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“Stability in China: Lessons from Tiananmen and Implications for the United States”

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Introduction

Twenty-five years after the Chinese army killed untold numbers of unarmed civilians in Beijing and other cities on and around June 3-4, 1989, the Chinese government continues to persecute survivors, victims' families, and others who challenge the official version of events. The Chinese Communist Party (CCP) initially justified its actions during the bloody crackdown as a necessary response to a "counter-revolutionary incident," later revising its characterization of the event as a "political disturbance."

In April 1989, workers, students, and others began to gather in Beijing's Tiananmen Square and in other cities. Most were demonstrating peacefully for government accountability, democracy, and the freedom of expression. When the protests had not dispersed by late May, the government declared martial law, and then authorized the army to use lethal force to clear the streets of protesters. In the process of fulfilling that order, the army shot and killed untold numbers of unarmed civilians, many of whom were not connected to the protests. In Beijing, some citizens attacked army convoys and burned vehicles as the military moved through the city. Following the civilian killings, the Chinese government implemented a national crackdown and arrested thousands of people on "counter-revolutionary" charges, and on criminal charges including arson and disrupting social order.

The Chinese government was globally condemned for its crackdown on the protesters, and several countries imposed sanctions, including the ongoing—though porous—European Union arms embargo. The Chinese government has rebuffed all efforts to seek a re-examination of the events of June 1989.

The Lessons of Tiananmen

In 1989, senior Chinese leaders perceived the Tiananmen protests as the political equivalent of a near-death experience, a profound threat to the Communist Party's existence and control. The CCP's unwillingness over the last quarter-century to discuss or reevaluate any aspect of Tiananmen—the government's decision to resort to force, the number of people who died, accountability for political or military leadership at that time, ongoing persecution of those who were involved or their family members—suggests that this perception has not changed, and has continued to inform its attitude toward dissent.

What lessons did the CCP take away from 1989? First and foremost, it learned that retaining political control meant limiting the freedoms of assembly, association, and expression. Allowing a broad cross-section of society to come together spontaneously

and debate ideas would lead to an unacceptable challenge to Party control. The Party reached a similar conclusion regarding any organizing vehicle that could serve as an alternative to the CCP to bring people together, regardless of whether the entity in question is a church, a community welfare organization, or a nascent political party. With a nervous eye on its neighbors and its recent history, the CCP has continued to avoid the kinds of political liberalization that it perceives as having led to the collapse of the former Soviet Union.

While the Chinese government has adopted—and in some senses strengthened—language in laws guaranteeing basic human rights, including a 2004 Constitutional amendment obliging the state to protect and promote human rights, these are frequently and grossly violated. The authorities' efforts to silence the New Citizens Movement (NCM) over the past year is but one example of this problem. The NCM consists of a loose network of activists across the country who have done no more in recent years than meet over meals to discuss constitutionalism and political reform, and hold a handful of peaceful demonstrations demanding official asset disclosure. In the past few months, dozens of NCM members have been charged with “gathering crowds to disturb social order” or “picking quarrels and stirring up troubles”; in January 2014 the prominent rights activist Xu Zhiyong was sentenced to four years for his involvement in small, peaceful protests in Beijing about unequal access to education and corruption.

The Party learned and continues to apply a related lesson: while it cannot tolerate organized opposition or independent criticism, it also understands that it will not survive if it is wholly impervious to popular opinion, particularly at a time of ebbing legitimacy. While Chinese authorities continue to invest extraordinary resources into monitoring and censoring the Internet, they have also put it to use in detecting and opportunistically responding to popular frustration. Local officials whose transgressions have been documented on social media, for example, have been purged, and certainly central authorities' decisions to publicize large portions of disgraced former Politburo member Bo Xilai's 2013 trial appear designed to ameliorate deep frustration about officials' impunity and privilege. The leadership even occasionally initiates seemingly systemic reforms, such as the January 2014 abolition of reeducation through labor, a deeply unpopular form of arbitrary detention imposed by police.

Yet the Party is no closer to submitting to the ultimate test of popular opinion—regular and open elections—nor is it willing to tolerate institutions that could help channel or mediate discontent, such as allowing a genuinely free press or a truly independent judicial system. Recent efforts targeting on-line “rumors” and “cultural threats” leave the government considerable latitude to limit expression. As a result, it and it alone decides what, when, and how to respond, leaving its challengers vulnerable to arbitrary reprisals. While Xi Jinping's ambitious reform agenda will require popular support to overcome bureaucratic reticence and entrenched interests, he and other leaders continue to impose harsh curbs on civil society.

