



NEW YORK  
CITY BAR

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*Sent via Facsimile & Regular Mail*

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Party Secretary of the Xinjiang Uyghur Autonomous Region Chen Quanguo  
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**Re: Human Rights Violations Against Muslim and Turkic Peoples in the Xinjiang  
Uyghur Autonomous Region**

Dear President Xi, Minister Zhao and Secretary Chen:

We write on behalf of the New York City Bar Association to express our grave concern regarding the treatment of Uyghurs, Kazakhs, Hui and other Muslim and Turkic peoples in the Xinjiang Uyghur Autonomous Region.

The New York City Bar Association is an independent, nongovernmental organization of over 25,000 lawyers, judges, law professors, law students, and government officials from the United States and over fifty other countries. Throughout its 150-year history, the Association has consistently maintained that respect for the rule of law and human rights is essential in all jurisdictions and has a history of investigating and reporting on human rights concerns around the world, including within the United States. Through the work of its International Human Rights Committee, the Association has long been dedicated to advocating on behalf of and preserving the rights of the most vulnerable populations—such as ethnic and religious minorities and individuals subject to arbitrary or discriminatory treatment, including in the People's Republic of China. We believe that advancing these rights is essential to a fair and just society, and that respect for the rule of law and human rights is a necessary predicate for any country's commercial and business engagement with the world.

In August 2018, the UN Committee on the Elimination of Racial Discrimination noted that “many credible reports” suggest “arbitrary and mass detention” of an estimated 1 to 2 million Uyghurs and other Turkic peoples in “political camps for indoctrination.”<sup>1</sup>

In July 2019, the Permanent Missions of twenty-two countries wrote to the President of the Human Rights Council and the High Commissioner for Human Rights expressing concern about “credible reports of arbitrary detention in large-scale places of detention, as well as widespread surveillance and restrictions, particularly targeting Uyghurs and other minorities in Xinjiang, China.”<sup>2</sup>

In November 2019, eleven United Nations Special Rapporteurs and the UN Working Group on Arbitrary Detention wrote to the Permanent Mission of the People’s Republic of China and publicly stated their concerns about “an estimated million Uyghurs and other Turkic Muslims hav[ing] reportedly been sent to internment facilities under the guise of ‘counter-terrorism and de-extremism’ policies.”<sup>3</sup>

In June 2020, fifty United Nations experts called for “decisive measures to protect fundamental freedoms in China,” particularly in view of the urgent situation in Xinjiang, Tibet and Hong Kong.<sup>4</sup>

In addition to the concerns outlined by the U.N., reports<sup>5</sup> have emerged that paint an alarming picture of the Chinese Government’s conduct in Xinjiang. Credible reports suggest that China is engaging in forced sterilization of Muslim and Turkic ethnic groups;<sup>6</sup> mass arbitrary detention;<sup>7</sup> torture;<sup>8</sup> forced or non-consensual collection of DNA and other biometric material;<sup>9</sup> intensive surveillance;<sup>10</sup> forced labor;<sup>11</sup> the destruction or suppression of ethnic food,<sup>12</sup> language,<sup>13</sup> religion and cultural practices;<sup>14</sup> and the demolition of ethnic religious and cultural sites.<sup>15</sup> Work by researchers has revealed that individuals who are members of Muslim and Turkic ethnic groups are being sentenced to criminal punishment without due process of law and held indefinitely in internment camps—called “vocational education and training” centers.<sup>16</sup>

## **VIOLATIONS OF CHINA’S INTERNATIONAL LAW OBLIGATIONS**

The Chinese government’s repressive practices in the Xinjiang Uyghur Autonomous Region and elsewhere against Muslim and Turkic people violate China’s treaty obligations as well as its obligations under customary international law.

China is party to six of the core international human rights conventions: the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC), including two of its Optional Protocols; the Convention on the Rights of Persons with Disabilities (CRPD); and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). China has also signed and at its most recent Universal Periodic Review promised to ratify the International Covenant on Civil and Political Rights (ICCPR). As a signatory, China has the obligation to act in good faith and not defeat the

purpose of the ICCPR, and it remains bound by key provisions under the ICCPR and the Universal Declaration of Human Rights (UDHR) insofar as they are recognized as binding principles of customary international law. Moreover, China is also party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).

