

The Chinese Communist Party (CCP)'s Widespread Persecution in China: Prevalence of Political and Religious Prisoners in China, and Recommendations to Hold the CCP Accountable

Written Testimony submitted for the hearing of the House Foreign Affairs Subcommittee on Global Health, Global Human Rights, and International Organizations, titled "China's Political Prisoners: Where's Gao Zhisheng?" April 20, 2023.

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Chairman Smith, Ranking Member Wild, and members of the Committee, thank you for the opportunity to testify at this important hearing. My purpose today is to outline the widespread persecution by the Chinese Communist Party (CCP) in China, the prevalence of political and religious prisoners in China, and why the United States should be doing more to address both.

I would like to ask that my full statement be ordered part of the record.

The Ideology of the Chinese Communist Party (CCP)

The Chinese Communist Party (CCP) is a self-proclaimed Marxist-Leninist organization that governs according to a communist ideology that holds that all aspects of society should be controlled by the party and especially its top leader. Chairman Xi has referred to the importance of the "tools of dictatorship" to control the military, the security apparatus, propaganda, government data, ideology, and the economy.¹ In his speeches and official guidance over the last decade, Xi has made clear that he believes in the Marxist view of history, in the inevitability of the ultimate triumph of socialism, and the importance of strong adherence to the ideals of Marx and Lenin, as well as the example of Stalin.²

To understand Chairman Xi and the CCP, the United States must look at what they have said about what they believe, internal party speeches and documents that reveal the party's interpretations of history and the primacy of communist ideology to their system of governance. In April of 2013 the Central Party Committee issued Document No. 9, an internal directive to party cadres that has proved to be a foundational text of the Xi era. Formally titled "Communiqué on the Current State of the Ideological Sphere", the document revealed the ideological vision of the CCP and their deep hostility to the West and Western ideas. It stated that the party must stamp out Western "false ideological trends," including constitutional democracy, the notion that Western values are universal, the concept of civil society, economic

¹ <https://www.congress.gov/118/meeting/house/115402/witnesses/HHRG-118-ZS00-Wstate-PottingerM-20230228.pdf>

² <https://www.congress.gov/118/meeting/house/115402/witnesses/HHRG-118-ZS00-Wstate-PottingerM-20230228.pdf>

neoliberalism, journalistic independence, challenges to the party's version of history, and competing interpretations of the party's "reform and opening" agenda.³

The reality of the CCP's centralized, authoritarian political control is the suppression of civil and political rights to achieve coercive control. The totalitarian governance of the CCP has only deepened under Xi Jinping, who secured an unprecedented third term as the general secretary of the CCP in October of 2022, making him the country's most powerful leader since Mao Zedong.

For too long, the United States failed to understand the reality of the communist nature of the CCP, which resulted in a misguided policy of engagement. The premise of this policy was that if the West opened our markets to China, that the Chinese economy and society would liberalize, and that the CCP's leaders would come to see the world the way the West does—valuing democracy, the rule of law, a free and open society, and critically - human rights. Sadly we were wrong.

Political Targets & Prisoners of the CCP

The CCP uses the People's Republic of China's (PRC) criminal justice system as a political tool to target Chinese citizens who challenge the CCP's authority. Individuals who pursue universal human rights, particularly when they independently organize or challenge the Party's authority are considered "disruptive". Individuals considered as "disruptive" have been forcibly committed to psychiatric facilities, and dissidents and human rights lawyers have been extralegally detained in "black jails." As of October 10, 2019, the Congressional-Executive Commission on China (CECC) Political Prisoner Database contained information on a total of 9,975 cases of political or religious imprisonment in China. Of those, 1,598 are cases of political and religious prisoners currently known or believed to be detained or imprisoned, and 8,377 are cases of prisoners who are known or believed to have been released, or executed, who died while imprisoned or soon after release, or who escaped.⁴

