



Hearing on

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

Thursday, May 11, 2022 – 10:00 a.m.

Statement for the Record

James P. McGovern

Commissioner, Congressional-Executive Commission on China

Good morning. I join Chair Smith and Co-Chair Merkley in welcoming those attending today's Congressional-Executive Commission on China hearing on political prisoners in Hong Kong. I regret that I am unable to be present due to a competing hearing in the Nutrition, Foreign Agriculture and Horticulture Subcommittee, of which I am Ranking Member.

I welcome our witnesses today and am deeply thankful for your commitment to the causes of human rights and democracy for Hong Kong. It is due to your efforts and those of hundreds of your colleagues that we know what has happened in Hong Kong and what the consequences have been for its people. I realize that your dedication has come at great cost. I can only say that what you are doing is laudable and I hope and believe that future generations will recognize your sacrifice and celebrate your contributions.

As we will hear today, the number of political prisoners in Hong Kong has shot up from 26 in June 2019 to 1,014 in May 2022 to 1,457 today. These are ordinary people from all walks of life in Hong Kong, and of every age -- the youngest is 13 and the oldest, Jimmy Lai, whose son is with us today, is 75. We know some of their names, but not most. Each of their lives has been completely upended by a state that punishes the exercise of fundamental rights by using the 2020 National Security Law to quell dissent, limit protests and curb criticism.

It is critical to understand that the imprisonment of these more than 1,400 people is just the beginning of the story. Just as important, and just as intentional, is the ripple effect, first, on their families and loved ones, and more broadly, on the whole society: the businesses shut down, the jobs and livelihoods lost, the fear instilled, the self-censorship that results. Because it really is true, as one of our witnesses will say today, that "it could just as easily be any one of us."

There should be no doubt that the huge increase in the number of political prisoners in Hong Kong is an indicator of the politicization of the judiciary and its resulting loss of independence. The effective exercise of human rights depends on the existence of means to protect and defend those rights. An impartial and independent judiciary is one of the most important of those means. When the actions of prosecutors and judges are based on ideology, when they interpret the law to favor a political position at the expense of protecting universal rights, they are acting to undermine rule of law and human rights, and they should be sanctioned. I take this opportunity to again endorse the witness' position that U.S. sanctions authorities should be fully enforced against Hong Kong prosecutors and judges implementing the National Security Law.

We in Congress and on this Commission will continue to call out the use of the National Security Law to criminalize the exercise of rights, and we will continue to champion the cases of political prisoners in Hong Kong.

But there is more we can do: we must pass legislation to offer humanitarian pathways for Hong Kongers as soon as possible. I welcomed President Biden's decision in February to extend the Deferred Enforced Departure order for another 24 months as a first step. But more lasting solutions are needed. We tried to get this done in the 117<sup>th</sup> Congress, but fell short. We must succeed during this Congress.

We should also increase our engagement and improve coordination with the government of the United Kingdom – joint advocacy on cases may be more effective than going it alone.

Finally, my message to U.S. businesses in Hong Kong is simple: neither the HKSAR nor the PRC can be counted on to operate in accordance with the rule of law, as the gutting of the commitments made in the Basic Law makes clear. The more than 1,400 political prisoners in Hong Kong are living, breathing evidence of this. You ignore this reality at your own risk. If you doubt me, ask for a meeting with Jimmy Lai.

Thank you.