



Testimonies submitted by
Committee for Freedom in Hong Kong Foundation

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for the

Congressional-Executive Commission on China Hearing

“One City, Two Legal Systems: Political Prisoners and the Erosion of the Rule of
Law in Hong Kong”

May 11, 2023

Testimony submitted by
Mark L. Clifford
President, Committee for Freedom in Hong Kong Foundation

Thank you for inviting me to share my perspective on the many political prisoners in Hong Kong. It is a subject close to my heart and my experience. Sadly, in the new Hong Kong, a simple “thank you” for your interest could be construed as “collusion” with a foreign power and put the speaker at risk of being charged under Hong Kong’s National Security Law.

Freedom of the press is no longer guaranteed in Hong Kong. The clampdown on media freedom, and specifically the destruction of the pro-democracy *Apple Daily* newspaper, show in microcosm how civil and political rights have been dismantled.

I was proud to be part of *Apple Daily*, the flagship publication of the Next Digital media group and a leading voice for democracy in Hong Kong with some 1000 employees in Hong Kong and Taiwan. After a decades-long career in Hong Kong, holding a variety of senior positions in journalism, I served an independent non-executive director of Next Digital Ltd., *Apple Daily*’s owner, from May 2018 until September 2021.

The end of press freedom in Hong Kong came in June 2021, when more than 500 armed police marched into the *Apple Daily* newsroom, jailing senior journalists. The company’s founder and controlling shareholder, Jimmy Lai, had already been jailed on manufactured charges since December 2020. Subsequent government actions made it impossible for the company to pay its bills, including the salaries for our journalists.

Jimmy Lai has been in jail since December 31, 2020. He is kept in solitary confinement and is ritually manacled for his court appearances: disgraceful treatment for a 75-year-old man who has always preached non-violence and whose only “crime” has been the thousands of articles he has written in defense of freedom and democracy. He bears his imprisonment with grace and dignity, having accepted that it is his fate to be held captive for his beliefs.

As of May 2023, Hong Kong holds more than 1,400 political prisoners, including high-profile individuals who were active in the pro-democracy movement. In addition to Lai, they include Joshua Wong, Lee Cheuk-yan, and Gwyneth Ho. Securing the release of these and other political prisoners should be a top priority for both the Biden administration and for Congress.

My former *Apple Daily* colleagues also deserve support and advocacy. They have been imprisoned for nearly two years. Why am I not there with them? I just happened to be in the U.S. visiting family when the arrests were made. All the directors who were in Hong Kong at the time were arrested. I have never been able to return to Hong Kong, my home for 28 years.

Every political prisoner is an affront to decency and justice; but when journalists are taken away, it destroys people’s ability to monitor the operations of their government.

Lai, if he is convicted, faces life in prison. The other six journalists from *Apple Daily* have, under duress, expressed a willingness to plead guilty. But they are still being held hostage, presumably so they can be pressured to testify against their former boss, too, when his trial is held.

Those six include **Cheung Kim Hung**, the former chief executive officer; editor in chief **Ryan Law**; **Lam Man-chung**, executive editor; **Chan Pui-man**, associate publisher and news editor; **Yeung Chin-kee**, editorial writer; and **Fung Wai-kong**, the *Apple Daily* managing editor and also an editorial writer. He had quit the paper but was arrested at the airport while trying to fly to London in June 2021.

All of the *Apple Daily* journalists face life in prison on charges including “conspiracy to commit collusion with a foreign country or with external elements” and “conspiracy to publish a seditious publication.” These charges are obviously bogus. They were just doing journalism.

Imagine if the publisher of the *Washington Post* and six of the newspaper’s top journalists were jailed merely for publishing the news. It’s the same situation.

The arrest of journalists in Hong Kong is particularly shocking because the city was long a beacon for freedom. China promised in an international treaty (the 1984 Sino-British Joint Declaration) and the city’s mini-constitution (the Basic Law) to keep Hong Kong’s longstanding liberties intact. The city’s destruction at the hands of the Communist Party in China should be a warning to people everywhere that freedom is fragile and at risk.

I would like to suggest that the members of this Commission consider the following recommendations to more effectively advocate for the release of political prisoners in Hong Kong:

- 1. Develop a mechanism between Congress and the executive branch to press for the release of all political prisoners in Hong Kong.** Congress should mandate a report from the Department of State outlining its actions to promote the release of political prisoners in Hong Kong. In addition, Congress should hold regular meetings with executive branch staff who can provide updates on political prisoners’ well-being, the steps being taken to secure their release, and plans for future advocacy.
- 2. Encourage Members of Congress to “adopt” Hong Kong political prisoners.** The US Commission on International Religious Freedom (USCIRF), in conjunction with Amnesty International and the Tom Lantos Human Rights Commission, operates the “Defending Freedoms Project,” which helps draw attention to human rights abuses around the world. The project encourages Members of Congress to advocate on behalf of prisoners of conscience by providing them with information about prisoners and their families and practical ideas for raising awareness in Congress, at the State Department, and with foreign governments. Currently there are no adopted prisoners from Hong Kong. The CECC and the project’s organizers should encourage an increased focus on the more than 1,400 political prisoners being held in Hong Kong.

