

**Freedom of Religion and the Rule of Law in China in 2011:**

**A Brief Introduction**

——**“The only freedom you have is the freedom to follow the Party”**

Testimony of Pastor Bob Fu

China Aid Association

at

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In the first 10 months of 2011, the continued deterioration of freedom of religion and the rule of law in China reached the lowest level since 1982 when Deng Xiaoping ended the official policy of eradicating religion. We have seen a hardening in the government's attitude toward religion in recent years that has accelerated in the past year. While the government tolerates the practice of religion within officially controlled organizations and has permitted some discussion about allowing "faith-based" charity work, the fact remains that the government also controls and represses any religion that does not "adapt" its practices to socialism, that has extensive foreign ties, or that is viewed as a potential threat to the ruling Communist Party. This includes "house church" Protestants, unregistered Catholics, Tibetan Buddhists, Uyghur Muslims, and groups such as Falun Gong. As China's influence and power grows, this pattern is unlikely to change, and certainly not before the 2012 transfer of power to a new generation of senior leadership. Religious groups will either bend to the Party's demands or be broken by its force.

Nonetheless, we do have a two-fold message that offers some hope, if there is concerted, coordinated action from the United States and other governments on human rights.

First, international attention matters and can make a difference. That's because it constrains what the Chinese government does and how it uses its force against rights advocates. The Chinese government remains brutal to those it considers a threat to "social harmony," but we have firsthand testimony from dissidents and prisoners that international attention improved their conditions and in some cases even protected them. ChinaAid is committed to exposing religious freedom abuses and providing world policy makers with intelligence about arrests, harassment, disappearances and torture of religious believers and religious freedom activists.

Second, a growing rights consciousness is spreading across China, exemplified by courageous human rights lawyers such as Gao Zhisheng, Chen Guangcheng and many others who challenge government corruption and human rights abuses. The growing netizen community is the main conduit by which this rights consciousness is spreading. The U.S. government, as the only government that China cares to listen to, must stand firmly and publicly with those in China who are fighting peacefully for freedom and rights. These brave and patriotic souls are fighting for a future China that respects human rights and the rule of law.

The U.S. should make religious freedom and freedom of expression on the internet priorities of the bilateral relationship; because together, these two rights will do more to improve U.S.-China relations than all of our trade, investments, and shared security interests.

## **1. Deprivation of religious freedom worsens: Protestants and Catholics harshly persecuted**

So far this year, ChinaAid has documented the harassment and detentions and arrests of more than 1,5000 members of nearly 30 house churches in 11 provinces, one municipality under direct central government jurisdiction and three autonomous regions. In other words, in nearly half China's regions and cities. The number of Christians detained exceeded 300.

ChinaAid has been closely documenting the peaceful protests of Beijing's Shouwang Church, which has been trying to hold outdoor Sunday worship services since April when it lost the lease for its indoor meeting site due to government attempts to break up and close down the church. Domestic Security Protection Department agents and police have detained, taken into custody, and even mistreated Shouwang church members who showed up for the outdoor services. More than 700 individuals from the Shouwang Church have been detained for various periods since April 2011.

The government has also exerted pressure on Shouwang members at their places of employment and through their landlords. It has even mobilized clergy from the government-sanctioned Three-Self Patriotic Protestant Church, who have participated in police interrogations with detained Shouwang members to argue theological points. The church's senior leadership has all been under house arrest since April, and every weekend several hundred church members are also placed under house arrest to prevent them from going to the designated outdoor worship site.

The Chinese House Church Alliance is also a target of persecution. Its president, Pastor Zhang Mingxuan, has been arrested on many occasions, forcibly sent back to his hometown, and had his rental agreements terminated. Its vice-president, Pastor Shi Enhao, was sentenced in July by the Suqian Municipal Public Security Bureau in Jiangsu province to two years of re-education through labor, a term that he is currently serving.

The whereabouts of prominent Christian rights defense lawyer Gao Zhisheng, one of the first to be "disappeared" by the authorities, remain a mystery, and there is no information as to whether he is dead or alive. On January 10 of this year, Associated Press reporter Charles Hutzler published an exclusive interview with Gao entitled "Gao Zhisheng, Missing Chinese Lawyer, Described Torture Before Disappearing." Hutzler recounted Gao's detailed and anguished descriptions of the torture inflicted on him by the Chinese government in the 14 months after he disappeared into police custody on February 4, 2009.

Dr. Fan Yafeng, the prominent Christian constitutional law scholar, a pioneer in China's legal rights defense movement and founder of the group Christian Human Rights Lawyers of China, was also tortured during nine days in police detention last December, and has been under house arrest since his release on December 18, 2010. All forms of communication with him have either been cut off or are controlled by the authorities.

