

China's Counter-Terrorism Policies in Xinjiang: Definitions and Methods

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Abstract

The 9/11 terrorist attack on New York, as Joshua D. Zelman wrote, generated a legislative wildfire¹ among the governments of the world in order to prevent and eradicate further terrorist strikes. China has not been immune from this wildfire as the 9/11 attack made the leaders of the People's Republic of China (PRC) realize that their country had to adapt to the global counter-terrorism legislation. In the following years, special attention was paid to the Xinjiang Uyghur Autonomous Region (XUAR) as China's problems with terrorism were largely isolated in this region. This study therefore aims to analyze the methods with which the PRC has remedied this political deficiency and the terminological definitions used by the Chinese government regarding this problem, focusing the attention on the last two decades with a particular look at the implications that this event created for China's counter-terrorism policies.

Keywords: China, Terrorism, Law, Uyghurs, Xinjiang

Introduction

China's counter-terrorism policies focus primarily on the activities of the Chinese Uyghur ethnic minority and represent a complex approach for the Chinese government to manage religious and ethnic tensions in the Xinjiang region as according to a 2021 census, the Uyghur minority accounts for about 45 per cent of the XUAR population, while the rest of the muslim population is represented by other ethnic minorities such as the Kazakhs, the Hui and others who account for about 13 per cent of the population of the area. The rest of the ethnic minority of the region is part of the Han ethnic group which account for 42 per cent of the total².

The Uyghurs are ethnically Turkic and many follow a form of Sunni Islam and according to scholars, many of them consider the Xinjiang region as their spiritual homeland of "East Turkistan" or "Uyghurstan"³. The group has also experienced a large diaspora throughout Central Asia in recent decades, particularly in Kazakhstan, Uzbekistan, Kyrgyzstan and Turkey, that's because the group identify more closely with the languages, cultures and religion of Turkey and Central Asia than with the ones of China and because of that many Uyghurs have resisted China's many attempts of assimilation⁴.

For the Chinese administrative system, the Xinjiang region counts as autonomous region that is equivalent to the rank of a province such as Sichuan and Guangxi, but although it is

¹ Joshua D. Zelman, *Recent Developments in International Law: Anti-Terrorism Legislations – Part One: An Overview*, Journal of Transnational Law and Policy 11, no. 1 (Fall 2001): 184.

² Main Data of Xinjiang Uygur Autonomous Region from the Seventh National Population Census, 16 June 2021, <https://www.fmprc.gov.cn/ce/cgtrt/eng/news/t1884310.htm>, last accessed 11 March 2022.

³ Gardner Bovingdon, *The Uyghurs: Strangers in their Own Land*, pp. 28-30, New York, Columbia University Press, 2010.

⁴ Raffaello Pantucci, hearing for the U.S-China Economic and Security Review Commission, *Looking West: China and Central Asia*, pp. 33-41, 114th Congress, First Session, 18 March 2015.

not very populated compared to other provinces, it accounts for only 1,5 percent of the country's total population, occupies about one-sixth of China's landmass and it has significant strategic importance to the PRC as it is rich in natural resources such as oil, gas and good quality coal. In addition, the region serves as an important transit hub for gas and oil from Central Asia and Russia⁵. The strategic importance of the region is underscored by Xi Jinping's (President of the PRC) visit to Nur-Sultan (Astana until March 2019) in September 2013 where he spoke, for the first time, about the creation of a Silk Road Economic Belt (SREB) that would improve traffic connectivity so as to open the strategic regional route from the Pacific Ocean to the Baltic Sea, and gradually move toward the creation of a network of transportation that connects Eastern, Western and Southern Asia. The speech was also regarded as a foreign policy statement, as he also called on all sides to support each other on issues concerning sovereignty, territorial integrity, security and other core interests, and jointly crack down on the "three evil forces" of terrorism, extremism and separatism, as well as drug-trafficking and transnational organized crimes⁶. As scholar noted, Xinjiang's centrality to this project is due to its geographic location as it is the westernmost periphery of China, close to Central Asia, so in order to make both security and economic interests to work, there was clearly a need to develop stronger ties to the region around Xinjiang, and it's because this proximity that Central Asia begins to play a fundamental role in China's foreign and internal policies⁷. As part of this effort, President Xi, at the Meeting Marking the 65th Anniversary of the Founding of the Chinese People's Political Consultative Conference, spoke of the need to "actively guide people of all ethnic groups to enhance their sense of identification with our great country, and to help them further identify with the Chinese nation, Chinese culture, and the path of socialism with Chinese characteristics"⁸. This statement made by the president of the PRC is interesting because the Uyghur group has resisted assimilation from China for many decades and this has created tension in the area between the Chinese government and the locals, as Amnesty International noted in a 2013 report Chinese authorities have maintained their "strike hard campaign", criminalizing perceived "illegal religious" and "separatist" activities in the region and have cracked down on "peaceful expressions of cultural identity"⁹. As an example of this religious crackdown we can cite the imprisonment of twenty-two Uyghurs, including Muslim religious leaders accused of illegally preaching, who were sentenced to prison terms ranging from five to sixteen years in a mass public sentence in the western Xinjiang town of Kashgar¹⁰. The intensification of the fight against separatist and religious extremist has therefore intensified over the past two decades, especially since the 9/11 attack in New York. This event was seen by the Chinese authorities as an opportunity to legitimize and strengthen its response to the Uyghur unrest in the Xinjiang region and consequently to reduce tensions in its relations with the United States¹¹. Indeed, the public discourse on terrorism has changed in China since this date. The PRC government and the public media began to speak more openly about violent activities in Xinjiang and previous violent incidents in

⁵ PRC State Council Information Office, *The History and Development of the Xinjiang Production and Construction Corps*, 5 October 2014, http://english.www.gov.cn/archive/white_paper/2014/10/05/content_281474992384669.htm, last accessed 14 March 2022.

⁶ *President Xi Proposes Silk Road Economic Belt*, China Daily, Astana, Xinhua News Agency, 7 September 2013, https://www.chinadaily.com.cn/china/2013xivisitcenterasia/2013-09/07/content_16951811.htm, last accessed 14 March 2022.