Chinese human rights lawyer Gao Zhisheng, whose plight is a focus of this hearing today, is a demonstrative case of the CCP's targeting of those who stand for universal human rights. Gao Zhisheng began his practice in 1996 as a voice for marginalized groups in China and has been called the "conscience of China"—he has been an unyielding advocate for justice in the Chinese courts and has been nominated twice for the Nobel Peace Prize. In 2001, Gao was even honored by the Chinese Ministry of Justice and the official media as one of "China's Top 10 Lawyers." However, he began to draw the ire of Chinese Communist Party authorities by defending the rights of Falun Gong practitioners, Chinese Christians, farmers, and private entrepreneurs. For his courage, he was unjustly imprisoned, tortured, spent years in and out of prisons, and now has been forcibly disappeared.

On August 23, 2017, Gao escaped from house arrest and was kidnapped by authorities after 23 days in hiding. He has not been heard from since. His whereabouts, status, and conditions within the Chinese Communist Party's secret prison system remain unknown. For over five and a half years, his family, Chinese dissidents, and the international community have called for answers on

³ <https://www.congress.gov/118/meeting/house/115402/witnesses/HHRG-118-ZS00-Wstate-PottingerM-20230228.pdf>

⁴ <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Pris%20List%2020191010.pdf>

Gao's status from the Chinese government.⁵ To mark the five-year anniversary of Lawyer Gao Zhisheng's forced disappearance, the Victims of Communism Memorial Foundation (VOC) in partnership with China Aid Association led by Bob Fu, who is also a member of the panel for today's hearing, hosted an event at the Victims of Communism Museum to highlight his case and urge the United States government to call for his unconditional release. We were honored to have Gao's wife, Geng He, who is also on the panel today, speak at the event and to display a stunning portrait she lovingly made of her husband at the VOC Museum.

Another important case to highlight is that of Pastor Wang Yi of Early Rain Covenant Church and dozens of his followers who were arrested by the CCP in December of 2018 during a series of police raids on church gatherings. On December 30, 2019, the Chengdu Intermediate People's Court sentenced Wang to 9 years in prison and 3 years of deprived political rights for "inciting subversion of state power" and "illegal business activity"—the longest sentence handed out to a Chinese pastor in a decade at that time. The CCP claimed that Pastor Wang was attempting to “subvert state power” and was guilty of “illegal business operations”—these ludicrous charges masked the real reason for his arrest: his courageous willingness to speak up against the communist regime. There are reports that Wang has been held in solitary confinement and been denied adequate medical care.⁶

A similar case to that of Pastor Wang Yi is that of Pastor John Cao, a humanitarian worker and U.S. permanent resident. On March 28, 2017, Cao was formally arrested and charged with "illegally crossing the border". On March 22, 2018, Cao was sentenced to seven years in prison for allegedly “organizing illegal border crossings.” On July 25, 2019, the Pu'er Intermediate Court upheld his conviction and sentence. In September 2019, the UN Working Group on Arbitrary Detention concluded that Cao "was singled out due to his Christian faith and that the Measures were implemented against him in a manner that constituted profiling and discrimination on the basis of Mr. Cao's religious identity.” Cao has reportedly been forced to live in inhumane living conditions and been denied adequate medical care.⁷

Most recently, in another outrageous abuse of its international human rights obligations, legal scholar Xu Zhiyong and human rights lawyer Ding Jiaxi were recently convicted by a CCP court of the crime of “subverting state power”. Xu was sentenced to 14 years in prison with deprivation of political rights for another four years, and Ding with a 12-year imprisonment term and 3-year deprivation of his political rights.⁸ This has been by far the harshest sentence handed down to anyone in the legal professional in the past 10 years. Both Xu Zhiyong and Ding Jiaxi were organizers of the New Citizens Movement in China who advocated for social reforms in a moderate and non-violent manner.

