

**STATEMENT OF U.S. REPRESENTATIVE SANDER LEVIN,
COCHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

HEARING ON

NOBEL LAUREATE LIU XIAOBO AND THE FUTURE OF POLITICAL REFORM IN CHINA

NOVEMBER 9, 2010

We hold this hearing today not only to shine a light on the Chinese government's mistreatment of Nobel Laureate, Liu Xiaobo, but to underline that China once again is at an important crossroads, and seems to be turning in the wrong direction. This has implications not only for the development of institutions of democratic governance in China, which it is the charge of this Commission by law to monitor, but also for the United States in managing our relations with China.

The imprisonment of Liu Xiaobo is a personal tragedy, a national shame, and an international challenge. The answer is clear: Mr. Liu should be released immediately. For his more than two decades of advocating for freedom of speech, assembly, religion, peaceful democratic reform, transparency and accountability in China, Mr. Liu is currently serving an eleven-year sentence in a Chinese prison for "inciting subversion of state power." Those in China, like Mr. Liu, who have penned thoughtful essays or signed Charter 08 seek to advance debate, as the Charter states, on "national governance, citizens' rights, and social development" consistent with their "duty as responsible and constructive citizens." Their commitment and contribution to their country must be recognized, as the Nobel Committee has done, and as we do today and their rights must be protected.

The Chinese government has said that awarding the Nobel Prize to Liu Xiaobo "shows a lack of respect for China's judicial system." I would like to take a moment to examine this claim. For it seems to me that what truly showed a lack of respect for China's judicial system were the numerous and well-documented violations of Chinese legal protections for criminal defendants that marred Mr. Liu's trial from the outset. I refer here to matters such as the failure of Chinese prosecutors to consult defense lawyers, and the speed with which prosecutors acted in indicting Mr. Liu and bringing him to trial, effectively denying his lawyers sufficient time to review the state's evidence and to prepare for his defense. Chinese officials prevented Mr. Liu's wife from attending his trial, in which she had hoped to testify on behalf of her husband. Mr. Liu's lawyers reportedly were ordered by state justice officials not to grant interviews. It is these abuses, committed by Chinese officials in China, not the actions of a committee in Oslo, that demonstrated "a lack of respect for China's judicial system."

All nations have the responsibility to ensure fairness and transparency in judicial proceedings. The effective implementation of basic human rights and the ability of all people in China to live under the rule of law depend on careful attention to, and transparent compliance with, procedural norms and safeguards that meet international standards. It is in this connection that I would like to take a moment also to say a word about this Commission's Political Prisoner Database. The database, which is available to the public on-line via the Commission's web site, contains information on thousands of political prisoners in China. These are individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under

China's Constitution and laws or under China's international human rights obligations. The enhancement of the Database that the Commission announced this past summer roughly doubled the types of information available to the public, enabling individuals, organizations, and governments to better report on political imprisonment in China and to more effectively advocate on behalf of Chinese political prisoners. And people around the world have been doing just that. The number of “hits” to the database from individual users, NGOs, academic institutions and governments around the world has skyrocketed. The Database makes clear that political imprisonment in China is well-documented, it is a practice whereby the Chinese government has shown disrespect for human rights and the rule of law in case after case, and it must end.

Unfortunately, that does not appear likely. Since the Nobel Committee’s announcement, Mr. Liu’s wife, Liu Xia, has been harassed relentlessly, and remains under what appears to be house arrest. In the weeks following the Nobel Committee’s announcement, several people who signed Charter 08 also have been harassed and detained. Chinese authorities have attempted to limit the dissemination of information about Liu’s receiving the Nobel Prize, harassing members of the Independent Chinese PEN Center, a group that advocates for the rights of writers, whose American counterpart organization we are pleased to have represented on our panel here today. Diplomats report that the Chinese Embassy in Oslo has sent official letters to foreign embassies in the Norwegian capital asking them not to make statements in support of Liu, and not to attend the Nobel awards ceremony on December 10. This is not the behavior of a strong, responsible government.

As Liu Xia said the morning her husband was selected to receive the Nobel Prize, “China's new status in the world comes with increased responsibility. China should embrace this responsibility, and have pride in his selection and release him from prison.” As Nobel laureate Vaclav Havel correctly noted, “intimidation, propaganda, and repression are no substitute for reasoned dialogue....” And as Nobel laureate Desmond Tutu recently wrote together with Vaclav Havel,

We know that many wrongs have been perpetrated against China and its people throughout history. But awarding the Nobel Peace Prize to Liu is not one of them. Nor is the peaceful call for reform from the more than 10,000 Chinese citizens who dared to sign Charter 08.... China has a chance to show that it is a forward-looking nation, and can show the world that it has the confidence to face criticism and embrace change....This is a moment for China to open up once again, to give its people the ability to compete in the marketplace of ideas....

In a recent interview with CNN, Premier Wen Jiabao stated that,

Freedom of speech is indispensable. . . . The people's wishes for, and needs for, democracy and freedom are irresistible.

We ask our witnesses today to help us assess the likelihood that these words will become the new basis for government action in China, and to describe for us their understanding of the prospects for political reform in China today.