties to get corroboration from them. Often prosecutor will look at those
194 most responsible using support from other countries where possible. Nothing can be

195 excluded but the focus is on China. The prosecution needs to decide that issue. We
196 will see where that leads but must rely on state parties to assist.

197 *PANEL –You know this is a People's Tribunal, which happens to have been requested*
198 *by an interested party, which is itself completely neutral and in no way activist. You, on*
199 *the other hand, represent a rather different type of interested party – the East Turkestan*
200 *government in exile. I mention that as the PRC is not represented here and if they*
201 *were, they would probably argue that it is in the interests of your clients that we should*
202 *make findings adverse to the PRC as that would constitute material valid to your case.*
203 *As we have to try and present arguments the PRC would bring. How would you deal*
204 *with that?*

205 RD – We are representing our clients, the East Turkestan government in exile and
206 Uyghur victims who want an investigation open. We have come before you saying this
207 evidence can be taken into account and if you have recommendations as to remedies,
208 the ICC should be one of the main ones. I cannot see any problems with the evidence
209 presented today. It depends whether or not all the evidence based on all the evidence
210 the tribunal has heard. You do not have the underlying material itself and so, it is hard
211 to assess it. It is coming through me for reasons I have explained. In relation to what
212 the Chinese authorities might say. Of course, findings from your tribunal could be
213 relevant to the ICC but the ICC is an independent body, as are you. You will have to
214 assess the evidence on the basis of what you to find. Then do it openly and publicly. I
215 don't think there can be any criticisms of the process.

216 *PANEL – Might you be able to persuade the prosecutor of the ICC to provide us with*
217 *a redacted version of your report, at present confidential. If so, the prosecutor will have*

218 *to understand that any such report would have to be publicly available. The Tribunal*
219 *does not accept evidence in camera in any way.*

220 RD – Yes. I have enquired if there is a possibility of confidential evidence and was
221 informed that is not the case. The redacted version may be the solution. The difficulty
222 is the sources of the material and whether they would be happy with that at this stage.
223 We have done the best job so far and can ask with the necessary caveats. Even an
224 indication of evidence out there and taken into consideration is important.

225 *PANEL – As to the evidence you rely, is it all oral or are they primary document*
226 *sources?*

227 RD – It is the former, but other materials as well together with witness testimony.

228 *PANEL – Other material with which we are familiar, aerial imagery, is that the sort of*
229 *material?*

230 RD – Yes, material like that and also some from the witnesses and other to ensuring
231 their accounts of investigated, and has been provided to the investigators.

232 *PANEL – I'm sure you will understand the sensitivities the Tribunal must consider to*
233 *assess the credibility of material. I hope this will encourage you to be as persuasive*
234 *as possible to the prosecutor.*

235 *The last point is, as you will appreciate, we are dealing with the law and not open*
236 *tribunal. It happens you, in combination with Mr Khan (present prosecutor of the ICC)*
237 *and Lord Justice Fulford (president of the UK court of appeal), are co-authors of the*
238 *authoritative of the international criminal court textbooks. Would you consider if you*
239 *think it might help us, providing an electronic form the passage of your textbook on*
240 *intent, and part and destruction?*

241 RD – The textbook is just a legal database – not a commentary.

242 *PANEL – If the case goes forward in the ICC, what would you expect the involvement*
243 *of the PRC to be? In the sense we as a tribunal have asked the PRC on numerous*
244 *occasions, including yesterday, to provide exculpatory evidence - they haven't done so.*
245 *What might you expect?*

246 RD – If the prosecutor did decide to open an investigation, he would have to make an
247 application to the judges of the court. The Chinese authorities would be notified that
248 would be happening. They would be free to intervene. If authority would be given to
249 go ahead, the prosecutor would have to be notified as well as all states in these crimes.
250 They would have the opportunity to apply and defer to the authorities in that state.
251 They may seek to take over the case. The ICC works on complementarity - if doing a
252 genuine investigation, they would say the ICC can stand back. It would be open for
253 them to participate in an international body, as in the UN and other bodies, and should
254 not be shunned as a process as all states has the opportunity to do.

255 *COUNSEL – Has there been any form of request from Tajikistan or Cambodia for the*
256 *extradition of Uyghurs?*

257 RD – No formal requests were properly considered in a court of law according to the
258 rule of law. China often asserts it is bringing back persons through a proper lawful
259 process, but evidence does not show such a process.

260 *COUNSEL – The bulk of evidence we have heard was within the state of China where*
261 *sovereignty, where rights, control - your allegation relates to international crimes – this*
262 *opens up an entire new dimension to the allegations, an internationalised dimension.*
263 *My question is, if proven true, it would reflect a certain state acting in a certain impunity*
264 *disregarding law on an international level. How would you explain such behaviour?*

265 RD - On the evidence it shows precisely that. That it is a façade that persons are a
266 threat and papers have expired. But actually, what is going on people are rounded up
267 because of who they are and persecuted as a group. Declarations made that they are
268 acting lawfully, this is not happening in practice. A very powerful state is acting with
269 impunity. They can have huge influence over the relevant states. Where they are
270 blocked from doing that, they used other methods by surveilling the Uyghur
271 populations there – hacking phones and checking what they do and intimidating them.
272 Crossing the borders in other unlawful ways, this is widespread. This is the body of
273 evidence – much of this is public not just from our investigation. To us, the permanent
274 questions to what that shows, even if it requires further investigation.

1 13th September 2021 (6:08:29 – 6:40:00)

2 Gulzire Awulqanqizi (or Aulhan)

3
4 COUNSEL – *When you were in the second camps, you served as a cleaner. Can you*
5 *please tell the Tribunal what you witnessed about the rape and sexual harassment of*
6 *women?*

7 GULZIRE AWULQANQIZI – Hello everyone. When I was in the second camp, I was
8 kept in shackles for six months. They even took me to see my family with the shackles
9 on. After the six months period, they removed the shackles from me. They made me
10 to be the cleaner. I saw that Uyghur women were brought to that room and they were
11 raped. I had to wash them afterwards. I mostly stayed with Uyghur [women]. I would
12 hear them scream and shout and beg for help but no one would do so. Also, I was
13 responsible for not just cleaning, but taking care of the whole area so I saw all the
14 instruments they would use to torture people, like tiger chairs, the chains and shackles
15 and all of that. I was involved in taking those women to shower, and helping them
16 shower, and I always noticed how they had those blue and red hematomas on their
17 bodies, on their hands and legs mostly.

18 COUNSEL – *How do you know that the men who were visiting those women paid for*
19 *that service?*

20 GA – While I was in prison, I had to clean some of the premises. Once I came there
21 and there was a man standing in the room, and I needed to wash the floor so I asked
22 him to move slightly away so I could clean the area under his feet. He said “I paid to
23 come here, and that is why I will stay wherever I want to.” He was Han Chinese, but
24 interesting enough, he spoke Kazakh to me. Speaking Kazakh was very rare because

25 even the teachers that we had in the camp spoke Mandarin to us. They would say
26 “you are here to learn the language, not to speak Kazakh.”

27 *COUNSEL – In your statement, you stated that you were regularly beaten, can you*
28 *explain how you were beaten and how often was that, and whether you were ever tied*
29 *to a tiger chair?*

30 GA – When it comes to the beatings, I have seen that a lot. Actually, the most frequent
31 punishment came whenever we had to use the toilet. The classes lasted for about 14
32 hours, so that is 14 hours we had to spend sitting, and we would be given two breaks
33 of two minutes each to use the bathroom. Because we were sitting so much and not
34 moving, most of us were constipated. Sometimes it would take us longer than two
35 minutes to do our thing, so they would come and beat us on the head. The excuse
36 was that because we were women, we should not be injured on our body - that is why
37 they would hit us on the head with their sticks. Also, once, they tied me to a tiger chair
38 for covering for one of the older Uyghur ladies. She had to use the bathroom but she
39 took a bit longer and they claimed that she did ablutions, washed herself, as if it was
40 a prohibited ritual or tradition. They punished her for it and they punished me as well
41 for allowing her to do so. They tied me to the tiger chair for 24 hours. In fact, throughout
42 those fifteen months, I was interrogated nineteen times and each time, I would be taken
43 to the tiger chair. I believe in each of the camps where I was, I would be taken to the
44 tiger chair five or six times. Also, when they transferred me to the factory that produced
45 the gloves, I sent a photo and as a punishment for sending that photo, they sent me in
46 isolation in a sort of 20-meters deep well. They used electric currents on me, they
47 poured water on me and they kept me there for 24 hours as well.

48 COUNSEL – When you were sent to the factory to make the gloves, how many gloves
49 did you make and how much were you paid for making those gloves?

50 GA – The order would be to make twenty gloves a day but I would not deliver - I would
51 make maybe eleven, sometimes twelve gloves a day. I earned 20 kopeks. **[Ulterior**
52 **statement by the witness (GA) as relayed by the interpreter: “A pair of gloves**
53 **was 10 Tyjyn – which corresponds to the smallest unit of money. Also, it is**
54 **1/100th of a Som – in KZ [Kazakhstan?] we used those units during the Soviet**
55 **Union times.”** – Note from the transcriber. The term “Som” appears to have been
56 used by Kazakh, Kyrgyz and Uzbek speakers in the then Soviet Union to refer to the
57 Soviet Ruble. If we consider that the Soviet Ruble’s value relative to the dollar varied
58 between 1.1 and 1.8 between 1961 and 1992, we can surmise that the witness earned
59 no more than 0.18 dollar per pair of gloves.] They told us that those gloves were
60 exported to America or to European countries.

61 COUNSEL – [to the panel] For your information, it is ten Yuans per pair, which is equal
62 to about 1 cent - it is a very small amount.