⁷ *Supra*, Note 4.

⁸ Xi Jinping, *Speech on Celebrating the 65th Anniversary of the Chinese People's Political Consultative Conference*, 21 September 2014, http://www.xinhuanet.com//politics/2014-09/21/c_1112564804.htm (in chinese), last accessed 14 March 2022.

⁹ Amnesty International, *Annual Report: China 2013*, May 23 2013, <http://www.amnestyusa.org/research/reports/annual-report-china-2013?page=3>, last accessed 14 March 2022.

¹⁰ The Reuters Staff, *China targets "wild inams" in mass public sentencing*, Reuters, 11 November 2014, <https://www.reuters.com/article/us-china-xinjiang-idUSKCN0IV0H820141111>, last accessed 14 March 2022.

¹¹ Michael Clarke (2010) *Widening the net: China's anti-terror laws and human rights in the Xinjiang Uyghur Autonomous Region*, *The International Journal of Human Rights*, 14:4.

the region, from the 1990s, were rebranded as acts of terrorism¹². In addition, a number of alleged Uyghur terrorist groups, especially the “East Turkistan Islamic Movement” (ETIM), are said to have ties with Islamist movements in neighbouring Central Asia and Afghanistan, such as the Islamic Movement of Uzbekistan (IMU) and Osama bin Laden’s Al Qaeda network¹³. It is clear that after the event of 9/11, China reconfigured its discourse on Xinjiang and the Uyghurs in order to gain international recognition for its fight against its own Islamic-based terrorism. Indeed, this international recognition did not take long to arrive as in September 2002 the Bush administration decided to designate, under the Executive Order 13224, the ETIM on its Terrorist Execution List (now delisted)¹⁴. This combination of factors has thus allowed China to use the global “war on terror” to intensify its policing, increase repression against ethnic minorities in the area and draft more refined counter-terrorism policies to address any future challenges to state power. China’s overall approach to counterterrorism is largely an effort to promote economic development in Xinjiang, strengthen internal security capabilities, and limit unauthorized religious activities. All of this is achieved through the strengthening of the China’s criminal legislation and the deployment of a broad definition of terrorism. Thus, the purpose of this article is to analyze the methods by which Chinese criminal law has been strengthened since the 9/11 attack and the definitions that the Chinese government has put in place to label separatists and terrorists in order to explore how the PRC has reduced the country’s vulnerability to terrorist threats and terrorist activities.

China’s counter-terrorism policies after 9/11

After the 9/11 terrorist attack in New York, China has begun to strengthen its domestic criminal law on terrorism generating an array of legislative instruments to address the problem. As early as December 2001 the country amended its existing legislation in a move to strengthen the legal framework for the battle against terrorism¹⁵. According to the media an agenda discussed by Chairman Li Peng and vice-chairpersons of the 25th Standing Committee of the 9th National People’s Congress envisaged a draft of the Third Amendment to the Criminal Law¹⁶. This changes are told by lawmakers to be formulated in order to “to deal more harshly with criminal acts of terrorists, for the protection of national security, social order and safeguard of safety of people’s lives and property”¹⁷. This amendments, as written in the Chinese criminal law, were implemented “in order to punish the crimes of terrorism, to safeguard the security of the State and of people’s lives and property, and maintain public order”¹⁸. Although at the time there was still no a clear definition of terrorism in Chinese law, it is interesting that the main changes brought by these amendments concern the broadening of the scope of actions that are now criminalised as terrorist acts and the increase of punitive measures, such as funding terrorist activities¹⁹. Many articles of the amended Criminal Law, like the 115 for example, includes now punishments that range from term of imprisonment to the death penalties

¹² Information Office of the State Council, “East Turkistan” Terrorist Forces Cannot Get Away with Impunity, 21 January 2002, <https://www.fmprc.gov.cn/ce/cetur/eng/xwdt/t160708.htm>, last accessed 14 March 2022.

¹³ Ibid.

¹⁴ U.S. Department of State, Executive Order 13224, Bureau of Counterterrorism, <https://www.state.gov/executive-order-13224/>, last accessed 16 March 2022.

¹⁵ China to Amend Criminal Law to Combat Terrorism, People’s Daily, 18 December 2001, <http://www.china.org.cn/english/government/23839.htm>, last accessed 16 March 2022.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ministry of Foreign Affairs of the PRC, Amendment III to the Criminal Law of the PRC, Adopted at the 25th Meeting of the Standing Committee of the Ninth National People’s Congress, 29 December 2001, http://www.npc.gov.cn/zgrdw/englishnpc/Law/2007-12/06/content_1382327.htm, last accessed 16 March 2022.

¹⁹ Ibid.

for crimes which go from arson to the spreads of infectious-disease pathogens in case they “inflict serious injury or death on people or causing heavy losses of public or private property”²⁰.

