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S. RES. 128

Calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2001

Mr. TORRICELLI (for himself, Mr. CORZINE, Mr. KERRY, Mr. ALLEN, Mr. WELLSTONE, Mr. THOMAS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes.

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State’s 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People’s Republic of China “has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms”;

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on freedom of expression in the People’s Republic of China, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People’s Republic of China signed in October 1998;

Whereas the Government of the People’s Republic of China frequently uses torture and other human rights violations to produce coerced “confessions” from detainees;

Whereas the Department of State’s 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People’s Republic of China “included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process”, and also found that “[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence”;

Whereas the Government of the People’s Republic of China has reported that some of the scholar detainees have “confessed” to their “crimes” of “spying”, but it has yet

to produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that "police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret";

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, was formally charged with spying for Taiwan on May 15, 2001, and is expected to go on trial on July 14, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, has not been allowed to contact his wife and child (both United States citizens), and was prevented from seeing his lawyer for an unacceptably long period of time;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with "accepting money from a foreign intelligence agency" on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, has not been allowed to contact her husband and child (both United States citizens) or Department of State consular personnel in China, and was prevented from seeing her lawyer for an unacceptably long period of time;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of "leaking state secrets", has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members and by being denied regular access to lawyers, is reported to be suffering from severe health problems, was accused of tax evasion and other economic crimes, and has been denied his request for medical parole;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law, there is reason to believe that the "confessions" of Dr. Li Shaomin and Dr. Gao Zhan may have been coerced; and

Whereas the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demands an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

1 *Resolved, That*

2 (1) the Senate—

3 (A) condemns and deplores the continued
4 detention of Li Shaomin, Gao Zhan, Wu
5 Jianmin, Qin Guangguang, Teng Chunyan, and
6 other scholars detained on false charges by the
7 Government of the People's Republic of China,
8 and calls for their immediate and unconditional
9 release;

10 (B) condemns and deplores the lack of due
11 process afforded to these detainees, and the
12 probable coercion of confessions from some of
13 them;

1 (C) condemns and deplores the ongoing
2 and systematic pattern of human rights viola-
3 tions by the Government of the People's Repub-
4 lic of China, of which the unjust detentions of
5 Li Shaomin, Gao Zhan, Wu Jianmin, Qin
6 Guangguang, and Teng Chunyan, are only im-
7 portant examples;

8 (D) strongly urges the Government of the
9 People's Republic of China to consider carefully
10 the implications to the broader United States-
11 Chinese relationship of detaining and coercing
12 confessions from United States citizens and
13 permanent residents on unsubstantiated spying
14 charges or suspicions;

15 (E) urges the Government of the People's
16 Republic of China to consider releasing Liu
17 Yaping on medical parole, as provided for under
18 Chinese law; and

19 (F) believes that human rights violations
20 inflicted on United States citizens and residents
21 by the Government of the People's Republic of
22 China will reduce opportunities for United
23 States-Chinese cooperation on a wide range of
24 issues; and

1 (2) it is the sense of the Senate that the
2 President—

3 (A) should make the immediate release of
4 Li Shaomin, Gao Zhan, Wu Jianmin, Qin
5 Guangguang, and Teng Chunyan a top priority
6 of United States foreign policy with the Govern-
7 ment of the People’s Republic of China;

8 (B) should continue to make every effort
9 to assist Li Shaomin, Gao Zhan, Wu Jianmin,
10 Qin Guangguang, and Teng Chunyan, and their
11 families, while discussions of their release are
12 ongoing;

13 (C) should make it clear to the Govern-
14 ment of the People’s Republic of China that the
15 detention of United States citizens and resi-
16 dents, and the infliction of human rights viola-
17 tions upon United States citizens and residents,
18 is not in the interests of the Government of the
19 People’s Republic of China because it will re-
20 duce opportunities for United States-Chinese
21 cooperation on other matters; and

22 (D) should immediately send a special,
23 high ranking representative to the Government
24 of the People’s Republic of China to reiterate
25 the deep concern of the United States regarding

1 the continued imprisonment of Li Shaomin,
2 Gao Zhan, Wu Jianmin, Qin Guangguang,
3 Teng Chunyan, and Liu Yaping, and to discuss
4 their legal status and immediate humanitarian
5 needs.

