

OPEN FORUM ON HUMAN RIGHTS ISSUES

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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OPEN FORUM ON HUMAN RIGHTS ISSUES

MONDAY, AUGUST 5, 2002

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2:32 p.m., in room SD-215, Dirksen Senate Office Building, Ira Wolf (Staff Director of the Commission) presiding.

Also present: John Foarde, Deputy Staff Director of the Commission; Matt Tuchow, Office of Representative Levin; Holly Vineyard, U.S. Department of Commerce; and Alison Pascale, Office of Senator Levin.

Mr. WOLF. I would like to welcome all of you to this open forum, one of the staff-led roundtables held by the Congressional-Executive Commission on China.

This is our second open forum to provide an opportunity for any interested person or group to appear on any issue related to human rights and the rule of law in China, make a short statement, and put their views into the formal record of the Commission. So, we are happy and pleased that you have all come here today.

We are happy to receive additional written statements from any of you, which will also become part of the formal record.

Let us start with Mr. Enhebatu Togochoog, who is president of the Southern Mongolian Human Rights Information Center. Please go ahead.

STATEMENT OF ENHEBATU TOGOCHOG, PRESIDENT, SOUTHERN MONGOLIAN HUMAN RIGHTS INFORMATION CENTER, JACKSON HEIGHTS, NY

Mr. TOGOCHOG. Ladies and gentlemen, my name is Enhebatu Togochoog, and I am from Inner Mongolia. I am grateful to the Commission for giving me this opportunity to talk about Inner Mongolian human rights issues.

Inner Mongolia, home to 4.5 million indigenous Mongolian people, was established in 1947. The pattern of repression of the Mongols over the past 50-year period has been documented elsewhere, so I will restrict my comments to the current human rights situation.

I will bring to the Commission's attention two specific cases. The first, concerns two individuals, Mr. Hada and Mr. Tegexi, the second, the forceful displacement of Mongolian herdsman from their traditional pastureland.

The first individual is Mr. Hada, who was the president of Southern Mongolian Democratic Alliance. The mission of this organiza-

tion was to promote and preserve Mongolian culture, language, and to peacefully find ways to obtain greater autonomous rights for ethnic Mongols in the region, as guaranteed by the Chinese Constitution.

However, in 1995 he was arrested by the authorities, and in 1996 he was sentenced to 15 years in jail for “separating the country and engaging in espionage.” Currently, Mr. Hada is serving his sentence in Inner Mongolia Jail Number 4 at Chifeng City.

According to Mrs. Xinna, wife of Mr. Hada, he was beaten by inmates with rubber clubs provided by prison guards, and on two occasions a gun was held to his head by a prison official who threatened to kill him.

Mr. Tegexi was the vice president of Southern Mongolian Democratic Alliance, and was also arrested at the same time and sentenced to 10 years in jail for the same crime. Currently, Mr. Tegexi’s prison situation and health condition, and even the prison location, are unknown.

The second case concerns the Chinese Government’s ongoing coercive displacement of Mongolian herding populations. According to official Chinese documents, recently the Chinese Government has adopted a new policy targeting the Mongolian herding population under the pretext of “giving rest to the grassland and recovering the ecosystem.”

This policy is called “Environmental Immigration,” whose aim seems to be the relocation of the Mongolian herding populations from their native lands to overwhelming Han Chinese populated agricultural and urban areas.

Over the past 2 years, at least 160,000 ethnic Mongolians have been forcibly relocated from their pasturelands. The Mongolian herders who have already lost their homes, livestock, and lands have been relocated with little regard for their social, and other needs, nor has appropriate compensation been made for their losses.

Members of the Commission, today, Mongols who struggle to maintain and promote their distinct culture continue to be subjected to harassment and intimidation. Recent cases of individuals arrested for distributing “separatist” literature, and another arrest for merely wanting to celebrate Chinggis Khan’s birthday, attest to the continuing pattern of repression.

In addition, since 1998, at least five expatriate Inner Mongolians have been refused entry into China and forced to return directly from the airports in Beijing and Hong Kong, apparently for being associated in one form or another with individuals the Chinese Government has blacklisted.

We also know of six cases of expatriates—five of them are United States green card holders and one of them is even a United States citizen—who were detained, questioned, and monitored by the authorities during their visit to Inner Mongolia.

Let me end by noting that recent releases of Tibetan political prisoners indicate that the United States Government’s dialog with China and international pressure in general regarding human rights issues can have some positive results.

I would like to ask the Commission to urge the Chinese Government to, first, release Mr. Hada and Mr. Tegexi. Second, provide

adequate compensation and social service to the displaced Mongols and stop the upcoming larger displacement. Third, allow expatriates to visit their homeland. Finally, I request the Commission to hold a special hearing devoted to Inner Mongolian human rights issues. Thank you.

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

Mr. WOLF. Thank you very much, Mr. Togochoog.

Next is Ms. Christine Shea of Amnesty International.

**STATEMENT OF CHRISTINE SHEA, GROUP COORDINATOR,
AMNESTY INTERNATIONAL, ANNAPOLIS, MD**

Ms. SHEA. My name is Chris Shea, and I am the coordinator of Amnesty International Group 284, Annapolis, MD.

Group 284 was formed in 1983. During the last 19 years, we have worked on behalf of prisoners from the Soviet Union, South Korea, East Germany, and China. We have 100 people on our mailing list, and approximately 10 people who attend meetings regularly. We meet once a month and have a quarterly newsletter.

I am here to talk about our work on behalf of Mr. Tegexi. Mr. Tegexi is a citizen of the Inner Mongolian Autonomous Region in China and is currently serving a 10-year prison sentence. It stems from his involvement with the Southern Mongolian Democratic Alliance.

Amnesty International considers Mr. Tegexi to be a prisoner of conscience, detained solely because of the peaceful exercise of his right to freedom of expression and association.

Following Mr. Tegexi's arrest and sentencing, Amnesty International researchers investigated his case. Once they had determined that he was a victim of human rights abuses and that he had not used or advocated violence, local groups were asked to adopt his case. Group 284 agreed to work on Mr. Tegexi's behalf. Local groups in the Netherlands, Germany, and Portugal have also adopted Mr. Tegexi's case.

As an Amnesty International group, our concern is not based on Mr. Tegexi's beliefs or political affiliation. We believe that Mr. Tegexi, like everyone else, has the right to peacefully express his beliefs and to associate with others who share his beliefs.

The primary tool that we use in advocating for Mr. Tegexi is the personal letter. Our group has written hundreds of letters to various government officials since 1997. Each letter states that Mr. Tegexi is imprisoned for the peaceful exercise of his basic human rights, and asks that he be released from prison immediately and unconditionally. Although each letter is unique, these two core ideas are always included.

Members of Amnesty International Group 284 have written letters to national and local Chinese Government officials, elected representatives in the United States Government, and the State Department.

The case coordinator directs the actions taken on Mr. Tegexi's case. Amnesty International provides a support network of country experts, and in addition, e-mail information and occasional updates from London that help the coordinator develop a strategy for each case.

Letter writing to Chinese Government officials is organized so that one or two officials are targeted each month. On a national level, we have written to President Jiang Zemin, and other officials such as the Vice President, the Premier, the Minister of Foreign Affairs, and the Minister of Justice.

On the local level, we have written to the Chairwoman of the Inner Mongolian Government, the Secretary of the Party Committee, and the Chief Procurator. Letters have also been sent to prison officials and the directors of the prison where Mr. Tegexi has been detained.

Unfortunately, we have never received a reply to any of our letters to Chinese officials. However, prisoners who have been released from Chinese prisons have reported that such letters did seem to have an impact.

One former prisoner, Wei Jingsheng, said that he believed that the letters sent by Amnesty International groups affected his treatment in prison. He also said that, although he never saw these letters, he did learn of their existence and that "the mental inspiration this gave me greatly surpassed any small improvement in my living conditions."

Another facet of our work on Mr. Tegexi's behalf has involved requests for assistance from U.S. Government officials and elected representatives. We sent letters and e-mails to Presidents Clinton and Bush concerning Mr. Tegexi. These letters preceded Presidential visits to China. We also wrote to Secretary of State Albright before she traveled to China.

In each of these letters, we requested that Mr. Tegexi's case be brought up during discussions with Chinese officials. We have received replies from the White House and from the State Department.

In February 2001, Christopher Sibilla from the State Department Office of Bilateral Affairs wrote that they have been following closely the case of Mr. Tegexi and that the State Department views this case as a source of continuing concern. However, we do not know if the case was raised with Chinese officials. We would like to find out if the case was discussed, and how Chinese officials responded.

Group 284 also wrote to Senators Paul Sarbanes and Barbara Mikulski, and Representatives Wayne Gilchrest and Steny Hoyer. We received replies from the offices of the elected officials. Senator Sarbanes forwarded our letter to the State Department, as did Senator Mikulski. Senator Mikulski also sent a copy of our letter to the Chinese Ambassador.

We have sent occasional letters to Mr. Tegexi in prison. Although we do not know if he receives the letters, they will let prison officials know that Mr. Tegexi has not been forgotten.

This message that Mr. Tegexi has not been forgotten is the essence of our work. Despite the unresponsiveness of Chinese officials, we have kept the letters coming. Our hope is that these letters will help Mr. Tegexi, and prevent others from suffering as Mr. Tegexi has suffered.

[The prepared statement of Ms. Shea appears in the appendix.]
Mr. WOLF. Thank you very much.

Next is Mr. Sokrat Saydahmat, who is a member of the Board of Directors of the Uyghur American Association. Welcome to you today. Please proceed.

STATEMENT OF SOKRAT SAYDAHMAT, MEMBER, BOARD OF DIRECTORS, UYGHUR AMERICAN ASSOCIATION, McLEAN, VA

Mr. SAYDAHMAT. My name is Sokrat Saydahmat. Good afternoon, Mr. Chairman and members of the Commission, speakers, and guests.

I am here representing the Uyghur American Association and to raise two troubling issues that indicate trends away from civil society and toward the cultural genocide of the people of Eastern Turkestan, also called the Xinjiang Uyghur Autonomous Region in Chinese.

Despite the Constitution of the People's Republic of China [PRC] and the laws that are supposed to guarantee and protect the non-Chinese peoples, new regulations have been enacted that ignore their rights and place the Uighur people on the path to destruction.