Ding and Xu were arrested, respectively on 26 December 2019 and 16 February 2020 for commenting on apparently sensitive issues of public concerns in a private gathering with friends in Xiamen. They were since held in secret detention, tortured, deprived of access to counsels, family members, and basic rights to fair criminal procedure. While they were unlawfully

⁵ <https://chinaaid.org/gao-zhisheng/>

⁶ <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/wang-yi>

⁷ <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/john-cao>

⁸ Gan, Nectar. (2023) “A democratic China must be realized in our time”: Beijing jail two prominent legal activists for subversion.” *CNN*. <https://www.cnn.com/2023/04/10/china/china-lawyers-xu-zhiyong-ding-jiaxi-sentences-intl-hnk/index.html>

detained for more than 3 years, their families were also subjected to harassment and intimidation by the authorities. The cases of Xu and Ding demonstrate that the CCP not only violates the international human rights obligations that it has promised, but it also flagrantly ignores its own domestic laws, such as “civil and political rights, rights to fair trial, freedom of religion, the rights to be informed, to be engaged and to be heard, and the right to oversee”⁹ which are technically guaranteed by the PRC.

Religious Persecution & Prisoners of the CCP

The current assault on religion in China under Xi Jinping is the most comprehensive attempt to manipulate and control religious communities since the Cultural Revolution. Xi’s policy targeting religion intensifies a decades-long CCP strategy of undermining religion, which is considered a threat to the authority of the communist state. Because religions can compete as a source of authority and an object of devotion that is greater than the state or the party, communist regimes have always sought to control them.

The constitution of the PRC, which cites the leadership of the Chinese Communist Party and the guidance of Marxism-Leninism and Mao Zedong Thought, states that citizens have freedom of religious belief but limits protections for religious practice to “normal religious activities” and does not define “normal.” Despite Chairman Xi Jinping’s decree that all members of the Chinese Communist Party must be “unyielding Marxist atheists,” the government exercises control over religion and restricts the activities and personal freedom of religious adherents that it perceives as threatening state or CCP interests. The government recognizes five official religions – Buddhism, Taoism, Islam, Protestantism, and Catholicism. Only religious groups belonging to the five state-sanctioned “patriotic religious associations” representing these religions are permitted to register with the government and officially permitted to hold worship services.¹⁰

Religious leaders who do not confirm to the CCP’s mandates regarding the control of religion are also targeted for persecution and imprisonment. The recent case of 90-year-old Catholic Cardinal Joseph Zen is demonstrative. Known as the “new conscience of Hong Kong,” Cardinal Zen has been a consistent champion of human rights and dignity for the people of both Hong Kong and mainland China. Cardinal Zen was arrested in May of 2022 due to his criticism of Beijing and open support of Hong Kong’s pro-democracy movement. Like many other victims of the National Security Law, he is accused of the vague crime of “colluding with foreign forces” and is being prosecuted outside Hong Kong’s common law legal system, with no expectation of a fair trial.¹¹

In December of 2021, the police raided the Good Neighbour North District Church, which had a history of pro-democracy activism. Its assets and those of its preacher were frozen, eventually forcing it to shut down. While the government has denied its actions had anything to do with religion, the church and its preacher— like Cardinal Zen were targeted for actions inherently linked to the exercise of conscience. Other prisoners of conscience—including the Catholic

⁹ http://ae.china-embassy.gov.cn/eng/xwdt/202107/t20210705_8909901.htm

¹⁰ <https://www.state.gov/reports/2019-report-on-international-religious-freedom/china/>

¹¹ <https://thefederalist.com/2022/12/01/hong-kong-needs-our-help-to-preserve-religious-freedom-not-just-on-paper-but-in-practice/>

Jimmy Lai, who also faces a possible life sentence for supporting democracy and running a now-discontinued newspaper that dared to criticize Beijing — cite their religious convictions as a key motivation for their activism.¹²

