

**THE ASSAULT ON FREEDOM
OF EXPRESSION IN ASIA**

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIA,
THE PACIFIC, AND INTERNATIONAL
CYBERSECURITY POLICY

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

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THE ASSAULT ON FREEDOM OF EXPRESSION IN ASIA

WEDNESDAY, MARCH 30, 2022

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND
INTERNATIONAL CYBERSECURITY POLICY,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:07 p.m., in room SD-106, Dirksen Senate Office Building, Hon. Edward J. Markey presiding.

Present: Senators Markey [presiding] and Romney.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, U.S. SENATOR FROM MASSACHUSETTS

Senator MARKEY. It is a pleasure to chair this hearing on freedom of expression under assault in Asia. I want to thank Senator Romney for his cooperation on this hearing and the great work we have done together over the past year on this subcommittee.

I want to thank each of the witnesses for appearing today. I look forward to hearing your testimony.

Around the world, freedom of expression, one of the underpinnings of democracy, is under attack. We have seen that countries throughout the Asia Pacific region have become models for repression and censorship.

In Cambodia, Burma, Philippines, Hong Kong, and China, authoritarian leaders seek to cement their power at the expense of the people, relentlessly crushing dissent and silencing opposition.

They have weaponized laws to bring those who speak out to heel, to inspire self-censorship, to sow fear and discord, often under the veneer of the legal system. We cannot protect democracy at home or abroad if we do not protect the right to nonviolent self-expression and freedom of the press.

Unfortunately, today, the Asia Pacific region is leading the world in efforts to restrict freedom of expression. China, Burma, and Vietnam were among the top five worst jailers of journalists globally last year, according to the Committee to Protect Journalists.

In Cambodia, Hun Sen and his cronies continue to backslide into authoritarianism by using the COVID-19 pandemic as justification to crack down on journalists and opposition figures.

Journalism can be a deadly business even in democracies. Just 36 hours before Maria Ressa accepted her Nobel Peace Prize, one of her colleagues was shot and killed in the Philippines, and Maria

has risked her own freedom to protect the universal bedrock principles of a free press and rule of law.

Sarah Cook of Freedom House, a stalwart, has spent her career shining a light on abuses against these very freedoms. As Hong Kong authorities have wielded a new National Security Law to clamp down on political activity, grassroots activists like Joey Siu are on the front lines of defending freedom for Hong Kongers.

We need journalists, activists, and ordinary citizens to continue to speak truth to power and to shine a light on government abuses, from genocide in Burma and to Xinjiang to politically motivated detentions in the Philippines.

The People's Republic of China has made its authoritarian campaign of repression a key export to other countries. In 2016, Xi Jinping told state media, "Wherever the readers are, wherever the viewers are, that is where propaganda reports must extend their tentacles."

Those tentacles have permeated Taiwan, where PRC disinformation and media influence operations have increased in the past several years.

Taiwan is the subject to more disinformation from Beijing and other governments than any other place in the world, including in the run up to Taiwan's 2020 presidential election.

The PRC is spending billions to expand the global reach of its state-run media outlets exporting its authoritarian model. This is why I worked with my colleagues to secure the single greatest increase in funding in Radio Free Asia's 25-year history in the Senate-passed Innovation and Competition Act.

Additionally, my Asia Reassurance Initiative Act, which former chair of this subcommittee, Cory Gardner, and I championed together, authorized more than \$1 billion over 5 years to support democracy, human rights, and the rule of law in the Indo-Pacific.

The United States must do more to push back against the authoritarian playbook of repression and hold up these values as a focal point of American foreign policy.

I look forward to hearing the recommendations from the witnesses on how the United States can better support freedom of expression and push back against the assault that is underway in Asia.

We are going to be hearing from Senator Romney in just a bit. He has been delayed. He does believe this is just a very, very important hearing to shine a spotlight on these human rights abuses.

So joining us, after arriving from the Philippines earlier this week, is Ms. Maria Ressa. Ms. Ressa is 2021 Nobel Peace Prize Laureate, co-founder of the online news publication Rappler, and has worked as a journalist in Asia for more than three decades.

Ms. Ressa received the Nobel Peace Prize along with Russian journalist Dmitry Muratov for their efforts to safeguard freedom of expression.

Ms. Ressa is a fearless champion of freedom of expression and has used her voice to expose the abuses of the regime of President Duterte.

We welcome you, Ms. Ressa, and I would ask for you to begin your presentation and then I will introduce the other witnesses as you complete your testimony.

So we welcome you, and we congratulate you on your well-deserved victory of the Nobel Peace Prize of 2021. You are just a beacon of hope and the whole rest of the world really, really owes you a debt of gratitude.

So whenever you feel comfortable, please begin.

STATEMENT OF MARIA RESSA, 2021 NOBEL PEACE PRIZE LAUREATE, CO-FOUNDER OF RAPPLER, MANILA, THE PHILIPPINES

Ms. RESSA. Thank you. Thank you so much, Senator Markey. Thank you for inviting me to speak today.

I really would like to share only three points, first, to tell you what we are living through as journalists, as human rights defenders in the Philippines; second, how technology for profit has become an insidious tool for tyranny globally and what you can do; and finally, what we are doing to help safeguard our elections in exactly 40 days. This is—I call it an “avengers assemble” moment in my nation’s battle for facts.

I have been a journalist for more than 36 years, so I am old. In 2016, Rappler came under intense online attack because we exposed the brutal drug war and the propaganda machine that was attacking journalists, news organizations, human rights defenders, and opposition politicians.

The weaponization of social media you referenced, well, we lived through it, but that was followed by lawfare, the weaponization of the law, twisting the law to target us.

In 2018, the Philippine Government tried to revoke Rappler’s license to operate, and while we continue to fight it legally, within 4 months we lost 49 percent of our advertising revenue. In less than 2 years my government filed 10 arrest warrants against me.

In order to travel, I am—you never realize how wonderful that freedom to travel is until it is taken away—I have to ask permission from the courts. Sometimes I get it. Sometimes I do not.

One of the times my travel was denied at the last minute was when my aging parents in Florida, both ill, had asked me to come because my mom was getting an operation. It was—I got a “no” from the last court at the last minute.

Shortly after the Nobel Peace Prize, Rappler has received 22 new complaints, potential new legal cases. Last Friday, we received eight in one day—eight subpoenas.

We must be doing something right because not only did a sitting cabinet secretary sue seven news organizations, including Rappler, but another is a petition at the Supreme Court by the solicitor general alleging ridiculous conspiracy theories against Rappler.

I wish it was true, but it was not. No, I do not wish it was true. That is a joke.

The majority of these other complaints are connected to President Duterte’s pastor. His name is Apollo Quiboloy. He is wanted by the FBI. His company, leading the attack against journalists and human rights activists, it was just awarded a television franchise.

All told, I could go to jail for the rest of my life because I refuse to stop doing my job as a journalist, because Rappler holds the line and continues to protect the public sphere.

I am lucky. Remember, Senator Leila de Lima, a former justice secretary and head of the Commission on Human Rights last month, began her sixth year in prison. Amnesty International calls her a prisoner of conscience.

Or young journalist Frenchie Mae Cumpio, who spent her last two birthdays in prison. Or my former colleague, Jess Malabanan you referenced. He was killed by a bullet to his head. He worked on Reuter's Drug War series that won a Pulitzer Prize.

Or ABS-CBN, the largest broadcaster in the Philippines, a newsroom I headed for 6 years, which in 2020 lost its franchise to operate. The last time that happened was when Ferdinand Marcos declared martial law in 1972.

For the people who defend us, our lawyers, there are costs. More lawyers than journalists have been killed under the Duterte administration. Hundreds of human rights activists are dead and the numbers killed in our brutal drug war—this—from thousands, the tens of thousands, who really knows—that is the first casualty in the Philippines battle for facts.

This brings us to my second point, how technology has degraded facts and broken our societies. Like the age of industrialization, there is a new economic model that has brought new harms, a model Shoshana Zuboff called surveillance capitalism.

When our atomized personal experiences are collected by machine learning, organized by artificial intelligence, extracting our private lives for outsized corporate gain, highly profitable micro-targeting operations are engineered to structurally undermine human will.

It is a behavior modification system in which we are Pavlov's dogs, experimented on in real time, with disastrous consequences.

This is happening to you, to all of us around the world. Engagement-based metrics of these American technology companies mean that the incentive structure of the algorithms, which is really just their opinion in code, implemented at a scale that we could never have imagined, is insidiously shaping our future by encouraging the worst of human behavior. It is also choosing what journalism survives.

Studies have shown that lies laced with anger and hate spread faster and further than facts, and these next sentences I have said repeatedly for the last 6 years. Without facts, you cannot have truth. Without truth, you cannot have trust. Without trust, we have no shared reality, no rule of law, no democracy.

Now these networks form a global nervous system of toxic sludge fueled by geopolitical power play. In 2018, after the senate released the data from the IRA, the GRU, we connected the information operations in the Philippines with Russian disinformation networks.

In 2020, Facebook took down information operations from China that were then creating fake accounts for the U.S. presidential elections. Simultaneously, in the Philippines it was polishing the image of the Marcoses.

It was campaigning for China, campaigning for the daughter of President Duterte, and attacking me and Rappler. These are multi-purpose networks.

In 2021, the U.S. and the EU called out China and Russia for COVID-19 disinformation. We are all connected. Surveillance cap-

italism is where all our problems connect—safety, privacy, anti-trust, and content moderation. They are not separate issues.

The platforms wanted to debate content moderation down here because if you are stuck down here they can make more money. So we need to move further upstream to the algorithms, the operating system of this information ecosystem, the algorithms of amplification, and then we go further upstream to the root cause, surveillance capitalism.

On Thursday, March 24—last week—the European Union hammered out the last details of the Market Services Act to be followed by the Digital Services Act. It is the most comprehensive legislation to put guard rails around tech, but these will take time.

Right now, I appeal to U.S. legislators to reform or revoke Section 230 of the Communications Decency Act because we, at the frontlines, need immediate help. We cannot solve the global existential problems if we do not win the battle for facts and we cannot have integrity of elections if we do not have integrity of facts.

In exactly 40 days, the Philippines will vote in what is an existential moment for our democracy. The front runner for president is Ferdinand Marcos, Jr., whose family was ousted by a people power revolt 36 years ago.

He is back, partly because history was revised in plain view with networks of misinformation on American social media platforms, which we, at Rappler, exposed and we released that data publicly.

I have submitted to you and the members of this—the Senate in this hearing the whole-of-society approach that we are trying to use to protect the facts, a four-layer pyramid we call #FactsFirstPH. I can answer any questions you may have about that.

Since it is succeeding, we have these new legal challenges and our news sites—there are 16 news groups cooperating together in this—we have come under expanded DDoS attacks that are meant to take us down.

These exponential lies on social media are like DDoS attacks on our brains, attacking our biology, leaving journalists, human rights activists, opposition politicians defenseless.

The platforms and the autocrats that exploit them must be held accountable and democratic governments must move faster. In that sense, Russia's invasion of Ukraine has galvanized action and is forcing solutions.

For countries like the Philippines, please consider the Magnitsky sanctions. Democratic nations must stand together for democratic values. The solution is three pronged and remains the core pillars of Rappler: technology, journalism, community.

First, put guardrails around tech, build better tech; second, strengthen journalism and help fund independent news, part of the reason I agreed to co-chair the International Fund for Public Interest Media; third, build communities of action that stand by these democratic values.

I could go to jail for the rest of my life just because I am a journalist. What I do now will determine whether that will happen.

Thank you for your support. Thank you for your help. Now action is up to you.

[The prepared statement of Ms. Ressa follows:]

Prepared Statement of Ms. Maria Ressa

Thank you for inviting me to speak to you today. My name is Maria Ressa. I would like to share three points with you: first, what we are living through as journalists and human rights defenders in the Philippines; second, how technology for profit has become an insidious tool for tyranny globally; and finally, what we are doing to help safeguard our elections in 40 days. This is an Avengers, Assemble moment in our nation's battle for facts.

