

**TWO YEARS LATER: THE ONGOING DETENTIONS
OF NOBEL PEACE PRIZE LAUREATE LIU
XIAOBO AND HIS WIFE LIU XIA**

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BEFORE THE
**CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA**
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**TWO YEARS LATER: THE ONGOING DETEN-
TIONS OF NOBEL PEACE PRIZE LAUREATE
LIU XIAOBO AND HIS WIFE LIU XIA**

WEDNESDAY, DECEMBER 12, 2012

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:12 a.m., in room 2118, Rayburn House Office Building, Representative Christopher Smith, Chairman, presiding.

Also present: Senator Sherrod Brown, Cochairman.

**OPENING STATEMENT OF HON. CHRISTOPHER SMITH, A U.S.
REPRESENTATIVE FROM NEW JERSEY; CHAIRMAN, CON-
GRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Chairman SMITH. The Commission will come to order. Welcome to everyone.

Two years after the independent Nobel Committee awarded the Nobel Peace Prize to Chinese intellectual and democracy activist Liu Xiaobo, little has changed. Liu Xiaobo remains isolated in prison. He remains thousands of miles away from his wife, Liu Xia, who authorities have now held under house arrest for some 26 months.

Chinese authorities continue to defend their imprisonment of Liu Xiaobo and to deny his wife is under de facto house arrest. Despite global calls for the release of the Nobel Peace Prize laureate and his wife, Chinese authorities remain resolute in their will to silence them.

It has now been a year since we last convened a hearing to discuss this outrageous and senseless violation of Liu Xiaobo and his wife's rights. A year later we ask the same questions and express the same concerns.

Liu Xiaobo's ordeal is well known. In December 2010, the Nobel Committee awarded the Nobel Peace Prize to Liu Xiaobo for "his long and non-violent struggle for fundamental human rights in China." A year earlier, Chinese authorities sentenced him to 11 years in prison for "inciting subversion of state power," the longest known sentence for that so-called crime, simply because he exercised his internationally recognized right to free expression.

Liu's condition, according to court documents, was based on Charter 08 and six essays that he wrote. Mr. Liu's trial, conviction, and sentence once again demonstrated the Chinese Government's failure to uphold its international human rights obligations and its

failure to abide by procedural norms and safeguards that meet international standards.

Liu Xiaobo co-wrote and signed Charter 08 and treaties urging political and legal reforms based on constitutional principles. Charter 08 states that freedom, equality, and human rights are universal values of humankind and that democracy and constitutional government are the fundamental framework for protecting these values.

In response to this public call for rights and reform, officials blocked access to, and censored all mention of, Charter 08. They questioned, summoned, or otherwise harassed hundreds of Chinese citizens for contributing to or signing the document.

To many of us it was reminiscent of Charter 77, that great document written by many people in the former Czech Republic, Czechoslovakia at the time. That document, like so many others around the world, including Charter 08, articulates what we all believe is enshrined in the universal declaration of human rights. Every person, man, woman, or child, is deserving of those fundamental human rights.

Today we have little news about Liu Xiaobo's current condition. Liu remains in prison. There is little doubt that the Chinese continue to treat him unmercifully. Sadly, we do have some news. While we knew authorities continued to hold Liu's wife under a de facto form of house arrest with little contact from the outside world, we have recently learned more about her unbearable circumstances and detention.

Last week, two Associated Press journalists were able to briefly interview Liu Xia while the guards that kept watch over her were away for a midday break. Upon opening the door, the journalists found a woman shocked by the rare opportunity to communicate with those outside her prison. She wept and decried the injustice and absurdity of her detention.

She told them of her poor health and of the outrageous abuses that she has suffered. Her ongoing plight has been referred to by some as the most severe retaliation by a government given to a Nobel winner's family. In violation of Chinese law, Liu Xia remains detained, a victim of the government's contempt, its paranoia, and its weakness. Angered by Liu's award and his global support, Chinese authorities have unjustly detained this innocent woman as well.

The targeting of wives and children, grandparents and associates, however, remains a common practice for the Chinese Government. A few weeks ago, a nephew of Chen Guangcheng, the blind activist who escaped to the United States earlier this year, was sentenced to 39 months in prison after defending himself from thugs who had attacked his family. As with Liu Xiaobo's case, the trial was marred by procedural irregularities and gross violations.

In recent months, the wife and child of a Mongolian activist, Hada, have been illegally confined to their home and blocked from communicating with others. Today we will hear moving first-hand accounts of how families suffer when courageous individuals speak out against the Chinese Government, especially its human rights abuses.

This, of course, is not a new tactic by the Chinese authorities. In recent years we have heard how Chinese officials, and those operating under their authority, have interrogated children or harassed acquaintances. Chinese guards have shouted expletives at school-aged children, sons and daughters, and enforced economic reprisals against relatives and loved ones.

Liu Xia is not alone, but she remains a symbol of these often overlooked collateral victims. Why target family members and friends? The Chinese Government fears the free thinkers they love and support. It acts in ways to silence those free thinkers who promote the best ideals and seek the greatest good for China.

In China, free thinkers represent a threat to the government's so-called stability, while representing new hopes for the Chinese people. This threat of reform is China's greatest concern. Recently after the sentencing of Chinese official Bo Xilai's wife for intentional homicide, leading human rights and China experts suggested that she might receive a medical pardon after nine years. Nine years for murder, as compared to 11 for Liu Xiaobo's call for freedom?

This is the China we are dealing with, one in which premeditated murder is viewed with less concern than calls for non-violent political reform, a China in which Chinese officials are sentenced to reclusive, plush prisons while wives and children and parents of rights advocates are doomed to a Kafkaesque existence, languishing in domestic prisons without opportunities for appeals or pardons.

A year after our last hearing on the subject, little has changed. Mr. Liu Xiaobo remains in prison and his wife under an extralegal form of house arrest. Our resolve, however, has not changed. In fact, it has grown even stronger. Today we are more concerned about the current conditions for Liu Xiaobo and his wife. We are more outraged at the lack of humanity demonstrated by those perpetrating these crimes, for the thugs guarding Liu Xia's door, and the newly appointed leadership in Beijing.

Today, our resolve and the resolve of free-minded people is, without question, stronger. A few years ago, we called on China to immediately and unconditionally release Liu Xiaobo and his wife. Today we similarly demand China end this absurdity for these noble citizens and for all who remain detained in China for their political or religious beliefs.

We have not forgotten Liu Xiaobo and his wife. We commit to seeking their release from confinement and detention. We will not forget them next year, or any year thereafter, regardless of the circumstances. We will continue to demand their freedom and continue to demand that all Chinese citizens enjoy the fundamental freedoms under international law.

It is with this resolve and concern that we are joined today by a panel of extraordinary experts on these cases and on China more broadly, and I would like to thank them for their advocacy, for their tireless efforts on behalf of freedom, democracy, and human rights in China, especially for their deep concern and abiding love for Liu Xiaobo and his wife, and for being here today to share those thoughts with us.

I would like to now yield to the Cochair of the Commission, my good friend and colleague, Senator Brown.

[The prepared statement of Chairman Smith appears in the appendix.]

OPENING STATEMENT OF HON. SHERROD BROWN, A U.S. SENATOR FROM OHIO; COCHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Senator BROWN. Thank you, Mr. Chairman, for hosting this hearing. The Chairman and I stand united behind this cause and I am grateful for his efforts.

We stand with our government, we stand with governments around the world, and the 134 Nobel laureates, led by Archbishop Tutu, to urge incoming Chinese President Xi Jinping to immediately and unconditionally release Liu Xiaobo and his wife Liu Xia.

Let me be clear, there is no question that China has made progress on many fronts, but we know that the Chinese people are not, and should not, be satisfied with economic progress in the absence of justice. We know that Chinese citizens, like women and men around the world, want and deserve basic human rights. They deserve freedom, justice, and equality of opportunity. They deserve to voice their opinions without fear of oppression.

That is why we are here today. For decades, Liu Xiaobo has been one of the most passionate and thoughtful advocates for freedom and justice and human rights in China. He was a leader who returned to his country from New York during the 1989 Tiananmen democracy protest. He has written nearly 800 essays advocating human rights and peaceful reform. He was one of the co-authors of Charter 08, a document released four years ago calling for an end to authoritarian rule and respect for human rights.

For this, Liu has been censored. He has endured three years in a labor camp and now he is serving the 4th year of an 11-year prison sentence. That is why, when the Nobel Committee awarded Liu the Peace Prize in 2010, they noted his long and non-violent struggle for fundamental human rights in China.

They understood, the world understood, just as many in China understand, that freedom and human rights are not freely given. It takes courage and commitment. It takes people like Liu who are willing to sacrifice for their neighbors, their families, their fellow citizens, and the next generation.

Dr. Martin Luther King, Jr., a Nobel laureate himself of course, popularized this struggle as the fierce commitment to building the "beloved community." Liu follows in the tradition of Peace Prize winners like Dr. King who labored to build a better world brick by brick.

In 1991, as we know, the Nobel Committee awarded the prize to Aung San Suu Kyi for her democratic opposition to a brutal regime. All of these activists have fought oppression with a message of non-violence at terrific personal sacrifice and an unwillingness to give up.

Liu spoke about the efficacy of non-violence in 2006 when he wrote "the greatest of non-violence resistance is even as man is faced with forceful tyranny . . . the victim responds to hate with

love . . . and to violence with reason.” Each day China denies citizens like Liu basic freedoms, China loses out on the diversity of opinions that lead to better government policies, a better country, and a more just society.

Imprisoning Liu is not the act of a nation serious about earning a place of respect at the global table. It is an act of an authoritarian state afraid, afraid of the strength of its own people. When Aung San Suu Kyi was finally able to give her Nobel acceptance speech 20 years later in June of this year, more than two decades after being awarded the prize, in her speech she said everyone is capable of contributing to peace.

Liu exemplifies the courage needed to cultivate justice. We urge China to release the Liu family. They should not have to wait two decades. He should not have to wait two decades to give his own acceptance speech. We look forward to that day.

[The prepared statement of Senator Brown appears in the appendix.]

Chairman SMITH. Thank you, Chairman Brown.

I would like to now introduce our very distinguished panel of witnesses, beginning first with Carl Gershman, President of the National Endowment for Democracy. Mr. Gershman joined us last year for our hearing on Liu Xiaobo and we are happy to welcome him back. Mr. Gershman has presided with extraordinary effectiveness and balance over the Endowment’s grants program in Africa, Asia, the Middle East, Eastern Europe, the former Soviet Union, and Latin America, and it is great to see him again. I know that the work he does has had a profound effect worldwide.

We will then hear from Dr. Yang Jianli, who is the President of Initiatives for China. Dr. Yang is a distinguished scholar and democracy activist, internationally recognized for his efforts to promote democracy and human rights in China.

Forced to flee China after 1989, Dr. Yang returned in 2001 and was imprisoned by Chinese authorities. Following his release in 2007, Dr. Yang founded Initiatives for China, also known as Citizen Power for China, a nongovernmental organization that promotes China’s peaceful transition to democracy.

I would note parenthetically that it was my honor to join him in Oslo when Liu Xiaobo was awarded the Nobel Peace Prize. He was one of the leaders of the Chinese activists who was there and played a very prominent role in Liu Xiaobo receiving that award in the first place. I just want to thank him for his leadership on all of these issues, but especially for that. It was an honor to be with him.

Our next witness is Mr. Patrick Griffith, a program attorney at Freedom Now, a Washington, DC-based legal advocacy organization that works to free prisoners of conscience around the world, including Chinese citizens Liu Xiaobo and Gao Zhisheng.

A graduate of Georgetown University Law Center, Mr. Griffith currently serves as co-international pro bono legal counsel to Liu Xiaobo and his wife, Liu Xia. So, thank you as well for that great advocacy.

We will then hear from Mr. Yu Jie, a best-selling author in China and a close associate and biographer of Liu Xiaobo. Yu is one of the co-authors and co-signers of Charter 08. In January 2012, Yu

and his family fled China after being released from extralegal home confinement. Yu and his family later received political asylum in the United States.

Finally, we will hear from Liu Min, Yu Li's wife and a close associate of Liu Xia. Because of her husband's activism and outspokenness, Ms. Liu was likewise subjected to unfortunate reprisals and de facto house arrest. We thank her for her participation here today, as well as the ordeal that she has personally endured. I look forward to her discussion on how Liu Xiaobo and other family members, especially his wife, have suffered under official abuses. Mr. Gershman, please proceed.

**STATEMENT OF CARL GERSHMAN, PRESIDENT, NATIONAL
ENDOWMENT FOR DEMOCRACY**

Mr. GERSHMAN. Thank you so much, Mr. Chairman, Senator Brown. Thank you so much for inviting me to testify today.

I would like to take this opportunity to address, briefly, three issues: the dangerous instability of China's political system and its immense human costs; the importance of a peaceful democratic transition as the best way to ensure progress and stability in China, and finally, the recognition that Liu Xiaobo and Liu Xia and Charter 08 are part of a broad popular movement within China which represents the best hope for a democratic future.

