

An obliteration of ASPI's 'Uyghurs For Sale' report: take two

By Jaq James

25 Jan.—You would think that, if an Australian think tank was warned they were contributing to violations of the human rights of an ethnic minority group, due consideration would be given to that warning. Not so when it comes to the Australian Strategic Policy Institute (ASPI), it would seem.

Earlier this month, I published a long-form analysis showing that all of ASPI's specific allegations of a forced Uyghur labour program did not survive legal, meritorious or evidentiary scrutiny. A summary appeared in *Pearls and Irritations*.

Moreover, in perpetuating unsubstantiated allegations of forced Uyghur labour, I argued ASPI was contributing to violations of the Uyghurs' work rights in breach of ASPI's responsibility to respect extraterritorial human rights under the United Nations Guiding Principles on Business and Human Rights. I saw this as such a serious matter, that I alerted both the Australian Attorney-General (responsible for the human rights portfolio) and the Chair-Rapporteur of the United Nations Working Group on Business and Human Rights.

As mentioned in my paper, it was very challenging to analyse ASPI's "Uyghurs for Sale" report because I had to work out how to add order to chaos—there were so many things wrong with ASPI's report on so many levels that a strict methodical structure had to be developed to make sense of ASPI's mud-slinging exercise.

I settled upon selecting ASPI's six case studies and filtering them through three separate sections: (1) a legal analysis section, where I let all of ASPI's allegations slip through to the next section, despite the fact that the central legal element of consent to work was missing from ASPI's discussion; (2) a merit analysis section, where only some of ASPI's allegations were determined to be substantial enough to move on to the next section; and (3) an evidentiary analysis section, where ASPI's substantial allegations were compared against its supporting evidence. In the first version of my paper, only seven of ASPI's 18 allegations were deemed substantial enough to move from the merit analysis section to the evidentiary analysis section, where I found all seven allegations lacking a sound evidentiary basis.

It was this methodology that one of the co-authors of the ASPI report, Nathan Ruser, took issue with, saying that I "simply dismissed" ASPI's findings. I found Mr Ruser's claim extraordinary in light of the fact that my paper is over 60 pages long, and I gave very clear reasons why so many of ASPI's arguments lacked merit to justify moving them into an evidentiary analysis.

Unfortunately for Mr Ruser and ASPI, not taking the small mercy I offered them has now come at further embarrassment: Mr Ruser granted me the opportunity to reveal more mismatches between ASPI's allegations and its cited evidence in the new version of my paper that addresses Mr Ruser's complaint.

To recap, the evidentiary findings in the first version of my paper included:

- ASPI had misrepresented a Xinjiang high school as a "re-education camp". ASPI based its finding on a 2018 satellite image that showed internal fences. (Yes, you read that correctly: internal fencing is ASPI's actual threshold for declaring a re-education camp.) I identified that the internal fences were removed in a later 2019 satellite im-



Jaq James' legal analysis (left) of ASPI's "Uyghurs For Sale" reports exposes every claim to be false. Photos: Screenshots

age I found, suggesting they were mere temporary construction fences. Moreover, I found plenty of photos online showing school-age children in their school uniforms partaking in school activities.

- ASPI's allegation that Uyghurs were involuntarily sent to work at the Taekwang Shoes factory had been based on just two ambiguous hearsay claims, and one Uyghur worker's ambiguous statement in broken Chinese. Moreover, these claims were from a *Washington Post* article that was published 1-2 days after the release of the ASPI report, clearly demonstrating the evidence cited by ASPI was not from an independent source.

- ASPI's allegation that Uyghurs did involuntary overtime work for the Foxconn Technology factory (a supplier of Apple) had only been based on a report of a New York NGO; ASPI had excluded the due diligence findings of Apple and Foxconn Technology that found the NGO's allegations were false.

In the second version of my paper, the evidentiary findings included:

- ASPI had claimed halal signs in a restaurant "across the road" from the Taekwang Shoes factory, where Uyghurs dined, had crossed out its halal signs. Yet, the photograph presented as evidence clearly showed signage in Chinese with the words "This is a halal restaurant". Moreover, the restaurant was not "across the road" from the factory as ASPI claimed, but was "in town", thereby having no obvious connection to the Taekwang Shoes factory. Furthermore, ASPI excluded evidence of Taekwang Shoes bringing in nine Uyghur chefs from Xinjiang to specifically prepare traditional Uyghur halal meals for the factory's canteen each week, along with offering lambs to slaughter for Islamic celebrations.

- ASPI had implied that Taekwang Shoes were recruiting auxiliary police to engage in coercive practices against the Uyghur workers because of an advertisement to recruit "auxiliary police" (police reserves) who could speak China's "minority languages". Yet, the actual recruitment advertisement was for the city of Qingdao and made no mention of Taekwang Shoes or coercive practices against Uyghurs. Moreover, the advertisement sought speakers of Japanese, Korean and English, not just China's minority languages (of which there are 302).

- ASPI had claimed the Taekwang Shoes factory had a "watchtower", but the photographic evidence of the "watchtower" was so pathetically small, that it was comical when placed alongside a photograph of an actual watchtower.

- ASPI had claimed the Taekwang Shoes factory banned

the Uyghurs from religious practice, but ASPI's evidence was merely a question put by a *Washington Post* reporter to the factory and the question went unanswered; there was no actual evidence of religious practice bans. Moreover, ASPI excluded evidence that the factory respected the Uyghurs' living and religious customs.

Based on the above, I have no idea why Mr Ruser thought it would be a good thing to direct my attention to the evidence ASPI relied on to back its arguments that had already lacked merit to begin with.

My hope is ASPI staffers will be foolish enough to take another cheap shot at me. There's more to be mined in the ASPI report, including ASPI cherry-picking more evidence from their references by excluding a tragic story of a Uyghur girl who was pulled out of school by her parents and married off at the age of 15 to a 55-year-old "wild imam" to become his seventh wife. The husband would punch and kick her, not letting her go to hospital because

it wasn't "halal", would force her to cover her face, and indoctrinated her with extremist ideology.

It would seem ASPI didn't want the Australian public to know that the Chinese government helped rehabilitate this girl. No doubt, the remote regions of Xinjiang would be replete with macabre stories like this. But there will always be those in the West who subscribe to the "Culture Cult" and would tell the girls that they must serve culture, not culture serve them.

First published in Pearls and Irritations, 25 January 2022; republished with permission. Pearls and Irritations publisher John Menadue added the following note to the above article: On 12 January I sent an email to ASPI saying that Pearls and Irritations would be prepared to post any reply that ASPI would like to make to Jaq James' earlier article in Pearls and Irritations. ASPI did not respond. It was further confirming evidence to me that ASPI sees its propaganda on Uyghurs as indefensible. John Menadue.