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Human Rights and Rule of Law in China... or Lack Thereof

Mr. Chairman, members of this Commission, ladies and gentlemen:

Thank you for giving me this opportunity to speak on the subject of human rights and rule of law in the People's Republic of China.

Looking back at the 50 year history of communist China, what we see is pitifully not a history of rule of law, but a history of rule of man, and one that neglects human rights. From the Cultural Revolution of the 1960's and 70's, to the Tiananmen Square Massacre in 1989, to the brutal suppression of Falun Gong and other faith groups today, one traces a bloody history in which the ruling, communist regime has carried out a program of state terrorism against its own culture and citizens.

In what follows, I would like to briefly discuss the current state of human rights and the rule of law in China from three different perspectives. I will use the ongoing persecution of Falun Gong as an illustration. There are, of course, other examples of persecution campaigns in China at present, including the official suppression of Tibetan Buddhists and Christian "house churches." The government's campaign against Falun Gong, though, distinguishes itself by virtue of the sheer number of persons affected and the intensity of the campaign.

The First Perspective: Rule of Outlaw

The first perspective to consider is that the communist authorities in Beijing flatly ignore and violate existing laws in order to deprive Falun Gong practitioners and other Chinese citizens of their human rights.

In the Constitution of the People's Republic of China, Articles 33 through 50 explicitly state the "fundamental rights" of Chinese citizens, which include freedom of speech, assembly, association, and religious belief. However, numerous reports from human rights groups around the world and international media reveal exactly the opposite. Most notably, in the government's campaign against Falun Gong, the rights of adherents which are supposedly set forth in every single one of these Articles have been violated, and in many cases violated flagrantly. Perpetrators of these abuses, such as police and prison wardens, have been promoted for their brutality; outside investigations are blocked; and authorities insist across the board that no transgressions have occurred.

The primary mechanism used by Jiang Zemin to persecute Falun Gong is a notorious and unconstitutional organization called the "6-10 Office," which spans multiple levels of government, having absolute power over each level of administration in the Party as well as over the political and judiciary branches. Since its establishment in June of 1999, the 6-10 Office has become nothing short of China's modern day equivalent to the Gestapo, orchestrating a three-year long, horrific persecution against Falun Gong and its practitioners that

has resulted in hundreds of thousands of cases of arbitrary detention, false imprisonment, defamation, kidnapping, torture, sexual and psychiatric abuse, disappearance, and murder.

But the terror of the 6-10 Office is experienced not only by practitioners of the Falun Gong, but by virtually the entire population of China. The office incites hatred against Falun Gong through imposing direct pressure on even those who have no connection to Falun Gong. Examples of this include, in many regions, children in grade school being forced to sign statements denouncing Falun Gong at the threat of expulsion; adults being forced to sign similar statements or lose their jobs or pensions; and police, too, being threatened with loss of salary, residential privileges, or even employment should they not carry out the orders of the 6-10 Office; neighbors and co-workers are forced, via threat, to monitor those around them who might practice Falun Gong and report on them. The constitutional rights of virtually everyone in Chinese society have been violated by this government-sanctioned and official terrorist organization.

The Second Perspective: Rule of Bogus Law

The second perspective is that of arbitrarily contrived laws. The communist authorities in Beijing can simply make up so-called "laws" to justify their unconstitutional human rights abuses where there is no, and should never be any, justification. The law is re-engineered to suit the political needs of the day.

In January of 2002, a number of media reported the story of a Hong Kong businessman who was sentenced to two years in prison in China for smuggling several thousand Bibles into Mainland China. The charge leveled against him was that he violated a so-called "anti-cult" law; Chinese authorities considered the Bibles he smuggled in "cult materials." So where did this "anti-cult" law come from? It was rushed through the Chinese legislature on October 30, 1999, five days after president Jiang Zemin was quoted in a French newspaper labeling Falun Gong a "cult," and three months after the government launched its suppression of Falun Gong. The "law" was made specifically to aid the persecution of Falun Gong at that time. Chinese authorities applied this so-called law retroactively to justify and heighten their violent persecution of Falun Gong. Sadly, this "law" was later used to persecute Christian "house churches" and other faith groups.

The Third Perspective: Rule by Fiat

It is nothing new that Mainland authorities would manufacture bogus so-called "laws" to justify harsh, repressive political measures, or even to apply such laws retroactively to punish persons and groups for past actions and affiliations. But what is new is the appearance of such tactics in Hong Kong, a region that Beijing promised would retain its freewheeling, open way of life under a principle of "one country, two systems" for at least 50 years; that is, 50 years from the time it first became a part of the PRC in 1997.

Now after only 5 years, this promise is waning, or even crumbling, at an alarming pace.