63 GA – Also, every glove would be made by seven people, and I would be in charge of
64 handling some of the trims. They taught us the Chinese sewing style, I had to mimic
65 that and I had to do that on every glove by hand with a steel needle. It would take me
66 a very long time and I would never success in doing twenty gloves.

67 PANEL – You went to four different facilities over the course of 437 days. Did you have
68 injections at every single one?

69 GA – In fact, they injected me with the alleged anti-flu shot at the first camp, three
70 months after I was inside. After that, they did not inject me again but every time I went
71 to a new camp, they would draw blood samples from me. Sometimes they would take

72 only from me, other times from groups other students and not me, so there is no
73 explanation to why it was happening like that.

74 *PANEL – Do you know how much blood they took out? Was it a few small tubes or*
75 *was it a lot?*

76 GA – It would not be more than one vial. A 20 or 30 millilitres-syringe, something like
77 that.

78 *PANEL – Were these samples taken just the first time or several times while she was*
79 *in each facility?*

80 GA – They drew blood several times. I remember they drew blood three times in a
81 month.

82 *PANEL – You were also given some pills. Do you have any idea what they were? Did*
83 *they have any effect on you?*

84 GA – After the injections I developed this fatigue and overall exhaustion. Whenever
85 we complained about having headaches, they would take us to a place, they would get
86 a signature on some piece of paper and hand to us a white pill. We do not know what
87 it is but I remember it would make you fall asleep right away.

88 *PANEL – You also have some ultrasound scans, were they taken of the tummy, the*
89 *chest, where?*

90 GA – I cannot specify exactly where they looked because when we were taken to the
91 Camps, they would take us to the hospital, make us take our clothes off, take us through
92 different tests, especially with an obstetrician-gynaecologist doctor.

93 *[interpreter cannot ask about the ultrasound test]*

94 *PANEL – You said “gynaecological examination,” what was that?*

95 *GA – They sort of probed us in different places with different instruments. After that, I*
96 *felt very nauseous, they gave me a glass of water and that was it.*

97 *PANEL – Okay, so you had an internal examination?*

98 *GA – Yes, they did an internal examination of all the body cavities.*

99 *PANEL – Relating to the visits of the husband, were these husbands within the camp?*

100 *Or was this just a female camp? Did they come from home?*

101 *GA – As for those husbands who visited, it was not the same for everyone. Some of*
102 *them stayed in the camp, [unintelligible]. They would be brought from the camps, a*
103 *phone call would be made and they would be shipped from another camp to see the*
104 *women-only camp. Others had their husband living outside, in their home. For them*
105 *too, a phone call would be made to the husband, they would be instructed to bring 20*
106 *Yuans and two metres of fabric, clean sheets, and then they would be made to “date”*
107 *in a separate facility. Before the date, the women would be given some pill under their*
108 *tongue, that would melt in their mouth. My roommates would come back to me and*
109 *give me all the names of the camps where their husbands were apparently detained.*
110 *I, myself, did not attend to any of those because my husband was in Kazakhstan but*
111 *I was allowed to have a 15-minute video call with my husband. Also, my relative could*
112 *visit me sometimes.*

113 *PANEL – You stated that single, divorced and widowed women were taken at night,*
114 *and were tied to bed and raped violently. Some did not return. Do you know what*
115 *happened to them?*

116 GA – I do not know where they would disappear. I know that they would be taken to
117 the shower, where I would help them wash, but then they would be taken somewhere,
118 I do not know where. All I know is that they would never empty beds because the
119 vacant places would be filled by new women on the next morning.

120 *PANEL – Do you know whether any of them were taken to a hospital?*

121 GA – I do not know where those women would be taken but I know that the women
122 who came back in the morning would be injured. They would have red marks and
123 scars on their body, and whenever we asked them where these came from they would
124 say things like “I fell off the bed,” or “I hit myself coming down the stairs,” etc. There is
125 something I want to add - there was this girl, Zainura, who had a cystitis and she could
126 not stop peeing. Wherever she was, at all times, urine would be dripping from her
127 pants. She would even pee her mattress. She received no medical care, so she came
128 to this disastrous situation, and no one helped her. There was another, older Uyghur
129 woman with a missing leg, she would walk with a cane. They would kick her and she
130 would fall, and I would go to help her not to fall and they would punish me for that.
131 They would ask me “do you know this woman?”, “is she your relative?”, “how do you
132 know this woman?” and they took me to the tiger chair for 24 hours. Another girl was
133 deaf and mute, they would torture her by putting her on the tiger chair, trying to get
134 something out of her but she knows nothing, she could explain nothing, she did not
135 even understand what was happening. This is no re-education camp. This is not
136 education. How dare they break our humanity and dignity like that?

137 *PANEL – Could you tell us how you are yourself now? Are you back home and able*
138 *to sleep and do everything?*

139 *[interruption]*

140 *PANEL – We will draw this to a close. Is there anything that the witness wants to add?*

141 GA – Another thing that they did to us, was in one of the four camps, in 2018, where
142 they would make us go to the buckets - they would not have proper toilets. Through the
143 small opening through which they would send us food, they would throw us Qurans.
144 They would say “here is your book, go and read it,” and once you grabbed the book,
145 they would make you throw it in the bucket and make you do your thing on top of the
146 Quran. The people that they try to “re-educate” are Uyghurs or Kazakhs, and the
147 rumour has it that this camp will continue to exist until 2026.

148 *PANEL – Thank you.*

1 **13 September 2021 (6:43:20 – 7:12:00)**

2 **Rian Thum**

3
4 RIAN THUM – In answer to the first question of the purpose behind the dilution of
5 Uyghur population, particularly in the southern part of Xinjiang, I provided the panel
6 with access to explicit statements, that are quite numerous across officialdom and sort
7 of state supported universities and academics, that explain why they see the population
8 structure in southern Xinjiang as a problem. Many of those are made available in a
9 paper that has now come out in a peer reviewed journal by Adrian Zenz. I also
10 provided some of my own research and some statements that I found myself. What
11 they all agree on is that changing the population and demographic structure of Xinjiang
12 is important to long term party rule in Xinjiang and stability. In order to achieve that,
13 assimilation is required and that the concentration of Uyghurs and the superior
14 numbers of Uyghurs in the south is an obstacle to that assimilation.

15 I focused on my response in particular on the Bingtuan, the Xinjiang Production and
16 Construction Corp, which has probably been the main vehicle for bringing settlers into
17 Xinjiang over the last half-century or more. Because there, we can see a very clear line
18 of orders from Xi Jinping himself beginning with his speech in 2014, which are then
19 dissected and expounded upon by papers by authors from the Bingtuan Party School.
20 It is a good place to see exactly where this expression of intent comes from. It is
21 explained in some detail. Most notably, Xi Jinping's speech calls for adjusting the social
22 composition of the population, promoting cultural exchange, advancing regional
23 coordination, which is pointing to giving the Bingtuan a bigger role in the south and
24 optimising population resources which is further elaborated at lower levels as

25 addressing the problem of the dominance of the Uyghur population and its
26 concentration.

27 I won't talk too much about the second question which was specifically a question to
28 me about a request for me to provide examples of assimilation as intent that I
29 mentioned exist in the 2018 report by the Xinjiang Education Department. I provided
30 some working translations of those sections including the part where they say the
31 boarding schools are intended to block the influence of the family's religious
32 atmosphere on the children to the greatest extent. That teachers should be recruited
33 primarily based on political quality and ability to teach Chinese and the emphasis on
34 recruiting Han teachers for boarding schools.

35 *COUNSEL – Thank you very much for that very informative summary. I have a few*
36 *questions starting, in fact, with the point you have just made about assimilation*
37 *meaning, from the perspective of Chinese authorities, being a melting pot or a cultural*
38 *exchange and of course, these words (melting pot or cultural exchange) they imply,*
39 *they connote a constructive exchange. However, from your analysis, you found that in*
40 *reality what this policy translates to is far from constructive. In your own words, you say*
41 *that “whilst almost every element of Uyghur life is under pressure to become more*
42 *Chinese, virtually no aspect of Han life is under pressure to become more Uyghur.” If*
43 *you could firstly expand a little about that. It is not really an exchange therefore, we*
44 *are speaking about, is it?*

45 RT – That's right. I think an excellent example is the demolition of Uyghur homes and
46 the redecorating of Uyghur homes. Which is a policy in many parts of southern Xinjiang
47 now, whereby where Uyghurs are compelled to remove the sorts of beds they normally
48 use where people will sleep together or do homework together and things like that –

49 and replace them with so-called 'modern' beds which are used across the rest of
50 China. We see no examples of Han people being forced to install Uyghur-style
51 furniture or Uyghur-style beds. We also see, of course, the compulsory education in
52 Chinese and not just in classes within the schools. There're very clear instructions that
53 Chinese should be the language of communication within the school. There are no
54 schools that do this for Han people to learn Uyghur.

55 *COUNSEL – Thank you for that. You also explained, therefore, that the ultimate*
56 *purpose of this policy is control of the Xinjiang province or area by the central*
57 *government. The means of reaching that ultimate goal is assimilation. So, if we have a*
58 *look at this graph you have put on the screen now. We currently see a number of*
59 *yellow dots that are Han areas and the number of blue dots that are Uyghur areas,*
60 *together with some others. How will that map look once this assimilation project is*
61 *accomplished?*

62 RT – That is a very interesting question. It is hard to predict where Chinese ethnic
63 policy will go if they achieve the kind of assimilation they are seeking. Identity is not
64 solely based on cultural content. People maintain ethnic borders between themselves
65 and others, even when they share all or nearly all of their cultural content. So, it is
66 conceivable, if the Chinese government achieves its assimilationist goals, which
67 appear to be that all Uyghur speaking Chinese as their strongest language, living in
68 houses that look like Han Chinese houses, not practicing Islam et cetera, it is quite
69 conceivable that they will maintain a Uyghur identity. For the moment, the state seems
70 to be resisting some calls from some academics within China to eliminate the ethnic
71 name from identity cards. Much of the new ethnic policies that have been adopted,
72 comes from a set of academics who propound what is usually called [*inaudible*]... A
73 lot of those want to actually eliminate the ethnic term from identity cards. The central

74 authorities have rejected that. At the moment, they seem to be leaving room for
75 persistence of identification. However, I don't there is any reason to assume that they
76 would maintain that stance into the future, in which case you could have all the dots
77 be one colour which would be Chung Hua people. Not the Han nor the Uyghur, but
78 the Chung Hua people.

