

### **Chongyu's Testimony**

Dear Congressmen and respectful audiences, Ladies and gentlemen. I am Chongyu Xia, son of Chinese human rights lawyer Lin Xia. It is such a great honor to share about my father's situation and what my family has been through these past years.

My father dedicates himself to be the voice for the voiceless and provides pro bono legal assistance to victims of human rights violation cases. On Nov. 8<sup>th</sup> 2014, my father was abducted by secret agents without a warrant. The government did not inform my mother of my father's arrest until five days after the fact, and denied my father's basic right to meet with his defense attorney for three full months. Meanwhile, the Police kept asking my father about the politically sensitive cases he represented. My father was physically and mentally tortured by the police, who used interrogation techniques such as shining a strong light on his eyes to keep him awake for days. They tried to break him so that he would confess to fraud, but all their attempts failed. After 600 days of imprisonment, he was unfairly tried in a closed door hearing. My father was denied a personal statement in court and none of the witnesses had a chance to testify. The second court of Beijing sentenced my father to 12 years in prison for fraud without appropriate evidence. My father's final sentence was delivered without a fair second trial in Feb. 2014. No one ever accuses my father in person.

I refuse to accept this illegal and unjust verdict. In April, I presented my petition at a Convocation of Liberty University, and the response was overwhelming. However, when I tried to deliver my petition with over 14,000 signatures to the Chinese embassy, no one would see me. Before I left, I read my petition aloud at the gate of the embassy.

At this moment, I have collected over 94,000 signatures. Most of them come from Americans, and the rest are from other countries around the world. I am not alone. As a rising nation, China's deteriorating human rights record is unacceptable. When a human rights lawyer cannot secure his own fundamental rights, I believe every member's rights in the society are threatened. Alongside with me, there are some family members of other persecuted human rights lawyers. The father or husbands we deeply loved who selflessly helped the underprivileged people in China were persecuted in return.

Human rights lawyers are the cornerstone of society. I hope the US. Government can increase its involvement in such cases in the future. Moreover, I wish the Congress of America could urge the Chinese government to stop controlling the judiciary system and stop the persecution against 709 lawyers. Lastly, I plead that the White House summon the Chinese ambassador and ask the Chinese government to respond to me and my 94,000 petition supporters. Meanwhile, I recommend the White House or State Department issue a clear policy regarding this type of case. By making a clear stance, the U.S. Government would communicate to the world that human rights violations will not be tolerated. I appreciate the Congress for organizing this hearing so that our voice could be heard by the world.

### **Background**

Defense lawyer Xia Lin (夏霖), a colleague of prominent human rights lawyer Pu Zhiqiang (浦志强) at Huayi Law Firm in Beijing, was summoned by police for questioning in November 2014. He was later put under criminal detention, but his family did not receive an official arrest notice. Prior to that, authorities in Beijing repeatedly blocked Xia from visiting his client Guo Yushan (郭玉闪), the founder of an independent think tank, Transition Institute; Guo was seized during the suppression of supporters of the Hong Kong pro-democracy protests, one month before Xia was summoned. Xia Lin was also on the legal team for Pu Zhiqiang, who had been detained in May 2014 for commemorating June Fourth. Police were reportedly looking into Xia's finances a few days before he was taken away. Police recommend Xia be indicted in May 15, 2015. Officials restricted Xia Lin's access to legal counsel for months, but he was granted a visit in September 2015, after which his lawyers reported he was in good health. The procuratorate indicted Xia on December 2, 2015.

According to his lawyers' defense statement, authorities accused Xia of swindling over 10 million RMB (approximately 1.5 million USD) from several individuals to pay off his gambling debts. His lawyers confirmed Xia Lin had borrowed money, but had been privately lent via contract with the relevant parties and did not constitute a criminal act, let alone fraud. One of the individuals involved submitted evidence to court that he freely lent money to Xia, and none of the four relevant parties had ever filed a criminal or civil suit against Xia. They also argued in court that authorities had not provided any evidence of gambling debts, including such basic information as the amount owed and to whom. Furthermore, Xia Lin told his lawyers that the majority of police interrogations focused on his past handling of "politically-sensitive" cases, questions about Occupy Hong Kong, and his relationship with individuals such as Guo Yushan, Pu Zhiqiang, and Ai Weiwei, amongst others,

and not the alleged fraud. Xia asserted his innocence of the charges and said the case is an act of reprisal for his professional work.

His lawyers raised in trial the numerous legal and procedural violations in Xia Lin's case, including: deprivation of legal counsel, mistreatment, such as gruelling interrogation sessions, shining bright lights on him, and extensive use of shackles, and refusing to grant the defence lawyers full access to the evidence. The court also refused to grant a request to exclude evidence obtained by torture after a witness testified that he had been threatened by police to give evidence against Xia Lin, and did not allow the defence to call their witnesses to testify in Xia's defense, nor allow the defense to question the other witnesses.

