

HOLD THE LINE: STOPPING THE CHINESE COMMUNIST PARTY'S GENOCIDE OF THE UYGHURS

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I. INTRODUCTION

Currently, more than 1 million Uyghurs have been imprisoned by the notorious Chinese Communist regime.¹ The Uyghur people have been subjected to forced labor, forced organ harvesting, sterilization, and brainwashing.² While China refuses to acknowledge its abuse of the Uyghurs,³ several independent organizations and countries have concluded that these egregious violations continue to occur at an alarming rate.⁴

While the United Nations has called on China to respond to the allegations,⁵ China continues to claim that the Uyghurs are rightfully imprisoned for criminal activities, and that organ harvesting is entirely

¹ See Adrien Zenz, *Brainwashing, Police Guards and Coercive Internment: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's "Vocational Training Internment Camps"*, 7 J. POL. RISK, no. 7, July 2019, <https://www.jpolarisk.com/brainwashing-police-guards-and-coercive-internment-evidence-from-chinese-government-documents-about-the-nature-and-extent-of-xinjiangs-vocational-training-internment-camps/> [hereinafter Zenz, *Brainwashing, Police Guards and Coercive Internment*].

² *Id.* (“At least five different Xinjiang government or educational institution websites clearly and unambiguously state that VTICs are dedicated brain-washing institutions.”); VICKY XIUZHONG XU ET AL., POLICY BRIEF, REP. NO. 26/2020, UYGHURS FOR SALE: ‘RE-EDUCATION’, FORCED LABOUR AND SURVEILLANCE BEYOND XINJIANG 7, AUSTL. STRATEGIC POL’Y INST.’S INT’L CYBER POL’Y CTR. (2020) (Bitter Winter, a religious and human rights NGO, was told “that the workers were all former ‘re-education camp’ detainees and were threatened with further detention if they disobeyed the government’s work assignments”); Rukiye Turdush & Magnus Fiskesjö, *Dossier: Uyghur Women in China’s Genocide*, 15 GENOCIDE STUD. & PREVENTION: INT’L J., May 2021, at 22, 24 (“Uyghur women are ... forced to take birth control medication, have IUDs inserted, or be sterilized, both in the concentration camps as well as outside the camps.”); see Saphora Smith, *China Forcefully Harvests Organs From Detainees, Tribunal Concludes*, NBC NEWS DIGIT. (June 18, 2019), <https://www.nbcnews.com/news/world/china-forcefully-harvests-organs-detainees-tribunal-concludes-n1018646> (“detainees in Chinese prison camps are being killed for their organs to serve a booming transplant trade that is worth some \$1 billion a year”).

³ Lindsay Maizland, *China’s Repression of Uyghurs in Xinjiang*, COUNCIL ON FOREIGN REL.’S (last updated Sept. 22, 2022), <https://www.cfr.org/backgrounder/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights#chapter-title-0-1> (“Government officials first denied the camps’ existence. By late 2018, they ... publicly stated that the camps had two purposes: to teach Mandarin, Chinese laws, and vocational skills, and to prevent citizens from becoming influenced by extremist ideas, to ‘nip terrorist activities in the bud’”).

⁴ See Press Release, Special Procedures of the U.N. Human Rights Council, China: UN human rights experts alarmed by ‘organ harvesting’ allegations (June 14, 2021), <https://www.ohchr.org/en/press-releases/2021/06/china-un-human-rights-experts-alarmed-organ-harvesting-allegations>.

⁵ *Id.*

voluntary.⁶ The United States has already started its fight to stop the human rights violations in China with the passage of H.R. 1155, the Uyghur Forced Labor Prevention Act,⁷ and the early actions of cosponsoring H.R. 1592, the Stop Forced Organ Harvesting Act of 2021.⁸

Although these actions by the United States are well intended and are very pointed in their aims to stop the abuses against the Uyghurs, China will most likely not respond to such actions. China would never agree to arbitration on the matter, as they continue to deny that the matter exists. China recognizes its economic dominance and influence in the world and would do anything to not jeopardize this power. With China's economic position in mind, the most appropriate legal action to take would be economic sanctions against China because holding the regime or specific individuals accountable would be borderline impossible due to the nature and size of the Chinese Communist Party ("CCP").

In order to best combat the abuses of the CCP against the Uyghurs, the United States must institute economic sanctions against China which will pressure China economically into stopping the abuses; the sanctions will be drawn from the Libyan, Russian, and Cuban sanctions instituted by the United States in the past. Section II provides background into the Uyghur Re-education camps and the extensive abuses committed there. Section III provides a legal analysis of the proposed economic sanctions against China. Section IV concludes by summarizing why action must be taken against China and what actions have already been taken, while also offering a balanced solution that creates the best chance of success for the economic sanctions.

II. BACKGROUND

A. *Uyghur Re-education Camps*

The CCP has branded their re-education camps as "Vocational Skills Education Training Centers" as a part of their extensive propaganda campaign.⁹ China has yet to acknowledge these "training centers" for what

⁶ See MATTHEW P. ROBERTSON, VICTIMS OF COMMUNISM MEM'L FOUND., ORGAN PROCUREMENT AND EXTRAJUDICIAL EXECUTION IN CHINA: A REVIEW OF THE EVIDENCE 36-40 (2020).

⁷ See Uyghur Forced Labor Prevention Act, H.R. 1155, 117th Cong. (2021) (enacted). The bill was first introduced in the 116th Congress. See Uyghur Forced Labor Prevention Act, H.R. 6210, 116th Cong. (2020) (as passed by the House, Sept. 22, 2020). It was reintroduced and signed into law on December 23, 2021. See generally Public Law 117-78, 135 Stat. 1525-32 (2021).

⁸ See Stop Forced Organ Harvesting Act, H.R. 1592, 117th Cong. (2021).