79 *COUNSEL – Thank you for that. Just to press a bit further. Yes, so indeed, things may*
80 *not always go to plan and sometimes other events may intervene and the resilience*
81 *of the Uyghur people themselves could help maintain the blue dots there. In terms of*
82 *the intention now of the government, the intention is very much for the majority of the*
83 *dots in Xinjiang to be, you are saying neither yellow nor blue but it's a merge? Is that*
84 *a correct?*

85 RT – Yes. I would say that the intention present, or at least when these documents
86 came out, is to have the yellow dots outnumber the purple dots - to have the purple
87 dots spread out. Some of them moved to the interior of China, many of them moved
88 up to the north, so the dots don't have this divide that you see. The ideal that they are
89 expressing is that the yellow dots would outnumber the purple and that they would be
90 evenly intermixed. That is an intermediary stage to the fuller goal of assimilation. That
91 is a means to assimilation. They see that concentration as a barrier to assimilation.

92 *COUNSEL – Thank you for that. I have two more questions relating now to your work*
93 *on boarding schools. In your report, you refer to compulsory boarding schools which,*
94 *as you say in the report but you also said again today, they aim to block the influence*
95 *of the family religious atmosphere on the children and to re-educate and re-socialise*
96 *perhaps these children into Han Chinese culture. This is done, for instance, promoting*
97 *culture of comprehensive use of Mandarin. Perhaps, if you could speak a little more*

98 *about this ultimate purpose of these boarding schools. Perhaps if you could reflect on*
99 *whether there could be any other ultimate purposes for them, such as advancing the*
100 *education of the children going to the school. Is that conceivably one of the purposes?*

101 RT – I think that is conceivably one of the purposes. I don't think it is the main purpose
102 because this report comes in a compilation of reports from, I think, all of the different
103 provinces and regions in China. There is only one report in that compilation that
104 emphasises the construction of boarding schools and that's Xinjiang. So, none of the
105 other provinces have seen an expansion of boarding schools as crucial to improving
106 educational outcomes and that includes Tibet. So, I don't think it is really plausible to
107 think of that as the main intent. Although, even ten years ago there were a lot of Uyghur
108 parents who voluntarily sent their children to Mandarin-speaking schools, because it
109 would give them better employment prospects. For sure there can be some benefit to
110 knowing Chinese, I doubt that any of the parents would think that there is a benefit in
111 essentially having their children raised as Han Chinese. Whilst documents do not
112 speak of the sort of cultural material that is promoted in these schools. We have plenty
113 of evidence, from news reports within China and out, of students celebrating Han
114 Chinese holidays, reading Confucius texts and of course, like everyone else and all
115 the children, they will have to study Xi Jinping thought.

116 COUNSEL – *Thank you, ok. As you put it in your report, the main purpose is then*
117 *resocialisation into Han Chinese culture. First and foremost, is this resocialisation*
118 *meant to be temporary or permanent on the children?*

119 RT – In my opinion, it is meant to be permanent.

120 COUNSEL – *So, now perhaps, I am asking you to look both into future but also into*
121 *the intention behind these boarding schools then – if it is intended to be permanent.*

122 *Could you reflect a little for us on what kind of adults will these children, sent to these*
123 *boarding schools, become? In particular, will they see themselves as Uyghurs, firstly?*
124 *To what extent for instance, for example, Uyghur religion or Uyghur culture be able to*
125 *survive through these children from these boarding schools in the future?*

126 RT – We have some good evidence from the past that can give us an insight into that.
127 There are two groups...Two populations that have experienced something somewhat
128 similar. One is the so-called Xinjiang class of Uyghur students who go to the east coast
129 and study in boarding schools there. The other is Min Kao Han, these are Uyghurs
130 who, for decades, had been doing their education in the Chinese system and in
131 Mandarin. It literally means “ethnicities testing in the Han way.” Among those, of both
132 of those populations, the adults still think of themselves as Uyghurs by and large. This
133 is not a topic of research for me but I can say anecdotally, meeting Min Kao Han, they
134 are better in Chinese than Uyghur language. Many of them can’t write in Uyghur and
135 can only speak it. There is often a lot of anxiety about not being as familiar with the
136 culture they identify with as Uyghurs who went through Uyghur language education. I
137 also think, as a historian looking at assimilation projects around the world, you find that
138 even when people are put through this intense assimilationist programme, they tend
139 to still identify as not being a member of the majority ethnicity at the least. That is
140 something that is not just a choice, although they often choose to do that – but
141 something that is enforced upon them by the dominant group and I expect that these
142 adults will still suffer no matter how much they are assimilated to Han Chinese ways
143 of life. They will still suffer discrimination for being Uyghur.

144 *COUNSEL – Very quick final question and then I will hand you over to the panel. So*
145 *just to clarify, from historic precedent, they will find it hard to identify with the majority*

146 *group and how easy or difficult will it be for them to identify with the minority group, in*
147 *this case the Uyghurs?*

148 RT – In the case of the Min Kao Han, they often face difficulties in both directions.
149 Uyghurs who are not Min Kao Han will sometimes see them as fully Uyghur or real
150 Uyghurs.

151 COUNSEL – *Thank you. I will now hand you over the panel.*

152 PANEL – *Thank you for joining us again today. So, if I thought about or if we thought*
153 *about what goes beyond assimilation and that the objective is not to turn Uyghurs into*
154 *Han, but to create subservient citizens/subservient class and there is arguably*
155 *reasonable evidence in regard to that - removal of many of the rights of citizens is*
156 *endemic. So, if that was the case and you now no longer thought about this map in*
157 *yellow and blue but all the blues become a sort of very pale grey, that gives you very*
158 *different context and imagery around where this might end up, does that resonate at*
159 *all?*

160 RT – Yes, I think you make a good point. Beyond the question of re-engineering or
161 destroying the Uyghur identity, there is a process of creating this kind of underclass
162 which Uyghurs have suffered terrible dissemination before for this latest turn to
163 repression. But obviously, as you mentioned, many of the ordinary rights (for example
164 to have a trial when you are detained) have disappeared for this group. And grey dots...
165 If we take ethnicity out of the picture then I think that makes some sense. I think
166 probably the intent, at least the vision that appears from these speeches and the
167 analysis of these speeches, is that maybe they are all red dots or they are all yellow
168 dots. That they are all one colour.

169 *PANEL – And, in your report previously, you talked about (as we just discussed) the*
170 *intent being however you want to describe it, population optimisation leading to*
171 *assimilation and so on. That is the intent. You talked about the motive as being that of*
172 *security but would you think there might be other motives? History provides plenty of*
173 *examples such as land appropriation and resources appropriation. Exactly as one of*
174 *our expert witnesses talked about yesterday, the indigenous population in America. It*
175 *could be a slave labour. It could be a whole bunch of things. Does that make any*
176 *sense?*

177 *RT – Yes, absolutely. I, so far, have only been discussing the stated intent to be there.*
178 *There is plenty of evidence of other motives or incentives. It is hard to disentangle*
179 *which of them are primary motivating factors and which of them are opportunistic.*
180 *There has not yet been systematic research, that I am aware of, on land grabs. But I*
181 *have seen a whole lot of anecdotal evidence of this all over Xinjiang. People who were*
182 *taken to internment camps, have their land taken. There are demolition of Uyghur*
183 *villages going in an enormous pace. The old towns of all the cities and small towns of*
184 *the southern ring road or the southern curving road in the south have all been*
185 *demolished and people are moved out of farming into... villages are being moved into*
186 *so-called ‘modern villages.’. Then, of course, you have the use of Uyghurs to fill in the*
187 *labour gap China is experiencing. Some analysts would say the sense of Xinjiang as*
188 *an important corridor for trade if China can get steady trade going through Pakistan.*
189 *There are lots of economic reasons that go along with this. Economic opportunities for*
190 *powerful Han people to take the property of Uyghurs.*

191 *PANEL – My final question. Could you shed any light on the power structure in the*
192 *Bingtuan? Is it a regional force of some autonomy? Or is it an agent of central*
193 *government? Is it possible to imagine that the execution of its policy in the region could*

194 *have been independently founded or is it more likely that its power source and its*
195 *policy emanates all the way from the top in Beijing?*

196 RT – It is absolutely beholden to Beijing. It must follow orders from Beijing. I am not
197 an expert on its bureaucratic structures, it roughly serves as a provincial entity of its
198 own but bears a similar responsibility to following central orders. I will read for you
199 something I ran across recently. This is a response to Xi Jinping’s 2014 speech on the
200 new direction for the Bingtuan which should focus more on population dilution. “The
201 Bingtuan Party Committee attaches great importance to studying, understanding and
202 implementing the spirit of General Secretary Xi Jinping’s important speech. The
203 Propaganda Department actively organises Bingtuan experts and scholars to study the
204 spirit of the speech to write theoretical articles. The Bingtuan daily attaches great
205 importance to the publication of theoretical on studying and implementing the spirit of
206 General Secretary Xi Jinping’s important speech”

207 *PANEL – Regarding Han migrants, could you say anything about their composition?*
208 *Are they, for instance, mainly young men? Is there any information you can give us on*
209 *that?*

210 RT – The information that I know is not detailed enough to give you much on that.
211 Traditionally, it has been mainly men and it was an enormous problem for the Bingtuan
212 in the 1950s and 1960s. There were big efforts to bring women against their will to the
213 Bingtuan. Who is responding to the calls right now, is something I can’t answer...

