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## **Countering Terrorism: Human Rights Abuses in Re-education Camps**

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## **I. Introduction**

Re-education camps have been utilized by governments as a tactic in an attempt to eradicate terrorist groups. They operate as internment camps where governments conduct programs or procedures to teach and indoctrinate prisoners to accept a set of certain beliefs. The use of re-education camps encompasses different situations, in rare cases they have been used on a small scale that is transparent, with controlled methods, and only against convicted terrorists. This small scale led to some success in combating terrorists ideologies since the sites are open to families and non-governmental agencies (“NGOs”) and the programs are carefully designed to holistically approach the radical ideas. However, other governments tend to exploit the misleading name “re-education camps” to carry out practices against anyone who is deemed a threat as part of the war on terror. These governments detain people by the masses with no charges and send them to camps where their rights are violated. This report includes an example where the camps have been successful and some where they have not with recommendations of how to utilize them in a more effective way.

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

A rare case where the use of re-education camps has led to success in Saudi Arabia is addressed in this section contrasted with cases of re-education camps exploitation, which governments are referring to them as vocational education and training centers,<sup>1</sup> that lead to human rights violations under the name of countering terrorism. This section will also address cases of exploitation under the name of countering terrorism by showing four different violations

<sup>1</sup> Huaxia, *Vocational Education and Training in Xinjiang*, Xinhua (Aug. 16, 2019), [http://www.xinhuanet.com/english/2019-08/16/c\\_138313359.htm](http://www.xinhuanet.com/english/2019-08/16/c_138313359.htm) [<https://perma.cc/78KQ-SA7E>].

of human rights that occur in these camps. Starting by a historical example of how countries violated the rights in the camps followed by a contemporary example of current violations of human rights in re-education camps.

### **A. A Case of Success**

In the past few years the Saudi Arabian government resorted to a new “softer” approach in countering terrorism, through re-education camps, “focusing on the deradicalization of convicted jihadist militants.”<sup>2</sup> However, there “[t]hey call it the Family House, and it feels like a boutique hotel.”<sup>3</sup> These education camps only target convicted individuals, rather than ambiguously detaining entire groups.<sup>4</sup> The scope of the program is what makes these re-education camps successful.<sup>5</sup> There are different programs that are run simultaneously and very thoroughly, “targeting individuals’ religious convictions, psychological states, socio-economic positions, family groups, and even romantic lives”; through these programs “the Saudi government [was] able to reshape all aspects of the detainees’ lives, offering them a complete break with their jihadist pasts.”<sup>6</sup> The program has different stages including counseling by Islamic clerics and religious re-education, where experts analyze the behavior of the inmates and provide therapy as needed, and allowing prisoners to enjoy art, sport courses, and vocational training.<sup>7</sup>

<sup>2</sup> Andreas Casptack, *Deradicalization Programs in Saudi Arabia: A Case Study*, Middle East Institute (June 10, 2015), <https://www.mei.edu/publications/deradicalization-programs-saudi-arabia-case-study> [<https://perma.cc/C46L-89CR>].

<sup>3</sup> Ben Hubbard, *Inside Saudi Arabia’s Re-education Prison for Jihadist*, The New York Times (April 9, 2016), <https://www.nytimes.com/2016/04/10/world/middleeast/inside-saudi-arabias-re-education-prison-for-jihadists.html> [<https://perma.cc/9W95-PZ7P>].

<sup>4</sup> *Supra* note 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

Governments in Southeast Asia, North Africa and the United States have adopted Saudi's model, "acknowledging the importance of gaining the trust and respect of the prisoners and focusing on all aspects of their lives, particularly their relationships with family and friendships."<sup>8</sup> However, in Saudi Arabia "the program's ostensibly high success rate... it has proven unable to rehabilitate the most radical and dangerous militants."<sup>9</sup> This shows that re-education camps are rarely successful and should be used in strategic and careful ways with controlled methods and programs.

### **B. Cases of Exploitation Under the Name of Countering Terrorism**

The threat of the exploitation of re-education camps to violate human rights under the name of countering terrorism is emerging. Past uses of re-education camps under the name of countering terrorism demonstrate how the exploitation of these camps can lead to human rights violations.

After the Vietnam war, men were forced and sent to re-education camps to learn about the new Communist government and its ideologies.<sup>10</sup> The Communist government told the people in Vietnam that the program was only for a few days, but people were instead trapped for years in labor camps.<sup>11</sup> Similarly, in Cambodia, the Khmer Rouge had two camps to indoctrinate educated adults; one of the camps was "a reeducation program for highly qualified intellectuals

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Quyen Truong, *Vietnamese Re-Education Camps: A Brief History*, Brown University, <https://www.choices.edu/curriculum-catalog/vietnamese-re-education-camps-brief-history/> [<https://perma.cc/D8TK-SEQF>].

