

High-tech Totalitarianism and Xi Jinping's War on Law

Teng Biao

High-tech Totalitarianism and Xi Jinping's War on Law

Since the reform and opening-up policy was adopted in late 1970s, the legal system in China had been re-established from the chaos and brutality of the Cultural Revolution. Laws and regulations were made, the judiciary and lawyer system were recovered, and market-oriented economic and administrative reforms were implemented. Space for traditional media was enlarged, after

the 1990s, and the internet played an important role in the growth of China's civil society. Cellular phones, social media and new communication technologies greatly facilitated the ability of social movements to mobilize and organize and offered rights activists convenient channels to find and connect with other like-minded users across China. Publishers introduced many liberal works and translations, and intellectual circles expressed enormous interest in liberal thought, though the Chinese Communist Party (CCP) has never given up censorship on media, internet, schools and publishing.

The 'Rights Defense Movement' (Weiquan movement) emerged in the early 2000s as a new focus of the Chinese democracy movement, succeeding the Xidan Democracy Wall movement of the late 1970s and the Tiananmen Democracy movement of 1989. Lawyers, activists, human rights defenders and NGOs asserted their constitutional and legal rights through lawful means and within the legal framework.

But not long after the emergence of the rights defense movement, the Chinese government came to see it as a real threat to the regime and engaged in a concerted campaign to harass and crack down on human rights activists and NGOs. The government adopted a flexible and comprehensive strategy, from oral warnings, disbarment, house arrest, travel bans, criminal charges, reeducation camps, to abduction, torture and collective punishment.

When Xi came to power in late 2012, the CCP was facing an accumulation of post-1989 new social energies—in the form of the internet, the market, the spread of liberal ideas, the rights defense movement—and on the other hand, official corruption, conflicts between officials and citizens, an ecological crisis, and, most alarmingly, the economic decline. The CCP already eliminated democratization—whether gradual or sudden—from its menu of options for responding to crises. And so all it is left with is strengthening centralized power and enhancing the forces of repression.

This is why Xi Jinping has hugely intensified the crackdown on human rights. He actually waged a war on law. Just as in 1989, when the CCP believed that social liberalization and a democratic movement had threatened its one-party rule, it did not hesitate to crush the peaceful protests with tanks and machine guns.

Xi Jinping abolished the two-term limit for the presidency, shut down thousands of NGOs, rounded up human rights lawyers and dissidents, persecuted Falun Gong, Muslims, Tibetan Buddhists, Christians and other religious groups, destroyed mosques, temples and churches, intensified censorship on the internet, media and in schools, arrested entrepreneurs, journalists, artists, academics and anyone who disobeyed its dictates.

The CCP has brazenly and deliberately violated its international promise of "one country, two systems" in Hong Kong by eliminating the umbrella revolution and anti-extradition movement and eventually in

2020, by implementing the National Security Law in HK. Hongkong's freedom and rule of law have been totally destroyed by the CCP since 2020.

Since 2017, between one million and three million Uyghurs, Kazaks and other Turkic people in Xinjiang (East Turkestan) have been detained in the concentration camps which are called "reeducation centers" by the CCP). Women were systemically raped and sexually harassed in the camps, Turkic Intellectuals and elites were purged, children were forcibly separated from their parents, a million Han Chinese officials were sent to live with Uyghur families, closely monitoring them, and the Chinese government is systematically imposing forced inter-ethnic marriages on Uyghur women. As of late 2022, the Xinjiang Victims Database has documented 210 deaths in the camps since January 2017, but the real number must be much higher than this, given the extreme danger and difficulty of collecting information. (<https://shahit.biz/eng/#lists>)

Since 2009, 159 TIBETANS HAVE SELF-IMMOLATED IN TIBET AND CHINA to call for freedom and human rights. Most of what the Chinese government has been doing in Xinjiang is taken from the playbook of how it ruled in Tibet after the protests in March 2008.

What is extremely terrifying is that the CCP has established an unprecedented totalitarian surveillance system in China. I coined the term "high-tech totalitarianism" to describe this surreal dystopia. At least half a billion surveillance cameras are installed throughout the country, and the number is still increasing sharply. A social credit system, which documents people's transactions, moral and political behavior and punishes them for any variation from its rules, is expanding rapidly. Powerful phone trackers can connect one's digital footprint, real-life identity and physical whereabouts, and facial, voiceprint and gait recognition capability, together with the government-controlled big data, make privacy hardly possible. Virtual reality (VR) was used to test party members' level of loyalty to the CCP. The authorities have collected DNA data from hundreds of millions of Chinese by cheating or by force. Social media controlled by the CCP, Weibo, WeChat, TikTok and others, are also effective tools to surveil all Chinese internet users. By strengthening "high-tech totalitarianism", the Chinese government's goal is to maximize its capacity to monitor everyone's every movement in every corner at every moment.