214 *PANEL – Thank you for giving evidence on both occasions. I am sure your evidence*
215 *will feature in our final decision. Thank you again very much.*

1 13th September 2021 (7:26:20 – 8:18:28)

2 Peter Irwin

3
4 PETER IRWIN – I will start by talking about the methodology. It is based on two
5 reports - one is detention, imprisonment of intellectuals and religious figures. We define
6 intellectuals as Members of Uyghur and Kazakh of society who are influential. On the
7 Imam case, we drew a data set of 1046 cases compiled by four sources: 1. UTJD, 291
8 cases were from here; 2. Xinjiang Victims Database, 259 from here; 3. Research from
9 Uyghur scholar Abdulweli Ayup, based in Norway, 480 from him. He spoke to direct
10 contact relatives, looked at Qaraqash and Aksu lists, Chinese government websites,
11 primarily organised between December 2019 and May 2018, where he compiled 4577
12 cases, in general of people detained based on interview in Turkey primarily; 4. 16 came
13 from Congressional US Commission on China's political prisoner database. I can go
14 into data on this as well. There were a number of cases we did not use based on
15 insufficient evidence of info past to confirm the case. I will take you through what is
16 contained in cases: 100% have the name, occupation and gender, 88 contained the
17 prefecture/location, 64 had information on status (detained in a camp, prison,
18 disappeared), 57 had information on data detention, 57 the birth year, 30 the reason
19 for detention, 24 the place of detention, 18 on mosque affiliation of religious figures
20 themselves. We took steps to corroborate data. 10% of cases were from 2 sources in
21 databases, we cross checked from multiple sources, so there were no duplicate cases
22 in the larger dataset.

23 Moving on, another check we did was we looked at the proportion of Turkic people
24 living in each prefecture and compared to the dataset case information to where

people were and compared to Turkic people in the region. 14.7 individuals in set come from *Illi* prefecture, Turkic makes up 15.6 % regional population, which is close, 4.4 from *Kisusu*. One Kashgar prefecture numbers were off: 17% from data, but Turkic across region makes up 32% across region. We took some steps for this dataset. We took as many steps as we could. The nature of accessing information and determining and confirming cases is very difficult but have taken step to make our best guess. It is likely more people and Imams are detained. These are ones we have sufficient information on these cases to make an estimate, on estimate. I am not the author of this report. It's a forthcoming report. UHRP has made three reports on detention of intellectual figures, more detained and more information accrued. This derives from the dataset primarily from Uyghur Abduweli Ayup, who has done research using interview with the Uyghur diaspora and government documents. One way he used to find information on scholars from universities was, when scholars were confirmed detained, they remove names from university website. This is one extra check we took. He would get hints in one direction or another then try find family abroad. He has conducted extensive research in Turkey. He is connected with the Uyghur community abroad.

COUNSEL – What are main reasons for arrests, especially arresting scholars?

PI – This is for Imams [shows slide], these are charges. Primarily religious as you would expect. Interestingly, teaching religion to children. Part of the reason for that, Imams are pushed to the side, they cannot in some ways to in their circles they cannot include things such as weddings and funerals where Imams can continue this. The intellectual point began around 2014, its often two faced. To be fair I do not think there is not much information as to why they are detained. It is fairly limited. Quite often, there a few reasons, the two-faced charge. There is a quote 'break their lineage, break

50 their roots, break their connections, break their origins. Completely shovel up the roots
51 of two-faced people dig them out, and vow to fight these two-faced people until the
52 end'. They are being charged for separatism often. We have very few details beyond
53 this. Evidence shows that they are not sufficiently loyal to the Communist Party, but
54 just to Uyghur.

55 *COUNSEL – In your report, you say most of 1000 figures, they have been approved*
56 *by the state. How can that sit with that they have been arrested, though approved by*
57 *the state?*

58 PI – It shows the nature of the report. I am making the case for the other side. The
59 Imams had to be approved by the state, beginning in the 1990s. In 80s, Uyghurs could
60 practise relatively openly. In 90s, it changed dramatically. There were purges of Imams.
61 They had to do training courses. All Islamic figures have to go through training
62 processes. This changed as scholars, the ascriptive nature of victimisation - it is
63 inescapable, targeted not for what you say or write but what you are and what you
64 used to be. There is a shift, beginning around 2016, where Imams detained fairly
65 arbitrarily. Uyghur Imams, Kazakh Imams were around 17%. For things done 10 years
66 ago, they were sentenced. Both kinds of groups targeted and sentenced, not for their
67 actions - what they represent in relation to the CCP.

68 *COUNSEL – This morning one of our witnesses quoted from President Xi, 'to destroy a*
69 *nation you have to destroy its history'. Do you think this eliticide is depriving Uyghur*
70 *people of their history?*

71 PI – One parallel is Nazi and Soviet occupation - physical elimination of Polish elites.
72 With Uyghurs, it is incapacitation. Uyghur textbooks from primary and middle schools –
73 CGTN had a long documentary on this which mentioned director of Xinjiang Education

74 Department. It basically, in 2017 in 5 were charged at the same time with forced
75 confessions of him sentenced to death because he had directed his members of the
76 Xinjiang education department to insert more Turkic figures into the textbooks. These
77 textbooks published in 2003, 2009 but only filed the charges in 2016. They did an
78 investigation about him directing his staff and two former heads of publishers and two
79 editors who were also sentenced. They were targeting the textbooks. If you watch the
80 documentary, they pan over the textbooks, they show one of leaderships only
81 evidence to audience. Pretty good example of targeting children.

82 *PANEL – On methodology, you have highlighted relating on other states texts and*
83 *other interviews with former Imams, have any of those interviewees been detained*
84 *previously and what have you learnt from that type of fresh collection of data?*

85 PI – That was one aspect of the methodology, 5 Uyghur Imams outside of China. They
86 spoke anonymously. We learned contextually, we wanted to know what was
87 happening to them of mass detention. They all left - before 2015, they fled. Had they
88 been detained, 1 of them had been detained for a little while in 1990s which was a lot
89 of experience, would have to check the source. They had the sense they had to leave.
90 What we learned was happening and how they responded to these types of
91 restrictions. They would education s patriotic courses to 15 days such as Urumqi, sit
92 down and people telling them you are preaching is in line with CCP. I asked them
93 whether this influenced them. He said we went there we wrote some of this down, I
94 went through the motions, I went home and put in practices there were before. There
95 is pressure. The feature of the way they responded to the restrictions was in creative
96 ways. The underground resistance, cannot expose exact methods, but continued to
97 teach children. The ubiquitous surveillance, detentions, detaining people associated
98 with these figures.

99 *PANEL – With these intellectuals, you allude to other experiences. Historically these*
100 *intellectuals have been detained, can you argue that in Uyghur society these*
101 *intellectual society intellectuals play a particularly important role vs other societies? And*
102 *secondly, whether removal of this class constitutes a crime against the whole group?*

103 PI – Uyghur intellectuals are more influential in this society. In a smaller group of
104 people in a smaller area this can be true. It has been fairly confined, the Uyghur
105 diaspora exists, particularly in Turkey. One of issues, when books and most people still
106 there - I don't think comparatively they are more influential, but definitely influential still.
107 Yes, it is a crime against them. Keep in mind in one sense you do not to detain every
108 single intellectual, one purpose of this campaign and seen this in the data set is they
109 are detaining to send a signal to the rest of the intellectual class. I wouldn't put Illan
110 Tohti in the same set but that sends a signal to all intellectuals, scholars in particular -
111 there is a line you cannot cross. By 2016, when you have such significant detentions
112 of so many of these figures, they are not nobody's - the President of the Xinjiang
113 University with suspended death sentenced, his successor was there for a year before,
114 also being detained. Those affiliated, Dean of traditional medicine, former Head of
115 Education, former Dep of Justice, publishers – these are targeted to show the rest. Not
116 all are detained. People still work in these departments. You know how far you can go.
117 They are going to be the victim of the state based on what they are not what they do.

118 *COUNSEL – Is the gain creating fear?*

119 PI – The importance is to keep people afraid and unsure. It is humiliating, national
120 humiliation of the Uyghur people to put out a signal.

121 *PANEL – You said many of these books, you mention, have gone through censorship*
122 *procedure. Now, the same people have been detained. I'd like to focus on the outcome,*

123 *particularly on the next generation, what is the impact on them in the change of*
124 *transmission of culture?*

125 PI – This is really important. The transmission of culture and religion. Children under
126 18 cannot go to the mosque. The regulation in 2017 made it illegal to teach religion.
127 They have restricted it to state approved Imams and mosques. Children are deprived
128 of the ability to learn a religion. In terms of the textbooks, so it was two textbooks which
129 were banned. If the line is you cannot teach, and fact Uyghurs had independent
130 republics in 30s, 40s is a fact. He directed his staff. Publishing in Uyghur language will
131 not touch Uyghur culture. Altering the way history is taught, teaching them Uyghurs
132 are not Turkic people but Chinese. Scrubbing the history books.

133 *PANEL – Is it assimilation?*

134 PI – It is at the very least. It has a pernicious nature.

135 *PANEL – In terms of the others in this group, can you explain what the threat of*
136 *arresting, detaining writers, singers, other artists, what threat does this pose?*

137 PI – Artists, in particular, there are a lot of poets and writers because they are culture
138 which can be adapted and built on. These are people who are prominent figure, are
139 those who people look to develop culture. Everyone reads books and poetry. The
140 threat is the perceived threat that these people will carry the Uyghur culture forward.
141 Maybe they are not threatened but they want to get rid of it.

