



**Amnesty International Testimony  
US – China Relations  
Before the  
Committee on Foreign Relations  
United States Senate  
By  
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Thank you Mr. Chairman, and distinguished members of this committee. Amnesty International is pleased to testify at this hearing. The human rights situation in China has been of consistent and grave concern to Amnesty International and, indeed, to Members of this Senate, for years. In 1996, Amnesty International launched an international campaign to increase awareness of China's horrible human rights record. Over the years we have released numerous reports to highlight the deteriorating conditions.

It would be impossible to cover the vast scope of human rights violations in China in my testimony, so I will summarize some of our major concerns. The scale of China's human rights violations is staggering. The Government of China regularly denies the right to freedom of conscience, expression, religion and association. China holds thousands of political prisoners, executes more people than the rest of the world combined, regularly practices torture resulting in numerous deaths, persecutes religious groups of all persuasions, has forced mothers to endure forced abortions and sterilizations, and perpetrates countless other human rights violations. Tibetans, Uighers, "unofficial" church members, Falun Gong practitioners, democracy activists, and political dissidents bear the brunt of abuses. Other groups targeted for repression include trade union organizers, advocates of reform, and people using the Internet to disseminate information deemed to be "politically sensitive." North Korean asylum seekers also have faced an intense crackdown in China leading to large-scale forcible repatriation to North Korea.

**Bush Administration's Human Rights Policy on China**

The Administration's policy of over the last three years of appeasing China and compromising on fundamental human rights issues have emboldened Chinese authorities to continue committing human rights abuses. Secretary Powell recently stated that "U.S. relations with China are the best they have been since President Nixon's first visit in 1972." Given Secretary Powell's statement, one wonders whether the positive relationship with China comes at the expense of human rights. If the relationship is so positive, why has the Administration failed to secure the release of Rebiya Kadeer, who is imprisoned for attempting to meet U.S. Congressional staff? And why do so many continue to languish in prison for exercising their right to freedom of conscience, expression, religion and association?

The Administration's failure to sponsor a resolution at last year's United Nations annual Human Rights Commission meeting in Geneva and the Administration's failure to comprehensively integrate human rights in its dealing with the Chinese authorities are reprehensible and are marks of short-sighted policy. Amnesty International urges the Administration to declare its intention to sponsor a resolution at next year's UN Human Rights Commission meeting and to put real diplomatic muscle behind this effort. We also urge the Administration to incorporate meaningfully human rights requirements in all its dealing with the Chinese authorities.

Secretary Powell's up-beat assessment is in sharp contrast with the Department of State's own admission of a failed U.S. human rights policy towards China. The failure of the Administration's human rights policy was displayed in public at the State Department's press briefing on July 2, 2003. Following is the statement:

Taken Questions  
Office of the Spokesman  
Washington, DC  
July 2, 2003  
Question Taken at July 2, 2003 Press Briefing

China: Human Rights Deterioration (Question Taken)

Question: Can you elaborate on your comment that there has been a "deterioration in human rights" in China recently?

Answer: During much of 2002, we saw incremental, but unprecedented steps in the right direction on human rights, including the release of a number of prominent prisoners of conscience, the visit of representatives of the Dalai Lama to China for the first time in two decades, and numerous commitments undertaken by the Chinese government at the U.S.-China human rights dialogue last December aimed at systemic human rights reform. We were hopeful that these were signals of a new commitment by the Chinese government to cooperate with the United States on human rights issues.

We have been disappointed, therefore, to see negative developments in 2003. The commitments to make progress on human rights concerns made by China at the conclusion of the December human rights dialogue have not been met, and there have been a number of troubling incidents since the beginning of the year. For example:

- \* The execution of a Tibetan without due process and despite assurances that his case would receive a review by the Supreme People's Court;
- \* The arrests of a number of democracy activists;
- \* Harsh sentences handed down to internet essayists and labor protesters;
- \* The forced repatriation of 18 Tibetans from Nepal in contravention of UN practices;

- \* The muzzling of media outlets reporting on politically sensitive issues;
- \* The failure of PRC authorities to respect due process rights of those accused of political crimes; and
- \* Lack of access for us diplomats and family members to trials of those detained for political activities.

This backsliding on human rights is of great concern to the United States and the international community.

Our decision not to raise a China resolution at the Geneva Human Rights Commission this year was based on assurances by the Chinese government that human rights cooperation would get back on track. This was a good faith effort to try to find a new way forward on improving human rights in China.

We urge the Chinese government to take steps to ensure that its citizens are not persecuted for the peaceful expression of their views, and to release all prisoners of conscience.

[End]

Mr. Chairman, Amnesty International is keenly watching the Administration's steps with regard to China policy. And we sincerely hope for a China policy that will depart from the policy of the last three years, and one that will begin to secure real human rights gains in China.

I would now like to bring your attention to a number of cases that exemplify the vast array of human rights violations occurring in China today that need immediate attention.

### **The Imprisonment of Rebiya Kadeer**

Mr. Chairman, Amnesty International would like to bring to your attention the case of Rebiya Kadeer. Ms. Kadeer, a successful businesswoman from the Xinjiang Uighur Autonomous Region (XUAR) in China, was arrested while trying to meet with members of the United States Congressional Research Service and Congressional staff. Following a trial held in secret, a Chinese court sentenced her to eight years' imprisonment for "providing secret information to foreigners". Her continued imprisonment is a slap in the face to those in the United States who would investigate human rights conditions in China.

Ms. Kadeer was widely expected to be released when Assistant Secretary of State for Human Rights Lorne Craner was given permission to visit the XUAR in December 2002. Not only was Ms. Kadeer not released, but her three children were taken into custody on the day before Secretary Craner's arrival. The children were released the following day with strict instructions not to meet with anyone about their mother's case. Ms. Kadeer's health is reportedly deteriorating, resulting in her inability to perform prison labour.

