

Congressional-Executive Commission on China Roundtable: China's Policies Toward Spiritual Movements

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Good afternoon.

One of the topics I've been asked to speak about is the story of Gao Zhisheng, a leading Chinese human rights lawyer and vocal advocate for religious freedom, particularly for Falun Gong practitioners. Several years ago I had the honor of co-editing the English translation of Gao Zhisheng's memoir *A China More Just*. So, as I was considering how to begin today, I tried to think of what Gao would say if he were here today himself. There are two points that he would probably emphasize.

First, he would give a heartfelt thank you. Thank you to the Commission for organizing this panel. Thank you to the United States government for taking an active interest in the human rights abuses taking place in China. Thank you to those in the audience who care for the Chinese people.

Second, he would likely seek to convey the urgency of the current situation and the brutality of the treatment suffered by large numbers of Chinese people generally, but also of Falun Gong practitioners in particular. It is clear from his writings that the account after account of severe torture he heard from the Falun Gong victims he had interviewed left a profound impression on him and served as a key catalyst in his advocacy on their behalf.

“With a trembling heart and a trembling pen, I record the tragic experiences of those [Falun Gong practitioners] who have been persecuted in the last six years. Of all the true accounts of incredible violence that I have heard, of all the records of the government's inhuman torture of its own people, what has shaken me most is the routine practice of assaulting women's genitals. Almost all who have been persecuted, be they male or female, were stripped naked before being tortured. No words can describe our government's vulgarity and immorality.”ⁱ

While not spoken in quite such colorful language, Freedom House's findings generally reflect what Gao had discovered.

But before moving onto some specific details, I'd like to take a step back to address the question of why this is happening and to point out that the repression of Falun Gong and spiritual movements in China cannot be viewed in a vacuum. Rather, it is part of an elaborate machinery of suppression that arbitrarily and systemically denies independent thought and expression in a range of areas in Chinese society. Moreover, Freedom House's findings indicate that this repression is, in some respects, getting worse.

In the past few decades, the Communist Party's tactics for suppressing free thought have become more sophisticated. But the underlying principle and institutional dynamic remains the same: the

decision of what is approved or forbidden is made arbitrarily by Party leaders and that decision is generally based on their perception of threats to their monopoly on political power or legitimacy, whether these threats are real or imagined. This dynamic is reflected in every set of media censorship directives issued by the Communist Party's Propaganda Department that gets leaked and posted online, but it applies equally to spiritual movements.

Thus, whatever the specific timeline of events in the mid to late 1990s, one angle for explaining the banning of Falun Gong and other smaller spiritual groups is that Party leaders did so: a. because they could and there was no institutional mechanism like an independent judiciary to stop them; and b. because the Communist Party generally has a low tolerance for groups or individuals who place any authority, spiritual or otherwise, above their allegiance to the Party.

For persecuted Tibetans, this authority is the Dalai Lama; for persecuted human rights lawyers—whom I'll get to in a moment—it is the law; for persecuted Falun Gong adherents, it is the dedication to spiritual teachings centered on the values of truthfulness, compassion, and tolerance. The Party's emphasis on "transforming" Falun Gong practitioners—similar to its "patriotic education" campaigns in Tibet—is one indication of this pursuit of suppressing independent thought.

Since 1999, Freedom House's annual and other publications have recorded the ongoing rights abuses suffered by those who practice Falun Gong in China. Several aspects of the persecution stand out from a review of those findings. I'll mention them briefly here and am happy to follow-up on in more detail during the Q and A.

- **First, large scale detentions and widespread surveillance.** These appeared to intensify in 2008 and 2009 even from the already high levels experienced over the past decade. Falun Gong practitioners were a key target in what amounted to a broader crackdown surrounding the Olympics and a series of politically sensitive anniversaries. In addition to detention and monitoring, this phenomenon included regular citation in official statements on "strike hard" campaigns and in offers of monetary rewards to members of the public for turning in individuals distributing information related to Falun Gong.
- **Second, ongoing torture and deaths in custody.** While Freedom House does not have the resources to maintain a comprehensive record of such deaths, well-documented individual cases come to light each year, while overseas Falun Gong groups have gathered detailed accounts of over 3,000 people killed in the last decade. In one high-profile case from 2008, Beijing musician Yu Zhou died in custody 11 days after being detained for possessing Falun Gong literature in late January; his wife, Xu Na, was sentenced in November to three years in prison.ⁱⁱ In January 2009, Chongqing resident Jiang Xiqing died while held at a "reeducation through labor" camp for practicing Falun Gong; lawyers seeking to investigate his death were detained and beaten.ⁱⁱⁱ
- **Third, the sentencing of practitioners to long prison terms following unfair trials or to "reeducation through labor" camps by bureaucratic fiat.** Based on interviews with recently released detainees, a February 2009 study by the Chinese Human Rights Defenders group reported that in addition to petty thieves and drug addicts, Falun Gong

practitioners constituted a significant percentage of those incarcerated in the camps, as did Christians in some facilities.^{iv} Given a nationwide labor camp population numbering in the hundreds of thousands, if not more, and former prisoners' accounts of hundreds of religious prisoners in individual camps, this translates into potentially tens of thousands of detainees.

