

Gagging the Lawyers: China's Crackdown on Human Rights Lawyers & Its Implications for U.S.-China Relations

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Chinese officials repeatedly tell me I should focus more on the positive aspects of China and not dwell so much on the negative.

That is an extremely difficult task when you read the horrifying and sadistic accounts of torture and enforced disappearances experienced by lawyers and rights advocates.

It is hard to be positive when you contemplate Liu Xiaobo's cancer diagnosis and the fact that China effectively silenced its most brilliant democracy advocate.

The empty chair at Oslo speaks volumes about the Communist Party's abiding fear that freedom will upend the power of the privileged few when they should be seeing liberty as a path to greater peace and prosperity.

At a hearing last month in the Subcommittee on Global Human Rights in the House Foreign Affairs Committee, I heard testimony from the wives of five detained or disappeared human rights lawyers. These courageous women have become effective advocates from their husbands and for all those detained in the "709" crackdown.

They described in horrifying detail the physical, mental, and psychological torture experienced by their husbands, including marathon interrogation sessions, sleep deprivation, beatings, crippling leg torture, and prolonged submersion in water.

Many of their husbands also were forced to take alarming quantities of drugs including tranquilizers, barbiturates, antipsychotic drugs, and other unknown substances daily.

What they described was shocking, offensive, immoral, and inhumane. It is also possible that Chinese officials believe the international community will not hold them accountable.

After the hearing, I wrote to the heads of the American Medical Association, the American Psychological Association, the World Health Organization, as well as to Secretary of State Tillerson and Ambassador Nikki Haley.

I have asked for condemnation of the practice of torture and medical experimentation on prisoners of conscience. I have also ask for investigations so that serious questions will be asked of the Chinese government.

Finally, I have asked for accountability. I have urged Secretary Tillerson to start investigations under the Global Magnitsky Act, a bill that I lead on the House side last year, so that any Chinese government officials complicit in torture should never be allowed to benefit from entry to the U.S. or access to our financial system.

The issues of torture and “residential surveillance in a designated location”—effectively enforced disappearances—will be priorities of mine and of this Commission moving forward. I believe these are issues where diverse and multi-level coalitions can be built to raise issues with the Chinese government.

I would also like to do more to prioritize the protection of human rights lawyers and their families.

At the hearing last month I heard the phrase “The War on Law” used to describe the systematic effort to eviscerate the network of human rights lawyers.

That phrase struck me because, though the number of human rights lawyers in China is small, what they stand for was nothing less than the rule of law for everyone—particularly those persecuted or aggrieved by the Communist Party.

They stand for the right of everyone in China—religious believers, ethnic minority, petitioners, labor activists, or victim of corruption or a barbaric population control polices—to have a fair hearing, due process, and a justice that is not politicized.

The Communist Party sees this as a dangerous idea. It means that they should be accountable to the people—to hundreds of millions of people in fact seeking redress for persecution and Party corruption.

Xi Jinping is feted in Davos for his commitments to openness and the rule of law, but it is rule of law for the few and privileged and rule by law for the rest.

The failure to implement the rule of law, to favor a type of lawlessness in the pursuit of keeping the Communist Party in power, has serious and lasting implications for U.S.-China relations.

We must recognize, after the failure of two and half decades of the engagement policies, that China's domestic repression drives its external aggression, its mercantilist trade policies, and its unimaginable decisions to keep propping up a murderous North Korean regime.

I know the Chinese government wants me to focus on positive things. I think one positive development here is that the spouses (and families) of rights advocates and lawyers have given Beijing a rightly deserved headache. They have refused to be silent about their spouse's detentions or disappearances and have used the Internet and media to get out their message.

This trend is something new, something different, something we need to honor because they are under great pressure to be silent—through intimidation, harassment, and detention.

I want to say to our witness Chongyu (CHONG-YOU) that we appreciate your testimony here today and the fact that you are speaking out on behalf of your father. We want you to know that this Commission is an advocate for you, your family, and your father.

If you or your family face reprisals because of your testimony here today, the Congress will take it as a personal affront to the work of this body.

I know your petition has gathered 94,000 signatures, please make sure that my name is 94,001.

The one thing that gives me hope is that the people of China long for liberty, justice and opportunity.

The need for principled and consistent American leadership is more important than ever, as China's growing economic power, and persistent diplomatic efforts, have succeeded in dampening global criticism of its escalating repression and failures to adhere to universal standards.

The U.S. must be a beacon of liberty and a champion of individual rights and freedoms. The U.S. must also continue to be voice for those silenced, jailed, or repressed in China.

We cannot...will not...forget those in China bravely seeking liberty and justice and the unalienable rights we all share. Like China's human rights lawyers—and like Liu Xiaobo—those who bravely seek peaceful change in China.

It is their stand for liberty, human rights, and the rule of law that remain the best hope for a peaceful and prosperous future for the U.S. and China.