



ONE HUNDRED FIFTEENTH CONGRESS
SENATOR MARCO RUBIO, CHAIRMAN
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November 27, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Tillerson,

Just in the last year, Congress provided the Executive Branch with important new tools to pursue accountability for the perpetrators of human rights violations around the world. Both the *Global Magnitsky Human Rights Accountability Act* (Subtitle F in P.L. 114-328) and the *Frank R. Wolf International Religious Freedom Act* (P.L. 114-281) enjoy broad bipartisan support, and it is our hope that the State Department, under your leadership, will robustly implement these important laws.

Recommendation: Impose Global Magnitsky Act Sanctions against Chinese Officials Responsible for Cao Shunli's Torture and Death.

In September, a group of respected human rights organizations submitted a list of foreign officials from 15 countries that they recommended be sanctioned under the Global Magnitsky Act. As this list relates to the work of the Congressional-Executive Commission on China (CECC), which we chair, we fully support the inclusion of the two Chinese government officials that these civil society organizations singled out:

- **Fu Zhenghua**, Deputy Minister, Ministry of Public Security
- **Tao Jing**, Deputy Head, Beijing Municipal Public Security Bureau

The groups note that these two men bear “command responsibility” for the forces under their control in the torture and ultimately death in 2014 of Chinese human rights activist Cao Shunli. Cao’s case is documented in the CECC’s Political Prisoner Database, along with more than 1,400 other active cases involving political and religious prisoners in China—a staggering but far from exhaustive number. Her prisoner record notes that she was held at the Chaoyang District PSB Detention Center in Beijing municipality, and reportedly told her lawyer that she was not receiving adequate medical care in detention. Authorities repeatedly denied requests for her release to obtain medical care. On February 19, 2014, in critical condition, authorities took her to the Qinghe Hospital in Beijing. She died in a military hospital on March 14, 2014.

Recommendation: Prioritize State Department Investigations of Chinese Officials Responsible for Liu Xiaobo's Unjust Imprisonment and Death in Custody for *Global Magnitsky Act* Designation.

Cao Shunli's case brings to mind larger issues of concern as it relates to Chinese authorities' treatment of political prisoners and the death in custody of these individuals due in part to deprivation of adequate medical care. Earlier this year, Nobel Peace Prize laureate Liu Xiaobo died in custody, just weeks after authorities announced that he had late-stage liver cancer. They persisted in denying his requests, and those of the international community, to allow him to seek medical care outside of China. We, and other Members of Congress, have stressed that there must be accountability in this case, as he was, arguably, China's most famous political prisoner. If the abuses he and his wife, Liu Xia, have endured are met with impunity, it will only embolden the Chinese government in its repression and brutality. We urge that investigations into his case be prioritized by the State Department as you look toward future Magnitsky designations and other accountability and justice mechanisms.

Recommendation: Investigate Chinese Officials Connected to Torture, Mistreatment and Detainment of Xie Yang and Other "709 Lawyers" for *Global Magnitsky Act* Designation.

Lawyers have also been subject to targeted attacks by the Chinese government. As documented over the last three years in the CECC's Annual Report, the Chinese government continues to view human rights lawyers as security threats. There are persistent reports of rights lawyers and advocates being arbitrarily detained on state security-related charges, for which Chinese law permits officials to enforce de facto incommunicado detention, or residential surveillance at a designated location (RSDL). Many of these rights lawyers and advocates have been denied due process rights, tortured in detention—including the forced ingestion of unknown "medicines"—and forced to "confess" to crimes they did not commit. They and their families have been subjected to constant surveillance and restrictions on their freedom of movement.

One such lawyer is Xie Yang. Authorities detained Xie in July 2015, in connection with the sweeping nationwide crackdown on human rights lawyers and advocates ("709" crackdown), and placed him under RSDL. In January 2017, Xie told his lawyers that authorities tortured him in detention, through beatings, sleep deprivation, death threats, and denial of proper food, water, and medical care. He courageously identified, by name, more than 20 individuals involved in these abuses. We are submitting names (attached) for further vetting, including those who had command authority over the torture and illegal detention of human rights lawyers in Tianjin municipality.

Recommendation: Investigate Chinese Officials Connected to Religious Freedom Violations for Inclusion in the *Frank R. Wolf International Religious Freedom Act's* Designated Persons List.

We also wish to draw your attention to the requirements detailed in Section 501 of the *Frank R. Wolf International Freedom Act of 2016* (P.L. 114-281), specifically the requirement to submit a "Designated Persons List" to the relevant committees of Congress. The intent of the Designated Persons List was to give Congress insight into how the tools of the *International*

Religious Freedom Act of 1998 (P.L. 105-292) are being used to address growing global restrictions on religious freedom. The list should include any individual denied visas under Section 212(a)(2)(G) of the *Immigration and Nationalities Act* (8 U.S.C. 1182(a)(2)(G)), or those subject to financial sanctions or other measures, for having engaged in particularly severe violations of religious freedom.

In this vein, we raise the case of Christian pastor, Zhang Shaojie in Henan province. His daughter, Esther Zhang, reported in July 2017, that a prison official at the provincial level was directed by the head of the State Council Research Office to place Zhang Shaojie under “strict supervision,” under which he has been deprived of sleep, food, and subjected to constant surveillance. We are submitting additional names in connection with his mistreatment, as well as those with political authority in the Xinjiang Uyghur Autonomous Region where restrictions on religious freedom intensified throughout China this past year. Just in recent months, thousands of Uyghurs, Kazakhs, and others have been arbitrarily detained in “political education centers,” reportedly for peaceful expressions of religious belief. While transparency in the region is limited, further investigation is merited both of senior Party officials and Public Security Bureau officials engaged in gross human rights violations.

Conclusion.

The authorities given to the State Department by both the *Global Magnitsky Act* and the *Frank R. Wolf International Religious Freedom Act* offer the State Department flexible and effective tools to sanction individuals for engaging in human rights and religious freedom violations. Timely designations and robust implementation of both laws is vital. National security waivers should be used sparingly, and the scope of government officials targeted should span from senior to working level to send a clear message to those who perpetrate these abuses that they can no longer hide behind the veil of anonymity.

Sincerely,



Senator Marco Rubio
Chair



Representative Chris Smith
Cochair