The first regulation is the recent change to Xinjiang University that prohibits the Uighur language in the classroom. Identified as needed for improving the standard of education, the Chinese Government has extinguished the source of higher education the language of a civilization that stretches back to the 9th century.

The Uighur language and script have been used for over a thousand years and have documented religious texts of Buddhism, Christianity, and Islam, and the rich culture of Central Asian Turkic peoples.

For the Chinese Government to ban higher level instruction and thought is insulting to the Uighur people on the grounds of "improving education." Such a policy change represents the beginning of the purposeful destruction of the Uighur language and culture. It is a challenge to world civilization.

The second policy maintains the same goal, banning and burning Uighur language books that disagree with today's Chinese Government opinion. A total of 330 titles have been deemed problematic, and witnesses in Kashgar city have watched while thousands of literary and scientific works were burned just 2 months ago in June 2002.

These books have such titles as "Ancient Uighur Craftsmanship," and "A Brief History of Huns and Ancient Literature." Although the Chinese Government once approved of the publication of these books, they are now deemed too controversial to read. We believe that the change in policy represents another facet of the purposeful destruction of Uighur language and culture.

It should also be noted that another reason given by the Chinese Government authorities for ending Uighur language instruction at Xinjiang University was a supposed lack of textbooks. How can someone publicly burn books on one hand, while declaring the cessation of Uighur language instruction based on the lack of books?

We have raised concrete examples reported in the media that demonstrate that the Chinese Government violates human and civil rights guaranteed under various United Nation instruments, as well as the laws of the People's Republic of China.

We would ask for an open, unfettered referendum to determine the future of the people of East Turkestan, by the people of East Turkestan only.

The Uighur people, language, and culture are under attack and the Uighur people must watch helplessly and alone as the Chinese Government authorities continue the devastation.

We implore the U.S. Government to put teeth into the U.N. Commission on Human Rights in Geneva. Please staff and fund the effort to raise issues at least as much as the Chinese spends to table it.

Twelve million Uighur people need a friend. We also implore the United States Government to create and fund a position of Special Coordinator for Human Rights in East Turkestan, much as has been created to assist the Tibetan people.

There are many problems that need to be solved in East Turkestan, but we hope that the visibility produced by these two suggestions will cause more of the problem to be solved and for conditions to improve for our people.

Thanks for your time and attention to this important matter.

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

Mr. WOLF. Thank you very much.

Next we have Mr. Derek Wong. I am especially pleased that Derek is here today, as Derek is going into his senior year at the University of Pennsylvania and is working at the Senate this summer as an intern at the Senate Agriculture Committee.

Please, go ahead.

STATEMENT OF DEREK WONG, SUMMER INTERN, SENATE AGRICULTURE COMMITTEE, STUDENT, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA

Mr. WONG. Thank you.

I wish to thank the Commission for the opportunity to speak at this open forum. Again, my name is Derek Wong, and I am a student at the University of Pennsylvania. I am also interning on the Hill this summer.

The purpose of my presentation is to advocate further educational and academic exchanges between the United States and China, and to discuss the ways in which these exchanges can contribute to the promotion of human rights and the rule of law.

During fall 2001, I studied for a semester at the prestigious Qinghua University in Beijing. My program was unique in that I was able to enroll in classes with Chinese students, as opposed to the majority of study-abroad programs in China, which limit foreign students to language classes and "island programs" often taught in English.

While I took a variety of humanities courses in history, international relations, law, and moral ideologies, the underlying premise of Marxism was evident throughout each of these courses, although in varying degrees.

Having studied in both the United States and China, it is clear to me that Americans and Chinese lack understanding of each other. Some of my Chinese professors have studied or taught in the United States, and this was evident in their teaching.

Other professors lectured with an obvious bias against the United States and Western society in general. It was apparent that they had little, and many times incorrect, understanding of our country.

In an informal poll I conducted of students at three top universities in Beijing, the majority of respondents said they base their opinions of the United States primarily on reports in the Chinese news media. Most of the students admired American affluence and lifestyle, and indicated that, given the opportunity, they would want to study in the United States.

Yet they were also highly critical of President George W. Bush and his policies toward China and Taiwan, accusing the United States Government of being hegemonic and overly aggressive in its foreign policy.

This dualistic attitude was well illustrated in the Chinese reaction to the events of September 11. Immediately after the attacks, there was an air of shock, as well as regret for those who died in Washington and New York, some of whom were Chinese citizens. Chinese President Jiang Zemin was one of the first world leaders to offer his condolences and condemn the terrorist attacks.

Yet in the days and weeks that followed, each action by the Bush administration was criticized by my professors and fellow classmates—not to mention the media—as a subtle mistrust of the United States became evident.

During one lecture, a number of students applauded as a photograph was shown of a plane crashing into one of the twin towers. I was stunned as I realized that the sentiment among some of the students was that the United States got what it deserved.

With China's accession to the World Trade Organization, I hope and believe that change is on the horizon. The increasing globalization of China presents a golden opportunity for the United States to play an active part in promoting human rights and the rule of law in China. Many Americans possess skills and expertise in law, language training, and other areas that are in high demand in China.

When Chinese students and academics come into contact with their American counterparts, there is an exchange of information, ideas, and beliefs. The results of these exchanges were evident by listening to the varying lectures of China professors who had lived in the United States compared to those who had not.

During my semester in China, I had a number of candid discussions with classmates about Sino-American relations and so-called Western values. These conversations were mutually beneficial in helping us gain an understanding of each other's culture.

I got the sense that at least some of my classmates did not subscribe to the Marxist ideals that are the basis for education in China, but instead have an interest in learning about other ideologies, including Western systems of democracy.

While the United States issues thousands of visas to Chinese students each year, many more are turned down for various reasons. Clearly, we cannot accept all Chinese students who wish to study in the United States, but we can bring American education to China, and with it our understanding of human rights, liberties, and freedoms.

One such example is the joint program in Nanjing administered by Johns Hopkins University and Nanjing University. It offers classes in Mandarin Chinese for Mandarin students, and in English for Chinese students, in a variety of social sciences.

Additionally, American students are typically paired with a Chinese roommate, allowing for a daily exchange of ideas and opinions between these students.

The fact remains that very few Americans understand China and very few Chinese understand the United States. We need to send more students, teachers, academics, and legal experts to China if we are to grasp the complexity of its culture, as well as the implications for future bilateral ties.

A dramatic increase in the availability of federally funded programs or grants would certainly provide additional incentive for such standards. I urge this Commission to promote programs that encourage academic interaction between the United States and China, not only for the benefit of the 1.3 billion people in China, but also for students like me who aspire to be shapers of Sino-American relations.

I thank you again for the opportunity to share my experiences and thoughts, and will be happy to answer any questions.

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

Mr. WOLF. Thank you, Derek.

Next is Professor Shiyu Zhou, who is also from the University of Pennsylvania.

Please go ahead, Professor.

STATEMENT OF SHIYU ZHOU, ASSISTANT PROFESSOR, DEPARTMENT OF COMPUTER AND INFORMATION SCIENCE, UNIVERSITY OF PENNSYLVANIA, PHILADELPHIA, PA

Mr. ZHOU. Thank you for giving me the opportunity to speak on the subject of human rights and the rule of law in China.

Of particular concern right now are what appear to be compromised, or even waning, freedoms in Hong Kong, what some say might mark the beginning of the end of the democratic rule in the PRC's Hong Kong Special Administration Region [SAR].

It is nothing new that mainland authorities would manufacture bogus so-called "laws" to justify harsh, repressive political measures, or even to apply such laws retroactively to punish persons and groups for past actions and affiliations. But what is new, is the appearance of such tactics in Hong Kong, a region that Beijing promised would retain its freewheeling, open way of life under a principle of "One Country, Two Systems" for at least 50 years; that is, 50 years from the time it first became a part of the PRC in 1997.

Now, after only 5 years, this promise is waning, or even crumbling, at an alarming pace.

The past year has seen constant debate among Hong Kong's ruling elite, led by Chief Executive Tung Chee-hwa, over the adoption of so called "anti-cult" and anti-subversion laws. These laws, analysts and observers note, would give legal grounds for Hong Kong to ban and suppress religious and other groups deemed unfavorable by Beijing authorities, the most notable example being the Falun Gong. These laws, while allegedly patterned after France's anti-cult

laws, go far beyond their European counterparts in both their intention and scope.

As we speak, a second matter in Hong Kong is of perhaps even greater immediate concern. Sixteen practitioners of Falun Gong are at present being put through a show-trial, officially labeled a “criminal trial,” for allegedly disrupting social order this past March when they supposedly “obstructed a sidewalk” by meditating and are accused of “attacking the police.” The location was outside the Chinese—that is PRC—Government Liaison Office in Hong Kong. Of the 16, fully 4 are Swiss nationals. The group was forcefully arrested without any warrant by Hong Kong police. However, eyewitness reports and video documentation reveal that it was actually the police who obstructed the sidewalk and attacked persons. The footage which is available online, shows the peaceful meditators in two short, orderly rows, taking up a 7-square-meter spot in a 140-square-meter open area, and being overwhelmed by throngs of police, probably several dozen, and choked, gouged in the eyes, and jabbed in their pressure points as they are removed to police vans.

What is significant is that the arrests and removal took place reportedly under pressure from the Liaison Office; the office was irate that Hong Kong citizens and foreign nationals would demonstrate outside its premises against human rights abuses in the PRC; irate, that is, that they would dare use Hong Kong’s constitutionally-enshrined freedoms of assembly and speech to embarrass the ruling Beijing regime.

The significance of this show trial cannot be understated. CNN recently reported that the trial has “raised concerns that the ‘one country, two systems’ policy is eroding, and that Hong Kong is beginning to yield to pressures from the mainland.” What astute observers realize is that pressure from Jiang Zemin to restrict Falun Gong from Hong Kong is jeopardizing a once-proud legacy of freedoms and just legal system. The trial is very much a litmus test, a touchstone, if you will, for democracy and rule of law in Hong Kong. The very existence of this trial marks the negation of rule of law in the Hong Kong SAR, and the beginning of the end. Legal analysts say that this trial never should have happened to begin with. It marks the arrival of the “rule of Jiang” and the departure of rule of law. This is something Hong Kong cannot afford, and this is something the free world and America cannot afford.

