



AN INTERNATIONAL PEOPLE'S TRIBUNAL

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*Please note that all recordings of the Uyghur Tribunal hearings can be found on You Tube: [Uyghur Tribunal - YouTube](#)

Evidence to the Uyghur Tribunal

Charles Parton OBE

Background of the author

I spent 22 of my 37 years as a diplomat working in or on China, first for the British and later for the EU. My last posting in Beijing at the EU delegation, where I was in charge of informing Brussels about Chinese internal political developments which affected European interests, ended in 2016. Since leaving diplomacy I have continued to study, write, speak about, and advise on the Chinese Communist Party (CCP), the nature of its governance and the effects on its foreign relations. I cover a broad waterfront, rather than concentrate on one or two specific areas: CCP policy decisions in one area are often interlinked with, and based on the same considerations as, those in other areas.

Scope of this paper

Others are far better qualified than I to dissect the measures being taken on the ground in Xinjiang or against Uyghurs abroad, their effects, the techniques and technologies involved, the development of policy towards ethnic minorities.

I should like to cover the question of who is responsible for policy making and therefore upon whom ultimately blame should be placed.

How high up the chain?

There has been a reluctance in free and open countries to acknowledge openly who is responsible for the CCP policy in Xinjiang. The most senior official sanctioned by the US is Chen Quanguo, the Party Secretary of the autonomous (a cynical misnomer) region and its highest ranking official. Others on the American list include:¹

Zhu Hailun, a former Deputy Party Secretary of the autonomous region

Wang Mingshan, the current Director and Party Secretary of the Xinjiang Public Security Bureau (PSB)

Huo Liujun, the former Party Secretary of the PSB.

Chen Mingguo, director of Xinjiang's public security bureau;²

Wang Junzheng, the head of the Xinjiang Production and Construction Corps

The Xinjiang PSB itself was also designated

The EU and the UK have been less bold, omitting Chen Quanguo from their lists.³ Chen is the only national level official sanctioned. (Chinese officialdom is divided into national – provincial – prefectural – county – township levels). While Chen, as a member of the Politburo of the Central Committee, is one of China's 25 most senior officials and has undoubtedly played an important part in Xinjiang policy, he is not ultimately responsible.

How policy and decisions are made

An important element of the CCP's decision making process lies in the system of 'leading small groups', 'co-ordination small groups', and Party commissions. They bring together officials from different

¹ <https://home.treasury.gov/news/press-releases/sm1055>

² <https://www.reuters.com/world/china/us-sanctions-two-more-chinese-officials-over-alleged-xinjiang-abuses-2021-03-22/>

³ <https://www.theguardian.com/world/2021/mar/22/china-responds-to-eu-uk-sanctions-over-uyghurs-human-rights>

sectors in order to make, co-ordinate and oversee implementation of Party policies. In a Leninist system, state policy is Party policy. Some 'small groups' are temporary, established to deal with a particular problem; others are permanent (the most important, for example the 'Central Financial and Economic Commission' are labelled 'commissions'). The bigger units have a permanent staff, and call in senior cadres from relevant Party and state organisations as needed.

In 2000 the CCP set up the Central Xinjiang Work Coordination Small Group (中央新疆工作协调小组). Reporting Xi Jinping's September 2020 speech at the 3rd Xinjiang Work Forum, Xinhua quoted Xi as saying of the work of the group:

Under the leadership of the Party Central Committee, the Central Xinjiang Work Coordination Group must strengthen its research and judgment of the situation, policy research, lead in coordination, supervision and inspection of Xinjiang work, and must put forward timely work opinions on major issues.⁴

This body will have been instrumental in putting up policy suggestions for discussion and ratification by the Politburo and Politburo Standing Committee (PBSC). Policy may be confirmed by the Central Committee. It is disseminated at an important Work Forum or other top level meetings.

Where does responsibility at the highest levels lie?

The State (now **National**) **Ethnic Affairs Commission**, as its name suggests, is in charge of policy towards ethnic minorities in China. In 2018 the SEAC was put under the **United Front Work Department (UFWD)**. The head of the UFWD is You Quan(尤权).

The head of the **Central Xinjiang Work Coordination Small Group** is PBSC member Wang Yang, the fourth most senior cadre in the CCP. Before Wang's promotion to the PBSC, his predecessor Yu Zhengsheng was in charge of the Xinjiang co-ordination group. Wang is regularly reported in the Chinese press as visiting Xinjiang in his capacity as head of the Chinese People's Political Consultative Conference and the united front system. You Quan usually accompanies him.

Yu Zhengsheng and Wang Yang therefore bear much responsibility for what is happening in Xinjiang.

However the Chinese system is one of collective responsibility. The biggest decisions are made in the seven member PBSC. In theory, where there is disagreement, the seven vote. In practice, the will of Xi Jinping is likely to prevail, although there is no evidence that in the case of ethnic minority policy there is a significant – or any – degree of different opinions.

The importance of policy and the decisions surrounding it can be gauged by the method of its dissemination. In the case of Xinjiang major changes have emerged at the three Central Xinjiang Work Forums. The first was held in 2010 under Xi's predecessor Hu Jintao; the second, which laid down the basis of policies whose effects are now evident, in 2014; and the third, which has consolidated their direction, in 2020. It may not be a coincidence that the first came in the year after the 2009 riots in Xinjiang's capital Urumqi in which Uyghurs and Han attacked each other and left several hundred dead, and the second happened in the year following a terrorist attack in Tiananmen square in which three Uyghurs and two bystanders died, and which greatly shocked the leadership.

⁴ 中央新疆工作协调小组要在党中央领导下，加强对新疆工作的形势研判、政策研究、协调指导、督促检查，对重大问题及时提出工作意见。 http://www.xinhuanet.com/politics/leaders/2020-09/26/c_1126544371.htm

That these work forums were important occasions can be judged by the attendance of PBSC and Politburo level officials. All PBSC members attended all three work forums. In September 2020 all members of the Politburo attended, except the five members who head up the municipalities of Beijing, Shanghai, Tianjin, Guangzhou and Chongqing.⁵ This signifies that the policy and decisions are sufficiently important to have been made at the highest level, by the PBSC.