This amendment was a first remedy to address vulnerabilities to terrorist threats, but the scenario in which the country is threatened by a constant menace to its internal security, especially in Xinjiang by Uyghur separatist groups, is underlined by the 2002 report 'East Turkistan Terrorist Forces Cannot Get Away with Impunity' in which we have for the first time a comprehensive published account of violence in Xinjinag allegedly perpetrated by East Turkistan terrorist²¹. Chinese authorities in this January 2002 report say that “over a long period of time, especially since the 1990s, the East Turkistan forces inside and outside Chinese territory have planned and organized a series of violent incidents in the XUAR of China and some other countries, including explosions, assassinations, arsons, poisonings, and assaults, with the objective of founding a so-called state of East Turkistan²²”. To achieve their aim of splitting China is said that the handful of East Turkistan terrorist have carried out a series of sabotage activities by means of terrorism and violence, consisting of over 200 incidents in the 1990s, resulting in 162 fatalities²³. The groups that have carried out this attack were officially recognized as terrorist organizations in a list issued by the China’s Ministry of Public Security, in December 2003, where for the first time China issued a list of terrorist organizations and individuals all of which are affiliated with the Uyghur independence movement²⁴. The four groups listed are the Eastern Turkistan Islamic Movement (ETIM), the Eastern Turkistan Liberation Organization (ETLO), the World Uyghur Youth Congress (WUYC) and the Eastern Turkistan Information Center (ETIC)²⁵. Despite the third amendment of the criminal law and the guidelines issued by Ministry of Public Security to determine what kind of organizations and individuals should be considered terrorist, still fail to give a precise legal definition of the term. This ambiguity in the criteria by which Chinese authorities judge terrorists is also revealed in a December 2003 interview by the Deputy Director of the Ministry of Public Security's Anti-Terrorism Bureau, Zhao Yongchen²⁶. In this interview the Deputy Director said that the terrorist organization “have their headquarters either inside or outside Chinese territory, would be engaged in terrorist activities involving violence and terror and causing harm to state security, social stability, lives and property and they would have established leadership and organizational structures with specialized roles within the structures”²⁷. Then he continued by saying “the organizations would satisfy one of the following in addition to meeting the first two criteria: (1) currently or previously involved in the organization, planning, instigation, conduct or implementation of terrorist activities; (2) financing and supporting terrorist activities; (3) building bases used for terrorist activities or organizing, recruiting and training terrorists; (4) collaborating with international terrorist organizations by receiving finance or training from these organizations or engaging in terrorist activities with them”²⁸. In addition, according to the Deputy Director, terrorist are firstly defined as “people who have significant relationships with

²⁰ Ibid.

²¹ Information Office of the State Council, “East Turkistan” Terrorist Forces Cannot Get Away with Impunity, 21 January 2002, <https://www.fmprc.gov.cn/ce/cetur/eng/xwdt/t160708.htm>, last accessed 14 March 2022.

²² Ibid.

²³ *Combating terrorism, we have no choice*, People’s Daily, 18 December 2003, http://en.people.cn/200312/18/eng20031218_130652.shtml, last accessed 17 March 2022.

²⁴ *China Issues List of Terrorists and Organizations*, People’s Daily, 16 December 2003, http://en.people.cn/200312/15/eng20031215_130432.shtml. see also; *China Releases Terror Blacklist of Uyghurs*, Radio Free Asia, 19 December 2003, <https://www.rfa.org/english/news/politics/123681-20031219.html>, both last accessed 17 March 2002.

²⁵ Ibid.

²⁶ Jingrong Li, *Counter-Terrorism Bureau Goes Public on “Eastern Turkistan” Terrorism*, China.org, 23 December 2003, <http://www.china.org.cn/english/2003/Dec/83114.htm>, last accessed 17 March 2022.

²⁷ Ibid.

²⁸ Ibid.

terrorist organizations engaged in terrorist activities harmful to state security or the lives and property of people inside or outside Chinese territory” and secondly, in addition to the first criteria, they would also meet one of the following conditions: “(1) organizing, commanding or engaged in terrorist activities; (2) organizing, planning, propagating or instigating the implementation of terrorist activities; (3) financing and supporting terrorist organizations or terrorists to assist them in the conduct of terrorist activities; (4) funded or trained by a terrorist organization or other international organization to engage in terrorist activities”²⁹. This initial interpretation of the notion of terrorism, by Chinese officials, leaves a great deal of discretion to the interpretation of the term, as Michael Clarke has noted, China’s initial response to terrorism is characterised by three fundamental problems such as the lack of precision in the definition of what constitute terrorism, the fact that the provision of these articles has the potential to criminalize a range of activities, including the peaceful expression of dissent, and finally the fact that under the new amended criminal law the death penalty could be applied in most cases³⁰.

In fact, although there was little actual terrorist activity in China during the period from 2001 to 2007 ten of thousands of Uyghurs were arrested or detained under the new amended law³¹.

This numbers increased in the aftermath of the 2008 Beijing Olympic Games, as Xinjiang was hit by a series of terrorist attacks. These events led the Chinese authorities in October 2008 to adopt even more harsh ‘strike hard’ measure, by raising their security presence in the region through the allocation of human, material and financial resources in order to combat crimes of terror and violence and ensure social stability in Xinjiang³². This information is corroborated by the fact that after a deadly ethnic riot, that took place in July 2009 in Urumqi, the Xinjiang regional government increased its spending on security by nearly 88 per cent more compared to the previous year³³.

Moreover, since the election of Xi Jinping as president of the PRC in 2013, Chinese authorities have significantly intensified repressive policies against ethnic Uyghur and, increasingly, other Turkic Muslims in Xinjiang, often justifying the government's actions as part of the “people’s war against terrorism”³⁴. Beijing thus stepped up its counter-terrorism efforts by launching a renewed “strike hard” campaign in May 2014 after five suicide bombers carried out an attack which killed 31 people³⁵. In fact, as result of this, arrests and incarcerations for reasons related to terrorism and separatism increased nationally by 15 percent over the previous year.³⁶

This effort is seen by the PRC authorities as a success for reducing the level of violence in Xinjiang, as revealed by Chinese media “preventing terrorism and eliminating religious extremism have become top priorities of the Xinjiang government” and that over hundred terrorist cells have been eliminated during the first six months of the “strike hard” campaign³⁷. The success of the campaign is also underscored in the 2015 PRC’s State Council Information white paper, which stated that most terrorist groups in Xinjiang were

²⁹ Ibid.

³⁰ Michael Clarke (2010) *Widening the net: China’s anti-terror laws and human rights in the Xinjiang Uyghur Autonomous Region*, The International Journal of Human Rights, 14:4, pp. 550.

³¹ Amnesty International, *People’s Republic of China: Uyghurs fleeing persecution as China wages its “war on terror”*, 6 July 2004.

³² Information Office of the State Council, *Development and Progress in Xinjiang*, 21 September 2009, http://www.china.org.cn/government/whitepaper/node_7077515.htm, last accessed 17 March 2022.

³³ Cui Jia, *Xinjiang Security Funding Increased by 90 Percent*, China Daily, 13 January 2010, http://www.chinadaily.com.cn/cndy/2010-01/13/content_9310619.htm, last accessed 17 March 2022.