I would like to suggest, in closing, that this situation in Hong Kong must assume a much greater importance for United States leaders. We have already seen in the past year and a half, on two occasions, scores of Americans and citizens of other nations being barred from entering Hong Kong due to their beliefs—they practiced Falun Gong; we learned, to our horror, that they were on a blacklist, presumably assembled by the PRC. Now we see a show trial being used to discredit a peaceful group of meditators, and second to justify the harsh, repressive legislation that is in the works and that will appease Jiang and the Beijing authorities. This is rule by fiat, or rule by Jiang, manifesting in Hong Kong. This is something we need to pay attention to and we need to address, with all due seriousness.

Thank you for your attention.

[The prepared statement of Mr. Zhou appears in the appendix.]
Mr. WOLF. Thank you very much.

The last presentation is by Kathy Polias, who is co-director of the Uyghur Human Rights Coalition.

**STATEMENT OF KATHY POLIAS, CO-DIRECTOR, UYGHUR
HUMAN RIGHTS COALITION, WASHINGTON, DC**

Ms. POLIAS. First, I would like to sincerely apologize for my lateness. I actually came here to talk about the role of United States corporations in the Xinjiang Uighur Autonomous Region.

But, first, I would like to say a few words about September 11 and how it has impacted the Uighurs. As you might know, the Chinese Government has used the events of that day to portray the Uighurs to the international community as violent terrorists, Islamic fundamentalists. They have also used it as a justification to intensify their crackdown on the Uighurs and to portray it as part of America's war on terrorism.

Fortunately, the United States Government has expressed to the Chinese Government that we do not consider the Uighur dissident movement to be a terrorist movement, and we do not want the events of September 11 to be used as an excuse to oppress innocent people.

But the crackdown is continuing pretty severely, and we would really like to ask Congress to pass a resolution strongly condemning what the Chinese Government is doing and how it is distorting America's global war on terrorism. We really appreciate everything that the United States Government has done till now, but more is really needed.

Second, I would like to talk about what I came here to talk about, the role of U.S. corporations in the region. As you know, Xinjiang has large oil and gas reserves and many United States companies have invested in the region because of that.

Recently, Exxon-Mobil joined an international consortium that is being led by Royal Dutch Shell to assume a 45 percent stake in a huge gas pipeline from the Tarim Basin in Xinjiang to Shanghai.

This project is the second largest project in Chinese history, after the Three Gorges Dam. It is going to pass through 10 provinces. The consortium is forming a joint venture agreement with PetroChina, which is one of China's largest oil and gas companies.

The problem is, with past economic development in Xinjiang, the Uighurs have not been the ones who have benefited. The Chinese Government systematically discriminates against the Uighurs in employment in favor of Chinese migrating from inland.

The rate of unemployment among the Uighurs is very high. We would like to ask the United States Government's help, or more specifically the Congressional-Executive Commission on China, to help us in urging Exxon and other United States companies that get involved with oil and gas activities in Xinjiang to reverse this trend by implementing job training programs for Uighurs and by assuring that the majority of the jobs go to the local people.

Exxon and other companies profess a commitment to giving back to the communities that they work in, but we are concerned that they are going to be pressured by the Chinese Government to do otherwise.

In addition, we would also like them to contribute to building infrastructure in Xinjiang, including schools, hospitals, and roads.

That is basically what I wanted to say. I thank you very much for the time.

Mr. WOLF. Thank you very much.

I will begin with the questions. My first question is to Mr. Saydahmat. Regarding the decision at Xinjiang University to end instruction in the Uighur language, could you explain, or do you know, why the decision was made now rather than several years ago? Did something happen to instigate a change in policy now?

Mr. SAYDAHMAT. I was a graduate from Xinjiang University in 1992, and I was an instructor in the Xinjiang University. I was teaching Uighur students in Uighur on western European philosophical history. At that time when I was an instructor, school officials had already many times talked to me, approached me, to teach my subject in Chinese and I rejected it.

The Xinjiang University, to my knowledge, is one of the oldest universities, established in 1924. It has tens of thousands of Uighurs who have graduated from that university.

There is already a Medical Institute, Polytechnic Institute, Agriculture Institute, and art and law schools that have already converted into Chinese teaching. Xinjiang was the last university that still continued teaching in Uighur.

I think the Chinese, after they joined the WTO, already feel comfortable with international organizations and they had achieved what they wanted, and they had a free hand now. After September 11, they had the other support which labeled all Uighurs as terrorists, in collusion with the United States and all Western countries. That has fueled the fire and prevented Uighurs from having higher education, to have education in their language.

So I feel like there is absolutely a trend of distrust and cultural genocide. This is a challenge to world civilization in which every people group, ethnic people, has for education in their own language. This has put the Uighur people on the path of destruction.

Mr. WOLF. Thank you.

Mr. Togochoog, you talked about the Chinese Government's threat to the maintenance of traditional culture. What is the threat that they see from Mongolian people and Mongolian culture?

Mr. TOGOCHOG. The Inner Mongolian Autonomous Region was established in 1947 under the Chinese Communist Party's instruction. Then after that, during the Cultural Revolution, there was a big genocide in Inner Mongolia which is still unknown to the world.

During that 10-year period, according to the Chinese official data, there were 700,000 Mongolian people who were sent to jail, tortured, and maimed and 162,222 were people killed. This is Chinese official data.

After that, government authorities cracked down on a lot of peaceful student movements and civil movements. But because of the Chinese Government's policy, the situation in Inner Mongolia was really unknown to the world.

After that, during the 1990's, more than 100 ethnic Mongolian people were arrested because of the promotion of Mongolian culture and Mongolian basic human rights.

Mr. WOLF. Thank you.

Next will be John Foarde, the Deputy Staff Director on the Commission.

Mr. FOARDE. Thanks to all of you for coming and sharing your views with us today.

I would like to address this question to Ms. Shea, if you do not mind. A little bit more detail, please, on Mr. Tegexi. What was he doing at the time of his detention in 1995? What was his job?

Ms. SHEA. He was an instructor at the Inner Mongolian University in Mongolian language, I believe.

Mr. FOARDE. All right. So he was a State employee, in the sense that he was working in a public university, but teaching Mongolian language. Is that correct?

Ms. SHEA. Right. I believe so, yes.

Mr. FOARDE. Let me ask for just one other detail.

When you write letters to the Chinese officials, do you write them in English?

Ms. SHEA. We do, because we do not have anybody that speaks Chinese.

Mr. FOARDE. Do you think it would be better to communicate with Chinese officials if you were able to either write the letters, or have them translated into Chinese?

Ms. SHEA. I imagine it would be.

Mr. FOARDE. Do you think that this has any impact on the reason you have not heard a response from the Chinese Government or Chinese officials?

Ms. SHEA. I do not know. I really do not know how critical that is. We are a small volunteer group. I do not know how we would manage that. Whether it would make any difference, I do not know. Maybe somebody who is more familiar with the Chinese Government would know how critical that is.

I guess my philosophy has been that we do what we can. Even though the person who is getting my letter may not be able to catch all the subtleties, I try to underline Mr. Tegexi's name, I repeat it often. I try to keep the basic information very clear so that my basic point is stated as clearly and simply as it can be.

Mr. FOARDE. Just a final detail on the letter writing campaign. You said that each letter from the individual volunteer is different than other ones, although they all have a couple of common themes. I take it that those are themes that you, as the group coordinator, help them with.

Ms. SHEA. Right.

Mr. FOARDE. But each letter is not identical.

Ms. SHEA. No. No, not at all.

Mr. FOARDE. I would go to Professor Zhou, please, to ask a couple of questions about the proceedings in Hong Kong against the Falun Gong practitioners.

Are the 16 practitioners that are on trial in Hong Kong represented by legal counsel?

Mr. ZHOU. Yes, they are. They have their attorneys.

Mr. FOARDE. And the attorneys were chosen by the practitioners themselves and not by someone else?

Mr. ZHOU. I believe the attorneys were chosen by practitioners themselves. However, the judge was selected by the government. Also, there is no jury in the trial. Thus, the final judgment was to-

tally up to the judge. It has happened that the defense attorney had requested the judge step down, citing a clear bias toward the prosecution and an apparent hostility toward the defense. But the judge rejected the request.

Mr. FOARDE. Let us assume that in these legal proceedings, which I take it are public and open to public scrutiny, that if these 16 people are convicted of the charges against them, what would be the maximum penalty for each individual under Hong Kong law, do you know?

Mr. ZHOU. I am not quite sure. I heard it might be up to 2 years.

Mr. FOARDE. Two years in prison?

Mr. ZHOU. In prison. That was what I heard.

Mr. FOARDE. A question, please, to Mr. Saydahmat. Are Uighur language educational materials still published in the autonomous region? Are they still available or has publication totally ceased? Are all educational materials now in the Chinese language?

Mr. SAYDAHMAT. I think the publication is still there, but they have censorship. Since September 11, they have already labeled 330 titles of publications as problematic and suspicious of the content, and then burned them in public. Then they proclaimed that they teach in Chinese because of a shortage of books. On the other hand, they are burning them, using censorship, and not letting them be published.

I think they are giving the reason that they are teaching Chinese because it improves education and helps people be more open to scientific books and information. But their intention was to put people on the path to destruction and to restrict Uighur language teaching, which is going to end up as a kind of cultural genocide.

There are publications, but they are getting less. I believe, if this kind of trend continues and there is going to be in the future a shortage, there will be no need to publish anything in the Uighur language.

Mr. FOARDE. Thank you all.

Mr. WOLF. Thank you.

Next will be Matt Tuchow from the office of Congressman Sander Levin.

Mr. TUCHOW. My first question is for Mr. Togocho. I wanted to ask you about Inner Mongolia and whether there are any issues regarding publication of books in the Mongolian language in the Inner Mongolian Autonomous Region.

Mr. TOGOCHOG. Yes. Since 2 years ago, there have been at least more than 10 Mongolian books being banned. Those books were not really related to political issues. Some of them are just regular books just expressing the desire for freedom.

For example, just last year, two authors, one is called Mr. Ulziitogtah, another is called Mr. Unag, published a book called "I Am From Har-Horom." Har-Horom was an ancient Mongolian capital, now located in the independent country Mongolia. In the book they say, "We are Mongolian. We are real Mongolians. We came from Mongolia." Now, that is the problem for which the Chinese Government banned this book, and the two authors were detained for several weeks.