LAWFARE

I've been a journalist for more than 36 years. I am a co-founder of Rappler in the Philippines. In 2016, we came under intense online attack because we exposed the brutal drug war and the propaganda machine that was attacking journalists, news organizations, human rights defenders, and opposition politicians. The weaponization of social media was followed by lawfare, twisting the law to target those same groups. In 2018, the Philippine Government tried to revoke Rappler's license to operate, and while we continued to fight it legally, within 4 months, we lost 49 percent of our advertising revenue. In less than 2 years, my government filed 10 arrest warrants against me. In order to travel, I have to ask for permission from the courts. Sometimes I get it. Sometimes I don't. One of the times my travel was denied at the last minute was when my aging parents, both ill, had asked me to come because my mom was getting an operation.

In the past few months, we've had 22 new complaints, potential new legal cases, filed against us. Last Friday, we received 8 in one day. We must be doing something right because not only did a sitting cabinet secretary¹ sue 7 news organizations, but another is a petition at the Supreme Court² by the Solicitor General alleging unfounded conspiracy theories against Rappler. The majority of these complaints³ are connected to President Duterte's pastor, Apollo Quiboloy, wanted⁴ by the FBI, whose company leading the attack against journalists and human rights activists⁵ was recently awarded a television franchise.⁶ Last week, I testified in court in a case where the alleged tax we owed—P200,000 was far less than the P1.2 million I had posted in that court in bail and bonds to stay free and keep working.

All told, I could go to jail for the rest of my life. Because I refuse to stop doing my job as a journalist. Because Rappler holds the line and continues to protect the public sphere.

It feels like we're living in an alternative universe, and the Queen is shouting, "off with her head!"

But I'm lucky.

VIOLENCE, JAIL, SHUTDOWN

Remember Senator Leila de Lima, a former justice secretary and head of the Commission on Human Rights, last month began her sixth year in prison. Amnesty International calls her a prisoner of conscience.

Or young journalist Frenchie Mae Cumpio, who spent her last two birthdays in prison.

Or former colleague Jess Malabanan, killed by a bullet to his head. He worked on Reuters' drug war series that won a Pulitzer Prize.

Or ABS-CBN, the largest broadcaster in the Philippines—a newsroom I headed for 6 years, which in 2020 lost its franchise to operate. The last time that happened was when Ferdinand Marcos declared martial law in 1972.

For the people who defend us, there are costs. More lawyers have been killed⁷ than journalists under the Duterte administration: at least 66 compared to at least 22. And the toll for human rights activists⁸ as of August last year hit at least 421 dead. Last year on March 7, nine trade union leaders and human rights activists were killed⁹ in simultaneous early morning police raids—now known as Bloody Sunday. And the numbers killed in our brutal drug war—from thousands to tens of thousands—is the first casualty in our battle for facts.

SURVEILLANCE CAPITALISM'S HARMS AND THE DESTRUCTION OF TRUST

That brings us to my second point: how technology has degraded facts and broken our societies. I became a journalist because I believe that information is power—it's how we get justice. The death of democracy began when journalists lost our gatekeeping powers to the technology platforms that not only abdicated responsibility for protecting us ... but also destroyed democracy by destroying the facts ... for immense profit.

Like the age of industrialization, there's a new economic model that brought new harms, a model Shoshana Zuboff called surveillance capitalism—when our atomized

personal experiences are collected by machine learning, organized by artificial intelligence—extracting our private lives for outsized corporate gain. Highly profitable micro-targeting operations are engineered to structurally undermine human will—a behavior modification system in which we are Pavlov’s dogs, experimented on in real time with disastrous consequences. This is happening to you—to all of us around the world.

Engagement based metrics of these American tech companies mean that the incentive structure of the algorithms, which is just their opinion in code implemented at a scale that we could never have imagined, is insidiously shaping our future by encouraging the worst of human behavior. Studies have shown that lies laced with anger and hate spread faster and further than facts.

Without facts, you can’t have truth. Without truth, you can’t have trust. Without these, we have no shared reality, no rule of law, no democracy.

In my upcoming book, the prologue I submitted last year began with the splintering of reality in Crimea in 2014. I had to revise that when Russia invaded Ukraine using the same narratives seeded then. Would that have happened if the platforms had acted 8 years ago? That is the true cost for the world.

Now these networks form a global nervous system of toxic sludge partly fueled by geopolitical power play. In 2018, we connected the information operations in the Philippines with Russian disinformation networks through websites in Canada. In 2020, Facebook took down information operations from China that were creating fake accounts for the U.S. elections, polishing the image of the Marcoses, campaigning for Duterte’s daughter, and attacking me and Rappler. In 2021, the U.S. and the EU called out China and Russia for Covid-19 disinformation.

We are all connected.

LEGISLATION

How will we deal with surveillance capitalism today? That’s where all our problems connect: safety, privacy, antitrust, and content moderation. They’re not separate issues.

The platforms want you to debate content moderation because if you’re stuck there, they can make more money. So move further upstream to algorithmic amplification, its operating system, and go further upstream to its root cause: surveillance capitalism.

On Thursday, March 24, 2022, the European Union hammered out the last details of the Market Services Act, to be followed by the Digital Services Act, the most comprehensive legislation to put guardrails around tech. These will take time. Right now, I appeal to U.S. legislators to reform or revoke section 230 of the Communications Decency Act because we at the front lines need immediate help.

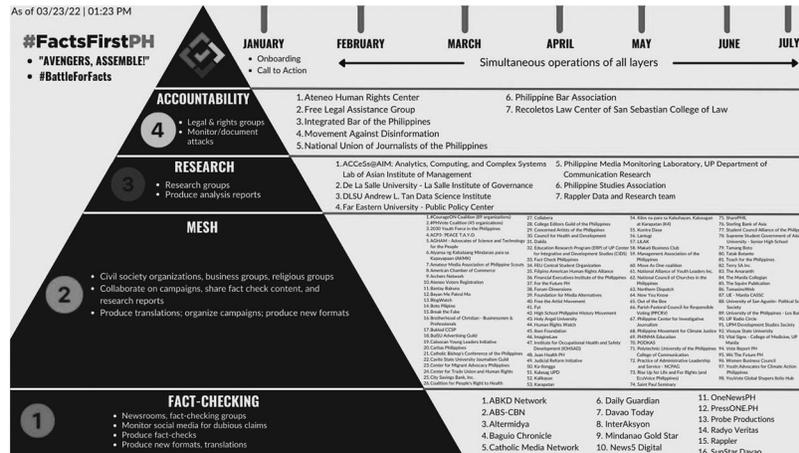
BATTLE FOR FACTS

We cannot solve the global existential problems if we don’t win the battle for facts. And we cannot have integrity of elections if we don’t have integrity of facts.

In 40 days, the Philippines will vote in an existential moment for our democracy. The frontrunner for president is Ferdinand Marcos, Jr., whose family was ousted by a people power revolt 36 years ago. He’s back partly because history was revised in plain view, with networks of disinformation, which we at Rappler exposed, releasing the data publicly.

So we decided to collaborate to find a solution. Here’s one way media, civil society, the academe, and the law can work together to deal with the viral speed of lies and the preferential distribution of anger and hate.

This is the pyramid we built.
This is #FactsFirstPH:



It begins with our communities—individuals reporting lies to our tiplines, the data layer that unites the pyramid. For the first time, at least 16 news groups are working together in the foundational layer. Once the fact checks are done, it moves to the mesh layer, civil society groups, non-governmental organizations, schools, business groups, and the Church joining together to mount their own campaigns for facts, creating a mesh of distribution. That data then travels to the third layer, the disinformation research groups finally working together, which weekly releases research to tell Filipinos exactly how we're being manipulated and by whom. Finally, the layer that's long been needed: the law—legal groups across the spectrum focused on filing tactical and strategic litigation.

Until legislation—guard rails for tech—are put in place, communities must find a way to collaborate and to use technology and data against this global behavior modification system that has become the preferred tools for autocrats, not because they're so good, but because the platforms are so bad.

It's been only a few weeks, but all news groups have been under new sustained DDoS attacks to take us all down, and we have a petition at the Supreme Court by the Solicitor General saying that fact-checking is prior restraint. So it's working.

STOP THE IMPUNITY

Eight years after the annexation of Crimea, elections are existential globally—even as the global landscape is being reshaped with "Autocrats Inc" emerging stronger. If lies win in the Philippines, we again become the first domino to fall in the global descent to tyranny. As news groups in the Philippines now face renewed and expanded DDoS attacks against our sites meant to take us down, these exponential lies are like DDoS attacks on our brains, attacking our biology, leaving us defenseless.

The platforms—and the autocrats that exploit them—must be held accountable, and governments doing this must move at a faster pace. In that sense, Russia's invasion of Ukraine has brought nations together and may bring solutions for the continued impunity of platforms. For countries like the Philippines, consider Magnitsky sanctions.

Democratic nations must stand together for democratic values. The solution is three-pronged, and remain the core pillars of Rappler: technology, journalism, community. First: Put guardrails around the tech; build better tech. Second: strengthen journalism, and help fund independent news—part of the reason I agreed to co-chair the International Fund for Public Interest Media. Third, build communities of action that stand by these democratic values.

I could go to jail for the rest of my life. Just because I'm a journalist. But what I do now will determine whether that will happen. So I pledge to #HoldTheLine. These times demand more, and journalists have met—and will meet those demands. Now it's up to you.

Notes

¹ Cusi sues Rappler, 6 other news orgs for libel over Malampaya-Dennis Uy reports, Journalist groups decry Cusi and Uy's libel suits over Malampaya deal reports, Philstar.com, and Cusi libel complaints an "embarrassment" for PH—Maria Ressa's lawyers

² Calida to SC: Void Rappler-Comelec fact-check deal for violating free speech and Marcos and Calida in sync anew, this time vs Rappler's Comelec deal

³ Quiboloy workers file a dozen cyber libel complaints vs Rappler and Rappler answers a dozen cyber libel complaints from Quiboloy workers

⁴ Quiboloy, 2 associates on FBI's most wanted list

⁵ Quiboloy's SMNI fuels disinformation, online attacks on gov't critics

⁶ Channel 43, used by ABS-CBN, goes to Quiboloy's SMNI

⁷ On last day of 2021, Cavite prosecutor becomes 66th lawyer killed under Duterte

⁸ In 2021, activists, human rights defenders fight to survive under Duterte and A bloody trail: People we lost under Duterte

⁹ UN slams Philippine police for killing nine activists, News, DW, 09.03.2021

Senator MARKEY. Thank you so much and, again, it is just an honor to have you here before the committee—the risks that you have taken, the sacrifice that you have made. The leadership that you have provided, not just for the Philippines, but for the whole world is absolutely immeasurable. So thank you.

Next, we are going to hear from Ms. Joey Siu, who, again, is a student activist, a policy advisor at Hong Kong Watch, and advisor to the Inter-Parliamentary Alliance on China.

She participated actively in Hong Kong's pro-democracy movement by organizing local grassroots campaigns and international advocacy for Hong Kong.

Her focus is on human rights in Hong Kong, East Turkestan, Tibet, and other regions in China, and she writes on U.S.-China relations and Hong Kong politics.

We welcome you, Ms. Siu.

Whenever you are ready, please begin.

STATEMENT OF JOEY SIU, POLICY ADVISOR, HONG KONG WATCH, WASHINGTON, DC

Ms. SIU. Good afternoon and thank you, Chairman Markey, and thank you, Maria, and also Sarah for their very outstanding work in defending human rights and also, most importantly, freedom of expression.

So my name is Joey Siu. I am the policy advisor to Hong Kong Watch. I was born in North Carolina and moved to Hong Kong when I was seven.

I became an activist, and in September 2020 I was forced to flee Hong Kong, to leave my family and friends, and come back to the States under the risk of political persecution with the National Security Law implemented by the Chinese Government in Hong Kong.

From crackdowns on social movements in Hong Kong, Thailand, and Myanmar to the tightening control over Tibet and East Turkestan, we are seeing governments resorting to every conceivable measure to limit the people's right to freedom of expression across Asia.

Today, I will be highlighting the situations in Hong Kong, Tibet, and East Turkestan.

In Hong Kong, protestor Tong Ying-kit became the first person to become convicted under the National Security Law that came into effect in Hong Kong on July 1, 2020. He was sentenced to 9 years in jail for “inciting secession” and “terrorism” under the National Security Law.

In the verdict passed down it was made clear that the protest slogans on the banner he held “Liberate Hong Kong; Revolution of Our Times” was weighed heavily in the determining of his sentencing, meaning that expression of support to all pro-democracy movements in Hong Kong is becoming considered criminal.