- **Fourth, Falun Gong is a permanent taboo for Chinese media outlets and one of the most systematically censored topics on the internet.** In addition to the well-known use of technical filtering to block access to Falun Gong-related websites, tests conducted as part of a recent Freedom House study of internet freedom in China found that entries containing the keyword “Falun Gong” (as well as “June 4” or the “Dalai Lama”) could not be displayed on Chinese blog hosting services, including the simplified Chinese version of Microsoft's MSN Space Live service and Skype's Chinese version, Tom.^v

Those who seek to spread information despite these restrictions risk detention and imprisonment. Several well-documented cases have emerged in recent years of Chinese citizens imprisoned simply for downloading, printing, or possessing Falun Gong-related materials, either for their personal use or for sharing with others. These included victims who were not Falun Gong practitioners. For example:

- In November 2008, Liu Jin, a former university librarian, was sentenced to three years in prison in Shanghai after she downloaded information about Falun Gong from the internet and passed it to others, which her lawyer argued was a common occurrence.^{vi}
- In March 2009, Zhang Xingwu, a retired professor and Falun Gong practitioner from Shandong province, was sentenced to seven years in prison after security forces broke into his home and confiscated VCDs and religious texts related to Falun Gong.^{vii}
- Last month, grassroots democracy activist Ren Ming from Shenzhen was reportedly sentenced to three years in prison for distributing CDs bearing a Falun Gong symbol.^{viii}

It is in this context of a persecuted religious minority facing large scale, brutal treatment from the authorities on the one hand, and silence, if not cooperation, from most of society on the other, that Gao Zhisheng and other lawyers' efforts to represent Falun Gong practitioners become relevant.

As brief background on Gao, he was born in rural Shaanxi province and grew up in his mother's cave dwelling. In the late 1980s, he was selling vegetables on the streets of Xinjiang province when he came across an advertisement that the government was seeking to train lawyers. So, with just a middle school education, he decided to teach himself and in 1995, he passed the bar exam. In addition to his regular cases, he immediately started taking pro bono ones for the gamut of China's vulnerable groups. He soon became known nationwide and in 2001, was named one of China's top ten lawyers after a legal debate competition sponsored by the Ministry of Justice.

It was in this context that in 2004, Gao was one of the first lawyers to break the Falun Gong taboo. He was hired by an adherent who had been sent to a labor camp and was stunned that judges repeatedly rejected his efforts to file for judicial review. He writes about visiting multiple courts in one day and being told by three judges: “Don’t you know we don’t take Falun Gong cases?” With legal avenues closed, Gao decided to write an open letter to the National People’s Congress and a few months later, he conducted the first of two in depth investigations into the persecution of Falun Gong. In October and December 2005, he wrote two open letters to Hu Jintao and Wen Jiabao, detailing the torture he had uncovered and urging them to end the atrocities.

In response, as many here probably know, he and his family were put under escalating pressure and abuse themselves: from 24-hour surveillance to having his law firm shut down and license revoked, to an attempt on his life and repeated incommunicado detentions. In December 2006, Gao was sentenced in a one day trial to three years in prison. But this was suspended and the Chinese authorities have instead used “disappearance” rather than imprisonment as their preferred tactic against him.

It was only in February 2009, that, in an incredible feat of courage, we learned the full details of the torture he had suffered during his previous detention. In a letter he managed to send abroad, Gao chronicled being stripped naked and shocked with electric batons on his genitals, among other acts torture. Guards reportedly told him that the conclusions of his investigations were accurate and that these were indeed the torture methods “perfected” on Falun Gong practitioners, all the while pressuring him that if he simply said a few negative comments about Falun Gong and/or praise to the Party, the torture would cease.^{ix} Almost immediately with the release of the letter, Gao was abducted again. His family managed to flee China to Thailand, but Gao remained “disappeared” throughout much of 2009. As the months went on, his family, friends, and fellow lawyers grew increasingly fearful that he had been killed in custody. In March 2010, the authorities allowed him to resurface following an intense international campaign on his behalf. But after the international limelight faded, he disappeared again in April. He hasn’t been heard from since.

Ironically perhaps, Gao never actually had the opportunity to argue in defense of a Falun Gong client in court. But, at least twenty lawyers have followed in his footsteps and done so. In response, they too have been temporarily or permanently disbarred, beaten, abducted, shocked with electric batons, held in a cage at a police station, and in at least one case, imprisoned for seven years under the same arbitrary and vague legal provision used to justify imprisonment of his Falun Gong clients.

The authorities’ mistreatment of these lawyers reflects two broader implications of the campaign against certain spiritual groups for the future development of religious freedom and rule of law in China.

