

# HUMAN RIGHTS IN CHINA

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS  
AND HUMAN RIGHTS  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
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FRIDAY, JUNE 26, 1998

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND  
HUMAN RIGHTS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:30 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. In a few hours, the President of the United States will be in Tiananmen Square standing shoulder to shoulder with the men who ordered the massacre of June 4th, 1989, with the same men who deny that anybody died in Tiananmen Square that day. It is therefore appropriate that we begin today by hearing from five witnesses who can be relied upon to tell the truth about what the Chinese Government does to its people.

The President has come a long way since the 1992 campaign when he accused his opponent of coddling dictators and promised he would deny Most Favored Nation (MFN) status to China "as long as they keep locking people up." I just note parenthetically, Mr. Clinton, according to press accounts, is disturbed by some of the reports, the new reports that dissidents have been rounded up, his trip being the proximate cause. So people are still being locked up.

A series of articles in *The Washington Post* this week purports to tell the inside story of how the President changed his mind. In the words of one anonymous Administration official, the President finally realized that China was more than just "a theme park for human rights activists." This realization had dramatic consequences. The second *Post* article ends with a vignette in which the U.S. Ambassador to the United Nations tells his Chinese counterpart that he wants to take a trip to China to talk about human rights, then breaks out into a big grin to let the Chinese Ambassador know that he was only joking. According to the *Post*, the two Ambassadors shared a good laugh about that one.

The *Post* also reports that in the summer of 1994, a few months after President Clinton delinked MFN from progress on human rights, there was a meeting at the White House to assess the effects of the Administration's new China policy. At the meeting, President Clinton announced, and I quote, "I hate our China policy. I wish I was running against our China policy. I mean, we give

them MFN and change our commercial policy and what has changed?"

The central purpose for this hearing 4 years later is to ask that question again. Do the Chinese people enjoy greater freedom of speech, of association, of religion as a result of the policies of the last 5 years? Is there more or less forced labor, more or fewer forced abortions and sterilizations, more or less pressure on the identity and culture of the people of Tibet and of the Xinjiang Uighur Autonomous Region? And would the people of China be better off or worse off today if President Clinton had stuck to his original human rights policies, the ones he did not hate?

I hope our witnesses today will address these questions. I hope that they will also share their reflections on another question that continues to puzzle me. When big business interests here in the United States really want to change Beijing's conduct, for instance, when they want to get the Chinese Government to respect international copyrights on software and videotapes, intellectual property rights, why don't they adopt the same strategy they advocate for bringing human rights to China? Why don't they counsel patience, understanding that China has a different system than we do, and resign themselves to a few years of constructive engagement so that, sooner or later, Beijing will come around? Instead, they demand economic sanctions, the very same sanctions they say would be counterproductive as a means of promoting political and religious freedom in China.

But if sanctions work to stop software piracy, then why won't they work to stop torture and other terrible human rights abuses? Perhaps there is an explanation—for instance, maybe Chinese officials are simply more attached to torture than they are to software—but I have never detected that the Administration or business feels any sense of obligation to explain why they want to be tougher on software piracy than on torture. Why won't they work to stop torture, religious persecution, forced labor, forced abortion or any other gruesome things that the Chinese Communists routinely do to human beings?

Of course, nobody wants to isolate the Chinese people or even the Chinese Government. Of course, we should engage them, but as former Chinese political prisoner Harry Wu puts it, don't engage with money, engage with American principle. It makes an enormous difference whether our engagement with China is truly constructive or whether it is just another word for appeasement.

At a recent hearing of the Subcommittee on International Operations and Human Rights, I asked Wei Jingsheng what practical effects MFN and other concessions to the Chinese Government have had for prisoners of conscience in China. He said that the torturers are usually more cautious in their treatment of prisoners at times when the United States is withholding some benefit. But then, as soon as there is "a turn for the better in the Sino-American relationship"—last year specifically when the United States declared its intention to establish this strategic collaborative partnership with China, "immediately the prisoners had been beaten and received other abuses," he went on to say.

At a hearing last October on whether constructive engagement is working, a young Muslim Uighur woman from the Xinjiang Uighur

Autonomous Region told our Subcommittee of an even more chilling cause-and-effect relationship between MFN and human rights.

In February 1997, a number of young Muslim men had been arrested for participating in a religious demonstration. According to the witness, and I quote, "We were a little surprised about the patience of the Chinese Government in making open executions. Everything was clear, they were waiting for the United States to offer MFN status to China. Right after MFN was approved by the Congress, the Chinese Government made the first open execution of seven Uighurs in order to 'kill the chicken to scare the monkeys.' Chinese military forces loaded them on to the open truck and drove slowly through the busy Uighur bazaar and neighborhoods through a crying crowd, including relatives, family members and friends. When the mourners got too close to the trucks, the Chinese soldiers opened fire and killed nine more people."

In other words, the Chinese and the Tibetan and the Uighur people know what the self-styled "Chinese experts" in the State Department and the Commerce Department refuse to learn. When engagement turns into appeasement, it just makes things worse.

We witnessed a vivid illustration of this principle as the President prepared to board his plane for China, just this week. The Chinese embassy in Washington called three journalists for Radio Free Asia who had been given visas to accompany the President on his trip and told them that their visas were being canceled. The Administration says that it made a protest to the Chinese Government, although I am informed that this protest took the form of a very weak secret demarche, but when Beijing did not back down, the Clinton Administration did. It told the journalists not to board the plane and gave the explanation that the airline could not take anyone to China whose papers were not in order.

But the Administration could have insisted that they be allowed to board. In that case, faced with the prospect of having to turn them away in broad daylight in front of hundreds of reporters and photographers, when they arrived in China, Beijing might have reconsidered its decision and the Administration might have been able to chalk up a small but important victory for freedom of expression. But when it comes to confrontations with Beijing, even small ones, this Administration always seems to blink.

I would like to ask our very distinguished panel of experts on China if they would present their testimony to the Subcommittee, and I would like it if you proceed in this order and take whatever time you think necessary to explain your position.

First—and we will make their full biographies a part of the record, but a shortened version, just to expedite—Stephen Rickard is the Washington Office Director for Amnesty International. Previously, Mr. Rickard had served as Senior Advisor for South Asian Affairs in the Department of State, as well as a professional staff member for the Senate Foreign Relations Committee's Subcommittee on Near Eastern and South Asian Affairs.

Mike Jendrzejczyk has served as the Washington Director of Human Rights Watch/Asia for the past 8 years. Previously, he worked for the International Secretariat of Amnesty International

in London and was Campaign Director for Amnesty International USA in New York.

Nina Shea is the Director of the Center for Religious Freedom at Freedom House. As a lawyer, she has spent the past 20 years specializing in international human rights. For the past 12 years, she has focused exclusively on the issue of religious persecution. Ms. Shea is the author of "In the Lions Den," a recent book about the persecution of Christians around the world.

Xiao Qiang, the Executive Director of Human Rights in China, formerly was a dissident leader in the People's Republic of China. Mr. Qiang came to the United States in 1986 to study astrophysics, but returned to China for 2 months in the wake of the Tiananmen Square massacre. Since then, he has worked full-time as a human rights activist.

And finally, Phillip Fishman has served as the Assistant Director for International Affairs of the AFL-CIO since 1991. For the past 2 years, he has been responsible for the Federation's Asian policies and program. Previously, he worked for the AFL-CIO's Asian American Free Labor Institute and spent 12 years overseas as the Federation's country representative in the Philippines, South Korea and Thailand, among other things.

I would like to ask again if Mr. Rickard would begin his testimony

**STATEMENT OF STEPHEN RICKARD, DIRECTOR, WASHINGTON OFFICE, AMNESTY INTERNATIONAL**

Mr. RICKARD. Thank you very much, Mr. Chairman. I very much appreciate the opportunity to testify today, and commend you on all of the efforts that you have undertaken over the last several weeks, and indeed over the last several years, to raise the profile of human rights issues not only in China, but also in other places around the world.

I believe that this trip is President Clinton's human rights "Dunkirk." For 5 years, after first staking out early in his Presidency a strong position on human rights in China, we have seen retreat after retreat after retreat from this Administration on the issue of human rights in China. And now, like the British at Dunkirk, President Clinton faces a critical choice. He can still salvage a small but important victory for human rights out of this depressing route, or he can be silent in the face of oppression in China and see the last vestiges of his credibility on human rights in China driven into the sea.

Unfortunately, when more than rhetoric has been required, when a diplomatic price or an economic price needed to be paid to stand up for freedom, the President has repeatedly signaled retreat, promised to dig in on a new line of defense only to then retreat from that new defensive line. He linked MFN status to very modest human rights conditions, then abandoned that policy, but then promised to dig in and hold the line at the Human Rights Commission in Geneva.

After several years, with some success putting the Chinese on the spot, raising the profile of this issue, in 1997, indecisive U.S. actions and hints that they might not go forward with the resolution helped fracture the Western bloc and produced a debacle at

the Commission. In 1998, the Clinton Administration failed to even offer a resolution.

The Clinton Administration has also steadily retreated on the issue of high-level contacts with Chinese officials meeting in the Oval Office in 1996 with the Chinese Defense Minister, the man who personally organized the Tiananmen Square massacre.

The 1997 Human Rights Commission debacle was followed by the Jiang Zemin visit; and now, in 1998, the President will let the Chinese Government roll out the blood red carpet for him in Tiananmen Square.

At least 250 and probably many more political prisoners are still in Chinese prisons because of their participation in or support for peaceful democratic protests in Tiananmen Square 9 years ago. There are at least 2,000 and probably many more political prisoners in Chinese prisons, enough to fill up the entire city of Clinton, Arkansas. Some of those people are in prison just for listening to the Voice of America. Well over 200,000 Chinese are in prison without charge or trial under "reeducation through labor" provisions. But the President is going to Tiananmen Square.

There is no more room for retreat. Sadly, there appears to be little reason to hope that President Clinton will salvage a victory for human rights by speaking out in a meaningful way on his trip. On the contrary, there are plenty of signs that the President will not forcefully defend America's commitment to fundamental freedom while he is in China. As *The Washington Post* put it, the trip takes place "in an atmosphere of U.S. accommodation to Chinese demands."

Four disturbing signs have occurred in recent days. The first was that the President let the Chinese Government prohibit Radio Free Asia journalists from traveling with him, as you have noted.

Second, he did not insist that his Special Coordinator for Tibet participate in the trip.

Third, he has not agreed to the request of Chinese dissidents to meet with them while he is in China.

And finally, yesterday, his spokesman announced that the Administration would only protest the detention of dissidents during the President's trip through the U.S. Ambassador in Beijing.

Now the events of yesterday may change this, and we may find ourselves in the situation where the clumsiness and heavy handedness of the Chinese Government may force the Administration to do what it has signaled very aggressively it did not want to do, which is to make human rights a high-profile part of this trip. So again, we are on the beach, but we haven't yet been driven into the sea. There is still the opportunity to salvage a victory out of this visit.

Now, I am not a China expert. And I want to leave plenty of time for the other panelists here who have much greater expertise about the specifics in China than I do. But I find it difficult to believe that if the President had said to his foreign policy staff, when word reached him about the decision on the Radio Free Asia visas, "Call the Chinese and tell them I will not come; they can make whatever excuses they want, they can say it was a mistake, they can say it was a snafu, they can fire some low-level person, but I will not come; make that clear to them," I cannot imagine that the Chinese



Government would have not backed down in that situation. But I may be wrong about that, and I would be interested in other people's views.

What I am completely confident about is that if President Clinton had taken that stand and his hand had been forced and he had to fulfill that pledge and had not gone to China because the Chinese Government was dictating to the U.S. Government which journalists would accompany the President of the United States, that the American people would have rallied behind President Clinton and acclaimed his decision to stand up for freedom. Of that much I am certain.

I also believe that many in the business world would have joined in applauding the President for taking that stand. I do not believe that the business community is united in pushing the President to downplay human rights in China. In fact, Amnesty has been working very closely with one well-known business entity, The Body Shop, to gather postcards and letters to the President and to the Chinese Government from shoppers and from Amnesty members. I brought just a representative sample here, tens of thousands of letters calling for a tougher, stronger position on human rights in China, that the business community is helping Amnesty and other human rights groups to bring about.

Now, I just want to touch very briefly on some of the major human rights issues in China, but again I want to leave plenty of time for questions and for the other witnesses. But I want to emphasize one point very strongly, and that is that no one is asking President Clinton to be a human rights hero. If President Clinton speaks up forcefully for human rights in China, no one is going to throw him in prison. He will not suffer the way Wei Jingsheng or Wang Dan did or the way the other 250 or more Tiananmen Square prisoners have suffered for standing up for freedom. All he needs to do is speak out and to say that the American people remember them, are with them.

And by doing that, he can do the most important thing perhaps that he can do, which is to keep hope alive—something which repressive governments around the world work very vigorously at trying to extinguish, to send the message that no one cares, no one will stand up for you. He can play that role at very little cost.

On the highlights of human rights problems in China, I have already talked about the numbers of Tiananmen Square prisoners and political prisoners. By China's own statistics, nearly a quarter of a million people are in "reeducation through labor" facilities without charge or trial in China today.

The situation in Tibet is extremely grim. While the Administration has claimed that there has been progress in various areas in human rights in China, even the Administration does not claim that things are getting better in Tibet. In fact, things have gotten worse since the initiation of a crackdown in 1996. Thousands of Tibetan monks, nuns and juveniles have been arbitrarily detained and many tortured. Over 600 prisoners jailed in previous years are still in prison. Chinese authorities severely harass and interfere with the operations of monasteries that exhibit the slightest independence or loyalty to the Dalai Lama.

The situation in Xinjiang for Muslims is also extremely severe. There have been very violent repressions of protest, mass closings of Koranic schools, a large number of death sentences for religious protesters. The state of religious persecution, which I am sure some of our panelists will talk about in more detail, is very serious throughout China. Those who participate in the growing number of unregistered religious institutions have faced fines, harassment, and imprisonment. Their gatherings have been raided by the police; those attending have been beaten, threatened and detained.

Birth control has been compulsory in China since 1979, and the official government line that coercion is not permitted is flatly contradicted by the facts. Birth control is enforced through quotas, and local officials are directly responsible for monitoring and enforcement. At a minimum, couples who have a child above the quota face punitive action, including fines and loss of employment, but in reality, many local officials go far beyond even those punitive levels. Relatives of the accused, those accused of having too many children, have been held hostage; the Chinese officials have been directly involved in bringing about forced abortions.

We have received reports that newborn babies have been killed by doctors under pressure from officials and that at least one doctor who issued false sterilization certificates was given the death penalty. There is scant evidence that Chinese officials make any meaningful effort to prosecute or combat these corrosive practices.

The subject of the death penalty in China is extremely serious. China executes more prisoners every year than all the rest of the world combined. Even those in the United States who support the death penalty should be appalled by the massive scope of the death penalty in China and the fact that it is administered after grossly unfair trials, often on the basis of confessions extracted under torture and for offenses as nonviolent as counterfeiting value-added tax receipts, and in at least one recent case, even violations of intellectual property.

There are very good grounds to believe, as you know, Mr. Chairman, from the recent hearing that you held, that there is widespread harvesting of organs of executed prisoners without their consent. And while Amnesty has not been able to confirm that executions occur solely or specifically for the purpose of harvesting organs, there are few checks on such practices, and there are many incentives for them. And as Assistant Secretary for Asia and Pacific Affairs, Stanley Roth has agreed executing prisoners to provide organs "would be among the grossest violations of human rights imaginable."

I can't leave this topic without noting in passing that it is a sad fact that in this one area, the death penalty, China and the United States share the dubious distinction of being among the handful of states who execute the vast majority of all the people executed around the world every year. China, at least, has taken in the last year the very positive step of abolishing the death penalty for any defendant who committed a crime at the age of 18 or under. The United States has not taken that step, unfortunately.

Again, I want to leave plenty of time for other witnesses and for questions. I have included in my written testimony a number of responses to what I think are the many false arguments that have

been raised as to why President Clinton should take a low profile on human rights in China. But there is just one that I would like to highlight, and that is the argument that China is so important to the United States on so many issues.

Now, this goes well beyond Amnesty's mandate, so here I am addressing a personal opinion, but to me, no other argument illustrates the astonishing success of Chinese diplomacy so well. China has convinced the United States that it is doing the United States a favor to help contain nuclear proliferation in Asia when it has troops on the border with North Korea, Pakistan and India, and is widely believed to have helped cause much of this problem, and while the United States is 10,000 miles or so away from Kashmir. Astonishing.

It has persuaded the Clinton Administration that it is a favor to the United States, rather than in Chinese national self-interest to cooperate in dealing with the Asian economic crisis. Likewise, with an astounding \$50 billion or so trade surplus with the United States, it has persuaded the United States that the United States desperately needs business in China more than the reverse is true.

Finally, it has persuaded the United States that it must reward China for deigning to abstain on a strong Security Council resolution on U.N. weapons inspectors in Iraq.

On each of these points, what China has done or what the United States is seeking to have China do is in China's own national interest and not a favor to the United States, and certainly not a favor to be bought at the price of silence on human rights violations.

Again, Mr. Chairman, I thank you very much for holding this hearing, and I look forward to hearing the other witnesses.

Mr. SMITH. Mr. Rickard, thank you very much for that excellent testimony. And even though I am off mandate in delving into some of those bogus surface appeal arguments that are spun by the White House, I think it is about time they were deflated and those bubbles popped. And I think you did an excellent job in doing that, so I do thank you.

And your analogy and reference to "Dunkirk," I think really says it all. How far back can we keep retreating on human rights?

I noted even on the Internet this morning and in every paper I read, the term used to describe the way the President addressed freedom was "gently". You know, the torturers are not gentle. They use terrible implements to impose horrendous pain on individuals in the gulag and the laogai, and they are anything but gentle, so I thank you for your incisive testimony.

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

Mr. SMITH. Mr. Jendrzejczyk.

**STATEMENT OF MIKE JENDRZEJCZYK, WASHINGTON  
DIRECTOR, HUMAN RIGHTS WATCH/ASIA**

Mr. JENDRZEJCZYK. Thank you very much. I also want to thank you for your leadership in holding this hearing today.

When President Clinton steps into Tiananmen Square tomorrow, he will be the first U.S. head of state to visit China since the 1989 crackdown. His visit will provide a huge propaganda boost to the

new post-Deng leadership team of Jiang Zemin, Zhu Rongji and Li Peng, and will mark the last step in China's 10-year climb back from pariah status.

Most importantly perhaps, with this visit, both governments are signaling their determination not to allow human rights violations to interfere with closer political or economic relations.

Mr. Chairman, we are not opposed to high-level engagement. We are not opposed to discussion or dialog. Indeed, we believe such exchanges are necessary and useful. But Presidential summits are not ordinary visits, and the Administration has thus far failed to effectively use the enormous leverage provided by this summit to press for significant, not merely cosmetic or token, human rights improvements.

We believe the White House should have laid out strict human rights preconditions before it set the date for the President's visit. Instead, the Administration formally agreed to the summit and then scrambled to send one delegation to Beijing after another to get something in return. As a result, the Administration in recent days has been downplaying expectations that anything tangible or concrete may result from the summit. Not only that, but to compound this, the Administration has hinted in the last week that it may lift some of the few remaining sanctions left in place since 1989.

Now, we certainly understand that carrots and sticks and a combination of the two sometimes are very useful in international diplomacy. But under the current human rights conditions in China, we would strongly oppose any move by the Administration to restore Overseas Private Investment Corporation (OPIC) loans or insurance, or the Trade Development Administration (TDA), programs suspended in 1989.

In addition, we would remind the Administration of the worker rights requirements that govern OPIC programs. We would also oppose any easing of restrictions on arms transfers to China, or on the transfer of dual-use technology, such as Sikorsky helicopters.

I would agree with Mr. Rickard, since the May 1984 decision to delink MFN from human rights, the Administration has yet to develop an effective bilateral or multilateral strategy to bring about significant human rights improvements in China or Tibet. The cornerstone of its policy over the past year and a half, trading away criticism at the U.N. Human Rights Commission and going forward with summits in exchange for Chinese Government promises, has resulted in the release into exile of Wei Jingsheng and Wang Dan, but it has not resulted in significant and meaningful human rights improvements.

Indeed, in the weeks leading up to the summit, a systematic roundup of dissidents has been under way to prevent any disruption of the President's visit. Some, we understand, are being told to take vacations; many others, such as the outspoken activist, Xu Wenli, are under strict surveillance. I am happy to say the young man Li Xiaolong, whose wife was featured on a network news broadcast yesterday, apparently was released today. But others, as you know, have been picked up in Xian, and we understand a similar pattern is under way in other cities the President will be visiting.

And I would emphasize here that we are especially concerned about the fate of these individuals after the President leaves China. I think if the usual pattern is followed, many of these individuals will be released once the Presidential entourage moves forward, but when the President is safely back into the White House, that is precisely when these people will be most at risk.

And I also have to say that I think the events of the last couple of days are an eerie reminder of Vice President's Al Gore's trip to China last year, which was a public relations disaster, and I certainly hope the Administration will not allow this summit meeting to descend to that depth.

Finally, I would like to say something about a couple of the positive steps that China has taken under international pressure. This pressure, again, I think has largely been as a result of the annual debates at the U.N. Human Rights Commission in Geneva, which have now been short-circuited by both the European Union and the United States, as well as the earlier debate over MFN trading status.

Two examples, I would point to, one, last October, 1997, just prior to Jiang Zemin's arrival in Washington, China did sign the International Covenant on Economic, Social and Cultural Rights in New York, though, thus far, China has taken no action to ratify it. There have also been commitments most recently by Jiang Zemin in a *Newsweek* interview that China will be signing the International Covenant on Civil and Political Rights, another very important U.N. human rights treaty. However, in private discussions with European and Japanese diplomats, the Chinese have already indicated they intend to attach reservations or exceptions to key provisions of both of these treaties, including article 19 of the ICCPR on the right to freedom of expression; article 8 of the International Covenant on Economic, Social and Cultural Rights on the right to form free trade unions, also, a similar right of self-determination. It is precisely these rights that are now under assault in China.

I would also note, the White House indicated before the President left for Beijing that the signing of the International Covenant on Civil and Political Rights won't take place until this fall. Coincidentally, that is when Mary Robinson, the new U.N. High Commissioner on Human Rights will pay her first visit to China in September, thus allowing China to take credit twice. And we have seen this before.

Mr. Chairman, the pomp and ceremony connected with the President's trip will, I think, obscure to a great extent the ongoing abuses; and the symbolism of the President's official arrival ceremony, I think, will greatly outweigh anything positive that he may say about human rights—and I think he will—both in his speech at Beijing University and in Shanghai.

I think the White House should have resisted pressure from the Chinese to go to the Square just as the Chinese were insistent in laying out the terms for Jiang Zemin's visit to Washington last October. Surely, as a minimal step, the President should meet with some of the family members of the 1989 massacre. Many of these courageous individuals continue to suffer from discrimination and persecution. Such a meeting at the U.S. embassy or the Ambas-

sador's residence could be done, I think, in a way that would not be overtly confrontational, but would send a clear message to both the Chinese and the American people.

I also hope that the President will do some other things on his trip, but I don't think rhetoric is enough. I think the importance of this trip to the Chinese Government is so enormous and the President's policy is under such sharp attack, I think he has to come back with concrete and meaningful human rights improvements as a result of this visit.

Here are a few examples of the kinds of things I think the President can realistically achieve on this summit:

One is a commitment that the official blacklist, secretly published in 1994, of more than 50 Chinese citizens now living in the United States, who cannot return to China either because of their prodemocracy activities in China or since they left, that that blacklist will be removed. So that Dr. Fang Lizhi, the astrophysicist, Han Dongfang, the labor organizer now stranded in Hong Kong, Liu Qing, the head of the organization represented here by Xiao Qiang, that these individuals and others can return to their homeland and carry out their activities—peacefully, I should add, and in compliance with the International Covenant on Civil and Political Rights which does contain a provision that no one shall be arbitrarily denied the right to enter their own country. And since China has said it will sign this convention, it should begin to honor it.

Other steps the President could take—and I will just outline four or five examples, and then I will stop. First, surely he could seek the unconditional release of large numbers of religious, political and labor activists; and I want to emphasize “unconditional,” not sending them into exile, but releasing them to remain home in their country carrying on their own activities and their lives in a peaceful way, unharassed and not restricted in any way.

Second, a commitment to revise China's draconian security laws, including the provisions on endangering state security, which were added to the criminal code in 1997 when the provisions on counter-revolution were dropped.

Third, a commitment to review the sentences of more than 2,000 convicted so-called counter-revolutionaries. Now that those provisions have been wiped off the books, all of these cases should be up for review with the intention of releasing many of them who are imprisoned solely for exercising their internationally guaranteed human rights.

Fourth, beginning a process to do away with “reeducation through labor.” This has been criticized repeatedly by the United Nations as an inherently arbitrary process with no judicial review. The Chinese Government, as Mr. Rickard has said, has acknowledged that there are now 230,000 Chinese citizens held in reeducation through labor camps. I think the beginning of a process to do away with “reeducation through labor” again would be a significant step.

And two others, finally: On religious freedom, the United Nations has made recommendations, following the visit of the U.N. Special Rapporteur on Religious Intolerance in November 1994, of specific

steps China can take in order to enhance religious liberty. Those steps have not been implemented, and they should be.

And as a first step, I think the Administration should press for an easing of the current registration requirements which the Chinese Government is using, as you know, Mr. Chairman, to control religious freedom as it is expressed outside the auspices of official churches. Doing away with this registrational requirement or greatly easing its onerous implementation, I think would be a significant step forward.