The recent scandals around Chongqing Party secretary Bo Xilai and his failed bid for power in the Party leadership transition provide a valuable glimpse into the way the Chinese Government is operating. We see how brutal struggles, unconstrained by formalized rules and due process, are still the norm for the Party from the top to the bottom. This vulnerability of the Party echoes throughout the political system. I guess the Chinese state is brittle and unstable. Many inside China worry the country is headed for a social explosion. According to the well-known Chinese scholar Yu Jianrong, for example, "the government sees the expression of people's legitimate interest as a threat to the social order. Land rights of peasants, food safety for children, wages for workers, residency rights for rural migrants in the urban areas, and minority rights for Tibetans and Uyghurs, all are undermined by government repression.

The law, meanwhile, provides little refuge. While there have been modest gains in the legal system, whatever gains were made are now backsliding. The blind activist, Chen Guangcheng, who we were together with, Mr. Chairman, as you remember, at the end of October here in Washington, whose brave escape from the security apparatus earlier this year highlights the level of repression, calls the Chinese system lawless and this lawlessness is at the root of the instability.

The number of collective protests has been rising steadily from 9,700 in 1993 to 90,000 in 2006, to over 200,000 in 2011, an average of about 500 a day. In Tibet, the government controls are so tight that comparisons have been made to a war zone.

To protest the lack of religious and political freedom, 95 Tibetans, 82 men and 13 women, have self-immolated since 2009. Constant repression of Uyghur culture and a lack of opportunity be-

cause of open discrimination of Uyghurs has resulted in deep resentment and a hardening of ethnic tension.

Across China, demolitions and land appropriations deprive many of their hard-earned property and livelihood. Increasing desperation and the inability of the current system to provide long-term guarantees of rights and liberties lead to more protests and the vicious cycle spirals downward.

Even under these bleak conditions, a social movement has arisen in which ordinary people seek to use the law on behalf of China's people. It takes corrupt officials, police, and the government to court for malfeasance and injustice. It organizes peaceful demonstrations to educate other citizens and rally support for their cause. It posts messages about rights violations on the Internet when the press turns them away.

They call the secret police on behalf of human rights defenders and show up at police stations and black jails for advocacy and rescue. Chen Guangcheng's moral resistance and ultimate escape were the focus of such a human rights campaign, one of the largest since the founding of the People's Republic.

The voices are growing. Tens of millions of Internet users gather and gawk online at stories of corruption and human rights violations to show support for their fellow citizens and create pressure for more accountability. Again, the human costs are high. These human rights defenders receive no help from the establishment, intellectuals, or lawyers from their localities.

The courts either refuse to take their cases; they are defenseless against police violation; or they are often illegally detained, tortured, and sentenced to a labor camp without anyone hearing about it. Human rights lawyers and public intellectuals join them at considerable risk to themselves to address China's lawlessness.

The writings of Nobel laureate Liu Xiaobo and Charter 08 should be seen in this context. Liu has tirelessly pushed for political change by asking the state to live up to its own laws and obligations. The charter calls for gradual political reform, the rule of law, the separation of powers, and a multi-Party system. Its signatories, over 10,000, are a diverse body comprising both prominent figures within the system and ordinary people at the grassroots, and they are united behind a common vision of a democratic China.

It is part and parcel of the broad bottom-up movement for popular constitutionalism and gradual change. To date, the Chinese Government has chosen a path different from the one envisioned by these civil society activists. To keep widespread dissatisfaction at bay, the government encourages nationalism and stokes popular anger in order to bolster its legitimacy.

In September, the government encouraged a wave of anti-Japanese demonstrations, which turned violent in many places. It correctly gauges that nationalism serves as a powerful instrument in impeding public demand for democratic change.

Simultaneously, the Party's proactive repression has kept civil society fragmented, fragile, beset by doubt, and still largely unable to mount meaningful monitoring of the government's performance and adherence to both domestic and international obligations.

Such a strategy, however, may open China to great danger with grave implications for the entire world. The instability of the cur-

rent system may eventually end in large-scale and bloody repression or, equally disastrously, in violent upheaval. China may decide to step up an aggressive stance abroad to consolidate support and distract criticism by fomenting nationalist antagonism.

By so doing it can inadvertently provoke conflict. Given China's geopolitical significance and the vital role it plays in the international economic order, all these outcomes would create disruptions that travel far beyond the region. Most importantly, the human costs for the Chinese people would be unthinkable.

We have reason to believe then that civil society's fight to open up the political system to the Chinese people represents the only desirable alternative to the current status quo. The movement can help bridge the vast ideological income and social divisions splintering China through political liberalization, the protection of basic rights, and the pursuit of social justice.

Congress and the administration, as well as the American public, have a golden opportunity to act in a bipartisan manner in calling for Liu Xiaobo's release, not only as a matter of justice and human rights, but also to enable him to take part in civil debate on the challenge of the democratic transformation of China.

Let us hope that the new Chinese leadership will recognize this historic opportunity. In doing so, they would avert the profound crisis facing their country and open up the prospects for China, whose power and prosperity would be strengthened through democracy.

Thank you, Mr. Chairman.

Chairman SMITH. Thank you very much, Mr. Gershman, for your testimony and your leadership.

Dr. Yang?

[The prepared statement of Mr. Gershman appears in the appendix.]

STATEMENT OF YANG JIANLI, PRESIDENT, INITIATIVES FOR CHINA/CITIZEN POWER FOR CHINA

Mr. YANG. Thank you, Mr. Chairman and Senator Brown. Thank you for hosting this important hearing. Liu Xiaobo and his wife's plight is well known. I will not repeat the facts about it today.

Instead, I want to focus on Liu Xiaobo's significance for democracy in China. Liu Xiaobo's Nobel honor reflects the international recognition of the Chinese democracy movement as represented by him. He has become the symbol of democracy in China. And simply because of such symbolism, today, his continued imprisonment has become a footnote to the vow made by Hu Jintao in his political report at a recent Party's 18th Congress. He stated that China's leadership would never take "the evil road of changing flags and banners," code for abandoning one-Party rule. This pledge dispelled any doubts about the Party's resolve to keep its political monopoly.

But we must remember that the Chinese Communist Party [CCP] does not have the only say about China's future. Liu Xiaobo represents another force that also will help shape the future of China, pushing China to take an alternative road, the "evil road," in Hu Jintao's words. This force is becoming increasingly viable.

The most important sign of this movement is the recent intellectual awakening, evidenced by the return of the democracy debate, which has occupied a central place in the public discourse around

China's leadership change. More and more intellectuals, who were generally co-opted by the regime not long after the Tiananmen massacre and acted as its defenders for many years, have come to realize and acknowledge Liu Xiaobo's contributions, ideas, and beliefs, which are embodied in Charter 08. Recognition by intellectuals that the status quo is unsustainable is always the first, and vital, step toward changing it.

Two other most important factors helping move toward democratic change in an autocratic country are coming together in China, namely a robust plurality of disaffected citizens and a split in the leadership.

Let me elaborate.

Since the Tiananmen massacre, corruption has become one of the CCP's important strategies to survive because no Party officials at any level would be loyal to the regime if they were not given the privilege to corrupt. Such a predatory regime has caused unprecedented infringement of the basic rights of the ordinary people, resulting in increasing frequent protests.

To keep these self-motivated protests from becoming a conscious movement by demanding an overall change, the Chinese Government has built a monstrous stability-sustaining system. This gigantic system treats every citizen as a potential enemy, and it has successfully made them enemies—dissidents, independent intellectuals, land-lease peasants, victims of forced demolitions and eviction, victims of forced abortion, veterans, migrant workers, Tibetans, Uyghurs, Mongolians, Christians, and Falun Gong practitioners, you name it.

Perhaps the only achievement in China's political system in the past 30 years is the establishment of the "2-term, 10-year, 1-generation" term limit system. Many observers predicted that such a system would ensure long-term stability for the CCP regime, wishfully believing that this system helped the CCP find a way out of the pit of power discontinuity that has plagued all dictatorships in history. The Bolshevik-like event, however, mercifully burst that bubble. People within the Party have begun to challenge this power succession system. The cracks are only widening.

As nongovernmental forces grow and civil protests escalate, the struggle for power among different factions within the regime will become more pronounced. Once external pressures reach critical mass, rival affections within the regime will have no choice but to take the voices of citizens seriously and seek their support to survive.

That said, I want to emphasize that we need an overall, viable pro-democracy movement to force the dictatorship to crack open. A long-term resilient movement will reach critical mass when idealists like Liu Xiaobo join forces with the self-motivated public or the disaffected with the status quo.

A milestone to meet that objective would be the formation of a group of civil leaders able to represent the general public and to at least partially disrupt the current political order—a group that would catch attention and support of the international community and carry out and call for effective negotiations with the government.

What happened in Guangdong, Wukan Village a year ago is a good example. Liu Xiaobo, as a widely accepted leader both at home and abroad, will surely play a unique role in forming such a group. Therefore, working toward his freedom is vital for democratic change in China. I am particularly encouraged by the strong support of Liu Xiaobo and Charter 08 from world leaders like Senator Brown and Congressman Smith and other world human rights leaders and activists.

Aung San Suu Kyi was released from house arrest in November 2010. For the first time, there is hope for reform in Burma. In seeking Liu Xiaobo's release, we hope and struggle for the same in China.

Thank you.

Chairman SMITH. Dr. Yang, thank you very much for your testimony and for your insights.

Mr. Griffith?

[The prepared statement of Mr. Yang appears in the appendix.]

**STATEMENT OF PATRICK GRIFFITH, PROGRAM ATTORNEY,
FREEDOM NOW**

Mr. GRIFFITH. Good morning, Mr. Chairman and Mr. Cochairman, and thank you for the opportunity to join you here today. As an activist, this Commission is an essential source for information about human rights violations in China, and I want to begin by thanking both the Commissioners and their staff for their unwavering support for prisoners of conscience.

As an attorney with Freedom Now and international pro bono counsel to the Lius, my testimony today will focus primarily on why their detention is a flagrant violation of China's obligations under international law. I am also going to briefly explain, in our view, what steps the United States can take to lead a growing international movement to free the Lius.

The circumstances of Dr. Liu's detention are widely known and largely undisputed, even by the Chinese Government itself. At the time of his arrest in 2008, as was noted, Dr. Liu was leading an initiative called Charter 08, which is a political manifesto that calls for peaceful democratic reform and respect for human rights.

Dr. Liu was detained in an unknown location for six months without charge or any legal process whatsoever, and was ultimately accused of inciting subversion. The prosecution's indictment, like the court's judgment sentencing him to 11 years in prison, specifically relied on his participation in the production of Charter 08 as evidence of his guilt.

Shortly after Dr. Liu was announced as the 2010 Nobel Peace Prize laureate, the government placed his wife, Liu Xia, under house arrest. Two years later, she remains cut off from the outside world without even the pretense of legal process.

In a rare interview, she recently confirmed that she has been under house arrest, unable to communicate with the outside world except for brief weekly trips to buy groceries and visit family. Frequently confined to bed due to back pain, she described this continued detention as "painfully surreal."

The prosecution of Dr. Liu is a clear violation of international law which specifically protects the right to peaceful freedom of ex-

pression. Such international protections apply regardless of whether Chinese domestic law punishes peaceful political expression of subversion, and the government's constant refrain that Dr. Liu's imprisonment is the result of a criminal prosecution is simply irrelevant. Further, as internationally protected rights, their violation is the proper concern of the international community and not merely an issue of domestic judicial sovereignty.

Liu Xia's case is even more appalling. Despite a mountain of evidence to the contrary, the Chinese Government has claimed repeatedly that no legal enforcement action has been taken against her. This claim is either a lie or an admission of guilt. Nothing under domestic or international law authorizes the indefinite detention of a person without any due process whatsoever for the mere crime of being married to a Nobel laureate.

In response to petitions filed by Freedom Now on behalf of Dr. Liu and Liu Xia, the United Nations Working Group on Arbitrary Detention found their continued detention a violation of international law and called for their immediate release. Despite this finding by the United Nations, the situation for Dr. Liu and Liu Xia remains largely unchanged.

However, recently an international movement to free the Lius has been gathering cohesion and momentum. Last week, the International Committee for Liu Xiaobo, a coalition of 6 Nobel Peace Prize laureates and 15 nongovernmental organizations, released a letter from 134 Nobel laureates calling for the immediate and unconditional release of the Lius.

The letter was signed by laureates from across all six Nobel disciplines, not just Peace prize winners. A corresponding petition online has gathered over 300,000 signatures from at least 82 countries.

In light of this growing movement, we believe that there are three ways that the United States can redouble its efforts and change tactics in support of the Lius. First, as a Nobel Peace Prize laureate himself, we believe President Obama has a unique opportunity to take a leading role in this growing citizens' movement. Initiatives such as the laureate letter provide Mr. Obama with a ready-made platform to highlight the continued detention of the Lius.

