

1 **TRANSCRIPT**

2 **Uyghur Tribunal – Virtual Hearing**

3 **27th November 2021 (00:01 – 3:03)**

4 *The recording of the Tribunal’s virtual hearing is available [here](#).*

5 **Ton Zwaan (TZ) (02:55 – 59:00)**

6 **Adrian Zenz (AZ) (1:00 – 1: 57:00);**

7 **David Tobin (TD) (1:57:30 – 2:06:40)**

8 **James Millward (JM) (2:06:50 – 2:11:20)**

9

10 **PANEL** – *Good Afternoon from London. My name is Geoffrey Nice. I am Chairman of*
11 *the Uyghur Tribunal and I am sitting here in London with Hamid Sabi, Counsel to the*
12 *Tribunal and I am joined online by other members of the Tribunal to hear this afternoon*
13 *two and possibly two more witnesses. I will deal with the first witness and then I'll be*
14 *dealing with the other witnesses after his evidence is finished. The first witness is Dr*
15 *Ton Zwaan. Let me explain in a way how his evidence comes about, he having been*
16 *called by the Tribunal, and in a way being entirely my fault, me as somebody dealing*
17 *with these issues wasn't called as a witness in either the June or September hearings.*
18 *It's possible that some of you may remember that I asked one of the witnesses giving*
19 *evidence about the law of genocide, whether it would be accurate to say that the*
20 *concept of genocide was initially a sociological concept and in diagram, it is quite a*
21 *large circle. And the legal definition of genocide came after the sociological concept*
22 *was formed and was a smaller circle within that, if you like, and the witness has*
23 *accepted that. But that's hardly enough to give us an evidential base on which to have*
24 *some understanding of the sociological concept of genocide. And so, I realized a bit*
25 *late in the day, that it would help if we can hear from Dr Zwaan and he very kindly*
26 *agreed in short notice to provide us with a paper which will be on the website as soon*
27 *as this evidence hearing is finished and to talk to us today. Dr Zwaan is a retired*

1 *Associate Professor of social science and genocide studies at the University of*
2 *Amsterdam. He has written extensively on the subject, and he's given evidence in*
3 *various places, including at the Yugoslav Tribunal for the Former Yugoslavia in the*
4 *case of Slobodan Milošević. And I asked Dr Zwaan if you'd be good enough to start off*
5 *with a summary of what it is you explained for us in your paper. Then no doubt I and*
6 *my colleagues will have further questions to ask of you, Dr Zwaan.*

7 **Ton Zwaan [TZ]** – Thank you very much Mr Chairman. I would like to start with a few
8 observations. Genocide is a complex and difficult concept. It is often surrounded by
9 confusion about its meaning. It's also frequently used in a fairly loose sense in general
10 public discourse, in the press and other media, and by politicians, and activists with
11 various backgrounds. Moreover, for many people, it is a term loaded with moral,
12 political, personal and emotional meaning. But a precise use of the term is desirable.

13 So, in the first section of my notes, I have discussed shortly two meanings. The original
14 broad meaning as formulated by Raphael Lemkin in 1944, and the legal meaning; the
15 definition given in the United Nations Convention. For you, the legal meaning is
16 decisive. But I feel it's important for better understanding to try to imagine genocide in
17 a wider historical and sociological sense. Genocide then is best considered as
18 complex, large scale, organized and systematic process of persecution and
19 destruction. Not always but nearly always, genocide is an activity or policy of a state.
20 In legal terms, a state crime. There are two fundamental reasons for this. In the modern
21 world, only the state disposes of the required resources and means for the organization
22 (bureaucracy) for such an undertaking. And only the state, itself based on a monopoly
23 of violence, has the required means of violence to execute such a process. Scale is
24 important in this context. If the target group, the victim population, numbers a million
25 people or more, usually several 100,000 people are necessary as perpetrators for
26 planning, organization, coordination, and the execution of a genocidal process.

27 Genocide is an enormously massive phenomenon. The perpetrators should not be
28 seen as a single homogeneous category. In the field of genocide studies, often three
29 levels are distinguished. A central or top level of a small group of leaders. They initiate,
30 launch, and steer the genocidal campaign. Then a middle level, officials who do most
31 of the more detailed planning, coordination and organization. And lastly, a lower level
32 of regional and local officials, commanders, troops and others who carry out the dirty

1 and violent work of the genocidal campaign: arbitrary mass arrests, deporting,
2 detaining and guarding people in camps and prisons. Forced labour, abuse,
3 humiliation, starvation, various forms of torture, and in the most extreme cases, the
4 actual killing of victims. All these people linked to each other fulfil different functions in
5 the overall genocidal process and together they drive the process on and they are in a
6 general sense, collectively, united behind the aims of the genocide.

7 In the second section of my note, I shortly discuss genocide in the past. As argued
8 there, genocidal processes flow primarily from a fateful combination of ideological
9 convictions and well-nigh unlimited political power. I would like to add here that
10 notwithstanding substantial differences between ideologies and political regimes from
11 case to case, genocide scholars have often found that already existing collective hate
12 fantasies about target groups, shared by the political leadership and parts of the
13 general population, may contribute substantially to the unleashing of genocidal
14 campaigns.

15 A last comment, I would like to emphasize that in trying to imagine and to understand
16 the dynamics of a genocidal process, it is essential to focus on the motives of the
17 perpetrators on the three distinguished levels. Without them, there would be no
18 genocide. But at the same time, it is crucial to keep a keen eye on the experiences of
19 the victims. By trying to understand their fate, in all horrible detail, the deeply
20 destructive and evil nature of genocide may be laid bare. Thank you for your attention.

21 **PANEL** – *Thank you very much. And I look to my colleagues first, see if any of them*
22 *has got a question that anyone would like to ask. Yes. Professor Kumar.*

23 *Thank you very much and thank you very much indeed for the article. And also, the*
24 *very nice description. As you say, genocide is very complex, and I think trying to get*
25 *one's head around it is quite difficult. You said the legal definition of intent, and I want*
26 *to talk a little bit about intent, is often conscious and considered. You also said you*
27 *should be looking at genocide from a more sociological point of view. And you also*
28 *described several genocides in the last century. However, you do want to say that a*
29 *strong focus on intentions is not very fruitful. So just wondering perhaps if you could*
30 *just give us a little bit more detail about why you say that. I mean, in a way, ideology is*
31 *intent. So, I just wondered whether you could just push that a bit forward for us.*

1 **TZ** – I am trying to answer that question. First of all, I don't believe that ideology has
2 the same meaning as intent. Ideology is an overall complex of leading ideas but there
3 can be a great distance between the ideas and the acts of people. And I think the
4 concept of intent is very much focused on the individual activities of individual people.
5 My point is, that if you focus on that you will be confronted with severe problems. Let
6 me give an example. In the 30s, it was often alleged in German National Socialist
7 publications, speeches, that the Jews should be eradicated from Germany. That's an
8 ideological statement. But the actual practice of driving away the Jews and later on of
9 killing them came years and years later. Moreover, it's very hard for a Tribunal and for
10 lawyers to prove intent. So, I feel it's more often useful to deduce intent from what is
11 actually going on the ground. That's my point. Thank you.

12 **PANEL** – *Well, before I see what other questions that are in, it's very interesting in*
13 *your paper, and quite challenging for lawyers to see that you almost say that proving*
14 *intention is impossible in the legal sense or very difficult. And I think you've touched on*
15 *that now already. Anything you want to add on the basis of what you have written about*
16 *the lawyer's difficulty or focus on intent?*

17 **TZ** – The difficulty with intent is, as you know, that it can be very easily denied and that
18 it is fairly difficult to pin down. Let me give you one example. When the Chinese
19 president states in speeches and documents also that his aim is a rejuvenation of the
20 Chinese people and China itself. Or if he states that for instance, it is important to
21 strengthen the Chinese elements in the border areas of China. You can say these are
22 very vague, and general statements behind which might be hidden many different
23 policies and different actions. It's often very difficult to prove intent in a decisive way in
24 my opinion.

25 **PANEL** – *If I could have a supplement to that but I want to see if anybody else wants*
26 *to come in now, on this issue. Yes, Mr Vetch.*

27 *I have a question here from Professor Manji. Can Dr Zwaan elaborate on how we might*
28 *begin to construct a victim centred analysis to reveal genocide? Can we learn from*
29 *other areas of law e.g., in studying violence against women? What are the pitfalls if*
30 *their accounts are simply disbelieved and the victims blamed?*

1 **TZ** – That's a very complicated question. There're many different sides to it. But let me
2 try. I do not believe in a perpetrator centred analysis of genocide, nor in a victim centred
3 analysis of genocide. To understand what's going on, you have to focus on the
4 interaction between the perpetrators from the one side and the victims on the other.
5 The dynamics of genocide is centred in that relation. So, I don't see any point to say
6 that we should focus on one side or another at some point. The next one is I think we
7 can certainly learn from old cases of genocide and also maybe from for instance other
8 forms of atrocities, pogroms, mass murders, and discrimination of women in some
9 situations. That you can learn all the time a better understanding of genocidal
10 processes. I don't know whether this is satisfying but this is how...

11 **PANEL** – *Well Dr Manji nodded her head. So, I think we can accept that part of the*
12 *way. Can I come back to my and see if you've got another question in writing and then*
13 *we'll pick up on that and from anybody else, but your earlier answer, Dr Zwaan, I think*
14 *I'm summarizing it reasonably accurately, a multiplicity of objectives. Some might be*
15 *recognized in the law, where it will be said, objectives are not relevant to the question*
16 *of the legal intent required for genocide. Because that intent is critical at the moment*
17 *of delivery of whatever it is that causes genocide. Now, that doesn't mean I think,*
18 *delivery of the bullet by the person actually operating the same policy means the same*
19 *policy that leads to the use of the bullet for example, do you see that as a helpful or*
20 *unhelpful distinction for us to draw who have to be dealing with the legal definition of*
21 *intent, a difference between possible multiplicity of objectives and the intention of the*
22 *moment a particular policy is put into play, put into force.*

23 **TZ** – Maybe there are some possibilities there. I would like to say firstly, that there
24 usually are many different policies together. I mean, genocide is a very complex
25 phenomenon and many different policies might be required by the perpetrators. For
26 instance, demographic engineering might be one way to attack a target group. Like for
27 instance, when in a case people are on a large scale deported out of certain areas and
28 replaced by other population groups, as has happened, for instance, in the western
29 part of Poland at the beginning of the 40s when many Poles and Jews, naturally, were
30 deported from the west of Poland and replaced by people from German background,
31 so called *Volksdeutsche*, and they took over their houses and farmsteads and jobs. So
32 that can be one policy, but next to that, there can be a policy of concentration and of

1 taking away the possessions of people. They're losing their rights in a systematic way.
2 And they might be killed. And all these policies usually go together. So, to understand
3 the complexity of genocide, it's important to have an open mind about the composite
4 aims, which form the genocide gets, I don't know whether I answered your question.

5 **PANEL** – *You most certainly did and following on from that, that composition of I think*
6 *five items that you have given us in composition is that the sort of material that would*
7 *lead a sociologist to say sociological genocide has been committed or may have been*
8 *committed? Not because of just one but because of the combination of actions and*
9 *policies.*

10 **TZ** – Certainly.

11 **PANEL** – *That's actually I mean, it may not be helpful, because we're dealing with a*
12 *legal problem, but it's very helpful in a broader understanding.*

13 **TZ** – Well, that's what my aim is. To think in a wider sense than the only legal.

14 **PANEL** – *Okay, Professor Kaur has a question for us.*

15 *Thank you for being here. So I would like to explore in the widest sense if you seem to*
16 *be having a contradictory situation where on the one hand, a group seems to be*
17 *targeted on the basis of their ethnicity or religion, and on the other hand, you have it*
18 *seems a situation where they are also celebrated in terms of promoting ethnic diversity,*
19 *for instance, and even a policy of intermarriage which might be seen as forced or*
20 *coercive marriage. So how would you begin to explain that kind of situation?*

21 **TZ** – Could you please give me an example of a specific case...

22 **PANEL** – *The example is some of the evidence that we're looking at in Xinjiang in*
23 *northwest China, regarding the Uyghur people.*

24 **TZ** – Maybe I should say, you should never be surprised by the complexity of a process
25 of genocide. I would like to give an example. If you look at what is often called the
26 Holocaust and you look at it in more detail, you will find out that the fate of the Jews in
27 about 16 different countries, occupied and unoccupied, is quite different. And also, the
28 policies which were followed to persecute people show enormous differences, also the

1 way to destroy them. I mean, people usually think that Jews were killed in gas
2 chambers, and that's largely true, but only for half of the victims. Most of the other ones
3 were shot next to the places where they lived in the cities and towns, you all know
4 about Babi Yar and Kiev, for instance. So, don't be surprised if you see differences
5 between events and developments in one case, and you see different policies existing
6 next to each other. I don't know. Did I answer your question?

7 **PANEL** – *Is it a kind of veiling? Or the coding that you talked about in your paper? Is*
8 *it another way of coding or veiling or distracting from what might be seen as a*
9 *genocide?*

10 **TZ** – Well, regime or the perpetrators themselves, will usually do their best to deny
11 what they are doing in public, and also dress it up by propaganda means or plain lying,
12 or deceiving people in realising their aims. I mean, many Dutch Jews to give another
13 example, sincerely believed that they would go to the east and work there under
14 surveillance of the German police. They did not know at all that they would be instantly
15 killed within a few hours when arrived at Auschwitz, or many of them would be killed
16 but not everyone. When they arrived in Auschwitz or in Sobibor, or at other places.
17 Deceiving the victims, and also the larger public is usually a very important part of
18 every genocidal process. There are there quite some reasons for that, but one very
19 important reason is to surprise the victims. At least to hold them in the dark before they
20 realize what is really going to happen to them and then it's often too late. So, making
21 up stories about what is going on, is very usual in all cases, and is done by perpetrators
22 or by the perpetrating regime. And they will always deny, maybe also to mislead
23 themselves. Or you might think that the psychological function of misleading is also to
24 help the perpetrators to believe or let me say, not to realise what they are really doing.
25 I don't know if this helpful.