Amnesty International would urge you to take appropriate steps to secure her immediate release. Mr. Chairman, President Bush is planning to meet Chinese President Hu Jintao at the APEC Conference in Thailand in October. We urge you to contact President Bush to ask that he raise

Rebiya Kadeer's case with the Chinese President during this conference.

### **Where is the Child?**

Gendun Choekyi Nyima was only six years old when he was selected as the 11<sup>th</sup> Panchen Lama by the Dalai Lama. He has not been seen for eight years. It is believed that the Chinese authorities are holding him in a secret location. Amnesty International considers this child as a political prisoner.

On May 14, 1995 the Dalai Lama, Tibet's exiled leader, announced that Gendun Choekyi Nyima was the reincarnation of the 10<sup>th</sup> Panchen Lama. The Chinese authorities have disputed the Dalai Lama's authority to announce the discovery of the reincarnated Panchen Lama and rejected the Dalai Lama's choice and choose another six-year-old boy to be the reincarnate.

It is reported that the Chinese authorities took the Panchen Lama selected by the Dalai Lama to Beijing along with his parents. Eight years have passed and there is no information on this missing child. The Chinese authorities have refused to allow any independent observers to meet the boy or his parents. They also refused to share any information about his whereabouts.

A number of Buddhist monks who assisted the Dalai Lama in the search for the 11<sup>th</sup> Panchen Lama were also arrested and imprisoned. For example, Chadrel Rinpoche, the imprisoned abbot of Tashi Lhunpo Monastery, who is believed to have been released in January 2002 following the completion of his sentence, is now reported to be under house arrest.

There is no independent information on the status of Gendun Choekyi Nyima's health or living conditions. Chinese authorities assured a delegation of European Union Ambassadors visiting Tibet in 1998 that the "boy was in good health and living a normal life". The Ambassadors' request to visit the boy was refused on the grounds that the boy and his parents wished to lead a normal life, which was not compatible with receiving visits from foreigners.

Amnesty International is seriously concerned about the welfare of the child and that of his parents and urges the Chinese authorities to lift the restrictions and allow the boy and his parents to return to their village and live without restriction or harassment.

### **Crackdown on Internet Users**

In China, individuals can be sentenced to death for publishing information on the internet that the government considers a "state secret". Scores of people have been imprisoned in China for using the internet; of those arrested at-least three have died as a result of torture by police. Those detained to date range from political activists and writers to Falun Gong practitioners and members of other religious groups banned by the authorities.

With the introduction of the Internet, news reaches China from a multiplicity of sources enabling people to form opinions, analyze and share information and to communicate in ways previously unknown in China. Lively on-line debate flourished in China. However, the potential of the Internet to spread new ideas has led the authorities to take measures to control its use.

The Chinese government has introduced numerous regulations, closed Internet cafes, and blocked e-mails, search engines, foreign news and politically sensitive websites. Recently, it has introduced filtering systems for web searches and has even created a special "internet police" to enforce these restrictions. The Ministry of State Security has reportedly installed tracking devices on Internet

service providers to monitor individual email accounts and all internet cafes are required to register and inform the police about their customers.

The Chinese government has also forced Internet companies to take on the responsibility of policing the web. A "Public Pledge on Self-Discipline" was introduced in August 2002 requiring internet companies to agree not to allow the posting of "pernicious" information that may "jeopardize state security, disrupt social stability, contravene laws and spread superstition and obscenity". Yahoo also signed to this pledge to police internet users. After a fire in an internet cafe in Beijing last year, authorities closed thousands of internet cafes and demanded that those allowed to re-open do so only after installing filtering software to block web sites considered "politically sensitive" or "reactionary". The software prevents access to 500,000 various websites.

### **1989 Tiananmen Square Prisoners**

Fourteen years after the 1989 pro-democracy demonstrations in Tiananmen Square, we again call upon the Chinese authorities to account for all those killed and injured in the crackdown and to offer compensation to the families.

Those who lost their lives or were imprisoned in 1989 were calling for transparent and accountable government and an end to corruption -- core building blocks for genuine stability and development. The new Chinese leadership has recently given prominence to these watchwords with its efforts to combat the spread of SARS.

Amnesty International reiterates its appeal to the Chinese authorities to release all prisoners still held in connection with the 1989 pro-democracy protests. AI has records of 82 people that it believes are still imprisoned following swift and unfair trials. Cases continue to come to light, indicating that the true figure is likely much higher.

### **Forced Abortion and Sterilization**

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

### **Rape and Other Sexual Torture**

There have been many reports of the use of electric batons and sticks to rape or sexually violate and torture women in custody. One Tibetan nun described how on arrest in mid-1988, she and 11 other nuns were forced to stand in line as one by one they were stripped naked. Two policewomen with sticks then beat the naked women as male prisoners looked on. One of the nuns later reported: "I felt humiliated in the beginning, but later I forgot everything but the terrible pain." The policewomen then twice poked them with an electric baton and pushed it into their vaginas. By the time the nuns returned to their cells, they were "not aware of what was happening" around them.

## **Torture and Deaths in Custody**

Zhou Jianxiong, a 30 year-old agricultural worker from Chunhua Township in Hunan province, died under torture on May 15, 1998. Detained on May 13, he was tortured by officials from the township birth control office to make him reveal the whereabouts of his wife, suspected of being pregnant without permission. Zhou was hung upside down, repeatedly whipped and beaten with wooden clubs, burned with cigarette butts, branded with soldering irons, and had his genitals ripped off.

This horrific case of abuse is not an isolated case. Every year many people die due to torture in China. Others survive the torture but continue to suffer the long-term effects of the physical and mental traumas they have endured.