Alimujiang, a Uyghur Christian house church leader in Xinjiang, has now served three years and nine months of a 15-year sentence. In February of this year, his wife and other family members were notified that their appeal of his sentence, submitted last year, had been rejected and that the original 15-year sentence was upheld.

Rare cases of government action against Christians in Tibet have also occurred. On October 7, 11 Han Chinese church leaders and missionaries were arrested, and to date, two are still in

custody. (ChinaAid has not yet reported this incident as we are still closely monitoring the developments.)

Persecution of Catholics this year and relations between Beijing and the Vatican are cause for concern.

- On March 30, without Vatican approval, the government's Catholic Patriotic Association ordained Liang Jiansen bishop of Jiangmen archdiocese in Guangdong province.
- On June 26, Father Sun Jigen of Handan archdiocese in Hebei province, was taken away by police and held in custody just before his Vatican-approved ordination.
- Respectively on June 29 and on July 14, without Vatican approval, the Chinese Catholic Leshan archdiocese in Sichuan and the Shantou archdiocese in Guangdong province ordained two bishops, Lei Shiyin and Huang Bingzhang.
- In August, several dozen leaders of the underground Catholic church in Tianshui, Gansu province, were detained and taken into custody.

We believe that the Chinese government has since September 2010 escalated the intensity and scale of its suppression of “unregistered” Catholic and Protestant churches. However, the severity of the persecution so far this year has not been as serious as we had expected, with the exception of the situation in Beijing. We believe the reasons for this is not “tolerance” or a “change of policy” by the Chinese government. We attribute it to the following:

1. Many churches have become more cautious and have chosen more secretive and more low-profile ways of operation, trying their best to avoid persecution.
2. Of those churches who have been persecuted, some are not willing to report their experiences to the outside world for fear of harsher persecution.
3. The Jasmine Revolution crackdown on dissent spread thin the government's resources.
4. The brave actions of Shouwang Church since April in defending their rights have made local governments more cautious in persecuting other house churches at this time, especially large house churches.

Of course, the outcome of Shouwang Church's struggle and the status of freedom of religion overall in the final two months of this year are hard to predict. For instance, a wave of persecution usually occurs around Christmas time.

In considering the situation of religious freedom over the past year, we can clearly see that the Chinese government severely and systematically violates religious freedom. Government orders to Three-Self churches and other religious organizations to join in concerts of praise to the Chinese Communist Party when the nation was marking the 90<sup>th</sup> anniversary of the founding of the Party clearly demonstrate that China's concept of religious freedom is in fact nothing more than the freedom to follow the Communist Party.

In this unsettling situation, however, we also see reason for hope. And that is because of the social, political and cultural effects produced by Shouwang Church's non-violent fight for its rights. This has demonstrated that China's house churches have become the backbone of efforts to promote freedom of religion, human rights and the rule of law and the cornerstone for the development of a civil society in China.

## **2. Serious deterioration of the rule of law: Rights lawyers and dissidents are “disappeared,” imprisoned and tortured**

Based on incomplete statistics, about 100 lawyers, rights activists and dissidents have been “disappeared,” tortured, imprisoned and even sentenced to prison terms this year. This was not solely the result of this spring's Arab “Jasmine Revolution”: as early as September 2010, the government had already begun a comprehensive suppression of house churches in connection with the Lausanne Congress on World Evangelization. China's 200 house church representatives to Lausanne were all persecuted to varying degrees, and all were barred from leaving the country and were unable to attend the conference. Then in October, after dissident Liu Xiaobo was awarded the Nobel Peace Prize, nearly 200 rights activists, political activists and well-known intellectuals were taken into custody, beaten, placed under house arrest, barred from leaving the country or subjected to other kinds of suppression.

The government ratcheted up its crackdown on dissent in response to the Jasmine Revolution. From February to July, more than 1,000 rights activists and dissidents across the country were “invited to drink tea and chat” with or were threatened by police or Domestic Security Protection agents.

The suppression of rights defense lawyers began in December 2010, when Christian constitutional law scholar Fan Yafeng was seized, imprisoned and tortured. Upon his release, he was put under house arrest, where he remains to this day. Thereafter, this model of disappearance, torture and house arrest that was first used on Gao Zhisheng and Chen Guangcheng, coupled with the crackdown during the Jasmine Revolution period, was widely applied to other Christians and rights activists and dissidents.

