

USCIRF and TLHRC Hearing on Accountability for Mass Atrocities

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Good morning everyone,

First, I want to thank the US Commission on the International Religious Freedom Chair Nadine Maenza and Vice-Chair Nury Turkel for inviting me to speak at this timely hearing. I also want to acknowledge and express gratitude for the long-standing support of RFA and Uyghur Service by Congressmen James McGovern and Chris Smith.

Before I go into detail on the current efforts underway to hold perpetrators accountable for what the US government and six Western parliaments of liberal democracies declared as genocide, I'd like to give a brief overview of RFA Uyghur Service and our coverage of China's policies in the Xinjiang Uyghur Autonomous Region since Chen Quanguo was appointed as the new party secretary in August 2016.

Prior to Chen's arrival, RFA has long documented the restrictions on Uyghur language, culture, history, traditions and religion that Chinese authorities have imposed. RFA Uyghur Service is one of the first, if not the first, news service to alert the world on China's establishment of internment camps, the mass detention of Uyghurs, use of Uyghur forced labor, and the creation of a high-tech surveillance police state in XUAR. Back in 2017, RFA first started to document what we recognize as a major human rights crisis affecting an entire ethnic population in China. RFA's journalists zeroed in on intensified efforts by authorities that went above and beyond what came before. Witnesses and sources told RFA how Chinese authorities started rounding up young men en masse in prefectures and towns, without warning, and even locals were sometimes taken by surprise by the severity and sweeping detentions.

This sudden crackdown also affected RFA's ability to learn what was happening, as many sources were under threat. But still, our reporters, knowing they were covering a crisis on a scale that was vast if difficult to comprehend, persevered, making phone calls in the dead of night, piecing together information from different sources to develop a larger picture. They discovered how mosques were being shut down as police stations were built within a stone's throw on every block in urban centers. They found that camp-like facilities were being rapidly built, and that daily policy orders were issued, requiring people to check in with authorities, download apps on their phones, which were checked for content and images that may be deemed "suspicious" – including anything expressing Uyghur culture or the Muslim faith. They reported facial recognition cameras being installed. And they reported on how Uyghurs and other minorities' business leaders and professors, along with clergy, were detained and "disappeared" -- sent to so-called vocational centers that were built overnight and from which free entry and exit were barred.

RFA's early reports documented the beginning of the creation what we know now as a prison and surveillance state. The service's journalism became one of the few reliable sources of information happening inside the Uyghur region. Our audience in the region started giving us more tips, speaking with us, knowing that RFA was among the few – if only – ways their story could be shared or known by the outside world. Journalists from other publications, including the Wall Street Journal, BuzzFeed, and the Economist, recognized this and consulted with RFA's Uyghur Service as they investigated and followed up on our early reporting. They confirmed many of RFA's stories as we continued unearthing abuses. We found that camps were used in forced labor schemes, that detainees were being transferred outside the Uyghur region, to work at other facilities for companies. We learned about detainees' deaths, because of inadequate medical care and abuse. We spoke with former detainees who detailed the horrors of torture, gang rape, and forced sterilizations.

RFA's reports were picked up and cited by major news sources, as well as human rights groups, and later, by the U.S. State Department and Congress, including this very Commission. These reports, which made our reporters targets by the Chinese government, made it impossible for China to deny the existence of the camps and extrajudicial detentions. It also made it impossible for authorities to claim the camps were somehow voluntary career centers, akin to a community college, but a disturbing component of a nightmarish security state. Our reports did not escape notice of Chinese authorities, who took immediate steps to stymie RFA's journalists. They employed voice-recognition AI software to make calling our sources more difficult. They warned local officials and police from speaking with our journalists. And they also targeted our reporters, through their families and loved ones.