⁹ See Zenz, *Brainwashing, Police Guards and Coercive Internment*, *supra* note 1 ("This campaign portrays the region's network of so-called 'Vocational Skills Education Training Centers' ... as benign training institutions that offer persons who committed minor offenses a gracious and beneficial alternative to formal prosecution.").

they are: re-education internment camps.¹⁰ Official documents confirm that the CCP engages in several forms of coercive and abusive brainwashing.¹¹ The camps' websites actually state: "Vocational Skills Education Training Centers wash clean the brains of people who became bewitched by the extreme religious ideologies of the 'three forces.'"¹² The report continues to state that the "re-education" must "wash brains, cleanse hearts, support the right, remove the wrong."¹³ China's campaign portrays the Xinjiang's network of "Vocational Skills Education Training Centers" as benign training institutions that offer persons who committed minor offenses a gracious and beneficial alternative to formal prosecution.¹⁴ However, the most damning piece of evidence against the CCP comes in the form of the Xinjiang Police Files. The Xinjiang Police Files are a major cache of speeches, images, documents, and spreadsheets that detail the nature and scale of the campaign against the Uyghurs and were leaked by a third party in 2022.¹⁵ The files include photos of detainees forced to watch propaganda in the camps and guards forcing medical injections on handcuffed detainees, as well as transcripts of directives and speeches by major CCP officials.¹⁶ China has attempted to convince the rest of the world that its re-education camps have not committed egregious human rights abuses.¹⁷ Initially, the CCP denied all allegations, but confronted with compelling testimonies and glaring research and reports, they finally admitted the existence but continue to deny the true nature of the camps, even with the release of the Xinjiang Police Files.¹⁸

i. Organ Harvesting

In addition to blatantly lying about the nature of the re-education camps through their extensive propaganda campaigns,¹⁹ the CCP has also fabricated the numbers and nature of their organ harvesting measures

¹⁰ *Id.*

¹¹ *Id.*; see also *Xinjiang Police Files*, VICTIMS OF COMMUNISM MEM'L FOUND. (May 23, 2022), <https://xinjiangpolicefiles.org/wp-content/uploads/2022/05/Xinjiang-Police-Files-Fact-Sheet-220523c.pdf>.

¹² See Zenz, *Brainwashing, Police Guards and Coercive Internment*, *supra* note 1; see also OFF. OF INT'L RELIGIOUS FREEDOM, U.S. DEP'T STATE, 2019 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: CHINA – XINJIANG 77-78 (2019) [hereinafter 2019 REPORT: CHINA – XINJIANG] ("The government continued to cite what it called the 'three evils' of 'ethnic separatism, religious extremism, and violent terrorism' as its justification to enact and enforce restrictions on religious practices of Muslims and non-Muslim religious minorities.").

¹³ Zenz, *Brainwashing, Police Guards and Coercive Internment*, *supra* note 1.

¹⁴ *Id.*

¹⁵ See *Xinjiang Police Files*, *supra* note 11.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ U.S. DEP'T OF STATE, FACT SHEET: FORCED LABOR IN CHINA'S XINJIANG REGION (2021), https://state.gov/wp-content/uploads/2021/06/Forced-Labor-in-Chinas-Xinjiang-Region_LOW.pdf.

¹⁹ See Zenz, *Brainwashing, Police Guards and Coercive Internment*, *supra* note 1.

conducted in the camps.²⁰ China's official narrative of its organ sourcing practices is that the organs were coming from judicially executed prisoners and that hospital-based citizen donors have replaced capital prisoners as the sole source of deceased donor organs for transplant.²¹ China's official stance on their massive organ harvesting resources has changed several times in the last two decades.²²

For example, prior to 2006, the CCP claimed that the source of their organs primarily came from voluntary donors.²³ From 2006 to 2015, the CCP claimed that the source of organs was from death-row prisoners, not voluntary donors.²⁴ In 2015, China changed their stance yet again, stating that the source of their organs was voluntary deceased donors, not death-row prisoners.²⁵ The fact that China has changed their official stance on organ harvesting should be alarming to the rest of the free world.²⁶ In fact, since 2000, the number of organ transplants in China has exponentially increased, but the death penalty cases have decreased.²⁷

Matthew Robertson's report on the organ harvesting measures in China brings to light the discrepancies in the CCP's campaign against the Uyghurs; specifically, he points to the mass internment of the Uyghurs in Xinjiang, unknown numbers of disappearances, widespread biometric data collections, secret night-time railway transportation of Uyghurs, and fast-track organ lanes in Xinjiang airports.²⁸ Robertson's report also addresses the chief difficulties of trusting the official data: (1) the data usually comes with

²⁰ See ROBERTSON, *supra* note 6, at 42 ("Chinese medical authorities appear to have systematically falsified the dataset on which the reform narrative was based, in a manner easily detectable and extensively documented using statistical forensics.").

²¹ *Id.* at 1 ("China has claimed the source of organs to be solely voluntary, non-prisoner deceased donors.").

²² See, e.g., *id.* at 62 ("China's official explanations for organ sourcing have been both deceptive and inadequate in accounting for this activity, meaning that some other source appears to have been used.").

²³ See *id.* at 1.

²⁴ *Id.* ("From 2006 to 2015, China claimed the source of organs had been death-row prisoners all along.").

²⁵ *Id.*

²⁶ See, e.g., ROBERTSON, *supra* note 6, at 1 ("Without commitment of resources, the public stance defaults to a largely uncritical adoption of the Chinese Communist Party's official explanation as to the source of organs. This explanation has changed three times.").

²⁷ See, e.g., Grace Yin & David Li, *Medical Genocide: Hidden Mass Murder in China's Organ Transplant Industry*, CHINA ORGAN HARVEST RSCH. CTR., Aug. 2017, at 18, <https://www.chinaorganharvest.org/app/uploads/2017/08/EN-magazine-print-20170825.pdf> ("China's transplant volume has increased dramatically since 2000 with a thirty-fold increase between 1999 and 2005 alone. Based on government imposed minimum capacity requirements, the 169 approved transplant hospitals in China have the capability to conduct 60,000 to 100,000 transplants per year. In comparison, many sources estimate the number of death-row executions in China in the thousands each year, with the number decreasing since 2000.").

²⁸ See ROBERTSON, *supra* note 6, at 36-40 (discussing evidence that strongly suggests Uyghurs have been targeted for illicit organ trafficking).

no hospital-level data,²⁹ (2) hospitals do not report all the transplants they perform to the official registries, and they have no incentive to do so because of the illicit origin of the vast majority of transplants,³⁰ (3) none of China's databases directly related to organ transplant volume at central-government and hospital levels are available for public inspection,³¹ and (4) closure of public access to organ transplant registries.³² Overall, China's lack of transparency and contradictory reports on their organ harvesting government measures leads to the reasonable conclusion that the organs are coming from an illicit source.

While China has continued to deny committing any human rights abuses, the statistics speak for themselves. Only China is known to systematically conceal and manufacture data about its organ procurement and transplantation program, while other countries with advanced organ transplant systems publish such data in a reliable and comprehensive manner.³³ In addition, the startling availability and speed of organ transplants have raised eyebrows in the free world community.³⁴ Prior to 2006, Chinese hospitals touted their short waiting times for transplants (one to two weeks) and publicly advertised that organs were readily available.³⁵ Emergency transplants are also readily available in China, to which Robertson offers two explanations: (1) there just happens to be a pre-planned execution about to take place, where the prisoner about to be executed happens to have the same blood type as the patient,³⁶ or (2) there is a pool of pre-typed donors available to draw upon for their organs on demand.³⁷ The first explanation would make these organ transplants happy coincidences, and therefore, highly unlikely.³⁸

²⁹ *Id.* at 13 (noting that when hospital-level data is provided, "it is contradicted by the observable activity at many of the hospitals who report data to the registry.").

