

# **The Plot Drive of the U.S. to Process the Alleged Human Rights Abuses in XUAR: Long-arm, Professional Manipulation and Dualist Democracy**

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*The U.S. stretches long-arm of federal legislation on Xinjiang Uyghur Autonomous Region of China but with insufficient evidences, unclear statistics, and dishonest information generators. Implication inside is a pattern of “Politicians tipping off - Press processing and Scholars hyping - Authorities responding” which reflects the U.S. Constitutionalism has been posed by the dualist democracy and legislation that distinguishes between the will of the people and the will of politicians.*

For years, the U.S. Government has accused the Chinese government’s oppressive policies and gross human rights violations against ethnic minorities in Xinjiang, Tibet and other regions. From the annual report of the U.S. Congressional-Executive Commission on China, to the legislation manipulated in recent years, the U.S. has introduced a large number of alleged findings about China’s “violations of individual

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freedom and fundamental rights” in regions inhabited by ethnic minorities, then in coordination with these actions, series news and comments of grid were produced. However, the information and data are either of vagueness and unidentified sources, or are generated from scholars and institutions that claim to be independent but actually have obvious political tendencies, as well as those NGOs that are seemed as civil groups but actually funded by the government. Thereby hangs a plot drive.








In recent years, the U.S. attempted frequently to set human rights issues on Chinese ethnic minorities regions by means of bills and acts. From the *Reciprocal Access to Tibet Act*, the *Tibetan Refugee Assistance Act*, the *Tibetan Policy and Support Act*, the *Free Tibet Act*, to the *Uyghur Human Rights Policy Act*, etc., the U.S., by these related bills or acts, has portrayed the Communist Party of China and the Chinese government as a gross human rights violator of ethnic minorities to freedom of movement, freedom of person, freedom of religious belief, right to access to a fair trial and other social and cultural rights, trying to “redress” the human rights situation in China in the name of justice and legitimacy of the law. But these human rights issues that described in the U.S. legislative process are inundated with imaginary, fabricated, and sophisticated politician operations.

The process of the latest *Uyghur Human Rights Policy Act of 2020*

shows this. The Act has been in pipeline by virtue of congressmen of Christopher Smith and Marco Rubio from 2018, but there was no progress after first introduction. The Act has staged a comeback from 2019 till 2020. From the *Uyghur Human Rights Policy Act of 2019*, to the *Uighur Intervention and Global Humanitarian Unified Response Act of 2019*, and then the *Uyghur Human Rights Policy Act of 2020*, not only the short title changed, additions and deletions of the “FINDINGS” shift between the Senate and the House of Representatives, as well as inside the two Chambers.

**From 21 articles in 2018, to 25 articles in 2019, and 9 articles in 2020, the Congress itself modified and deleted nearly two thirds of untrustworthy “FINDINGS”.**









## History

NOV 14, 2018		Earlier Version — Introduced This activity took place on a related bill, <a href="#">S. 3622 (115th)</a> .
JAN 17, 2019		<b>Introduced</b> Bills and resolutions are referred to committees which debate the bill before possibly sending it on to the whole chamber. <a href="#">Read Text »</a>
MAY 22, 2019		<b>Ordered Reported</b> A committee has voted to issue a report to the full chamber recommending that the bill be considered further. Only about 1 in 4 bills are reported out of committee. <a href="#">Read Updated Text »</a> <a href="#">See Changes »</a>
SEP 11, 2019		<b>Passed Senate (House next)</b> The bill was passed in a vote in the Senate. It goes to the House next. The vote was by Unanimous Consent so no record of individual votes was made. <a href="#">Read Updated Text »</a> <a href="#">See Changes »</a>
OCT 30, 2019		<b>Considered by House Committee on Foreign Affairs</b> A committee held a hearing or business meeting about the bill.
DEC 3, 2019		<b>Passed House with Changes (back to Senate)</b> The House passed the bill with changes not in the Senate version and sent it back to the Senate to approve the changes.  <a href="#">View Vote »</a> <a href="#">Read Updated Text »</a> <a href="#">See Changes »</a>