The responsibility of Xi Jinping

In the political culture of the CCP the concept of ‘the number one boss’ (一把手) looms large (indeed the Party has recently promulgated a document on strengthening oversight of such leaders⁶ – Xi is of course to be excepted). In almost all CCP documents the injunction to uphold the ‘two maintenances’ (or ‘protects’) appears, that is to protect the core status of General Secretary Xi Jinping and to protect the Party Central Committee’s unified leadership. Of the two the former is the more important.

It is therefore inconceivable that the policies and decisions adopted in Xinjiang have not at the least been signed off by Xi Jinping. But Xi has been a leader who has put his personal imprint on policy in many sectors. It is not unreasonable to suggest that the changes in Xinjiang policy from those of the era of Hu Jintao can be laid at Xi’s door.

Indeed this is the point made in 2017 by a professor from the Xinjiang Party school (there are around 2,800 Party schools throughout China. They hold training courses for Party cadres, particularly those in line for promotion and act as Party think tanks. They are, in effect, guardians of ideology and policy).⁷

Beginning on December 19, 2013, Xi Jinping has put forward clear requirements for the work in Xinjiang under the New Situation and drawn up a major strategic plan. From April 27 to 30, 2014, he engaged in a high-level inspection of Xinjiang and made plans for its future from a strategic and comprehensive perspective.

There is no doubt in the mind of the Xinjiang Party School that credit(?) for policy lies with Xi Jinping.

General Secretary Xi Jinping’s continuous attention to Xinjiang led to the formation of his thoughts on governing Xinjiang. These thoughts not only contain the traditional wisdom of previous central governments in governing Xinjiang, but also embody the new thoughts, views, and strategies of modern governance.

While some allowance might be made for a degree of flattery of the top leader, the explanation of the situation in Xinjiang by a professor of the regional Party School was made four years ago, when the personal power of Xi was not as pervasive as it might be now.

The view that responsibility for tightening policy towards Xinjiang lies at the feet of Xi is further strengthened by a comparison of reports of the speeches at the three Central Xinjiang Work Forums of 2010, 2014 and 2020. That of Hu Jintao in 2010 concentrates mainly on economic development, levelling up with other provinces, and indicates continuity in the policy towards ethnic minorities.⁸ Xi, by contrast, puts far more emphasis on “combating violent and terrorist activities as the focus of the current struggle”; “We must continue to consolidate the great unity of all ethnic groups based on

⁵ <https://www.youtube.com/watch?v=FGo7qRFKumM>

⁶ http://www.xinhuanet.com/politics/zyw/2021-06/01/c_1127518712.htm

⁷ http://mzw.hunan.gov.cn/mzw/tslm_71320/lit/mzyj/201710/t20171009_4592051.html

For a translation see: [public/publication/200930_Blanchette_XiJinping_Vision_Xinjiang.pdf](#)

⁸ The full speeches are not available, only lengthy summaries. For Hu Jintao in 2010 see <https://baike.baidu.com/item/中央新疆工作座谈会/8695541>

forging the consciousness of the Chinese nation's community as the main line", for which he prescribes in-depth education; "sinicising religion"; "strengthening ideological and political work".⁹

Where does the logic of sanctions meet the reality of international relations?

If we are to rank responsibility in descending order and serving from the 2nd Central Xinjiang Work Forum, we might come up with the minimum of:

- Xi Jinping
- Yu Zhengsheng, Wang Yang
- Other Politburo Standing Committee members
- Leaders of the United Front Work Department, its subordinate National Ethnic Affairs Commission and National Administration of Religious Affairs
- The members of the standing committee of the Xinjiang Autonomous region
- Leaders of the Xinjiang Production and Construction Corporation¹⁰
- Members of the Central Xinjiang Work Coordination Small Group (see appendix A)
- Ministers and leading officials from the ministries of Public Security, State Security, Justice
- Commander of the People's Armed Police Wang Chunming; commander of the Xinjiang provincial PAP Internal Security Force.

Given the committing in Xinjiang of crimes against humanity and of genocide under the definition in the UN convention, consideration should perhaps be given to the responsibility of lower level officials. China has a very top down system of governance and most lower level officials have little say in policy making. Nevertheless at the least they cannot be excused responsibility for implementing policy. A case could be made for sanctioning all officials working in the organisations listed above who are of director level (juzhang 局长) or above. With sufficient resources, large numbers of such cadres could be identified from open source material.

The reality of sanctions however leads to the conclusion that none of the PBSC is likely to face sanctions, and that the number of other officials held responsible for the crimes against humanity being perpetrated in Xinjiang will remain small.

It is likely to be left to history to record their guilt more fully.

⁹ Summaries of the three speeches can be found at: <http://www.xjkunlun.cn/dswx/dszl/90810.htm> A summary of Xi Jinping's speech at the 3rd Central Xinjiang Work Forum is also at http://www.xinhuanet.com/politics/leaders/2020-09/26/c_1126544371.htm

¹⁰ Both an economic and military organisation, which plays a substantial part in the imposition of CCP policy in Xinjiang. It plays an important role in internal security. Its many and large companies also control swathes of the Xinjiang economy, commerce and resources.

Appendix A - Who are the members of the Central Xinjiang Co-ordination Small Group?