For example, another magazine which was published in Mongolian in 1992 is called Voice of Mongolia. This magazine was actu-

ally published by Mr. Hada, who is now in prison for 15 years. That magazine was banned in 1995, after the arrest of Mr. Hada and the crackdown on the Southern Mongolian Democratic Alliance.

Mr. TUCHOW. Are there any universities in Inner Mongolia?

Mr. TOGOCHOG. Yes. There are the Inner Mongolia University, an Inner Mongolian Industrial University, and the Agricultural and Animal Husbandry University. But there are few Mongolians there. Right now, it is maybe 10 percent that are Mongolian students and around 90 percent are Han Chinese students.

Mr. TUCHOW. And are any of the courses taught in the Mongolian language there?

Mr. TOGOCHOG. There are some courses. I was a graduate from Inner Mongolia University, Mongolian Literature and Linguistic Department, which was taught in Mongolian. But we had to learn Chinese ancient literature and Chinese contemporary literature. That is actually not really every course in Mongolian. It is just symbolic.

Mr. TUCHOW. Thank you.

The next question is to Mr. Saydahmat. I wanted to ask, following up again on the situation at Xinjiang University. What percentage of the students are Uighur?

Mr. SAYDAHMAT. I emigrated to the United States in 1988. When I was an instructor at the university, there were about 50 or 55 percent Uighur students and the rest were Chinese.

Mr. TUCHOW. Do you know what the figure is today? Is it more Han Chinese?

Mr. SAYDAHMAT. I assume so, but I do not have that information.

Mr. TUCHOW. When you say there is no instruction in the Uighur language, is that meaning for all persons, or can someone go to the Xinjiang University to study the Uighur language?

Mr. SAYDAHMAT. That is for all the courses.

Mr. TUCHOW. That is it?

Mr. SAYDAHMAT. Yes. That is all the courses that are taught in Uighur. If you are an instructor and you are not doing that, then you are fired. I am looking at it this way. Think about a university, society, or ethnic group and how long it takes to build a university, to have qualified professors, how much money you have spent, how many years you had to wait for the people to grow up and qualify for the teaching.

If you ban all the teachers teaching in Uighur and fire all of the professors, and one day the world says, rebuild Xinjiang University and teach the Uighurs, I do not know how much money and how much time it will take.

Mr. WOLF. In May, I was at Xinjiang University. The student population is still about 50 percent Uighur today and 50 percent Han.

Next is Holly Vineyard, who works at the U.S. Department of Commerce for one of our Commissioners, Under Secretary of Commerce Grant Aldonas.

Ms. VINEYARD. Thank you all for coming forward to testify today.

Derek, I was struck by the note of optimism in your testimony, especially related to China's accession to the WTO. I was wondering if you could share with us any comments or attitudes that

you picked up while you were in China from your fellow students regarding China's entry into the WTO.

Mr. WONG. Well, I think with the increased globalization of China, one of the things that Chinese students are focused on is learning English. It's a requirement at universities. It's becoming a requirement at secondary, and even primary schools now.

So, a lot of the local students would want to meet Americans or other foreign students just to learn English or learn other languages. They are curious about how we live back home. A lot of them obviously express interest in studying abroad. Unfortunately, the opportunity is not always there.

Ms. VINEYARD. I was wondering if anyone else on the panel had also encountered attitudes about the WTO as being related to bringing about positive change. Mr. Zhou, would you care to comment?

Mr. ZHOU. Yes. China's admittance to the WTO should not be taken by the Communist leadership as the acquiesce from the international community in its human rights abuses, nor should it become an excuse for more brutality and suppression. The international community should not neglect the human rights and rule of law situation in China, including Hong Kong, and should urge the Chinese Government to stop the human rights abuses against their own citizens.

Mr. WOLF. Thank you.

The final questions will come from Alison Pascale, who works for Senator Carl Levin.

Ms. PASCALE. Hi. Thank you.

I wanted to ask a broader question of anyone on the panel who might have given some thought to this. What is the most effective pressure you think that can come from the United States Congress or the United States Government to try to effect change within the Government of China?

We have this Congressional-Executive China Commission that was established when we voted to grant China PNTR [permanent normal trade relations] as a way to keep pressure on China regarding human rights and rule of law, and those types of things.

Right now, we are developing our first report and our recommendations and we want to think of the most effective things that we can say and do. I wanted to ask the panel for their ideas on what would be most useful, such as providing resources for more judicial training in China, maintaining lists of political prisoners, doing exchanges with our Secretary of Labor.

Have you thought of certain things that you think we can do as a Congress or a government that will be effective in getting some kind of positive response from the Government in China?

Mr. WONG. I read a recent report that the Chinese legal system is trying to create a more independent judiciary. I think that one of the things we can do is send legal experts over there to help train them, not only in the creation of laws, but also in enforcement.

Uniform enforcement of laws is one of the biggest contradictions in China throughout the local regions where the central government may say one thing, but it's not enforced in the local regions. I think that having the legal experts in the United States, we can

send them over there and we can actually effect some sort of change.

Mr. ZHOU. May I say something?

Ms. PASCALE. Please.

Mr. ZHOU. I heard a story that was widely reported in January 2002, and think it may give people a sense of the situation of rule of law in China.

It was reported that a Hong Kong businessman was sentenced to 2 years in prison in China for smuggling several thousand Bibles into the mainland. The charge leveled against him was that he violated the so-called "anti-cult law,"—the Chinese Government somehow thought that the Bibles he smuggled in were cult materials.

Where did this anti-cult law come from? It was rushed through the Chinese legislature in October 1999, 3 months after the persecution of Falun Gong started, and was enacted specifically to persecute Falun Gong at the time. It was, indeed, applied retroactively to justify the persecution. And it has later been used to persecute Christian "house churches" and other faith groups.

As we can see, the Communist regime can simply make up laws to justify their unconstitutional human rights abuses.

So the fundamental problem is not whether China has law, or rule of law. They do. Jiang Zemin is the law in China, and the Communist dictatorship is the rule of law. They can simply violate the laws, and even make up laws to justify their illegal persecution and brutality. Also, they exert pressure even on the people and governments from the democratic society to let them bend their democratic values and moral principles.

For example, this pressure even can be felt in the United States now, as was mentioned in the U.S. Concurrent Resolution 188 that was passed unanimously in the House. The resolution condemned not only the persecution of Falun Gong in China, but also the harassment and threats against United States citizens and local government officials who support or practice Falun Gong in the United States.

The fundamental problem is that China's communist regime is a dictatorial state that is committed to the suppression of freedom of belief; the suppression of freedom of the press; and the suppression of legal rights; and it makes liberal use of forceful indoctrination, violence, and fear in order to terrorize and dominate ordinary citizens. These traits are precisely those that identify a terrorist state as such.

This fundamental problem of lawlessness and state terrorism in the PRC must assume much greater importance for U.S. policy-makers.

After all, when a leader attacks his own citizens who are peaceful, non-violent, and good people, what will that leader do on the world stage? Could we possibly expect him to have any greater regard for the lives of good citizens in other nations?

Ms. PASCALE. But what would be your recommendations as to how to effect change, maybe introducing resolutions that condemn those actions?

Mr. ZHOU. I think the U.S. Government should voice more on the human rights issues in China, and the voice is definitely powerful. It puts pressure on the regime to prevent them from doing what-

ever they want to abuse the rights of their own citizens and export the persecution abroad. I believe that the voice from the U.S. Congress can help.

Mr. WOLF. Go ahead. The last word from you, Kathy.

Ms. POLIAS. I just wanted to add that this is not to so much to do with China itself, but the countries surrounding China. There has been a huge problem with neighboring countries forcibly returning Uighur and Tibetan refugees—for Tibetans, Nepal, and for Uighurs, Kazakhstan and Kyrgyzstan.

We would really like it if the Commission could help advance asylum laws in these countries so that these refugees are adequately protected, and also look more into the impact of the Shanghai Six, which is an alliance that was set up between China, Central Asian countries, and Russia to help each other crack down on what they consider terrorist movements.

Mr. WOLF. All right. I would like to thank all of you for appearing here today. It has been very useful. As I said, this will all become part of the permanent record for the Commission.

For the rest of you, the roundtables that we have been holding will begin again in early September. The next open forum that we will hold like this will be on December 9.

So, thank you all very much. Today's session is over.

[Whereupon, at 3:31 p.m. the roundtable was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF ENHEBATU TOGOCHOG

AUGUST 5, 2002

Ladies and Gentlemen:

My name is Enhebatu Togochog and I am a native Mongol from Inner Mongolia. I am grateful to the Commission for giving me the opportunity to make this presentation about my homeland which I left for political reasons in 1998.

Inner Mongolia is home to 4.5 million indigenous Mongolian people and is that part of the historical Greater Mongolia which was ceded to China by Stalin following World War II against the wishes of the majority of the Mongol leaders in the region. Over the past 50+ years, the Chinese government policy encouraging Han Chinese population transfer into the region has turned the Mongols into a minority in their own lands and the ratio of Han Chinese to Mongols today is 5:1. The pattern of repression of the Mongols over this 50 year period has been documented elsewhere so I will restrict my comments to the current human rights situation. In the addendum of the written report, I have provided additional examples and references. I will bring to the Commission's attention two specific cases. The first concerns two individuals, Mr. Hada and Mr. Tegexi and the second, the forcible displacement of Mongolian herdsman from their traditional pasturelands.

The first individual is Mr. Hada who was born in eastern Inner Mongolia's Horchin Right Wing Front Banner (banner is a geographical designation). In May 1992, Mr. Hada and other Mongolian students and intellectuals established the Southern Mongolian Democratic Alliance (SMDA), with Mr. Hada as President. The mission of this organization was to promote and preserve Mongolian language, history and culture and to peacefully find ways to obtain greater autonomous rights for ethnic Mongols in the region as guaranteed by the Chinese constitution. In December 1995, the authorities denounced the Southern Mongolian Democratic Alliance as an illegal organization "engaging in separatist activities" and arrested Mr. Hada along with more than 70 members and demonstrators. In December 1996, Mr. Hada was sentenced to 15 years jail for "separating the country and engaging in espionage." Currently, Mr. Hada is serving his sentence in Inner Mongolia Jail No.4 at Chifeng City. Hada's wife, Ms. Xinna, and young son Uiles have been subject to police intimidation and allowed only limited visitation rights. According to Ms. Xinna, because of the hard labor and constant torture by the police and inmates, Mr. Hada's health condition is extremely poor. Ms. Xinna has also reported that Mr. Hada was beaten by inmates with rubber clubs provided by prison guards and on two occasions, a gun was held to his head by a prison official who threatened to kill him. Equally disturbing, in June 2001, the "Mongolian Study Bookstore" owned by Ms. Xinna was shut down and denounced as an "illegal business" by the authorities. Mr. Hada's wife and young son have been denied the right to pursue a livelihood.

