

PRESS RELEASE

Permission granted in first of kind legal challenge tackling importation of forced labour goods from China into UK

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The World Uyghur Congress (WUC), with the support of the Global Legal Action Network (GLAN), has been granted permission by the High Court of England and Wales to proceed with a landmark challenge against UK authorities for permitting the importation of cotton goods produced with forced labour in China. Such goods freely enter the UK despite well documented and widespread use of forced labour involving Uyghur people in China's cotton industry. If successful, the Court will declare the authorities' approach unlawful and will likely set a world-first precedent by confirming that it is not permissible under the Proceeds of Crime Act for companies to purchase the proceeds of atrocity crimes. The case also raises novel arguments that a 19th century law prohibiting the importation of prison-made goods is being violated, and will be the first time this law has ever been tested in the English courts.

Beginning in around 2017, Chinese authorities have systematically detained over one million Uyghur and other Turkic people in East Turkistan - which China calls the Xinjiang Uyghur Autonomous Region - using a network of high-security 'de-extremification' and prison camps. Forced labour in the cotton industry is a core part of this persecution. According to WUC and GLAN, there is abundant evidence that imports containing cotton from the Uyghur region have been produced in whole or in part by forced labourers, and therefore the UK authorities should suspend these imports and consider prosecuting those who import these products.

The case is supported by a wide range of evidence submitted to the Court, including witness statements, leaked government documents, satellite imagery, a secret memorandum from within the textile industry and documents which the Chinese government has attempted to remove from the internet. The systematic incarceration of Uyghurs is the latest instalment in the region's history of forced prison labour – its "regular" prisons, which contain up to 800,000 Han Chinese and ethnic minority inmates, have long been home to conglomerate prison enterprises. The evidence file details allegations that not only is prison and forced labour widespread and systematic in the Uyghur region, it is intimately linked with the region's cotton industry, which accounts for 85% of the cotton produced by China. China is the UK's largest trade partner after Europe and the US, with trade between the two countries more than doubling over the last decade to reach £70bn in the last financial year.

China's mass detention of an ethnic group appears to be on a scale not seen since WWII, and the claim also addresses the reality that this mass incarceration and exaction of forced labour could amount to crimes against humanity. The UK government has already publicly expressed its concern over what it terms "[China's systematic human rights violations in Xinjiang](#)" and has raised the issue of human rights violations in the region [directly with the Chinese Government](#). Earlier this year, a legal opinion commissioned by GLAN, WUC and the Uyghur Human Rights Project concluded that there was a credible case that China is committing crimes against humanity and genocide in the Uyghur region. Indeed, the UK parliament has unanimously voted to declare that both are taking place. Just last week, the Uyghur Tribunal, a people's tribunal set up to consider the ongoing allegations, [concluded that China is committing both crimes against humanity and genocide](#).

The legal case argues that the imports breach a number of important legal principles in the UK. The UK's Foreign Prison-Made Goods Act 1897 prohibits the importation of goods produced in foreign prisons. Companies that knowingly import "criminal property" - that is, cotton produced by forced labourers subject to enslavement - commit offences under the Proceeds of Crime Act 2002 (POCA) and should be investigated by the National Crime Agency. The National Crime Agency has argued that under POCA, the companies are permitted to import the cotton as long as they obtain it for "adequate consideration." This case challenges this approach, arguing that companies can never be permitted to knowingly purchase the fruits of atrocity crimes. Any confirmation by the Court that forced labour in supply chains can give rise to criminal liability will be of significance to any other country that has enacted proceeds of crime legislation. WUC is represented by Jamie Potter of Bindmans LLP. GLAN has set up a [crowdfund](#) to enable its efforts to pursue this case and others aimed at tackling forced labour.

Rahima Mahmut, the UK Director for the World Uyghur Congress and a UK resident, said: "Living in a free country which upholds respect for human rights, it hurts so much to know that the products that are used in this country are the fruit of the enslavement of my people. I have full confidence that the British government will make the right decision in line with its legal framework which champions the highest standards of human dignity."

Dearbhla Minogue, a legal officer with GLAN said: "The UK customs authorities are applying far too high an evidential threshold in their assessment of whether goods are made in conditions of detention in East Turkistan, and this must now be addressed by the Court. Additionally, the National Crime Agency has taken an astounding approach in arguing that, as long as they pay good money for it, companies can source as much forced labour cotton as they like. This is wrong in law. Their combined approach means that companies are freely profiting from the misery of forced labour."

Siobhan Allen, a legal officer with GLAN said: "All evidence points to cotton made using forced labour coming into the UK from the Uyghur region, East Turkistan. By failing to enforce the laws that exist to address this, the UK government is allowing companies to benefit from such crimes."

Notes to editors

The Global Legal Action Network (GLAN) is a non-profit organisation made up of legal practitioners, academics and investigative journalists that pursues innovative legal actions across borders, challenging states and other powerful actors involved with human rights violations. GLAN has offices in the UK (London) and Ireland (Galway). Contact: Dr Gearóid Ó Cuinn (Director) | gocuin@glanlaw.org | +447521203427 | Dearbhla Minogue (Legal Officer) | dminogue@glanlaw.org | +447584599580 | @glan_law | www.glanlaw.org.

The World Uyghur Congress (WUC) is a Munich-based non-governmental organisation that strives to promote democracy, human rights and freedom for the Uyghur people through peaceful, nonviolent, and democratic means in order to determine their political future. Contact: Rahima Mahmut, (U.K. Project Director) rahima@UyghurCongress.org | +447830039693 <https://www.uyghurcongress.org/en/>