³⁴ *Xinjiang’s Party chief wages “people’s war” against terrorism*, China Daily, 26 May 2014, https://www.chinadaily.com.cn/china/2014-05/26/content_17541318.htm, last accessed 18 March 2022.

³⁵ Michael Martina, *China launches crackdown on “terrorist activities” after attack*, Reuters, 23 May 2014, <https://www.reuters.com/article/us-china-xinjiang-idUSBREA4M0FF20140523>, last accessed 18 March 2022.

³⁶ *Cases of Terrorism, Separatism Up 15%: Chief Justice*, China Daily, March 12, 2015, http://english.gov.cn/news/top_news/2015/03/12/content_281475070078446.htm, last accessed 18 March 2022.

³⁷ Gao Bo and Cui Jia, *City Leads Charge against Extremism*, China Daily, 31 December 2014, http://english.gov.cn/news/top_news/2014/12/31/content_281475032133399.htm, last accessed 18 March 2022.

“knocked out at the planning stages” and thanks to the effectiveness in cracking down on violent and terrorist activities “the tendency of frequent eruptions of violent and terrorist attack in Xinjiang has been somewhat checked”³⁸. Another important point in this document is the emphasis used to describe the need to combat religious extremism, as it considered to undermine Xinjiang’s religious harmony and ethnic unity because, as written, it has the power to turn “some individuals into extremists and terrorists whose thoughts are controlled and who are manipulated to frequently perform acts of violence and terrorism and kill innocent people of all ethnic groups” and in order to achieve harmonious social development “religious extremism has been firmly curbed in accordance with the law”³⁹.

It is clear that, although there is still no clear definition of the term, since the implementation of the Third Amendment to the Criminal Law and thanks to the severe and swift repression that characterized the ‘strike hard’, anti-crime, campaign, the Chinese government has aggressively pursued assimilationist policies in ethnic minority regions, fought religious extremism and eradicated separatist groups while increasingly insisting on the “Sinicization” of those communities, driven by nationalism and in many instances Islamophobia inside and outside China⁴⁰.

The escalations of terrorist attack in Xinjiang and the brute response adopted by the PRC laid the groundwork for the Ninth Criminal Law Amendment in August 2015⁴¹. By adding new offences and revising new provisions it defines the legal application and punishments for many terrorist and extremist actions with the intention to criminalize specific activities, like the possession of illegal books or audio-visual materials (Article 120f).

Couple of months later, on 27 December 2015, the National People’s Congress Standing Committee passed the new Counter-Terrorism Law (CTL)⁴². This law, composed of ninety-seven articles, does not cover all aspects of counter-terrorism in China, but it contains significant provisions on terrorism offenses and the penalties for these offenses, involving a combination of administrative, judicial and military means, with the aim of creating a synergy between various state bodies. What interest us in this analysis is the new official definition of terrorism given by the criminal law. In its Article 3 terrorism is defined as “any advocacy or activity that, by means of violence, sabotage or threat, generates social panic, undermines public security, infringes upon personal and property rights, or menaces state authorities and international organizations, with the aim to realize political, ideological and other purposes”. Although, some NGO underlined some areas of concern as many aspects of the of the current counterterrorism law are incompatible with international human rights law and could facilitate future human rights violations like the criminalization of “advocacy”, a term that may be interpreted as “speech” or “thoughts” and because of that it could potentially to be applied to anyone advocating for policy changes. Also the law raises serious concerns regarding privacy, police powers, counterterrorism interventions abroad and freedom of association and expression. The China director at Human Rights Watch commented that this law “is little more than a license to commit human rights abuses” and that “Harsh measures that conflate political

³⁸ Information Office of the State Council, *Historical Witness to Ethnic Equality, Unity and Development in Xinjiang*, 24 September 2015, http://english.www.gov.cn/archive/white_paper/2015/09/24/content_281475197200182.htm, last accessed 18 March 2022.

³⁹ Ibid.

⁴⁰ Human Right Watch, “Break Their Lineage, Break Their Roots”: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims, April 19, 2021, <https://www.hrw.org/node/378448/printable/print>, last accessed 18 March 2022.

⁴¹ China Law Translate, *People’s Republic Of China Criminal Law Amendment (9), 29 August 2015*, <https://www.chinalawtranslate.com/%E4%B8%AD%E5%8D%8E%E4%BA%BA%E6%B0%91%E5%85%B1%E5%92%8C%E5%9B%BD%E5%88%91%E6%B3%95%E4%BF%AE%E6%AD%A3%E6%A1%88%EF%BC%88%E4%B9%9D%EF%BC%89/> (in chinese), last Accessed 18 March 2022.

⁴² Standing Committee of the National People’s Congress,, *Counterterrorism Law of the People’s Republic of China*, 27 December 2015, <http://en.pkulaw.cn/display.aspx?id=4a6094a588ac744ebdfb&lib=law&SearchKeyword=&SearchCKeyword>, last accessed 18 March 2022.

or religious dissent with crime, discourage ordinary people from trusting or cooperating with law enforcement agencies”⁴³.

This early interpretation revealed to be correct as in October 2016 Cheng Quanguo, the new Communist Party Secretary of Xinjiang, initiated a related effort, called the “Becoming Family” campaign, where more than a million Han officials spent at least five days every two months in the homes of Xinjiang residents⁴⁴.

In fact, since April 2017 has emerged that the Chinese government has intensified its effort of sinicized the traditional culture by operating huge, fortified centers to detain Uyghur citizens, as according to the US State Department as many as two millions of peoples may have been taken to the camps, even if the Chinese Foreign Minister Wang Yi denied these claims, by saying that the “so called concentration camps are 100% rumors”⁴⁵.

