

# Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism: Re-education Camps

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## Introduction

**H**UMAN RIGHTS ARE INHERENT fundamental rights equally applicable to all humans without discrimination.<sup>1</sup> In 1948, the basic principles of these rights were articulated in the Universal Declaration on Human Rights and it became the duty of States to promote and protect all human rights and fundamental freedoms.<sup>2</sup> The international community guarantees these rights through treaties and customary international law where States assume the obligations to respect, protect, and fulfill human rights.<sup>3</sup> “The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights . . . protect requires States to protect individuals and groups against human rights abuses . . . fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.”<sup>4</sup> Human rights are indivisible, and individuals should not be deprived of any human right without due process of law.<sup>5</sup>

Despite these fundamental ideals, conditions during times of war can cause the most serious of human rights abuses.<sup>6</sup> States currently

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1. *What Are Human Rights?*, United Nations Hum. Rts. Off. High Comm’r, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx> [https://perma.cc/AM47-W7AM].

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. David Weissbrodt, *Int’l Hum. Rights: L., Pol’y, and Process* (2017) (forthcoming updated chapter 2021) (manuscript at 24) (on file with author).

face more unconventional wars and terrorist attacks, which make States engage in massive counterterrorism operations. For States, keeping a balance between defending their sovereignty, countering terrorism, and protecting and promoting human rights is a challenging task. This Comment discusses how some States exploit the war on terror and attempt to counter terrorism in a way that violates their obligations to promote and protect human rights and fundamental freedoms, specifically by using re-education camps.

This discussion starts in Part I with the concept of counterterrorism and the dilemma of murky definitions regarding who is considered a terrorist and what terrorism actually is. Part II provides a brief background on re-education camps and their historic use as a tactic under the umbrella of countering terrorism. Part III discusses China as a case study of a State currently exploiting re-education camps under the guise of counterterrorism and some of the different human rights violations at these camps. Part IV provides a contrasting case study of the Kingdom of Saudi Arabia as a positive example of the use of re-education camps in countering terrorism and the different measures and approaches taken that lead to this success, though with some reservations included. Finally, this Comment concludes by proposing resolutions and recommendations that the Human Rights Council and States should take to combat human rights violations committed within re-education camps under the guise of counterterrorism.

## **I. Counterterrorism**

To consider and assess re-education camps for countering terrorism, it is necessary to establish the different types of terrorism, who is classified as a terrorist, and what counterterrorism is. This Comment's discussion is based on the following definitions in understanding and assessing government actions and use of re-education camps.

### **A. International v. Domestic Terrorism**

The United States Federal Bureau of Investigation ("FBI") defines international terrorism or state-sponsored terrorism as "[v]iolent, criminal acts committed by individuals and/or groups who are inspired by, or associated with, designated foreign terrorist organizations or nations."<sup>7</sup> Domestic terrorism is defined as "[v]iolent, crimi-

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7. *Terrorism*, FBI, <https://www.fbi.gov/investigate/terrorism> [<https://perma.cc/9PU9-K27A>].

nal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences, such as those of a political, religious, social, racial, or environmental nature.”<sup>8</sup> Knowing the differences between international and domestic terrorism is essential to understanding what type of terrorism a country is allegedly combatting and whether there is any truth to its allegations. For example, the case study in this Comment—discussing China and its counterterrorism efforts—is classified by the Chinese government as targeting domestic terrorism.<sup>9</sup> The Chinese government is using re-education camps to target Islamic groups and individuals to stop them from furthering ideological and religious goals within China, specifically stemming from religious influences.<sup>10</sup>

### B. Classification

Who classifies as a terrorist is an ongoing question because there are so many definitions of terrorism. There is no universal definition of terrorism,<sup>11</sup> which opens the door for governments to classify or label however and whomever they like as terrorists, even if those individuals would not be labeled terrorists under a different definition. With this loophole, countries can arbitrarily deprive “terrorists” of basic human rights. This uncertainty has facilitated the violations occurring in the Chinese re-education camps, where the Chinese government classified the entire ethnic minority of Muslims in China, the Uyghurs, as terrorists.<sup>12</sup>

### C. Counterterrorism Strategy

Analysts of the 2018 U.S. National Strategy for Counterterrorism generally understood counterterrorism strategy as “a coherent plan to use the instruments of national power to neutralize terrorists, their organizations, and their networks in order to render them incapable of using violence to instill fear and to coerce a specific government or society to react in accordance with their goals.”<sup>13</sup> This definition is reflected in the way Ben Emmerson, the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Free-

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8. *Id.*

9. *See infra* Part III.B.

10. *Id.*

11. Alex P. Schmid, *The Routledge Handbook of Terrorism Research* 39–41, 118–19 (Routledge 2011).

12. *See infra* Part III.

13. DAN E. STIGALL, CHRIS MILLER & LAUREN DONATUCCI, *The 2018 U.S. National Strategy for Counterterrorism: A Synoptic Overview*, 10 Nat'l Sec. L. Brief 1, 6–7 (2020).

doms While Countering Terrorism, described the coherent, structured, and specific methods that Saudi Arabia adopted in its re-education camps, which were “above the norm” of re-education camps in other countries.<sup>14</sup> Emmerson considered Saudi Arabia’s approach, which targeted only convicted individuals in its camps, successful to an extent and commendable.<sup>15</sup> China’s approach, discussed in Part III, is a far cry from the Saudi approach.

## II. The Use of Re-education Camps to Counter Terrorism

### A. Re-education Camps

Re-education camps have been utilized as a tactic to eradicate terrorist groups.<sup>16</sup> They operate as internment camps where governments conduct programs or procedures to teach prisoners to accept a certain set of beliefs.<sup>17</sup> The use of re-education camps encompasses different situations when governments try to indoctrinate certain groups.<sup>18</sup> In rare cases, they have been used on a small scale, with controlled methods and transparency against convicted terrorists, which led to some success when the sites were open to families and non-governmental organizations (“NGOs”) and the programs were carefully designed to holistically approach the core of the problems.<sup>19</sup> Saudi Arabia’s re-education camps were an example of this approach.<sup>20</sup> However, other governments tend to exploit the misleading name “re-education camps,” carrying out outrageous practices against anyone deemed a threat as part of the war on terror.<sup>21</sup> These governments detain masses of people with no charges and send them to camps where their human rights are violated.<sup>22</sup>

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14. Ben Emmerson (Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism), Visit to Saudi Arabia Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, ¶ 56–57, U.N. Doc. A/HRC/40/52/Add.2 (Dec. 13, 2018) [hereinafter Visit to Saudi Arabia Report].

