



**Statement of U.S. Representative Christopher Smith,
Chairman of the Congressional-Executive
Commission on China (CECC)**

**CECC Hearing on “The Case and Treatment of
Prominent Human Rights Lawyer Gao Zhisheng”**

Tuesday, February 14, 2012, Washington, DC

As President Obama welcomes Vice President Xi Jinping, China’s leader-in-waiting to the White House today our Commission will hear testimony from two wives who are appealing for the immediate release of their jailed husbands—great human rights leaders—back in China.

As Chairman, I hope that President Obama doesn’t put human rights last on the agenda—or not at all—as he did when Chinese President Hu Jintao visited the White House on January 19th, 2011.

One of the wives, Li Jing, says that, “only the United States can make this case to China.” President Obama, listen to these courageous women—Geng He and Li Jing—and act decisively.

The China Commission hopes that the issue of human rights abuses in China will be raised in a serious and visible way during Mr. Xi’s visit, and particularly that the detention of Gao Zhisheng, Liu Xiaobo, Chen Guancheng, Guo Quan, Liu Xianbin, Pastor Yang Rongli, Alimujiang Yimiti and others are raised often and discussed in detail.

This important and timely hearing today recognizes one of China’s most important human rights lawyers, Gao Zhisheng. In the early 2000s, Mr. Gao, a self-trained lawyer, emerged as a champion of human rights causes and a defender of marginalized groups in China. Today, we know little about Mr. Gao’s current condition and whereabouts.

Guo Quan is an academic and professor who published an open letter to President Hu calling for multiparty elections, posted a charter for a new democracy party online and called for the end to China’s notorious reeducation through labor system. For that he was sentenced to 10 years in prison.

Gao Zhisheng

Mr. Gao Zhisheng’s brilliant legal advocacy on behalf of marginalized groups in China—including religious practitioners, rural workers, and human rights activists—resulted in

being sentenced on trumped-up "inciting subversion" charges in 2006. He was sentenced to three years imprisonment, but granted a five-year suspended sentence, or period of parole. During this time, Mr. Gao has been subjected to years of brutal torture and has been repeatedly "disappeared." An outspoken Christian, Mr. Gao has been "disappeared" into official custody since February 2009, with only a brief reappearance, under official supervision, in March and April 2010.

Information on Mr. Gao's enforced disappearance and current condition remains a closely guarded secret. For months and years, we heard nothing on Mr. Gao's ongoing detention.

Two months ago, however, Chinese officials announced that Mr. Gao would be forced to serve out his original three year criminal sentence, a week before he should have finished his five-year parole period. The announcement claimed that Mr. Gao violated the conditions of his parole. No details, however, were provided. One can only wonder what "violations" Mr. Gao committed, since he has been held incommunicado during the majority of this parole period and has been brutally tortured throughout.

In the past month, his brother and other family members have been turned away in their attempts to visit Mr. Gao. We have received no word on his health or condition.

As expert witnesses will demonstrate, the official case against Gao Zhisheng is not only rife with villainy, but also bereft of humanity. In an account of Mr. Gao's torture, made public by the Associated Press in January 2011, Mr. Gao disclosed to a reporter the excruciating details of his detention: "The police stripped Gao Zhisheng bare and pummeled him with handguns in holsters. For two days and nights, they took turns beating him and did things he refused to describe." He recalled, "For 48 hours my life hung by a thread." Authorities reportedly threatened to kill Mr. Gao, to dump his body in a river. And, authorities taunted him by saying "You must forget you're human."

To Vice President Xi, we will not forget. We do not know if Mr. Gao is alive or dead. In solidarity with Mr. Gao and his family, we know, however, that we are here to honor Mr. Gao's accomplishments, his rights advocacy and his image. We will not let those who hold him kill Gao Zhisheng's legacy. We will not allow these criminals to dispose of his significance. And, we will not forget Mr. Gao's profound humanity.

We are also honored to hear from two specialists with unique insights into Gao Zhisheng's case and the ongoing international advocacy efforts on his behalf. We will hear from Jared Genser, founder of Freedom Now and member of Gao Zhisheng's international pro bono legal team. Genser will discuss the recently filed petition with the United Nations Working Group on Arbitrary Detention on behalf of Mr. Gao, which seeks an opinion on whether Mr. Gao's imprisonment violates international law. And, we will hear from Pastor Bob Fu, the founder and president of the China Aid Association.

Pastor Fu will discuss the FreeGao campaign and the need to hold China accountable for the ongoing harassment and detention of Gao Zhisheng.