While the President did call for Dr. Liu's release shortly after he was announced as the recipient of the 2010 Peace prize, he has not publicly reiterated that call nor personally called for Liu Xia's release. Without the President's continued public engagement, we fear that Beijing will receive the message that it can continue to detain Dr. Liu and Liu Xia without suffering any additional consequences.

Second, the United States should consistently and publicly hold the Chinese Government accountable. Because the ultimate measure of success, from our perspective, is the Lius' freedom, this anniversary presents an opportune moment for the United States to reassess its approach.

Practices such as beginning bilateral meetings, regardless of topic, by raising political prisoners would send a clear message that the Chinese Government's refusal to comply with international law is unacceptable.

Finally, the United States should take a leading role in multilateral efforts to support the Liu's. For example, a letter from other G-8 countries highlighting the continued detention of the world's only imprisoned Nobel Peace Prize laureate could remind the incoming Chinese leadership that if it wants to join the community of nations as a full partner, it must do more than merely talk about human rights and the rule of law.

Admittedly, these are among the hardest cases in one of the most difficult countries, but the growing citizens' movement gives us reason to hope. While relations between the United States and China are necessarily complex, respect for fundamental human rights must remain at the center of that relationship and the continued detention of the Liu's is an important bellwether indicating that more must be done.

Thank you for your time. I would welcome the opportunity to answer any questions.

Chairman SMITH. Mr. Griffith, thank you very much.

We would like to now hear from Yu Jie. Mr. Yu? Could you put on your microphone, please?

[The prepared statement of Mr. Griffith appears in the appendix.]

STATEMENT OF YU JIE, INDEPENDENT AUTHOR AND ASSOCIATE OF LIU XIAOBO

Mr. YU. Thank you very much, Mr. Chairman. Thank you very much to the Congressional-Executive Commission on China for giving me this opportunity to speak to you here.

For the last 10 years, I have been close friends with Mr. Liu Xiaobo. In January of this year I came to the United States and finished a memoir for Mr. Liu Xiaobo which covers over 500 pages. This memoir has been published in Hong Kong in its Chinese version, and its English version will be published next year.

As a close friend of Liu Xiaobo, I see his growth in four stages. The first stage is in the 1980s, when the intellectual atmosphere in China was relatively liberal. At that time Mr. Liu Xiaobo started from literary criticism and aesthetics to critics of Chinese traditional culture, Chinese intellectuals, and the political system.

In the spring of 1989 while Liu was a visiting scholar in the United States, student protests began in Beijing. Liu was determined to return to China and dedicate himself to the students' movement, and that was a life-changing experience for him. After that, he was imprisoned and persecuted and he has been thrown into prison for six years in the last decade.

Even during this very difficult condition, Liu Xiaobo continued his cause. He drafted and organized the signatories to a number of open letters addressing issues such as implementing democracy, protecting human rights, and overturning the official verdict on the Tiananmen massacre. However, because of the lack of the Internet era at that time, this movement was still limited within a small intellectual circle in China.

Throughout the 1990s we see the broad and wide use of the Internet in China and that allowed Liu Xiaobo's voice to be heard by the Chinese public. At the same time, he was diligently writing

articles while going outside to participate in democratic movements.

Two of the major activities that he participated in during that period were, one, Liu Xiaobo served two consecutive terms as the president of the Independent Chinese PEN Center. You know that the freedom of association is written in the Chinese Constitution, however, in reality it does not exist.

Liu overcame the authorities' restrictions on independent organizations and made the Chinese PEN center the first independent organization that protects freedom of expression and promotes Chinese literature in mainland China.

The second main activity that Liu was involved in was drafting and organizing the signatories for Charter 08. Of the over 300 signatories of Charter 08, one-third of them were introduced by Liu Xiaobo to this cause. By doing that, he has become a leader in the Chinese civil society movement.

In 2008, Liu Xiaobo was arrested. In 2010, he was awarded the Nobel prize. The honor of the Nobel Peace Prize had elevated Liu Xiaobo to a new status. Although Liu's contributions cannot be measured solely through his prize, this honor nevertheless places him directly at the heart of any future sociopolitical transitions in China.

The Chinese Communist Party's totalitarianism has created severe social crisis. No matter if the regime admits it or not, it is inevitable for China to have democratic reform. Liu Xiaobo, an intellectual who has fought for China's human rights for over 20 years since Tiananmen as an advocate for beliefs such as non-violence and non-enemy and as the only Nobel laureate that is still living in China, will be sure to play an essential role in this transformation.

China's democratization will not only relieve 1.3 billion Chinese people from a totalitarian regime and ensure legal protection for basic human rights, it will also generate a new round of global democratization and will speed up the transformation for authoritarian countries like North Korea, Iran, and Cuba. In this regard, the impact Liu Xiaobo has on the progress of human society should be no less than Mandela of South Africa, Havel of the Czech Republic, Kim Tajume of South Korea, and Aung San Suu Kyi of Myanmar.

Similar to Mandela, Havel, Kim Tajume, and Aung San Suu Kyi, Liu Xiaobo should have the support from both his countrymen and people of the rest of the world. So here I would like to call for the leadership of the United States, especially the forward-looking leadership such as President Obama, to support Liu Xiaobo's cause.

Thank you.

Chairman SMITH. Thank you very much, Mr. Yu.

Liu Min?

[The prepared statement of Mr. Yu appears in the appendix.]

STATEMENT OF LIU MIN, WIFE OF YU JIE; FRIEND OF LIU XIAOBO AND LIU XIA

Ms. LIU. Good morning, ladies and gentlemen. My name is Liu Min. My husband Yu Jie and I met Liu Xiaobo and his wife in 1999. Shortly after, we became very close friends. Liu Xiaobo and

Liu Xia began their romantic relationship in the early 1990s. After the Tiananmen Square massacre in 1989, Liu Xiaobo was imprisoned for the first time.

After his release, Liu Xiaobo and Liu Xia fell deeply in love. During this time, Liu Xiaobo was imprisoned for a second and then a third time. In the period when Liu Xiaobo was sent to Dalian to be reeducated through labor, Liu Xia went to see him every month from Beijing, traveling back and forth 38 times over three years. The trip between Beijing and Dalian was 1,250 miles.

Then after fighting for time again, they had a wedding in prison. Their only celebration was a simple lunch in the labor camp cafeteria. In these three years, it was the only time they had eaten at the same table.

The pressure faced by Liu Xia was even greater than that of Liu Xiaobo. She was originally a proud painter and photographer who kept her distance from politics. Simply by being Liu Xiaobo's wife, she was included on the list of enemies of the state.

Permanently unable to live a normal person's life, she developed eye problems, endocrine disorders, insomnia, skin illnesses, and severe depression. She had to take large doses of sleeping pills to fall asleep every night.

After Liu Xiaobo was arrested, a friend asked her about how she was sleeping. She said, "Now that Liu Xiaobo is gone I can actually sleep more peacefully. A shoe had fallen down from the ceiling long ago. For many years, I was like the person waiting for the other shoe to drop. Now the shoe has finally dropped and I can finally feel at peace.

Liu Xia and Liu Xiaobo have been married for many years and they have never had children. Liu Xia said, "A long time ago we agreed not to have children. Having a father in prison in any case is the cruelest thing to a boy or a girl."

In December 2008, Liu Xiaobo was arrested. On Christmas 2009, Liu Xiaobo was sentenced to 11 years in prison and was later sent to the prison in Jinzhou to serve his term. If Liu Xiaobo is to serve his term in full, Liu Xia will have traveled back and forth between Beijing and Jinzhou more than 100 times. The trip between Beijing and Jinzhou is about 600 miles. In total, her trek will have been more than 8,000 miles.

In January 2012, our family of three finally escaped China and came to America. Liu Xiaobo and Liu Xia's predicaments were on our minds constantly, especially Liu Xia being under house arrest and isolated from the world for over two years. We worry about her physical and mental state.

In my own personal experience when my husband and I were put under house arrest for two months, we were together but alive. All of our means of contact were cut off where we could not take one step out of our own door, where we could not see a single other person on the outside and drove us nearly insane. Liu Xia is alone. Under house arrest for more than two years, that kind of suffering is unbearable. I hope that the American Government can help her. I hope you can help her.

Thank you.

[The prepared statement of Ms. Liu appears in the appendix.]

Chairman SMITH. Thank you so much for your testimony.

Thank you all for bearing witness on behalf of a man, Liu Xiaobo, and an equally courageous woman, his wife, Liu Xia, that cries out for even stronger voices being raised in the West, and really everywhere else in the world. I often am concerned when it comes to human rights that some people get compassion fatigue or fatigue of some kind, and while they raise their voice initially in the beginning, the dictatorship, wherever it may be—and that includes the Beijing dictatorship—they believe that if they just wait it out, that the concern, the anger, the outrage will just simply dissipate and go away.

At least three of you have made an appeal to President Obama to raise the issue. Mr. Griffith, you pointed out that he raised it initially. I would note parenthetically that when Hu Jintao came to town I put together a very strong group of dissidents who asked the President to raise the issue boldly, visibly, overtly in a public setting, not just perhaps behind closed doors, and to raise the case of a fellow Nobel Peace Prize winner, Liu Xiaobo, and to do so in a way that the world would be energized and know that the United States of America cares about this man, and everyone else in China who is suffering under the cruelty of this dictatorship.

Sadly, he did not. It was so bad that the Washington Post, in an editorial after the joint press conference, wrote, “President Obama Defends Hu Jintao on Rights.” When asked by the Associated Press reporter about human rights, Hu Jintao had some trouble understanding what the question was, some technical problem which was nonsense.

The President said they have a different culture and they have a different political system, which I thought was an insult, frankly, to the Chinese people, including some of the leaders and people who have suffered at our witness table themselves, and to everyone else, like Chen Guangcheng and Gao Zhisheng and so many others, and everyone else who was at Tiananmen Square.

The culture fully understands that everyone deserves fundamental human rights, and Dr. Yang, you certainly know it because you paid the price as well. So my hope springs eternal that the President will find it within his heart to speak out publicly on behalf of Liu Xiaobo. I waited this week to hear something from the President. Human Rights Day came and passed.

Through your requests again today, we will convey that to the White House in the hope that he will find the courage to speak out to Beijing, and to do so in a way that is unmistakable not just to Beijing and to the new president there, unelected as he is, but also to the world. So if any of you would like to speak to that issue—Patrick, you did certainly raise it in your comments—because I have been disappointed.

I thought, as did everyone else, if not us, who? We can have hearings. Congress, Speaker Boehner, Nancy Pelosi. People could raise these issues. But there is only one President of the United States. He is the leader of the free world. When you have a Nobel Peace Prize winner who languishes and a wife who is treated so cruelly by a dictatorship, it seems to me that it is time to find our voice and that voice needs to be in the White House.

Mr. Griffith?

Mr. GRIFFITH. Thank you, Chairman Smith. I would agree with that sentiment. I know that frequently there is a discussion, particularly among human rights activists, about whether it is best to be publicly critical or just privately critical, and what the appropriate combination of tactics is. I think that is a legitimate debate. But from our perspective, it has now been two years and our ultimate goal is the release of Liu Xiaobo and Liu Xia.

So far, what has been done has unfortunately not been sufficient to bring their release about, and I think that in light of that, in light of the two-year anniversary, from our perspective, in light of a closing window of a time where we have someone who is both a Nobel Peace Prize laureate and the President of the United States, I think it is a great opportunity now to publicly confront the Chinese authorities about their continued detention and to do so in a way that forces a real dialogue, instead of two ships passing in the night or two sequential monologues, to confront them about the facts of the case, to confront them about the continued detention of Liu Xia.

When the government says she is not under detention, then a visit by the Ambassador, perhaps, or a visit by somebody from the embassy perhaps before that meeting trying to meet with her so that the response can be forceful and can say, "No, you are not telling us the truth."

We believe that that kind of increase in tactics would hopefully bring about a release. We know that Dr. Yang—for example, his case was repeatedly raised at a high level and that is ultimately what it took to obtain his freedom.

Chairman SMITH. Would anyone else like to address that?

[No response].

Chairman SMITH. Let me ask, you, Mr. Gershman, talked about the Chinese Government. "Brittle and unstable," I think, were the words you used. One of the most under-appreciated in terms of its enormous impact that it is having and will have on China is the one-child-per-couple policy. Perhaps any one of our panelists might want to speak to it.

But the Chinese Government prides itself on the idea of stability, and perhaps the most destabilizing current event that is heading toward a catastrophic implosion of Chinese society is the one-child-per-couple policy, particularly the missing girls. There is an estimation of perhaps as many as 100 million girls that are missing. Nobody knows for sure.

But the fact that Chinese society has been so altered by the coercive population control, the forced abortion. As you mentioned, Dr. Yang, in your statement when you mentioned a litany of abuses occurring, forced abortion is among the most egregious. It certainly has malaffected virtually every woman in China, witness the fact that they have 500 suicides per day of females in the People's Republic of China.

