

Hold PRC to account for genocide

Written by Irwin Cotler, Yonah Diamond
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Parliaments around the world are increasingly declaring that the mass atrocities against Uighurs in China's Xinjiang region constitute genocide — a determination resoundingly supported by an overwhelming body of evidence and international law.

Absent a competent international body, state parties to the 1948 UN Genocide Convention have a responsibility to prevent and hold China accountable for this crime of crimes, securing justice for the victims and ending impunity for the perpetrators.

The convention defines genocide as any one of five acts “committed with intent to destroy, in whole or in part, a [protected group], as such.”

In addition to killing, these acts include causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part, imposing birth-prevention measures, and forcibly transferring children of the group to another group.

China has committed every one of these offenses in a state-orchestrated campaign against the Uighurs — most of them on a systematic and widespread basis. As a result of the mass internment and imprisonment on catchall charges such as being “untrustworthy,” a large number of Uighurs have died in detention.

The Chinese government does not even spare life-long Uighur members of the Chinese Communist Party (CCP) or intellectuals whom it praised in the past, thus debunking any notion that their detention is about re-education or instilling loyalty to the regime in Beijing.

Uighurs suffer unlivable conditions, torture and sexual violence inside the camps, and are subjected to institutionalized enslavement across China.

Since 2017, the government has forcibly transferred Uighur children — many of them “orphaned” as a result of losing both parents to internment or forced labor — to a network of

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state-run facilities in Han Chinese settings.

The government is simultaneously subjecting Uighurs to systematic mass forced sterilization and coercive birth-prevention policies, destroying the group's reproductive capacity.

In 2018, Xinjiang had the highest net intrauterine device placements of any region in China (calculated as placements minus removals), despite comprising 1.8 percent of China's population.

From 2017 to 2019, the birthrate in Xinjiang declined by nearly half — the most extreme such drop anywhere since the UN began recording these statistics. More disturbing still, Xinjiang's most recent statistical yearbook contains no birthrate data for last year.

Beijing has eliminated Uighur education and demolished most of Xinjiang's sacred sites.

Government officials have issued orders to “eradicate tumors,” “round up everyone,” “wipe them out completely,” and “break their lineage, break their roots, break their connections and break their origins.”

As the Canadian Supreme Court ruled, incitement to genocide is a breach of the Genocide Convention in and of itself.

The rhetoric of combating “extremists” is simply code for persecuting Uighurs, as China's ruthless policies target southern Xinjiang, where Uighurs constitute about 90 percent of the population.

In fact, the government publicly admitted that the sharp decline in the Uighur birthrate is directly linked to the official policy of “eradicating extremism,” which had “emancipated” Uighur women, who are “no longer baby-making machines.”

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The world must view these policies in their totality as amounting to an intent to destroy Uighurs as a group, in whole or in part.

Survivors have even recounted camp guards saying that they were acting in accordance with an immutable document from the CCP Central Committee stipulating that the policies would remain in place until Uighurs “would disappear ... until all Muslim nationalities would be extinct.”

The mounting evidence supporting the genocide determination is not limited to highly detailed firsthand accounts. It also consists of satellite imagery of more than 380 Xinjiang detention sites newly built or expanded since 2017, including forced labor factories covering more than 195 hectares.

Other satellite images track the destruction of and damage to the majority of Xinjiang’s sacred sites, including 16,000 mosques.

Then there are unprecedented leaks of government documents, containing the mass-internment blueprint, records of mass detention and forced labor transfers, and other high-level directives.

The fact that high-ranking officials risked their lives to disclose these classified documents indicates how severe the atrocities have become. Countless others have testified at extreme risk to themselves and their families to record their accounts with the Xinjiang Victims Database, which is expanding by the day.

The only international courts that can hear genocide cases — the International Court of Justice (ICJ) and the International Criminal Court (ICC) — cannot realistically exercise jurisdiction anytime soon.

China does not recognize the ICJ’s authority over questions of genocide and is not a party to

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the ICC.

Moreover, as a permanent member of the UN Security Council, China can block any attempt at an ICC referral.

While a UN fact-finding mission might fill this impunity gap, China has for years denied foreign observers unfettered access to Xinjiang, and is aggressively denying the existence of any atrocities.

Over the past year, it has expelled foreign journalists, scrubbed the Internet of evidence, sanctioned and smeared foreign lawmakers and experts, and lectured other countries on mass atrocities and genocide. The Chinese Ministry of Foreign Affairs even called camp survivors of rape and forced sterilization “actresses,” and questioned their character.

In March, following an independent examination of the situation in Xinjiang, more than 50 experts on international law, genocide and the region agreed that Beijing’s atrocities rise to the level of genocide.

With all other paths to justice foreclosed, the responsibility falls on national governments to speak up for the victims, and fulfill their obligations under the convention to prevent and end complicity in the genocide.

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