



Foreign, Commonwealth
& Development Office

Rt Hon Dominic Raab MP
Secretary of State for Foreign,
Commonwealth and Development Affairs

King Charles Street
London
SW1A 2AH
Tel: 0207 008 5000

Email:
fcdo.correspondence@fcdo.gov.uk
www.gov.uk/fcdo

Mr Tom Tugendhat MP
Chair, Foreign Affairs Committee
House of Commons
London
SW1A 0AA

8th December 2020

Dear Tom,

Thank you for your letter of 24 November.

As set out in my written evidence to the FAC inquiry into Xinjiang detention camps, the FCDO shares the Committee's concerns about the gross human rights violations being perpetrated against the Uyghur Muslims in Xinjiang.

As you know, the UK has repeatedly taken a leading international role in holding China to account, including leading the first joint statements on Xinjiang at the UN Human Rights Council and UN Third Committee. Most recently, on 6 October, alongside Germany we brought together a total of 39 countries to express our grave concern and call on China to implement UN recommendations to end arbitrary detention and allow UN experts and the UN High Commissioner for Human Rights unfettered access to the region to investigate what is happening there.

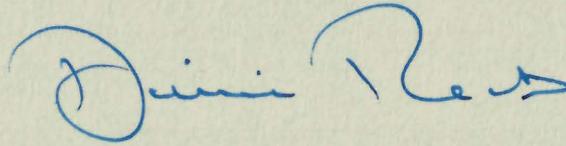
We judge that this multilateral action, supported by an increasing number of countries, is increasing reputational and diplomatic pressure for China to end its egregious policies in Xinjiang.

With regards to determination of genocide, you note in your letter that it has been the Government's long-standing policy that any determination of genocide should only be made by competent courts, rather than by governments or non-judicial bodies. Competent courts include international courts, such as the International Criminal Court and the International Court of Justice, and national criminal courts that meet international standards of due process. This remains the Government's position.

The UK supports the principle of the Responsibility to Protect (R2P), a global political commitment endorsed by all Member States of the United Nations at the World Summit in New York in 2005. R2P focuses on the responsibility of States to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Where we have concerns, the UK will use diplomacy to highlight our concerns: bilaterally with the countries concerned and with regional neighbours, multilaterally through international organisations, and with smaller likeminded groups and others.

Please rest assured that the UK remains committed to holding China to account for its human rights violations in Xinjiang, and we will continue to raise our concerns both bilaterally and at the UN, working with our international partners.

Yes sir.

A handwritten signature in blue ink, appearing to read "Dominic Raab". The signature is fluid and cursive, with a long horizontal stroke at the end.

THE RT HON DOMINIC RAAB MP



Foreign Affairs Committee

House of Commons · London · SW1A 0AA
+44 20 7219 6106 · fac@parliament.uk
www.parliament.uk · @CommonsForeign

From the Chair
Tom Tugendhat MP

Rt Hon Dominic Raab MP
Secretary of State
Foreign, Commonwealth and Development Affairs

24 November 2020

Dear Foreign Secretary,

I am writing on behalf of the Committee to ask that the UK Government takes formal steps towards determining whether the Chinese government's policies in Xinjiang constitute genocide. The mounting credible evidence of mass incarceration, forced sterilisation, cultural destruction and ethnic displacement means that determining the nature of these crimes, and the appropriate response, is urgent.

The situation has been recognised as a genocide in allied countries, including by the Subcommittee on International Human Rights in the Canadian Parliament and by the campaign of US President-Elect Joe Biden. Likewise, the Global Centre for the Responsibility to Protect has stated that China's Xinjiang policies constitute a "*prima facie* case of genocide".

The Government's longstanding argument has been that it is the place of a "competent court" to determine such definitions. Rather than wait for such a reference to be made, there is an opportunity for the UK Government to demonstrate leadership in making this happen. Alongside this, we would also like to know if the Government considers there to be a serious risk of genocide in Xinjiang – an assessment that can be made without the verdict of a court. You have told the Committee that designating a genocide is challenging because of the need to prove intent. In response, we suggest that the following may constitute proof of intent:

- Forced sterilisation of Uyghur women through the use of intrauterine devices (IUDs).
- Large-scale separation of Uyghur and other minority ethnic children from their parents.

It is difficult to conceive of a situation in which these occurrences would not be intentional, or how these actions would not demonstrate the intended destruction of a group. They correspond directly with the following criteria for genocide set out by Article II of the Convention on the Prevention and Punishment of the Crime of Genocide:

- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The Genocide Convention is clear that any one of these acts fulfils the definition of genocide. This is the internationally agreed definition for genocide to which the UK subscribes. While the UK's efforts to raise the situation in Xinjiang at the UN are welcome, I am confident that a court ruling would be a powerful step towards galvanising the international community to bring an end to these atrocities.

It would be helpful to have a response by 8 December. I intend to place your response in the public domain.

Best wishes

TOM TUGENDHAT