Today, China is on a war footing against RFA Uyghur Service because of the critical role we have played over the past four years in uncovering the detention of more than a million Uyghur and other indigenous people in the internment camps. There has been a hard price for our journalists, whose work, in the service of U.S. broadcasting as RFA is under the umbrella of the U.S. Agency for Global Media. Just last month, Chinese Foreign Ministry spokesperson Zhao Lijian baselessly claimed that RFA is a "CIA broadcast operation" and accused our lead investigative reporter Shohret Hoshur of allegedly encouraging people to "carry out violent attacks." In April, the XUAR government spokesperson said without any evidence that our reporter Gulchehra Hoja was "listed as a target of online pursuit by the police for being suspected of joining a terrorist organization." China targeted Shohret because he confirmed the establishment of the internment camps, the number of mass detentions, the horrific treatment of detainees, the torture and deaths in the camps. China targeted Gulchehra because she interviewed camp survivors and brought their horrific ordeal to the world.

In addition to demonizing RFA and discrediting the Uyghur Service, China has arbitrarily detained and sentenced family members of eight Uyghur Service employees, most of whom are US citizens, since 2017. The rest of the un-detained family members are practically being held hostage by China. Most of us have no information about their current whereabouts or conditions.

I have no information regarding my sister's family. I am not sure if she had been free, detained, or sentenced. Even if she were not detained, I am sure she lives in fear because of her relation to me. Our deputy director, Mamatjan Juma's brothers, were detained. Later one of them was arbitrarily sentenced to 14 years. Another was said to have been released. Our senior editor Eset Sulayman's brother, was detained. Our Digital Content Producer, Bahram Sintash's 70-year old father, was detained. Our reporter Nuriman Abdurashid's father and younger brother were sentenced to 16 years in prison. Her

mother to 13-years and another brother to 7 years in prison. Our reporter Qurban Niyaz's brother, was arbitrarily sentenced to seven years.

I believe China went after our loved ones to silence RFA Uyghur Service, the only news service in the world specifically focused on reporting the atrocities taking place in XUAR. Yet, in spite of these detentions and imprisonments, the Uyghur Service has continued to cover the tragic situation faced by the Uyghur people.

Obviously, China is not only targeting RFA Uyghur Service. China is also targeting internationally recognized Uyghur organizations and influential Uyghur activists for requesting meaningful action from the international community to stop the ongoing Uyghur genocide. For example, China has been aggressively demonizing the World Uyghur Congress and its President Dolkun Isa in recent months. That is because a Uyghur Tribunal was established in the United Kingdom in 2000 at the request of Mr. Dolkun Isa to determine whether or not China was committing genocide and crimes against humanity against the Uyghur and other indigenous Turkic peoples.

While the Uyghur Tribunal is not an international court, such as ICC and ICJ, it is an independent people's tribunal that investigates ongoing atrocities and accusations of genocide against the Uyghur and other indigenous Turkic peoples by China. This Uyghur Tribunal is chaired by Sir Geoffrey Nice QC, who had prosecuted the former Serbian leader Slobodan Milosevic. China is deeply worried about the creation of the Tribunal. In late March, China sanctioned Sir Geoffrey Nice for leading the Uyghur Tribunal.

The Uyghur Tribunal held its first round of official hearings in early June. Many Uyghur, Uzbek, Kazakh camp survivors, and witnesses testified at the hearing about their ordeals. In addition, American and European scholars and experts shared their research findings and views on what China was committing. RFA's Uyghur Service covered the historic Tribunal, live-streaming the four-day proceedings with commentary and expert analysis on social media platforms and RFA's website. While China took a dismissive approach to the Tribunal hearings, it is clear from the overreaction and demonization of the Tribunal by the Chinese Foreign Ministry spokespersons that China is deeply troubled by the eventual determination of the Tribunal. The Uyghur Tribunal holds its second round of hearings in September and makes its final determination in December.

Many experts believe the reason China's deeply worried about the final determination of the Uyghur Tribunal is because its determination will once and for all put an end to China's baseless claims that the United States fabricated these genocide allegations to prevent China's rise. Thus, while China can decry the US condemnation of the Uyghur genocide as politically motivated and spin it as "some anti-China forces in the West are playing the Xinjiang card to contain China's rise," the final determination of China committing genocide against the Uyghur people by an independent tribunal which is not associated with any country would remove China's pretext to justify its ongoing genocide.