Torture and ill treatment of detainees and prisoners is widespread and systemic in China. Such abuses have been reported in the full range of state institutions, from police stations, detention centers, prisons, to administrative "re-education through labor" camps, internal migrant "custody and repatriation centers", and enforced drug rehabilitation centers. Torture is also frequently reported as an integral part of the abuse of "non-custodial" control measures such as "residential supervision" and during "special isolation" of officials during investigations into allegations of corruption.

The common forms of torture reported by prisoners are the use of electric shock batons, particularly on sensitive areas such as mouth and genitals; being forced to stand in awkward positions for long periods and being suspended from the ceiling by their arms. Prisoners reported being tied in agonizing positions with ropes and also being forced into awkward positions with the use of ankle cuffs, handcuffs and thumb cuffs.

Kidney and liver ailments are common among prisoners as a result of kicking and beatings by prison guards aimed specifically at these sensitive organs. Many report being beaten with whatever implement a guard or interrogator can find at hand, such as a log, a gun butt or even in one case, a tire pump.

## **Prison Conditions**

Prison conditions remain harsh and many prisoners are forced to work for long hours in unacceptable conditions. Prisoners receive inadequate food of a very poor standard. Prisons have poor sanitation and many prisoners suffer health problems as a result, particularly diarrhea and digestive problems.

Medical care for prisoners is reported to be insufficient and to be administered only at a late stage. One former prisoner's account indicates that there is a small clinic at Drapchi prison in Tibet with a resident nurse but no doctor. These facilities are not well equipped. Serious illness, such as tuberculosis, liver disease, and kidney problems, are dealt with in hospitals outside the prison, but many prisoners distrust the medical system. There is no preventive health care for prisoners. Some prisoners report that there are instances of tuberculosis in prison and that this particularly affects elderly or physically weak prisoners. It reportedly spreads easily as several prisoners are kept in one cell.

## **Psychiatric Hospitals**

Many prisoners in China are confined to state run psychiatric hospitals for simple acts of expressing their thoughts on political issues. Take the example of veteran human rights activist and prisoner of conscience Wang Wanxing. He was forcibly removed from his home by eight public security officers and returned to Ankang psychiatric hospital in Beijing on November 23, 1999. There has been no further news of him.

Wang Wanxing was first detained in the hospital in June 1992 for unfurling a banner in Tiananmen Square to commemorate the anniversary of the pro-democracy protests of June 1989. On that occasion his wife was informed that he was suffering from "political monomania", which is not an internationally recognized medical term and would appear to imply political obsessiveness.

In August 1999, Wang Wanxing was released for a three-month trial period during which he was prohibited from contacting the media or pro-democracy activists. At the end of this trial period, on November 18, 1999, Wang Wanxing asked the authorities if he could hold a press conference to discuss his confinement. A week later, he was forcibly returned to Ankang psychiatric hospital, which is managed by the Beijing National Security Bureau. There is no evidence that Wang Wanxing has any form of mental illness and AI believes that he is being confined to a psychiatric institution in order to suppress his right to freedom of expression and belief.

### **The Death Penalty**

The death penalty continues to be used extensively, arbitrarily, and frequently as a result of political interference. Its use increased dramatically after the launch of the 'strike hard' campaign against crime in April 2001. Following the start of the campaign, a record number of people were sentenced to death and executed, reportedly 1,921 death sentences and 1,060 executions, many after apparently summary trials for crimes ranging from tax fraud and drug trafficking to pimping. Official reports on the campaign reveal a total absence of concern for international norms, which require that the most careful judicial procedures be followed in death penalty cases.

While the campaign was initially targeted at organized violent crime, national and provincial authorities have greatly expanded its scope, including the expansion of the campaign in the Xinjiang Uighur Autonomous Region (XUAR) to "deal a decisive blow to separatist forces, eliminating separatism and illegal religious activities". Until early 2003, the XUAR has been the only place in China where Amnesty International has monitored reports of public executions and the executions of political prisoners. In January 2003, Tibetan Lobsang Dhondup was executed following his conviction in a secret trial for involvement in a series of bombings in Sichuan province. There are serious concerns that Lobsang Dhondup's trial was unfair. He was held for several months incommunicado, he was not given full and adequate legal representation and his trial was held in secret. According to official sources, this was because the case involved "state secrets", but the authorities never explained how this related to charges against the defendant. This case could signal a move by the Chinese authorities to extend the use of the death penalty to those branded as political opponents, 'separatists' or 'terrorists' beyond the XUAR.

Despite official reports suggesting that the national 'strike hard' campaign has been of limited success, its extension for a further year was announced on March 26, 2002. On August 30, 2002 it was reported that the 'strike hard' campaign would be intensified to eliminate crime and 'deepen and consolidate the results of the 'strike hard' campaign' in the run up to the 16th Chinese Communist Party Congress to be held in November 2002 in Beijing. It was further reported that the Beijing authorities have initiated a move towards holding local administrative organs responsible for the crime rate in their jurisdictions. Amnesty International is concerned that this could signal an increase in the number of cases of torture, unfair trials or summary trials as police and other authorities

struggle to 'show results'.

In 2002, as in previous years several reports have come to light of miscarriages of justice based on confessions extracted by torture. The use of torture to extract confessions from suspects is common and such incidences escalate during a 'strike hard' campaign. In the majority of cases, the miscarriage of justice has only come to light after the real culprit was found.

### **Mobile Execution Vans**

In an effort to improve cost-efficiency, Chinese provincial authorities are beginning to introduce so-called mobile execution vans. These are intended to replace the method of execution by firing squad in which prisoners are taken to an execution ground and made to kneel with hands cuffed before being shot in the head. Officials in Yunnan province explained that only four people are required to carry out the execution in the mobile vans; the executioner, one member of the court, one official from the procuratorate and one forensic doctor.

