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INVESTIGATING THE CHINESE THREAT, PART II: HUMAN RIGHTS ABUSES, TORTURE AND DISAPPEARANCES

HEARING

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

JULY 25, 2012

Serial No. 112–174

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/ or http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

75–292PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

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INVESTIGATING THE CHINESE THREAT, PART II: HUMAN RIGHTS ABUSES, TORTURE AND DISAPPEARANCES

WEDNESDAY, JULY 25, 2012

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order.

After recognizing myself and my friend, Mr. Berman, the ranking member, for 7 minutes each for our opening statements, I will recognize 3 minutes for the vice chair and ranking member of the Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Health, and Human Rights. And I will, then, recognize other members seeking recognition for 1 minute.

We will then hear from our distinguished set of panelists. Without objection, all of your written statements will be made a part of the record, and members may have 5 days to insert statements and questions for the record.

The Chair now recognizes herself for 7 minutes.

This hearing is called just 1 day after the conclusion of the 17th Session of the U.S.-China Human Rights Dialogue, held here in Washington, DC. I have long been an advocate for human rights in China and sponsored several measures, including two House resolutions focused on two of the issues that we will discuss today.

The first was a resolution I put forward in 2007 that expressed, "The sense of the House of Representatives that the Government of the People's Republic of China should immediately release from custody the children of Rebiya Kadeer." It is so wonderful to have you here. The second was a resolution I introduced in 2009, "Recognizing the continued persecution of Falun Gong practitioners in China." Both of these measures garnered the overwhelming support of the House and served to underscore the deteriorating human rights situation in China.

One must wonder when reading the latest State Department human rights report on China, what value is there in the so-called Human Rights Dialogue that recently concluded? The report, released on May 24th, noted that over the past year, "deterioration in key aspects of the country's human rights situation continued. Repression and coercion, particularly against organizations and in-

dividuals involved in rights advocacy and public interest issues, were routine."

Congress was told over a decade ago, as some of my colleagues will recall, that the granting of permanent, normal trade relations, PNTR, to China would lead to economic liberalization and, inevitably, to greater political freedom. However, Congress was sold a bill of goods back then by the White House and multinational corporations. PNTR with China has not brought a decline in the human rights abuses in China, including torture and regime-arranged disappearances of dissidents.

If anything, credible reports from dissidents, internet users, underground churches, the Uyghurs, the people of Tibet, and the North Korean refugees all indicate that things have gotten worse when compared to a decade ago. So, PNTR has proven to be no elixir to fix China's endemic human rights abuses.

In 1999, just a year before PNTR was passed, the Chinese regime began its relentless campaign of torture and suppression against the spiritual movement known as Falun Gong. The infamous Six-Ten Office, a secret unit as brutal as the KGB, was established at that time to hunt down, persecute, torture, and even kill Falun Gong practitioners. We will be hearing from one of our witnesses, Mr. Li, today on that fearsome and ongoing persecution. It is estimated that one-quarter to one-half of all detainees in China's infamous reeducation-through-labor camps are Falun Gong practitioners.

A Chinese dissident, Liu Xiaobo, the only imprisoned Nobel Peace Prize winner in the world, once famously said, "Freedom of expression is the foundation of human rights, the source of humanity, and the mother of truth." Freedom of expression is, of course, completely lacking behind the bamboo curtain in Communist China, but the tentacles of Chinese security reach far beyond its own borders, at times even surprisingly First Amendment rights to free speech in our own country.

The noted Chinese human rights advocate and blind attorney, Mr. Chen Guangcheng, had originally accepted an invitation to appear before this committee as a witness today. However, he subsequently declined to appear because of his reported fear of reprisal against his family back in China, especially against his nephew who is under arrest.

We have with us another witness who also left behind family members in China. Uyghur democracy advocate Rebiya Kadeer, who is here with us today, has had her children severely beaten, imprisoned, and placed under house arrest by security forces. One of those beatings took place in 2006, when a staff delegation from this committee visited the Uyghur homeland, but had to cut short its visit because of the attacks on the Kadeer children.

Chinese authorities, through torture and coercion, have even forced some of Ms. Kadeer's children to demonize her in statements accusing her of "ethnic splitism." These same Chinese authorities also recently forced one of Ms. Kadeer's sons to sign over her business property in China. Yet, this courageous woman has still come forward today to testify before our committee today.

Our witnesses will describe for us the particularly harsh, repressive measures that are being directed against the Uyghur and the

people of Tibet. We will also hear of the use of a relatively new weapon in Beijing's arsenal for human rights repression: That is the extra-judicial disappearance of noted dissidents. In today's China, one does not need to wear an invisibility cloak in order to suddenly vanish into thin air without formal charges, without a trial, without due process. Pro bono lawyer and democracy advocate Jared Genser will address the newest Draconian measures which Beijing has implemented to suppress and terrorize its citizens.

A Chinese proverb holds that, "To violate the law is the same crime in the emperor as in the subject." But in China today, there is no such accountability. A human rights dialogue with the Communist regime in Beijing matters for little until the rule of law is genuinely rooted in Chinese soil. Only then will the Communist Mandarins in Beijing be held accountable for more than half a century of its regime's crimes.

Their litany of suppression includes the mass starvation of the Great Leap Forward, the Red Guard horror of the Cultural Revolution, the bloody massacre at Tiananmen Square, and today's continued repression of both political dissidents and religious believers. Until there is concrete, verifiable, genuine political reform in China, all we should say in our human rights dialogue with Beijing is, "Deliver us from evil."

Now I turn to my friend and distinguished ranking member for his opening remarks.

Mr. BERMAN. Thank you very much, Madam Chairman.

I am not going to use my entire time because I agree with so much of what you have already said. But thank you for calling today's hearing and giving the committee an opportunity to focus its attention on the human rights situation in China.

We are all aware that the Chinese Government's record on human rights and the rule of law remains deplorable. Chinese authorities remain hyper vigilant about tamping down anything that smacks of political or social dissent, including criticism of the government and exposure of official wrongdoing. In addition, the Chinese Government continues to promote policies that threaten the culture, language, and traditions of Tibetans, Uyghurs, and other ethnic minorities.

China is the world's second-largest economy and has experienced remarkable economic growth in recent decades. Yet, it remains one of the worst countries for political rights and civil liberties, as measured by Freedom House. In fact, China continues to spend more on internal security than it does on its rapidly-increasing military, a clear indication that the government fears and distrusts its own people.

As the government seeks to maintain stability with an iron fist, there are growing signs of stress in Chinese society. Reports of rural instability are rising. Protests about corruption by government officials, environmental degradation, and economic exploitation are on the increase. Tibet has seen nearly 50 self-immolations to protest Chinese rule, and there are reports of unrest in the Uyghur areas.

The Chinese leadership, which is focused primarily on maintaining power, clearly doesn't understand that it is in China's self-interest to develop a society based on respect for human rights and

the rule of law. But they ignore the lessons of history at their peril. At some point, I am confident that the Chinese people will say, "Enough," and chart a new course for the Middle Kingdom.

I thank the witnesses for appearing today. I look forward to your testimony and the chance to hear from you and answering questions.

Thank you.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Berman.

And now, we are honored to hear from the chairman of the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith, who has been a champion on the need for human rights accountability in China.

Mr. SMITH. Thank you very much, Madam Chair.

I want to welcome a very distinguished panel of heroes, men and women who have with their own lives labored so hard on behalf of the people of China to bring human rights to all parts of China. With Rebiya Kadeer, to the autonomous region of Tibet, she has done unbelievable work at great sacrifice to herself and her family on behalf of the Uyghurs.

To all of you, welcome.

In this morning's USA Today, there is a cover story written by Calum MacLeod, and the headline is "Forced Abortions, Broken Hearts." It begins by saying:

> "As supervisor of family planning enforcement in Fujian Province's Daji township, Wang Jinding says he knows the best way to kill unborn babies of parents who want to keep them. 'The key point is to separate the pregnant woman from her family members.' That is exactly what Wang did in a case in April, enforcing the Communist Party's rules on family size. He had eight government workers kidnap a pregnant Pan Chunyan, 31, from her grocery store in Fujian city on the southern coast.
>
> "Her husband, Wu, was frantically raising the $8,640 fee required for a third child. Wu and a dozen relatives fought to try to see Pan at the government building where she was held.
>
> "Rather than granting the family more time, Wang organized a police-led convoy of seven vehicles to take Pan to a hospital. There, Pan—who was 8 months pregnant—was injected with chemicals to kill the child. She delivered a fully-formed, but dead, son. 'My wife only got a glance at the child, her heart broke, and she cried loudly, because the whole body was black and blue and the skin on the face had peeled,' Wu says. 'This is a life that had no time to look at this beautiful world with eyes open.'"

Madam Chair, you know and I know, and this committee knows, but, unfortunately, far too many people do not take it seriously, the one-child-per-couple policy has had a devastating impact on the women of China. It has now affected virtually every woman in China. Brothers and sisters are illegal in the People's Republic of China and have been since 1979.

Regrettably, groups like the U.N. Population Fund have had a hand-in-glove relationship for over three decades with the hardliners in Beijing, enforcing even in the counties where they do

business the one-child-per-couple policies. These are crimes against women that have no precedent in human history, and the toll on children has been enormous.

On torture, on trafficking, on religion freedom, on workers' right, China gets a failing grade. This hearing, hopefully, will shed additional light on the abuse by the government of its own people. My hope is that reform, fomented by the people that are here, their leaders, the people inside of China who have had enough, will lead to freedom and democracy and, hopefully, a new dawn for the people of China.

And I thank you.

Chairman ROS-LEHTINEN. Thank you, Mr. Smith. Well said.

Mr. Connolly of Virginia, we are pleased to introduce you for your opening statement.

Mr. CONNOLLY. I thank you, Madam Chairman, and I welcome our panel.

I join with my colleagues in expressing deep concern about the practice of human rights in the People's Republic of China. Whether it be Tibet, whether it be family-planning issues, whether it be the free exercise of religion free of an appearance from the state, China has a ways to go. If China wants to be fully accepted into the family of nations, of developed nations, China is going to have to wrestle with this issue of respect of human rights. Mature governments are able to do that.

It is a false choice to say we can either pursue economic development or pluralist democratic freedoms, but not both. That is antithetical to not only American values, but we Americans believe it is antithetical, frankly, to human aspiration around the planet.

We want to see China develop. We want to see China become a full-fledged partner in the global arena, but it must address these human rights issues, and the United States must continue to be a clarion voice in advocacy for human rights.

Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, sir.

Mr. Rohrabacher is recognized, the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Thank you very much, and thank you for holding this hearing.

I want to apologize. There is a hearing on water, and I come from California and water is very important to us there. I am going to run back and forth between these hearings, but that is sometimes what we have to do here in Congress. That does not diminish at all. I mean, water is essential for human life, but so is freedom.

And today, humankind's greatest hope for a more peaceful world and a freer world is in the hands of the people, the suffering people of China. If the suffering people of China continue to be repressed, the chances of peace are diminished because dictatorships, like Beijing, become aggressive and become threats not only to their own people, but to other people as well.

Already we see in Taiwan where there are people today from the Falun Gong sitting in front of President Ma's palace because a Taiwanese resident has been arrested on the mainland for wanting to mention the Falun Gong. He has been arrested, and President Ma in Taiwan is saying nothing, is trying not to ruffle anybody's feath-

ers. Well, that is what is going to happen around the world if we allow this powerful dictatorship in Beijing to continue without any type of protest from us to repress their own people, whether we are talking about the Falun Gong, the Uyghurs, the people of Tibet, or the women throughout China who are suffering from the forced murder of every one of their children except for the first one. These are horrific crimes against the people of China and they are crimes against humanity as well.

Thank you, Madam Chairman, for making this hearing and this body representative of those values.

Chairman ROS-LEHTINEN. Thank you very much, sir.

Mr. Royce, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, is recognized.

Mr. ROYCE. Thank you, Madam Chair.

There was an article I saw in The Wall Street Journal that reported that there were 180,000 protests across China, four times the tally of a decade ago. And clearly, people across China are speaking out, are seeking to have more freedom of expression, freedom of religion.

One of my hopes is that some of the broadcasting that we do with Radio Free Asia, the broadcasting that is now done in all of the various dialects spoken across China, is an effective surrogate radio that will allow people access to more information. I have had an opportunity to listen to some of those broadcasts with a translator and even to be on a few shows. It is very interesting to hear people call in from across China and see the desire for change, the desire for more freedom.

My hope is that—and we just had legislation which I authored last year for a permanent extension of Radio Free Asia—it is my hope that over time there is an evolution across China as people become more and more familiar with the idea and ideals of tolerance and political pluralism, and the respect for religious liberty. I think this would be a way over time for China internally to see the type of change which would bring about better hope for the Chinese people. To do that, we should be thinking about how to communicate better and how to allow the Chinese diaspora the ability and the platform to carry on that dialogue with their countrymen and women, and continue to push these ideals.

I thank the witnesses for appearing today, and I yield back, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Royce. Thank you for your statement.

And now, the Chair is pleased to welcome our witnesses. First, we welcome Mr. Jared Genser, the founder of Freedom Now, an NGO that works to free individual prisoners of conscience through focused legal, political, and public relations advocacy efforts. His human rights clients have included former Czech Republic President Havel, Nobel Peace Prize winners Aung San Suu Kyi, Liu Xiaobo, Desmond Tutu, and Eli Weisel. Welcome.

Next, we welcome Rebiya Kadeer, President of the World Uyghur Congress from 1999 to 2005. In response to her activism, Ms. Kadeer was imprisoned for allegedly stealing state secrets. At the World Uyghur Congress, she has continued to advocate for greater autonomy for the Uyghur people.

Next, we welcome Mr. Hai Li, a Falun Gong practitioner, a former official of the Chinese Ministry of Foreign Affairs. Mr. Li was detained and imprisoned by Chinese authorities four times, including a 7-year imprisonment during which he was brutally tortured. After being released, Mr. Li and his family immigrated to the United States on temporary visas and are now applying for political asylum. Welcome, Mr. Li.

And finally, we welcome Bhuchung Tsering, a Vice President for Special Programs for the International Campaign for Tibet, which seeks to raise awareness of the Chinese Government's unjust treatment of the people of Tibet. Mr. Tsering was born in Tibet, but his family fled to India in 1960, in wake of the Chinese Communist occupation. He had worked as a reporter for the Indian daily Indian Express, as editor for The Tibetan Bulletin, the official journal of the Tibetan Government, and for the Tibetan Government in Exile.

Without objection, as I said, your written statements will be inserted into the record.

Mr. Genser, we will begin with you.

Welcome to all.

STATEMENT OF MR. JARED GENSER, FOUNDER, FREEDOM NOW

Mr. GENSER. Good morning, Madam Chairman and Ranking Member Berman, and members of the committee. And thanks for inviting me to speak today.

As mentioned, I founded Freedom Now, an international legal advocacy organization that works to free prisoners of conscience around the world. Among my clients include Nobel Peace Prize Laureate Liu Xiaobo, his wife Liu Xia, and prominent Chinese rights lawyer Gao Zhisheng.

My comments today will address these cases, the ways in which their ongoing detention violates both domestic and international law, and what lessons we can draw from these cases, and what I believe the U.S. Government should do on behalf of these individuals and others who are similarly situated.

Dr. Liu Xiaobo, perhaps China's most prominent prisoner of conscience and the world's only imprisoned Nobel Peace Prize Laureate, is a respected intellectual with a lengthy history of putting his own liberty at risk to defend the universal values of freedom and democracy. I don't have the time today to review his whole career, but focusing on what landed him in prison most recently.

Just days before his role in authoring Charter '08, and it was going to be made public in December 2008, Chinese police arrested him and held him incommunicado for 3 weeks without charge or access to a lawyer and, then, subsequently, held for him an additional 6 months as well.

His trial on inciting subversion lasted only 2 hours, and the defense was given literally 14 minutes to present its case. Ultimately, he was convicted and sentenced to 11 years in prison.

In a demonstration of the moral force of his character, which would later lead the Nobel Prize Committee to award him the Peace Prize, he said after that conviction, "I have long been aware that when an independent intellectual stands up to an autocratic

state, step one toward freedom is often a step into prison. Now I am taking that step; and true freedom is that much nearer."

Hours after he won the award, Chinese authorities isolated Liu Xia from the outside world and placed her under house arrest. Some 22 months later, she remains under house arrest without charge, without trial, without any legal process whatsoever. Her only "crime" is having been married to a Nobel Peace Prize Laureate.

I am pleased that we were able to prevail in cases that we brought on their behalf to the United Nations Working Group on Arbitrary Detention, which found that they are being held in violation of international law and called for their immediate release.