And finally, Mr. Chairman, you referred not only to Tibet, but to Xinjiang, the other area where ethnic minority populations are suffering severe persecution. I think, as a minimum step, the Administration should press for unhindered, unrestricted access to both Tibet and Xinjiang by international human rights observers and to foreign journalists.

Thank you, Mr. Chairman, and I look forward to your questions.

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

Mr. SMITH. I thank you very much, Mr. Jendrzejczyk, for your very comprehensive recommendations, as well as your overview of what is going on in the People's Republic of China, and the action items which hopefully the President and his people both have already taken into consideration, because I know they have been conveyed by you and by your organization already. But I also hope they are getting some amplification today, as things that can happen.

And I think already I see in some of the press accounts of the President's trip, on the Internet, in *USA Today*, the suggestion somehow that he is getting tough on human rights, when he just makes known his concern that there has been a roundup of dissidents. And I think your point—even if nothing else comes out of this today's hearing, and hopefully much will, because the collective wisdom of our five witnesses is awe inspiring—is that rhetoric isn't enough; words have to be matched with deeds.

The rhetoric has been up to here. Your recommendation that he meet with the dissidents' families and perhaps even the dissidents themselves at the Ambassador's residence, was common practice during the height of the cold war in the former Soviet Union.

I have been on the Helsinki Commission since I have been in Congress; I am chairman of the Helsinki Commission. Every time President Reagan or any of us went to any Warsaw Pact country or the USSR, to Moscow, we met with as many dissidents as possible and with the government; and the President himself would do it. The government didn't like it, but they did anyway to underscore the importance of the Sharanskys and the others.

So I think your point is that it still can be done. I think if the President gets pushed around enough, perhaps his Irish will get up, and he will be willing to say "that is it, let's do it." Already, he is expressing concern about the roundup of dissidents, and that is a good sign that he is concerned. It certainly was predictable; it has been happening for weeks.

Mr. JENDRZEJCZYK. Could I just add, Mr. Chairman. I very much agree with your statement. And I want to respond to a statement by Assistant Secretary Roth that we are worried that a meeting

would endanger people. I think that is a legitimate concern, but again there is a way to provide some protection in advance if Jiang Zemin were told you want Zhu Rongji to be invited to Washington this fall, you want restoration of these Tiananmen Square sanctions, all of those things are going to be impossible if there is any retaliation.

But I think the United States has to exercise some political will and appear to be credible in following up. I think there are ways to do this, and I very much agree, Mr. Chairman. Thank you.

Mr. SMITH. Thank you.

Before yielding to Ms. Shea, I would like to ask Mr. Sherman if he has an opening comment.

Mr. SHERMAN. Thank you very much. I commend you for holding these hearings and so many other hearings to focus on the human rights of the Chinese people. We have heard of the forced abortions, the questionable executions followed by organ harvesting.

I would like to devote my opening statement to focusing on the human rights of Americans and how those are affected by Chinese economic policies, because if we were selling out our human rights values for economic gain for our entire economy, this might be understandable. We are selling out for the opportunity to sell out our economy. This double whammy strikes me as perhaps the worst conceivable China policy.

Yesterday, in the IRS reform bill, I believe they snuck in a provision changing the term MFN status. It is kind of Orwellian. We take a word that we have used for generations MFN, Most Favored Nation status, and, whoosh, it now becomes normal trade relations.

Well, under normal circumstances, the advocates of "normal trade relations" would have a point, except our trade relations with China are not normal. What would be normal is for the largest developing country in the world to have an enormous trade deficit with the largest developed country in the world.

When America had its huge burst of development beginning roughly 100 years ago, we imported capital and ran huge deficits substantially with England, the world's most developed country at the time.

What we have instead is the most lopsided trade relationship that I am aware of in history. In 1996, a \$40 billion deficit; last year, \$50 billion; this year, we are told, a \$60 billion deficit. And the advocates of trade say, isn't it great, we have increased trade by \$11 billion, 10 billion of imports, 1 billion of exports.

And it is not that China doesn't know how to run a balanced trade relationship. With the rest of the world as a whole, they run basically balanced trade. But for political reasons, their decision-makers have been instructed to buy American last.

To add injury to insult, they feel that they must take revenge on the American people, because we believe in human rights and we express it here today. The effect is not going to be to silence us. It is going to be and has been a \$40, then a \$50, then a \$60 billion trade deficit.

And I know our economy is doing very well. Unemployment is down to 4.3 percent, but there are some regions of this country where unemployment is quite high. There are families that have gotten into cycles of poverty and dependency. And we know that



long-term unemployment is associated with drug abuse, spousal abuse, illiteracy, and alcoholism. One can go to the "skid rows," to use an old term, of any city in America and say, this is not human rights. Here are people who can't find a job and the effect on these people is more than economic.

If we were allowed to export another \$50 or \$60 billion of goods into China, that is at least another million jobs. That pretty much would wipe out all long-term unemployment in this country.

Imagine a situation—I know some of the bankers would call it a labor shortage, you know, it would be terrible, according to them, but imagine a situation where absolutely every American, even those who have been in trouble in the past, even those with bad work records, even those who have been released from prison can find a job. Imagine the increase in the human rights of working men and women in this country.

All of this is denied to us by the political and economic decisions made in Beijing. And as we review the damage that they do to their own people, we should keep in mind the damage that these decisions are causing the people right here in the United States.

Finally, and I may have said this before—before this Committee, and I will request your indulgence—the problem we have is that we as a Congress are not given the tools to try to do something about this. Yes, we vote every year on MFN, now renamed "normal trade relations," but I, for one—and I know others would disagree—am unwilling to go cold turkey, to go from all of the benefits of MFN to none in a single vote. And, in fact, a majority of our colleagues have felt the same way year after year.

I would like to see us develop a mechanism by which Congress can, in addition to continuing not to provide OPIC guarantees, et cetera, in China, not just deprive China of some of the icing, but actually cut into the cake, the MFN cake, the \$60 billion, \$70 billion export cake; and to do that by having an option to reduce by 10 percent or 20 percent or 30 percent the economic advantages China gets from MFN.

If, without MFN, the tariff on a pair of Nikes is \$3, and with MFN the tariff is \$1, we don't have to jump from \$1 up to \$3. I think we would get the attention in Beijing if we went from a \$1 up to a buck and a quarter, a buck-fifty.

By calculating the dollar benefit on each type of good of MFN, we can calibrate that and remove some of the benefits of MFN as is appropriate to deal with the human rights issue, to deal with the—what I call "the human rights of Americans" issue, the trade issue, and to deal with the proliferation issue.

And the one final point I will make is that China is dependent upon us for its markets; no one else in the world can buy as many tennis shoes. In contrast, we are not dependent upon China; it is not the only low-wage country. Imagine what would happen if we reduced imports from China by \$20 billion and instead created the factories and made those same products in Bangladesh. I think that the Bangladeshis would buy more than \$12.8 billion worth of U.S. imports. I think it might have a good effect. It certainly might help Bangladesh.

So we do have other opportunities. Unfortunately, we live in a world of many low-wage countries, and we are not dependent on

China; they are dependent on us. There is no other place they can go for a market.

I thank you for your indulgence.

Mr. SMITH. Thank you very much, Mr. Sherman. And let me just point out, I do appreciate you bringing up the double whammy aspect that our own workers are being hurt and being hurt severely. As we all know, and I am sure Mr. Fishman will talk about that, workers' rights are literally nonexistent in the PRC, and it is hard to compete when there is an unfair playing field. And that is why there is a \$50 billion-plus deficit.

We also have not been lax at the switch in the Subcommittee and the Full Committee, as you know, because you have joined us, and on the floor of the House we have passed almost a dozen separate mutually reinforcing pieces of legislation that seek to address different aspects of the human rights equation, specifically aimed at the People's Republic of China.

When the State Department reauthorization bill was on the floor, I offered the amendment to raise Radio Free Asia from its current about 8 hours a day or so to 24 hours a day. That passed by a 3-to-1 margin. There was no offset. It was under our allocation for funding, but it was new money; and thankfully, by a margin of about 3 to 1, Members went along with that and said, that is money well spent.

So we are trying to give the President some additional leverage. Regrettably, that bill at this point may be vetoed; it is part of the State Department bill. But we will try some other way to get that through. But the others, too, are uncertain. So, you know, the President merely needs to step up to the plate. As Mr. Jendrzeczyk pointed out, rhetoric is not enough. There are a number of things we can do. And it is about time we took the gloves off and realized that we are doing it for the best of reasons, to protect human lives.

Ms. Shea.

#### **STATEMENT OF NINA SHEA, DIRECTOR OF RELIGIOUS PROGRAMS, FREEDOM HOUSE**

Ms. SHEA. Thank you very much.

Freedom House would like to pay you tribute for your tenacious interest through the years and finding out the truth about the human rights situation in China and for consistently providing a forum so that Americans can register their deep concerns about human rights abuses in China and express solidarity for the politically and religiously oppressed Chinese people.

I want to thank you specifically for inviting me today to testify about the persecution against the Christian churches in China, the Christians who are unregistered in the underground that is. Like my colleagues, I also fear that there has been retreat by the Clinton Administration on human rights. In fact, in my 20 years as an international human rights lawyer, I really see an abdication of responsibility for human rights going on with the Administration.

The Administration seems to be pursuing a new strategy on human rights, that is, a strategy in which it substitutes "citizen's diplomacy" for a substantive governmental human rights policy; and this strategy has entailed pressing China to enter a dialog on religion with three American religious clerics, to negotiate with the

International Committee of the Red Cross for the right of that group to inspect prisons, and to allow dialog between China's so-called human rights group and Western human rights nongovernmental organizations. These are all forms of "citizen's diplomacy," in which the burden of implementing a human rights policy will, in my view, be shifted from the U.S. Government to private actors.

Now, I don't have anything against private actors. I consider myself one of them, but what is pernicious about this is that at the same time that the government is paving the way for a greater responsibility on the part of private groups and actors, it is abdicating its own responsibility.

What is occurring simultaneously is that the Administration is emoting its human rights criticism of China at the United Nations and elsewhere. And you are right to point out that today's headlines, especially in *The New York Times*, note that the President has given the mildest talk on human rights that is "the gentlest of reviews on human rights" and so forth.

The Administration is also conferring state honors to China's President; at the same time it is shifting the burden, it is ceremoniously initiating this summit at the site of the massacre, the Tiananmen democracy demonstrators and, worst of all, finding "progress" in China's human rights performance.

On February 9th, during the American religious delegation's visit to China, *The New York Times* reported that U.S. Government officials said that the religious delegation will "help defuse what has rapidly emerged as a popular human rights crusade threatening their efforts to build friendly political and economic ties." And the Center for Religious Freedom of Freedom House has, in writing and orally, demanded a clarification or a retraction of the statement. The Administration has not done so.

Now, the flaw with principally relying on "citizen diplomats" for human rights policy is obvious. These private actors lack the capability of backing up their words with sanctions, with the resources and clout to carry out a properly prepared and executed mission, proper staffing to collect information on the ground in a comprehensive way, and a mandate to see through a long-term, overall, comprehensive human rights strategy.

The failures, the shortcomings of citizen diplomacy were in full evidence during the visit of the three American religious clerics. Beijing manipulated the group's visit throughout, even detaining priests and families of religious prisoners—of Christian prisoners so that the group could not meet with them, giving them a religious Potemkin village tour and exploiting their meetings with government officials to the government's propaganda advantage. And these tactics already seem to be employed during President Clinton's day so far in China and will continue to be so; as we have seen, the President has acquiesced in China's decision to exclude American press and to insist that the welcoming ceremony be in Tiananmen Square. We now hear that the President will be worshiping on Sunday at a government-sanctioned church, giving the mildest of talks on human rights and so forth.

In dropping its initiative this past spring to table a resolution criticizing China at the U.N. Human Rights Commission, the Administration explained that Beijing had made "progress" in respect

to human rights. Regarding religious freedom, nothing could be further from the truth. China's "crackdown" against the "unsanctioned" Christian churches, as the State Department itself observed last July, continues.

The Communist Government of the People's Republic of China is waging an intense propaganda campaign to convince the Western world that human rights abuses in China are minimal or nonexistent, and they certainly are not the rights of official policy. Chinese officials would have us believe that China's Christians are expressing a "golden time"; however, the continuing persecution of the majority of Christians, that is those who are in the underground or unregistered churches is evidenced by a pattern of gross violations of human rights and by a series of secret Chinese documents which have been smuggled out of China and have come into Freedom House's possession over the past year.

Mr. Chairman, there has been a lot of dispute about what are the numbers of Christians in China, and our best estimates are that Chinese Christians number between 40 and 60 million. And as I said, the majority of these are in the unregistered, illegal churches. Vatican figures show that there are 10 million Catholics, 4 million of whom are recognized by the Government of China. Former British diplomat, Anthony Lambert, who conducted a careful province-by-province and town-by-town analysis inside China in 1994, says that there is strong statistical evidence for at least 17 to 30 million total Protestants in the sanctioned churches and in the underground. The Protestant churches have seen spectacular growth since 1994, yet the government acknowledges the existence of only 10 million Protestants. So it is clear that the Chinese are only counting those who are registered, and this is a vast underestimate.

After the comparative laxity of the Deng era, the government in 1994 and through 1996 intensified its crackdown on unregistered churches beginning with the issuance of Decrees 144 and 145. A further intensification has been noted since mid-1996. While there are regional variations in this, as in everything in China, this new policy is not local or provincial.

Since 1996, members of the Christian underground have noted authorities adopting harsher tactics, using brutal force that has, in some cases, resulted in paralysis, coma, and in a few cases, even death, as well as ruinous fines, detention, and labor camp sentences.

Of the number of documents showing that this is, indeed, an official policy, one is that Tong Xiang document, which is entitled "Implementation of the Special-Class Struggle for the Suppression of the Christian Churches," and it targets in that 24 house churches, both Protestant and Catholic, in a county in Zhejiang Province just south of Shanghai. This is a document that dates from 1997.

"Class struggle" is a Maoist term that came to mean severe repression and persecution of the capitalist class. It was dropped from the official lexicon during the Deng period, but has been taken up over the past year, notably by the head of the Public Security Bureau, and reapplied to criminal elements which, in the view of Beijing, include unregistered Christians.

This special class struggle is not systematically or comprehensively enforced and our investigations during the past year in Tong Xiang and elsewhere suggest that this is because of resistance by local officials who don't have the heart or the popular support to carry out the crackdown.

Some of the language, I think, is really chilling in this document, and I just want to quote one section. The Tong Xiang crackdown order calls for:

"Eliminate, according to law, the illegal religious meeting points. With great determination, suppress illegal religious activities; determinedly suppress and eliminate the large-scale illegal meetings, both Catholic and Protestant;

"List the underground Catholic bishops, priests, and Protestant self-ordained ministers and implement measures of investigation and indictment."

Mr. Chairman, the evangelical news service Compass Direct reports that 200 churches in other areas of Zhejiang province have in fact been demolished. Our sources also report increased arrests throughout the province since the beginning of 1997, in accordance with the schedule of actions specified in the crackdown orders. Our investigator who went to Tong Xiang found one of the pastors of the targeted churches was then in prison; this was in late 1997.

China continues to imprison and torture innocent Catholic and Protestant believers, along with Tibetan Buddhists, Muslims and other people of faith. There is no question about the plight of multiplied thousands of believers. Tragic histories of persecuted Christians have been documented since 1949. At the present time, several hundred Christian leaders are held under some form of detention, labor camp, administrative detention, house arrest, internal exile, et cetera. These include at least 10 Catholic bishops who are in prison, under house arrest, or internal exile.

For example, Bishop Zeng Jingmu of Jiangxi province, who is not free, as Beijing would have us believe, but was transferred on May 9 from labor camp to house arrest, where he is under 24-hour police surveillance. Among the bishops in captivity are: Bishop Su Zhimin of Hebei province, arrested October 8, only days before the Washington summit; and Bishop Zhang Weizhu, also of Hebei, who was arrested on Pentecost Sunday, on May 31.

The Cardinal Kung Foundation also issued a press release today, June 26, that another Catholic bishop, Bishop Julius Jia of Hebei, has been arrested in the last few days in anticipation of the President's trip there. He had been, before his arrest, notified that he would be taken away during the visit of the President to China. We have no other details at this time. This occurred just in the last few days.

We have also learned recently that the key Protestant house church pastor, Peter Xu, who was arrested in March 1997, and is now serving a 3-year labor camp sentence in Henan province, we have learned from the National Association of Evangelicals that, unbelievably, Pastor Xu is being forced to work as a slave in a labor camp 10 hours a day, 7 days a week, making Christmas ornaments. I mean, the cynicism of that is just unbelievable, on top of the cruelty.

Many other Protestant leaders and Catholic priests are in prison. We have the names of almost 300 of them. To name just a few: Philip Xu of Shanghai, who was arrested last June, now in a labor camp in Jiangsu province. Another in the same labor camp is a 50-year-old Christian woman, Zhao Wu Na, who actually was ordained by the government in a government-sanctioned seminary, but later decided to become an independent pastor and was arrested for it on December 28th.

Catholic priests are also in labor camp. One is Reverend Lin, who was arrested on Christmas day for celebrating midnight mass in Fujian province; he was beaten unconscious by public security police during his arrest. Another is Reverend Miao of Fujian, who was arrested just a few weeks ago, on May 22nd, because he hung a picture of Jesus at his church and played recorded hymns.

No one can estimate the exact number of Christians, both Catholic and Protestant, who have been persecuted, arrested, or imprisoned for their faith, but there are hundreds, maybe thousands, behind bars at any given time. We are compiling a list of nearly 300 Christian leaders, that is leaders currently under some form of detention. In addition to the leaders, we receive regular reports—and by the way, these often take months to make their way out of China, so there is a delay there—of mass arrests of ordinary Christian members of unregistered churches.

On June 3rd we reported the arrest of 40 Catholics last Christmas in Fujian province. And by the way, Mr. Chairman, Fujian province is a coastal province, where there is greater investment, where there are greater ties to the West, and is supposed to be one of the areas that are more politically liberal. That is where these dragnet operations were occurring on Christmas last year.

Amnesty reported in March that 200 Catholics were detained in Jiangxi province in dragnet operations in August and in the pre-Christmas period last year. The previous Christmas the Cardinal Kung Foundation reported 80 Catholics were arrested in Jiangxi province. Compass Direct reported that more than 50 Christian leaders were arrested in one area of Zhejiang province. And Dr. Paul Marshall's visit to China for Freedom House in May 1997, while he was there, 85 Protestants were rounded up for detention in Henan province.

We do not know the fate of these victims of mass arrest, but we have seen a pattern in similar cases in which these ordinary lay Christians are kept in detention for up to several months, until fines are paid. Sometimes repeat offenders are sent to labor camp for several years without a trial, by administrative decree.

The popular Catholic shrine at Dong-Lu has been smashed, and the area has been turned into a military zone. A number of unregistered Catholic churches in various provinces have been desecrated, destroyed or shut down. One was on May 9th, a Catholic church in Fujian province again was bulldozed by police and Communist party officials and several of its congregation members were wounded in a police assault.

On April 17, the Communist construction committee of Changle City in Fujian issued a "punishment notification" document ordering four village women to tear down a beautiful historic Catholic church, which had been built in 1909. The women were ordered to

either demolish the church or be fined for the cost of the government to do so. This is a church that is very much cherished by the Catholic community of Fujian. It has been twice restored by them at their expense in 1991 and 1996, only to have the government authorities tear down the improvements each time.

In another significant development—I should also add that hundreds of Protestant house churches have been reported closed or destroyed in Shanghai and neighboring Zhejiang province alone in the last 2 years. And, again, these are the coastal areas that are supposed to be the most liberal.

In another significant development, in April the Chinese Government, without explanation, revoked the passport of 97-year-old Cardinal Ignatius Kung, who resides in Connecticut. The cardinal had spent 32 years in a religious gulag for refusing to renounce Papal authority in religious matters. And the Cardinal Kung Foundation interprets this gesture, which will have no practical impact to the cardinal, as yet another manifestation of the government's renewed resolve to "eradicate the Vatican-loyal Catholic church."

Mr. Chairman, there has been a great deal of misunderstanding about what registration entails. These are people and church communities who are being punished for refusing to register with the government. Why do they refuse to register? Well, there are actual implications for registering and, putting it simply, registration equals restriction. Here are some of the restrictions that the registered churches face:

These patriotic government-sanctioned preachers must steer clear of forbidden topics like the Second Coming of Christ, or the "Gifts of the Spirit." And they cannot preach against abortion or even forced abortion.

Members of the Three-Self Patriotic Protestant movement must be organized into one nondenominational body.

Patriotic churches, both Catholic and Protestant, are restricted from baptizing or evangelizing people under 18 while, at the same time, the Chinese Government actively seeks to recruit these same people into Communist youth organizations, indoctrinating them in their particular ideology.

Patriotic clergy cannot preach outside their own area.

Preachers must be approved by government authorities.

Patriotic services are subject to Public Security Bureau police monitoring.

The Catholic Patriotic Church rejects the teaching authority of the Pope.

The Chinese Government censors portions of the official Catholic catechism.

And patriotic bishops, Catholic bishops, are appointed by the Communist Government in defiance of the Vatican.

So for all these reasons, many millions of Christians refuse to register.

The goals that we would like to see come out of the summit, however unlikely that seems to be, because the President doesn't seem to have the resolve to press for these reforms, are a clear signal from the President that the church, the phenomenal church growth that we have seen in recent years does not mitigate against the persecution that is going on; that there is very real persecution. In

fact, the majority of Christians are in churches that are considered illegal and they may face persecution themselves.

We would like to see, as Human Rights Watch mentioned, a deregulation, a jettisoning of the requirement to register churches: to decriminalize religious assembly without government permission; to empty the jails of religious prisoners; to allow the Catholic church to be in communion with the international church; and needless to say, to stop the bulldozing of the house churches.

Mr. Chairman, I would be glad to answer any questions. Thank you.

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

Mr. SMITH. Ms. Shea, thank you very much for your excellent testimony.

As you know, this Subcommittee and many Members of Congress have turned to Freedom House repeatedly for accurate and reliable information on religious persecution. As a matter of fact, you helped us create the list of prisoners which was handed by Congressman Wolf and me directly to Li Peng when we met with him and raised serious human rights issues with him. He just looked at it and said, none of it is true; just totally dismissed it, said nobody is in prison because of religious belief. So the official line of total denial and the use of the big lie continues, especially in this area.

Let me also say that the Subcommittee will join you in asking the Administration to give a comprehensive statement back to us and to you on this issue. You have raised, I think, a very, very important issue: that if there is a coordinated strategy to try to mitigate the fallout from knowledge of the persecution, and the fallout that it has here in this country and in other countries where religious freedom flourishes, I think that is absolutely contemptible.

I am sure there are some people within the Administration who care deeply about religious persecution in China or anywhere else, but if there is any kind of strategy to try to mitigate the damage that that information would have on policy and policy formation and its implementation, I would think that that is contemptible.

And if certain things, like the visit of the three top clergymen, was used, because you and I and many others met with them before and after their visit, and they were fearful of meeting with anyone who was part of the underground church out of fear that they would immediately be arrested and yanked into the laogai and perhaps even tortured. So the idea of defusing something because the information could have implications, again is very, very disconcerting. So thank you for raising that. We, too, will ask the White House for an explanation. If there is a Beijing-Washington two-step going on here, we need to know about it.

I would like to ask Mr. Xiao if he would present his testimony.

#### **STATEMENT OF XIAO QIANG, EXECUTIVE DIRECTOR, HUMAN RIGHTS IN CHINA**

Mr. XIAO. Thank you, Mr. Chairman. It is a true honor for me to testify before the Subcommittee, and I want to commend your leadership to promote human rights and stand on the principle of America's moral standards.



The Human Rights in China organization I am representing today was founded in 1989 by the Chinese students and scholars right before the Tiananmen movement, and we have our research office in Hong Kong and extensive network of activists in China. As a matter of fact, yesterday one of our contacts in Xian, human rights activist Zhang Jiankang was contacting our office reporting a new arrest of the dissidents in Xian while President Clinton was visiting there.

What I really want to say today is that in the past year China has made some tactical changes in its human rights diplomacy, including signing the International Covenant on Economic, Social and Cultural Rights and expelling prominent dissidents Wei Jingsheng and Wang Dan, but these concessions are more cosmetic than substantial. Whether civil and political or social and economic, fundamental rights continue to be systematically and grossly violated in China today.

Mr. Chairman, China's human rights violations are well documented and widely known. I need to take only one example. According to the Chinese Government's own statistics, there are over 2,000 counter-revolutionaries in prison in China. We have very good reason to believe that this figure grossly under-represents the true number of people imprisoned for the peaceful expression of their political ideas or religious beliefs. According to the political arrest pattern in the last 5 years, in the majority of cases of political detentions, the charge was not counter-revolution but such criminal charges as hooliganism, disturbing social order, and economic crimes. And these cases, therefore, do not appear in the government statistics.

Also, the government officials routinely used the extrajudicial matter of administrative detention called "reeducation through labor," and this allows them to send human rights activists to labor camps without trial for up to 3 years. For one example, former public prosecutor Shen Liangqing of Anhui province was sentenced to 2 years of Reeducation Through Labor this spring. His sole offense was just writing a number of open letters pleading for political reform and respect for human rights to the National People's Congress.

Mr. Chairman, the number of political prisoners in China is just an indication of the suppression of the entire Chinese people, because in silencing them, the Chinese Government silences the entire population. The 1.2 billion people cannot speak out, do not have freedom of expression, and also there is no independent public advocacy on social, political, religious, environmental, or economic issues. And there is no independent judicial system that can defend the victims of human rights. And there is, of course, no free press for the people. So anyone who has their rights being violated in China, it could be anybody, anyplace, without any protection.