The membership of the group is not disclosed. Nevertheless Chinese media reports sometimes append to individuals the fact of their membership.¹¹ In an analysis from 2018 the American scholar Jessica Batke identifies a number of posts and individuals, although she acknowledges that she cannot be certain in all cases.¹² In an interesting section, she notes:

One report from 2012 states that Zhou Yongkang led 15 members of the Xinjiang LSG to the region.¹³ The number of officials listed as going on the trip is larger than 15, so it is difficult to know which of these individuals were definitively on the LSG at the time, but it is an instructive list nonetheless (individuals' concurrent job titles in 2012 are shown in parentheses):

- Zhu Weiqun 朱维群 (UFWD executive deputy director)
- Zhou Benshun 周本顺 (PLC [Politics and Legal Commission] secretary-general)*
- Yang Huanning 杨焕宁 (MPS executive vice minister and Central Committee Stability Preservation Work Leading Small Group office director)*
- Jiang Weixin 姜伟新 (minister of Housing and Urban-Rural Development)
- Wang Yong 王勇 (head of the State-owned Assets Supervision and Administration)
- Wang Qinfeng 王秦丰 (deputy head of the Central Committee Organization Department)
- Cai Mingzhao 蔡名照 (deputy head of the Propaganda Department)
- Bao Shaokun 鲍绍坤 (PLC deputy secretary-general?)
- Du Ying 杜鹰 (National Development and Reform Commission Deputy head)*
- Li Weihong 李卫红 (vice minister of Education)
- Su Bo 苏波 (vice minister of Industry and Information Technology)
- Wang Zuo'an 王宝安 (head of SARA [State Administration of Religious Affairs])
- Xin Changxing 信长星 (vice minister of Human Resources and Social Security)
- Qi Ji 齐骥 (vice minister of Housing and Urban-Rural Development)
- Li Jinzao 李金早 (vice minister of Commerce)
- Wu Yin 吴吟 (deputy head of the National Energy Administration)

*Confirmed Xinjiang LSG membership at some point between 2002 and 2017

Using opensource material, it should not be impossible to map out both the posts which give membership of the Xinjiang co-ordination group and those individuals who have served and are serving on it.

¹¹ See for example the Global Times report of 27 March 2019, which talks of Shi Jun, vice minister of the UFWD accompanying Wang Yang during a visit to Xinjiang and identifies Shi as "head of the office of the Central Coordinating Group for Work on Xinjiang".
<https://www.globaltimes.cn/content/1143562.shtml>

¹² Central and Regional Leadership for Xinjiang Policy in Xi's Second Term
<https://www.hoover.org/sites/default/files/research/docs/clm56jb.pdf>

¹³ “周永康:坚持不懈推进新疆跨越式发展和长治久安” (Zhou Yongkang: Unremittingly promote Xinjiang's leapfrog development and long-term peace and stability), *Xinjiang Xingnong Wang*, May 21, 2012, <http://www.xjxw.gov.cn/c/2012-05-21/920751.shtml>.

1 **13th September 2021 (3:16:23 – 4:23:10)**

2 **Charles Parton**

3

4 *COUNSEL – The paper that you have prepared is before all the members of the*
5 *Tribunal, would you like to make a few remarks in respect of your evidence?*

6 CHARLES PARTON – I will just make correction to what you said when you mentioned
7 [*in introduction of the witness by Counsel*] Yu Zhengsheng. He is no longer current,
8 he was in Wang Yang’s position in 2014, when the Second Work Conference was
9 held, and therefore, could be said to be in charge of that “ethnic minorities” sector and
10 highly responsible. So, it is Wang Yang and his predecessor who are perhaps “up
11 there” with Xi Jinping as responsible. We could also, if you wish, consider the question
12 of how people react to the responsibility. Because I don’t think it is in anyway likely
13 that any government is going to sanction Xi Jinping or Wang Yang, but therefore the
14 question is “what is practical to sanction” and whether government will even go that
15 far. I will leave it at that because I think it might be more productive to answer
16 questions, if I can.

17 *COUNSEL – You have credited the CCP Central Xinjiang Work Coordination Small*
18 *Group as playing an instrumental role in policymaking in Xinjiang. How does that role*
19 *interact with other Xinjiang-related institutions such as the XPCC or the Standing*
20 *Committee of the XUAR, which you have placed in your report with a higher rank of*
21 *responsibility in the list of regional institutions?*

22 CP – First of all, I am not sure that it is right to take it as a strict ranking. After all, Wang
23 Yang heads up the Coordination Group and I put him right at the top, after Xi Jinping,
24 so it is not a strict ranking. Again, I go a little bit into the paper on the way that policy

25 is made in China, and particularly under Xi Jinping there has been a lot of
26 strengthening of these coordination groups, or small groups, or, if they are very
27 important, commissions, but they are basically the same thing, often with a permanent
28 secretariat if they are very important. They bring together the various interested parties
29 from across government or party, in order to make policy suggestions, and so
30 whatever the XPCC does or the regional government, will be in line with the policy laid
31 down by the centre. That policy is debated, drawn up, suggested by the Coordination
32 Group and that will go up to the Central Committee, and then the Politburo and,
33 ultimately, will be decided upon by the seven-member Politburo Standing Committee,
34 which is chaired by Xi Jinping. Having then decided the policy, and disseminated it at,
35 for example, the Work Conference, it is up to the other groupings, which I have listed
36 in the paper, to implement that policy and to take the more generalised policy and
37 translate it into individual measures that happen on the ground. Very often in the way
38 that China is governed, when you have such an enormously large country, what comes
39 out of the centre is, by necessity, quite generalised in many areas. It is then made
40 specific on the ground, relative to the various conditions that might apply. So, in ethnic
41 minority policy, Tibet would be different from Mongolia, which will be different from
42 Xinjiang, although the general principles are the same. That is why I think it is a very
43 crucial body, because the Coordination Group starts the whole process of getting
44 together the ideas and hammering out a draft on policy. But it will do that in cooperation
45 with the top-leadership, obviously, because it is led by Wang Yang and the PBSC will
46 have discussed the policy well before it is finalised. Quoting a member of the Party-
47 school from Xinjiang region, who ascribes the changing in the policy that were laid
48 down in the 2014 Work Conference to Xi Jinping's actions. Although of course, in that
49 kind of centralised leadership, everything good or all policies are ascribed to the

50 Leader, I think it is very clear that he took an active part in it. As I say in the paper, if
51 you look at those Work Conferences and the attendance by all of the PBSC, all of the
52 Politburo except those members who are in charge of the five main municipalities.
53 That just tells you that the Party is saying to its members “this is a top policy decided
54 by the leadership, and you will implement it, it is very important.”

