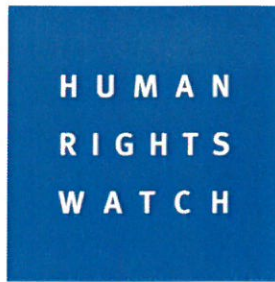


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promoting religious freedom and rule of law

中国人权
HRIC
HUMAN RIGHTS IN CHINA



 **Freedom
House**

UHRP
UYGHUR HUMAN RIGHTS PROJECT

June 2, 2016

The Honorable John F. Kerry
U.S. Department of State
2201 C St NW
Washington, DC 20520
Via Fax: 2026472283; 2026477350

The Honorable Jacob J. Lew
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220
Via Fax: 2026220073; 2022620417

Re: The 2016 US-China Strategic & Economic Dialogue

Dear Secretary Kerry and Secretary Lew,

As the Administration prepares for its final US-China Strategic & Economic Dialogue (S&ED), which will convene in Beijing June 6-8, 2016, we urge you to use this opportunity to call on the Chinese government to withdraw legislation it has adopted that denies human rights to citizens of the People's Republic of China. Further, we urge the United States to make a strong public statement expressing the U.S. government's deep concern about the human rights situation in

China, and publicly call on the Chinese government to release all individuals who have been unjustly imprisoned or disappeared for peacefully expressing their fundamental human rights.

The downward slide of human rights and rule of law in China since Xi Jinping became president is well documented. The State Department noted this trend in its most recent annual human rights report on China: “Repression and coercion markedly increased during the year against organizations and individuals involved in civil and political rights advocacy and public interest and ethnic minority issues.”

We applaud the U.S. government for taking the lead on the joint statement issued by 12 countries at the 31st session of the UN Human Rights Council in March, expressing concern about China's deteriorating human rights record. As China becomes increasingly aggressive and dismissive of the rules-based international order, it is imperative that the U.S. confront Beijing as robustly on the universality of human rights as it does on cybersecurity or the South China Sea. Few aspects of the bilateral relationship can fully succeed unless Chinese authorities respect the free flow of information, remove the judiciary from Communist Party control, and tolerate peacefully expressed ideas, no matter how critical of the Party-state. Moreover, Chinese authorities' increasing proclivity to carry out abuses beyond China's borders stands to further complicate ties.

Therefore, we urge you to build on the momentum of the March joint statement, and press forcefully on human rights in this high-profile and wide-ranging diplomatic gathering.

Specifically, we urge that you:

- Meet with human rights defenders and representatives of China's civil society, including Uyghurs and Tibetans and individuals from other ethnic minority communities and religious groups, as President Obama did recently in Vietnam. If such a meeting is not possible during the S&ED, commit publicly to a meeting outside China with representatives of those communities.
- Explain unequivocally to your Chinese counterparts that China's new National Security Law, Counterterrorism Law, and Foreign NGO Management Law will obstruct bilateral cooperation on a range of issues, from law enforcement cooperation to various “people-to-people” programs. Press the Chinese government to either withdraw these laws, or at a minimum, substantially revise them to bring them into compliance with international human rights standards, and stress that the U.S. opposes all carve-outs (*i.e.*, exemptions from the restrictive law only for activities that the Chinese government deems “acceptable,” for example, in the areas of education, health, etc.).
- As the U.S. did in the March joint statement at the Human Rights Council, publicly call for the release of specific individuals detained for peacefully exercising their rights. While there are thousands of such individuals detained, disappeared, or subjected to unlawful “house arrest,” we include here a handful who represent particular communities that have been targeted: press freedom advocate **Guo Feixiong** (aka Yang Maodong), who went on a hunger strike in May to protest his lack of adequate medical care and abusive and degrading treatment by prison authorities; more than 20 human rights

lawyers, such as **Wang Yu** and **Li Heping**, formally arrested for crimes including “subversion of state power” and “inciting subversion of state power” as a result of the July 9, 2015 crackdown on rights lawyers; **Ilham Tohti**, prominent Uyghur economist and writer serving a life sentence, and a finalist for this year’s prestigious Martin Ennals Human Rights Award; **Liu Xiaobo**, political reform advocate and 2010 Nobel Peace Prize winner; **Thabkhe** (aka Thamkey) **Gyatso**, a Tibetan Buddhist monk imprisoned since 2008, who is now severely ill; and **Yang Hua**, a house church pastor in Guiyang. We also ask that you press the Chinese government to allow veteran journalist **Gao Yu**, who has been released from prison but is in poor health, to travel to Germany to seek necessary medical treatment for heart disease and other conditions.

- Publicly express the United States’ concerns about restrictions on religious freedom and belief that contravene international law and the Chinese constitution. Tell your counterparts that the Chinese government must cease demolishing churches, tearing down crosses, forcing Falun Gong adherents to renounce their faith, and preventing certain Chinese citizens from gathering to worship or meditate. The vaguely worded counterterrorism and national security laws will give Chinese authorities yet another tool to criminally prosecute Uyghur Muslims and Tibetan Buddhists for virtually any manifestation of religious and cultural beliefs, in contravention of international human rights law.
- Publicly express the United States’ concerns about restrictions on freedom of expression in China, ranging from the Great Firewall to the Communist Party’s tight control over media outlets and the harassment and jailing of independent journalists. China ranks 176 out of 180 countries on Reporters Without Borders’ 2016 World Press Freedom Index and ranks in last place in Freedom House’s 2015 *Freedom on the Net* report. We urge the U.S. to continue advocating forcefully for American journalists’ access to and freedom inside China, and ask that it also do so for Chinese journalists.
- Call on your Chinese counterparts to explain the legal basis on which their agents detained Swedish national Gui Minhai in Thailand, Hong Kong citizen Lee Bo in Hong Kong, and Hong Kong citizens Lui Por, Cheung Chi Ping, and Lam Wing Kee in the mainland. Explain that these detentions—along with other commentary from senior Chinese officials disregarding key aspects of the Sino-British Joint Declaration and the Basic Law—will have serious consequences for Beijing with respect to global perceptions of its willingness to adhere to binding treaty obligations. Reiterate the United States’ commitment to the right to meaningful public participation in government, directly or through freely chosen representatives, in Hong Kong and in the mainland.
- Press Chinese counterparts to include an explicit and robust human rights component in future S&EDs, and the U.S. delegation should report publicly, ideally from Beijing, which human rights issues and specific cases were raised during the S&ED.

We appreciate your consideration of the concerns raised here, and stand ready to assist as needed. We also encourage you to conduct an assessment of the “whole of government” approach with

respect to the S&ED and U.S. China policy more broadly since 2009, and identify areas to build upon for the benefit of future Administrations, as the U.S. will face an increasingly complex relationship with China in the years ahead.

Sincerely,

T. Kumar
International Advocacy Director
Amnesty International USA

Bob Fu
President and Founder
China Aid

Mark P. Lagon
President
Freedom House

Sharon Hom
Executive Director
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