The only recent change was in 1997. The National People's Congress passed a revision of criminal law and the elastic notion of "counter-revolutionary crime" was replaced by an equally vague and undefined concept of "endangering state security." At the same time, people who were convicted of counter-revolutionary crimes are still in prison, and their cases have not been reviewed. And this alone indicates that, clearly, China's human rights policy has not

changed. It also demonstrates what Chinese officials recently repeated and repeat again, saying "rule by law".

Mr. Chairman, this "rule by law" has been cited again and again by the Chinese leaders, and often is interpreted by some of the American politicians that it is a rule of law; but that is not what the Chinese Government means. The clear objective of the Chinese leadership is ruling the country by means of law. In other words, imposing on citizens a law promulgated, enforced, and arbitrarily interpreted to suit the interests of the ruling elite. In a system where the judiciary is accountable to the ruling party and not to the people, this rule by law is nothing more than just a cleverly veiled phrase for dictators.

I will give you one clear example. This national security law had a very severe punishment on so-called "releasing state secrets." But who decides what is a state secret and what kind of people are being punished under that law? Former Beijing scholar Li Hai, who was involved in the 1989 Tiananmen movement, was sentenced to 9 years. And, after his release, he heroically collected more than 700 people's names and addresses and their sentences for those Beijing citizens who were involved in the 1989 peaceful demonstration and were arrested by the martial law troops during the violent crackdown. Because he was doing that, Li Hai was arrested in 1995 and sentenced for 9 years under prying into and releasing state secrets. If that is a secret, if human rights violations are state secrets and that kind of law is being applied on the Chinese people, then that kind of a rule by law should not be endorsed by or praised by the American Government or anywhere in the world.

I raise those political prisoners and human rights activist cases also because I want to say a very simple point: that it is the Chinese people who deserve human rights, and also we want human rights. It is only because of the government, the severe repression, that we hear those voices. But to promote human rights in China is to go beyond just moral imperatives; it is also an urgent issue.

We all know China has been going through and is going through rapid and profound changes at an economic and social level. But new, expanding individual freedoms do not simply say that the human rights situation has improved, because those freedoms, whether economic or people can move more freely and can choose jobs, are partially because of the economic reform; but on the other hand, because the fundamental political institution and repressive political policy has not changed, those freedoms can be taken away by the government any time from any citizen.

I will give you, one, a light example, but it can illustrate this point. Among the many books published in China today there is one book, a kind of biography of President Clinton, but it has lots of chapters and language about his personal life and sexual scandals in the United States. It was translated in China and published and in the book shops. And we can say, look, 10 years ago in China there were never those kind of books on the street and being sold. That is right, there are more of those kind of books. But when President Clinton was planning to visit China, about a month before, this book—because Chinese Government somehow feels they need to create an atmosphere friendly to President Clinton, they confiscated all of these books in five different cities which President

Clinton was going to visit. And so this freedom was taken away immediately. And there are no rights protected on publication.

This is just a book on President Clinton; it is not even about social and political issues in China. You can imagine how many publications or books and other kinds of media that are being censored and being taken away. It can be any time by the Chinese Government.

Another clear example, of course, is Internet. It is true that today China has over 800,000 Internet subscribers and those things didn't happen 5 years ago or 10 years ago. That's the new changes. But if you look at government policy, they issue laws after laws, restrictions after restrictions, about "forbidden to use," "not allowed to disseminate information which is endangering social stability," or "endangering state secrecy," and they block the sites of my own organization, Human Rights in China, and many other news groups. And they are actually harassing and arresting the people who are on Internet distributing those kinds of information. So that is again saying that human rights policy in China, in practice, has not been improved.

The Chinese authorities often argue, by crushing voices calling for human rights, the government is ensuring the stability and unity. But yet it is precisely the lack of respect of human rights and the lack of a legal system protecting individual rights that puts China in danger and leads to instability. The rapid economic and social transition China is currently undergoing will be more difficult and violent unless the fundamental political and civil liberties are available to the Chinese people so that they can participate in decisions that affect their own lives.

Human rights are not a luxury for Chinese people, but a necessity, and this is evidenced in many reports of social unrest in 1997 and in 1998. In one such incident, a large-scale demonstration broke out in June and July in 1997 in Mianyang City in Sichuan province. Several thousand laid-off workers appealed to the government and they demanded payment of their welfare benefits. But in response, the People's Armed Police disbanded the protest and apprehended a number of demonstrators, while a curfew was imposed. Sichuan dissident Li Bifeng, who reported the news of the protests in Mianyang and in other cities, was detained in March this year. He has not been sentenced and his exact whereabouts are unknown. He has been on the run from the police since the summer of 1997.

So there are many other issues in the Chinese human rights situation, but the underlying point is the current leadership has no vision and no agenda and no political willingness to open the political system, and this system is fundamentally based on depriving rights of the Chinese people. Unless the political liberation process is started hand-in-hand with the economic reform, China is not going to be a real stable and prosperous country, is not going to be a responsible member of the international community, and is not going to be in a position of real mutual respect and benefit with the United States. So promotion of human rights in China is in the interest of the United States.

That is why we commend your leadership to hold this hearing, and we call on the Clinton Administration to do—and I agree with

other panelists—to do much more than just rhetorics to support the struggle for human rights for the Chinese people, and to facilitate a peaceful fundamental political transformation toward democracy in China.

I thank you, Mr. Chairman.

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

Mr. SMITH. Thank you very much, Mr. Xiao, and thank you for your steadfast leadership and your willingness to put your freedom on the line, as you have done in the past, on behalf of human rights and freedom and justice in the People's Republic of China. Thank you again for testifying before our Subcommittee, because I think you add a very valuable insight.

And just very briefly, before going to Mr. Fishman, you mentioned this surface appeal that so many of what I think are gullible journalists are willing to buy into and then amplify, and government officials as well. Hopefully, the press corps, which may not be used to the web of deceit spun by the Chinese leadership and perhaps by the Clinton Administration on this trip, won't buy into the surface appeal or arguments. I saw already some of the reports where a so-called average person was saying how much better things were. You don't talk to average people in the People's Republic of China. That is precluded by law.

I will never forget, when I was in China for 7 days as part of the women's conference, what were supposed to be the nongovernmental women's activists in China; I met with them at the NGO forum. I talked to them, they came, and one of them actually stole my notes and ran out the door. When I talked to four or five of them who were contesting my concerns about forced abortion in China, I asked them for their card, and every one of them reached into their pockets and gave me an official government card. So it shattered the myth that somehow this was a nongovernmental, locally driven women's rights organization. It was an official extension of the government.

And anyone that a journalist speaks to is likely to have a concocted story. Are our journalists gullible enough to buy into that? And this issue of the book, which details the alleged misdeeds of our President, being taken off the bookshelves as a matter of decency and don't embarrass the President, I don't think, and perhaps you would want to answer later, or even now very briefly, that if there were a book about Li Peng or Jiang Zemin, or any other government leader, alleging those kinds of misdeeds and scandals, that would never see the light of day. It would never be on the bookshelves. Is that correct?

Mr. XIAO. That is very correct.

Mr. JENDRZEJCZYK. Excuse me, Mr. Chairman, I have to leave for a prior appointment, for which I apologize, but I wanted to leave one other suggestion for the Subcommittee, and that is that following the summit you invite either Mr. Roth or Mr. Shattuck to testify, to give their assessments of the summit and the accomplishments and results, especially in the area of human rights.

And once again, I very much apologize that, because of a prior commitment, I will have to leave before the questioning period.

Mr. SMITH. That is an excellent suggestion. And I also think there ought to be an independent review by people such as your-

selves, so consider yourself invited after the fact, to see what happened at the summit and then juxtapose the assessments by the Administration and by independent observers. So I do thank you. That is a great suggestion.

Mr. JENDRZEJCZYK. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Fishman.

**STATEMENT OF PHILLIP FISHMAN, ASSISTANT DIRECTOR FOR INTERNATIONAL AFFAIRS/ASIA REGION, AFL-CIO**

Mr. FISHMAN. Thank you, Mr. Chairman, for this opportunity to present the views of the AFL-CIO on the status of human rights in China, particularly in the area of worker rights. Our deep concern for the widespread abuse of union and trade union rights in China is reflected by our continuing opposition to the extension of most favored nation trading status to China. We believe that China's egregious and flagrant violations of human and worker rights; its flaunting of international agreements on arms sales, market access, intellectual property rights, forced labor and the environment; and its nonreciprocal and discriminatory trade and investment policies are not improving under the current policy. Only the threat of withdrawing trade preferences will cause the Chinese Government to address these very serious concerns.

Our choice with respect to China is not between isolation and engagement, as some would argue. Rather, it is between continuing the status quo and using the leverage of our marketplace to affect necessary and positive change.

The key issue that the Congress and the country face is whether or not our current policy is working. The AFL-CIO believes that, on every dimension, human rights, worker rights and trade, we are seeing deterioration or failure to make significant progress.

The worker rights situation in China, Mr. Chairman, remains very bleak. China's 1992 trade union law ensures that the All China Federation of Trade Unions, the ACFTU, has a legal monopoly on all trade union organizations. The law states that any group of workers wishing to set up a union must first register with the ACFTU and then accept its leadership. This is in clear and fundamental violation of the International Labor Organization's Convention on Freedom of Association, Convention 87, which guarantees the rights of workers to establish and join unions of their own choosing with a view to furthering and defending their interests.

I might add, Mr. Chairman, that China is one of a minority of countries in the world that has not yet ratified Convention 87. Another country is the United States.

Furthermore, the ACFTU continues to be an organ of the Communist Party, a role repeatedly encouraged by its leadership. The February 1994 issue of the ACFTU's official magazine defined the role of trade unions this way: The premise for unions in China is to carry out the task of the party. A year later the ACFTU leadership repeated a statement released by the ACFTU in the aftermath of the Tiananmen Square massacre; that unions in China should resolutely uphold the unitary leadership of the party. Unions at all levels, the statement went on to say, should maintain a high degree of unanimity with the party politically in ideas and actions.

The current chairman of the ACFTU is Wei Jianxing, a leading member of the politburo in charge of, among other things, the police and public security.

And finally, much of the enterprise-level leadership of the ACFTU are, in fact, managers, whose task is to improve labor discipline, mobilize workers to achieve government and party objectives, and to dispense social welfare funds. A substantial amount of research has confirmed this. One study of the Shanghai area, for example, indicates that in the Minhang district of Shanghai, 67 percent of the union leaders are on the managerial staff of companies, and 13 percent are managers and deputy managers.

In April of this year, Mr. Chairman, the Communist Party announced the establishment of a high-level office on maintaining social stability to diffuse threats coming from laid-off workers, disgruntled farmers, and underground political organizations such as independent trade unions. The office has the same status as the leading groups within the party's Central Committee apparatus.

According to the announcement, the top priority of this new Central Committee office will be to ensure that increasingly frequent labor disturbances in different cities will not escalate into a national crisis. Not surprisingly, the chief of this new office is none other than the ACFTU chairman, Wei Jianxing, who, as I already mentioned, is a leading member of the politburo in charge of police and public security.

The authorities have good reason to be concerned, as worker discontent has proliferated all over the country over such issues as layoffs, nonpayment of wages, and unsafe work conditions. The Chinese Government's preoccupation with the potential for political disruption caused by the privatization of state enterprises and the massive layoffs associated with it has received a lot of press attention. But in addition to those who work for state enterprises, tens of millions of workers, many of them migrant workers from the countryside, labor in township and village enterprises and foreign-funded enterprises. Working conditions in industries such as toys, apparel and electronics, in which there are significant foreign investment and significant American investment, are deplorable: Excessive hours, violation of the minimum wage laws, poor health and safety conditions, physical abuse by managers, and illegal levies and deductions.

Many so-called migrant workers operate under bonded labor conditions. They are required to pay for temporary work permits, for example, which they often cannot afford. Their prospective employer will provide an advance for the permits, thereby immediately trapping them into a bonded relationship. This is exacerbated by the fact that migrant workers often have to pay up front a deposit in order to get a job, which is also covered by the employer. The deposit is forfeited if a worker quits without permission or is fired. So even if the working conditions are truly awful, as they are in many factories, migrant workers who cannot afford to lose their deposit or other sums of money they are owed have no choice but to continue working. Again, this is clearly in violation of ILO conventions, particularly Convention 29 on forced labor.

Workers attempting to organize independent unions or to carry out strikes in response to dreadful working conditions are fired, im-

prisoned, beaten and tortured. The State Department reports there were more efforts to form or register independent unions in 1997, but that, and I quote, none was successful.

Let me add that we often hear the argument put forth that China is such a big country, and, because of its size and its diversity, it is difficult to enforce laws. Here is a very good example, in fact, that where there is a will, the law seems to be enforced with tremendous effectiveness, again given the State Department's own admission there are no independent trade unions in China.

While there have been some releases, there are still many trade union activists in prison. Last year the International Confederation of Trade Unions, the ICFTU, which represents 125 million trade union members organized in 141 countries, filed a complaint with the International Labor Organization regarding the imprisonment of 66 worker activists. The report details the cases of 37 prisoners arrested since 1989 for their involvement in independent worker activities whose accumulated prison terms represent over 500 years of detention with forced labor. Another 29 cases are chronicled of workers arrested for their attempts to establish independent unions in the Beijing and Shenzhen Special Economic Zones. They have already spent over an accumulated hundred years in prison, mostly in secret pretrial detention.

You should know, Mr. Chairman, that a high-level ICFTU mission to China scheduled for early July, only a few weeks from now, was recently canceled by the All China Federation of Trade Unions because the ICFTU was insisting, as is its customary practice, that a visit with detained worker activists be part of the itinerary.

Finally, Mr. Chairman, let me comment briefly on the widespread use of forced labor in China. China continues to use forced labor as part of its production system and makes no apologies for the practice. Since it makes no distinction between regular criminals and political prisoners, which number in the thousands, if not more, they, too, become part of the system.

In October 1991, China officially banned the export of products produced by prison labor. In August 1992, the United States signed a memorandum of agreement with China, amended again in 1994, which purported to establish a process through which the United States could investigate allegations of forced labor used in goods that are exported. That process was to include U.S. access to suspect facilities in China. The implementation of the agreement has been totally unsatisfactory, Mr. Chairman, and forced labor products, produced goods, still find their way to the export market and into the United States.

The continuation of forced labor exports is particularly reprehensible since the importation of such goods into the United States is legal. At the very least, adequate resources should be made available to the U.S. Customs Service to ensure compliance with U.S. law. Furthermore, the State Department must make the strict enforcement of the binding agreement on forced labor between China and the United States embodied in the MOU a much greater priority than it has until now.

The State Department itself emphasized last year to the Senate Foreign Relations Committee that successful implementation of the binding agreement depends solely on Chinese cooperation, but, to

date, the Chinese Government has refused to cooperate with U.S. Customs Service investigations.

Mr. Chairman, that concludes my remarks. I thank you for your time and for your attention.

Mr. SMITH. Mr. Fishman, thank you very much for your excellent testimony and for the work that the AFL-CIO does around the world on behalf of workers' rights.

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

Mr. SMITH. We all know that the linchpin in the demise of the Warsaw Pact nations was Poland and Solidarity, the fight for a free and independent trade union, coupled with religious freedom, but certainly the trade union was the issue that became the beginning of the domino effect. And as you know, we were talking earlier, Muchtar Pakpahan, with whom I met with recently in Indonesia, was let out while I was there. He's so courageous. He has said that, if all of the political prisoners are not released in Indonesia, he is going to go back in. He will walk in and offer his arms crossed to be reincarcerated on behalf of those who are still there. That is the kind of courage that is just incredible.

But the AFL-CIO does a marvelous job on gulag labor, slave labor, child labor, mitigation efforts around the world, and, again, I think this is indispensable to the efforts to try to bring freedom and democracy to the world and also a fair playing field to workers who are protected by proper worker rights.

Let me ask you a couple of questions, and again, I want to thank our witnesses, not just for the testimony today, but for the ongoing commitment to human rights for suffering people in China and elsewhere. Let me ask the first question to all of our panelists, if I could, regarding the welcoming ceremony in Tiananmen Square.

The Government of China certainly wanted President Clinton to say that it was not his place to say where and how he would be welcomed, and today it was revealed that not only will there be a formal welcome there, but President Clinton also will, "review the troops"—that is, the People's Liberation Army, the very entity that crushed and killed the demonstrators. He will be meeting with them and reviewing those troops in Tiananmen Square.

What is your take on that? Was that obligatory, as part of protocol, or should the President have objected to that kind of action? Ms. Shea.

Ms. SHEA. Of course I think he should have objected, and strenuously. I don't think he should have done it, both reviewing the troops or being welcomed in Tiananmen.

The Chinese certainly took a great deal of interest and made their opinions known when President Jiang came to Washington, going over every detail, I understand, of the state dinner and whether there would be a state dinner or what, would there be a 21-gun salute or whatever. We have so much leverage with China, but just seem so unwilling to use it.

And symbolism is so important here, because this is what the Chinese people are going to see. They are not going to hear the words that he says about human rights and freedom. They are going to see the symbol of our President approving of the military system there, and this is a military that not only crushed democ-



racy demonstrators, but in the past several years encircled the Catholic shrine at Dong-Lu and smashed that shrine, and pulled a Protestant pastor from the pulpit, surrounded his church when they didn't like what he was preaching. So it is a move against the religious community, against the political community, the dissidents, and so forth.

The message the Chinese people will get is a very demoralizing one; that the United States, the leader of the free world, is acquiescing in the suppression of political and religious rights.

Mr. SMITH. Mr. Xiao.

Mr. XIAO. I think it is kind of late, but it is not too late for President Clinton to do the following things. To remedy the damage of sending the wrong signal to the Chinese people and to the people of the world by standing on Tiananmen Square with these people, the Chinese leadership who are responsible for the killing of the peaceful demonstrators 9 years ago, there is at least 3 things he can do: First is when he is making public speeches at a square or in other places, including Beijing University, he is not only publicly condemning what happened 9 years ago, but he should make sure that his words are being widely broadcast to the Chinese people. And if he has enough political willingness, he can demand that as part of the request of the formality.

The second is what he should really do is to meet some of the people who are representatives of the victims of families, or the voice of the Chinese democracy movement, and there are in particular two people he should meet. One is Professor Ding ZiLing, who lost her 17-year-old only son 9 years ago. And she has been collecting the names of the victims, of families and their stories, and publicizing them, relentlessly speaking out on behalf of the victims. And she wrote a letter to President Clinton asking for the meeting. The President should have responded to that positively.

Another person he should really meet is Mr. Bao Tong, who was a former government official who showed sympathy to the student movements and was sentenced for 7 years. Mr. Bao Tong was recently very outspoken about his position, about the Tiananmen Square massacre. He said the Communist Party has not just made a mistake, it committed a crime. Mr. Bao Tong is now under house arrest in Beijing, and the President should see him.

By seeing these two persons, the President can show which side he is really on.

The third thing President Clinton can do is to demand of the Chinese Government to release those Beijing citizens who were arrested during the massacre and crackdown. If he can do something for these over 200 individual lives, then he is doing something more than just the same rhetoric.

Thank you.

Mr. RICKARD. If I could add, Mr. Chairman. When President Clinton met in the Oval Office with General Chi, practically on the eve of International Human Rights Day in 1996, I said at the time that we had been getting bad policy, but occasionally good symbolism from the Administration, and now we don't even get good symbolism. Now they are letting the Chinese orchestrate events that go out of their way to make it demonstrable and visceral and visual, that the Administration will not stand up even symbolically to

say, no, we are not going to meet with General Chi in the Oval Office, and we are certainly not going to do it on the eve of International Human Rights Day. And I have the same reaction to the President going to Tiananmen Square and reviewing the troops.

I would be the first to admit that getting concrete progress with the Government of China is difficult and that there is no magic formula. And it is not just China. I think it is hard to get a government to move from point A to point B once it is dug in. So the first principle of human rights policy for a government is, "First, do no harm." Do not send the bad signal, the wrong message, that we don't care; we won't stand up; if you do more, we will not protest; we can be pushed and pushed and pushed.

And, unfortunately, this is just one more signal along these lines, and not just in China. And I really wanted to find an opportunity to emphasize this. The Clinton Administration's human rights policy on China and the failures on China have been devastating for human rights not just in China, but throughout Asia and around the world. It can't be unrelated when the United States protested to ASEAN about its warming relationships with Burma, and ASEAN gave the United States the back of its hand.

Clearly, ASEAN, Indonesia, India, lots of other countries, have gotten the message from this very, very high-profile failure on China that what the United States really cares about, at the end of the day is trade and trade relations, and it will not do more than talk about human rights. So this is just one more bad signal, not just to China, but to the rest of the world, and Asia in particular, that the United States is not going to say there is a point past which we really will stand up and do more than just talk.

Mr. SMITH. Mr. Fishman.

Mr. FISHMAN. Yes, I just want to associate myself with the comments that were made by the other panelists. The President shouldn't do it. It is tremendously inappropriate. Clearly, the American Government has the leverage to insist that this doesn't take place, and the fact that it hasn't insisted on it is troubling.

Mr. SMITH. Some years back Congressman Frank Wolf and I went to Perm Camp 35 in the former U.S.S.R. when there were still a number of political prisoners there. It took 2 years to negotiate that meeting, and we met directly with the Procurator General of the U.S.S.R. on that issue, the Ambassador here in Washington, and in every conversation we emphatically said that, when we meet with these people, there has to be no retaliation visited upon them. We got that assurance, and, to the best of our knowledge, when we did finally get into that prison camp, there was no retaliation.

The Administration claims that it does not want to meet with dissidents because it is fearful of retaliation. Now, it seems to me when you are talking about the superpower leader of the free world, that that is something that could have been negotiated in advance, very aggressively, as a precondition. But having said that, even now at this late date, it seems to me that if two Congressmen, very low on the totem pole, can talk to a superpower, as we did to the U.S.S.R. regarding their notorious camp, where people like Sharansky spent much of their time, and get the assurance—and, indeed, there was, as far as we can tell, no retaliation, and, matter

of fact, most of those people were let out very soon thereafter in Russia—why can't the Administration?

And now we find that dissidents are being rounded up, perhaps harassed, put under house arrest. There seems to be a double standard. Just by going, the President has put them in that position where their lives are at some risk. Why can't the President get that kind of commitment that there will be no retaliation against these very visible and very courageous people in China?

Mr. RICKARD. First, Mr. Chairman, what a horrible admission from the point of view of the Administration about the situation in China; that if the President of the United States met with dissidents in China, it would endanger their lives. I just think that speaks volumes and stands in such sharp contrast to some of the rhetoric that we have seen, including the introduction to this year's "Country Reports on Human Rights Practices" on China.

I am struck by some of the parallels between the former Soviet Union and Presidential visits to the former Soviet Union and this visit. When I started thinking about it, I was struck by the fact of what happened to Wei Jingsheng; that he was forcibly exiled, which was celebrated as a human rights victory for the Administration and its policy of engagement. It is exactly what the former Soviet Union did to punish Aleksander Solzhenitsyn. They expelled him from his country. It is in and of itself a human rights violation.

I think the President of the United States has to say to China that we want to engage you, but a meaningful relationship is based on reciprocity and respect, and we need you to take seriously our concerns about these issues. We need concrete progress. I need to be able to meet with dissidents, if that is important to me, with the assurance that nothing will happen to them. People need to be released. Not symbolic, high-profile "hostage diplomacy", but meaningful commitments that you take seriously our commitments to human rights.

Mr. SMITH. Mr. Fishman.

Mr. FISHMAN. Mr. Chairman, I mentioned in my previous comments that the ICFTU was scheduled to go to China, and a condition that was set was the insistence that the mission be able to meet with detained worker activists. I was involved in some of those discussions, and the AFL-CIO strongly supported that view.

However, we did have some concern about the safety of those with whom the mission might visit, and we expressed this concern to people like Han Dongfang and others who have contacts inside. Without exception, the word we got back was that, by all means, the mission needs to visit these people. And, in fact, visiting with them offers greater protection to them, not less protection. And we proceeded on that basis.

And, again, I think it is interesting to note that when the ICFTU did take a fairly strong stance, the ACFTU came back and canceled the mission.

Mr. SMITH. Let me ask you, with regard to the MOU on the gulag labor and the importation of those products to this country, during the Bush Administration I was a critic of the language and the portion of that language allowing, as you pointed out, the Chinese to veto a site visit. And we had to have such volumes of evi-

dence of potential wrongdoing that, in a closed society, how do you obtain it?

I was in one of those prison camps, Beijing Prison Number 1, where jelly shoes and socks were being exported from. They closed that down, but probably opened up five more to replace it.

Do you think it is time now to revisit that MOU, rewrite it, or at least seek an agreement in such a way that ends the duplicity, both under the Bush and now under the Clinton Administrations, where they will come forward and try it out and say, we have an agreement on gulag labor coming into the United States; it is even against our law. They always have a law that it is against, but it is never enforced, of course.

I am fearful, as you were, that so many of the products ending up in our malls that say "Made in China" are made in whole or in part by a political prisoner or by an average prisoner, but they are being made under circumstances that are an abomination. Is it time to revisit that issue of an MOU and be honest about it and have some real transparency rather than this duplicity?

Mr. FISHMAN. It seems to me, Mr. Chairman, that the logic behind the MOU, which basically says that the Chinese should cooperate in coming up with evidence that would implicate them in breaking their own laws and in breaking our laws, is tremendously flawed, and that the premise on which the whole MOU is based, I think, needs to be overturned.

First, as I said before, the Customs Service needs to be given much greater resources. More importantly, the Administration, the State Department, has to develop the political will to support the Customs Service when they do try to do investigations. And, finally, I think there needs to be a look at some mechanism which would allow the Customs Service to visit suspected facilities in an impromptu way.