## The history of the Bill S.178<sup>1</sup>

<sup>1</sup> <https://www.govtrack.us/congress/bills/116/s178>

## History

- NOV 14, 2018  **Earlier Version – Introduced**  
This activity took place on a related bill, [S. 3622 \(115th\)](#).
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- MAY 14, 2020  **Introduced**  
Bills and resolutions are referred to committees which debate the bill before possibly sending it on to the whole chamber.
- MAY 14, 2020  **Passed Senate (House next)**  
The bill was passed in a vote in the Senate. It goes to the House next. The vote was by Unanimous Consent so no record of individual votes was made.  
[Read Text »](#)
- MAY 22, 2020  **On House Schedule**  
The House indicated that this bill would be considered in the week ahead.
- MAY 22, 2020  **Text Published**  
Updated bill text was published as of Preprint (Suspension).  
[Read Updated Text »](#) [See Changes »](#)
- MAY 27, 2020  **Passed House**  
The bill was passed by both chambers in identical form. It goes to the President next who may sign or veto the bill.  
 [View Vote »](#) [Read Updated Text »](#) [See Changes »](#)
- JUN 17, 2020  **Enacted – Signed by the President**  
The President signed the bill and it became law.

## The history of the Bill S.3744<sup>2</sup>

Bills	Articles of FINDINGS
Earlier Version H.R. 7123, S.3622 Introduced (115 <sup>th</sup> , 2018)	21
S.178 Introduced in Senate (17 January, 2019)	24
S.178 Passed in Senate (11 September, 2019)	25
S.178 Passed House with changes(3 December, 2019)	6

<sup>2</sup> <https://www.govtrack.us/congress/bills/116/s3744>

**The Articles of FINDINGS in versions of the Act**

The *Uyghur Human Rights Policy Act of 2020* was respectively passed by both Chambers of Congress on 14<sup>th</sup> and 27<sup>th</sup> May this year, and was signed by President Donald Trump.

In the earliest bills of 2018 introduced in House and Senate, there are 21 articles of findings. In 2019, there are 24 articles of findings in the bill S.178 Introduced in Senate(January), and 25 articles of findings in the bill S.178 Passed in Senate(September). But these articles were sharply cut to 6 in bill S.178 Passed House with changes(December). Until May, 2020, there are 9 articles of findings in the bills S.3744 Passed in Senate and House(May, 2020).

In these five different versions of the bill that have referred between the House and Senate in the last two years, most of the alleged “FINDINGS” proposed by the Senate has been removed by the House, leaving some arbitrary, unsourced arguments and dubious data.

The bill S.178 Introduced in Senate(January, 2019) points out “In recent decades, central and regional Chinese government policies have systematically discriminated against Uyghurs, ethnic Kazakhs, and other Muslims in Xinjiang...”. But this sentence has changed into “...Turkic Muslims and other Muslim minority groups, particularly Uyghurs, in

Xinjiang Uyghur Autonomous Region. In recent decades, central and regional Chinese government policies have systematically discriminated against these minority groups...” in the final bills S.3744 Passed in Senate and House(May, 2020). The description changes from “Uyghurs and ethnic Kazakhs” to “Turkic Muslims”, such ungrounded discourse alteration, which can be found throughout all the five versions, is actually an arbitrary amplification of the range of the minority groups.

The bill S.178 Introduced in Senate(January, 2019) also claims that “credible reports found that family members of Uyghurs living outside of China had gone missing inside China”, “Chinese authorities were pressuring those outside the country to return”, in order to accuse that Chinese government pressed States returning Uyghurs. Moreover, the bill lists that “there is ample credible evidence” and conclusions and testimonies from independent investigation bodies, for instance, “scholars, human rights organizations, journalists, and think tanks substantiating the establishment by Chinese authorities of ‘political reeducation’ camps”, “Poor conditions and lack of medical treatment at such facilities appear to have contributed to the deaths of some detainees”, “Chinese security forces have never been held accountable for credible reports of mass shootings in Alaqagha, Hanerik, and Siriqbuya, as well as the extrajudicial killings of Abdulbasit Ablimit and Rozi Osman”. All the above findings have been removed from the bill of House, as well as in

the final version voted in the House and Senate in 2020. The asserted “credible reports” at the very beginning of the bill S.178 are in fact only plausible reports that even can’t reach in agreement in Congress.

