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“One Year After the Nobel Peace Prize Award to Liu Xiaobo: Conditions for Political Prisoners and Prospects for Political Reform”

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Chairman, Congressional Executive Commission on China

Excerpts from Hearing Statement

Tuesday, December 6, 2011

One year after the independent Nobel Committee awarded the Nobel Peace Prize to Liu Xiaobo, who is a Chinese intellectual and democracy advocate, Liu remains isolated in a prison thousands of miles away from his wife, whom authorities are holding under house arrest in Beijing.

In February 2010, I led a bi-partisan group of lawmakers in nominating Liu for the prize – at the same time nominating two other persecuted human rights advocates, Chen Guangcheng and Gao Zhisheng, to be joint recipients – as part of an international tide of support for the awarding of the prize to Liu Xiaobo.

The Nobel Committee awarded the 2010 Nobel Peace Prize to Liu Xiaobo “for his long and non-violent struggle for fundamental human rights in China.” H.Res. 1717, which I authored, congratulating Liu on the awarding of the prize passed the House with a vote of 402-1—exactly one year ago this week.

Chinese authorities, on the other hand, tried Liu and sentenced him to 11 years in prison for “inciting subversion of state power,” the longest known sentence for that crime, simply for exercising his internationally-recognized right to free expression. According to Chinese authorities, Liu’s conviction was based on Charter 08 and six essays he wrote.

Liu Xiaobo signed Charter 08, which is a treatise urging political and legal reforms in China based on constitutional principles. Charter 08 states that freedom, equality, and human rights are universal values of humankind and that democracy and constitutional government are the fundamental framework for protecting these values.”

Characteristic of the Chinese government, officials blocked access to Charter 08. They have questioned, summoned, or otherwise harassed a large number of Chinese citizens for contributing to or signing that document.

Chinese Officials Angry Over Awarding of Prize to Liu

Chinese officials apparently remain livid over the awarding of the prize to Liu, and they continue in their campaign to malign Liu and the Nobel Committee. In addition, they have nearly suspended political relations with the Norwegian government, claiming the awarding of the Peace Prize to Liu had done “great damage” to the relations between China and Norway. They blame the Norwegian government because it “supported this wrong decision.”

Liu’s Legal Case

The apparent violations of Chinese legal protections for defendants that have marred Mr. Liu’s case from the outset are numerous and well-documented. In addition, the United Nations Working Group on Arbitrary Detention determined that the Chinese government’s detention of Liu and the house arrest of his wife are indeed arbitrary.

Mr. Liu’s trial and sentence demonstrates once again the Chinese government’s failure to uphold its international human rights obligations and also its failure to abide by procedural norms and safeguards that meet international standards.

While authorities did allow Liu to attend his father’s funeral memorial service in October, they continue to limit visits from his wife. Over the past year, authorities have allowed her to visit her husband only on a few occasions.

Beijing authorities are holding Liu’s wife in a de facto form of house arrest. They have cut off telephone and internet, and have made her house off-limits to visitors.

Liu Xiaobo is not alone: Chen Guangcheng

As we all know, sadly, Liu Xiaobo is not alone. As of September 1, 2011, the CECC’s political prisoner database, perhaps the greatest database in the world, contained information on 1,451 cases of known political or religious prisoners currently detained.

Chen Guangcheng is one of these prisoners. Chen is a blind, self-taught legal advocate, who advocated on behalf of farmers, the disabled, and women forced to undergo abortions. Authorities have held him under a form of house arrest in Linyi county, Shandong province since his release from prison in September 2011. In effect, Chen’s prison sentence has not ended.

Chen served over four years in prison on charges of “intentional destruction of property” and “organizing a group of people to disturb traffic.” His real crime, however, was publicizing the abuses of local one child policy officials and trying to use the Chinese legal system to seek justice for the victims of those abuses.

For months, officials have confined Chen and his wife in their home, beaten them, and subjected them to 24hour surveillance. Officials have set up checkpoints around the village where Chen lives to prevent journalists and ordinary citizens from visiting him and his family. According to one report, 37 people who tried to enter the village in October were attacked by 100 thugs.

Under great pressure, authorities recently allowed Chen’s elderly mother to go out and buy groceries and other supplies, have allowed his six-year-old daughter to go to school flanked by security, and have allowed Chen some medicine sent by supporters, although they have not allowed him to see a doctor about his egregious health problems.

These small concessions mean little in the larger picture. Publicly available laws do not seem to provide any the legal basis for holding Chen and his family as prisoners in their own home. I would note parenthetically that as Chairman of this Commission, I and members and staff of this Commission tried to meet with Chen on his 40th birthday. We were denied a visa. We will try in an ongoing attempt to obtain a visa to visit China on a number of human rights issues, including Chen Guangcheng.

Gao Zhisheng

And now there is the case of Gao Zhisheng. Authorities’ treatment of the once acclaimed lawyer, Gao Zhisheng is even more shocking and illustrates the brutality of some officials. Officials revoked Mr. Gao’s law license in 2005 in response to his brave efforts to represent fellow Christians accused of “illegally” distributing Bibles, and to defend workers and Falun Gong practitioners. In 2006, officials sentenced Gao to three years in prison on the charge of “inciting subversion,” but suspended the charge for five years.

The five-year suspended sentence is set to expire later this month. Today, however, there is no word about Mr. Gao’s whereabouts.

After Mr. Gao wrote an open letter to the U.S. Congress in 2007 criticizing China’s human rights record, officials brutally tortured him for 50 days, beating him electric prods, abused him with toothpicks and threatened to kill him if he told anyone of his treatment.

Mr. Gao disappeared into official custody in February 2009. When he resurfaced briefly in March 2010, he told friends that he would “disappear again” if his statements about his treatment by his captors since 2009 were made public. After authorities disappeared him again, the press went public about his torture, which included a beating with guns in holsters for a period of over two days, which reportedly made him feel close to death.

Human Rights and Political Reform

It does not seem appropriate to talk about political reforms in China when there has been so little progress in improving civil and political rights and when authorities continue to mistreat people like Liu, Chen, and Gao. The political prisoners for whom we have names are just the tip of the iceberg. No one knows how many other citizens in China are persecuted for their religious or political beliefs.

In mid-February 2011, Chinese authorities launched a broad crackdown against rights defenders, reform advocates, lawyers, petitioners, writers, artists, and Internet bloggers. International observers have described the crackdown as one of the harshest crackdowns on human rights advocates in years, if not decades. While authorities have released many of those people they first detained in February, the rapidity and severity of the crackdown indicates Chinese authorities remain intolerant of freedom of speech and religion and a whole of other fundamental freedoms and rights.

Perhaps the drafters of Charter 08 have it right. The Charter notes that China's policy of "reform and opening" has increased living standards and economic freedoms in China but states that the "ruling elite...fights off any move toward political change."