26 **PANEL** – *Thank you. Mr Clark.*

27 *Professor, thank you. Two things which I hope are not over simple questions. One is*
28 *and you touched on it in your last answer was, to what degree is it? Is it necessary that*
29 *the perpetrators appreciate or understand what they're doing? Is that presumably if*
30 *they are intending it, they need to, they need to understand what the objectives are.*
31 *You talked a little second ago about deluding themselves through the stories that are*

1 *necessary to disguise at least from the victims, but for themselves, if they delude*
2 *themselves, is that a tool relevant to them? And secondly, in your introduction, you*
3 *mentioned a few times the concepts of violence and destruction and I just wondered*
4 *from a sociological point of view, and I think I know what you're going to say about this,*
5 *but I wanted to ask you, what actually does destruction mean in the context of genocide*
6 *to you as a sociologist?*

7 **TZ** – Well, thank you. Good Question. First, about delusion you should realize that all
8 the people involved and that might be hundreds of 1000s of people involved in carrying
9 out the genocidal process very often do not realise the totality of that process, they see
10 only their own part. Let me just give an example again from the persecution of the Jews
11 for instance, the masons who were building gas chambers. All they had to do was a
12 job, with an overseer and a plan and a name. But it has been proven that many of them
13 did not realise what they were actually constructing. This point can be extended about
14 troops, policemen, vigilante groups, all sorts of participants who only see their
15 own...let's say contribution in the overall division of labour and do not realise at all
16 what's going on. Only a part of the real perpetrators down on the ground realise what's
17 going on. That's one point.

18 The other point about destruction, I use that term, because it's important to understand
19 that from case to case, and from time to time, what it means, destruction, is different. I
20 mean, if we take away the rights of a certain group of people that will hurt them, but it
21 will hurt them up to point, and many people may think well, maybe I'll can make the
22 best of it. I'll try and hold out and keep secret how we struggle. But there are so many
23 different forms of destruction. And the ultimate form naturally is killing people. But that
24 also may take very many different forms, and also detail in different cases. And
25 destruction. The use of the term is that it enables you to see all forms of destruction
26 learning from let's say everyday discrimination, or just harassments on the street or
27 elsewhere. Till the other side of the spectrum and that's the actual killing of people.
28 And there's a whole range of activities in between them. I hope to have answered your
29 question.

30 **PANEL** – *Thank you, yes.*

1 *I know you mentioned that already existing hate fantasies against groups may*
2 *contribute to the onset of a genocidal process. And I wondering, you know, from your*
3 *work, but you could tell us a bit more about how the state might then stoke those*
4 *existing fantasies. And what I'm thinking about here is a narrative that we've heard a*
5 *lot about, about terrorism, or even terrorist acts, which there were being presented as*
6 *a sort of systematic pattern of rampant violence. Of course, that seems rather to*
7 *overstate the situation as it was. If you could just tell us a bit more about how the state*
8 *takes an existing fantasy or even an existing fear and works on it.*

9 **TZ** – By a collective hate fantasy, we may understand a complex of prejudice, beliefs
10 and hostile ideas about a certain target group and these are collective because they
11 are shared between many people and also because they very often have a long history.
12 To give an example. China is a very old civilization. And Chinese for many centuries,
13 have seen all other people who are not Chinese, as barbarians. And barbarians should
14 be treated with suspicion. You don't deal with them. This is a very generally shared
15 belief about foreigners for Chinese people. So, if you look at present-day Chinese
16 nationalism, there is certainly a clear racist streak in it because in principle, non-
17 Chinese are seen as barbarians. When the Chinese moved west, they were confronted
18 with Mongols, with Uyghur, with Kazakhs with Tibetan people who are all not Chinese.
19 There is a very long tradition of seeing these people as possibly invading barbarians,
20 which could hurt the Chinese. Now I'm nearly certain that this very old-fashioned belief
21 which is largely shared, is also behind the President's policies towards Uyghurs for
22 instance because they are seen as dangerous foreigners. The same...you can argue
23 about many other cases.

24 Antisemitism is maybe the most well-known, collective hate fantasy in the West. This
25 has very old roots. I mean, it's more than 1000 years you can trace Antisemitism in
26 European societies. Also, regular outbursts of pogroms, forms of persecutions, killing,
27 excluding people and driving them away. And this has gone on for over 1000 years
28 until the 20th century when it came to a culmination point. These sorts of beliefs are
29 generally available in cultures and sometimes people are indoctrinated. To give
30 another example in Chinese history, recent history, there have been great humiliations
31 for China, for instance, the Opium Wars, and also the suppression of the Boxer's
32 Rebellion, but especially the attack of Japan fascist militaristic Japan, on the Chinese
33 mainland. Chinese schoolchildren today, learn about these events, about the horrible

1 humiliations of China in the past. Now, as you can imagine, if you learn that when
2 you're small you will say well, we should be strong and stand up again these evil forces
3 from the outside and we should attack them if necessary, or at least defend ourselves
4 as best we can. But I hope I have explained a bit the idea of collective hate fantasies
5 and the role they may have in unleashing genocides. People are afraid very often of
6 other nations or other groups. And this might be used by ruthless politicians to mobilise
7 feelings against these foreigners. Thank you.

8 **PANEL** – *Thank you. And just a small addition to that, if there is this view of foreigners*
9 *building a story that Uyghur terrorism is instigated by foreigners would underpin this*
10 *particular view that that might be stoked.*

11 **TZ** – It might be a combination of present-day happenings... like every society today
12 in the world, there is a large fear of terrorism and in the case of China there's also fear
13 of separatism. And there is the idea of Islam as being a radical or a dangerous religion.
14 These ideas are also known in the West, as far as everybody knows that, and such
15 fears are in the press and the mass media. And what you see is a combination of these
16 recent events with longer standing prejudices against foreigners who might be behind
17 all sorts of evil. When David [Nigel] Farage is referring to an invasion of foreigners on
18 our beaches he is appealing to very old fears among inhabitants of the British islands,
19 that there might come some invasion in some form, and it's completely ridiculous. But
20 you should never underestimate how easy it is, relatively speaking, how easy it is to
21 stir up fears, collective fears among people.

22 **COUNSEL** – *I have one question, what is the genocidal intent or whatever intent is*
23 *behind it is wrapped up in a positive approach like saying that balancing the population*
24 *does not exclude existence of the Uyghurs or other nations but adds to Han Chinese*
25 *to just balance the population in an area where there is very little of a Chinese*
26 *population. They do carry on approach and all these things but on the top of this, the*
27 *policies to balance the population in the area. And that on its own is it is a positive*
28 *approach rather than negative... scaremongering, thoughts?*

29 **TZ** – Well, I'm not quite sure whether I understand your question properly, but it will be
30 presented by a perpetrator regime always. They doubt that they are acting in a positive
31 way. I mean, if the Chinese leadership states, we are strengthening the Chinese

1 elements in the border regions...many common Chinese they don't know what's really
2 going on will see that as a very positive approach, as you call it. But don't forget when
3 it was announced among Germans, for instance, one of those announced that
4 Germany would be freed of Jews. I mean, what is positive is a relative concept and
5 can be can be interpreted in many different ways. And I think, I think you should, you
6 should take care by distinguishing between so called positive and negative
7 approaches, but you can look at the real complexity of genocidal processes. I don't
8 know whether I answered your question.

9 **PANEL** – *I think if I can just follow that onwards because it was something that was*
10 *concerning me. If you in any particular circumstance, found that the motivating factors*
11 *one was genuine and was not infected by genocidal intent and others were would you*
12 *be able to handle such complex motivations?*

13 **TZ** – Is there a certain example you're thinking about?

14 **PANEL** – *Because there's quite an open evidence which will suggest that their security*
15 *concerns may be as realistic as the security concerns of companies like our own facing*
16 *terrorists, for example, or there might be a genuine interest in getting a mixing of*
17 *ethnicities by intermarriage. They may be genuine. How would that affect your view of*
18 *things if one or more than one would genuinely non-genocidal?*

19 **TZ** – Maybe to take up one of your points. Every state naturally has to fight terrorism
20 or illegal violence within the limits on borders. But fighting terrorism as a specialty
21 requires evidence, intelligence sorry, requires special agents, require spies, very
22 thorough organisation of trying to attack the terrorists which are to be attacked. That is
23 something that might be a genuine aim of a government or a state. But it's quite
24 something else, then declaring collectively, a minority as a threat, because some
25 members of that minority are engaged in terrorism. There have been some terrorist
26 incidents, as we all know, by radical Uyghurs in the past years. And that's a form of
27 fear and terrorism should be countered, I can see. But national policies are not
28 countering terrorism, but they are declaring minorities as terrorist or implying guilt by
29 association.

30 And we can see the same for instance, in how people in the general public, many
31 people, think Islam is dangerous today. That's not because they know a lot about Islam.

1 But because there have been some attacks by ISIS and Al Qaeda as we all know. And
2 then these perpetrators, these terrorists are seen as standing for a very much larger
3 issue, namely, Islamic beliefs, practices, and Islamic people and then you see the
4 mechanism of collective hate fantasy again, instead of focusing on countering
5 terrorism, the general public focuses on Islam. And everybody who is an Islamic citizen,
6 can then be seen as a danger or threat. And they will not see the difficulty of
7 differentiating between genuine policies by states and larger mechanisms of seeing a
8 threat in certain minorities. Thank you.

9 **PANEL** – *Thank you very much. Professor Osler, please.*

10 *Thank you. I'd like to go back please to the concept of delusion. And you've talked*
11 *about delusion of the victims, and of the perpetrators, and we're dealing with genocide*
12 *within an international framework when we're dealing with the legal case. And I wonder*
13 *if you could say something in terms of sociological understanding and delusion in*
14 *relation to the international community.*

15 **TZ** – I think in international politics and in relations between states, there is a
16 continuous element of let's say, propaganda to emphasize their own qualities. And
17 states tend to propagate their own aims, as reasonable or, or realistic. So, I think there
18 is an element of delusion very often in international politics and nearly all states, as far
19 as I know, have untruthful aspects to their way of operating. I mean, a trivial example,
20 When Boris Johnson is talking all the time about the French, who do not stop the
21 foreign invading, the foreign people who go with small about across the Channel, he is
22 trying to do two things. To hide the activities of the British government or lack of
23 activities on the one hand, and at the same time, blaming other people for what's
24 happening. I do believe you see this very often in international politics. Well, the main
25 problem is maybe the problem of truth. I mean, are people ready and willing to speak
26 the truth in a certain rational and realistic way? Or are they lying? Maybe on a daily
27 level we all try to do our best, and show our best sides and maybe the darker sides of
28 people most people will try to hide or so I believe. I don't know. I see you smiling but I
29 don't know whether you got your answer.

30 **PANEL** – *I was just thinking in terms of the legal consequences of genocide because*
31 *governments are required to add, if genocide is found, and I was just trying to*

1 *understand this question in relation to the genocide. I was thinking about it in relation*
2 *to the Genocide Convention and how that might be understood.*

3 **TZ** – Well, let me just add one remark. The Genocide Convention has been mostly a
4 dead letter during the past 70 years. Between 1948 when it was accepted till the
5 beginning of our century. There are only two cases of states which have had the
6 courage to accuse others of genocide. One example, to my mind is Vietnam. When it
7 occupied, so called liberated, Cambodia. They took the trouble to say, well, the
8 Cambodian regime was a genocidal regime, but all the years before 1978 no state in
9 the world made any objections to what was going on in Cambodia, and they were
10 strongly supported by China. Secondly, by Russia. We see very often an enormous
11 degree of not willing to act on the basis of the Convention. You remember Darfur, 2003,
12 2004. More than 300,000 people were killed or lost their lives. Several states declared,
13 yes, this is genocide. But then it's up to the African Union to solve. I mean, America
14 did for instance and Europe officially did not acknowledge what happened as genocide,
15 though. So, you see very often this whole political game I would say in acknowledging
16 things, or denying things or keeping quiet. Thank you.