Besides, the bill S.178 Introduced in Senate(January, 2019) makes a list of the so-called “gross violations” of Chinese Government: “high-tech surveillance across the region”, “facial and voice recognition software”, “severe restrictions on the freedom of movement across the region”, “Uyghurs are forced to celebrate Chinese cultural traditions, such as Chinese New Year”. These specific and seemingly reasonable “FINDINGS” come from the 2017 Annual Report of U.S. Congressional-Executive Commission on China, in which claims that “authorities reportedly heightened security controls over Uyghurs and other ethnic minorities who live there, and imposed severe restrictions on Internet access.”,<sup>3</sup> “Beginning in October 2016, authorities in locations throughout the XUAR reportedly ordered residents to turn their passports in to police, with varying deadlines of up to four months. Authorities subsequently required residents to seek approval from police for international travel in order to retrieve their passports”, “Beginning in late January 2017, Chinese authorities reportedly ordered some Uyghurs studying abroad in countries including Egypt, Turkey, France, Australia, and the United States to return to the XUAR”.<sup>4</sup>

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<sup>3</sup> 2017 Annual Report of U.S. Congressional-Executive Commission on China, p.7.

<sup>4</sup> 2017 Annual Report of U.S. Congressional-Executive Commission on China, p.54.



“Reported”, “reportedly”, words like these seem to be a maxim in the official report and imply that the resource or content of the report is far from reliable. As a result of this, these “FINDINGS” are removed neither.

By contrast, all these allegations have been clarified in the relevant white paper published by China. Such removal by the Congress itself actually implicitly confirms that it might be China who tells the truth to the world, but not the U.S..

**How many ethnic minorities in Xinjiang exactly has been repressed and detained by China? And how did Congress “FINDINGS” acquire?**

From the bill S.178 Introduced in Senate(January, 2019) to the bills S.3744 Passed in Senate and House(May, 2020), there are only three pieces of supporting data left after self-deletion of Congress. However, the authenticity of these data is also questionable, even, the data once vowed solemnly in testimonies has been revised under the table.

The "FINDINGS" of the bill S.178 Introduced in Senate(January, 2019) indicates that “The Government of the People’s Republic of China (PRC) has a long history of repressing approximately 13,000,000 Turkic, moderate Sunni Muslims, particularly Uyghurs, in the nominally autonomous Xinjiang region”, but in the bills S.3744 Passed in Senate

and House(May, 2020), the 13,000,000 is used to indicate the number of the population of all the ethnic minorities in Xinjiang, by stating that "The total ethnic minority population of Xinjiang Uyghur Autonomous Region was approximately 13,000,000 at the time of the last census conducted by the People's Republic of China in 2010". Obviously, there are not Uyghurs, but also other ethnic minorities.

In fact, as a result of the social-economic development, the total population of the ethnic minorities has been going up to 14 million. Concerning the data mentioned above is publicly accessible to everyone, the only explanation for using the decade-old data was deliberately an attempt to make their statistics of detainees appear to be a larger proportion of the total population. Changing the demographic standard so arbitrarily for a purpose-oriented legislation is unconvincing. .

Both the bill S.178 and bill S. 3744 claim the detention of over 1,000,000 Uyghurs and other minority groups in Xinjiang in the section of the STATEMENT OF PURPOSE. Let's get down to fundamental how it comes. "the number of those detained in camps since April 2017 was 'at least 800,000 and possibly more than 2 million'" Scott Busby testified the number of the detainees in the reeducation camp in the initial motion. While in the bill S.178 Passed House with changes(December, 2019), it has been changed into "Since 2014, Chinese authorities have detained no less than 800,000 Uighurs, ethnic Kazakhs, Kyrgyz, and other ethnic

minorities in these camps”. However, the figures were eventually expressed in general terms as “Since 2014, the Government of the People’s Republic of China has detained more than 1,000,000 Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim minority groups in these camps”. The discrepancy between the statistical timeframe, the contradiction among the figures, the inconsistency of statistical standards all demonstrate their intention for blurring out, further indicating that the legislative demonstration is filled with great arbitrariness.