³⁰ *Id.*

³¹ *Id.* ("Chinese authorities maintain at least 14 databases ... directly related to organ transplant volume at the central-government and hospital levels — yet none of them are available for public inspection, indicating there is a large volume of data the authorities prefer to keep hidden.").

³² *Id.*

³³ See ROBERTSON, *supra* note 6, at 11 ("No other country is known to systematically conceal and manufacture data about its deceased-donor organ procurement and transplantation program.").

³⁴ See *id.*; see also Yin & Li, *supra* note 27, at 9 ("Most patients in other countries ... have to wait years for a transplant. In China, waiting times for kidney and liver transplants have commonly been listed in weeks. China's Liver Transplant Registry System indicated in 2005 and 2006 that more than 25% of cases were emergency transplants, for which organs were found within days or even hours.").

³⁵ ROBERTSON, *supra* note 6, at 30 ("Numerous Chinese hospitals advertised their services to foreigners and Chinese alike for years, making clear that donors were available as needed with minimal waiting times.").

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* ("If the first scenario were to explain the phenomenon, it would require that a chain of fortunate coincidences was taking place in cities across China for many years, such that coincidences produced between one quarter and one third of liver transplants. Common sense rejects this explanation.").

The second explanation is much more plausible considering the rest of the evidence, which purports that the CCP has kept a healthy, pre-typed population available to be killed for organ transplants.³⁹ Other incidents support this explanation, especially multiple instances of “rapid re-transplantation after rejection.”⁴⁰ Especially when considering how patients in countries with advanced transplant procedures have a difficult time receiving organs with a low supply and high demand, these actions by China are incredibly suspicious.

Since 2017, CCP security forces have embarked on a large-scale campaign against Uyghur Muslims in the Xinjiang province of China.⁴¹ Public security and other authorities in Xinjiang have collected biometric data of all Xinjiang residents between 12 and 65 years of age, which includes DNA samples, fingerprints, iris scans, and blood types.⁴² The blood tests and physical medical examinations are consistent with those required for assessing organ health;⁴³ several former detainees testified that they had blood and urine samples taken involuntarily, which are both prerequisites for organ transplantation.⁴⁴ In addition, the total number of deaths of Uyghurs and other victims of the Xinjiang mass detention campaign is unknown,⁴⁵ and given the numerous reports of abuse, rape, and torture of Uyghur prisoners, it is unlikely that the disappearances will ever result in any official investigations.⁴⁶ Reports also find that CCP authorities are secretly transferring thousands of Uyghurs by rail to prisons and detention facilities,⁴⁷ which on their own do not necessarily constitute human right abuses, but the presence of involuntary prisoner donors close to hospitals could facilitate more coerced organ procurements.⁴⁸

ii. Forced Labor

In addition to a mass abuse of organ harvesting in the Xinjiang province, forced labor is also used to implement the CCP’s repression of the Uyghurs.⁴⁹ Chinese authorities use threats of physical violence, forcible drug intake, physical and sexual abuse, and torture to force detainees to work in off-site factories or worksites producing garments, footwear, carpets, yarn, food products, holiday decorations, building materials, and others.⁵⁰ These products and raw materials are injected into international supply chains,

³⁹ *Id.*

⁴⁰ *Id.* at 31.

⁴¹ See ROBERTSON, *supra* note 6, at 34-35.

⁴² *Id.* at 37.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 38-39.

⁴⁶ *Id.* at 39.

⁴⁷ ROBERTSON, *supra* note 6, at 39.

⁴⁸ *Id.*

⁴⁹ U.S. DEP’T OF STATE, FACT SHEET, *supra* note 18.

⁵⁰ *Id.*

spreading the PRC's forced labor complicity around the world.⁵¹ The CCP also began transferring thousands of camp detainees throughout China under a "poverty alleviation" program, in which companies and local governments received substantial subsidies for forcing the Uyghurs to labor in manufacturing.⁵² The Uyghurs who are forced to labor live in "segregated dormitories, undergo organized Mandarin and ideological training outside working hours, are subject to constant surveillance, and forbidden from participating in religious observances."⁵³ In a report from February 2020, the Australian Strategic Policy Institute identified 82 foreign and Chinese companies benefiting from the use of Uyghur forced labor including: Abercrombie & Fitch, Acer, Adidas, Alstom, Amazon, Apple, ASUS, BMW, Calvin Klein, Carter's, Cisco, Dell, Fila, Gap, General Motors, Google, H&M, Jack & Jones, Jaguar, L.L.Bean, Land Rover, Lenovo, LG, Mercedes-Benz, MG, Microsoft, Mitsubishi, Nike, Nintendo, Nokia, Panasonic, Polo Ralph Lauren, Puma, Samsung, Sharp, Siemens, Skechers, Sony, TDK, Tommy Hilfiger, Toshiba, Uniqlo, Victoria's Secret, Volkswagen, Zara.⁵⁴

The International Labor Organization lists 11 indicators of forced labor, several of which have occurred to the Uyghurs in Xinjiang.⁵⁵ Uyghur workers are

- (1) subjected to intimidation and threats, such as the threat of arbitrary detention, and are monitored by security personnel and digital surveillance tools,⁵⁶
- (2) being placed in a position of dependency and vulnerability, such as by threats to family members back in Xinjiang,⁵⁷
- (3) restricted in terms of their freedom of movement by fenced-in factories and high-tech surveillance,⁵⁸
- (4) isolated by living in segregated dormitories and being transported in dedicated trains,⁵⁹
- (5) suffer from abusive working conditions, through political indoctrination, police guard posts in factories, "military-style" management, and a ban on religious practices,⁶⁰ and

⁵¹ *Id.*

⁵² *Id.*

⁵³ XU ET AL., *supra* note 2, at 6.

⁵⁴ *Id.* at 27.

⁵⁵ *Id.* at 6.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ XU ET AL., *supra* note 2, at 6.

