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House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights,
and International Organizations

Chen Guangcheng and Gao Zhisheng: Human Rights in China

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Good afternoon Chairman Smith, Ranking Member Bass, and Members of the Subcommittee, and thank you for the opportunity to speak with you today about the continued persecution of lawyers and their families in China. The work of this Subcommittee highlighting the plight of individual victims of human rights abuses around the world is essential and I want to begin by thanking you for your principled support for prisoners of conscience.

Mr. Chairman, I am honored to join this panel with Geng He and Chen Guangcheng, two brave individuals who represent different sides of the same coin—Geng He is here as the wife of an imprisoned Chinese rights lawyer, while Chen Guangcheng, himself a lawyer and former prisoner of conscience, is now advocating on behalf of his own family members who continue to face persecution by Chinese authorities. As the Founder of Freedom Now, a legal advocacy organization that works to free prisoners of conscience, and as international *pro bono* counsel to the Gao and Chen families, my testimony today will highlight the ways in which the Chinese government's continued persecution of rights lawyers and their families blatantly violates international law. I will also outline how I believe the United States can help protect these victims of injustice by engaging more forcefully and publicly with Chinese authorities.

As you know, Gao Zhisheng is one of China's most prominent rights lawyers and has become a frightening symbol how far the authorities will go to silence the peaceful criticism of

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those that stand up for the rights of others. After arresting Mr. Gao in 2006 on charges of inciting subversion—an accusation now essentially synonymous with promoting political reform and respect for human rights in China—police forced him to confess by making threats against his family. After a trial that lasted less than a day, the court issued a suspended three-year prison sentence, subject to a five-year probationary period. Despite his release, Mr. Gao was placed under *de facto* house arrest and the family was subjected to constant, humiliating surveillance. Over the next five years, Chinese authorities repeatedly disappeared and brutally tortured Mr. Gao. Then in December 2011, the government announced that he would serve the full three year prison term for allegedly violating the terms of his probation. Even with his reappearance, the family has only been allowed to visit Mr. Gao twice and he has had no access to an attorney.

Needless to say, Mr. Gao's detention is clearly arbitrary. First, the government has already held him in excess of three years since his arrest in 2006. Second, his imprisonment is the direct result of his peaceful and internationally protected work as an advocate. And finally, the government violated basic standards of due process by coercing a confession from him, denying him access to chosen legal counsel, and revoking his probation without any legal process whatsoever. Recognizing that the detention of Mr. Gao is a violation of international law, the UN Working Group on Arbitrary Detention has called for his immediate release—but despite this finding by the UN, Mr. Gao remains in prison and separated from his family.

Mr. Gao's wife, Geng He, has spoken compellingly about the intense pressure placed on the families of Chinese prisoners of conscience. While under surveillance, her family was monitored constantly. Officers were stationed in their home and followed their young daughter to school, insulting her in front of classmates and following her everywhere, even into the bathroom. Unfortunately, the Chinese government's practice of targeting family members has

become increasingly common. In addition to the extra-judicial house arrest of Liu Xia, the wife of the imprisoned 2010 Peace Prize Laureate Dr. Liu Xiaobo, both of whom we also represent, the Chinese government continues to target Chen Guangcheng's family, even after his arrival in the United States last year.

While Chen Guangcheng's harrowing escape from illegal house arrest was widely reported, the mistreatment of his family and the continued imprisonment of his nephew, Chen Kegui, have garnered much less international attention. Chen Guangcheng—who like Mr. Gao rose to prominence as a fearless advocate for the rights of China's most vulnerable citizens—spent four years in prison on fabricated charges before being placed, along with his wife and children, under extra-judicial house arrest in 2010. On April 27, 2012, just after midnight and only days after Chen Guangcheng's escape to the U.S. Embassy in Beijing, local party officials, uniformed police, and government thugs stormed the home of his brother, Chen Guangfu. Although they did not have a warrant, the police took Chen Gugangfu to an investigation facility where they repeatedly beat him. The party officials and thugs, however, returned to the home armed with clubs. When they discovered Chen Kegui, they began beating him—during the attack, one yelled “kill him, kill him.” Chen Kegui tried to defend himself by swinging around a kitchen knife and three of his attackers were injured. The intruders briefly left the home without assistance or arresting anyone, but when authorities returned for a third time, Chen Kegui had already fled to seek medical treatment. They responded by severely beating his mother instead, turning away neighbors who came to investigate her screams of “help me, help me.”

Chen Kegui was disappeared sometime after he left the home and was held *incommunicado* until the government formally arrested him in early May on charges of attempted murder. As in Mr. Gao's case, the government denied Chen Kegui access to the

family's chosen lawyers and sentenced him to three years and three months in prison after a trial that lasted only hours. He remains in prison, despite having acted in self defense.

The striking feature of these cases is that they demonstrate how Chinese authorities continue to act with impunity violating the fundamental rights of their own citizens. Even worse, when human rights defenders seek help from competent legal counsel, their own lawyers are targeted as well. Indeed, as long as the government is not held accountable for the continued detention and mistreatment of rights defenders and their families, we can only expect such violations to continue.

When we consider the most important metric—the freedom of Gao Zhisheng and Chen Kegui—one can only conclude that the Obama Administration's approach on Chinese human rights has not achieved the results these families so desperately deserve – and that its tactics must change. This failure is especially striking because of the special duty our country owes to both Geng He and Chen Guangcheng given they reside here. In the absence of progress on these cases, the Obama Administration must increase the pressure. For example, we have requested that President Obama personally meet with Geng He and Chen Guangcheng during their visit to Washington—such a meeting would send a clear and unequivocal message that the continued targeting of rights lawyers and their families by Chinese authorities will no longer be tolerated by the international community. But at a minimum, the White House could privately convey to the Chinese government its intention to allow such a meeting to happen if their cases are not swiftly resolved. Unfortunately, so far, we have yet to see these kinds of creative efforts be deployed by the Obama Administration. Unless and until a clear, unequivocal, and consistent message on human rights is delivered to the Chinese government – complete with benchmarks, timelines, and consequences for inaction – we should not expect its behavior to change.