- 3. Strengthen and streamline the Defending Freedoms Project to improve outcomes in political prisoner advocacy.** The Tom Lantos Human Rights Commission should consider recommending Congressional offices to submit an annual report detailing the steps they took to support the political prisoners they adopted. They should also be routinely providing Member's offices with a list of political prisoners who are eligible for adoption. The Commission can also broaden their outreach by improving resources to constituents with family members or friends who may be eligible for adoption on how to craft effective applications to members.

Testimony submitted by
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Dear Chairman Smith, Chairman Merkley, and Members of the Congressional-Executive Commission on China,

I would like to express my sincere gratitude for the opportunity to provide testimony to the Commission. I am deeply honored to share the stories of those I know personally who are currently imprisoned for standing up for their basic freedoms in Hong Kong. Their dedication and courage in the face of adversity inspires me and many others to continue advocating for justice and democracy in Hong Kong.

I became an activist when I was 14 years old. I joined Scholarism, a student organization led by middle and high school students, including Joshua Wong, to protest the government's national education proposal in 2012 and a Beijing-proposed new election method that sparked the Umbrella Movement in 2014. Throughout my time fighting for democracy in Hong Kong, I have met many like-minded, intelligent, and kind people whom I call friends. After the fall of our city to the Chinese Communist Party's (CCP) authoritarian rule, we provided supported for one another and became important leading voices of Hong Kong's pro-democracy movement. But now, many of these friends are either behind bars or living in fear because they continue to be monitored and harassed by Hong Kong authorities.

In 2020, we campaigned together for pro-democracy activists at the democratic primaries. I left Hong Kong soon after the election, as I had serious concerns for my safety under the newly implemented National Security Law (NSL). At that time, I was confident that the movement for freedom and justice would continue to thrive in Hong Kong. But who would have thought that all of those candidates from the democratic primaries would now be in prison and facing the possibility of life behind bars? Who would have thought that media outlets would be forced to shut down and journalists would be accused of publishing seditious materials? Who would have thought that civil society would be crushed and that so many people would have to flee Hong Kong, the city we have always called home.

It's been two years since the Hong Kong 47 were charged under the NSL. I secured asylum in the United States in 2021. The words "political prisoners" and "political asylee" are two labels that I never imagined would apply to me or my friends, but today that is the reality.

We cannot accept the status quo. We cannot condemn the CCP's many human rights abuses without rejecting what the CCP is forcing Hong Kongers to endure. Securing the release of political prisoners in Hong Kong and alleviating their suffering should be a priority for the U.S. and the international community. As outlined in the recommendations appended to this written testimony, the U.S. has few apparatuses to advocate for the release of political prisoners. It's important to encourage Members of Congress and the Administration to speak the names of prisoners like Jimmy Lai and Joshua Wong loudly and often in an effort to raise their public profiles and put pressure on the CCP to release them.

In addition to advocating for prisoners' release, it is important to remember that civil and political liberties need protection and monitoring for those still living in Hong Kong. These include press freedom, internet freedom, and religious freedom. While a limited degree of freedom is still available in these areas, the vaguely written NSL has sent a chilling effect throughout society, encouraging self-censorship and further limiting the space for people to exercise their rights. Without a concerted effort to safeguard and preserve these small, free spaces, the condition of Hong Kong is likely to worsen. Additional vigilance is necessary from the international community. And the U.S. should closely monitor conditions in Hong Kong and continue to support those who remain there.

While many who feared persecution fled Hong Kong shortly after the implementation of the NSL, many others do not qualify for immigration programs introduced by other countries. They are in need of safe havens because they can be arrested at any time and become political prisoners. Additionally, many current political prisoners will complete their sentences, but they will likely be closely monitored by Hong Kong authorities and potentially face more persecution. It is also possible that we will see another large-scale crackdown on civil liberties in Hong Kong in the future. The U.S. should be prepared to provide humanitarian pathways for Hong Kongers under threat. As it stands, the routes for Hong Kongers to be resettled in the U.S. are limited and largely temporary. It is, therefore, timely for both the U.S. Administration and Congress to provide immediate and long-term relief to rectify these challenges by using the U.S. Refugee Admissions Program (USRAP), specifically the Priority-2 (P-2) refugee status.