Now, according to the MOU, as I understand it, there is a 60-day waiting period once the Customs Service presents a list of suspected facilities it would like to visit, for the Chinese to record. It seems to me that that kind of understanding is hardly worth the paper it is written on.

Mr. SMITH. Let me ask all of you, or whoever might want to answer this, Mr. Xiao, perhaps, is there any knowledge about the whereabouts of the Panchen Lama? Recently, the Campaign for Tibet held a whole series of informational meetings, including the big outpouring of concern on the Capitol steps, the RFK 2-day concert, which featured a number of people, like Richard Gere; not at the concert, but he was at the demonstration on Monday.

There seems to be a real concern that genocide is occurring in Tibet through the forced abortion policy coupled with the mass exodus of Tibetans who are now refugees, the use of torture and killings, coupled with the transmigration of Chinese into Tibet to displace the indigenous population.

The Panchen Lama, your view as to his health or lack of health; is he still living?

Second, what about the genocide in Tibet? Will the President raise that issue in a way that clearly puts us on the side of trying to stop or mitigate a genocide as it is happening?

Mr. QIANG. Regarding the young Panchen Lama, we have no particular information of his whereabouts or where he is held. We only can hear that the Chinese authority has been repeatedly denying any requests of where he is.

But I can give you another case which is very related to this one, which was a high Tibetan religious leader and also high in the Chinese Government, this so-called Tibetan Autonomous Region Administration, who was secretly helping the Dalai Lama to seek the 11th Lama a few years ago. He was arrested and secretly disappeared after the Chinese authority found out that he was assisting the Dalai Lama to conduct this process.

Last year we learned that he was very secretively held in Sichuan Province. It is one prison that happens to have some other Chinese political prisoners in that prison. So we had access to know there is a very secret Tibetan prisoner in that prison. Nobody can have access to him. He is in prison and held in a very isolated place. Only two persons in the prison can talk to him. One is the head of the prison; another is assigned, a special guard. It took us 3 months to verify he was the one, the Tibetan monk, religious leader, who was secretly detained.

That itself says a kind of secret detention is happening in China, and I am afraid those people who are in China flatly denying their whereabouts, are often in a situation like that.

About your question of the genocide in Tibet, I can give you one of my personal encounters was a Chinese diplomat at the Geneva Human Rights Commission in 1993. After we spoke out, the Human Rights Commissioner, of course, has an opposite point of view, but we had coffee together after that. We talked about Tibet. He was basically putting a threat on me saying, well, I understand your political view is different, but don't take on the issue of Tibet. That is an issue about the national integrity, you know. You will be perceived as a traitor of the country. And, you know, in Chinese history, anybody as a traitor of the country did not end up good.

And I responded to him and said, "Is this a threat, or is this a personal opinion?" He responded, "Oh, no, this is not—I was just saying this for your own sake." And then I asked him questions, what then—we all know that Tibet has issues that exist, and we cannot suppress it. So what do you see as the way to resolve it? He says, this is totally—well, in my opinion, assimilate them. That is—I think he was telling me a truth at that particular word. The Chinese Government, the very policy in Tibet is trying to assimilate other ethnic groups to finish their culture and to ignore them and to control them; that is the underlying of every Chinese Government policy in Tibet.

Mr. RICKARD. Mr. Chairman, I just note that we are very concerned about the fate of the 8-year-old boy designated by the Dalai Lama as the 11th Panchen Lama. He hasn't been seen in over 2 years. The Chinese authorities should immediately grant access to him. It is essentially a disappearance case. I was very struck to learn that the International Campaign for Tibet delivered nearly 400,000 letters to the Administration on this one part of our human rights policy in China, and I think that is extremely significant.

The President has pledged to raise the issue forcefully. I hope he does. He has met with the Dalai Lama, despite Chinese protests, and that is to be commended. It is extremely unfortunate, however, in the context of his pledge to raise the issue forcefully that he did not take on the trip with him his designated point person on Tibet. So he is sending mixed signals on this issue as well.

Ms. SHEA. Mr. Chairman, the Center of Religious Freedom of Freedom House is also deeply concerned about what is probably the world's youngest political prisoner, the designated Panchen Lama, who has disappeared and no one seems to know where he is and how he is doing. But the President's commitment to raise the case, I am afraid, is not going to bring too many results, because the Administration seems unwilling to use any stick that does not have a human rights strategy.

As you said, words must be backed up by deeds, and the President's view almost seems to be that he needs this trip more than the Chinese need him. It is sort of a blindness to the fact that he is—his own blindness that he is representing the United States of America, and the Chinese certainly do need the United States of America. In America, we have a lot of leverage and he has a lot of leverage. He needs to make that clear to the Chinese that there are levers he is willing to pull for human rights. Until he does that, there is no reason the Chinese will give him any concession.

Mr. SMITH. Let me just ask about the June 10th hearing, at which the Subcommittee heard from Mrs. Gao Xiao Duan, a recent defector who up until a couple months ago, ran one of the planned birth clinics. And in her moving testimony, backed up with extensive documentation, she blew the lid off the Chinese Government's claim that coercion is not an officially sanctioned means of enforcing its one-child-per-couple policy.

A State Department document strongly implied that forced abortions in China are forbidden by central government policy, but result from inadequate supervision of local officials. As a matter of fact, Michael McCurry again parroted uncritically that remark, which we have been hearing since 1979, frankly. He said, and I quote, "as you know, today the Government of China officially prohibits and tells us that they officially prohibit the use of force to compel people to submit to abortion, sterilization."

This is Gao Xiao Duan. Many of the journalists have followed this with insight, rather than buying into surface appeal and the typical dodge given by the government, the big lie. What could be done to get at this issue, in particular, and on all these issues. It seems to be that in every category, the Chinese always have something that looks plausible on paper. It is nothing but a crock of lies.

But then we get people like Mike McCurry, we get people in the business community, we get, perhaps, well-meaning Congressmen and Senators and perhaps a well-meaning President, who then, if you will, parrot and amplify the Chinese lying, and that takes on a currency in the media. There are journalists who have been reporting very favorably on the progress of human rights as a result of this trip, even if there isn't one scintilla of evidence to suggest that there has been any progress.

I was very chagrined to see Mr. McCurry, who is a very intelligent Press Secretary, buy into that lie, as has the State Depart-

ment for so many years on this issue. And genuinely, how do we pierce this disinformation campaign that seemingly knowledgeable people buy into, because it is going to happen again this week. It is going to happen when people come back.

Mr. RICKARD. Mr. Chairman, I am very struck by the similarity. This is a problem in a lot of areas. I think a number of the panelists have mentioned it. There is a law in the books.

Let me just read one statement on this issue: "It was part of my work to force women to have abortions. In the evening when the couple was likely to be at home, we would go to their houses and drag the woman out. If the woman was not at home, we would take her husband or another member along and keep them in custody until the woman turned herself in."

That wasn't a quote from your hearing, just this month. That was a quote from an Amnesty document from 1993. Now, if there was a plausible argument in 1993 that, well, there are lapses, and, yes, that is regrettable, but we have a law on the books, and we are going to work vigorously to enforce it, 4 more years have gone by, and you have a hearing with this gripping testimony and videotape that exactly the same thing is going on. You also show that exactly the same thing is going on in the area of forced harvesting of organs without consent from executed prisoners. There is a law in the book. Amnesty put a report out on this in 1995.

People say, well, yes, it is a big country, and there is no evidence that it is systematic or that the government is really behind it or it has a policy of doing this. What is absolutely clear is that the government has no concrete policy of stopping it in either area and in many of the others.

I think the point has been made over and over again by all the panelists that the Administration has to insist upon more than rhetoric, more than symbolism. It has to say, we want concrete action in order for us to move forward in a relationship that is based on reciprocity and respect for each other's values and for universal values that you, yourself, have endorsed and that are on your own books, at least in theory.

Mr. SMITH. Let me just say, if the President had threatened not to go because of the Radio Free Asia correspondents being denied their visas, do you think the Chinese Government would have relented? I mean, it seemed to be that here is something that is overtly backed by the American people. It is a truth-telling broadcasting system. We all know how important Radio Free Asia and Voice of America, the surrogate broadcasting, as well as the other broadcasting is, which is getting information out.

It seems to me that more than anything else, the symbolism of acquiescing was devastating. But do you think that the Chinese would have relented if you said, hey, wait a minute, that is it, you are crossing another line? And as you pointed out about Dunkirk, how long is this going on? We are on the sea now, treading water. Do you think they would have gotten on the plane?

Mr. RICKARD. Again, I am actually very interested in what the other panelists think about that. I have been reading a lot of articles lately by people who are very knowledgeable talking about how much this trip means to the Chinese leadership, how this is an incredible milestone for them in terms of getting out from under the

shadow of Tiananmen Square; specifically for Jiang Zemin, how much he has staked on this visit.

I look at all of that, and read China experts on this specific issue say, the Chinese leaders thought about this very carefully, and they were absolutely convinced that President Clinton wouldn't want to have this kind of controversy to start off his trip. It just seems obvious to me that if this was make or break, if it was clear to the United States that this was "make or break", that the Chinese leaders would have backed down on this. But I am very interested in others' views about this question.

Mr. QIANG. Well, I do think that if President Clinton exercises the strong political willingness on the human rights component of this trip, he can make some concrete results out of it, instead of like now, that so far we are only seeing the true sentiment of preventing journalism from Radio Free Asia, a lot of other items right in front of his face. It is just saying that the Chinese Government does not care, or, put it this way, that Chinese Government is convinced that President Clinton will not stand up strongly on those issues.

And that kind of thing that is already President Clinton is giving in to the Chinese leadership, that is starting from not today, but he retreated from Geneva, and he didn't put a strong, effective human rights component when he was negotiating with the Chinese Government about this trip before. Of course, it is never too late for him to reestablish a strong, effective policy from now.

Mr. FISHMAN. Yes. I would just add that the tragedy of your question is that we can't point to anything in the past that would give us an indication what the Chinese would do, because there hasn't been a circumstance where the United States or, for that matter, any other country in the world has tried to lay down conditions to the Chinese in order for them to become a member of the family of nations.

So the lesson learned by the Chinese over many years now has been to take a hard line and not to negotiate and not to make any concessions, because they have been rewarded repeatedly by our government and by other governments for taking this hard line.

My own view is that if the American Government insisted that the President of the United States has the right to bring with him whoever he wants, that this summit was just much too important to the Chinese for them to kill the trip at the last moment.

Mr. SMITH. So we not only have a dictatorship, we had a spoiled dictatorship.

Mr. RICKARD. It may take a long time before the Chinese leadership thinks that anything that the United States threatens them about, other than complaining about bootleg copies of "The Lion King", is to be taken seriously. We have dug ourselves a very deep hole in terms of not having credibility with the Chinese Government on human rights, but the first rule when you have dug yourself into a hole is "stop digging".

Mr. SMITH. Do you have anything further to add to the Subcommittee? And I do hope that you would be ready and willing, at the conclusion of the trip to China, to come forward and give your assessments again. And we will invite the Administration to do so



as well. I think Mr. Jendrzeczyk's recommendation was a good one.

We are all about accountability and truth-telling and bearing witness for human rights and human dignity, and that is what you do every day of your week. So I want to thank you for your excellent testimony, but is there anything else you would like to further add?

Thank you so much, and the hearing is adjourned.

[Whereupon, at 12:42 p.m., the Subcommittee was adjourned.]

# APPENDIX

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### Statement of Representative Chris Smith Chairman, Subcommittee on International Operations and Human Rights June 26, 1998

In a few hours, the President of the United States will be in Tiananmen Square, standing shoulder-to-shoulder with the men who ordered the massacre of June 4, 1989 --- with the same men who deny that anybody died in Tiananmen Square that day. It is therefore appropriate that we begin the day by hearing from five witnesses who can be relied upon to tell the truth about what the Chinese government does to its people.

The President has come a long way since the 1992 campaign, when he accused his opponent of "coddling dictators" and promised he would deny Most Favored Nation status to China "as long as they keep locking people up." A series of articles in the Washington Post this week purports to tell the inside story of how the President changed his mind. In the words of one anonymous Administration official, the President finally realized that China was more than just "a theme park for human rights activists." This realization had dramatic consequences: the second Post article ends with a vignette in which the United States Ambassador to the United Nations tells his Chinese counterpart that he wants to take a trip to China to talk about human rights --- then breaks out into a big grin to let the Chinese ambassador know he was only joking. According to the Post, the two ambassadors shared a good laugh about that one.

The Post also reports that in the summer of 1994, a few months after President Clinton de-linked MFN from progress on human rights, there was a meeting in the White House to assess the effects of the Administration's new China policy. At the meeting President Clinton announced:

"I hate our China policy! I wish I was running against our China policy. I mean we give them MFN and change our commercial policy and what has it changed?"

The central purpose of this hearing, four years later, is to ask that question again. Do the Chinese people enjoy greater freedom of speech, of association, of religion as a result of the policies of the last five years? Is there more or less forced labor, more or fewer forced

abortions and sterilizations, more or less pressure on the identity and culture of the people of Tibet and of the Xinjiang Uighur Autonomous Region? And would the people of China be better off or worse off today if President Clinton had stuck to his original human rights policies, the ones he did not hate?

I hope our witnesses today will address these questions. I hope they will also share their reflections on another question that continues to puzzle me. When big business interests here in the United States really want to change Beijing's conduct --- for instance, when they want to get the Chinese government to respect international copyrights on software and videotapes --- why don't they adopt the same strategy they advocate for bringing human rights to China? Why don't they counsel patience, understanding that China has a different system than we do, and resign themselves to a few years of constructive engagement so that sooner or later Beijing will come around? Instead, they demand economic sanctions --- the very same sanctions they say would be counterproductive as a means of promoting political and religious freedom in China. But if sanctions work to stop software piracy, then why won't they work to stop torture? Perhaps there is an explanation --- for instance, maybe Chinese officials are simply more attached to torture than they are to software --- but I have never detected that the Administration or business feels any sense of obligation to explain why they want to be tougher on software piracy than on torture, religious persecution, forced labor, forced abortion, or any of the other gruesome things the Chinese Communists routinely do to human beings.

Of course, nobody wants to "isolate" the Chinese people, or even the Chinese government. Of course we should engage them. But, as former Chinese political prisoner Harry Wu puts it, "Don't engage with money. Engage with American principle."

It makes an enormous difference whether our engagement with China is truly constructive or whether it is just another word for appeasement. At a recent hearing of the Subcommittee on International Operations and Human Rights, I asked Wei Jingsheng what practical effects MFN and other concessions to the Chinese government have had for prisoners of conscience in China. He said that the torturers are usually more cautious in their treatment of prisoners at times when some the United States is withholding some benefit. But then, as soon as there is "a turn for the better in the Sino-American . . . relationship . . . , last year specifically when the United States declared its intention to establish this strategic collaborative partnership with China, immediately the prisoners had been beaten and received other abuses."

At a hearing last October on whether constructive engagement is working, a young Muslim Uighur woman from the Xinjiang Uighur Autonomous Region told our subcommittee of an even more chilling cause-and-effect relationship between MFN and human rights. In February of 1997 a number of young Muslim men had been arrested for participating in a religious demonstration. According to the witness, "[w]e were little surprised about the patience of the Chinese government in making open executions. Everything was clear, they were waiting for the U.S. to offer Most Favored Nation Status to China. Right after MFN was approved by the Congress, the Chinese government made the first open execution of 7 Uighurs . . . . In order to

'kill the chicken to scare the monkeys,' Chinese military forces load them on the open truck [and] drove slowly through the busy Uighur bazaar and neighborhoods. . . [through a] crying crowd including relatives, family members and friends." When the mourners got too close to the trucks, the Chinese soldiers opened fire and killed nine more people."

In other words, the Chinese and the Tibetan and the Uighur people know what the self-styled "China experts" in the State Department and the Commerce Department refuse to learn: When engagement turns into appeasement, it just makes things worse.

We witnessed a vivid illustration of this principle just this week, as the President prepared to board his plane for China. The Chinese embassy in Washington called three journalists for Radio Free Asia, who had been given visas to accompany the President on his trip, and told them their visas were being cancelled. The Administration says that it made a protest to the Chinese government -- although I am informed that this protest took the form of a very weak secret demarche -- but when Beijing did not back down, the Clinton Administration did. It told the journalists not to board the plane, and gave the explanation that the airline could not take anyone to China whose papers were not in order. But the Administration could have insisted that they be allowed to board. In that case -- faced with the prospect of having to turn them away in broad daylight, in front of hundreds of reporters and photographers, when they arrived in China -- Beijing might have reconsidered its decision, and the Administration might have been able to chalk up a small but important victory for freedom of expression. But when it comes to confrontations with Beijing, even small ones, this Administration always seems to blink first.

So, Mr. President, I want you to know you are not alone. You are not the only one who hates your China policy. I hope our witnesses today will help us understand where we have gone wrong, and how we can do better.

**STATEMENT BY REPRESENTATIVE PETER T. KING****Subcommittee on International Operations and Human Rights Hearing on Human Rights in China****June 26, 1998**

Mr. Chairman, I commend you for holding this hearing on an extremely important issue and also for assembling a very distinguished panel of experts. While I commend the Clinton Administration's efforts in securing releases for political prisoners of conscience such as Wei Jingsheng and Wang Dan, we must not allow these successes to obscure the message of adhering to international standards for human rights and religious liberty. While Americans are guaranteed the freedom to practice their faiths, many in China, including Catholics loyal to the Vatican, Tibetan Buddhists and Uyghur Muslims are actively persecuted for their religious beliefs. Whether the persecution involves Christians, Muslims, Jews, Hindus or any other religious affiliation, it is imperative that the United States condemn such bigotry and intolerance. As the United States continues to engage and cooperate with China on areas of common interest, we must work hard to secure the release of Chinese political and religious prisoners and to speak out on their behalf.

Thank you Mr. Chairman.

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# **Amnesty International Testimony**

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## **Human Rights in China: President Clinton's Trip**

**Before the House Committee on International Relations  
International Operations and Human Rights Subcommittee**



**Presented by**

**Stephen Rickard,  
Director, Washington Office  
Amnesty International USA**

**June 26, 1998**

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Mr. Chairman, my name is Stephen Rickard. I am the Washington Office Director of Amnesty International USA and I greatly appreciate your invitation to testify today on the state of human rights in China and on President Clinton's visit there.

### **President Clinton's Human Rights Dunkirk**

I believe that this trip is President Clinton's human rights "Dunkirk." The history of President Clinton's policies on human rights in China is unfortunately a history of retreat after retreat, until there is now no longer any room to retreat. Like the British at Dunkirk, President Clinton faces a critical choice. He can salvage a small, but dramatic victory out of this depressing rout by speaking out forcefully for human rights in Tiananmen Square. Or, he can let what remains of his commitment to human rights victims in China be driven decisively into the sea.

When more than rhetoric has been required -- when a diplomatic or economic price needed to be paid to stand up for freedom -- the President has repeatedly signaled retreat, promised to dig in and defend a new position, only to abandon the new position in turn. He linked Most Favored Nation (MFN) status to very modest human rights conditions, then abandoned that policy but promised to dig in and hold the line at the Human Rights Commission in Geneva. But in 1997, indecisive US actions and hints that the US might forgo a resolution altogether helped fracture the Western bloc and produced a debacle at the Commission. In 1998, the Clinton Administration failed to even offer a resolution on China.

The Clinton Administration steadily retreated on the issue of high-level contacts with Chinese officials, meeting in the Oval Office in 1996 with Chinese Defense Minister Chu, the man who personally organized the Tiananmen Square massacre. The 1997 Human Rights Commission debacle was followed by the Jiang Zemin visit, and, now, in 1998, the President will let the Chinese Government roll out the blood-red carpet for him in Tiananmen Square. *At least* 250 Chinese are still in prison for participating in peaceful, pro-democracy protests there. *At least* 2,000 -- and probably many more -- political prisoners are in Chinese prisons, some for listening to the *Voice of America*. Enough to fill the entire city of Clinton, Arkansas. *Well over* 200,000 Chinese are jailed without charge or trial under "reeducation through labor" provisions. But the President is going to Tiananmen Square.

There is no more room for retreat.

### The President's Trip – No Rescue in Sight

Sadly, there appears to be little reason to hope that President Clinton will salvage a victory from this human rights debacle by speaking out in any meaningful way for human rights victims. On the contrary, there are plenty of signs that the President will not forcefully defend America's commitment to fundamental freedoms while in China. As the Washington Post put it, the trip takes place in "an atmosphere of US accommodation to Chinese demands":

- The President let the Chinese government prohibit Radio Free Asia journalists from traveling with him.
- He did not insist that his Special Coordinator for Tibet participate in the trip.
- He has not agreed to the request of Chinese dissidents to meet with them.
- And yesterday, his spokesman announced that the Administration would only protest the detention of dissidents during the President's trip *through the US Ambassador* in Beijing.

Each of these events speaks depressingly to the President's apparent decision to put human rights on the back burner in his own personal interaction with Chinese leaders. I am not a China expert by profession, but I find it very difficult to believe that China would not have backed down if President Clinton had told his foreign policy team: "Call the Chinese and tell them that *I will not come without the Radio Free Asia reporters*. They can say that canceling the reporters' visas was a bureaucratic mistake, a misunderstanding, whatever they want. We don't have to tell anyone that I made this demand. But be very clear: I will not come." I may be wrong about what the Chinese government would have done in that case. But I am absolutely certain that if President Clinton would have had to make good on his pledge to stay home the vast majority of Americans would have been thrilled to see their President stand up for principle.

I also believe that many in the business world would join in applauding the President for taking a strong stand for human rights. For instance, Amnesty has been working with one well-known retailer, the Body Shop, to gather signed postcards from shoppers and from Amnesty members to the President and the Chinese leaders demanding action on human rights. I've brought with me today over 15,000 such letters, which I believe are just a representative sample of what the majority of Americans would also like to see. The Body Shop, like many in the business world, simply believes in supporting human rights because it's the right thing to do. But if the Indonesian economic crisis showed nothing else, it proved that supporting human rights is *also* the *smart* thing for business to do. Every element necessary for stable investments and a sound business climate – rule of law, independent judiciary, protections against corruption, political stability – are critically dependent upon human rights protections.



## **We Are Not Human Rights Heroes**

One point that I cannot emphasize strongly enough is that no one is asking President Clinton to be a human rights hero. If the President speaks out for human rights in China, no one will arrest him and throw him into a forced labor camp. He won't risk what Wei Jingsheng and Wang Dan did. He won't suffer like the more than 250 prisoners who stood up peacefully in Tiananmen Square. Nor does he have to say anything provocative or hostile. All he has to say is that he and the American people have not forgotten and will not forget those prisoners. He can help keep alive that which repressive governments everywhere most want to kill: hope. We are not the human rights heroes – they are. The least we can do is to say that we stand with them.

## **Human Rights in China**

It would be impossible to cover the vast scope of human rights violations in China in my testimony so I will simply attempt to summarize some of Amnesty's major concerns and then I would be happy to answer questions. I know that many of these same issues will also be covered by other panelists.

*Tiananmen Square Prisoners.* As I mentioned, we believe that there are well over 250 people still in prison for their peaceful participation in or support for the Tiananmen Square protests. Nine years later Amnesty is still learning about previously unknown cases of persons imprisoned because of their participation.

*Political Prisoners.* We believe that there are well over 2,000 political prisoners in China. Many of them are imprisoned for so-called counterrevolutionary crimes that are no longer even on the books in China. The President should call upon the Chinese authorities to release all political prisoners and to review the cases of all persons imprisoned for "counterrevolutionary" offenses. Within the past year persons have been arrested for advocating independent labor unions, conducting "unauthorized" religious activities, speaking with foreign journalists and a host of other offenses.

*"Reeducation Through Labor."* By China's own statistics, there are nearly a quarter million persons imprisoned in China without charge or trial under the "reeducation through labor" provisions.

*Tibet.* While the Administration and others have sought to highlight alleged "progress" on human rights issues in China, no one seriously maintains that there has been any improvement in the situation in Tibet during the last year. In fact, the crackdown that began in 1996 has continued. In recent years, thousands of Tibetan monks, nuns and juveniles have been arbitrarily detained and many tortured. Over 600 prisoners jailed in previous years are believed to remain in prison. Chinese authorities severely harass and interfere with the operations of monasteries that exhibit independence or loyalty to the Dalai Lama. Amnesty is also concerned about the welfare of the eight

year old boy declared by the Dalai Lama to be the 11<sup>th</sup> Panchan Lama who has been held by Chinese authorities for over two years. President Clinton deserves some credit for meeting with the Dalai Lama despite Chinese protests.

*Xinjiang.* Chinese authorities have also engaged in severe repression of Muslims in Xinjiang, including violent repression of protests, mass closings of Koranic schools and large numbers of death sentences for alleged separatists. Private scripture classes and teaching of religion in schools and factories has been banned and the government seeks to exercise tight control over the production and distribution of all religious materials.

*Religious Persecution.* State control of religion and repression of unauthorized religious activities continues. Those who join one of a growing number of unregistered religious groups elsewhere face heavy fines, harassment and imprisonment. Many peaceful but unregistered religious gatherings have been raided by police, and those attending have been beaten, threatened and detained. The President has pledged to raise the issue of religious freedom for Buddhists, Muslims and Christians in his discussions with Chinese leaders and should do so.