<sup>11</sup> *Id.*

in order to convert them to the new regime.”<sup>12</sup> Another historical examples were the re-education centers by the Mozambique Liberation Front where “the camps became a dumping ground for unwanted citizens accused of all kinds of wrongdoing.”<sup>13</sup>

The current issue is the emerging threat of the exploitation of re-education camps under the name of countering terrorism. Below are past examples of countries who used re-education camps as a tool to combat terrorism that were ended compared with current emerging examples to demonstration the violations of human rights under the name of counter terrorism within these camps.

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

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under Article 2 states, “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>14</sup> Article 7 of the International Covenant on Civil and Political Rights (“ICCPR”) prohibits specifically, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”<sup>15</sup>

<sup>12</sup> Gregory Procknow, *Khmer Rouge: Recruitment and Selection & Training and Development*, [http://www.d.dccam.org/Projects/Genocide/pdf/KR\\_RecruitmentSelectionTrainingDevelopmentRetention.pdf](http://www.d.dccam.org/Projects/Genocide/pdf/KR_RecruitmentSelectionTrainingDevelopmentRetention.pdf) [<https://perma.cc/6PLJ-763Z>].

<sup>13</sup> Benedito Machava, *Reeducation Camps, Austerity, and The Carceral Regime in Socialist Mozambique (1974-79)*, Cambridge University Press (Nov. 29, 2019), <https://www.cambridge.org/core/journals/journal-of-african-history/article/reeducation-camps-austerity-and-the-carceral-regime-in-socialist-mozambique-197479/067651C67548928A28150B02367723B0> [<https://perma.cc/XFT8-R7UY>].

<sup>14</sup> UN General Assembly, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85, available at: <https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf> [accessed 14 January 2020].

<sup>15</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [accessed 11 January 2020].

However, this prohibition is not upheld at most re-education camps. A report indicates that re-education camps in North Korea host extremely brutal conditions where the government sends entire families as punishment for political offenses and subject them to intense forced labor.<sup>16</sup> More recently in China, there has been a pattern of sexual torture, forced abortions and sterilization, and rape.<sup>17</sup> A former detainee in the Chinese camps, Mihrigul Tursun, says females are subjected to intrusive medical examinations.<sup>18</sup> They are forced to take medication that causes bleeding and stops their menstruation.<sup>19</sup> Some women were sleep deprived, electrocuted, and interrogated for days in a row; prison cells were cramped with 60 women, where they had to take turns to sleep and were subjected to humiliation to use the toilets under surveillance.<sup>20</sup> Another former detainee at the “reeducation camp” in China’s western province of Xinjiang describes that prisoners were kept in handcuffs and ankle cuffs for over 12 hours, waterboarded, and put into the “tiger chair,” a metal torture device.<sup>21</sup>

## 2. Arbitrary Deprivation of Life

<sup>16</sup> *Democratic People’s Republic of Korea 2018 Human Rights Report*, at 5, 24 (2018), <https://kr.usembassy.gov/wp-content/uploads/sites/75/HR2018-DPRK.pdf> [<https://perma.cc/H3HM-3BVW>].

<sup>17</sup> Gulchehra Hoja, *Female Detainees at Xinjiang Internment Camps Face Sterilization, Sexual Abuse: Camp Survivor*, Radio Free Asia (Oct. 30, 2019), <https://www.rfa.org/english/news/uyghur/abuse-10302019142433.html> [<https://perma.cc/36A6-MBT4>]; see also, Amie Ferris-Rotman et al., *China accused of genocide over forced abortions of Uighur Muslim women as escapees reveal widespread sexual torture*, Independent (Oct. 6, 2019, 10:47), <https://www.independent.co.uk/news/world/asia/china-uyghur-muslim-women-abortion-sexual-abuse-genocide-a9144721.html> [<https://perma.cc/2DL4-HLJY>].

<sup>18</sup> Maria Danilova, *Woman describes torture, beatings in Chinese detention camp*, Associated Press (Nov. 26, 2018), <https://apnews.com/61cdf7f5dfc34575aa643523b3c6b3fe> [<https://perma.cc/23UT-PENK>].

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Simon Denyer, *Former inmates of China’s Muslim ‘reeducation’ camps tell of brainwashing, torture*, Washington Post (May 17, 2018, 6:45 AM), [https://www.washingtonpost.com/world/asia\\_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c\\_story.html](https://www.washingtonpost.com/world/asia_pacific/former-inmates-of-chinas-muslim-re-education-camps-tell-of-brainwashing-torture/2018/05/16/32b330e8-5850-11e8-8b92-45fdd7aaef3c_story.html) [<https://perma.cc/Q4VM-39LP>].