British colonial laws and the widely criticized public order ordinance were also used against human rights defenders in Hong Kong. Rallies and assemblies, including the city’s annual June 4th Tiananmen massacre commemoration events, were banned in Hong Kong.

Organizers, including Albert Ho, Lee Cheuk-yan, and also Chow Hang-tung, they were arrested and convicted for “participating in the inciting and unauthorized assembly” under the public order ordinance.

COVID-19 restrictions were also manipulated by the Hong Kong Government to repress activities that do not align with the Chinese Communist regime’s political stances.

As we, people across the world, stand in solidarity with Ukraine against Russia’s invasion, we are seeing people in Hong Kong participating in peaceful pro-Ukraine demonstrations being fined, being warned by the Hong Kong Government for what they say are a violation of relevant COVID rules.

Free press is also quickly vanishing in Hong Kong. At least 18 journalists have been arrested since 2019 since our pro-democracy movement broke out, and 12 remain in jail while waiting for trial, including our very prominent, very leading pro-democracy figure, our media tycoon Jimmy Lai, and under mounting political pressure almost all of these independent pro-democracy media outlets in Hong Kong are forcibly shut down. Fearing date-back charges with the National Security Law, they have to delete previous articles and reportings as they cease operations. An increasing number of reporters and also journalists in Hong Kong are now forced to leave the city.

Online expression and also internet access are also under tighter restrictions. Since May 2021, access to several pro-democracy websites were found blocked and our organization, Hong Kong Watch’s, website is among one of them.

Free expression is also seriously encroaching in Tibet and East Turkestan. According to Freedom House “Freedom in the World” 2022 report, Tibet was ranked again for the second year in a row the least free country worldwide.

It is one of the most restricted and strictly monitored regions across the globe with heavy police presence and also surveillance that has created an almost complete information blackout in Tibet.

Last month, a popular young Tibetan singer, Tsewang Norbu, self-immolated in front of the Potala Palace in Lhasa. The Chinese Government very quickly took control over the scene and restricted information from being reported and circulated.

It took Tibetans in exile and also other human rights organizations almost a month just to confirm the news that it really happened. Because Beijing does not allow any foreign media presence in Tibet, it is incredibly hard and time-consuming for people outside to obtain first hand information.

The escalating restrictions on freedom of expression, including censorship and also the cutting off of internet and mobile communications, this is so impossible for the Tibetan people inside of the region to relay information to the outside world or even to circulate news among themselves.

The Chinese Communist regime's "anti-extremism" policies in the Uighur region is yet another example illustrating the horrific assault on freedom of expression. With all-around surveillance systems installed across the region, Uighurs cannot express their opinions, faith, or culture freely.

At least 1.5 million Uighurs were arrested for irrelevant reasons and are now detained in camps experiencing political indoctrination, horrendous physical and sexual abuses, with absolutely no room for free expression.

As freedom of expression continues to be under assault across Asia, it is important that the United States continue to fulfill our obligations and demonstrate leadership in defending our shared beliefs and also values.

First of all, it is so crucial that we offer necessary humanitarian relocation channels for all those who have well founded fear of persecution, especially politically exposed journalists, activists, and protesters.

Secondly, I believe that we should continue to enhance our support to assisting government-funded media services, including, as Chairman Markey had mentioned, Radio Free Asia and Voice of America.

I think it would also be considerable that we extend our support to media agencies proximate to the oppressed regions in Asia in democratic countries like Taiwan and Japan to ensure the continuous and timely coverage of developments.

Last, but not least, beyond individual actions, it is also essential that we continue to work with like-minded partners and to lead a multilateral alliance to defend free expression against encroachment from authoritarian regimes.

Thank you.

[The prepared statement of Ms. Siu follows:]

Prepared Statement of Ms. Joey Siu

My name is Joey Siu, the policy advisor to Hong Kong Watch. I was born in North Carolina and moved to Hong Kong when I was 7-years-old. I became a student activist and served as the Vice President at City University of Hong Kong's Student Union. In September 2020, I was forced to flee the city under risks of persecution with the National Security Law.

INCREASING THREATS TO FREEDOM OF EXPRESSION IN ASIA

As democracy movements ignite across Asia, we are witnessing an escalation of assault on free expression in the region. From the crackdowns on social movements in Hong Kong, Thailand and Myanmar, to the tightening control over Tibet, East Turkistan and mainland China, governments have been resorting to every conceivable means to limit the people's right to free speech, assembly and expression, by

enacting draconian laws and policies, persecuting journalists and human rights advocates, prohibiting assemblies and media.

I will be highlighting the situations in Hong Kong, Tibet and East Turkestan.

FREEDOM OF EXPRESSION DISMANTLED IN HONG KONG

The *National Security Law* was passed by China's National People's Congress and came into force in Hong Kong on July 1, 2020. As stated in the legislation, any permanent resident of the Hong Kong Special Administrative Region or any foreign person who are convicted under offenses of "secession," "subversion," "terrorism" or "collusion with foreign forces" would face up to life-time imprisonment.

Making use of the draconian legislation together with old colonial laws, widely-criticized ordinances, police aggression and COVID-19 restrictions, the Hong Kong Government is in the process of dismantling freedom of expression in the city.

Free Speech and Assembly

Under the National Security Law, pro-democracy rallies, protest slogans and symbols, and anti-government criticisms are strictly proscribed. On July 31, 2021, protester *TONG Ying-kit* became the first person to be convicted under the National Security Law and was sentenced to 9 years of imprisonment for "inciting session" and "terrorism." In verdicts passed down, the prosecutors made clear that the protest slogan on the banner he held, "*Liberate Hong Kong; Revolution of Our Times*," weighed heavily in determining his sentencing, meaning that his expression of support for the protests was now considered criminal. Hundreds more face similar sentencing under the National Security Law which is now having a profound chilling effect on free expression.

Aside from offenses under the National Security Law, activists continue to face trumped-up charges under colonial-era laws. Earlier this month, prominent pro-democracy figure *TAM Tak-chi* was convicted of "seditious speech" under British colonial-era laws, for organizing street booths and chanting anti-Hong Kong police slogans. The Hong Kong Government has only begun to use this archaic colonial legislation in the last 2 years. Alongside the National Security Law it represents a significant blow to free expression.

Pro-democracy assemblies, including the city's annual *June 4th Tiananmen Massacre commemoration* are also banned. *Albert HO*, *LEE Cheuk-yan* and *CHOW Hang-tung*, Hong Kong's prominent democracy figures and core members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China were arrested and convicted with "inciting and participating in an unauthorized assembly" under the widely-criticized Public Order Ordinance for organizing the June 4th Candlelight Vigil back in 2020.

COVID-19 restrictions are also used to repress political activities that do not align with the government's stances. As the world stands in solidarity with Ukraine against Russia's invasion, three people were fined by the Hong Kong police for participating in an absolutely peaceful small-scale pro-Ukraine demonstration.

Free Press

Since the beginning of the pro-democracy movement in 2019, journalists have been heavily exposed to danger. According to a survey conducted by the *Hong Kong Journalists' Association*, of the 222 journalists who responded, only 28 said they had not been treated violently by the Hong Kong Police Force while covering the movement. Not only did reporters encounter frequent attacks and harassment from the police force, they were also threatened by government-backed pro-Beijing gangs. On July 21, 2019, former journalist *Gwyneth HO* was injured while live-streaming coverage of the pro-Beijing gangs' indiscriminate attack against civilians at Hong Kong's Yuen Long station. She was struck and knocked to the ground and had to receive stitches for her wounds. Later on, television producer and journalist *CHOY Yuk-ling*, who investigated the Yuen Long incident and exposed police failures, was convicted and fined.

Starting from 2019, at least 18 journalists have been arrested while 12 remain in jail awaiting trial. Hong Kong's leading pro-democracy figure and media tycoon *Jimmy LAI* is one of them. On August 10, 2020, over 100 police officers raided the office of *Apple Daily*, Hong Kong's largest pro-democracy paper and arrested *Jimmy LAI*, his sons and numerous senior executives on suspicion of "colluding with foreign forces" under the National Security Law. He was granted bail and again detained on December 21, 2020. With senior executives jailed and assets frozen, *Apple Daily* was forced to close on June 23, 2021.

Following *Apple Daily's* closure, under mounting political pressure and continuous assault from the government, almost all independent pro-democracy media outlets

in Hong Kong have been forcibly shut-down. An increasing number of reporters are fleeing the city.

Access to Internet and Censorship

Online expression and internet access are also under tightening restrictions. In May 2021, access to several anti-government websites were found blocked in Hong Kong. Last month, the same happened to our organization and later on this month, we received a letter from the city's Police Force, requesting contents related to our "Free Political Prisoners" and "International Lifeboat" campaigns to be removed from the website. With an accusation from the National Security Bureau of "colluding with foreign forces to endanger national security," we became the first overseas group to be targeted under the National Security Law, but we will not be the last.

Fearing date-back charges with the National Security Law, most independent pro-democracy media outlets have to delete their previous articles and reportings as they shut down. The only remaining media outlets have no choice, but to heavily censor themselves to lower the risks of being targeted and persecuted.

Censorship fears have also foreshadowed the cultural industry. Tiananmen Massacre themed artwork created by the famous dissident artist *Aiweiwei* was taken down and exhibitions were canceled for obvious political reasons. Last year, the Academy Award ceremony was banned in Hong Kong as the documentary "*Do Not Split*" which I took part in was shortlisted for the Best Documentary Short Subject. Earlier this year, the documentary "Revolution of Our Times" came out and unfortunately, it is also completely inaccessible in Hong Kong.

TIBETANS AND UYGHURS' FREEDOM OF EXPRESSION TAKEN AWAY

Although we hear almost nothing in the news about the situation inside Tibet, according to *Freedom House's Freedom in the World 2022* report, Tibet was just ranked—for the second year in a row—as the least-free country in the world, in a tie with South Sudan and Syria. This is because Tibet is one of the most strictly-monitored regions in the world with heavy police presence and surveillance that has created an almost complete information blackout.

Sadly, we can see how effective this blackout is after a popular 25-year-old Tibetan singer *Tsewang Norbu* self-immolated in front of the Potala Palace in Lhasa last month. The Chinese Government quickly took control of the scene and restricted information from being reported and circulated. It took Tibetans in exile and human rights groups *over 3 weeks to confirm the news* and up until now, no photos or videos or any additional information have been released.

In January, the prominent Tibetan language-rights activist *Tashi Wangchuk*—who had just recently been released from 6-years of imprisonment for speaking out against Beijing's discriminatory language policies—again courageously spoke out for his people and has been facing another arrest.

Because Beijing does not allow any foreign media presence in Tibet, it is incredibly hard and time-consuming for people outside the region to obtain first-hand information on what is going on there. The escalating restrictions on freedom of expression, including heavy censorship and cutting-off the Internet and mobile communications, makes it almost impossible for the Tibetan people inside Tibet to relay information to the outside world or even to circulate news among themselves.

The Chinese Communist regime's "anti-extremism" policies in the Uyghur region is yet another example illustrating the horrific assault of freedom of expression. With all-round surveillance systems installed across the region, not only do Uyghurs in the region cannot express their opinions freely, they cannot express their faith or culture as well.

Over 1.5 million Uyghurs were arrested for reasons including practicing their faith, engaging in cultural events, and expressing in their own Uyghur language, and detained in internment camps, experiencing political indoctrination, horrendous sexual and physical abuses, with absolutely no room for free expression.

Prior to his disappearance, Professor *Ilham Tohti* was a prominent academic at Beijing's Minzu University. He founded the website *Uyghur Online* in 2006 to promote discourse between Han people and the minority groups in China. He wrote about culture, politics and socioeconomics and used his platforms to highlight the Uyghurs' plights and to call for the public's attention to the Chinese Government's systematic persecution of his people. However, despite the fact that he never advocated for independence of the Uyghur region or similar ideas, he was still disappeared by the Chinese Government in 2017 and have been incommunicado since.

RECOMMENDATIONS

As freedom of expression continues to be under assault across Asia, it is important that the United States fulfill our obligations and demonstrate leadership in defending our shared beliefs.

Provide Necessary Humanitarian Relocation Channels

As assaults on freedom of expression escalate, it is crucial that the United States offer necessary humanitarian relocation channels for people with well-founded fears of persecution, especially the politically-exposed journalists, activists and protesters.

