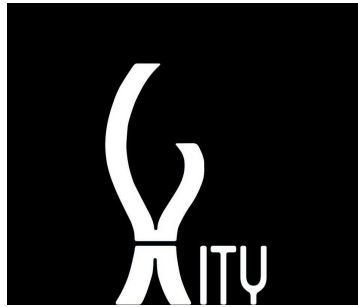


*House Foreign Affairs Committee*  
*Subcommittee on Asia, the Pacific, and Nonproliferation*

“Authoritarianism with Chinese Characteristics: Political and Religious Human Rights Challenges in China”

December 10, 2019

Written Testimony of Joey Siu, Vice President, City University of Hong Kong Students' Union



Good afternoon Chairman Sherman, Ranking member Yoho, and members of the subcommittee,

I am Joey Siu, Vice President of the Students' Union of the City University of Hong Kong. Thank you for holding the hearing and giving me the opportunity to testify. Today is the Human Rights Day, the day when Free World countries celebrate their adoption of the Universal Declaration of Human Rights. But we must not forget that, under the Chinese authoritarian regime, hundreds of thousands of people are still enduring severe oppression, struggling to defend their fundamental human rights, and we, Hongkongers, are one of them. At this critical juncture, Hong Kong nows faces an unprecedented humanitarian crisis.

### ***Aggravating Human Rights Conditions in Hong Kong***

Ever since the movement broke out on 9th June, massive crowds have shown up on the streets almost every weekend to show the government our five demands. There have also been protests, rallies, and human chains nearly every day across the city. Our right to protests notwithstanding, the police have made over 6,000 protest-related arrests. Their ages range from 11 to 84, and 2,393 of them are students. These arbitrary arrests and political prosecutions deter people from participation in the public sphere, and thus create a chilling effect on the rights to freedom of peaceful assembly and expression in Hong Kong.

Besides, the Hong Kong Police Force have shown no restraint in using excessive force against the protesters. Until today, the police have fired around 10,000 tear gas canisters, 6,100 rubber bullets, and 19 live rounds, caused irreversible injuries such as permanent blindness and loss of vital organs. Recently, they have even deployed water cannon trucks, stun grenades, and Long Range Acoustic Devices. Although these brutal arrests and dispersion tactics constitute gross violations of international human rights, the police continue to enjoy impunity from the law and receive full support from the Hong Kong and Chinese governments.

The violations of human dignity are not restricted to the streets. In detention centres, detainees are often tortured, ill-treated, and denied access to legal assistance and medical support. One of the arrestees told Amnesty International that a police officer had pinned him to the group, forced open his eyes, and shone a laser pen into it, asking, "Don't you like to point this at people?"

Victims have also reported sexual and gender based violence committed by police officers, including unnecessary strip searches, real or threatened assaults on their genitals, and, in a shocking case, rape. One brave teenage girl had filed a complaint against the police after allegedly raped, inside the police station, by multiple police officers. She even needed to undergo a termination of the ensuing pregnancy. There may be many more survivors who have kept silent, for once their expose their identity, they risk retaliation from the authorities, not to mention the fact that a fair investigation into police conduct is almost impossible. The police's siege of the Polytechnic University represents the most serious occasion of human rights violations. In mid-November, the police trapped more than a thousand protesters, students, and teachers in the campus. They first arrested journalists and voluntary first-aiders, forcing them kneel for hours with their hands tied. Even though some protesters

had fever and wound inflammation due to the unhygienic environment, and some others even showed symptoms of aphasia and self-abuse under the extremely desperate atmosphere, the police prevented medical teams from entering the campus to treat the protesters. Cutting off food, water, and medical supply, the police created a humanitarian crisis.

More than a hundred thousand Hongkongers went onto the streets to rescue the trapped victims, but the police responded with brutal suppression — apart from using stun grenades, the police drove vehicles into the protesters, resulting in a stampede. In one single day, 33 were hospitalized, including 17 in critical condition, over a thousand were arrested, and 242 were brought to court immediately the day after for rioting.

### ***Deprivation of Political Freedom***

Two weeks ago, the pro-democracy camp won a landslide victory in the District Council Election, getting 389 out of 479 seats. Although the results demonstrate citizens' overwhelming support for the five demands, we must bear in mind the unfair electoral system which deprives candidates who advocate independence or self-determination of the right to stand for election. Joshua Wong was disqualified from this election, but the deprivation of political rights has begun much earlier. In 2016, Edward Leung, the leader of Hong Kong Indigenous and the spiritual leader of the current movement, was barred from participating in the Legislative Council election. His successor Sixtus Leung won a seat in the election, but after he and five other elected lawmakers, including Nathan Law, had used the oath-taking ceremony as a platform of protest, the government commenced legal proceedings against the validity of their oath. Without a request from the Court of Final Appeal, Beijing decided to "interpret" the Basic Law to impose new constitutional requirements on oath-taking. In the end, all six lawmakers were ousted from the legislature.

Another tool the government has used to suppress our freedom of assembly and freedom of expression is the Public Order Ordinance. Enacted in 1967 by the colonial government to aid its suppression of riots, the Public Order Ordinance has been repeatedly criticised by the United Nations Human Rights Committee and human rights groups for curtailing the right of assembly under Article 21 of the ICCPR. Its vague, ambiguous terminology, combined with the disproportionate sentences, allows the government to arbitrarily arrest and prosecute protesters who hold unfavourable opinions. One of them is Edward Leung, who was charged of "rioting" for his participation in the 2016 Mong Kok unrest and is now serving his six-year imprisonment. Since June, around 750 protesters have been brought to court, charged mostly with with "unlawful assembly" or "rioting".