Although, according to Human Rights associations, like Amnesty International and Human Rights Watch, the government of China has carried out massive and systematic abuses not only against political dissidents but also to Muslims living in the XUAR. This wave of repression in Xinjiang can be traced, as detention in the camps has led to trial and imprisonment that account in 2017 for approximately 13 percent of all indictments in China⁴⁶. These increases in punitive measures can also be seen in the increase in security spending in Xinjiang, which between 2016 and 2017 increased by 92 per cent, as well as for a significant expansion in police recruitment.⁴⁷

The justifications that officials have been using to detain Turkic Muslim individuals in the camps can be found in the “Qaraqash Document”, an internal official document leaked in February 2020 by the Uyghur Human Rights Project, which includes data that appears to have been gathered between 2017 and 2019 and give detailed reasons for which internees in a district of Qaraqash county were detained, such as going on an unofficial Hajj pilgrimage, applying for a passport, communicating with someone abroad, engaging in conduct such as clicking on an overseas website on their phone and having to many children⁴⁸.

The document is interesting because it not only reveals that local officials evaluate the attitudes and behaviors of individuals in determining punishments, but also confirms the local implementation of practices, such as the Integrated Joint Operation Platform (IJOP) and the the “Becoming Family” program, as a tool for identifying Uyghurs who should be detained⁴⁹.

Is it quite clear then, since the implementation of the Third Amendment to the Criminal Law in December 2001, the Chinese government have improved and intensified its own war against terrorism. Improved at the regulatory level with the addition of cases, provisions and penalties which have made the fight against terrorism more profitable from a normative point of view, and intensified in terms of the means and resources deployed so as to make sure that the legal reforms take place on the ground. This is indeed confirmed by the high number of arrests and incarcerations in Xinjiang since 2008, but also by the increase in the region's spending on security.

⁴³ Human Rights Watch, *China: Draft Counterterrorism Law a Recipe for Abuses*, January 20, 2015, <https://www.hrw.org/news/2015/01/20/china-draft-counterterrorism-law-recipe-abuses>, last accessed 21 March 2022.

⁴⁴ Human Rights Watch, *China: Visiting Officials Occupy Homes in Muslim Region*, May 13, 2018, <https://www.hrw.org/news/2018/05/13/china-visiting-officials-occupy-homes-muslim-region>, last accessed 21 March 2022.

⁴⁵ I. Watson and B. Westcott, *Watched, judged, detained: Leaked Chinese government records reveal detailed surveillance reports on Uyghur families and Beijing's justification for mass detentions*, Hong Kong, CNN Network, February 2020, <https://edition.cnn.com/interactive/2020/02/asia/xinjiang-china-karakax-document-intl-hnk/>, last accessed 21 March 2022.

⁴⁶ Chinese Human Rights Defenders, *Criminal Arrests in Xinjiang Account for 21% of China's Total in 2017*, July 2018, <https://www.nchrd.org/2018/07/criminal-arrests-in-xinjiang-account-for-21-of-chinas-total-in-2017/>, last accessed 21 March 2022.

⁴⁷ Adrian Zenz (2018), *China's Domestic Security Spending: An Analysis of Available Data*, China Brief, 18:4, <https://jamestown.org/program/chinas-domestic-security-spending-analysis-available-data/>, last accessed 21 March 2022.

⁴⁸ Uyghur Human Rights Project, *Ideological Transformation: Records of Mass Detention from Qaraqash, Hotan*, February 2020, https://docs.uhrp.org/pdf/UHRP_QaraqashDocument.pdf, last accessed 21 March 2022.

⁴⁹ Ibid.

The strengthening legislation has thus enabled the CCP to achieve some domestic successes, such as the decrease in the number of terrorist attacks in Xinjiang, but nevertheless the broad interpretation in Chinese law of the term "terrorism" and the renewed momentum of cultural assimilation policies, since Xi Jinping's election as president, have meant that the main goal of the indictments in Xinjiang and the establishment of the camps is not only the war against terrorism but also the forced sinization of Turkic Muslim culture and the eradication of any form of religious extremism.

Defining terrorism in China

The modern use of the term terrorist is not a new one as it can be traced back to the 19th century during the emergence of radical anarchist groups. These groups used a form of violence called "targeted assassination" with the principal targets being persons acting in an official state capacity. This form of violence was part of a congenial political action called "Propaganda by deeds". This strategy of political action was intended to "awake" the masses and move them against their oppressor, usually political figures such as Prime Minister, Tsar and Kings. Western states then attempted to curb the problem through legal mechanisms such as immigration control and extradition treaties. These included an International Conference held between November and December 1898, and a protocol concerning measures to be taken against the anarchist movement, which was signed on behalf of nine states in March 1904⁵⁰. Moreover, during the first post-war period the surge of assassination continued and in response of this a committee of experts were nominated by the Council of the League of Nations to draft a Convention on Terrorism that was ultimately in 1937⁵¹. Article 1 of this Convention defines act of terror as "acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public"⁵². However, this convention never entered into force because the purpose was for individual states to implement in their legislation penal offences for acts defined as terrorism in the aforementioned convention, and this was probably perceived at the time as a threat to the sovereign national criminal justice system.

Other than this effort made by the League of Nations, the global response on terror activities continued also after the second world war, but has been fragmentary as it focused on specific incidents such as airline hijacking and crimes against internationally protected persons⁵³. Also one major problem till this day, as noted by many scholars, is the lack of one agreed definition by the international community of "terrorism", and this deficiency has made it difficult to determine, as Professor Bassiouni wrote, "who, why, how or what is sought to be prevented, controlled and suppressed"⁵⁴.

So it is quite clear that the debate on the definition of terrorism is still ongoing as many critical terrorism studies utilize two different approaches of analysis. The "essentialist" approach that focuses more on attention to "actor-based" criteria, while the "interpretivist" approach is more focused around "action-based" criteria. This second type of analysis has allowed scholars to conceptualize terrorism as a strategy or a method that can be

⁵⁰ Richard B. Jensen, *The International Anti-Anarchist Conference of 1898 and the Origins of Interpol*, Journal of Contemporary History, SAGE, London and Beverly Hills, Vol.16 (1981), pp. 323-47.

⁵¹ M. Cherif Bassiouni, *International Terrorism: Multilateral Conventions (1937-2001)*, International and Comparative Criminal Law Series, Ardsely (NY), Transnational Publisher, Vol. 5 (2001).