But perhaps most shocking is the fact that in those paper exchanges with the Chinese Government they actually claimed that Liu Xia was under no legal restriction, which is either a flagrant lie or a brazen admission that, in fact, they are holding her illegally.

The government also refuses to release Gao Zhisheng, a prominent human rights lawyer, who has been repeatedly detained, disappeared, and tortured by the Chinese Government for his work defending the rights of others. His travails began in 2006 and, ultimately, he was repeatedly disappeared and tortured. We previously won his case before the United Nations Working Group on Arbitrary Detention as well.

And this past December, he was reappeared, when the Chinese Government announced that they have revoked his probation, which was scheduled to expire within days, and it said it would imprison him for 3 more years under the original inciting subversion charges that had been imposed against him in 2007. Needless to say, the notion that Mr. Gao could have violated the terms of his probation while the government held him in secret detention is at best farceable, and we have a new submission to the United Nations pending, and we expect a ruling on the case in September.

Of particular concern is, of course, the PRC's response to specific complaints about their disappearing Gao and numerous others in the country by their trying to legalize disappearances through an act of the National People's Congress, which is in flagrant violation of China's obligations under international law.

The Chinese Government claims it wants to engage in dialogue on human rights in the spirit of mutual cooperation, but, ultimately, it refuses to do so. And any dialogue that takes place, including the one this past week, ultimately, as I have heard reported repeatedly, consists of a series of sequential monologs.

In public, the government frequently sticks to implausible and offensive talking points, that these cases are being handled in accordance with Chinese law. On other occasions, such as those with Liu Xia and Mr. Gao, it simply lies with the expectation that others will just move on to talk about other things.

In my view, the only remaining approach is to push back and press the government privately and publicly and unilaterally and multilaterally to address violations of Chinese and international law. While broad and systemic change is required, there is no substitute for addressing specific cases where the treatment of individuals deviates from existing laws. By definition, if we can secure the

release of these people who are most seriously oppressed, we can create greater space for them to operate and imbue others with the confidence that they can conduct their internationally-protected activities.

If I can just conclude briefly with three final recommendations, first, President Obama and Secretary Clinton need to personally engage on Chinese human rights cases and make full use of the bully pulpit, something they have only done on rare occasions. Chen Guangcheng's case is not an example that can be followed. The circumstances of it were quite unique. And China's backsliding on rights should have long such merited a change in tactics by this administration and a more proactive and public approach.

For example, President Obama could send a very important message to the Chinese Government by meeting with Gao Zhisheng's wife, Geng He. Such an action with be particularly appropriate, given our Government owes a special obligation to his family, who we provided refugee status in the United States. He could also organize a group of foreign leaders to publicly call on the Chinese Government to release Liu Xiaobo.

Second, the Congress could adopt a non-binding resolution highlighting a host of different cases and consider taking more aggressive measures, given China's intransigence, such as awarding Liu Xiaobo a Congressional Gold Medal.

Lastly, it is my view that the administration and the Congress should look at more substantial multilateral efforts directed at the Chinese Government. There are definitely no easy solutions to transform China's human rights record. We have to be persistent and vigilant, but it is my view that the only way that we are going to achieve progress is by responding to their tactics with equally-aggressive tactics, both publicly and privately, unilaterally and multilaterally, whatever is necessary to get the message across to change their behavior.

Thank you.

[The prepared statement of Mr. Genser follows:]

United States House of Representatives
Committee on Foreign Affairs

Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture and Disappearances

Testimony of Jared Genser[1] Founder of Freedom Now and International *Pro Bono* Legal Counsel to Liu Xiaobo, Liu Xia, and Gao Zhisheng

July 25, 2012

Good afternoon Madam Chairman and Ranking Member Berman and thank you for inviting me to speak with you today. I would like to begin by thanking the Members and staff of the House Committee on Foreign Affairs for your continued support of prisoners of conscience around the world and your deep commitment to ensuring that respect for fundamental human rights remains a central component of U.S. foreign policy.

I am the founder of Freedom Now, an international legal advocacy organization that represents prisoners of conscience worldwide, and serve as international *pro bono* legal counsel to Nobel Peace Prize Laureate Liu Xiaobo, his wife Liu Xia, and the prominent rights lawyer Gao Zhisheng. My comments today will address each of these cases, the ways in which their ongoing detentions violate both Chinese and international law, what lessons we can draw from these illustrative cases, and what I believe the U.S. Government should do on their behalf and others similarly situated.

Dr. Liu Xiaobo, perhaps China's most prominent prisoner of conscience and the world's only imprisoned Nobel Peace Prize Laureate, is a respected intellectual with a long history of putting his own liberty at risk to defend the universal values of freedom and democracy. In 1989, Dr. Liu left the relative safety of Columbia University to join the students then protesting in Tiananmen Square. In response, the government held him for 20 months on "counterrevolution" charges and banned him from publishing in the country. But Dr. Liu continued to write and

[1] Jared Genser can be contacted at jgenser@freedom-now.org or (202) 320-4135.

became a leading voice for peaceful democratic reform in China. Despite more arrests, surveillance, and harassment in the following years, Dr. Liu joined a group of reformers in drafting Charter '08, a manifesto calling for peaceful political reform in China based on the principles of human rights, freedom, and democracy.

Just days before Charter '08 was to be made public in December 2008, police arrested Dr. Liu and held him *incommunicado* for three weeks and without charge or access to a lawyer for nearly six months. His trial on "inciting subversion" charges lasted only two hours and the defense was allowed only 14 minutes to present its case. Foreshadowing later events, police prevented Dr. Liu's wife, Liu Xia, from leaving home to attend the trial. Ultimately, the court convicted Dr. Liu—citing as evidence his involvement in drafting Charter '08 and online essays—and sentenced him to 11 years in prison. In a demonstration of the moral force of his character, which would later lead the Norwegian Nobel Committee to award him its Peace Prize, Dr. Liu responded to the verdict in a statement saying that "I have long been aware that when an independent intellectual stands up to an autocratic state, step one towards freedom is often a step into prison. Now I am taking that step; and true freedom is that much nearer."

In the days before the Nobel Committee's announcement in 2010, Liu Xia spoke openly about her fears that if her husband won the award, authorities would prevent him from receiving it. Hours after Dr. Liu won the award, Chinese authorities moved to isolate Liu Xia from the outside world. After taking her to see Dr. Liu at the Jinzhou Prison, authorities placed Liu Xia under house arrest. After nearly 22 months, she remains under house arrest without charge and without any legal process whatsoever—her only "crime" is having been married to a Nobel Peace Prize Laureate.

Our legal team, which includes my colleague Professor Cohen, submitted petitions on

behalf of the Lius to the United Nations Working Group on Arbitrary Detention—unfortunately, the government's responses have mirrored its tired talking points. As usual, the government made blanket statements about the right to freedom of expression and respect for the rule of law, claiming that the government strictly followed domestic law in imprisoning Mr. Liu. More shockingly, and despite a vast body of publicly available information documenting her house arrest, the government responded that "no legal enforcement measure has been taken on Liu Xia." Such a claim remains either an admission of the illegality of her detention or a flagrant and intentional lie. In either case, it demonstrates an incredible lack of respect for the UN as an institution and a total disregard for the fundamental rights of one of its own citizens.

The Working Group, in separate well-reasoned opinions, held that the continued detention of the Lius by the Chinese government is arbitrary as a violation of Articles 9, 10, and 19 of the Universal Declaration of Human Rights and called for their immediate release. As we explained to the Working Group, their detentions are arbitrary for the same two reasons. First, both were detained for peacefully exercising their fundamental rights—Dr. Liu for writing in support of democratic reform and respect for human rights in China and Liu Xia for speaking out in support of her husband. Second, in both cases the government failed to meet certain minimum international standards for due process. Dr. Liu was detained *incommunicado* for three weeks and held without charge or access to an attorney for nearly six months. His trial was far from fair. In Liu Xia's case, there has simply been no procedure at all.

However, despite the Working Group's demand that the Liu's be released—a demand that has been echoed by countless individuals and institutions around the word—Chinese authorities continue to deny their liberty.

The government also refuses to release Gao Zhisheng, a prominent Chinese rights lawyer

who has been repeatedly detained and disappeared by the government for his work defending the rights of others. Mr. Gao rose to prominence within the Chinese legal establishment and was named one of the country's top ten lawyers by the Ministry of Justice in 2001, but fell out of favor with the authorities after he defended the rights of China's most vulnerable citizens, in particular religious minority groups and victims of illegal land seizures. In 2005, the government shuttered his law firm. In 2006, police detained and tortured Mr. Gao, forcing him to confess to "inciting subversion" by threatening his wife and children. After a trial that lasted less than a day, Mr. Gao was given a three-year suspended sentence subject to five years of probation. After the sentence, the government placed Mr. Gao under *de facto* house arrest and placed his family under intense surveillance, going so far as to station officers inside their home.

In 2007, authorities disappeared Mr. Gao for 50 days and brutally tortured him after he issued an open letter to the U.S. Congress documenting rights abuses in China. In testimony to the Congressional Executive Commission on China in February, Mr. Gao's wife, Geng He, described the mistreatment. She said, "policemen covered his head with a black mask and took him to a room where they stripped him naked and beat him. They used electric batons to shock him all over his body—specifically his private parts—turning his skin black. After losing consciousness from the torture, he awoke covered in urine. Later, his captors used cigarette smoke to burn his eyes so severely that could not open them. They even stabbed his private parts with toothpicks," she told the Commission.

The government again disappeared Mr. Gao in early 2009 shortly after his wife and two young children fled the country to seek asylum in the United States. This time he remained *incommunicado* for over a year. At the time, the government had variously claimed that Mr. Gao had gone "missing," that he was "where he should be," and that with a population of 1.3 billion

people, the authorities could not be expected to know his whereabouts. But in 2010, Mr. Gao briefly reappeared, describing even more torture at the hands of his captors. Shortly thereafter, authorities disappeared Mr. Gao again for another 20 months.

In response to a petition submitted by our legal team to the United Nations Working Group on Arbitrary Detention, the government, as in the case of the Lius, failed to engage in an honest discussion of the facts. This time the government refused to even respond—though the government had told another UN body, again in the face of overwhelming and public evidence to the contrary, that Mr. Gao was working in Northwest China and was in contact with family. In finding Mr. Gao's detention arbitrary, the Working Group held that his disappearance constituted a "clear non-observance of the international norms relating to the rights to a fair trial." The Working Group also held that Mr. Gao's detention "result[ed] from the exercise of rights and freedoms" protected by the Universal Declaration on Human Rights and demanded that he be immediately released. However, as in the case of the Lius, the Chinese government failed to release Mr. Gao despite these findings.

Then last December, the government announced that it had revoked Mr. Gao's probation, which was scheduled to expire within days, and would imprison him for three more years under the "inciting subversion" charges imposed in 2007. Needles to say, the notion that Mr. Gao could have violated the terms of his probation while the government held him in secret detention is at best farcical. Adding insult to injury, prison authorities prevented family members from seeing Mr. Gao for months and even claimed he didn't want to see them.

As outlined in our most recent submission to the Working Group, this new detention is a clear violation of China's obligations under international law. Not only did the 2007 prosecution result from Gao's legitimate work advocating for the rights of others; not only did the

government's prosecution fail to meet any meaningful standard of fairness or due process; but, the fact remains that Mr. Gao has already spent more than three years in government custody often completely *incommunicado*—there is simply no justification under Chinese law for his continued detention.

Far from making progress on human rights, in March the National People's Congress took another step backwards by essentially legalizing the disappearance of individuals suspected of endangering national security for up to six months. Such a provision poses a real threat in a country where free and peaceful expression can result in charges of "inciting subversion." While some limitations on the power to disappear suspects were included after an international outcry and the revised Criminal Code does include some new protections on the right to an attorney and the exclusion of evidence obtained through torture, hope that these provisions will be respected in practice is wishful thinking in light of the government's track record.

As it has done repeatedly when pressed on the continued detention of the Lius and Mr. Gao, the Chinese government frequently claims to respect the rule of law. But these cases illustrate the grim reality for those who dare to defy the government or the Communist Party that controls it. Dissenters are silenced, intimidated, harassed, tortured, disappeared, given lengthy prisons terms, and sometimes just killed. Even family members are targeted and persecuted with impunity. None of this is consistent with either the rule of law or China's international obligations. Sadly, the victims are left with no legal recourse.

The government claims that is wants to engage in dialogue on human rights in a spirit of mutual cooperation, but attempts by international institutions and other governments to engage in a real dialogue inevitably result in a series of sequential monologues. As it does is public, the government frequently sticks to the implausible talking point that these cases are being handled

in accordance with Chinese law. In cases where the government's actions clearly violate domestic law, such as those of Liu Xia and Mr. Gao, it simply lies with the expectation that others will move onto the next issue or fail to hold the government accountable for is demonstrably false claims. In these circumstances, the only remaining approach is to push-back and press the government privately and publicly, unilaterally and multilaterally, to address these ongoing violations of Chinese and international law. Rights dialogues, like the one occurring this week, will only be successful if we have the courage to stand unwaveringly with the victims and speak out on their behalf.

It is important to emphasize that while broad and systemic changes are needed in China's criminal justice system, making dialogue on issues such as police training and legislative reform essential, there is no substitute for addressing specific cases where the treatment of individuals deviates from existing laws. By definition, if we can secure the releases of those individuals who are most seriously oppressed, we will create greater space for them to operate and imbue others with the confidence that they too can conduct their own internationally-protected activities. But if there is not progress on these bellwether cases, any claimed progress in other areas is incomplete, inconsistent, and insufficient. To these ends, I would recommend the three following measures.

First, President Obama and Secretary Clinton must personally engage on Chinese human rights cases and make full use of the bully-pulpit, something they have only done to date on rare occasions. While Chen Guangcheng's case was successfully resolved, the circumstances of his release—including his harrowing escape from house arrest and arrival at the U.S. Embassy—are unique and cannot be a model for how we approach cases in the future. China's backsliding on rights should have long since merited a change in tactics and a more proactive and public

approach—for example, President Obama could send a very important message to the Chinese government by meeting with Gao Zhisheng's wife Geng He. Such an action would be particularly appropriate because our government owes Mr. Gao's family a special obligation since it has taken them as refugees. Mr. Obama could also organize a group of foreign leaders to publicly call on China to release Liu Xiaobo, his fellow Nobel Peace Prize Laureate, from prison and his wife from house arrest.

Second, the Congress should adopt a non-binding resolution highlighting a host of illustrative cases of concern and urge the Chinese government to bring them to a final resolution. It should also consider taking more aggressive measures given China's intransigence, such as awarding Liu Xiaobo a Congressional Gold Medal.

Finally, the United States, both the Administration and the Congress, should consider multilateral efforts directed at the Chinese government. The government is accustomed to brushing aside criticisms from individual countries—again, this suggests there is a need to change tactics to address the ongoing violation of human rights more aggressively.

There are no easy solutions to transform China's conduct on human rights matters. Nevertheless, we must insist that China abide by its obligations under international law and its own Constitution. If we cannot persuade China to bring its own conduct into compliance with these obligations through quiet dialogue, its government leaves no alternative but to engage on these issues publicly. We should not be deterred by past failures to highlight the impunity of the Chinese government on human rights. Instead, we much adapt, change tactics, and find ways to ensure that the government hears the message loudly and unequivocally from the international community that its conduct is unacceptable and there will be serious consequences for its image and relationships with other governments and international institutions around the world.

Chairman ROS-LEHTINEN. Thank you very much.

Ms. Kadeer, we welcome you, and I know that we have a translator who will say it in English. Thank you very much, Ma'am.

STATEMENT OF MS. REBIYA KADEER, UYGHUR DEMOCRACY LEADER

Ms. KADEER. First, I would like to thank Madam Chairman Ros-Lehtinen and Ranking Member Berman, and also the members of the committee, for inviting me to speak today.

I believe this hearing is very important because it is being held at a time when the U.S. and China have just concluded the Human Rights Dialogue.

Because of time, my assistant will read my statement.

Since the violent suppression of the Uyghur protesters by Chinese security forces in East Turkestan's capital of Urumchi in July 2009, the Uyghurs have experienced an intense period of human rights violations. The unrest in 2009 has led to the implementation of policies in the region that have not only engendered an atmosphere of fear, but have also accelerated the assimilation of the Uyghurs and their homeland into a greater Han China.

This month marked 3 years of intimidating security measures, swift judicial procedures, and countless disappearances. Human Rights Watch describes enforced disappearances as "serious violations of international human rights law" and the Chinese Government has been continuing this practice among Uyghurs without fear of censure from the international community. In a report focused on Uyghur disappearances after July 2009, Human Rights Watch states that 43 disappearances documented were "just the tip of the iceberg." Many more, in fact, have disappeared since July the 5th.