In addition, the data for the argumentation in legislative process in the Congress has no objectivity and independence. The figures of the detainees in the bills come from two research, one is a report given by Network of Chinese Human Rights Defenders (CHRD),<sup>5</sup> another is from Adrian Zenz.<sup>6</sup>

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<https://www.nchrd.org/2018/08/china-massive-numbers-of-uyghurs-other-ethnic-minorities-forced-into-re-education-programs/>

<sup>6</sup> [https://en.wikipedia.org/wiki/Adrian\\_Zenz](https://en.wikipedia.org/wiki/Adrian_Zenz)

The following table presents the data we have compiled based on interviews with eight ethnic Uyghurs. Their families reside in eight different villages in counties in the Kashgar Prefecture. According to the interviewees, each village has a population of between roughly 1,500 and 3,000, and the number of individuals taken into re-education detention camps from each village ranged from approximately 200 to 500 between mid-2017 to mid-2018.

**Table 1: Estimated number of villagers detained in re-education camps in 8 villages in Kashgar Prefecture (mid-2017-mid-2018)**

	Village Population	Total in "Re-Education" Detention Camp	Percentage of Population
Interviewee 1	3000+	245	8%
Interviewee 2	2000+	400	20%
Interviewee 3	3000+	500	17%
Interviewee 4	2000+	250	13%
Interviewee 5	2000-	300	15%
Interviewee 6	2000+	200	10%
Interviewee 7	2000+	200	10%
Interviewee 8	1500	150	10%
<b>Totals</b>	<b>17,500</b>	<b>2,245</b>	<b>12.8%</b>

In these villages, the ratio of residents detained in re-education camps is between 8% and 20% of a village population, with an average of approximately 12.8%.

CHRD concluded in a report that “roughly one million members of ethnic Uyghurs have been detained in ‘re-education’ camps and roughly two million have been forced to attend ‘re-education’ programs in Xinjiang.” But the findings of that report are only based on the interviews with eight Uyghurs.

In an article published in *Central Asian Studies*, Adrien Zenz provided the number of detainees in “re-education camps”. However, his number was based on a report by Istiqlal TV, an exiled Uyghur media organization in Turkey.

Besides, for quite a long time, the National Endowment for

Democracy has been the major funder of CHRDC, and Adrian Zenz is a senior fellow in China studies at the Victims of Communism Memorial Foundation, a non-profit anti-communist organization in the United States authorized by a unanimous Act of Congress in 1993 for the purpose of “educating Americans about the ideology, history and legacy of communism”.

These organizations, which provided sources of evidence for the U.S. Congress and government, are funded by those who are with strong political bias, which not only has no contribution to legislative practice, but a double waste for democracy legislative resources.

In addition, there is an inconsistency in the number of Radio Free Asia journalists who have claimed to be publicly abused by the Chinese Government, from the previous “six journalists” to “at least five journalists”. This may appear to be more rigorous in the expression, but in fact, it is a sign of poor evidence and inadequate argumentation on the motion.

15           (13) Six journalists for Radio Free Asia’s  
16           Uyghur service have publicly detailed abuses their  
17           family members in Xinjiang have endured in re-  
18           sponse to their work exposing abusive policies across  
19           the region.

**“six journalists”, “FINDINGS” in Bill S.178 Introduced in Senate(January, 2019)**

17           *(4) Uighurs and ethnic Kazakhs, who have now*  
18           *obtained permanent residence or citizenship in other*  
19           *countries, attest to receiving threats and harassment*  
20           *from Chinese officials. At least five journalists for*  
21           *Radio Free Asia’s Uighur service have publicly de-*  
22           *tailed abuses their family members in Xinjiang have*  
23           *endured in response to their work exposing abusive*  
24           *policies across the Xinjiang Uighur Autonomous Re-*  
25           *gion.*

**“six journalists” into “at least five journalists” , “FINDINGS” in bill S.178 Passed House with changes(December, 2019),**

All these facts fully suggest that as the International Police, the Beacon of Democracy, the A Nation of Freedom, how could the United States of America manipulate the legislation findings for the legislative argumentation so indiscreet and imprudent? It seems that U.S. Congress never considers legislation as a serious and rigorous process.