⁵² Ibid.

⁵³ Hague Convention, 16 December 1970, 8670 U.N.T.S. 105; Montreal Protocol, 24 February 1988, reprinted in I.L.M. 627; Convention on protected Persons, 14 December 1973, 1035 U.N.T.S. 167.

⁵⁴ *Supra*, note 51.

deployed by any actors⁵⁵.

In fact, when assessed by these “interpretivist” approach, while it is clear that China has experienced a number of terrorist attacks in recent years, uncertainty often remains about certain key aspects of such attacks. Indeed, as Murray Scott Tanner has noted, it is difficult for observers to determine the nature and extent of the terrorism problem in China. This difficulty is primarily due to the fact that the application of the term terrorism by the Chinese government and media often does not meet the definitions of the term widely used in Western countries. Thus, in this sense, some violent crimes in China, which outside observers would probably label as terrorism, are not called terrorism by Chinese authorities, and vice versa. Another complication is that China's public discourse on terrorism tends to lack detail and context. Indeed, many key questions are often left unanswered in official Chinese statements and authoritative media reports on terrorism. These questions, as noted by Tanner, include assessment of pre-midation, identification of specific groups or individuals, level of organisation and training, and connection to internationally recognised terrorist groups⁵⁶. This goes then to amplify the broadness of the repressive action conducted by the government as by the new Counter-Terrorism Law many activities, like advocating for political rights or wearing a Hijab, can fall into the definition of terrorism.

In fact, this lack of consistency in the way that Chinese authorities refer to acts of terror can also be found in how officials approached them through the decades. Indeed the use of the terminology to describe these violent events changed during the past twenty years.

For example in the first part of the 1990s China's approach to these events were more cautious, as many incidents of ethnic violence taking place in Xinjiang were rarely addressed as terrorism by the authorities but often as act of separatism conducted by separatist militant and in many cases these events were often minimized by being described as “isolated” incidents. The reassessment of China's policy towards terrorism was then prompted by various elements, such a renewed escalation in violence in the Xinjiang region, the decision to award the 2008 summer olympic to Beijing and of course the 9/11 terrorist attack on New York⁵⁷.

This reassessment, as it was analyzed in the previous chapter, led to a legislative adjustment and an increase in security forces deployed by the Chinese government in order to make the repression machine more effective. In fact, on the wave of the 9/11 attack many violent events that China suffered in the 1990s were rebranded as act of terrorism, since until then such incidents were generally classified as acts of "social unrest"⁵⁸. This shift in the public discourse about ethnic uprisings in China is primarily due to the fact that the Chinese government has begun to view the insurgencies in Xinjiang as motivated by ethnic separatism and religious extremism with the assistance of overseas terrorist organizations. In fact, as can be seen from the official document "East Turkistan" Terrorist Forces Cannot Get Away with Impunity", most of the 200 violent incidents that occurred in China between 1990-2001 were initiated by ETIM or other Uyghur separatist groups, whose members are not only terrorists but also closely connected with international terrorist forces such Al Qaeda with the the unstinting support of Osama bin Laden, who has repeatedly plotted with the leaders of Central and West Asian terrorist organisations to help the 'East Turkistan' terrorist forces in Xinjiang launch a 'holy war', with the aim of establishing a theocratic 'Islamic State' in Xinjiang⁵⁹.

⁵⁵ Melissa Finn and Bessma Momani, *Building Foundations for the Comparative Study of State and Non-State Terrorism*, *Critical Studies on Terrorism*, 10:3 (2017), p. 380.

⁵⁶ Murray Tanner & James Bellacqua, *China's Response to Terrorism*, (Washington, DC: CNA, June 2016), pp. 3-4.

⁵⁷ *Ibid*, pp. 21-22

⁵⁸ *Ibid*, pp. 24.

⁵⁹ *Supra*, note 12.

The document in question is significant in that some of the incidents that are now being labelled as 'acts of terrorism' were not previously classified as such by Chinese officials and media when they first happened. For example, the 1990 Baren uprising was originally classified, by a Xinjiang provincial television, as a revolt constructed by a "small number of ruffians"⁶⁰, whereas now is said that a group of terrorists, aided and abetted by the "East Turkistan Islamic Party," created a grave terrorist incident. They brazenly preached a "holy war," the "elimination of pagans," and the setting up of an "East Turkistan Republic"⁶¹.

This link with religious extremism and international terrorist organization is also endorsed by American authorities such as the Deputy Secretary of State Richard L. Armitage, who announced that ETIM has been added to a State Department list of terrorist groups, freezing its assets in the United States and fulfilling a long-standing request from the Chinese government. He said the group "committed acts of violence against unarmed civilians with no regard for those who were injured"⁶². A spokesman for the U.S. embassy went further as he accused ETIM of working with Osama bin Laden's al Qaeda network and "planning attacks against U.S. interests abroad, including the U.S. Embassy in Bishkek, Kyrgyzstan." He also said ETIM is believed to be responsible for more than 200 acts of terrorism in China, including bombings, assassinations and arson, citing the above report where the Chinese government mentioned the same statistics⁶³. Despite this support, US security expert Zbigniew Brzezinski has criticized this approach as he believes that the Bush administration's "one-dimensional" definition of terrorism has been used by Chinese, Indian, Russian and Israeli leaders to "further their own agendas" in suppressing separatism, adding that "for each of them, the disembodied American definition of terrorist challenge has been both expedient and convenient"⁶⁴. This convenience, so prophetically noted by Brzezinski, can also be seen in the ambiguous definition of terrorism that Article 3 of the 2015 Counter Terrorism Law gives and on what is written in Article 4 of the law, which states that "the State shall combat all forms of extremism, including incitement to hatred and discrimination and agitation for violence through the distortion of religious doctrines or other means, so as to eliminate the ideological basis of terrorism"⁶⁵. In fact, as underlined by many NGOs, the open scope of 'advocacy' and the vague definition of 'extremism' is worrying as the state could misinterpret these terms to facilitate repressive measures against ethnic minorities. This ambiguity then, of the legal definition of terrorism in the CTL, is to create as much leeway as possible for the Chinese government to legitimately fight any force deemed to be a threat to state sovereignty and political legitimacy. Indeed, as human rights advocates have noted, these stipulations are unclear and broad enough to justify the criminalisation of "almost any peaceful expression of ethnic identity, acts of non-violent dissent, or criticism of ethnic or religious policies"⁶⁶. Doing so is part of a well-orchestrated strategy by the Chinese government, whose official stance on terrorist threats has been attributed to the so-called "Three Evils," which refer to "violent terrorism, ethnic separatism, and

⁶⁰ *Beijing Reports 22 Deaths In Revolt in Western Region*, Reuters, 23 April 1990, <https://web.archive.org/web/20150525203037/https://www.nytimes.com/1990/04/23/world/beijing-reports-22-deaths-in-revolt-in-western-region.html>, last accessed 23 March 2022.

