



**Statement of U.S. Senator Marco Rubio,
Chairman of the Congressional-Executive
Commission on China (CECC)**

**CECC Hearing on “Gagging the Lawyers:
China’s Crackdown on Human Rights
Lawyers and Its Implications for U.S.-
China Relations”**

Wednesday, June 28, 2017

As prepared for delivery.

Good afternoon. This is a hearing of the Congressional-Executive Commission on China. The title of this hearing is “Gagging the Lawyers: China’s Crackdown on Human Rights Lawyers and Its Implications for U.S.-China Relations.”

We will have one panel testifying today. The panel will feature:

- **Terence Halliday:** Co-director of the Center on Law & Globalization at the American Bar Foundation, and Co-author of the book *Criminal Defense in China: The Politics of Lawyers at Work*;
- **Teng Biao:** Chinese human rights lawyer; Visiting Scholar at the Institute for Advanced Study; and Co-founder of the Open Constitution Initiative and China Human Rights Accountability Center;
- **Xia Chongyu:** Son of imprisoned human rights lawyer Xia Lin (*pronounced* **SHAH LIN**) and student at Liberty University; and
- **Li Xiaorong:** independent scholar; formerly with the Institute for Philosophy & Public Policy at the University of Maryland.

Thank you all for being here.

Before we move to the topic at hand I want to take a moment to acknowledge the news this week regarding the reported transfer of 2010 Nobel Peace Prize laureate Liu Xiaobo from prison to a hospital for treatment of late-

stage liver cancer. This should not be confused with an act of mercy on the part of the Chinese government. His 8 years of imprisonment—due to his eloquent appeals for non-violent political reform and protection of basic rights—remain a travesty of justice and a stain on China's rights record. And Dr. Liu's medical parole is not the equivalent of an early release from his prison sentence or that he has the freedom to meet with his wife, Liu Xia, other family members and friends. I've urged President Trump to seek the humanitarian transfer of Dr. Liu and his wife to the U.S. to explore what medical options may be available.

I'd like to briefly read a quote from an editorial that ran in the Communist-Party controlled *Global Times*. The writers gloated, "China has not collapsed as the West forecast in the 1980s and 1990s, but has created a global economic miracle. A group of pro-democracy activists and dissidents lost a bet and ruined their lives. Although Liu was awarded the Nobel Peace Prize, he is likely to face tragedy in the end." Any notion that Dr. Liu will receive adequate medical care under the supervision of his captors is absurd. I was pleased to read this morning that newly arrived U.S. Ambassador Terry Branstad has urged the Chinese government to allow Dr. Liu to seek treatment overseas.

As the Nobel Committee noted, Dr. Liu exemplifies the "long and non-violent struggle for fundamental human rights in China." That same spirit animates the work of the Chinese rights lawyers we will hear about today.

July 9, 2017, marks the two-year anniversary of the start of what has been described as an unprecedented nationwide crackdown on human rights lawyers and legal advocates in China—an event that's come to be known as the "709" crackdown.

While perhaps unprecedented in scale and coordination—nearly 300 rights advocates were detained, summoned for questioning, or disappeared—the crackdown began much earlier.

Xi Jinping's rule has been marked by extensive campaigns to silence political dissent, curtail civil society, and ensure ideological loyalty to and conformity with the Chinese Communist Party. No sector of society is untouched—business leaders, bloggers and social media users, university professors, journalists and religious adherents have all been targeted.

But China's rights defenders and lawyers have been the "tip of the spear" for even longer—as our second witness, Dr. Teng Biao, can no doubt attest. This

small, but tenacious group is closely linked to the growth in legal rights consciousness among ordinary Chinese citizens. China's "rights defense" movement converged around incidents of injustice that resulted from the single-minded drive of the Chinese government and the Communist Party for rapid economic growth without political reform.

The victims of injustice included farmers who lost land from government expropriation; urban residents forcibly evicted without fair compensation; migrant workers trying to recoup unpaid wages; teachers, laid-off workers, and army veterans who lost their pensions; and parents whose children were made ill from ingesting contaminated milk powder. The movement has expanded to support free speech, the pro-democracy aspirations of Hong Kongers, ethnic minority rights, and other issues.

Our first witness, Dr. Halliday, has conducted literally hundreds of interviews with these men and women—a group bound together by their shared conviction regarding the importance of protecting basic legal freedoms in a system where rule of law remains aspirational at best.

Among the lawyers featured in his latest book are those whose names and stories have captured headlines for the last two years. Their unjust and unexpected detentions nearly two years ago was, for many, the start of a long and harrowing ordeal marked by months in isolation, torture, coerced "confessions" and other forms of mistreatment. Some of these lawyers, like Jiang Tianyong—whose wife I had the privilege of meeting earlier this year—remain in detention. Others, like Li Heping, are no longer in captivity, but the brutality they experienced left them visibly physically altered. Many have been disbarred and will never again practice law in China. Still others live under constant surveillance and harassment.

It is tempting in the face of China's worsening and increasingly brazen human rights violations to grow disheartened. Which is why I think it is equally important to spend some time today examining another part of this crackdown that is unprecedented—and that is the response of some of the family members of those detained.

By their own telling, many of the wives of these rights lawyers had not previously been involved in their husband's efforts to pursue justice and accountability from their own government. But as the present system conspired against them and their families, they became advocates in their own right. In case after case, these women took up the mantle of advocacy on behalf of their

husbands. Their personal accounts of intimidation and harassment—of landlords refusing them housing, of children denied entry to local schools, of movement restricted and lives lived under constant surveillance—coupled with their compelling public defense of their husband’s innocence, has, in the words of Dr. Halliday, opened up a “new line of struggle that we have not seen before in China.”

Similar courage and boldness is on display today with the testimony of Xia Chongyu about his father’s plight.

Even for those of us who hold steadfastly to the view that U.S. foreign policy must be infused with a principled defense of universal human rights and the promotion of basic freedoms, there remains the notion that change in China will ultimately *come from within*. I agree. And China’s rights defense lawyers are at the vanguard in pressing for systemic change, in seeking accountability and redress, and in working toward a day when China is a nation where the law is used to protect rights not suppress them. It is our duty to stand with them in this monumental task.