Mr. Tegexi was born in Horchin Left Wing Rear Banner and was the Vice President of the Southern Mongolian Democratic Alliance. He was also arrested in December 1995. In December 1996, Mr. Tegexi was sentenced to 10 years jail for "conspiracy to subvert the government and separate the country." Currently, Mr. Tegexi's prison situation and health condition and even the prison location are unknown. His family members and friends have been denied the right to visit him.

The second case concerns the Chinese government's on-going coercive displacement of Mongolian herding populations. The Inner Mongolian grasslands were considered to be one of the finest natural grasslands in the world, perfectly suited for a herding lifestyle. However, according to the "Inner Mongolia Daily News," 81 percent of the territory of the Inner Mongolian Autonomous Region has turned to desert. The officials do not state that the decertification is primarily due to the intensive over-cultivation of the grasslands by the millions of Han Chinese farmers, as documented by scientific studies, but instead have made the Mongol herders bear the brunt of the new policies aimed to end the continuing decertification. The Chinese Government has recently adopted a new policy targeting Mongolian herding populations under the pretext of "giving rest to the grassland and recovering the eco-system." This policy is called "Environmental Immigration" (Sheng Tai Yi Min in Chinese) whose aim seems to be the relocation of the Mongolian herding populations from their native lands to overwhelmingly Han Chinese populated agricultural and urban areas. Over the past 2 years, at least 160,000 ethnic Mongolians have been forcibly relocated from their pasturelands. We see no mention of Han

Chinese farmers being relocated. The Mongolian herders who have already lost their homes, livestock and lands have been relocated with little regard to their social and other needs, nor has appropriate compensation been made for their losses. These policies are targeted to the wrong populations and their discriminatory nature are a violation of human and civil rights.

Members of the Commission, today, Mongols who struggle to maintain and promote their distinct culture continue to be subjected to harassment and intimidation. Recent cases of individuals arrested for distributing 'separatist' literature and another arrest for merely wanting to celebrate Chinggis Khan's birthday attest to the continuing pattern of repression. In addition, since 1998, at least 5 expatriate Inner Mongolians have been refused entry into China and forced to return directly from the airports in Beijing and Hong Kong, apparently for being associated in one form or another with individuals the Chinese government has blacklisted. We also know of 6 cases of expatriates (5 of them are United States green card holders and 1 of them is even a U.S. citizen) being detained, questioned and monitored by the authorities during their visit to Inner Mongolia.

Let me end by noting that recent releases of Tibetan political prisoners indicate that the United States government's dialog with China and international pressure in general regarding human rights issues can have some positive results. I would like to ask the commission to urge the Chinese government to: (1) Release Mr. Hada and Mr. Tegexi immediately and restore Ms Xinna's right to open and run her bookstore, (2) provide adequate compensation and social services to Mongols displaced by the anti-decertification programs and stop the upcoming larger displacements, and (3) allow expatriates to return to visit their friends and relatives. Finally, I request the commission to hold a special hearing devoted to Inner Mongolian human rights issues.

Thank you!

ADDENDUM

Details and References on Prominent Human Rights Violation Cases in Inner Mongolia

According to official Chinese data, from 1967-77, 346,000 ethnic Mongolians were arrested, tortured, maimed, and sent to jail; 16,222 Mongolians were killed during the Central Government's "Unearthing and Cleansing" movement (see attached document "Chinese Genocide Against Mongols").

In 1981, a 3-month long Mongolian student's peaceful protest against the Central Government's so-called No.28 document authorizing large-scale Han Chinese immigration into Inner Mongolia was harshly suppressed (see the attached "Crackdown in Inner Mongolia" and "Continuing Crackdown in Inner Mongolia" by Human Rights Watch).

In August 1987, two leaders of the student movement, Mr. Baatar and Mr. Bao Hungguang, were sentenced to 8 years jail for driving across the border and attempting to seek political asylum in the Mongolian People's Republic (see the attached "Crackdown in Inner Mongolia" and "Continuing Crackdown in Inner Mongolia" by Human Rights Watch).

In May 1991, Chinese authorities ordered a major crackdown on two Mongolian organizations, the Ju League National Culture Society and the Bayan Nuur League National Modernization Society. Mr. Huchuntegus and Mr. Wang Manglai, two leaders of these organizations, and 26 other members were arrested (see the attached "Crackdown in Inner Mongolia" and "Continuing Crackdown in Inner Mongolia" by Human Rights Watch). Later that year, Mr. Huchuntegus was sentenced to 5 years jail and Mr. Wang Manglai was sentenced to 4 years jail. In May 1991, Mr. Ulan Shovo, a professor at the University of Inner Mongolia, was arrested and later tried in secret and sentenced to 5 years jail for discussing the Inner Mongolian human rights situation with a foreigner (see the attached "Crackdown in Inner Mongolia" and "Continuing Crackdown in Inner Mongolia" by Human Rights Watch).

In 1995, Mr. Hada, President of the Southern Mongolian Democratic Alliance (SMDA), and Mr. Tegexi, Vice President of the organization, were arrested by the authorities along with 70 other members. In 1996, Mr. Hada was sentenced to 15 years jail for "separating the country and engaging in espionage," and Mr. Tegexi was sentenced to 10 years jail for "conspiracy to subvert the government and separate the country" (see attached document "Huhhot Municipal Intermediate People's Court's verdict on Hada and Tegexi"). More than 10 others were sent to labor camp for 3-9 months and many student members were expelled from their schools. According to Mr. Hada's wife Xinna, because of the hard labor and constant torture by the police and inmates, Mr. Hada's health condition is extremely poor. In her communication to the United Nations High Commission for Human Rights, Ms.

Xinna said that Mr. Hada was beaten by inmates with rubber clubs provided by prison guards in Inner Mongolia No.4 jail at Chifeng City. On two occasions, a gun was allegedly held to his head by a prison official who threatened to kill him (see the attached "The United Nations report on Hada"). Recently, Ms. Xinna has also revealed that the prison authorities have constantly demanded Mr. Hada sign his name on a prepared affidavit stating that Mr. Hada is suffering from serious heart disease.

In 1999, two writers, Mr. Narandalai and Mr. Chingdalai were arrested and tortured during 6 months detention. (see the attached report "Mr. Hada's 16 years old son arrested in Huhhot City," by SMHRIC, July 6, 2001).

In June 2001, the "Mongolian Study Bookstore" and "Mongolian Study Bookstore's Reading Club," both owned by Ms. Xinna, wife of Mr. Hada, were shut down and the documents about the reading clubs were confiscated for "the activities under the name of social association without authorization" (see the attached official document "The Document of Huhhot City Associations Registration Administration" and "Huhhot City Non-governmental Organization Register Administration Social Association Legal Status Checking Form"). According to Ms. Xinna more than 200 students who were members of the reading club were questioned and intimidated by the police. (personal communication Ms Xinna to me, July 15, 2001).

In May 2001, Mr. Dalai, known as Bao Xiaojun was detained for several weeks just for "trying to celebrate Genghis Khan's Birthday" in western Inner Mongolia (see the attached report "An Inner Mongolian dissident arrested because of the Genghis Khaan celebration," by SMHRIC May 18, 2001).

In June 2001, Mr. Altanbulag, and Badarangui, two musicians, were detained for several months for "distributing separatists' document" which were in fact some open letters published on the Internet regarding Inner Mongolian human rights situation (see the attached report "Two Inner Mongolian Musicians Arrested," by SMHRIC June 8, 2001).

The statement that 81 percent of the whole territory of the Inner Mongolian Autonomous Region has become eroded and turned to desert is a quote from "Inner Mongolia Daily News" newspaper (July 14, 1995). The claim that the decertification is due to the intensive over-cultivation is taken from "Grasslands and Grasslands Science in Northern China" (page 70, Washington, D.C. 1992, by the United States Committee on Scholarly Communication with the People's Republic of China (CSCPRC)).

Relocation of the Mongolian herding populations from their native lands to overwhelmingly Han Chinese populated agricultural and urban areas is documented in the attached document "Inner Mongolian Autonomous Region Shilin-Gol League's (Xi Lin Guo Le Meng) Provisional Regulation on Implementing the Policies of Strategic Encircling and Transferring").

... Over the past 2 years, at least 160,000 ethnic Mongolians have been forcibly relocated from their pasturelands. We see no mention of Han Chinese farmers being relocated ... (see the attached document "A Complaint Against Chinese Government's Forced Eviction of Ethnic Mongolian Herders" by SMHRIC). "... The Mongolian herders who have already lost their homes, livestock and lands have been relocated with little regard to their social and other needs, nor has appropriate compensation been made for their losses. ..." (see the attached document "Bagarin Right Banner ("Ba Lin You Qi" in Chinese) People's Government Document" and "A Complaint By Bayan-Khan Township's Zuun Khar Mod Gachaa and Khoroochin Gachaa's Herders in Bagarin Rights Banner).

According to the Chinese official news CCTV (China Central Television), starting from this year, 125,000 people will be displaced from their pasture land in eastern Inner Mongolia's Chifeng area. (see the attached document "Inner Mongolia's Largest Environmental Immigration Project Starts" and its original Chinese version "????????????????", June 5, 2002, by CCTV and An Hui Online on June 4, 2002) In December 2001, Mr. Ulziitoghtokh and Mr. Unag, co-authors of a book called "I Am From Khara-Khorin," were detained by the authorities for expressing their pro-Mongolian national sentiments through the book (see the attached report "Inner Mongolian Poet and Author Persecuted by the Authorities" by Radio Free Asia on December 5, 2002).

July 2002, Ms. Toli, wife of the President of the Inner Mongolian People's Party, an exile organization based in the United States, was refused entry at Beijing Airport and deported. Since 1998, at least 7 expatriate Inner Mongolians have been refused to enter China and forced to return directly from the airports in Beijing and Hong Kong or detained and questioned after their visits to Inner Mongolia because of their personal relationships with some members of Inner Mongolian exile organizations (see the report "Mongolian dissident's wife deported from Beijing" and "Today's special report" by Radio Free Asia on July 25, 2002); among these 7 Inner

Mongolians, 1 is a permanent resident of Germany, 5 are United States green card holders and 1 of them is a U.S. citizen.