In addition to the recommendations provided in the statement by the CFHK Foundation's President Mark Clifford, I would like to offer some additional recommendations to address the pressing issues that I have raised above.

1. **Press for the release of all political prisoners including religious prisoners of conscience.** There are hundreds of Hong Kong political prisoners that could be adopted by members of Congress or Commissioners at the U.S. Commission on International Religious Freedom. These include high-profile individuals, like Jimmy Lai, Joshua Wong, and others.
2. **Strengthen CECC's Political Prisoner Database as a resource for members to adopt Hong Kong political prisoners.** The Congressional-Executive Commission on China runs a Political Prisoner Database which has identified at least 50 political prisoners currently held in Hong Kong. The database is a valuable resource for members of Congress and civil society to identify both the scope and scale of the political prisoner crisis in Hong Kong, and also helps in identifying potential prisoners that could be adopted and advocated for by members. The Commission can work with civil society organizations to identify more political prisoners in Hong Kong that have yet to be included in the database. In addition, the Commission should also consider working in tandem with the Tom Lantos Human Rights Commission to nominate individuals in the database to the Defending Freedoms Project for Members of Congress to adopt their cases.

3. **Broaden multilateral cooperation among allies on Hong Kong.** Allies and partners should coordinate sanctions efforts, refugee relief, and political prisoner advocacy to achieve a stronger and more comprehensive response to the challenges facing Hong Kong. The U.S. and the U.K. share common foreign policy priorities, making it advantageous for them to work together in securing the release of several British National Overseas citizens (BNOs) currently imprisoned in Hong Kong, identifying sanctions targets where the U.S. already has access to the necessary financial information, and drawing lessons from the U.K.'s early resettlement of Hong Kongers. Other allies, including EU member states, Japan, and Australia, could also play a crucial role in supporting U.S. efforts to hold the CCP and Hong Kong authorities accountable.
4. **Issue grants to support organizations that promote information access in Hong Kong.** Programs that apply new and emerging technology and make use of older forms of technology (like radio news programming) serve valuable purposes for Hong Kongers who seek information about the government and international events. Grant-making authority ought to flow from a larger U.S. government initiative to support information access in Hong Kong.
5. **Convene a dialogue between the U.S. government and tech companies like Facebook, Google, Twitter, and others to discuss best practices for maintaining a free and open internet in Hong Kong.** The government can lead a working group to better coordinate efforts to stand against actions from the CCP and Hong Kong authorities that threaten the safety and security of Hong Kongers. Doing so would encourage U.S. tech firms to resist demands from the CCP that violate users' rights, and it would allow better insight into the scope and scale of the CCP's privacy infringements.
6. **Discourage the Vatican from expanding its 2018 deal with Beijing.** The US should oppose any expansion of the Sino-Vatican deal in the strongest terms and continue diplomatic discussions with the Vatican to urge the repeal of the 2018 deal, which has already been renewed twice.
7. **Press for the release of all political prisoners including religious prisoners of conscience.** There are hundreds of Hong Kong political prisoners that could be adopted by members of Congress or Commissioners at the U.S. Commission on International Religious Freedom. These include high-profile individuals, like Jimmy Lai, Joshua Wong, and others.
8. **Monitor deteriorations in religious freedom in Hong Kong.** The US should monitor the state of religious persecution in Hong Kong, including the plight of 90-year-old Roman Catholic Cardinal Joseph Zen, who filed an appeal to his conviction last year for failing to register a relief fund with the local authorities during the 2019 protests. The U.S. should also assist in establishing safe and secure channels to communicate with the underground church in the PRC and religious societies in Hong Kong.
9. **Partner with other persecuted groups in China to advance U.S. policy toward China.** The development of more regularized and systematic mechanisms can help

facilitate coordination with and between affected communities, including Uyghurs, Tibetans, Christians, and other persons of faith.

10. **Grant Priority-2 (P-2) refugee status to Hong Kongers and other persecuted minorities in China.** This can be accomplished by Congress or the Administration and has already been demonstrated by the extension of P-2 status to Afghans following the U.S. withdrawal from Afghanistan. The *Hong Kong Safe Harbor Act*, among other legislative efforts in Congress, aims to do the same for Hong Kongers. Doing so would provide Hong Kongers with an expedited means of resettlement and the opportunity to seek permanent refuge within U.S. borders that rightly recognizes the permanence of the changes in the city-state.

Once again, thank you for providing me with a platform to share my perspective and to share with you the voices of my friends who continue to stand for freedom behind bars. I hope that this hearing will serve as a vital step toward promoting support for political prisoners and the persecuted people of Hong Kong. It's my wish that the international community does not forget the sufferings of the people of Hong Kong, who have stood on the front line in defending the freedom of the world, and will tirelessly explore ways to support them.