17 **PANEL** – *Thank you, very much. You still got nine minutes if we want to use it, but first*
18 *of all, Mr Vetch.*

19 *No, please carry on.*

20 *I only wanted to give Dr Zwaan an opportunity to wrap up things if he felt we miss*
21 *things. So please ask your question.*

22 *Dr Zwaan, you talked about the three layers of authority central middle and lower. The*
23 *Tribunal has heard significant and large amounts of evidence which it may or may not*
24 *accept of torture, rape and sexual violence and other mistreatment of the Uyghurs.*
25 *Could you say a little bit about what that might, how that might inform about the intent*
26 *of the senior people who presumably were the originators of policy? Is it in your*
27 *experience or in the studies that you've made likely that the specifics of those actions*
28 *will have been promulgated and ordained from above? And lastly, what is the point of*
29 *it?*

1 **TZ** – Last question is the most difficult but let me first say... the three levels you should
2 see maybe that the highest level is empowering a lower level, the middle level, and
3 that this empowering in its turn the lowest level the people on the ground who do the
4 dirty work. The genocide is launched by the highest level in a very general sense. They
5 might just say, let's get rid of this population or let's subject that target group. Might be
6 very general decisions. On the lower level or middle level, people will start working out
7 plans and there is not so much a plan in the sense that Lemkin implied, but it's more a
8 question of learning by doing and making plans and see whether they succeed in
9 attaining aims and then the lowest level has in a sense, also the lowest responsibility.
10 They just get their orders from local commanders, from local heads of police, and they
11 go and arrest so and so. Or bring up sort of people to prison. Rules for torture or for
12 very horrible mistreatment as abuse are generally not formulated by the people on the
13 lowest level. But they got... how do you say that in English? They receive a sort of
14 general power to collect for instance, confessions of people and nobody is telling them
15 well...to extract more confessions you have to beat them up, or you have to rape them.
16 They do that by themselves. But that sort of knowledge is generally spread in police
17 and security organisations all over the world. I mean don't be surprised by the cruelty
18 of people when they get an opportunity to be cruel. And what you mean by the
19 question, what's the point of it? I can only answer there is no point as far as I can see,
20 we have to do with regimes and officials and local power holders who are connected
21 or united between... among themselves behind one general aim: we have to get on
22 top of this target group. We have to drive them away or we have to deport and detain
23 them. This is not discussed on any... let's say democratic or rational grounds. It's left
24 by ideology and by common beliefs among perpetrators, I'm afraid and there is no
25 inherent point whatsoever.

26 **PANEL** – *Yes, thank you very much indeed for all your answers which I have no doubt*
27 *been of interest to all of us. We've got short paper which contains a couple of other*
28 *subjects I might have asked you about the regimes in which the driving forces*
29 *genocides as it is boiled down in recent years and you explained that. Also the period*
30 *of time over which genocides may build up. We've already touched on that. Then is*
31 *there anything else that you think that we've missed? That you would like to round off*
32 *with? Before we say not farewell because you can stay online of course, but farewell*
33 *this part of the day.*

1 **TZ** – No, I don't think so. It makes no sense to try to wrap it up by a set of conclusions.
2 I think we had a very fruitful discussion. And I tried to be as concise and short as
3 possible in my paper, or the note I sent to you. I think this should be it. So, thank you.

4 **PANEL** – *Very, very helpful way to deal with it. Thank you again for responding so*
5 *swiftly to our last-minute request and for making yourself available here today. Thank*
6 *you, Dr Zwaan.*

7 **TZ** – I want to thank you all for the very interesting, also very difficult questions. And it
8 was an honour and a pleasure to make a small contribution to your deliberations. So,
9 thank you.

10 **PANEL** – *Let's try to take a break for one minute.*

11 [break – 0:59 – 1:00]

12 **PANEL** – *Let's see Dr Zenz joined us so, welcome to him.*

13 **Adrian Zenz [AZ]** – Good afternoon in England.

14 **PANEL** – *We're just starting up again. All right. Good afternoon again and we now*
15 *have evidence from one principal witness and from others. Dr Zenz has given evidence*
16 *twice before both at the June and September hearings and we will also hear from*
17 *Professor Millward and Dr Tobin but first of all necessary to set the scene for this*
18 *evidence. And I'm going to do it by checking with Dr Zenz who's already been*
19 *introduced twice before so I'm not going to take time with that right now. Whether Dr*
20 *Zen's understanding of the position is as follows. In the September hearings, the*
21 *Tribunal was provided directly but on grounds of complete anonymity with electronic*
22 *copies of documents on a device. They were briefly looked at by those in the Tribunal*
23 *making a guess assessment as to what they might be. And in light of that assessment,*
24 *Dr Zen's who is temporally away from his camera, but I think you'll be back Dr Zenz*
25 *was invited to examine the material for us. Efforts were made to get the material to the*
26 *United States of America but unfortunately, that didn't work because of carriage*
27 *problems and he was invited to come to London and Mr Vetch and I were dealing with*
28 *these matters directly for various reasons, including indeed the fact that Counsel was*

1 *highly tied up on something else at that time. So, Dr Zenz, you came to London is this*
2 *correct?*

3 **AZ** – That's a received a very kind invitation.

4 **PANEL** – *And you came to London and you had some encounters with Mr Vetch,*
5 *which is unusual because we are tribunal members which is unusual because you are*
6 *witness but it was unavoidable. You examined the material or gave in the first*
7 *examination and had some discussions with us as to the way forward in light of work.*
8 *You were then provided with a copy of the files and you went back to America and*
9 *examined them in detail. The provision of the electronic files was on terms that they*
10 *should never be shown themselves in public. Because I mean, they may have pieces*
11 *of paper that have been photographed, but reveal where they came from, and thus*
12 *possibly expose people to risk. So, it was agreed between Mr Vetch, you and me that*
13 *you will do certain exercises on the electronic files, but that it was important to your*
14 *work to be peer reviewed at great speed in order that you and your peer reviewers had*
15 *to appear to present findings here today in advance of the judgment to be delivered on*
16 *the ninth of December. Am I right thus far?*

17 **AZ** – Entirely.

18 **PANEL** – *Three parts of the verification or peer review, I should say of your work was*
19 *first of all, a question of authentication of the documents that were photographed.*
20 *Second part because the original documents can never be screened publicly was that*
21 *transposition or that whatever the correct term is taking the characters off the page of*
22 *the photocopied documents and putting those characters precisely onto other clean*
23 *sheets of paper or clean electronic piece of paper that was done accurately. And then*
24 *following on from that it would be reviewed by your peers about your findings about the*
25 *documents that you've seen? Have I got that right?*

26 **AZ** – Yes.

27 **PANEL** – *And the two peer reviewers both of whom had been witnesses at the*
28 *Tribunal. Dr David Tobin and Professor James Millward, one in England and one in*
29 *America. Each of them was given access to electronic versions of the original files so*
30 *that they can see the original files without ever allowing them to be seen by others*

1 other than maybe their immediate and necessary associates. And they're here to give
2 evidence necessary to help us So with that introduction, Dr Zenz, you provided two
3 reports, one with 31 pages, I think, and one with 49. We're going to work on the basis
4 of the 31-page report, maybe the 41 page which is just more detailed with a lot more
5 material on it will also be posted on the website for a 31-page report will definitely be
6 posted on the website as soon as your evidence is complete. I may have gotten that
7 wrong, Mr Vetch?

8 Dr Zenz's advisors said that they will need a little longer to ensure that his longer report
9 which is the one that will be posted is put into correct form and that the peer reviewers
10 have finished finally their work and so it is likely that those documents and the
11 statements from the peer reviewers will be posted on Monday.

12 Thank you very much. I am sorry that I got that slightly wrong. So probably the best
13 thing is for you, Dr Zenz, to tell us what you found. What it was that you were looking
14 at, and then show us what your conclusions are as a result of what you've seen.

15 **AZ** – Indeed. Basically, the Uyghur Tribunal was given a set of files, some of which
16 were duplicate. They were consolidated into 11 distinct files with about 300 distinct
17 pages. 317 pages and total. After analysis, it is evident that these files are directly
18 linked to the so-called Xinjiang papers. Xinjiang papers are a cache of government
19 documents from China. Nearly all of them classified, explicitly classified, that were
20 originally leaked to the New York Times and published by the time, so November 16
21 2019 as such enough to be mistaken with the so-called China cables, which
22 confusingly were published one week later, on November 24 2019, by the International
23 Consortium of Investigative Journalists and myself.

24 The New York Times at the time only published a small number of transcribe pages
25 from the Xinjiang papers and quoted from several but not all documents. Several
26 documents are not even mentioned in the Times article. The Times also never released
27 the originals into the public domain. These files contain several speeches by Xi Jinping
28 and other central government leaders. They contain several directives and speeches
29 by Chen Quanguo and the Xinjiang authorities and they contain three central
30 government issued documents on the topics of history, religion and the software
31 development of the so called-called Bingtuan or Xinjiang Production and Construction

1 Core. One of the documents is classified as top-secret, which is China's highest state
2 secret classification number for government documents and noting material that if
3 leaked it would cause particularly serious damage to the security and interests of the
4 country, which is one level higher than the China cables. Overall, and this is something
5 that we did not clean from the first original New York Times report. This appears to be
6 the first ever instance that material with the highest top-secret classification, containing
7 statements by Chinese Head of State have leaked into the public domain.

8 The original New York Times report noted how in the words of Xi Jinping, quote laid
9 the groundwork for the crackdown, but only identified a small number of conceptual
10 linkages between Xi's words and subsequent policies in Xinjiang in line with a still
11 evolving understanding of the atrocities back in 2019. The present analysis which was
12 conducted on this leak, however, shows that the linkages between statements and
13 mandates made by Xi Jinping and other central government figures and the policies
14 that were subsequently implemented after 2016 and then 17 are far more detailed and
15 extensive and significant than previously understood.

16 I reviewed and authenticated the material, I carefully compared it to what the New York
17 Times publicly divulged in their report and I authenticated it based on a substantial
18 number, many dozens of independent sources from Xinjiang and Chinese government
19 documents, state media reports. For example, several of the speeches are quoted.
20 There is lengthy literal quotation of state media reports at the time for example of
21 several of the speeches that are contained in the leak. Based on all of this, it appears
22 to myself and the peer reviewers both concurred with this, that the material appears to
23 be first of all authentic and second of all, identical subset of the Xinjiang papers first
24 published by the New York Times. However, it appears that the Uyghur Tribunal was
25 not given all of the files that the Times received. I contacted the New York Times with
26 several questions, including whether the files received by the Times were the Xinjiang
27 papers that they have previously reported on and whether the Times have potentially
28 passed them to the Tribunal or if there was any knowledge of who may have passed
29 them to the Tribunal. The Times responded with an official statement through their
30 spokesperson confirming that quote, "the documents received by the Tribunal were
31 previously reported on by the New York Times in 2019. The documents were not
32 supplied to the Tribunal by the Times" end of quote.

1 I would like now, please the PowerPoint to start with the first slide. On the PowerPoint,
2 we will see some of the original... Yes, these are the New York Times original report
3 contains 13 fully transcribed pages from the original Chinese documents data received.
4 Most of them pertains to a particular document from Topan prefecture for returning
5 Uyghur students from eastern China with family members detained and this document
6 was not provided to the Tribunal. Four of the fully transcribed pages published by the
7 Times are contained in the set obtained by the Tribunal. And am publishing a detailed
8 introduction to the leak and its authentication methods. This is going to be finalised and
9 I apologize for the delays. This is just a huge amount of work and we've worked against
10 a very tight deadline. And so, we are hoping to publish both this overview document
11 and three of the transcripts, three of the 11 transcripts by Monday [29 November 2021]
12 and then subsequently we hope to publish as many as possible by December 9 [2021]
13 or as we are able to.

14 If we now move, please to the next slide. See how on the right hand you still have the
15 original transcript from the New York Times and on the I'm sorry, on the left hand, you
16 still have the original transcript from the New York Times published in a report as a
17 screenshot and on the right-hand side, you now have the transcript that was created
18 by myself and my research assistant who transcribed this from the original paper
19 documents. And you see that they're basically identical. That's just one example.

20 And let's go to the next page. We see the placement also. A lot of the details. The
21 paper margins differ slightly... we were... our reproduction is not 100% In terms of the
22 margins, and of course we also had to work with very severe security precautions. Only
23 very limited number of people were able to see the original paper documents on the
24 original electronic media.

25 Next slide please. I took the trouble of looking at every single of the thumbnails
26 published by the New York Times. They published 403 thumbnails and identified all of
27 the documents leaked to the Uyghur Tribunal, probably not in the forecast as was
28 possible because you could see even though you cannot read the text, you can see
29 the broad texture outline that the indents and whether the blank whether it's text,
30 whether it's bullet points, if there's a header etc. I also identify duplicate pages, etc.

31 I can I don't have the time and I don't want to go into all the details here. This the New
32 York Times subnets contain several duplicate images and I asked The Times for

1 comment on that. But they chose not to comment on it. I assume it might be human
2 error but, in any case, it was possible to identify the pages given to Uyghur Tribunal
3 among the thumbnails published by The Times except for two. There's a two-page
4 fragmentary document of just two pages of speeches of Chen Quanguo from 2018 and
5 does not contain any thumbnails published by The Times.

6 Next slide, please. I am just giving two examples where I magnified The Times
7 thumbnails and then created a similar impression from the original documents that was
8 given to the Tribunal. I applied similar blurring and similar downsizing and as you can
9 tell this is a page from the confession of one of the officials, Wang Yongzhi, that fits
10 quite prominently in The Times report. You see the location of the thumbnail
11 blown up and you see the four thumb prints and the outlines of the text you see, The
12 Times applied a slightly different blurring algorithm that created more square
13 impression of the thumbnails. But otherwise, you can tell they're basically the exact
14 same document.

15 Next slide, please. Again, this is the second page of the final speech of Xi Jinping while
16 inspecting Xinjiang from April 2014. And, again, I blew up a thumbnail of The Times
17 and increased the contrast to make the outline stand out more and again, you can see
18 the blue arrows indicate paragraph indents or indents in the text... again, you can see
19 that except for the fact that a slightly different blurring algorithm was employed by the
20 New York Times. I used Photoshop for this. The documents are identical and that's
21 also how it was possible to identify and compare the pages leaked to the Tribunal to
22 the thumbnails provided by The Times.

23 **PANEL** – *Sorry to interrupt, Dr Zenz. Just to make you aware that the audience cannot*
24 *see the screen... so just bear that in mind when you're describing things if you wouldn't*
25 *mind.*

26 **AZ** – Okay, can you see it? Or....