Between February and March this year, more than 30 rights lawyers disappeared. Some of the more well-known cases of disappearances and violence are listed here:

- In January, eight lawyers appearing in a court in Heilongjiang province were beaten up by police. One was a woman lawyer who was so badly beaten that she miscarried.
- On February 16, well-known Christian human rights lawyer Tang Jitian was kidnapped, and was held until early March, during which time he was tortured.
- On February 19, well-known law professor Teng Biao and Christian human rights lawyer Jiang Tianyong were kidnapped by police and disappeared. Jiang was held for 60 days,

during which he was tortured and subjected to brainwashing “education.” Teng was held for 70 days, during which he was tortured.

- Also on Feb. 19, Li Tiantian, a well-known human rights lawyer in Shanghai, was apprehended by police and disappeared. She was released on May 24 after being tortured while in police custody.
- On April 29, well-known Christian human rights lawyer Li Fangping went missing. He was released five days later and had been tortured.
- On May 4, human rights lawyer Li Xiongbing disappeared. He was released more than 30 hours later after being tortured.
- Well-known Christian human rights lawyer Li Subin was also “disappeared” for more than 24 hours.

Then there is the case of blind rights activist Chen Guangcheng, who in 2005 exposed the 130,000 forced abortions and sterilizations performed in a single year by government family planning officials in Linyi, Shandong province. He was sentenced in 2006 to a four-year, three-month prison term, which he finished serving on Sept. 9, 2010. After he returned home, Chen and his wife were placed under house arrest by the local government, which mobilized nearly 100 people to guard the house round-the-clock. (Their address is East Shigu Village, Shuanghou Township, Yinan County, Linyi.) All forms of telecommunications to the house has been blocked and they were not allowed to go outside. They are totally dependent on relatives to deliver all their daily life needs. Chen and his wife, Yuan Weijing, were subjected to severe beatings three times: on February 8, the couple was so badly beaten that they were unable to move from their beds; on February 18, after they smuggled out to international contacts a videotape of Chen describing the circumstances of their confinement, the couple was savagely beaten again by dozens of people; on July 28, the couple was brutally beaten for four straight hours. It is possible that it was this last beating that led to unconfirmed reports that Chen had died. Both of the latter two beatings were carried out by people led by Shuanghou town mayor Zhang Jian.

Since January, everyone seeking to see Chen has been forcibly turned away. Last month, more than 100 people, including some well-known Chinese writers, tried to see him on five separate occasions. Each time they were barred from the village and violently attacked by stone-throwing mobs. For instance, on October 23, more than 30 people tried to visit Chen but were met by a gang of more than 300 people sent by the government who attacked the visitors, injuring every single one of them.

As early as October 4, 2005, when Chen was under house arrest, three well-known Christian human rights lawyers – Dr. Xu Zhiyong, Li Fangping and Li Subin – who traveled from Beijing to Linyi to see Chen were met at the entrance to the village by a group of people who beat them up. In 2006, when Chen was being sentenced, his defense lawyers were also taken into custody

and beaten. About the same time, famous Christian human rights lawyers Fan Yafeng, Gao Zhisheng, Zhao Xin and others launched the “Support Chen Guangcheng” campaign.

According to statistics compiled by Chinese Human Rights Defenders, by April 16 this year, 39 dissidents had been criminally detained. These are some of the more prominent cases:

- Liu Xiaobo’s wife, Liu Xia, has been under house arrest since October 2010.
- In late 2010 or early 2011, well-known dissident writer Yu Jie was “disappeared.” While in custody, he was so badly tortured that he nearly died several times and was taken to the hospital to save his life.
- On February 11, U.S. Ambassador John Huntsman went to visit well-known human rights lawyer Ni Yulan. On April 7, Ni and her husband were both criminally detained for “causing a disturbance.”
- On February 14, Sichuan political activist Ran Yunfei was criminally detained for “inciting subversion of state power.” He was released on August 9.
- On February 20, political activist Ding Mao of Mianyang city, Sichuan province, was criminally detained. On March 28, he was formally arrested for “inciting subversion of state power.”
- On March 21, Beijing rights activist Wang Lihong was taken away by police for “creating a disturbance,” and on Sept. 9 he was sentenced to a nine-month prison term.
- On April 3, the famous Beijing artist and dissident Ai Weiwei was taken away by police. He was released on bail on June 22. He very likely was tortured during his time in custody.
- On April 11, Zhu Yufu, a Christian dissident from Hangzhou, Zhejiang province, was formally arrested for “inciting subversion of state power.”
- On April 14, 25-year-old right activist Zhang Yongpan of Jining city, Shandong province, disappeared. Zhang had been following the case of the three netizens’ trial in Fujian province and supported in the rights defense case involving the murder case of village chief Qian Yunhui in Lequan county, Zhejiang province. Two weeks later, he was criminally detained for “creating a disturbance,” and on May 13 was released on bail.
- Also, Zhang Dajun, the head of a Beijing NGO and a house church leader, was detained for days.