Deaths in custody of Uyghurs allegedly involved in the unrest have also been reported. Noor-ul-Islam Sherbaz, a 17-year-old Uyghur boy who was sentenced to life in April 2010 after only a 30-minute trial, was found dead in December 2011. Before his death in prison, his mother visited him in prison and saw physical abuse by the prison guards.

State retribution of Uyghurs allegedly involved in the unrest has been enacted in the Chinese courts, and the process has been rapid. Twelve months after the unrest, 24 Uyghurs were sentenced to death and eight of them were a death sentence with a 2-year reprieve. Only 4 months after the unrest, eight Uyghur men were executed without due process. For these eight men, all of the following happened within the span of less than 1 month: They were tried, convicted, sentenced, their sentences were upheld by the Xinjiang Higher People's Court and the Supreme People's Court of China, and they were executed.

In May 2010, the central government convened a Xinjiang Work Forum, chaired by the Chinese President Hu Jintao, that mapped out the development of East Turkestan. The Work Forum was prompted in large part by the tacit acknowledgment on the part of Chinese officials that preceding policies in the region had exacerbated the 2009 tensions in the region.

But the policies that followed did not address the root cause of the July 2009 unrest and the legitimate grievances of the Uyghur

people. Instead, they only focused on the economy, only on the resource extraction, which further exacerbated the tensions in East Turkestan.

Work Forum policies also continued the pattern of bringing more Han Chinese to East Turkestan and furnishing them with economic opportunities unavailable to the Uyghurs. This month the Chinese Government announced a plan to formally grant residence to 6 million Chinese people floating in East Turkestan.

Chinese authorities have long targeted religious freedom among the Uyghurs. A crackdown on our religion has been in force in weeks prior to and after the third anniversary of the July 2009 arrest. House-to-house searches in the Gujanbagh neighborhood of Hotan were announced in June, in early June. This followed the police raid of an "illegal" religious school for children in Hotan that injured 12 Uyghur children, and also the death of a Uyghur child in police custody in Korla.

And also, in the month of Ramadan, now the Chinese Government enacted stringent religious crackdown on the Uyghurs. After July 2009, the Chinese Government also pressured my family members, my children, on my own China's national TV to denounce me and also pressured my grandchildren to write letters to denounce me.

If I may just conclude with a few recommendations to the Congress: First, I would like to urge the U.S. Congress to urge the Chinese Government to account for the number and the whereabouts of the Uyghurs detained and disappeared since the July 5th unrest. Second is the Chinese Government should cease the arbitrary detention, arrest, torture, and extrajudicial execution of Uyghurs in East Turkestan. The Chinese Government should also stop the execution of Uyghur political prisoners. Political executions mostly take place in East Turkestan.

Also urge the Chinese authorities in East Turkestan to abide by China's constitution and the Regional Ethnic Autonomy Law. And urge the Chinese officials to release my two imprisoned sons, Alim and Ablikim, to the United States. And also, pass, if possible, legislation requiring the State Department to deny visas to Chinese officials involved in the violation of human rights, not only of the Uyghurs, but all, to enter the United States.

And last, but not least, to pass legislation in defense of Uyghur people's fundamental human rights, culture, religion, language, and identity.

Thank you.

[The prepared statement of Ms. Kadeer follows:]

HOUSE COMMITTEE ON FOREIGN AFFAIRS

Investigating the Chinese Threat, Part Two:

Human Rights Abuses, Torture and Disappearances

Testimony of

Ms. Rebiya Kadeer

Uyghur Democracy Leader

July 25, 2012

I want to thank you Madame Chairman Ros-Lehtinen for the invitation to testify at today's hearing. It is extremely important to have such a prestigious forum to discuss the pressing matter of human rights in China and highlight the increasing repression of Uyghurs.

Since the violent suppression of Uyghur protesters by Chinese security forces in East Turkestan's capital of Urumchi in July 2009, the Uyghurs have experienced an intense period of human rights violations. The unrest in 2009 has led to the implementation of policies in the region that have not only engendered an atmosphere of fear, but have also accelerated the assimilation of the Uyghurs and their homeland into a greater Han China.

This month marked three years of intimidating security measures, swift judicial procedures and countless disappearances. Human Rights Watch describes enforced disappearances as "serious violations of international human rights law" and the

Chinese government has been continuing this practice among Uyghurs without fear of censure from the international community. In a report focused on Uyghur disappearances after July 2009, Human Rights Watch states that the 43 disappearances documented were "just the tip of the iceberg." The report details the beatings of male Uyghurs of all ages during security sweeps and raids and says, "The security forces simply went after every young man they could catch and packed them into their trucks by the dozens."

Deaths in custody of Uyghurs allegedly involved in the unrest have been reported. Noor-ul-Islam Sherbaz, a 17-year-old Uyghur, was sentenced to life in April 2010 after a 30-minute trial in Aksu. By December 2011, he was dead. In a visit just before his death, his mother reported visible signs of physical abuse on her son's body.

State retribution of Uyghurs allegedly involved in the unrest has been enacted in the Chinese courts and the process has been rapid. Twelve months after the unrest, 24 Uyghurs received death sentences and a further eight were sentenced to death with a two-year reprieve. Only four months after the unrest, eight Uyghur men were executed without due process. For these eight men, all of the following happened within the span of less than one month. They were tried, convicted, and sentenced, their sentences were upheld by the Xinjiang Higher People's Court and the Supreme People's Court, and they were executed. Human Rights Watch documented the way in which Xinjiang judicial authorities accelerated trials for individuals tried in connection with July 2009 unrest in Urumchi, stating that criminal suspects had been tried under the "three fast" principle: "fast review, fast arrest and fast prosecution," according to instructions from Party leadership.

In May 2010, the central government convened a "Xinjiang Work Forum" chaired by Chinese President Hu Jintao that mapped out the development of East Turkestan. The Xinjiang Work Forum was prompted in large part by the tacit acknowledgment on the part of Chinese officials that preceding policies in the region had exacerbated the 2009 tensions in the region. Policies adopted at the Work Forum intensified natural resource extraction, infrastructure projects, demolitions of Uyghur neighborhoods and the transference of capital, investment and personnel from eastern areas of China. These policies did not address the root causes of the July 2009 unrest and the legitimate grievances of the Uyghur people. Instead, by focusing the economy back onto resource extraction this further exacerbated tensions in East Turkestan.

Work Forum policies also continued the pattern of bringing more Han Chinese to East Turkestan and furnishing them with economic opportunities unavailable to the Uyghurs. This month the government announced a plan to formally grant residence to 6 million "floating" Chinese spurred into migrating to East Turkestan under government economic policies. A decade old policy to transfer Uyghur women out of East Turkestan and work in eastern China is still in place even though Uyghurs have become an absolute minority in their homeland. Incidentally, there is no evidence that Uyghur workers were returned to East Turkestan after the mob killing of their co-workers by Han Chinese mobs in Shaoguan, Guangdong province on July 26, 2009, which triggered the July 2009 unrest in Urumchi.

Compounded by the near elimination of the Uyghur language in the education system and restrictions on cultural practices, the Uyghurs face losing their ethnic distinctiveness. In a physical manifestation of this cultural genocide, the Chinese authorities are demolishing Uyghur neighborhoods across East Turkestan, most notably in Kashgar. This 'no choice' destruction of centuries old Uyghur architecture and heritage has a human cost too, as relocated Uyghurs are inadequately compensated and housed in flimsy, but heavily monitored, apartment blocks far from city centers.

Chinese authorities have long targeted religious freedoms among Uyghurs. No one under the age of 18 can enter a mosque in East Turkestan; university and school students are forbidden from praying on campus, even in their dormitories; and students are prohibited from fasting during Ramadan. In recent years, restrictions on Uyghurs' adherence to the Islamic faith have increasingly been codified into Chinese law, criminalizing peaceful religious practices among Uyghurs on par with illicit and violent criminal activity.

A crackdown on religion has been in force in weeks prior to and after the third anniversary of the July 2009 unrest. House-to-house searches in the Gujanbagh neighborhood of Hotan were announced on June 7, 2012. This followed the police raid of an "illegal" religious school for children in Hotan that injured 12 Uyghur children, the death of a Uyghur child in police custody for studying Islamic prayer in the city of Korla, and the sentencing of nine Uyghur men in the city of Kashgar for

their involvement with "illegal religious schools" or religious instruction. In the current Holy Month of Ramadan, the government has set up "Ramadan stability groups" in every official department and organization. Officials from these stability groups have to go and stay in mosques, so as to carry out personal surveillance work. While in Aksu, police are conducting searches of Uyghur homes for "illegal" religious materials.

Like every Uyghur, I have paid a personal price for my ethnicity and human rights advocacy. My sons, Alim and Ablikim, suffer daily in Chinese prisons. Alim received a prison sentence on charges of tax evasion in November 2006 and was fined 62,500 USD. Ablikim was sentenced to nine years on charges of "secessionism" in April 2007. The trials of both men were plagued by a lack of evidence and conducted in the absence of due process of law. It is clear both of them were sent to prison in retaliation of my human rights advocacy work on behalf of the Uyghur people in East Turkestan.

After the July 2009, Chinese authorities intensified their harassment against my family. In August 2009, government authorities ordered more than 30 members of my family, including, my children, grandchildren and siblings, to leave their homes in the Akida Trade Center. In interviews broadcast on state television in August 2009, Alim and my son Kahar, together with my daughter Rushangul and my younger brother Memet, were compelled to make false accusations about my role in the unrest in Urumchi. In addition, my children, their spouses and five of my young grandchildren were forced to sign a letter accusing me of having broken my promises not to participate in "ethnic splittism" after leaving China.

In May this year, Chinese authorities forced Alim to sign documents releasing ownership of two of my families' buildings to the state. Judicial officials reportedly told Alim, who was escorted to a court in Urumchi before being taken back to prison, that the buildings would be demolished in about two weeks' time. Alim has been subjected to torture and other forms of ill treatment while in prison, resulting in both physical and psychological trauma. Ablikim is believed to have been moved to a special prison facility and tortured.

The U.S. Department of State has consistently raised the Uyghur issue in meetings with their Chinese counterparts. The frequent documentation of the human rights abuses against Uyghurs in State Department report illustrates the depth of concern in the successive U.S. administrations. The U.S.-China Human Rights Dialogue should not be a talking shop. The bilateral dialogue should be a result-based dialogue in which China's human rights violations should be stopped and eventually eliminated, not just talked about. I recommend the following actions for Congress:

- Urge the Chinese government to account for the number and whereabouts of the Uyghurs detained since the July 5 unrest and release them immediately.
- Urge the Chinese government to cease the arbitrary detention, arrest, torture and extrajudicial execution of Uyghurs in East Turkestan.
- Urge the Chinese government to stop the execution of Uyghur political prisoners.
- Urge the Chinese government to immediately halt the destruction of tangible and intangible Uyghur culture and to provide and environment where Uyghurs are in control of their ethnic identity.
- Urge Chinese authorities in East Turkestan to abide by the Regional Ethnic Autonomy Law and Chinese Constitution to ensure freedom of religious belief.
- Urge Chinese officials to release my sons Alim and Ablikim to the United States.
- Pass legislation requiring the State Department to deny visas to Chinese officials involved in the violation of Uyghur human rights to enter the United States.
- Pass legislation in defense of Uyghur people's fundamental human rights, culture, religion, language and identity.

Chairman ROS-LEHTINEN. Thank you very much for those recommendations.

Mr. Li?

STATEMENT OF MR. HAI LI, FALUN GONG PRACTITIONER

Mr. LI. Good morning, ladies and gentlemen, Honorable Members of Congress.

I would like to thank Chairwoman Ros-Lehtinen for holding this important hearing and inviting me to participate.

I began to practice Falun Gong in 1995. I found that the principles of truthfulness, compassion, and tolerance that Falun Gong taught people to follow was just how I wanted to live my life.

In 1997, I joined the Ministry of Foreign Affairs and its Department of Treaty and Law. In July 1999, our lives were turned upside-down when Jiang Zemin became jealous and fearful of Falun Gong's popularity. Between 1999 and 2012, I was detained four times, with the longest over 7 years.

I would like to focus my remarks on a few key points. My written testimony has a multitude about what I experienced and witnessed.

One, the persecution is still brutal, lawless, pervasive, reaching every segment of society. Millions of Falun Gong practitioners continue to live in that nightmare that I survived and escaped.

In November 2002, plain clothes police abducted me while distributing video discs about the truth of Falun Gong. The officers didn't take me to a police station, as required by law, but to a hotel outside Beijing. They asked my address, but I refused to tell them to protect other participants. They kicked me, punched me, and then they brought out electric batons. They shot my neck, my palms, my genitals, and other sensitive body parts. The pain was unbearable. I couldn't walk for a few days.

In April 2004, Beijing's No. 2 Intermediate People's Court put me and eight others on trial for distributing video discs. It was a total sham. I was sentenced to 9 years and sent to Qianjin prison. Please be aware only after 8 months did my family know that I had been arrested, and they had no idea about the trial, either. I was in prison until May 2010. When I left, 60 to 70 Falun Gong practitioners were still there. Now three other prisons and labor camps hold Falun Gong practitioners just in Beijing and hundreds of other camps exist around the country.

Two, the Communist Party's persecution is to transform Falun Gong practitioners. What is transformation? At the prison, they had a special little-known method to transform Falun Gong practitioners. They didn't let me sleep much and forced me to sit upright without moving on a tiny stool with my knees closed, my head on my knees, and I sat there for 12 to 20 hours a day. When I sat there, guards came in to threaten me and curse Falun Gong. And they hadn't let me use the bathroom.

After a few weeks, I couldn't bear it anymore. I gave in; I signed the papers denouncing Falun Gong, even though I knew in my heart that Falun Gong is good. But I wasn't confident that I could endure 9 years of torture.

Even after I signed it, they didn't leave me alone. They made me write a "thought report" every day. That is transformation. It made

me feel hopeless, defeated, weak, and hating myself. I felt like a walking zombie.

Three, despite the Communist Party's best efforts, the persecution is failing. Eighty percent of Falun Gong practitioners start practicing again once they are released, as I did. That terrifies the Communist Party.

I also noticed a big difference in people's attitudes in 2010 compared to 2002. More and more people really hate the Communist Party and aren't afraid to say so. As the U.S. Department of State reports, there is a horrific organ harvesting of Falun Gong practitioners taking place in China now, and we have also noticed that the Chinese public are speaking out to defend Falun Gong's rights by signing petitions or using fingerprints to show their support and solidarity with Falun Gong. So, I feel that, despite the money and the brute force becoming part of censorship and repression, it is losing the true battle for the hearts and minds of the Chinese people.

If I may conclude with the last point, as the United States Government thinks about how to improve human rights in China, I hope you can keep this in mind: If we truly want to free China, we need to free Falun Gong. So, what can the U.S. Government do? The public condemnation of the persecution of Falun Gong, including by President Obama himself, would be a strong start.

Thank you again for inviting me to participate.

[The prepared statement of Mr. Li follows:]

Written Statement of Li Hai, Falun Gong practitioner and former member of Department of Treaty and Law, Ministry of Foreign Affairs, People's Republic of China

Hearing of Foreign Affairs Committee regarding human rights in China, July 25, 2012

Good morning, ladies and gentlemen, honorable Members of Congress. I would like to first thank Chairwoman Ros-Lehtinen for holding this important hearing and for giving me the opportunity to participate. I am truly honored to be here to share what I experienced and witnessed in China and I hope it will be helpful to you.

I have organized my remarks to focus on three points:

1. My personal experience being persecuted in China for practicing Falun Gong and my knowledge of the current situation for Falun Gong practitioners still in China.
2. The psychological torment inherent to the Communist Party's campaign, which can be more damaging than physical torture.
3. How, despite the ferociousness of the Communist Party's efforts to wipe out Falun Gong, this campaign is actually failing. Instead, the party is losing the hearts and minds of more and more Chinese people.

Lastly, I would like to share what I hope the United States government can do to help advance human rights in China.

My personal experience of persecution and torture

I began to practice Falun Gong in 1995 when I was completing a master's degree in international law at the Beijing Foreign Affairs College. I was interested in qigong and came across the main book of Falun Gong's teachings *Zhaun Falun* at a book stall. As I read it, I was impressed that it answered many questions I had related to qigong and life in general. I was disillusioned with the state of Chinese society and how much lying and cheating there was among people. I felt that the principles of Truthfulness, Compassion, and Tolerance that Falun Gong talked about and taught people to follow was how I wanted to live my life. A few months later, I discovered that another student at my university was a Falun Gong practitioner, so he showed me where I could go to a park to join others in doing the exercises.