15. *Id.*

16. *See infra* Part III.B, IV.

17. *Id.*; *see also infra* Part IV.

18. *See infra* Part III, IV.

19. Andreas Casptack, *Deradicalization Programs in Saudi Arabia: A Case Study*, Middle E. Inst. (June 10, 2015), <https://www.mei.edu/publications/deradicalization-programs-saudi-arabia-case-study> [<https://perma.cc/7C6B-ZCS8>].

20. *See infra* Part IV.

21. *See, e.g.*, Part III.B-C (for instance, the Chinese re-education camps in Xinjiang).

22. *See, e.g.*, The State Council Info. Off. of China, Vocational Education and Training in Xinjiang 3 (Foreign Languages Press Co. Ltd. 1st ed. 2019) (China). China refers to their re-education camps as “vocational education and training centers.” *Id.*

## B. Historical Uses

This section provides examples of some historical uses of re-education camps by governments under the guise of counterterrorism that demonstrate how the exploitation of these camps have led to human rights violations. In 1975, after the fall of Saigon, Vietnam's Communist Party forced people into re-education camps to learn about the new government and its ideologies, allegedly for only 10 days.<sup>23</sup> People believed the government and packed accordingly, only to be trapped for years in labor camps.<sup>24</sup> A former detainee said, "[t]heir main goal was not to teach us, but only to detain us. Many of [the officials] did not even have an education beyond the 8th grade; how could they teach us?"<sup>25</sup> Prisoners were also arbitrarily deprived of their right to live, violating the right to life.<sup>26</sup> A former prisoner stated, "[t]he Communists put people like me into the jungle so that we would get sick and slowly die off . . . . As the weeks went on I saw more and more graves."<sup>27</sup> Similarly, in Cambodia, the Khmer Rouge used two camps to indoctrinate educated adults; one of the camps was "a reeducation program for highly qualified intellectuals in order to convert them to the new regime."<sup>28</sup> Other historical examples include the re-education centers by the Mozambique Liberation Front between 1974–1979, where "the camps became a dumping ground for unwanted citizens accused of all kinds of wrongdoing."<sup>29</sup> Within these camps, prisoners were arbitrarily detained for any behavior deemed anti-social.<sup>30</sup> All of these historical exploitations of re-education camps, allegedly for countering terrorism, are reemerging in new camps and posing threats to human rights and liberties.

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23. Quyen Truong, *Vietnamese Re-Education Camps: A Brief History*, Brown Univ., <https://www.choices.edu/curriculum-catalog/vietnamese-re-education-camps-brief-history/> [<https://perma.cc/E49Q-N2VA>].

24. *Id.*

25. *Id.*

26. *Id.*

27. *Id.*

28. GREGORY PROCKNOW, *KHMER ROUGE: RECRUITMENT AND SELECTION & TRAINING AND DEVELOPMENT* 16 [<https://perma.cc/6PLJ-763Z>].

29. Benedito Machava, *Reeducation Camps, Austerity, and the Carceral Regime in Socialist Mozambique (1974-79)*, 60 *J. AFRICAN HIST.* 429, 429 (2019).

30. *Id.* at 433.

### III. Exploitation of Re-education Camps Under the Name of Countering Terrorism

#### A. The Uyghurs and the Xinjiang Region

Uyghurs are a Turkic minority ethnic group who are predominantly Muslim.<sup>31</sup> The group chose the name Uyghur, which means “unity” or “alliance” to distinguish their ethnic identity.<sup>32</sup> The name has many different spellings such as Uyghurs, Uygurs, and Uighur.<sup>33</sup> The Uyghurs occupy the Xinjiang region, which is an autonomous territory in northwest China.<sup>34</sup> However, in 2009 violence broke out in Xinjiang’s capital, Urumqi, against the Han, China’s ethnic majority, due to the institutionalized discrimination and marginalization of the Uyghurs.<sup>35</sup> After that, “China blamed Uighur separatists and . . . vowed to eliminate separatist and militant Islamic ideology among the Uighur population.”<sup>36</sup> Under General Secretary Xi Jinping’s (“Mr. Xi”) administration, the region is under Chinese police control to combat what China has classified as “terrorism” and to ensure that the Uyghurs adhere to the national ideology.<sup>37</sup> The region is “something resembling a massive internment camp that is shrouded in secrecy, a sort of no-rights zone.”<sup>38</sup> Within these re-education camps there are millions of Uyghurs detained and facing excruciating circumstances.<sup>39</sup> The Uyghurs in these camps are

facing imprisonment, torture and brainwashing, children in orphanages are given new identities, and women are forced to marry

31. Fergus Shiel & Sasha Chavkin, *China Cables: Who Are the Uyghurs and Why Mass Detention?*, Int’l Consortium Investigative Journalists (Nov. 24, 2019), <https://www.icij.org/investigations/china-cables/china-cables-who-are-the-uyghurs-and-why-mass-detention/> [https://perma.cc/9GCK-HHNB].

32. *Uyghur in China*, Joshua Project, [https://joshuaproject.net/people\\_groups/15755/CH](https://joshuaproject.net/people_groups/15755/CH) [https://perma.cc/7UPE-G3KY].

33. See, e.g., *id.*; Maya Wang, “Eradicating Ideological Viruses” *China’s Campaign of Repression Against Xinjiang’s Muslims*, Hum. Rts. Watch (Sept. 9, 2018), <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs> [https://perma.cc/69MQ-ETHA] [hereinafter *Eradicating Ideological Viruses*]; Special Correspondent, *A Summer Vacation in China’s Muslim Gulag*, Foreign Pol’y (Feb. 28, 2018, 1:35 PM), <https://foreignpolicy.com/2018/02/28/a-summer-vacation-in-chinas-muslim-gulag/> [https://perma.cc/ZZ7S-NL9Y].