The Chinese government thus has explicit mandates under international law to prohibit the use of torture and arbitrary detention, to protect the rights of ethnic minorities, women, children, and persons with disabilities, and to safeguard economic, social and cultural rights of all individuals.

The right to be free from torture or other inhuman or degrading treatment or punishment is a non-derogable right under international law; neither counter-terrorism nor any other national security grounds are legitimate reasons to detain people without trial and subject them to the violations described above.

The right to nationality is recognized in the Universal Declaration of Human Rights and reiterated and codified in five international treaties, including the CRC and CEDAW, which impose binding obligations on China. The UDHR and ICCPR also guarantee to everyone the right to life, liberty and security of person; freedom from torture or cruel, inhuman or degrading treatment or punishment; the right to be free from arbitrary arrest, detention or exile; the right to residence within the borders of each state; and the right to a nationality. Leaked documents show that officials in Xinjiang have been instructed to tell inquiring relatives that although detainees are “not criminals” they are not free to leave until “cured” of their “illness.”<sup>17</sup> Where criminal punishments have been given to detainees, they have been issued without trial or after being tried in secret, are manifestly excessive, and for vague offences, such as seven years punishment for “assembling a crowd to disturb social order” for a high school math teacher and, in the case of Ekpar Asat, fifteen years in prison on “suspicion of inciting ethnic hatred.”<sup>18</sup>

The UDHR and the major international human rights conventions also expressly prohibit discrimination based on race, religion, or language, such that governments must provide equal protection under the law to all persons within their territories, including religious and ethnic minorities. Under Article 2 of the CERD, China is obligated to condemn racial discrimination, which is defined as including discrimination based on ethnic origin, and “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms,” including by undertaking “to engage in no act or practice of racial discrimination against persons [or] groups of persons,” and to ensure that “all public authorities and public institutions... act in conformity with this obligation.” Additionally, under Article 4 of the CERD, China is obligated not to “permit public authorities or public institutions, national or local, to promote or incite racial discrimination,” and must punish by law “all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.” Yet in Xinjiang, credible media reports suggest that government policies encourage residents to “beat terrorists to death,” which could be understood as targeting Muslim minorities.<sup>19</sup>

The reports cited throughout this letter raise serious concerns that China is violating numerous human rights principles and obligations, including:

- the prohibition against arbitrary deprivation of liberty, contrary to customary international law and as enshrined in the ICCPR and UDHR, including by failing to provide independent judicial review of ‘terrorism designations’;
- the prohibition against imposing measures intended to prevent births within a national, ethnical, racial or religious group under Article II(d) of the Genocide Convention;
- the prohibition against torture and cruel, inhuman or degrading treatment or punishment, and obligations to prevent and punish these, as mandated by article 2 and article 16 of the CAT;
- the right to freedom of opinion and expression (article 19 of the UDHR), freedom of assembly (article 20 of the UDHR), freedom of association (article 20 of the UDHR), and the freedom of movement (article 13 of the UDHR), and freedom of religion (article 18 of the UDHR);
- the obligation to eliminate racial discrimination, including discrimination based on ethnic origin, and to eradicate and punish incitement to discrimination, as mandated by articles 2 and 4 of the CERD; and
- the right to be free from discrimination in the enjoyment of these and other fundamental human rights, as enshrined in articles 2 and 5 of CERD, article 2 of the ICESCR, and articles 2 and 7 of the UDHR.