142 *PANEL – The inception of beliefs, this is assimilation or is it a crime?*

143 PI – Absolutely.

144 *PANEL - I note your definition of intellectual, how does this compare the proportion of*
145 *intellectual against non-intellectuals?*

146 PI – It depends on how broadly you define it. If you consider prominent figures have
147 influence in society. I do not know about estimating the proportion of intellectuals.

148 *PANEL – Is it higher than non-intellectuals?*

149 PI – One features isn't the detention, it is the nature of detention – it is harsher such
150 as people sentenced to death. This is more prevalent in the intellectual community.
151 Whereas I see where you are coming from, how do you know they are targeting them.
152 It is the nature of the detention, how many years in jail.

153 *PANEL – The decimation of intellectuals by invading country has been done before.*
154 *Now, we are in the 21st century. There is no doubt these intellectuals will have*
155 *worldwide contact list. Would the disappearance of most of them worry the PRC*
156 *because people get to know what is happening?*

157 PI – Why would they worry?

158 *PANEL – Because it would get known what they are doing?*

159 PI – They did it anyway. They did not seem to be worried as they did it anyway.

160 *PANEL – These people are the leaders of the country, they have huge contacts,*
161 *students, research. Surely by removing all of them, so no academics so known it has*
162 *gone would just raise the point that what is happening to them. They are disappearing*
163 *due to death or detention. Surely this is perpetuating what they don't want?*

164 PI - I would agree, I think they did not seem to worry about this. The international
165 community did not respond very quickly. There was very little response to these figures
166 but it continued to grow.

167 *PANEL – It had a decimating effect...*

168 PI – Absolutely, it set the country back 10 or 20 years. Comparing historical examples,
169 in this case, there is not mass killing. It is a form of state violence.

170 *PANEL – Reputational damage to the country?*

171 PI – It doesn't seem to bother them. They know there is pushback from the
172 international community, they are keenly aware of the perception.

173 *PANEL – You made the comparison with Poland. The reason Poland recovered was*
174 *because there were too many people. Although they killed the elite, there were many*
175 *remaining elite. Is this recoverable? How big is the tertiary educated population?*

176 PI – I'm not an expert on this in particular. On the point if this is recoverable, we have
177 not seen this slow down. I mentioned the president of Xinjiang University and his
178 successors hard to say here. The way it is going, it does not seem so. You are
179 trying to make the point of there may be educated people who could pick this back up
180 again in 20 years. One thing we see in Qaraqash, people from 90s, 80s they identify
181 them as important people. They are keeping watch. I would not say that things will get
182 better.

183 *PANEL – The first Han Chinese President of Xinjiang University, replacing Uyghurs.*
184 *Intellectuals have been badly treated in China's history, how is this viewed in the rest*
185 *of China? There are very famous cases of poets, for example. How much publicity was*
186 *given of the removal in China and in Xinjiang? Are people aware? Intellectual have a*
187 *habit of being a bit separate.*

188 PI - I am not in a position to speak on the perception in China.

189 *PANEL – Do you think there is a plan to replace senior intellectuals?*

190 PI – It is possible, that would be a good way for the Chinese government. I wouldn't
191 say you need a Han person in that person but in the sense, there is no academic
192 freedom. If you dispossess the intellectual class of culture/religion, what is left for the
193 Uyghur intellectual to teach is no difference.

194 *PANEL – Is there guilt by association, if people are detained are children taken to*
195 *orphanages?*

196 PI – The three circles in the Qaraqash list, we see this. In terms of intellectuals, many
197 figures there is more data – on the Xinjiang victim database they have family trees.
198 This happens quite often. Separation I cannot speak of cases but I imagine this
199 happens.

200 *PANEL – It is not forced assimilation, but something else?*

201 PI – Sociology in modern academics has enabled another famous piece of human
202 behaviour which also for a long time.

203 *PANEL - Do you think that, which describes, needs a label would help it be determined*
204 *as a separate crime?*

205 PI - It is something different, in a few ways, technologically so sophisticated it makes
206 it a kind of campaign. Other difference is, in some ways one questions, well they asked
207 will you get rid of Islam in total and disallow Uyghurs from practicing? My answers is
208 no, that is not the intention to completely eliminate, they know they can only go so far.
209 The Polish case, they did take steps to hide it but it became of the intent. I think China
210 is being careful and hide intentions. I do not think that they will get rid of religion in
211 general but dispossess it, strip it of recognisable characteristics so it is an empty shell.
212 This needs to be named in a certain way as it is insidious and targeting these people
213 through violence.

214 COUNSEL – *What are the chances these elites are detained in the general rounding*
215 *up of the population? How confident are you they are specifically targeted as*
216 *intellectuals? You mention these intellectuals get harsher punishments, including*
217 *deaths, do you think there is a specific policy or movement towards intellectuals?*

218 Yes, this is the most important question. Few reasons why targeted in this way. They
219 are targeting the top-level officials. I used the word targeting which is what it looks like,
220 the intensity of sentences, they have targeted intellectuals with death sentences
221 before in 2014. Part of this to consider is I do seem as targeted at the same time you
222 do not need to target them all, the more prominent ones to instil fear in the rest. They
223 have an open letter campaign where they encourage prominent Uyghurs in society to
224 write to Uyghur people in their region, stressing the point about what can be taught in
225 schools. The government says Uyghurs should not forget their history, blood mixed
226 with Han.

1 **13th September 2021 (8:18:30 – 9:25:23)**

2 **Adrian Zenz**

3

4 ADRIAN ZENZ – I will present on some new findings that discuss the connection
5 between the internment campaign and central government institutions. We know that
6 in 2014, Xi Jinping, in Xinjiang, likened Islamic terrorism to a virus and called for a
7 period “of painful [interventionary] treatment.” However, more direct links between the
8 re-education campaign in 2017 and the central government, including Xi himself, have
9 so far been elusive. Based on new evidence, I suggest a new approach to
10 understanding the development and implementation of the re-education campaign. Xi
11 Jiang’s previous Party-Secretary, Zhang Chunxian, experimented with re-education.
12 First administering in villages and then, especially after Xi’s remarks in 2014,
13 implementing dedicated transformation through education facilities. In 2015, we now
14 know, based on new, previously unreported information, the region began to draft the
15 “Regulation on De-extremification” and it did so based on a specific Central
16 government mandate to develop long-term solution. Likely, it did so to tackle local
17 ethnic dissent. The Xinjiang government was formally in charge of drafting this crucial
18 regulation, all the while continuing to implement and experiment with re-education
19 practice. The new evidence shows that this drafting was done in close concertation
20 with central government institutions. This supports my prior assessment that when
21 Chen Quanguo replaced Zhan Chunxian in mid-2016, he essentially took charge of an
22 ongoing and premeditated process rather than pioneering or being the primary
23 architect of the re-education campaign as has commonly been presumed. Chen was
24 most likely brought in as a ruthless and efficient implemented of a hatched plan that

was all planned and approved by the central government. Immediately after the final approval and publication of the March 2017 Regulation, the plan was executed. By allowing the Xinjiang government to take charge of the experimentation and the drafting of re-education legislation, the central government has been able to claim that the re-education campaign constitutes a local solution to a local problem, of which it probably broadly approves but which it did not directly order. However, based on the new information, the most logical conclusion is that the responsibility and culpability for this campaign rests primarily with the Central government, most notably with the Politburo Standing Committee, to which there are significant institutions linkages. While Chen Quanguo may potentially have substantially contributed with the exec plan of how to implement the re-education drive, his role is best assessed as that of an implementer of central government policy decisions.

I will now try to briefly present some key bits of the new information to substantiate my analysis and my new conclusions. The March 2017 Regulation on De-extremification which is, as experts know, a later foundation for the normalisation, standardisation and legalisation for the re-education campaign through centralised education involving behavioural correction. The camp construction bids and anecdotal accounts from the ground all indicate that Xinjiang's campaign of internment began right around the time that this regulation came into effect. The PRC itself stated that this regulation constitutes a legal basis for the vocational skills education and training centres (the vocational camps). This regulation was then revised in October 2018 to fully legitimise these educational centres, referring to them bluntly as "re-education institutions." New evidence shows now that the drafting of this regulation involved extensive consultation for three important central government organs: firstly, the Office of the Central Government Coordination Small Group on Xinjiang Work, which other experts have

50 mentioned; the Legislative Affairs Commission of the Standing Committee of the
51 National People's Congress, in Beijing; and the State Administration for Religious
52 Affairs. Two of these three can be directly linked to some of the most powerful
53 members of China's top decision-making body, the Politburo Standing Committee, that
54 only has seven members and which is more powerful than the Politburo itself.
55 Specifically, they represent the third and fourth rank members who rank directly behind
56 General Secretary Xi and Premier Li Keqiang, who is second. The 2019 revision
57 involves an even more direct link between the Central government and the camps. A
58 document said that "the relevant leaders of the Party Committee of the XUAR [...] and
59 their People's Congress and their Legislative Affairs Commission made a special trip to
60 the Legislative Affairs Commission of the Standing Committee of the National People's
61 Congress in Beijing to report on this revision. This standing committee in Beijing
62 express then its full affirmation of the role of the Autonomous Region's local laws" and
63 so on. Expressed approval for the amendments to the regulation and proposed
64 specific amendments to form a draft, which was then reported back to the XUAR for
65 review and approval, which took place in August 2018. This close involvement is of
66 extreme significance - the Chairman of the NPC Standing Committee, to which the
67 Legislative Affairs Commission reports to, is the third-rank member of the Politburo
68 Standing Committee (PBSC). The head of the Central Xinjiang Work Group, Wang
69 Yang, is the fourth-rank member of the PBSC, also the Chairman Chinese People's
70 Political Consultative Conference, the top advisory body, and a central part of Xi
71 Jinping's United Front system. The PBSC and all these people are more powerful than
72 Chen Quanguo himself, who is a regular member of the 25-person Politburo.
73 Practically speaking, the direct and close involvement of the NPC Standing
74 Committee's Legislative Commission and of the Central Xinjiang Work Group in the

75 drafting provides tangible evidence that the framing and conceptualising of Xinjiang's
76 "De-Extremification through Re-education" campaign was undertaken with the direct
77 knowledge of leading figures in China's most powerful policy, legislative, and advisory
78 bodies. I have a graph that you will be able to see if you read through my report
79 because I don't have a PowerPoint - this effectively implicates Xi's inner circle of power
80 in the atrocities. There is lots of other important details and I have to be quite brief but
81 on March 21st 2017, the very day before this regulation came to effect, the General
82 Office of the Standing Committee of the Xinjiang's People Congress held a press
83 conference saying that "it was emphasised that the regulation constitutes the
84 implementation of the Central government's policy decisions and deployments,
85 especially to implement the important instructions and requirements of General
86 Secretary Xi Jinping." This very important statement clarifies at the highest relevant
87 official level in Xinjiang that the interactive drafting process of the regulation and its
88 revision resulted in an implementing of the policies of the Central Government, which
89 is no surprise because we have already implicated the PBSC, China's top policy
90 decision-making body.

