

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la Protection des
Défenseurs des Droits de l'Homme

EL OBSERVATORIO
para la Protección
de los Defensores de Derechos Humanos

URGENT APPEAL - THE OBSERVATORY

New information
CHN 009 / 1106 / OBS 136.2
Enforced disappearance / Harassment
People's Republic of China
September 27, 2007

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention on the following situation in the **People's Republic of China (PRC)**.

Brief description of the situation:

The Observatory has been informed by "Chinese Human Rights Defenders" (CRD) about the enforced disappearance of Mr. **Gao Zhisheng**, a human rights lawyer and the director of the Beijing-based Shengzhi Law Office, which has taken on high-profile human rights cases.

According to the information received, on September 22, 2007, Mr. Gao was reportedly driven away from his home by ten plainclothes State Security Protection officers. Since then, his whereabouts have remained unknown, as all attempts undertaken by his family to contact him or to know more about the place of his detention have failed.

On September 13, 2007, Mr. Gao had written an open letter calling upon U.S. Congressmen to express their concern about China's human rights' situation in the lead-up to the 2008 Olympic Games. On September 16, 2007, a group of police from the Security Unit of the Beijing Public Security Bureau searched Mr. Gao's flat and declared that a "supervision and modification" committee was to be formed in order to closely monitor his activities by requiring that some officials live in the flat with him and his family for an undefined period.

The Observatory fears for Mr. Gao's physical and psychological integrity and expresses its deep concern with his enforced disappearance as it seems to merely aim at sanctioning his human rights activities.

The Observatory recalls that the National People's Congress amended the Chinese Constitution in 2004 to include that "the State respects and safeguards human rights" and that in April 2006, China submitted a document to the UN in order to support its candidacy to the Human Rights Council's first election¹, in which it affirmed that the amendment to the Constitution was aiming at "defining the position of human rights in the overall national development strategy". The Observatory further wishes to point out that, as a member of the Human Rights Council, China "shall uphold the highest standards in the promotion and protection of human rights"².

Background information:

In November 2005, the activities of the Shengzhi Law Office had been suspended by the Beijing Municipal Bureau of Justice for one year, and, in December 2005, Mr. Gao Zhisheng's licence to practice law had been revoked. These events had followed the publication by Mr. Gao of an open letter on religious freedom. Mr. Gao's appeal to review the decision to suspend his license had been rejected. Since then, Mr. Gao had been under close police surveillance and constant harassment and intimidation.

On August 15, 2006, Mr. Gao had been arrested by more than 20 plainclothes officers from the Beijing Public

1 See <http://www.un.org/ga/60/elect/hrc/china.pdf>.

2 See OP9 of the General Assembly Resolution A/RES/60/251.

Security Bureau at his sister's home in Dongying City, Shandong Province, without showing any warrant or other decision by a public authority. On October 12, Mr. Gao Zhisheng's lawyer had been informed that his client had been formally arrested and charged with "inciting to subvert the state".

On December 22, 2006, Mr. Gao had been convicted of "inciting the subversion of State power" and sentenced to three year's imprisonment, commuted into five years parole, after he had published a letter calling for an investigation on cases of persecution of Falun Gong members.

As a criminal defence lawyer, Mr. Gao Zhisheng was involved in sensitive cases relative to human rights violations, such as torture of members of the Falun Gong and Christian house church leaders, as well as arbitrary detention of petitioners seeking official accountability for acts of corruption. He also represented defendants in cases involving violations of freedom of expression and freedom of the press.

Actions requested:

Please write to the authorities in the People's Republic of China, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Gao Zhisheng as well as of his family's members;
- ii. Take prompt action in order to locate Mr. Gao Zhisheng, make public his whereabouts, and ensure his immediate release since his detention is arbitrary as it merely aims at sanctioning his human rights activities;
- iii. Put an end to the harassment against all human rights defenders in the People's Republic of China;
- iv. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", and Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the People's Republic of China.

Addresses:

- President Hu Jintao, People's Republic of China, c/o Embassy of the People's Republic of China; 2300 Connecticut Ave., NW, Washington, D.C., 20008, USA, Fax: +01 202 588-0032;
- Minister of Justice of the People's Republic of China, Buzhang Sifabu, Wu Aiyong, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China, Fax: +86 10 6529 2345;
- Minister of Foreign Affairs of the People's Republic of China, Buzhang Waijiaobu, Mr. Li Zhaoxing, 2 Chaoyangmen Nandajie, Beijingshi 100701, People's Republic of China, Fax: +86 10 6588 2594, Email: ipc@fmprc.gov.cn;
- Ambassador Sha Zukang, Permanent Mission of the People's Republic of China, Chemin de Surville 11, P.O. Box 85, 1213 Petit-Lancy 2, Geneva, Switzerland, Fax: +41 22 7937014, E-mail: mission.china@ties.itu.int;
- Embassy of the People's Republic of China in Brussels, Avenue de Tervuren, 463 1160 Auderghem, Belgium, Tel: + 32 2 663 30 10 / + 32 2 663 30 17 / +32 2 771 14 97 / +32 2 779 43 33; Fax: +32 2 762 99 66 / +32 2 779 28 95; Email: chinaemb_be@mfa.gov.cn.

Please also write to the diplomatic mission or embassy of the People's Republic of China in your respective country.

Geneva - Paris, September 27, 2007

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

E-mail: Appeals@fidh-omct.org

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The logo for FIDH (International Federation for Human Rights) consists of the lowercase letters 'fidh' in a bold, black, sans-serif font.

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