



Testimony of Sophie Richardson,  
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House Committee on Foreign Affairs

June 2, 2011

**“Religious Freedom, Democracy, and Human Rights in Asia: Status of Implementation of the Tibetan Policy Act, Block Burmese JADE Act, and North Korea Human Rights Act”**



Chairman Ros-Lehtinen, Ranking Member Berman, Members of the Committee, we appreciate the opportunity to testify today before this Committee on the human rights situations in Burma, North Korea, and Tibet, where people continue to face severe and systematic abuses. We believe that the United States can and should do more to address these situations.

### **North Korea**

We are compelled to first address North Korea, where, despite lip service to human rights in its constitution, the regime remains one of the most abusive in the world. The government tolerates no organized political opposition, free media, functioning civil society, or religious freedom. It employs arbitrary arrest, detention, lack of due process, and torture and ill-treatment of detainees to crush any form of dissent. It uses collective punishment for various anti-state offenses, for which it enslaves hundreds of thousands of people, including children, in prison camps, and it periodically publicly executes citizens for stealing state property, hoarding food, and other “anti-socialist” crimes.

North Korea criminalizes leaving the country without state permission. Those who leave face grave punishment upon repatriation such as lengthy terms in horrendous detention facilities or forced labor camps with chronic food and medicine shortages, harsh working conditions, and mistreatment and torture by camp guards. Some are even executed, depending on their offense and who they met abroad.

The economic mismanagement and Kim Jong-Il’s proclaimed “military first” policy—in which resources are dedicated first to the army, and then members of the regime and their loyalists—is also threatening the lives of countless North Koreans. This year World Food Program (WFP) experts are warning that North Korea could face its worst food crisis since the famine of the 1990s, which claimed over a million lives. A recently completed United Nations food security assessment conducted in February and March predicted a shortfall of over a million metric tons of cereals. A combination of factors are responsible in making this spring harvest season a disaster, including failure of winter crops because of bad weather, poor planning and ineffective distribution, and of course, the government’s policies.

Given these circumstances, Human Rights Watch urges the US to:

- Respond positively and immediately to the humanitarian imperative of resuming food assistance to North Korea, though donors should insist that their aid goes to vulnerable groups through the WFP and that its monitors can move, observe, and report without restrictions to ensure that food aid is not diverted, and that recent startling increases in access for the UN—reflecting perhaps North Korea’s desperation—are made permanent. Other key donors are waiting for a positive signal from the US about food aid to North Korea, and supporting food aid demonstrates support for the people, not the government, of North Korea.
- Sponsor a resolution at the UN Human Rights Council or the UN General Assembly establishing a UN Commission of Inquiry to assess past and present human rights violations in North Korea. The Commission of Inquiry should determine whether such violations may constitute crimes against humanity, and whether specific individuals bear responsibility and might be subject to investigation and eventual prosecution. Such a step will signal to the regime—and to the people of North Korea—that accountability for these abuses can and will be pursued.
- Continue to strongly press the Chinese government to cease its practice of unilaterally labeling North Koreans in China as “economic migrants” and deporting them, often into the hands of North Korean authorities who mete out severe penalties for unauthorized departure; urge China to uphold its obligation to offer protection to refugees under both customary international law and the Refugee Convention of 1951 and its 1967 protocol, to which China is a party.
- Press North Korea to immediately accede to the requests of the UN special rapporteur on human rights in North Korea to visit the country and provide him with unhindered access to all parts of the country to conduct his work.

## **Burma**

In speaking about Burma, it is important to understand the strategy that the country’s military junta has followed over the last several years. It has sought to deflect international pressure by creating the appearance of progress towards civilian rule, while in fact doubling down on repression and military dominance of all aspects of life in the country. The junta adopted a constitution that created the trappings of democratic government while guaranteeing that civilian institutions would be subservient to military commanders, not the other way around. It held sham national elections, but guaranteed that sitting and recently

retired military officers would win an overwhelming majority of the seats. It released opposition leader Aung San Suu Kyi, but banned her political party and has refused to engage in any substantive dialogue with her or any of Burma's ethnic minority leaders. It continues to banish all criticism of its policies, and to keep over 2,000 people in prison, under brutal conditions, for their peaceful political activism. For the last several months, it dangled to foreign diplomats the possibility that a large number of political prisoners would soon be released. Instead, in May 2011, it announced a cynical amnesty that reduced sentences by just one year, even though some of Burma's most prominent political prisoners are serving sentences of 65, 93, and in one case, 104 years.