27 **PANEL** – *We can see it but the wider audience cannot see...*

28 **AZ** – Okay, the wider audience cannot see it. Okay. I apologise for that. However, in
29 my detailed report published, hopefully on Monday, all of this will be shown. These are
30 basically screenshots from my report. I apologise but basically just shows how I was

1 able to identify the pages and compare the documents leaked by the Tribunal to the
2 ones published by the New York Times in 2019. It should also be mentioned that the
3 New York Times did not mention several documents at all, and categorised them also
4 in a very confusing way, namely under surveillance, a large category. They said this
5 pertains to surveillance and this category actually includes three central government
6 documents. But anyway, so you can read that in the report. There's a lot of interest...
7 Just a comparison to the New York Times publication is a very interesting exercise in
8 itself.

9 But now we need to move on to the next page, please and I'll try to keep in mind that
10 the audience, the wider audience cannot see these slides, which is unfortunate, but I
11 guess that's part of the YouTube streaming. So next slide, please. But this is just what
12 I'm doing now is I'm just showing three slides now that compare the layout of these
13 types of documents. The authentication firstly rested on a comparison of the material
14 to the material published by New York Times. This by the way, the Times, the Chinese
15 version of The Times quoted literally from the documents, and there wasn't... they did
16 not translate, of course. And that was very helpful that I think about 27 passages that
17 were quoted in the New York Times article that could be identified in 100% identical
18 form in the documents. This is an appendix to my report.

19 The second authentication consisted in comparing the material to independently
20 available material on the Chinese internet, government websites, state media reports.
21 And the third authentication method consisted in looking at the types of documents and
22 the formatting and how it conforms to types of documents that we know about
23 formatting requirements that have been published and so on. Let's just compare on the
24 left hand, you'll see... those who can see it. The left hand is an example of a central
25 government circular bulletin, issued by the central government what those look like.
26 And then on the right-hand side is the example of one of the document number 1
27 leaked to the Uyghur Tribunal speech by Xi Jinping in April 14.

28 Next slide. This is one of three central government documents which were not
29 mentioned by the New York Times. Again, you see on the left hand an example from
30 a Chinese government website or Chinese website of one of those documents and
31 then on the right hand... Document number 7, that was leaked to the Uyghur Tribunal
32 about the software development of the XPCC, the colonial settler entity: Bearing in
33 mind that we are the Victims of Communism Foundation, we sought we attempted to

1 reproduce these documents from the originals as well as we could. We do not claim
2 that this one practice reproductions are 100% accurate. They're very close. They're
3 decent. Good enough to recognise and see the similarities but we don't claim 100%
4 just as a caveat.

5 And then the next slide please. And this shows the third type of document found in the
6 cache among the 11 documents. Three of the documents are so called cables or
7 telegrams. And on the left side, you see, for comparison, the China Cables which was
8 leaked and published, one week after the Xinjiang papers in late November 2019. And
9 on the right-hand side, you see one of the telegrams leaked to the Tribunal, which was
10 also published by The Times. This is a directive from June 2017, signed by Zhu Hailun
11 on security measures to be taken and lessons to be learned from the lone wolf attacks
12 in England.

13 Next slide, please. So, this just again, shows authentication, just one sample and we
14 have our fairly lengthy tables in the authentication showing how some, especially the
15 speeches of Xi Jinping are quoted extensively by state media reports from the time
16 and are therefore fairly easy to authenticate. You also can tell what state media said
17 and what they did not say which is quite interesting.

18 And then, one more slide forward. Again, this was mentioned in the original New York
19 Times report. This is the cover page. The top-secret speeches by Xi from April 2014
20 were prefaced by a cover page that said there "to be studied". This is in October 2016
21 after Chen Quanguo got into power. He had these top-secret speeches distributed but
22 under the stringent security measures only certain officials could study them and they
23 had to be returned you could not photocopy them etc. Very stringent security
24 measures, very interesting. And again, this is easily authenticated. On the left-hand
25 side, you see reports some even with pictures of officials studying them. This one is
26 from a little later from February 2017. We also have ones that are from immediately
27 after this was published, from October 2016. How they were studied. So, this is this
28 really happened. There's not just a theory. One further, So, oftentimes we could
29 extensively authenticate the context of documents.

30 **PANEL** – *Dr Zenz, forgive me interrupting you. Those of us who need to see this aspect*
31 *of your work for the judgment, of course have a written report, which may be posted*
32 *on Monday. Your audience can't see it, but I should inform you that the Embassy of*

1 *the People's Republic of China were notified in writing earlier of this hearing. They of*
2 *course, will be in the same position as the wider public so they won't be able to see*
3 *this material today. But they should be able to see it. We hope on Monday and it may*
4 *be that soon it's time to move to the substance of what you do. So... because the*
5 *material that we can see a lot of the screen and others can't is available for us in any*
6 *way in written form.*

7 **AZ** – Good timing because I was just about to do that. This is the last slide containing
8 the screenshots and I was unfortunately not aware that the wider audience would not
9 be able to see this so apology again. That's of course a bit unfortunate.

10 So, moving on to the contents and the summary and implications of the findings. Which
11 should I imagine take another 25ish minutes. The material provides substantial
12 evidence linking many aspects of Beijing's crackdown in Xinjiang to explicit statements
13 or even demands made by central government figures in 2014, which is, I think, a
14 central point, including the mass internment and re-education camps, labour transfers,
15 optimising the population, criminalising customary religious practices, forcing hundreds
16 of 1000s of Han officials to become family with ethnic populations, and implementing
17 Chinese language focused education and centralised boarding schools. And finally,
18 predictive policing and extensive surveillance.

19 All of these aspects are mentioned and mandated. First, internment. The government
20 documents state that Xi Jinping himself in 2014 authorised the Xinjiang government to
21 draft a local regulation to address the issue of religious extremism. The resulting the
22 de-extremification regulation came into effect in April 2017. And as I have argued
23 before, and in fact at the last hearing of Uyghur Tribunal, this regulation is extensively
24 linked and intimately linked with the re-education campaign. Its October 2018 revision
25 constituted the first official acknowledgement that a so-called vocational skills
26 education training centres perform, quote, unquote, “re-education”.

27 In its original report, The New York Times quite famously cited change angles mandate
28 to round up everyone who should be rounded up. However, it did not mention that Xi
29 Jinping himself issued and arguably quite similar demand in 2014 when he mandated
30 that, quote, “those who should be seized should be seized and those who should be
31 sentenced should be sentenced”. And on this current slide, those of you who can see
32 it see an overview of the different statements that were made throughout these

1 documents of terms like this. Document number 3 says detain all who should be
2 detained. Document Number 8 says do the round up or who should be rounded up
3 work well, etc. Documents of the confessions of officials repeat the statement to round
4 up all that should be rounded up on several occasions.

5 Xi Jinping's statement that religious extremism is like a quote, "powerful psychedelic
6 drug, and that act of terrible multiply like cancer cells", and of quote, if extremists
7 eradicated are quoted verbatim and attributed to Xi in a widely cited March 2017
8 government document from Kashgar in southern Xinjiang that likens re-education to
9 free medical treatment for quote, "sick thinking".

10 That's shown on the next slide. That screenshot from this document says re-education
11 is like a free hospital. treatment to help people; to heal people. And at a very time when
12 Xi demanded that people's immunity against extremist ideology must be increased
13 Uyghur regions were actively carrying out early forms of re-education and reported that
14 these re-education efforts were quote increasing the immunity of susceptible groups of
15 people end of quote.

16 In two separate speeches, Xi called religious extremism, quote, "a poison" end of
17 quote. He argued that Xinjiang was treating the heart sickness that could only be cured
18 by the heart medicine in order to quote "support the correct and remove the evil". The
19 2017 work report on re-education in the Uyghur region quoted the letter expression
20 verbatim when stating that we education must quote, "support the correct and remove
21 the evil". Importantly, that Kashgar document from March 2017. That's so very blunt
22 about re-education was widely noted in 2018 and it's cited in my report from back then.
23 It noted that people have now been sent for re-education despite the fact that they
24 have not committed any acts of violence but simply because they have been caught
25 infected.

26 And this is if you move to the next page...it says, quote, "although some people after
27 being affected by the infiltration of religious extremism and violent terrorist thoughts
28 that have to carry out violent terrorist activities themselves, they've already been
29 infected with a virus of religious extremism and violent terrorist thoughts and could act
30 at any moment, endangering themselves and those around them. They must be sent
31 to transformation through education classes, to receive hospitalised treatment to
32 eliminate the harm of the virus and restore their mental health". End of quote.

1 This shows how Xi Jinping's statements in 2014 undergirded the development and
2 culminated in its preventative eradication of an alleged pathogen. Re-education centres,
3 even where illegal acts or acts of violence have not yet been committed. Later and
4 widely cited academic paper on transformations for education from the Xinjiang party
5 school in 2017. Likewise link re-education with the removal of poisonous thinking. Xi
6 Jinping also in his 2014 speech commented directly on re-education in the context of
7 transforming criminals. He, he wrote, he said quote, "it is important to do a good job
8 with reform through education and transformations for education of offenders, so as to
9 prevent a practice of arrest and then release in large numbers as well as cross
10 infection". The problem of cross infection should be effectively addressed so that
11 criminals cannot establish ties and engage in communication with each other while in
12 educational transformation facilities let's say they become poisoned more deeply and
13 do greater harm when they're released. Even after release these people are to be
14 subjected to continued transformation through education.

15 So, Xi is basically saying here that Xinjiang must achieve a normal re-education to
16 prevent arresting people and re-educating them and releasing them. So that those who
17 once had been re-educated will not in the future be found to be in need of further re-
18 education, and undergo multiple cycles of arrest, re-education and release. At this
19 mandate, he set the stage for the more intensified forms of re-education and dedicated
20 transformational education facilities. He also mandated the on-going re-education of
21 those who have been released. That's a practice that was then since implemented.

22 The leaked government document titled the Karakax list shows that when Xinjiang
23 embarked on its campaign of mass internment in 2017, many were detained into re-
24 education facilities simply because they had previously been interned or imprisoned.
25 This in brief are the linkages between statements by Xi Jinping and central government
26 figures and the subsequent campaign of re-education.

27 Secondly, the documents show that plans to optimise the ethnic population
28 composition, which is which are connected to the campaign of suppressing births can
29 be linked to statements and demands made by the central government. In a top- secret
30 speech, Xi argued that population quote "population proportion and population security
31 are important foundations for long term peace and stability". End of quote. This
32 statement has later been quoted verbatim on several occasions, including by Liu Yilei,

1 a senior Xinjiang official in July 2020, who then famously argued that sudden Xinjiang's
2 Han population share was too low. Only 15%.

3 Please show the next slide for that. There you see the quote and the emphasis in italics
4 is the exact wording from Xi Jinping. But which he prefaces them his really drastic
5 statement about that there's not enough Han in southern Xinjiang. Other classified
6 documents lament quote, "severe imbalances in the distribution of the ethnic
7 population" end of quote and, quote, "a severely mono ethnic" end of quote population
8 structure in southern Xinjiang meaning and over concentration of Uyghurs. And one of
9 the classified central government documents mandates that by 2020 up to 300,000
10 settlers, mostly Han from eastern China, are to be moved to regions in southern
11 Xinjiang administered by the Xinjiang Construction and Production Corps, the XPCC
12 or Bingtuan. But they explicitly stated aim of increasing Han population shares in the
13 region. And the latter is something that we have not known yet that we did not know
14 before from publicly available documents.

15 Xi himself ordered the abolishment of preferential birth control policies for ethnic groups
16 in southern Xinjiang. His demand that birth control policies were to be made quote
17 "equal for ethnic groups" end of quote, as a euphemism that since 2017, and under
18 guarded policies that drastically reduced birth rates. To name just one pertinent
19 example, Xinjiang Health Commission established a set of performance targets in 2019
20 that employ the exact same expressionists as the one used by Xi Jinping, quote
21 "implement a birth control policy that is equal for all ethnic groups". End of quote, that
22 exact statement is found, as in in a text that contains an overall goal behind a new
23 mandate to reduce birth rates in southern Xinjiang by at least four per mil to provide
24 free birth control surgeries that include female sterilisation, and to achieve an adoption
25 rate of long-term effective birth prevention measures of at least 90% in rural regions.
26 These are measures that include IEDs and sterilisations.

27 A central government directive from December 2017, which is document number 7 in
28 the leaked file cache makes a very similar demand, mandating to quote "a neck birth
29 control policies that are equal for each ethnic group" end of quote, but then it bluntly
30 adds that this measure is specifically designed to do quote "to promote equal
31 population growth for each ethnic group" or you could also translate balanced
32 population growth for each ethnic group. Xi Jinping, in his speech further mandated
33 that the XPCC has to become this to, quote "bring into play its role in optimising

1 population resources and become a staging area for optimising the population” end of
2 quote in southern Xinjiang. All of these mandates are exactly in line with
3 recommendations made by numerous Xinjiang academics and experts on population
4 growth and population optimisation of unilaterally called such measures. And the next
5 slide provides a comparison table.

6 So basically, what we have here is we have statements by Xi Jinping himself and
7 related central government documents. I assume the next slide is going to come up
8 soon here. That underlying statements that in my publication from this year which I
9 presented at the first Tribunal hearing, I presented statements and demands by scholar
10 cadres. Scholars who often also hold government positions or are funded by
11 government or influential for government.

12 Could we have the next let's see. Sorry, you've gone too far. Could you go one back
13 to the table? Yes, thank you. In my research paper that are presented at the first
14 Tribunal hearing, and I apologise this in Chinese but it gives you the idea, the
15 comparison. Of course, we had said well, I have to I sort of strain a little bit. I strained
16 to make an argument that this is influential that you can see this as being implemented.