Article 6 of the ICCPR states “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>22</sup> To be free from arbitrary deprivations of life is one of the fundamental human rights that is protected under most human rights treaties, such as Article 4 of the American Convention on Human Rights<sup>23</sup> and the African Commission on Human and Peoples’ Rights.<sup>24</sup>

Violations of the right to life took place in the past in Vietnam where prisoners in re-education camps. A former prisoner stated that, “[t]he Communists put people like me into the jungle so that we would get sick and slowly die off.... As the weeks went on I saw more and more graves.”<sup>25</sup> The violation of deprivation of life is re-emerging in re-education camps, where prisoners are also being deprived of their right to life. Radio Free Asia reported that a man died while held in an internment camp in northwest China’s Xinjiang. The Chinese authorities reported that he had a heart attack, but further investigation proved that he was beaten to death by the police.<sup>26</sup> According to the Independent, reports were submitted to the UN proving “without a reasonable doubt” that in the Xinjiang re-education camps, prisoners are subjected to operations “while [they are] still alive, and having their ears, kidneys, livers, lungs, cornea and skin removed.”<sup>27</sup> These organ harvesting practices lead to prisoners’ deaths. The prisoners there

<sup>22</sup> *Supra* note 15.

<sup>23</sup> Organization of American States (OAS), *American Convention on Human Rights*, 22 November 1969, available at: <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm> [accessed 11 January 2020].

<sup>24</sup> Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights*, 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), available at: <https://www.achpr.org/legalinstruments/detail?id=49> [accessed 11 January 2020].

<sup>25</sup> *Supra* note 10.

<sup>26</sup> Shohret Hoshur, *Police Officer Beat Uyghur Internment Camp Detainee to Death in Drunken Rage*, Radio Free Asia (Oct. 28, 2019, 9:00 AM), <https://www.rfa.org/english/news/uyghur/beating-10282019164142.html> [<https://perma.cc/VLY7-QB55>].

<sup>27</sup> Nabila Ramdani, *While China harvests human organs from its persecuted minorities, Britain is staying silent to protect free trade*, Independent (Sep. 25, 2019, 3:54 PM),

“are used as mass organ ‘banks’, where medics inspect the toll of dead prisoners and help themselves to useful parts from recently murdered human beings.”<sup>28</sup> The original purpose of re-education camps was to eradicate radical ideologies by teaching extremists a moderate understanding of their beliefs, and not as torture camps that subject these people to cruelty and eventually kill them. Under no circumstances should killing within re-education camps be justified or permitted.

### 3. Arbitrary Detention

Article 9 of the Universal Declaration of Human Rights<sup>29</sup> and the ICCPR<sup>30</sup> recognize freedom from arbitrary detention. Article 9 of the ICCPR states, “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.”<sup>31</sup>

Examples of arbitrary detentions were in Mozambique’s re-education camps between 1974 – 1979 where the government detained individuals for any behavior they deemed anti-social.<sup>32</sup> There is evidence that this right is again not being honored in concentration camps in China. Kayrat Samarkand, a former detainee, says that his only crime, for which he was arrested and interrogated for days, was visiting neighboring Kazakhstan.<sup>33</sup> When he returned he was arrested and dispatched to a “re-education camp” in Xinjiang.<sup>34</sup> A re-education camp in the village of Karamagay contains around 5,700 detainees, but only “ [a]bout 200 were suspected of

<https://www.independent.co.uk/voices/china-religious-ethnic-minorities-organ-harvesting-ughur-muslims-falun-gong-brexite-a9120146.html> [https://perma.cc/6GAZ-7CP5].

<sup>28</sup> *Id.*

<sup>29</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: [https://undocs.org/A/RES/217\(III\)](https://undocs.org/A/RES/217(III)) [accessed 14 January 2020].

<sup>30</sup> *Supra* note 15.

<sup>31</sup> *Id.*

<sup>32</sup> *Supra* note 13.

<sup>33</sup> *Supra* note 21.

<sup>34</sup> *Id.*



being ‘religious extremists,’ he said, while the others had merely been abroad for work or university, received phone calls from abroad, or had been seen worshipping.”<sup>35</sup> These detainees were not given trials nor were they granted access to legal representation.<sup>36</sup> Men are being stopped at the airport, sent to jail, and then to re-education camps without explanation of the charges or the situation.<sup>37</sup> According to Human Rights Watch (“HRW”), “authorities are holding people at these ‘political education’ centers not because they have committed any crimes, but because [the government] deem them politically unreliable,” and people who were sent to the Xinjiang camps were never presented with a warrant.<sup>38</sup> This is a very dangerous and misleading strategy because governments could label whomever they like as a “politically unreliable” or as a threat, which would lead to the arbitrary detention and torture of innocent people.