There is even a book. I recently, a little over a year ago, chaired a hearing. We heard from a woman who wrote the book, "Bare Branches," and talked about how destabilizing forced abortion is. Not only is it inhumane and equivalent to what the Nazis did against Polish women during World War II with forced abortion—so the outrage from a human rights and women's rights point of

view cannot be overstated, as well as the missing children who are destroyed, and missing girls in particular.

But the destabilizing effect it is going to have, and this author pointed out that it could ultimately lead to war and the projection of power. It will lead to gangs, it will lead to all kinds of destabilization. You mentioned, Mr. Gershman, about how there are 500 protests per day of some sort, so there is already a fomenting of unhappiness that is now matriculating into an ability to go out on the streets and actually show it with less fear, although there is fear of what the secret police might do to them.

So if you could, Patrick, or maybe Dr. Yang, speak to that issue. It seems to me that it is only a matter of time before there is an implosion economically, as well as societally, because of the one-child-per-couple policy.

Mr. GERSHMAN. Well, Mr. Chairman, first of all, you mentioned human rights fatigue. I really want to pay tribute to you. I mean, there has just been nobody—as I look around this room at Ben Gilman, Henry Hyde, Dante Fascell, and Tom Lantos, I mean, you belong in that company, you really do. You have done really heroic work and I want to congratulate you for it.

As I look at the situation, it has changed fundamentally in China. Liu Xiaobo has written about that. One of his really most important essays for which he was imprisoned was called “Changing the Regime by Changing Society.” He talked about the way the pillars of totalitarianism in China, the ideology, the economy, the organizational control, even the Party political control, either have broken down completely or are in the process of breaking down.

The one point he emphasized most strongly, which is something you just said, is the issue of fear. There was a time when, if people protested, they were isolated and ostracized. “Today,” he said in that essay, “such people become the civic conscience of society and heroes of truth.” So it has turned this issue on its head. There is no stopping this. Yes, Mr. Chairman, I think the President and others need to speak out much, much more strongly.

China, because it is such a big country, gets off scot-free on a whole host of issues. You have pointed to some of the most critical, but there are many other issues that we have not even spoken about today and it gets off from this criticism.

But I think our leadership, the leadership of other countries, have to realize that China is indeed unstable. This is not just rhetoric at a congressional hearing. The numbers of protests, which have increased so dramatically, are increasing approximately 12 percent every year: less than 10,000 less than 20 years ago, and we are now over 200,000 a year.

There is profound discontent. The Internet has just revolutionized the situation where it has transformed the consciousness. We know from someone like Chen Guangcheng and his work that this is a grassroots movement. It is a movement that has now spread outside the major urban centers and exists throughout the country in the rural areas.

China has to find a way to deal with this. Its fundamental flaw, Mr. Chairman, its fundamental flaw, is that it does not have real legitimacy as a government. Governments can't survive without le-

gitimacy. It has never been elected. It is either going to have to make this transition or the world is in very serious trouble.

I think that it is extremely important that you keep the issue at the center, that we quote from Liu Xiaobo, his essays, at every opportunity, that we educate about what he said, because his message really represents the hope for China's future.

I think everyone here wants to see China have a strong, healthy, and successful future, but the only way it is going to do that is if it addresses the kinds of issues that Liu Xiaobo has raised, especially having to do with reconciliation, especially having to do with respect for individual human rights.

Chairman SMITH. Dr. Yang? Thank you.

Mr. YANG. It usually takes four factors to be present at the same time to change a country from an autocratic country to a democratic one: (1) the robust, general disaffection from people; (2) split in the leadership in the autocratic regime; (3) viable opposition, viable democracy movement; and (4) international support.

Now, looking at what is happening in China, as I said in my opening remarks, the intellectuals are weakening, evidenced by the return of democracy debate around China's leadership change. The intellectuals' renewed demand for democracy is, at least in part, based on their understanding of the reality of China's state crony capitalism. This state crony capitalism has spanned the long period of economic growth, which has become nearly the only one source of legitimacy for CCP's rule in China.

However, such an economic system has extracted incalculable costs from its people by tolerating human rights abuses, environmental deterioration, and morality collapse. That system has come almost to a dead end. We all know from the news that the Chinese economy is taking a downturn. The slowing economy will lay bare already-existing conflict between the people and the government.

Regarding viable opposition, I mentioned in my opening remarks that Liu Xiaobo will play an important role in integrating the idealists such as himself with the self-motivated protests on a grassroots level to form that necessary, viable opposition in China. He will play a pivotal role in forming a group of leaders who are able to represent the people, who are able to disrupt the political order, who are able to call for international attention and support, and who are able to engage with the Chinese Government effectively, either through resistance or negotiations.

As to the issue of international support, about which I have some doubt because I am able to speak from personal experience. In the past several years, I have been advocating for human rights for China within the international community and have been amazed by a well-trenched myth believed by world leaders and policymakers and scholars.

This myth goes as follows—that because China will punish those taking a strong stance on human rights with its growing economic power, affecting their all-important trade relations with China, the human rights issue should take a backseat.

But this myth is anything but tested. So I just want to repeat the questions I asked at last Thursday's hearing in the European Parliament: What are we afraid of? This is a myth. We have to test it. The questions we should ask are: What do you think China will

do in response to a strong human rights stance? Do we really believe that China will quit trading with a country whose goods it needs because that country demands better treatment of its citizenry? There is no past evidence in our relationships with China to support this myth.

How much will it affect your economy, the United States' economy for example, and are you willing or able to accept this outcome? How much will it affect China's economy and what does it mean to the political system? Will China be willing or able to accept the cost? So let us calculate how much we spend on the Iraq war, which toppled a dictator.

If China really retaliates against this country with its economic power, how much are we willing to pay to topple China's dictatorship? We all know the only source of legitimacy, for this regime to continue is economic well-being.

So I think that is the least thing that they would try to jeopardize, so I think some fear—Mr. Carl Gershman talked about fear that works in China, but fear also works in the international community. I found this to be self-imposed fear. We have to test this myth to break it. Thank you.

Chairman SMITH. Dr. Yang, I think your point is extremely well taken. The Chinese Government relies on an export strategy. Our balance of trade is approximately \$300 billion in their favor. Where would Beijing find markets, the likes of which would be the United States, if we found our voice at every level, especially at the White House level, on human rights?

We would see, at least on the margin if not even more than that, I believe, the release of prisoners, including Liu Xiaobo, if we took seriously our obligation and did not act out of fear, which has led to a muting of our concern. So your point, I think, was extremely well taken.

Those who argue that our debt, I would just say for the record, \$1 trillion out of \$16 trillion worth of debt. The Chinese also need to rely on our continual solvency and well-being for their own economist interests, not just from an export strategy. So it is such an ill-conceived form of fear, not based on reality.

Frankly, it goes back to the early 1990s. Bill Clinton linked human rights with trade and I, as a Republican, applauded that Democrat in the White House robustly, with press conferences and statements on the House floor.

Before the year was out, he delinked most-favored-nation status on May 26, 1994, late on a Friday afternoon. That sent a signal to Beijing that profits trump human rights. My hope is that we will finally, some day—hopefully soon—find our voice to say we do not even have to fear the economic negatives. That trading relationship will be robust no matter what.

What we do fear is a dictatorship that grows, expands its bad form of governance and exports it to Africa and to other countries and forms alliances that are antithetical to democracy and human rights. So we do not act in our own interest, not to mention the Chinese leaders like the three of you who have done so much as China's best, and bravest, and brightest who are now abroad, speaking out on behalf of those left behind.

So I think your point is extraordinarily well taken. It is a myth. I would concur with you on that. Rather than a backseat, I would say we often take a "no seat" when it comes to human rights. We are nowhere to be found. We are AWOL as a government, and we need to do more.

Mr. Yu, you, in your testimony, really went into some wonderful length as to who Liu Xiaobo is as a man, his courage. You talked about his activism, that he refused to give up, to be discouraged, or even to feel a hint of anxiety about the increasingly marginalizing position that he had within society, even after being held in prison. How is Liu Xiaobo doing now? Do we have any good sense, any sense whatsoever how he is holding up under the strain, under this terrible oppression that he faces? I would ask Liu Min if you could speak to Liu Xia's well-being as well. We know of the most recent conversation she had with the AP reporters.

I mean, Cochairman Brown and I were talking as this hearing got under way how in awe we are of those who suffer in prison, and their loved ones. Frankly, both he and I, and I would say that for most of us, do not know how we would react. If we were put under this iron fist policy of a dictatorship that can beat and torture at will, hoping someday to be free, sticking to your convictions, it is incredible. Dr. Yang, obviously you faced it personally when you were imprisoned. But if you could speak to Liu Xiaobo, how he is faring now, if we know.

Mr. YU. From the information that I obtained, I understand that Liu Xiaobo was not imposed with physical torture in prison. However, he was not given enough nutrition and since the prison is located in the northern part of China, the heating system is very bad so he is feeling extremely cold in that situation. So it is not very comfortable for him.

His wife, Liu Xia, could visit him, could bring books to him. However, these books need to be very seriously inspected first. These books have to be only published within China. These books cannot be published in Hong Kong or elsewhere outside China. In terms of the category of books he is allowed to read, he is allowed to read fiction and poems. Anything that is related to political science is not allowed.

Liu Xiaobo once said no matter how long he was put in prison he would not leave China. This has become a reason for what China is doing, a Chinese conspiracy that is going on now. The Chinese Government is now trying to detain Liu Xia and trying to impose pressure on her in order to make Liu Xiaobo give up. So I think what we can do right now is to try to get freedom for Liu Xia.

In terms of what the United States can do in this cause, I call for President Obama to openly call for the freedom of Liu Xiaobo, and also I hope President Obama could sign his name on the joint signatories, along with the other 135 Nobel Peace Prize laureates. Also, I hope that the Ambassador to Beijing from the United States could have opportunities to visit Liu Xia. These are the things that we can do immediately.

Liu Xiaobo has a very well-known writing which is called, "The Future of the Free China Lies in its Civil Society." This book tells us that when we are looking at the changes of China, this is the

thing for both Chinese people and people of the world, we do not only look at the change in its high leadership level, we also look at the change in civil society, which includes the development of the Internet, the situation of the house churches, and the situation of the rights defenders lawyers.

However, what we see recently is, after the 18th Chinese Congress, the Western media, the Western think tanks are all putting their focus on the leadership transition, pinning their hopes on the potential reforms that the new president, Xi Jinping, can bring about to the society. I think this is a repeated mistake that we saw 10 years ago when President Hu Jintao took office.

So by saying this, I hope that the Western world, the Western media, could get themselves familiarized with the idea expressed by Liu Xiaobo that the hope lies in the Chinese civil society.

Chairman SMITH. Did you want to speak?

Ms. LIU. No, thank you.

Chairman SMITH. Okay.

Mr. Griffith, you mentioned in your testimony that the U.N. Working Group on Arbitrary Detention had found that Liu Xiaobo's detention was arbitrary under international law.

What does that mean in terms of, what is the consequence for that? What has the U.N. Human Rights Council done, if anything? We know Manfred Nowak, some years ago—the Special Rapporteur on Torture—did an excellent exposé of the systemic use of torture in China against prisoners. But the Human Rights Council is an institution that has at least the broad power to expose—not enforce much, but expose—abuse.

What did the U.N. Arbitrary Detention Unit do in followup, and what about the Human Rights Council?

Mr. GRIFFITH. With respect to the Working Group on Arbitrary Detention, as a non-treaty body they do not have a binding effect, even technically binding effect, on China, unfortunately. They are best thought of, I think, as a body of independent experts. They speak, I think, with great authority, both on what China's obligations under international law are—of course they are a signatory but not party to the International Covenant on Civil and Political Rights [ICCPR], unfortunately—but their opinion does, we believe, carry a great deal of weight and they do, in some respects, speak on behalf of the United Nations. Insofar as they do have that authority, it then becomes the job of the activists to enforce that opinion. Unfortunately, it is not self-enforcing, so it is then our job to hold it up and to use it to hold the Chinese Government accountable.

With respect to the Human Rights Committee, unfortunately, because China is not a party to the ICCPR and therefore not a party to the optional protocol, the Human Rights Committee does not have jurisdiction to hear the individual case of Liu with respect to the human rights.

Chairman SMITH. But they do a periodic review.

Mr. GRIFFITH. My understanding is the Human Rights Council.

Chairman SMITH. That's what I meant. I said the council.

Mr. GRIFFITH. Oh, I apologize.

Chairman SMITH. Yes.

Mr. GRIFFITH. There are too many bodies. The Human Rights Council does the periodic review. My understanding is, they have looked at and discussed Liu Xiaobo's case in the context of that review and will be considering China once again coming up. I believe the submissions are due in just a few months, and they will certainly be receiving a submission from at least our organization, and I believe a number of others.

Chairman SMITH. Dr. Yang?