34. Shiel & Chavkin, *supra* note 31.

35. *Id.*

36. *Id.*

37. Austin Ramzy & Chris Buckley, *The Xinjiang Papers ‘Absolutely No Mercy’: Leaked Files Expose How China Organized Mass Detentions of Muslims*, N.Y. Times (Nov. 16, 2019), <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> [https://perma.cc/Y9XE-SGT6].

38. *Uyghur in China*, *supra* note 32.

39. *Id.*

Chinese men against their will. Uyghur leaders say the aim of these re-education centers is to wipe out Uyghur culture and say detainees are being forced 'to renounce their religion, renounce their culture, renounce their identity, force them to speak Mandarin' and pledge allegiance to the Communist Party.<sup>40</sup>

The violations of the Uyghurs' human rights and acts occurring within these camps are examined below. But first, this Comment introduces the Chinese government's stance on the issue and the ethnic minority group in Xinjiang.

### B. The Chinese Government's Stance on Uyghurs

The Chinese government denies that any human rights violations occur within these camps and refers to the camps as "vocational education and training centers."<sup>41</sup> The officials justify the situation by saying that the camps in Xinjiang are part of their fight against terrorism and extremism in China.<sup>42</sup> The Chinese government says that the religious extremism in Xinjiang is a serious threat to the safety of the Chinese people and the whole region.<sup>43</sup> It's establishment of such camps allegedly acts as a preventative measure against the spread of terrorism and religious extremism.<sup>44</sup> In addition, officials indicate that these camps comply with all laws "and protect[ ] the rights to life, health, and development of the people of all ethnic groups. Worthwhile results have been achieved."<sup>45</sup> The Chinese government adds that these re-education camps are voluntary in nature and do not detain individuals.<sup>46</sup>

However, the New York Times examined more than four-hundred pages of documents from inside China's ruling Communist Party that were leaked by a member of the party. These documents revealed the truth about the crackdown on the Uyghurs in Xinjiang, which is contrary to what China claims are its standards within the camps.<sup>47</sup> These documents "include nearly 200 pages of internal speeches by Mr. Xi and other leaders, and more than 150 pages of directives and reports on the surveillance and control of the Uighur population in

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40. *Id.*

41. Vocational Education and Training in Xinjiang, *supra* note 22.

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *Data Leak Reveals How China 'Brainwashes' Uighurs in Prison Camps*, BBC (Nov. 24, 2019), <https://www.bbc.com/news/world-asia-china-50511063> [<https://perma.cc/LRN2-MFDP>].

47. Ramzy & Buckley, *supra* note 37.

Xinjiang.”<sup>48</sup> Despite the international pressure and media attention on the Chinese government to stop the use of the re-education camps for their ongoing human rights violations, the Chinese government has repeatedly expressed the urgent need for the camps and claimed that the “[e]ducation and training in Xinjiang is practiced in line with the spirit and requirements of the rule of law in China. It also reflects the ideas and principles of counter-terrorism and deradicalization as practiced by the international community.”<sup>49</sup> The Chinese government “rejected international criticism of the camps and described them as job-training centers that use mild methods to fight Islamic extremism. But the documents confirm the coercive nature of the crackdown in the words and orders of the very officials who conceived and orchestrated it.”<sup>50</sup> Moreover, Sayragul Sauytbay, an ex-employee in China’s detention camps in Xinjiang, has confirmed that “China has lied to the international community when it said these are not concentration camps, not prisons, and that they are teaching Muslims skills and trades.”<sup>51</sup>

While a Chinese ambassador still claims this is all “fake news,” another document leaked to the International Consortium of Investigative Journalists (“ICIJ”) confirms that the detainees were “indoctrinated and punished,” undermining China’s stance.<sup>52</sup> Despite the tremendous amount of evidence indicating the violations happening within the re-education camps, the Chinese government continues to deny such claims to cover up for its outrageous acts.<sup>53</sup> As discussed earlier, the lack of a universal definition of terrorism allows China to classify whomever they deem a threat to their sovereignty or power as a terrorist.<sup>54</sup> Additionally, based on the basic standard adopted by the FBI,<sup>55</sup> this case does not amount to neither international nor domestic level terrorism because of the lack of evidence to support the claim that the Uyghurs acted as an organized group in committing violent criminal acts to further a certain ideology in China or internationally.

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48. *Id.*

49. Vocational Education and Training in Xinjiang, *supra* note 22 at 5.

50. Ramzy & Buckley, *supra* note 37.

51. Matt Rivers & Lily Lee, *Former Xinjiang Teacher Claims Brainwashing and Abuse Inside Mass Detention Centers*, CNN (May 9, 2019, 11:52 PM), <https://www.cnn.com/2019/05/09/asia/xinjiang-china-kazakhstan-detention-intl/index.html> [https://perma.cc/R9AH-SHJG].

52. *Data Leak*, *supra* note 46.

53. *See infra* Part III.B.

54. *See supra* Part I.B.

55. *See supra* Part I.A.

### C. Human Rights Violations Within the Xinjiang Camps

The Chinese government is violating six human rights in the Xinjiang re-education camps: the right against torture and cruel, inhumane, and degrading treatment; the right against arbitrary deprivation of life; the right against arbitrary detention; the right against forced disappearances; the right against ethnic cleansing and genocide; and the right to privacy.

First, it is necessary to establish the law and the protection of these rights under the international treaties and conventions that China is a signatory party to. When a country becomes a signatory party to a treaty, the country assumes the obligations to respect, protect, and fulfill the human rights associated with that international treaty.<sup>56</sup> Even without being a signatory party, a country is still bound to follow customary law.<sup>57</sup> Since China is a signatory party and has ratified most of the important human rights treaties, such as the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (“CAT”),<sup>58</sup> the International Covenant on Civil and Political Rights (“ICCPR”),<sup>59</sup> the International Covenant on Economic, Social and Cultural Rights (“CESCR”),<sup>60</sup> the Convention on the Rights of the Child (“CRC”),<sup>61</sup> and the Convention on the Prevention and Punishment of the Crime of Genocide,<sup>62</sup> China is obligated to respect, protect, and fulfill their objectives.<sup>63</sup>

Next, this section discusses the evidence to support what is happening at these camps, leading to the human rights violations listed above.