17 These are demands made by academics, and this is not just academic discourse, but
18 there's some influence we see this reflected in some government policy. We see this
19 reflected in decreased birth rates. We see some evidence that this is happening and
20 that this is to be taken seriously. But of course, there was speculative elements in this.
21 But the new evidence from the leaked documents, we can now say with much more
22 strongly that these developments and these discourses about population optimisation
23 can be directly traced to classified statements made by Xi Jinping and central
24 government figures and then further expanded in a central government document in a
25 directive that stated as much about population development in southern Xinjiang.

26 This is I don't know if I can communicate the extreme significance of this new evidence
27 and what it does with our existing understanding, especially on population optimisation.
28 Of course, you have to read through a bit of the coded language, it doesn't directly say,
29 oh, we need to sterilise Uyghur women. It doesn't directly say we need to drastically
30 slash birth rates. There are of course some these terms you know, to equalize
31 population growth, balance population growth, equal for both birth control policy for
32 ethnic groups, population security, etc. You do have to look at this still with an expert

1 analysis and a careful discursive comparison. But within that it was that extra effort and
2 within all of that context, from an expert perspective. The new evidence is of extreme
3 significance in underscoring trends and developments that we have that we had good
4 evidence on, that we were making pretty strong allegations about, but still had quite a
5 bit of speculative element in it. So just to contextualize that.

6 **PANEL** – *If I just interrupt you there for a minute, it was easier for us because we had*
7 *your draft report in advance, and so we were able to see the things that the wider*
8 *audience can't see. And it may be that one or two things need clarifying. You've*
9 *referred to the top level of secrecy document with the speech of Xi Jinping. Did the*
10 *New York Times have that document themselves as you understand from what you've*
11 *been able to see in the thumbnails?*

12 **AZ** – Yes, the New York Times had both of the documents for speeches by Xi Jinping
13 are shown in full in the thumbnails. And the Uyghur Tribunal has every single page of
14 them. And they have the same missing page too.

15 **PANEL** – *Yeah. And did the New York Times quote from us or display any part of the*
16 *speeches?*

17 **AZ** – No know they were very careful. They did not show a transcript. I think, probably
18 not to offend China. And I know the New York Times was and continues to be
19 concerned about the security of their reporters.

20 **PANEL** – *Yes, well don't trouble yourself too much with working that out what maybe*
21 *the reasoning. I just want to know for the purposes of the wider audience, where you've*
22 *been talking about the contents of the two speeches, Xi Jinping has those contents as*
23 *his speeches ever been published before? By anyone else?*

24 **AZ** – No, never in full. The New York Times quoted very selectively from them, and
25 then not show a single full transcript page. Not even one. So very selectively, and
26 several, especially the statements regarding to population and birth control, and
27 population security and population structure. Those were not mentioned by the Times
28 and of course, at back in 2019. That was not really a research topic yet.

29 So, the new evidence is of high significance as it permits a much stronger case to be
30 made for the argument that the specific demands made by high ranking Xinjiang

1 academics and politicians like Liu Yilei to optimise Xinjiang's ethnic population
2 structure reflect the previously articulated will of the central government and if
3 Xinjiang's, quote, "unbalanced and quote, mono ethnic population structure is of
4 concern for China's national security" then related countermeasures, including a policy
5 of equalising ethnic population, which includes being achieved through measures to
6 curb Uyghur birth rates are very likely or almost certain to be pursued into the long-
7 term until the perceived problem is resolved. And my argument of course, is that the
8 problem is resolved when related targets have been achieved.

9 Next topic and I'll be brief on that one. The material shows considerable evidence about
10 forced labour transfers, labour transfers that later became more corrosive. It shows
11 that the transfer of nearly 3 million rural surplus laborers through a vigorous
12 development of labour-intensive industries was designed to prevent Uyghurs from
13 quote, having nothing to do and therefore being, quote, easily exploited by evildoers.

14 These are quotes from Chinese Premier Li Keqiang in a classified speech from May
15 2014. Xi Jinping similarly in the same speech same document May 2014, suggested
16 that "unemployed persons are likely to provoke trouble", and of quote, and that
17 employment and companies promotes ethnic mixing and helps workers to quote "resist
18 religious extremism", and there are several more on that himself. Xi himself calls and
19 one other leading central government figures announced an attempt to drive at least 1
20 million people into employment into textile and garment industries. A plan that was
21 formalised and implemented in 2018. We had no idea that this was mandated by the
22 central government in 2014. It's amazing, really amazing and then Xi Jinping himself
23 called for systematic expansion of ethnic persons being moved to or going to eastern
24 China for education, employment and residents. In some of the mandates contained
25 in Xinjiang Papers quite directly undergird the implementation of significantly more
26 coercive labour transfer mechanisms between 2015 and 2017.

27 A central government figure who made very interesting remarks here is Yu
28 Zhengsheng. In 2014, he was the head of the Central Committee Xinjiang work group
29 and Chairman of the Chinese People's Political Consultative Conference. The latter
30 post made them China's fourth highest ranking official at the time. Next slide, please.
31 In his speech in May 2014, he argues that given that Southern Xinjiang has poor
32 natural conditions, a weak economic foundation, poor employment conditions, a

1 monolithic population structure there are many people who face difficulties, a distorted
2 religious atmosphere, a complicated surrounding environment and a situation involving
3 severe struggles. How can we solve the problems of Xinjiang maintain social stability
4 and realise long term peace and stability without implementing special policies?

5 He makes the statements of great interest because it links different aspect together as
6 a related problem for employment, a monolithic meaning mono ethnic structure and a
7 distorted religious atmosphere. Similar linkages are found in important discourses and
8 key reports among cadres and scholars in Xinjiang regarding the need to optimise
9 southern Xinjiang population and also, we know about the role that labour transfers
10 play in Beijing's plans to alter Xinjiang's population composition. This speaks directly
11 to that topic. Fourthly, the classified material speaks to numerous other policies
12 designed to assimilate and control the ethnic groups include including Chinese
13 language focus education in centralised boarding schools, more intensive forms of
14 predictive policing through the analysis of big data or sending Han officials to live with
15 Uyghur families. These can all be linked to direct statements made by Xi Jinping.

16 For example, Xi demanded that rural children should be put into boarding schools so
17 that they would quote "study in school, live in school and grow up in school" end of
18 quote. This observation that quote "some religious people interfere with methods of
19 secular life including, marriage funerals" end of quote was soon after formalised as the
20 mandate that quote "that religion is strictly forbidden to interfere with secular lifestyles"
21 end of quote.

22 And by 2017, we see how this policy undergirded the internment of persons in re-
23 education camps, who had simply offered customary prayers at funerals or participated
24 in customary religious wedding ceremonies. Xi's remarks and requirements provided
25 the basis for criminalising most of the customary religious practices that are part of
26 ethnic populations daily lives, and this link has not really been made to that extent in
27 an original New York Times report.

28 The files also show the motivation behind these unprecedented measures. In a top-
29 secret speech, Xi Jinping argued that the Belt and Road Initiative required a stable
30 domestic security requirement. He asserted that the entire country's national security
31 and the achievement of China's major goals in the 21st century are in jeopardy. The
32 two called that two centennial goals are in jeopardy if the situation in southern Xinjiang

1 cannot be brought under control. It demanded specifically that the region engaged in
2 an all-out battle to quote prevent Xinjiang's violent terrorist activities from spreading to
3 the rest of China. And he noted that since that has already happened to an extent
4 quote "we therefore propose that Xinjiang is currently in a painful period of
5 interventionary treatment", end of quote, and so on.

6 I'm skipping over some details. It of course also shows that officials in Xinjiang who did
7 not fully obey orders and failed to, for example, detain all those who quote should be
8 detained, meaning large numbers of the local population in re-education facilities were
9 severely punished. This was reported by the New York Times.

10 **PANEL** – *Can I just interrupt.*

11 **AZ** – Yes.

12 **PANEL** – *You refer to the two centennial events, can you... in case you have explained*
13 *I am sorry. In case you haven't explained that? Can you just fill that in?*

14 **AZ** – Yes, the two centennial goals are firstly to build a moderate, moderately
15 prosperous society by 2021 which is the centenary of the CCP of the founding of the
16 CCP. And second, to build a modern socialist country that is prosperous, strong, and
17 advanced by 2049, which is the centenary of the People's Republic of China.

18 **PANEL** – *Thank you.*

19 **AZ** – Together they constitute basically Beijing's most important political goals in the
20 coming decades. Xi Jinping said we must have strong faith in our victory make a
21 determined effort and even have to pay a special price sometimes, which I think is
22 quite an apt statement to make in 2014 given what happened later. He then said in
23 the face of rampant violent activities, we must focus our current fight on a severe
24 crackdown on violent terrorist activity. We must not hesitate a waiver and the use of
25 the weapons of the People's Democratic dictatorship and focus our energy on
26 executing a crushing blow that buys us time and initiative for solving the deep-seated
27 issues regarding Xinjiang long-term peace and stability.

28 Especially the latter statement the crushing blow that buys us time and initiative, but
29 an apt description of Beijing strategy since the speech and especially since 2014. Also,

1 other statements could be quoted of how important Xi's statements from 2018 were
2 and it's really no wonder that it was studied in detail by Xinjiang officials. The junction
3 made further assessment about the significance of the decisions made by the Xinjiang
4 workgroup and Xi Jinping 2014.

5 Next slide, please. He said in May 2014. We must thoroughly comprehend that doing
6 a proper job. This is... this is what Xi quote... one further, one further slide. Yes, we
7 must thoroughly comprehend the doing a proper job in Xinjiang is not only a matter for
8 the region but also a major issue for the whole party in the entire country. The Xinjiang
9 situation was not handled properly, it will affect the overall situation of reform,
10 development and stability of the country. And the realisation of the two centennial
11 goals, which are referred to. In conclusion, new evidence provides crucial information
12 regarding the intent behind the recent policies and atrocities in Xinjiang. They show
13 that they are not just local initiatives or temporary measures but pertain to the long-
14 term strategy of the central government in Beijing about the region.

15 The new evidence firstly confirms our existing knowledge of the various aspects of the
16 trustees in the region that we have from witness accounts and publicly available
17 records, but now confirmed through confidential internal government documents.
18 Second, confirms that these acts are not merely local or regional in nature, but in line
19 with direct demands made by central government figures, including Xi Jinping himself.
20 Third, confirms that these acts are probably pursued with explicit intent to safeguard
21 key national policies such as the Belt and Road, the two centennial goals to safeguard
22 China's national security as perceived by the CCP which is to safeguard the long term
23 rule and survival of the CCP and finally, it confirms the author's prior view that Beijing
24 is not seeking to fully physically eliminate the Uyghurs that entire group, but a seeking
25 to fully assimilate them to change their social structure, to alter their ethnic population
26 structure and distribution so as to more easily control and integrate them. Smaller
27 populations are easier to manage which has led amongst other things, has led to many
28 drastic measures, including higher mortality, and notably a drastic campaign of
29 preventing births that is, I am now more certain than ever likely to continue until the
30 related population optimisation targets have been met.

31 I have also previously outlined the goal that by 2040 this could lead to a less a lot of
32 between 2.6 and 4.5 million lives through measures designed to prevent births. The

1 significance of this new evidence for the atrocity determination is as follows. If a
2 systematic attack against the civilian population is carried out or atrocities as part of a
3 long-term strategy pursued by the central government, and if the strategy is said to be
4 of great importance to ensure China's national security, and it is far more likely that
5 related policies and resulting human rights violations or loss of life are systematically
6 and rigorously pursued into the long-term until the stated or implied goals are reached.
7 I conclude my presentation. Thank you.

8 **PANEL** – *Thank you, Dr Zenz. I think we will proceed in the following way. I will ask Dr*
9 *Tobin and then Professor Millward to make their observations. They'll be comparatively*
10 *short. And then I'll ask several questions of all three of you by my colleagues. Dr Tobin.*

11 **DT** – The Xinjiang papers reveal new information on policy and more evidence of the
12 chain of command behind the policy as we just heard from Dr Zenz. It really showed
13 the targeted crackdown on Uyghurs intensified and accelerated in response to
14 command from the Central Party Committee and Xi Jinping himself. It reflects
15 everything we know about the centralised political system of the PRC, and how almost
16 all aspects of everyday Uyghur life are treated as national security matters. The content
17 also matches what we have observed over the last few years in mosque demolitions,
18 mass internment, coercive birth controls and forced labour. This is the most significant
19 and detailed evidence thus far that these specific practices have been designed,
20 disseminated and implementation monitored and policed by the top levels and party
21 state.

22 It is very important to point out the chronology of the documents that Adrian has just
23 discussed. The 2014 speeches from Xi himself are really giving orders to implement
24 new policy. The documents that I looked at in more detail, from 2017 and 18, these
25 really focus on implementing pre-existing policy. These are warnings for local officials,
26 the mid ranking or low-ranking leaders, Dr Zwaan referred to, warning them they will
27 be punished for loose implementation, essentially telling us Xi thought the policy wasn't
28 being implemented enough and needed tightening and strengthening.

29 So as a political scientist, this is how the political system operates. It is very familiar.
30 You have centralised commands, then you have very variable implementation, and
31 then the centre responds, reining in the regions, depending on the gravity of the issue.
32 I'm going to talk a little bit about document number 10 (“strengthening and progressing

1 Islam work under new conditions”). I translated this myself. If this is not required, you
2 can stop me. It's important to note that the title really indicates strengthening or
3 progressing, meaning the policy has not changed, but it should be strengthened. This
4 is from April 2018 and it's highlighting it's not being implemented fully or achieving its
5 goals therefore it must progress.