91 The specific emphasis on the fact that this regulation is "especially" related to
92 implementing Xi's own "instructions and requirements" is of equal significance. It can
93 be argued that the reference to these important instructions and requirements likely
94 refers to an important speech and there is other circumstantial evidence buttressing
95 that. A speech made by Xi in March 2017, in two sessions in Beijing which took place
96 just weeks before the onset of the internment campaign, with Xinjiang's top leaders
97 including Chen Quanguo in attendance. In a 2019 China Daily article, it says about
98 this event that "on March 10 2017, General Secretary Xi Jinping participated in the
99 deliberations of the Xinjiang Delegation of the Nation's two sessions. He emphasised

that it is necessary to tightly embrace the general goal of social stability and long-term stability. In the past two years, the XUAR Party Committee and Government have resolutely implemented the important instructions of General-Secretary Xi Jinping. Focused on the overall goal, they had to be dauntless, fought tough battles and created a new horizon in Xinjiang's work." Similar statements were later made by Xinjiang's Governor, Shohrat Zakir, who also said that in the last two years, these instructions were implemented and "earth-changing" changes have taken place. Above, we have seen that at the Xinjiang press conference, when they introduced the regulation in 2017, it was argued that this regulation constituted an implementation of the important instructions and requirements of Xi. This February 2019 article repeated some of this wording literally, referring back to the speech of Xi Jinping at the two sessions. Noteworthy is also the timing, February 2019 is the time when Xinjiang started to open up the camps to reporters and visitors from around the world, meaning it has been a success, "we can show this off now."

Along with other evidence presented in my report, it is possible and even likely that Xi himself endorsed the re-education campaign just weeks prior to its inception. In any case, in this state-media report and a speech given by Xinjiang Governor Shorhat Zakir, he aligned himself very closely to the unconditional implementation of Xinjiang work in the context of the imminent launch of this re-education campaign. In September 2020, Xi then said at the Work Forum, "the facts have abundantly demonstrated that our national minority work has been a success," meaning his stamp of approval on what has happened. In sum, we know that institutions, headed by figures in China's top decision-making bodies, were directly involved in the drafting of the documents legalising, standardising and normalising the re-education campaign. It is, in my view, likely that in the weeks prior to the start of this campaign Xi himself, in

125 front of Xinjiang's top leadership in attendance, demanded their unconditional
126 implementation. My article then also shows more details about the stern warnings and
127 exhortations given by Xinjiang's officials in March and April 2017 that this new
128 regulation must be implemented unconditionally.

129 *COUNSEL – You have noted that the March 2017 regulations were drafted with*
130 *extensive consultation with various regional and national State Party as well as*
131 *Government organs, and you talk about both the horizontal and vertical relationships*
132 *there. Ultimately, you find that the extra-legal Xinjiang re-education facilities are*
133 *sanctioned by the National People Congress as well as Beijing. My question is, what*
134 *significance does this have beyond solely possible State consent for arbitrary*
135 *detention of Uyghurs?*

136 *AZ – We surmised and speculated that Beijing must have known of Xinjiang's plans*
137 *and must have at least tacitly approved them. Sometimes regions have considerable*
138 *leeway and freedoms to implement policy as long as they are broadly within the will of*
139 *Beijing. We also knew that Chen Quanguo is a highly capable and creative innovator*
140 *of policy and therefore, he has been largely named the architect of the interments. And*
141 *I believe that, while Chen Quanguo absolutely was a very energetic figurehead and*
142 *implementer of the interments and may well have been creative in some of the details*
143 *of the implementation, we now know that the legal and legislative framework*
144 *underpinning all that was really co-developed in quite close consultation with the*
145 *central government. For me, that implies a whole different level of involvement and*
146 *ultimately, culpability of the central government, including its top decision-making body,*
147 *in the internment campaign which in many ways forms the heart of these atrocities*
148 *and kicked off the whole crackdown, and a number of initiatives are linked to it. In*

149 terms of the clarifying the role of the central government and likely of Xi Jinping himself,
150 I think this is a significant new contribution.

151 *COUNSEL – Would it be correct to say that your findings suggest Central State*
152 *permission or agreement for other alleged crimes or other human rights violations?*

153 AZ – I would say yes, because we see the role, for instance, of the Central Government
154 Xinjiang Work Group which is closely involved in policy and links all the way to the
155 PBSC. It is very likely, or virtually certain, that other aspects of the atrocity outside of
156 the internments themselves, would have been known and approved of by this body and
157 its chairman, who is the fourth rank member in the PBSC. Also, I think we need to take
158 into account that many of the atrocities are, in some way, linked to the re-education
159 internment campaign and some of the steps taken that cause atrocity fall within the
160 scope of the de-extremification regulation.

161 *COUNSEL – Can you clarify for us what precisely is the link between the 2017*
162 *regulation and its revision in 2018, and the alleged commission of crime in Xinjiang?*

163 AZ – The 2017 regulation on de-extremification mandates that re-education, or literally
164 “transformation through education,” must be done well, involving centralised
165 education, behaviour correction, psychological counselling and vocational skills
166 training. It does not yet mention dedicated facilities. That was added in the revision of
167 2018 after the central government admitted to the existence of these facilities. In the
168 revision, it was bluntly stated that vocational skills, education and training centres are
169 “re-education institutions that perform re-education.” This is the contextual link. The
170 primary purpose of the re-education internment camps is to perform de-extremification
171 in terms of policy, and this is exactly what the regulation and its revision sanction. Then

172 there is a temporal link which indicates that, right upon the approval and publication of
173 the original regulation, that is really when the sweeping internments began.

174 *COUNSEL – You would not link the 2017 to alleged measures to intended to restrict*
175 *births, or the transfer of children from one group to another, is that correct?*

176 AZ – No, the specific link is to the internment campaign. If I recall well, the timing of
177 the construction of boarding schools is a bit similar, there are different policies. There
178 was an important policy document issued by Chen Quanguo in early 2017 about the
179 implementation and some documents in 2016. In some ways, the construction of the
180 boarding schools constituted a dramatic acceleration of what was planned already in
181 a previous five-year plan but it was implemented much faster under Chen Quanguo,
182 with much greater urgency. With the birth prevention, we see in the wake of the update
183 of the Family Planning law that Xinjiang issued in the summer (I believe July) of 2017,
184 we see that after that, a number of documents and practices were issued and I
185 specially took note of an important regulation that apparently could come out first thing
186 in 2018, and a lot of the crackdown and language surrounding birth prevention then
187 took place starting from early 2018. So, the link here is not as direct.

188 *COUNSEL – Two more questions on this report. You have identified various state*
189 *media and official state pronouncements on the camps following the promulgation of*
190 *the 2017 regulation, in particular, the reference to “important instructions and*
191 *requirements of General-Secretary Xi Jinping.” Can you help us understand what a*
192 *direct reference to Xi, an ambiguous instruction from him, adds, if anything, to the*
193 *implementation of the 2017 regulation?*

194 AZ – In my opinion, it is very important, having this new insight which we have
195 discussed now, to examine these further statements. Many of which came out in late

2018 after the revision was published, during the peak of the internment campaign, where, facing the Xinjiang population, government officials made blatant links with the “vocational centres,” that constitute the implementation of the will of the central government, the Party central committee and with Xi Jinping at the core. I think they were quite clearly communicating that all of these stringent measures that were having a major effect on life, they were not just a “local” invention or innovation but were a direct implementation of the will of the central government with Xi at the core. I think it is in this context that this admittedly vague reference, or the important instructions of General Secretary Xi, need to be taken as a justification which I think is very significant because the local Xinjiang government links it and attributes it to implementing the will of the central government, firstly. And secondly, looking at the wording of the important implementations, a link can be made not only to Xi’s various statements in 2014 and possibly subsequently, but to his unpublished speech at the two sessions in Beijing immediately preceding the internment in earlier March 2017. This is a very significant timing, with the top leadership of Xinjiang in attendance.

COUNSEL – To what extent what Xi’s instructions merely for discipline of party cadres, and to what extent, if at all, were they directed at Uyghurs and crimes against Uyghurs?

AZ – We only have a limited information about the contents of this speech, which is not published. However, there are some things said in there that I think are very significant. Firstly, he is quoted as saying “we must insist on maintaining stability and so, identify problems early. When they are minor, grasp them quickly and we’ll seek long-term strategies and act to consolidate the foundation.” This really speaks into the purpose of the de-extremification regulation, which was going to be published soon after. Maintaining stability at that time was all about de-extremification. That was

221 already the focus at the time, in early 2017 and late 2016. Of course, this urging of the
222 implementation, the “grasping.” Some of that language is identical to the exhortations
223 issued in March and April by the Xinjiang authorities in relation to this regulation,
224 meaning “this is a new measure, and you must implement it unconditionally and as is.”
225 In my view, that significant circumstantial evidence that refers to the prime measure at
226 hand at the time, namely the re-education internment campaign.

