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CHINAFILE

Free Liu Xiaobo

By Jared Genser

Two years ago today, the Norwegian Nobel Committee awarded its Peace Prize to the imprisoned Chinese intellectual and democracy activist Dr. Liu Xiaobo in recognition of "his long and non-violent struggle for fundamental human rights in China." As we mark this anniversary and look forward to November's leadership transition in Beijing -- when Vice President Xi Jinping is expected to replace current President Hu Jintao -- the international community must address the ongoing repression of rights in China and urge the country's current and soon to be future leaders to seize this historic opportunity to fully join the community of nations by respecting its international obligations, the rule of law, and the fundamental rights of all Chinese citizens.

Dr. Liu's plight and the Chinese government's reaction to the Peace Prize are well known. In December 2008, the government arrested Dr. Liu, after he penned a series of essays and participated in the drafting a pro-democracy manifesto known as "Charter '08." The government held him in solitary confinement without charge or access to an attorney before ultimately sentencing him to 11 years in prison on "inciting subversion" charges. At trial, the government relied entirely on Dr. Liu's calls for peaceful democratic reform and respect for fundamental human rights in China to convict him.

When the Committee identified Dr. Liu as its Laureate in October 2010, the Chinese government missed an important opportunity. The government's unfortunate response was a striking demonstration of its fear of domestic dissent combined with a willingness to engage in the type of international intimidation for which it so frequently criticizes other governments. International broadcasts of the announcement were blocked, other capitals were warned not to attend, and China's relations with Norway were even threatened. Police moved in and cut off Dr. Liu's wife, Liu Xia, from the outside world.

I vividly recall speaking with Liu Xia on the telephone a few months before Liu Xiaobo was announced as the 2010 Nobel Peace Prize Laureate. We talked through what might happen if he was selected. I told her I was very worried about how the Chinese government might respond and urged her to consider leaving China in advance of the announcement. By way of trying to illuminate the possibilities, I told her the story of how

Natan Sharansky's wife Avital traveled the world advocating for her husband's release from prison in the Soviet Union. Liu Xia courageously responded this was out of the question; she needed to stay in China to support her husband however she could from wherever she was. Neither of us imagined how terrible things could actually get for her. Astonishingly, she has now spent nearly two years under house arrest without any charge or legal process whatsoever, for the actual crime of being married to her husband. To make matters worse, this brazen and flagrant violation of her human rights has barely registered as a concern of world leaders.

Unfortunately, the government's treatment of the Lius is not an aberration. Gao Zhisheng, once a rising star in the Chinese legal community but became a target after advocating for the rights of religious minority groups and victims of wrongful land seizures. Even though Mr. Gao dedicated his career to advancing human rights by working within the system, authorities disregarded those same domestic and international laws in silencing him. Mr. Gao has been disbarred, repeatedly disappeared, and brutally tortured.

Despite the well documented abuse of its citizens, the Chinese government consistently claims that it "respects the rule of law" and loudly objects to "interference" in the country's internal affairs. When pressed on individual cases, the government frequently dismisses the legitimate concerns of governments and international organizations with demonstrably false claims.

Shockingly, for example, when confronted with extensive documentation regarding the continued house arrest of Liu Xia, the government simply responded that "no legal enforcement measure has been taken" against her. Such a claim -- which is either an admission of guilt by the authorities or a blatant lie -- disproves any notion that China's current leadership truly respects the rule of law.

In light of cases like the Lius and Mr. Gao, the international community must continue to shine a light on violations of fundamental human rights in China. But as we observe the anniversary of the Norwegian Nobel Committee's 2010 decision and look forward to a China's leadership transition, world leaders have a special responsibility to take advantage of this moment's unique opportunity. In particular, the international community must consistently and relentlessly press Chinese leadership on the facts of individual cases -- and where the officials hide behind lies and tired claims about the "rule of law" and "judicial sovereignty," they must be directly and publicly confronted with evidence to the contrary.

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