⁶¹ *Supra*, note 12.

⁶² Philip P. Pan, *U.S Warns of Plot by Group in W. China*, Washington Post, 29 August 2002, <https://www.washingtonpost.com/archive/politics/2002/08/29/us-warns-of-plot-by-group-in-w-china/5607dd9b-9d70-419a-8bac-1f3b39e12bc9/>, last accessed 23 March 2022.

⁶³ *Ibid*.

⁶⁴ Suzanne Lidster, *China's "war on terror"*, BBC, 10 September 2002, http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2241025.stm, last accessed 24 March 2022.

⁶⁵ *Supra*, note 42.

⁶⁶ The International Campaign for Tibet, *China's New Counter-Terrorism Law: Implications and Dangers for Tibetans and Uyghurs*, 15 November 2016.

religious extremism." The goal of eradicating extremism is very important to the CCP, as Xi Jinping pointed out in a speech in 2017, the fight against the "three forces of evil" remains a long and arduous task⁶⁷. In fact, in order to do so, the Beijing government has invested heavily in both economic terms and structural reforms, but above all through a fierce campaign of sinnization that began, as seen, with the famous speech given by the Chinese president in 2014⁶⁸.

These commitments have proved fruitful, as pointed out by The State Council Information Office 2019 white paper the local government has initiated preventive and punitive countermeasures in accordance with the law that have ensured that in the two-year period, between 2017-2019, there have been no violent or terrorist activities, to the extent that the infiltration of extremism has been stemmed and peace and harmony have returned to society⁶⁹. In doing so, is underlined in this document that the counter-terrorist activities have been conducted in accordance with law and in the respect of the human rights, even if foreign NGOs have revealed, since the implementation of the CTL, serious threats to freedom of expression, worship and assembly. Additionally they have pointed out that the wide use of the term terrorism and extremism gives the Chinese government a wide margin to the repressive action, so that even the possession of books that are considered prohibited or even surfing on foreign websites can be considered as an illegal activity linked to the destabilisation of the country⁷⁰.

The fight against terrorism, separatism and religious extremism, as well as the subsequent thematic reference made to these aspects, is therefore part of a much broader plan to promote the eradication of extremism and further expose to the 'reactionary nature' of the terrorist movement, with the ultimate goal to help the ethnic minority of Xinjiang, as Xi Jinping said, "to further identify with the Chinese nation, Chinese culture, and the path of socialism with Chinese characteristics"⁷¹.

In conclusion, therefore, the definition given to terrorism today in China is part of this broader plan to sinize the region, which is also embedded in the fight against the "three evil forces", in the way that terrorists are no longer just those who attack the lives of civilians but also those who support political change, criticise the work of the government or those who want to maintain their cultural and religious traditions at the expense of the harmonious co-existence between different ethnic groups.

An ethnic threat

As was noted in the previous chapter the period from 2001 to 2007 was relatively quiet, with only few terrorist attacks reported in the PRC. However, in the run-up to the 2008 Summer Olympics in Beijing the alleged terrorist activity increased exponentially. In fact, between March and August of that year alone there were quite a few alleged terrorist activities that may be conducted by Uyghur separatist groups.

For example, on 7 March 2008, a 19-year-old Uyghur woman brought a disguised destructive device on board flight CZ6901, but was arrested. The attempted attack was planned by East Turkestan separatist forces, Wang Lequan, head of the Xinjiang Uyghur Autonomous Region party, said in Beijing on 20 March⁷².

⁶⁷ An Baijie, Xi advocates common security, China Daily, 12 June 2017, http://www.chinadaily.com.cn/world/2017xivisitkazakhstan/2017-06/12/content_29705208.htm, last accessed 25 March 2022.

⁶⁸ *Supra*, note 8.

⁶⁹ Information Office of the State Council, *The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang*, 18 March 2019, http://english.www.gov.cn/archive/white_paper/2019/03/18/content_281476567813306.htm, last accessed 25 March 2022.

⁷⁰ *Supra*, note 48.

⁷¹ *Supra*, note 8.

⁷² Guangzhou allows passengers to take perfume on planes, Shanghai Daily, 7 April 2008,

Another one took place on August 4, 2008, where terrorists drove a stolen dump truck into the back of a queue of armed frontier police at drill on Seman Road, Kashgar City, and threw homemade grenades, leaving 16 dead and 16 injured. For this violent attack two Uyghur men, Abdurahman Azat and Kurbanjan Hemit, were sentenced to death on December 17 after being convicted of homicide and illegally producing guns, ammunition and explosive⁷³.

Many of these attacks are also listed in the 2019 State Council white paper where it is said that "terrorist and extremist forces in Xinjiang, driven by the goal of separatism, engaged in wildly sabotaging activities"⁷⁴. It is worth noting how these attacks are categorized in this document. Terrorist attacks are divided here into five categories.

(1) Killing ordinary people, like on February 28, 2012, where nine knife-wielding terrorists attacked civilians on Xingfu Road, Yecheng County, Kashgar Prefecture, resulting in 15 deaths and 20 injuries⁷⁵.

