

**Prepared Statement of Sarah Cook, Asia Research Analyst and Assistant Editor, Freedom on the Net, Freedom House**

**Congressional-Executive Commission on China Roundtable on "Current Conditions for Human Rights Defenders and Lawyers in China, and Implications for U.S. Policy"**

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Thank you very much to the Commission for organizing this roundtable. One of the topics I've been asked to speak about today is the internet dimension of the work of Chinese human rights lawyers and the repression they have faced, as well as to reflect on some of the underlying dynamics that have contributed to this latest crackdown.

Drawing on findings from Freedom House's recently released Freedom on the Net report, as well as our weekly China Media Bulletin, I thought I would focus in my remarks on three points:

1. How human rights lawyers and activists in China have used the internet and social media.
2. What internet controls these individuals have encountered and how these are a microcosm of a broader, robust internet control apparatus.
3. How the long term practice of the Chinese Communist Party using arbitrary, extralegal measures to suppress free expression laid the foundation for this more recent crackdown.

**Online Activism**

As in many countries, when you go down the list of China's leading lawyers and activists, almost every one of them has used the internet to expose human rights abuses, educate fellow citizens about their legal rights, and advocate for genuine rule of law reforms.

Gao Zhisheng published open letters documenting the torture and killing of Falun Gong practitioners. Xu Zhiyong blogged about the inhumane treatment meted out to petitioners. Teng Biao used Twitter to alert other netizens that he had been arbitrarily detained. Ai Weiwei produced a video of people reading the names of the children who died in the Sichuan earthquake, then circulated it online.

But what is different from the dynamics in more democratic societies is that these initiatives are an indirect testament to the limits of legal recourse in China. In fact, it is in part because of the weakness of rule of law protections that many of these activists and lawyers have taken advantage of new media technologies to publicize abuses and press judges and government officials to respect the rights of their clients, and more recently, of themselves.

**Environment of harsh internet controls**

The other aspect to keep in mind is that they are engaging in these activities in the context of the most robust, sophisticated, and multi-faceted internet censorship apparatus in the world. One, that according to a recent study on internet freedom that Freedom House released in April, has further expanded and tightened over the last two years.

These individuals have encountered the gamut of internet controls that play out in China, from blocked websites to disabled blogging accounts, from “invitations to tea” to enforced disappearance and torture. Many of them keep multiple blogs, playing hide and seek with censors, hoping that even if commentary on one blog is deleted, perhaps another hosting service may be more lenient.

So, for instance, for Gao Zhisheng to post an open letter or Teng Biao to use Twitter, the first thing they have to do is safely get around the so-called “Great Firewall.” In May 2009, Ai Weiwei’s blog was shut down after he repeatedly posted the details of children’s deaths in the 2008 Sichuan earthquake and aired accusations that they were caused in part by official corruption. Xu Zhiyong’s blog was shut down in July 2010. In other instances, such as surrounding the 2010 awarding of the Nobel Peace Prize to Liu Xiaobo, the internet and mobile-phone connections of dozens of prominent lawyers and bloggers across China were disrupted, in an apparent effort to stop them from spreading news of the award, particularly via Twitter.

And then there are the offline tactics. Though the latest detentions have been the longest, over the past five years, practically every one of these human rights defenders has experienced one incident or another of being abducted, beaten, and in some cases, badly tortured, including being shocked with electric batons.

Perhaps a more insidious dynamic has been that as real world measures against them escalate, in some instances, we’ve seen a corresponding implementation of censorship related to their names, an attempt to make them “disappear” in the virtual world as well. Following Ai Weiwei’s abduction in April, censorship has not only applied to his name but directives have been leaked that include orders to delete within ten minutes even an editorial with veiled reference to him. Gao Zhisheng, who has been disappeared for over a year, was listed as a sensitive key word on a list leaked by a Baidu employee. A search for his name on China’s most popular search engine primarily produces state-run news sources referring to him as a “criminal.” There are no links to his own writings.

What is striking in the case of both of these men is that in an earlier era, they were the subject of quite a bit of official support and media coverage. In 2001, Gao was named one of the top ten lawyers in China in a legal debate competition on television sponsored by the Ministry of Justice. And of course, Ai Weiwei was invited to design the Bird’s Nest for the 2008 Beijing Olympics. And now, the state is hoping people will forget they exist.