The other significant lesson the CCP learned from the 1989 massacre was that it could kill thousands of unarmed, peaceful protestors and subsequently deny that the event

had even taken place. Both domestically and internationally, the CCP has gotten away with one of the biggest lies of the 20th century in denying the attack on peaceful protestors. No domestically published documents discuss the 1989 massacre, and the topic is heavily censored on-line, such that whole generations of people in China are simply unaware of this pivotal recent event. On the occasion that peaceful critics, such as prominent lawyer Pu Zhiqiang or the Tiananmen Mothers, mount public calls for accountability, they are put under criminal detentions or confined to their homes and their letters remain unanswered. The “big lie” can be seen in government spokespeople’s remarks that Liu Xia, the wife of the imprisoned 2010 Nobel Peace Prize winner who has been held under house arrest since October 2010, is actually “free,” or in its submission to the United Nations Human Rights Council which claimed that the Chinese government welcomes the work of civil society and lawyers.

Senior officials have also worked assiduously to end discussion of the topic internationally. In 1990, then-President Jiang Zemin dismissed international condemnation of the Tiananmen Massacre as "much ado about nothing"; in January 2001, Foreign Ministry spokesman Zhu Bangzao defended the use of deadly force against unarmed civilians in June 1989 as "...timely and resolute measures...extremely necessary for the stability and development of the country." While some governments, such as the United States, continue to issue annual statements commemorating Tiananmen, officials within those governments admit that the fight within their own bureaucracies to do so gets harder each year, and many others have simply stopped marking the occasion or inquiring about the victims. The “big lie” is successful in part as a result of this self-imposed diplomatic amnesia.

Popular Dissent in China Today

The denials of human rights that contributed to the 1989 protests are ongoing today, and fuel popular dissent. While government statistics are dated and somewhat unreliable, official and scholarly statistics, based on law enforcement reports, suggest there are 300-500 protests each day, with anywhere from ten to tens of thousands of participants. Although the Chinese Constitution guarantees the right to assembly, the Assembly Law and its implementing regulations outline such restrictive requirements that the right is effectively denied. People who seek permission are usually turned down and suffer retaliation. In one memorable instance, Chinese authorities established three official "protest zones" designated for public use during the August 8-24, 2008, Beijing Olympic Games, but did not approve any applications for people to actually protest in any of them. Those who did apply were taken into custody and at least one was imprisoned.

Arguably the most common kinds of protest today involve small-scale, highly local, and essentially spontaneous gatherings at the village or local level, typically responding to a land or housing issue. A single family’s fight against an eviction, or a neighborhood’s opposition to land expropriation or pollution, are likely the most frequent outbursts, and they typically involve the wholesale dislocation of the affected community, or some sort of compensation at a fraction of the actual market value of the land or building. Larger

protests, often opposing construction of facilities to produce toxic materials, generate more crowds, domestic press attention, and some violence on the authorities' part in dispersing people. Often local authorities overreact to protests or dissent, believing their role is to simply suppress rather than resolve local unrest. On rare occasions, protests whose substance is agreeable to the government, such as those against Japan, are encouraged.

At a more sustained, organized level, independent groups like the New Citizens Movement have come together to try leveling specific demands against the state. Unregistered "house" churches consider their efforts to congregate and worship, despite state prohibitions on using particular spaces or buildings, as entailing a degree of coordination. In some circumstances, subsets of particular professions—most notably lawyers and legal scholars—have used that status to offer written critiques of state policy. While some of these efforts are occasionally successful, for example, when submitting commentary on draft laws or policies, or when small independent civic groups are able to undertake community-based health or education work, few independent or critical voices are able to carry out their activities on a sustained, open basis. The state has yet to see their peaceful efforts as contributions rather than threats.

Self-immolations by Tibetans, which are understood as forms of protest against repressive Chinese policies, began in February 2009 and continue, though at a reduced frequency. That authorities have moved swiftly to prosecute immolators' family members and associates on grounds of incitement—absent of publicly available evidence to substantiate such charges—indicates the state's interest in suppressing the discussion, rather than engaging on the substance of the protests. Chinese officials have also not given the public any information that would substantiate their claim that Uighur "separatists" are responsible for attacks on railways stations in Kunming in March 2014 and in Urumqi in April 2014, nor have they engaged in any way with the Uighur or Han populations on what could motivate such attacks.

The government plays a clear and visible role in virtually all forms of dissent, frequently at least as the target of popular frustration. It is often local police and authorities who disperse crowds or attempt to negotiate settlements; it is national authorities who decide to proceed with the prosecution of well-known peaceful critics such as Liu Xiaobo and Xu Zhiyong. Human Rights Watch has documented the existence of "black jails." These facilities essentially function as illegal prisons, run by thugs hired by provincial authorities to detain petitioners—local complainants—who have traveled to Beijing seeking redress. National authorities continue to deny that such facilities exist.

