



Ending Torture in China: Why It Matters

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Congressional-Executive Commission on China
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Gao Zhisheng's account of the torture he experienced is shocking, offensive, and inhumane. From the time he was first arrested in 2006 until his provisional release in 2014, Gao was regularly hooded and beaten, shocked with electric batons, had toothpicks inserted in his genitals, was sleep deprived and malnourished, and his life was threatened repeatedly by guards and fellow prisoners. Gao was tortured because he dared to represent persecuted Christians and Falun Gong and because he was critical of the China's legal system.

Gao wanted what was best for China, but he got the worst.

Gao's wife, Geng He, submitted testimony to this hearing and I urge you to all read it. It is for Gao Zhisheng, and the many other victims of torture, that we hold this hearing today.

We are here today to shine a light on the brutal, illegal, and dehumanizing use of torture in China. We shine a light in a dictatorship because nothing good happens in the dark. And, as we will learn today, there are some very dark places in China where torture is used regularly to punish and intimidate political and religious prisoners and their lawyers.

We are also here to urge the U.S. government to make ending torture a higher priority in bilateral relations and to urge the Chinese government to fully enforce and implement its own laws. A country with China's global leadership aspirations should not engage in horrific practices so thoroughly condemned by the international community.

As our witnesses will describe today in great detail, the use of torture is pervasive in China's detention facilities and criminal justice system.

Torture is used to extract confession for prosecution and to coerce the televised "public confessions" we have seen too often in the past year.

Torture is also used to punish those political prisoners the Chinese security forces view as destabilizing forces. Under Xi Jinping, there has been an expansion in the number of individuals and groups viewed as threats to national security.

The victims of torture are very often human rights advocates and lawyers, union activists, members of non-state-controlled Christian churches, Falun Gong practitioners, and members of ethnic minority groups, like the Tibetans and Uyghurs.

Chinese officials repeatedly tell me I should focus more on the positive aspects of China's human rights and not on the negative. That is a difficult task when you read Gao Zhisheng's story or read the testimony of our witnesses Golog Jigme and Yin Liping.

Nevertheless, I want to recognize the changes made recently to China's criminal procedure law that prohibits the use of confessions obtained through torture and the requirement to videotape interrogations in major cases.

According to Human Rights Watch, judges' videotaped interrogations are routinely manipulated—and police torture the suspects first and then tape the confession.

And as Professor Margaret Lewis will testify today, "Preliminary indications are that recording interrogations is not significantly changing the culture of extreme reliance on confessions as the primary form of evidence in criminal cases. When I viewed an interrogation room in a Beijing police station last October, the staff was kept to point out the videotaping technology. What I could not help but notice was the slogan "truthfully confess and your whole body will feel at ease" that was written in large characters on the floor in front of the metal, constraining interrogation chair, otherwise known as a "tiger chair." Faced with this slogan during prolonged questioning makes it crystal clear to the suspects that there is no right to silence in Chinese law.

Perhaps there may be Chinese officials who want to end the use of torture in detention facilities and curtail the force and influence of the Public Security Bureau, their efforts should be encouraged and supported, but as with so many other things in China—with each step forward there is another step or two back.

China's laws are too often either selectively implemented or completely ignored by security forces and the courts.

Security forces, faced with end of labor camps, created new forms of extra-legal detention—such as 'black jails' or "residential surveillance in an undisclosed location"—where torture can continue without oversight or interruption.

Until suspects have lawyers at interrogations, until all extra-legal detention centers are abolished, and police and public security forces are held accountable for abuse, China's existing laws will continued to be undermined by existing practice.

The U.S. government must find effective ways to address this issue urgently and at the highest levels, because hundreds of thousands of China's people are victims of shockingly cruel, illegal, and inhumane activities.

Last week, the White House said that President Obama "re-iterated America's unwavering support for upholding human rights and fundamental freedoms in China."

President Obama has only a couple more meetings with President Xi before his Administration ends. He should make ending torture a priority. This issue touches on so many other human rights issues that are also critical ones for U.S. economic and security interests in China such as: protecting the rights of political prisoners; advancing the right to due process; addressing the arrests, disbarments, and disappearances of human rights lawyers; curtailing police powers and the expansion of national security laws that target peaceful reform advocates; encouraging an independent judiciary; protecting the freedom of expression and religious freedom; and encouraging establishment of the rule of law in China.

Torture will not end until the price of bad domestic publicity is too high for China's leaders to ignore or when finally China's leaders understand that the use of torture harms their global interests. On this last point, only the United States has the ability to deliver such a blunt message to China.

President Obama should not hesitate to name names and shine a light on horrific practices that the Chinese government says it wants to end.

If nothing else, doing so would bolster the spirits of those prisoners of conscience who are rotting in Chinese jails. We know their jailers tell them repeatedly that the world has forgotten them.

As a *Washington Post* editorial concluded last week, private discussions about human rights are important, but so is public messaging. Autocrats and dictators need to know unequivocally that the United States sees the freedom of expression, the freedom of religion, the rule of law, transparency and an end to torture as critical interests, necessary for better bilateral relations, and linked to the expansion of mutual prosperity and integrated security.