**To romantically overthrow with Imaginary or Literary, or legislation of accuracy, prudence, and solemnity?**

In an interview with Voice of America on September 13, 2018, Congressman Brad Sherman, the chief Democrat of the Asia-Pacific Subcommittee of the House of Representatives, emphasized that the U.S. is not to sanction China, but to protect human rights. Actually, the alleged human rights by the U.S. is unreal, for it's very prominent that the act was drafted for political purpose.

In the version of the act proposed by the Senate, the Chinese government is accused of creating an unstable situation in Xinjiang, committing cultural genocide against the Uyghurs and excluding minorities from the national development strategy. However, the Chinese government had already made a detailed statement in white paper *Vocational Education and Training in Xinjiang* regarding to this allegation. At the same time, following the passing of the Senate's act in September 2019, Chinese State Councilor and Foreign Minister Wang Yi responded to the above-mentioned allegations at the United Nations General Assembly on September 24, 2019, won positive comments from more than 120 countries on China's human rights situation.<sup>7</sup> In the face of the clarifications made by China and the supports from other countries at the United Nations General Assembly, the House of Representatives subsequently deleted the findings.

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<sup>7</sup> <http://world.people.com.cn/n1/2019/0925/c1002-31372662.html>

# Chinese FM debunks rumors about Xinjiang with facts, truths

Source: Xinhua | 2019-09-25 11:19:50 | Editor: huaxia



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NEW YORK, Sept. 24 (Xinhua) -- Chinese State Councilor and Foreign Minister Wang Yi debunked rumors about China's Xinjiang Uygur Autonomous Region with truths and facts when giving a speech here on Tuesday.

Rumors find no market among the fair-minded and pale in the face of facts, Wang said while addressing a dinner co-hosted by National Committee on U.S.-China Relations, U.S.-China Business Council, U.S. Chamber of Commerce and Council on Foreign Relations.

## **Chinese State Councilor and Foreign Minister Wang Yi responded<sup>8</sup>**

Moreover, as a part of lawmaking, the bill's phraseology is exaggerated, rhetorically inappropriate and inconsistent with legislative standards. In the very beginning, the Senate made extensive use of terms such as "Orwellian fashion by the Government", "a police state to rival North Korea", "a formalized racism on the order of South African apartheid", and "slow motion Tiananmen". The romantic rhetoric of the style obliterates the accuracy, rigor and solemnity required by the legislative technique. The unreasonable expressions seemed to be noticed in the process of the discussion of the act in the House of Representatives, and all were deleted in the subsequent versions.

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<sup>8</sup> [http://www.xinhuanet.com/english/2019-09/25/c\\_138420932.htm](http://www.xinhuanet.com/english/2019-09/25/c_138420932.htm)



(3) Increased unrest in the Xinjiang region as a result of the central government's severe repression is used in Orwellian fashion by the Government of the People's Republic of China as evidence of "terrorism" and "separatism" and as an excuse for further disproportionate response.

(24) Experts have described the Xinjiang region as "a police state to rival North Korea, with a formalized racism on the order of South African apartheid" and the repression in the Xinjiang region as a "slow motion Tiananmen".

### **"FINDINGS" in Bill S.178 Introduced in Senate(January, 2019)**

#### **Does the U. S. Congress have to comfort the president?**

Besides the large number of deletions and modifications mentioned above, on the contrary, Congress deliberately added an article to the "FINDINGS" which specifically highlighted *the Asian Reassurance Initiative Act* signed by President Trump in December, 2018, and listed in it some related contents of this act regarding Xinjiang. The Senate did not include this provision in the original act in January 2019, but it has been listed in every bill version thereafter. This provision, although once rejected by the House of Representatives, eventually appeared in the bill

that Congress presented to the President.

(9) On December 31, 2018, President Donald J. Trump signed into law the Asia Reassurance Initiative Act of 2018 (Public Law 115–409), which—

(A) condemns the People’s Republic of China’s “forced disappearances, extralegal detentions, invasive and omnipresent surveillance, and lack of due process in judicial proceedings”;

(B) authorizes funding to promote democracy, human rights, and the rule of law in the People’s Republic of China; and

(C) supports sanctions designations against any entity or individual that—

(i) violates human rights or religious freedoms;

or

(ii) engages in censorship activities.

