

The Uyghurs in the Diaspora: Opening Address¹

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Professor Irwin Cotler gave the opening address at the virtual symposium “The Uyghurs in the Diaspora” on May 31st, 2021. The objectives and aims of the conference were to present research findings from various groups regarding the situation of the Uyghur diaspora living in Canada. Given that the Uyghur identity has been heavily sanctioned by the Chinese government, leading several western governments – including Canada, the United States, and the United Kingdom – to declare the situation in Xinjiang, China, to be a genocide, the overarching questions guiding the symposium were related to how diaspora communities have been re-claiming their Uyghur identity: How has the ongoing genocide affected Uyghurs living in the diaspora? How has emigration and living in the diaspora allowed the community to “reconnect” with their cultural and religious identity?

Irwin Cotler is the Chair of the Raoul Wallenberg Centre for Human Rights, an Emeritus Professor of Law at McGill University, former Minister of Justice and Attorney General of Canada and long-time Member of Parliament, and an international human rights lawyer. A constitutional and comparative law scholar, Professor Cotler is the author of numerous publications and seminal legal articles, and has written upon and intervened in landmark Charter of Rights cases in the areas of free speech, freedom of religion, minority rights, peace law and war crimes justice. The following is a transcript of Professor Irwin Cotler’s opening address.

May I begin by commending Professor Gerbern Oegema and his associates for convening and organizing this very timely and significant conference on the Uyghur's in the diaspora. And doing so at McGill University, which was my home for over 40 years as both a student and then law professor. There's no more compelling human rights issue today than the mass atrocities targeting the Uyghurs, which are acts constitutive of genocide, as Canada, the Netherlands and the United Kingdom have themselves determined after hearings in their respective parliaments.² And the Uyghurs, or the Uyghur diaspora, has been at

1. Transcribed, edited, and annotated by Amanda Rosini and Elyse MacLeod with the permission of Professor Cotler.

2. On February 22nd, 2021, the Canadian House of Commons unanimously voted to recognize the Chinese government’s actions against the Uyghurs as genocide. See Ryan P. Jones, “MPs vote to label China’s persecution of Uighurs a genocide,” *CBC*, Politics, February 23, 2021, <https://www.cbc.ca/news/politics/uighur-genocide-motion-vote-1.5922711>. On February 25th, 2021, the Dutch parliament passed a motion stating that the treatment of Uyghur Muslims in China amounted to genocide. See Reuters Staff, “Dutch Parliament: China’s treatment of Uighurs is genocide,” *Reuters*, February 25, 2021, <https://www.reuters.com/article/us-netherlands-china-uighurs-idUSKBN2AP2CI>. On April 22nd, 2021, the UK government declared that China is committing genocide against Uyghurs in Xinjiang. See Patrick Wintour, “UK MPs declare China is committing genocide against Uyghurs in Xinjiang,” *The Guardian*, April 22, 2021, <https://www.theguardian.com/world/2021/apr/22/uk-mps-declare-china-is-committing-genocide-against-uyghurs-in-xinjiang>.

the forefront of courageous advocacy in this regard. The courage and commitment of the Uyghur diaspora, their witness testimony and their advocacy, have been a looking glass into the pain and plight of the Uyghur people as they have sought justice for the Uyghur victims and accountability for the human rights violators, those committing these mass atrocities constitutive of genocide. Indeed, I've had the privilege of working with the courageous members of the Uyghur diaspora during my days as a parliamentarian and since. Some of whom are even part of your conference, like Mehmet Tohti and Kayum Masimov,³ with whom I've been involved for a number of years. And, as well, [Dilmurat Mahmut],⁴ one of the courageous international women human rights advocates that Susan Palmer⁵ will be speaking about, along with Rayhan Asat, herself a courageous human rights activist and the sister of Ekpar Asat who was arrested, tortured, and imprisoned five years ago.⁶ Ekpar was a disappeared person for four years, and it is only recently that [Rayhan] has been able to make some contact.

Indeed, as I speak with you, we are making a submission to the working group on enforced disappearances as well as to the other international human rights' special procedures⁷ and special experts⁸ on the pain and

3. Mehmet Tohti and Kayum Masimov are the founders and directors of the Uyghur Rights Advocacy Project in Canada. The URAP is based in Ottawa, and its main objective is to promote the rights of Uyghurs and other natives of East Turkestan who are living under Chinese occupation. The organization monitors and documents Chinese policies targeting Uyghurs and other Turkic people. The organization also collaborates in academic research and shares resources with governments and global organizations. For further information see <https://www.urap.ca/>.