227 *PANEL – You have obviously researched and published extensively on a wide range*
228 *of the allegations that we have been looking at as a Tribunal. Your work has been very*
229 *influential, it has been widely quoted by other experts at this Tribunal. So, I need to*
230 *ask you some questions about your independence. Could you tell us about the source*
231 *of your funding?*

232 AZ – My research is funded by the Victims of Communism Memorial Foundation.

233 *PANEL – What is the source of its funding?*

234 AZ – The source of its funding are private donations.

235 *PANEL – We are familiar with your methodology but could you just tell us how you*
236 *ensure yourself, in the gathering of evidence and its analysis, that you approach that*
237 *with an objective mind?*

238 AZ – I try to triangulate information from different sources but also at different levels.
239 For instance, if we have evidence from government documents, in my opinion it is
240 important to look at wider policy and context, including historical context or the
241 etymology of words being used. For example, if we look at “labour transfer” we must
242 ask ourselves “what is labour transfer?” and “what is the history of labour transfer in
243 the region?”, “what is the wider policy of labour transfer?”, and we need to look at how
244 has the implementation of labour transfer evolved in the region over time? How has it

245 become more or less coercive? Can we identify key-moments of change or influence
246 and how they led to political development? Then, link that to much more specific
247 regional implementation, for example, that is also extensively seen in birth prevention.
248 Also, I always look for local statements, local examples (propaganda accounts). The
249 Chinese sources and their quotations are double-checked internally. I have instituted
250 here a more rigorous process between myself and my research assistant and
251 sometimes others. I also often try to prepare an early draft and make it available to
252 another expert for feedback. By publishing through think-tanks like the Jamestown,
253 there is at least a basic editorial review process in place. It is, however, in principle my
254 ambition to also subject the work to a more rigorous and much slower academic peer-
255 review, which I have been able to do on three occasions in regard to my research in
256 Xinjiang, including most recently, but I have more in process. This is my goal, but
257 unfortunately, this process of academic peer-review really has not been suited to try to
258 uncover evidence for [unintelligible].

259 *PANEL – Turning to the new paper, your own sequencing of events would put the re-*
260 *education campaign in the middle term of events. With before that, an extensive*
261 *preparing of the ground (building the security system in the region), do you think that*
262 *we would actually need to find earlier sources for the implication of central*
263 *government, so back to 2014 for example?*

264 AZ – It is always good to have earlier and more context. In my 2018 paper, I gave a lot
265 of context for the local development in Xinjiang of the re-education campaign, under
266 Zhang Chunxian, which my latest paper skips over. It was in tandem with the
267 increasing securitisation of the region. We, of course, have some initial evidence from
268 the New York Times Xinjiang Papers and also statements by Xi Jinping at the April
269 2014 at the Second Xinjiang Work Forum. It would be relevant to try to identify further

270 information of how that developed. There is one slightly more specific document that I
271 have not yet included in my report, that talks about the beginning of the drafting of the
272 de-extremification legislation of 16 April 2015, I believe. This is very new research that
273 I conducted very recently, so more bits and pieces, like the visits to Xinjiang conducted
274 by these high-level people (the third and fourth ranking members of the PBSC) in their
275 capacity as head of the Xinjiang Central Government Work Group could be examined
276 further. Given that we broadly know the context and understand it, I think the current
277 assessment and the evidence found in the report I submitted to you probably contains
278 the most significant evidence, we might be able to better contextualise it but I don't
279 think we will find anything that would significantly alter the conclusions.

280 *PANEL – You describe what seems to be a systematic, industrialised, and I believe*
281 *you also said a militaristic approach in all those different stages and programs. Could*
282 *you describe to us what do you think the features of a systematic, industrialised*
283 *approach to the control of the people of the region?*

284 *AZ – We see that Xinjiang, as have other regions, have experimented with these*
285 *approaches and introduced things successively and then decided to upscale them*
286 *very quickly. A lot of this dramatic militaristic, large-scale upscaling we see with the*
287 *beginning of Chen Quanguo. I believe that is the primary reason he was brought in,*
288 *that is his primary skill. He has this incredibly intense driven nature, ruling cadres with*
289 *an iron fist which is of course key to the implementation of this. So, I think in many*
290 *ways, the key to the draconian and dramatic implementation of this campaign with its*
291 *various aspects (birth prevention, police, camps, boarding schools, etc.) goes back to*
292 *this incredible managerial figure of Chen Quanguo and his iron-fisted approach to*
293 *controlling and governing the cadres. I think that is the core - having the freedom of*
294 *reign, the ability to just do whatever needs to be done with very little restraint and*

295 restriction; and then having the technology of China, that has advanced so much; the
296 economic resource (dramatic increase in budget between 2016 and 2017); the ability
297 to spend that money, having recruited all these auxiliary police, having put all these
298 systems in place and rolling things out step by step, etc. A lot of the language of this
299 rolling out, including for instance in a boarding school campaign or labour training,
300 has this militaristic language. Of course, some of that has already been given by Xi
301 Jinping himself. He also has that aura of this almost military “drivenness,” of these
302 militaristic campaign-style implementation, the unconditional implementation of things
303 including targeted poverty alleviation with military-style commands, etc. I think,
304 ultimately, the political and government structure and the top-leadership is very much
305 what sets the tone and brings all these resources to bear in this way.

306 *PANEL – What you describe is that all levels of government are involved and that,*
307 *presumably, would not be possible at the regional level without the approval of the*
308 *central authorities?*

309 *AZ – Without the approval and the active involvement. We have often wondered about*
310 *the ability of Chen Quanguo and I think that is why he has been credited as the*
311 *architect, to just do this. But I think we now understand just how much of the central*
312 *government involvement at the highest level of the PBSC, the NPC itself and so on,*
313 *made this possible. And it makes sense, it had to be involved. Of course, if we look at*
314 *this financially and economically, I think 70% or 80% of Xinjiang’s budget is subsidised*
315 *by the central government and this cost increases, directly financed by Beijing.*

316 *PANEL – Let us assume that there is a legitimate need to counter terrorism, extremism*
317 *and separatism. What, in this system that develops over time very rapidly, would be*
318 *the indicators of measures being taken that are indisputably excessive to the threat?*

319 AZ – Nearly everything that has been stated, especially by witnesses and survivors of
320 the atrocity, namely excessive police force; psychological and physical abuse;
321 internment of not just limited numbers of perpetrators of actual acts of resistance or
322 violence, but indiscriminately of huge swathes of the population including women, etc;
323 excessive measures of birth prevention and sterilisation; excessive measures of
324 shifting people around, of scooping people up into forced or coerced labour in the
325 name of poverty alleviation or for actual poverty alleviation but coercively; the violence;
326 the family separation; the cultural destruction; the closing and destruction of mosques
327 and other religious facilities; and so on. I would say that well over 90 or 95% of the
328 measures in consequence of this internment campaign are manifestly excessive and
329 not designed to restrain or bring to justice those who have perpetrated violence
330 punished by the law, by killing authorities or bystanders or population, but has been
331 targeted against people against which the state has no evidence of criminal activity.

332 *PANEL – When an academic researches a subject for which there are known to be*
333 *documents but they are not available to her or him, a risk is taken if the interpretation*
334 *is extravagant, or [at the limits] of possibilities. Would you agree with that?*

335 AZ – Yes, absolutely.

336 *PANEL – You researched material that was available, made interpretations allowing*
337 *for the possibility that documents would emerge to show you right or wrong.*

338 AZ – Yes.

339 *PANEL – Documents have emerged. Have they shown you to be right, wrong,*
340 *extravagant or cautious?*

341 AZ – I believe that the evidence that has emerged after my various publications has
342 by and large shown that the situation is as bad or worse than I portrayed it to be.

343 Oftentimes, things turned out a lot worse than we imagined them to be, although
344 oftentimes, that particular evidence was by witnesses and not by documents. I would
345 say a lot of the documentary evidence that would have emerged after my publications
346 would either not significantly added to or altered conclusions, or would have added
347 more detail, or maybe would have changed relatively minor or mid-level assessments
348 with new information, because we knew better.

349 *PANEL – Your latest report is to be published tomorrow and will, therefore, be for the*
350 *first time exposed to the review of those who may criticise you. Is that based on newly*
351 *found documents or just newly-researched documents?*

352 AZ – It is. I would say about 90% or more based on documents that I had previously
353 not seen or were not previously in my possession.

354 *PANEL – Are you able to tell us from where those documents have come?*

355 AZ – Yes, they have come from government websites at all different levels, from state-
356 media reports and just a small number from private media reports, mostly government
357 or state-media.

358 *PANEL – We hear of caches of leaked documents, some apparently disclosed and*
359 *some apparently only ever disclosed in part. Are there any of those caches of leaked*
360 *documents that you have not seen in full?*

361 AZ – Yes, the New York Times' Xinjiang Papers were never made public and we only
362 know whatever the New York Times publish about them.

363 *PANEL – You may know, by the way, that the Tribunal has asked the New York Times*
364 *for access to those papers and had been denied. Would those papers be of value to*
365 *your work, do you think?*

366 AZ – Typically, new documentary evidence is always valuable and especially if it is
367 extensive, it is likely that either something has escaped somebody's attention,
368 whoever published on it at the New York Times. Or, to researchers like myself and
369 others who have other pieces of information, often semi-connected pieces of
370 information in our minds and we see something. Just like with what I am publishing
371 tomorrow, of some significance, which may have escaped one person but not escape
372 another. Therefore, I think it is crucial that many minds look at any evidence available,
373 and that many minds critically and constructively review whatever I publish.