In addition to the above-mentioned cases showing the deterioration of the rule of law, the October 29 adoption of an amendment to the Resident Identity Card Law provides additional legal basis for this deterioration. It was perhaps because the government felt deeply encumbered by a number of legal provisions while engaged in its widespread suppression in the past year of house churches, political activists and dissidents that the Resident Identity Card Law was amended to say, “When citizens apply for, change or register their ID cards, they should be fingerprinted.” This measure broadens the scope of the police’s ability to investigate and expose citizens’ private affairs. Furthermore, the amendments to Articles 38 and 39 of the Criminal

Procedure Law say that in the case of “crimes that endanger national security and terror crimes” subpoenas can be indefinitely extended and notification of family and relatives of an arrest or house arrest can be indefinitely delayed. This provides sufficient legal grounds for secret detentions and imprisonments. The well-known dissident Hu Jia considers these three amendments to be “KGB provisions.”

Although the rule of law has deteriorated and China already is a police state, and despite the complete repression in China of the legal defense movement started by the house church Christian and constitutional law scholar Fan Yafeng, this rights defense model is still viable and is the most effective model for public non-violent civil disobedience. The fact that the Chinese government has adopted these two important legal amendments shows that using the law to defend citizens’ rights is a very effective model. ChinaAid’s legal aid work this year has expanded to helping some Christian dissidents, for example Ding Mao and Zhu Yufu.

### **Conclusion & Recommendation**

For these reasons, the United States urgently needs to adjust and revise the religion and human rights components of its China policy. The Chinese government has expended great financial and human resources on a Chinese Bible exhibition that is touring the United States right now in an effort to convince the American people that freedom of religion exists in China. This shows that China’s leaders care deeply about the attitude of the United States. And since the United State is China’s most important trading partner, and foreign trade is a major source of the nation’s growing prosperity, this naturally puts the United States in an advantageous position in the bilateral relationship, making it possible to adjust its China policy with little cost while attaining significant positive results quickly.

With regard to recommendations for the Administration and Congress for improving religious freedom and the rule of law, ChinaAid believes that the U.S. Commission on International Religious Freedom has many excellent policy recommendations which should be taken seriously by those interested in U.S.-China relations. We urge the CECC and members of Congress to help implement some of the recommendations of the U.S. Commission on International Religious Freedom because we believe these measures will make a difference in the way that human rights diplomacy is conducted with China, now and in the future.

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### **About ChinaAid’s Founder and President:**

Pastor “Bob” Xiqiu Fu is originally from Shandong province. He graduated from Shandong’s Liaocheng Teachers College in foreign languages, holds a double bachelor’s degree from People’s University and the Institute of Foreign Relations, and taught at the Beijing Municipal

Communist Party School. In the United States, he earned a master's degree from Westminster Theological Seminary and is now working on his PhD.

Pastor Fu was persecuted while in college for taking part in the 1989 Tiananmen Square student democracy movement. The resulting sense of hopelessness led to a spiritual awakening, and Pastor Fu accepted the truth of the Bible and became a Christian passionate about spreading the Gospel. In 1996, when they were leaders of a house church of mainly college students, Pastor Fu and his wife were arrested and imprisoned for two months. They later escaped to the United States and in 2002 founded China Aid Association.

Pastor Fu and his ministry are highly regarded both by those in China and in the international arena. He is an expert on Christian persecution in China and religious freedom issues. He is frequently interviewed by media from around the world and has testified at U.S. congressional hearings and before the European Parliament and the United Nations. In his frequent travels, he has met with government officials in many countries and the leaders of Christian institutions, think tanks and other NGOs for extensive exchanges and cooperation. He is committed to promoting religious freedom, human rights and the rule of law in China.

ATT:  
Mr. Andrew Alonso

United States House of Representatives  
**Committee on International Affairs**

**"TRUTH IN TESTIMONY" DISCLOSURE FORM**

Clause 2(g) of rule XI of the Rules of the House of Representatives and the Rules of the Committee require the disclosure of the following information. A copy of this form should be attached to your written testimony and will be made publicly available in electronic format, per House Rules.

<p>1. Name:</p> <p>BOB FU</p>	<p>2. Organization or organizations you are representing:</p> <p>CHINA AID ASSOCIATION</p>
<p>3. Date of Committee hearing:</p> <p>NOVEMBER 3, 2011</p>	
<p>4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</p> <p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	<p>5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</p> <p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>
<p>6. If you answered yes to either item 4 or 5, please list the source and amount of each grant or contract, and indicate whether the recipient of such grant was you or the organization(s) you are representing. You may list additional grants or contracts on additional sheets.</p>	
<p>7. Signature:</p> 	

Please attach a copy of this form to your written testimony.