

Calendar No. 53

118TH CONGRESS
1ST SESSION

S. RES. 23

Demanding that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. CRUZ (for himself and Mr. CORNYN) submitted the following resolution;
which was referred to the Committee on Foreign Relations

MAY 4, 2023

Reported by Mr. MENENDEZ, without amendment

RESOLUTION

Demanding that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan.

Whereas Mark Swidan is being unjustly and arbitrarily detained by the Government of the People's Republic of China and the Communist Party of China (CPC), 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 Chinese court sentenced Swidan to death, which he has appealed;

Whereas security officials in the People's Republic of China repeatedly attempted to coerce Swidan into signing a confession, but Swidan refused to sign a confession and 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 officials of the People's Republic of China and the CPC 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 officials of the People's Republic of China and the CPC 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 security officials in the People’s Republic of China 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 People’s Republic of China with international norms, including the Universal Declaration of Human Rights; and

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

1 *Resolved*, That the Senate—

1 (1) demands that the Government of the Peo-
2 ple’s Republic of China and the Communist Party of
3 China immediately release Mark Swidan;

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

7 (A) regular communication with his family;

8 (B) access to United States diplomats; and

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

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

14 (A) urging Chinese counterparts at every
15 level of engagement to release Swidan, and

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

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