PREPARED STATEMENT OF CHRISTINE SHEA

AUGUST 5, 2002

Amnesty International Group 284 has been working on the case of an Inner Mongolian citizen named Tegexi since 1997. Tegexi is 36 years old and has a wife and son. Prior to his arrest, he was employed at the Inner Mongolian Bureau of Foreign Affairs. He has a Master's Degree in Mongolian.

Tegexi was arrested on December 12, 1995. His arrest came as a result of his involvement with an organization called the Southern Mongolian Democratic Alliance. The group's aims were to promote human rights, Mongolian culture, and a high degree of autonomy for China's minority nationalities. This autonomy is guaranteed in the constitution of the People's Republic of China.

According to reports, an internal document circulated by the Chinese Communist Party identified Tegexi and other alleged members of the SMDA as "nationalist separatists" and called the SMDA a "counter-revolutionary organization that is carrying out activities aimed at splitting the nation." A number of others were arrested at about the same time as Tegexi, and protest demonstrations were held at the Mongolian Language College following these arrests. Eventually, all of those detained were released, with the exception of Tegexi and Hada, who was the proprietor of a local bookstore.

On March 9, 1996, Tegexi and Hada were formally arrested and charged with "conspiring to overthrow the government" and "espionage." They were brought to trial and sentenced on December 9, 1996. Tegexi was sentenced to 10 years in prison and Hada to 15 years imprisonment.

Amnesty International considers Tegexi to be a prisoner of conscience, detained solely because of the peaceful exercise of his right to freedom of expression and association. He has not used or advocated violence. Following Tegexi's arrest and sentencing, Amnesty International researchers investigated his case. Once they had determined that he was a victim of human rights abuses and that he had not used or advocated violence, local groups were asked to "adopt" his case. Group 284 agreed to work on Tegexi's behalf. Local groups in the Netherlands, Germany, and Portugal have also adopted Tegexi's case.

As an Amnesty International group, our concern is not based on Tegexi's beliefs or political affiliation. We believe that Tegexi, like everyone else, has the right to peacefully express his beliefs and to associate with others who share his beliefs. The primary tool that we use in advocating for Tegexi is the personal letter. Our group has written hundreds of letters to various government officials since 1997. Each letter states that Tegexi is imprisoned for the peaceful exercise of his basic human rights and asks that he be released from prison immediately and unconditionally. Although each letter is unique, these two core ideas are always included.

Our work on Tegexi's behalf has several facets. During our monthly meeting, each member of the group writes at least one letter on Tegexi's behalf. A typical meeting may be attended by between five and ten people. The group's quarterly newsletter also includes information on Tegexi's situation and readers are asked to write a letter. The mailing list includes approximately 100 people. Finally, the group occasionally sponsors special events, such as an annual Write-a-Thon. Tegexi's case is included in letter writing actions during these events also.

The case coordinator is the one who decides how letter writing will be targeted. Amnesty International provides case coordinators with a support network of country experts. In addition, e-mail information and occasional updates from the London office help the coordinator to develop a strategy for each case. In our work on Tegexi's case, we have written to both local and national Chinese government officials. We have also written to our elected representatives and officials at the United States Department of State.

Letter writing to Chinese government officials is coordinated, so that one or two officials are targeted each month. On the national level, we have written to President Jiang Zemin on several occasions. We have also written to other national officials such as the Vice President, the Premier, the Minister of Foreign Affairs, and the Minister of Justice. If possible, copies of letters are sent to the Chinese Ambassador in Washington, DC, and we have written directly to the Ambassador.

On the local level we have sent letters to the Chairwoman of the Government of the Inner Mongolian Region, the Secretary of the Party Committee in Inner Mongolia, and the Chief Procurator of the Inner Mongolian Region. In addition, we've

written to prison officials, such as the Director of the Regional Bureau of the Reform-Through-Labor Administration, and the directors of the prisons where Tegexi has been detained.

Unfortunately, we have never received a reply to any of our letters to Chinese officials. However, prisoners who have been released from Chinese prisons have reported that letters to officials did seem to have an impact. One former prisoner, Wei Jingsheng, said that he believed that the letters sent by Amnesty International groups affected his treatment in prison. He also said that although he never saw these letters, he did learn of their existence and that "the mental inspiration this gave me greatly surpassed any small improvement in my living conditions."

Another facet of our work on Tegexi's behalf has involved requests for assistance from United States government officials and elected representatives. Our group sent letters and e-mails to Presidents Clinton and Bush concerning Tegexi. These letters preceded Presidential visits to China. We also wrote to Secretary of State Albright before she traveled to China. In each of these letters, we requested that Tegexi's case be brought up during discussions with Chinese officials.

We have received replies from the White House and from the State Department. In February 2001, Christopher Sibilla, from State Department Office of Bilateral Affairs, wrote that they "have been following closely the case of Tegexi," and that the State Department "views this case as a source of continuing concern." However, we do not know if President Clinton, President Bush, or Secretary Albright discussed Tegexi's case with Chinese officials.

Group 284 also wrote to our elected representatives asking them to adopt Tegexi and write letters on his behalf. We have written to Senators Paul Sarbanes and Barbara Mikulski, and Representatives Wayne Gilchrest and Steny Hoyer. We received replies from the offices of the elected officials, and although they were sympathetic to Tegexi's case, none were willing to write letters on his behalf. Senator Sarbanes forwarded our letter to the State Department, as did Senator Mikulski. Senator Mikulski also sent a copy of our letter to the Chinese Ambassador.

During the past year, we have sent occasional letters and cards to Tegexi in prison. We have never received a reply and we do not know if he receives the letters. We send simple messages of hope and support. Our hope is that, even if the letters are not delivered to Tegexi, they will let prison officials know that he has not been forgotten.

This message, that Tegexi has not been forgotten, is the essence of our work. Despite the unresponsiveness of Chinese officials, Group 284 has continued to write to them consistently for the past 5 years. We hope that our work will help Tegexi to be released, but we also hope that the consistent pressure will prevent others from suffering as Tegexi has suffered.

PREPARED STATEMENT OF SOKRAT SAYDAHMAT

AUGUST 5, 2002

As the representative of the Uyghur American Association, I am here to raise two troubling issues that indicate trends away from civil society and toward the cultural genocide of the people of East Turkistan, a.k.a. Xinjiang Uyghur Autonomous Region. Despite the constitution of the Peoples Republic of China and laws that are supposed to guarantee and protect the non-Chinese peoples, new regulations have been enacted that ignore their rights and place the Uyghur people on a path to oblivion.

The first regulation of concern is the recent change to Xinjiang University that prohibits the Uyghur language in the classroom. Identified as needed for improving the standard of education, the Chinese government has extinguished the source of higher education the language of a civilization that stretches back to the 9th century. The Uyghur language and script have been used for over a thousand years and has documented religious texts on Buddhism, Christianity and Islam and the rich culture of Central Asian Turkic peoples. For the Chinese government to ban higher level instruction and thought is insulting to the Uyghur people on the grounds of 'improving education.' Such a policy change should be seen for the malevolent act it represents, the beginning of the purposeful destruction of Uyghur language and culture.

The second policy maintains the same goal, banning and burning Uyghur language books that disagree with today's Chinese government opinion. A total of 330 titles have been deemed problematic and witnesses in Kashgar have watched while thousands of literary and scientific works were burned this past June (2002). These books have such titles as, "Ancient Uyghur Craftsmanship," and "A Brief History

of the Huns and Ancient Literature.” Although the Chinese government once approved of the publication of these works, they are now deemed too controversial to read. We believe that the change in policy represents another facet of the purposeful destruction of Uyghur language and culture. It should also be noted that another reason given by the Chinese government authorities for ending Uyghur language instruction in Xinjiang University was a supposed lack of textbooks. How can someone ban and publicly burn books on one hand while declaring the cessation of Uyghur language instruction based on the lack of books?

We have raised concrete examples reported in the media that demonstrate that the Chinese government violates human and civil rights guaranteed under various United Nation instruments as well as the laws of the Peoples Republic of China. We would ask for an open, unfettered referendum to determine the future of the people of East Turkistan, by the people of East Turkistan.

The Uyghur people, language and culture are under attack and the Uyghur people must watch helplessly and alone as the Chinese government authorities continues the devastation.

We implore the United States government to put teeth into the United Nation Commission on Human Rights in Geneva. Please staff and fund the effort to raise issues at least as much as the Chinese government spends to table it.

Twelve million Uyghur people need a friend. We also implore the United States government to create and fund a position of Special Coordinator for Human Rights in East Turkistan, much as been created to assist the Tibetan people.

There are many problems that need to be solved in East Turkistan, but we hope that the visibility produced by these two suggestions will cause more of the problems to be solved and for conditions to improve for our people.

Thank you for your time and attention to this important matter.

PREPARED STATEMENT OF DEREK WONG

AUGUST 5, 2002

Thank you for the opportunity to speak at this open forum. My name is Derek Wong, and I am a student at the University of Pennsylvania. I speak today not as an expert on China or U.S.-China relations, but as a Chinese-American who has had first-hand experience with the Chinese educational system. The purpose of my presentation is to advocate further educational and academic exchanges between the two countries, and to discuss the ways in which these exchanges can contribute to the promotion of human rights and the rule of law in China.

During the fall of 2001, I studied for a semester at the prestigious Tsinghua University in Beijing. My program was unique in that I was able to enroll in classes with Chinese students, as opposed to the majority of study-abroad programs in China, which limit foreign students to language classes and “island programs,” often taught in English. While I took a variety of humanities courses in history, international relations, law, and moral ideologies, the underlying premise of Marxism was evident throughout each of the courses, although in varying degree.

What soon became apparent to me was the lack of understanding some Chinese students and professors have of the United States. To be fair, the same could be said of their American counterparts. Some of my Chinese professors had studied or taught in the United States, and it was evident in their teaching. Other professors lectured with an obvious bias against the United States and Western society in general—it was clear that they had little, and many times an incorrect, understanding of our country.