Eighteen mobile execution vans, converted 24-seater buses, are being distributed to all intermediate courts and one high court in Yunnan province. The windowless execution chamber at the back contains a metal bed on which the prisoner is strapped down. Once the doctor attaches the needle, a police officer presses a button and an automatic syringe inserts the lethal drug into the prisoner's vein. The execution can be watched on a video monitor next to the driver's seat and can be recorded if required.

The newspaper *Beijing Today* reported that use of the vans was approved by the legal authorities in Yunnan province on March 6<sup>th</sup>, 2003. Later that same day, two farmers, Liu Huafu and Zhou Chaojie, who had been convicted of drug trafficking, were executed by lethal injection in a mobile execution van. Zhao Shijie, president of the Yunnan Provincial High Court, was quoted as praising the new system: "The use of lethal injection shows that China's death penalty system is becoming more civilized and humane." However, members of China's legal community have voiced their concerns that it will only lead to an increase in the use of the death penalty.

### **Harvesting Organs from Executed Prisoners**

It has been known for some time that organs taken from executed prisoners are used for transplants in China. Amnesty International reported this practice in 1993 and called at that time for the Chinese government to ban the use of organs from executed prisoners without their free and informed consent. However, the use of organs from this source continues in China, reportedly on a widespread scale. In the absence of a system of voluntary death-related organ donation, the main source of organs in China is reported to be executed prisoners. The percentage of transplant kidneys estimated to be derived from executed prisoners has been put as high as 90%. Organs reported to be harvested from this source include corneas, kidneys and hearts. A number of reports indicate that it is also possible for foreigners to travel to China and buy transplants using organs of executed prisoners.

### **"Rule by Law" versus Rule of Law and Human Rights**

In addition to human rights violations resulting from political repression, lack of respect for the law and arbitrariness in its enforcement are at the basis of gross human rights violations in China. Every year, countless numbers of people are detained without charge or trial. For those who are charged, sentences are frequently imposed after unfair trials. In many cases the verdicts passed at such trials include the death penalty.

Rule of law is still understood in China to mean “rule by law”, reflecting a system in which the law is subordinate to political goals, including the defeat of perceived political threats. The judiciary lacks independence and the judicial process is subject to interference by political authorities. The vague and contradictory provisions of the law lead consistently to its arbitrary use and provide wide scope for abuse of power. The combined effects of repressive and vaguely worded criminal legislation, impunity for officials who abuse their power, and the use of a system of administrative detention mean that anyone can be detained at the whim of individuals in a position of power.

During the 1990s, the Chinese government took steps to address some of these issues, including, for example, its amending of the Criminal Procedure Law (CPL). However, the measures taken were far too limited to significantly change the law enforcement and justice system. In practice, they have failed to protect individuals in China against arbitrary detention, unfair trials, torture and other human rights violations. Widespread illegal practices by law enforcers, such as the use of “torture to extract confessions”, which has been explicitly prohibited by law since 1980, continue unabated, and in many cases remain unpunished.

### **Administrative Detention - Re-Education Through Labour**

The system of “re-education through labour” - a form of administrative detention imposed as a punishment - is based on a Decision passed by the National People’s Congress in 1957, which was later updated with new regulations. This legislation remains in force. According to a definition given by an official legal newspaper, “re-education through labour” is a punishment for actions, which fall “somewhere between crime and error”.

“Re-education through labour” involves detention without charge or trial for up to three years, renewable by one year, in a forced labour camp. It is imposed by local government committees usually presided over by police officials. It applies to people who are regarded as troublemakers or those accused of committing minor offences which are not regarded as amounting to “crime” and which therefore are not prosecuted under the criminal justice system. Detainees liable to receive terms of “re-education through labour” have no right of access to a lawyer. Under the regulations on “re-education through labour”, people who can be subjected to this punishment include those who are classified as being “counter-revolutionary”, “anti-Party” or “anti-socialist”, as well as people who “behave like hooligans”, such as by engaging in fights, smuggling or prostitution, or by disturbing public order or “the order of production” in other ways.

According to official statistics, in 1996 there were 200,000 people in “re-education through labour” camps in China. By early 2001, the number had increased to 310,000, the latest official figure. The figure was thought to be substantially higher in 2002 as a result of the government’s crackdown on the *Falun Gong* and the “strike hard” campaign against crime. Over the past two years, the use of this form of detention has increased particularly against Falun Gong practitioners and during the “strike hard” campaign against crime launched by the Chinese authorities in April 2001. Other victims include political dissidents, members of religious groups and a wide range of people accused of “disturbing public order”, including prostitutes.

### **Brutal Suppression of Religious Freedom**

Freedom of religion and belief is not tolerated by the Government of China and has led to an increase in crackdowns against those who choose to practice their religion freely. Ill-treatment and torture is used against Tibetan Buddhists, Uighur Muslims, Christians, Falun Gong practitioners, and Catholics. Tens of thousands are detained for their religious activities and are languishing in prisons for an indefinite period of time without any charge or trial. Some are sentenced to death after unfair trials, where confessions were extracted under torture. Religious persecution is widespread in Tibet and the XUAR. Unauthorized religious groups of all persuasions can face heavy fines, harassment, and imprisonment. Many peaceful but unregistered religious gatherings have been raided by police and those attending have been beaten, threatened and detained.

### **Christians**

Members of evangelical Protestant groups and Roman Catholics who worship outside the official "patriotic" church are victims of the intense Chinese crackdown and are subjected to imprisonment, torture, harassment and fines. Five Chinese Protestants are currently undergoing a retrial on charges that carry the death penalty; in their original trial, the defendants appear to have been convicted based on evidence obtained through torture.