*Enforced Birth Control.* Birth control has been compulsory in China since 1979 and the official government line that "coercion" is not permitted is flatly contradicted by the facts. Birth control is enforced through quotas allocated to each work or social unit (such as school, factory or village) with local officials directly responsible for monitoring and enforcement. At a minimum, couples who have a child "above the quota" face punitive action, including heavy fines and loss of employment. In reality, many local authorities resort to much more severe action, including forced abortions and forced sterilizations. Relatives of those accused of having too many children have been held as hostages until fines are paid or the pregnant woman agrees to have an abortion. "Above quota" newborn babies have reportedly been killed by doctors under pressure from officials and at least one doctor who issued false sterilization certificates was given the death penalty. There is scant evidence that Chinese government officials make any meaningful efforts to combat or prosecute such coercive practices.

*Death Penalty.* China executes more prisoners each year than all the rest of the world combined. Even those in the United States who support the death penalty should be appalled by the massive scope of the death penalty in China, the fact that it is administered after grossly unfair trials, often on the basis of confessions extracted under torture, and applied for offenses including counterfeiting value-added tax receipts and even violations of intellectual property. There are very good grounds to believe that widespread "harvesting" of organs from executed prisoners occurs without consent. While Amnesty has not been able to confirm that executions occur solely or specifically in order to provide organs, there are few if any checks on such practices and powerful incentives for them. Assistant Secretary for Asian and Pacific Affairs Stanley Roth has agreed that executing prisoners to provide organs "would be among the grossest violations of human rights imaginable." I cannot leave this topic without noting in passing that it is a sad fact that China and the United States share the dubious distinction of being among the handful of states which account for the vast majority of all executions

on earth and that the US defense of the death penalty indirectly but significantly assists the Chinese government in rejecting calls to reform or abolish capital punishment in China. It is also a tragic fact that, unlike the US, China has *at least* taken the very positive step in the last year of prohibiting the death penalty in any case where the defendant was under 18 years of age at the time the offense occurred.

### **The False Arguments for Backing Down on Human Rights**

I'd like to take a moment to quickly run through the basic arguments that have been offered to explain why it is essential that President Clinton not speak out forcefully for human rights victims in China.

*Progress is Being Made.* Here, I want to pay tribute to the many people in the Administration who are sincerely committed to human rights and work long hours to try to help. They do make a difference and we deeply appreciate their efforts. And no one in the human rights community is going to sneer at the release of Wei Jingsheng and Wang Dan – two human rights heroes who have truly suffered – or a commitment to ratify the International Covenant on Civil and Political Rights. President Clinton's Administration has at least continued to ask for *some* human rights concessions, while too many other governments appear to have stopped even talking about human rights.

But I must repeat as I did when I testified before you earlier this year, that the extent of human rights progress in China has been seriously exaggerated. Take Wei's release, for example. First, what the Chinese government did to Wei is precisely what the former Soviet Union did in February 1974 to *punish* Aleksander Solzhenitsyn: they sent him into exile. Worse, Wei was forced to accept exile against his will because he had been so severely treated by Chinese authorities in prison. Frankly, I find it hard to find a growing tolerance for dissent in this event!

But worse, the Clinton Administration has touted the release of two prominent dissidents as a victory when during the first five months of this year Chinese authorities have restocked the shelves with 15 *new* political hostages and harassed or detained 35 others! And these are just the cases we know of already. In one case Chinese authorities detained the wife and 80-year-old mother of a dissident simply because they were related to the prisoner. In two other cases, a businessman and a singer were arrested and sentenced to three years in labor camps for doing nothing more than allegedly reporting to others the arrest of four poets who were friends. As much as we welcome the release of Wei and Wang Dan, this is a losing game for the US. The President has a very limited supply of concessions – many of which he has already given up – but the Chinese government has, for all practical purposes and unlimited supply of hostages. And it seems quite committed to rounding up or harassing just about anyone even remotely associated with dissent.

*No one else is supporting us.* Every parent has heard this argument many times – “But everybody else does it!” – and knows that it takes time for adolescents to learn that doing the right thing is never dependent upon whether it is popular or the majority view. The argument that it costs the US too much or that it is simply ineffective to take a “unilateral” stand for human rights applies with just as much force to the US legislation that makes it a crime for US companies to pay bribes. But how many people seriously press the argument that because the US has been unable to get other countries to adopt a similar law the US should simply say “What the heck, I guess we need to get in there and bribe people, too”? Instead of abandoning moral leadership on this issue, the US has maintained its “unilateral” standard while continuing to work to make it multilateral. In essence, opponents of “unilateral” human rights leadership argue that the US should abandon moral leadership until the rest of the world is willing to adopt the human rights approach we would no longer be upholding.

*China is “helping” the US on many important issues.* This argument involves many issues that are outside of Amnesty’s mandate, so I will simply express my own personal opinion on this point. To me, no other argument illustrates the astonishing success of Chinese diplomacy so well. China has convinced the US that it is doing *the US* a favor to help contain nuclear proliferation in Asia when it has troops on the borders of North Korea, India and Pakistan, is widely believed to have helped cause much of the problem in the first place and the US is 10,000 miles or so away from Kashmir. Astonishing. It has persuaded the Clinton Administration that it is a favor to the US – rather than national self-interest – to cooperate in dealing with the Asian economic crisis. Likewise, with an astounding \$50 billion trade surplus with the US, it has persuaded the US that it is the US that desperately needs to do business in China rather than the reverse. Finally, it has persuaded the US that it must reward China for deigning to *abstain* on a strong Security Council resolution stating that Iraq must cooperate with UN weapons inspectors.

*The human rights community just wants “feel good” symbolism.* With President Clinton’s trip to China, this traditional canard has been turned completely upside down. It is the *human rights community* that is calling for *real change* and it is the Clinton Administration that wants the human rights community to settle for symbolism and rhetoric.

But it is crucial to emphasize that I believe that if President Clinton goes to China and does not make a strong stand for human rights more people will be imprisoned and those already in prison will be there longer. And not just in China. One of the unreported tragedies of the Clinton China policy is the devastating effect it has had on US human rights credibility *throughout Asia and, indeed, the world*. The sad but, I believe, undeniable fact is that for some time the Clinton Administration’s devotion to promoting US exports has been devastating to its human rights credibility in any country with a dynamic economy. When the ASEAN nations flatly ignored US concerns about their warming relations with Burma, to take just one example, a major factor was that they had become convinced that the US would never jeopardize trade and investment opportunities in growing markets because of human rights concerns. And the China MFN disaster and

other retreats on China were the clearest, most unambiguous message to that effect. I have personally spoken with Asian officials who said, in essence, "You Americans will complain about human rights, but in the end we know that you won't do anything about them because what you really care about is trade."

### **Standing Up for the Least Powerful**

President Clinton will go to Tiananmen Square on Saturday. He will not visit any of the Tiananmen Square prisoners. It seems unlikely that he will meet with any of the family members of those killed in Tiananmen Square. Is it really so much to ask that he speak out for them?

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**Statement by Mike Jendrzeczyk  
 before the House Subcommittee on International  
 Operations and Human Rights  
 June 26, 1998  
 U.S.-China Policy**

When President Clinton steps into Tiananmen Square tomorrow, he will be the first U.S. head of state to visit China since the 1989 crackdown on the pro-democracy movement. His visit will provide a huge propaganda boost to the new post-Deng leadership team of Jiang Zemin, Zhu Rongji and Li Peng, the last step in China's ten-year climb back from pariah status. More importantly, perhaps, with this visit both governments are signaling their determination not to allow human rights violations to interfere with closer political and economic relations.

We are not opposed to high-level engagement, discussion or dialogue with China, indeed, we believe such exchanges are necessary and useful. But presidential summits are not ordinary visits, and the Administration has thus far failed to effectively use the enormous leverage this summit provides to press for significant -- not merely token or cosmetic -- human rights improvements. We believe the White House should have laid out specific human rights preconditions before setting the date for the President's visit. Instead, the Administration formally agreed to the summit and then scrambled to send one delegation after another to Beijing to try to get something in return. As a result, the Administration has been downplaying expectations about results from the summit.

Not only has the Administration failed thus far to secure meaningful improvements, but it appears to be intent on compounding that failure by moving to lift the sanctions that remain in place from 1989. We certainly understand that a combination of carrots and sticks can sometimes be useful in international diplomacy. But under the current human rights conditions in China, we would strongly oppose any move by the Administration to restore the Overseas Private Investment Corporation (OPIC) or Trade Development Administration (TDA) programs suspended in 1989. In addition, we would remind the Administration of the worker rights requirements for OPIC. We would also oppose any easing of existing restrictions on arms transfers to China including sales of dual use technology, such as Sikorsky helicopters.

Since the May 1994 decision to delink MFN from human rights, the

Administration has yet to develop an effective bilateral or multilateral strategy for promoting meaningful improvements of human rights in China and Tibet. The cornerstone of its policy over the last year and a half -- trading away criticism in the United Nations Human Rights Commission and going forward with summits in exchange for Chinese government promises to sign human rights treaties and releases of well-known dissidents -- was a poor bargain. It did produce the release into exile of Wei Jingsheng and Wang Dan and the release, probably under heavy surveillance, of a Catholic bishop, but the overall pattern of human rights violations remains fundamentally unchanged.

In the weeks leading up to the summit, a systematic roundup of dissidents has been underway to prevent any disruption of the President's visit. Some are being sent away on "vacation"; many others, such as the outspoken activist Xu Wenli, are under strict surveillance. On Wednesday (June 24), the police detained Li Xiaolong, an activist in southern Guangxi province who had been in hiding from the police; his wife had no idea of where he was being held.

The State Department hopes that one outcome of the President's visit will be a formal resumption of the "dialogue" on human rights that Beijing suspended in 1994 following Assistant Secretary John Shattuck's meeting in Beijing with Wei Jingsheng. That "dialogue" was more of a monologue, with the U.S. requesting information on prisoners that China never produced in full. The idea of what constitutes a "dialogue" may well have changed, but judging from the meager results of different human rights "dialogues" now underway between China and the European Union (EU), Japan, Australia, Canada and other governments, we are extremely skeptical that the process by itself will lead to concrete changes. Pressure is also needed.

The limited steps taken by Beijing in recent years have come about largely because of pressure, including the prospect of a resolution on China at the United Nations Commission on Human Rights in Geneva and the earlier debate over annual MFN renewal. Among these limited steps have been the release of prominent dissidents, visits by United Nations working groups and rapporteurs -- including the UN Special Rapporteur on Religious Intolerance, who visited China and Tibet in 1994 and last year's trip by the UN Working Group on Arbitrary Detention -- talks with the International Committee of the Red Cross (ICRC), and Beijing's promises to sign and ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

I would add that until Beijing both signs and ratifies these two important treaties -- welcome steps if they happen -- they have no binding force. On October 26, 1997, just prior to the Clinton-Jiang summit in Washington, China signed the ICESCR but to date has not ratified it. It has yet to sign the ICCPR. In private discussions with European diplomats and others, Chinese authorities have indicated they intend to attach reservations taking exception to particular provisions in both treaties. These include article 19 of the ICCPR on the right of freedom of expression and article 8 of the ICESCR on the right to form trade unions. It is precisely these rights that are now directly under assault in China. It now appears that Beijing plans to delay signing the ICCPR until this fall, when the U.N. High Commissioner for Human Rights plans to visit China -- thus getting credit twice.

We are concerned that without the threat of action at the UN Human Rights Commission and without the leverage that a presidential summit could have provided, Beijing will have little incentive to follow through on its promises or to undertake more significant, far-reaching reforms.

The pomp and ceremony connected with the President's trip to China will likely obscure the extent of ongoing abuses. The symbolism of President Clinton's official arrival ceremony taking place in Tiananmen Square will send a message to the Chinese people and to the American people that will override anything the President might say about human rights and the rule of law when he gives speeches to a university audience in Beijing or Nanjing. The White House should have resisted pressure from Chinese officials to start his visit in the Square.

If the leverage provided by the impending summit has been partly wasted, it has not been totally lost, and the President can still make important human rights points during his visit to Beijing. Especially if the President does indeed begin his official visit in Tiananmen Square, he should find time to visit with the family members of one of the victims of the 1989 massacre. Many of them are still suffering from political harassment, discrimination or persecution. One man named Li Hai is serving a nine-year sentence for the "crime" of collecting information on the victims of the 1989 crackdown. The list of more than 150 Beijing citizens who are still detained since 1989 -- which Li Hai helped to compile -- is attached to my testimony.

The President should also secure from China's leaders during his visit a pledge to remove within a specific time frame the names on an official re-entry blacklist. The list contains the names of more than fifty Chinese citizens now living in the U.S. who cannot return to China. (See names attached, from a document issued secretly by the Ministry of Public Security in May 1994. We expect that other names have been added since then). They have all been subject to government decrees banning them from returning to their own country due to their pro-democracy activities in China or while living abroad. Almost fifty percent of those listed were placed on "most wanted" notices after June 4, 1989; none of them is known to have committed any act which could be construed as criminal under international law. Allowing them to return to China unconditionally would be a significant gesture by the Chinese authorities.

Other steps the Administration should urge China to take in the context of the President's visit:

- releasing unconditionally large numbers of imprisoned political, religious and labor activists;
- revising China's draconian security laws, including the provisions on "endangering state security" added to the criminal code in March 1997 (see "State Security in China's New Criminal Code," published by Human Rights Watch and Human Rights in China, April 1997);
- reviewing the sentences of more than 2,000 convicted so-called "counterrevolutionaries" with a view towards releasing those convicted solely for exercising their internationally recognized rights of free speech and association, especially since the crime of "counterrevolution" has itself been abolished;
- abolishing "reeducation through labor," a form of arbitrary administrative punishment



- involving up to three years' detention without judicial review widely used in China;
- protecting freedom of association of workers in accordance with China's obligations as a member of the International Labor Organization;
  - easing religious repression by abolishing the registration process in its current form and implementing the 1994 recommendations of the U.N. Special Rapporteur on Religious Intolerance;
  - allowing regular access to Tibet and Xinjiang by independent human rights monitors.

Human Rights Watch has posted on its web site this basic list of recommendations, along with other documentation on human rights and information related to the summit.

#### **Overview: Human rights conditions in China**

There has been no substantial improvement in China's human rights record in the past year. Isolated prisoner releases, such as the release of Wang Dan last month and Wei Jingsheng in November 1997, have little impact on the overall state of repression in China. In the six months since Wei's release, others have been detained and arrested. The overall pattern of the government's treatment of political dissidents has not changed.

Just last month, Xu Wenli, a Democracy Wall activist who spent twelve years in prison, was picked up by the police and held for three days. The police have kept him under surveillance since his release on parole in 1993. He tried to form a human rights organization and even applied for official approval, but the authorities responded by increasing the surveillance. On April 3, he was detained and held for twenty-four hours; his house was searched and his computer and fax machine were confiscated. The authorities urged him to leave the country, but he refused. On May 4, police stopped his car on the way to the airport as he was taking his wife to a flight to the U.S., on the grounds that he was not wearing a seatbelt, and he was not allowed to see her off. Then, on May 9, 1998 he was reported to have boarded a train in Beijing for Wuhan but never arrived. In response to appeals from his family over the last few days, the police have insisted that they know nothing about his current whereabouts. He surfaced on May 13 after being held by police for three days to prevent him from visiting other pro-democracy activists.

A few other recent examples:

-- Yang Qinheng, a dissident in Shanghai, was sentenced in March 1998 to three years of "reeducation through labor" after being arrested for reading an open letter on Radio Free Asia on January 27, 1998 calling for the right to unionize. He also said, in the broadcast, that the government's anti-unemployment efforts were threatening to social stability.

-- Shen Liangqing, a former prosecutor from Anhui province, was sentenced to two years of "reeducation through labor" on April 4, 1998. He was arrested on February 25, in the run up to the annual meeting of the National People's Congress, after he sent letters to the government criticizing the selection of former premier Li Peng as the new chairman of the NPC. He also had contacts with outside human rights organizations and Western journalists.

--On January 16, 1998, Li Qingxi, an unemployed former health worker at a clinic attached to the Datong Coal Mining Administration in Shaanxi province, was arrested for putting up notices calling on workers to form their own independent trade unions. He was released on February 24, but put under a form of house arrest for one year, serving a "reeducation through labor" sentence.

-- On April 5, 1998, Li Baiguang, a law professor on the southern island of Hainan, was reportedly detained by police for trying to start a "salon" with students to discuss political reforms. The university faculty fear he has been arrested.

-- The wife of imprisoned labor activist, Liu Nianchun, serving a sentence of three years in a "reeducation through labor camp," applied for a permit to protest his imprisonment on May 1998, during Secretary Albright's visit. Liu signed a petition in 1995 calling for workers to be allowed to form free trade unions. Chu Hailan, his wife, was followed by plainclothes police and the protest was not allowed.

Are these signs of greater "tolerance" towards dissent, as the State Department claimed in its most recent annual country report on human rights?

On the issue of access to prisoners by international humanitarian organizations, there has been no breakthrough. Following a series of meetings between the International Committee of the Red Cross (ICRC) and Chinese authorities, Christian Brumme, regional deputy head of the ICRC, said in February 1998 that he did not expect the Chinese government to agree to the openness required by the ICRC; their non-negotiable requirements include access to all detainees of a similar category, access to all places of detention, completely confidential visits with detainees and so on. Justice Minister Xiao Yang (now head of the supreme court) said last year, after a set of talks, that the ICRC's conditions were too rigorous to be acceptable.

In April, the U.N. Working Group on Arbitrary Detention delivered its report to the UN Commission on Human Rights in Geneva, describing its visit to China in October 1997 in some detail and making recommendations. Although we believe the Group failed to adequately address some key issues, such as the lack of independence of the Chinese judicial system, it did make some useful findings. For example, it cited the failure of the Chinese Criminal Law to clearly and precisely define offenses "endangering state security," which can be used to imprison political and religious dissidents as was the case with the "counterrvolutionary" offenses they replaced. The Working Group was told that as of December 1997, there were 230,000 persons being held in reeducation through labor centers throughout China, both ordinary prisoners and political and religious dissidents. According to Chinese government statistics, this is an increase of more than 50 percent over the number of detainees in labor camps just four years earlier (in mid-1993, the government reported less than 150,000 inmates.) Conditions in the labor camps are often harsh. These administrative punishments clearly violate numerous provisions of international law.

The report of the Working Group does not mention a peaceful protest that took place in

Drapchi Prison in Lhasa, Tibet that occurred in the presence of the delegation. A prisoner openly declared his support for the Dalai Lama in a protest planned by several inmates. They were reported to have been intensively interrogated later, severely beaten, and put into solitary confinement after the U.N. delegation left the premises, yet the delegation received assurances from Chinese authorities that no prisoners would be harmed.

Greater cooperation by China with the U.N.'s human rights mechanisms and perhaps, over time, to greater transparency in China's legal and detention system is clearly desirable, but nothing in the Administration's human rights policy offers China any incentive to make progress in that regard.

There has been some incremental progress in the area of legal reforms. For example, the implementing regulations issued in December 1997 for amendments to Criminal Procedure Law adopted in 1996 allow defendants access to lawyers while they are still in police custody (though meetings with attorneys can be monitored), but there is still a long way to go. There is often a wide gap between laws and amendments on the books and their actual implementation and enforcement. As the Lawyers Committee for Human Rights points out in its new study, "Lawyers in China: Obstacles to Independence and the Defense of Rights" (March 1998), "There are a number of structural and institutional impediments to the development of a strong legal system and an independent and authoritative court system in particular." Among them, according to the Committee, are lack of transparency, poor quality legislation, lack of clear jurisdictional authority for making and interpreting the law, the influence of the Chinese Communist Party and local governments on judicial appointments, and corruption.

#### **Worker Rights**

As I noted earlier, we would oppose the lifting of remaining Tiananmen sanctions, such as controls on military transfers or starting up an OPIC program in China; the latter should be ruled out, in any case, by the pervasive violations of worker rights in China. OPIC assistance, under the U.S. Trade Act of 1974, as amended, can only be given to countries that are taking steps to adopt and implement internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, and that prohibit forced labor. As the State Department points out in the 1997 country reports, "Independent trade unions are illegal (in China)...Credible reports indicate that the Government has attempted to stamp out illegal union activity."

During the past year, there have been a series of major protests by workers and other disaffected urban residents in various Chinese cities, mainly sparked by the layoffs at state-owned enterprises. An estimated 25 percent of the urban industrial labor force (about 30 million people) were actually or effectively unemployed. The most serious large scale worker protest erupted early in 1997 in several cities in Sichuan, and other protests also took place in Nanchong in March. In July, in Mianyang, Sichuan, more than 4,000 workers demonstrated outside the city government office demanding jobs. When officials refused to meet with them, the protests became more heated, and the People's Armed Police broke up the gathering. Several dozen demonstrators were injured

and there were a number of arrests. In another incident, in May 1997, when laid-off workers from the Zhongyuan Oilfield in Henan province organized an unofficial union and sent delegates to Beijing to plead their case, the delegates disappeared and were feared to be arrested. There has been no further word on their fate.

### Religious Freedom

We are deeply concerned about official controls over religious belief and practice in China and Tibet. The Chinese government has been conducting an intensive campaign to convince foreign governments that there are no meaningful constraints on religious practice, despite evidence of continuing persecution. Last October, the Information Office of the State Council published a "White Paper on Freedom of Religious Belief in China," asserting that the right to freedom of religion is respected and protected.

Earlier this year, a senior delegation of Chinese religious officials visited the U.S., and in February, three prominent U.S. clerics went to China and Tibet to open an unprecedented dialogue with Chinese officials on religious freedom. The delegation's visit was negotiated during the summit meeting between President Clinton and President Jiang last October. We believe the delegation deserves credit for its principled approach. In its report, it criticized the Chinese government's requirement that all religious sites register with the official Religious Affairs Bureau, and strongly condemned the use of administrative punishments imposed on some religious believers. But the delegation failed to produce any breakthrough, and made the mistake of taking a showcase tour of a prison in Lhasa, Tibet. This provided the authorities with a major propaganda coup. The head of the prison told Archbishop Theodore McCarrick that well-documented reports of torture and ill-treatment of imprisoned monks and nuns were just "stories." The group was shown a prison factory in which "scores of inmates were weaving blankets, with some humming popular songs," according to Xinhua, the official Chinese news agency.

For the past few years, we have documented the Chinese government's increasing control over religious organizations, which has paralleled an increasing interest in religion by Chinese citizens. (For details, see the Human Rights Watch reports *China: State Control of Religion* issued in October 1997, and an update published in March 1998). The government singles out Christianity and Islam as two avenues for subversion by "hostile foreign forces," and views religion as "a critical element of the nationalist movements in Tibet and Xinjiang." It is also concerned about the growth of religious activity exacerbating social instability at a time when the government's economic reforms are creating greater dislocation.

Although harsh prison sentences and violence against religious activists are still reported, state control increasingly takes the form of the registration process, through which the government monitors membership in religious organizations, locations of meetings, training, selection of clergy, publication of religious materials, and funding for religious activities. Failure to register can result in the imposition of fines, seizure of property, razing of "illegal" religious structures, forcible dispersal of religious gatherings, and occasionally, short term detention.

I would like to briefly refer to two recent examples of restrictions on religious freedom: two Roman Catholic bishops, Duan Yiming and Xu Zhixuan, were invited by the Pope to attend a synod of Asian bishops at the Vatican that concludes today. They were refused permission to leave China because the Vatican does not have diplomatic ties with Beijing; in addition, Bishop Duan accepted the Vatican's invitation without first consulting with the Chinese government's Religious Affairs Bureau.

Members of this Subcommittee may have read recent news stories about the release of Bishop Zeng Jingmu, a seventy-eight-year old Catholic cleric, who was freed earlier this month, six months before the expiration of his three year sentence to reeducation through labor. His release was confirmed by the U.S. embassy in Beijing, and according to the *Washington Post* (May 10, 1998) was "seen as another gesture to President Clinton to improve the atmosphere between China and the U.S. before Clinton's visit...." His case was apparently at the top of a list of about thirty clerics and lay believers handed over to authorities in Beijing by the U.S. religious delegation in February. As noted above, there are now unconfirmed reports that he has been placed under heavy surveillance.

#### Tibet

Finally, I would like to comment on the human rights conditions in Tibet, which remain grim. Tibetan political and religious activists face "disappearance," or incommunicado detention, long prison sentences, and unacceptable treatment in custody. The European Union (EU) sent a delegation to Tibet from May 1-10, 1998 and just delivered its report. The group included the ambassadors to China of Great Britain, Luxembourg and Austria. They concluded that "the TAR (Tibet Autonomous Region) authorities exercise extremely tight control over the principal elements of Tibetan religion and culture...(Their) first priority is to combat the political expression of Tibetan nationalism and the emergence of an independence movement." The troika delegation was denied access to the Panchen Lama. They visited Drapchi prison but were not allowed to see particular prisoners they asked to interview.

China's leaders, fully aware of the link between religion and politics in Tibet and fearful of a strengthened independence movement, have intensified the crackdown on any and all expressions of so-called "splittism," in the TAR and in the Tibetan areas in the bordering provinces of Sichuan, Gansu, Yunnan, and Qinghai. Freedom of expression, association, assembly, and religion are under sharp and constant attack, and official rhetoric against the Dalai Lama is increasingly virulent. "Patriotic reeducation teams," sent by the government to eradicate any signs of pro-independence sentiment or support for the Dalai Lama, are revisiting monasteries and nunneries and expelling and imprisoning monks and nuns who refuse to accept the official Chinese version of Tibet's history, culture, and religious practice. In Tibet, the Strike Hard campaign, which began throughout China on April 28, 1996 as an anti-crime effort, targets suspected "splittists," those who would separate Tibet from the motherland. They can face "disappearance," torture, or extraordinarily long prison sentences for non-violent political and religious activity.