CCP Genocide Against Uyghur Muslims

Today, the CCP is committing a genocide against Uyghur Muslims and other ethnic minorities in Xinjiang. Since 2017, the CCP has embarked on a campaign of mass internment that has swept up perhaps 1-2 million members of ethnic groups into re-education camps. This has been referred to as the largest incarceration of an ethnoreligious minority since the Holocaust.¹³

In May of 2022, the Victims of Communism Memorial Foundation released the Xinjiang Police Files—a cache of tens of thousands of documents that was analyzed by VOC’s Senior Fellow and Director of China Studies Dr. Adrian Zenz and reported in partnership with a media consortium of over a dozen major global outlets including the BBC, USA Today, Der Spiegel, Le Monde, and El Pais.¹⁴ The Files contained the first images the world had seen of the crimes being committed inside the camps, including thousands of images of detained Uyghurs, as well as classified speeches by Chinese Communist Party officials, and other official documents containing extensive incriminating details from inside China’s internment camp system.

The Xinjiang Police Files contain internal spreadsheets from the county of Konasheher showing the personal information of approx. 286,000 individuals – basically the entire county population in 2018. They indicate that approx. 12.1 to 12.5 percent of the county’s ethnic adults were in some form of internment in re-education, detention or prison facilities, providing new evidence for the vast scale of the mass internments.¹⁵ The Files also contained detailed re-education camp security instructions describing special police units carrying military weapons and showed guards handcuffing detainees. Candid internal speeches show leading official’s impassioned demands to treat persons from ethnic groups like dangerous criminals, even saying to readily open fire to stop escapees and to safeguard the camps.

The internment and imprisonment campaign, the primary aspect of Beijing’s population control strategy, serves as an intermediate, medium-term effort to break the soul of the minorities and render them docile. The new evidence shows the extent to which the central government in Beijing has been directly involved in directing and supporting the campaign of mass internment—yet to date, no central government officials have been sanctioned by the United States. The list of implicated officials recommended by VOC for sanctioning is included below.

In sum, Beijing’s genocide against Uyghurs consists of a combination of internment and imprisonment, coercive labor, parent-child separation, and birth prevention. Forced labor separates families and enables greater state control over the next generation. Birth prevention is the cornerstone of raising Han population shares and neutralizing minority groups through

¹² <https://thefederalist.com/2022/12/01/hong-kong-needs-our-help-to-preserve-religious-freedom-not-just-on-paper-but-in-practice/>

¹³ The Chinese Communist Party’s Ongoing Uyghur Genocide, 118. (2023) Zenz, Adrian.

¹⁴ <https://docs.house.gov/meetings/ZS/ZS00/20230323/115543/HHRG-118-ZS00-Wstate-ZenzA-20230323.pdf>.

¹⁵ <https://www.xinjiangpolicefiles.org/>

¹⁵ <https://docs.house.gov/meetings/ZS/ZS00/20230323/115543/HHRG-118-ZS00-Wstate-ZenzA-20230323.pdf>

embedding and dilution.¹⁶ In a 2020 study, Dr. Zenz uncovered CCP policies toward Uyghur reproduction and their intent to prevent births through forced sterilizations and the forced implantation of IUDs, and second through the forced abortions of Uyghur pre-born children.¹⁷ Based in significant part on these findings, the U.S. government determined in 2021 that the CCP has committed genocide against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang.

CCP Sanctioned Organ Harvesting

While the ongoing genocide in Xinjiang has finally begun to get attention around the world, the CCP's practice of organ harvesting continues without condemnation. Forced organ harvesting is a gruesome human rights abuse that occurs around the globe but most acutely in Communist China, where for decades, tens of thousands of innocent people have been killed on demand for their organs, in a lucrative trade thought to be worth over \$1 billion per year. For years, the CCP has systematically harvested the organs of prisoners of conscience, primarily Falun Gong practitioners, and there is increasing concern of Uyghurs being targeted as well. A 2020 report by VOC outlines how Uyghurs now in exile have reported blood tests and physical examinations consistent with those necessary to establish organ health, and the PRC's "Physicals for All" program in Xinjiang "collecting DNA samples and other data from Uyghurs, facilitating Chinese surveillance and making it easier to identify targets for organ harvesting in Xinjiang."¹⁸