Gong Shengliang and four others were sentenced to death in December 2001 in connection with their membership of an unofficial Christian organization, reportedly after witnesses were tortured. Three women said they were tortured by police to make them confess to having had sexual relations with Gong Shengliang, whose convictions included rape. The allegations of torture included being shackled, whipped and kicked, and being beaten on the bare chest with electro-shock batons. In October 2002 the sentences were commuted to long prison terms after a retrial was ordered because of "insufficient evidence and unclear facts". However, the verdicts still appeared to be partly based on confessions obtained through torture.

### **Tibet Autonomous Region (TAR)**

Despite the recent meetings between representatives of the Tibetan Government In Exile and Chinese officials in China and the release of seven Tibetan prisoners of conscience over the last two years, freedom of expression, religion, and association is still severely curtailed by the Chinese government . The Chinese government continues to use the "Patriotic Re-Education Campaign" to target Tibetan Buddhist followers of the exiled Dalai Lama. Tibetans have been detained for having a picture of the Dalai Lama. The whereabouts of the Dalai Lama's choice of the 11<sup>th</sup> Panchen Lama, the second-ranking Tibetan religious leader, has remained unknown for the last eight years. The third-ranking Tibetan religious leader, the Karmapa Lama, fled to India citing lack of religious freedom in Tibet. Thousands of Tibetans flee to India every year to practice their religion freely. The activities of religious institutions continue to be severely restricted, many Buddhist monasteries and nunneries have been destroyed, and hundreds of monks and nuns have been expelled.

Many former Tibetan prisoners find life after prison too difficult and, rather than suffer harassment and potential retribution, they, along with lay people, leave Tibet for a life in exile in India. It is dangerous and difficult to leave Tibet; the majority of exiles walk across the Himalayas to Nepal- a journey that can take up to 30 days. Children often make the trip unaccompanied. In recent months, the Nepalese government has stopped Tibetans escaping to India and returned them to the Chinese government. The latest operations appears to confirm widely held suspicions that China has increased its pressure on other countries to return its nationals over recent months. Last year, three ethnic Uighur asylum seekers from China's Xinjiang Uighur Autonomous Region are believed to have been forcibly returned to China from Nepal even after they had been granted refugee status by the United Nations High Commissioner for Refugees (UNHCR).

In a recent incident, a group of 18 Tibetans were sent back to China at around 6am in a joint operation carried out by officials from Nepal and China. Eyewitnesses described them as being carried crying and screaming into vehicles before being driven in the direction of the border. The operation was carried out in the face of widespread international concern expressed by the UNHCR, governments, and NGOs.

Until now, the Nepali authorities have allowed UNHCR to assess the claims of Tibetan asylum seekers and facilitate their resettlement or transit to third countries, usually India. UNHCR described the deportations as an 'alarming departure' from that practice.

While it is not a party to the UN Convention relating to the Status of Refugees, Nepal is party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits the return of anyone to a country where they are at risk of torture, and the Convention on the Rights of the Child which obliges States to ensure that a child who is seeking refugee status receives appropriate protection.

In August 2003, Nepal officially adopted a new policy of protection for Tibetan refugees. Full implementation of this policy by the Nepalese government will ensure that Tibetans can safely enter Nepal en route to India.

It is extremely difficult to discover the fate of those returned to Tibet due to the tight controls on information imposed by the Chinese authorities. However, at the very least, Tibetan asylum seekers and refugees who are returned to China face detention for interrogation, where they are at serious risk of torture and ill-treatment.

### **Xinjiang Uighur Autonomous Region (XUAR)**

In the Xinjiang Uighur Autonomous region, the crackdown on ethnic Uighur Muslims has intensified. Thousands of Uighurs have been detained under the new "Anti-Terrorism" law and political prisoners have been executed after unfair trials. Chinese authorities have arrested numerous Muslim preachers and religious leaders, destroyed several Mosques, and closed down many Muslim religious schools. Muslims working in government offices and other official institutions are prohibited from practicing their religion, or risk losing their jobs. Chinese authorities in the XUAR practice various forms of torture, including the use of an unidentified injection which causes the victim to become mentally unbalanced and, for male prisoners, the insertion of horse hair or wires into the penis.

Amnesty International remains concerned at China's apparent use of the attacks in the USA on September 11, 2001 to justify its ongoing repression of Uighur culture and religion and the curtailment of other fundamental freedoms in the XUAR. The authorities have imposed new restrictions on freedom of religion, closed down mosques that were deemed to have a 'bad influence' on young people, and subjected the Islamic clergy to intensive scrutiny and 'political education'. Official sources have made clear that the 'struggle against separatism' is wide-ranging and encompasses repressing all potential dissent and opposition activities, including the peaceful expression of views via poems, songs, books, pamphlets, letters, or the Internet. Such policies have resulted in serious human rights violations, including the arrest and detention of thousands of Uighurs. Those detained for political offences in the XUAR are at serious risk of torture or ill-treatment.

In December 2001, the Criminal Law was amended to strengthen provisions relating to 'terrorism'. Amnesty International is concerned that the amendments enlarge the scope of the application of the death penalty and may criminalize peaceful activities, freedom of expression and association. For

example, the law makes it a criminal offence to be a member of a 'terrorist organization' but as there is no definition for such an organization. The law could be interpreted as referring to political opposition or religious groups.

Amnesty International's concerns have been heightened following the announcement by the USA that it has placed the East Turkestan Islamic Movement (ETIM) on its list of so-called 'terrorist' organizations. This listing, which was confirmed by the United Nations Security Council on September 11, 2002, appears to corroborate China's previous condemnation of the group. While Amnesty International is unable to confirm or deny reports that ETIM has been responsible for acts of violence, it is clear that the group is relatively small, little known and unrepresentative of many within China's Uighur community who have advocated respect for fundamental rights and freedoms or tried to exercise these rights peacefully. It is feared that China will interpret this move by the USA and the UN as an endorsement of its crackdown on all forms of dissent in the XUAR, resulting in further human rights violations against the mainly Muslim Uighur community.