Virtually all of those imprisoned for their involvement in Tiananmen are now thought to have been released. But some served very long sentences: Jiang Yaqun, who had been charged with "counterrevolutionary sabotage," was not released until 2013. By that time, according to human rights group Dui Hua, the 73 year old was suffering from Alzheimer's. Some student leaders of the 1989 Tiananmen protests, such as Chen Wei and Zhao Changqing, have been imprisoned subsequent to their initial detention, while others continue to be marginalized in society, unable to get jobs or share their views via

social media. Some of those who managed to flee China continue to press for accountability for Tiananmen or for other human rights protections in China, such as Han Dongfang's work to secure labor rights through China Labour Bulletin, a Hong Kong-based non-governmental organization, or Wang Dan teaching history and politics in Taiwan. But they too have paid a price, particularly in Beijing's consistent denial to let them return to China.

It is difficult to state categorically the lessons learned by people across China about CCP responses to dissent in the years since Tiananmen; it would be impossible to conduct a public opinion survey on the subject without putting respondents at considerable risk. But the general sense is that in the aftermath of Tiananmen, and in the years immediately following, which also saw explosive economic growth, the Chinese leadership's implicit proposition to the populace was to allow a greater degree of social freedom, wealth, and mobility—but with the caveat that they stay out of politics. Many today complain about the government, but are also wary of reprisals and generally averse to organized dissent that will trigger a violent response. Some explain that change must come gradually and that such a strategy is preferable to revolution, though few of even the government's harshest critics propose an overthrow of the state.

One tangible legacy of the Tiananmen experience, infused by current dissatisfaction with the government, is the rise of the “rights defense,” or *weiquan*, movement. The lawyers, scholars, and other members of this movement deliberately focus on using the law—a channel approved by the authorities—to encourage ordinary citizens to assert their rights on issues like land and housing with a view towards gradually transforming society and the state. The emphasis here is not on building political parties, though some members have attempted this, but rather on building a sense of civic participation and expectations that demands can be made of the state. The New Citizens Movement has been a key element of the *weiquan* effort, largely by promoting the idea of an engaged citizenry whose contributions are seen as essential—not anathema—to the state.

Responses to Unrest: Hu Jintao vs. Xi Jinping

Former President Jiang Zemin and his administration showed little tolerance for dissent or criticism, and it was during his and subsequent President Hu Jintao's tenures that the momentum towards modest legal and political reform slowed and stalled.

Xi Jinping's first year as president provides little evidence to suggest that he and his allies will be any more tolerant, and indeed, there are some alarming indications of Xi's hostility towards civil society. More than seventy writers, activists, lawyers, and other civil society representatives have been given sentences of one to four years since Xi took office, and one well-known Chinese human rights defender, Cao Shunli, died in custody after being incarcerated for her efforts to participate in China's Universal Periodic Review at the United Nations Human Rights Council. The arrests and imprisonment of moderate activists including Ilham Tohti, Xu Zhiyong, and Pu Zhiqiang in recent months highlight this particularly alarming trend.

The state appears to be far more strategic and proactive in shutting down dissent now, rather than reactive, as in its response to Liu Xiaobo's 2010 Nobel Peace Prize win. The government is also making a more concerted effort to break down the relationship between three entities—social media, activists, and mass media--whose common criticisms often lead to policy changes, such as the abolition of reeducation through labor. Often, the issues these activists are trying to advance are not the overthrow of the state or national elections, but quite moderate issues.

Is the Xi government less tolerant than its predecessors? To answer this question accurately requires recalling that the government has actively chosen to change China in other ways—massive economic expansion, a higher standard of living, and a far greater role on the world stage—yet it remains as intolerant of peaceful dissent as it did twenty-five years ago. In other words, that this regime is as intolerant of the freedoms of assembly, association, and expression as its predecessors has to be considered a still-greater failure with each passing year. It is not hard to see the harsh reality in the current government's decision to abolish reeducation through labor but retain other forms of arbitrary detention, to keep a Nobel laureate in prison, and to brand as terrorists and traitors those who simply wish to assert their rights. But to also see those who are responsible for these abuses welcomed uncritically in capitols, at global trade and development summits, and at the United Nations also suggests that the rest of the world's willingness to speak up about these realities has sadly weakened.

The consequences of China's unwillingness to make meaningful human rights progress will continue to arrest its ability to undertake critical economic, legal, and political reform. It will mean deepening tensions with vulnerable and/or aggrieved populations, ranging from migrant workers to ethnic minorities to dispossessed farmers. It will mean covering up rather than solving environmental and public health disasters. These problems will not remain within China's borders.