(2) Assassinating religious leaders, such as on July 30, 2014, where the 74-year-old Senior Mullah Juma Tayier, vice president of Xinjiang Islamic Association and imam of the Id Kah Mosque, was brutally killed by three terrorists on his way home after morning Fajr prayer⁷⁶.

(3) Endangering public security, like on October 28, 2013, where three Xinjiang terrorists drove a jeep carrying 31 barrels of gasoline, 20 igniters, 5 knives, and several iron bars onto the sidewalk on the east of Tiananmen Square in central Beijing and accelerated it towards tourists and policemen on duty, until it crashed into the barrier of the Golden Water Bridge resulting in deaths of 2 people including 1 foreigner and injuries to over 40⁷⁷.

(4) Attacking government organs, such as the one on June 26, 2013, where terrorists launched attacks at the police station, patrol squadron, seat of local government and construction sites of Lukeqin Township, Shanshan County, Turpan Prefecture, resulting in 24 deaths and 25 injuries⁷⁸.

(5) Planning riots, like what happened in July 5, 2009, where it is said that the "East Turkistan" forces inside and outside China engineered a riot in Urumqi where thousands of terrorists attacked civilians, government organs, public security and police officers, residential houses, stores and public transportation facilities, causing 197 deaths and injuries to over 1,700, smashing and burning down 331 stores and 1,325 vehicles, and damaging many public facilities⁷⁹.

The list goes on with many other alleged terror attacks carried out by Uyghur separatists or extremists. According to the document, between 1990 and 2016, there were thousands of terrorist attacks carried out by extremist and terrorist forces in the Xinjiang region alone.

This, however, has only increased the repressive activity of the state with the aim to allow all ethnic groups to contribute to the Chinese dream of great rejuvenation, and to share the fruit of China's development and prosperity and while urging strengthened precautions and international counter-terrorism cooperation, Xi in a speech given in May 2014 called for "walls made of copper and steel" and "nets spread from the earth to the sky" to capture terrorists.⁸⁰

http://www.china.org.cn/travel/news/2008-04/07/content_14436945.htm, last accessed 25 March 2022.

⁷³ *China executes 2 for attack before Olympics*, CNN, 2 April 2009, <https://edition.cnn.com/2009/WORLD/asiapcf/04/09/china.terrorism.executions/index.html>, last accessed 25 March 2022.

⁷⁴ *Supra*, note 69.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Central govt pledges better governance in Xinjiang*, Xinhua, 30 May 2014, https://www.chinadaily.com.cn/china/2014-05/30/content_17552753.htm, last accessed 25 March 2022.

Indeed, the PRC's repressive activity has gained momentum since the election of Xi Jinping as the nation's president. In fact, as he pointed out in a 2014 speech when talking about the fight against terrorism, he said that an environment must be created so that terrorists are as unpopular "as rats crossing the street that are chased by all"⁸¹. In addition, as noted by Tanner, China's counterterrorism efforts currently focus primarily on its predominantly Muslim Uyghur population, which is concentrated in the western region of Xinjiang. To date, when discussing events within the People's Republic of China (PRC), official use of the term 'terrorist' seems to be reserved almost solely for the description of people and groups linked to Xinjiang⁸². Indeed, this repressive activity, which has seen an increase especially since the renewal of the 'strike hard' campaign in 2008 and then in 2014, as has been pointed out in various official documents published by PRC state organs, has meant that the trend of frequent outbreaks of violent and terrorist attacks in Xinjiang has been somewhat controlled to the extent that no attacks by extremist or terrorist groups occurred in the 2017-2019 biennium.

Thus, increased security spending in the region, the start of mass incarcerations with the aim of re-educating the region's citizens and the 'Becoming Family' programmes have certainly contributed to this, but have also probably diminished the willingness to fight and protest of Muslim minorities whose voices are mainly heard abroad where many Uyghurs reside in the diaspora. This is certainly seen as a great success by the Chinese authorities but not by humanitarian organizations who are quick to point out the ongoing human rights violations that are continuously committed in China.

Conclusion

This article assessed China's legal framework for combating terrorist threats after 2001 and how the Chinese authorities labeled these violent acts. To do so, it first provides an account of why Chinese officials decide to revise their legal framework in order to combat terrorism and extremist threats, and the connections this policy has to the state's ethnic and religious orientations in Xinjiang. Indeed, while it is undisputed that terrorism in China has been linked to regional extremist and separatist groups, the "three evils" are largely the result of China's authoritarian policies of forced assimilation at the cost of compromising the cultural and religious rights of the Uyghur minority population.

This article has thus investigated the evolution, structure and form of legal responses to terrorism and by tracing the transformations of counter-terrorism legislation and policy, I have highlighted how the fight against terrorism in China is the result of a broader plan, such as the cultural assimilation of ethnic Muslims. In fact, the measures analysed operate simultaneously to strike and deal with acts connected to terrorism according to their different levels of gravity, associated risks and objectives. In short, repression measures are used to suppress ethno-religious riots, which are perceived by the government as the most serious acts of terrorist violence. However, both repression and criminalisation do not address issues of legal legitimacy and justice as the Beijing government's primary interest is to suppress any ethno-religious riots and any social, cultural and religious claims.

In conclusion, the defense of the rule of law is thus seen as a remedy for social inequalities and contradictions, also providing a method to achieve the ultimate goal of consolidating the authority of the CCP. However, as various human rights groups noted and as this analysis points out, the authorities' response to terrorism in China runs counter to the minimum standards of the rule of law and they are directed to suppress any form of social

⁸¹ *Safeguard national security and social stability by making terrorists scorned*, China Daily USA, 28 April 2014, http://usa.chinadaily.com.cn/epaper/2014-04/28/content_17471127.htm, last accessed 25 March 2022.

⁸² *Supra*, note 56.

contrast. In fact, punitive and repressive justice are a clear violation of individual freedoms and privacy, but for China the heavy emphasis on punishing and preventing terrorism is seen as an essential prerequisite for social and political stability that continues to fuel the policy of prioritising national security over individual rights. In fact, this policy serves not only to increase the existing counter-terrorist powers of the state but also to block any kind of claim by the minority ethnic groups of the Xinjiang region.

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