

Liu case lost in keen bid for trade

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By Jared Genser

I last spoke to Liu Xia, the wife of Chinese democracy activist Liu Xiaobo, a few months before her husband won the 2010 Nobel Peace Prize. She had hired me to serve as her family's international pro bono lawyer.

When our conversation turned to what might happen if the Nobel committee chose her husband, I expressed my concern that her own freedom might be taken away. She said she understood that reality, but courageously said leaving her husband behind was not an option.

Sure enough, for more than 2 1/2 years since the Nobel announcement, Liu Xia has been kept under house arrest. She is in solitary confinement and has no internet access, telephone or ability to receive mail. Her life is completely controlled by the Chinese security officials who sit outside and guard her extra-legal nightmare from outside scrutiny.

Sadly, G20 leaders, including Julia Gillard, have been silent in the face of Liu Xia's ongoing suffering, after collectively speaking out on Liu Xiaobo's behalf after he was awarded the prize.

The silence is even more deafening given the Chinese government brazenly claimed in litigation we filed before the UN that Liu Xia was "under no legal restriction", despite her house arrest being common knowledge. The UN subsequently found she and her husband were being held in violation of China's obligations under international law.

Two months ago, the public caught a rare glimpse of this tragic heroine in front of a Beijing courtroom. As journalists looked on, Liu Xia wept and shouted, "Tell everybody I'm not free!"

Liu had been escorted to court so she could observe the trial of her younger brother, who was charged with trumped-up economic crimes.

She was asked by a journalist why the Chinese government had allowed her out of the house. "They want to break my one leg, then the other. I tell myself to stand straight, don't be afraid," she said. Then she asked, "Is it a crime to be Liu Xiaobo's wife?"

In today's China, yes. Beijing will not hesitate to bring its full weight to bear on the people who stand up for their own rights or the rights of others.

Liu Xia's brother was recently convicted and given an 11-year prison sentence. Despite the odds, Liu Xia's courageous domestic legal team is preparing a lawsuit against the Chinese government to reopen her husband's case and for illegally keeping her under house arrest. They'll need to be careful. Beijing doesn't just persecute dissidents, it will disbar, imprison, torture and even "disappear" lawyers who stand up to the Chinese government.

Another of my clients, Gao Zhisheng, a prominent human-rights lawyer, suffered this exact treatment; despite being disappeared for more than three years in total, the Chinese government actually claimed he broke the terms of his parole and reimposed his original three-year prison sentence for subversion.

Lest one think that these stories are exceptional, it is worth noting that this year China's spending on domestic security will exceed the People's Liberation Army budget for the third year in a row.

In all, Beijing will spend \$123.6 billion this year to protect itself from its own people - a staggering outlay, even for a country that experiences more than 100,000 protests annually on bread-and-butter issues such as corruption, environmental degradation and unpaid wages.

While the Chinese government seeks to instil fear in its own population, its behaviour projects weakness and insecurity. Yet despite major flaws in the one-party system, the Chinese government manages to inspire self-censorship from the world's greatest powers when it comes to demanding it live up to basic standards on human rights that it has promised to uphold.

Australia has an especially critical role to play advancing human rights in China. The Prime Minister signing a strategic partnership with China in April made eminent sense, particularly given China is Australia's largest trade relationship, worth \$130bn annually. All signs suggest, however, that the unstated price of this agreement is the expectation that Australia will emphasise enhancing economic, political and military ties and forgo raising issues relating to human rights.

Yet today China and Australia are mutually interdependent in countless ways and neither can walk away from the relationship. It is therefore incumbent on Gillard to make clear to President Xi Jinping that Australia will raise the full range of issues in the bilateral relationship, privately and publicly, and that as strategic partners, Australia expects to see progress being made on all fronts.

Chinese dissidents and their families stand up to Beijing despite grave personal risks. Why can't the rest of us?

Jared Genser is founder of Freedom Now and serves as international pro bono counsel to Liu Xiaobo, Liu Xia, and Gao Zhisheng. He will address a Senate standing committee and will hold seminars this week in Sydney and Melbourne.

