

INTERNATIONAL HUMAN RIGHTS NETWORK of Academies & Scholarly Societies



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SECRETARIAT

500 Fifth St. NW
Washington, D.C. 20001
United States of America
Email: hrnetwork@nas.edu
Internationalhrnetwork.org

FOUNDING MEMBERS

François Jacob* – *France*
Max Perutz* – *United Kingdom*
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(*Nobel Laureate)

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The International Human Rights Network of Academies and Scholarly Societies (IHRN) is an alliance of more than 90 national honorary scientific societies that defends the rights of fellow scientists, scholars, and health professionals worldwide. We, the members of the IHRN Executive Committee, are alarmed by a series of worrying criminal cases brought against researchers of Asian descent in the United States, who have been portrayed by the U.S. government as threats to national security. In numerous cases during the past several years, U.S. prosecutors have instituted criminal proceedings against researchers of Asian heritage based on alleged economic espionage or failure to disclose information about their affiliations in China, only to see these cases collapse once the facts have emerged. These cases have fueled widespread concern within the U.S. research community that prosecutors are rushing to judgment about individuals based on their ancestry, in violation of the most fundamental principles of human rights.

Many of these failed cases have garnered significant international attention, including that of Dr. Xiaoxing Xi. In 2015, U.S. federal agents arrested Dr. Xi, a Chinese American professor of physics at Temple University in Pennsylvania, on economic espionage-related charges that carried up to 80 years in prison and a fine of 1 million USD. The U.S. government accused Professor Xi of violating a non-disclosure agreement by sharing U.S. company technology with Chinese entities. However, affidavits produced by leading scientific experts later showed that Professor Xi had instead shared information about his own published research with Chinese colleagues, and that the U.S. government's case was based on a lack of understanding of the science involved. The U.S. government ultimately dropped the charges against Professor Xi. Also in 2015, federal prosecutors brought and later dropped unsupported espionage-related charges against Chinese American hydrologist Sherry Chen. These high-profile cases prompted the U.S. Commission on Civil Rights to question whether, in an effort to prevent espionage by the Chinese government, the U.S. government was “rushing to judgment in investigations involving Asian Americans, primarily of Chinese descent”. The Civil Rights Commission also expressed concern that the U.S. government was “failing to exercise sufficient due diligence when targeting

Asian Americans for investigation, surveillance, and arrest, due to their race or national origin.”

Under the U.S. Government's *China Initiative*, introduced in 2018, such disturbing cases have continued. The U.S. Department of Justice established the China Initiative to counter economic espionage and theft of trade secrets in the United States, though cases investigated and prosecuted under this initiative have increasingly focused on research integrity-related allegations against scholars, including allegations of failure to fully disclose Chinese affiliations. The case of Dr. Anming Hu, the first researcher to stand trial under the China Initiative, is a prominent example. Professor Hu, a Chinese Canadian nanotechnologist formerly based at the University of Tennessee at Knoxville, was charged in 2020 with wire fraud and making false statements connected to his affiliation with a university in Beijing, fired from his position as a tenured professor, and placed under house arrest for 18 months. In September 2021, Dr. Hu was acquitted of all charges by a U.S. federal judge.

A more recent failed case involves Massachusetts Institute of Technology engineering professor Dr. Gang Chen. Professor Chen was indicted and arrested in January 2021 based on his alleged omission of certain China-related affiliations during an application for a U.S. Department of Energy grant, in a case that reflected prosecutorial confusion about how research is conducted and funded. On January 20 of this year, prosecutors dropped all charges against Dr. Chen, acknowledging that he did not in fact unlawfully conceal information from the U.S. Government.

Although the above-mentioned criminal cases were ultimately unsuccessful, they have had devastating reputational, financial, and professional consequences for the researchers involved. We share the concerns of our colleagues within the U.S. research community about overzealous targeting and profiling of researchers of Asian descent by U.S. prosecutors and support their calls for a full, independent investigation into this matter by the U.S. government, with accountability for demonstrated abuses.

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