55 *COUNSEL – Notwithstanding your comments about high-ranking officials and their*
56 *importance, you have suggested great responsibility and focus be placed on*
57 *sanctioning lower-level officials who implement policy. Might you elaborate further on*
58 *the rationale for that?*

59 CP – This is a suggestion, whether of course it would be implemented by governments
60 is another matter. If the Communist Party leads everything as Xi Jinping frequently
61 assures us, then I think it is right to decide at what point responsibility not just for
62 making the policy but for implementing it goes down to. Given the way the Party
63 operates, given Party discipline, given the large numbers of the Party (about 95 million
64 members in the June figures), you cannot sanction and censor 95 million people, so
65 you need to draw a line of where exactly you are sufficiently senior in the Party to be
66 responsible for its actions, not just in Xinjiang or Tibet, or elsewhere, but generally, in
67 terms of the way that human rights are conducted, or indeed any policy throughout
68 China. So, this is an attempt to do that. I laid the level at director level, department
69 level (or **[juzhang – 3:27:00]**). Because by the time you get to “department-level”
70 seniority, you are very actively implementing, and at the local level deciding on what
71 the central guidelines mean. It is quite difficult, and I did some work on this, to establish
72 how many *juzhang* or department-level officials there are in China, or indeed in
73 Xinjiang, and I think the best estimate I came up with is around about 40,000 to 50,000
74 throughout China, of which a large number will of course be at the centre. I do not

75 know how many would be in Xinjiang, but it generally is about a thousand per province,
76 roughly. So, you would be looking at a thousand officials perhaps, in Xinjiang, who, I
77 think, cannot escape blame for implementing the policy.

78 *COUNSEL – How feasible would it be for these department-level officials, alleged to*
79 *have committed crimes, to commit crimes on their own initiatives? And how feasible is*
80 *it for them to decline to follow official policy?*

81 CP – I will start with the latter part. If you go against Party discipline, you are in big
82 trouble. If you look at the Commission for Corruption and Discipline, everyone always
83 concentrates on the “corruption” part, but actually it is the “discipline” part that is
84 probably doing far more action. Under democratic centralism you can debate policy,
85 but once it is formed you have to carry it out, otherwise you will lose your position, and
86 quite likely get into far worse trouble than that as well. Since your position is everything
87 in terms of health, wealth and many other things (and I mean health, because as a
88 high-ranking official in particular, you would get better access to certain hospitals, etc.),
89 that is a very big disincentive, it is the end of your career so it is quite difficult for these
90 people to go against the central line. But at the end of the day, if they are committing
91 crimes against humanity, or genocide under the definition of the UN, they have a moral
92 dilemma.

93 *COUNSEL – How sure can you be that it is indeed official policy that crimes be*
94 *committed rather than these crimes being merely permitted or ignored by senior*
95 *leadership? Perhaps that feeds into the suggestion that these department-level*
96 *officials are committing crimes on their own initiative as opposed to being directed*
97 *somehow from above?*

98 CP – There is always the danger, in China or in any [? – 3:30:54], of what you might
99 call the “Thomas à Becket” syndrome where a couple of knights will ride out and kill
100 an Archbishop or two. That is so, but a counterargument to that is that when these
101 officials do commit these possibly “Thomas à Becket” crimes, they are almost
102 invariably not punished, and indeed in many cases where one might have expected
103 them to be punished, you then see promotion. I think that that is an indication that they
104 are condoned at the very least, or possibly indeed encouraged to use their initiative to
105 ensure that policy laid down from the centre is implemented and imposed very
106 vigorously.

107 *PANEL – Could I ask a little bit about your time in China? Was your last time there*
108 *2016, and did you notice any change in the culture or political discussion after*
109 *President Xi came into power?*

110 CP – I finished my posting at the EU delegation in September 2016, and in 2017 the
111 British Foreign Office asked me to go back to cover the Party Congress from August
112 to December, the Congress was in October, and so I did. I went back again, for a
113 conference in November 2018, but since then I have not been back and in the future
114 I will not go back because some of the things that I say and write are not very welcome
115 and I am a friend of Michael Kovrig’s, and having seen what he, the Canadian hostage,
116 has gone through, even if it is a very small risk in my case, it is not one I am willing to
117 take. Have I seen things sort of tighten up in that last period, which I would date from
118 when I went to the EU delegation in November 2011 and came out from the Foreign
119 Office posting in December 2012? Yes, of course, things have been very much
120 tightened. When did I first notice it in the case of the Uyghurs, as opposed to reading
121 about it but seeing it as a small and unimportant, personal anecdote? I have an abiding
122 interest in carpets, and I have several Xinjiang carpets. The guy who used to come

123 from Xinjiang and ring me up so I would go around his place and see if there was
124 anything worth buying, ceased to come around in about the end of 2015, and I
125 wondered why. It was only a little bit later that I realised that, of course, he probably is
126 not able to come around anymore, particularly since foreigners are going to his place,
127 buying carpets and chatting. Does that answer your question?