Guo Quan

The case of Guo Quan, a former criminal-court officer and university associate professor, illustrates how Chinese officials target citizens who attempt to form independent political parties, use the Internet to organize, or post online opinions deemed too politically sensitive. In 2007, Mr. Guo began posting a series of open letters to top government leaders, advocating on behalf of laid-off workers, demobilized military cadres, and displaced farmers. He also wrote letters calling for multi-party rule and for democratic reforms. Because his writings were considered too critical of the government, however, Mr. Guo later lost his university professorship and was expelled from the China Democratic League, a state-approved “democratic” party under the direction of the Communist Party. Chinese authorities frequently detained Mr. Guo, because of his online articles and open letters to top officials. In 2008, Mr. Guo announced the formation of the China New Democracy Party. Authorities later detained Mr. Guo and sentenced him to ten years’ imprisonment for “subversion of state power” for organizing an “illegal” political party, for recruiting members for the party, and for other acts to “overthrow” the socialist system. Despite his appeal, court officials upheld the verdict. Today, Mr. Guo is serving out his sentence in a Nanjing prison. His wife and young son have fled the official harassment and abuse they suffered in China, and they are now in the United States.

The hearing today continues the Congressional-Executive Commission on China’s work to monitor China’s human rights and rule of law developments and to give voice to the persecuted. In the past year, the Commission has consistently raised China’s ongoing violations of international law and human rights standards in its reports and events. Recent hearings have been able to boldly shine a light on some of China’s gravest injustices and its darkest polices.

In December 2011, the Commission held a hearing on Liu Xiaobo—a year after he was awarded the Nobel Peace Prize in absentia. The hearing highlighted China’s increasing crackdown on inspiring human rights advocates and peaceful reformers.

In November 2011, we held a hearing on the illegal detention and abuse of legal advocate Mr. Chen Guangcheng and his family. A self-trained legal advocate, Mr. Chen was wrongfully imprisoned for exposing China’s brutal forced abortions and for his heroic activism on behalf of victims of China’s one child policy. Since his release, Mr. Chen and his family have been maliciously deprived of basic freedoms—and repeatedly beaten. They remain confined to their home, under an illegal form of house arrest and under the watchful eye of armed thugs. We are unsure of whether Mr. Chen, like Mr. Gao, is even still alive. Our prayers are with him and his family. As Chairman of this

Commission, I and staff have made repeated attempts to visit Mr. Chen in Shandong province, but the Chinese government has denied our access, as well as access to the many human rights advocates in China that have tried to see Mr. Chen. Even actor Christian Bale was intercepted en route. Mr. Chen and his wife have been maliciously persecuted because he fights for women and children who have been irreparably harmed by the one child policy.

China's one child policy is state sponsored cruelty and constitutes a massive crime against humanity. The Nuremberg Nazi war crimes tribunal properly construed forced abortion as a crime against humanity—nothing in human history compares to the magnitude of China's 33 year assault on women and children. The Chinese government's one child per couple policy, with its attendant horrors of mass forced abortion and rampant sex selection abortion, is utterly without parallel. In effect since 1979, the coercive one child per couple policy is, in scope and seriousness, the worst human rights abuse in the world today. Few outside of China understand what a massive and cruel system of social control the one child policy entails.

The price for failing to conform to this system is staggering. A Chinese woman who comes pregnant without a permit will be put under mind-bending pressure to abort. She knows that "out of plan" illegal children are denied education, healthcare and marriage, and that fines for bearing a child without a birth permit can be up to 10 times the average annual income of both parents, and those families that can't or won't pay are jailed or their homes smashed in or their young child killed. If the brave woman still refuses to submit, she may be held in a punishment cell, or if she flees, her relatives may be held, and very often, beaten. Group punishments will be used to socially ostracize her. Her colleagues and neighbors will be denied birth permits. If the woman is, by some miracle, still able to resist this pressure, she may be physically dragged to an operating table and forced to undergo an abortion. Her trauma is incomprehensible. It is a trauma she shares, in some degree, with virtually every woman in China, whose experience of intimacy and motherhood is colored by the atmosphere of fear created by the government—by government threats and determination to intrude itself in a deadly fashion in the most private aspects of her life.

Today in China, rather than being given maternal care, pregnant women without birth control permits are hunted down and their babies forcibly aborted. They are mocked, belittled and humiliated. There are no single moms in China—except those who somehow evade the family planning cadres and conceal their pregnancy. For three decades, brothers and sisters have been illegal; a mother has absolutely no right to protect her baby from state sponsored violence.

Mr. Chen courageously pushed back against this horrific policy—and today suffers unspeakable abuse for his compassionate work.

Finally, we gather here today to ask that China's future leader Xi Jinping take China in a new direction. We ask that Mr. Xi put an end to China's oppression of human rights heroes and allow these inspiring men and women to return to their families without delay. We ask for the immediate release of Gao Zhisheng, of Guo Quan, of Chen Guangcheng, Liu Xiaobo and all the others.