Assessment of the full impact of the crackdown is difficult. Security regulations which make it a crime to report the names of prisoners, the number or severity of dissident demonstrations, or

the extent of resistance to Chinese rule. (On August 8, 1997, for example, two Tibetans, Shol Dawa and Topgyal received sentences of nine and six years respectively for compiling lists and disseminating information about prisoners.) Any contact with foreigners is risky for Tibetans, and Chinese authorities try to limit that contact through travel restrictions on tourists and strict controls on entry of foreign journalists to the TAR.

Control of religious practice is at the heart of attempts to neutralize support for the Dalai Lama and for independence or genuine autonomy for Tibet. Because of the Dalai Lama's role as both spiritual and political leader, that support is centered in Tibet's monasteries and nunneries. A reeducation campaign targeting those institutions began in May 1996. The process of reeducation is as follows. A work team takes up residence at a particular monastery, with armed troops sometimes accompanying the team. Monks and nuns are instructed in the official version of Tibet's history, in religious policy, knowledge of the law, and the problem of "splittism." They are required to speak out individually about what they learned. At the end of the course, they are required to take written and oral exams; questions and correct answers are supplied in advance. Examinees must denounce the Dalai Lama, acknowledge that Tibet has always been a part of China, renounce calls for independence, and agree that the boy recognized by Chinese authorities, rather than by the Dalai Lama, is the true reincarnation of the Panchen Lama. Failure — and a bad attitude constitutes failure — means arrest or expulsion, forced return to one's native village, usually the countryside where earning a living is almost impossible, and a ban on future participation in monastic life.

By official count, 700 monasteries and nunneries and 35,000 monks and nuns, representing 76 percent of the total, have been "rectified." In Nagchu Prefecture alone, fifty-eight work teams were sent to key monasteries and nunneries in the area. It is estimated that close to 3,000 monks and nuns were expelled in 1996 and 1997. In some cases, monasteries and nunneries have been completely shuttered, and in some instances demolished. As of June 1998, the campaign was continuing.

On November 11, 1997, the patriotic education campaign was extended to the lay population on a trial basis, and a week later, the vice-chair of the TAR Office of Education in Lamaseries announced that in an effort to "eliminate the Dalai's influence and win people's hearts," patriotic education would be extended to "agricultural communities, towns, cities, governments organs and schools." If the aim of the campaign in religious institutions has been to marginalize monks and nuns who disagree with Chinese policy, in the secular sphere, it facilitates identification of allegedly loyal cadres who harbor nationalist sentiments

The Panchen Lama issue remains unresolved. After the Dalai Lama announced on May 15, 1996, that Gendun Choekyi Nyima, then six years old, was the reincarnation of the Panchen Lama, Chinese authorities, using their own interpretation of Tibetan history, immediately denounced the selection and the Dalai Lama's right to make it. They quickly installed their own choice and moved him to Beijing, where they could make sure he received a "proper" education. Gendun Choekyi Nyima and his family disappeared. In addition, Chinese authorities arrested Chadrel Rinpoche, the abbot who had led the official search team to find the reincarnation, and sentenced him to a six-year

prison term. He is believed to be serving his sentence in isolation in a secret compound in Sichuan province. On November 7, 1997, the Tibet Party Committee secretary characterized Chadrel Rimpoche as one who "[was] trusted by and received special treatment by the Party and government for many years, rebelled against the Party and country at the crucial moment, and stabbed the Party in the back." As for Gendun Choekyi Nyima, three years after his identification and subsequent disappearance, his whereabouts are still unclear. Chinese officials variously have said he is in Tibet, Gansu province, and Beijing, but have not allowed access to him.

A few examples of Tibetan prisoners illustrate the continuing repression:

- Ngawang Choephel, an ethnomusicologist and Fulbright scholar at Middlebury College in Vermont, was sentenced to an eighteen-year sentence on an unlikely charge of spying; all indications are that he was simply recording traditional Tibetan dance and music. Ngawang Choephel's whereabouts are unknown; his mother still has not received permission to visit him.
- Rinzin Wangyal, sentenced in 1995 to a sixteen-year term for political activities, had his sentence extended to life imprisonment in October 1997.
- Ngawang Pekar, from Drepung Monastery, had served four years of an eight-year sentence when he was sentenced to an additional six years for trying to smuggle out a list of political prisoners in Drapchi prison.

Ex-prisoners and detainees continue to report severe torture. Methods such as prolonged exposure to temperature extremes ensure that subjects bear no obvious signs of their treatment.

We were encouraged by reports that the Administration intends to use the President's visit to press for an overall improvement in the situation in Tibet. We hope the Administration will, for example, urge the Chinese government to allow access by credible, independent human rights or humanitarian organizations to the Panchen Lama. The U.S. religious delegation that visited Tibet requested access to him, but the request was denied.

Secondly, the U.S. should urge that all monks and nuns expelled from their monasteries and nunneries be reinstated and that the government's current reeducation campaign be ended.

Thirdly, the Administration should urge the immediate, unconditional release of all Tibetan prisoners held solely for the peaceful expression of their beliefs and opinions. There are at least 650 such prisoners, and the actual number is almost certainly higher. Getting unhindered, regular access to Tibet by the U.N. Special Rapporteur on Torture would also be another useful and constructive step the White House should press for during the President's visit.

**BEIJING CITIZENS STILL IN PRISON IN CONNECTION WITH 1989 TIANANMEN SQUARE CRACKDOWN**

Beijing No.2 Prison

Name, Age - Sentence, Charge (see key below for charge name)

Cao Yingyuan, 40 - 10 years, #6  
 Chang Jingqiang - 25, Life, #4, 5  
 Chang Yongjie, 31 - Susp. death #4, 6, 9 Chen Dongxiang, 57 - 14 years #3  
 Chen Qiulong, 38 - 13 years, #3  
 Chen Yanbin, 23 - 15 years, #7  
 Guan Jian, 46 - 20 years, #3  
 Han Gang, 27 - 12 years, #6  
 Hu Zhongxi - 10 years, #2  
 Jiang Yaqun, 54 - Susp. death #4, 4A Li Yujun, 29 - Life #4  
 Li Zhixin, 37 - Life #4, 4A  
 Lu Jinsheng, 30 - 15 years, #4A  
 Miao Deshun - Susp. death #1  
 Shen Licheng, 43 - 13 years, #3  
 Shi Xuezhi, 53 - 16 years, #4A  
 Song Kai, 40 - Life #5  
 Sun Chuanheng, 22 - Life #4A  
 Sun Hong, 22 - Susp. death #4A  
 Tan Diaoqiang, 42 - 15 years, #3  
 Tang Yong, 23 - 10 years, #6  
 Wang, 42 - 15 years, #3  
 Wang Baoyu - Susp. death  
 Wang Dongfeng, 40 - 10 years, #4A, 6 Wang Jiaxiang, 76 - Life #4  
 Wu Chunqi, 42 - Life #4, 4A  
 Zhang Baosheng, 22 - 13 years, #5, 6 Zhang Peiwen, 55 - 10 years,  
 Zhao Suoran, 30 - Life #4  
 Zhu Gengsheng, 31 - Susp. death #4, 4A, 6

Beijing No.2 Prison, No. 9 Team

Name, Age, Occupation - Sentence, Charge (see key below for charge name)

Bai Fengying, 34, worker - 15 years, #9 Chai Jun, 26 - 14 years, #4a  
 Chen Yang, 27, worker - 15 years, #9, #10 Deng Wanyu, 34 - 15 years, #4  
 Dong Shengkun, 37, cadre in Beijing No. 2 Print Works - Susp. death, #4 Du Jianwen, 28, worker  
 - 17 years, #9, #10  
 Duan Zhijun, 43, worker - 11 years, #4 Feng Lisheng, 33 - Life, #11  
 Gao Hongwei, 28 - Life, #4  
 Gao Liang, 27, worker - Life, #4



Gao Zhenbe, 23 - 20 years, #9, #10  
 Gong Chuanchang, 25 - 15 years, #9  
 Guo Zhenbo, 30, worker - 13 years, #9, #10 Hao Fuchun, 61 - 15 years, #9  
 Hua Siyu, 27, cadre - 13 years, #9, #10 Huang Xuekun, 28 - 12 years, #9, #10 Huo Liansheng, 29  
 - 12 years, #11  
 Jia Majie, 27, cadre - 13 years, #4  
 Jiang Sheng, 31, worker - 15 years, #9, #5 Li Changzhan, 34, worker - 13 years, #4  
 Li Fuquan, 35 - 15 years, #4  
 Li Hongqi, 31, worker - 20 years, #11, #9, #10 Li Tao, 26, worker - 11 years, #9, #10  
 Li Zengliang, 27 - 13 years, #10  
 Lian Zhenguo, 30 - 13 years, #9  
 Liang Yingchun, 38, worker - 12 years, #4 Liang Yunqing, 27, worker - 14 years, #9, #10 Liang  
 Zhaohui, 26, worker - 13 years, #4  
 Liang Zhenyun, 32, auto-mechanic - 12 years, #11 Liang Zhixiang, 25, worker - 10.5 years, #4  
 Liu Changqing, 34 - 15 years, #4  
 Liu Chunlong, 26 - 12 years, #4  
 Liu Huaidong, 31, cadre - 13 years, #10  
 Liu Jianwen, 29, worker - 20 years, #11, #10 Liu Kunlun, 43, cadre - 13 years, #4  
 Liu Quan, 44 - 15 years, #4, #13  
 Liu Xu, 28, worker - 15 years, #4  
 Liu Zhengting, 36, worker in Beijing No. 2 auto plant - 17 years, #4, #9 Lu Xiaojun, 36, worker - 13  
 years, #9, #10  
 Ma Guochun, 35 - 11 years, #9, #10  
 Ma Lianxi, 44 - 15 years, #11  
 Ma Shimin, 26 - 11 years, #4  
 Meng Fanjun, 29, worker - 13 years, #11 Mi Yuping, 39, worker - 13 years, #4 Niu Shuliang, 26,  
 worker - 12 years, #4  
 Niu Zhanping, 43, worker - 12 years, #4, #12 Peng Xingguo, 41 - 15 years, #4  
 Qiao Hongqi, 38, worker - 12 years, #11 Shan Hui, 28, worker - 14 years, #9  
 Shi Xuezhai, 58 - Life, #4  
 Song Shihui, 24, worker - 11 years, #9, #10 Su Gang, 28, teacher - 15 years, #4  
 Sun Chuanheng, 28 - Life, reduced to 20 years, #2 Sun Hong, 27, worker - Susp. death, #4  
 Sun Yancai, 32 - Life, #9  
 Sun Yanru, 27 - 13 years, #9  
 Sun Zhengang, 33, worker - 14 years, #4 Wang Jian, 30, worker - 13 years, #9 Wang Lianhui, 31  
 - Life, #9  
 Wang Lianxi, 43, worker - Life, #4  
 Wang Xian, 30, worker - Life, #4  
 Wang Yonglu, 30, worker - 11 years, #11 Wang Yueming, 32 - 13 years, #4  
 Wang Chunmo, 34 - 11 years, #9  
 Wang Dongming, 37, worker - 13 years, #4 Wu Ruijiang, 28, cadre - 13 years, #9, #10  
 Xi Haoliang, 27, worker - Susp. death, #4, #5  
 Xu Ning, 26, worker - 12 years (reduced by 2 years), #4 Yan Jianxin, 30, worker - 11 years, #9, #10

Yang Guanghui, 25 - 12 years, #4  
 Yang Jianhua, 38, worker - 14 years, #9, #12 Yang Pu, 34 - Susp. death, #4  
 Yang Yupu, 33 - 15 years, #4  
 Yu Wen, 29, worker - 12 years, #10  
 Zhang Baojun, 27 - 13 years, #4, #9  
 Zhang Baoku, 29, worker - 12 years, #4 Zhang Baoqun, 32 - Life, #4  
 Zhang Fukun, 39 - Life, #4  
 Zhang Guodong, 27 - Life, #4  
 Zhang Kun, 28, worker - 11 years, #4 Zhang Maosheng, 30 - Susp. death, #4  
 Zheng Qijie, 32, worker - Susp. death, #9, #10, concealing a weapon Zhang Qun, 27, worker - Life, #4  
 Zhang Shengbo, 28, cadre - 14 years, #9 Zhang Yansheng, 30 - Life, #9  
 Zhao Qing, 28, worker - 18 years, #4, #9 Zhao Yushuo, 37 - 14 years, #9  
 Zheng Yansheng, 45, worker - 11 years, #4 Zhu Wenyi, 37, worker - Susp. death, #4

Qinghe Farm, No.3 Branch

Name, Age - Sentence, Charge (see key below for charge name)

Chen Baohua, 19 - 10 years, #10  
 Dong Jianjun, 20 - 9 years, #10  
 Feng Xuyin, 25 - 9 years, #11  
 Huo Yanfeng, 16 - 10 years, #4A  
 Li Lijing, 20 - 10 years, #11  
 Li Ruijun, 27 - 9 years, #11  
 Li Shengli, 21 - 9 years, #10  
 Li Yanming, 28 - 9 years, #11  
 Liang Aizhong, 26 - 10 years, #10  
 Liu Dongquan, 24 - 10 years, #4A  
 Liu Tianli, 21 - 10 years, #10  
 Lu Jingshan, 20 - 10 years, #4A, 10  
 Meng Fanmin, 19 - 10 years, #11  
 Qin Zhiyu, 18 - 10 years, #4A  
 Rong Yongnan, 36 - 10 years, #11  
 Tian Degang, 30 - 10 years, #10  
 Wan Baolin, 33 - 10 years, #11, 10  
 Wang Xianhui, 26 - 9 years, #11  
 Wei Guoqing, 25 - 10 years, #11  
 Xiao Fuge, 21 - 9 years, #10  
 Zhang Zhenxi, 20 - 10 years, #10

Qinghe Farm, No.8 Branch

Name - Sentence

Deng Yuanping - 9 years  
 Ding Ke - 9 years  
 Dong Shuangzuo - 10 years  
 Shi Guohui - 10 years  
 Wu Yuping - 9 years  
 Zhang Cailin - 10 years  
 Zhang Chuanyou - 10 years  
 Zhao Yongjiang - 9.5 years

Qinghe Farm, No.6 Branch  
 Name - Sentence

Chen Wei - 10 years  
 Cheng Hongli - 10 years\*  
 Cheng Honglin - 10 years\*  
 Deng Shusen - 10 years\*  
 Li Donghui - 10 years  
 Li Jimin - 9 years  
 Zhang Fusheng - 9 years\*  
 Zhang Liwei - 9 years  
 Zhao Jianxin - 10 years\*  
 Zhao Jun - 10 years

#### Key

#### Counterrevolutionary charges:

#1 - Defecting to the enemy and turning traitor #2 - Participating in armed mass rebellion  
 #3 - Espionage  
 #4 - Counterrevolutionary sabotage  
 #4A - Counterrevolutionary arson  
 #5 - Counterrevolutionary injury  
 #6 - Counterrevolutionary propaganda and incitement #7 - Organizing a counterrevolutionary group  
 #8 - Conspiring to subvert the government

#### Common criminal charges

#9 - Robbery  
 #10 - Hooliganism  
 #11 - Stealing or seizing gun or ammunition #12 - Disturbing social order  
 #13 - Disrupting traffic

**Notes:**

- (1) Some of the ages of prisoners in Qinghe Farm No.3 Branch are age at date of arrest.
- (2) Sentences marked with an asterisk\* could have been subject to reduction or supplementation.
- (3) "Susp. death" means a death sentence with a two-year reprieve. This means that if the prisoner has behaved well during the two- year period, the sentence is normally commuted to life.

**LIST OF FORTY-NINE OVERSEAS MEMBERS OF REACTIONARY ORGANIZATIONS  
CURRENTLY SUBJECT TO MAJOR CONTROL<sup>1</sup>**

**LIST A: "CATEGORY 1 PERSONS"**

No.	Name	Sex	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
1	Yan Jiaqi	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 060	On 8/20/91, Ministry of Public Security issued secret telegram placing subject on list of those to be denied re-entry to China; MP Telegram No. (91) 1041, unlimited duration.
2	Chen Yizi	M	xxx	xxx	xxx	"	"
3	Wan Runnan	M	xxx	xxx	xxx	"	"
4	Su Xiaokang	M	xxx	No document	[blank]	"	"
5	Wu'erkaixi	M	xxx	"	"	MPS Wanted Notice No. (89) 058	"
6	Chai Ling	F	xxx	"	"	"	"
7	Liang Qingtun	M	xxx	"	"	"	"
8	Feng Congde	M	xxx	"	"	"	"
9	Wang Chao-hua	F	xxx	"	"	"	"

<sup>1</sup>This document was issued confidentially by the Ministry of Public Security to all border control units in China in May 1994. The appearance of the letters "xxx" in the table indicate that the relevant details have been deleted from the original document in this translation in order to safeguard the privacy of those concerned.

No.	Name	Sex	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
10	Zhang Zhiqing	M	xxx	"	"	"	"
11	Zhang Boli	M	xxx	"	"	"	"
12	Li Lu	M	xxx	"	"	"	"
13	Yue Wu	M	xxx	"	"	MPS Wanted Notice No. (89) 069	"
14	Zhang Gang	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 077	"
15	Yuan Zhiming	M	xxx	No document	[blank]	MPS Wanted Notice No. (89) 070	"
16	Wang Runsheng	M	xxx	"	"	"	"
17	Chen Xuanliang	M	xxx	"	"	"	"
18	Zheng Yi	M	xxx	"	"	MPS Wanted Notice No. (89) 100	"
19	Lü Jinghua	F	xxx	xxx	xxx	MPS Wanted Notice No. (89) 078	On June 14, 1989, MPS placed subject on list of those to be denied re-entry to China; Border Control Notice No. (1993) 621, re-entry ban valid until June 14, 1998.

## LIST B: "CATEGORY 2 PERSONS"

N o.	Name	Sex	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
1	Wang Bingzhang	M	xxx	No document	[blank ]	[blank]	On August 20, 1991, MPS issued secret telegram placing subject on list of those to be denied re-entry to China; MPS Telegram No. (91) 1041, unlimited duration.
2	Hu Ping	M	xxx	[blank]	xxx	"	"
3	Xu Bangtai	M	xxx	xxx	xxx	"	"
4	Han Lianchao	M	xxx	xxx	xxx	"	"
5	Cao Changqing	M	xxx	xxx	xxx	"	"
6	Liu Yongchuan	M	xxx	xxx	xxx	"	"
7	Liu Binyan	M	xxx	xxx	xxx	"	"
8	Han Dongfang	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 058	On July 19, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 778

N o.	Name	Se x	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
9	Xiong Yan	M	xxx	No document	{blank }	MPS Wanted Notice No. (89) 058	"
10	Zhao Pinlu	M	xxx	"	"	MPS Wanted Notice No. (89) 078	"
11	Cheng Kai	M	xxx	"	"	{blank}	On August 21, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 842, re-entry ban valid until August 21, 1998 [?]



## LIST C: "CATEGORY 3 PERSONS"

N o.	Name	Sex	Date of Birth	Travel Document Type & No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
1	Fang Lizhi	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 054	On August 20, 1991, MPS issued secret telegram placing subject on list of those to be denied re-entry to China; MPS Telegram No. (91) 1041, unlimited duration
2	Li Shuxian	F	xxx	No document	[blank ]	"	"
3	Yu Dahai	M	xxx	"	"	[blank]	"
4	Wu Fan	M	xxx	"	"	"	"
5	Ni Yuxian	M	xxx	"	"	"	"
6	Yao Yueqian	M	xxx	xxx	xxx	"	On September 2, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 926, re-entry ban valid until December 31, 1998
7	Tang Guangzhong	M	xxx	xxx	xxx	"	On October 11, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 1038, re-entry ban valid until December 31, 1998

N o.	Name	Sex	Date of Birth	Travel Document Type & No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
8	Guo Luoji	M	xxx	xxx	xxx	"	On August 13, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 879, re-entry ban valid until December 31, 1998
9	Wu Hongda	M	xxx	xxx	xxx	"	On October 19, 1991, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1991) 373, re-entry ban valid until December 31, 1996
10	Shen Tong	M	xxx	xxx	xxx	"	On November 12, 1992, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1992) 1202, re-entry ban valid until November 2, 1995
11	Wang Ruowang	M	xxx	xxx	xxx	"	On March 8, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 246, re-entry ban valid until September 6, 1998
12	Feng Suying	F	xxx	xxx	xxx	"	"

N o.	Name	Sex	Date of Birth	Travel Document Type & No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity
13	Liu Qing	M	xxx	xxx	xxx	"	On July 19, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 778, re-entry ban valid until July 19, 1998
14	Xue Wei	M	xxx	xxx	xxx	"	On April 13, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 571[?], re-entry ban valid until September 23, 1998
15	Chen Jun	M	xxx	xxx	xxx	"	On September 2, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 826, re-entry ban valid until December 31, 1998
16	Yang Jianli	M	xxx	[blank]	[blank]	"	Currently not subject to control
17	Zhu Jiaming	M	xxx	"	"	"	"
18	Xu Jiatusun	M	xxx	"	"	"	"

# **CENTER FOR RELIGIOUS FREEDOM**

**Nina Shea, Director**

## TESTIMONY OF FREEDOM HOUSE ON THE PERSECUTION OF CHRISTIANS IN CHINA

PRESENTED BY NINA SHEA  
DIRECTOR, CENTER FOR RELIGIOUS FREEDOM  
OF FREEDOM HOUSE

BEFORE THE HOUSE COMMITTEE ON INTERNATIONAL  
RELATIONS SUBCOMMITTEE ON INTERNATIONAL OPERATIONS  
AND HUMAN RIGHTS

June 26, 1998

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Mr. Chairman and members of the Committee, Freedom House thanks you for providing the opportunity to comment on the persecution of Christians in China and for holding these crucial hearings on human rights in China at which Americans will be able to register their deep concern for and solidarity with the politically and religiously oppressed people of China. In its 1998 Freedom in the World survey, Freedom House gave China the worst ranking for both political rights and civil liberties.

The communist government of the People's Republic of China is waging an intense propaganda campaign to convince the western world that human rights abuses in China are minimal or nonexistent, and are certainly not the results of official policy. Chinese officials would have us believe that China's Christians are experiencing "a golden time."

However at the same time, unregistered Christian churches were proclaimed as "evil, illegal organizations that undermine social order," by Ye Xiaowen, Director-General of China's Bureau of Religious Affairs, and a reputed hard liner (June 6, 1997).

During a news briefing at the Chinese Embassy in Washington last summer, Rev. Deng Fucun, General Secretary of the Three-Self Patriotic Movement (the government approved Protestant church) made the preposterous claim that there is no such thing as an underground church in China. "If 20 or 100 people conduct a religious activity and don't let people know, this is impossible in China," he explained.

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The continuing persecution of the majority of Christians, those who are in underground or unregistered churches, is evidenced by a pattern of gross violations of human rights and by a series of "secret" Chinese documents which have been smuggled out of China and have come into Freedom House's possession over the past year.

#### **NUMBERS OF CHRISTIANS**

The Center for Religious Freedom estimates that Chinese Christians number between 40 and 60 million. The majority of these are in the unregistered, illegal churches. Vatican figures show there are 10 million Catholics, 4 million of whom are recognized by the government of China. Former British diplomat Anthony Lambert, who conducted a careful province-by-province and town-by-town analyses in 1994, says there "is strong statistical evidence for at least 17 to 30 million" total Protestants. The Protestant churches have seen spectacular growth since 1994, yet the government acknowledges the existence of only 10 million Protestants.

#### **PERSECUTION TRENDS**

After the comparative laxity of the Deng era, the government in 1994-1996 intensified its crackdown on unregistered churches, beginning with the issuance of Decrees 144 and 145. A further intensification began in mid-1996. While there are regional variations in this, as in everything in China, this new policy is not local or provincial. Since 1996, members of the Christian underground have noted authorities adopting harsher tactics, using brutal force that has in some cases resulted in paralysis, coma and even death, as well as ruinous fines, detention, and labor camp sentences.

#### **CRACKDOWN DIRECTIVES AGAINST UNREGISTERED CHURCHES**

Recent official Chinese documents tell of a horror story of oppression against the majority of Christians -- of destruction of churches, of indictment and imprisonment of underground church leaders. Distributed in early 1997 by Chinese communist party officials, these crackdown orders state that their purpose is to affect the "suppression of Catholic and Protestant illegal activities according to law."

For example, the Tong Xiang government document, headlined "Implementation of the Special-Class Struggle for the Suppression of the Christian Churches" refers to a specific locale-- Tong Xiang County in Zhejiang Province just south of Shanghai-- and lists 24 locations of both Protestant and Catholic churches in that area which the Chinese government classifies as "illegal." This simply means that the Christians who attend these churches and their pastors are not approved of by the Chinese government. "Class Struggle" is a Maoist term that came to mean severe repression and persecution of the capitalist class. Dropped from the official lexicon during the Deng period, it has been taken up over the past year, notably by Public Security Minister Pao Si Ju, and reapplied to "criminal" elements, which in the view of Beijing, include unregistered Christians. This "special class-struggle" is not systematically or comprehensively enforced. Our investigations during the past year in Tong Xiang and elsewhere suggest that this

is because of resistance by local officials who don't have the heart-- or popular support-- to carry out the crackdown.

The Tong Xiang crackdown order of 1997 establishes that:

- there exists at the current time an official policy to systematically eradicate, using a range of strategies, the unregistered Christian churches;
- this policy emanates from the Chinese Communist Party to the governmental organs and to the churches;
- the government-sanctioned "Patriotic" churches are under party orders to participate in the campaign to "destroy" the unregistered churches, and;
- some churches are barred by the Chinese Communist Party from registering for unspecified political reasons without recourse to due process procedures.