First, the tactics and strategies developed to suppress one group can be quickly and easily applied to others. From vague legal provisions, to “black jails,” to certain torture and “transformation” methods, the lawyers and others have remarked on how elements first used against Falun Gong practitioners are then applied to other victim groups, including the lawyers

themselves. It is evident from the writings and comments of Gao and other lawyers that the reason they take such a risk defending Falun Gong and other persecuted religious believers is because they feel very strongly that if the current system is not able to protect these innocent people from such severe abuses, others are at risk as well.

Second, the Communist Party's intransigent and harsh response to these lawyers highlights its general reluctance to institute genuine rule of law. Indeed, as Jerome Cohen has repeatedly noted in his writings, in the past two years there appears to have been a backsliding on even previous, limited reforms, while Party control over the judicial system has tightened.

This reality raises complex questions of what actions the United States government and other members of the international community might be able to take to improve the situation for individuals like Gao or Falun Gong practitioners. While not comprehensive, I hope that the following three recommendations may prove helpful as a starting point for such a discussion:

1. **Continue to lobby for the release of individual prisoners of conscience:** As harshly as Gao Zhisheng has been treated by Chinese security forces, there is little doubt that his situation would be even more dire without the intense international pressure that has been applied to the Chinese regime on his behalf. Other former prisoners whom I have interviewed and who were the subject of international appeal campaigns—including Falun Gong practitioners—have repeatedly testified to the noticeably less harsh treatment they received compared to their fellow, more internationally anonymous, detainees.
2. **Support initiatives to independently research and verify more individual cases:** Central to the ability to advocate on behalf of individuals and to gauge the full scale of abuses targeting spiritual movements is the capacity to verify individual cases of religious prisoners. Despite the sensitivity of the issue and difficulty in obtaining information about Falun Gong or Christian prisoners, there are avenues for doing so. Increased support, including funding, for groups taking the initiative to compile credible prisoner lists could translate into real protection for members of these persecuted minorities.
3. **Remain vigilant in the face of Chinese official pressure to self-censor outside of China:** Although this is not the focus of today's discussion, pressure to self-censor beyond China's borders is a daily reality for Falun Gong practitioners—similar to Tibetans, Uighurs, and others—who seek to organize events that might expose abuses in China or challenge the Communist Party's dominant narrative about the country's current reality. It is critical that outside China, hosts of cultural, academic, or other events be vigilant in protecting the right to free expression for all, including those whose voices are systematically silenced within China.

There is one last point I'd like to make before I conclude – on a more optimistic note. Parallel to the increased repression we've seen in China in the past few years has been a growing rights consciousness on the part of ordinary citizens. Indeed, one might argue, the insecurity of the regime in the face of a more assertive citizenry is one reason for the expanded repressive apparatus. As with workers, bloggers, and journalists, Falun Gong practitioners have also been

among those using incredible ingenuity, creativity, and courage to challenge the repression against them, primarily by trying to convince fellow citizens of the justice of their cause.

Having begun with quoting Gao, I'd like to conclude with a few his words on the potential affect of their efforts.

“More and more people around me, including professionals, scholars, government staff members, and ordinary Chinese citizens have begun to question the rationale behind the campaign against these believers. This has been a palpable change... These people have come to realize how unjust, inhumane, and lawless the government’s violent persecution of the Falun Gong people is. This rapid, widespread change in attitude stands in stark contrast to the government’s static, outdated practice. It is really quite thought-provoking.”^x

I hope that at some point in the future, Gao will be able to be here himself to speak these words. Thank you.

ⁱ Gao Zhisheng, *A China More Just*, Broad Press USA (2007); pg. 137

ⁱⁱ Freedom House, “China,” *Freedom in the World 2009*:

<http://www.freedomhouse.org/template.cfm?page=363&year=2009&country=7586>

ⁱⁱⁱ Freedom House, “China,” *Freedom in the World 2010*:

<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7801>

^{iv} Chinese Human Rights Defenders, “Re-education through Labor Abuses Continue Unabated: Overhaul Long Overdue,” February 2009: http://docs.law.gwu.edu/facweb/dclarke/public/CHRD_RTL_Report.pdf

^v Freedom House, “China” *Freedom on the Net 2009*:

<http://www.freedomhouse.org/template.cfm?page=384&key=197&parent=19&report=79>

^{vi} Ibid.

^{vii} Freedom House, “China,” *Freedom of the Press 2010* (forthcoming)

^{viii} Chinese Human Rights Defenders, “China Human Rights Briefing Weekly: May 18-24, 2010,” May 26, 2010; available at http://blogs.amnesty.org.uk/blogs_entry.asp?eid=6592

^{ix} Gao Zhisheng, “A Letter from the Twenty-first Century Dungeon - Over Fifty Days of Endless Inhumane Tortures in the Hands of the Chinese Government,” published by China Aid on February 9, 2009;

<http://chinaaid.org/pdf/Human%20Rights%20Lawyer%20Recounts%20Torture.pdf>

^x Gao Zhisheng, *A China More Just*, Broad Press USA (2007); pg. 86