In 1997, I entered the Ministry of Foreign Affairs and its Department of Treaty and Law. Over the next several years, I was part of the delegations representing China at various bilateral and multilateral negotiations. These included negotiations surrounding the United Nations Convention against Transnational Organized Crime and discussions with the Portuguese government in the lead up to the handover of Macau back to China.

During that time, there were numerous Falun Gong practitioners working for the government. There were about 20 practitioners that I knew at the Ministry of Foreign Affairs, and several others at the Ministry of Commerce or even the State Security Bureau. Many were Communist Party members, including myself. We didn't feel there was any conflict between that and our personal spiritual practice.

On the weekends, when I would go to my local practice site, there were 50 to 100 people from all strata of society. Some were retired workers, while others were doctors, high school teachers,

or professors at Peking Union Medical University. We would quietly sit in meditation with a very powerful, tranquil energy field. I'll never forget those days.

This all changed in mid-1999 when our lives were turned upside down. Then Communist Party-head Jiang Zemin became jealous and fearful of Falun Gong's popularity and influence in society, and decided he couldn't tolerate it anymore. Like myself, many of those people from the practice site in Beijing have since been fired from their jobs, sent to labor camps or prisons, tortured, and forced to flee the country. Some have been killed.

Between July 1999 and January 2012, when I arrived in the United States, I was detained four times, with the longest time being seven years.

Right after the Communist Party announced that it was prohibiting Falun Gong, I went with others to the Petitions Office of the State Council to express that Falun Gong was good, did no harm to anyone, and that the government was making a terrible mistake. Armed police immediately detained us, put us onto large trucks, and took us to Fengtai Stadium on the outskirts of the city. The stadium was full with thousands of Falun Gong practitioners. We were released that evening.

In November 1999, I went to appeal again and was detained. This time I was held for one month. In June 2000, I joined a march to a Beijing labor camp to protest the mistreatment of Falun Gong practitioners being held there, whose lives we had heard were in danger. I was tortured and held at multiple locations for over a month.

Meanwhile, I was under increasing pressure at work to give up my belief. In January and February 2000, two people from the Ministry of Foreign Affairs came to my parents' home in Shandong, where I was staying. They each pressured me to give up my practice and threatened my family about what would happen if I didn't. One was Mr. Gao Shumao, who was the person within the ministry responsible for getting Falun Gong practitioners to renounce their practice; I believe that he was in the 610 Office within the ministry. The other person was Ms. Xue Hanqing, who was the director of my department at the time and who more reluctantly tried to convince me to give up my practice. They have both gone on to have high-profile careers. Mr. Gao became ambassador for China in Mongolia and Ms. Xue is now a judge at the International Court of Justice. By contrast, my colleagues and I who practiced Falun Gong were fired, imprisoned, and had our careers taken away. This is how the Communist Party rewards and punishes people: those who help further its illicit agenda of persecution are promoted, while those who peacefully stand up for their rights are fired.

In December 2000, the Ministry of Foreign Affairs notified me that I would be taken to a "transformation class." I knew from others' experiences that this would mean endless harassment and torture to force me to renounce Falun Gong, and that I would be sent to a forced labor camp if I refused. I went into hiding to escape, joining untold others across the country and effectively becoming a refugee in my own country.

Over the next year and a half, I roamed from place to place, living off of savings and assistance from fellow practitioners. I couldn't get a job because then the authorities would have found me and taken me to a "transformation class." During that time, I met a few other practitioners and we started working together to make and distribute homemade CD-ROMs and brochures with

videos and information to help Chinese people see through the Communist Party's lies. Together we made and gave out about 100,000 of them.

In November 2002, after delivering some of these materials to a fellow practitioner, several plainclothes police officers abducted me. Apparently, they had been following me.

They didn't take me to a police station, as required by law. Instead, they took me to a hotel on the outskirts of Beijing, in Daxing District. There were people working at the hotel and even a few guests. They locked me up in a side room next to a fenced-in yard. Actually, it is not unusual for plainclothes security agents in China to take Falun Gong practitioners to these kinds of makeshift detention facilities. Some are in hotels, some are in schools, some are even at Buddhist temples. The officers found out my name and tried to force me to tell them the address of where I was staying. There were other practitioners hiding at that location, who would be arrested if I revealed the address, so I refused. Then, they began beating me.

They cuffed my hands behind my back, kicked me in the back and legs, and punched me in the ribcage. I still refused to tell them, so they whipped me with a belt. I remained silent. That's when they brought out the electric batons. They shocked the top of my head, my neck, my palms, my genitals, and other sensitive parts of my body. The pain was excruciating. I instinctively tried to dodge the blows, twisting, and rolling on the ground. I was moving so violently that one of my hands even slipped out of the handcuffs. But the officers kept shocking me until the batons ran out of batteries. Then they poured cold water all over my body. It was late autumn. They left the door open and pointed a fan on me. It was freezing, but I kept my silence. Later, they did another round of slapping and electric baton shocks, then cuffed me to a bed. Because of the torture, I couldn't walk for several days.

After a few days, they transferred me to another location that they called the Beijing City Legal Training Center. Despite its civilized sounding name, this was a horrific place dedicated to holding and persecuting Falun Gong practitioners. Each practitioner was locked up in a solitary room, guarded by armed police 24 hours a day. Every movement was watched and recorded. During the day I was tied to the chair. At night, I was tied to the bed. They forced me to have an intravenous infusion because I had gone on hunger strike to protest my illegal abduction. During that time, they denied us the most basic human dignity and right to personal hygiene—for months, I wasn't allowed to shower, cut my fingernails, or shave.

In February 2003—about four months after those officers abducted me—the authorities started the paperwork to charge me with a crime. I discovered that until then, I had technically been under "residential surveillance." As you can see, this was totally untrue. I hadn't been home in years and the way I was being treated went far beyond surveillance. It was only in May 2003 that they let me send a note to my family to tell them what had happened and where I was. They hadn't heard from me in eight months. I only learned a year and a half later that during that time, my mother had passed away. She was only 60 years old, but her health deteriorated from the stress of not knowing what had happened to me and fearing the worst. I didn't even have a chance to say good-bye or go to her funeral.

In April 2004, Beijing's No. 2 Intermediate People's Court held a trial for me and eight others. We were three women and six men tried together because the authorities felt we were connected from being involved in making and distributing the video discs (VCDs). The trial was a total

sham. It lasted just a few hours and it was clear that the outcome had been decided ahead of time. I was sentenced to nine years in prison. The others were given terms ranging from three to 14 years. I appealed the verdict immediately. I felt it was important to expose the farce of the trial for what it was. I argued in my appeal letter that I was innocent, that practicing Falun Gong and giving out materials about it is not a crime under Chinese law and especially, not under international law since China was a signatory to several human rights treaties. Because of the Communist Party's influence over the judge, my appeal was rejected and the sentence confirmed.

In August 2004, I was sent to Qianjin prison that is in Tianjin but administered by Beijing authorities. If you have a chance to go through the gates, you will see that it looks very pretty and clean on the outside, kind of like a school. There are trees, green grass, flowers. But that lovely façade doesn't change the horror of what happens inside.

"Transformation" and psychological torment

Because I had pleaded my innocence in my written appeal, the prison authorities felt that I was a committed practitioner, so they redoubled their efforts to "transform" me.

"Transformation" is at the core of the persecution against Falun Gong. What does it mean? It means that they force you to sign statements cursing Falun Gong and repeating the Communist Party's lies. They make you say that Falun Gong is bad, even if you know it is good. Worst of all, they make you help them do the same thing to other practitioners.

Guards and security agents will do anything to force a Falun Gong practitioner to "transform," including beatings, sleep deprivation, and even sexual assaults. For me this time, rather than using harsh physical torture like shocking with electric batons, they used a more subtle, but equally painful method for "transformation" that is well-known, especially in Beijing.

They would wake me up early after very little sleep. I was in a room with two criminal inmates to monitor me. They forced me to sit on a stool in a fixed position, sitting stiffly upright, with my knees closed, and my hands on my knees. If I moved or started falling asleep, they would yell at me or kick me. If you sit like that for a little while, it may not seem so uncomfortable, but imagine sitting like that for 12, 14, or 20 hours a day. First your back starts to ache, then your shoulders, eventually you feel shooting pain going through your thighs and down your legs. After a few days, my feet were so swollen, I couldn't even put on shoes. If I needed to go to the bathroom, I had to ask permission. More often than not, they wouldn't immediately allow me to go, adding to the pain and making each minute feel even longer.

As I sat there, they forced me to watch videos slandering Falun Gong. Then, guards would come in and out to talk to me. They would tell me that everyone else had transformed and that I couldn't avoid it. They would threaten that they would leave and let the criminal inmates "take care" of me. They would bring in other practitioners who had already been "transformed" to say the same things. This went on day after day. I completely lost track of time. I think a few weeks passed. I couldn't bear it any more. I gave in and signed their papers. It wasn't that I believed what I was saying. I knew in my heart that Falun Gong was good. That these were all lies. But I just didn't have confidence in myself that I'd be able to endure nine years of endless torture. So, I decided to give them a fake "transformation" to lessen the persecution.

But even after I signed the paper, they wouldn't stop tormenting me. They made me write "transformation materials" to support their lies and read them out in front of a video camera, so they could use it in their propaganda and have a tool to forever remind me of my humiliation. After that, they made me write a "thought report" every day, then summarize it every week, every month, every year. That was the worst part. It was bad enough if they made me go against my conscience once. But they made me do it again, and again, and again, for years.

Think about the thing that you most fundamentally believe is good and true. Maybe it is your belief in Jesus or the Jewish god. Maybe it is your belief in the principles of freedom and human dignity. Then imagine being forced every day to say that they are bad and that this truth you so fundamentally adhere to is false. It makes you feel hopeless, weak, defeated, hating yourself.

To this day, I deeply regret being "transformed." I wish that I could have resisted. After I gave in, I felt like a walking zombie. I felt like I was a physical body, but I had no spirit, no soul. Worst of all, I felt ashamed. I felt that I had betrayed myself, my fellow practitioners, and everything in the universe that was right and good. I had betrayed the principles of Truthfulness, Compassion, and Forbearance I so deeply believed in.

I was numbed and somehow made it through. But not everyone is so lucky. There was one young scholar I knew in Beijing. His name is Lin Chengtao and he was a researcher at Peking Union Medical University. He was sent to a labor camp for practicing Falun Gong. The psychological pressure and "re-education" at the camp caused him to have a mental breakdown. He never recovered. Now, this once brilliant young scientist is like a crazy person.

What happened to me wasn't an isolated case. It was part of the whole system the Communist Party has put in place to persecute Falun Gong. At each level, it creates incentives for people to carry out the persecution. In the prison, guards who were so-called "effective" at transforming Falun Gong practitioners would get rewarded. One such team-leader was promoted to deputy warden.

Most of the time, it wasn't the guards that would beat us. More often, they would use the ordinary criminal inmates to do that. These were people imprisoned for committing violent acts, sexual assaults, or economic crimes. The guards liked the violent ones because they were willing to beat other prisoners. If the inmates helped persecute Falun Gong, they could get points. As they accrued more points, they would be eligible for early release. That's how distorted the Communist Party is—it releases rapists and thieves into society to reward them for beating honest people like Falun Gong practitioners.

There were 16 sections at the prison, with around 100 prisoners in each. Three of the sections held Falun Gong practitioners, though they were mixed in with non-Falun Gong practitioners too, so the latter could monitor the practitioners. When I left the prison in 2010, there were still about 60-70 Falun Gong practitioners being held there. That is only one prison. There are three other and labor camps holding Falun Gong practitioners just in the Beijing area, as well as various detention centers and facilities for "transformation classes." In some parts of the country, especially in the Northeast, the number of practitioners imprisoned is even greater. Some individual camps hold hundreds of practitioners alone.

The Falun Dafa Information Center and independent experts like Ethan Gutmann estimate that there are hundreds of thousands of Falun Gong practitioners in custody at any given time. From what I saw, I believe these estimates are true.

I was released before the end of my term because I had earned points by doing jobs in the prison that others didn't want to do, like cleaning the bathroom. But even after I got out, the authorities wouldn't leave me alone. Police and agents from the 610 Office, a Communist Party security force created to persecute Falun Gong, would visit me periodically and ask if I was practicing again. Even after I had started practicing again, I didn't dare tell them. If they had found out, I would have been taken to a transformation class.

Actually, about a year after I got out, every Falun Gong practitioner who was released from prison had to attend a transformation class before being allowed to go home. Previously, it depended on the district, and my district didn't require it, so I didn't have to go through that extra round of persecution in 2010. But in 2011, it became required in every district. After talking to some people who research human rights in China, I found out that actually in 2010, the 610 Office started a new three-year transformation campaign against Falun Gong. I realized that this change I had heard about in Beijing was part of that campaign.

The persecution is failing

The reason that the Communist Party and the 610 Office make such an effort to hold transformation classes, including for Falun Gong practitioners just coming out of prisons or labor camps, is because most people start practicing again once they are released, even if they were forcibly "transformed" in custody. Like me, 80 percent of those Falun Gong practitioners start practicing again once they get home. That makes the Communist Party very afraid.

In August 2010, three months after my release, I met up with a woman I knew from before, and who would later become my wife. She and her mother were both Falun Gong practitioners. They lent me Falun Gong books and encouraged me to resume my path of spiritual cultivation that I had abandoned under torture. In prison, my eyesight deteriorated badly. I could barely read for five minutes, even with glasses. Once I started practicing Falun Gong again, my vision was quickly restored.

I soon gained more courage and began telling people I met about the persecution I had suffered. As I did so, I noticed a big difference in people's reactions in 2010 compared to 2002. I saw that more and more people really hated the Communist Party, and weren't afraid to say so. Because of the rampant corruption and other phenomena in society, like tainted food products, people knew that the Party was bad. This made it much easier for them to see through the Communist Party's lies about Falun Gong and understand that we are being wrongfully persecuted.

From these experiences, I really feel that despite all of the money and brute force that the Communist Party has poured into censorship and repression, it is losing the true battle for the hearts and minds of the Chinese people.

Even though I was sent to prison for it, I feel honored to have played a small role in this process. As I mentioned before, in 2002, a group of us made and distributed about 100,000 VCDs and brochures. We would get the content from other practitioners who had gotten through the

internet blockade and downloaded information from the Minghui website. Since I was fairly computer savvy, my job was to buy blank CD-ROMs and burn the information onto them.

We wanted to let more Chinese people know the truth about Falun Gong and the persecution so they wouldn't participate and commit horrible crimes. That period of time was shortly after the CCP fabricated the self-immolation incident on Tiananmen Square. That hoax by the CCP was played on television again and again, making a lot of people feel Falun Gong practitioners were crazy and violent like the CCP claimed. A lot of the VCDs we made included information that analyzed the CCTV footage and showed that the incident was staged and that Falun Gong practitioners don't do things like setting themselves on fire.

I was inspired to keep helping with this effort after a small, but meaningful exchange in 2001. I went into a store to buy a bag and then gave the storeowner a homemade VCD that had some of the above information. I told him that I hoped he could watch it and learn the truth. When I came back a few weeks later, he quietly told me he had watched it and that he could see that what the government said about Falun Gong was all lies. His attitude had completely changed. I felt that if only more people in China could go through that change, then it would help Chinese people be less hateful and not participate in the persecution. According to the Minghui website, today there are around 200,000 grassroots print sites like the one I participated in, helping undo the effects of the Communist Party's censorship and propaganda.

What can the U.S. government do?

On January 12, 2012, I came to the United States with my wife, our child, and my mother-in-law. I am deeply grateful to the United States government for granting us political asylum and to all of the kind Americans who have helped us get settled.

As the United States Congress and government think about how to improve human rights in China, I hope you can keep something in mind: if we truly want to free China, we need to free Falun Gong.

This persecution is pervasive. Hundreds of thousands, likely millions, of Falun Gong practitioners around the country experience abuses like the ones I did every day—abductions, sham trials, torture in prisons and makeshift detention facilities, and "transformation" classes. Once every three days a new case of a Falun Gong practitioner being killed from abuse is reported, but this is just a drop in the bucket.

But the victims are not just Falun Gong. They are also the prison guard pressured to torture practitioners, the factory manager who must identify Falun Gong workers for brainwashing, the husband forced to divorce his Falun Gong practitioner wife or lose his job. Millions of Chinese have been coerced into betraying their conscience and becoming minions of a tyrannical regime.

Is it really possible for China to move towards better human rights or the rule of law when these atrocities are happening on such a massive scale?