Mr. YANG. When it comes to the EU—to the United Nations; I just came back from the EU—we should remember the fact that China is a member of the United Nations, a member of the Human Rights Council. China is a leading human rights violator. It has sat on that Council. So inevitably, the international human rights standards will become substandards based upon China's own actions toward its people.

We have joined efforts with many rights groups from all past wars to stop China's bid to be reelected to the Human Rights Council in about a year. China's membership will expire at the end of this year because it has already served its full two terms and it has to wait for another year, for one year, to become eligible to be reelected. So we have a joint effort now to stop China from being reelected.

Here, I call on the U.S. Congress to pass a resolution to direct the State Department to at least come up with conditional support of China's membership on the U.N. Human Rights Council. The condition can be that the United States should not support China's membership at the U.N. Human Rights Council, but only when China releases Liu Xiaobo and all of the political prisoners.

I want to echo what Yu Jie just said about Liu Xiaobo's situation. I want to point out that usually the family members suffer more than the prisoners. The dissidents, to a certain degree, are prepared to be prisoners in China. We discussed this. Liu Xiaobo and I discussed this issue in 2007, not long after I was imprisoned. He literally said that he was feeling guilty about his family members, the torment they underwent, and that he had a very strong sense he would be detained again very soon. He expressed that regret and guilty feeling to me toward family members.

So on the subject of the wife of Liu Xiaobo—Liu Xia's situation. Everybody knows how she is suffering. I just want to echo Patrick and Yu Jie's call. Actually, that has been our call for two months, for the world ambassadors and diplomats in China to make a visit with Liu Xia.

Liu Xia is a normal citizen. The Chinese Government has never brought any charges against her. Legally, she is just a regular citizen. It is alright for a diplomat in Beijing to make such a request. I just want to repeat what we said in the petition calling for the ambassadors to visit Liu Xia.

“When history's pen writes about your time, represents your country in China, you will want its ink to clearly underline your having made the case for Dr. Liu's release and his wife's freedom. Rather than showing a stain of indifference, don't miss an opportunity to make this moral gesture. Place this visit on your calendar. Insist on necessary arrangements.”

Thank you.

Chairman SMITH. Dr. Yang, thank you. That is something we will follow up as a Commission as well. It is a point very well taken.

Coming to the conclusion, and I would ask if you have any final statement you would like to make, or comments or insights, but I would note, Mr. Griffith, that the Chinese Government counts on, I believe, naivete and the ability to manipulate U.S. media.

You made an excellent point, I think, about how everyone is concerned about the transition and they are all caught up in this transition to the new president—unelected, again, but the new president—rather than missing the house churches, and all the other daily abominations committed by this dictatorship against very good people who just want to practice their faith or express themselves on the Internet, or do something that freedom-loving people can do in most other places of the world.

But this naivete—I will never forget when top Chinese officials were making their way to the United States. Maybe a week, five days, four days before they arrived here there would be a buzz about how they were about to sign the International Covenant on Civil and Political Rights, that they were moving toward that signature. Of course it has not been ratified yet. But they milked that for years.

Those who look askance when it comes to human rights in this country, including some of the most powerful interests, including a number of politicians, would cling to that and say, “See, they are about to sign the International Covenant on Civil and Political Rights, so cut them a break, you critics.”

Meanwhile the people in the prisons, meanwhile the women subjected to the cruelty of forced abortion. Meanwhile, the religious practitioners of Falun Gong, and all the other believers, the Uyghurs, the Buddhists, the underground Christians, continue to be savaged by this dictatorship. It is amazing to me. I have been here 32 years as a Member of Congress and I’ve been working on China since I got here on human rights.

Of course, it went to an accelerated mode post Tiananmen Square when we all realized that the lid was lifted as never before, that there were possibilities. But how naive, how naive. Maybe it is purposeful naivete, but it is nevertheless a naivete that enables, however unwittingly, the dictatorship and this cruelty. So thank you for bringing those points up.

We will contact our Ambassador, ask that he visit the wife of Liu Xiaobo. And why hasn’t he to date? But past does not have to be prologue; we will encourage him to go and do just that. Again, hope springs eternal that the President will find his voice on this as well and sign the letter, as was mentioned, Dr. Yang, of the Nobel laureates on behalf of Liu Xiaobo. He is a Nobel laureate. Sign the letter.

So any final comments that any of our distinguished witnesses would like to make before we adjourn?

Mr. GERSHMAN. No. Again, Mr. Chairman, I just want to thank you for being a leader on this issue. It is just of extraordinary importance and you are really having an impact. Thank you.

Chairman SMITH. Thank you.

Mr. YANG. I want to echo Mr. Carl Gershman to thank you. I first testified at a hearing hosted by you back in 1995 on Tiananmen Square. On that occasion, China's Defense Minister Chi Haotian was visiting here in Washington, DC.

I do have a few comments. I think the world democracies have run into a collective action dilemma. Unilaterally dealing with China may not be as effective as a multilateral mechanism. So I urge the U.S. Government to take the lead in forming a multilateral approach of governments dealing with China's human rights crisis, the Tibetan crisis, and the political prisoners— i.e., all of the human rights crises. I think that will work more effectively than unilaterally dealing with China.

I believe that the Chinese Government is paying great attention to this hearing. So, I have a special message to Xi Jinping: Mr. Xi Jinping, since you are now just taking over the helm of Chinese leadership, you well may be spared the blame for the repressive policies adopted and implemented by your predecessors. But, if you wait too long to make important changes, all blame will rightly be placed upon you as well. I understand that implementing a systemic political change in China will be very complex, and I cannot expect anybody to finish it overnight, but one can begin with such small, simple things as returning freedom to Liu Xia.

Thank you.

Mr. GRIFFITH. Thank you, Chairman Smith. The only thing that I would add is to reiterate your comment about human rights fatigue, particularly in high-profile cases like Liu Xiaobo's, and to thank you again. These hearings are essential from an activist perspective in continuing to garner attention about these cases and I would only thank you again for inviting me to speak today.

Mr. YU. Also, I want to thank you, Mr. Chairman, for giving this opportunity to attend this hearing. My final remarks are, although recently we have heard some kind of sentiment regarding nationalism in China where you hear some kind of opposition to Western ideas inside the country, but here I want to assure you that most Chinese people really like America, really like America's values. So if America wants to elevate its reputation in China it should persist in its values of human rights and freedom instead of putting business profits on top of everything.

We recently heard Wal-Mart has established a Party secretary department in its office in Beijing. This would really damage the American image inside China and that is not a good idea. So I hope once again that the American leadership could keep its voice for human rights and let this idea spread even more. Thank you.

Ms. LIU. No, thank you.

Chairman SMITH. Thank you.

On that note, the hearing is adjourned. Thank you so much.
[Whereupon, at 11:49 a.m. the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF CARL GERSHMAN

DECEMBER 12, 2012

I want to thank Chairman Smith and Cochairman Brown for inviting me to testify today. I would like to take this opportunity to address briefly three issues: The dangerous instability of China's political system and its immense human costs; the importance of a peaceful democratic transition as the best way of ensuring stability; and finally, the recognition that Liu Xiaobo and Charter 08 are part of a broad popular movement within China which represents the best hope for democratic transition.

The recent scandals around Chongqing Party Secretary Bo Xilai and his failed bid for power in the Party leadership transition provide a valuable glimpse into the way the Chinese government operates. We see how brutal struggles unconstrained by formalized rules and due process are still the norm for the Party, from top to bottom. And this vulnerability of the Party echoes throughout the political system. The Chinese state is brittle and unstable, and many inside China worry the country is headed for a social explosion. According to the well-known Chinese scholar Yu Jianrong, for example, the government sees the "expression of people's legitimate interests" as a threat to the social order. Land rights for peasants, food safety for children, wages for workers, residency rights for rural migrants in the urban area, and minority rights for Tibetans or Uyghurs—all are undermined by government repression. The law, meanwhile, provides little refuge. What modest gains the legal system had made have seen a back-slide. The blind activist Chen Guangcheng, whose brave escape from the security apparatus early this year highlights the level of repression, calls the Chinese system "lawless."

Lured by extraordinary profiteering opportunities, the Party bureaucracy has become increasingly predatory. Consequently, the number of collective protests has been rising steadily: from 9,700 in 1993, to 90,000 in 2006, to 180,000 in 2010, to over 200,000 in 2011, an average of about 500 a day. As the government ramps up its security budget to "maintain stability," human costs mount.

In Tibet, government controls are so tight that comparisons have been made to a war zone. To protest their lack of religious and political freedom, 95 Tibetans, 82 men and 13 women, have self-immolated since 2009. Constant repression of Uyghur culture and a lack of opportunity because of open discrimination of Uyghurs have resulted in deep resentment and hardening ethnic tension. A level of government control unlike anywhere else in China has become the norm in Xinjiang, with forced disappearances of Uyghurs after the June 2009 unrest and long prison terms for Uyghur journalists and bloggers providing a narrative at odds with the official one.

Across China, demolitions and land appropriations deprive many of hard-earned property and livelihood. Chinese economist Wu Jinglian estimates that the government has deprived farmers of \$500 billion in property value during the drive for development. News and photos of people self-immolating in protest have become a staple of social media. Increasing desperation and the inability of the current system to provide long-term guarantees of rights and liberties lead to more protests, and the vicious cycle spirals downward.

Even under these bleak conditions, a social movement has arisen in which ordinary people seek to use the law on behalf of China's people. It takes corrupt officials, police and the government to court for malfeasance and injustice. It organizes peaceful demonstrations to educate other citizens and rallies support for their cause. It posts messages about rights violations on the Internet when the press turns them away. Individuals associated with the movement either run as independent candidates or work as campaign volunteers in sham local elections, trying to lend the process legitimacy. They call the secret police on behalf of human rights defenders, and show up at police stations and black jails for advocacy and rescue. Chen Guangcheng's moral resistance and ultimate escape were the focus of such a human rights campaign—one of the largest since the founding of the People's Republic. And their voices are growing. Tens of millions of Internet users "gather and gawk" online at stories of corruption and human rights violations to show support for their fellow citizens and create pressure for more accountability.

Again, the human costs are high. These human rights defenders receive no help from establishment intellectuals or lawyers from their localities. The courts either refuse to take their cases or put on mock trials. They are defenseless against police violence. They are often illegally detained, tortured and sentenced to labor camp

without anyone hearing about it. Human rights lawyers and public intellectuals join them, at considerable risk to themselves, to address China's lawlessness.

The writings of Nobel Peace laureate Liu Xiaobo and Charter 08 should be seen in this context. Liu has tirelessly pushed for political change by asking the state to live up to its own laws and obligations. The Charter calls for gradual political reforms: rule of law, the separation of powers, and a multi-party system. Its signatories, a diverse body comprising both prominent figures within the system and ordinary people at the grassroots, are united behind its common vision of a democratic China. It is part and parcel of the broad bottom-up movement for popular constitutionalism and gradual change. As we have seen in the success stories of South Korea and Taiwan, such social movements are among the best guarantors of peaceful transition to a robust democracy.

To date, the Chinese government has chosen a path different from the one envisioned by civil society. To keep widespread dissatisfaction at bay, the government encourages nationalism and stokes popular anger in order to bolster its legitimacy. In September, the government encouraged a wave of anti-Japanese demonstrations, which turned violent in many places. It correctly gauges that nationalism serves as a powerful instrument in impeding public demand for democratic change. Simultaneously, the party's proactive repression has kept civil society fragmented, fragile, beset by doubt, and still largely unable to mount meaningful monitoring of the government's performance and adherence to both domestic and international obligations.

Such a strategy however, may open China up to great danger, with grave implications for the entire world. The instability of the current system may eventually end in large-scale and bloody repression or, equally disastrously, in violent upheaval. China may decide to step up an aggressive stance abroad to consolidate support and distract criticism by fomenting nationalist antagonism. By so doing, it could inadvertently provoke conflict. Given China's geopolitical significance and the vital role it plays in the international economic order, all these outcomes would create disruptions that travel far beyond the region. Most importantly, the human costs for the Chinese people would be unthinkable.

We have reason to believe, then, that civil society's fight to open up the political system to the Chinese people represents the only desirable alternative to the status quo. The movement can help bridge the vast ideological, income, and social divisions splintering China through political liberalization, the protection of basic rights, and the pursuit of social justice. Congress and the Administration, as well as the American public, have a golden opportunity to act in a bipartisan manner in calling for Liu Xiaobo's release, not only as a matter of justice and human rights, but also to enable him to take part in civic debate on the fraught challenge of democratic transformation of China.

Let us hope that the new Chinese leadership will recognize this historic opportunity. In doing so, they would avert the profound crisis facing their country, and open up prospects of a free China, whose power and prosperity would be strengthened through democracy.