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56. *What Are Human Rights?*, *supra* note 1.

57. *Genocide*, United Nations Off. on Genocide Prevention & Resp. to Prot., <https://www.un.org/en/genocideprevention/genocide.shtml> [<https://perma.cc/B2YM-E5D2>]; *Ratification Status for China*, United Nations Hum. Rts. Treaty Bodies: UN Treaty Body Database, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=en) [<https://perma.cc/M6XZ-K9HY>] (showing which treaties China has and has not ratified).

58. *Ratification Status for China*, *supra* note 57; G.A. Res. 39/46, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Dec. 10, 1984).

59. *Ratification Status for China*, *supra* note 57; G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966).

60. *Ratification Status for China*, *supra* note 57; G.A. Res. 2200A (XXI), *supra* note 58.

61. *Ratification Status for China*, *supra* note 57; G.A. Res. 44/25, Convention on the Right of the Child (Nov. 20, 1989).

62. *Ratification Status for China*, *supra* note 57; G.A. Res. 260 A (III), Convention on the Prevention and Punishment of the Crime of Genocide (Dec. 9, 1948).

63. *See Ratification Status for China*, *supra* note 57.

## 1. Torture and Cruel, Inhumane, and Degrading Treatment

The CAT defines torture as:

any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>64</sup>

Under the CAT, Article 2, “[e]ach State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction” and “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>65</sup> Article 7 of the ICCPR specifically provides, “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>66</sup>

Even though China is obligated to carry out the objectives of the CAT and the ICCPR, there has recently been a pattern of sexual torture, forced abortions and sterilizations, and rape within the Chinese re-education camps in Xinjiang carried out by the Chinese authorities against the Uyghur detainees.<sup>67</sup> A former detainee in the Chinese re-education camps, Mihrigul Tursun, said females are subjected to intrusive medical examinations; they are forced to take medication that causes bleeding and stops their menstruation.<sup>68</sup> Some women were sleep deprived, electrocuted, and interrogated for days in a row.<sup>69</sup> Prison cells were cramped with sixty women, where they had to take turns sleeping because there was not enough space to lay down.<sup>70</sup>

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64. G.A. Res. 39/46, *supra* note 58, art. 1.

65. *Id.* art. 2.

66. G.A. Res. 2200A (XXI), *supra* note 59, art. 7.

67. Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, Radio Free Asia (Oct. 30, 2019), <https://www.rfa.org/english/news/uyghur/abuse-10302019142433.html> [<https://perma.cc/TS5W-KRHT>]; see also Amie Ferris-Rotman et al., *China Accused of Genocide over Forced Abortions of Uighur Muslim Women as Escapees Reveal Widespread Sexual Torture*, Independent (Oct. 6, 2019, 10:47 PM), <https://www.independent.co.uk/news/world/asia/china-uyghur-muslim-women-abortion-sexual-abuse-genocide-a9144721.html> [<https://perma.cc/2DL4-HLJY>].

68. Maria Danilova, *Woman Describes Torture, Beatings in Chinese Detention Camp*, Associated Press (Nov. 26, 2018), <https://apnews.com/61cdf7f5dfc34575aa643523b3c6b3fe> [<https://perma.cc/23UT-PENK>].

69. *Id.*

70. *Id.*

They were also subjected to humiliation when forced to use the toilets under surveillance, violating their privacy.<sup>71</sup> Sayragul Sauytbay, a former employee inside one of China's sprawling camps in Xinjiang, also contends that females were subjected to continuous sexual abuse.<sup>72</sup> Another former detainee at the re-education camp in Xinjiang described how prisoners were kept in handcuffs and ankle cuffs for over twelve hours, waterboarded, and put into the "tiger chair," a metal torture device.<sup>73</sup> Sauytbay also stated that "[t]hose who cannot learn fast enough or meet daily goals are deprived of food. The food itself is so bad. For three meals they give rice porridge, one ladle of it, and one piece of bread," then she added that "darker methods of coercion were used."<sup>74</sup> She heard that injections and medication were given to the Uyghur inmates, and she claimed that "sometimes after inmates were inexplicably taken out of their cells, they'd come back appearing dazed and more pliable."<sup>75</sup> In addition, "people did not have the freedom to ask guards to use the toilet, or bucket, in another space. 'This is a fascist way of torturing people in the 21st century . . .'"<sup>76</sup>

Moreover, the authorities used psychological torture by making threats to family members. The leaked documents revealed there were scripted answers given to the students who went back for a break to visit their families in Xinjiang; the scripts required the authorities to keep the students quiet, and if the students asked about their families who were detained in the camps, the authorities were instructed to say that the families were "in a training school set up by the government."<sup>77</sup> Then "[s]tudents were to be told that their behavior could either shorten or extend the detention of their relatives."<sup>78</sup> So, the students could not ask more about their family members nor were they able to request to see family members, fearing that these demands would extend the detention time.

All of the methods that were used in the camps by the Chinese authorities violate the very definition of torture under Article 1 of the

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71. *Id.*

72. Rivers & Lee, *supra* note 51.

73. Simon Denyer, *Former Inmates of China's Muslim 'Reeducation' Camps Tell of Brainwashing, Torture*, Wash. Post (May 17, 2018, 6:45 AM), [https://www.washingtonpost.com/world/asia\\_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c\\_story.html](https://www.washingtonpost.com/world/asia_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c_story.html) [https://perma.cc/Q4VM-39LP].

74. Rivers & Lee, *supra* note 51.

75. *Id.*

76. *Id.*

77. Ramzy & Buckley, *supra* note 37.

78. *Id.*

CAT—which China is a party to—because they inflict severe physical and mental pain and suffering for the purpose of extracting information, punishment, intimidation, coercion, and discrimination against the Muslim minority group.<sup>79</sup> Therefore, these camps violate the basic human rights against torture and cruel, inhumane, and degrading treatment.