Since 2015, China's organ transplantation system has claimed to only source organs from voluntary donors, but the evidence demonstrates that the data used to support this claim has been falsified.¹⁹ The China Tribunal, an independent, international people's tribunal chaired by Sir Geoffrey Nice QC, lead prosecutor of Slobodan Milosevic at the International Criminal Tribunal for the Former Yugoslavia (ICTY), has concluded "unanimously, and sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims."²⁰ The China Tribunal's judgment presents the first ever independent legal analysis of all available evidence regarding forced organ harvesting from prisoners of conscience in China.

I would like to commend the near unanimous passage by the US House of Representatives in March of the Stop Forced Organ Harvesting Act led by Rep. Chris Smith (R-NJ). The passage of this legislation sends a clear message to not only China, but the rest of the world that the United States will not turn a blind eye to this atrocity, one that has been shamefully ignored by institutions and governments influenced by China for far too long. The Stop Forced Organ Harvesting Act, H.R. 1154,²¹ authorizes the US Secretary of State to deny passports and visas to

¹⁶ <https://docs.house.gov/meetings/ZS/ZS00/20230323/115543/HHRG-118-ZS00-Wstate-ZenzA-20230323.pdf>

¹⁷ <https://www.tandfonline.com/doi/abs/10.1080/02634937.2021.1946483?journalCode=ccas20>

¹⁸ Robertson, Matt. (2020) "Organ Procurement and Extrajudicial Execution in China: A Review of the Evidence." Victims of Communism Memorial Foundation. 10 March. <https://victimsofcommunism.org/publication/china-organ-procurement-report-2020/>.

¹⁹ Robertson, Matthew P., Hinde, Raymond L. and Lavee, Jacob. (2019) "Analysis of official deceased organ donation data casts doubt on the credibility of China's organ transplant reform." *BMC Med Ethics* 20 (79). <https://doi.org/10.1186/s12910-019-0406-6>.

²⁰ China Tribunal: Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China. (2020) "China Tribunal Full Judgement." <https://chinatribunal.com/final-judgment/>.

²¹ <https://www.congress.gov/bill/118th-congress/house-bill/1154?s=1&r=13>

anyone involved in illegal organ trafficking and also mandates annual reporting by the US State Department on forced organ harvesting in foreign countries. I urge the Senate to quickly take up this bill, pass it, and send it to President Biden so it can become law.

Range of options for the US government

Consistent and Clear Messaging

The United States must publicly and consistently call for the unconditional release of all political prisoners in China at the highest levels including the cases I have mentioned here today—Gao Zhisheng, Pastor Wang Yi, Pastor John Cao, Xu Zhiyong, Ding Jiayi, and Jimmy Lai. President Biden should directly raise this with Chairman Xi and Secretary Blinken with Chinese Foreign Minister Wang Yi during every bilateral opportunity. Such statements not only put a public spotlight on the Chinese government’s abuses of human rights—but they communicate that the international community is paying attention to these abuses and will speak out about them. Natan Sharansky, who spoke at VOC’s 2017 Centennial Commemoration of the Bolshevik Revolution, shared that it was President Reagan’s “Evil Empire” speech, recognizing the reality of the Soviet Union for what it was and its victims, that he heard while sitting in his gulag prison cell that gave him hope.

It is also important to raise these abuses across multilateral organizations and international bodies. The CCP has become increasingly sensitive to international criticism in these fora, and by working with other countries, we can use international human rights mechanisms to draw attention to the CCP’s abuses and hold them accountable for their treatment of political prisoners. The US can also help human rights activists, including former political prisoners, get access to these institutions, and ensure that their stories are heard widely, not only in the US but around the world.