The crackdown order demands the destruction of churches: *"Eliminate, according to law, the illegal religious meeting points. With great determination, suppress illegal religious activities...determinedly suppress and eliminate the large-scale illegal meetings, both Catholic and Protestant...."*

The orders also state: *"List the underground Catholic bishops, priests, and Protestant self-ordained ministers...and implement measures of investigation and indictment."*

The evangelical news service Compass Direct reports that 200 churches in other areas of Zhejiang province have, in fact, been demolished. Our sources also report increased arrests throughout the province since the beginning of 1997, in accordance with the schedule of actions specified in the crackdown orders.

#### NEW ARRESTS, CHURCH CLOSINGS

China continues to imprison and torture innocent Catholic and Protestant believers, along with Tibetan Buddhists, Moslems, and other people of faith. There is no question about the plight of multiplied thousands of believers. Tragic histories of persecuted Christians have been documented since 1949. At the present time,

- Several hundred Christian leaders are held under some form of detention -- labor camp, administrative detention, house arrest, internal exile, etc. -- at the current time.

- These include 10 Catholic bishops who are in prison, under house arrest, or in internal exile. For example, there is Bishop ZENG Jingmu of Jiangxi province, who is not free as Beijing would have us believe, but was transferred on May 9 from labor camp to house arrest, where he is under 24-hour police surveillance. Among the bishops in captivity are Bishop SU Zhimin of Hebei province, who was arrested on October 8, only days before the Washington summit and Bishop ZHANG Weizhu also of Hebei, who was arrested on Sunday, May 31. The facts of these cases have all been confirmed this week by the Cardinal Kung Foundation with sources inside China. The Cardinal Kung Foundation also reports that Catholic bishops loyal to the Vatican in major cities have been warned by state authorities that they will be forcibly transferred to internal exile during President Clinton's trip.
- Key Protestant house church pastor Peter XU (Yongze) was arrested in March 1997 and is now serving a three-year labor camp sentence in Henan province, where the National Association of Evangelicals recently learned that authorities are cruelly and cynically forcing him to work ten hours a day, seven days a week, making holiday decorations, quite possibly Christmas ornaments.
- Other Protestant leaders have been arrested over the past year. One is evangelist Philip XU of Shanghai, who was arrested last June and is now in a labor camp in Jiangsu province. Another in the same labor camp is ZHAO Wu Na a 50-year-old Christian woman who was ordained in a government-sanctioned seminary but later became a pastor in the underground and was arrested for it on December 28, 1997. QIN Musheng, another preacher arrested with Peter Xu, was sentenced this past fall to a 2 ½ year term of hard labor where is now forced to work over ten hours a day polishing precious stones for export.
- Catholic priests also are in labor camp. Other recent arrests include Rev. LIN Rengui on Christmas day for celebrating Mass in Fujian province; he was beaten unconscious by Public Security police during the arrest. Another is Rev. MIAO Shaozeng also of Fujian, who was arrested on May 22 because he hung a picture of Jesus at his church and played recorded hymns. The Cardinal Kung Foundation reported that Rev. SHI Wende of Hebei was placed under arrest on March 14 while making a pastoral visit in a private home.
- No one can estimate the exact number of Christians, both Catholic and Protestant, who have been persecuted, arrested or imprisoned for their faith, but there are hundreds, maybe thousands, behind bars at any given time. We are compiling a list of nearly 300 Christian leaders currently

under some form of detention. In addition to Christian leaders, we regularly receive reports, which often take months to make their way out of China, of mass arrests of ordinary Christian members of unregistered churches. Freedom House reported on June 3 of the arrest of 40 Catholics last Christmas in Pingtan county, Fujian province. Amnesty reported in March that 200 Catholics were detained in Jiangxi province in dragnet operations during August and in the pre-Christmas period last year. The previous Christmas, the Cardinal Kung Foundation reports, 80 Catholics were arrested, beaten and jailed also in Jiangxi province. Compass Direct reported that more than 50 Christian leaders were arrested in one area of Zhejiang province in spring 1997. During Dr. Paul Marshall's visit to China in May 1997, 85 Protestants were rounded up for detention in Henan province. We do not know the fate of these victims of mass arrests but we have seen a pattern in similar cases in which these ordinary lay Christians are kept in detention for up to several months until fines are paid. Sometimes, repeat offenders are sent to labor camp for several years without a trial, by administrative decree.

- The popular Catholic shrine at Dong-Lu has been smashed and the area has been turned into a military zone, and a number of unregistered Catholic churches in various provinces have been desecrated, destroyed or shut down.
- Hundreds of Protestant house churches were reported closed or destroyed in Shanghai and neighboring Zhejiang province alone in the past two years.
- On May 9, a Catholic church in Luoyuan County of Fujian province was bulldozed by police and Communist Party officials, and several of its congregation members were wounded in the police assault. On April 17, the Communist Construction Committee of Changle City in Fujian issued a "punishment notification" document ordering four village women to tear down a beautiful historic Catholic church which was built in 1909. The women are ordered to either demolish the church or be fined for the cost of the government to do it. This is a church that is cherished by the Catholic community of Fujian and has been twice restored by them in 1991 and 1996 only to have the governmental authorities tear down the improvements each time.
- In another significant development, in April the Chinese government without explanation revoked the passport of 97-year-old Cardinal Ignatius Kung, who resides in Connecticut. The Cardinal spent 32 years in the religious gulag for refusing to renounce Papal authority in religious matters. The Cardinal Kung Foundation interprets this gesture, which will



have no practical impact, as another manifestation of the government's renewed resolve to "eradicate" the Vatican-loyal Catholic Church.

#### CHURCH REGISTRATION

Unfortunately, there are those, including western Christians, who deny that China's Christians are persecuted, and imply that the only Christians who fall afoul of Chinese authority are "troublemakers" or "charlatans." Questions are raised regarding their "illegal" practices involving underground worship services of Bible study sessions, distribution of Christian literature, evangelism and other Christian activities.

Americans believe that freedom of religion is an inalienable right. People of faith call it a God-given right. And, in actual fact, Chinese policy contradicts all relevant international human rights standards. It flies in the face of international human rights declarations, including those of the United Nations, of which China is a member.

Why do Chinese Christians-- Catholic and Protestant-- refuse to register with the communist authorities? Of course there are many sincere Christians in the Patriotic churches. However, simply put, registration equals restriction. Here are just some of the reasons.

- "Patriotic" or government-sanctioned preachers must steer clear of forbidden topics like the Second Coming of Christ, the New Testament "Gifts of the Spirit" and abortion.
- Members of the Three-Self Patriotic Protestant movement must be organized into one non-denominational body.
- Patriotic churches, both Protestant and Catholic, are restricted from baptizing or evangelizing persons under eighteen, while the Chinese government actively seeks to recruit these same young people into communist youth organizations.
- Patriotic clergy cannot preach outside their own area.
- Preachers must be approved by government authorities.
- Patriotic services are subject to Public Security Bureau police monitoring.
- The Catholic Patriotic Church rejects the teaching authority of the Pope.
- The Chinese government is censoring portions of the official Catholic catechism.

- Patriotic bishops are appointed by the communist government in defiance of the Vatican.
- Patriotic worship must not – through displays of too much emotion or other means – interfere with the state's "economic modernization" plan.

#### U.S. POLICY

There is a real danger that regarding China the Clinton Administration is substituting "citizen's diplomacy" for a substantive governmental human rights policy. This strategy has entailed pressing China to enter a dialogue on religion with three American religious clerics; to negotiate with the International Committee of the Red Cross for the right of that group to inspect prisons; and to allow a dialogue between China's human rights groups and Western human rights non-governmental organizations. These are all forms of "citizen's diplomacy," in which the burden of implementing a human rights policy will be shifted from the U.S. government to private actors.

The attempt to transfer human rights responsibility is occurring simultaneously while the Administration is muting its human rights criticisms of China at the UN and elsewhere, is conferring state honors to China's president, ceremoniously initiating the June summit at the site of the massacre of the Tiananmen democracy demonstrators and, worst of all, finding "progress" in China's human rights performance.

On February 9, during the American religious delegation's visit to China, the New York Times reported that U.S. government officials said that the religious delegation "will help defuse what has rapidly emerged as a popular human rights crusade, threatening their efforts to build friendlier political and economic ties." Though the Center for Religious Freedom demanded a clarification or retraction of this statement, the Administration has not done so.

The flaw with relying principally on "citizen diplomats" is obvious. They lack the capability of backing up their words with sanctions, the resources and clout to carry out a properly prepared and executed mission, proper staffing to collect information on the ground, and a mandate to see through a long-term human rights strategy.

The shortcomings of citizen diplomacy were in full evidence during the visit of the three American religious clerics. While the delegates report that they told Chinese officials about their concern for religious freedom in private meetings, there is no evidence that their words did not fall on deaf ears. The cynicism of China's officials was unsurpassed during the group's tour. Beijing manipulated the group's visit throughout, even detaining priests and the families of Christian prisoners so that the group could not meet with them, giving them a religious potemkin village tour and exploiting their meetings with government officials to the government's propaganda advantage. These tactics will be employed to manipulate President Clinton's visit as well. We hope that the President will take an unambiguous stand for human rights to offset this.

In dropping its initiative this past spring to table a resolution criticizing China at the United Nations' Human Rights Commission, the Administration explained that Beijing had made "progress" in respecting human rights. Regarding religious freedom, nothing could be further from the truth. China's "crackdown" against "unsanctioned" Christian churches -- as the U.S. State Department itself observed last July -- continues.

There can be no doubt that the reason human rights is being jettisoned from official U.S. policy is to better promote trade relations with Beijing. We fear that human rights concerns have become too big an irritant for U.S. government officials intent on negotiating glamor trade contracts.



**Mr. Xiao Qiang**  
**Executive Director, Human Rights in China**  
**June 26, 1998**  
**House Committee on International Relations**  
**Subcommittee on International Operations and Human Rights**

Mr. Chairman, Respected Representatives, Ladies and Gentlemen,

My name is Xiao Qiang, I am the Executive Director of Human Rights in China. I am honored to testify before this Subcommittee.

In the past year, China has made some tactical changes in its human rights diplomacy, including: signing the International Covenant on Economic, Social and Cultural Rights and expelling prominent dissidents Wei Jingsheng and Wang Dan. But these concessions are more cosmetic than substantial. Whether civil and political, or social and economic, fundamental rights continue to be systematically violated in China today.

Mr. Chairman,

China's human rights violations are well-documented and widely known. I need take only one example. According to the Chinese government's own statistics, there are over 2,000 "counter-revolutionaries" imprisoned in China. We have good reason to believe that this figure grossly under-represents the true number of people imprisoned for the peaceful expression of their political ideas or religious beliefs. For example, in the majority of recent cases of political detentions, the defendants were charged with such criminal charges as hooliganism, disturbing social order, and economic crimes. These cases therefore do not appear in the government's statistics. Also, government officials routinely use the extrajudicial method of administrative detention known as "Reeducation Through Labor," which allows them to send human rights activists to labor camps, without trial, for up to three years. These prisoners also do not appear in the statistics. For example, in March this year, former public prosecutor Shen Liangqing was sentenced to two years of Reeducation Through Labor. His sole offense consisted in writing to his own government a number of open letters pleading for reform and respect for human rights.

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Mr. Chairman,

The number of political prisoners in China is an indication of the suppression of the entire Chinese people; silencing them silences the whole population.

The only recent change was that, in 1997, the elastic notion of "counter-revolutionary crime" was replaced by the equally vague and undefined concept of "endangering state security." Yet, people convicted for "counter-revolutionary crimes" remain in prison and their cases have not been reviewed. This alone indicates clearly that China's human rights policy has not changed. It also demonstrates what the Chinese officials really mean by "rule by law."

Mr. Chairman,

Rule by law is not rule of law. China's recent legal reform is cited again and again as proof of its commitment to constructing the rule of law. But the clear objective of the Chinese leadership is "ruling the country by means of law," in other words, imposing on citizens a law promulgated, enforced and arbitrarily interpreted to suit the interests of the ruling elite. In a system where the judiciary is accountable to the ruling party and not to the people, rule by law is nothing more than a cleverly veiled phrase for dictators. A clear example of this is the case of Beijing scholar Li Hai, who in December 1996 was found guilty of "prying into and collecting the following information about people sentenced for criminal activities during the June Fourth 1989 period: name, age, family situation, crime, length of sentence, location of imprisonment, treatment while imprisoned." The verdict classified this information as "state secrets" and Li Hai was sentenced to nine years' imprisonment.

Chinese authorities often argue that repression of dissenting voices is aimed at ensuring stability and unity. Yet it is precisely the lack of respect for human rights and the lack of a legal system protecting individual rights that puts China in danger and leads to instability. The rapid economic and social transition China is currently undergoing will be more difficult and violent unless fundamental political and civil liberties are available to the Chinese people allowing them to participate in decisions that affect their lives.

This was evidenced in the many reports of social unrest in 1997 and 1998. In one such incident, large-scale demonstrations broke out in June and July of 1997 in Mianyang City (Sichuan Province), as several thousand laid-off workers appealed to the government. They demanded payment of the welfare benefits reportedly embezzled by corrupt officials. In response, the People's Armed Police disbanded the protests and apprehended a number of demonstrators, while a curfew was imposed. Sichuan dissident Li Bifeng, who reported the news of the protests in Mianyang and in other cities, was detained in March 1998. He has not been sentenced and his exact whereabouts are unknown. He had been on the run from the police since the summer of 1997.

Chinese authorities allow virtually no space for independent, public advocacy on social, political, religious, environmental and economic issues. Efforts at establishing independent trade unions, outside the official All China Federation of Trade Unions have often led to government reprisals. Hundreds of individuals are currently behind bars for attempting to organize labor-related associations. For example, Li Qingxi, of Shanxi province, was detained in January 1998 after

writing and circulating a declaration calling for free trade unions. He received a one-year Reeducation Through Labor sentence.

Mr. Chairman,

To conclude, I urge the members of this Committee to pay close attention to this basic fact: there has been no substantial change in China's human rights policy and practice. This has to be fully recognized by the American government. Only a China that respects human rights will have a stable and prosperous future. Only a China respectful of human rights will enjoy relations of mutual respect and benefits with the United States. Therefore it is in the interest of the United States to support the Chinese people's struggle for human rights and to facilitate a peaceful, fundamental political transformation towards democracy in China.

Thank you Mr. Chairman.

Attachments

- \* List of selected cases of prisoners of conscience
- \* List of 158 "June Fourth Prisoners" compiled by Li Hai

**SELECTED PRISONER CASES  
 CHINA AND TIBET**

***Liu Nianchun - labor activist***

Liu Nianchun, a principal sponsor of the League for the Protection of the Rights of the Working People, is still detained in Tuanhe, a re-education through labor camp near Beijing, even though his three-year term was completed on May 20, 1998. In May 1997, Liu was informed that his sentence had been extended, six days for every month of his sentence — a total of 216 days — because prison authorities said he had not reformed his thought. When he protested, he was tortured with electric batons, moved to a small dark punishment cell, and denied sufficient water. Officials denied the extension. After a family visit on May 21, the day after he should have been freed, it was reported that his sentence was extended until July 1999. Chinese reeducation through labor regulations permit only a one year's extension. It is believed that the extension was related to Liu Nianchun's refusal to reform and because of the human rights advocacy activities of his brother, Liu Qing, living in exile in the U.S.

Liu Nianchun disappeared on May 21, 1995 after participating with other dissidents in a campaign to submit petitions to the National People's Congress for rectification of human rights abuses. Over one hundred people were picked up in connection with the campaign. After Liu was seized without a warrant, police officers returned to search his home, confiscating letters, newspapers, magazines and photographs. Until July 4, 1996, when Liu's wife was informed that her husband had been administratively sentenced to three years' re-education through labor and was imprisoned in Tuanhe, all her efforts to discover his whereabouts had been to no avail. She went immediately to the prison camp but he had been moved to Shuanghe, a reeducation camp in remote Heilongjiang province, a five day's journey for her. (China insists that prisoners are held close to home.) Liu was returned to Tuanhe in late 1997; he is said to be in very poor health.

***Li Hai - prodemocracy student activist***

Li Hai, thirty five, a graduate philosophy student at Beijing University before the 1989 pro-democracy movement, was sentenced to a nine-year prison term on December 18, 1996 for "prying into and gathering the following information about people sentenced for criminal activities during the June 4, 1989 period: name, age, family situation, crime, length of sentence, location of imprisonment, treatment while imprisoned." The verdict claimed that these data on prisoners arrested in connection with the Tiananmen Square protests constituted state secrets. Although Li had been indicted for leaking such secrets, he was found guilty only of gathering them. According to the verdict, the trial on May 21, 1996, was open, but authorities did not permit the presence of even one family member. The court rejected his

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appeal. Li had been detained in May 1995; he was formally arrested on August 19 after police, who searched his home on June 5, confiscated papers and a computer. For two years, he was denied family visits. Li, who spent a year in prison after June 1989 without ever being charged, was a participant in the May 1995 petition drive and an initiator of the 1993 "Peace Charter" movement.

*Ngawang Choephel - ethnomusicologist*

On December 26, 1996, a Shigatse court citing the State Security law sentenced Ngawang Choephel, a thirty-year-old Tibetan Fulbright scholar and ethnomusicologist teaching at Middlebury College in Vermont, to eighteen years in prison for carrying out espionage activities. An official report said Ngawang Choephel had been partly funded and had equipment supplied by a foreign country to whom he, in turn, was supplying information. That country was identified by Beijing as the U.S. in a letter dated October 15, 1996, from the Embassy of the People's Republic of China signed by Shao Wenguang, Counselor. The letter, to Senator James M. Jeffords of Vermont, stated that "funded by some Americans, Ngawang Choephel was sent by the Dalai Lama's 'government in exile' to Tibet, used the cover of so-called collecting Tibetan folk songs to gather sensitive intelligence and engaged in illegal separatist activities. His activities are suspected to have violated Article 4, Section 2 (5) of the National Security Law [attached]...." Ngawang Choephel did raise a small amount of money from private U.S. sources for his project to film Tibetan musicians. His funding proposal stated that "being born Tibetan, I feel that I am responsible for preserving the history and diversity of Tibetan oral tradition."

Ngawang Choephel is believed to be in Drapchi prison in Lhasa, having been moved at an unknown date from Nyari Detention Center in Shigatse, Tibet's second city, where he was taken after he was seized in the Shigatse marketplace. A fellow prisoner, a Tibetan businessman who was later released and returned to India, spotted him in the Nyari complex.

Ngawang Choephel is a member of the Dharamsala-based Tibetan Institute of Performing Arts. He had gone to make an amateur documentary film about traditional Tibetan music and dance but went missing sometime between August 22 and September 16, 1995. Once in Tibet, Ngawang Choephel did film those local musicians who agreed to perform for him despite the fact that he had not asked permission of local officials and despite the fact that after some weeks local police did question him.

As a refugee, Ngawang Choephel had no passport but traveled to the U.S. on an Indian Identity Certificate. The Chinese government does not recognize the certificates which designate the holder as a "Tibetan refugee"; instead it requires Tibetans to use the designation "overseas Chinese."

*Liu Wensheng - social democrat*

Liu Wensheng, a former history major at Lanzhou University, originally from the Ningxia Hui Autonomous Region, was one of a group of dissidents arrested in 1992 in Lanzhou for their involvement in an alleged counterrevolutionary group, the Social Democratic Party of China. At least four of the men were tried in July 30, 1993 for their organizing and leadership activities. Although the exact outcome of the trial and the men's whereabouts are still unknown to international observers, it has been confirmed that Liu received a lengthy sentence. As of March 4, 1994, he and several others were still in the Lanzhou No.1 Detention Center where Liu reportedly had been tortured. After Liu's name appeared on a September 1989 secret "most wanted" list, Liu eluded capture for three years.

*Hada and Tegexi - Inner Mongolian intellectuals*

Two members of the Southern Mongolian Democratic Alliance, Hada and Tegexi, sentenced to fifteen and ten years in prison respectively on charges of separatism and espionage on December 6, 1996, had their appeals rejected in late January 1997. Both are being held in a crowded cell in Inner Mongolia No.1 Prison. The two were part of a group of ten arrested intellectuals associated with the Alliance, a social



organization to promote Mongolian culture and "the concept of a high degree of autonomy for China's minorities as guaranteed by the constitution." The arrests took place between December 10 and 13, 1995. In two peaceful protests following the arrests, some 200 people including university students and teachers demonstrated their support for those arrested. Police broke up the demonstrations and held more than several dozen for questioning.

Hada and his wife managed the Mongolian Academic Bookshop in Hohhot. The bookstore was closed after Hada's arrest and its contents confiscated. His wife has twice petitioned two government agencies to permit her to reopen it. Neither agency has replied. Tegexi was an interpreter in the Euro-Asian Division of the Inner Mongolian Autonomous Region Foreign Affairs Department.

***Hu Shigen, Kang Yuchun, Liu Jingsheng - political activists***

In December 1994, Hu Shigen, Kang Yuchun, and Liu Jingsheng, activists who attempted to organize an unofficial labor union and create a political party devoted to social-democratic goals, were sentenced to prison terms of twenty, seventeen, and fifteen years respectively on charges of counterrevolution. Along with thirteen others, the three were arrested in May-June 1992 and finally sentenced on December 15, 1994. Hu had been a teacher at the Beijing Language Institute; Kang was a medical researcher in psychiatry; and Liu, a worker at a chemical plant, was active in the 1979-91 Democracy Wall movement as co-editor with Wei Jingsheng of the magazine *Explorations*. All three were charged with "organizing and leading counterrevolutionary groups," including the Liberal Democratic Party and the China Progressive Alliance, and "spreading counterrevolutionary propaganda," i.e. writing and distributing political tracts.

***Chadrel Rinpoche - Tibetan abbot***

Chadrel Rinpoche, the fifty-eight-year-old former abbot of Tashilhunpo monastery and head of the official search team for the reincarnation of the tenth Panchen Lama, is reportedly detained in a secret compound in Chuangdong No. 3 Prison, Dazu county, Sichuan province. He was sentenced in April 1997 to six years for allegedly "conspiring to split the country," "colluding with separatist forces abroad," "seriously jeopardizing the national unification and unity of ethnic groups," and "leaking state secrets." His assistant, Champa (Jampa) Chung; and Samdrup, a businessman, were sentenced to terms of four and two years respectively on the same charges. Chadrel Rinpoche reportedly is denied all outside contacts and is restricted to his cell.

The charges stem from Chadrel Rinpoche's apparent goal of getting both Chinese government and Tibetan religious authorities to agree on the same child as the reincarnation. Chadrel Rinpoche's decision to cooperate with the Dalai Lama originally was endorsed by the Chinese government. It was not until after July 1994 when Chinese policy toward Tibet hardened, that religious contact with the Dalai Lama was proscribed and the search became contentious. According to Xinhua, the official Chinese news agency, the trial of the three men was closed to the public because state secrets were involved. For six months after Chadrel Rinpoche was taken into custody in Chengdu, Sichuan province on May 17, 1995 and reportedly severely physically abused, Chinese authorities refused to admit that he was detained, despite the fact that on July 11 the two top leaders of the Tibet Autonomous Region (TAR), Gyaltzen Norbu, chairman of the TAR government, and Ragdi, executive deputy secretary of the TAR, were present when a fifteen-page report condemning him was read to assembled Tashilhunpo monks. On July 14, Chadrel Rinpoche was formally replaced as head of the monastery's management committee by a pro-Beijing hardliner. On August 21, Chinese authorities reported that the abbot was ill and hospitalized for treatment. Public accusation against Chadrel Rinpoche finally came on November 4, 1995 when an article in *Tibet Daily* referred to unnamed people in responsible positions at Tashilhunpo who had cooperated in a "conspiracy with the Dalai clique" to undermine the Panchen Lama selection process.

Chadrel Rinpoche was first referred to by name in an article in Xinhua on November 30, which described him as a "criminal" involved in a "conspiracy." By December, the campaign to denounce him was in full swing. He was officially labeled a criminal and a "scum of Buddhism."

***Chen Lantao - democracy advocate***

Chen Lantao, a marine biologist, was sentenced in August 1989 to an eighteen-year prison term, reduced in stages to eleven years, on charges of "counterrevolutionary propaganda and incitement" and "disturbing the social order and traffic." His major "offense" was a speech he made on June 8, 1989 in which he demanded greater democracy and called upon the Communist Party to step down. Chen is held in Shandong Provincial No.3 Prison in Weifang.

***Yu Zhijian, Yu Dongyue - Tiananmen dissidents***

Yu Zhijian, a primary school teacher in Hunan, spent an extended period in solitary confinement after sentencing on August 11, 1989 and transfer to Hunan Provincial Prison No.3 to serve a life term for "counterrevolutionary sabotage and incitement." Yu was one of three men who threw ink and paint-filled eggs at the Tiananmen Square portrait of Mao Zedong. Yu Dongyue, an editor for *Liyang News*, who received a twenty-year sentence for the same offense, reportedly has been traced to Ruanjiang prison in Hunan. He, too, spent several years in solitary confinement and reportedly emerged mentally ill. There are conflicting reports about his current mental status.

***Gao Yu - journalist***

Gao Yu, fifty, arrested in October 1993, was sentenced to a six-year prison term in November 1994, for "leaking state secrets." The "secrets," in articles she wrote for Hong Kong publications, were matters of common knowledge. When Gao was transferred to Yangqing Prison on January 6, 1995, the authorities initially refused to accept her, not wanting to take responsibility for a prisoner whose health was so bad. She is said to suffer from repeated attacks of chest pain, fainting spells, dizziness, and breathlessness. Gao has not had any specialized medical attention since she was first detained. The medication she takes is provided by her family. In May 1997, Chinese authorities attacked a UNESCO award, the Guillermo Cano World Press Freedom prize, to Gao Yu as "illegal," saying she had "violated penal laws and acted in a way that is incompatible with her professional status. She is no longer a journalist, she is a criminal." China threatened to withdraw from UNESCO, accusing the agency of "rudely interfering" in China's internal affairs.

