

# WRITING ON THE WALL

## Disappeared Booksellers and Free Expression in Hong Kong

### EXECUTIVE SUMMARY

The disappearance of five Hong Kong booksellers in late 2015 sent a jolt through the literary community in Hong Kong, the publishing industry internationally, human rights advocates, and the diplomatic sphere. Businesspeople, authors, journalists, and envoys have long been accustomed to Hong Kong as a city of freedom and openness in a region that is marked by turmoil and political repression. Hong Kong has served as a portal into and out of mainland China, an opening where people, ideas, books, films, and businesses can transit, keeping China connected to the world and affording the Chinese people access to some of what they are missing in their tightly controlled society.

When the former British colony was returned in 1997 to the People's Republic of China (PRC), the reversion came with the promise to sustain a scheme of "one country, two systems", and maintain the open commercial, intellectual, and cultural character of Hong Kong. These liberties and the autonomy of Hong Kong are enshrined in its Basic Law, which took effect in 1997. For the residents of Hong Kong, the Basic Law and system of government have provided a screen of protection, though one that has grown more frayed in recent years as Beijing has exerted greater control over Hong Kong's media and governance.

When it became clear that the Chinese government had forcibly kidnapped five Chinese sellers of potboiler political books - apprehending them in Hong Kong, during visits to the mainland, and, in the case of Gui Minhai, while vacationing in Thailand - the sense of security attached to Hong Kong's protected status was shaken. As detailed by PEN America in "Writing on the Wall: Disappeared Booksellers and Free Expression in Hong Kong," the booksellers' disappearances were a vivid indication that the long arm of the Chinese security state could and would reach into Hong Kong and beyond. The ambiguity of the case, the questionable nature of criminal charges, and the absence of any indication that these specific booksellers were engaged in anything beyond standard commercial activity in Hong Kong—albeit with books that depicted Chinese leaders in an unflattering light—has cast a chill on book publishing. The mysteries and uncertainties of the case leave a lingering doubt about what conduct can put authors, publishers, and booksellers at risk, instilling fear and further caution that will narrow the range of ideas and stories emanating from Hong Kong. For international publishing and media representatives, these developments call into question whether Hong Kong can continue to serve as the steady host and anchor on which they have long relied for business across Asia.

Various specific facets of the case, outlined by PEN America in this report, bring to light China's evolving approach to quashing dissent, controlling narratives, and enforcing its will not just within its borders but also outside them. The brazen use of forced confessions and coerced statements appeared to be targeted less at persuading domestic and international audiences of the booksellers' guilt than at sowing sufficient doubt to harm the men's reputations, raising questions about what they wished their supporters to do on their behalf, and deflecting international concern. By including in those forced confessions disavowals of foreign national ties, China offered an out to foreign governments that might be interested in avoiding confrontation. The treatment of Swedish citizen Gui Minhai and UK dual national Lee Bo fits part of a pattern whereby China has exerted its control over ethnic Chinese who have fled to, or are residing in, foreign countries. Acting without the legitimacy of extradition treaties or other legal instruments, China has used the reach of its security apparatus to apprehend ethnic Chinese on foreign soil without due process and to pressure foreign governments to look the other way and, in some cases, even assist in such efforts.

The intense global outcry that followed the bookseller disappearance was followed by the release of four of the five apprehended men. However, only one—Lam Wing-kee—has gone public with his ordeal. The others are silent. The fifth man, Gui Minhai, the Swedish citizen, remains incommunicado in custody. While international pressure may have been a factor in China's decision to release most of the men, there are also signs that geopolitical interests may have tempered the fervor of diplomatic campaigns for their release. The swift release of another Swedish political detainee, human rights worker Peter Dahlin, while Gui Minhai remains in custody raises important questions about how ethnicity and nationality play into human rights cases.

China is well known for its restrictions on freedom of expression and intolerance of dissent at home. The Chinese people are on high alert that criticism of the government, independent thinking, and challenges to official narratives are dangerous. Increasingly, though, and particularly for ethnic Chinese, the safety afforded by operating outside mainland China's borders may no longer be as reliable as it once was. Dissidents, human rights activists, and their allies need to be cognizant of China's growing willingness to defy sovereignty and legal norms in order to work its will in punishing and deterring criticism beyond its borders. Foreign governments need to steel themselves to Chinese tactics, including the use of forced confessions and appeals to ethnicity that seek to temper governments' criticism and advocacy on behalf of their nationals. China's geopolitical importance and the depth of its bilateral ties in Asia and worldwide can deter criticism by governments that do not want to rouse Beijing's anger. But, as the booksellers case shows, Beijing is not impervious to international outcry and is keenly cognizant of where and by whom its actions will be judged. This case is a reminder that all those who engage with China must keep their eyes open to Beijing's goals and tactics and stand firm in the face of Chinese efforts to undermine the international system and the norms and values on which it rests.