The past year has seen constant debate among Hong Kong's ruling elite, led by Chief Executive Tung Chee-hwa, over the adoption of so-called "anti-cult" and anti-subversion laws. These laws, analysts and observers note, would give legal grounds for Hong Kong to ban and suppress religious and other groups deemed unfavorable by Beijing authorities, the most notable example being the Falun Gong. These laws, while allegedly patterned after France's anti-cult laws, go far beyond their European counterparts in both their intention and scope.

As we speak, a second matter in Hong Kong is of perhaps even greater immediate concern. Sixteen practitioners of the Falun Gong are at present being put through a show-trial, officially labeled a "criminal trial," for allegedly disrupting social order this past March when they supposedly "obstructed the sidewalk" by meditating and are accused of "attacking the police." The location was outside the Chinese (that is, PRC) Liaison Office of Hong Kong. Of the 16, fully 4 are Swiss nationals. The group was forcefully arrested

without any warrant by Hong Kong police. However, eyewitness reports and video documentation reveal that it was actually *the police* who obstructed the sidewalk and attacked persons. The footage, which is also available online, shows the peaceful meditators in two short, orderly rows being overwhelmed by throngs of police, probably several dozen, and then choked, gouged in the eyes, and jabbed in their pressure points as they are violently removed to police vans.

What is significant is that the arrests and removal took place reportedly under pressure from the Liaison Office; the office was irate that Hong Kong citizens and foreign nationals would demonstrate outside its premises against human rights abuses in the PRC; irate, that is, that they would dare use Hong Kong's constitutionally-enshrined freedoms of assembly and speech to embarrass the ruling Beijing regime.

The significance of this show trial cannot be understated. CNN recently reported that the trial has "raised concerns that the 'one country, two systems' policy is eroding, and that Hong Kong is beginning to yield to pressures from the mainland." What astute observers realize is that pressure from Jiang Zemin to restrict Falun Gong in Hong Kong is jeopardizing a once-proud legacy of freedoms and just legal system. The trial is very much a litmus test, a touchstone, if you will, for democracy and rule of law in Hong Kong. The very existence of this trial marks the negation of rule of law in the Hong Kong SAR, and the beginning of the end. Legal analysts say that the trial never should have happened to begin with. It marks the arrival of "rule of Jiang" and the departure of rule of law. This is something Hong Kong cannot afford, and this is something the free world and America cannot afford.

I would like to suggest that this situation be taken much more seriously. We have already seen in the past year and a half on two occasions scores of Americans and citizens of other nations being barred from entering Hong Kong due to their beliefs (they practiced Falun Gong); we learned, to our horror, that they were on a blacklist, presumably assembled by the PRC. Now we see a show trial being used to discredit a peaceful group of meditators and, secondly, to justify harsh, repressive legislation that is in the works and that will appease Jiang and the Beijing authorities. This is rule by fiat, or rule by Jiang, manifesting in Hong Kong.

Concluding Remarks

The fundamental problem is not whether the P.R.C. has "law" or "rule of law." It does have law, only ruler Jiang Zemin is "the law" in China, and the communist dictatorship is the "rule of law." The dictatorship is more than willing to override existing statutes, or even to manufacture new so-called "laws" as fitting, to serve its political purposes or maintain power. A crude veneer of "law" is used to justify and veil what is by any account illegal and criminal behavior. And now, as we see in the case of Hong Kong and other nations, such as Iceland, most recently, Jiang and his leadership can even pressure governments and peoples of democratic societies to compromise their democratic values, institutions, and practices. This pressure has even been felt in the United States, as described in U.S. House Concurrent Resolution 188, passed just a few weeks ago by unanimous vote; the resolution goes beyond condemning the Jiang Zemin regime's persecution of Falun Gong in China to warning the regime against its attempts to bring its hate campaign to the U.S., where American citizens and local government officials who support or practice Falun Gong have been targeted by threat, harassment, and even violence.

The fundamental problem is that China's communist regime is a dictatorial state that is committed to the suppression of freedom of belief; the suppression of freedom of the press; and the suppression of legal rights, such as due process; and it makes liberal use of forceful indoctrination, violence and fear in order to terrorize and dominate ordinary citizens. These traits, as you will recognize, are precisely those that identify a terrorist state as such.

I would like to suggest, in closing, that this fundamental problem of lawlessness and state terrorism in the P.R.C. *must* assume much greater importance for U.S. policy-makers. To not do so, to overlook the problematic nature and ruling of the Beijing regime, is to build Sino-U.S. relations on shaky, faulty grounds. There are many things we can turn a blind eye to, but wishful thinking cannot be expected to bring about any real resolution or improvements on this front. Instead, it only allows the problem to fester, and worse yet, with our silence we embolden that very same leadership; silence, to the Jiang Zemin regime, is acquiescence. This is a grave mistake, I believe. We need look no further than the lessons of 9-11 to realize what evil can brew when it is left unchecked or overlooked.

After all, when a leader attacks his own citizens who are peaceful, non-violent, and good people, what will that leader do on the world stage? Could we possibly expect him to have any greater regard for the lives of good citizens in other nations?

Thank you for your attention.