Enhance Support to Media

The United States should enhance its support to our government-funded media services, for example, Radio Free Asia with reasonable resources and increasing fundings to ensure the continuous coverage of developments in relevant regions. The government should also consider supporting media agencies proximate to oppressed regions in democratic countries in Asia, including Taiwan and Japan.

Construct Global Alliance to Defend Free Expression

Beyond individual actions, it is also crucial that the United States continue to work with like-minded partners and to lead a multilateral coalition of allies to defend free expression against the encroachment of authoritarian regimes in a collective manner.

Senator MARKEY. Excellent, and thank you for all of your great leadership as well.

We are joined now by Senator Romney, and I do not know if you would like to make an opening statement right now, Senator.

**OPENING STATEMENT OF HON. MITT ROMNEY,
U.S. SENATOR FROM UTAH**

Senator ROMNEY. I will ask that my comments be submitted to the record. I will not have to read them for this group. I am so late. I apologize for being late and you know what I was up to, and so I appreciate being able to hear from those that are testifying today.

Thank you, Mr. Chairman.

[The prepared statement of Senator Romney follows:]

Prepared Statement of Senator Mitt Romney

Thank you all for your willingness to testify to this committee today.

The topic that we are discussing today is of great significance to each of us in this room and to people around the world. That is the freedom of expression—including the freedom of speech, press, religion, assembly, and association.

From the beginning of humanity, history was characterized by strong men assembling the muscle from collaborators to dominate, rule, and oppress others. They were the feudal lord, Tzar, Caesar, warlord, Emperor, or king. All were authoritarians, and most of them were tyrants.

I have a chart in my office that traces the military and economic might of civilizations from 2,000 BC until today. In the over 4,000 years of human history, dominating civilizations have come and gone. Only a few short-lived periods of democracy interrupt a virtually uninterrupted course of authoritarian domination. Authoritarianism is the default setting of world history, and of the authoritarian regimes that have prevailed through history one of longest surviving is China.

China, under the rule of the Chinese Communist Party, does not embrace the rules of the global order, including of freedom of expression and respect for human rights. It has rejected them and done the opposite—imprisoning a million Uyghurs in concentration camps; brutally repressing dissent; censoring the media and Internet; suppressing the expression of faith and the practice of religion.

And the CCP does not keep within the confines of China's borders. It obliterated the guarantees it gave to Hong Kong to uphold the one country, two systems—suppressing democracy and the freedom of the Hong Kong people. And I fear that Xi Jinping will take a page from Putin's playbook for conquest to try to invade and exert dominance over the independent, sovereign nation of Taiwan. I hope that Xi learns from Ukraine that a free people will not go easily into the night.

We recognize also that China is not the only country where we see the crackdown on the freedom of expression in Asia, or around the world generally. The Freedom House assessed that 2020 marked “the 15th consecutive year of decline in global freedom” and that “nearly 75 percent of the world’s population” live in a country where freedom is deteriorating.

When America is involved in the world, the world is a safer, freer, and more prosperous place. We have a responsibility to push back against the crackdowns on freedom around the world, not only to stand with those people currently being subjugated but to protect those who will in the future suffer repression from the Chinese Communist Party and other authoritarian regimes.

I want to thank our panelists for the time you have taken to be with us today and for your commitment to freedom and democracy. We look forward to hearing from you on the issues I have just outlined.

Senator MARKEY. Excellent, and I thank the senator from Utah.

Finally, we are going to hear from Ms. Sarah Cook. She is Research Director for China, Hong Kong, and Taiwan at Freedom House. At Freedom House she directs the China Media Bulletin, a monthly digest in English and Chinese providing news and analysis on media freedom developments related to China.

Her comments and writings have appeared on CNN, Wall Street Journal, foreign policy, and U.S. Congressional Executive Commission on China.

So we welcome you, Ms. Cook, and whenever you are ready and interconnected to the committee we welcome your remarks.

STATEMENT OF SARAH COOK, RESEARCH DIRECTOR FOR CHINA, HONG KONG, AND TAIWAN, FREEDOM HOUSE, WASHINGTON, DC

Ms. COOK. Senator Markey, Senator Romney, thank you very much for the opportunity to testify. I do apologize that I am unable to join you in person.

Given the title of this hearing, it will not come as a surprise that the most notable trend related to freedom of expression in Asia is how much it is declining.

Data from Freedom House shows this shrinking space is not limited to a small number of countries or only part of the region. It cuts across subregions and across different forms of expression, affecting press freedom, internet freedom, academic freedom, and religious freedom in both democracies and authoritarian regimes.

Over the past 5 years, 12 out of 15 countries in Asia assessed in our “Freedom on the Net” report experienced declines in internet freedom.

Other notable trends are, one, the adoption and enforcement of new restrictive legislation, including in China, India, Myanmar, and, as Maria mentioned, the Philippines; two, severe legal penalties for online and offline expression, including prison terms of 15, 43 years, or even life imprisonment in Vietnam, Thailand, and China; and three, the disproportionate impact on ethnic and religious communities, who are often more severely punished or censored than the country’s broader population.

In China, for example, alongside Uighurs and Tibetans, Inner Mongolians, Christians, and practitioners of Falun Gong often face greater censorship and harsher legal penalties than other citizens.

So what is driving these declines? First, the COVID-19 pandemic has played a vital role as governments across the democratic spec-

trum in Asia have resorted to excessive surveillance and used duress to crackdown on free speech during COVID.

COVID is only one factor. Other contributing factors will actually extend long beyond the pandemic. First, elections and other political leadership transitions tend to invite increased restrictions on speech both online and offline.

Second, locations that have faced the greatest declines in recent years had experienced mass protest movements pushing back against repression, which were then cracked down upon, including in Myanmar and Hong Kong.

Third, more sophisticated and pervasive surveillance technologies facilitate identification and prosecution of political opponents and ordinary citizens who share disfavored information on various topics.

So what has been the role of China in all of this? As the world's largest authoritarian regime and a major economic power, the Chinese Communist Party's ability to itself construct the world's most sophisticated and multi-layered apparatus of information control has demonstrated that such a project is possible and it has played a role in normalizing digital repression.

More directly, Beijing's own media influence include exercising control over diaspora media, engaging in disinformation campaigns in Taiwan, but also the Philippines, and using control over digital television networks built by Chinese firms in Cambodia to provide advantageous access to Chinese state television.

As China-based social media platforms and news aggregators grow in popularity in the region, the vulnerability of users to manipulation from Beijing intensifies.

In addition, a recent study found that at least 11 countries in Asia had signed "smart city" or "safe city" project agreements with Chinese vendors in 2013. Almost all are rated partly free or not free by Freedom House, heightening the likelihood that such surveillance technology could be used against local opponents and civic activists.

Still, when considering Beijing's influence on human rights and freedom of expression in Asia, in many instances the most pernicious effects can be how PRC-based actors strengthen local illiberal actors, pressing on the scales to tilt the balance in a more authoritarian direction.

The news is not all bad and the future of freedom of expression in Asia is very much contested. Alongside the worst abusers of media and internet freedom, Asia is also home to some of the world's freest press and internet freedom landscapes, including Japan and Taiwan.

Moreover, throughout the region, journalists, independent news outlets, civil society groups, and also judges are playing a critical role in defending free expression.

Looking ahead, politically sensitive contexts could trigger new threats, domestic and foreign, including elections in the Philippines and local elections in Taiwan, and, of course, China's own 20th Party Congress in November where Xi Jinping will seek a controversial third term.

Russia's invasion of Ukraine will also have reverberations. Even indirect effects due to problems in the global economy could drive street protests and, in response, government crackdowns.

In China, although the regime has superficially claimed neutrality, its state media have been feeding local audiences pro-Russian propaganda and disinformation, including virulently anti-American narratives, while aggressively censoring content departing from the official party line.

In terms of recommendations, the U.S. Government should, one, consistently address threats to free expression and urge release of imprisoned journalists as part of high-level bilateral engagement, including in democracies and with allies.

Two, focus funding for free expression on efforts that will sustain operations, evade censorship, support legal advocacy, and address political crises.

Three, Congress should reauthorize the Global Magnitsky Act with language that codifies the serious human rights abuse standards. Congress should also adopt legislation creating an emergency visa for journalists, as bills like the International Press Freedom Act would do.

In our work at Freedom House we see firsthand how steps like these can have real-world impact.

I would like to conclude with a comment that actually one of our readers of the China Media Bulletin inside China shared in a survey.

“I am a lower class worker in Chinese society and I do not speak English. An independent Chinese media like you that does in-depth reports about the situation in China gives me a better understanding of China's current situation and future developments.

“China is the largest authoritarian country in the world. The Chinese Communist Party oppresses its citizens, blocks information flows, and also threatens the existing world order. I think the flow of information and freedom of speech are very important to China's future development.

“Birds in cages long to fly. Even if we cannot fly out now, hearing the chirping of birds outside can still give us hope and faith,”

Thank you very much.

[The prepared statement of Ms. Cook follows:]

Prepared Statement of Ms. Sarah Cook

INTRODUCTION

Senator Markey, Senator Romney, and members of the Subcommittee, thank you very much for the opportunity to speak to you on this topic that affects billions of people and with such incredible co-panelists. I apologize for being unable to join you in person.

In this testimony, I plan to address six dimensions of today's topic, specifically:

1. Key trends for freedom of expression in Asia
2. COVID-19 and other factors driving declines
3. The role of China

4. The bright spots
5. What to watch for in the coming year
6. Recommendations for U.S. policy

KEY TRENDS FOR FREEDOM OF EXPRESSION IN ASIA

Given the title of this hearing, it will not be a surprise that the *most notable trend related to freedom of expression in Asia is how much it is declining*. This shrinking space is not limited to a small number of countries or only part of the region. It cuts across subregions, across regime types, and across different forms of expression, affecting press freedom, internet freedom, academic freedom, religious freedom, private discussion, and freedom of assembly in both democracies and authoritarian regimes. Data from Freedom House's *Freedom in World* and *Freedom on the Net* reports confirm what many observers sense intuitively:

- In the 2022 edition of *Freedom in the World* 5 out of 29 countries and territories in Asia experienced a decline on free expression-related indicators, none showed improvement. These locations were *Myanmar, Afghanistan, the Philippines, Singapore, and Hong Kong*.
- In the 2021 edition of *Freedom on the Net* 6 out of 16 countries assessed in Asia experienced a decline in internet freedom: *Bangladesh, India, Indonesia, Myanmar, Pakistan, and Sri Lanka* (Afghanistan and Hong Kong are not assessed in *Freedom on the Net*)
- These declines are not limited to 1 year, looking at the past 5 years—12 out of 15 countries in the region scored lower in 2021 than they did in the 2016 edition of *Freedom of the Net*.

The assault on freedom of expression in the region has taken numerous forms, but three dynamics stand out as having occurred in multiple countries across the region, and indeed, around the globe:

1. *Adoption and enforcement of new restrictive legislation*: Governments in 7 out of the 16 Asian countries assessed in *Freedom on the Net* pursued new rules for tech companies on content, data, and competition between June 2020 and May 2021. While some of these pieces of legislation aimed to better protect users, many of them—like those in *China, India, Indonesia, Myanmar, and the Philippines*—increased censorship or punishment of users for online expression. In *Hong Kong*, which is not independently assessed in *Freedom on the Net*, the new National Security Law forced on the territory by Beijing in June 2020 increased criminalization of political speech and independent reporting dramatically, resulting in dozens of prosecutions, shuttered news outlets, and fleeing journalists.
2. *Severe legal penalties for online and offline expression*: These new laws and pre-existing regulations have been deployed to punish a wide range of expression online and offline. This includes posts, videos, and publications related to electoral campaigns, political protests, or criticism of top leaders, but also about topics like public health, religious faith, and mundane daily communications. The lengths of sentences handed down in some cases is striking, exceeding 10 years. Many of those sentences subsequently suffer bodily harm in custody due to torture, poor conditions, or denial of medical treatment, sometimes resulting in death. For example:
 - a. Authorities in *Thailand* sentenced a former revenue officer to a staggering 43 years in prison. She was convicted of violating the country's draconian lèse-majesté laws by criticizing the monarchy in social media posts.
 - b. In *Vietnam*, a journalist for an online news outlet was sentenced to 15 years in jail. The government charged him with disseminating anti-state propaganda in his articles.
 - c. In *China*, in July 2020, property tycoon and CCP member Ren Zhiqiang was sentenced to 18 years in prison after publishing an online critique of Xi Jinping's response to the pandemic.