128 *PANEL – Yes, it does. You worked for years as a diplomat in China, could you talk*
129 *about the officials around you? Were they a lot quieter than normal, or would they talk*
130 *to you like they did before?*

131 CP – Well, Chinese officials are always careful about what they say to foreign officials,
132 so that is the baseline, but yes, it was a lot more restrained. In the early days you
133 would hear people say things like “we do need more democracy,” and you would say
134 “well, intra-party democracy...” and these officials would say “no, we mean ‘real’
135 democracy...” That dried out completely. When I talk to friends and ex-colleagues,
136 academics and think-tankers, people in China now, it is very difficult to get an
137 expression of even mild dissent. And that applies, incidentally, to people outside
138 China, like Chinese who may or may not be going back; I think of an occasion the
139 other day where a fairly renown economist, with a professorship in a major British
140 university, really was not willing to debate an economic question but merely contended
141 herself with saying “it is the will of history” which of course is a very “Party” line,
142 because I suspect she is just afraid to say her true opinion. So, yes, it has very much
143 tightened up, and I could give you other instances.

144 *PANEL – About the promotion of Party-Secretary Chen from Tibet to Xinjiang, could*
145 *you elaborate on this? We know that there was a meeting about this with Chen and*

146 *President Xi, could you talk a little bit more about this process of promotion, and what*
147 *did it mean, in terms of moving from one region to another?*

148 CP – I think what one can say is that Xi Jinping has, with considerable speed,
149 particularly in the military field but elsewhere also, taken charge of the appointment of
150 cadres, of officials, of his mindset and adherence. I think it is noticeable that, if one
151 looks at the top thousand or so officials, they are in his mould and if they are not then
152 career tends to falter. If you are promoted in the way that Chen is, and chosen for a
153 particularly sensitive job, and this is coming after the Work Conference in 2014 so not
154 long afterwards, then you are very much in line with Xi Jinping, you are clearly trusted
155 by him, and you have clearly done the sort of job in Tibet in line with what the PBSC
156 and Xi Jinping in particular want. Some of the measures that he introduced clearly
157 gave him a sort of “name.” He was considered to have done a very good job in Tibet
158 and therefore, would do a very good job in Xinjiang.

159 *PANEL – Would he be subservient to the will of President Xi? I notice he is not in the*
160 *PBSC of seven, but he is in the Politburo of 25. What does that mean in terms of power*
161 *relations?*

162 CP – Well, the PBSC of seven are the real power, they meet on a weekly basis, and
163 the Politburo meets on a monthly basis. Each member of the PBSC will be in charge
164 of a particular line, whether it is the economy, or the United Front, or whatever. But
165 down at the Politburo there are 25 members and each of them will also be in charge
166 of whether it is Foreign Affairs or economic matters, etc. So, to be one of the top-25 is
167 pretty powerful, but ultimately, none of the Politburo members will go against the will
168 of Xi Jinping any more than I think the members of the PBSC are going to, I mean they

169 might have more license to argue a different case but, ultimately when Xi Jinping says
170 “jump!”, the answer from anybody is “how high?”

171 *PANEL – So, most of these policies, would they have been introduced in those*
172 *Standing Committee meetings? How do these processes work?*

173 CP – The making of policies in China is very complex and sometimes very long-
174 running matters. You will have lots of scholars and think-tankers writing papers and
175 suggestions. When those attract the attention of the Central Committee or the
176 Politburo members, as an academic or a think-tanker you would get financial and other
177 rewards, and your ideas might be taken up; and you could trace through an idea that
178 reaches policy-level like the Belt and Road to an individual scholar or think-tank. That
179 will feed into the process, but also the Coordination Committee group is extremely
180 important in bringing together all the different areas of expertise and policy interest,
181 whether that is economic, cultural or religious, etc. Again, if you look at that excellent
182 piece of work by an American scholar that I copied in the paper, looking at who might
183 be members of it, all those people will be contributing to policy; but as I said at the
184 start, the views of the XPCC will be fed in, and the regional government and Party-
185 school out there and a whole range of thinkers, but ultimately that has to be condensed
186 into a set of policy recommendations which will be considered by the PBSC, the
187 Politburo, the Work Conferences, although this latter one would only be about fine-
188 tuning at that stage.

189 *PANEL – Would it be fair to say that the stamp of approval would come at that point*
190 *in the hierarchy from the PBSC, and then there are implementers elsewhere?*

191 CP – I would be hesitant to use the word “stamp of approval” because, obviously there
192 is a stamp of approval, but that phrase tends to suggest to people that the input from

193 the top-level people is minimal. That is not the message conveyed by the Party-school
194 professor. Party-schools are think-tanks in themselves, so they suggest policy, but
195 they are also disseminators and educators of local cadres. If he is saying that Xi
196 Jinping played a very active role, even allowing for exaggeration, I think we have to
197 take that at his word. It is the same while debating any country: to what degree is the
198 minister in the Foreign Office responsible for policy? One hopes that he has an input
199 in policy, just as officials make suggestions and interpret the outline and feed back in.
200 So, I cannot point an element of the policy and say “this was definitely Wang Yang’s
201 suggestion, or Xi Jinping’s,” but the phraseology suggests that it is not just “stamping.”

202 *PANEL – In terms of the sanctions that we have heard about, the lists are slightly*
203 *different: those that come from the U.S. include Xinjiang Party-Secretary Chen*
204 *Quanguo; and those from the UK and countries in the EU exclude him, how do we*
205 *interpret this exclusion of Chen from those lists?*

206 CP – The first that comes to mind is “funk.” If you are in America, you can afford, I
207 suppose, to be more robust, because China tends not to take it out on America as
208 hard as it does on other countries. But if you are a “second-tier” country than you can
209 expect more chastisement than the Americans would get. And so, there is obviously
210 a worry in various governments that if you were to sanction them, the reaction from
211 China would be more severe, which it would be. But as I argued in another paper,
212 separate from this, many of the threats that China wants to impose on our trade,
213 investment, education, tourism, climate change, and city and services, are
214 exaggerated. There will be costs, but at the end of the day you have to make a decision
215 as to how much you value your values.