## 2. Arbitrary Deprivation of Life

Article 6 of the ICCPR states “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>80</sup> Freedom from arbitrary deprivations of life is one of the fundamental human rights that is protected under most human rights treaties, such as Article 4 of the American Convention on Human Rights, “[e]very person has the right to have his life respected. This right shall be protected by law, and in general, from the moment of conception. No one shall be arbitrarily deprived of his life.”<sup>81</sup> Also, under Article 4 of the African Commission on Human and Peoples’ Rights, “[h]uman beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”<sup>82</sup>

Historic examples of the deprivation of life in re-education camps are re-emerging now in the camps in China. Depriving the Uyghurs detainees of life is part of the Chinese government’s plan.<sup>83</sup> To justify the killings of the Uyghurs in the camps, the Chinese government portrayed them as extreme terrorists. For example, on April 30, 2014, Mr. Xi said, “People who are captured by religious extremism — male or female, old or young — have their consciences destroyed, lose their humanity and murder without blinking an eye.”<sup>84</sup> Following this, Radio Free Asia reported that a man died while held in an internment camp in northwest China’s Xinjiang region.<sup>85</sup> The Chinese authorities reported that he had a heart attack, but further investigation proved

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79. G.A. Res. 39/46, *supra* note 58, art. 1.

80. G.A. Res. 2200A (XXI), *supra* note 59, art. 6.

81. Organization of American States, American Convention on Human Rights art. 4, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123.

82. Organization of African Unity, African (Banjul) Charter on Human and Peoples’ Rights art. 4, June 27, 1981, 21 I.L.M. 58.

83. See Ramzy & Buckley, *supra* note 37.

84. *Id.*

85. Shohret Hoshur, *Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage*, Radio Free Asia (Oct. 28, 2019), <https://www.rfa.org/english/news/uyghur/beatting-10282019164142.html> [<https://perma.cc/VLY7-QB55>].

that he was beaten to death by the police.<sup>86</sup> According to Independent, Mr. Hamid Sabi, a lawyer who presented to the United Nations Human Rights Council the findings of the China Tribunal, an independent tribunal on allegations of forced organ harvesting, described findings that “the commission of crimes against humanity against the [Uyghurs] had been proven ‘beyond reasonable doubt.’”<sup>87</sup> The tribunal was chaired by Sir Geoffrey Nice QC, who heard evidence from “investigators, medical experts, and witnesses. [He] concluded that . . . China had been extracting organs from, and thereby killing, members of [a spiritual group]” and the Uyghurs.<sup>88</sup> He added, “[d]etainees were ‘killed to order . . . cut open while still alive for their kidneys, livers, hearts, lungs, cornea and skin to be removed and turned into commodities for sale.’”<sup>89</sup>

These organ harvesting practices lead to prisoners’ deaths. The prisoners there “are used as mass organ ‘banks,’ where medics inspect the toll of dead prisoners and help themselves to useful parts from recently murdered human beings.”<sup>90</sup> Re-education camps were originally intended to eradicate radical ideologies by teaching extremists a moderate understanding of their beliefs, not as torture camps that subject people to cruelty and even death.<sup>91</sup> Under no circumstances should killing within re-education camps be justified or permitted.

### 3. Arbitrary Detention

Article 9 of the Universal Declaration of Human Rights<sup>92</sup> and the ICCPR<sup>93</sup> recognize freedom from arbitrary detention. Article 9 of the ICCPR states, “[e]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.”<sup>94</sup>

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86. *Id.*

87. Adam Withnall, *China Is Killing Religious and Ethnic Minorities and Harvesting Their Organs, UN Human Rights Council Told*, Independent (Sept. 24, 2019, 10:22 AM), <https://www.independent.co.uk/news/world/asia/china-religious-ethnic-minorities-uyghur-muslim-harvest-organs-un-human-rights-a9117911.html> [<https://perma.cc/BM8K-YEXL>].

88. *Id.*

89. *Id.*

90. Nabila Ramdani, *While China Harvests Human Organs from Its Persecuted Minorities, Britain Is Staying Silent to Protect Free Trade*, Independent (Sept. 25, 2019, 5:21 PM), <https://www.independent.co.uk/voices/china-religious-ethnic-minorities-organ-harvesting-uyghur-muslims-falun-gong-brexita9120146.html> [<https://perma.cc/6GAZ-7CP5>].

91. *See supra* Part II.

92. G.A. Res. 217 (III)A, Universal Declaration of Human Rights art. 9 (Dec. 10, 1948).

93. G.A. Res. 2200A (XXI), *supra* note 59, art. 9.

94. *Id.*

This right is not being honored in China's concentration camps. Kayrat Samarkand, a former detainee, said that his only crime, for which he was arrested and interrogated for days, was visiting the neighboring country Kazakhstan.<sup>95</sup> When he returned to China, he was arrested and dispatched to a re-education camp in Xinjiang.<sup>96</sup>

A re-education camp in the village of Karamagay contains around five thousand and seven hundred detainees, but only “[a]bout 200 were suspected of being ‘religious extremists,’ he said, but others had been abroad for work or university, received phone calls from abroad, or simply had been seen worshipping.”<sup>97</sup> These detainees were not given trials nor granted access to legal representation.<sup>98</sup> Men are being stopped by authorities, having their passports taken away, sent to jail, and then to re-education camps without explanation of the charges or the situation.<sup>99</sup> According to Human Rights Watch (“HRW”), “authorities are holding people at these ‘political education’ centers not because they have committed any crimes, but because [the Chinese government] deem[s] them politically unreliable,” and people who were sent to the Xinjiang camps were never presented with a warrant.<sup>100</sup>

This is a very dangerous and misleading strategy because governments could label whomever they like as “politically unreliable” or as a threat, which leads to the arbitrary detention and torture of innocent people. For instance, the New York Times released leaked files from the Chinese government that Mr. Chen Quanguo, who was newly elected to the Xinjiang region, “issued a sweeping order: ‘Round up everyone who should be rounded up.’ The vague phrase appears repeatedly in internal documents from 2017.”<sup>101</sup> Page five of the leaked documents repeats the phrase “[i]f they’re there, round them up.”<sup>102</sup>

In the same documents, there are scripts and prepared written lines to be given to people who are looking for their detained families. Page eight of the leaked documents has a “model answer for how to respond to students who ask of their detained relatives, ‘Did they com-

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95. Denyer, *supra* note 73.