These violations could be avoided without jeopardizing the countries’ security by granting prisoners due process of law. Appointing lawyers to the prisoners, providing fair trials, issuing legitimate warrants, and explaining the charges against them would resolve the issue of violating the right to be free from arbitrary detention.

#### **4. Forced Disappearances**

Forced disappearances are prohibited under the International Convention for the Protection of All Persons from Enforced Disappearance under Article 1:

1. No one shall be subjected to enforced disappearance.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Special Correspondent, *A Summer Vacation in China’s Muslim Gulag*, Foreign Policy (Feb. 28, 2018, 1:35 PM), <https://foreignpolicy.com/2018/02/28/a-summer-vacation-in-chinas-muslim-gulag/> [<https://perma.cc/ZZ7S-NL9Y>].

<sup>38</sup> *China: Free Xinjiang ‘Political Education’ Detainees Muslim Minorities Held for Months in Unlawful Facilities*, Human Rights Watch (Sep. 10, 2017, 9:00 PM), <https://www.hrw.org/news/2017/09/10/china-free-xinjiang-political-education-detainees#> [<https://perma.cc/B4ZF-GGF3>].

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.<sup>39</sup>

In 1975 After the Fall of Saigon, Vietnam's Communist party told the people that they would be sent to re-education camps to learn about the new government only for 10 days. People believed that and packed accordingly, only to be trapped there for years.<sup>40</sup> A former detainee says, "[t]heir main goal was not to teach us, but only to detain us. Many of them didn't even have an education beyond the 8<sup>th</sup> grade; how could they teach us?"<sup>41</sup>

Today a similar trend is seen in Xinjiang. Large numbers of people are being randomly separated from their families and forced into re-education camps.<sup>42</sup> Iman, a former detainee, was told he would be transported to jail for investigation with no explanation of the situation or the charges.<sup>43</sup> Iman asked to contact his family to inform them that he was safe, or for the police to inform his family on his behalf, but his requests were denied.<sup>44</sup> Giving no notice to any members of his family, the Chinese authorities detained Iman in the jail for 9 days, then transported him in cuffs to Xinjiang's camp.<sup>45</sup>

These kinds of violations are exacerbated because families and NGOs are not permitted contact with detainees, nor is any information given as to the whereabouts of the camp or the length of detention. The lack of communication to what the duration of the camp would be and where also aggravated the situation. If there is an arrest, or someone is being sent to prison, the

<sup>39</sup> UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, available at: <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> [accessed 15 January 2020].

<sup>40</sup> *Supra* note 10.

<sup>41</sup> *Id.*

<sup>42</sup> *Supra* note 37.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

police or the authorities should immediately inform the individual's family and provide access to them. Without these methods, it becomes easy to violate such a right and detainees disappear. In most cases, the effect of these disappearances goes beyond the prisoners themselves and affects the prisoners' families, most of whom depended on them for survival.

### **III. Conclusion**

Re-education camps are easily exploited as a counter terrorism tactic to violate human rights. It is easy to violate human rights under the name of countering terrorism because everyone condemns terrorism and wants to combat it, which gives the illusion that any war against terrorism should be justified. This leads governments to classify anyone they like or personally deem a threat in any capacity as a terrorist, due to the term's vague definition. Then when the rights of alleged terrorists are violated, the public finds it easier to justify the violation, rationalizing that it is better to get rid of a terrorist than afford them the rights they are owed. However, even when fighting terrorism, Saudi Arabia has shown that there are ways to combat terrorism without jeopardizing the country's security or the individual detainees' human rights. Having small scale operations with clear objectives and methods that could be evaluated for success levels, seems more effective in eradicating terrorists than random, mass incarceration of individuals without reasonable grounds. Making the camps transparent and open to families, NGOs, and others would help to increase the effectiveness of these programs, because they would not deprive prisoners of their families and connection to the world. It would also prevent some of violations because NGOs would be able to observe on the facilities, which would promote accountability, since the camps would be more accessible and open for evaluation.

Therefore, re-education camps as a tactic in countering terrorism should be heavily regulated and follow guidelines and controlled methods that protect human rights.

#### **IV. Recommendations**

##### **The Human Rights Council to:**

- set clear guidelines and controlled methods and practices for governments that choose to use re-education camps as a tactic in countering terrorism;
- urge States to follow such guidelines and controlled methods;

##### **States to:**

- release detailed data of approaches, curriculums, programs, and methods used at the camps;
- ensure all current established camps to be more transparent with easy access for monitoring;
- limit all current camps to clear short periods of time and purpose;
- eliminate mass detention at current camps and release the individuals held there who are not convicted;
- only detain previously convicted terrorists or extremists.