⁶⁰ *Id.*

(6) are forced to work excessive hours, in after-work Mandarin language classes and political indoctrination sessions that are part of job assignments.⁶¹

Following much unrest from the use of Uyghur forced labor, the CCP began holding regular national “Xinjiang Aid” conferences in 2010, where the CCP offered financial subsidies and political inducements to find employment opportunities for newly “re-educated” Uyghurs.⁶² By 2018, a direct pipeline of Uyghurs workers from the re-education camps in Xinjiang “graduated” to factory work across China.⁶³ Because of these forced labor practices, it is nearly impossible to guarantee that products manufactured in China are free from forced labor.⁶⁴

iii. Female Human Rights Abuses

On top of being forced to labor in horrendous conditions, many Uyghur women are subjected to forced sterilizations. Chinese government documents directly mandate that birth control violations are punishable by extrajudicial internment in “training” camps.⁶⁵ Part of the campaign against the Uyghur Muslims includes forced consumption of injections with unidentified drugs.⁶⁶ By 2019, CCP authorities in Xinjiang planned to subject at least 80 percent of women of childbearing age to intrusive birth prevention surgeries, either IUDs or sterilizations.⁶⁷ In fact, in 2018, 80 percent of all added IUD placements in China were performed in Xinjiang, even though that region only accounts for 1.8 percent of the population.⁶⁸ These disproportionate figures showcase just how far the CCP is willing to go for their plans of Uyghur eradication. Female detainees had their hair cut, underwent unexplained medical tests, and were forcibly injected every fifteen days with a “vaccine” that brought on nausea and numbness.⁶⁹

The violence against women in the camps does not end with forced sterilizations. One woman who fled Xinjiang testified that women are removed from their cells every night and raped by one or more masked Chinese men, and that she was tortured and gang-raped on three occasions.⁷⁰

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ ADRIAN ZENZ, STERILIZATIONS, IUDS, AND MANDATORY BIRTH CONTROL: THE CCP’S CAMPAIGN TO SUPPRESS UYGHUR BIRTHRATES IN XINJIANG 2 (JAMESTOWN FOUND. 2020) [hereinafter ZENZ, JAMESTOWN FOUND. REPORT].

⁶⁶ ROBERTSON, *supra* note 6, at 40.

⁶⁷ ZENZ, JAMESTOWN FOUND. REPORT, *supra* note 65, at 3.

⁶⁸ *Id.* at 2.

⁶⁹ Matthew Hill et al., ‘Their Goal Is to Destroy Everyone’: Uighur Camp Detainees Allege Systematic Rape, BBC NEWS (Feb. 2, 2021), <https://www.bbc.com/news/world-asia-china-55794071>.

⁷⁰ *Id.*

Some former detainees also described how they were forced to assist guards in their raping of other female prisoners or face punishment.⁷¹ Another female detainee accounted that gang rape became a part of the culture in the camps, and that the Chinese police stripped the clothes from the women and electrocuted them.⁷²

iv. Cultural Destruction

While the number of re-education camps is unknown, dozens of camps have been confirmed, although activists believe that there are around a thousand.⁷³ In their campaign of “re-education” or more accurately, brainwashing, CCP authorities have used “regimentation of daily life, struggle sessions, public confessions, displays of loyalty to the Party, and incarceration of individuals who constitute perceived threats.”⁷⁴ The range of policies in the campaign against Uyghur Muslims includes mass incarceration and coercive deconversion from Islam, mandatory use of Chinese written and spoken language by children at school, prohibition of Uyghur language in the public sphere, destruction of mosques, and vilification of Uyghur religious beliefs as “ideological viruses.”⁷⁵ This also includes subsidies and policies encouraging intermarriage between Uyghur women and Han men, and incentives for Han settlers to colonize Xinjiang.⁷⁶ Prisoners are forced to spend hours singing patriotic Chinese songs and patriotic TV programs about President Xi Jinping.⁷⁷ Detainees also have food withheld if they fail to accurately memorize passages from books about Xi Jinping.⁷⁸ Those detainees that failed tests are forced to wear different colors of clothing depending on whether they had failed one, two, or three times and they were subjected to different levels of punishment, including more food deprivation and regular beatings.⁷⁹

These atrocious forms of brainwashing should come as no surprise considering the CCP’s history. The CCP has committed such widespread coercive eradication campaigns in the past, all of which establish a precedent for the Uyghur re-education camps. The two most well-known Maoist political-ideological mobilization campaigns, the Great Leap Forward and the Cultural Revolution resulted in widespread violence and mass deconversions.⁸⁰ More recently, the anti-Falun Gong campaign has demonstrated that such brutality is not beneath the communist party

⁷¹ *Id.*

⁷² *Id.*

⁷³ See ROBERTSON, *supra* note 6, at 35.

⁷⁴ *Id.* at 37.

⁷⁵ *Id.* at 40.

⁷⁶ *Id.*

⁷⁷ Hill et al., *supra* note 69.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ See ROBERTSON, *supra* note 6, at 40.

measures.⁸¹ In fact, prior to the implementation of the Uyghur re-education campaign, Falun Gong practitioners have been targets of an “eliminationist, extralegal campaign” which tracks down believers and subjects them to forced ideological conversion and compels them under torture to renounce their beliefs.⁸² An overlap of personnel in carrying out the anti-Falun Gong campaign and performing organ transplants provides more backing to the forced organ harvesting claims and creates a historical basis for the Uyghur organ harvesting.⁸³ One former detainee said that destroying everyone was the party’s plan; the surveillance, internment, indoctrination, dehumanization, sterilization, torture, and rape were all meant to finish the Uyghur people.⁸⁴

B. *Economic Sanctions Generalized*

“Economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign affairs and security policy purposes.”⁸⁵ Sanctions come in several forms, including travel bans, asset freezes, arms embargoes, capital restraints, foreign aid reductions, and trade restrictions.⁸⁶ An embargo is an official government ban on importing, exporting, or participating in specific commercial activities with a particular country.⁸⁷ The aim is to isolate the country and hopefully force it to comply with international laws and treaties.⁸⁸ The United States currently has more than two dozen sanctions against certain regimes, while some target specific countries and others aim to suppress terrorism and drug trafficking.⁸⁹

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Hill et al., *supra* note 69 (“‘They say people are released, but in my opinion everyone who leaves the camps is finished.’ And that, she said, was the plan. The surveillance, the internment, the indoctrination, the dehumanisation, the sterilisation, the torture, the rape. ‘Their goal is to destroy everyone,’ she said. ‘And everybody knows it.’”).

⁸⁵ See Jonathan Masters, *What Are Economic Sanctions?*, COUNCIL ON FOREIGN REL.’S (Aug. 12, 2019), <https://www.cfr.org/background/what-are-economic-sanctions>.

⁸⁶ *Id.*

⁸⁷ See CFI Team, *Embargo*, CORP. FIN. INST. (Jan. 9, 2023), <https://corporatefinanceinstitute.com/resources/economics/embargo/> (“In modern international relations, an embargo acts as an instrument of economic, scientific, technical, and financial pressure, aimed at forcing changes in the target state’s internal and foreign policies.”).

⁸⁸ See, e.g., Robert Longley, *What Is an Embargo? Definition and Examples*, THOUGHTCO. (Jan. 3, 2021), <https://www.thoughtco.com/what-is-an-embargo-definition-examples-4584158> (“In 1986, the United States imposed strict trade embargoes against South Africa in opposition to its government’s long-standing policies of racial apartheid. Along with pressure from other nations, the U.S. embargoes helped result in the end of apartheid with the election of a fully racially-mixed government under President Nelson Mandela in 1994.”).

