

Tom Lantos Human Rights Commission Hearing, and
Congressional-Executive Commission on China

Hearing
on
China, Genocide and the Olympics

May 18, 2021- 1:00 p.m.
Virtual, via WebEx

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China's Genocide in Xinjiang / East Turkistan Must be Punished Under the Genocide Convention of 1948; The 2022 Olympics in Beijing Must Be Moved or Boycotted

In January [2021], the world marked International Holocaust Remembrance Day. On this annual day of commemoration, the United Nations urged every country to honor the six million Jewish victims of Nazi genocide by developing programs to prevent future genocides. In a UN ceremony, American and European leaders joined Holocaust survivors in conveying the urgent responsibility to remember the Holocaust by defending the truth – now more than ever. For the last 76 years, we have committed to “never again” permit genocide to happen on our watch.

But it's happening – right now.

With these words Ellie Cohanin (Deputy Special Envoy to Monitor and Combat Anti-Semitism at the United States Department of State) and Keith Krach (former Under Secretary of State for Economic Growth, Energy and the Environment) open their Opinion piece, published in *Newsweek*, entitled, “The Chinese Communist Party is Committing Genocide. Now. You can Stop It.”¹

The reference to the Holocaust is apt, especially considering that in 1936, the Olympic Games were held in Berlin, Germany. Predictably, they proved to be an enormous propaganda windfall for Adolf Hitler's Third Reich, affording it unwarranted international prestige, legitimacy and credibility. Arguably, these benefits served as a smokescreen for the horrific crimes against humanity that the Nazi regime subsequently unleashed in its genocidal Holocaust against six million Jews and in the course of the world war Hitler precipitated.

¹ The Chinese Communist Party Is Committing Genocide. Now. You Can Stop It. Keith Krach and Ellie Cohanin. 3/17/21. <https://www.newsweek.com/chinese-communist-party-committing-genocide-now-you-can-stop-it-opinion-1576333#>

Today, we are confronting another totalitarian regime actively engaging in another genocide. We must not make the mistake again of allowing a genocidal regime to glory in hosting the world's most prestigious international event. Indeed, as a signatory of the Genocide Convention of 1948, the United States cannot allow this to happen.

The Chinese Communist Party (“CCP”) Is Committing Genocide Against Ethnic Minorities in Xinjiang

On his last full day in office, Secretary of State Michael Pompeo issued an official determination that the Chinese Communist Party “has committed **crimes against humanity** against the predominantly Muslim Uyghurs . . .” as well as “**genocide.**”

Former [Sec. Pompeo’s Statement](#) sets forth the CCP’s crimes against the Uyghurs, including widespread arbitrary imprisonment, forced abortion, forced sterilization, forced labor, draconian restrictions on freedom of religion, and torture. He concludes, “. . . we are witnessing the systematic attempt to destroy Uyghurs by the Chinese party-state.”²

Current Secretary of State Antony Blinken has confirmed this genocide determination.³

The abuse of the Uyghurs by the CCP fulfills every element of the crime of Genocide⁴, under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”)⁵ and the Rome Statute.⁶ Article II of the Genocide Convention states:

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (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.**

The CCP is committing not just one, but all five of these acts of genocide.⁷

² Determination of the Secretary of State on Atrocities in Xinjiang. January 19, 2021. <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>, p. 3.

³ Blinken Names and Shames Human Rights Abusers. Colm Quinn, March 31, 2021. <https://foreignpolicy.com/2021/03/31/blinken-uyghur-china-human-rights-report/>

⁴ First Independent Report into Xinjiang Genocide Allegations Claims Evidence of Beijing’s ‘Intent to Destroy’ Uyghur People. Ben Wescott and Rebecca Wright. March 9, 2021. <https://www.cnn.com/2021/03/09/asia/china-uyghurs-xinjiang-genocide-report-intl-hnk/index.html>

⁵ The Legal Definition of Genocide. <http://www.preventgenocide.org/genocide/officialtext-printerfriendly.htm>

⁶ Article II of the Genocide Convention was included without change as Article 6 of the 1998 Rome Statute of the International Criminal Court. <http://www.preventgenocide.org/genocide/officialtext-printerfriendly.htm> at p. 3.