Given the urgency of the situation, the U.S. government should speak out publicly to condemn the persecution of Falun Gong and call for the release of all Falun Gong prisoners of conscience. The House of Representatives passed a resolution doing just that in 2010. However, President Obama and members of his administration have not. It may sound like just words, but it is what

the Communist Party truly fears—that its crimes be exposed and condemned by the international community.

In this context, there have been reports that Wang Lijun, the police chief from Chongqing who attempted to seek asylum in the U.S. Consulate in Chengdu in February 2012, may have disclosed information about the persecution of Falun Gong in China during that visit, especially with regards to organ harvesting from Falun Gong prisoners of conscience. Given Wang's previous role as police chief in Liaoning province where the practice of organ harvesting was first uncovered and his well-documented involvement in organ transplants, it is reasonable to believe he would be privy to such information. The American and Chinese public deserve to be informed if this is indeed the case. I hope that the U.S. Congress can urge the Department of State to disclose any such information it obtained from Wang.

Lastly, I also have a small personal request. Of the nine of us who were sentenced together in 2004, I know that at least three are still suffering in prison. Their names are Mr. Wang Yi (王益), Ms. Dan Ling (但凌), and Mr. Zhang Zhenzhong (张振忠). I hope they can be added to the list of prisoners of conscience whose cases American officials raise with their Chinese counterparts, so that they can be released immediately.

Thank you again for providing me with this opportunity to share the information I have about the plight of Falun Gong practitioners in China. The Chinese people very much appreciate the kind support of the American people and government in their struggle for freedom. As more and more Chinese awaken, I truly believe it won't be long before we are able to fully enjoy the fruits of that struggle.

Chairman ROS-LEHTINEN. Thank you very much for sharing that harrowing experience with us, Mr. Li. Thank you.

Mr. Tsering? Thank you.

STATEMENT OF MR. BHUCHUNG K. TSERING, VICE PRESIDENT, INTERNATIONAL CAMPAIGN FOR TIBET

Mr. TSERING. Thank you, Madam Chairman, Congressman Berman, and members of the committee.

China aspires to be a superpower that would want to abide by universally-accepted norms. I would like to raise the following matters regarding Tibet to see whether China is able to meet that expectation: Violation of Tibetan rights subsequent to the successive self-immolations in Tibet; interference in Nepal's internal affairs and pressuring Nepalese officials to clamp down on Tibetans in Nepal; usage of Confucius Institutes to spread propaganda and shut down academic discourse in Tibet; and the possibility of regional conflict because of how it handles usage of Tibetan water.

With the most recent self-immolation on July 17th, there have been 44 Tibetans who have self-immolated since 2009. Out of 44, 33 are confirmed to have died and 11 are either missing or said to be hospitalized. Now the numbers don't include those Tibetans who have committed self-immolation outside of Tibet or some whose information we are still trying to confirm.

Madam Chairman, I would like to seek your consent to put their names and the information——

Chairman ROS-LEHTINEN. Without objection.

Mr. TSERING [continuing]. Relating to the human rights in Tibet for 2012 in the record.

Instead of addressing the genuine grievances of the Tibetan people, the Chinese authorities have responded to the self-immolations by increasing restrictions, torturing members of the self-immolater's family or their acquaintances, and taking several into custody without any judicial process.

We welcome the China-U.S. Human Rights Dialogue that has just concluded yesterday, but the International Campaign for Tibet believes that the State Department bears the burden of proving that these dialogues are more than ritualized exercises, and that the United States should be clear about what improvements the Chinese should deliver in Tibet and what the response will be if they do not.

In April, the International Campaign for Tibet released a major report about "60 Years of Misrule," China's cultural genocide in Tibet. This shows that there is a systematic effort to replace organic Tibetan culture with a state-approved version to suit the Communist Party's objectives. The Chinese leaders seek stability in Tibet, but they strive to achieve it through an iron fist rather than an outstretched hand.

During his visit to Washington, DC, last week, the Tibetan leader Kalon Tripa Lobsang Sangay said, "If Tibet is granted autonomy, that could be a catalyst for moderation of China because if the Chinese Government grants autonomy to Tibetans, for the first time they are accepting diversity within and accepting a distinct, if not different, people."

From the Chinese perspective, Tibet is the loss-leader for Beijing because they say they have spent lots amount of money for Tibet. But if Chinese leaders were to give Tibetans the voice in their own affairs and a stake in their own future, Tibetan leaders would be more economically self-sustained.

I want to go to the situation in Nepal. The Tibetan refugees transit through Nepal as they fled persecution at home and toward freedom in India or beyond. Unfortunately, the Chinese authorities interfere in Nepal's internal affairs and export China's abuses of Tibetans into Nepal. Tibetans trying to flee Nepal today have to face great suffering at the hands of Nepalese security authorities.

I am trying to condense here because of the time factor.

We have seen reports and heard anecdotal evidence about usage of the Confucius Institutes. Last year, the International Campaign for Tibet requested a university to provide us information about Tibet from the Confucius Institute, and what they provided us was Chinese Government official propaganda.

If the water resources in Tibet are being misused by the Chinese, it will have grave consequences for the future of the world and immediate risk for the neighboring countries.

Now our recommendations are: First, that Congress should send a strong message by passing House Resolution 609 on Tibet. The Tibetan Policy Act has to be strengthened. The U.S. should seek reciprocity from the Chinese Government for information access and for access for diplomats. And the human rights dialogues should be followed up by Congress asking the Assistant Secretary to publicly testify about what the United States has done on human rights.

Thank you so much.

[The prepared statement of Mr. Tsering follows:]

Testimony of Bhuchung K. Tsering
Vice President for Special Programs
International Campaign for Tibet
Washington, D.C.

At a hearing of the
House Committee on Foreign Affairs
on Investigating the Chinese Threat, Part Two:
Human Rights Abuses, Torture and Disappearances
July 25, 2012

Madam Chairman and Members of the Committee. I thank you for yet another opportunity to testify on the situation in Tibet, with particular reference to the issues of human rights abuses, torture and disappearances, as the Committee works to investigate into the Chinese threat.

It is the aspiration of the present leadership of the People's Republic of China (PRC) to project their country as an emerging super power, if not already one, that will abide by "universally-accepted norms." Towards that end, they have even advocated their relations with the United States as "a new-type relationship between major countries" which features "cooperation not confrontation, win-win results not 'zero-sum' game, and healthy competition not malicious rivalry."

I would like to raise the following matters relating to China's attitude towards Tibetans in the framework of whether China is living up to universally-accepted norms. As the hearing is focused on threats, I offer the following:

- A consistent pattern of China's violation of Tibetans' rights as a context for, and a response to, the successive self-immolations in Tibet;
- The threat to stability within the PRC due to its failure to negotiate a solution to the Tibet problem and address Tibetans' underlying grievances;
- The refusal of the PRC to cooperate on threats to international peace and security (read: Syria) due to its 'non-interference doctrine' and sensitivity over the legitimacy of its control over Tibet;
- China's interference in Nepal's internal affairs and its increasingly blatant pressure on Nepalese officials to clamp down on Tibetans in Nepal;
- The threat of Chinese soft power – specifically, the use of Confucius Institutes to spread propaganda and shut down academic discourse on Tibet; and
- The possibility of regional conflict over water if Tibet's rivers are dammed and/or diverted by the Chinese absent any regional framework on water resources.

Background: Self-Immolations and Aftermath

With the most recent self-immolation on July 17, 2012, there have been 44 Tibetans confirmed to have self-immolated in different Tibetan areas since February 27, 2009.

Out of the 44 Tibetans, 33 are confirmed to have died and 11 are either missing or said to be "hospitalized."

Madam Chairman, I would ask consent that the names and details of all the Tibetans who have committed self-immolations in Tibet since 2009 be included in the record.

A common demand of self-immolators has been the Dalai Lama's return to Tibet and freedom for the Tibetan people. They are challenging political, cultural, religious and social injustices, the roots of which are not being acknowledged and addressed by the Chinese authorities.

Instead of addressing the genuine grievances of the Tibetan people, the Chinese authorities have responded to the self-immolations by increasing restrictions, torturing members of the self-immolators' family or their acquaintances and taking several into custody without any judicial process. These stringent restrictions will only increase the sense of injustice and discrimination felt by Tibetans. As long as Tibetans continue to be denied the opportunity to live a life of equality, respect and dignity, it is clear that they will undertake actions to convey their feelings.

Chinese officials have also sought to deflect blame by humiliating the Tibetans, declaring the self-immolators to be criminals and saying their actions were instigated by 'the Dalai clique.' They also attempted to minimize the political significance of these actions.

China's consistent violations of Tibetans' rights

Successive Administrations have highlighted the plight of the Tibetan people and have raised the issue with Chinese officials at various fora, including in the US-China Human Rights Dialogue, which just concluded yesterday. We welcome such initiatives as they reflect the concern of the American public about the situation in Tibet.

The International Campaign for Tibet, however, believes that the State Department bears the burden of proving that these dialogues are more than ritualized exercises that enable smooth U.S.-China relations. The U.S. side should be clear about what improvements the Chinese should deliver in Tibet, and what the response will be if they do not.

The State Department in its annual Country Reports on Human Rights Practices, issued in May 2012, described the situation in Tibet as follows: "There was severe repression of freedoms of speech, religion, association, and movement. Authorities continued to commit serious human rights abuses, including extrajudicial torture, arbitrary arrests, extrajudicial detention, and house arrests. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage and unique high plateau environment remained a concern."

The top Administration official responsible for Tibet, Under Secretary Maria Otero, in a statement on January 24 as the United States Special Coordinator for Tibetan Issues said, "I am gravely concerned by reports of violence and continuing heightened tensions in

Tibetan areas of China, including reports of security forces in Sichuan province opening fire on protestors, killing some and injuring others."

In April, the International Campaign for Tibet released a major report entitled "60 Years of Misrule; Arguing Cultural Genocide in Tibet," which finds that Chinese authorities have engaged in a consistent and systemic effort to replace organic Tibetan culture with a state-approved version to suit the Party's ideological, political and economic objectives. It argues that these policies are so systematic and persistent in their destruction of Tibetan culture, that they contain elements of cultural genocide.

The Chinese government's aggressive security response has made the situation more unstable and potentially dangerous, risking more self-immolations. ICT continues to call on the Chinese government to address the substantial grievances of the Tibetan people through dialogue, and not through the use of intimidation or force.

Tibet and the threat to stability within the PRC

Chinese leaders seek stability in Tibet, but they strive to achieve it through an iron fist rather than an outstretched hand. These hard-line measures are having the opposite effect, sowing instability exemplified in acts of protest, defiance, and self-immolation.

In his visit to Washington last week, Kalon Tripa Lobsang Sangay (the political leader of the Tibetan government in exile), told a reporter that, "If Tibet is granted autonomy, that could be a catalyst for moderation of China because if the Chinese government grants autonomy to Tibetans, for the first time they are accepting diversity within and accepting a distinct if not different people. I think no system which is authoritarian, or one-party rule, can last long. Ultimately, other people have to be taken into consideration, have to be empowered and respected by the system, because universality of freedom is established now."

Tibet is a loss-leader for Beijing. Some 90 percent of the budget of the Tibet Autonomous Region comes as subsidies from the central government. In 2011, Human Rights Watch reported that Chinese security spending in the Aba Tibetan autonomous prefecture in Sichuan province was "five times the average spent per person on public security in non-Tibetan areas in Sichuan." Alternatively, if Chinese leaders were to give Tibetans a voice in their own affairs and a stake in their own future, through genuine autonomy, Tibetan areas could be more economically self-sustaining.

'For China, Syria is Tibet'

Strategically, the Chinese position on the ongoing crisis in Syria clearly shows that China is driven by its single-pointed agenda of holding on to power and has no regard for international norms. This is best explained by Michael Ignatieff in the New York Review of Books Blog (July 11) wherein he says, "What makes Syria a hinge-moment is that Russia and China are proving that they have no strategic interest in transitions beyond dictatorship, not just in Syria but anywhere else. Both Russia and China see Syria not

through the prism of international peace and security or human rights, but through the logic of their own despotism. For Putin, Syria is Chechnya; for China it is Tibet. They understand Assad perfectly. He is doing what they have done many times and they want the world to understand that they will support any dictator facing similar challenges."

The larger issue here is the Chinese doctrine of 'non-interference' in the affairs of others, which is being challenged by developments in Syria, Libya, Sudan/South Sudan and elsewhere. Because of its sensitivity over the legitimacy of its control over Tibet, and other historical reasons, Beijing can be a stubborn partner in international efforts to address such crises, as shown by its vetoes of U.N. Security Council Resolutions on Syria.

A durable solution to the Tibet issue wouldn't guarantee that China would become a more responsible actor, but it could help put them on a better path.

China's interference in Nepal and Outcome on Tibetans

Tibetan refugees transit through Nepal as they flee persecution at home and toward freedom in India or beyond. They leave because of China's increased crackdown on religious freedoms, Communist Party control of Tibetan monasteries, and clampdown on Tibetan political activities. Unfortunately, these abuses inside Tibet are being exported to Nepal under pressure from the Chinese Embassy there.

An article in Time on July 17, 2012, says, "Since the Dalai Lama fled in 1959, Nepal has played a critical role for the Tibetan exile community, providing safe haven and a passageway to India. But in recent years, Nepal's hospitality has waned — and the reason, many say, is China's growing influence on the country's political elite."

For many years, there had been an informal arrangement in the form of a "gentleman's agreement" between the United Nations High Commissioner for Refugees (UNHCR) and the Nepalese Government by which the Nepal facilitated safe passage of Tibetan refugees to India. This agreement remains intact, but it is vulnerable. Tibetans trying to flee into Nepal today have to face great suffering at the hand of Nepalese security authorities. There have been reports about Nepalese security personnel "apprehending Tibetans far inside Nepal, robbing them, and then returning them to Tibet at gunpoint, where they are typically imprisoned and not uncommonly tortured by the Chinese."

Jon Kraukauer, who wrote an investigative article in The New Yorker titled, "Why is Nepal Cracking Down on Tibetan Refugees" on December 28, 2011, says, "These violations of the U.N.H.C.R agreement and international law were bought and paid for by Beijing." He also quotes US Embassy officials in Nepal as saying, "Beijing has asked Kathmandu to step up patrols…and make it more difficult for Tibetans to enter Nepal."

China is spending a lot of money in Nepal to develop infrastructure. In return, Chinese officials demand that the Nepalese shrink the space for Tibetans to live and speak. At the same time, there is a diversity of voices inside Nepal, and many Nepalese recognize and cherish the long-standing Tibetan Buddhist heritage in their country. The U.S.

government has done a good job in promoting this diversity and respect for the rights of Tibetans in Nepal. We ask the Committee to urge the State Department to keep up this effort.

But also, we ask Congress and the Administration to look at Nepal through the strategic lens of Chinese ambitions among its neighbors. Just as the State Department and Pentagon have focused attention on China's posture toward its southeast in the South China Sea, they should also take a close look at China's southwest, and its power projection through Tibet and into Nepal.

Threat to academic freedom in the United States

The Committee is aware of China's efforts to 'soft power,' having held hearings on legislation such as the China Democracy Promotion Act and the Chinese Media Reciprocity Act.

In recent years, China has established more than 300 Confucius Institutes at universities around the world. According to Chinese media, there are 81 Confucius Institutes and more than 300 Confucius Classrooms in the U.S. The stated aim is to promote learning of the Mandarin language and understanding of Chinese culture. However, these Institutes come with strings attached, which create challenges to academic freedom. We have seen reported, and heard anecdotal evidence, that discussion on sensitive topics such as Tibet are discouraged if not prohibited.

Further, the Institutes are used as dissemination platforms for Chinese propaganda on Tibet. A Xinhua report of January 10, 2012 confirmed that a journal published in Chinese by the official Tibetan Academy of Social Sciences was being "…mainly distributed to foreign embassies and diplomatic missions in China, as well as universities, research institutes and worldwide Confucius Institutes."

The New York Times on March 4, 2012, carried an article headlined "Critics Worry About Influence of Chinese Institutes on U.S. Campuses" in which Prof. June Teufel Dreyer is quoted on how the Institutes have to toe the Chinese official line on issues such as Tibet:

> "There is a whole list of proscribed topics," said June Teufel Dreyer, who teaches Chinese government and foreign policy at the University of Miami. "You're told not to discuss the Dalai Lama — or to invite the Dalai Lama to campus. Tibet, Taiwan, China's military buildup, factional fights inside the Chinese leadership — these are all off limits."