## **CONCLUSIONS AND RECOMMENDATIONS**

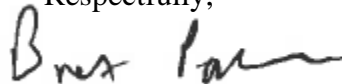
The Chinese government must act now to protect Muslim and Turkic ethnic groups and cease all arbitrary detention; forced sterilizations; forced or non-consensual collection of DNA and other biometric material; intensive surveillance; forced labor; destruction or suppression of ethnic food, language, religion and cultural practices; and demolition of ethnic religious and cultural sites. The City Bar strongly urges the Chinese government to take additional steps to:

- immediately release all persons held in internment camps or imprisoned without due process;
- provide a full accounting for missing persons;
- reunite families that have been forcibly separated;
- cease threatening overseas students and members of Muslim and Turkic ethnic groups for peacefully exercising their human rights;<sup>20</sup>
- cease all use of forced labor by current and former internees and prisoners;

- provide full, unfettered access to the region and any prison facilities, factories or “vocational and training centers” when the UN High Commissioner for Human Rights Michelle Bachelet visits this year;<sup>21</sup>
- provide redress for violations of human rights that have occurred;
- strengthen China’s legal commitment to fundamental rights, including by ratifying and implementing the ICCPR; and
- commit and take steps to dismantle legal and institutional discrimination, internment and surveillance against Muslim and Turkic ethnic groups and restore fundamental rights and equal access to basic services, free movement, employment, education, and health care.

China is a permanent member of the UN Security Council and a leading country internationally. In 2022 China will play host to the Winter Olympics. In 2018, Chinese official state media wrote of this honor: “The Olympics spirit is echoed by the idea of building a shared future for mankind, which was put forward by Chinese President Xi Jinping. By holding the Olympics Games, China has the opportunity to lend its traditional wisdom on peace to the world and share its vision of peaceful development.”<sup>22</sup> China must be willing to live up to this language and accept the responsibilities that such a privilege entails, including by ending the violation of the rights of its Muslim and Turkic people.

Respectfully,



Bret I. Parker  
Executive Director

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<sup>1</sup> Stephanie Nebehay, U.N. says it has credible reports that China holds million Uighurs in secret camps, REUTERS, (Aug. 10, 2018, 11:14AM), <https://www.reuters.com/article/us-china-rights-un/u-n-says-it-has-credible-reports-that-china-holds-million-uyghurs-in-secret-camps-idUSKBN1KV1SU>; *See also* Special Rapporteur (S.R) on prom. and prot. of human rights and fund. freedoms while countering terrorism; Working Group (WG) on Arb. Det.; W.G. on Enforced or Involuntary Disapp.; S.R. on the right to education; S.R. on the prom. and prot. of freedom of op. & exp.; S.R. on the rights to freedom of peaceful ass. and assoc.; S.R. on the right of everyone to the enjoy't. of the highest att. std. of phys. and mental health; S.R. on sit. of human rights def's.; S.R. on min. issues; S.R. on the right to privacy; S.R. on freedom of religion or belief; and S.R. on torture and other cruel, inhuman or deg. treat't. or punish't., Counter-Terrorism Law of the People's Republic of China and its Regional Implementing Measures, the 2016 Xinjiang Uyghur Autonomous Region Implementing Measures, U.N. Doc. OL CHN 18/2019, (Nov. 1, 2019), [https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL\\_CHN\\_18\\_2019.pdf](https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf) (all websites last visited July 21, 2020).

<sup>2</sup> HUMAN RIGHTS WATCH, UN: Unprecedented Joint Call for China to End Xinjiang Abuses 22 Countries Decry Mass Detention, Seek Monitoring, (Jul. 10, 2019 6:00AM), <https://www.hrw.org/news/2019/07/10/un-unprecedented-joint-call-china-end-xinjiang-abuses>.

<sup>3</sup> Above n.1, Counter-Terrorism Law of the People's Republic of China and its Regional Implementing Measures, the 2016 Xinjiang Uyghur Autonomous Region Implementing Measures, U.N. Doc. OL CHN 18/2019, (Nov. 1, 2019), at p.4, [https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL\\_CHN\\_18\\_2019.pdf](https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf).

<sup>4</sup> UNITED NATIONS, Office of the High Commissioner for Human Rights, UN experts call for decisive measures to protect fundamental freedoms in China, (June 26, 2020), <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>.

