

H. Res. 90

In the House of Representatives, U. S.,

April 25, 2023.

Whereas Mark Swidan is being unjustly and arbitrarily detained by the Government of the People's Republic of China, according to the United States Government and the United Nations Human Rights Council (UNHRC) Working Group on Arbitrary Detention;

Whereas Mark Swidan is a United States citizen from Luling, Texas, and is a resident of Houston, Texas;

Whereas, on November 13, 2012, Mark Swidan was abducted by officers of the Public Security Bureau while on a business trip to the People's Republic of China, and on December 21, 2012, Swidan was formally arrested following an indictment issued by the Public Prosecutions Office of the People's Procuratorate of Jiangmen City alleging that Swidan was part of a criminal conspiracy with 11 other individuals to manufacture and traffic drugs;

Whereas, on April 30, 2019, a PRC court sentenced Swidan to death, which he has appealed;

Whereas PRC security officials repeatedly attempted to coerce Swidan into signing a confession, but Swidan refused to sign a confession pleaded not guilty;

Whereas, according to evidence evaluated by the UNHRC Working Group on Arbitrary Detention—

(1) no drugs were found on Swidan or in his hotel room;

(2) the prosecution did not produce any forensic evidence of the alleged offenses;

(3) records in Swidan's passport indicate he was not in the People's Republic of China during the time of the offenses; and

(4) the 11 other individuals indicted in relation to the alleged conspiracy could not identify Swidan;

Whereas PRC officials have maliciously and systematically denied Swidan's mother Katherine Swidan, a resident of Texas, and other members of his family the ability to contact him;

Whereas the PRC have denied and continue to deny United States diplomats full consular access to Swidan, in violation of international norms;

Whereas Swidan's detention has been and continues to be inhumane, and includes exposure to extreme weather conditions, sleep deprivation, and physical and psychological abuse;

Whereas Swidan's health has precipitously deteriorated and PRC security officials continue to deny independent or competent medical care and evaluation to Swidan;

Whereas humanitarian organizations of the United States, including the Dui Hua Foundation, which helped put this case before the Working Group, and the Global Liberty Alliance, which has asked the Sister Cities programs to sever relationships with Jiangmen until Swidan is released, have sought to highlight the injustice and conditions of Swidan's detention;

Whereas the UNHRC Working Group on Arbitrary Detention—

(1) found that Swidan is being held in violation of customary international law;

(2) emphasized the nonconformity by the PRC with international norms, including the Universal Declaration of Human Rights; and

(3) stressed that “the appropriate remedy would be to release Swidan immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law”: Now, therefore, be it

Resolved, That the House of Representatives—

(1) demands that the Government of the People’s Republic of China and the Chinese Communist Party immediately release Mark Swidan;

(2) condemns the Government of the People’s Republic of China and the Chinese Communist Party for refusing to provide Swidan with—

(A) regular communication with his family;

(B) access to United States diplomats; and

(C) independent and competent medical care and evaluation; and

(3) calls on the United States Government to deepen and prioritize efforts to secure the release of Swidan, including by—

(A) urging PRC counterparts at every level of engagement to release Swidan; and

(B) using the voice and vote of United States diplomats in international forums to highlight Swidan's case.

Attest:

Clerk.