There has been some dispute as to whether the CCP has exhibited the “*intent* to destroy, in whole or in part,” the Uyghurs. I believe they have, for two reasons. First, their rhetoric reveals this intent. According to Sec. Pompeo’s Genocide Determination:

[Chinese Communist] Party apparatchiks . . . are delivering far darker messages to their own people, portraying Uyghurs as “malignant tumors,” comparing their faith to a “communicable plague,” and exhorting the Party faithful to implement a *crushing blow*, telling them “you can’t uproot all the weeds hidden among the crops in the field one-by-one; *you need to spray chemicals to kill them all.*”⁸

Second, intent need not be stated, but “more often, it must be inferred from a systematic pattern of coordinated acts.”⁹

Remedies: The Genocide Convention *Requires* the “Prevention and Punishment” of the CCP’s Genocide

Whether the CCP’s acts against the Uyghurs are “crimes against humanity” or “genocide” is more than difference in semantics. The fact that these acts constitute genocide brings into effect the requirements and remedies of the Genocide Convention. Specifically, Article 1 of the Convention states, “The Contracting Parties confirm that genocide, whether committed in time of peace or time of war, **is a crime under international law which they undertake to prevent and to punish.**” As a Contracting Party, the United States has committed itself to “prevent and punish” those committing genocide. So have the other signatories the world over. A global boycott of the “Genocide Games” in Beijing should be just the beginning of this punishment.

Further, under Article VIII, “Any Contracting Party may call upon . . . the United Nations to take such action . . . as they consider appropriate for the prevention and suppression of acts of genocide . . .” The United States and other Contracting Parties should launch an initiative at the United Nation to punish the CCP for its genocide and prevent further acts of genocide.

The CCP disputes that it is committing genocide, activating Article IX: “Disputes between the Contracting Parties relating to the interpretation . . . of the present Convention . . . shall be

⁷ The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention. March, 2021. <https://newlinesinstitute.org/uyghurs/the-uyghur-genocide-an-examination-of-chinas-breaches-of-the-1948-genocide-convention/>; Sterilizations, IUDs, and Mandatory Birth Control: The CCP’s Campaign to Suppress Uygur Birthrates in Xinjiang. Adrian Zenz. June, 2020. <https://jamestown.org/product/sterilizations-iuds-and-mandatory-birth-control-the-ccps-campaign-to-suppress-uyghur-birthrates-in-xinjiang/>; Xinjiang Hospitals Aborted, Killed Babies Outside Family Planning Limits: Uyghur Obstetrician. August 17, 2020. <https://www.rfa.org/english/news/uyghur/abortions-08172020144036.html>. China Cuts Uighur Births with IUDs, Abortion, Sterilization. June 29, 2020. <https://apnews.com/article/ap-top-news-international-news-weekend-reads-china-health-269b3de1af34e17c1941a514f78d764c>

⁸ Determination of the Secretary of State on Atrocities in Xinjiang. January 19, 2021. <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang/index.html>, p. 2. (Emphasis added.)

⁹ The Legal Definition of Genocide (Including Discussion and Key Terms) <http://www.preventgenocide.org/genocide/officialtext-printerfriendly.htm>

submitted to the International Court of Justice at the request of any of the parties to the dispute.” Thus, the United States and other Contracting Parties can call upon the the International Court of Justice to decide on the dispute between the U.S. and the CCP as to whether the CCP is committing genocide.

Domestically, under Article V, the United States has agreed “to enact . . . necessary legislation to give effect to the provisions of the present Convention, and in particular, to provide effective penalties for persons guilty of genocide . . .” Opposing the CCP’s genocide in Xinjiang is an issue that has received powerful bipartisan support, which can be summoned to enact further legislation to give teeth to our opposition to genocide.

The Olympics Should Be Moved or Boycotted.

On April 15, 2021, more than 100 leaders associated with national security, human rights and faith organizations signed an [Open Letter](#)¹⁰ to the leadership of the United States Olympic and Paralympic Committee (formerly the “USOC,” now the “USOPC”) urging it to press for the 2022 Winter Games to be held in a venue other than Beijing, China, in light of the Chinese Communist Party’s ongoing genocide and crimes against humanity. If a “Freedom Games” venue cannot be offered as an alternative to the “Genocide Games,” we have called for a boycott. As co-author and a primary signatory on that letter, I ask that it be entered into the Congressional Record.