⁸⁹ See Masters, *supra* note 85.

Critics of economic sanctions argue that such sanctions are often poorly conceived and are rarely successful in changing the target's conduct.⁹⁰ However, proponents of economic sanctions maintain that these sanctions have been more effective in recent years, and they remain an essential foreign policy tool.⁹¹

There are different types of economic sanctions that the United States has implemented.⁹² Comprehensive economic sanctions prohibit commercial activity regarding an entire country.⁹³ Targeted economic sanctions block transactions by and with certain businesses, groups, or individuals.⁹⁴ More recently, there is a shift towards targeted economic sanctions, because they aim at minimizing the suffering of innocent civilians.⁹⁵

Typically, sanctions are used by national governments and international bodies like the United Nations and European Union to coerce, deter, punish, or shame entities that endanger their interests or violate international standards.⁹⁶ Logistically speaking, sanctions are a cheaper and more cost-effective way to implement international policy.⁹⁷ Policymakers sometimes consider sanctions as responses to foreign issues where military action is not feasible, and it becomes a lower risk course of action.⁹⁸ While the general global populace has sought to move away from comprehensive sanctions, at times leaders have decided that some activities needed to be targeted with more punitive action.⁹⁹ For example, when Saddam Hussein invaded Kuwait in August 1990, the United Nations Security Council imposed comprehensive sanctions against Iraq.¹⁰⁰

⁹⁰ CFI Team, *supra* note 87 ("According to the Geneva, Switzerland-based World Economic Forum, the result of multinational embargoes is never a "zero-sum game." Relying on the power of a government, a state with a stronger economy can cause more damage to the target state than it will suffer in response. However, the punishment does not always lead to a change in the embargoed government's political behavior.").

⁹¹ Masters, *supra* note 85 ("supporters contend they have become more effective in recent years and remain an essential foreign policy tool. Sanctions have been the defining feature of the Western response to several geopolitical challenges, including North Korea's nuclear program and Russia's intervention in Ukraine.").

⁹² *Id.* ("The more than two dozen existing U.S. sanctions programs are administered by the Treasury Department's Office of Foreign Assets Control (OFAC), while other departments, including State, Commerce, Homeland Security, and Justice, may also play an integral role.").

⁹³ *Id.*

⁹⁴ *Id.* ("OFAC routinely adds (and deletes) entries on its blacklist ... The assets of those listed are blocked, and U.S. persons, including U.S. businesses and their foreign branches, are forbidden from transacting with them.").

⁹⁵ *Id.* ("there has been a pronounced shift toward targeted or so-called smart sanctions, which aim to minimize the suffering of innocent civilians.").

⁹⁶ *See id.*

⁹⁷ Masters, *supra* note 85.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

The sanctions process in the United States usually begins with an executive order launched by the President, although sanctions can begin in either the executive or legislative branch.¹⁰¹ In their executive order, the President declares a national emergency in response to an “unusual and extraordinary” foreign threat, which affords the President special powers pursuant to the International Emergency Economic Powers Act to regulate commerce with regard to that threat for a period of one.¹⁰² The President can extend this period or it can be terminated by a joint resolution of Congress.¹⁰³ Congress may also pass legislation imposing new sanctions or modifying existing ones.¹⁰⁴ As of 2019, the United States has comprehensive sanctions programs on the regimes in Cuba, North Korea, Iran, Sudan, Syria, and several other groups and entities engaged in alleged criminal behavior and political problems.¹⁰⁵

Experts in economic sanctions recommend that evaluations of sanctions must consider several factors.¹⁰⁶ Firstly, the dynamics of each historical case vary enormously, as some sanctions can be effective in one setting and not in another.¹⁰⁷ In addition, sanctions can evolve over time, as the scope of the measures used and the motivations behind them often change.¹⁰⁸ Lastly, the comparative utility of sanctions must be considered, as inaction against a certain activity could have resulted in a worse outcome or higher costs.¹⁰⁹ Experts also offer certain practices to develop an effective sanctions policy.¹¹⁰ A well-rounded approach which includes punitive measures like sanctions and the threat of military action with positive incentives creates a more effective strategy.¹¹¹ Building multilateral support is key to a successful sanctions policy, as the more governments sign on to and enforce sanctions the better, especially in cases where the target is economically diversified.¹¹²

i. Sanctions Against Cuba

Recently, the United States has expanded their use of sanctions, and they have been a defining feature of the Western response to several international issues.¹¹³ One of the most common and most controversial economic sanctions is the embargo against Cuba. The embargo was put in

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ Masters, *supra* note 85.

¹⁰⁴ *Id.*

¹⁰⁵ *See id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ Masters, *supra* note 85.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

place in 1960, and then expanded by President Kennedy in 1962.¹¹⁴ The opening lines of Kennedy's proclamation of the embargo explain the driving forces behind the United States' decision to enforce sanctions: "that the present Government of Cuba is incompatible with the principles and objectives of the Inter-American system; and, in light of the subversive offensive of Sino-Soviet Communism with which the Government of Cuba is publicly aligned, urged the member states to take those steps that they may consider appropriate for their individual and collective self-defense."¹¹⁵ President Kennedy continues, stating: "the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers."¹¹⁶ The embargo on Cuba has since grown beyond that of its original intent, as it has become a comprehensive set of economic, financial, and commercial sanctions.¹¹⁷

ii. Sanctions Against Russia

Another famous form of sanctions began in 2014 following the Russian annexation of Crimea.¹¹⁸ In response to the controversial annexation, the United States suspended trade and investment talks with Russia as well as military-to-military cooperation. Executive Order 13660 authorized sanctions on individuals and entities responsible for violating the sovereignty and territorial integrity of Ukraine and for stealing the assets of the Ukrainian people.¹¹⁹ The United States was not the only country to impose sanctions against Russia to condemn them for their actions. The European Union also imposed visa restrictions and asset freezes on several Russian and Ukrainian officials.¹²⁰ Following several other sanctions by the EU, the US, and Russia, the U.S. Treasury imposed sanctions on two major banks and energy companies, and eight arms companies, and several officials and separatists.¹²¹ The combined efforts of the European Union and the United States displayed a united front that the free world would not tolerate the actions of Russia.¹²² The sanctions against Russia have been considered successful on two

¹¹⁴ See Elizabeth Drew Ernest, *Cuban Trade Relations Under the U.S. Embargo and their Impact on Human Development* 11 (May 5, 2016) (Senior Theses, University of South Carolina) (Scholar Commons).

¹¹⁵ See Proclamation No. 3447, 27 Fed. Reg. 1085 (Feb. 6, 1962) (Embargo on All Trade with Cuba) [hereinafter Proclamation No. 3447].

¹¹⁶ *Id.*

¹¹⁷ See Ernest, *supra* note 114, at 11.