***Shen Liangqing - human rights activist***

Shen Liangqing, a former public prosecutor from Anhui province, was sentenced to two years of reeducation through labor on April 4, 1998. Arrested in the lead up to the annual session of the National People's Congress on February 25, 1998, Shen's arrest was believed linked not only to letters he had sent to the government criticizing the selection of former premier Li Peng as chairman of the NPC but also to his contacts with human rights organizations and Western journalists.

***Liu Xiaobo - government critic***

On October 7, 1996, Liu Xiaobo, a renowned literary critic and former professor of Chinese literature who helped negotiate the safe departure of students from Tiananmen Square on June 4, 1989, was arrested at his home in Beijing. The following day he was administratively sentenced to three years' "reeducation through labor." His appeal, heard at the Dalian (Liaoning province) labor camp in March 1997, was rejected. On September 30, together with Wang Xizhe, a veteran dissident from southern China, Liu authored an open letter to the Chinese and Taiwan governments calling for a peaceful solution

to the question of national reunification; asking that the Chinese Communist Party finally deliver on pledges of free speech and party pluralism; and pointing out that under China's constitution President Jiang Zemin should be impeached for having recently claimed that the People's Liberation Army was under the "absolute leadership of the Party" rather than the national legislature.

*Chen Longde - human rights activist*

On August 17, 1996, shortly after his conviction without trial to a three-year "reeducation through labor" sentence, Chen Longde leapt from a two-story walkway at Luoshen Labor Camp in an attempt to avoid repeated beatings and electric shocks from a senior prison official as punishment for his refusal to write a statement of guilt and self-criticism. The official also had promised other prisoners reduced sentences if they too beat Chen. Suffering from two broken hips, a broken leg, and facial injuries, Chen was moved to Hangzhou City (Zhejiang province) Qingchun Hospital, a police facility, where he spent months flat on his back without moving. On December 1, he was returned to prison still suffering from his injuries including kidney damage related to the beatings. Although he still has great difficulty walking, he must put in the required work hours at tasks he can do while sitting.

A leading human rights activist, Chen was detained on May 28, 1996, one day after he signed an open letter to the National People's Congress on the seventh anniversary of the 1989 pro-democracy movement calling for its reevaluation. The petition, "An Open Letter to the National People's Congress on the Seventh Anniversary of June 4," complained about rampant corruption brought on by a system without institutionalized checks and balances. It asked for compensation for those individuals and families victimized by the June 4 crackdown, for punishment of those who took part in the crackdown, for freedom of expression to carry out political reform, and for the "immediate unconditional release of Wei Jingsheng along with all others detained for political and religious crimes." Formerly a factory worker, Chen spent three years in prison for his part in the 1989 movement. He was picked up again in 1995 for his petitioning activities.

*Li Bifeng - labor activist*

Li Bifeng, on the run for over seven months, was taken from a taxi at an expressway toll booth on March 8, 1998. On April 6, the former cadre in the Mianyang (Sichuan province) tax bureau, was charged with fraud which Human Rights Watch believes was politically motivated. During 1997, Li informed international human rights monitoring groups of massive worker protests in several places in Sichuan, including Mianyang, and of the violence with which the police ended the demonstrations. He also organized a workers' poll documenting the extraordinary numbers of workers unemployed or "laid off" in parts of Sichuan. As of the end of March, Li was held in the Jiangyou city detention center in Sichuan. Li edited a dissident magazine in the mid-1980's and served a five-year sentence in connection with his pro-democracy activities during 1989. There is concern that Li may receive a heavy sentence.

*Xu Guoxing - Protestant evangelist*

Xu Guoxing, a Shanghai Protestant, was seized in June 1997 while preaching to a small gathering. His family finally learned through calls to the police that Xu had been administratively sentenced to a three-year term of reeducation through labor and sent to the Dafeng Labor Farm in Jiangsu province. This was Xu's third detention. From 1989 until 1992 he served a similar three-year term for "illegally setting up" the Shanghai Holy Spirit Society and for interfering with normal religious activities. On February 18, 1998, during the time the U.S. religious delegation was in Shanghai, Xu's family were forced to go to Hangzhou to avoid any chance of a meeting with members of the delegation. The delegation raised the issue with local authorities.

***Father Hu Duo (Hu Duoer) - Catholic priest***

Father Hu Duo (Hu Duoer), from Baoding, Hebei province, was arrested in the first half of 1997 and later sentenced to a three-year term for illegal religious activities. He has been imprisoned at least twice before, in 1989 and 1990.

June 25, 1998



## **BEIJING CITIZENS STILL IN PRISON IN CONNECTION WITH 1989 TIANANMEN SQUARE CRACKDOWN**

Nine years after the Tiananmen Square Massacre and subsequent crackdown, hundreds remain in prison for their role in the 1989 protests. The list below contains the names of 158 individuals from Beijing alone who are serving lengthy prison sentences for their participation in the 1989 pro-democracy movement.

This information was primarily compiled by Li Hai, 44, a former Beijing student who was arrested in 1995 for making the list public. He was subsequently sentenced to a nine-year prison term for "prying into and gathering" "state secrets."

The individuals listed below include a wide variety of Beijing residents--from peasants, security guards and factory workers to engineers and cadres in the State Planning Commission. At the time of their arrest, they ranged in age from 17 to 71. In the official propaganda, these demonstrators were called "rioters," and were charged with "arson," "hooliganism," "disturbing social order," and other criminal offenses. For the most part they are people who were seen on television screens around the world in May 1989, marching in the streets, blocking the path of the troops entering the city with improvised barricades, running through the streets on the night of June 3-4, and throwing rocks and paving stones at tanks and armed personnel carriers. Many are thought to have been detained merely because they were out on the streets. In general, these people were brought to trial more quickly and received more severe sentences than did the prominent students and intellectuals who were arrested. The average sentence of those not given life terms is approximately thirteen years.

Li Hai, the persons on this list, and the many other "nameless" individuals jailed throughout China in connection with the 1989 crackdown might not be as internationally well-known as some dissidents, but their lives and liberty are equally significant.

Human Rights in China submitted the following list to President Clinton for presentation to the Chinese government during his visit to Beijing.

Human Rights in China urges the Chinese government to demonstrate its commitment to making genuine improvements in the human rights situation by releasing all of the prisoners on this list, as well as the thousands of other political and religious detainees throughout China.

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**List of Beijing Citizens Still in Prison  
in Connection with 1989 Tiananmen Square Crackdown**

*Beijing No. 2 Prison*

*Name, Age - Sentence, Charge (see key below for charge name)*

Cao Yingyuan, 40 - 10 years, #6  
 Chang Jingqiang - 25, Life, #4, 5  
 Chang Yongjie, 31 - Susp. death #4, 6, 9  
 Chen Dongxiang, 57 - 14 years #3  
 Chen Qiulong, 38 - 13 years, #3  
 Chen Yanbin, 23 - 15 years, #7  
 Guan Jian, 46 - 20 years, #3  
 Han Gang, 27 - 12 years, #6  
 Hu Zhongxi - 10 years, #2  
 Jiang Yaqun, 54 - Susp. death #4, 4A  
 Li Yujun, 29 - Life #4  
 Li Zhixin, 37 - Life #4, 4A  
 Lu Jinsheng, 30 - 15 years, #4A  
 Miao Deshun - Susp. death #1  
 Shen Licheng, 43 - 13 years, #3  
 Shi Xuezhi, 53 - 16 years, #4A  
 Song Kai, 40 - Life #5  
 Sun Chuanheng, 22 - Life #4A  
 Sun Hong, 22 - Susp. death #4A  
 Tan Diaoqiang, 42 - 15 years, #3  
 Tang Yong, 23 - 10 years, #6  
 Wang, 42 - 15 years, #3  
 Wang Baoyu - Susp. death  
 Wang Dongfeng, 40 - 10 years, #4A, 6  
 Wang Jiayang, 76 - Life #4  
 Wu Chunqi, 42 - Life #4, 4A  
 Zhang Baosheng, 22 - 13 years, #5, 6  
 Zhang Peiwen, 55 - 10 years,  
 Zhao Suoran, 30 - Life #4  
 Zhu Gengsheng, 31 - Susp. death #4, 4A, 6

*Beijing No. 2 Prison, No. 9 Team*

*Name, Age, Occupation - Sentence, Charge (see key below for charge name)*

Bai Fengying, 34, worker - 15 years, #9  
 Chai Jun, 26 - 14 years, #4a  
 Chen Yang, 27, worker - 15 years, #9, #10  
 Deng Wanyu, 34 - 15 years, #4  
 Dong Shengkun, 37, cadre in Beijing No. 2 Print Works - Susp. death, #4

Du Jianwen, 28, worker - 17 years, #9, #10  
 Duan Zhijun, 43, worker - 11 years, #4  
 Feng Lisheng, 33 - Life, #11  
 Gao Hongwei, 28 - Life, #4  
 Gao Liang, 27, worker - Life, #4  
 Gao Zhenhe, 23 - 20 years, #9, #10  
 Gong Chuanchang, 25 - 15 years, #9  
 Guo Zhenbo, 30, worker - 13 years, #9, #10  
 Hao Fuchun, 61 - 15 years, #9  
 Hua Siyu, 27, cadre - 13 years, #9, #10  
 Huang Xuekun, 28 - 12 years, #9, #10  
 Huo Liansheng, 29 - 12 years, #11  
 Jia Majie, 27, cadre - 13 years, #4  
 Jiang Sheng, 31, worker - 15 years, #9, #5  
 Li Changzhan, 34, worker - 13 years, #4  
 Li Fuquan, 35 - 15 years, #4  
 Li Hongqi, 31, worker - 20 years, #11, #9, #10  
 Li Tao, 26, worker - 11 years, #9, #10  
 Li Zengliang, 27 - 13 years, #10  
 Lian Zhenguo, 30 - 13 years, #9  
 Liang Yingchun, 38, worker - 12 years, #4  
 Liang Yunqing, 27, worker - 14 years, #9, #10  
 Liang Zhaohui, 26, worker - 13 years, #4  
 Liang Zhenyun, 32, auto-mechanic - 12 years, #11  
 Liang Zhixiang, 25, worker - 10.5 years, #4  
 Liu Changqing, 34 - 15 years, #4  
 Liu Chunlong, 26 - 12 years, #4  
 Liu Huaidong, 31, cadre - 13 years, #10  
 Liu Jianwen, 29, worker - 20 years, #11, #10  
 Liu Kunlun, 43, cadre - 13 years, #4  
 Liu Quan, 44 - 15 years, #4, #13  
 Liu Xu, 28, worker - 15 years, #4  
 Liu Zhenting, 36, worker in Beijing No. 2 auto plant - 17 years, #4, #9  
 Lu Xiaojun, 36, worker - 13 years, #9, #10  
 Ma Guochun, 35 - 11 years, #9, #10  
 Ma Lianxi, 44 - 15 years, #11  
 Ma Shimin, 26 - 11 years, #4  
 Meng Fanjun, 29, worker - 13 years, #11  
 Mi Yuping, 39, worker - 13 years, #4  
 Niu Shuliang, 26, worker - 12 years, #4  
 Niu Zhanping, 43, worker - 12 years, #4, #12  
 Peng Xingguo, 41 - 15 years, #4  
 Qiao Hongqi, 38, worker - 12 years, #11  
 Shan Hui, 28, worker - 14 years, #9  
 Shi Xuezhi, 58 - Life, #4

Song Shihui, 24, worker - 11 years, #9, #10  
 Su Gang, 28, teacher - 15 years, #4  
 Sun Chuanheng, 28 - Life, reduced to 20 years, #2  
 Sun Hong, 27, worker - Susp. death, #4  
 Sun Yancai, 32 - Life, #9  
 Sun Yanru, 27 - 13 years, #9  
 Sun Zhengang, 33, worker - 14 years, #4  
 Wang Jian, 30, worker - 13 years, #9  
 Wang Lianhui, 31 - Life, #9  
 Wang Lianxi, 43, worker - Life, #4  
 Wang Xian, 30, worker - Life, #4  
 Wang Yonglu, 30, worker - 11 years, #11  
 Wang Yueming, 32 - 13 years, #4  
 Wang Chunmo, 34 - 11 years, #9  
 Wang Dongming, 37, worker - 13 years, #4  
 Wu Ruijiang, 28, cadre - 13 years, #9, #10  
 Xi Haoliang, 27, worker - Susp. death, #4, #5  
 Xu Ning, 26, worker - 12 years (reduced by 2 years), #4  
 Yan Jianxin, 30, worker - 11 years, #9, #10  
 Yang Guanghui, 25 - 12 years, #4  
 Yang Jianhua, 38, worker - 14 years, #9, #12  
 Yang Pu, 34 - Susp. death, #4  
 Yang Yupu, 33 - 15 years, #4  
 Yu Wen, 29, worker - 12 years, #10  
 Zhang Baojun, 27 - 13 years, #4, #9  
 Zhang Baoku, 29, worker - 12 years, #4  
 Zhang Baoqun, 32 - Life, #4  
 Zhang Fukun, 39 - Life, #4  
 Zhang Guodong, 27 - Life, #4  
 Zhang Kun, 28, worker - 11 years, #4  
 Zhang Maosheng, 30 - Susp. death, #4  
 Zhang Qijie, 32, worker - Susp. death, #9, #10, concealing a weapon  
 Zhang Qun, 27, worker - Life, #4  
 Zhang Shengbo, 28, cadre - 14 years, #9  
 Zhang Yansheng, 30 - Life, #9  
 Zhao Qing, 28, worker - 18 years, #4, #9  
 Zhao Yushuo, 37 - 14 years, #9  
 Zheng Yansheng, 45, worker - 11 years, #4  
 Zhu Wenyi, 37, worker - Susp. death, #4

*Qinghe Farm, No.3 Branch*

*Name, Age - Sentence, Charge (see key below for charge name)*

Chen Baohua, 19 - 10 years, #10  
 Dong Jianjun, 20 - 9 years, #10



Feng Xuyin, 25 - 9 years, #11  
 Huo Yanfeng, 16 - 10 years, #4A  
 Li Lijing, 20 - 10 years, #11  
 Li Ruijun, 27 - 9 years, #11  
 Li Shengli, 21 - 9 years, #10  
 Li Yanming, 28 - 9 years, #11  
 Liang Aizhong, 26 - 10 years, #10  
 Liu Dongquan, 24 - 10 years, #4A  
 Liu Tianli, 21 - 10 years, #10  
 Lu Jingshan, 20 - 10 years, #4A, 10  
 Meng Fanmin, 19 - 10 years, #11  
 Qin Zhiyu, 18 - 10 years, #4A  
 Rong Yongnan, 36 - 10 years, #11  
 Tian Degang, 30 - 10 years, #10  
 Wan Baolin, 33 - 10 years, #11, 10  
 Wang Xianhui, 26 - 9 years, #11  
 Wei Guoqing, 25 - 10 years, #11  
 Xiao Fuge, 21 - 9 years, #10  
 Zhang Zhenxi, 20 - 10 years, #10

*Qinghe Farm, No.8 Branch*  
*Name - Sentence*

Deng Yuanping - 9 years  
 Ding Ke - 9 years  
 Dong Shuangsoo - 10 years  
 Shi Guohui - 10 years  
 Wu Yuping - 9 years  
 Zhang Cailin - 10 years  
 Zhang Chuanyou - 10 years  
 Zhao Yongjiang - 9.5 years

*Qinghe Farm, No.6 Branch*  
*Name - Sentence*

Chen Wei - 10 years  
 Cheng Hongli - 10 years\*  
 Cheng Honglin - 10 years\*  
 Deng Shusen - 10 years\*  
 Li Donghui - 10 years  
 Li Jimin - 9 years  
 Zhang Fusheng - 9 years\*  
 Zhang Liwei - 9 years  
 Zhao Jianxin - 10 years\*  
 Zhao Jun - 10 years

**Key**

*Counterrevolutionary charges:*

- #1 - Defecting to the enemy and turning traitor
- #2 - Participating in armed mass rebellion
- #3 - Espionage
- #4 - Counterrevolutionary sabotage
- #4A - Counterrevolutionary arson
- #5 - Counterrevolutionary injury
- #6 - Counterrevolutionary propaganda and incitement
- #7 - Organizing a counterrevolutionary group
- #8 - Conspiring to subvert the government

*Common criminal charges:*

- #9 - Robbery
- #10 - Hooliganism
- #11 - Stealing or seizing gun or ammunition
- #12 - Disturbing social order
- #13 - Disrupting traffic

Notes:

- (1) Some of the ages of prisoners in Qinghe Farm No.3 Branch are age at date of arrest.
- (2) Sentences marked with an asterisk\* could have been subject to reduction or supplementation.
- (3) "Susp. death" means a death sentence with a two-year reprieve. This means that if the prisoner has behaved well during the two- year period, the sentence is normally commuted to life.

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STATEMENT OF PHILLIP FISHMAN  
ASSISTANT DIRECTOR, INTERNATIONAL AFFAIRS DEPARTMENT  
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS  
BEFORE THE  
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS  
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS  
ON  
HUMAN RIGHTS IN CHINA

June 26, 1998

Thank you, Mr. Chairman, and members of the Committee, for this opportunity to present the views of the AFL-CIO on the status of human rights in China, especially in the area of worker rights. Our deep concern for the widespread abuse of human and trade union rights in China is reflected by our continuing opposition to the extension of most favored nation (MFN) trading status to China. We believe that China's egregious and flagrant violations of human and worker rights; its flaunting of international agreements on arms sales, market access, intellectual property rights, forced labor, and the environment; and its non-reciprocal and discriminatory trade and investment policies are not improving under the current policy. Only the threat of withdrawing trade preferences will cause the Chinese government to address these very serious concerns.

Our choice with respect to China is not between isolation and engagement, as some would argue. Rather, it is between continuing the status quo and using the leverage of our marketplace to effect necessary and positive change.

The key issue the Congress and the country face is whether or not our current policy is working. The AFL-CIO believes that, on every dimension-- human rights, worker rights, and trade-- we are seeing deterioration or failure to make significant progress.

The human rights situation in China continues to be an international disgrace. The State Department's 1997 Human Rights report asserts that the Chinese government "continued to commit widespread and well-documented human rights abuses," including "torture and mistreatment of prisoners, forced confessions, and arbitrary arrest and lengthy incommunicado detention. . . . The Government continued tight restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights." Human rights abuses in minority areas, including Tibet and Xinjiang "continued and, in some cases, intensified" (p. 2).

While the State Department report finds that there were "positive steps in human rights" (p. 2), these were minimal. The AFL-CIO welcomes the release of political prisoners, particularly Wei Jingsheng, who eloquently addressed the AFL-CIO Executive Council meeting in January of this year. But releasing political prisoners into forced exile is not the same as allowing them to speak freely and work toward change at home.

The worker rights situation in China remains bleak. China's 1992 Trade Union Law ensures that the All China Federation of Trade Unions (ACFTU) has a legal monopoly on all trade union organization. The law states that any group of workers wishing to set up a union must first register with the next higher level of the ACFTU and accept its leadership. This is in clear and fundamental violation of the ILO's Convention on Freedom of Association, C. 87, which guarantees the right of workers to establish and join unions *of their own choosing* with a view to furthering and defending their interests, and to affiliate their unions with international organizations.

Furthermore, the ACFTU is clearly an organ of the Communist Party. The February, 1994 issue of the ACFTU's official magazine defined the role of trade unions this way: "The premise for unions [in China] is to carry out the tasks of the party." A year later, the ACFTU General Secretary repeated a statement released by the ACFTU in the aftermath of the Tiananmen Square massacre that "unions in China should resolutely uphold the unitary leadership of the party." "Unions at all level," he went on to say, "should

maintain a high degree of unanimity with the party politically, in ideas and actions."

And finally, much of the enterprise level leadership of the ACFTU are in fact managers whose task is to "improve labor discipline, mobilize workers to achieve government and party objectives, and to dispense social welfare funds." A substantial amount of independent research has confirmed this. One study of the Shanghai area, for example, indicated that in the Minhang district of Shanghai, 67 percent of the union leaders are on the managerial staff of companies, 20 percent are Communist Party officials and 13 percent are managers or deputy managers.

The current head of the ACFTU, is Wei Jianxing, a leading member of the politburo in charge of the police, public security, and the court (Zheng Fa Committee). It is important for this Subcommittee to note that in April, the Communist Party (CCP) announced the establishment of a high-level Office on Maintaining Social Stability to defuse threats coming from laid-off workers, disgruntled farmers, and underground political organizations such as independent trade unions. The office has the same status as the leading groups within the party Central Committee apparatus. According to the CCP announcement, the top priority of this new Central Committee Office will be "to ensure that increasingly frequent labor disturbances in different cities will not escalate into a national crisis." And, not surprisingly, the chief of this new office is none other than ACFTU chairman, Wei Jianxing.

The authorities have good reason to be concerned as worker discontent has proliferated all over the country over such issues as lay-offs, non-payment of wages, and unsafe work conditions. Working conditions in industries such as toys, apparel, and electronics, in which there is significant foreign investment, are deplorable: excessive hours, violation of minimum wage laws, poor health and safety conditions, physical abuse by managers, and illegal levies and deductions.

A recent report by the National Labor Committee, based on extensive

investigations carried out in China, reveals that workers producing goods for the American consumer market may work from 60 to 98 hours a week, 28 days a month, for as little as \$.13 an hour. The workers are often housed in dormitories 16 to a room.

Companies that produce in China to sell to American consumers reap a windfall profit by taking advantage of these shamefully low wages and poor working conditions, while charging premium prices for their products.

The legal block on independent trade unions is rendered doubly effective by the ACFTU's determination to ensure its domination in practice. It is ironic that although the Chinese government frequently admits to serious problems in ensuring its laws are implemented, there appears to have been absolutely no obstacles barring the effective implementation of the ACFTU's monopoly on trade union organizing. Although there is no immediate threat to the ACFTU's monopoly, the organization has kept up its denunciations of imprisoned and recently released independent labor activists. At last year's International Labor Conference in Geneva, for example, ACFTU representatives angrily denounced as criminals two labor activists imprisoned at the time and in ill health, Liu Nianchun and Zhou Guoqiang, and called an appeal from their wives for their release on humanitarian grounds as an attack on the Chinese government.

Workers attempting to organize independent unions or to carry out strikes in response to dreadful working conditions are fired, imprisoned, beaten, and tortured. The State Department reports that there were more efforts to form or register independent unions in 1997, but that "none was successful" (p. 31).

While there has been some releases, there are still many trade union activists in prison. Last year, the International Confederation of Trade Unions (ICTU) based in Brussels filed a complaint with the UN's International Labor Organization regarding the imprisonment of 66 worker activists. The report details the cases of 37 prisoners arrested since 1989 for

their involvement in independent workers' activities whose accumulated prison terms represent over 500 years of detention with forced labor. Another 29 cases are chronicled of workers arrested for the attempts to establish independent unions in the Beijing and Shenzhen Special Economic Zones. They have already spent over an accumulated 100 years in prison, mostly in secret, pre-trial detention. The AFL-CIO belongs to the ICFTU which represents 125 trade union members organized in 141 countries and territories. A high-level ICFTU mission to China scheduled for early July was just canceled by the All China Federation of Trade Unions because the ICFTU was insisting that visits with detained worker activists be part of the itinerary.

Only a few days ago, the Washington Post reported about a former teacher by the name of Li Hai who is now serving a nine year sentence in Beijing's Liangxiang Prison. His crime: assembling a list of people jailed for taking part in pro-democracy demonstrations in Tiananmen Square. From the Beijing area alone, he documented more than 700 of which 158, mostly workers, received sentences of more than nine years and, according to the Post, are presumed still being held. And two NGOs, the Prison Activist Resource Center and the Institute of Global Communication, have just released information on 25 trade union activists in six Chinese provinces or cities in prison for their trade union activities.

Finally, Mr. Chairman, let me make a few comments on the continuing, widespread used of forced labor in China. China continues to use force labor as part of its production system and makes no apologies for the practice. Since it makes no distinction between political prisoners, which number in the tens of thousands, and "regular criminals" they too become part of the system.

In October, 1991, China officially "banned" the export of products produced by prison labor. In August, 1992, the U.S. signed a Memorandum of Understanding with China, amended in 1994, which purported to establish a process through which the U.S. could investigate allegations of forced labor

used in goods that are exported. That process was to include U.S. access to suspect facilities in China. The implementation of the agreement has been unsatisfactory, and forced labor produced goods still find their way to the export market. Some are transhipped through Hong Kong, with the names of products charged to correspond with non-prison factories.

The continuation of forced labor exports is particularly reprehensible since the importation of such goods into the United States is illegal. At very least, adequate resources should be made available to the U.S. Customs Services to ensure compliance with U.S. law.

Furthermore, the State Department must make the strict enforcement of the binding agreement on forced labor between China and the United States, embodied in the Memorandum of Understanding (MOU) and the subsequent Statement of Cooperation on the Implementation of the MOU (SOC), a much greater priority than it has until now. To date, the Chinese government has refused to cooperate with U.S. Customs Service investigations in accordance with the MOU. The State Department itself emphasized last year to the Senate Foreign Relations Committee that successful implementation of the binding agreement depends solely on Chinese cooperation.

Mr. Chairman, members of the Committee, thank you for your time and attention.

The AFL-CIO has not received any grants or contracts under the Fair Labor Standards Act this fiscal year or in the two previous fiscal years.