Similarly, Prof. Anne-Marie Brady, associate professor of political science at the University of Canterbury, New Zealand, has compared the independence of Confucius Institutes with that of a Chinese citizen. She is quoted in a publication on Higher Education as saying, "They've got a lot of space, but the same kind of space that people

have in China, which is that there are always no-go zones, and the no-go zones are obvious: Tibet, Taiwan, Falun Gong. And academia does not have no-go zones."

Last year, the International Campaign for Tibet requested resource materials from a Confucius Institute at a U.S. university. What we received were books and DVDs giving the Chinese narrative on Tibet published by China Intercontinental Press, which is described by a Chinese government-run website as operating "under the authority of the State Council Information Office...whose main function is to produce propaganda products."

Tibet's waters and regional security

Tibet is strategically important to China due to its centrality in Asia's hydrological cycle. Tibet is known as the 'Third Pole,' for having the most frozen fresh water outside the North and South Poles. It is also called the 'The Water Tower of Asia' for being the source of major rivers that flow into India, Bangladesh, China, Nepal, Pakistan, Thailand, Myanmar and Vietnam. Scholar Brahma Chellaney wrote in his book entitled "Water" that "Control over the 'blue gold' wealth of the Tibetan Plateau makes China a potential water power in the way Saudi Arabia is an oil power."

China is engaged in a number of dam construction and water diversion projects on the rivers that emanate from the Tibetan plateau, such as the Salween and Mekong rivers, sparking criticism that these moves could be devastating for downstream communities. As the populations of South and Southeast Asia continue to grow, water scarcity will become more acute, which could lead to conflicts between China and its neighbors over water resources.

Currently, there exists no regional framework for these nations to discuss or negotiate over water resources. A treaty or framework would create a system of modern water rights based around an integrated water resource act; ideally, it would include all Asian countries that depend upon the Tibetan Plateau for their water. The U.S. government, which has increasingly focused on water as a security issue, should encourage and offer support in development of a regional framework on water security.

Recommendations

- *Pass H.Res. 609, the Tibet resolution.* Given the unimaginable incidents of self-immolations in Tibet and the Chinese unwillingness to address the genuine grievances of the Tibetan people, the Congress should send a strong message by passing the bipartisan resolution (H. Res. 609) expressing support for the people of Tibet that is cosponsored by Representatives James Sensenbrenner and George Miller.

- *Update and strengthen the Tibetan Policy Act of 2002.* The Committee should explore ways to strengthen the Act to take into account new developments in Tibetan politics, including the devolution of political power by His Holiness the

Dalai Lama, and the election of full democratic governance in exile. It should consider enhancing the U.S. relationship with the Central Tibetan Administration. Lastly, the Act should clarify U.S. policy on the succession or reincarnation of the next Dalai Lama, for which the officially atheist Chinese government is attempting to claim exclusive authority.

- *Human Rights Dialogue follow-up.* The Committee should invite Assistant Secretary Michael Posner to provide a public readout of the discussions in the just-concluded US-China Human Rights Dialogue as there is a dire need for an open and transparent display of what the Administration is doing in concrete terms on the issue of human rights in China and Tibet. Further, the Committee should urge the Special Coordinator for Tibetan Issues to work with the new interagency Atrocities Prevention Board to ensure that the situation in Tibet is on their watch-list.

- *News blackout in Tibet.* China's censorship and information and communication blockade, specifically in Tibet, does not enable the world to know about the reality of the Tibetan situation. Congress should continue to fund robustly the Tibetan language services of the Voice of America and Radio Free Asia. It should urge the State Department to task the United States Embassy and consulates in China to expand their outreach to the Tibetan communities and monitoring of the Tibetan situation. It should train Tibetan language speakers to monitor Tibetan blogs and social media sites. Specifically, the United States should vigorously pursue its long-stated goal of establishing a consulate in Lhasa.

- *Restrictions on Chinese delegations from or about Tibet.* Three-quarters of consular requests to visit Tibetan areas are denied. Foreign visitors are required to get a special permit to visit the Tibet Autonomous Region. Here in the United States, Tibetan Americans are subjected to a racially discriminatory process when they apply for visas at the Chinese Embassy and consulates and even then many do not get permission to visit Tibet. At the same time, China is freely able to send delegations to the United States to denounce His Holiness the Dalai Lama and to spread its propaganda about Tibet. The Congress should look for ways to impose restrictions in a situation where the Chinese government is not respecting the diplomatic principle of reciprocity.

- *Nepal.* The Committee should investigate China's interference in the internal affairs of Nepal. It should urge the Administration to assess strategically and respond to China's ambitions to its southwest, as it has been doing with the South China Sea to China's southeast.

- *Confucius Institutes.* The Committee should devote oversight to Confucius Institutes, and look at whether the terms of their agreements at universities or their practices result in reduced academic discourse and freedom of speech on topics such as Tibet, and whether such agreements or practices violate any laws in relation to publicly-funded universities.

- *Tibet's water and regional security.* The United States government should encourage and offer support in the development of a regional framework on water security, in relation to the major rivers of Asia that flow from the Tibetan Plateau and are subject to current and potential Chinese dam and diversion projects.

Chairman ROS-LEHTINEN. Thank you. Thank you so much to each and every one of you for excellent testimony.

Given your great expertise on this terrible issue of human rights violations in China, I would like to ask these three questions: What value do you see in the ongoing dialogue or monolog, as one witness called it, between the United States and China? Secondly, do you think that this administration in its relation with Beijing places a priority on advancing human rights in China? And thirdly, do you believe the human rights situation in China has improved or deteriorated in the 12 years since Congress approved PNTR for China?

If we could begin with Mr. Genser?

Mr. GENSER. Thank you, Madam Chairman.

Let me try to answer your three questions as quickly and as best as I can.

First, your question was, what is the value of the ongoing dialogue? On the one hand, I think dialogue is necessary. We need to be able to convey to the Chinese our feelings. On the other hand, the series of human rights dialogues that we have had are, as I mentioned before, sequential monologs, and the Chinese would like to speak at 100,000 feet about broad developments in various areas. We tend to want to see improvement in specific cases.

And so, it seems to me that the main way that we need to improve the dialogue—and I do think that we have to continue it; I think we have no choice but to engage with China—is by imposing benchmarks, timelines, and consequences. Without any accountability coming out of these dialogues, then they are fruitless and they are pointless. And I think that we need to move in that direction.

In terms of how the administration has or has not made human rights with China a priority, unfortunately, I think at the highest levels it has not been a priority. I think that, of course, any administration is not monolithic. I would single out Mike Posner, the Assistant Secretary for Democracy, Labor, and Human Rights, as doing a yeoman's job within the Department, but, of course, he is a number of levels down from the Secretary. He has been public and outspoken. He has raised cases privately. I think he has been very aggressive and great.

But, at the end of the day, we need the leadership from the President and the Secretary of State. While on a handful of occasions they have raised China human rights publicly, and I know from reports that I have received that they have also raised it privately, by definition, and to answer your last question, I think that the situation in Beijing and in China in the last several years has declined in terms of the human rights situation. And therefore, whether or not you agree with how the administration is handling Chinese human rights, one has to conclude that a change in tactics is doing to be required because human rights in China is moving in the wrong direction. And that is precisely what I would like to see happen.

Chairman ROS-LEHTINEN. Thank you very much.

Ms. Kadeer?

Ms. KADEER. Yes, since the U.S. Congress granted China the PNTR status for the past 12 years, and also due to the rise of Chi-

na's economy, China became more confident in dealing with Uyghurs and other groups, especially in arbitrary arrest, torture, and even executions. So, the situation since China got PNTR has become far worse than before. And especially in the past 3 or 4 years, the extrajudicial killing of Uyghurs has dramatically increased.

In my testimony, I state that the Chinese Government granted residence to 6 million floating Chinese population. That is in addition to the Chinese residents already immigrated to East Turkestan. And so, in addition to the population transfer to East Turkestan and Tibet and other areas to dominate the region, dilute the Uyghurs, and reduce us into an absolute minority in our own land, and for any Uyghur who is not happy with such policies of cultural genocide by the Chinese Government, the Chinese reaction is repression or just execution. So, that is what we are facing today.

Thank you.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. Li?

Mr. LI. As to the first question, I personally don't value the dialogue because, if they keep it as a private session, they don't talk about it openly and publicly, I think the Chinese Government wouldn't feel the pressure in the international community, the pressure of justice, the pressure or morality. So, I think we should talk about it openly and publicly.

And the second question, I think the United States Government should do more and, most importantly, speak up. If it keeps silent about the crimes, I think to some extent we are committing a crime too.

And the third question, I don't think there is any human rights progress since 12 years ago because, apparently, the Falun Gong situation has not improved.

Thank you.

Chairman ROS-LEHTINEN. Thank you, sir.

Mr. Tsering?

Mr. TSERING. In terms of the human rights dialogue, we believe that the administration needs to be open and transparent about what is really being discussed. Otherwise, it will become an opportunity for the Chinese to avoid international censure.

In terms of whether human rights is a priority for the administration, the administration says it is, but we need concrete proof to say that it is really so. Whether the situation has worsened after PNTR, from the Tibetan perspective it has certainly worsened.

Chairman ROS-LEHTINEN. Thank you very much. Thank you for your answers.

I am pleased to yield, for whatever time he wishes to consume, to Mr. Berman, the ranking member of our committee, for his questions.

Mr. BERMAN. Well, thank you very much, Madam Chairman.

There seems to be a consensus among all of you that a more vigorous, vocal expression of outrage at the Chinese Government's conduct vis-à-vis specific human rights cases and the general treatment of ethnic minorities and others, political dissidents, would be useful. Beyond that, I heard a specific reference to visas. And then,

Mr. Genser talked about timetables, sort of guidelines, and consequences. Speak to the issue of consequences.

Mr. GENSER. Let me reiterate one of the things that Mr. Li said which I think makes a lot of sense, which is one of the things that the Congress could start to work on immediately, is legislation that would replicate the Sergei Magnitsky Act for the Chinese Government. You would be in a position to be able to say anybody who is involved or facilitating torture, wrongful imprisonment, disappearance, or a range of other crimes under international law will be put on a public list for the United States, an asset freeze, visa bans, et cetera.

Just by gathering evidence from existing cases, I would imagine across all of these different situations we could come up with thousands of names that we could credibly verify that would be the first batch of people to be put on this kind of a list. At the end of the day, if the Chinese aren't going to listen to the complaints and they are not going to address them, then this would be a very clear potential consequence. So, let me just put that forward as a first idea that has some teeth to it.

I also mentioned—and it is worth highlighting again—awarding Liu Xiaobo the Congressional Gold Medal would be a pretty profound signal to the Chinese Government about U.S. concern.

And then, just lastly, I will mention it isn't even exclusively about public outrage by the President or the Secretary of State, although at times I think is helpful. It is also about using the private threat of doing public things that I think can bring China to the table.

So, for example, President Obama, I suggested that he meet with Geng He, Gao Zhisheng's wife. The administration, as far as I know, hasn't privately said to the Chinese, "Unless we start to move on Gao Zhisheng's case, the President is going to do this. He is going to meet publicly, or meet and it will be made public, with Geng He." And use that private threat as an opportunity to see if we can see some progress on this particular case. This would be an aggressive way to get at the Chinese Government the strength of our concerns and our convictions. As far as I know, none of these kinds of things have happened.

Mr. BERMAN. Yes. Thank you.

Mr. Tsering, the Special Envoy for the Dalai Lama recently resigned from his position. We have had the opportunity to meet with him on many occasions. He is a very forceful, articulate, and reasonable and moderate individual, representing the Dalai Lama in the dialogue with China. That dialogue seems to be totally stalled. You have been part of the Special Envoy's team throughout the nearly 10-year duration of the dialogue progress. The Congress and the U.S. have been big proponents of the dialogue as a way to resolve differences and lead to a peaceful political situation for the Tibetans.

How important is this dialogue with the Chinese, in your mind? What was the sticking point that led to its demise? What message regarding Tibet should the U.S. Government be sending now?

Mr. TSERING. I believe the dialogue is a very important factor in having a lasting solution for the Tibetan issue. In terms of why the situation has remained so now, it is strictly because of China's lack

of political courage to acknowledge that there is a Tibetan problem and to address it to the satisfaction of the Tibetan people.

And therefore, we believe that the United States Congress, as well as the administration, which has called for a peaceful resolution of the Tibetan issue, needs to be more proactive in making the Chinese come to the table, because at the present the Tibetan leadership has also committed itself to resolving the issue through negotiations, and there is the need for that. But how we can go about it depends on the Chinese because right now instead of responding positively to the Tibetan initiative, there are voices within the Chinese leadership which are even calling for doing away with the framework of autonomous status. If that happens, there is no way people like the Tibetans or the Uyghurs can hope to achieve anything under this Communist government.

Mr. BERMAN. Thank you.

My time has expired.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman.

I am pleased to recognize the chairman of the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith of New Jersey.

Mr. SMITH. Thank you very much, Madam Chair.

Yesterday, at the 10th anniversary of the founding of ChinaAid, led so brilliantly by Pastor Bob Fu, Gao Zhisheng's wife, Geng He, as you know, made yet another strong appeal for her husband, who has been tortured with unbelievable animosity by the Government of China. So, thank you, Mr. Genser, for again bringing up his case and how important it is that we raise that.

You, especially, have talked about some new ideas. I think it is always good to be pursuing new ideas. But, as Mr. Li said, first and foremost, the President needs to speak out about China's human rights abuses. He has had both the Vice President and the President, Hu Jintao, here to the United States, has feted especially Hu Jintao with a state dinner and an infamous press conference, where an Associated Press reporter asked about human rights, and our President shamelessly said they have a different culture and a different political system.

So, it was so bad that The Washington Post did an editorial, the banner headline of which was, "President Obama Makes Hu Jintao Look Good on Rights." It was one of the worst statements, I think, and performances of this President. To the people back in China who are suffering, like Gao Zhisheng and others, and Liu Xiaobo, that had to have been demoralizing that the President just brushed this aside.

But, Mr. Li, you asked that the President speak out. Hope springs eternal. Hopefully, he will speak out at some point. The gentlelady and I, we won't hold our breath.

But let me just say this: We need to enforce the law. We have several laws on the books right now that go either inadequately enforced or totally unenforced.

First of all, you mentioned visa bans. I offered legislation that became law in 2000 that said anyone who is complicit in forced abortion or forced sterilization ought to be banned, will be banned, shall be banned from admission to the United States. Under the Obama administration, four people—that is four, not 40, not 400—

four people have been precluded a visa because of their complicity. There are no lists. I have asked that there be lists. There are no lists. We know who these people are. People inside of China know who their abusers are. And we ought to have an engraved invitation for them to come forward and say, "This person is doing this atrocity against women and against children."

Some people like to talk about the Chinese program as family planning. It is child extermination. It is the exploitation of women in the cruelest fashion. We have a law called the Kemp-Kasten. It goes unenforced—unenforced. This administration reversed the Bush policy and the Reagan policy of saying, "No money to any organization that supports or co-manages a coercion population-control program."

On trafficking, there is no doubt—and the gentleman from California and I and the gentlelady worked so hard to ensure that the watch list on human trafficking that is put out by the State Department does not become a parking lot for abusers—China clearly merits to be a tier III country susceptible to a whole array of sanctions, and it is not. It has stayed on the watch list for another year, even though the record is overwhelming that China has become a magnet for human trafficking, perhaps the worst in the world. I don't know of any country—and I wrote the trafficking law—that is worse than the People's Republic of China. They are on the third tier. So, that law goes unenforced.

And then, the law that was authored by Frank Wolf, the International Religious Freedom Act, China has been a CPC country since the beginning of that law. So, the Bush administration I believe failed, and the Obama administration is failing miserably as well, to enforce the 18 prescribed sanctions, some of which are very real and very severe, not quite NTR loss, but very real. They go just glossed over, even though it is a CPC country. So, they did the naming, which is fine, but there is no penalty.

Your thoughts? We need to enforce the law. We have laws that will make a difference. It is not just the President speaking out. And again, don't hold your breath on that one, or the Vice President. But let's just enforce the law. Your thoughts, please, again.

Mr. GENSER. Just briefly, Chairman Smith, you are a champion for China human rights and have been for decades. I concur with your assessment of the situation and the reality that there is actually a lot that we can do to enforce existing law, as well as bring into effect new laws to put serious pressure on China that sends a message that the United States is actually serious about human rights.

Unfortunately, as we know—and this is not just this administration, but it is prior administrations—the United States has a whole range of interests in China. My biggest fear, as a human rights lawyer, however, is that unless human rights is made a priority, by definition, other so-called more pragmatic issues will always overcome human rights. I think that we need to see human rights as a core and fundamental value of the United States of America and imbue it into all that we are doing, and make it an affirmative priority.