In an informal poll I conducted of students at three top universities in Beijing, the majority of respondents said they based their opinions of the United States primarily on reports from the Chinese news media. Most of the students admired American affluence and lifestyle, and indicated that given the opportunity they would want to study in the United States Yet they were also highly critical of President George W. Bush and his policies toward China and Taiwan, accusing the U.S. Government of being hegemonic and overly aggressive in its foreign policy.

This dualistic attitude was illustrated in the Chinese reaction to the events of September 11th. Immediately after the attacks, there was an air of shock, as well as regret for those who died in Washington and New York, some of whom were Chinese citizens. Chinese President Jiang Zemin was one of the first world leaders to offer his condolences and condemn the terrorist attacks. Yet in the days and weeks that followed, each action by the Bush administration was criticized by my professors and fellow classmates—not to mention the media—as a subtle mistrust of the United States became evident. During one lecture, a number of students applauded

as a photograph was shown of a plane crashing into one of the twin towers. I was stunned as I realized that the sentiment among some students was that the United States got what it deserved.

With China's accession to the World Trade Organization, change is on the horizon. Use of the English language in all parts of society is becoming increasingly important. Additionally, Beijingers are eager to learn simple English phrases in anticipation of the 2008 Summer Olympic Games. Students at top universities in China are required to study English or another foreign language, a requirement which is spreading to secondary, and even some primary schools. Many wealthier Chinese families hire English tutors for their children, or enroll them in language learning centers.

The increasing globalization of China presents a golden opportunity for the United States to play an active part in promoting human rights and the rule of law in China. Many Americans possess skills and expertise in law, language training, and other areas that are in high demand in China. When Chinese students and academics come into contact with their American counterparts, there is an exchange of information, ideas, and beliefs. The result of these exchanges was evident by listening to the varying lectures of Chinese Professors who had lived in the United States compared to those who had not. During my semester in China, I had a number of candid discussions with classmates about Sino-American relations and so-called "Western values." These conversations were mutually beneficial in helping us gain an understanding of each other's culture. I got the sense that some of my classmates did not give into the Marxist ideals that are the basis for education in China, and had an interest in learning about other ideologies, including Western systems of democracy.

Several faith-based organizations are already taking advantage of China's need for English language instructors. Although they do not use religious or political materials in their classrooms, the personal relationships they forge with students are every bit as effective in promoting values we as Americans hold dear. While U.S. embassies and consulates in China issue thousands of student visas each year, many more are turned down for various reasons. Clearly we cannot accept all Chinese students who wish to study in the United States, but we can bring American education to China, and with it, our understanding of human rights, liberties, and freedoms. One such example is the Hopkins-Nanjing Center for Chinese American Studies, which is jointly administered by Johns Hopkins School of Advanced International Studies and Nanjing University. It offers classes in Chinese for international students, and in English for Chinese students in a variety of social sciences, such as history, economics and Sino-American relations. Additionally, American students are typically paired with a Chinese roommate, allowing for daily exchange of ideas and opinions between these students.

The United States can also help advance the rule of law in China by contributing to WTO-related legal training. Christian Murck of the American Chamber of Commerce in China testified before this Commission earlier in the year, and said, "the American government, though it takes an active public role of advocating improvements in the rule of law in China, has been conspicuous by its absence." He called our government's record "meager . . . compared with that of the European Union, individual European countries and American private sector donors." Increased assistance on our part would also be seen as a sign that the United States welcomes China's increased role in the international community.

We need to send more students, teachers, academics, and legal experts to China if we are to understand the complexity of its culture, as well as the implications for future bilateral ties. A dramatic increase in the availability of federally funded programs or grants would certainly provide additional incentive for such exchanges. I urge this Commission to promote programs that encourage academic interaction between the United States and China, not only for the benefit of the 1.3 billion people in China, but also for students like me, who aspire to be shapers of Sino-American relations.

PREPARED STATEMENT OF SHIYU ZHOU

AUGUST 5, 2002

HUMAN RIGHTS AND RULE OF LAW IN CHINA . . . OR LACK THEREOF

Mr. Chairman, members of this Commission, ladies and gentlemen:

Thank you for giving me this opportunity to speak on the subject of human rights and rule of law in the People's Republic of China.

Looking back at the 50 year history of communist China, what we see is pitifully not a history of rule of law, but a history of rule of man, and one that neglects human rights. From the Cultural Revolution of the 1960s and 1970s, to the Tiananmen Square Massacre in 1989, to the brutal suppression of Falun Gong and other faith groups today, one traces a bloody history in which the ruling, communist regime has carried out a program of State terrorism against its own culture and citizens.

In what follows, I would like to briefly discuss the current State of human rights and the rule of law in China from three different perspectives. I will use the ongoing persecution of Falun Gong as an illustration. There are, of course, other examples of persecution campaigns in China at present, including the official suppression of Tibetan Buddhists and Christian "house churches." The government's campaign against Falun Gong, though, distinguishes itself by virtue of the sheer number of persons affected and the intensity of the campaign.

THE FIRST PERSPECTIVE: RULE OF OUTLAW

The first perspective to consider is that the communist authorities in Beijing flatly ignore and violate existing laws in order to deprive Falun Gong practitioners and other Chinese citizens of their human rights.

In the Constitution of the People's Republic of China, Articles 33 through 50 explicitly State the "fundamental rights" of Chinese citizens, which include freedom of speech, assembly, association, and religious belief. However, numerous reports from human rights groups around the world and international media reveal exactly the opposite. Most notably, in the government's campaign against Falun Gong, the rights of adherents which are supposedly set forth in every single one of these Articles have been violated, and in many cases violated flagrantly. Perpetrators of these abuses, such as police and prison wardens, have been promoted for their brutality; outside investigations are blocked; and authorities insist across the board that no transgressions have occurred.

The primary mechanism used by Jiang Zemin to persecute Falun Gong is a notorious and unconstitutional organization called the "6-10 Office," which spans multiple levels of government, having absolute power over each level of administration in the Party as well as over the political and judiciary branches. Since its establishment in June 1999, the 6-10 Office has become nothing short of China's modern day equivalent to the Gestapo, orchestrating a 3-year long, horrific persecution against Falun Gong and its practitioners that has resulted in hundreds of thousands of cases of arbitrary detention, false imprisonment, defamation, kidnapping, torture, sexual and psychiatric abuse, disappearance, and murder.

But the terror of the 6-10 Office is experienced not only by practitioners of the Falun Gong, but by virtually the entire population of China. The office incites hatred against Falun Gong through imposing direct pressure on even those who have no connection to Falun Gong. Examples of this include, in many regions, children in grade school being forced to sign statements denouncing Falun Gong at the threat of expulsion; adults being forced to sign similar statements or lose their jobs or pensions; and police, too, being threatened with loss of salary, residential privileges, or even employment should they not carry out the orders of the 6-10 Office; neighbors and co-workers are forced, via threat, to monitor those around them who might practice Falun Gong and report on them. The constitutional rights of virtually everyone in Chinese society have been violated by this government-sanctioned and official terrorist organization.

THE SECOND PERSPECTIVE: RULE OF BOGUS LAW

The second perspective is that of arbitrarily contrived laws. The communist authorities in Beijing can simply make up so-called "laws" to justify their unconstitutional human rights abuses where there is no, and should never be any, justification. The law is re-engineered to suit the political needs of the day.

In January of 2002, a number of media reported the story of a Hong Kong businessman who was sentenced to 2 years in prison in China for smuggling thousands of Bibles into Mainland China. The charge leveled against him was that he violated

a so-called “anti-cult” law; Chinese authorities considered the Bibles he smuggled in “cult materials.” So where did this “anti-cult” law come from? It was rushed through the Chinese legislature on October 30, 1999, 5 days after president Jiang Zemin was quoted in a French newspaper labeling Falun Gong a “cult,” and 3 months after the government launched its suppression of Falun Gong. The “law” was made specifically to aid the persecution of Falun Gong at that time. Chinese authorities applied this so-called law retroactively to justify and heighten their violent persecution of Falun Gong. Sadly, this “law” was later used to persecute Christian “house churches” and other faith groups.

Laws should serve the purpose of protecting justice and freedom. But laws in Jiang Zemin’s hands only become a suppressive tool for maintaining political power.

THE THIRD PERSPECTIVE: RULE BY FIAT

It is nothing new that Mainland authorities would manufacture bogus so-called “laws” to justify harsh, repressive political measures, or even to apply such laws retroactively to punish persons and groups for past actions and affiliations. But what is new is the appearance of such tactics in Hong Kong, a region that Beijing promised would retain its freewheeling, open way of life under a principle of “one country, two systems” for at least 50 years; that is, 50 years from the time it first became a part of the PRC in 1997.

Now after only 5 years, this promise is waning, or even crumbling, at an alarming pace.

The past year has seen constant debate among Hong Kong’s ruling elite, led by Chief Executive Tung Chee-hwa, over the adoption of so-called “anti-cult” and “anti-subversion” laws. These laws, analysts and observers note, would give legal grounds for Hong Kong to ban and suppress religious and other groups deemed unfavorable by Beijing authorities, the most notable example being the Falun Gong.

As we speak, a second matter in Hong Kong is of perhaps even greater immediate concern. Sixteen practitioners of the Falun Gong were recently put through a show-trial, officially labeled a “criminal trial,” for allegedly disrupting social order this past March when they supposedly “obstructed the sidewalk” by meditating and are accused of “attacking the police.” The location was outside the Chinese (that is, PRC) Liaison Office of Hong Kong. Of the 16, fully 4 are Swiss nationals. The group was forcefully arrested without any warrant by Hong Kong police. However, eyewitness reports and video documentation reveal that it was actually the police who obstructed the sidewalk and attacked persons. The footage, which is available online, shows the peaceful meditators in two short, orderly rows, taking up a seven-square-meter spot in a 140-square-meter open area, and then being overwhelmed by throngs of police, probably several dozen, and violently choked, gouged in the eyes, and jabbed in their pressure points as they are removed to police vans.

What is significant is that the arrests and removal took place reportedly under pressure from the Liaison Office; the office was irate that Hong Kong citizens and foreign nationals would demonstrate outside its premises against human rights abuses in the PRC; irate, that is, that they would dare use Hong Kong’s constitutionally enshrined freedoms of assembly and speech to embarrass the ruling Beijing regime.