PREPARED STATEMENT OF YANG JIANLI

DECEMBER 12, 2012

It is a great honor for me to speak about the significance of Liu Xiaobo in a democratic change in China. I want to begin by asking this question: Why is China, a seemingly increasingly assertive world power, afraid of a single man like Liu Xiaobo? Why is it afraid of a moderate document like Charter 08, a manifesto authored by Liu Xiaobo and his colleagues in China demanding for political reform?

The answer can only be that the rulers of China understand just how unjust, therefore weak, their system is and how significant Liu Xiaobo is for a democratic change.

Liu Xiaobo and his colleagues recognize there are two Chinas. They have tried to bring together these two severely separated Chinas and construct a society built upon universal values of public political life.

By "two China," I am not trying to distinguish "mainland China" from "Taiwan." Geographically there is only one entity of mainland China, but politically, economically, sociologically, and even sentimentally, it has largely broken into two societies.

Over the past 20 some years after Tiananmen Square, the CCP regime has established a two China structure and one of the two Chinas, which I call China, Inc. is formed by

1. Red Capitalists

2. Marriage between Power and Capital
3. Shares open to domestic and foreign capitalists
4. Shares free to intellectuals

Today, China Inc. is dazzling the entire world with its wealth, might and glory. It dominates the public discourse that outside observers believe that it represents China—the whole of China.

The truth is there is another society named China, a society constituted of over a billion Chinese who are virtually slave-laborers working for China, Inc. I call this second China the under China.

How do these two Chinas differ?

1. Unprecedented wealth gap between the Chinas.
2. Citizens of the under China are unable to enjoy basic benefits or constitutionally afforded civil and political rights.
3. The elite monopolize over power, capital, and information.
4. The two Chinas no longer speak a common political language.
5. The two Chinas have no common political life.
6. The underclass have grown more and more discontent and distrustful of the elite.

On top of the traditional lies and violence, which every autocratic ruler uses, the CCP regime has developed new tactics to maintain the two China structure which is comprised of:

One body: sustaining economic growth at all costs to maintain the regime's ruling legitimacy

Two wings: appeasing the elite with corruption and suppressing the powerless with rogue police

Two claws: purging citizen advocates like Liu Xiaobo and blocking public opinion. Nevertheless, it is not enough to just see the severe division of the two societies of China. We must envision the emergence of a new, democratic China: the third China which is represented by people like Liu Xiaobo.

Liu Xiaobo's Nobel honor indicates the international recognition of the Chinese democracy movement represented by Liu Xiaobo. This, among other gestures, will even eventually help strengthen the hand of those inside the communist bureaucracy pushing for reform. Liu Xiaobo has become the symbol of democracy in China and moral courage and determination in struggling for that goal. Simply because of such a symbolism, his continued imprisonment presents itself a footnote to the vow made in President Hu Jintao's political report at the recent Party's 18th Congress that the leadership would "never take the evil road of changing flags and banners"—code for abandoning one-party rule. This vow dispelled any doubts about the party's resolve to keep its political monopoly.

But we must remember the CCP does not have the only say about China's future. Liu Xiaobo and his symbolism represents another force that will help shape the future of China as well as an alternative road in China, the evil road in the minds of China's leaders perhaps. And, this force is becoming increasingly viable.

The most important sign is the recent intellectual awakening evidenced by the return of the democracy debate which has been at the center of the public course around China's leadership change. More and more intellectuals, who were generally co-opted by the regime not long after Tiananmen and had been acting as defenders of the China's one party system, have come to realize and acknowledge the value of Liu Xiaobo and ideas and beliefs which are embodied in Charter 08. The intellectual recognition that the status quo is unsustainable is always the first and vital step towards changing it.

Despite the division I talked about earlier, there are two often overlooked consensus among

Chinese from both societies. The first is that the present China is not "normal," indeed "absurd", a word Liu Xia kept saying in her first and totally unexpected media interview in 26 months of her illegal house arrest. The second, perhaps agreed upon to a lesser degree, is that China will eventually become normal through democratic means.

To find a common ground to lay the foundation for the third China, we must create a political language based on universal values that can bridge the gap between the two Chinas. And that is exactly what Liu Xiaobo, and Charter 08, has been intent on accomplishing.

Change is unlikely to happen first from within the CCP regime which values stability-above-all. A breakthrough for a democratic change will surely come from the people.

The Nobel Peace Prize awarded to Liu Xiaobo has a remarkable impacts on the hearts of the people inside China and over the past years the civil movement has

become increasingly mature, skillful, and resilient as evidenced by many cases including Chen Guangcheng, Ai Weiwei, and Wukan villagers.

Liu Xiaobo with Charter 08 is a banner. Backed by large numbers of its real-name signers from diverse segments of society, the Charter will continue to transform individual protests into a long-lasting movement that demands across-the-board, systematic change.

As the non-governmental forces grow and the civil protests escalate, the struggle for power among different factions with the communist regime will become more pronounced. Once the external pressure reaches a critical mass, the rival factions within the CCP will have no choice but take the voices of the citizens seriously and seek their support to survive.

The release of Liu Xiaobo will help signal the coming of that change.

When a large-scale movement takes place again, as it did in 1989, we will need leaders to play the roles that Mandela, Havel, Walesa, and Aung San Suu Kyi have played in the political changes of their respective countries. We will need a group of civil leaders who can disrupt the political order and establish itself as the legitimate voice of the people in negotiations with the state. Liu Xiaobo, as a widely accepted leader both at home and abroad, will surely play a unique role in forming such a group, which was most needed but lacking in our 1989 Tiananmen movement.

Therefore, working toward his freedom is vital for a democratic change in China. I am particularly encouraged by the strong support for Liu Xiaobo and Charter 08 from world human rights leaders and activists. Aung San Suu Kyi was released from house arrest in November of 2010. For the first time, there is hope for reform in Burma. In seeking the Liu's release, we hope and struggle for the same in China.

PREPARED STATEMENT OF PATRICK GRIFFITH¹

DECEMBER 12, 2012

Good afternoon Mr. Chairman and Mr. Co-Chairman and thank you for the opportunity to join you today. The Congressional-Executive Commission is an essential source for information about human rights violations in China, and I want to begin by thanking the Commissioners and the staff for their unwavering support for prisoners of conscience.

As an attorney with Freedom Now and as international pro bono counsel to the Lius, my testimony today will focus on why the detention of Dr. Liu Xiaobo and his wife Liu Xia is a flagrant violation of China's obligations under international law. In addition to a brief discussion of recent developments in the case, I will explain in our view what steps the United States can take, in light of their continued detention, to lead a growing international movement to free them.

The circumstances of Dr. Liu's detention are widely known and largely undisputed, even by the Chinese government. Dr. Liu became a prolific essayist after being detained and barred from teaching or publishing in the country following his public support of student protesters in 1989. At the time of his arrest, Dr. Liu was leading an initiative called Charter '08. Modeled on the Czechoslovakian Charter '77, the Chinese manifesto called for a peaceful transition to multi-party democracy and respect for fundamental human rights in China. Detained at an unknown location for six months, without charge or access to legal counsel, Dr. Liu was ultimately accused of "inciting subversion" of the state and its socialist system. The prosecution's indictment, like the court's judgment on December 25, 2009 sentencing Dr. Liu to 11 years in prison, specifically relied on his writings as proof of his guilt.

Shortly after the Norwegian Nobel Committee announced the following October that it would award the Peace Prize to Dr. Liu, "in recognition of his long and non-violent struggle for fundamental human rights in China," the government placed Dr. Liu's wife, Liu Xia, under house arrest. Two years later, she remains cut-off from the outside world without even the pretense of legal process. Just last week, reporters from the Associated Press managed to reach Liu Xia and described the desperate situation she faces. In her first interview in over two years, Liu Xia confirmed that she has been confined to her home, unable to communicate with the outside world, except for weekly trips to buy groceries and visit family. She described her continued house arrest as "painfully surreal" and noted that although she initially felt prepared for the consequences of the Peace Prize, she never imagined she would be unable to leave her home. After two years of house arrest, Liu Xia was

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described as looking frail and frequently confined to bed due to back pain. “I don’t keep track of the days anymore” she said.

The prosecution of Dr. Liu and the lack of due process afforded to him clearly violate China’s international obligations. China has signed the International Covenant on Civil and Political Rights, which specifically protects the right to peaceful freedom of expression. These international protections apply regardless of whether Chinese domestic law punishes peaceful political expression as “subversion” and the government’s constant refrain that Dr. Liu’s imprisonment is the result of a criminal prosecution is simply irrelevant. Further, as internationally protected rights, their violation is the proper concern of the international community—not merely an issue of domestic “judicial sovereignty.”

The violation of Liu Xia’s rights is even more appalling. Despite a mountain of evidence to the contrary, the Chinese government has claimed that “no legal enforcement measure has been taken” against her. This claim is either a lie or an admission of guilt, and as amplified by the recent reports about the toll her house arrest is taking, it is also incredibly cruel. Most strikingly, Liu Xia’s continued detention is patently illegal—nothing under domestic or international law authorizes the indefinite detention of a person, without any due process whatsoever, for the crime of being married to a Nobel Laureate.

In response to petitions filed by Freedom Now on behalf of Lius, the United Nations Working Group on Arbitrary Detention found their continued detentions to be arbitrary under international law. Despite this finding by the United Nations, and its call for their immediate release, life for Dr. Liu and Liu Xia remains unchanged since he received the Nobel Peace Prize two years ago. Unfortunately, this lack of progress can also be seen in other Chinese cases, such as that of imprisoned rights lawyer Gao Zhisheng. As Mr. Gao’s wife described to this Commission in February, the Chinese government has repeatedly disappeared and tortured Mr. Gao because of his support for religious minority groups, workers, and victims of land seizures. After holding Mr. Gao incommunicado for 20 months, the government announced at the end of last year that it would imprison him for an additional three years for allegedly violating the terms of a suspended sentence imposed in 2006 after Mr. Gao confessed to “inciting subversion” after interrogators threatened his family. As with Liu Xia, the total lack of due process afforded to Mr. Gao belies any notion that the Chinese government respects the “rule of law” it so frequently claims to uphold.

While the Chinese government’s intransigence on these cases is certainly frustrating, the international movement to free the Lius is gathering cohesion and momentum. Last week, the International Committee for Liu Xiaobo, a coalition of six Nobel Peace Prize Laureates and 15 non-government organizations, including our own, released a letter from 134 Nobel Laureates calling for the immediate and unconditional release of the Lius. What is striking about the letter is not only the number of signatures, but also the diversity of its supporters. The letter, lead by Archbishop Desmond Tutu and Sir Richard Roberts was signed by Laureates from across all six Nobel disciplines, not just his fellow Peace Prize winners. Archbishop Tutu is also leading an effort to build a citizens’ movement in support of the Lius. Launched with a petition on Change.org that mirrors the Laureate letter, the initiative surpassed 200,000 signatures from 82 countries in less than 48 hours and continues to gather support.

In light of this growing citizens’ movement, there are three ways that the United States can redouble its efforts and change its tactics in support of the Lius. As Representatives Frank Wolf (R-TX) and Jim McGovern (D-MA) of the Tom Lantos Human Rights Commission noted last Thursday during the launch of the Defending Freedoms Project, respect for human rights is a non-partisan issue and the United States has an essential role in speaking out against abuses.

First, as a Nobel Peace Prize Laureate himself, President Obama has the unique opportunity to take a leading role in the growing citizens’ movement. Initiatives such as the Laureate letter organized Archbishop Tutu and Mr. Roberts provide Mr. Obama with a ready-made platform to highlight the continuing detention of the Lius. While the President did call for Dr. Liu’s release shortly after he was announced as the recipient of the 2010 Nobel Peace Prize, we are disappointed that since then he has not publicly reiterated this call nor has he ever personally called for Liu Xia’s release. The President’s voice in support of the Lius has the potential to galvanize the international community. However, without the President’s personal engagement on initiatives such as the Laureate letter, Beijing will receive the message that it can continue to detain Dr. Liu and Liu Xia in violation of international law without suffering any further public consequences.

Second, the United States should consistently and publicly hold the Chinese government accountable for its continued refusal to release the Lius. While there is certainly a role for quiet diplomacy, the situation for Dr. Liu and Liu Xia has remained

largely unchanged over the last two years. Because the ultimate measure of success is their freedom, the anniversary of the Nobel award presents an opportune moment for the United States to reassess its approach. During the Cold War, many high-level bilateral meetings, regardless of topic, began with the U.S. representative raising concerns about political prisoners. Reinstating such tactics would send a clear message that the Chinese government's refusal to comply with international law is unacceptable.

Finally, the United States should take a leading role in multilateral efforts to support the Lius. For example, leadership on a letter from other G8 countries highlighting the continued detention of the world's only imprisoned Nobel Peace Prize Laureate would remind the incoming Chinese leadership that if it wants to join the community of nations as a full partner, it must do more than merely talk about human rights and the rule of law. It is our belief that even a private discussion about such a public multilateral effort could have real and positive impacts on the ground. Especially in light of the recent news about Liu Xia's plight, these kinds of international efforts are urgently needed.

