

House Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights,
and International Organizations

The Tragic Case of Liu Xiaobo

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Mr. Chairman and Members of the Subcommittee. It is with a heavy heart and after a tragic day yesterday that I appear before you this morning.

Undoubtedly, Yang Jianli and Perry Link, who were friends with Liu Xiaobo, will be able to bring to life who he was as a person and will be able to speak to his life and legacy. Sadly, I never met Liu Xiaobo and I now never will. The intersection of my life with Liu Xiaobo came only after he had been convicted and sentenced to 11 years in prison for “inciting subversion of state power.” I was introduced to Liu Xia by my friend and colleague Yang Jianli. It was Jianli who among others inspired me to become a human-rights lawyer when as graduate students some 20 years ago, we organized the protests against Chinese President Jiang Zemin at Harvard University. Five years later, I served as Jianli’s lawyer when he was detained in China and faced a death sentence for the pre-textual charge of being a spy for Taiwan. And in mid-2010, Jianli introduced me to Liu Xia.

What I can uniquely speak to today, however, is the brutality of the Chinese government and its fear of change. For I have seen through its intense and unrelenting persecution of Liu Xiaobo and Liu Xia some of the most horrific, callous, and inhuman acts that go beyond the power of an ordinary and normal person’s power of imagination.

Over the summer of 2010, I got to know Liu Xia as we began preparing to take Liu Xiaobo’s case to the United Nations. As the announcement of the Nobel Peace Prize approached that year, it was rumored he was on the short list. Liu Xia and I discussed if it made more sense for her to travel abroad to fight for his freedom or remain in China. Despite the concerns I expressed to her that she would not likely remain free if Liu won the prize, she told me unequivocally, “My place is in China with my husband.” Shortly after he was announced as the recipient of the prize in October 2010, the security cordon came down and she was placed under house arrest. She has been held without charge or

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trial ever since. I had the tremendous privilege and honor to represent the Lius in Oslo and sit in the front row as the prize was presented to the empty chair. But I knew on the day the Prize was awarded that getting them both out would be a virtually impossible challenge.

For myself, while I expected her ability to communicate or travel to be restricted, I never could have imagine how much the Chinese government would punish Liu Xia for the crime of being married to her husband. She was held in a one-bedroom apartment in Beijing, one of the most populous cities in the world, for the first several years virtually *incommunicado*, with a security guard posted outside her door and security at the front of the building to turn people away. She had no telephone, no Internet access, and was only able to see her parents once a month and was taken to visit Liu Xiaobo once a month. She suffered severe depression and had a heart attack. On a handful of occasions journalists broke through the security cordon and captured brief images of her, clearly in intense agony. To punish her for these incidents, the Chinese government prosecuted her brother Liu Hui on bogus economic crimes charges and sentenced him to 11 years in prison. He served some two years in jail. She was captured by one journalist as she was taken to his trial crying out “Tell the world I’m not free.” In her latter years under house arrest and with her own health deteriorating rapidly, she was able to be in touch with a very small number of friends. But the pressure on her was unrelenting.

We don’t know anything – anything at all – about how Liu Xiaobo has been treated in prison. The last time he said anything that was reported publicly was when he was sentenced to prison in December 2009. All we know is that he was held in extended solitary confinement throughout this time, which constitutes torture under international law, we know that Liu Xia was able to visit him monthly, and we know that the Chinese government, with all of its resources so neglected his medical care that it had no idea he had liver cancer until it had reached Stage 4 and was terminal.

As the Lius’ counsel, I fought their cases aggressively in every forum that I could find. We took their cases to the UN Working Group on Arbitrary Detention. In response to our submission, the Chinese government remarked regarding Liu Xia about her Kafka-esque existence she was “under no legal restriction.” That was, perhaps, literally true. She has been held illegally, without charge or trial, for almost seven years. The UN found that they were both being held arbitrarily and in violation of international law. We secured a letter from 134 Nobel Laureates urging President Xi to let them go and that was joined by 450,000 people whose petitions were delivered to a half-dozen Chinese embassies. And we published countless opeds, testified before parliaments, held candlelight vigils, and did everything possible to persuade governments around the world to act.

In the last few weeks, we have seen President Xi and the Chinese government at its worst. First, the Lius were pressured not to tell anyone about Liu Xiaobo’s cancer diagnosis. Second, when they were able to make it public, they were held virtually *incommunicado* at the hospital. Third, the Chinese government flagrantly lied about his conditions to the international community to justify him not being able to travel abroad for medical treatment. Fourth, after an American and German doctor found he would

have been able to travel abroad and that there were treatments that could have extended his life for several weeks, the Chinese hospital published a statement asserting the doctor's said he had gotten excellent care and was too sick to travel abroad. Once the foreign doctors put out their own statement, the Chinese government just retreated back into telling the international community not to interfere in its internal affairs. And fifth, as if Liu Xiaobo and Liu Xia had not suffered enough, in his dying days not only were family and friends denied the ability to visit and tell him goodbye, but they were never allowed to be alone with each other – the entire time a Chinese security official was with them around the clock. In the end, President Xi showed no humanity and no mercy.

If this is how China treats its most famous political prisoner, it is self-evident that the brutality of the Chinese government in repressing its own population is as complete as it is unapologetic. Truly anything can be justified in the name of the greater good.

Yet despite the tragedy that Liu's freedom has come from his death, it is clear today that the Chinese government has lost. Liu's ideas and his dreams will persist, spread, and will, one day, come to fruition. And his courage and his sacrifice for his country will inspire millions of Chinese activists and dissidents to persevere until China has become the multi-party democracy that Liu knew to his core was within its people's grasp.

So what do we do from here? The work is clearly not done, in many different respects.

First and most importantly, the world must rescue Liu Xia. She must be immediately allowed to have open communication with the outside world and her wishes for the burial of her husband and the relocation of herself and her family must be fully honored. Given she is under no legal restriction, this should be easy to achieve.

Second, the world must never forget Liu Xiaobo and what he stood for. I would urge all freedom-loving countries all around the world, starting with the United States, to rename the street in front of their Chinese Embassy "Liu Xiaobo Plaza." The Chinese government is literally erasing him from existence in China. If you type his name in Chinese in the WeChat program online, his name is instantly erased. The Chinese government should never be allowed to forget Liu Xiaobo.

And finally, the best way for the world to honor the legacy of Liu Xiaobo would be to stand in solidarity with the Chinese people's struggle for freedom, democracy, and human rights.

As I noted before, the last time the world heard from Liu was in a statement released by his counsel on December 25, 2009, right after he was sentenced to 11 years imprisonment. Liu said, "I have long been aware that when an independent intellectual stands up to an autocratic state, step one toward freedom is often a step into prison. Now I am taking that step; and true freedom is that much nearer." It is tragic that Liu was only truly free when his soul left his body. But the legacy he left behind will never be forgotten.