The Public Order Ordinance also states that participating in an assembly without a "Letter of No Objection" issued by the police would be considered as "unauthorized assembly", and wide discretionary powers are granted to the police. Since late July, the police have outlawed nearly every protests and rallies by refusing to issue a "Letter of No Objection", subjecting all participants to a maximum sentence of five years. This draconian measure has deterred many citizens from exercising their right to protest. It violates the clearly-stated principle in the International Human Rights Law that restrictions of peaceful assembly or expression are only acceptable when necessary and justifiable.

Reforms of the Ordinance introduced by the last governor of Hong Kong, Chris Patten, now Lord Patten was reversed by the Chinese Government shortly after the 1997 handover. International bodies taken actions in response, including the The United Nations Human Rights Committee (UNHRC) expressed concerns in its concluding observations on its first report on Hong Kong. The Committee stated “concerns that the Public Order Ordinance (Chapter 245) could be applied to restrict unduly enjoyment of the rights guaranteed in article 21 of the Covenant”. Particular concerns about the notification and notice of no-objection requirements in the legislation were made and recommended that “the HKSAR should review this Ordinance and bring its terms into compliance with article 21 of the Covenant”.

Allegations of politicized abuse of law are strengthened by the failure of the Secretary of Justice to investigate into police brutality. Given the clear and unarguable subordinate relationship between the Chinese Communist Government and the Hong Kong Government, having the Secretary of Justice whom as a political appointee as Chief Prosecutor leaves much room the politicised and punitive use of the Ordinance and gave rise to political prosecutions. The broad but unclear scope of the definition of “rioting” under the ordinance, empowered police with excessive powers and allows massive arbitrary arrests. Combined with the widely-criticized, absurd and severe sentences of up to 6 years imprisonment handed out to protestors in previous “riots”, noticeably concerns were caused.

As the court hearings regarding the 2016 Mong Kok unrest continue, more than 6,000 politically motivated arrests have been made since June. As a result of political persecution, Ray Wong and Alan Li, founders of Hong Kong Indigenous, fled Hong Kong in 2017 and were granted asylum status in Germany. They are the first two political refugees from Hong Kong and now, in light of the worsening human rights condition in Hong Kong, the world will see more from this international city.

### ***Dim Future of Hong Kong***

The social atmosphere was altered after July 21 when white-shirt thugs with suspected ties to organised crime gathered in the Yuen Long train station and indiscriminately attacked protesters, reporters and even passersby. Police refused to show up despite repeated emergency calls and arrested only a few of them. It plunged Hong Kong into a state of anarchy and mob violence where attacks on random teens and pro-democracy activists become more commonly seen. With pro-Beijing supporters dominating major local medias and educational institutions, news and reports were heavily censored before publication, freedom of press and academic freedom are unprecedentedly tightened. Police’s unauthorised entries accompanied by their invasive use of force, not only endanger the safety of students and staff, but also severely encroach upon academic freedom — once campus autonomy gave way to state authority, all academic activities would be subject to state pressure and government interference. The crackdown on students is becoming more and more reminiscent of the 1989 Tiananmen Square incident. Suppressed by the government, the institutions and the indulged pro-Beijing supporters, freedom of expression is extremely narrowed down.

Beijing’s restrictions on political freedom have also brought negative impacts to the city’s business environment. As Beijing finds ways to retaliate companies in Hong Kong, more and more companies will be forced to comply with the party line. For instance, Cathay Pacific has

succumbed to political pressure from China's aviation authority, firing dozens of employees based on their political stance. Furthermore, the refusals of entries of British human rights activities Benedict Roger, Financial Times editor Victor Mallet, and scholar Daniel Garrett who testified in the September CECC hearing are evidence of the declining free movement of labour. The Hong Kong government has shown the world that foreign nationals could be kept out of the city even if they did not violate any law.

Meanwhile the government implements considerable amount of intelligent street lamps with high-resolution security cameras across the territory, it was found that the police force has been using facial recognition technologies to identify protesters for three years already. It is expected that the Chinese Communist Government well-planned strategy of assimilating and gaining complete control over Hong Kong, including introducing the social credibility system in the near future. Hong Kong is not far from becoming part of the surveillance state.

### ***Recommendations***

Chinese interference in Xinjiang, Tibet and Hong Kong as well as the export of its model of authoritarian governance to countries through the "Belt and Road Initiative" serves as a reminder that Beijing is prepared to go far in pursuit of its grand imperial project and will pose a significant challenge to human rights condition across the world.

Bipartisan congressional interventions made on China and Hong Kong, we are delighted and encouraged by the passage of the "Hong Kong Human Rights and Democracy Act" and the "Hong Kong Protect Act" and we call for the administration's speedy adoption of sanctions and provisions stated in the bills. The United States Government should join hands with the other free-world countries in ensuring the Chinese Communist Government complies with international human rights standards. Imposing necessary sanctions under the Global Magnitsky Act on individual human rights abusers should be considered.

We also urge the United States Government to review any business operations that assist the deprivation of human rights in Xinjiang, Tibet and Hong Kong in due course. Chinese companies that participated in human rights abuses should be sanctioned including being put on the currently existing export control list.

Last but not least, support from the United States to NGOs, civil societies that work to safeguard human rights, preserve cultural and linguistics is significantly important. Continuous attention and monitoring regarding the rapidly changing situation in the regions.

We defend freedom and human rights not only for ourselves but for the world. We need the United States to be on our side.