Although these are some of the most egregious examples, the problem is regionwide. *In 15 out of 16 Asian countries assessed in Freedom on the Net 2021, an internet user was sentenced to prison for political or social content*. In 10 countries, a blogger or internet user was physically attacked or killed, including in custody. Even in more democratic settings, citizens face legal reprisals for their activism. An environmental activist in *India* was arrested for sedition in February 2021 because she shared a Google Doc on social media on how to

support a protest movement for farmers' rights, a crime that carries a maximum penalty of life imprisonment.

3. *Disproportionate impact on ethnic and religious communities:* In many countries in the region, even as crackdowns have occurred that affect the entire population, measures taken to restrict and punish expression often targets marginalized ethnic and religious communities more severely.
 - a. In *China*, censorship and surveillance is more stringent in ethnic minority regions like Xinjiang and Tibet, while content about these and banned religious groups like Falun Gong that departs from the official narrative is consistently and systematically censored throughout China. Over the past year, app stores have tightened restrictions on Tibetan and Uyghur languages, as well as ones with content from the Bible. New regulations that went into effect on March 1 ban the transmission of religious content online without a government licenses. Legal penalties are also especially harsh. Many of the over 1 million Uyghurs held in mass detention or forced labor facilities were detained due to their online activities, including being sentenced to over 15 years in prison for simply communicating with Uyghurs outside the country. In February 2021, Tibetan Kunchok Jinpa died in a Lhasa hospital while serving a 21-year prison sentence for “leaking state secrets” after being detained in 2013 for providing information to overseas websites about protests in Tibet. Numerous Falun Gong practitioners throughout China have been jailed in recent years for up to 12 years for posting messages about the spiritual group or human rights abuses on social media, accessing banned websites, possessing or sharing prohibited VPN technology, or simply speaking to fellow citizens in public places.
 - b. Prior to the coup in *Myanmar*, the government had imposed one of the world's longest internet disruptions at a subnational level. Between June 2019 and February 2021, the authorities cut off mobile internet for over a million people in parts of Rakhine State and Chin State—areas where the military has conducted crackdowns, first against the Rohingya, and more recently against the Rakhine ethnic group. The government had also launched a campaign of censorship and surveillance targeting activists and journalist who covered the Rohingya crisis.
 - c. The *Indian* Government frequently restricts internet access in Jammu and Kashmir. For example, between August 2019 and January 2020, the state administration ordered the longest internet shutdown in India—a total of 213 days. This followed the Indian Government's abrogation of Article 370 of the Indian Constitution, which provides special status to the state.
 - d. In *Indonesia*, internet disruptions in the Papua region were reported on three separate occasions that coincided with events related to Papuan independence in 2020 and 2021. Members of civil society suspect that these disruptions may have been deliberate and ordered by the government, though the government or telecommunication providers have not confirmed this.

NOTABLE DECLINES IN KEY COUNTRIES

Although declines in free expression have occurred in multiple countries in Asia, four stand out for the scale and significance of deterioration:

China, including Hong Kong: China is home to the most sophisticated and multi-layered apparatus of information control in the world. In the latest addition of *Freedom on the Net*, the government was the worst abuser of internet freedom for the seventh consecutive year. China's own score has declined from 17 to only 10 out of 100 points over the past decade, reflecting how much more repressive and restrictive China's authoritarian regime has become in recent years. The ruling Chinese Communist Party (CCP) has tightened its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms. Ordinary users continue to face severe legal repercussions for activities like sharing news stories, talking about their religious beliefs, or communicating with family members and others overseas. Authorities have also yielded their immense power over the tech industry through new legislation, regulatory investigations, and administrative fines for alleged misuse of data or insufficient enforcement of censorship protocols. The closure of space for independent media and free expression has been much more dramatic in *Hong Kong*, where journalists and internet users had previously enjoyed

a significantly greater degree of freedom than their Mainland counterparts. The implementation of the National Security Law (NSL) since its adoption in 2020 has amounted to a multifront attack on Hong Kong's previous autonomy and fundamental freedoms. The territory's most prominent prodemocracy figures have been arrested under its provisions, and NSL charges or the threat of charges have resulted in the closure of dozens of political parties, major independent news outlets, peaceful nongovernmental organizations (NGOs), and unions. The territory's score on *Freedom in the World* has dropped 12 points (falling from a 55/100 to 43/100) over the 2 years since the NSL was adopted.

India: Although India is a multiparty democracy—the world's largest—the government led by Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party (BJP) has presided over discriminatory policies and a rise in persecution affecting the Muslim population. The constitution guarantees civil liberties including freedom of expression and freedom of religion, but harassment of journalists, nongovernmental organizations (NGOs), and other government critics has increased significantly under Modi, who assumed the premiership in 2014. Internet controls have also increased. Internet access was cut off repeatedly throughout January and February 2021 as farmers took to the streets to express their opposition to agricultural reform bills. One shutdown in Delhi affected more than 50 million mobile subscribers. A new law adopted in February 2021 requires major social media platforms to comply with takedown orders about a broad array of content from a court or government authority within 36 hours or face criminal liability. The law also requires major social media platforms to use AI-based moderation tools to monitor users' posts and appoint three in-country representatives. In the 2021 edition of *Freedom in the World*, India's status declined from Free to Partly Free as a result of changes to the legal framework that increased punishments for citizens engaging in critical discussion online.

Myanmar: After years of improvements and cautious hope, the February 2021 coup brought the junta and its abuses back in full force. Internet freedom plummeted by 14 points in Myanmar—the largest 1-year decline ever recorded in *Freedom on the Net*—after the military refused to accept the results of the November 2020 general elections and launched a deadly coup in February 2021. Internet connectivity was cut off every night from then until April. Mobile services were suspended entirely beginning in March, leaving only fixed-line and wireless broadband services available to users during the day. After opposition to the coup gathered force online and overflowed into the streets, the junta also blocked social media, stripped the licenses of independent online news outlets, forced service providers to hand over personal data, and seized control of the telecommunications infrastructure. Protesters and ordinary users alike suffered physical assaults and enforced disappearances in retaliation for their online activities.

Afghanistan: Afghanistan's elected government, which had been undermined by an insurgency waged by the Taliban as well as violence, corruption, and flawed electoral processes, nevertheless offered a wide range of individual rights. However, it collapsed in August 2021 as the United States withdrew its military presence in the country and the Taliban overthrew the elected government. Since taking power, the Taliban has closed the country's political space and opposition to its rule is not tolerated. In September, it reconstituted a Ministry of Vice and Virtue (MVV), which had enforced their interpretation of Sharia (Islamic law) under their previous regime. The new regime has also violently suppressed demonstrations, restricted private discussion perceived as critical of its rule, limited educational opportunities for female students, and targeted supporters of the former government. Its score on *Freedom in the World* dropped 7 points (from 17/100 to 10/100) in 2021.

COVID-19 AND OTHER FACTORS DRIVING DECLINES

What is driving these declines? Given what has occurred around the world over the past 2 years, it is evident that the COVID-19 pandemic has played a vital role.

As COVID-19 spread globally throughout 2020 and 2021, governments across the democratic spectrum in Asia and elsewhere repeatedly resorted to excessive surveillance, discriminatory restrictions on freedoms like movement and assembly, and arbitrary or violent enforcement of such restrictions by police and nonstate actors. Governments throughout the region increasingly used arrests to crack down on free speech during the COVID-19 pandemic. Indirectly, the pandemic allowed authoritarian forces to further consolidate their control of government institutions, setting the stage for these forces to more easily restrict expression, speech, and assembly in the future:

- In *India*, the government’s response to COVID–19 included encouraging the scapegoating of Muslims, who were disproportionately blamed for the spread of the virus and faced attacks by vigilante mobs.
- In the *Philippines*, amidst of a heavy-handed lockdown in 2021, the authorities stepped up harassment and arrests of social media users, including those who criticized the government’s pandemic response.
- *Cambodia’s* authoritarian Prime Minister, Hun Sen, presided over the arrests of numerous people for allegedly spreading false information linked to the virus and criticizing the state’s performance.
- In *Indonesia*, military figures were appointed to leading positions on the country’s COVID–19 task force, and the armed services provided essential support in developing emergency hospitals and securing medical supplies. In recent years, observers have raised concerns about the military’s growing influence over civilian governance, and its heavy involvement in the health crisis threatened to accelerate this trend.
- In *Sri Lanka*, the government of Prime Minister Mahinda Rajapaksa stepped up efforts to control independent reporting and unfavorable speech by ordering the arrest of anyone who criticizes or contradicts the official line on the coronavirus.
- In *China*, alongside broad censorship and intensified surveillance, hundreds of people were arrested for speech relating to COVID–19. For instance, a Shanghai court sentenced lawyer turned citizen journalist Zhang Zhan in December 2020 to 4 years in prison for “picking quarrels and provoking trouble.” Zhang had covered the COVID–19 outbreak in Wuhan. She had uploaded more than 120 videos to YouTube prior to her arrest in May 2020. Jailings linked to COVID–19 have continued into 2022. Xu Na, a Falun Gong practitioner and artist whose husband was killed in police custody in 2008, was sentenced to 8 years in prison in January for sharing information about the state of the pandemic in Beijing in the run-up to the Winter Olympics.

Beyond COVID–19, three other factors have also contributed to the decline in meaningful ways, all of which will extend beyond the pandemic:

1. *Elections and other political leadership transitions*: Freedom House’s research has repeatedly found that restrictions on speech—both online and offline—tend to escalate before and during crucial moments of political crises, including pivotal electoral contests and authoritarian leadership transitions. These include intensified arrests of political and civic activists, blocked websites, internet shutdowns, cyberattacks, and both domestic and cross-border disinformation campaigns. A *Freedom on the Net* analysis of elections held between June 2018 and May 2020 found that among countries in Asia, domestic digital interference in elections had occurred in *Bangladesh, Cambodia, India, Indonesia, Pakistan, the Philippines, Sri Lanka, and Thailand*. There is a long track-record in *China* of internet controls intensifying around sensitive political anniversaries or leadership transitions, such as the 5-year party congresses. Even after electoral or other factional contests end, as leaders consolidate their political power—including with strong parliamentary majorities in democratic settings—they may be emboldened by the reduced risk of pushback for cracking down on dissent and wish to take advantage of the opportunity before the next moment of political contestation.
2. *Repressive responses to mass protest movements*: Several of the locations that have faced the greatest pressure on free expression in recent years had experienced mass protest movements calling for political change or challenging proposed or enacted repressive policies. These include more closed political regimes like in *Thailand* and *Myanmar*, mid-range performers like *Hong Kong*, and democracies like *India* and *Indonesia*.
3. *Increasing surveillance facilitating prosecutions*: As more sophisticated and pervasive surveillance technologies proliferate in the region, this facilitates crackdowns on dissent. Political opponents, activists and ordinary citizens who share disfavored news or commentary on political, social, and religious topics are more likely to be identified and prosecuted than previously. What could have slipped through the cracks before, no longer does, making it easier for security forces and prosecutors to detain, arrest, and sentence citizens for non-conforming speech that previously would have escaped punishment. This is evident from the details of individual cases, including court verdicts that cite private online communications or video surveillance in public places as evidence used for convictions.

