

By Jerome A. Cohen and Eva Pils
Opinion Asia
November 11, 2010

Empty Chairs in Oslo Speak Volumes

A who's who of those not allowed to attend the awarding of this year's Nobel Peace Prize.

The Nobel Peace Prize committee's decision to award the medal to Liu Xiaobo was supposed to shine a spotlight on human rights abuses in China. Instead, Beijing has pulled out all the stops to make the prize about almost anything but human rights. If that tactic succeeds—and if the rest of the world isn't careful, it might—this prize will represent a disappointing lost opportunity.

The committee's purpose ought to be clear as day: Mr. Liu won the prize "for his long and non-violent struggle for fundamental human rights in China." Yet in the weeks since the announcement, Beijing has framed this as an attack on its "sovereignty." It also sparked a debate about commercial interests and diplomacy toward China by cancelling a ministerial trade meeting with Norway and calling upon European countries to boycott the award ceremony or else. More destructively, China's state-run media launched an unprecedented campaign to slander and libel Mr. Liu and intimidate his many supporters by suggesting he's in the pay of the American government and harbors "anti-China" opinions.

In short, Beijing has tried to change the subject in order to distract commentators from human rights problems that Mr. Liu addressed and that the Nobel committee wanted to highlight.

Fortunately, there will soon be another opportunity to get the discussion back on track: the Dec. 10 ceremony at which Mr. Liu would personally receive his medal if he weren't currently imprisoned for 11 years. The best way to cut through Beijing's smokescreen is to focus not only on Mr. Liu but also on why his friends won't be able to attend the ceremony either.

Liu Xia, Mr. Liu's wife, would ordinarily be the guest of honor in his absence. Unfortunately, since announcement of the prize, even though she is not suspected of a crime, she has been subjected to increasingly severe police restraints, making it very difficult to communicate with the outside world. Thus, on Oct. 26, when a foreign journalist asked Foreign Ministry spokesman Ma Zhaoxu what Mr. Ma called a "hypothetical question"—whether Liu Xia would be allowed to go to Oslo—Mr. Ma was able confidently to urge journalists to ask her whether she wanted to go.

On Tuesday, the renowned criminal defense lawyer Mo Shaoping and outspoken Peking University law professor He Weifang, both signatories of Charter 08, were prevented from leaving the country. They were on their way to a conference of the International Bar Association

in London, scheduled months ahead. They already held November return tickets and had no plans to go to Oslo. Yet the authorities told them they were not allowed to leave, because they "might endanger state security."

Consider also blind "barefoot lawyer" Chen Guangcheng, who has been invited to attend. He probably doesn't even know he is on the guest list. Since his release from prison on Sept. 9 after serving more than four years for "intentionally damaging public property" and "organizing others to block traffic" (his real crime was revealing the local government's massive forced abortions and sterilizations), he and his family have been under extraordinarily fierce extralegal detention. Their impoverished rural farmhouse is at all times encircled by a horde of police officers and hired guards, who have severed all communications, installed security cameras and all-night bright lights, and frequently threatened Mr. Chen as well as would-be visitors. The last any of his friends spoke to him or his wife was in late September.

Hu Jia is another friend of Mr. Liu who will not be able to honor him in Oslo. Mr. Hu is serving a 3½-year prison sentence for "inciting to subvert state power," related to his activism on behalf of the environment, AIDS-related official abuses, persecuted human rights defenders and others. His wife, also an activist, has been warned that upon his release in 2011 the family, which endured illegal harassment before Mr. Hu's detention, will likely be subjected to the same sort of suffocating illegal house arrest that their friends the Chens have long suffered.

Another activist illegally detained in his apartment is former Shanghai housing lawyer Zheng Enchong. He helped expose a corrupt conspiracy between Shanghai officials and private developers who evicted local residents to make way for building projects. It first cost him his lawyer's license. He then was sent to prison for three years, ostensibly for sending abroad "state secrets" but actually because he persisted in advising the dispossessed. He has been holed up by police for most of the last four years and is now strictly confined again after sending out messages supporting Liu Xiaobo.

At least the whereabouts of these activists are known. That is not the case with another unfrocked lawyer who will not be in Oslo on Dec. 10, Gao Zhisheng, one of China's most courageous human-rights defenders, who has been kept under house arrest, harassed, imprisoned, tortured and humiliated since 2006. At present he has literally "been disappeared"—authorities won't say whether he is in jail again and, if so, why; or where he is; or even if he is still alive. And this is not his first disappearance. Earlier this year, after sustained efforts on his behalf by foreign governments, human rights organizations and media, Mr. Gao emerged for one week of limited freedom following 14 months of disappearance. Yet, after contacting his wife and children, who fled to the U.S. last year, and a few friends, he again went missing and there has been no news of him since April 20.

Foreign politicians, diplomats, journalists, business people, academics and rights activists should be asking Beijing why these people and many other admirable Chinese invitees won't be allowed to travel to Norway. Such sunlight might burn off some of the fog the Chinese government has tried to create around its civil and political rights record. There is no better way to answer Beijing's diversionary nationalistic propaganda offensive than to call attention to those empty chairs on Dec. 10.

Mr. Cohen is codirector of New York University School of Law's U.S.-Asia Law Institute. Ms. Pils is associate professor of law at Chinese University of Hong Kong.