6 This is standard language in Chinese politics... saying it must progress more...it must
7 be advanced more. This means it's not being implemented fully. It is a national level
8 policy document it doesn't mention Xinjiang until the signature at the very end. It's is
9 called a *yijian* which can be translated as opinion or suggestions. Very important for
10 Anglophone audiences to know this is a suggestion from the centre, but it means
11 implement this policy. Read the document and learn about the policy and punishment
12 and reward will follow. It is disseminated to all provinces, to all tiers of government all
13 the way down to the county level. It is been widely studied by officials since it was
14 distributed with all cadres expected to follow in spirit. All regions and related
15 departments expected to implemented concrete measures. I found references to the
16 document being studied by cadres and study sessions in Xi'an, Ningxia, and of course
17 in Xinjiang. There is a clear and binding report of quote basic implementation of
18 Sinicization policies and the need to strengthen supervision of its implementation. Its
19 key function really is reining in local cadres and institutions to follow local policy on
20 Sinicization and quote “maintaining ideological security”. For example, sub-section two
21 quote, “there exist problems and basic Islam work of not being able willing or daring to
22 monitor”, “the party's leadership on Islam work is being urgently strengthened”. The
23 document repeatedly remains cadres and local leaders to implement, coordinate which
24 according to policy and law with the central command in the context of ineffective,
25 uncoordinated, and non-standardized management. See subsection 6, 7, 10 and 22 to
26 25. It also lists things called “democratic organisations”, which will be unfamiliar to
27 those who don't study Chinese politics. This largely refers to *xiaoqu* and *danwei*, your
28 work unit (*danwei*) and residential compounds (*xiaoqu*).

29 And asking those organisations also to report on local cadres, to monitor whether
30 policies are being implemented in your neighbourhood. It also explains repeatedly the
31 need for greater and deeper education of the policy in areas of ethnicity, religion and
32 rule by law (subsection 6, 7, 12 14 and 23). This means... this is a statement that people
33 do not understand policy or the thinking behind the policy. And that's important. The

1 thinking behind these types of documents really, they always start by telling a story,
2 and then explain what must be done in response to the story. The story that started
3 this document is that China is experiencing a rising tide of “religious fever” and waves
4 of quote, “de-Sinicization” and these include Saudi-isation and Arab-isation and within
5 this context there has been loose policy implementation.

6 Islam in China is described as harmonious but global Islam is described as a problem
7 of “infiltration”. The word infiltration is used repeatedly to describe the influence of Islam
8 from other countries. Therefore, Sinicization is really framed here as the need for
9 political stability and national security. To give you some examples of the key practices
10 it outlines before I finish. Subsection 7, the principles is no new construction or
11 establishment of activity venues, “religious activity venues”, like community centres but
12 also mosques. New construction of venues must be steered to setting of village
13 regulations and regulations on one use maintaining the principle of “demolish many,
14 built few and merge mosque construction”. The mergers of mosque construction have
15 been covered in the media. Also, we found many mosques are closed down for
16 unrelated issues: land use, environmental regulations. This is an example of reasons
17 to close down mosques that are unrelated to religious policy and do not set up religious
18 venues and places of worship for single ethnic or religious groups. Article 10, we must
19 strengthen coordination and prevent public security incidents. Large scale activities
20 based on historical revisionism or superfluously ahistorical traditions are not permitted.
21 Subsection 15: construction and renovation activities must give prominence to Chinese
22 style. This is what we have observed in Mosque renovations. Article 17: prevent
23 expansion of the halal concept, referred to as “foodstuffs security”. And lastly Article
24 20, subsection 20 rather, religious departments must strengthen the management and
25 supervision of scripture colleges teaching curriculum, teacher certification, student and
26 staff recruitment scope, teaching outlines, use of teaching materials, funding sources,
27 and other areas.

28 This is far more detailed than I would expect to see from the central party. Most of my
29 work would be focused on that larger narrative. The story of global Islam and
30 “harmonious” Islam in China is very familiar, and “normal” and “abnormal” religion,
31 those phrases are extremely familiar. What we don't normally see in Central Party
32 documents is such detail about micromanagement, about everyday activities, teaching,
33 building mosques, going to mosques...To conclude, we have heard from Dr Zenz,

1 evidence on policies of mass internment, intergenerational separation, coercive birth
2 controls and forced labour are being constructed and directed by the centre. Now we
3 can say Sinicisation, which includes mosque demolitions and ideological education is
4 official policy. It is not errant local cadres implementing things of their own volition. We
5 now have clear evidence of its construction, implementation and supervision by the top
6 levels of the party state.

7 **PANEL** – *Thank you very much, Dr Tobin. Professor Millward.*

8 **James Millward [JM]** – Yes, so well, I agree with everything Dr Zenz and Dr Tobin
9 have said. My own approach to this particular task in front of us was... I didn't work
10 and analyse the documents directly myself as of course, Dr Zenz and Tobin have done.
11 My role was as a as a peer reviewer. And also, I suppose, someone who has confirmed
12 the process of confirming the authenticity of the documents as I looked over that
13 process. So, I was provided by the Uyghur Tribunal with a set of files, consisting of
14 photographs of original documents. Adrian Zenz provided me with transcripts of these
15 documents that he and his assistant had prepared, as well as a general introduction to
16 the whole set. And specific introductions to documents 1, 2 and 4 and his longer
17 document analysis of the contents for the Uyghur Tribunal, some of the contents of
18 which he summarised this morning. Based on Dr Zenz and his evidence and
19 arguments in his general introduction to the Xinjiang papers, I'm convinced that the
20 files provided to me, the original documents provided me as electronic scans, but they
21 are in fact, original Chinese government documents that they purport to be and that
22 they are substantially the same as the cache of documents earlier obtained, but not
23 fully published, or made available by the New York Times and with the differences
24 being those differences Dr Zenz mentioned in his presentation this morning.

25 My own review work involved a few different tasks. I reviewed Dr Zenz's written
26 materials as I would peer review manuscripts of academic articles. A second type of
27 task involved checking English translations of Chinese passages that Dr Zenz quotes
28 in his reports and this was made easier by him providing original Chinese up for those
29 translations in all of his footnotes. But I then also checked the Chinese in the footnotes
30 against the Chinese in the original documents and also in the transcriptions and so I
31 went through to make sure, when it's something that where he was quoting and arguing

1 from the documents, that those key passages were in fact, accurately transcribed and
2 conveyed from the original documents as they were.

3 Finally, regarding the transcriptions of the documents in general, I did not go through
4 them line by line, although I understand that that comparison has been done, that full
5 proofreading has been done of the entire corpus of the transcriptions against the
6 original documents, but I did spot check each transcription. So, to do this, I chose few
7 passages at random for each document and compared them with the corresponding
8 passage as it appears in the transcriptions prepared by Dr Zenz.

9 So, to conclude very quickly, then, as a result of this, I'm highly confident that these
10 are Chinese government documents that are substantially the same as the cache given
11 to the New York Times. I'm confident that the transcriptions were carefully made. I'm
12 confident that Dr Zenz's discussions in his introduction in individual documents, and
13 the general introduction and analysis papers that these are empirically and logically
14 honest and compelling. The bottom line in these documents as I see it from this
15 process, is that they show how the policies we've been examining and talking about
16 for years now, Sinicization, birth suppression, transfer of workers, putting small
17 children in boarding schools, changing population distribution by moving Uyghurs out
18 and moving Han into southern Xinjiang, increasing restrictions on Islam and of course,
19 the mass internment in camps - I'm confident that all these policies originate in
20 concerns and mandates issued by top leadership in Beijing, including General
21 Secretary Xi Jinping, from as early as 2014 as articulated in his speeches of that year.
22 That concludes my short statement.

23 **PANEL** – *Well, thank you all. Before I see my colleagues have questions and trying to*
24 *think ahead. That was one technical matter that I want to make clear for the benefit of*
25 *People's Republic of China. When your report is online, which we hope will be on*
26 *Monday [29th of November 2021]. Of course, the original speech of Xi Jinping will not*
27 *be photographic because it can't be but will there be part of it or all of it in transcription*
28 *in the original Chinese characters? Because if it is, then that will give them an*
29 *opportunity to say yes, it is a genuine document or if they wish to challenge it. And*
30 *obviously we want them to have the earliest opportunity to accept that it is an accurate*
31 *document or if they want to challenge it to say why. So, will we have that opportunity*
32 *on Monday or will it only be part of the document on Monday?*

1 **AZ** – The current status is that by Monday, we will be able to publish documents, one,
2 two and four, which includes the entire body of speeches by Xi Jinping. So, everything
3 that we have that was said by Xi Jinping and the addition document number four, which
4 is one of the summaries of a speech by Chen Quanguo. And then we will, as we're
5 able to sort this. This includes much of the core evidence and everything set by Xi
6 Jinping, much of what we said relates to the centre and to speech by Premier Li
7 Keqiang is included in document number two. So much of what has been presented
8 today would be available in full transcript. And then the documents for example,
9 referred to by Dr Tobin on history and religion, document on population and the XPCC.
10 And some of the speeches by Chen Quanguo, which however, have been discussed
11 more extensively in the original New York Times report would then be published
12 subsequently.

13 **PANEL** – *Thank you very much. I'll see if my colleagues have any questions. Professor*
14 *Kaur.*

15 *Thank you for your contributions and all your hard work. I have a short question and a*
16 *longer question. Short question is, both of which are for Dr Zenz and so, when you use*
17 *the word monolithic, can you describe it as mono ethnic, could it be both, for instance,*
18 *monolithic the meaning it could also mean something that's large, slow to change and*
19 *indivisible, and needs to be crushed? So that's my first short question. The second*
20 *question is with regards to the boarding school, learning in school, living in school and*
21 *growing up in school. Would the third aspect growing up in school, the boarding*
22 *schools that would have we take that to mean that the children were not permitted to*
23 *go home if they had one? And following that is there any evidence to suggest that*
24 *there's some kind of connection with the parents in these centres called re-education*
25 *centres, and the children in the boarding school? We know that there's a rise of*
26 *boarding schools. We know that there's an expansion of the so-called re-education*
27 *centres. Is there anything beyond that to connect the children in the boarding school*
28 *with the parents in the centres? Thank you.*

29 **AZ** – Thank you, so to respond to question number one. We have in Chinese the term
30 *dan*, which means singular or mono, and then there would be a dash and then you
31 would have to, it's mono whatever came before that. And in several instances, we have
32 two words for *renkou jiegou*, population structure. So, we have a singular or mono-lithic

1 or mono composited population structure, meaning the population structure is
2 homogenous, highly homogenous.

3 Sometimes, in some instances, this refers to just population structure. So that could
4 then mean several things. It could mean for example, there's a too high homogeneity
5 of people who all do the same work, or who are all too elderly if it was demographic,
6 or whatever. But in many cases, it's either implied or in some cases, we directly have
7 the word ethnic in there as well. And then it's directly mono-ethnic is the meaning. It
8 can refer to several things: mono-economic, for example, a mono-lithic in regards to
9 employment structure, meaning there's too many roles surplus laborers who need to
10 be transferred; too many in agriculture, or there's too many poor people; too many
11 uneducated people. Of course, we see also that's why I brought in the statement by Li
12 Xiaoxia, the overlap where it sees there's a problem. There is also mono-religions.
13 Right? So religious also in that. It's to mon-religious, mono-economic and mono-ethnic.
14 And there is a national security overlap between all of those, so it's simply mono dash
15 *dan*. So that is the meaning which means singular or homogenous or too much of the
16 same.

17 Second question. Regarding to boarding schools. This is a point that I think warrants
18 some significant further research. At the same time, we can say when Xi Jinping talks
19 about this, to study, live and grow up this is a context, that there's a clear understanding
20 that boarding schools provide a better context for children to live and grow up in than
21 the homes of poor uneducated, uncivilized, backward, ethnic minorities. All of these
22 terms used of course in quotation marks right from the perspective of the party. A
23 significant inference can be made that this means that they spend significantly more
24 time in school than at home. So, for example, in boarding schools, it's quite common
25 that maybe once a week more commonly, once every two weeks, students can go
26 home for one day, or maybe two days. So that will be compatible with that.

27 We cannot directly infer from this that they cannot leave boarding school that they're
28 confined in it. We do however know from other evidence published that this is of course
29 compatible with the development that many students had one parent in re-education
30 facilities and then the school becomes the dedicated caretaker. And this, of course, Xi
31 Jinping statement is very broad. It's very general, it can refer to any of these scenarios.

1 But at a minimum, it refers to a scenario where children spend significantly more time
2 living and growing up in a state-controlled school environment than they do at home.

3 **PANEL** – *Thank you, Professor Kumar.*

4 *Thank you very much. There's been a very interesting series of talks. And can I just*
5 *talk about this sort of huge surface of medical analogues and metaphors and things*
6 *like linking re-education to free medical treatment for sick thinking well. Were these for*
7 *the cadres, who now heard had punishment and also as successful as was celebrated,*
8 *or was it for the general population? So that's my first question. The second question*
9 *was in terms of what Dr Zwaan was talking about earlier on, which is genocide, which*
10 *level the orders were set. Did you get any feeling in the papers as to what happened*
11 *at the bottom level? Where clearly the message being passed on to the bottom level*
12 *to actually so this would be the soldiers or whoever was looking after the people in*
13 *their internment camps, who were actually metering out the torture and so on. Is there*
14 *any evidence that that came from the top? Thank you very much.*

15 **AZ** – I respond first, and I'm sure the two peer reviewers can add to it if they would like
16 to.