<sup>5</sup> *See e.g.* documentation by Magnus Fiskesjö, China's 're-education' / concentration camps in Xinjiang / East Turkestan: Bibliography of select news reports & academic works, UYGHUR HUMAN RIGHTS PROJECT, (last revised Jun. 30, 2020), <https://uhrp.org/featured-articles/chinas-re-education-concentration-camps-xinjiang>.

<sup>6</sup> ASSOCIATED PRESS, China cuts Uighur births with IUDs, abortion, sterilization, (June 29, 2020), <https://apnews.com/269b3de1af34e17c1941a514f78d764c>; Adrian Zenz, Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang, JAMESTOWN FOUNDATION, (June 2020), <https://jamestown.org/program/sterilizations-iuds-and-mandatory-birth-control-the-ccps-campaign-to-suppress-uyghur-birth-rates-in-xinjiang/>.

<sup>7</sup> Jessica Batke, Where Did the One Million Figure for Detentions in Xinjiang's Camps Come From? An Explainer, CHINA FILE, (Jan. 8, 2019), <https://www.chinafile.com/reporting-opinion/features/where-did-one-million-figure-detentions-xinjiangs-camps-come>.

<sup>8</sup> Rob Schmitz, Ex-Detainee Describes Torture In China's Xinjiang Re-Education Camp, NATIONAL PUBLIC RADIO, (Nov. 13, 2018), <https://www.npr.org/2018/11/13/666287509/ex-detainee-describes-torture-in-chinas-xinjiang-re-education-camp>; HUMAN RIGHTS WATCH, More Evidence of China's Horrific Abuses in Xinjiang But Little Action Holding Beijing Accountable, (Feb. 20, 2020), <https://www.hrw.org/news/2020/02/20/more-evidence-chinas-horrific-abuses-xinjiang>; Shohret Hoshur, Joshua Lipes, Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage, RADIO FREE ASIA (Oct. 28, 2019), <https://www.rfa.org/english/news/uyghur/beat-10282019164142.html>; SKY NEWS, Uighur woman: I was shackled and beaten in Chinese detention camp, (Sep. 29, 2019), <https://news.sky.com/video/uyghur-woman-i-was-shackled-and-beaten-in-chinese-detention-camp-11822911>; BITTER WINTER, Over 2,000 Uyghurs Secretly Relocated to Prisons in Henan. Reports from several sources confirm that detainees have been transferred to two prisons, they are isolated from others; many held in solitary confinement, beaten, (Jul. 21, 2019), <https://bitterwinter.org/over-2000-uyghurs-secretly-relocated-to-prisons/>; Shohret Hoshur, Joshua Lipes, Uyghur man dies in Xinjiang internment camp after sacking over Muslim prayers, RADIO FREE ASIA, (Jul. 15, 2019), <https://www.rfa.org/english/news/uyghur/death-07152019163824.html>.

<sup>9</sup> Sui-Lee Wee, China Uses DNA to Track Its People, With the Help of American Expertise: The Chinese authorities turned to a Massachusetts company and a prominent Yale researcher as they built an enormous system of

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<sup>10</sup> Darren Byler, Do Coercive Reeducation Technologies Actually Work?, Los Angeles Review of Books, <https://blog.lareviewofbooks.org/provocations/coercive-reeducation-technologies-actually-work/>; Darren Byler, Preventative Policing as Community Detention in Northwest China, 3 Made in China Journal (Jul-Sep., 2019), at 88, <https://madeinchinajournal.com/2019/10/25/preventative-policing-as-community-detention-in-northwest-china/>; Bill Drexel, Op- Ed: A totalitarian surveillance city in China should be a warning to us all. Kashgar demonstrates the most sophisticated use of surveillance technology for minority repression in the world today, WASHINGTON POST, (June 22, 2020), <https://www.washingtonpost.com/opinions/2020/06/22/totalitarian-surveillance-city-china-should-be-warning-us-all/>; Hugh Harsono, China's Surveillance Technology Is Keeping Tabs on Populations Around the World. Exports of Chinese AI technology give Beijing a foothold in foreign security systems, THE DIPLOMAT, (June 18, 2020), (<https://thediplomat.com/2020/06/chinas-surveillance-technology-is-keeping-tabs-on-populations-around-the-world/>); Adrian Zenz, James Leibold, Xinjiang's Rapidly Evolving Security State, 17(4) Jamestown China Brief (2017), JAMESTOWN FOUNDATION, <https://jamestown.org/program/xinjiangs-rapidly-evolving-security-state/>; Chris Buckley, Paul Mozur, How China Uses High- Tech Surveillance to Subdue Minorities, N.Y. TIMES, (May 22, 2019), <https://www.nytimes.com/2019/05/22/world/asia/china-surveillance-xinjiang.html>.