216 *PANEL – Speaking as a layperson, from the outside, the more powerful China has got*
217 *through trade, the more brutal it appears to be, with its own people, and perhaps more*
218 *confident elsewhere. So, in the end this is about trade, and who you trade with. This*
219 *makes me think that there are many other countries to trade with (BRICS, MINT, etc.).*
220 *So, why does one continue to trade with a country that people are alleging is*
221 *committing such crimes?*

222 CP – I think this is quite an important question, because the degree to which you are
223 willing to impose sanctions is correlated to the degree of your fear, in particular to trade
224 and investment. In this separate paper (not connected to Xinjiang), I made the case
225 why we do not need to be so fearful, but we do need to continue to trade with China,
226 if you look at the list of indispensable goods and supply chains, etc., China appears in
227 an awful lot of them. But the point I make in the paper is that trade goes on, however
228 bad your political relations are. Australia has said to have suffered drastically from
229 China's measures, it has not. One or two sectors have, but even they have managed
230 to redeploy and sell elsewhere.

231 *PANEL – Going back to your paper, there was a meeting in 2020, by the Central*
232 *Xinjiang Work Forum, and you say that is particularly important, and you explain why*
233 *the other two before emerged as a response to something, why did this one emerge?*
234 *What was important between 2017 and 2020 that led to the significance of this forum?*

235 CP – I think if anything, the 2014 meeting would have been the most important of
236 them, because that clearly etched in stone a very different policy from that pursued by
237 Hu Jintao. The 2020 meeting is likely to have been much more about fine-tuning the
238 policies, assessing their success and how they might need to be pushed on in various
239 directions. I think it was at an earlier time when clearly there was a shift from policy, a

240 hardening of the stance, to reflect Xi Jinping's and, at the time, Yu Zhengsheng's views
241 of where it should go.

242 *PANEL – What came out of this 2020 forum? Was there anything specific policy-wise,
243 reframing discourse, anything significant for our Tribunal?*

244 CP – They do not publish the full material. One only gets hints. My short answer would
245 be that it has underlined the determination to continue with the measures that were
246 decided earlier.

247 *PANEL – You have a list of members of the Central Xinjiang Coordination Small
248 Group. In that list, I do not see anyone responsible for family planning, birth controls,
249 detention centres. Could you highlight which figures are important here?*

250 CP – I do not think either the scholar who drew that up or I would say that that is an
251 exhaustive list of the committee. I think the point about that is that these days if you
252 employ the skills of someone like Bellingcat or indeed a number of think-tanks here in
253 the UK, you can through good use of open sources, produce some very extraordinary
254 material. And if someone would put in the resources to do that, I think it would be
255 possible to draw up a much more authoritative list of who sits on that committee, and
256 I think it should be done.

257 *PANEL – This Tribunal has treated the PRC with procedural fairness from start to last,
258 it is not interested in making recommendations, it is only interested in the finding of
259 facts. The times has come not to dodge the issue. The issue, ultimately, is whether
260 the PRC and President Xi, has committed or is committing, or has approved the
261 commission of either genocide and/or crimes against humanity. On how you instruct
262 crimes and mass crimes in nation-states, there might be at least the following three
263 alternatives: one is mind-reading (it is said certain high-ranking officials in Nazi*

264 *Germany worked “towards” Hitler, working out what he wanted and then doing it).*
265 *Another method is invisibility of control (in Yugoslavia for example, Milosevic and*
266 *Mladic had organised extra-judicial criminality but they managed to hide their traces,*
267 *so you could not see the lines, but they actually existed). But in the PRC, we have*
268 *been told that it is such an organised state, with such a complexity of bodies, that you*
269 *cannot do either of those things. You either agree something should be done and do*
270 *it, or it does not get done. Is that roughly, right?*

271 CP – I certainly would not say that this is a case of “mind-reading.” I would expect that
272 the concrete measures, such as detention centres for instance, could be found in a
273 paper before the PBSC. The size of the cells or how many people live in it, no, those
274 are far too little details. Decision-making in the PRC is very stovepiped and it goes
275 very high for things that we, in our societies, would delegate down. No, that is not the
276 general trend.

277 *PANEL – A number of witnesses have told us, in respect to egregious think that are*
278 *done, this could not have been done without President Xi’s approval. That is one*
279 *approach to establishing responsibility. Would you accept that sort of answer could*
280 *accurately reflect reality?*

281 CP – In many cases yes. But you could also say that this would not continue to be
282 done with President Xi’s disapproval. And it is continued to be done. When it comes
283 to responsibility, that is why I say you need to look at whether anyone is ever
284 admonished for over-stepping the line. We are not going to see evidence of that except
285 in changes of behaviour, but I have not seen changes of behaviour.

286 *PANEL – Or evidence in documents which are not yet available...*

287 CP – Or evidence in documents some of which have leaked.

288 *P – I will come to that in just a minute. There is a rather discredited quotation from*
289 *Hitler, but nevertheless quite useful conceptually: he is said to have said “there are*
290 *many means by which a systematic and comparatively painless extinction of*
291 *undesirable races can be attained, at any rate without blood being shed.” Now, one of*
292 *the things we may have to consider as a Tribunal, whether there is an intention to*
293 *extinguish a race ultimately, not all of it or any of it by the shedding of blood, is if that*
294 *was a policy, that would have to be expressed, but it would not be something that*
295 *could be done by inference, or by brain-reading, it would have to be there in the*
296 *documents?*

297 CP – I am very reluctant to talk about this issue, and in the course of it mention Nazi
298 Germany. I think it just opens the field to people dismissing the argument, saying “you
299 are exaggerating, this is not the Holocaust, etc.” For that reason, although I think the
300 conditions in Xinjiang do meet the UN definition of genocide, nevertheless I think I
301 prefer to talk about crimes against humanity, because I think the ICC definition is
302 difficult to get around... But again, if you look at what Xi Jinping says and has said, he
303 has quoted, a number of times, a 18th century Chinese scholar I believe, and he did
304 so at the start of his own coming to power, and in other contexts: “*If you wish to destroy*
305 *a nation, you must first destroy its history.*” I think that sums up his approach, he is
306 destroying its history, its culture, its roots. And again, in the recent August Conference
307 on Ethnic Minority Affairs, it is all about “socialist modernisation,” which is very
308 carefully defined in their thinking. That is about Han homogeneity, it is about “Chinese
309 nation,” “Chinese culture,” “Socialism with Chinese characteristics,” “building a
310 Chinese community,” the “Pomegranate seed” metaphor, etc. That is how he intends
311 to rid himself of this turbulent [? – 3:59:58].