96. *Id.*

97. *Id.*

98. *Id.*

99. See Special Correspondent, *supra* note 33.

100. *China: Free Xinjiang ‘Political Education’ Detainees*, Hum. Rts. Watch (Sept. 10, 2017, 9:00 PM), <https://www.hrw.org/news/2017/09/10/china-free-xinjiang-political-education-detainees#> [<https://perma.cc/B4ZF-GGF3>].

101. Ramzy & Buckley, *supra* note 37.

102. *Id.*

mit a crime?’”<sup>103</sup> The document further instructs officials to say that they did not, “‘It is just that their thinking has been infected by unhealthy thoughts.’”<sup>104</sup> Sayragul Sauytbay, a former employee inside one of China’s sprawling network in Xinjiang, said, “I knew that all people there were not guilty of anything . . . . I could do nothing to help them avoid suffering. That’s why I decided that one day I would publicize what’s happening there.”<sup>105</sup> All this evidence supports the claim that the Chinese government detained innocent people without any charges or due process. The British Broadcasting Company also confirmed that millions of people in these camps were kept detained without trial.<sup>106</sup>

Contrary to the Chinese government’s claims, these violations on the prohibition of arbitrary detention could be avoided without jeopardizing the country’s security by granting prisoners due process of law. Appointing lawyers to the detainees, providing fair trials, issuing legitimate warrants, and explaining the charges against them would resolve the issue of violating the right to be free from arbitrary detention.

#### 4. Forced Disappearances

Forced disappearances are prohibited under Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance. It provides: “1) No one shall be subjected to enforced disappearance; 2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.”<sup>107</sup>

However, today in Xinjiang large numbers of people are being randomly separated from their families and forced into re-education camps.<sup>108</sup> Iman, a former detainee, was told he would be transported to jail for investigation with no explanation of the situation or the charges.<sup>109</sup> Iman asked to contact his family to inform them that he was safe, or for the police to inform his family on his behalf, but his

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103. *Id.*

104. *Id.*

105. Rivers & Lee, *supra* note 51.

106. *Data Leak*, *supra* note 46.

107. G.A. Res. 61/177, International Convention for the Protection of All Persons from Enforced Disappearance art. 1 (Jan. 12, 2007).

108. Special Correspondent, *supra* note 33.

109. *Id.*

requests were denied.<sup>110</sup> Giving no notice to any members of his family, the Chinese authorities detained Iman in jail for nine days, then transported him in cuffs to Xinjiang's camp.<sup>111</sup> In Xinjiang, children also witnessed their parents being taken away by the authorities, and "officials were directed to tell people who complained to be grateful for the Communist Party's help and stay quiet."<sup>112</sup> Students who came back to China to visit their families said that "their parents were gone, relatives had vanished and neighbors were missing — all of them locked up in an expanding network of detention camps built to hold Muslim ethnic minorities."<sup>113</sup>

These violations are exacerbated because families and NGOs are not permitted contact with the detainees in the camps, nor is any information given as to the whereabouts of the camp or the length of the detention.<sup>114</sup> If there is an arrest, or someone is being sent to prison, the police or the authorities should immediately inform the individual's family and provide access to them. Without these methods, violating such a fundamental right becomes easy and detainees disappear with no trace. In most cases, the effect of these disappearances goes beyond the prisoners themselves and affects prisoners' families, most of whom depended on their detained relatives for survival.<sup>115</sup>

## 5. Genocide

These violations also fall within the definition of genocide under international law. All one-hundred and forty-nine States that have ratified the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention") and the International Court of Justice stated that the principles in the convention are considered general customary international law.<sup>116</sup> Therefore, whether or not China has ratified the Genocide Convention, it would still be bound under international law.<sup>117</sup> Under Article II of the Genocide Convention, genocide means any of the following acts committed with intent

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110. *Id.*

111. *Id.*

112. Ramzy & Buckley, *supra* note 37.

113. *Id.*

114. See *Eradicating Ideological Viruses*, *supra* note 33; see also Sigal Samuel, *Internet Sleuths Are Hunting for China's Secret Internment Camps for Muslims*, Atlantic (Sept. 15, 2018), <https://www.theatlantic.com/international/archive/2018/09/china-internment-camps-muslim-ughurs-satellite/569878/> [<https://perma.cc/RY2E-2WPC>].

115. See *Eradicating Ideological Viruses*, *supra* note 33.

116. *Genocide*, *supra* note 57.

117. *Id.*; *Ratification Status for China*, *supra* note 57.

to destroy, in whole or in part, a national, ethnical, racial, or religious group:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>118</sup>

As explained in the previous sections, China engaged in each of these acts by targeting the Uyghurs. The Chinese government's leaked documents indicate "references to plans to extend restrictions on Islam to other parts of China," which prove that these re-education camps and the crackdown in Xinjiang are not related to an imminent terrorist threat.<sup>119</sup> For decades the Chinese government has sought to suppress the Uyghur's resistance in Xinjiang, and the recent crackdown is the new policy course to achieve that.<sup>120</sup> China claims that this new crackdown is to prevent terrorism, but "[t]he action is part of a larger campaign by Chinese leader Xi Jinping to promote Han nationalism as a unifying force."<sup>121</sup>

China subjects the detainees in the camps to extreme torture and organ harvesting, causing serious injuries that are leading to their deaths. Mr. Sabi, who presented the findings of the China Tribunal to the UN said that "the targeting of minority groups for organ harvesting amounted to a 'possible charge of genocide', and compared it to other examples of mass religious or racial persecution in recent history."<sup>122</sup> They have forced detained women into intrusive medical examinations, forced abortions, and sterilization to prevent births within the group.<sup>123</sup> Uyghur "children in orphanages are given new identities, and women are forced to marry Chinese men against their will . . . with the aim . . . to wipe out Uyghur culture" and to renounce their religion and identity.<sup>124</sup> Inmates in the Xinjiang re-education camps "undergo months or years of indoctrination and interrogation aimed at transforming them into secular and loyal supporters of the

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118. G.A. Res. 260 A (III), *supra* note 62, art. II.