My testimony today has focused on a handful of cases. Admittedly, they are among the hardest cases in one of the most difficult countries. The challenge of such high profile cases is that they often lead to multiple, but ultimately uncoordinated, initiatives. With Archbishop Tutu's efforts to develop an increasingly cohesive citizens' movement, this anniversary presents an important opportunity to refocus attention on the continued detention of Dr. Liu Xiaobo and his wife Liu Xia. While relations between the United States and China are necessarily complex, respect for fundamental human rights must remain at the center of that relationship and the continued detention of the Lius is an important bellwether indicating that more must be done.

PREPARED STATEMENT OF YU JIE

DECEMBER 12, 2012

On October 9th, 2010, the day after Liu Xiaobo was awarded the Nobel Peace Prize, the Chinese Communist Party arranged a meeting between him and his wife Liu Xia.

Liu told his wife that he had already learned of his award from prison officials. Then, facing her with tears in his eyes, he said, "this prize is for the lost souls of June Fourth."

Liu Xiaobo's confinement made him only the second recipient, in more than a century of the prize's history, to be awarded the Nobel Peace Prize while in prison. As Liu was unable to attend the ceremony held in Oslo, an empty chair was placed onstage to symbolize his absence: as you might expect, empty chairs are a rare sight at such ceremonies.

Vaclav Havel, a fellow intellectual, dissident, and political prisoner who strongly supported Liu's nomination for the Nobel Peace Prize, also shares with Liu a common casual fashion sense. Even after becoming President of the Czech Republic, Havel never abandoned his aversion to formal dress. He once refused a suit given to him by his friend Karel Schwarzenberger, a descendant of Austrian royalty, exclaiming "I can't wear this! It would make me look like a clown." Havel continued to wear a simple pullover and jeans throughout his presidency, riding his scooter through the winding halls of Prague Castle.

Like Havel, Liu Xiaobo has always had a casual and simple style. You are not likely to see him in a suit and tie. Once when a friend invited him to dinner at an exclusive club, the host stopped Liu at the doorway and required him to change out of his jeans: he was less than happy with this formality. When Liu was a rising star in the academic world in the 1980s, he would often lecture at Beijing Normal University in worn old jeans and sandals. One classmate recalls that Liu, who always did things his own way even then, would often "wear a t-shirt, shorts, and sandals, with a tattered book bag on his back." And whoever chose to criticize his sense of style would inevitably receive the self-satisfied response that "this entire outfit cost less than ten yuan!"

If one day Liu Xiaobo regains his freedom, we can be certain that China will have already started on the path to democratization. Would he be invited to Oslo City Hall, to make up for the prize ceremony that he missed? Would he wear a neatly pressed black tuxedo to the ceremony? I can't help but wonder how he would look, dressed so immaculately from head to toe.

Every person's life is filled with countless "ifs." Liu Xiaobo's is no exception.

If Liu Xiaobo's father had not been a literature professor, if Liu had not been sent down to the countryside as an "educated youth," or if he had not been accepted into the Chinese Department at Jilin University and joined the Innocent Hearts Poetry Group, amidst the unrivaled reign of the technical sciences in that era, would he have become just another bumbling engineer?

If Liu Xiaobo had not been accepted into the Chinese Department at Beijing Normal University and remained as an instructor after graduation, if he had not published his declaration on the crisis of contemporary Chinese literature, and if he had not challenged Li Zehou, one of the more influential thinkers of that period, would he have become just another inconspicuous and obscure professor of aesthetics?

If Liu Xiaobo, amidst the tumult of 1989, had only completed his term as a visiting scholar abroad rather than returning to Beijing like a moth to a flame, if he had only stood on the sidelines of the student movement rather than becoming one of the leaders of the hunger strike that marked its peak, or if he had just not stood ground with fellow protestors on Tiananmen Square until the very last moment, would he have avoided the tragedy of prison?

If, as more and more Chinese dove into the sea of entrepreneurship in the 1990s, Liu Xiaobo had decided to change course and just focus on making some money, if he had returned to the ivory tower to refocus his energies on textual research, or if he had only dedicated some of his talent to publishing bestsellers, would he have become just another showy nouveau riche intellectual-turned-businessman?

If, in this new century, Liu Xiaobo had not been elected to the presidency of the Independent Chinese PEN Center and dedicated himself to the struggle for freedom of expression, if he had not published millions of characters worth of political commentary in the overseas media and on overseas websites, and if he had not participated in drafting and organizing Charter '08, would he have faced a fourth prison sentence? And would he have received the Nobel Peace Prize?

Each of these "ifs" presents a crossroads in life. But if, over the past thirty years, China did not have Liu Xiaobo, or if Liu's sense of duty . . . or shall we say the combination of his sense of duty, ambition, and other aspects of his complex personality . . . were not quite as strong as they have been, what would our world be like today?

Liu Xiaobo's existence, and Liu Xiaobo's suffering, are a reminder to us all: we are not alone in this world, and cannot think only of ourselves. We have to remain engaged with and reflective upon the world around us, and bear our shared responsibility.

In 1977, after years of work in the countryside as an "educated youth," Liu Xiaobo was admitted into college, beginning his journey to becoming an independent intellectual at the age of twenty-two. Liu's growth and activism over the three decades that followed can be divided into four main passages.

The first passage, from 1977 to 1989, was a period in which Liu pursued his studies, began his career, and made a name for himself in literary circles.

The late 1970s and 1980s were a rare moment of vitality and hope in modern China. Despite the occasional reemergence of political campaigns like the Anti-Spiritual Pollution Drive and the Campaign against Bourgeois Liberalization, the control and restraint of leaders like Hu Yaobang and Zhao Ziyang ensured that such temporary flashbacks to the Maoist era did not devastate the recently revitalized cultural and intellectual fields. The liberation of thought that characterized the 1980s continued through the spring of 1989, when it was suddenly and cruelly extinguished.

Liu Xiaobo benefited greatly from the open intellectual atmosphere of this period, while also becoming a central contributor to its continual expansion. Liu began his studies from literary criticism and aesthetics, gradually expanding into a far-reaching critique of Chinese traditional culture, Chinese intellectuals, and the prevailing political system. His books sold faster than they could be printed, and his speeches were all the talk of college campuses.

In the spring of 1989, while Liu Xiaobo was a visiting scholar in the United States, student protests began in Beijing. Liu was determined to return, and soon dedicated himself wholeheartedly to this movement. Liu's decision transformed him from the "dark horse" of literary circles to the "black hand" behind the student movement, from a detached intellectual to a man of action, and from a young scholar to an enemy of the state. The echo of gunfire reverberating through the streets of Beijing officially marked the end of Liu Xiaobo's youth.

The second passage, from 1989 to 1999, was a period in which Liu was imprisoned, persecuted, and remained committed and active while increasingly isolated.

This was a decade of unrelenting social and political stasis, combined with unprecedented economic growth. It was a decade of intellectual suppression and of the widespread abandonment of even the most basic of moral values. Deng Xiaoping's

call to build a “well-off society” left the people of China with no choice but to accept the reality of being robbed of their freedom and denied their fundamental human rights, and to focus their energies upon the sole acceptable goal: making money. Money became the only thing in which people could truly believe. In academic circles, one after another, nationalism, populism, postmodernism, neo-traditionalism, and the “New Left” took intellectual circles by storm with the tacit approval and encouragement of the state. Liberalism, by contrast, was gradually marginalized.

Liu Xiaobo’s human rights activism in this period led to his imprisonment three separate times, totaling nearly six years behind bars in one decade. And even when he was not in prison, Liu was still followed, closely monitored, and even placed under arbitrary house arrest by state security, making his life anything but easy. Yet he refused to give up, to be discouraged, or to even feel a hint of anxiety about his increasingly marginalized position within Chinese society. Instead, he continued on his course, reading the latest commentaries, observing the social and cultural developments around him, collaborating with similarly minded colleagues, and searching for new possibilities.

Throughout this decade, Liu composed and organized signatories to a number of open letters addressing such pressing issues as implementing democracy, protecting human rights, and overturning the official verdict on Tiananmen. Despite these far-reaching efforts, Liu’s influence continued to be limited primarily to a small circle of dissident intellectuals: he had become a lonely trailblazer.

The third passage, from 1999 to 2008, was a period in which Liu wrote extensively on political affairs, and emerged as one of contemporary China’s central public intellectuals and human rights activists.

This was a decade in which China’s economic development continued to accelerate, while political reform continued to lag far behind. Corruption continued to plague society, and social tensions continued to intensify. Throughout the reigns of Jiang Zemin and Hu Jintao, the Chinese Communist Party has declared to the outside world the rise of a new great power, and attempted to export the so-called China model. Yet domestically, the Party has proselytized its “harmonious society:” beneath its pleasant sounding veneer, such harmony is in reality nothing but the maintenance of “stability” through unrelenting violence, with the growing ranks of secret police running wild with increasingly free reign.

Yet from another perspective, in this decade civil society gradually took root and slowly expanded, NGOs sprung up one after another, and rapidly expanding Internet use resulted in unprecedented access to free information. However, divisions continued to grow within the intellectual world, as more and more scholars began to willingly abandon their independence and stand wholeheartedly with the government.

Totalitarianism with Chinese characteristics has undergone repeated metamorphoses on its path to modernity. The majority has chosen to bow down and submit to this superficially benevolent yet actually quite coldblooded force; they justify their decision by repeating, “if you can’t beat them, join them.” And as one sector after another gave up and joined in this game, cynicism has come to reign over Chinese society, erasing any remaining momentum for further reform.

In this era, Liu Xiaobo continued to be closely monitored by the state security forces. However, with the exception of brief periods of house arrest and interrogation at particular “sensitive times” each year, he managed to stay out of prison, allowing for a relative sense of security and stability. Combining his extensive knowledge with a growing awareness of the essential role of public intellectuals in social transformation, Liu maintained a sharp awareness of pressing issues and a passion for critical reflection. As one scholar has noted, “he never stopped thinking through a workable program for political transition, as well as possible directions to pursue following such a transition. His thought provides a unique and extremely valuable perspective that links the intellectual world with grassroots society, in search of a soft landing in a ‘post-transition’ era yet to come.”

Between 2003 and 2007, Liu Xiaobo also served two terms as the president of the Independent Chinese PEN Center, finally developing on-the-ground infrastructure for the center’s activities within China. Cooperating with and drawing support from his colleagues, Liu overcame the authorities’ restrictions on independent organizations, making Chinese PEN an unprecedentedly vibrant independent organization dedicated to protecting freedom of expression and promoting the development of Chinese literature. In 2008, Liu Xiaobo retired from his post in Chinese PEN and dedicated himself wholeheartedly to drafting, revising, and organizing signatories to Charter ’08 work which lasted until his arrest on December 8th of that year. The dual leadership roles that Liu assumed in this decade, both in Independent Chinese PEN and in the preparation of Charter ’08, unveiled his new identity as a civil society organizer and coordinator.

The fourth passage in Liu Xiaobo's life began in 2009, and continues to this day. From the moment that policemen abruptly stormed into his home in the middle of night on December 8th, 2008, Liu Xiaobo lost his freedom. One year later, in December of 2009, he was sentenced to a total of eleven years in prison. But then, one more year later, Liu Xiaobo was awarded the Nobel Peace Prize.

Although the Chinese authorities have imprisoned Liu Xiaobo's body, they cannot imprison his name and his ideas. Liu's experience unmasks the fundamentally dictatorial nature of the Chinese Communist regime for the world to see. And no matter what disguises the Party may try, so long as Liu remains locked away in prison, there is no way for this regime to hide its despicable nature.

Now, the honor of the Nobel Peace Prize has elevated Liu Xiaobo to a new status. Although Liu's contributions cannot be measured solely through this prize, this honor nevertheless places him directly at the heart of any future sociopolitical transition in China. Chen Jun, a good friend of Liu, notes, "I strongly believe that Xiaobo has his own expectations and even preparations in this regard. If he can persist, and continue on the path that he has followed over the years, he will become an outstanding figure in history, like Vaclav Havel, leaving a deep and lasting imprint upon China. This imprint could be far more significant than simply realizing democratization in China. And I strongly believe that he is qualified to play such a role." In the not so distant future, will Liu Xiaobo finally realize the Herculean task of bringing real social transformation to China?

As for what this new passage in Liu's life might bring, we all have yet to see. But each one of us who cares about China's future and its fate is eagerly waiting, and imagining what is still to come.

PREPARED STATEMENT OF LIU MIN

DECEMBER 12, 2012

My husband Yu Jie and I met Liu Xiaobo and his wife in 1999. Shortly after we became very close friends.

Liu Xiaobo and Liu Xia began their romantic relationship in the early 1990s. After the Tiananmen Square Massacre in 1989, Liu Xiaobo was imprisoned for the first time, resulting in the breakup of his first marriage. After his release, Liu Xiaobo and Liu Xia fell deeply in love. During this time, Liu Xiaobo was imprisoned for a second, and then a third time. In the period when Liu Xiaobo was sent to Dalian to be re-educated through labor, Liu Xia went to see him every month from Beijing, traveling back and forth 38 times over three years. The trip between Beijing and Dalian was 1,250 miles.