The Beijing court convicted Xia on September 22 and sentenced him to 12 years in prison and fined him 120,000 RMB. He was also order to repay 4.81 million RMB to two victims. Xia said he will appeal the sentence and reaffirmed his innocence, according to his wife, who told a media outlet after the sentencing that he shouted "I know this is revenge to me because I was the lawyer for all those sensitive cases." Xia appealed the verdict, but his appeal was rejected and the court upheld the original verdict; however, his sentenced was reduced to 10 years.

Born on September 15, 1970, Xia Lin graduated from Southwest Institute of Political Science and Law (now Southwest University) in 1992. He participated in the 1989 pro-democracy movement while a student. After graduation, he was assigned to work at the Guizhou Province Public Security Bureau, but he decided to become a lawyer instead. After practicing law in Guizhou for over a decade, Xia decided to move to Beijing. According to a close friend, his decision was influenced by an article written by Yu Shicun (余世存), a famous essayist and intellectual, that criticized the generation who lived through 1989 but chose to neglect that part of history.

Xia has taken on many "sensitive" cases pro-bono, and he first gained prominence in 2006 for defending Cui Yingjie (崔英杰), a migrant worker and street peddler who had killed an officer from the City Urban Administrative and Law Enforcement (*chengguan*) who had confiscated his property. A year later, Cui received a

death sentence with reprieve instead of immediate execution. In 2009, Xia represented Deng Yujiao (邓玉娇), a hotel worker who killed in self-defense a local official who tried to rape her. In the end, Deng avoided any criminal punishment. That same year, along with Pu Zhiqiang, Xia worked on the case of arrested environmental activist Tan Zuoren (谭作人), who was given five years in prison for wanting to investigate the quality of school buildings that collapsed during the Sichuan earthquake in 2008. Xia and Pu also represented Ai Weiwei and his wife in the tax evasion case brought against their company Beijing Fake Cultural Development, Ltd. following the artist's detention in 2011.

### 听证会证词

尊敬的议员，听众们大家好，我是人权律师夏霖之子夏崇禹，今天很荣幸能来到国会分享我父亲的案子和我家庭的遭遇。

我的父亲长年致力为中国基本人权受到侵害的受害者提供无偿的援助,为无声者发声。2014年11月8日，在没有任何文件的情况下被一群身着便衣的人从家中带走，5天后母亲才收到警察局的通知。在他被带走后，警方大量询问他代理过的案件案情，起初的三个月他被剥夺律师会见权，并在狱中遭到刑讯逼供，他们用高强度灯光持续照射，我父亲长时间得不到休息。他们企图用这种方式让我父亲认罪，但他始终没有屈服。我父亲在羁押600天后才等到一审开庭。一审庭审中法院不允许我方律师申请的证人出庭，并且禁止我父亲在庭审中作个人陈述。法院在没有足够证据的情况下一审以“诈骗罪”判处我父亲12年监禁。更令人气愤的是，法院二审对我父亲进行了不开庭宣判。本案至今无人指控我父亲。

我们无法接受这样的残酷迫害的和各样公开的不法行径，今年4月我在Liberty University的集会上宣读了致中国大使馆的一封公开信，同时开始了征集签名的请愿活动，反响热烈。然而5月10日我将征集到的约14000个签名并请愿书送到中国驻美国大使馆时，回应我的只有紧闭

的铁门。在大使馆门前高声朗读请愿书后，我也只能无奈离开，继续我的签名征集。

时至今日，我已经征集到了超过95,000个签名，这些签名大多数来自美国，剩下的来自欧洲和世界其它地方。我知道我不是孤身一人，这样肆无忌惮地对人权的侵害在世界范围内都是不能容忍的。当一个人权律师都无法保障自己的基本权益的时候，其它人的人权状况可想而知。不光是我的父亲，在座的还有其他几位律师的家人，我们的家庭都因为帮助中国的弱势人群寻求公义而遭到报复，支离破碎。

律师群体是中国人权的最后一道防线，我希望美国政府更多地关注每一个个案。此外，我希望美国国会能够要求中国人大，履行他们的职责，督促中国政府，令其立即停止对司法体系的操控，以及对709律师的构陷迫害。最后，白宫召见中国驻美大使，要求中国政府对我和我请愿书的支持者作出正面回应。同时，我请求美国白宫或国务院对中国此类侵犯人权的案件给出明确的态度，对基本人权的暴行是不能被纵容的。感谢美国国会能召开这次听证会，让我们有一个发声的平台。