### **Why is this happening?**

As other panelists have noted, we too, in Freedom House’s various assessments of political rights and civil liberties, have observed a backsliding in the Chinese government’s commitment to the rule of law since 2006. But what is worth noting is that even during the earlier part of last decade when limited legal reforms appeared to be moving forward, in parallel, was an extralegal world, a world of makeshift detention centers, forced labor camps, and plainclothes police forces torturing with impunity. That is the world that tens of thousands of petitioners and Falun Gong practitioners have been experiencing for years.

Many of the lawyers we’re talking about here today have spoken about their encounters with this world in their writings. They have voiced the concern that the tactics and strategies developed to suppress one group can also be quickly and easily applied to others. It is evident from their writings that the reason they take such risks to work on politically sensitive cases is because they feel very strongly that if the current system is not able to protect these innocent people from such severe abuses, every Chinese citizen is at risk as well.

Thus, the current series of abductions cannot be viewed in a vacuum. Rather, what we're seeing manifest in recent months is an expansion of suppression. It is the reflection of a decision taken somewhere at the top of the Party that a group of individuals whose work and activism had previously been tolerated are now "persona non grata" and that the Party is willing to apply the full force of a pre-existing extralegal repressive apparatus to silence them. And, of course, they are able to take such actions unconstrained by institutional mechanisms like an independent judiciary.

From that perspective, were Gao Zhisheng and some of these lawyers here today, one thing I think they would recommend is for U.S. policy to go beyond focusing on them, despite the urgency of their plight. They would urge serious action to address the plight of the full range of clients and causes they have defended. Taken together, the victims of Communist Party repression go far beyond dozens of activists, amounting to tens of millions of people. When the day comes that these people have their rights protected, that is when lawyers will no longer need to worry about being abducted or disbarred either.

Given the harshness and scale of this recent crackdown and other signs of the Chinese leadership backing away from a commitment to the rule of law, it may be time for a recalibration of U.S. policy on human rights in China. A revised strategy should be developed based on an understanding that the current leadership, and the leadership to assume power in 2012, are very unlikely to institute crucial legal reforms, while continuing to pursue a policy of enhancing internet controls, particularly on speech of political and social consequence.

A few other recommendations that I hope will be helpful for our discussion:

**1. U.S. officials should speak frankly of Chinese abuses:** When the Chinese authorities engage in acts that clearly violate international human rights commitments and Chinese law, high-ranking members of Congress and the administration should consistently articulate that such violations have occurred, similar to recent remarks in response to Russia's rejection of an opposition party's registration. A less vocal approach can be construed as acceptance or acquiescence in these abuses, which is not a signal U.S. officials should, or that many would want to, send. On particular human rights issues, the legal arguments these human rights lawyers are making to Chinese courts may be a helpful resource.

**2. U.S. official should meet with human rights lawyers and activists:** When U.S. policymakers travel to China, they should meet with human rights lawyers and activists working on relevant issues, in addition to meeting with government officials. Beyond showing support and solidarity for their work, these individuals are able to provide visitors with a credible, first-hand account of events at the grassroots level of Chinese society that may otherwise be hard for outsiders to access.

**3. The U.S. should continue efforts to expand internet freedom in China:** The U.S. and other government should continue to support and explore the expansion of methods that counter the effect of internet controls in China, including tools that allow Chinese users to circumvent information blocks. As evident from the work of these lawyers, the boomerang effect of information being posted outside and then trickling back into China is an important channel of communication, particularly on topics that are heavily censored within China. Beyond the direct impact on free expression, a further closing of the information space in China portends very poorly for fundamental governance and rule of law reforms.

**4. U.S. officials should address the most serious abuses in dialogues with Chinese counterparts:** In conversations and dialogues with Chinese officials, policymakers should push not only for reforms that the Communist Party may be more amenable to implementing, but also address the most victimized groups and large-scale abuses, such as those committed against petitioners, Falun Gong practitioners, Tibetans, and Uighurs. Though these groups may appear to some to be on the margins of society, in

practice, the repression they face affects tens of millions of people. Moreover, the tactics developed to suppress their rights can spread and pose a serious obstacle to genuine rule of law in China.

Thank you.

**Additional resources:**

[Freedom on the Net](#)

[China Media Bulletin](#)