119. Ramzy & Buckley, *supra* note 37.

120. *Id.*

121. Shiel & Chavkin, *supra* note 31.

122. Withnall, *supra* note 87.

123. Hoja, *supra* note 67; Rotman & Toleukhan, *supra* note 67.

124. *Uyghur in China*, *supra* note 32.

[Communist] party.”<sup>125</sup> This mass eradication of the Uyghur identity was confirmed by Ben Emmerson, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and a leading human rights lawyer and an adviser to the World Uyghur Congress. He said:

the camps were trying to change people’s identity. “It is very difficult to view that as anything other than a mass brainwashing scheme designed and directed at an entire ethnic community. It’s a total transformation that is designed specifically to wipe the Muslim Uyghurs of Xinjiang as a separate cultural group off the face of the Earth.”<sup>126</sup>

Moreover, a senior fellow in China studies at the Victims of Communism Memorial Foundation, Adrian Zenz, wrote that “[m]ore than any other government document pertaining to Beijing’s extralegal campaign of mass internment, the Karakax List lays bare the ideological and administrative micromechanics of a system of targeted cultural genocide that arguably rivals any similar attempt in the history of humanity.”<sup>127</sup> With all these testimonies and the definition of genocide in mind, it becomes clear that all the violations at Chinese re-education camps amount to a violation of the Genocide Convention. It seems evident from all these actions that the Chinese government is targeting the Uyghurs in a systematic way with an intent to wipe them and their identity out, an act prohibited by the treaty.<sup>128</sup>

## 6. Surveillance

The right to privacy is a fundamental human right that is protected under Article 17 of the ICCPR.<sup>129</sup> Article 17 states that “1. No one shall be subjected to arbitrary or unlawful interference with his privacy . . . . 2. Everyone has the right to the protection of the law against such interference or attacks.”<sup>130</sup> As mentioned, China is a party to the ICCPR and should abide by it.<sup>131</sup> However, the leaked documents indicate that China engages in:

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125. Ramzy & Buckley, *supra* note 37.

126. *Data Leak*, *supra* note 46.

127. Editorial Board, *Opinion: How China Corralled 1 Million People into Concentration Camps*, Wash. Post (Feb. 29, 2020, 4:30 AM), [https://www.washingtonpost.com/opinions/global-opinions/a-spreadsheet-of-those-in-hell-how-china-corralled-uyghurs-into-concentration-camps/2020/02/28/4daeca4a-58c8-11ea-ab68-101ecfec2532\\_story.html](https://www.washingtonpost.com/opinions/global-opinions/a-spreadsheet-of-those-in-hell-how-china-corralled-uyghurs-into-concentration-camps/2020/02/28/4daeca4a-58c8-11ea-ab68-101ecfec2532_story.html) [https://perma.cc/MJZ5-QFM3].

128. G.A. Res. 260 A (III), *supra* note 62, arts. I-II.

129. G.A. Res. 2200A (XXI), *supra* note 59, art. 17.

130. *Id.*

131. *Ratification Status for China*, *supra* note 57.

mass surveillance and a predictive-policing programme that analyzes personal data. One document shows how the system flagged 1.8m people simply because they had a data sharing app called Zappya on their phone. The authorities then ordered the investigation of 40,557 of them “one by one.” The document says “if it is not possible to eliminate suspicion” they should be sent for “concentrated training.”<sup>132</sup>

The authorities did not limit the surveillance to electronic data and devices but also “biometrics from DNA to voice samples.”<sup>133</sup> These acts clearly violate the basic expectation of privacy. Such mass surveillance leads to arbitrary detentions because the criteria for detecting a real threat is not clear, thus everything and anything can be labeled a threat. Therefore, protecting the right to privacy does not just guarantee one human right but connects to other fundamental human rights as well.

#### IV. Saudi Arabia’s Mostly Successful Use of Re-education Camps to Counter Terrorism

The discussion in this section represents a more positive, albeit reserved, example where Saudi Arabia resorted to re-education camps as a tactic in countering terrorism. In the past few years the Saudi Arabian government resorted to a new “softer” approach to counter terrorism through re-education camps, “focusing on the deradicalization of convicted jihadist militants.”<sup>134</sup> However, in Saudi Arabia, they call the re-education camps “the Family House, and it feels like a boutique hotel.”<sup>135</sup> The program was established by Assistant Interior Minister Prince Muhammad bin Nayef and run with the help of the Advisory Committee.<sup>136</sup> These re-education camps are only used for convicted radical individuals, rather than ambiguously detaining entire ethnic groups or populations.<sup>137</sup> Inmates first express certain radical ideologies and beliefs before being enrolled into the re-education programs since the purpose of this program is to persuade the inmates to gain a moderate, true, and accurate meaning of their relig-

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132. *Data Leak*, *supra* note 46.

133. Maya Wang, *More Evidence of China’s Horrific Abuses in Xinjiang but Little Action Holding Beijing Accountable*, Hum. Rts. Watch (Feb. 20, 2020, 1:32 PM), <https://www.hrw.org/news/2020/02/20/more-evidence-chinas-horrific-abuses-xinjiang#> [<https://perma.cc/6VAD-BSAG>].

134. Casptack, *supra* note 19.

135. Ben Hubbard, *Inside Saudi Arabia’s Re-education Prison for Jihadists*, N.Y. Times (Apr. 9, 2016), <https://www.nytimes.com/2016/04/10/world/middleeast/inside-saudi-arabias-re-education-prison-for-jihadists.html> [<https://perma.cc/WTM7-DBXN>].