4. Dr. Dilmurat Mahmut is a research associate at McGill University. He completed his doctoral degree in the Department of Integrated Studies in Education at McGill University in 2020. He is an affiliate researcher of the Canadian Network for Research on Terrorism, Security and Society. His research interests center on immigrant integration, especially the religious and cultural identities of Muslim immigrants in the context of Canada and the international community.

5. Dr. Susan Palmer is an Affiliate Professor at Concordia University, and also an Affiliate Member of McGill University's School of Religious Studies. Her research in the field of new religious movements has been funded by six federal grants from the Social Sciences and Humanities Research Council (SSHRC). Dr. Palmer is currently investigating how Uyghurs who migrated to Canada transmit the Uyghur identity to their children. For more information on this research please visit <https://foref-europe.org/blog/2020/09/07/who-are-the-uyghurs-canadian-scholar-gives-profound-insights/>.

6. For more information on Rayhan Asat, see the following site: <https://ceas.yale.edu/people/rayhan-asat>. For more information about Ekpar Asat, see Edward Wong, "Sister Fights to Free Uighur Businessman Held in China after U.S. Trip," *New York Times*, Politics, May 9, 2020, <https://www.nytimes.com/2020/05/09/us/politics/china-uighurs-arrest.html>; <https://www.amnesty.org/en/documents/asa17/4022/2021/en/>.

7. The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. For more information see <https://humanrightscommission.house.gov/defending-freedoms-project/prisoners-country/china/ekpar-asat>.

8. The UN Working Group on human rights and transnational corporations and other business enterprises (known as the Working Group on Business and Human Rights) is comprised of: Mr. Dante Pesce (Chairperson), Mr. Surya Deva (Vice-Chairperson), Ms. Elżbieta Karska, Mr. Githu Muigai, and Ms. Anita Ramasastry; Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief; Mr. Tomoya Obokata, Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Working Group on Arbitrary Detention: Ms. Leigh Toomey (Chair-Rapporteur), Ms. Elina Steinerte (Vice-Chair), Ms. Miriam Estrada-Castillo, Mr. Mumba Malila and Mr. Seong-Phil Hong; Ms. Siobhán Mullally, Special Rapporteur on trafficking in persons, especially women and children; Mr. Fernand de Varennes, Special Rapporteur on minority issues; Ms. Karima Bennouna, Special Rapporteur in the field of cultural rights. For more on this, see <https://www.ohchr.org/EN/HRBodies/HRC/Pages/SpecialProcedures.aspx>. For more information on the United Nations investigation of the treatment of Uyghurs in China, see: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26957&LangID=E>.

plight of Etkar Asat as a looking glass into the pain and plight of the Uyghur people as a whole. I had occasion, a little less than a year ago, to testify along with Mehmet Tohti and Rayhan Asat before the Canadian foreign affairs sub-committee on human rights, which then made a determination that what was happening with the Uyghurs were acts constitutive of genocide and led to the full parliamentary determination in that regard. Before I began my testimony, I witnessed a chilling image of Uyghur men, heads shaven, blindfolded, shackled, being led to trains that would be taking them to one of the concentration camps.⁹

In my testimony, I summarized five mass atrocities, categories of mass atrocities,¹⁰ each of which are constitutive of acts of genocide.¹¹ I regret to summarize it here for you in a series of one-liners, for reasons of time, but for this informed audience, no real elaboration is needed, and you will be receiving compelling testimony in that regard during your conference. I'm referring to the mass incarceration of close to two million Uyghur men, women, and children as young as thirteen years of age, who are otherwise also subjected to forced labour, enslavement, torture, disappearances and murder.¹² To the mass sterilization of women,¹³ which you will be hearing about, as part of coercive birth control methods – a second dimension of acts constitutive of genocide. Third, the forced separation of almost half a million Uyghur children from

9. For more details see Manoj Gupta, "China's Genocide on Uyghurs: Ethnicity in Danger," *SAMRIDDHI: A Journal of Physical Sciences, Engineering and Technology* 12, no. 2 (2020): <https://doi.org/10.18090/samriddhi.v12i02.08>; Sarah Tynen, "Islamophobia, Terrorism and the Uyghurs: When Minorities in China Find Themselves on the Wrong Side of the Counterterrorism Discourse," *Geopolitics* (2021): 1–6, <https://doi.org/10.1080/14650045.2021.1924939>; Joanne Smith Finley, "Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang," *Journal of Genocide Research* 23, no. 3 (2021): 348–370, <https://doi.org/10.1080/14623528.2020.1848109>.