The World Uyghur Congress officially decided to request the formation of the independent Uyghur Tribunal because President Isa didn't see that the International Criminal Court or the International Court of Justice would take up the case of Uyghur genocide. Although these two international courts were better situated in adjudicating the crime of the Uyghur genocide, due to China's position at the UN and its global influence, these venues were not readily available.

First, China is not a party to the International Criminal Court. Therefore, ICC doesn't have jurisdiction over what happens inside China unless the Uyghur genocide is referred to ICC by the UN Security Council. As one of the five permanent Security Council members, China will veto any such attempts by other members of the Security Council or NGOs. Also, China, as an ICC observer, has a long history of opposing ICC's jurisdiction over crimes against humanity committed during peacetime. Some experts believe that China was probably preempting ICC's intervention into its human rights violations, such as the case of Uyghurs today. The US determined that China is also committing crimes against humanity in addition to genocide.

Second, China is an original member of the International Court of Justice. However, only a member state can bring a legal case against another member state. Therefore, the Uyghur organizations have no standing to bring a case against China at the ICJ. There must be a state willing to take up the case of the Uyghur genocide at the ICJ against China. That is the only way ICJ will have the jurisdiction to adjudicate the case. So far, the US and six Western parliaments have recognized China's commission of the Uyghur genocide, but not a single state has brought up the case at ICJ. This doesn't mean that there will not be any state that will bring up the case in the future.

Apparently, there is no clear pathway to seek justice at the moment for the Uyghurs because the genocide is still ongoing. Their biggest hope is the US-led Western democracies because they're deeply disappointed by the inaction of the UN and the silence of the majority Muslim states. They're profoundly grateful for all the actions taken by the US and its allies to stop the genocide, including sanctioning of Chinese party secretary Chen Quanguo for implementing the policy of genocide. Repeated condemnation of China's genocide at the UN is certainly effective to put on the Uyghur genocide in the spotlight. Coordinated American and European sanctions of senior Chinese officials and their issuance of business advisories play a positive role in increasing the price China pays for continuing the genocide. Reading from Chinese reactions, it is clear China has felt a lot of pain after the US sanctioned the Xinjiang Production & Construction Corp, banned Xinjiang cotton, tomato, and polysilicon products.

While the actions and sanctions of the US and its allies are critical in eventually stopping China's genocide of the Uyghur and other indigenous people, but they're inadequate at this stage. Uyghurs in exile expect that the international community must take more decisive actions and sanctions to slow down, if not stop, China from continuing its atrocities.

Many Uyghurs in exile expect the US and its allies to sanction further Chinese, American and European companies that are implicated with Uyghur genocide and use of forced labor. They believe there should be a blanket ban on all products produced in XUAR due to forced labor implications, as suggested by Dr. Adrian Zenz. In addition, they urgently anticipate that the US and its allies pass legislation to grant Uyghur refugees a special status for protection and create special grants and scholarships to Uyghur students. They also expect the U.S. and its partners to establish institutes to preserve the Uyghur language, culture, history, heritage, and way of life.

For the Uyghurs whom RFA speaks with, and I feel I can say generally, justice means the end of the genocide, the closure of all internment camps, the release of all Uyghurs and other indigenous Turkic people from the internment camps and prisons, the return of Uyghurs to their homes from forced labor in all factories across China, the return of Uyghur children to their parents, the removal of Chinese cadres from Uyghur homes, the return of their lands, businesses, properties, and personal belongings,

make reparations for the pain and suffering they have endured due to China's genocide. Countless Uyghurs have expressed this to us in our reports, in our profiles, in our interviews – which we do not anticipate ceasing as long as these policies, as long as these abuses, and as long as these camps continue. For many who have witnessed and experienced these incredible acts of brutality and suffering, they tell us that true justice will not be achieved unless there are real consequences for the people who created this 21st century crisis of humanity. This means trying all the perpetrators of the Uyghur genocide by a special international court, like the one that tried Nazi officials at the end of the World War II at the Nuremberg. For those who have lived through this, who have survived, there cannot be a future, let alone a life, without a reckoning. For them, and for the world, RFA and RFA's Uyghur Service will continue to tell their stories in pursuit of the truth.