312 *PANEL – If you can achieve an objective by a range of things, and you articulate the*
313 *range of things but you don't articulate the central objective, would it be fair for those*
314 *looking at these matters to infer the central objectives by his articulated support for all*
315 *the other things?*

316 CP – Yes, but I think in a sense he has articulated the objective. It is to produce a
317 homogenised China, and that implies that these sorts of cultures, and religions and
318 way of life must disappear otherwise it is not Chinese.

319 *PANEL – Forcing the merging of these nations, which might happen naturally in a*
320 *peaceful society, with such things as detention centres, forced abortions, removal of*
321 *language or separation of children from parents, etc., is arguably achieving a*
322 *genocidal objective, and why shouldn't that be stated in the world?*

323 CP – One point I think is important and that I am sure many other people have made
324 is that ethnic policy in the old days, was extinction *via* economic development. After
325 all, once the Uyghurs or Tibetans or whoever it is, are better educated (there is always
326 a strong line of being patronising) and wealthy, then all this business of autonomy and
327 such will just fade away... And there were measures to speed that up. What Xi Jinping
328 has done is put a turbocharger behind it. He is not patient enough to allow that to
329 happen. I do not know what he thinks but he certainly sped everything up with the sort
330 of measures that you have outlined. So, it is always dangerous to say what is going
331 on in Xi Jinping's head.

332 *PANEL – But we need to know this. We need to know what is in the head of the man*
333 *who heads the country that is on the evidence shown to have done these things. I*
334 *want you to tell us if we can do this by an inferential process, looking at all the things*

335 *that you have explained to us will accelerate by force that which has not and may not*
336 *happen by natural process.*

337 CP – Well, you can certainly adduce evidence and make an inference that will
338 convince some people and will not convince others. It will other be deniable until there
339 is a smoking gun. And even then, they are probably quite careful in the documents
340 always to have some degree of ambiguity.

341 *PANEL – You talked at the beginning about what would not happen insofar as*
342 *genocide findings are concerned. Our government, and any government signed up to*
343 *the Genocide Convention is under a duty seriously to consider genocide allegations*
344 *because of their commitments to act under Article I of the Genocide Convention. It*
345 *should not be dodged.*

346 CP – No.

347 *PANEL – You have drawn to our attention the various leaks of documents. If a cache*
348 *of material relating to this were available, would it be the sort of material a person with*
349 *your particular skill would want to see and read in order to work out better how the*
350 *control chain went?*

351 CP – I think if documents are genuine then they should always be read carefully. They
352 are far more revealing than second-level commentary on them. I should just stress
353 that I am a jack of all trades and master of none: I am not an expert in Xinjiang, I look
354 at the Chinese Communist Party, if I have any expertise, it is that, and all its
355 ramifications. In that sense I have not read all those documents that came out, and
356 there are plenty of scholars who I am sure you called, who would give you a better in-
357 depth assessment of where they lead. But as to your general point, yes, I think they

358 are very important and if they can be shown to be genuine, and I have no reason to
359 doubt, from the ones that I have read, that they seem to match the recipe.

360 *PANEL – You made the remark that there is both looking at the positive things, and*
361 *also the things that go on that would be stopped if they were not in some way allowed.*
362 *When you look at the reverse, the policy coming down but the information going up, in*
363 *your experience is there a huge amount of reporting up. What kind of detail would*
364 *come up from Xinjiang back to the centre?*

365 CP – I would say an awful lot of information. It may not always be accurate, I mean
366 there is a long tradition of officials letting the centre know probably what it wants to
367 hear, but in some cases what they wanted to hear. Then, you have to consider the
368 ability, in 24 hours a day, to absorb that information. Because of the stove-piping and
369 the senior level at which decisions are made, one does sometimes wonder the degree
370 to which the information is being filtered on the way up.

371 *PANEL – The assumption is that the major pieces of information, major developments*
372 *would, glossed or not, work their way up?*

373 CP – That surely must be the case. Xinjiang is not a matter that you can sweep under
374 the carpet, although they did try to start with. It is an extraordinarily important matter
375 in terms of China's relations with the rest of the world, given the way that the rest of
376 the world has reacted. In that sense it must occupy quite a lot of the top-leadership's
377 time. We do not know how often the PBSC has considered the matter, but it is clearly
378 on their agenda quite often, I think. In that respect, they will want information about, if
379 not the minute details the big trends, because they have got to defend themselves
380 against attacks on them.

381 *PANEL – Just to clarify in most circumstances it is of course difficult to precisely*
382 *understand what is in the mind of President Xi. But given what you and others have*
383 *said about the command-and-control structure that exists in this country, and given*
384 *the importance of this particular policy, is it conceivable that he could not have known*
385 *about this, that he could not have been the at least part-orchestrator of this, or at very*
386 *worst the approver of such a policy? And the fact is the policy is being implemented,*
387 *by all accounts, and therefore the gap narrows to a point where is it not legitimate to*
388 *adduce or infer his involvement and probably his direction?*

389 CP – I think it is quite inconceivable. I talked earlier and in the paper about the Work
390 Conferences and if you sit through a Work Conference, and Xi Jinping gives an
391 important speech on every occasion, you will have considered the contents of that
392 speech. But even at a sort of broader higher level, if you look at the way the CCP
393 legitimises itself not through the ballot box but through a number of legitimacies (I have
394 written about six of them) and apart from the economic prosperity, but one of them is
395 highly important, up there with “making China great again,” or “returning it to its rightful
396 place in the world,” it is the question of China’s territorial integrity. One of the big boasts
397 of the CCP and a big reason for its legitimacy is that only the Communist Party has
398 managed to return to China those bits which it lost at various parts of its history, very
399 often through the semi-colonial attacks of foreign powers. All the time they are going
400 on about “we’ve got back Xinjiang, we’ve got Tibet, and we are getting Hong-Kong
401 and Macau, we are getting the South China Sea, etc.” In that context of the importance
402 of territorial integrity, the idea of not controlling Xinjiang, of risking that it might break
403 away or influence other parts and their behaviour, and go against his whole vision, his
404 whole “China dream” is quite inconceivable. It has got to be up there on his desk, big-
405 time I would say.