Furthermore, Covid 19 has become a perfect excuse for the Communist Party to strengthen its control of Chinese society. At least 400 million people, hundreds of cities, are under covid lockdown. Windows and doors Every citizen is required to show a Green Health Code (and also a Venue Code and Itinerary Code) to leave home. Before two human rights lawyers departed to meet their client, a citizen journalist sentenced to four years for her reports of the outbreak of Covid- 19, their health code suddenly turned red, which was obviously a manipulation of the authorities to restrict their travel. This has happened to thousands of petitioners in Henan Province, as well. The Zero-Covid policy has been purposed more to tighten its perfect dictatorship, "controlocracy" as Norwegian sociologist Stein Ringen put it, than to fight the coronavirus. It can be called "COVID totalitarianism."

Ridiculously enough, the collateral damage has been much greater than that caused by the pandemic. Whistleblowers and activists have been arrested and silenced, doors and windows were sealed, patients in urgent medical need have been denied care by hospitals, people locked in their own homes have been left with a lack of food (some even starved to death), students were not allowed to attend exams and farmers were forced not to plant or harvest. The "white guards" have arbitrarily humiliated, detained and assaulted civilians. Uyghurs have also died as a result of poisoning from disinfectants sprayed in their homes—the list goes on.

Because of my human rights work in China, I had been disbarred, banned from teaching and fired by the university, kidnapped, detained and severely tortured, and my wife and children were targeted. But so many people have suffered and sacrificed so much. Some activists have even lost their lives. Li Wangyang, Cao Shunli, Zhang Liumao, Peng Ming, Yang Tianshui, Tenzin Delek Renboche, the Nobel laureate Liu Xiaobo and many others.

Recommendations

Democracies should urge the Chinese government to release all the human rights defenders, dissidents, journalists and citizens who were imprisoned because of their political opinions and religious beliefs. I call for your attention to the jailed prisoners of conscience, Ilham Tohti, Xu Zhiyong, Ding Jiayi, Wang Binzhang, Gao Zhisheng, Gulshan Abbas, Go Sherab Gyatso, and Jim Lai. Especially, the Chinese government should immediately and unconditionally release all the protestors arrested and detained during the A4 revolution. I have confirmed many protestors have been tortured by the police. Peng lifa, who hang the banners at Beijing Sitong bridge, is the new Tankman who inspired the A4 revolution. A girl reportedly named Li Kangmeng, was the first person who hang a white paper at Nanjing Communication College. Both were taken away by the police and their whereabouts have not been known since.

Democracies should urge the Chinese government to shut down the concentration camps in Xinjiang and stop the practice of forced marriage, torture, systemic rape, brainwashing, forced labor, and homestay of Han officials.

Democracies should urge the Chinese government to stop all of its repressive policies in Xinjiang, Tibet and Inner Mongolia, including but not limited to, restrictions of their native languages, mandatory or quasi-mandatory boarding schools, travel restrictions, destruction of cultural heritage, religious persecution, purge on elites and activists.

Democracies should provide convenience for the Uyghurs, Tibetans, Hongkongers and Chinese activists/dissidents who seek political asylum. It's in urgent need to prevent these people from being deported to China.

Democracies should stop appeasing the CCP regime. Human rights issues should be linked to trade and technology talks. Human rights should not be sacrificed for short-term economic and political profits. Every time world leaders meet the CCP leaders, they should not be silent or soft on human rights issues. When genocide and crime against humanity still continue, silence is complicity.

"Not seeking regime change" is a wrong message to the CCP. The CCP will continue its suppression of freedoms, manipulate international human rights laws and has become the biggest threat to the liberal international order.

It's extremely important and necessary to help the Chinese people to jump the Great Fire Wall (GFW). When the Chinese people could access information from the free world, many of them will be awakened and tend not to tolerate the brutal rule of the CCP. A bit more budget on Affordable technologies or equipment (like VPNs) will make a great difference.

American congress should categorize the ongoing atrocities against Uyghurs and Kazaks in Xinjiang as Genocide.

Democracies should sanction human rights abusers and put more Chinese officials on the list of the Global Magnitsky Act.

Democracies should sanction the global companies that are complicit in the CCP's censorship and surveillance. Cisco and some other tech giants facilitated China's GFW. Zoom terminated the meetings organized by Chinese activists and suspended the host accounts upon the instructions of The Chinese government.

Today I request a congressional investigation of Apple. Apple has ceded legal ownership of its customers' data to Guizhou-Cloud Big Data(GCBD), a company owned by the Chinese government. Apple did not care about labor rights violations in its supply factories in China. Apple removed the VPN apps from its App Store in China. Apple Restricted the use of airdrop soon after the Sitong bridge protest ([Apple limited Airdrop sharing to 10 minutes in China](#) after its use in protests). Apple should tell the public where it received the instructions, and why it has been complicit in China's suppression and censorship.

The recent A4 revolution has shown to the world how eager the Chinese people demand freedom and democracy and how much they want to risk to fight the dictatorial regime. It is our moral and political obligation to support the freedom fighters, and the bottom line is, a business based in the free world facilitating the dictatorship should not be tolerated.