Thousands of people remain imprisoned in the region in violation of their fundamental human rights. Amnesty International continues to call for the immediate and unconditional release of all prisoners of conscience in the XUAR, including Uighur businesswoman, Rebiya Kadeer, and the academic, Tohti Tunyaz (who writes under the pen-name Tohti Muzart). Rebiya Kadeer continues to serve an eight-year prison sentence after being found guilty in March 2000 of 'providing secret information to foreigners'. The information in question was nothing more than freely available public newspapers which she sent to her husband in the USA. She is being held in Baijiahu Prison in the regional capital, Urumqi, where her health has reportedly deteriorated over recent months.

Tohti Tunyaz was also detained on 'state secrets' charges after being arrested while conducting academic research into Uighur history in the XUAR in February 1998. He was sentenced to 11 years in prison for 'inciting separatism' and 'illegally acquiring state secrets' in March 1999 and continues to serve his sentence in XUAR No.3 Prison in Urumqi. In May 2001, the UN Working Group on Arbitrary Detention concluded that his imprisonment was arbitrary and in violation of his right to freedom of thought, expression and opinion.

### **1997 Crackdown in Gulja (Yining)**

Dozens of people were killed or injured when the Chinese security forces reportedly opened fire on ethnic Uighur demonstrators in Gulja (Yining) City, on February 5 and 6 1997. The initially peaceful demonstration on February 5, was followed by several days of sporadic rioting in which both civilians and members of the security forces were killed or injured. Thousands of people were detained as the security forces went systematically through the streets, arresting suspected protestors and supporters, including their relatives. Many of those detained were reportedly tortured. Amnesty International calls for an independent inquiry into allegations of serious human rights violations that took place during and after the demonstration and requests further information about those who remain in prison.

### **Inner Mongolia**

The situation in Inner Mongolia is quite similar to that of the XUAR and Tibet. A large influx of Han Chinese immigrants has made the Mongolian people a minority in their own territory. Their rights to the use of their own language and to the practice of their own religion--most are Buddhists who look to the leadership of the Dalai Lama, as well as to their own "living Buddhas"--have been seriously abridged.

Since 1995-96, the Beijing government has taken severe repressive measures against any manifestations of Mongolian nationalism, including the selling and distribution of books in the Mongolian language and script. For example, the Mongolian bookstore operated by Hada and Xinna, his wife, has been closed; Hada is still in prison and Xinna has been subjected to intrusive questioning and police harassment. Although Tegexi, another prominent Inner Mongolian prisoner, has been released, he remains under restriction and his status is unclear.

Despite the new leadership in Beijing, so far there has been no sign that these policies will change. Amnesty International calls for the immediate and unconditional release of Tegexi and Hada, and also calls on the Chinese government to accord the ethnic Mongols in the Inner Mongolian region their full rights to social, cultural, and linguistic development.

In addition to these instances, the treatment of North Korean refugees in this region has become increasingly harsh, with detentions and long-term imprisonment more common in the past two years.

### **The Crackdown on the Falun Gong Spiritual Movement**

The Chinese authorities have made it clear that one of the main targets of the 'strike hard' campaign is the Falun Gong spiritual movement which has been banned in China since July 1999 along with other so-called 'heretical organizations'. There are serious concerns that the Chinese authorities have sanctioned the use of violence as one of the means to eradicate the group.

Falun Gong practitioners have suffered severe repression, with tens of thousands of practitioners arbitrarily detained since Chinese authorities banned this group in July 1999 and sent the vast majority of them to labor through re-education camps. Alleged Falun Gong leaders and organizers have been sentenced to lengthy prison terms or sent to psychiatric hospitals. Over 500 Falun Gong practitioners have reportedly died in custody.

Tens of thousands of Falun Gong practitioners continue to be detained in China where they are at serious risk of torture or ill-treatment, particularly if they refuse to renounce their spiritual beliefs. The vast majority of them are believed to be held in labor through re-education centers, a form of administrative detention imposed without charge or trial. Amnesty International considers all those detained in violation of their rights to freedom of belief, expression and association, and who have not used or advocated violence, to be prisoners of conscience.

One example is Yoko Kaneko (also known as Luo Rong), a Chinese citizen with permanent residency in Japan, who was detained while handing out Falun Gong leaflets to passersby in Beijing on May 24, 2002. One month later, on June 24, 2002, the Beijing People's Government Committee for the Administration of Re-education through Labor concluded that Luo Rong (Yoko Kaneko) had 'resisted the enforcement of national laws' and 'disrupted the order of social administration' by distributing Falun Gong 'propaganda material'. She was assigned to one-and-a-half years' re-education through labor. Amnesty International considers her to be a prisoner of conscience and is calling for her immediate and unconditional release.

Amnesty International continues to receive regular reports of Falun Gong members being tortured or ill-treated in custody. They include Zhao Ming, a Falun Gong practitioner from Changchun City, Jilin Province, who stated after his release that he had been subjected to beatings with fists and electric shock batons, sleep deprivation, force-feeding and other forms of torture during his detention in Tuanhe Re-education through Labor Camp in Beijing between June 2000 and March 2002. According to Falun Gong sources, over 500 Falun Gong practitioners have died in custody (or

shortly after their release), most as a result of torture.

### **Workers and Labor Rights Activists**

Over the last year, the number of labor disputes and protests involving large numbers of workers has risen dramatically in China. Workers have been protesting about conditions of employment, low or missing wages, corrupt management, illegal working conditions, mass lay-offs, industrial accidents and deaths, poor safety, restrictive working practices, and physical ill-treatment from factory bosses. Such protests are generally deemed illegal, as are independent trade unions.

Many protests have been met with excessive use of force by the police and participants have been detained, harassed or imprisoned for taking part in such protests or publicizing them. Journalists and lawyers have also been targeted by the authorities and have faced intimidation or arrest for speaking out in defense of protesters.