Remembering and continuing to seek justice for the Tiananmen Square Massacre is not a remote or irrelevant historical exercise. It is fundamental to the essential political, legal, and social transformation of China, one whose peaceful outcome is in the interests of the global community.

Implications for the United States

At no point in time has the lack of respect for basic human rights by the Chinese government had greater implications for the United States. The lack of respect for free expression in China contributes directly to everything, from concerns about the actual physical safety and professionalism of the domestic and international press corps, to a lack of independently verified information essential to the development and implementation of large areas of bilateral policy. The opacity of state decisions on issues ranging from public health to environmental protection to the size of the security apparatus leaves the United States at a distinct disadvantage in trying to secure its established goals. The lack of an independent judicial system means that there is no

institution that has the trust of the public to resolve grievances impartially, which in turn raises serious questions about public unrest and the state's ability to resolve that peacefully.

It is manifestly in the interests of the United States that China be a peaceful, predictable, transparent bilateral partner. Yet China cannot be such a partner absent meaningful reforms to protect human rights, and to hold accountable those who violate them. Occasional and discrete diplomatic efforts by other governments, such as occasional queries about individual cases not supplemented with public mentions by senior officials, or relying only on private diplomatic efforts, are woefully inadequate in the face of a much stronger Chinese government. It is therefore entirely appropriate that US officials, including President Obama and all Cabinet members, raise at least one human rights issue or individual case in all interactions with Chinese officials. It is entirely necessary for a variety of US government agencies—the success of whose policy goals with China fundamentally rest on the free flow of information, an independent legal system, and the ability of people to peacefully speak their minds—to do the same; such a strategy conveys a seriousness of purpose to the highest levels of the Chinese government.

Human Rights Watch Recommendations:

To the Chinese Government:

The Chinese government should issue an immediate amnesty for those still imprisoned on charges related to the events of June 1989 and launch an independent review of their cases to determine possible miscarriages of justice in terms of violations of due legal process. The government should absolve and compensate those individuals determined to have been unfairly or illegally imprisoned.

The Chinese government should immediately permit the unimpeded return of Chinese citizens exiled due to their connections to the events of June 1989.

The Chinese government should respect and enforce citizens' rights to freedom of speech and expression, and cease the detention and harassment of individuals who challenge the official account of the events of June 1989.

The Chinese government should permit an independent inquiry into the events of June 1989. Such an inquiry should be open to the public, allow the participation of victims' families, including the Tiananmen Mothers, and the substance of its proceedings and conclusions should be made public in a complete and timely manner. Such an inquiry is obviously impossible until the government stops harassing and silencing the victims of the events of June 1989 and takes substantive steps to preserve the historical record of what transpired at that time. When these prerequisites have been met, the Chinese government should issue and uphold explicit public guarantees that participants will not be subject to official reprisals.

The Chinese government should initiate a mechanism for victims of the violence of June 1989 and/or their family members to claim official compensation for their losses.

The Chinese government should launch criminal proceedings against any government and military officials who gave the orders for and/or participated in the use of lethal force against unarmed civilians in Beijing and other major cities in June 1989.

The government should amend its recently released National Action Plan for Human Rights to include specific references which stipulate respect for the rights of the victims of June 1989 and their families.

To the International Community:

The European Union should resist calls to lift its arms embargo until the Chinese government completes an independent public investigation of the crackdown and holds accountable those government and military officials responsible for the use of lethal force against unarmed civilians. In addition, the EU should insist on general amnesty for all those jailed for all forms of peaceful protest in China. Those convictions should be reviewed and overturned if there was a lack of procedural safeguards or evidence of serious criminal acts.

Governments, particularly those that have bilateral human rights dialogues with the Chinese government, should make their concerns about the 1989 crackdown and its legacy a touchstone of its engagement with the Chinese government on human rights, and establish measurable benchmarks and timelines for the Chinese government to address the rights abuses, past and present, connected to the events of 1989.

Foreign governments should urge China to amend its National Action Plans for Human Rights to include specific references which stipulate respect for the rights of the victims of June 1989 and their families, and actionable targets and deadlines to ensure those rights are respected.

Foreign governments should publicly observe the 25th anniversary of the events of June 1989 by opening their embassies in Beijing to the general public on June 3-4, 2014, as safe zones where Chinese citizens could access uncensored information about the events of June 1989, and engage in discussions about those events and their legacy.

Those countries with bilateral human rights dialogues with China should make these recommendations a key component of their human rights engagement with China in 2014, and should reconvene on or around June 3-4 to discuss means to adopt and implement these recommendations.