### **Bills S.3744 Passed in Senate and House**

Obviously, with only a handful of evidences and arguments available, the essential purpose of adding this provision is to seek the homogeneity of the interests between the Congress and President in order to seek for the President’s support. Under the Constitutionalism system of the Trias Politica, the relationship between Congress and President should be a check and balance rather than catering to each other. Such a system is a remarkable manifestation of American Civilization with the rule of law. Under this political system, in any lawmaking, Congress stands for the people’s general will and legislation power, has no necessity to comfort President, for a federal law, if President has no action in ten days or even though commit veto, the Congress has legitimacy and lawful procedure to

ensure itself. However, the deliberate article of the FINDINGS from the Congress for getting the act signed by the President, combined with the collaboration between the politicians reflected in the entire legislative process, makes it easy to believe that this political system has been on the politicians' professional manipulations, and has lost its original spirit and has become a political tool.

### **The Operation Pattern of "Politicians Tipping off - Press Processing and Scholars Hyping - Authorities Responding"**

Even with so many legislative flaws and weaknesses, the U.S. is still using its sophisticated ideological apparatus to manipulate international populi and create a degradation image of human rights of other countries.

In the process of *the Uyghur Human Rights Policy Act*, the two Chambers would release certain information every time they voted to put forward the relevant bills, then motivating the officials, scholars, NGOs, and news agencies which are supported or funded to create nodes for news and comments.

Gay McDougall, the committee vice-chairwoman who raised the detentions last week, said she wasn't convinced by China's "flat denial" of the detention figures. She said China "didn't quite deny" that re-education programs are taking place.

"You said that was false, the 1 million. Well, how many were there? Please tell me," she said. "And what were the laws on which they were detained, the specific provisions?"

**McDougall pointed out that China deprived Xinjiang minorities of**

## **their personal freedom in the UN deliberations<sup>9</sup>**

For example, the number of 1 million people detained in Xinjiang was originally proposed by McDougall, the only American member of the Committee on the Elimination of Racial Discrimination, and after receiving a response from other members, the news was released to Reuters, The Intercept and other news media for processing and fermentation.<sup>10</sup> This was followed by academic and practical interpretations by NGOs and scholars such as the "China Human Rights Defender Network" and Adrien Zenz, and stereoscopic reports through Radio Free Asia. Then the official made confirmation timely. Finally, it forms a complete set of propaganda chain.

Accordingly, the result of this chain was eventually put into the Act as a supporting material. Such a news production mechanism also directly affected the perception at the UN level. For example, Ms. Bachelet, the High Commissioner for Human Rights, has quoted relevant contents.

It seems that the reason why so many human rights issues “existed” in China’s ethnic minorities regions comes from the sophisticated and unscrupulous operations of the United States. The legislative process, exists in the tricks of political games, doesn’t seem to have much to do with the American people, but more from politicians and propaganda

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<sup>9</sup> <https://www.voacantonese.com/a/un-review-china-20180810/4524231.html>

<sup>10</sup> <https://thegrayzone.com/2018/08/23/un-did-not-report-china-internment-camps-uighur-muslims/>

apparatus.

When the United States was founded, the "Declaration of Independence" mentioned the demands and hopes of American people, the right to life, freedom and the pursuit of happiness. And the nation should bear the responsibility. Constitutionalism is the very foundation of the United States in which the natural law and the will of the people are embodied in the Constitution and its legal system. The Constitution, as the supreme authority, is above all else, which is the reason that the law shall be most beneficial and necessary to the public interest.

The process of the Xinjiang involved bill shows that the democracy and legislation, which is the the core element of U.S. constitutionalism, have moved further to the direction of dualist democracy and politician legislation that distinguishes between the will of the people and the will of politicians. The arbitrary legislative process, the undemocratic legislative value, the politicized legislature and the useless "Trias Politica" bring deep concerns to the world. Will longlive the government of the people, by the people and for the people? Will longlive the constitutionalism of liberty, equality and democracy?