10. The United Nations has identified four categories of atrocity crimes: 1- Genocide; 2- Crimes Against Humanity; 3- War Crimes; and 4- Ethnic Cleansing. These categories have been legally defined by the United Nations in the following document, "Framework of Analysis for Atrocity Crimes: A Tool for Prevention," *United Nations* (2014), https://www.un.org/en/genocideprevention/documents/aboutus/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf.

11. Genocide was first recognised as a crime under international law in 1946 by the United Nations General Assembly (A/RES/96-I). It was codified as an independent crime in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). The definition of the crime of genocide is contained in Article II of the Genocide Convention. According to this article, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: 1- Killing members of the group; 2- Causing serious bodily or mental harm to members of the group; 3- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 4- Imposing measures intended to prevent births within the group; 5- Forcibly transferring children of the group to another group.

12. According to James Walker and Mariana Salazar Albornoz "Since 2017, numerous reports have emerged, stating that more than one million Uyghurs, as well as members from other Muslim minority groups in Xinjiang, have been forcibly transferred to "re-education camps" and subjected to arbitrary detention, forced birth control and sterilization, religious restrictions, sexual abuse, torture, family separation, and forced labor, among other abuses." James Walker and Mariana Salazar Albornoz, "Crime and No Punishment? China's Abuses Against the Uyghurs," *Georgetown Journal of International Affairs* 22, no. 1 (2021): 100–111, [doi:10.1353/gia.2021.0000](https://doi.org/10.1353/gia.2021.0000). For further details and descriptions see "The Chinese Communist Party's Human Rights Abuses in Xinjiang," *U.S. Department of State*, accessed November 13, 2020, <https://2017-2021.state.gov/ccpabuses/index.html>.

13. Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," *Jamestown Foundation China Brief*, 2020, https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs_updated-October-2021-.pdf?x18948.

their families.¹⁴ Fourth, a state orchestrated incitement to hate and genocide, as in the vilification of the Uyghur people as quote “cancerous tumours to be eradicated.”¹⁵ And I’m reminded here of the Supreme Court of Canada which said, and I quote, “The Holocaust did not begin in the gas chambers. It began with words.”¹⁶ These, as the court said, “are the chilling facts of history.” These, as the court said, are “the effects of chilling acts of racism.”¹⁷

And then the final set of mass atrocities constituting acts of genocide are the state-orchestrated targeting of the Uyghur religion, heritage, culture, language, and identity. This includes the destruction of mosques,¹⁸ and, more recently, the intensification of the arrest of religious leaders, elders,¹⁹ public intellectuals,²⁰ and those like Ekpar Asat, who were amongst those building a repository of Uyghur history, identity, and communication.²¹ Finally, as of late, we have increasingly been witness to what Freedom House²² has called

14. Adrian Zenz, “Break Their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang,” *Journal of Political Risk* 7, no. 7 (July 2019): <https://www.jpolarisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/>.

15. This statement was made by expert witness Azeezah Kanji when describing the situation in Xinjiang, China, in the following report published by the Canadian House of Commons: “The Human Rights Situation of Uyghurs in Xinjiang, China: Report of the Standing Committee on Foreign Affairs and International Development: Subcommittee on International Human Rights,” March 2021, 43rd Parliament, 2nd Session, 32 FT 124, <https://www.ourcommons.ca/Content/Committee/432/FAAE/Reports/RP11164859/sdirrp04/sdirrp04-e.pdf>.