374 *PANEL – But, for the time being and on the papers that are available, you would trace*
375 *responsibility for the acts that have been described in negative terms by you and*
376 *witnesses and others to the very top, there being no other way of them being*
377 *authorised, is that correct?*

378 AZ – Not only no other way, which we have surmised correctly, but I believe we now
379 have quite direct documentary evidence of such a link itself.

380 *PANEL – So, from your papers it would appear as you posited, that the policies*
381 *emanated from the very top. Do you have any sense of how much of the*
382 *implementation strategy, and specifically the commissioning of some of the alleged*
383 *crimes that we have heard, would have emanated from the senior officials, possibly*
384 *the PBSC itself, or in your view, might those have been delegated to Chen Quanguo,*
385 *or subsidiary, junior or even regional entities?*

386 AZ – The re-education camps, certainly their transformation through education camps,
387 were *de facto* pioneered by Chen Quanguo's predecessor, Zhang Chunxian, as is
388 outlined in my 2018 research paper, which was also peer-reviewed. The upscaling
389 and standardisation and mass implementation of these camps, including this

390 vocational variant of it was obviously implemented by Chen Quanguo. Now, if we want
391 to say, “to what extent did he himself come up with that idea?” or “to what extent did
392 he just take his cues from his predecessor?” or “to what extent did the details of the
393 implementation mandated by the central government and Beijing?”, we are left up to
394 speculation. However, I will say this - if, for the legal basis (meaning the legislation of
395 the de-extremification regulation) there was close involvement in the drafting and the
396 consultation with central government institutions, there is no reason to assume that
397 there was no close consultation for the design or the details of the camp system, with
398 relevant central government authorities, especially the central government’s Xinjiang
399 Work Group.

400 *PANEL – More specifically, we have heard a significant amount of evidence of torture,*
401 *of humiliation, of rape and sexual violence, and general mistreatment and abuse. Do*
402 *you think those acts would have been constructed at local level? Or would it tacitly, in*
403 *your mind, have had to emanate from the central government?*

404 AZ – The outline that re-education must be done well and involve centralised
405 education and behavioural correction is clearly in the regulation, which is, as we now
406 know, was drafted in consultation with the central government. Now, if the central
407 government co-develops a legislation that talks about re-education involving
408 “behavioural correction,” I think many people who think logically, including myself,
409 could make various conclusions from this. At the very least, they would conclude that
410 the use of significant coercion would have been understood to be part of that process.
411 Any further thought is speculative. So, in my opinion, the use of significant coercion, at
412 the very least heavy-handed psychological coercion and at the minimum physical
413 restraint, would have been completely understood to be part of this process that the
414 central government not only acknowledged but was involved in the drafting. So, I think

415 this was part of the plan and the central government was involved in the planning of
416 the plan. If you are talking about more extreme forms of torture, or even rape, I think
417 we are probably starting to veer in territory where it becomes quite speculative at what
418 level this was either planned, authorised or happened. But, if we are talking about
419 severe psychological coercion including physical restraint of various forms - veering
420 maybe into corporal punishment, then I think it is very clear that the central government
421 must have approved that.

422 *PANEL – I was wondering whether, in the information that you found, there is any*
423 *information about the subsequent involvement of central government in the follow-up,*
424 *in receiving information about the implementation of the regulation once it had been,*
425 *as you said, co-authored with involvement from the Politburo?*

426 AZ – I would say that, ideally, that is subject to further research. As you can tell this is
427 an ongoing research project. New evidence has emerged and my report has focused
428 on what it has focused on. Your question would best be answered with a good amount
429 of further research but I think it is quite evident what we see from the statements about
430 the successful implementation and the reporting back. It is very clear from Shohrat
431 Zakir, the Governor's own words and the state-media report from the first-half of 2019
432 that the re-education campaign was successful and constituted a successful
433 implementation of the important instructions of Xi Jinping and the will of the central
434 government. We can always say "of course, there was reporting back," that is a very
435 generic statement. Of course, for Shorhat Zakir to have made such a statement, must
436 have been with the approval of the central government. He himself could not have said
437 "we have done it successfully" without the approval of Beijing. We can make all kinds
438 of inference about it. The details of the actual reporting of implementation progress will
439 be an important and pertinent further research project.

440 *PANEL – Your submission to us in June purported to be new research bringing*
441 *together hitherto unknown information, which was a breakthrough in our*
442 *understanding. Is that correct?*

443 *AZ – Yes.*

444 *PANEL – And again, on this occasion, you tell us that your research is also, with*
445 *remarkable good timing, providing great insights helpful to the Tribunal. Am I right?*

446 *AZ – Yes.*

447 *PANEL – That is a fairly good score for any academic, is that correct?*

448 *AZ – Very timely indeed.*

449 *PANEL – For the avoidance of doubt, this question is specifically in the context of the*
450 *Preamble of Article 2 of the Convention, in regard to intent. Would it be unreasonable*
451 *to assume a degree or full intent in regard to the appointment of Chen Quanguo as*
452 *the instrument of implementation of the Central standing committee's intentions and*
453 *policies, and arguably the President's, given his track record in Tibet?*

454 *AZ – The appointment of Chen Quanguo, at that time, given his background and given*
455 *what happened after he was appointed, clearly reflects the central government's will*
456 *and intention to dramatically upscale and intensify previous policy, with the effects we*
457 *have observed. As such, this appointment of him, in my opinion, certainly plays a*
458 *significant role in asserting the intent, the plan and the strategy of the central*
459 *government. I think that is relevant to the question of intent of the Convention you*
460 *stated.*

461 *PANEL – Coming back to the questions about the good score of your two reports. In*
462 *attending the Tribunal twice, were you under pressing requests from the Tribunal to*
463 *help? Or were you making pressing requests to the Tribunal to contribute?*

464 *AZ – With my first publication, earlier this year, the findings on population optimisation*
465 *emerged having directly looked for it as part of my research on labour transfer, and*
466 *the Nankai Report and the population transfers and optimisation that came with that,*
467 *including the plan to relocate 300,000. From that, it was evident to me that I had a new*
468 *publication, and I felt a pressing or timely need and decided that it was an urgent topic,*
469 *particularly relating to the genocide determination. At the time, the question of genocide*
470 *determination was also wide in the media and in public discussion so I decided to*
471 *publish on it quite quickly. I had no request from the Tribunal and I did offer it to the*
472 *Tribunal. We did also manage to publish a draft of it in time. But I had no request from*
473 *the Tribunal. This time, I had a request from the Tribunal to respond to a couple of*
474 *questions. Then, in the last weeks, to be honest not really premeditated, I kind of had*
475 *it in my mind to revisit the question of the link to the central government, not being*
476 *aware of the schedule of the Tribunal. I did not, for example, know that several other*
477 *experts were specifically questioned on this very link, including Jessica Batke, David*
478 *Tobin, etc. By coincidence, I did come across this evidence but then again, I decided*
479 *to publish quickly and I also felt it was very pertinent to this Tribunal, and one could*
480 *say I did speed up publication to be able to present it today. That is fair to say.*

481 *PANEL – A last point, emerging from evidence heard this afternoon - it is never easy*
482 *to know, in cases of state-induced mass violence, what the mental state of the persons*
483 *at the bottom of the chain of command may be when she or he acts in accordance*
484 *with a state policy. She or he may claim to be acting under orders, or she or he may*
485 *be acting out of a personal desire to rape for example. We heard distressing evidence*

486 *this afternoon, of a woman who described how the guards threw through the hole in*
487 *the cell door the Quran and required her to put it in the bucket where people defecated,*
488 *and for her, therefore, to have to defecate on the Quran. Might that indicate, simply in*
489 *respect to that individual guard, that whatever policy underlying the approach to*
490 *religion may have been, it had been effective right at this bottom level?*

491 AZ – It is the first time I hear about this, since I did not listen to that particular testimony.
492 Given that in Xinjiang, Qurans were confiscated and their possession deemed illegal,
493 and that the Quran has become a securitised object subject to sanctioning, my first
494 instinct of expert response to this would be that it is quite unlikely, in my opinion, that
495 a prison guard just happened to have a Quran and happened to bring it into a
496 securitised facility as part of his work, which is a highly controlled environment as we
497 know from the China Cables and others, and then happened to perform a particular
498 action. Rather, instinctively, I would think that this must have been ordered by
499 somebody and be part of some sort of strategy at least at a slightly more mid- to senior
500 level – although it would be very speculative to try to say how high up this would go -
501 as part of one of the many psychological strategies that are being implemented against
502 these detainees. The extent to which that connects to a higher-level policy, I find
503 impossible to say.

504 COUNSEL – *To the extent that it may argued that what has been implemented is at*
505 *variance with the important instructions of President Xi, or the will of the central*
506 *government, then one must assume that those responsible for implementation would*
507 *have faced some sort of disciplinary punishment or demotion. Are you aware of any*
508 *such proceedings having taken place? Anyone punished, disciplined, or demoted for*
509 *carrying out these atrocities?*

510 AZ – Yes, there was one very high, very noted example published by the New York
511 Times based on the Xinjiang Papers in 2019, of, I believe, a County Party-Secretary
512 of Yarkant Shache County, who is said to have been punished and demoted and I
513 think even subject of trial as a result of releasing some detainees, for economic
514 reasons I believe. This is an important example. It may possibly be the only example
515 of such a case of an official punished for not fully implementing. However, some of the
516 statements found in my report, which I did not quote in my presentation, provide
517 important additional and previously unpublished evidence of some of the threatening,
518 stern and warning language surrounding the introduction and propagation of the March
519 2017 regulation, which will directly confirm this and make us think this would not have
520 been an isolated case. It also makes me think, more speculatively, admittedly, that the
521 words of Xi Jinping in early March at the two Sessions confirmed the exhorting nature
522 in terms of the implementation of the campaign.