Yao Fuxin, Xiao Yunliang, Pang Qingxiang and Wang Zhaoming were detained after taking part in massive demonstrations by laid off workers in Liaoning City, Liaoning Province in spring 2002. The protests were against corruption, insufficient severance pay and unemployment. The four remain in detention and are reported to have been charged with organizing 'illegal demonstrations'. Yao Fuxin is believed to be seriously ill, possibly due to ill treatment. Several other demonstrators were reportedly detained and beaten. Gu Baoshu, who was detained and released after several hours of interrogation, was reportedly covered in bruises and suffering from severe chest pain and blood clots in his eyes when he was released. He has subsequently been threatened and harassed by the police, following his demands for those responsible for his beatings to be investigated.

Many labor activists are also imprisoned on charges of 'subversion', for revealing 'state secrets' (which may simply refer to reporting labor unrest), or for organizing an 'illegal demonstration'. They include Zhang Shanguang who is currently serving a ten year sentence for 'illegally supplying intelligence to hostile organizations and people abroad'. One of the charges against him was based on an interview he gave to a foreign radio station during which he spoke, among other things, about peasant demonstrations in Hunan Province. He has reportedly been tortured in prison and is believed to be seriously ill.

In October 2001, extensive amendments to the Trade Union law of the People's Republic of China were ratified by the National People's Congress. While the amendments brought some improvements, the revised law still severely restricts workers' rights to freedom of association and expression. Some revisions also represent a step backwards in the promotion of workers rights. For instance, the revisions reinforce the existing monopoly of the ACFTU and affirm the subordination of Chinese Trade Unions to the Chinese Communist Party (CCP). There continues to be no explicit reference to the right of workers to 'strike' (ba gong) and independent trade unions are still not permitted.

### **Abuses Against HIV/AIDS Patients**

In June 2003, around 600 police and other unidentified men carried out a violent raid of Xiongqiao village in Shangcai County, Henan Province. The raid is believed to have been provoked by an earlier incident in which up to 100 HIV-positive villagers visited the provincial capital Zhengzhou to protest the lack of adequate health care in Xiongqiao. Sixteen unarmed people thought to be HIV-positive and possibly suffering from AIDS were detained. There are unconfirmed reports that at least some of them were beaten in police custody. One of those released has claimed that the

detainees were beaten to force them to confess to crimes of "robbery" and "attacking government offices."

An estimated one third to one half of the 500-600 residents of Xiongqiao are reported to be HIV positive after becoming infected through the sale of their blood to government-sanctioned blood-collecting stations in the 1990s. The blood-collection schemes became a useful source of income for villagers, but were often poorly managed and unsafe. It is estimated that up to one million people may have been infected with the HIV virus in this way in Henan and other provinces.

The cost of medical treatment in China has increased sharply over recent years due to economic restructuring. Few villagers in Henan and other infected provinces have been given antiretroviral drugs or other specialist care.

The extent of the spread of HIV/AIDS in Henan became better known last year after the most prominent HIV/AIDS activist in China, Dr Wan Yanhai, head of the Beijing-based Aizhi Institute, published on his website lists of people who died in Henan province of HIV/AIDS related illnesses. He was arrested in August 2002 on suspicion of "leaking state secrets," but released around one month later after widespread international protests at his detention.

In July, the Aizhi Institute reportedly wrote to the Health Minister of the Chinese government, calling for greater transparency and urging the government to release statistics detailing the number of people infected with the HIV virus through use of government-sanctioned blood collection centers and the provinces in which they were infected.

According to Dr Wan Yanhai, the deputy director of the Henan Center for Disease Control, Ma Shiwen, was arrested in August for allegedly leaking documents on the Henan epidemic to the Aizhi Institute. Amnesty International is particularly concerned that Ma Shiwen appears to have been detained under vaguely-worded state secrets legislation, which continues to be used widely in China to detain individuals in violation of their fundamental human right to freedom of expression.

### **Hong Kong Special Administrative Region**

Amnesty International welcomes the withdrawal of Article 23 legislation proposed by the HK SAR. This legislation would have allowed Hong Kong to enact its own laws to prohibit acts of treason, secession, sedition and subversion. It was feared that the proposals could be used to suppress the rights to freedom of expression and association as well as the legitimate activities of non-governmental organizations and the media.

Police reportedly used excessive force in response to protests on economic issues and the right of abode. Three prominent activists were arrested and charged with organizing an unlawful assembly under a revised Public Order Ordinance that had never before been invoked. In November, two other well-known activists were arrested and charged with the same offence after holding a demonstration in May in protest against the arrests of the three activists.

Members of the Falun Gong, a registered society in Hong Kong, were arrested at peaceful demonstrations and alleged that they were victims of police violence. On August, 16, 2002 *Falun Gong* members were convicted of obstruction during a demonstration in March. There were claims that the trial was politically motivated.

## **Macao Special Administrative Region**

There were continuing reports of beatings and torture in police custody; at least one detainee died in suspicious circumstances. Police reportedly used excessive force during labor protests. Investigations into complaints about police violence continued to be slow and unsatisfactory. Members of the *Falun Gong*, which was neither registered nor banned in Macao, were reportedly harassed by police and foreign practitioners were denied access to Macao.”

## **North Korean Asylum Seekers in China**

In the face of serious food shortages and political repression, thousands of North Koreans have fled across the border to China where many live in fear of arrest and possible repatriation. The Chinese authorities claim that all North Koreans who illegally come to China are economic migrants, and have consistently denied them access to any refugee determination procedure, in violation of China's obligations under the 1951 Refugee Convention and despite evidence that many among them have genuine claims to asylum.