When you have, unfortunately, a situation where it is not a top priority of the President and the Secretary of State—again, I agree

they have said that it is a priority—but I just haven't seen the actions that enable me to agree with that statement and see that that is an actual conclusion.

And again, I would like to see more coercive measures being taken. The Chinese are unabashed about their persecution of their own population and unapologetic, and, in fact, will publicly lie repeatedly. There has been no consequence for that, not just from the United States, but from around the world. I think that, collectively, we all need to do substantially better.

Ms. KADEER. Yes, it is really sad that the U.S. Government, the administration is not implementing the laws that, Congressman, you have just mentioned. Because of this, the Chinese Government sees that more as a green light to implement their own aggressive policies with their family planning. Of course, it has been in place for decades, and it is not only used against the Han Chinese, but also used against Uyghurs and other minority groups. Under even Chinese regulations that ethnic minorities, if it is under 10 million, they are not bound by these family-planning restrictions, but the Chinese Government aggressively imposes these restrictions on the Uyghurs, Tibetans, and other groups. So, this is another weapon for the Chinese Government to really make us even a smaller minority now in our own country.

In addition to that, the Chinese Government has been transferring tens of thousands of Uyghur young, marriage-age women out of East Turkestan to eastern Chinese sweatshops in eastern Chinese provinces to work. This is like an exchange of population. We see this as a form of not just a cultural genocide, but really to aggressively assimilate and eventually eliminate the Uyghur people as a Uyghur people.

So, it is our hope that the administration will pursue and implement the laws that can really pressure China on these heinous practices.

Thank you.

Mr. LI. Mr. Smith, thank you. Mr. Smith, could I beg your pardon as to your question? Please repeat it. Could you repeat it?

Mr. SMITH. Sure. The question, you, yourself, raised the importance of speaking out.

Mr. LI. Yes.

Mr. SMITH. We have numerous laws already on the books that go unenforced. Some are enforced to a small extent, but mostly unenforced.

One would be the CPC designation under the International Religious Freedom Act. China has been so designated. It is an egregious violator of religious freedom, whether it be Falun Gong, Uyghurs, underground Christians, Catholics. It is across the board.

Secondly, on trafficking, this year, again, China got a pass. We punted as a government and did not designate China as a tier III violator, which is the worst category, susceptible to a whole array of sanctions. There is no doubt that China warrants it—no doubt. The evidence is overwhelming. Even how they mistreat the North Koreans—and I will yield in a second because I am out of time—how they mistreat the North Koreans, who come across, and traffic those poor women or send them back to a cruel fate in North Korea.

The third has to do with a current, existing visa ban where any person involved or who is complicit in the forced abortion policy of China, by our law, since 2000, cannot get a visa. Under the Obama administration, four people have been so precluded a visa.

So, there is, then, the Kemp-Kasten language that says here are the words; this is the law: Any organization that supports or co-manages a coercive population-control program cannot get U.S. funding. That has been breached as well.

Mr. LI. Thank you, Mr. Smith, and thank you for your efforts.

Anyway, I believe that the U.S. Government, the White House, should be looking to organ harvesting crime, because it is so horrible, and speak out against this crime.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. TSERING. Congressman, we concur with your position that laws that are there need to be implemented if China is to understand what the United States stands for. For example, in the case of Tibet, Congress has mandated that there be a consulate in Lhasa. To date, nothing has happened about that, and that is something that ought to be done.

In terms of access, in our recommendation what we have said, China doesn't respect the diplomatic principle of reciprocity. China doesn't allow the United States' diplomats or other government officials access to Tibetan areas to get the real situation.

But, on the other hand, China always sends or the United States provides visas to Chinese officials to come to the United States and to propagandize about Tibet and other issues freely without any qualms. So, the Congress should seek restrictions on these, so that there is this principle of reciprocity.

Mr. SMITH. And just a final 30 seconds?

Chairman ROS-LEHTINEN. Gosh, Mr. Smith, maybe we will——

Mr. SMITH. I can't get a visa to China.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Connolly of Virginia is recognized.

Mr. CONNOLLY. My goodness, Madam Chairman, he must have given you a bucket-load of chocolate. [Laughter.] I thank the chair, and I welcome our panel.

I just want to say I certainly share the passion about human rights with my colleague from New Jersey, but I certainly do not share in the judgment that somehow the President of the United States and his administration have somehow been playing a backseat on this issue. I don't think that is true. I think it is sometimes easy for us here in Congress to opine about human rights as opposed to those who have the responsibility for sometimes executing policy when it comes to specific cases.

We just had a success story in China, actually, in getting a dissident out of China, and I think it involved very direct face-to-face statements by the Secretary of State, who was visiting at the time, and back-room negotiations between our Embassy officials and foreign ministry officials in the People's Republic of China, that ultimately led to getting the gentleman and his family out of China.

Now sometimes we have to ask ourselves, are we more interested in making a point and using this platform to do that or are we sometimes more interested in trying to have a result? And so, I just say in defense of the President, I think he is as passionate and

committed to human rights as any of us, but he has what we don't have, which is the responsibility of executing policy.

That doesn't mean we can't and shouldn't continue to press on that regard, whoever is in the White House, because I think human rights has to be enshrined as a cardinal value, an American value and, indeed, a universal value, and we have to advocate for it, even when it is inconvenient.

Let me ask, Mr. Li, you seemed to indicate, if I understood your testimony correctly, that you were skeptical about the value of the dialogue; it wasn't going to produce much. Did I get that right?

Mr. LI. Yes. Yes, I doubt, if they keep it as a private session.

Mr. CONNOLLY. But here is my concern about that: I mean, we even talked to the Soviets in the Cold War, at the height of the Cold War, about human rights, with sometimes having some effect on Soviet Jewry.

And we implemented laws, like Jackson-Vanik. Hopefully, we will implement some more, as Mr. Genser indicated, in terms of Magnitsky, if we are going to do PNTR with now Russia.

If there is no dialogue, how do we effectuate change in policy? How do we help individuals and groups of individuals protect their human rights if we are not at the table pressing that other party?

Mr. LI. Thank you.

Because from my point of view, I notice that the Chinese Government takes the human rights dialogue itself as progress and, actually, I didn't see any progress or change of the Chinese human rights situation.

Mr. CONNOLLY. Do you believe that the Chinese are impervious to international opinion, international pressure on this subject?

Mr. LI. I think if we condemn the Chinese Government publicly and openly, it will feel the pressure and at least do some change. Thank you.

Mr. CONNOLLY. Mr. Genser, what is your view about the value of dialogue with the Chinese Government on this subject?

Mr. GENSER. Well, I think Mr. Li and I have a disagreement, at least in a small respect. I think, to a large extent, we agree that the dialogues themselves are an opportunity taken by the Chinese Government to emphasize process rather than substance. So, they issue press releases about how wonderful it is that they are engaging in dialogue and that should be the end of the discussion.

And I don't think dialogue alone is sufficient. This is why I talk about the need for benchmarks, timelines, and consequences out of these dialogues. It can't be the case that we just keep talking and talking and talking, and we don't see changes to their laws; we don't see changes in their conduct, and we don't see them responding to particular concerns that we raise.

Mr. CONNOLLY. But, of course, Mr. Genser, it is a bit of, not that you are doing this, but, I mean, it is a little bit of a straw man to say negotiations alone aren't going to be the answer. Who is arguing that? Who in the U.S. foreign policy establishment or in this administration or in this Congress is saying negotiations are sufficient—I'm sorry—dialogue is sufficient?

Mr. GENSER. No, I mean, I agree with you that isn't anyone's public position, but I have to say—and I am very much a human rights partisan and not a political one in any respect, and so I just

call it as I see it—I have been disappointed, unfortunately, in this administration's willingness on a range of issues on Chinese human rights to follow through on a range of issues. And so, I will give you an illustration.

Gao Zhisheng I have talked about extensively. Geng He was in town around the time of the Xi Jinping visit. We requested a meeting either with Secretary Clinton or the President or the Vice President, and neither of them had time on their schedules. Now I understand they are busy people. But, unfortunately, the President, in the run up to the Xi Jinping visit, met with four experts on China and Chinese rights, but none of them were actual victims of Chinese human rights abuses. And so, those kinds of symbolic gestures, or lack of symbolic gestures, speak volumes.

I have to say that I really wish, for example, this President would spend more time with dissidents from different countries around the world and meet with them, and give them the platforms that merely a meeting with the President in the Oval Office would have. And so, I just think that we are really missing something if we don't look at the public diplomacy element that the President and the Secretary of State can play on these kinds of issues.

They have done some. I think they need to do substantially more, particularly when I know that they have raised, for example, Liu Xiaobo's case privately to the Chinese Government. His wife remains under house arrest and has for 22 months.

So, my question publicly, and what I have said directly to the administration, is: What are you going to do now that you have raised these issues privately and quietly? You haven't gotten a response from the Chinese Government. What is the next step, right? Because 22 months under house arrest in Liu Xia's case without any due process of law whatsoever is pretty egregious conduct. And so, if you don't get somewhere with the private request, what do you do next? Unfortunately, I haven't seen what it is going to do next, although I have been asking repeatedly.

And so, these are illustrative examples to me of concerns that I have about how we need to follow through on our publicly-stated concerns.

Mr. CONNOLLY. Thank you. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Connolly.

Mr. Rohrabacher, the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Thank you very much, Madam Chairman. And thank you, Madam Chairman, for doing your part in sending the right message that America needs to be sending to dictators throughout the world, and especially the world's worst human rights abuser, which happens to be China.

I am very dismayed at this struggle, which I have been witnessing close-up for 30 years. Let me just note that, under the Reagan administration, which I was proud to serve as Special Assistant to President Reagan as well as one of his speech writers, we held dialogue with countries, but we had lots of dissidents in to see the President. There were people who came from China and met with President Reagan in the Oval Office. There were people from Eastern Europe who came and met with President Reagan in

the Oval Office and high-level officials. I personally met with dissidents in the Soviet Union during that time period.

Let's just note that the double-standard that I see right now for China seems to be, I mean, it is overwhelming to me as an individual. There has been great reform in Russia. I mean, I think it is a wonderful thing. And by the way, Ronald Reagan did not accomplish the great changes that have taken place in Eastern Europe and in Russia, he did not accomplish that by opening up more trade.

In fact, it was just the opposite. We never gave Most Favored Nation status to the Soviet Union, and we had a whole totally-different approach. We were actually supporting the dissident movements. It would be the equivalent of today our Government would be providing help, as we should be, to the Uyghurs or to the Tibetans. That is what brought an end to the Cold War with Russia, at that time the Soviet Union. And hopefully, it would bring an end to this antagonistic, fascistic regime in Beijing and open a door for more freedom and peace in that part of the world.

Let me note that it is disturbing to see that we are saying to Russians, even after all of their reform, that they can't join the WTO without certain human rights commitments. That is a good thing. But we are not enforcing any of those commitments on China. I mean the double-standard between Russia and China is so glaring that it is giving a bad message to both the Russian Government and to the Chinese Government.

So, let me ask a question. I am going to get one question here, and that is, of course, let me note that after Ronald Reagan left, Herbert Walker Bush was President of the United States, our Republican, who, again, this body voted to eliminate Most Favored Nation status for China after Tiananmen Square twice, and Herbert Walker Bush vetoed that. So, this isn't a Democrat-versus-Republican. This is Americans who are proud of our values and other Americans who would rather do business and make sure we have short-term profit.

But I would like to ask the panelists this. I have got 1½ minutes to do it. What has happened in the past when we allow monstrous regimes to get away from being confronted by their crimes against their own people, quite often, they start committing crimes and using their pressure and arrogance against countries, other countries, to do their bidding.

I just mention that President Ma in Taiwan isn't even mentioning the Falun Gong practitioner who is a Taiwanese citizen, who is now being held in prison in mainland China. Have you any examples where people from your communities have actually suffered attacks or repression in other countries outside of China by the Chinese Government? And that is for the panel.

Chairman ROS-LEHTINEN. If you could repeat that last question?

Mr. ROHRABACHER. The question is, basically, do you know of examples in your communities, whether the Uyghurs or the Tibetans or human rights people from China itself, do we have examples where in other countries the Chinese dictatorship in Beijing is reaching out of their own country to try to expand their repressive behavior against those communities in other countries, even maybe the United States?

Ms. KADEER. Yes, the Chinese Government's pressures and threats are very pervasive, not only in East Turkestan, but the long arm of China is reaching China's neighboring countries and other countries, especially in pressuring the extradition of Uyghur activists who fled into those countries.

One example is the deportation of 20 Uyghurs by the Cambodia Government in December 2009 back to China, where they sought asylum. They were deported back to China just before the visit of China's Vice President Xi Jinping.

And also, we have numerous examples of Uyghurs being deported by Kazakhstan, Kyrgyzstan, and Uzbekistan. For example, Ershidin Israil, a Uyghur activist who fled Kazakhstan, was deported back to China by the Kazakh Government. And also, Huseyincan Celil, a Uyghur Canadian citizen who visited his wife's family in Uzbekistan, he was kidnapped by the Uzbek Government, sent back secretly to China, where he is facing a life sentence today. The Canadian Government could do little to really get even consular access to him. These are just a couple of examples.

The only Uyghurs who are safe, refugees, if they have fled to America or Europe. Otherwise, China is able to pressure other countries to send them back. Once they are back to China, they all disappear for good. Then, we have no information as to what happened to them.

Thank you.

Mr. ROHRABACHER. Madam Chairman, thank you for holding this hearing. And again, we need to demonstrate what our real values of the American people are, and you are doing your part. Thanks.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Rohrabacher.

Mr. Sherman, the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade, is recognized.

Mr. SHERMAN. President Obama met with the Dalai Lama last July at the White House. But, in general, we have not done enough to push the Chinese on human rights. In a way, American values are being held hostage by the trading relationship that we have agreed to with the Chinese. The Chinese have total access to the U.S. market. No matter what they do, they have total access to the U.S. market. As Dana Rohrabacher pointed out, the events occurred at Tiananmen Square, and they didn't lose a slight bit of access to the American market.

In contrast—and this is disguised—our access to the Chinese market is entirely dependent upon Chinese Government decisions. Whether they buy the Airbus or the Boeing plane, that is not a decision made by airline officials who examine the planes carefully. That is a political decision. And America's jobs are held hostage by the Chinese Government. As long as we are in a circumstance where their access to our market is unlimited and our access to their market is at the grace of their government, then American values will be held hostage.

Mr. Tsering, what lessons should the world draw from the tragic self-immolations of Tibetan monks and nuns and other religious figures? Do you know of any evidence to support the Chinese Government's charge that the immolations were encouraged by groups outside China?

Mr. TSERING. Congressman, thank you for your question.

As you can see from the chart over there, that is a list of names of Tibetans who have committed self-immolation so far. One single message, if we can get out of it, is that the Tibetan people are not satisfied under the current Chinese rule. They are also looking for the international community's assistance, assistance from the Chinese people, assistance from everywhere, to save them from this present situation.

It is very encouraging that there are governments who have issued statements. But, more than that, what we need is concrete action. For example, at this Bilateral Human Rights Dialogue, the United States would have raised the issue of self-immolation. Now the Congress should be let known what has been the Chinese reaction and what the United States would do in the face of such a reaction from the Chinese side. So, therefore, I think this is related to the larger issue of why there is a problem in Tibet, and the Chinese have to answer that.

Mr. SHERMAN. Ms. Kadeer, China is justifying its policy with claims that the Uyghurs and those who assert Uyghur rights are somehow affiliated with international Islamic extremist terrorism. What are the facts, and are there any Uyghur groups that receive support from al-Qaeda, from Saudi Arabia, or from Iran? I realize putting Saudi Arabia in that list is for my own information and is not designed to say that there is an equivalency of those three.

Ms. KADEER. After the tragic events of the September 11th terrorist attacks in the United States, and after the beginning of the global war on terrorism, the Chinese Government used both of them to its advantage to demonize and label the Uyghur people's legitimate opposition to China Government's brutal rule in the region as terrorism and fabricate stories that alleged Uyghur groups had links with international terrorism, to justify their heavy-handed rule in the region.

And so, we believe the Uyghurs actually became a victim of even the acts of Osama bin Laden and his terrorist organization because we happen to be Muslims, and China used that to its vast advantage to demonize us.

One example is the unrest on July 5th of 2009, which began peacefully by the Uyghurs taking to the streets to protest against the mob killing of the Uyghurs in Guangdong province. But that day, the Chinese security forces opened fire and killed hundreds of them. They even turned off the street lights at night from 9 o'clock p.m. to 3 o'clock a.m. and killed so many of the Uyghurs.