Having publicly declared that China is committing genocide and crimes against humanity, the United States and like-minded governments must also be at the center of the effort to press China to end its atrocities against the Uyghurs, the Simon-Skjoldt Center for the Prevention of Genocide United States Holocaust Memorial Museum has outlined specific demands which should be made of the PRC and the importance of a U.S. strategy to prevent the genocide. The US government can also publicly ask US businesses to condemn the ongoing genocide and to speak out about China’s abuse of political prisoners and ask for their release when they engage with the CCP. Recently we have seen high profile examples of US business leaders traveling to China to meet with CCP leaders, these individuals should be asked if they advocate for human rights while in China, and if not, why not.

Sanctions

The United States should also sanction the Chinese officials implicated by the Xinjiang Police Files. The speeches uncovered in these files contain constant references to General Secretary Xi himself, including his close interest and guiding role in the governance of Xinjiang. No central government officials have yet been sanctioned for their implication in the internment of Uyghurs. A list of the officials implicated by the files including reference to the implicating

evidence who are recommended for sanctions by VOC is available on the Xinjiang Police Files website. The table includes the following key central government officials: Minister of Public Security in Beijing, Zhao Kezhi; Wang Yang, head of the Central Xinjiang Work Coordination Small Group; and Guo Shengkun, head of China's Political and Legal Affairs Commission.

Full Implementation of the UFLPA

Congress has already done important work to address the suffering of the Uyghur people by enacting the Uyghur Human Rights Policy Act and the Uyghur Forced Labor Prevention Act (UFLPA). The UFLPA establishes a rebuttable presumption that the importation of any goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in Xinjiang or produced by certain entities, is prohibited by Section 307 of the Tariff Act of 1930 and that such goods, wares, articles, and merchandise are not entitled to entry to the United States.²²

Studies from organizations including the Victims of Communism Memorial Foundation, the Australian Strategic Policy Institute, and the UK's Sheffield Hallam University have identified scores of Chinese companies suspected of ties to forced labor that have not been included on the UFLPA Entity List to date. For a start, all XPCC affiliates and subsidiaries—of which there are nearly 3,000 identified²³ must be included on the Entity List. The UFLPA required the Forced Labor Enforcement Task Force (FLETF) to make a comprehensive list, and yet there are only 20 companies on the list to date, and all of the entities on the list are derived from WROs or Commerce Department actions dating from June 2021 or earlier. If CBP requires additional funding to more rigorously enforce the UFLPA, and to make a comprehensive list of all companies complicit in forced labor, Congress should designate additional resources to CBP targeted specifically to a full-scale enforcement effort.

Conclusion

What can the US do in the face of such human rights abuses? The simple answer is more. The US has an incredible capacity to press the CCP to respect human rights, using both the vast economic relationship between our countries, as well as our incredible diplomatic resources around the world. Unfortunately, we frequently fall into the trap of thinking too big; that the CCP poses such a significant challenge to the US, we should only engage the CCP on “big” issues. Instead, I believe the most effective approach is to dramatically increase our engagement with them by consistently raising our concerns, and credibly following through with appropriate responses to their abuses and violations.

Chairman Smith, Ranking Member Wild, let me thank you again on behalf of the Victims of Communism Memorial Foundation for inviting me to this important hearing on the plight of China's Political Prisoners including Gao Zhisheng. The impunity with which the CCP has been able to commit these crimes thus far cannot persist, and we hope this committee will lead in calling for the United States to hold the CCP accountable for their human rights crimes.

²² U.S. Customs and Border Protection. (2021) “Uyghur Forced Labor Prevention Act.” <https://www.cbp.gov/trade/forcedlabor/UFLPA#:~:text=DHS%20issued%20a%20Notice%20Seeking,the%20Xinjiang%20Uyghur%20Autonomous%20Region>.

²³ Bukharin, Irina. (2021) “Long Shadows How the Global Economy Supports Oppression in Xinjiang.” C4ADS. <https://c4ads.org/reports/long-shadows/>.