¹¹⁸ See Ivan Gutterman et. al, *A Timeline Of All Russia-Related Sanctions*, RADIO FREE EUR. (Sept. 18, 2018), <https://www.rferl.org/a/russia-sanctions-timeline/29477179.html>.

¹¹⁹ See Exec. Order No. 13,660, 79 Fed. Reg. 13493 (Mar. 6, 2014).

¹²⁰ See Gutterman et. al, *supra* note 118.

¹²¹ See *id.*

¹²² See Exec. Order No. 13,685, 79 Fed. Reg. 77357 (Dec. 19, 2014).

counts.¹²³ First, the sanctions stopped President Putin's military offensive into Ukraine and secondly, the sanctions have hit the Russian economy hard, so much so that it is not likely to grow significantly again until Russia can persuade those imposing the sanctions to lift or ease them.¹²⁴

iii. Sanctions Against Libya

One of the most successful sanctions imposed by the United States occurred in the 1990s and early 2000s against Libya.¹²⁵ During the 1980s and 1990s, Libya was largely considered a rogue state by the Western world, with its leader Muammar Qaddafi referred to as "the madman of the Middle East" by President Ronald Reagan.¹²⁶ The situation in Libya was largely contentious as Qaddafi openly supported terrorism and instituted a nuclear program for weapons of mass destruction.¹²⁷ Following sanctions imposed by the United States and several other countries, Libya ended its weapons of mass destruction programs and stopped openly supporting terrorism.¹²⁸ The keys to success in Libya were credited to proportionality, reciprocity, and coercive credibility.¹²⁹ Proportionality was instrumental, as the goal in Libya was not a regime change, but rather, a policy change.¹³⁰ Reciprocity was established through small steps of diplomacy and slowly building trust after decades of bitter conflict.¹³¹ Coercive credibility came from economic sanctions on a multilateral level, but also from the backdrop of military force.¹³² The multilateral facet of the sanctions added more credibility and strengthened its impact; having United Nations support sent a strong message of international political will.¹³³

The embargo against Cuba today is largely controversial, however more recent sanctions, like those on Russia and Libya, are considered successful, especially due to their multilateral natures.¹³⁴ The Cuban embargo has only been imposed by the United States, and most countries condemn it and implore the United States to lift or ease the terms of the embargo.¹³⁵ The

¹²³ See Anders Åslund & Maria Snegovaya, *The Impact of Western Sanctions on Russia and How They Can be Made Even More Effective*, ATL. COUNCIL (May 3, 2021), <https://www.atlanticcouncil.org/in-depth-research-reports/report/the-impact-of-western-sanctions-on-russia/>.

¹²⁴ *Id.*

¹²⁵ See BRUCE JENTLESON, *COERCIVE DIPLOMACY: SCOPE AND LIMITS IN THE CONTEMPORARY WORLD* 5 (STANLEY FOUND. 2006).

¹²⁶ *Id.* at 2.

¹²⁷ *Id.*

¹²⁸ *Id.* at 5.

¹²⁹ *Id.* at 3.

¹³⁰ *See id.*

¹³¹ JENTLESON, *supra* note 125, at 3.

¹³² *Id.*

¹³³ *Id.* at 7.

¹³⁴ *Id.* at 4.

¹³⁵ See Ernest, *supra* note 114, at 16.

goal of the embargo was a regime change¹³⁶, whereas in Libya and Russia, the goal of the sanctions was policy changes and condemnation of specific actions.¹³⁷ Without multilateral support, sanctions largely cannot succeed.

C. Responses to China

The United States has already responded to the Uyghur crisis in China in both the executive and legislative branches. The actions have largely been ceremonial or personal in nature, with one notable exception being the Uyghur Forced Labor Prevention Act.¹³⁸ Otherwise, the United States has not taken especially hard action against China as they do not wish to antagonize the CCP.

Within Congress, the House and the Senate have proposed several resolutions and acts to condemn China. The most recent action against China on the Uyghur re-education camps is the Uyghur Forced Labor Prevention Act ("UFLPA").¹³⁹ The UFLPA sets a new standard for goods produced in Xinjiang, banning all goods unless Customs and Border Protection (CBP) can firmly establish that the goods were not made using forced labor.¹⁴⁰ The UFLPA reverses the previously applied burden of proof, creating a presumption that goods produced in Xinjiang involve forced labor.¹⁴¹ The UFLPA through the Customs and Border Protection ("CBP") requires:

- (1) an affidavit from the provider of the product and identification of its source,
- (2) purchase orders, invoices, and proof of payment,
- (3) a list of production steps and production records from the imported merchandise back through the supply chain,
- (4) transportation documents at all stages of the supply chain, and
- (5) daily process reports.¹⁴²

The legislation has had mixed reactions from the American public;¹⁴³ U.S. companies were less than enthusiastic, as they believed the Act would prove ineffective.¹⁴⁴ However, several human rights organizations believe this

¹³⁶ See Proclamation No. 3447, *supra* note 115.

¹³⁷ See JENTLESON, *supra* note 125, at 7.

¹³⁸ See Dan Lonergan et al., *Congress Takes Aim At Uyghur Forced Labor*, 11 NAT'L L. REV. 215 (Aug. 3, 2021), <https://www.natlawreview.com/article/congress-takes-aim-uyghur-forced-labor>.

¹³⁹ See *id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Lonergan et al., *supra* note 139.

could be an important step in driving companies to conduct proper due diligence on their supply chains.¹⁴⁵

Congress has also introduced the Stop Forced Organ Harvesting Act (“STOP Act”), a piece of bipartisan legislation in the Senate and House aimed to combat forced organ harvesting broadly and especially in China.¹⁴⁶ The STOP Act was introduced to combat the unethical and criminal practice of harvesting organs often from minority groups and other vulnerable victims.¹⁴⁷ The STOP Act would authorize the United States government to deny or revoke passports for illegal organ purchasers.¹⁴⁸ The STOP Act would also mandate annual reporting on forced organ harvesting in foreign countries.¹⁴⁹ This State Department reporting would identify foreign officials and entities responsible for forced organ harvesting.¹⁵⁰ The STOP Act would also mandate an annual report on U.S. institutions that train organ transplant surgeons affiliated with foreign entities involved in forced organ harvesting.¹⁵¹ The STOP Act would prohibit the export of organ transplant surgery devices to entities responsible for forced organ harvesting.¹⁵² The STOP Act would sanction foreign officials and entities that engage in or otherwise support forced organ harvesting.¹⁵³ Representative Suozzi summarized the driving force behind the STOP Act with this statement:

Members of the [CCP] must be held accountable for the unspeakable practice of organ harvesting. They have taken advantage of and abused political prisoners, minority groups, and religious groups for too long[.] To not speak out on this egregious practice is to be complicit. Forced organ harvesting has no place in our world.¹⁵⁴