And the Chinese Government, in addition to accusing some Uyghurs as terrorists, also accused me as a terrorist. China continues to accuse me.

Mr. SHERMAN. If I can interrupt, my two specific questions there: Are Uyghur groups receiving support from Iran, and are Uyghur groups receiving support from Saudi Arabia?

Ms. KADEER. And none of the Uyghur groups ever received any money or financial aid from either Iran or Saudi Arabia. Actually, both countries are allies of China. So, they would never support any Uyghurs for any cause, and they have never supported us in any fashion.

Mr. SHERMAN. Thank you for your specificity.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Sherman.

And now, Mr. Royce, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, is recognized.

Mr. ROYCE. Thank you, Madam Chairman.

I wanted to ask Mr. Genser a question. We have, over the last few months, seen a crackdown by the North Korean leader. Kim Jong Un really has toughened punishment for anybody who attempts to flee from North Korea into China. And so, those refugees who are repatriated are tortured, often killed, shot. I have seen some of the tapes of this.

One of the questions here is the complicity, the way in which Beijing has assisted in repatriating those North Korean refugees. Now, in Seoul, because of the candlelight vigil, it has become a very popular cause to become more aware of what is happening to North Korean refugees. And you had four South Korean human rights activists who were working in China who were held, and because of the pressure, were released by China. I wanted to see your thoughts about diplomatic pressure from Seoul and whether or not you think that is what led to the release of these South Korean human rights activists.

Mr. GENSER. Thanks so much, Congressman Royce, for the question.

I actually happen to do a lot of work, also, on North Korea human rights and know you have been a real leader in the Congress on North Korea human rights for many years. So, thank you for that.

China's repatriation of North Korean refugees to North Korea is a flagrant violation of its obligations under the Refugee Convention. By definition, at a minimum, those who flee from North Korea without permission are so-called refugees sur place because it is actually illegal under North Korean law to leave the country without permission, and it is punishable potentially by the death penalty. So, the moment they have left North Korea to enter China, they are at risk of serious persecution upon their return.

So, clearly, much more pressure needs to be put on China with respect to their complicity. And with respect to the four South Koreans and their activities inside China, I think China had to make a relatively, I hope, easy decision as to whether they wanted to have the spotlight of international pressure placed upon them.

Mr. ROYCE. Well, that was my point. That spotlight of international pressure. What I want to check on is whether or not we could look at a longer-term strategy. Is there a way diplomatic pressure can be placed on China to allow the U.N. High Commissioner for Refugees' Office in Beijing to begin its policy of enforcement to see if we can't get safe passage to South Korea of those North Korean refugees?

Mr. GENSER. Yes, I mean, I think that that is precisely the direction we need to go. I think that South Korean pressure mattered a lot. The mobilization of the South Korean public was noted, I am sure, by Beijing and had to play a key role in the decision.

The challenge has been usually you don't have third parties.

Mr. ROYCE. Right, but our problem right now is they have not bowed to any pressure in terms of returning or allowing North Korean refugees safe passage. They have bowed to the pressure from North Korea to return those refugees. And so, wider recognition in

the international community and more pressure from NGO groups and more attention to this issue I think is necessary in order to turn up the heat.

I had a question for Mr. Li pertaining to the question of how pervasive the use of torture is in China's prisons. I read your account, your written account, of what transpired over the period of the months after months that you were held before your trial and then after your trial in terms of the torture that you endured and the types of torture applied. I wanted to ask you about how pervasive you believe that may be.

I also wanted to ask you about how concerned young Chinese, who are pretty open on the internet in terms of their discussions about the desire for more freedom of association and freedom of expression, how concerned they should be about the law on disappearances passed by the National People's Congress in March. Mr. Li?

Mr. LI. Thank you.

Actually, to your first question, I would say anyone who did not transform or be transformed would be tortured by any means.

Mr. ROYCE. And how about your concern about the law on disappearances?

Mr. LI. The law on——

Mr. ROYCE. On disappearances, which you might be familiar with, but it was passed by the National People's Congress in March.

Mr. LI. Sorry, I didn't know much about——

Mr. ROYCE. Then, I will ask you, if I could, Madam Chairman, I will just ask you one final question. To what extent does the Chinese judiciary actually function independently from political interference? To what extent is the judiciary system independent?

Mr. LI. I don't think they are separate because they are all under the leadership of the Chinese Communist Party.

And as to the disappearance act, frankly, I don't know much about it, but from my own experience I think they never mind to make somebody disappear.

Mr. ROYCE. As you say, you were held for 8 months.

Mr. LI. Yes.

Mr. ROYCE. And your mother passed away, partly from worry, during that period of time.

Mr. LI. Yes.

Mr. ROYCE. She was only 60, I think, at the time.

Mr. LI. Yes.

Mr. ROYCE. And you had no awareness of that or her funeral because at that point in time, prior to your trial, you simply had disappeared.

Madam Chairman, thank you very much for this hearing.

Mr. LI. Thank you.

Chairman ROS-LEHTINEN. Thank you so much.

And we have given members more time because of the translation. So, don't worry about that.

Mr. Poe, the vice chair of the Subcommittee on Oversight and Investigations.

Mr. POE. Thank you, Madam Chair.

China, who are these folks? Well, they are the people who steal our trade secrets. They steal our patents. They invade our internet and go to our Web sites. They are one of the nations that refused to take back convicted Chinese citizens that are convicted in American jails. They don't take them back, as they should according to American law. They torture and they kill their own people. And China is a source, transit, and destination country for sex, labor, and organ trafficking, according to the 2012 Trafficking Persons Report, compiled by our State Department.

In fact, where I live down in Texas, in Harris County, Texas, there are 20 to 30 illicit massage parlors, mostly run by the Chinese. It is sex slavery. These investigators have found wire transfers going in and out of China from owners of these parlors. China doesn't, to me, seem to care much about human trafficking. They are on the tier III watch list for 8 years. They ought to be on tier III, where the worst of the worst offenders are, but China is not there.

The State Department, who determines what tier countries get on, admits that the only reason China got a waiver from tier III is not because of its human trafficking ability or crackdown, but it has got a paper of policy saying that we don't like human trafficking. China knows that they don't enforce it. We know they don't enforce it, and the State Department doesn't seem to want to deal with the sanctions on China as a tier III determination.

I think we ought to quit making excuses for China. The State Department should, I think, quit giving them cover by ignoring human rights violations. The State Department, God bless them, they want to talk, talk, talk. That is what they do. They are diplomats. One thing I have never been called is a diplomat, but they are diplomats. And they want to talk about all these issues with the Chinese. But, you know, like my grandfather used to say, when all is said and done, more is said than done. And it seems that all of this continues to go on.

China eventually needs to suffer the consequences for all of these human rights violations. Mr. Genser, what do you think those consequences ought to be?

Mr. GENSER. Well, let me just reiterate—and, Judge Poe, Congressman, I wanted to thank you for your remarks—I think we need to be as aggressive with the Chinese as they are with us. They are unapologetic and very clear in what they are trying to do to their own people in order to maintain their grip on power.

Unfortunately, I suppose one of the benefits of a democracy, and one of the challenges of a democracy, is we have an open debate in our country about what our priorities are and how much human rights should factor into our concerns about China. And we have companies that want to trade and do business and want to de-emphasize human rights. This is all healthy in a democracy.

Nevertheless, I do think that human rights is a fundamental value of our country, and human freedom is enshrined in our Declaration of Independence and our Constitution. So, I think it is time, as Congressman Smith was saying, to enforce the existing laws that are in place.

I think moving China to be a tier III country, as you mentioned, in human trafficking absolutely should happen. There is a range of

sanctions because China is a country of particular concern under the International Religious Freedom Act that should be imposed. I would like to see a Sergie Magnitsky Act for China where thousands of Chinese Government officials who are complicit in torture and wrongful imprisonment and a range of other crimes against humanity can be imposed on the Chinese Government.

All these could be used in an interim process as clear threats to the Chinese to see if we can influence their behavior. I don't know necessarily that we have to start doing all this overnight, but we need to send a clear message from the top of the government, from the President of the United States and the Secretary of State, that our relationship with China is going to change, and that unless it starts to change, unless some of these fundamental concerns of our people start to be addressed in a meaningful and systematic way, that we are going to go down the road of starting to directly address the kind of consequences that we are all discussing here today.

Mr. POE. Thank you.

Mr. Li, I have one final question for you regarding the Falun Gong. How many folks in the Falun Gong have been killed because of the Chinese Government's policy? And is the situation with the Falun Gong in China getting worse, getting better? Where is it headed, in your opinion, the persecution?

Mr. LI. Okay. Thank you.

Reportedly, over 3,000 Falun Gong practitioners have been killed, and this is not complete.

As to the second question, I think the situation is deteriorating. I haven't seen any progress of Falun Gong practitioners.

Mr. POE. Well, let me ask you this: Is the persecution increasing against the Falun Gong? Or is it diminishing?

Mr. LI. It is increasing, I believe.

Mr. POE. All right. Thank you, Madam Chair.

Mr. LI. Thank you.

Chairman ROS-LEHTINEN. Thank you very much, Mr. Diplomat, Ambassador Poe. [Laughter.] Mr. Bilirakis, my Florida colleague, is recognized.

Mr. BILIRAKIS. Thank you very much, Madam Chair. I appreciate it. Thank you so much for holding this hearing as well.

I have a question for Ms. Kadeer. I hope I didn't mispronounce that name. I apologize.

But, Ms. Kadeer, I understand that you met with President George W. Bush while he was in office at least once and, also, I believe you met with Secretary Rice as well. Have you had any opportunity, have you been able to arrange a meeting with President Obama or Secretary Clinton? And elaborate on that, but I would like for you to answer that question first.

Ms. KADEER. Yes, I was able to meet with President Bush, actually, twice during his administration, the first time in Prague, the second time in the White House. So, both of the meetings sent a strong message to the Chinese Government that the U.S. was deeply concerned with the Uyghur rights issues.

And also, with regard to the situation of my children at the time, China was very careful because of these meetings. And also, there were frequent visits from the U.S. Embassy to our homeland.

And actually, I was able to honorably meet with First Lady Laura Bush.

Obviously, I would love to have the honor to meet President Obama to speak what is in my heart regarding the human rights violations, but so far I have not had the honor. Of course, I am available, and I also requested meetings many times in the past, but that has not materialized.

I also want to meet with Secretary Clinton, especially to talk about the case of my children, but still——

Mr. BILIRAKIS. Why do you think that is the case?

Ms. KADEER. I am not exactly sure why, but my hope is, as a mother, to talk to another mother regarding my children's case, but that has not happened.

And I certainly hope I would have the opportunity to meet President Obama eventually. My thinking is probably that President Obama doesn't want to offend the Chinese Government, and that is why he probably decided not to meet with me and the other people.

Mr. BILIRAKIS. Okay. Thank you very much. Thank you, Madam Chair. I yield back the balance.

Chairman ROS-LEHTINEN. Thank you very much.

Thank you for bringing up that terrible human cost that comes with being a leader for freedom and democracy. Thank you for excellent testimony, and especially for giving us some very valuable suggestions about what we can do to press for freedom and democracy and openness and fairness for the people of China who hunger for freedom. Thank you so much.

With that, our committee is now adjourned.

[Whereupon, at 11:54 a.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

July 23, 2012

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building **(and available live via the Committee website at http://www.hcfa.house.gov)**:

DATE: Wednesday, July 25, 2012

TIME: 10:00 a.m.

SUBJECT: Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture and Disappearances

WITNESSES: Mr. Jared Genser
Founder
Freedom Now

Ms. Rebiya Kadeer
Uyghur Democracy Leader

Mr. Hai Li
Falun Gong Practitioner

Mr. Bhuchung K. Tsering
Vice President
International Campaign for Tibet

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Wednesday* Date *7/25/12* Room *2172 RHOB*

Starting Time *10:00 a.m.* Ending Time *11:54 a.m.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Ileana Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture, and Disappearances

COMMITTEE MEMBERS PRESENT:

Attendance sheet attached.

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Connolly (SFR)
Mr. Tsering (2 SFR's)

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:54 a.m.*

Jean Carroll, Director of Committee Operations

Hearing/Briefing Title: Investigating the Chinese Threat, Part Two:
Human Rights, Torture, and Disappearances
Date: 7/25/12

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
	Dan Burton, IN
	Elton Gallegly, CA
X	Dana Rohrabacher, CA
	Donald Manzullo, IL
X	Edward R. Royce, CA
	Steve Chabot, OH
	Ron Paul, TX
	Mike Pence, IN
	Joe Wilson, SC
	Connie Mack, FL
	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
	Jean Schmidt, OH
	Bill Johnson, OH
	David Rivera, FL
	Mike Kelly, PA
	Tim Griffin, AK
	Tom Marino, PA
	Jeff Duncan, SC
	Ann Marie Buerkle, NY
	Renee Ellmers, NC
	Robert Turner, NY

Present	Member
X	Howard L. Berman, CA
	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Brad Sherman, CA
	Eliot Engel, NY
	Gregory Meeks, NY
	Russ Carnahan, MO
	Albio Sires, NJ
X	Gerry Connolly, VA
	Ted Deutch, FL
	Dennis Cardoza, CA
	Ben Chandler, KY
	Brian Higgins, NY
	Allyson Schwartz, PA
X	Chris Murphy, CT
	Frederica Wilson, FL
	Karen Bass, CA
	William Keating, MA
	David Cicilline, RI

The Honorable Gerald E. Connolly (VA-11)

HCFA Full Committee Hearing: Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture and Disappearances
Wednesday July 25, 2012
10am

The goal of this hearing is to shed light on Beijing through the lens of human rights. I sense that the testimony we will receive today will emphasize the fact that an economic relationship alone cannot paper over long-standing and unresolved international concerns on human rights or other issues. Acknowledging those issues can send a powerful message to domestic and international audiences. According to the most recent report from the Congressional-Executive Commission on China:

> *Human rights and rule of law developments in China are important to the rest of the world. The rights to freedom of expression, association, and religion are universal and transcend borders.*[1]

Labor rights continue to be an issue of concern in China, as "workers in China still are not guaranteed...full worker rights in accordance with international standards, including the right to organize into independent unions."[2] In fact, authorities "harass, detain, and imprison labor advocates and lawyers whom officials [deem] to be threats to 'social stability'."[3] The irony is that given the purported foundation of its government, one would think China would recognize basic labor rights, such as the right to organize into a labor union, or to advocate on one's behalf in the workplace. Yet individuals like migrant workers "[lack] access to reliable social insurances, specifically payments covering occupational injuries and diseases," and face "wage arrears and non-payment of wages."[4] This is particularly troublesome, given the "persistent occupational safety issues" faced by Chinese workers.[5]

The lack of freedom of religion in China has often caught the world's attention, particularly since the formal incorporation of Tibet into China in 1951 and the subsequent exile of the Dalai Lama in 1959. China recognizes only five official religions and requires followers of these religions to register with the government; the five religions are: Buddhism, Catholicism, Islam, Protestantism, and Taoism.[6] The hand of Beijing is heavy and ever-present in the practice of religion. For example, the State Administration for Religious Affairs (SARA) outlines rules for religious houses of worship, such as Tibetan monasteries; and in 2010, SARA announced its intention "to begin drafting measures for the management of religious schools of Muslims' pilgrimage to Mecca (Hajj)."[7] Beijing does not differentiate when it comes to religious control. In fact, "the government and Party continued to harass and detain unregistered Catholics who

[1] Congressional-Executive Commission on China, *2011 Annual Report*, p. 3.
[2] CECC 2011 report, p. 67.
[3] Ibid., 69.
[4] Ibid., 72.
[5] Ibid., 76.
[6] Ibid., 94.
[7] Entire sentence, including quote, are from Ibid., 94.

The Honorable Gerald E. Connolly (VA-11)

practice their faith outside of state-approved parameters."[8] And this Committee is quite familiar with the "extensive, systematic, and in some cases violent efforts to pressure Falun Gong practitioners to renounce their belief in and practice of Falun Gong."[9]

The point in bringing up these issues is not to embarrass or single out China. On the contrary, human rights concerns are not limited to one country. These issues are a helpful reminder that no matter how economically advanced a country is, success on the global stage will be measured by its actions across a spectrum of important economic and social concerns. As China continues to advance economically and technologically, it has a real opportunity to confront social issues in a meaningful way that will garner a positive international reaction. In the end, an internal respect for human rights would be an important step toward building external credibility.

[8] Ibid., 96.
[9] Ibid., 98.

[NOTE: The material submitted for the record by Mr. Bhuchung K. Tsering, "Self-Immolations in Tibet" and the "Summary of Human Rights Abuses in Tibet in 2012," is not reprinted here due to length limitations but is available in committee records.]

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