THE ROLE OF CHINA

As noted above, many of the factors driving declines in the region relate to broader domestic or even global dynamics. Nevertheless, as the world's largest authoritarian regime and a major economic power in the region, the Chinese party-state and related actors do have an impact on free expression beyond China's borders and throughout the region. This is evident in several ways:

- *Beijing's own media influence activities abroad:* In January 2020, Freedom House published a report entitled *Beijing's Global Megaphone*, which outlined the toolbox deployed by the CCP, state media, and various proxies to influence news reporting around the world via propaganda, disinformation, censorship, and control over content dissemination infrastructure. The study found that hundreds of millions of people around the world and in multiple languages are consuming news influenced by CCP narratives and direction, often without being aware of the party-state origins. There are numerous cases from across Asia that illustrate this phenomenon and how it affects news consumed by residents: Xinhua content-sharing agreements in multiple countries, strong influence over Chinese-language media serving the diaspora, CCP anti-poverty propaganda placements appearing in *Indonesia*, a dismantled Facebook disinformation campaign in the *Philippines* that promoted politicians favorable to China, multiple sophisticated disinformation campaigns targeting *Taiwan* (including ones attempting to influence electoral outcomes), prosecution in *Thailand* of a man for aiding uncensored radio broadcasts into China, and advantageous access to Chinese state television stations on digital television networks built by Chinese firms in *Cambodia*. Freedom House is currently working on a new project to map Beijing's global media influence and local resilience in 30 countries, including six in Asia. The report, with accompanying scores and in-depth country case studies will be published in September 2022.
- *Export of surveillance equipment:* Although Chinese firms like Huawei, ZTE, Dahua and others sell their products, including sophisticated and artificial-intelligence driven surveillance technologies, to governments worldwide, they have also found an eager market in Asia. A study by RWR Advisory, a Washington-based advisory, whose findings were analyzed in a June 2021 report published in the *Financial Times* found that at least 11 countries in Asia had signed "smart city" or "safe city" project agreements with Chinese equipment vendors since 2013. Other than *South Korea*, which is rated Free, the other 10 countries are rated as either Partly Free or Not Free in *Freedom in the World*. According to the data, *India* had signed the largest number of contracts, estimated at 10. Other countries in the region with at least one contract were *Bangladesh*, *Cambodia*, *Indonesia*, *Malaysia*, *Myanmar*, *Pakistan*, *the Philippines*, *Sri Lanka*, and *Thailand*. As noted elsewhere in this testimony, many of these countries have experienced increased political, media, and information restrictions in recent years, heightening the likelihood that these technologies could be used by political leaders to monitor, identify, and punish opponents, civic activists, or other government critics.
- *Normalization of digital repression:* By constructing the world's most sophisticated and multi-layered apparatus of information control, the CCP has demonstrated that such a project is possible. Even as other authoritarian leaders in the region and beyond may not always have the technical prowess and resources to fully mirror Beijing's controls, there are examples of them appearing to attempt it. This has been evident in recent years in *Cambodia*, where the government is seeking to centralize internet infrastructure in order to expand its technical capacity for censorship; and in *Vietnam* with the Cybersecurity Law and the decision of the Communist Party's general secretary to pursue a third term, similar to what his Chinese counterpart Xi Jinping will be doing this November. More broadly, the 2018 edition of *Freedom on the Net* found that in addition to Cambodia and Vietnam, five other countries in the region (*the Philippines*, *Singapore*, *Myanmar*, *Indonesia*, and *Thailand*) had sent media elites or government officials for trainings in China on new media or information management. Such trainings have slowed during the pandemic but are likely to pick up frequency again in the coming years.

When considering Beijing's influence on human rights and freedom of expression in Asia, it is important to consider the agency and role of local political actors. Some actions by Beijing are direct in their impact on citizens of other countries. But often, the influence is indirect. In many instances, the most pernicious effects can be how PRC-based actors collaborate with or strengthen local illiberal actors in the political, security, or media sector, pressing on the scales to tilt the balance in a less demo-

cratic, more authoritarian direction. This dynamic and the ability of local media and civil society to push back against such collaboration vary in form and magnitude depending on a country's own level of freedom and democratic governance.

THE BRIGHT SPOTS

The news is not all bad. There are several more optimistic trends that demonstrate the extent to which the future trajectory for free expression in Asia is very much contested. Four points are worth highlighting:

- *Strong performing countries:* Alongside the worst abuser of media and internet freedom globally, Asia is also home to some of the world's freest press and internet freedom landscapes—notably *Japan* and *Taiwan*, which scored 76/100 and 80/100, respectively in the 2021 edition of *Freedom on the Net*. In both democracies, there are few obstacles to internet access, a lack of website blocks, and a legal framework and independent judiciary that provide strong protections for various forms of expression. People can freely use the internet to mobilize, and netizens regularly do so. In *Taiwan*, civil society, the tech sector, and the government have taken innovative action to counteract the impact of disinformation campaigns originating from China. Both did register some gaps, however, with reports emerging in *Japan* of online harassment and intimidation, particularly against women, individuals with at least one Black parent, and medical personnel. In *Taiwan*, besides the effects of information warfare from China, criminal prosecutions for online activities and concerns over disproportionate surveillance are viewed as potential threats to internet freedom. Although rated Party Free, *South Korea* is another regional democracy with a relatively high degree of internet freedom (67/100 on *Freedom on the Net 2021*). Moreover, both Japan and South Korea have registered a three-point score improvement since 2019, despite the pressures placed on internet freedom by the COVID-19 pandemic.
- *Role and resilience of civil society:* Journalists, independent news outlets, and various civil society groups are playing a critical role in defending free expression. In more democratic settings, press and internet freedom NGOs, academic institutions, and grassroots activists investigate and expose violations of free expression, advocate for passage of protective laws and against adoption of restrictive legislation, and seek innovative responses to emerging threats, at times collaborating effectively with the private sector as well as government agencies. Even in countries led by brutal regimes, citizens continue to speak out against abuses, taking action to try to protect others in their society and enhance freedom, often at risk to their own freedom, lives, and families. In *Vietnam*, candidates in tightly controlled elections posted videos online declaring a desire to represent other citizens knowing they would be detained and likely imprisoned as a result. In Myanmar, civic protest and resilience have meant that the junta has been unable to fully legitimize its rule and consolidate power. In *China*, much of what is known about vital topics such as the early days of the COVID-19 pandemic in Wuhan, the scale and nature of mass internment of Uyghur, Kazakh, and other minorities in Xinjiang, and ever-expanding restrictions on freedom in Hong Kong is due in large part to reporting by local journalists, citizen reporters, and refugees who have spoken out despite threats to family still in China.
- *Protection by courts:* In many countries, the courts have served as a bulwark to growing restrictions on freedom, upholding free expression and at times, overturning repressive legislation. In January 2020, *India's* Supreme Court ruled that internet access is a human right, in an order that imposed some constraints on internet shutdowns across the country but did not bar them outright. In *Japan*, courts have upheld strict criteria for delisting search results on major platforms. Courts in South Korea overturned a law that required people to register with their real names to comment online during elections periods, affirming the importance of online anonymity. Though *Thailand's* judiciary suffers from politicization, corruption, and lack of independence, the courts have rejected several government requests to block content critical of the authorities, such as an online outlet broadcasting footage of the youth-led antigovernment protests. Several of these cases were pushed forward by civil society groups working with lawyers to proactively seek legal avenues to defend online rights.
- *Limits of Beijing's influence:* While Beijing's growing investment in foreign media influence has yielded some gains, the campaign has also encountered obstacles such as journalistic integrity and public skepticism about state-run media. In fact, the past 4 years have featured a wave of pushback. In many

countries, including in Asia, governmental and nongovernmental actors alike have come to recognize the threat that CCP media influence poses to democratic freedoms and structures. Resistance has come from the media industry itself, as well as policymakers, the technology sector, and civil society. In terms of public opinion, surveys and academic studies indicate that in the initial years of state media expansion, views on China and Xi Jinping personally improved, including in parts of Asia. Since 2015, however, the percentage of the population expressing a favorable view of China in Pew surveys has declined—sometimes precipitously—in influential regional players like Indonesia, the Philippines, and India. Although it is difficult to isolate the precise cause, the dip has coincided with Beijing’s more aggressive actions in the South China Sea and its border with India, the regime’s program of mass detention in Xinjiang, and the PRC Government’s dramatic moves to curtail freedom and autonomy in Hong Kong.

LOOKING AHEAD

As we look ahead to the coming year and beyond, several occurrences could further exacerbate the pressure on media and internet freedom in Asia. Any actions that local authorities, civil society and foreign actors like businesses and democratic governments can take to pre-emptively prepare for these would maximize protection for free expression and limit the effects of predictable restrictions.

- *Upcoming politically sensitive contests:* Several democracies in the region have elections scheduled for this year that could heighten domestic crackdowns and disinformation campaigns, as well as potential foreign interference, including from China. Events to watch for are the *Philippines’* elections in May over who will succeed current President Rodrigo Duterte; *India’s* presidential elections in July, alongside local elections throughout the year; and *Taiwan’s* local and municipal elections in November. The last set of these elections in 2018 were the focus of Beijing’s first aggressive, and arguably successful, disinformation operation to influence electoral outcomes in Taiwan. Notably, this year’s polls coincide with the Communist Party in *China’s* own 20th Party Congress, where Xi Jinping will seek—and barring an unexpected crisis, be approved for—a controversial third term.
- *Reverberations from Russia’s invasion of Ukraine:* Although the countries of Asia are geographically far from Ukraine, Russia’s invasion of the country and its economic reverberations are already reaching the region. Countries like *Bangladesh* are feeling the pinch in their energy and food supplies. Others are indirectly impacted by the negative effects on the global economy, such as reduced exports and market volatility. Should the invasion negatively affect economic performance in the region or raise prices on vital commodities like energy and food, this could drive public outcries and street protests. As noted above, when political leaders are put on the defensive by civic mobilization, some have responded with stronger restrictions on assembly, independent media, and internet freedom, including via localized network blackouts. In *China*, the regime has superficially claimed neutrality, but its state media have been feeding local audiences pro-Russian propaganda and disinformation, including virulently anti-American narratives, while aggressively censoring content departing from the official party line, including video broadcasts by a Chinese citizen residing in Ukraine. This manipulation further reinforces the information isolation of Chinese news consumers relative to the rest of the world and can radicalize perception of the United States and the threat it could pose to China. On the other hand, Russia’s invasion has offered a case study for how a unified strong response from Western and some Asian democracies is possible, as well as how challenging an invasion of Taiwan could be militarily and economically for China.
- *Beijing’s influence over tech and content dissemination infrastructure:* China-based companies with close ties to the CCP and often a track record of politicized surveillance and censorship within China are playing a meaningful role in the technological infrastructure of many countries in the region. This spans not only telecom infrastructure, like Huawei routers in 4G and 5G mobile phone networks, but also digital television in countries like *Cambodia*, *Laos*, *Pakistan*, and *East Timor*. Importantly, social media platforms like Tencent’s WeChat and Bytedance’s TikTok are immensely popular, while news aggregators owned by China-based companies have also gained a notable footprint in countries like *Indonesia*. Sporadic investigations in recent years have revealed that in some instances at least, this infrastructural control has been used to amplify pro-Bei-

jing content or subdue disfavored voices or content providers. To date, these attempts have not been systematic or widespread and some have been reversed following exposure. But as Beijing’s footprint expands, China’s regime increases pressure on its own tech sector at home, and authoritarian leaders in the region seek tools to suppress political opposition, the control by China-based companies over key nodes in the information flow could be activated to threaten free expression in much broader and politically significant ways.

RECOMMENDATIONS

The United States and various agencies already employ various diplomatic, programmatic, and other measures to support free expression, independent media, and internet freedom in Asia. Nevertheless, the scale, severity, and urgency of the problem requires more attention and resources, not only monetary. The enormity and complexity of the challenge requires strategic thinking. Authoritarian regimes like China’s have proven adept at thinking two steps ahead, building structures of influence and economic leverage that can be activated later to serve their agenda. The United States and other democratic governments need to be thinking in similarly calculated ways, proactively responding and preparing BEFORE crises happen. The following are several recommendations for actions that the United States Government—including Congress—can take to protect and advance freedom of expression in Asia.

1. *Address threats to independent media, internet freedom and free expression as part of high-level bilateral engagement:* U.S. officials traveling to the region, should consistently raise the issues of press freedom and internet freedom in public and in private meetings with their counterparts, including at the highest levels. In these interactions, U.S. officials should:
 - a. Urge the release of imprisoned journalists and free expression activists. Even where such pressure may not secure their release, it is likely to improve treatment in custody and reduce the risk of torture.
 - b. Raise concerns about any pending legislation that could intensify censorship, surveillance, or criminal penalties for political, social, and religious topics.
 - c. Voice concerns over restrictions on free expression during meetings and trips related to economic and security policy, including by officials such as the Secretaries of Treasury, Commerce, and Defense, addressing the financial and security implications of reduced free expression.
 - d. Explore avenues for speaking to publics in Asia directly. Communicate factual information and policy statements directly to local audiences via social media posts, “town hall” meetings, and embassy websites. When leaders visit the region, insist on unimpeded foreign media access and opportunities to speak to domestic media without filters.
2. *Focus support for independent media and civil society on efforts that will sustain operations, evade censorship, and preserve the public record:*
 - a. As part of the United States’ Summit for Democracy commitments, several promising new initiatives were announced, including a multi-donor International Fund for Public Interest Media and a Media Viability Accelerator. These should be used, along with other available funding, to scale up efforts to support independent media in Asia—including public-interest journalism and exile media—through financial assistance and innovative financing models, technical support, skills training, and mentoring.
 - b. Another initiative announced at the Summit—a Multilateral Surge and Sustain Fund for Anti-Censorship Technology—should be used to expand funding for groups that develop and disseminate tools to enable uses to securely access blocked websites, including from mobile phones. This fund should also deploy opportunities for emergency funding to civil society and media outlets for rapid activation ahead of or during moments of crisis or political turmoil when threats to free expression and citizen demand for credible information typically spike.
 - c. Funding for media freedom should also support efforts to monitor, preserve, and recirculate censored content within countries that have high levels of censorship, including news articles and social media posts on political, social, and religious topics that have been deleted.