Congress has also proposed resolutions in both the House and the Senate in response to China’s abuses. Most specifically, Representative Michael McCall submitted the resolution, “Condemning the ongoing genocide and crimes against humanity being committed against Uyghurs and members of other religious and ethnic minority groups by the People’s Republic of

¹⁴⁵ *Id.*

¹⁴⁶ See Press Release, Int’l Coal. to End Transplant Abuse in China, Bipartisan Legislation to Combat Forced Organ Harvesting Introduced in Senate and House (Mar. 10, 2021), <https://endtransplantabuse.org/bipartisan-stop-forced-organ-harvesting-bill-of-2021-introduced-in-the-united-states/>.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Press Release, Int’l Coal. to End Transplant Abuse in China, *supra* note 146.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

China.”¹⁵⁵ The resolution found that the abuses against the Uyghurs and members of other ethnic and religious minority groups constituted genocide as defined in the Genocide Convention and crimes against humanity as understood under customary international law.¹⁵⁶ Lastly, the resolution called upon the President to direct the U.S. Permanent Representative to the United Nations to refer China’s crimes against humanity to the U.N. for investigations and to take all possible actions to bring the genocide against the Uyghurs to an end and to hold the perpetrators of the crimes accountable under international law.¹⁵⁷

The legislative branch is not the only U.S. government body to act against China for the Uyghur re-education camps. President Trump and President Biden have both taken steps to combat the human rights abuses in the Xinjiang province. In June 2020, President Trump signed into law the Uyghur Human Rights Policy Act of 2020, which imposed sanctions against Chinese officials responsible for the detention and persecution of Uyghurs.¹⁵⁸ In a groundbreaking move, the Trump Administration declared in January 2020 that the Chinese government was committing genocide, following years of debate over how to punish Beijing for their human rights abuses.¹⁵⁹ The Biden Administration’s China policy has largely followed the Trump Administration’s steps.¹⁶⁰ The Biden Administration seems to be willing to take an initiative ahead of U.S. allies and partners, following a growing appetite to confront the CCP alone, if necessary, just as the Trump administration did prior.¹⁶¹ In June 2021, the White House decided to impose an import ban on Hoshine Silicon Industry over its use of Uyghur forced labor.¹⁶²

The United States is not alone in the combating the Uyghur crisis in China. United Nations human rights experts raised the organ harvesting issue with the CCP back in 2006 and 2007, but the CCP lacked data, such as waiting times for organ allocation or information on the sources of organs.¹⁶³ The United Nations recognized that there was a gradual development of a

¹⁵⁵ See Condemning the ongoing genocide and crimes against humanity being committed against Uyghurs and members of other religious and ethnic minority groups by the People’s Republic of China, H.R. Res. 317, 117th Cong. (2021).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ See Eleanor Albert, *Trump Signs Uyghur Human Rights Act Into Law*, DIPLOMAT (June 18, 2020), <https://thediplomat.com/2020/06/trump-signs-uyghur-human-rights-act-into-law/>.

¹⁵⁹ See Edward Wong & Chris Buckley, *U.S. Says China’s Repression of Uighurs is ‘Genocide’*, N.Y. TIMES (Jan. 19, 2021), <https://www.nytimes.com/2021/01/19/us/politics/the-us-calls-chinas-repression-of-the-uighurs-genocide-echoing-bidens-earlier-comments.html>.

¹⁶⁰ See Michael Sobolik, *Biden’s confused China policy*, THE HILL (July 21, 2021), <https://thehill.com/opinion/international/564028-bidens-confused-china-policy/>.

¹⁶¹ *Id.*

¹⁶² See *id.*

¹⁶³ See Press Release, Special Procedures of the U.N. Human Rights Council, *supra* note 4.

voluntary organ donation system, however, the U.N. continued to receive information of the growing human rights violations in the procurement of organs for transplants in China.¹⁶⁴ The United Nations human rights experts announced in June 2021 that they were extremely alarmed by the organ harvesting in China, which targeted Uyghurs, as well as Falun Gong practitioners, Tibetans, Muslims, and Christians.¹⁶⁵ The experts stated that they received credible information that detainees from ethnic, linguistic, or religious minorities were forcibly subjected to blood tests and organ examinations without their informed consent.¹⁶⁶

Meanwhile, U.N. experts recognized that the lack of available data and information-sharing systems were obstacles to the protection of victims and effective prosecution of traffickers.¹⁶⁷ Human rights experts called on China to promptly respond to the allegations of organ harvesting and to allow independent monitoring by international human rights mechanisms.¹⁶⁸ One of the United Nations' greatest concerns was the lack of independent oversight in China's organ allocation system.¹⁶⁹

The China Tribunal, an independent international tribunal formed to investigate the forced organ harvesting claims from prisoners of conscience in China, issued an interim judgment in December 2018 stating: "The Tribunal's members are certain – unanimously, and sure beyond a reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims."¹⁷⁰ The Tribunal reached a series of conclusions as follows:

- (1) that there were extraordinary short waiting times,¹⁷¹
- (2) that there was torture of Falun Gong and Uyghurs,¹⁷²
- (3) that there was accumulated numerical evidence which indicated the number of transplant operations performed and the impossibility of there being anything like sufficient "eligible donors" under the recently formed PRC voluntary donor scheme for that number of transplant operations,¹⁷³

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *See id.*

¹⁶⁹ Press Release, Special Procedures of the U.N. Human Rights Council, *supra* note 4.

¹⁷⁰ *See* China Tribunal, Short Form Conclusion of the China Tribunal's Judgment 1 (June 17, 2019), https://chinatribunal.com/wp-content/uploads/2020/02/China-Tribunal-SHORT-FORM-CONCLUSION_Final.pdf.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

- (4) that there was a massive infrastructure development of facilities and medical personnel for organ transplant operations, started before any voluntary donor system was even planned,¹⁷⁴ and
- (5) that there was direct and indirect evidence of forced organ harvesting.¹⁷⁵

The China Tribunal combined the series of conclusions for one final all-encompassing conclusion which stated that forced organ harvesting has been committed for years throughout China on a significant scale.¹⁷⁶ The Tribunal emphasized that there is a duty on those who have the power to institute investigations for and proceedings at international courts or at the United Nations to test whether Genocide has been committed.¹⁷⁷ Most pointedly, the China Tribunal noted that forced organ harvesting is of unmatched wickedness even compared on a death for death basis with the killings by mass crimes committed in the last century.¹⁷⁸

III. LEGAL ANALYSIS

The proposed economic sanctions will be drawn from the Libyan sanctions, the Russia sanctions of 2014 and the Cuba embargo, the proposed economic sanctions against China should be pointed and harsh. Rather than imposing individualized sanctions, the proposed economic sanctions will be broad, harsh, and sweeping to wholly punish the Chinese communist regime. The Cuban embargo provides a basis for the similar motivations behind the economic sanctions. Just as the United States sought to combat the spread of communism and its inherent human rights abuses in Cuba, the United States currently seeks to combat the human rights violations and policy in China. However, the failures of the Cuban embargo lie in the fact that the regime has largely remained unchanged, even in the face of the embargo. In addition, the embargo lacks multilateral support, without which it could not succeed. While in practice the Cuban embargo has not succeeded in its goals of eradicating communism in Cuba (although with the recent Cuban protests in July 2021, it is possible that this goal will finally be accomplished¹⁷⁹), the motivations for ending human rights abuses driving the embargo remain as valid today as they did then. By using the language that condemns human rights abuses in the proclamation by President Kennedy, the economic sanctions against China will outline exactly why the sanctions have been issued.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ China Tribunal, *supra* note 170, at 2.