<sup>11</sup> Sophie McNeill, Four Corners: Tell the World, AUSTRALIAN BROADCASTING CORPORATION, (Jul. 26, 2019 2:11PM), <https://www.abc.net.au/4corners/xinjiang-tell-the-world/11350450>; CONGRESSIONAL EXECUTIVE COMMISSION ON CHINA, Xinjiang: Chairs Release New Legislation & Report on Global Supply Chains and Forced Labor, (Mar. 11, 2020), <https://www.cecc.gov/media-center/press-releases/cecc-chairs-release-new-legislation-report-on-global-supply-chains-and>; Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro and Nathan Ruser, Uyghurs for sale: 're-education', forced labour and surveillance beyond Xinjiang, AUSTRALIAN STRATEGIC POLICY INSTITUTE STRATEGIST, (Mar. 2, 2020), <https://www.aspistrategist.org.au/uyghurs-for-sale-re-education-forced-labour-and-surveillance-beyond-xinjiang/>.

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<sup>15</sup> Lily Kuo, Revealed: new evidence of China's mission to raze the mosques of Xinjiang, THE GUARDIAN, (May 7, 2019), <https://www.theguardian.com/world/2019/may/07/revealed-new-evidence-of-chinas-mission-to-raze-the-mosques-of-xinjiang>.

<sup>16</sup> STATE COUNCIL, PEOPLE'S REPUBLIC OF CHINA, State Council Information Office, White Paper: Vocational Education and Training in Xinjiang, (Aug. 17, 2019 9:24AM), [http://english.www.gov.cn/archive/whitepaper/201908/17/content\\_WS5d57573cc6d0c6695ff7ed6c.html](http://english.www.gov.cn/archive/whitepaper/201908/17/content_WS5d57573cc6d0c6695ff7ed6c.html).

<sup>17</sup> Austin Ramzy, Chris Buckley, 'Absolutely No Mercy': Leaked Files Expose How China Organized Mass Detentions of Muslims: More than 400 pages of internal Chinese documents provide an unprecedented inside look at the crackdown on ethnic minorities in the Xinjiang region, N.Y. TIMES, (Nov. 16, 2019), <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

<sup>18</sup> Edward Wong, Sister Fights to Free Uighur Businessman Held in China After U.S. Trip, N.Y. TIMES, (May 9, 2020), <https://www.nytimes.com/2020/05/09/us/politics/china-uyghurs-arrest.html>; Sophie McNeill, Four Corners: Tell the World, AUSTRALIAN BROADCASTING CORPORATION, (Jul. 26, 2019 2:11PM), <https://www.abc.net.au/4corners/xinjiang-tell-the-world/11350450>.

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<sup>19</sup> Qiao Long, 新疆“十户联防” 普通人可棒杀“恐怖分子” (Xinjiang “10 Household Joint Defense” permits ordinary people to beat “terrorists” to death), RADIO FREE ASIA, (11 April 2019), <https://www.rfa.org/mandarin/yataibaodao/shaoshuminzu/ql2-04112019095627.html>.

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<sup>22</sup> Lu Hui, Commentary: Beijing Winter Olympics in 2022 to carry forward Olympic spirit, XINHUA NEWS AGENCY, (Feb. 26, 2018, 6:58PM), [http://www.xinhuanet.com/english/2018-02/26/c\\_136999435.htm](http://www.xinhuanet.com/english/2018-02/26/c_136999435.htm).