The trial ended on August 15, 2002, with all 16 Falun Gong practitioners being “convicted” and given fines. Many analysts agreed that the trial was partial, politically motivated, and a foregone conclusion. The defendants are now in the process of filing an appeal against the conviction.

The significance of this show trial cannot be understated. CNN recently reported that the trial has “raised concerns that the ‘one country, two systems’ policy is eroding, and that Hong Kong is beginning to yield to pressures from the mainland.” What astute observers realize is that pressure from Jiang Zemin to restrict Falun Gong in Hong Kong is jeopardizing a once-proud legacy of freedoms and just legal system. The trial was very much a litmus test, a touchstone, if you will, for democracy and rule of law in Hong Kong. The very existence of this trial marks the negation of rule of law in the Hong Kong SAR, and the beginning of the end. Legal analysts say that the trial never should have happened to begin with. It marks the arrival of “rule of Jiang” and the departure of rule of law. This is something Hong Kong cannot afford, and this is something the free world and America cannot afford.

I would like to suggest that this situation be taken much more seriously. We have already seen in the past year and a half on two occasions scores of Americans and citizens of other nations being barred from entering Hong Kong due to their beliefs (they practiced Falun Gong); we learned, to our appall, that they were on a blacklist, presumably assembled by the PRC. Now we see a show trial being used to discredit a peaceful group of meditators and, second, to justify harsh, repressive legis-

lation that is in the works and that will appease Jiang and the Beijing authorities. This is rule by fiat, or rule by Jiang, manifesting in Hong Kong.

CONCLUDING REMARKS

The fundamental problem is not whether the P.R.C. has “law” or “rule of law.” It does have law, only ruler Jiang Zemin is “the law” in China, and the communist dictatorship is the “rule of law.” The dictatorship is more than willing to override existing statutes, or even to manufacture new so-called “laws” as fitting, to serve its political purposes or maintain power. A crude veneer of “law” is used to justify and veil what is by any account illegal and criminal behavior. And now, as we see in the case of Hong Kong and other nations, such as Iceland, most recently, Jiang and his leadership can even pressure governments and peoples of democratic societies to compromise their democratic values, institutions, and practices. This pressure has even been felt in the United States, as described in U.S. House Concurrent Resolution 188, passed just a few weeks ago by unanimous vote; the resolution goes beyond condemning the Jiang Zemin regime’s persecution of Falun Gong in China to warning the regime against its attempts to bring its hate campaign to the U.S., where American citizens and local government officials who support or practice Falun Gong have been targeted by threat, harassment, and even violence.

The fundamental problem is that China’s communist regime is a dictatorial State that is committed to the suppression of freedom of belief; the suppression of freedom of the press; and the suppression of legal rights, such as due process; and it makes liberal use of forceful indoctrination, violence and fear in order to terrorize and dominate ordinary citizens. These traits, as you will recognize, are precisely those that identify a terrorist State as such.

I would like to suggest, in closing, that this fundamental problem of lawlessness and State terrorism in the P.R.C. must assume much greater importance for U.S. policymakers. To not do so, to overlook the problematic nature and ruling of the Beijing regime, is to build Sino-U.S. relations on shaky, faulty grounds. There are many things we can turn a blind eye to, but wishful thinking cannot be expected to bring about any real resolution or improvements on this front. Instead, it only allows the problem to fester, and worse yet, with our silence we embolden that very same leadership; silence, to the Jiang Zemin regime, is acquiescence. This is a grave mistake, I believe. We need look no further than the lessons of 9–11 to realize what evil can brew when it is left unchecked or overlooked.

After all, when a leader attacks his own citizens who are peaceful, non-violent, and good people, what will that leader do on the world stage? Could we possibly expect him to have any greater regard for the lives of good citizens in other nations?

Thank you for your attention.

SUBMISSION FOR THE RECORD

PREPARED STATEMENT OF RAJ PUROHIT,
THE LAWYERS COMMITTEE FOR HUMAN RIGHTS

AUGUST 5, 2002

INTRODUCTION

The Lawyers Committee for Human Rights (LCHR) is an independent non-governmental human rights organization. Our work is focused on holding governments accountable to the international standards of human rights and on developing stronger models of corporate accountability in the global market place.

The Congressional-Executive Commission on China (CECC) is charged with a mandate to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and the Congress. As the Commission prepares to write its first annual report, the Lawyers Committee urges that the Commission maintain a strong focus on its human rights agenda, and, in particular, on the implications of economic liberalization and WTO membership for Chinese workers. LCHR urges the Commission to use its voice to influence Congress and the Administration to put concern for Chinese workers hurt by the liberalization of China's economic and trade policies at the forefront of the United States' trade relationship with China.

IMPACT OF ECONOMIC AND TRADE LIBERALIZATION ON CHINESE WORKERS

Chinese workers protesting labor conditions, corrupt management of wages and pension plans, and the loss of thousands of State enterprise jobs, are frequently detained and their cause ignored by the Chinese government. The well-known case of the Daqing oil workers at the Liaoyang Ferroalloy Factory, where protest leaders were arrested, is only one example of the Chinese government's repressive response to workers' allegations of management corruption in private companies or in state-run enterprises.¹ In fact, Amnesty International noted recently that many worker protests are unreported by local governments attempting to hide evidence of unrest and instability.² According to a Lawyers Committee interview with Han Dongfang, a Chinese labor advocate, the frustration of workers with the dire employment conditions in China is rapidly reaching a boiling point:

"The discontent I hear in the workers' voices is like a ticking time bomb. The first time I heard someone say, 'There's no way out, this country needs an all-or-nothing revolution,' I felt excited. But Chinese workers need to be aware of the implications of such a revolution. Each time I hear this kind of talk, I ask people—the price of revolution is high, but who is going to pay most dearly for it? Will it be the rich officials who can fly out of the country as soon as they feel the need to run? Or will it be the hard-up workers?"³

Although workers have attempted to address their complaints through legal channels, there are few options available in China's legal system. A recent New York Times article described how Chinese workers sued their employer, the Shenzhen Jianye Construction Company, for lost pension plans. Eight percent of workers' salaries were automatically deducted from each paycheck for the plan, but when retiring workers attempted to claim their pensions, they were informed the money was not available. The Shenzhen workers' lawsuit in the Communist Party-controlled judicial system failed to remedy the construction company's abuses of the pension scheme, further frustrating workers and demonstrating the serious limitations of legal remedies for China's workers.⁴ Despite a revised trade union law, China's workers still lack the right to organize independent trade unions, cannot strike to

¹See Chinese Labour Bulletin, Updates on Workers' Protests in Liaoyang and Daqing, July 25, 2002 at <http://iso.china-labour.org.hk/iso/news—item.adp?news—id=2038>; Chinese Labour Bulletin, 2000 Brick and Tile Workers Take Over Factory for Pension Benefits in Inner Mongolia, July 19, 2002 at <http://iso.china-labour.org.hk/iso/news—item.adp?news—id=2006>.

²Amnesty International, Workers want to eat—workers want a job, April 30, 2002 at <http://web.amnesty.org/ai.nsf/Index/ASA170222002?OpenDocument&of=COUNTRIES/CHINA>.

³Lawyers Committee for Human Rights, Interview with Han Dongfang, Chinese Labor Advocate, at <http://www.lchr.org/workers—rights/wr—china/wr—china—1.htm> (last visited July 30, 2002).

⁴Philip Pan, Chinese workers' rights stop at courtroom door, New York Times, June 28, 2002, at A01.

protest working conditions, and cannot vote out local officials that support private or government-owned businesses.⁵

The reality of China's accession to the WTO involves far more than expanding access to huge, untapped markets. China is the world's leading exporter of apparel and textiles, and the majority of global apparel production will likely move to China in the near future. The expiration of export-regulating quota agreements in 2005 will further this growth.⁶ However, the benefits of economic liberalization are not realized by many of China's workers, who suffer under working conditions that include forced labor, child labor, excessive overtime, substandard wages, and exposure to hazardous substances. China has labor laws governing these conditions, but those laws are rarely enforced and workers lack legal channels through which they can reform working conditions.⁷

Although China has only ratified two of the International Labor Organization's fundamental conventions,⁸ it has made significant international commitments to the rights of its workers. China's membership in the ILO binds it to the Declaration on Fundamental Principles and Rights at Work⁹ and commits China to respect freedom of association, the right to collective bargaining, and the elimination of forced labor, child labor, and employment discrimination.¹⁰ Additionally, the election of China's All-China Federation of Trade Unions (ACFTU) to the Governing Body of the ILO in June 2002¹¹ offers an opportunity for the international community—including the United States—to remind China of its international obligations toward workers rights.

RECOMMENDATIONS

The Lawyers Committee recommends that the Commission focus on workers rights in its evaluation of China's WTO membership and the liberalization of China's markets. The Commission should consider the Ambassadorial role of American companies in China and work to ensure that those companies respect the letter of China's labor laws when producing goods in China. Providing humane working conditions and basic human freedoms for Chinese workers is not only guaranteed by international law; it is also a priority for American consumers and investors, who are increasingly concerned with how their goods are produced.¹² Although ensuring equitable trade access for American companies to China's vast markets is of obvious importance, especially in a time of recession, in its first annual report the Commission should prioritize the preservation of workers rights in China's trade liberalization efforts.



⁵ Id.

⁶ Lawyers Committee for Human Rights, Workers Rights in China, at <http://www.lchr.org/workers-rights/wr-china/wr-china.htm> (last visited July 30, 2002).

⁷ Id.

⁸ C. 100, Equal Remuneration Convention, 1951 and C. 138, Minimum Age Convention, 1973 (See International Labor Organization, Ratification of the ILO Fundamental Conventions, at <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-ratif8conv.cfm?Lang=EN>.)

⁹ International Labor Organization, Declaration on Fundamental Principles and Rights at Work, available at <http://www.ilo.org/public/english/standards/decl/declaration/text/>.

¹⁰ Id.

¹¹ International Labor Organization, Governing Body 284th Session, June 2002, at <http://www.ilo.org/public/english/standards/relm/gb/docs/gb284/index.htm>.

¹² "Respondents said they would be more likely to invest in a company that invested in companies that didn't harm the environment (70 percent), had a good record of hiring and promoting women (63 percent) and minorities (62 percent), and are not involved in sweatshop labor practices (57 percent)." (See Yankelovich Partners, 1999 study, at Calvert Group, Ltd. website, "Know What You Own")