¹⁷⁷ *See id.* at 3.

¹⁷⁸ *Id.* at 2.

¹⁷⁹ *See* Jorge Carrasco, 'We Are No Longer Afraid': Thousands of Cubans Protest Against the Government, NBC NEWS (July 12, 2021), <https://www.nbcnews.com/news/latino/-are-no-longer-afraid-thousands-cubans-protest-government-rcna1386>.

The sanctions against Russia following the annexation of Crimea have been more successful than the Cuban embargo in that the Russian government halted its military offensive, and the sanctions damaged the Russian economy. The Russian sanctions have been successful largely thanks to the multilateral effort to condemn the Russian annexation. While the regime in Russia remains unchanged, the goal of the sanctions was met. For the economic sanctions against China to be successful, the United States must gain multilateral support from other countries and international entities to end China's human rights abuses.

The Libyan sanctions were one of the most successful in recent years, as they ultimately achieved their goal of Libya's voluntary dismantling of their weapons of mass destruction program and ending their support of terrorism. The key to their success was a balance of proportionality, which referred to the relationship between the scope and nature of the objectives being pursued and the leverage applied in their pursuit; reciprocity, which involves an explicit or at least mutually tacit understanding of the linkage between the coercer's "carrots" and the target's concessions; and coercive credibility, which encompasses the element of intimidation to go with the reassurance cultivated through reciprocity.¹⁸⁰ All elements are likely to be achieved if other major international actors are supportive and opposition to the coercer's state's domestic politics is limited.¹⁸¹ In this case, the proposed sanctions would economically target human rights abuses. While this might not seem proportional, human rights violations are directly tied to economics already, as evidenced by cheap forced labor; therefore, proportionality is achieved. As for reciprocity, the language of the sanctions would make the intentions of the United States clear: ending the human rights abuses in the Uyghur re-education camps. Lastly, coercive credibility would be achieved through the economic sanctions; the United States needs to show China that they will condemn atrocities harshly.

Allowing China to continue committing these egregious acts of violence against the Uyghurs would be on par with Appeasement before World War II. Just as the United States and the rest of the free world brought the leaders of Nazi Germany to justice for their orchestration of the Holocaust, the United States must likewise seek justice for the Uyghurs. The parallels between the two mass-organized genocides are not lost on this generation. By instituting the sanctions, the United States would continue its protection and pursuit of justice for victims whose regimes have betrayed them.

The benefits of the proposed sanctions would display a strong arm against China, showing China that the United States will not tolerate human

¹⁸⁰ See JENTLESON, *supra* note 125, at 3.

¹⁸¹ *Id.*

rights abuses and violations. By solely condemning the human rights abuses without any accompanying punitive action, China will not change its Uyghur policy. The CCP has refused to acknowledge any human rights abuses, as it continues to deny the nature of the Uyghur re-education camps, even when confronted with the evidence. The CCP clearly has no respect for human rights, as displayed by their harsh rhetoric and treatment of minorities and individuals who do not conform to the communist party's ideals.

The advancement of China's economy is of the utmost importance to Xi Jinping, as he declared economic "common prosperity" among the Chinese people as critical for the Party to maintain power and transform the country into a fully developed, rich, and powerful nation.¹⁸² With this in mind, the only way to coerce China into relenting in its abuse of the Uyghur people is to target what truly matters to China: its economy.

There are a few caveats that the United States needs to be aware of before imposing economic sanctions against China. There is a distinct possibility that China might not stop human rights abuses. Xi Jinping has made clear his opinion on "Chinese supremacy," stating that China's rise is a "historical inevitability" and it will no longer be "bullied, oppressed or subjugated" by foreign countries.¹⁸³ Xi Jinping went further, stating, "Anyone who dares to try, will find their heads bashed bloody against a great wall of steel forged by over 1.4 billion Chinese people."¹⁸⁴ There is also a distinct possibility that China might retaliate harshly, such as invading Taiwan. Xi Jinping has vowed to "utterly defeat Taiwan independence" and that its reunification with the mainland was part of the "historic mission" of the CCP.¹⁸⁵

With Xi Jinping's dangerous vision in mind, the United States must not continue to appease China and instead must take a hard line in combating human rights abuses. The caveats discussed above do not outweigh the necessity of standing firm in the face of China's atrocities.

IV. CONCLUSION

To best combat the abuses of the CCP against the Uyghurs, the United States must institute economic sanctions against China, which will

¹⁸² See Laura He, *President Xi Jinping turns his fire on China's rich in push to redistribute wealth*, CNN BUS. (Aug. 18, 2021), <https://www.cnn.com/2021/08/18/economy/xi-jinping-china-wealth-redistribution-intl-hnk/index.html>.

¹⁸³ See Ben Westcott & Steven Jiang, *Foreign Countries That 'Bully' China Will Meet a 'Great Wall of Steel,' Says Xi During Communist Party Centenary*, CCN (July 1, 2021), <https://www.cnn.com/2021/07/01/china/ccp-100-beijing-china-xi-celebration-intl-hnk/index.html>.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

pressure China economically into stopping the abuses. The United States has already begun combatting the human rights abuses in China, but it must enforce economic sanctions to ensure the freedom and rights of the Uyghurs. By instituting economic sanctions on a broader scale than individual sanctions against government officials, the United States could hold China accountable for its actions.

The embargo against Cuba has proven that a total ban by one country completely unsupported by the rest of the world is largely unsuccessful. The sanctions against Russia following the annexation of Crimea have taught that international cooperation is essential to achieve the goal of the proposed sanctions. Lastly and most importantly, the Libyan sanctions affirm the lessons learned by the sanctions against Cuba and Russia, but they also emphasize the importance of proportionality. For the proposed sanctions against China to be considered a success, the United States must persuade other countries and international organizations to also enforce sanctions on China, which would isolate China into changing the Uyghur policy. By instituting strong sanctions multilaterally, the proposed sanctions will have the best chance of success.