16. This statement was uttered by the Supreme Court of Canada in the context of Hate Speech and Holocaust Denial in the R. vs Zundel case, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/904/index.do>. This is a statement often found in Holocaust memorials and museums, see: Aris Folley, “Auschwitz Museum: Important to remember Holocaust ‘Did Not Start From Gas Chambers’,” *The Hill*, November 27, 2018, <https://thehill.com/blogs/blog-briefing-room/news/418487-auschwitz-museum-says-its-important-to-remember-holocaust-did/>. This statement was also used by the Canadian Public Safety Minister back in 2015 in defense of an anti-terrorism bill. For more details see: The Canadian Press, “‘Holocaust Did Not Begin in the Gas Chamber, it Began With Words’: Minister in Defence of New Anti-Terrorism Bill,” *The National Post*, March 10, 2015, <https://nationalpost.com/news/politics/holocaust-did-not-begin-in-the-gas-chamber-it-began-with-words-minister-in-defence-of-new-anti-terrorism-bill>. Cotler also uses the statement in an article he wrote in the Jerusalem Post on January 26, 2009, <https://www.jpost.com/opinion/op-ed-contributors/the-holocaust-did-not-begin-in-the-gas-chambers-it-began-with-words>. Cotler also makes reference to the statement in his remarks at the United Nations Holocaust Memorial Ceremony on January 27, 2021, https://www.un.org/sites/un2.un.org/files/remarks_by_mr_irwin_cotler.pdf.

17. Irwin Cotler, “The Holocaust Did Not Begin in the Gas Chambers – it Began With Words,” *The Jerusalem Post*, January 26, 2009, <https://www.jpost.com/opinion/op-ed-contributors/the-holocaust-did-not-begin-in-the-gas-chambers-it-began-with-words>.

18. Nathan Ruser, James Leibold, Kelsey Munro and Tilla Hoja, “Cultural Erasure: Tracing the Destruction of Uyghur and Islamic Spaces in Xinjiang,” *Australian Strategic Policy Institute*, Policy Brief Report no. 38 (2020): <file:///C:/Users/Owner/Downloads/Cultural%20erasure.pdf>.

19. Joel Gunter, “Uyghur Imams Targeted in China’s Xinjiang Crackdown,” *BBC News*, China, May 13, 2021, <https://www.bbc.com/news/world-asia-china-56986057>.

20. Austin Ramzy, “China Targets Prominent Uighur Intellectuals to Erase an Ethnic Identity,” *New York Times*, Asia Pacific, January 5, 2019, <https://www.nytimes.com/2019/01/05/world/asia/china-xinjiang-uyghur-intellectuals.html>.

21. For more information about Ekpar Asat see <https://www.ekparasat.com/>; <https://www.amnesty.org.uk/urgent-actions/uyghur-jailed-15-years-secret-trial>; <https://www.raoulwallenbergcentre.org/en/pursuing-justice/defending-political-prisoners/ekpar-asat>.

22. Freedom House is a non-profit, non-governmental organization in Washington, D.C., that conducts research and advocacy on democracy, political freedom, and human rights. Freedom House was established in New York in 1941 and is the oldest American organization devoted to the support and defense of democracy around the world. For further details see <https://freedomhouse.org/>.

transnational repression: the targeting by Chinese authorities of Uyghurs in the diaspora. Threatening them, harassing them, seeking to silence them, lest they come forward with testimony, as they have, in their compelling courage and commitment, while the Chinese authorities similarly threaten Uyghurs back home in the Xinjiang region, to silence them, lest they communicate with their families abroad.²³ So the transnational repression and duality of it is something that we also must bear in mind, as we should be fast tracking refugee Uyghur claimants for refugee status in Canada.²⁴ And so, I conclude by saying, I very much look forward to your deliberations. I intend to both participate in them, and, in doing so, I will be one of the many beneficiaries of this very timely, significant conference, on the most compelling human rights issue the international human rights community is facing today. Thank you.

23. Alice Su, “How Beijing Silences Chinese Voices Against Oppression of Uyghurs,” *Los Angeles Times*, World & Nation, April 1, 2013, <https://www.latimes.com/world-nation/story/2021-04-01/china-xinjiang-uyghur-han-censorship-nationalism>. See also Ellen Halliday, “Uighurs Can’t Escape Chinese Repression, Even in Europe,” *The Atlantic*, Global, August 20, 2019, <https://www.theatlantic.com/international/archive/2019/08/china-threatens-uyghurs-europe/596347/>.

24. Currently Uyghur refugees have to go through the Canadian Refugee Claimant process, however there is growing support for fast tracking this process for Uyghur claimants in Canada. See the support for fast-tracking Uyghurs refugee claims statistical analysis by region at following site: <https://www.statista.com/statistics/1251040/support-fast-tracking-uyghurs-refugee-claims-canada-province/>.