17 **PANEL** – *That's okay. Yes.*

18 **AZ** – So the first question, it is clear that the statements about the need for greater
19 immunity against wrong thinking basically, the medical analogies, they refer to society,
20 ethnic society at large. One statement by Xi Jinping refers specifically to both cadres
21 and the masses with masses meaning the population. So, there are a lot of statements
22 in the documents that come them the duplicity or to two faceless of cadres or that
23 cadres are not doing enough. Or that they are... there's a lot of criticism of cadres, but
24 it's by no means limited. In fact, much of the specific medical or pathological
25 terminology found that refers generally to the population at large of course, to those
26 “who could be infected”, quote, unquote, “by religious extremists”. So that's really why
27 I said it foreshadows the subsequent preventative of re-education of persons who are
28 considered susceptible or infected that have not actually done anything illegal.

29 To answer the second question, the documents are unusually frank, because they are
30 internal they are unusually direct and tough on things that have not been done well,

1 has not been sufficient policing, sufficient intensity of security and surveillance etc. A
2 lot of internal criticism of a candid nature that we don't we find some in some
3 documents some of the time in some way, but nothing like this. And of course,
4 unprecedented also is the detail of the confessions of the two county and the criticism
5 of the two county leaders, county party secretaries who were convicted of not of not
6 having executed orders. It is clear that there's considerable pressure on lower cadres,
7 we're expected to implement firstly, the will of the central government, and secondly,
8 the will of Chen Quanguo and of the central government. And there are official
9 documents that linked two so the lower level cadres are really under huge pressure
10 and threat of punishment to implement what has been handed down from the top. But
11 it's remarkable how everything is linked back to the centre in Beijing. I commented on
12 that in my report and testimony on the second Tribunal hearing and related research
13 paper. I already commented on that extensively, but for the leaked documents, the
14 evidence we have linking this back to the centre in Beijing and Xi Jinping himself has
15 gone through the roof. It's unprecedented now.

16 **PANEL** – *Dr Tobin or Professor Millward, anything before Mr Vetch asks a question*
17 *on that. Question from Professor Kumar.*

18 **DT** – I agree with Dr Zenz' statement, briefly. The medical analogies used repeatedly
19 to refer to ideological influence and the documents, really go down to the county level,
20 particularly the document on "Islam work". This would count as low-level cadres.

21 **PANEL** – *Yes, I have a question from Professor Manji, and it's directed at Dr Tobin.*
22 *Could he use his expertise to explain to us what is going on discursively with*
23 *statements such as those who should be seized should be seized. Does this pertain to*
24 *the implementation analysis he has provided? As a language expert what is his*
25 *assessment of the reasoning of the seemingly secular statements?*

26 **DT** – The language used, "those who should be seized will be seized", is deliberately
27 vague in some senses because this is covering so many issues, so many practices.
28 So, it is absolutely about implementation. But we do need to remember Chinese politics
29 works that way where a lot of, especially issues of censorship and propaganda work,
30 you don't know where the red line is so you deliberately avoid it, and stay away from
31 politics. This is not so much censorship and is why some of the language that we read

1 in these documents appears to us broad and ideological, but it is designed to do that,
2 so that cadres feel the pressure and it's better to stay out of trouble - take the path of
3 least resistance, do the easy task. It's all about implementation. It's telling people to
4 round... telling cadres to round people up. Who is it that should be seized. I mean,
5 when I see this, I am reminded of my work into 2009 that I presented briefly the first
6 sessions where it was being stated in education textbooks, simply that those who
7 disagree, or those who see Uyghurs as a Turkic or an Islamic group are essentially
8 terrorists. Only the three evils would say that this. This broad (narrative), "those who
9 should be seized..." this to me, and what I think the Chinese people will hear is Uyghurs
10 who identify themselves as Turkic or Islamic.

11 **JM** – Dr Zenz presented a very interesting table of versions of that phrase, those who
12 should be seized should be seized, all who should be detained should be detained,
13 and so on. And since there was a linguistic element to that question, I just like to add
14 that the thrust of all of these phrases is maximalist. It's not, "don't seize people who
15 should not be seized". It's in fact and I think the phrase evolves over time from those
16 who ought to be seized all sees those who ought to be seized. It evolves to "of those
17 who ought to be seized, seize *all* of them." Right. It adds a word, "completely (*jin*)" in
18 the middle of that phrase in later iterations.

19 And those are the ones quoted so, lest there be any ambiguity. This is not a this is not
20 a call for deliberative careful assessment of individuals and whether they present a
21 problem or not. It is a very strong message to round up lots of people. And that is how
22 these phrases come across.

23 **PANEL** – *Thank you, I thought I'd seen another hand. Yes, Mr Clark.*

24 *Thank you. Just two questions or observations which may disclose ignorance or*
25 *naivety, but just one thing that struck me was that of document number one, I think,*
26 *which is where the speeches are, which have the highest secrecy attached to them the*
27 *top secrecy. If one thinks that if this is what the President wishes to take place in*
28 *Xinjiang and it is going to clearly be seen relatively quickly afterwards. Why was it was*
29 *regarded as some secret that he had said this, and secondly, maybe in contrast to that,*
30 *one thing that struck me was that the speeches or none of them referring to him in the*
31 *paper are from 2014. And yet it's only three years later before the laws which he's*

1 *called upon to be drafted and implemented, actually arrive. I mean, I say that maybe*
2 *naive because it may be the monolithic nature of the Chinese state is such that three*
3 *years may be very fast, but it struck me that if it was quite clear that this is what he*
4 *wanted in 2014, it's taken three years for it to be actually hitting the hitting the legislative*
5 *treatment, three years later.*

6 **AZ** – Yes, I respond, at least initially. So, on the first subject, there were immediately
7 after the speeches, there were things quoted by state media that was supposed...
8 these are things that were supposed to be communicated to the public. There were
9 things in his speeches that were only supposed to be communicated to cadres. And
10 then there were things that were communicated mainly to the leadership in Xinjiang at
11 the time. What we see, we see is a very interesting development. For example, we see
12 a number of things Xi Jinping said were later than quoted by the local leadership, by
13 Xinjiang's Party Secretary at the time, Chen Quanguo or the governor, Shohrat Zakir.
14 They were never publicly attributed by Xi some of these. Some were publicly attributed,
15 others were then repeated by Xinjiang officials. Several statements were later on in
16 similar form used by Chen Quanguo and some were never used in any way, shape or
17 form. So, the top-secret designation protects these different layers of information and
18 who information is designed for. Beijing did not want the entirety of this to be attributed
19 to Xi Jinping. Absolutely not. Just to respond to your first question.

20 The second question as a matter of fact, there was an evolution. Maybe to you it looks
21 like Oh, everything happens in 2017. But with re-education, for example, as I say in my
22 report, there was on-going re-education efforts at the time already. Dedicated facilities
23 were being built in the autumn of 2014. The drafting of the legal legislation, the working
24 group to start this drafting was formed in April 2015, about one year after and it took
25 them about two years. So, there's an evolution of everything but we can say that it
26 looks like Beijing was not happy with the current leadership, Zhang Chunxian with his
27 implementation so they brought in Chen Quanguo in August 2016.

28 And it was under Chen Quanguo that many of the things that happened before already:
29 the initial re-education, the initial ramping up of boarding schooling, the initial sending
30 down the cadres to the countryside. A lot of these developments, the initial labour
31 transfers, they were ramped up dramatically. And I think this is the main... I already
32 argued this in my February 2020 piece on the Karakax list. The main qualification or

1 achievement of Chen Quanguo, so to speak, was the incredible ramping up; the
2 upscaling, the implementing of things that were already going on.

3 **DT** – I'll just add to that, Dr Zenz' comments I agree with. I will locate my answer, I
4 would explain answers to both questions through centre - periphery relations that
5 structure Chinese politics. There is a real dimension to this simply Xinjiang, etc. are
6 very far from Beijing. It's standard practice that it takes time for messages to get across.
7 We used to assume leaders in Beijing don't know everything that happens and it does
8 take time for information to get back. Bear in mind, it is an authoritarian system where
9 telling the leaders bad news is not something you want to do. And of course, as
10 discussed in previous sessions, the institutional arrangements in Xinjiang, some were
11 organic developing over years, they developed through practice. It wasn't some
12 coordinated plan. What Xi Jinping has done is looked at the arrangements there for
13 example, the Bingtuan and said we need more centralization. That's been his main
14 platform. So that will locate very well in this. And it's also about as Adrian said, about
15 not wanting to pin the blame on Xi. This isn't just about this issue. This is how Chinese
16 politics works. The legitimacy of the centre is separated from local practice deliberately.
17 So that you see the centre in benevolent terms almost like an emperor that is aloof, a
18 noble philosopher king, and then you have your local cadres doing either dirty work or
19 just practical work. You see this in methods of protest. If you see protests against
20 landgrabs, you often see placards saying, please rescue us, referring to the centre to
21 rescue us from corrupt cadres. So, that is about legitimacy. It is not 'real'. So, there's
22 a dimension that this is about distance and institutional messiness, but it is also about
23 presenting an image that Xi is aloof and doesn't get his hands dirty.

24 **PANEL** – *I see that's Professor Millward is nodding his head and I think he wants to*
25 *add anything apart from the nodding head, right? Any we're coming probably towards*
26 *the end of time and yes. Mr Clark.*

27 *Can I ask Dr Zenz, please? One of the things in your paper you talk about... it wasn't*
28 *something in your presentation today, but the nature if you could say a bit more about*
29 *the nature of the change in ethnic policy that Xi has brought in. My understanding*
30 *before was that he had moved towards a second-generation approach and that it was*
31 *towards the kind of thing colloquially known as Han chauvinism, that that Mao and*
32 *others had had opposed, and that it was a philosophical, cultural change as well as a*

1 *sort of intensification of the anti-ethnic measures, but I think you're suggesting*
2 *something slightly different.*

3 **AZ** – The question of whether Xi, in fact, or China has affected a second generation of
4 ethnic policy, I would say is debatable. It has been debatable already before this leak.
5 There's by no means a unanimous agreement among scholars about the subject.
6 Some scholars say yes, he has moved on and some media some reason media
7 reporting has taken certain changes in policy texts and statements to mean yes. Really,
8 what is the evidence simply shows a greater move towards assimilation and
9 integration, which can easily be accomplished within the existing ethnic framework
10 without moving towards a so called second generation. Of course, this move might fulfil
11 some of the demands might be made by the proponents of a second generation. Some
12 of these, their demands may be met by a more assimilationist first ethnic policy.

13 I am more tending towards the argument that China is maintaining its broader ethnic
14 framework. I would have said as much before this document leak. Enough within its
15 existing ethnic policy framework, it is becoming gradually more assimilationist. Of
16 course, in Xinjiang with a major shock and a spurt. In other parts of China with a more
17 gradualist approach, but also a few observed developments in Tibetan region cetera.
18 There's a general maintenance of the ethnic policy framework, it's being undermined
19 maybe in some ways, I mean the nominal ethnic distinction, the nominal autonomy,
20 the nominal ethnic education system. The nominal some dominant preferential
21 policies. There's a tweaking and a change, and there's a move towards certainly
22 accommodating some of the demands. But now, I think, actually, it's interesting.

23 You see a lot of repeating of Xi Jinping demand to maintain China's ethnic policy, you
24 see that if you look for it throughout Xinjiang documents and Chinese documents,
25 actually. Now you can trace it back to a major, big, big top-level statement by Xi Jinping.
26 And I was just mentioned in my report to the Uyghur Tribunal. I was mentioning that
27 because somebody could take that and accuse me of cherry picking and say, look, Xi
28 actually says we should continue ethnic policy, and we continue to have ethnic
29 distinctions, etc. And it takes a long time for ethnic groups to dissolve and disappear
30 or religions. And I was kind of going to add that to my report and say, this is not
31 incompatible with mass atrocity or even genocide. This is not incompatible, but with a
32 what an ethnic group like the Uyghurs would consider a destruction of its own self.

1 Because, as some of the peer reviews, including Dr Tobin have said, very helpfully to
2 me just putting in concise words, things that have already been thinking and believing
3 that the ethnic framework itself serves the state and is used by the state to empty out
4 and partially destroyed and then rebuilt ethnic identity.

5 **PANEL** – *And, yes, Professor Millward.*

6 **JM** – As Dr Zenz' says there is some academic disagreement on what has been going
7 on with ethnic policy, first generation second generation. And actually, I like the way
8 Dr Zenz just put it just now. One point of differences or thing that should be clarified is
9 that I think Dr Zenz is very sceptical about how pluralist even the first so-called first-
10 generation ethnic policy was in the first place, right it was its form has certain signals.
11 For example, talk about regional autonomy, which of course, we always should put in
12 quotation marks. It was never really autonomous or self-government and things like
13 that. I think what happened around about 2014. There had been really a period of quite
14 interesting open debate about ethnic policy in policy journals and academic journals in
15 party journals from 2008 2009 and actually really going back to the early 1990s after
16 the fall of the Soviet Union, but that debate was really quite open and surprising for a
17 few years after 2008 2009.

18 And I think what happened is in 2014, Xi Jinping weighed in at a famous speech at an
19 ethnic policy work forum and he did a couple of things in that.

20 One, he weighed in behind the form, the continued framework of the, what we call the
21 first-generation ethnicity policy, which is what Dr Zenz was just talking about, and so
22 people were not going to, we're not going to stop identifying people by their ethnic
23 group and then we're not going to eliminate the names on the maps, the Tibetan
24 Autonomous Region, Xinjiang Autonomous Region, things like that. They're going to
25 continue to use this framework for governance. But at the same time, he signalled that
26 big changes would be would be made. And one of those was that saying, economic
27 development alone is not going to address these problems of separatism.