- d. Funding should also include programs that provide support for legal advocacy and public interest lawyering on these issues, including trainings for civil society on best and worst practices for online content regulation.
 - e. U.S. Government efforts should support research and monitoring initiatives, including on how emerging technologies are and could negatively impact freedom of expression. These should also include efforts to track control exercised by China-based companies over content infrastructure abroad and how or if this is being used to amplify or marginalize certain content or information providers in alignment with CCP priorities.
3. *Deploy targeted sanctions for egregious abuses and provide funding for vetting:* Utilize targeted sanctions as part of a comprehensive strategy of accountability for human rights abusers, including those engaged in violations against journalists, internet users, and religious believers. Such sanctions are not a stand-alone solution, but they remain a powerful mechanism for deterring harmful behavior and reducing impunity. Multilateral sanctions are most effective. Whenever possible, the United States should coordinate its efforts and jointly impose sanctions on perpetrators alongside other democratic nations for maximum impact, as has been done in recent cases related to Myanmar, Hong Kong, and Xinjiang.
- a. The Global Magnitsky Human Rights Accountability Act (22 USC 2656 note), which allows for visa bans and asset freezes on individuals and entities engaged in human rights abuses and corruption, has been one of the United States' most impactful sanctions regimes. Congress should pass S.93, which eliminates the December 23, 2022, sunset and codifies key portions of Executive Order 13818, which enables the United States to impose sanctions for "serious human rights abuses." This term encompasses a greater number of abuses than the more restrictive threshold of "gross violations of human rights," the standard included in the Global Magnitsky Act in its original form.
 - b. Global Magnitsky is one of the most powerful targeted sanctions options, but country-specific regimes, and visa bans under section 7031(c) of the State Department appropriations bill or the Immigration and Nationality Act can also be impactful, as can targeted sanctions options for countries designated as religious freedom violators or countries of concern under the International Religious Freedom Act.
 - c. The U.S. Congress and Executive Branch should work together to ensure robust funding for the enforcement of targeted sanctions programs. The U.S. Department of the Treasury, Department of State, and Department of Justice all collect information about suspected perpetrators of abuses who are eligible for sanctions. Unfortunately, the number of potential sanctions cases to be vetted by the U.S. Government exceeds current capacity. Congress has provided funding for sanctions implementation and enforcement, but funding for additional staff would help reduce the backlog of cases that have yet to be vetted.
4. *Pass legislation focused on advancing press freedom globally.* Freedom House would particularly urge consideration of two bills with broader relevance: the Global Press Freedom Act (S.204) introduced by Senators Brian Schatz (D-HI) with support from Todd Young (R-IN) and the International Press Freedom Act (S.1495), introduced by Senator Tim Kaine (D-VA) with support from Senator Lindsey Graham (R-SC). Both are bipartisan bills that would help prioritize press freedom within U.S. foreign policy, including in Asia. They would create an office focused on press freedom in the Department of State, and S.1495 adds special visas and funding for journalists at risk.

CONCLUSION

Despite the ever-escalating efforts to restrict journalists and limit citizens' access to information throughout Asia, steps like those cited above by the United States and other international actors can have a real-world impact, a dynamic Freedom House has observed repeatedly in our work. I have personally interviewed several prisoners from China who were the subject of rescue campaigns and testified to better treatment, less torture in custody, and sometimes early release thanks to international pressure.

In addition, as part of the *China Media Bulletin* project, we have been working with organizations who run circumvention tools that garner millions of impressions each month and bring tens of thousands of readers from inside China to the bul-

letin. This is just one example of the eagerness with which a notable contingent of people in Asia—even in one of the region’s most repressive environments—are actively seeking out uncensored, credible information about their country and the media controls in place.

Each year, we conduct a survey among Chinese readers of the bulletin. I would like to conclude with a quotation from one of those readers as a testament to the importance of international support for free expression and access to information in China and other countries in the region.

“I am a lower class worker in Chinese society and I don’t speak English. An independent Chinese media like you, that does in-depth reports about the situation in China, gives me a better understanding of China’s current situation and future development. And it also helped my personal life and work. On a macro scale, China is the largest authoritarian country in the world, the Chinese Communist Party oppresses its citizens, blocks information flows, and also threatens the existing world order. I think the flow of information and freedom of speech are very important to China’s future development. Birds in cages long to fly, even if we can’t fly out now, hearing the chirping of birds outside can still give us hope and faith!”

APPENDIX

Table of *Freedom in the World 2022* and *Freedom on the Net 2021* ratings, status, and 1-year trajectories for countries and territories (marked with an *) in Asia

Country	FIW 2022 Score, Status	FIW 2022 one-year trend	FOTN 2021 Score, Status	FOTN 2021 one-year trend
Afghanistan	10, Not Free	↓	N/A	
Bangladesh	39, Partly Free	–	40, Partly Free	↓
Bhutan	61, Partly Free	–	N/A	
Brunei	28, Not Free	–	N/A	
Cambodia	24, Not Free	–	43, Partly Free	–
China	9, Not Free	–	10, Not Free	–
Hong Kong*	43, Partly Free	↓	N/A	
India	66, Partly Free	↓	49, Partly Free	↓
Indian Kashmir*	27, Not Free	–	N/A	
Indonesia	59, Partly Free	–	48, Partly Free	↓
Japan	96, Free	–	76, Free	↑
Laos	13, Not Free	–	N/A	
Malaysia	50, Partly Free	↓	58, Partly Free	–
Maldives	40, Partly Free	–	N/A	
Mongolia	84, Free	–	N/A	
Myanmar	9, Not Free	↓	17, Not Free	↓
Nepal	57, Partly Free	↑	N/A	
North Korea	3, Not Free	–	N/A	
Pakistan	37, Partly Free	–	25, Not Free	↓
Pakistani Kashmir*	29, Not Free	↑	N/A	
Philippines	55, Partly Free	↓	65, Partly Free	↑
Singapore	47, Partly Free	↓	56, Partly Free	–
South Korea	83, Free	–	67, Partly Free	↑
Sri Lanka	55, Partly Free	↓	51, Partly Free	↓
Taiwan	94, Free	–	80, Free	–
Thailand	29, Not Free	↓	36, Not Free	↑
Tibet*	1, Not Free	–	N/A	
Timor-Leste	72, Free	–	N/A	
Vietnam	19, Not Free	–	22, Not Free	–

Senator MARKEY. Thank you, Ms. Cook, very much. Thanks to each of our witnesses.

Now we are going to move to the question period and let me begin by, first of all, congratulating you, Ms. Ressa, and you, Ms. Siu, for your courage.

We talk a lot in this body about standing up to repression. That has been your lives. That is what you have been doing, and we very much are in awe of the lives you have lived and the fights that you have been willing to engage in to protect freedom in not just your homelands, but across the whole planet. So we thank you for that.

We begin, Ms. Ressa, with the numbers. These numbers are staggering. We have heard the statistics about the 22 journalists and 63 lawyers killed since President Duterte took office in 2016.

Each of these numbers represents people who you have known, people who you have worked with, and you have lived in this atmosphere of intimidation that you have resisted to the extent to which you won the Nobel Peace Prize last year.

Can you talk about the personal impact all of these murders have had on you and your colleagues in trying to bring the truth to the Philippine people?

Ms. RESSA. First of all, thank you, again. Thank you so much for listening. I think that is the first, that we are not alone.

That is also something that the Nobel Committee helped bring not just to journalists in the Philippines, but to journalists all around the world because this kind of sustained attacks that we have gone through globally in the last decade is unprecedented. It is actually now 66 lawyers killed since last year—I mean, since under the Duterte administration, instead of 63.

Senator Markey, Senator Romney, sometimes we have hit new lows in terms of expectations and new normals in terms of violence.

In 2016, I just remember every night being shocked that there would be another body dumped on the sidewalk, the face masked in tape and it got to a point where by the end of 2016, moving into 2017, the Amnesty International report that came out that year where there was an average of 33 people killed every night, every day.

Our one team was—we only had one team that would go out overnight and they would come back with at least eight dead bodies.

That was when I began to realize something has fundamentally changed, and then when that became a new normal and by 2017 the numbers changed in plain sight, the Philippine police changed the almost 7,000 people killed to—back to 2,000 in plain sight, and they just changed it and atomized it. So these numbers sometimes do not hold any meaning.

I just feel, for me, it is—I am at the tail end of my career and I feel like this moment is extremely important. It is the reason why Rappler was set up. So what we did is we worked with our communities and we would not have been able to do this without our communities, both financially and spirit wise.

I think that is part of the reason the solution really has to be with communities, how do we bring democratic norms back to a more robust place. It has to be with the will of the people, and

what we have learned from our communities is that they want us to hold the line and they are prepared now to do that with us.

Senator MARKEY. Great. Thank you.

Senator Gardner and I, back 3 years ago, we were able to pass the Asia Reassurance Initiative Act, which actually resulted in an appropriation of \$210 million a year for 5 years from 2019 through 2023, to encourage democratic institutions, to encourage human rights, transparency, accountability in the private and public sectors all across Asia.

We are right now in the process of negotiating an extension of that on the committee. It was about a billion dollars that we were able to put in back 5 years ago, and it is a way of thinking of Asia where we are in the game. The United States is helping to support those very important institutions.

Where, in your opinion, Ms. Ressa, would the United States be making the best investments with those hundreds of millions of dollars over the next 5 years, perhaps, to support independent media, to support other institutions that you think are vital to ensuring that independent voices advocating for freedom are heard?

Ms. RESSA. Thank you for asking, Senator Markey.

The independent fund for—IFPM, the International Fund for Public Media, was set up precisely to try to get the 0.3 percent of ODA assistance up to at least 1 percent and to get some of that for independent media.

Part of the problem that we have is that the business model of journalism has collapsed. Advertising is, essentially, dead, and the platforms that have been used to attack the credibility of traditional news groups, news groups that stand by, that have processes editorially, that stick to the facts, these news groups now are under attack, and no place knows this better than the Global South—than Asia.

So that is part of our goal. I do believe—I see this now—independent media needs help to survive this time period. Hand-in-hand with that as well is putting guardrails on technology because it is impossible for us to do our jobs if we cannot even get the news distributed to our consumers.

Other things are institutions. The institutions in Southeast Asia, for example, that have—in the Philippines within 6 months of the new administration—of the Duterte administration—we watched many institutions fold. Some very, very strong executives—how do we revitalize that?

Senator MARKEY. Can you talk a little bit about Facebook in the Philippines?

Ms. RESSA. Yes, sir.

Up until January this year, the Philippines—for 6 years in a row Filipinos spent the most time online and on social media globally. This is from Hootsuite and We Are Social, that statistic.

For many, many years, even during the time of Yahoo, any new digital product was first tested in the Philippines, products that are meant for the West. In 2018, when I interviewed the Cambridge Analytica whistleblower, Christopher Wylie, he called the Philippines the “petri dish” because he said this is where Cambridge Analytica and its parent partner, SCL, tested these tactics of mass

manipulation, and if they worked in the Philippines then they would—the word he used was “port” these tactics over to you.

So we were the guinea pigs. You were the targets. Social media is, I think, an extension of how our institutions are weaker and so what wound up happening is it has to be someone you know to get things done.

Before we were the social media capital of the world, we were the texting—the SMS capital of the world. It helped in protests that were organized against President Arroyo in—when she had taken office, right. Texting capital of the world.