406 *PANEL – I think it would be useful for the Tribunal to understand responsibility not so*
407 *much for making laws, policies and implementing them, but on the contrary for*
408 *ameliorating potential bad practice. I wonder how feasible do you think it is for the*
409 *thousand- or so officials that you spoke about earlier, to make genuine attempts to*
410 *amend or to modify wrongs for example, or potential abuses, or would that also be*
411 *considered as going against the Party line?*

412 CP – If a policy is decided then it is very dangerous to go against it. You can make
413 suggestions if you are brave, and, eventually, if things are not going well with the policy
414 they might be listened to, and the policy would then change. But it would have to be
415 done very much in the way of suggestion rather than disagreement with the policy.
416 That would be very dangerous. Xi Jinping himself has been railing against the
417 tendency of cadres throughout China on all sorts of matters just to sit back and let
418 things happen. There is a great reluctance to challenge the orthodoxy, that has been
419 one of his problems with being such a strong leader. Here we are in a very sensitive
420 area and you, as a mid-level to high-level official, are going to risk everything and
421 challenge it. That would take some courage, I think.

422 *PANEL – Are you saying that if Xi Jinping fails in Xinjiang, that dream of his*
423 *disappears, and therefore he has got to do everything he can to make sure that*
424 *directives on Xinjiang take place?*

425 CP – He has set the target of a modern China, the “China dream,” and as I just
426 discussed in terms of this legitimising of the Party through various ways, if you failed
427 or were seen to fail in that, that is a significant “minus” in the column. He realises that
428 and will be making great efforts to make sure that he does not fail. Does that answer
429 your question?

430 *PANEL – He has clearly taken over power, and he has made sure that he was going*
431 *to be there for life. So, really he cannot lose because he would lose face.*

432 CP – Well, you don't want to lose, in China. China is a matter of role, power, and blood
433 and claws. It would be very dangerous for him personally, to lose power. If enough
434 goes wrong with the ways he legitimises himself, and were he to be unseated, it would
435 be deleterious to health and wealth. He will be pretty aggressive and ruthless in
436 maintaining power, whatever that means when it translates into policy.

437 *PANEL – There was a press conference held by the Chinese ambassador to the UK*
438 *a few days ago, where he set out 28-point refutation of some of the work that we are*
439 *doing. So, he knows clearly what the allegations are. Do you have any sense of what*
440 *the connection is between a diplomat in London and Xi Jinping for instance? Would*
441 *he read cables, would he know what is being said in London, in your view?*

442 CP – They would be reporting intimately the goings-on of this committee. Indeed, a
443 couple of days ago, Zhao Lijian, the Ministry of Foreign Affairs spokesperson, attacked
444 you lot, and us lot, for holding this event. So, yes for sure they know what is going on,
445 and the propaganda department will be working overtime to negate anything that
446 comes out of it and spin it in the right way. I have no doubt that there will be
447 repercussions for some people, you, me, or others, to discourage this sort of things in
448 the future. How high will that go? It will certainly go to the United Front Department, I
449 expect **[You Quan – 4:19:20]** and others in the Party will be aware of it, surely they
450 will. The whole Xinjiang question is a serious matter, and you are bringing unwanted
451 publicity to what is going on, this needs to be cauterised.

452 *COUNSEL – I have a last question: you have referred to the fact that Xi's*
453 *pronouncements, and central organ instructions are often reiterated, confirmed at a*

454 *local level, particularly by departmental directors in the region. Is that process of*
455 *instruction/confirmation designed for internal Party discipline? Pronouncements and*
456 *instructions are obeyed throughout the hierarchy or is that really a confirmation by*
457 *local leaders that we have faithfully, and fully interpreted and applied your policy or*
458 *instruction.*

459 CP – If I interpret your question right the answer would be that if you are a lower-level
460 official you implement what the upper-level tells you to the best of your ability, and you
461 do not deviate from it, and you might, if you took a risk (although risk-taking is not very
462 high at the moment), but you probably would not want to take that risk.

463 COUNSEL – *I guess my question is that there might be two intents to the policy, one*
464 *might just be “I’m giving a policy direction and I expect it to be followed, because we*
465 *are not sure if it will be a regional level,” but then there is something else, “we are*
466 *giving a policy pronouncement, some of which might be implied like what you are*
467 *required to do at a local level,” and therefore the local response is to say “we have*
468 *done this fully, as we understand it.” I guess there are two aspects there that are*
469 *difficult to separate out.*

470 CP – Yes, I mean central policy cannot be, in a country so big, always very specific,
471 down to how it is implemented at the county or township level. By necessity, officials
472 in the region will have to interpret and implement as they think that the centre’s
473 intention is. If they get it wrong, they will get it in the neck. They will play cautious with
474 it. But the actual details of it have to be left to lower levels, because the PBSC is, while
475 responsible for the policy in the outlines, does not have the time to go into vast depths
476 or all the way down. Similarly, down at the provincial or regional level, Chen Quanguo
477 will leave the actual details of how detention centres work to lower-level officials. The

478 point is that even if they go a little bit further, or a lot further than maybe the next level
479 intended, the level above is very unlikely to say no, they would probably run with it
480 because they don't know what the level above thinks.