28 And we see that same comment in the current documents that we're talking about, and
29 that put an end to the open debate about this question, as far as we know. The famous
30 articulators of the second-generation thesis are still very much with us and still in
31 prominent positions. And so, I think where we stand now, it's certainly not a repudiation

1 of what they were saying. But I think Xi waded into some of these, they were going to
2 continue with the form, but then a lot a lot has changed in the actual implementation.
3 In the ramping up and intensification of assimilative tendencies that have been there
4 all along.

5 **PANEL** – *Yes, Dr Tobin and then Mrs Roe, and then we'll probably think of trying to*
6 *draw a conclusion. Dr Tobin.*

7 **DT** – I will be brief. Yes, it's worthwhile remembering the first- and second-generation
8 debate was essentially about the best methods of assimilation. It wasn't an open
9 debate, where everyone could join and there were no Uyghurs participating and no
10 Tibetans and so forth. The first generation being historical materialists saying
11 development will gradually cause identity to wither away. The second generation
12 essentially saying let's speed the process up. Xi obviously being and relying on Marxist
13 legitimisation symbols, can't say we're abandoning historical materialism, and says we
14 are using historical materialism. But what he does, he taps into the chauvinism that
15 was always there. That said, the Han were formed 1000s of years ago, they were
16 always a socialist ethnic group, a socialist *minzu*. They are above this framework of
17 cultural evolution that is applied to Uyghurs and Tibetans. Their whose culture is seen
18 as reflective of their natural material conditions. This is not applied to the Han, they are
19 described as being formed 1000s of years ago, before capitalism, and all these things
20 are supposed to create these divisions. So, Xi is essentially playing that balancing act.
21 But it really does highlight that the notion of the need to assimilate was always there.
22 Xi has just enacted policies to accelerate that.

23 **PANEL** – *Thanks. Mrs Roe.*

24 *Thank you very much. Dr Zenz. I certainly found it very helpful that you have managed*
25 *to make this evidence accessible to us and others. You mentioned I think the word you*
26 *the phrase you used was extreme significance of this evidence for making the link*
27 *between President Xi and policies on the ground and you've said especially on the*
28 *population optimisation policies. And then the op ed we have seen there's a phrase in*
29 *from his May 2014 speech where he demanded birth control policies to be made equal*
30 *for all ethnic groups. And then later on in the paper, he talked about the population*
31 *optimisation targets and I just find it helpful if you could remind me what are the targets,*

1 *have they been quantified? Are they set out as a set of principles? It's just so I can*
2 *understand what the link is between that statement of his in 2014 and where the*
3 *situation where the policies have got to over the years.*

4 **AZ** – So we do not have and I hope I didn't say that. We do not have a direct link
5 between what Xi Jinping said and specific population optimisation targets. What we
6 have is that Xi Jinping said that population structure and security are crucial for stability,
7 maintenance and to equalize the birth control policies. And that these statements of
8 his are then, very quickly and subsequently found in statements firstly, by Liu Yilei
9 who's both an academic and high-ranking official are found in the document number
10 seven, which spells out the population strategy, the strategy of the Bingtuan in southern
11 Xinjiang, including population and I found in key statements by academics, and
12 importantly found in key specific birth prevention targets and policies of Xinjiang
13 government documents such as the family planning Health Commission document but
14 also in related mandates, for example, local county family planning units, and their
15 targets. All of which quote literally one of the statements by Xi or both. Refer to the
16 context and spell out what it really means.

17 That literally this means that we are suppressing Uyghur births, with the goal of
18 optimising the population or a balancing or making equal to the population structure or
19 growth and also linking that to national security and stability considerations. So, we're
20 tracing several stages of evolution of linkages from Xi Jinping to document number
21 seven, to statements such as the ones by Liu Yilei and the academics between 2014
22 and 17. And then, specific statements found in for example, that documented 2019
23 document that I quote from the Xinjiang family planning unit, and then the actual
24 empirical situation. Now the wider long-term possible projections are my own
25 inferences based on the combined evidence that I looked at in the first half of this year.
26 Those longer-term possibilities and projections are inferences based on the evidence
27 if we look at the reality of the constraints and the situations, it cannot be directly traced
28 to statements by Xi Jinping. But it's like a chain of... a second chain of thoughts and
29 statements.

30 **PANEL** – *Okay, now, again, draw this to an end but I have two questions for each of*
31 *you. We can probably very short in form an answer. And then I have a third question*
32 *for Mr Zenz. Let me just explain that because he knows about it. In London when he*

1 was with Mr Vetch, again, conversations occasionally were fairly casual. On one
2 moment, he said he had doubts about whether this is genocide. And I said to him, Well,
3 as soon as he said that, because that would be favourable to the PRC. I would have
4 to ask him about it in public. Okay to ask the other two questions for all three of you. Is
5 there any material in what you've seen, showing any intention on the part of the PRC
6 to eliminate, annihilate the Uyghurs or even to kill them in any particular number and
7 then the second question for each of you is, one of the words we may have to consider
8 we do have to consider in a legal setting is the word "attack". And I just be interested
9 to know without you binding us or affecting us at all in the decisions we make would
10 you say that there is a state attack on the Uyghurs? And if so, how? So, Dr Zenz had
11 to just deal with the question about genocide first, and then with the other two
12 questions, and then I'll ask them to give their answers to those two questions as well.

13 **AZ** – Yes, I was talking to the gentleman, Mr Vetch and Mr Nice about the evolution in
14 my thinking that firstly, I noticed this decline in birth rates but I wasn't sure why. Then
15 the research showed there was a systematic campaign to suppress births, which was
16 published in middle of last year. Even so until earlier this year, I had significant doubts
17 about the question of intent because I thought that we had virtually no empirical
18 evidence of the intent behind birth prevention and I had significant reservations about
19 the question of determining genocide because the question of intent is so significant
20 behind a genocide determination that making the key difference to for example, crimes
21 against humanity.

22 There's considerable uncertainty about the question of intent changed for me quite
23 significantly with my research on population structure and optimisation, and bringing
24 together the different strands, which I presented at my first hearing and published
25 academically in June this year. For me, these new findings on discourse of population
26 optimisation presented a picture of a feasible picture of a long-term plan to suppress
27 births, which reflected the intent to optimise the population for the compelling and
28 necessary and inevitable reason of maintaining Chinese national security. Quite a bit
29 of that was based on inference even so I now considered, starting in May and June, I
30 consider that we now had a very good argument about intent, and I felt much more
31 strongly about making a determination of genocide.

1 Now with this material, and this was part of the conversation also that we had in
2 London, this material at that time, of course, it was more potential, but now I'm quite
3 certain this potential, this new material speaks very considerably to the question of
4 intent. To the question of who's authorizing and wanting policies including related to
5 the population structure, making the considerations about long term intent to suppress
6 birth, control population growth even much clearer. Even so, that's the progression of
7 my thinking. Does it answer your question?

8 **PANEL** – *Yes, that's fine. Then, evidence of any intention to kill and then the question*
9 *of attack.*

10 **AZ** –The question of a systematic attack against the Uyghur population became quite
11 clear, especially from leaked documents such as the China cables and the Karakax list
12 and other evidence that by early 2020, we had I think, a compelling picture of a
13 comprehensive attack against the Uyghur and other ethnic population in Xinjiang. I
14 have always been sceptical on the question of systematic murder. And I continue to
15 remain sceptical on the question of systematic large scale killing or intentional killing,
16 meaning murder. Although we do need to say there's considerable evidence for higher
17 mortality, considerable evidence of deaths that happen through torture and other
18 means in the camps and we have considerable concern of subsequent survival rates
19 of elites who have been sentenced to long prison terms. The taking out of the elite
20 sentencing many of the imams and spiritual leaders and religious figures etc to 20,15
21 20, 25-year prison terms from everything we know that that's not the summit that's
22 quite close to a death sentence.

23 **DT** – Thank you. Okay. I don't focus on intent to kill physically kill, but certainly from
24 my work, I see the intent to annihilate a people. This is often termed as transformation.
25 Now, if you go back to the original establishment of the regional autonomy system, this
26 is described as needing to modernize those regions and those peoples. That in
27 Chinese language this also means sinicise and then it's talked about as national
28 unification. This doesn't just mean territorial control, and then leave people to it. This
29 means transformation of identity and is always taught. Political stability is one thing but
30 the notion that this is all always been about stability is not true. The language of
31 transformation and modernization was always there. Hence the debate we talked
32 about over different methods of assimilation. This is just taken for granted that this is a

1 good outcome and there was no one to say otherwise. So that intent to annihilate is
2 there but then obviously policy has changed and we see more violent policies. But the
3 very language of Sinicization, telling people to do not see themselves as Chinese that
4 they will be sinicized, this is against their will. You can argue states do this and
5 countries do this. We need a national language and so forth. That's fine, but you don't
6 need to say Uyghurs are not a Turkic group, Uyghurs are not an Islamic, and then
7 round people up on those terms. So, the Sinicization drive in principle, is a form of
8 annihilation, but it's also directed at very specific practices that Uyghurs rely on to
9 maintain their community, specifically language and religion. But also, what we
10 presented in the first sessions, about contact with your family and community. The
11 severance of Uyghur diaspora from their homeland. Uyghurs talk about this, that itself
12 is a practice of genocide and they cannot maintain their identity in the community.

13 In terms of the state attack, yes, this is concerted and coordinated. Language policy to
14 remove Uyghur language from the curriculum. This is talked about as modernization,
15 it is talked about as a national security matter. This was in 2004, and it's still talked
16 about that way as is religion, "population optimization", narrative is all about national
17 unity and security. The notion that there is a problematic population is not new. In 2009,
18 the white papers were clear that's how ethnic dispersion was official policy. We just
19 didn't have these types of documents outlining the detail but it was stating concentrated
20 ethnic populations are a security problem, specifically referring to ethnic minority
21 regions not Han regions. And this was this has infused the language of birth controls.
22 Why do we have birth controls in the region that's has a very low population density,
23 for example. All of this is concerted, these related policies that, in practice, prevent
24 Uyghurs from maintaining their identity in Xinjiang and outside, and it's seen as, and
25 framed as national security and about the survival of China. The 2009 analysis, the
26 violence was referred to as a life or death struggle against terrorism and this includes
27 people who want to maintain Turkic language or practice Islam.

28 **PANEL** – *Thank you. Mr Millward you get the last word.*

29 **JM** – I've recently come to see a situation in Xinjiang really, since 1949, as one of
30 settler colonialism and it really is a classic case. And one of the things about settler
31 colonialism of course is that the people who are there, the indigenous people, become
32 an obstacle to the goals of the colonizing power. Right. And so, there's a there's a

1 security component of this and obviously, we hear so much about the dangers of
2 separatism from that and then there's also a developmental way, a way in which the
3 indigenous people are seen as an obstacle developmentally, and both of those
4 concerns increasingly came into play after 2009 with the riots and of course,
5 particularly in 2015 and 2000, excuse me, from 2013 to 2014-15, with the obvious
6 terrorist attacks.

7 And so, I, like my colleagues, don't see a direct state intent to physically kill and murder
8 masses of Uyghur people, but I see very, very clear intent to try to make this problem
9 go away through assimilation, through attack on 'Uyghurness', if not entirely on
10 Uyghurs themselves, with important caveat that one of the results of mass internments
11 and so on is way to being used to mortality and stuff to just excuse me Dr Zenz just
12 said. And so, we can see very clearly outlined in these documents and as effects of
13 policy and even in public documents and statements in the press in the Chinese state
14 media, attacks on identity, attacks on language and family community on religion.

15 The particular zeal with which graveyards and cemeteries have been razed to the
16 ground. We focus more on mosques I think perhaps because they were more
17 prominent architectural features. But the concern to go out and pave over graveyards
18 and put a parking lot there which has been documented in many places, that is
19 deliberately at getting at roots of culture getting at community sources of identity and
20 so in and then of course, there is also labour transfer and diffusion of the population
21 and birth suppression which is trying to simply make there be fewer Uyghurs in
22 southern Xinjiang in Xinjiang and in general. And so, I guess I would say it's definitely
23 an attack on Uyghurness and attempt to eliminate the obstacles to the state program
24 developmental and also what's perceived as a dangerous security threat which
25 Uyghurness itself is seen to present to the Chinese state.

26 **PANEL** – *Thank you very much. I'm going to wind things up. I will give Mr Vetch a*
27 *chance to see if there's anything that he wants to add. But just as a matter of formality,*
28 *I have to record that our ninth tribunal Professor Lynch was unable to join today. He*
29 *will of course, be able to watch the totality of this on record. If he has any questions. I'll*
30 *ask him to see if you can indulge with in writing. Second thing that I need to be clear*
31 *for those viewing is not only you gentleman have responded a great speed to our*
32 *request for assistance, but with all the work has been done pro bono publico. And that's*

1 *an extremely impressive contribution to the exercise in which we will be engaged.*
2 *Before I wish you good morning, Dr Zenz and Professor Millward. I'm sorry. Mr Vetch,*
3 *anything you want to add?*

4 *No, Sir Geoffrey.*

5 *In which case, I'm going to ask the three of you to leave so that it can be quite clear*
6 *that there's been no further discussion between the Tribunal and the three witnesses.*
7 *We may now stay on to speak amongst ourselves. But thank you again for turning up*
8 *and if you are good enough now to bid us farewell. Enjoy the weekend if there's any of*
9 *it left.*