This social networking can be a boon and can be a curse, and for a period of time it was a blessing. This is why I started Rappler on Facebook.

At a certain point, by 2015, when Instant Articles was introduced, the same algorithms of amplification were not changed and news went into this—its system where you cannot—the system actually does not distinguish between fact and fiction and it literally rewards lies laced with anger and hate over facts.

So that is our biggest problem right now as journalists.

Senator MARKEY. Thank you.

Senator Romney.

Senator ROMNEY. Thank you so much. I appreciate the chance to hear from you and your testimony is quite moving and disturbing. I will not be able to stay with you long. I came late and I have to leave early. I do want to ask you a couple of questions.

First, I will ask Ms. Siu, could you give me a sense of to what extent do the people of Hong Kong understand what is happening among them, what is happening in Hong Kong? Do they have access to truth or has that been cut off for them in the same way it has been cut off in the rest of China?

Ms. SIU. Thank you, Senator Romney, for your questions.

So as I have mentioned in my testimony, the National Security Law was passed by the Chinese Government and it came into effect in Hong Kong on July 1, 2020, and that really changed the lives of Hong Kong people and that really imposed very, very tight restrictions in terms of our access to internet information and that imposed a very tight restriction in regards to our freedom of expression.

So under the National Security Law, any permanent Hong Kong resident or actually any foreign persons who are considered to have committed crimes under the names of subversion, secession, terrorism, and collusion with foreign forces could face up to a lifetime imprisonment in Hong Kong.

Since the implementation of the National Security Law, we have saw that over 150 people in Hong Kong have been arrested and that includes not just pro-democracy activists or high-profile politicians, but then, really, journalists, media persons, as well as academics and also students or speech therapists who have been participating in our pro-democracy movement. This implementation—

Senator ROMNEY. Do the people of Hong Kong, do they still have access to information and to truth or is it really—by virtue of these changes you have described—has it really been shut off? Do they no longer have access to information?

Ms. SIU. Our access is very limited right now. So since the implementation of the National Security Law, we have seen that almost all of our independent pro-democracy media outlets in Hong Kong, including Apple Daily, Stand News, have been forcibly shut down, and as I have mentioned that fearing the date-back charges, all these media when they are shutting down they have to erase their online presence.

They have to delete their previous articles and reportings that they have made or else they will be—they will still be put at the risk of being charged under the National Security Law.

Aside from that, we are also finding that the access to internet and also online information is going to be very limited in Hong Kong.

So since May 2021, we have found that several pro-democracy websites are being blocked in Hong Kong and last month our organization's website was also being blocked in Hong Kong.

On top of that, we have received a letter from the Hong Kong police department asking us to remove our content regarding our campaigns on free political prisoners and asking for international sanctions against Chinese and also Hong Kong officials to be removed. So that really illustrates the picture.

Senator ROMNEY. Thank you.

Ms. Ressa, thank you for your participation and your courage, and I am interested in the same question, which is to what extent do the people of the Philippines understand what is going on?

Are they angry at the repression of the media they are seeing? Do they have access to truth or are they blindly going along with what is happening and not paying much attention to it?

Ms. RESSA. Thank you, Senator Romney.

I think in the beginning, in 2016, what we saw was a gradual polarization of our society and it was a very simple thing because we spend so much time on Facebook, right? What happened was that one algorithm—how you grow your network, friends of friends—that algorithm essentially meant that in 2016, while we all agreed on the facts, if you were pro-Duterte you moved further right, and then if you are anti-Duterte, friend to friend, meant you moved further left 2017, 2018, 2019, 2020.

So this is where we are. Our society has been polarized, and in the beginning in 2016 up until, I would say, this year, fear played a factor, the kind of exponential where free speech was being used to stifle free speech, attacking exponentially somebody who would criticize the drug war, for example. Those were the first citizens attacked on social media.

They became—people were afraid and they became silent, and then we went through 6 years. Now we are right before elections, 40 days before elections, and it is extremely chaotic in the Philippines. People are finding their voices. I think this is why it is leading to an existential moment.

Do people know what is happening? Yes. The battle for democracy can be won in our country and I have not stopped speaking. We have not—our communities have moved forward.

Again, until we can have—until we can actually reach people, until the lies—the virus of lies—this is what I started calling it before the pandemic began—if this virus of lies infects real people

and it is much harder to cure real people than it is to actually stop the infection.

Senator ROMNEY. Thank you very much.

Finally, Ms. Cook, I am interested in your perception on how effective we can be in getting truth to some of these people in these nations.

When I hear Radio Free Europe, I think, do people still listen to the radio anymore? Do we have better techniques? Your suggestion—your first suggestion, which is that in our discussions with other nations that in addition to the human rights on our agenda we should talk about communication rights and information rights as a vital human right.

I wonder, do we need to change the way we are communicating with the world and change the way we are trying to get truth to the people of the world where there is repression of their vehicles of expression?

Ms. COOK. I think in a lot of ways Radio Free Asia and Radio Free Europe are no longer just on the radio and I think you do see some really critical ways, especially using circumvention tool technologies and other avenues, to get information to people inside China.

Even in places like China there are actually a lot of people with illegal satellite dishes that will listen to dissident satellite TV stations, will try to access BBC in Chinese.

I think we do see situations where people are able to access uncensored news. It is just very hard, and so I think they need more and more. There is just many more barriers.

You do see that supply still does—sorry, demand, I think, outstrips supply and so especially in terms of on the technological side trying to find ways to help people in places where information is blocked get access to that.

Honestly, there is also all kinds of other avenues of supporting, for example, Hong Kong media to preserve and revive the content that they have had to delete in Hong Kong in some of the states. Can they revive it outside so people can access it?

Because in Hong Kong, for example, there is not a full grade firewall just yet. We are starting to see inklings of it, but it is not to the level of mainland China. So I think that is so vitally important.

I think we just should not underestimate the demand for information in different countries as well as the creativity that people have—civil society groups, digital activists, even traditional media—and using a variety of platforms to reach users.

On the other hand, we should not underestimate how creative the Chinese Communist Party state media can be as well because they are becoming more effective at using global social media platforms as well to manipulate those.

So it is definitely a two-sided battle there.

Senator ROMNEY [presiding]. Thank you much.

Senator Markey and I both have to go vote and so we are going to take a recess for a moment. As soon as he gets back—and he has already gone—he will come back and I will run off and vote now. He will be back and continue the conversation.

So you all can take a break for a moment here and we will resume in just a moment. Thank you.

[Recess.]

Senator MARKEY [presiding]. We will come to order. We apologize. A roll call went off while we are in the middle of the hearing, which required Senator Romney and I to go over to cast our vote.

Let me continue. Ms. Ressa, voting is a vital way to hold government accountable. As you know, I have personally been banned from the Philippines for speaking out in support of those who have shone a light on the Duterte government abuses, like you and Senator De Lima, who is still unjustly detained.

As you mentioned in your testimony, the Philippines has elections for president and vice president in May. What are the prospects for a return by the new Philippines Government to a respect for human rights and freedom of expression post election?

Ms. RESSA. Senator Markey, you know firsthand the cost of free speech. So it is hard to respond to that question because it is unclear exactly what kind of president the front runner would be. Ferdinand Marcos, Jr., he is the front runner in statistical surveys.

What is also unclear is whether that will translate to real votes. What we do know so far is that he has refused to do any of the debates that are—with traditional news organizations.

We have seen the growth of SMNI, which is a group that is connected with Pastor Quiboloy, the one that just got a franchise I referenced, and Leni Robredo, the second—the woman who is—it is almost like we are back in 1986. We have a Marcos against a widow.

Vice President Leni Robredo comes up as the—is right behind, but very far behind in the statistical survey. So Filipinos, I believe, are hoping for a return to that. We are at a point where the millions of—tens of millions who have lost their jobs, the COVID responses that have not gotten vaccines to every Filipino. We are talking about a 60 percent plus vaccination rate in the Philippines. So there is still a lot of work to be done.

Literally, we do not know what will happen next. I think what I am trying to say is that I still have significant hope that we will be able to go back to a robust democratic system if the right steps are taken now.

Senator MARKEY. Ms. Ressa, you have spoken about the Duterte government's use of lawfare to target you and other journalists in the Philippines. Around the region, are you seeing an increase in government's attempts to use the legal system to stifle free speech and the media?

Ms. RESSA. Yes, absolutely. You are seeing the number of people arrested. Myanmar, for example, we are watching very closely with great alarm, and I think part of the reason we use the phrase "hold the line" is that you do not want to step off the line because the minute you do states come in and take your freedoms away.

Senator Markey, if I could just add something on the role of disinformation in all of this. This lays the groundwork for lawfare. Senator Romney earlier asked do people know what is happening.

They do, to a degree, but the way they interpret what is happening is dependent on the disinformation or the lack of it—the echo chambers. It is not a robust democracy in the sense that you

do not have—you cannot have the public debate that is necessary for a democracy because we have been so polarized.

So I go back to how can we do it. I think we are still at a point where we can restore that public sphere, but it requires your help. Thank you.

Senator MARKEY. Okay. Thank you.

Ms. Cook, in your 2021 report published by the National Endowment for Democracy you found that Taiwan had reduced its vulnerability to PRC state-linked disinformation campaigns during Taiwan's January 2020 general elections.

How was Taiwan able to successfully counter PRC disinformation efforts? Learning from Taiwan's example, what can the United States do to help counter disinformation from China throughout the remainder of Asia?

Ms. COOK. It is really so encouraging and incredible to see what came together in Taiwan and it was very much a multi-sector and multi-stakeholder effort.

So you had the government, on the one hand, trying to put out certain information, but absolutely civil society and also the technology sector as well.

So you have had increased monitoring and some really sophisticated use of detection and machine learning by civil society groups to identify these kind of telltale signs of particular narratives, differences in character, other ties back to China, content farms in Malaysia as well, and then even working with technology companies, not only American ones, but for example, Line, which is widely used, and creating a feature where people could actually enter into their conversations a little fact checking bot, so kind of using bots for good, that would tie to a fact-checking civil society group.

So I think it was very much a multi-layered effort and very strategic in terms of really getting into those avenues in the information nodes where the disinformation was spreading.

It was also media literacy, and I think what was really important is that it has been media literacy not only targeted at children, because we see that in a lot of countries in terms of through the educational system and that is obviously very important, but also to the older generation, so trying to find ways of reaching member—more older members of society who are maybe not as digitally literate and giving them a better awareness of disinformation and how these things work.

So I think that was a lot of it, and there is a lot that others in Asia can learn from Taiwan.

Senator MARKEY. Thank you. I appreciate it.

Ms. Siu, Taiwan—can you talk about that for a second and what should the United States be doing in order to ensure that there is full and fair dissemination of information in Taiwan, given what the PRC might attempt to do?

Ms. SIU. Thank you, Senator Markey, for the question.

So I think from seeing how the PRC Government has transformed Hong Kong as the international financial center with a rather independent judiciary system and also the basic protections of freedom and also rights with our people's access to free information and internet, I think we have witnessed how capable the PRC Government is into turning a rather democratic place, a democratic

city or region, into a country or a region controlled completely by the PRC.

I think it is a very important lesson to be learned from the experience of Hong Kong that the United States and other democratic governments have to take steps right now and to take concrete steps into protecting the freedom of expression in countries like Taiwan and Japan and then to provide assistance, to extend our support, to the media agencies in these relevant countries and regions to also cover—to provide and ensure a continuous and timely coverage of incidents and developments in oppressed regions like Hong Kong, Tibet, and East Turkestan.

Senator MARKEY. Thank you and, again, thank you for your great answers.

Thank you to each and every one of you for your tremendous work in this area. This subcommittee is going to continue to work to shine a spotlight, but using your lives, using your work, in order to accomplish that goal so that repression, the compromise of freedom, of free speech, of the press wherever it may exist will receive the attention of this subcommittee. So we thank you for that.

If there are no more questions, I will close today's hearing, and to our witnesses, thank you for your testimony.

To the members of the committee, the record will stay open and you will have until the close of business on Friday, April 1, to revise and extend your remarks and submit questions for the record to our witnesses, and we would ask our witnesses to respond to those questions in a timely fashion.

So this hearing of the Asia Subcommittee is now completed and with that, we stand in adjournment.

[Whereupon, at 3:14 p.m., the hearing was adjourned.]