While we did not receive a direct answer from the USOPC, I believe we received an indirect answer. Sarah Hirshland, CEO of the USOPC to Congress, [wrote in a letter](#) to Congress, obtained by *Politico*¹¹, that the United States should not boycott the Games. She acknowledges that those who have called for a boycott “have raised valid concerns about China’s conduct, including the oppression of the Uyghur population which the United States has designated a genocide.” At the same time, she asserts, “an athlete boycott of the Olympic and Paralympic Games is not the solution to geopolitical issues.”

This assertion ignores the fact that human rights in China have seriously deteriorated since they hosted the 2008 Summer Olympics in Beijing. Since that time, not only has the CCP committed genocide against the Uyghurs and other ethnic minorities in Xinjiang. It has also committed egregious human rights abuses in Tibet and Hong Kong, employed the world’s most repressive “surveillance state,” complete with a “social credit system” to ensure submission, become one of the world’s worst persecutors on the basis of religion, practiced forced organ harvesting, continued its practices of systematic forced abortion and sterilization under the One and Two

¹⁰ Open Letter to the United States Olympic Committee, April 15, 2021, primary signatories, Brian Kennedy, Chairman, [Committee on the Present Danger: China](#), and Reggie Littlejohn, Founder and President, [Women’s Rights Without Frontiers](#), and 110 additional signatories. <https://genocidegames.org/>

¹¹ Politico has provided the letter via PDF, which can be accessed by searching with the terms, “Politico Sarah Hirshland.”

Child Policies, has one of the world's worst records for human trafficking and sexual slavery, and despoiled the environment.

The USOPC's statement also ignores the inconvenient truth that signatories to the Genocide Convention are *obligated* to prevent and punish those committing genocide, as discussed above.

China Should Be Banned From Participation in the Olympics.

South Africa was banned from the Olympics in 1964 to 1988 because of its practice of apartheid.¹² Likewise, the International Olympic Committee should express the disapproval of the CCP's genocide and other crimes against humanity by banning China from the Olympics.

The CCP is a Transnational Criminal Organization¹³

In addition to the hideous abuses to which the CCP has subjected the long-suffering Chinese people and the captive nations under its boot, it is also spreading its aggressive contagion all over the world. The CCP is relentless in advancing its own interests at the cost of others. It is threatening Taiwan and aggressively pursuing control of the South China Sea. It unleashed Covid-19 on the world, concealing its knowledge of human to human transmission and pushing international travel while locking down internal domestic travel, costing millions of lives worldwide and more than half a million in the United States alone.¹⁴ The CCP is practicing "debt trap diplomacy" through its "Belt and Road" initiative.¹⁵ It is flooding the United States with deadly fentanyl.¹⁶

It is time to call the CCP what it is: a transnational criminal organization. The world should treat the CCP as a Pariah State, breaking all diplomatic and economic ties.

Conclusion

The 2020 Olympic Charter states, "The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned

¹² 1964: South Africa Banned from the Olympics
http://news.bbc.co.uk/onthisday/hi/dates/stories/august/18/newsid_3547000/3547872.stm
Apartheid-Era South Africa and the Olympics
https://en.wikipedia.org/wiki/Apartheid-era_South_Africa_and_the_Olympics

¹³ It's Time to Designate the Chinese Communist Party a Transnational Criminal Organization. Frank Gaffney. December 4, 2020.
<https://centerforsecuritypolicy.org/its-time-to-designate-the-chinese-communist-party-a-transnational-criminal-organization/>

¹⁴ How China Locked Down Internally for Covid-19 but Pushed Foreign Travel. Sandip Sen. April 30, 2020.
<https://economictimes.indiatimes.com/blogs/Whathappensif/how-china-locked-down-internally-for-covid-19-but-pushed-foreign-travel/>

¹⁵ How China's Belt and Road Became a Global Trail of Trouble. Wade Shepard, January 29, 2020.
<https://www.forbes.com/sites/wadeshepard/2020/01/29/how-chinas-belt-and-road-became-a-global-trail-of-trouble/?sh=45f2f965443d>

¹⁶ Fentanyl and Geopolitics: Controlling Opioid Supply from China. Vanda Felbab-Brown. July 22, 2020.
<https://www.brookings.edu/research/fentanyl-and-geopolitics-controlling-opioid-supply-from-china/>

with the preservation of human dignity.” Honoring arguably the greatest human rights abuser in the world with the privilege of hosting the Olympics runs directly counter to the Olympic Charter. Holding the Games in Beijing does a tremendous disservice to athletes, as well as to those suffering under the totalitarian fist of the CCP. The least we can do is move or boycott the Olympics.