Then, after fighting for it time and again, they had a wedding in prison. Afterward Liu Xia told me their only celebration was a simple lunch: the labor camp cafeteria made a couple of dishes for them. In these three years, it was the only time they had eaten at the same table.

The pressure faced by Liu Xia was even greater than that on Liu Xiaobo. She was originally a poet, painter and photographer who kept her distance from politics. Simply by being Liu Xiaobo's wife, she was included on the list of "enemies of the state." Permanently unable to live a normal person's life, she developed eye problems, endocrine disorders, insomnia, nervous breakdowns, skin illnesses, and severe depression. She had to take large doses of sleeping pills to fall asleep every night. After Liu Xiaobo was arrested, a friend asked her about how she was sleeping. She said, now that Liu Xiaobo is gone, I can actually sleep more peacefully. "A shoe had fallen down from the ceiling long ago. For many years, I was like the person waiting for the other shoe to drop. Now, the shoe has finally dropped, and I can finally feel at peace."

Liu Xia and Liu Xiaobo have been married for many years, and they have never had children. Liu Xia said, "A long time ago, we agreed not to have children. Having a father in prison in any case is a cruel thing to a boy or a girl. So, we are still a DINK family."

In December 2008 Liu Xiaobo was arrested; on Christmas, 2009, Liu Xiaobo was sentenced to 11 years in prison, and was later sent to the prison in Jinzhou, Liaoning, to serve his term. If Liu Xiaobo is to serve his term in full, Liu Xia will have traveled back and forth between Beijing and Jinzhou more than a hundred times. The trip between Beijing and Jinzhou is approximately 600 miles. In total, her trek will have been more than 8,000 miles!

Liu Xia also told me about the severe winters in Jinzhou, and because of the lack of heating in prison, Liu Xiaobo felt very cold and asked Liu Xia to bring him some thick wool pants. In September 2010, after visiting the prison Liu Xia returned to

Beijing and asked me to buy wool pants for her, so she could bring them the next time she visited.

To our surprise, on October 8, 2010, the news of Liu Xiaobo receiving the Nobel Peace Prize broke. The night before, I even went out eating and shopping with Liu Xia, and picked out a piece of clothing for her. She said it was too expensive. I said, if Xiaobo wins, you have to go and accept the award on his behalf, and you don't even have any formalwear. So she finally bought it. Yet, she lost her freedom shortly after, and could not go to Oslo to accept the award on her husband's behalf.

Just five days after news of Liu Xiaobo receiving the Nobel Prize became public, my husband Yu Jie finished a lecture at the University of Southern California and hurried back to Beijing because he wanted to finish Liu Xiaobo's biography. As soon as Yu Jie arrived in Beijing, he was immediately placed under house arrest by the secret police.

The first week in the beginning, I could still go to work freely. I had bought the wool pants for Liu Xiaobo, but I could not get in contact with Liu Xia, and so I got in touch with Liu Xia's younger brother and brought the pants to him. Subsequently, when Liu Xia's brother came out from visiting her, he was searched by the police, who found on him a note written by Liu Xia with my name and telephone number on it. And so, that day, as soon as I came home from work, I was immediately placed under house arrest. Since then, my husband and I had been under house arrest, until mid-December. On December 9 Yu Jie was kidnapped by the police from home to the outskirts of town, and was beaten and tortured, and almost died. Soon after I lost my job as well.

In January 2012, our family of three finally escaped China, and came to America. Liu Xiaobo and Liu Xia's predicaments weigh on our minds constantly, especially Liu Xia's being under house arrest and isolated from the world for over two years. We worry about her physical and mental state. In my own personal experience, when my husband and I were put under house arrest for two months, we were together, but a life where all our means of contact were cut off, where we could not take one step out of our own door, where we could not see a single other person on the outside, drove us nearly insane. And Liu Xia is alone, under arrest for more than two years! That kind of suffering is unbearable. I hope the American government, especially President Obama, who is also a Nobel Peace Prize recipient, can personally and directly put out a strong call to the Chinese government, and demand that they release Liu Xiaobo and Liu Xia immediately.

PREPARED STATEMENT OF CHRISTOPHER SMITH, A U.S. REPRESENTATIVE FROM NEW JERSEY; CHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

DECEMBER 12, 2012

Two years after the independent Nobel Committee awarded the Nobel Peace Prize to Chinese intellectual and democracy advocate Liu Xiaobo, little has changed. Liu Xiaobo remains isolated in prison. He remains thousands of miles away from his wife, Liu Xia, whom authorities have now held under house arrest for 26 months. Chinese authorities continue to defend their imprisonment of Liu Xiaobo and continue to deny Liu Xia's de facto house arrest. Despite global calls to release the Nobel Peace Prize laureate and his wife, Chinese authorities remain resolute in their will to silence them.

It has now been a year since we last convened a hearing to discuss this outrageous and senseless violation of the Lius' rights—a year later, we ask the same questions and express the same concerns.

Liu Xiaobo's ordeal is well-known. In December 2010, The Nobel Committee awarded the Nobel Peace Prize to Liu Xiaobo "for his long and non-violent struggle for fundamental human rights in China." A year earlier, Chinese authorities sentenced him to 11 years in prison for "inciting subversion of state power," the longest known sentence for that crime, simply because he exercised his internationally recognized right to free expression. Liu's conviction, according to court documents, was based on Charter 08 and six essays he wrote. Mr. Liu's trial, conviction, and sentence, once again demonstrated the Chinese government's failure to uphold its international human rights obligations and its failure to abide by procedural norms and safeguards that meet international standards.

Liu Xiaobo co-wrote and signed Charter 08—a treatise urging political and legal reforms based on constitutional principles. Charter 08 states that freedom, equality, and human rights are universal values of humankind and that democracy and constitutional government are the fundamental framework for protecting these values. In response to this public call for rights and reform, officials blocked access to and

censored all mentions of Charter 08. They questioned, summoned, or otherwise harassed hundreds of Chinese citizens for contributing to or signing the document.

Today, we have little news about Liu's current condition. Liu remains in prison—there is little doubt that the Chinese continue to treat him unmercifully.

We do, sadly, have some news. While we previously knew that authorities continued to hold Liu's wife under a de facto form of house arrest—with little contact with the outside world—we have recently learned more about her unbearable circumstances and detention. Last week, two Associated Press journalists were able to briefly interview Liu Xia, while the guards that keep watch over her were away for a midday break. Upon opening the door, the journalists found a woman shocked by the rare opportunity to communicate with those outside her prison.

She wept as she decried the injustice and absurdity of her detention. She told them of her poor health and of the outrageous abuses she has suffered. Her ongoing plight has been referred to by some as the “most severe retaliation by a government given to a Nobel winner's family.”

Liu Xia remains detained in violation of Chinese law—a victim of the government's contempt and paranoia. Angered by Liu's award and his global support, Chinese authorities have unjustly detained this innocent woman.

The targeting of wives and children, of grandparents and associates, however, remains a common practice for the Chinese government. A few weeks ago, the nephew of Chen Guangcheng, the blind activist who escaped to the United States earlier this year, was sentenced to 39 months imprisonment after defending himself from thugs who attacked his family. As with Liu's case, the trial was marred by procedural irregularities and violations. In recent months, the wife and child of Mongolian activist Hada have been confined to their home illegally and blocked from communicating with others. Today, we will hear moving, first-hand accounts of how families suffer when courageous individuals speak out against the Chinese government.

This, of course, is not a new tactic by Chinese authorities. In recent years we have heard how Chinese officials and those operating under their authority have interrogated children or harassed acquaintances. Chinese guards have shouted expletives at school-age sons and daughters and enforced economic reprisals against relatives and loved ones.

Liu Xia is not alone—but, she remains a symbol of these often overlooked collateral victims.

Why target family members and friends? The Chinese government fears the free thinkers they love and support. It acts in ways to silence those free thinkers who promote the best ideals and seek the greatest good for China. In China, free thinkers represent a threat to the government's “stability”—while representing new hopes for the Chinese people.

This threat of reform is China's greatest concern. Recently, after the sentencing of Chinese official Bo Xilai's wife for intentional homicide, leading human rights and China experts suggested that she might receive a medical pardon after nine years. Nine years for murder—as compared to eleven for Liu Xiaobo's calls for freedom. This is the China we are dealing with—one in which pre-meditated murder is viewed with less concern than calls for non-violent political reform. A China in which Chinese officials are sentenced to reclusive, plush prisons, while the wives and children and parents of rights advocates are doomed to a Kafkaesque existence—languishing in domestic prisons without opportunities for appeals or pardons.

A year after our last hearing on the subject, little has changed. Mr. Liu remains in prison and Mrs. Liu under an extralegal form of house arrest. Our resolve, however, has changed—in fact, it has grown stronger. Today, we are more concerned about the current conditions for Liu Xiaobo and Liu Xia. And, we are more outraged at the lack of humanity demonstrated by those perpetrating these crimes—from the thugs guarding Liu Xia's door to the newly-appointed leadership in Beijing. Today, our resolve—and the resolve of free-minded people—is, without question, stronger.

A year ago, we called on China to immediately and unconditionally release Liu Xiaobo and Liu. Today, we similarly demand that China end this “absurdity” for these noble citizens—and for all who remain detained in China for their political beliefs. We have not forgotten Liu Xiaobo and his wife. We commit to seeking their release from confinement and detention. We will not forget them next year, or the year thereafter—regardless of the circumstances. We will continue to demand they be freed and continue to demand that all Chinese citizens enjoy the fundamental freedoms protected under international law.

It is with this resolve and concern that we are joined today by a panel of experts on these cases and on China more broadly. I would like to thank them for their advocacy on behalf of Mr. Liu and Mrs. Liu and for sharing their insights into recent developments here today.

PREPARED STATEMENT OF HON. SHERROD BROWN, A U.S. SENATOR FROM OHIO;
COCHAIRMAN, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

DECEMBER 12, 2012

Good morning. I want to thank Chris Smith for hosting this hearing on the ongoing detentions of two human rights advocates. We stand united behind this cause.

We stand with our government, governments around the world, and the 134 Nobel laureates led by Archbishop Desmond Tutu, to urge incoming Chinese President Xi Jinping to immediately and unconditionally release Liu Xiaobo and his wife Liu Xia.

Let me be clear, there is no question that China has made progress on many fronts.

But we know that the Chinese people are not satisfied with economic progress in the absence of justice. We know that Chinese citizens—like women and men around the world—want and deserve basic human rights.

They deserve freedom and justice and equality of opportunity. They deserve to voice their opinions without fear of oppression.

That's why we're here today.

For decades, Liu Xiaobo has been one of the most passionate and thoughtful advocates for freedom, justice, and human rights in China.

He was a leader during the 1989 Tiananmen democracy protests. He has written nearly 800 essays advocating human rights and peaceful reform. He was one of the co-authors of Charter 08, a document released in 2008 calling for an end to authoritarian rule and respect for human rights.

For this, Liu has been censored.

He has endured three years in a labor camp. And, now, he is serving the fourth year of an 11-year prison sentence.

That's why, when the Nobel Committee awarded Liu the Peace Prize in 2010, they noted his "long and non-violent struggle for fundamental human rights in China."

They understood, just as many in China and around the world understand, that freedom and human rights are not freely given.

It takes courage and commitment. It takes people like Liu who are willing to sacrifice for their neighbors, families, fellow citizens—and the next generation.

Dr. Martin Luther King, Jr. popularized this struggle as a fierce commitment to building the "beloved community".

Indeed, Liu follows in the tradition of Peace Prize winners, like Dr. King, who have labored to build a better world, brick by brick.

In 1991, the Nobel committee awarded the prize to Aung San Suu Kyi for her democratic opposition to a brutal regime.

All of these activists have fought oppression with a message of non-violence, an unwillingness to give up, and love.

Liu spoke about the efficacy of nonviolence in 2006 when he wrote that "the greatness of non-violent resistance is that even as man is faced with forceful tyranny . . . the victim responds to hate with love . . . and to violence with reason."

Each day China denies citizens, like Liu, basic freedoms; China loses out on the diversity of opinions that lead to better government policies and a more just society.

Imprisoning Liu Xiaobo is not the act of a nation serious about earning a place of respect at the global table.

It is an act of an authoritarian state afraid of the strength of its own people.

Aung San Suu Kyi was finally able to give her Nobel acceptance speech in June of this year, more than two decades after she was awarded the prize. During her speech she said everyone is capable of contributing to peace.

Liu Xiaobo exemplifies the courage needed to cultivate justice.

We urge China to release the Liu family. Liu Xiaobo shouldn't have to wait two decades to give his own acceptance speech.

We look forward to that day. Thank you and I look forward to the testimony of our esteemed witnesses.