Attacks on civilians in ethnic conflict zones have intensified following the November elections. As a result of fighting between the Burmese army and ethnic Karen insurgents in eastern Karen State since November, more than 20,000 civilians have been displaced, with more than 10,000 refugees arriving in neighboring Thailand. Human Rights Watch has documented how the army has forced prisoners to work as unpaid porters in combat zones; those considered weak or insubordinate face torture and even summary execution. In northern Shan State, the government has carried out offensive operations that displaced more than 3,000 civilians. There are credible reports from local monitoring groups that Burmese army units have indiscriminately shelled villages, taken civilians for forced labor or human shields, and in some instances committed sexual violence against ethnic Shan women.

In addition, Burma's rulers continue to rake in billions of dollars from sales of the country's natural resources. Rather than being used to boost the government's paltry spending on the health and education needs of the population, however, the proceeds of lucrative natural gas sales are hidden from the state budget and stashed in foreign bank accounts.

Some people have looked at the political changes that have taken place on the surface in Burma—the selection of a parliament and president—and concluded that the country has a “new government.” But this is a fiction. Burma is ruled today by the same group of people as before, and they are ruling in the same way. Indications of some tentative openings in the post-election landscape, most importantly in humanitarian assistance, must be supported by the US to address the immense health and education needs of the Burmese people.

Human Rights Watch supported the Obama administration's decision to try to engage the Burmese military two years ago. And we welcome the long-delayed nomination of a United States special representative and policy coordinator for Burma. But the question remains: what policy is there right now to be coordinated? The Burmese government has made not a

single substantive concession in several rounds of dialogue with US officials, and there is no reason to believe that they will do so if more US diplomats travel to Napyidaw carrying the same messages, employing the same tools, as before. Meanwhile, the administration has said it is committed to maintaining sanctions against the Burmese government. But in reality, it has refused to implement the full set of financial sanctions envisioned by the JADE Act, including the one option most likely to be effective: pursuing banks and other financial institutions that are holding funds on behalf of the Burmese junta. Six months ago, Secretary Clinton said that the administration was committed to “seek accountability for the human rights violations that have occurred in Burma by working to establish an international commission of inquiry through close consultations with our friends, allies, and other partners at the United Nations.” But in reality, the administration has made little or no effort to make such a commission a reality.

As the world is riveted by the progress of democratic struggles in the Middle East, it must not be forgotten that the Burmese people engaged in similarly courageous protests just a few years ago. The US has moved swiftly to employ measures such as financial sanctions and pursuit of accountability to support the right of people in the Middle East to peacefully advocate for greater democracy; it should do no less for the people of Burma.

To that end, we urge that the US:

- Consistent with the JADE Act, deny foreign banks access to the US financial system if they are holding targeted Burmese accounts or otherwise undermining US measures, and in particular target transactions by the oil and gas authority, the key revenue-generating entity in Burma. Doing so requires the dedication of intelligence resources and continual monitoring and adjustment by US officials.
- Follow through on its commitment to support a commission of inquiry into violations of international humanitarian and human rights law by raising the Burmese government’s failure to address abuses and ongoing impunity at the Human Rights Council. The US should lead efforts to call for a commission of inquiry as part of the annual Burma resolution at the UN General Assembly. Increasing active support for a Col sends a strong message to a continually repressive system of military control that impunity must end and justice and accountability be a central part of a genuine transition to democracy.

## **Tibet**

Since mid-February 2011, Human Rights Watch has documented the enforced disappearances, arbitrary detentions, and harassment of dozens of Chinese, Uighur, and

Tibetan human rights defenders, and we view this crackdown as the worst assault on the freedom of expression in over a decade. Similarly, our research on Tibet also reflects that the 2008 protests and the ensuing crackdown—the harshest in a decade—have been a watershed in the post-1989 history of Tibet.