136. Casptack, *supra* note 19.

137. *Id.*

ion, which is inherently non-violent and non-radical.<sup>138</sup> In one of the programs, ninety percent of the participants had renounced their radical views and many had been released from the camps.<sup>139</sup>

The broad scope of the program is what makes these re-education camps in Saudi Arabia successful,<sup>140</sup> contrary to the Chinese camps. Different programs run simultaneously and thoroughly, “targeting individuals’ religious convictions, psychological states, socio-economic positions, family groups, and even romantic lives” complimented by surveillance after release. Through these programs “the Saudi government [was] able to reshape all aspects of the detainees’ lives, offering them a complete break with their jihadist pasts.”<sup>141</sup> The programs have different stages starting with counseling (“Munasahah” in Arabic) by Islamic clerics and religious re-education; then experts analyze the behavior of the inmates and provide therapy as needed, allowing prisoners to enjoy art, sports courses, and vocational training.<sup>142</sup> The Saudi government also gives tremendous support to inmates’ families while they are in detention since their family will take responsibility for them after their release.<sup>143</sup> In his report after his visit to Saudi Arabia, Ben Emmerson commended the efforts of the Saudi Arabian government with its “concerted action combining social, political, and economic assistance and integration”; he was “impressed by the conditions of detention” in some prisons and “with the professional, evidence-based, and imaginative rehabilitation and reintegration programs designed in the Mohammed Bin Naif Counselling and Care Centre.”<sup>144</sup> He added, “[t]his facility houses prisoners convicted of terrorism . . . and provides them with a range of alternative life skills, from psychotherapy, to professional training and religious instruction, which are designed to offer a counter-narrative to radicalization.”<sup>145</sup> Mr. Emmerson also reported that:

The standard of care, and the conditions of detention in these facilities, including medical, vocational training and recreational facilities, appeared above the norm. Generous provision is made for family and conjugal visits, and prisoners are encouraged to remain close to their families. Saudi Arabia can rightly be proud of the rehabilitative nature of the facilities in which it houses certain pris-

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138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

143. *Id.*

144. *Visit to Saudi Arabia Report*, *supra* note 14, at ¶¶ 56–57.

145. *Id.* ¶ 57.

oners accused of terrorism . . . Its methodology deserves the attention of other States.<sup>146</sup>

Even though the Saudi re-education program is difficult to replicate due to its significant financial cost,<sup>147</sup> governments in Southeast Asia, North Africa, and the United States have adopted the Saudi model, “acknowledging the importance of gaining the trust and respect of the prisoners and focusing on all aspects of their lives, particularly their relationships with family and friendships.”<sup>148</sup> However, despite “the program’s ostensibly high success rate [in Saudi Arabia] . . . it has proven unable to rehabilitate the most radical and dangerous militants.”<sup>149</sup> Those ten percent “hard-core militants with entrenched deviant beliefs . . . are likely to refuse to cooperate with the rehabilitation process, dismissing the clerics as having been co-opted by the West-aligned Saudi government; as a result, they are probably beyond the reach of any deradicalization program.”<sup>150</sup> These individuals remain in detention to serve out their sentences and likely won’t be released, which means that “the effectiveness of the rehabilitation campaign is limited mainly to minor offenders and jihadist supporters and sympathizers who may already be looking for a way out of jihadism . . . .”<sup>151</sup>

There are no released statistics regarding recidivism, but some Saudi officials say the rate is low.<sup>152</sup> There are some graduates of the program who returned to militancy, some of which have used bombs to blow others and themselves up for radical agendas.<sup>153</sup> This shows that, even “successful” re-education camps cannot stop terrorism completely, and so they should be used in a strategic and careful manner with controlled methods and programs to yield desirable results.

## Recommendations and Conclusion

Re-education camps are easily exploited as a counterterrorism tactic to violate human rights. When an alleged terrorist’s human rights are violated, the public justifies this violation by rationalizing that it is better to eradicate a potential terrorist to protect national security than afford them the rights they are owed.

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146. *Id.*

147. Casptack, *supra* note 19.

148. *Id.*

149. *Id.*

150. *Id.*

151. *Id.*

152. Hubbard, *supra* note 135.

153. *Id.*

China has classified a whole population of ethnic Muslims, the Uyghurs, as terrorists to enforce its decades-long crackdowns as counterterrorism. The Chinese authorities are violating many of the conventions and treaties to which China is a party. Within the Xinjiang re-education camps, the Chinese authority has committed mass genocide against the Uyghurs, including atrocities such as organ harvesting, torture, and other degrading treatments. It forced people into camps and detentions without due process of law or fair procedures. All this was misleadingly disguised under the name of counterterrorism to protect national security.

In contrast, under the same name of counterterrorism, Saudi Arabia has shown that there are ways to accomplish this goal with re-education camps without jeopardizing the country's security or individual detainees' human rights. Using small scale operations with clear objectives and methods that can be evaluated for success has proven more effective in eradicating terrorism than random mass-incarceration of individuals without reasonable grounds. Saudi Arabia shows that re-education camps can be a legitimate method in a nation's counterterrorism program, but that these can only work when properly run and regulated.

Therefore, following Saudi Arabia's lead, making the Chinese re-education camps transparent and open to families, NGOs, and others would help increase the effectiveness of these programs because prisoners would not be deprived of their families and connection to the world. It would also prevent at least some human rights violations because NGOs and other agencies would be able to observe what goes on in the facilities, promoting accountability. Therefore, re-education camps as a tactic in countering terrorism should be heavily regulated by international guidelines and standards to protect human rights.

Finally, to mitigate or prevent the exploitation of re-education camps, international bodies, such as The Human Rights Council, should set clear guidelines and controlled methods and practices for governments that choose to use re-education camps as a tactic in countering terrorism and encourage States to follow such guidelines. Moreover, the States should release detailed data of approaches, curriculums, programs, and methods used at the camps; ensure all current established camps to be more transparent with easy access for monitoring; limit all current camps to clear, short periods of time and purpose; eliminate mass detention at current camps; release the individuals held there who are not convicted; and only detain previously convicted terrorists or extremists.