Their desperate plight has been brought into sharp focus over recent months by a series of diplomatic incidents in which over 100 North Koreans have entered foreign diplomatic facilities in several Chinese cities in an attempt to claim asylum. China has responded to these incidents by stepping up its crackdown on North Koreans, particularly in the provinces of Liaoning and Jilin which border North Korea. Hundreds, possibly thousands, of North Koreans have been detained and forcibly returned across the border where they meet an uncertain fate. Amnesty International fears that they could be subjected to serious human rights violations, including arbitrary detention, torture or even summary execution.

The renewed crackdown in northeast China has also extended to people suspected of helping North Koreans, including members of foreign aid and religious organizations and ethnic Korean Chinese nationals living in the border area, many of whom have been detained for interrogation. In December 2001, a South Korean pastor, Chun Ki-won and his assistant, Jin Qilong, an ethnic Korean Chinese national, were arrested in Hulunbeier City in China's Inner Mongolia Autonomous Region while leading a group of 13 North Koreans through northeast China towards the neighbouring state of Mongolia. On March 3, 2002, Chun Ki-won and Jin Qilong were charged with 'organizing other people to illegally cross the national border'. They were tried by the Hulunbeier Municipal People's Court in Inner Mongolia in July, found guilty and sentenced to pay fines of 50,000 and 20,000 Yuan respectively (US\$6,000/US\$2,400). They were subsequently released, and Chun Ki-won was deported to South Korea on August 22, 2002.

The 13 North Koreans were detained in Manzhouli Prison in Inner Mongolia. Three of them, including a newly-born baby, were reportedly returned to North Korea in late January or early February 2002, but there were no further details about their status or whereabouts. The others, including four children, were reported to have been moved from Manzhouli Prison in July 2002, but their current whereabouts remains unknown.

The Chinese authorities' have often failed to distinguish between peaceful acts of protest and 'terrorism'. For example, in its report of January 21, 2002 (mentioned above), the Chinese authorities accused ETIM (otherwise known as the 'East Turkestan Islamic Party of Allah') of being behind the 'Yining Incident' of February 5-8, 1997, which was described as a 'serious riot during which the terrorists shouted slogans calling for the establishment of an Islamic Kingdom.' However, eyewitness accounts indicated that this unrest started with a peaceful demonstration by Uighurs which was brutally suppressed by the security forces, leading to sporadic rioting and violence over

two days.

### **U.S. Government Response**

Mr. Chairman, as my testimony has demonstrated, Amnesty International sees no signs of improvement with regards to human rights in China. Chinese authorities continue to detain political prisoners without charge, and to torture and ill-treat prisoners in custody, often resulting in the prisoners' deaths. Thousands remain incarcerated simply for exercising their right to freedom of conscience, expression, religion and association.

It is crucial that the United States continue to play a leadership role in demanding fundamental improvements in the Chinese government's respect for human rights. We should not allow the Chinese Government to take advantage of our wish that they cooperate in the war on terrorism. Such requests must not result in giving Beijing a blank check to crackdown on human rights at home. Peaceful political dissent is not terrorism.

We appreciate the steps taken by the Assistant Secretary of State for Human Rights Lorne Craner to secure fundamental human rights to Chinese civilians. His efforts have to be backed up by President Bush.

The President and other senior Administration officials must articulate a strong, clear, and consistent human rights policy on China. The international community is unlikely to take firm action when the world's leader is engaged in a policy of appeasement which gives priority to trade over human rights. The Chinese Government's policy of dealing with dissent has not changed over the years. It is the U.S. and international community's response that has changed.

### **U.S. Congress**

Mr. Chairman, historically the United States Congress has played a crucial role in shaping U.S. human rights policy towards China. Through persuasion and legislation, Congress members fought to keep respect for human rights at the forefront of U.S.-China policy. Congressional oversight countered Administration tendencies to overlook abuses and tendencies by the Administration to buy into trade at any cost.

The spotlight that Congress provided helped lessen the abuses from China's repressive regime, and led to countless releases of prisoners of conscience. Until recently, Congress debated the human rights situation in China on an annual basis during the debates about the re-granting of Most Favored Nation (MFN) status. Such debates helped keep the excesses of abuses in check. The debate was elevated in importance because of the financial concerns involved.

Since Congress granted Permanent Normal Trade Relations (PNTR), however, the attention to human rights in China has all but withered. While some individual Members of Congress have gallantly confronted the abuses on behalf of the citizens in China, the lack of an annual debate has muted Congress' voice.

Mr. Chairman, abandoning one-fifth of the world's population is not a smart U.S. policy. I urge that the Congress resume reinvigorated debate on human rights in China and that the Congress re-think engagement without results.

## **Recommendations:**

President Bush should raise Rebiya Kadeer's imprisonment with China's President Hu Jintao when he meets with him at the APEC Conference in Thailand in October and he should abandon the current quiet U.S. human rights policy towards China, which fails the Chinese people now, and in the long-term fails the U.S.

### **The Administration should:**

- Develop a comprehensive strategy to address human rights issues in China.
- Vigorously seek the release of prisoners of conscience held in China for peacefully expressing their beliefs, particularly Tibetan POCs, Phuntsog Nyidron, Ngawang Phulchung, as well as all prisoners still held in connection with the 1989 pro-democracy protests.
- Announce its intention to sponsor a resolution condemning China's human rights practices at the 2004 United Nations Human Rights Commission in Geneva, and begin now to seek co-sponsorship from other countries.
- Take advantage of the 2008 Olympics in Beijing to demand concrete benchmarks from the Chinese authorities for human rights progress in China.
- Seek information on the whereabouts and secure the freedom of movement of Gedun Choekyi Nyima, the Dalai Lama's choice as the 11<sup>th</sup> Panchen Lama.
- Demand the revocations of all forms of administrative detention that are imposed without charge, trial, or judicial review.

Thank you for inviting Amnesty International for this important hearing.

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