Between 1989 and 2008, human rights violations were severe and systematic, ranging from denial of fundamental rights and freedoms such as freedom of expression, association, and religion, to socio-economic discrimination and institutionalized marginalization. Virtually all criticisms of state policies in Tibet are characterized by the government as evidence of “separatism,” and liable to prosecution under state security crimes. Human Rights Watch has documented multi-year sentences for acts such as sending a text message, throwing pamphlets in the air, or shouting slogans in the street.

These problems have persisted since 2008, but have been worsened by several new developments, including a significant increase in the number of troops garrisoned on the plateau, and intensified propaganda campaigns accompanied by hard-line discourse from the government that blames the Dalai Lama and the Tibetan exile movement for any ethnic incident. Tibetans now endure even more restrictions on monasteries and religious activities, sharper limits on their movements within Tibetan areas, and increased surveillance when living in other parts of China; as well as restrictions on foreigners’ and journalists’ access.

In contrast to the pre-2008 period, when the Chinese government was trying to conceal its security apparatus and political control to project the impression of Tibetan acquiescence to government policies, the post-2008 period is marked by an open display of force, as if the government itself acknowledges that stability on the Tibetan plateau now rests chiefly on coercion. While this new state of play reflects widespread failures of Chinese policy in Tibet, it seems to have driven further away the prospects of a political solution. An epitome of this trend has been the case of Karma Samdrup, a prominent art dealer and environmental philanthropist, sentenced in June 2010 to 15-year imprisonment on unfounded charges of “grave robbing.” The case signaled a departure from the government’s previous willingness to embrace economically successful Tibetan elites who abstained from political pursuits. Multiple due process violations marred the trial, including evidence the suspect and witnesses had been tortured.

In July 2010 the government rejected the findings of a comprehensive Human Rights Watch report, which established that China had violated international law in its handling of the 2008 protests. The report, based on eyewitness testimonies, detailed abuses committed by

security forces during and after protests, including use of disproportionate force in breaking up protests, firing on unarmed protesters, conducting large-scale arbitrary arrests, brutalizing detainees, and torturing suspects in custody. The government accused Human Rights Watch of “fabricating material aimed at boosting the morale of anti-China forces, misleading the general public and vilifying the Chinese government,” but failed to respond to any of the report’s substantive allegations. More than three years after the 2008 protests, disappearances, wrongful convictions and imprisonment, persecution of families, and the targeting of Tibetans suspected of sympathizing with the protest movement continue unabated.

Human Rights Watch therefore urges the US to:

- Continue to press China to negotiate a political solution for Tibet with the Dalai Lama. President Obama should meet with the Dalai Lama and the newly elected head of the government in exile, Lobsang Sangay.
- Ask for the release of Tibetan prisoners prior to Vice President Biden’s visit to China later this summer.
- Extend full and active support to the international investigation into the Tibetan protests led by the United Nations Office of the High Commissioner for Human Rights.
- Maintain funding not only for Tibetan language programs for RFA and VOA, but also for the Mandarin, Cantonese, and Uighur services; these are irreplaceable means of transmitting information into and out of all regions of China.
- Press China to account for every person detained in connection with the protests; vigorously investigate incidents where security forces have used lethal or disproportionate force; put an end to “disappearances” and unlawful detentions; and discipline or prosecute the perpetrators of abuses.
- Stress, when seeking cooperation with China on counterterrorism efforts, that the threat of terrorism cannot be an excuse to persecute or curtail the human rights protections of specific ethnic groups.

We thank you for holding this timely hearing, and look forward to answering your questions.

United States House of Representatives  
Committee on Foreign Affairs

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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.

<b>1. Name:</b>  Sophie Richardson	<b>2. Organization or organizations you are representing:</b>  Human Rights Watch
<b>3. Date of Committee hearing:</b>  June 2, 2011	
<b>4. Have <u>you</u> 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?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>5. Have any of the <u>organizations you are representing</u> 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?</b>  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>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.</b>  	
<b>7. Signature:</b>	

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