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Congressional Executive Commission on China

Hearing on "Political Prisoners in China: Trends and Implications for US Policy"

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Human Rights Watch has written extensively over the past several years about the Chinese government's persecution of scholars, activists, lawyers, and others as a means of crushing dissent. We and others have raised many well-known cases-Liu Xiaobo, Gao Zhisheng, Chen Guangcheng, Rebiya Kadeer, the Panchen Lama, Huang Qi, and Tan Zuoren-and the many problems therein, ranging from baseless charges that clearly violate the Chinese Constitution to torture in custody and denial of access to lawyers and family members.

Human Rights Watch continues to believe, as we have since December 2008, when Liu Xiaobo was arrested, that the government's actions toward him reflected an overall political hardening in China. The failure of the international community and the US government to respond forcefully then contributed to the most severe sentence passed since the introduction of the crime of "inciting subversion" in the PRC criminal code in 1997. Nor is there any doubt that Secretary of State Clinton's statement just two months after the sentencing, that human rights should not "interfere" with other aspects of the US-China relationship, was profoundly unhelpful. The string of harsh convictions against dissenters that followed Liu's sentence should not come as a surprise.

Today Human Rights Watch wishes to highlight two individuals whose cases have gotten less attention but whose treatment we believe represents an alarming development: the extraordinarily harsh sentences given recently to those who are not dissenters or critics, but who in many ways embody the characteristics the government says it desires.

Karma Samdrup is one of the largest private collectors of Tibetan antiques in China. He financed an environmental protection organization, the Qinghai Three River Environmental Protection group, after the Chinese government began a massive effort to protect the environment of the Qinghai-Tibetan plateau. Over the years, the group has won several awards for its work, and he was praised in the state-run press. However, Karma Samdrup was arrested in Chengdu, Sichuan Province, in January 2010 on charges of robbing graves dating back to 1998. In late June 2010, Samdrup received a 15 year sentence.

Karma Samdrup's relatives and friends believe that the revival of the decade-old charges stems from his efforts to gain the release of his two brothers, who were arrested in August 2009, after the local environmental protection group they had created had tried to bring attention to various alleged environmental abuses by local officials, including the hunting of protected species. His two brothers are also in jail, one serving a 21-month reeducation through labor sentence, and the other a five-year prison sentence, both for alleged state security offenses. This is one of the most extreme cases of arbitrary persecution that Human Rights Watch has witnessed in decades.

Gheyret Niyaz is a Uighur journalist and the editor of a popular website called Uighurbiz. He was detained in October 2009 on charges of "endangering state security," and on July 23, 2010, received a 15

year prison sentence. His "crime" appears to have been giving an interview to the foreign media after the July 2009 ethnic violence in Xinjiang, although in those discussions Niyaz cited economic inequality and the role of outside instigators in the unrest.

Although over the years Human Rights Watch has observed seemingly random persecution of individuals who appeared to pose no overt threat to the Chinese government, the charges and lengthy sentences against Samdrup and Niyaz should ring alarms.

These two cases suggest to us another twist in the nature of political imprisonment: that one can embody the qualities the government proclaims it wants-apolitical, entrepreneurial, involved only in "soft," state-approved causes-and still find oneself arbitrarily deemed a threat to state security. Put more simply, if these people are considered threats to the state, who does not fall into that category? How are people to avoid such charges-should they not be in business? Should they not support government-sanctioned causes, or turn down prizes from the government?

We must also not forget the untold number of political prisoners whose names we do not know-those arbitrarily detained in the wake of the March 2008 protests across the Tibetan plateau and those similarly held in "black jails," secret and illegal detention facilities used to remove petitioners and other "undesirables" from city streets. We must make a particular effort not to forget those in Xinjiang who are the victims of enforced disappearances following the ethnic violence in that region in July 2009 and demand account for them. And we must not forget individuals such as Liu Xiaobo, who committed the audacious "crime" of asking the Chinese government to uphold its own Constitution and laws, or Chen Guangcheng, who tried to make the government's own legal systems function.

All of these cases lead Human Rights Watch to the conclusion that political imprisonment in China has reached new lows of arbitrariness, and therefore no behavior is safe-your business success today might be a liability tomorrow; your call to end unrest last year might land you in hot water today; your approval from the government at any point is no guarantee of a life free of persecution.

The United States should remain profoundly concerned about the Chinese government's persecution-until peaceful dissent is tolerated, the country cannot be expected to be predictably transparent or stable. But in its vast relationship with China, the ever-more arbitrary nature of political imprisonment should serve as a reminder that many of the US's other goals and interests-the rule of law, a predictable trade regime, the development of civil society-are at risk so long as those in China who share those views are considered potential threats by their government.

We offer the following recommendations as ways of ameliorating these problems:

First, Secretary Clinton should make a strong, explicit statement that the US is concerned by the noticeably worsening human rights environment in China.

Second, the United States government and its officials should unambiguously reject the Chinese government's attempt to force the US to keep silent on Tibet and Xinjiang on the basis of the Joint Declaration's recognition of China's "core interests."

Third, all senior Obama administration officials should commit to raising at least one individual case in each meeting with their Chinese counterparts, particularly given the administration's claims to taking a "whole of government" approach to the promotion of human rights in China.

And, finally, President Obama should welcome in the White House former political prisoners from China to give an unequivocal signal of support to China's fledgling civil society.