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Chen Guangcheng and the Duty to Protect

Rep. Chris Smith

Chairman, Congressional Executive Commission on China

Excerpts from Hearing Statement

5/3/2012

The daring escape of Chinese legal advocate Chen Guangcheng from illegal home confinement was nothing short of miraculous, and it has taken the world – not to mention Chinese officials and Chen’s guards themselves -- by complete surprise.

It was with great relief that I -- and millions around the world -- learned of his escape and his reaching safety at the American Embassy in Beijing on Friday morning. Yet it is with equally great concern that I convene this hearing. Having been handed over to Chinese officials by American diplomats yesterday, Chen, his wife Yuan and the rest of his family and friends appear to be in significant danger.

Notwithstanding vague and potentially empty safety assurances from the Chinese side, Chen has, since leaving the American Embassy in Beijing, expressed an earnest desire to gain asylum for himself and his family.

Questions arise as to whether or not Chen was pressured to leave the US compound. A CNN interview reported by the Atlantic says:

Chen's comments portray the U.S. as manipulating him, cutting him off from outside communication and encouraging him to leave the embassy rather than seek asylum. He said he was denied his requests to call friends. He said he felt the embassy officials had lied to him.

"The embassy kept lobbying me to leave and promised to have people stay with me in the hospital. But this afternoon as soon as I checked into the hospital room, I noticed they were all

gone," he said. "I'm very disappointed at the U.S. government. ... I don't think [U.S. officials] protected human rights in this case."

When asked why he had left the embassy rather than staying and perhaps seeking asylum, Chen seemed to blame the embassy officials. "At the time I didn't have a lot of information. I wasn't allowed to call my friends from inside the embassy. I couldn't keep up with news so I didn't know a lot of things that were happening," he said.

Chen agreed when Jiang asked him, "If you stay in China, is there no future?" He also said that he had tried calling two U.S. embassy officials "numerous times" but that no one had answered. "I told the embassy I would like to talk to Rep. [Chris] Smith but they somehow never managed to arrange it. I feel a little puzzled."

For the record, I placed a call to Chen on May 1 at 9:00 PM (EST) after being informed by one of Chen's American friends that he wanted to speak with me. I waited all night—until 4:00 AM (EST) for a call back from the high US official I was told would arrange it. The call never came.

There are many questions and even more concerns.

How will the US/China "agreement" on Chen and his family's safety be enforced?

What happens if Chen or any member of his family suffers retaliation?

Where is Chen's nephew Chen Kegui?

What happens now to He Peirong, the courageous young woman who drove Chen to safety?

Like I said, there are many questions.

Next week I hope to convene another hearing on Chen in order to take testimony from Obama Administration witnesses and get some answers.

Our purpose today is to examine his case and discern the likelihood that Chen, his family, and his supporters may enjoy true freedom and safety going forward in China and whether asylum remains a viable option.

The story of Chen Guangcheng has been extraordinary and inspirational from the beginning. Blinded by a childhood illness, Chen pushed past profound barriers to school himself in Chinese law and to become an advocate for the rights of the vulnerable, including disabled persons and rural farmers.

Years later, when local villagers told him their stories of forced abortions and forced sterilizations, Chen and his wife Yuan Weijing documented these stories, later building briefs for

a class-action lawsuit against the officials involved. Their efforts gained international news media attention in 2005, and their challenge to China's draconian population control policies spurred harsh and extended official retaliation including torture and beatings.

This Commission and other committees of the Congress have examined China's population control policies many times. China's government sometimes paints a false picture for gullible foreigners that the policy is somehow being eased, but the few exceptions they permit do not fundamentally modify its rough, harsh, brutal, and ugly character.

Family planning officials down to the village and neighborhood level maintain an extreme vigilance to exterminate "out of plan" children. The English phrase they use is "family planning," but the plan is not the family's plan, but the state's plan. They use the word "measures" to mask what they do. What they do is forced abortions and involuntary sterilizations. When an out of plan birth does take place, they impose crushing fines on the couple. All unwed mothers are compelled by the state to abort. Among China's many coercions and tyrannies, this is the one that touches the most Chinese—especially women who are victimized and the girl-child who is murdered in the womb or at birth.

It was when Chen Guangcheng challenged these horrific violations of women's rights that the hammer fell.

Chen Guangcheng has faced enormous government opposition for his advocacy efforts, but he refuses to back down. He and his family have paid a dear price. Chen, his wife, mother, and children have repeatedly been harassed, beaten, and denied their basic freedoms for the last seven years.

After serving more than four years in prison on trumped up charges, Chen was released in 2010, only to be locked up with his family in their home, under 24-hour surveillance, and with all forms of communication with the outside world severed. On more than one occasion, Chen and his wife were severely beaten and then denied medical treatment for their injuries. Their six-year-old daughter, Chen Kesi, was prevented from attending school. This was the violation of a child's right to an education as one more payback for her parents' effrontery. In the past few months, Kesi has been permitted to attend school only under heavy guard.

All this and more, Chen Guangcheng and his family have endured as *free citizens* under Chinese law.

It is no wonder, then, that Chen felt it worth risking his life to escape these hellish conditions last week and seek help. His three demands to Premier Wen Jiabao, laid out in an online video he posted last Friday, are incredibly cogent and I urge the Chinese government to address them fully and immediately.

In a background briefing, a senior U.S. official in Beijing explained that Chen consistently expressed his wish to stay in China with his family and that they be ensured the lives of normal Chinese citizens. It is unclear whether the path to political asylum was discussed

seriously. Or whether he was pressured in any way and at any time in the process to remain in China. He is now away from the Embassy in a local hospital asking for the right to leave. “I think we’d like to rest in a place outside of China. Help my family and I leave safely” he told the Associated Press.

The eyes of the world are watching to see that his wishes are honored by the Chinese government.

I am also gravely concerned for the safety, well-being and whereabouts of Chen’s supporters, including He Peirong, who drove him from his village to Beijing on the night of his escape and now remains incommunicado.

I am also gravely concerned for the safety and well-being of Chen’s supporters, including He Peirong, who drove him from his village to Beijing on the night of his escape. He Peirong disappeared shortly thereafter, but reportedly has been returned to her home where she is under constant guard. I call on the Chinese government to also ensure protection and freedom for Chen’s extended family -- including his brother Chen Guangfu, his nephew Chen Kegui, his cousin Chen Guangcun, and his cousin’s son Chen Hua.

The dust has clearly not yet settled on the fate of Chen, his family, and his supporters. Thus, it is vitally important at this juncture for us to gather, discuss his case, express our deep and abiding concern, and determine viable steps forward.

I’ve said it before and I’ll say it again: the cruelty and extreme violence against Chen and his family brings dishonor to the government of China. It must end.