

URGENT APPEAL - THE OBSERVATORY

New information

CHN 009 / 1106 / OBS 136.4

Incommunicado detention / Health concern

People's Republic of China

December 20, 2011

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**.

New information:

The Observatory has been informed by reliable sources about the incommunicado detention of Mr. **Gao Zhisheng**, Director of the Beijing-based Shengzhi Law Office and a high-profile human rights defender in China, whose whereabouts have remained unknown since April 2010.

According to the information received, on December 16, 2011, a brief report by the State-run *Xinhua News Agency* stated that Mr. Gao Zhisheng had been "sent back to jail" by a Chinese court, six days before his five-year probation was due to expire (see background information).

The whereabouts of Mr. Gao Zhisheng remain unknown, since the media report did not include any information about the jail to which he was sent. His health condition also remains unknown.

The Observatory strongly denounces the incommunicado detention of Mr. Gao Zhisheng, which merely aims at sanctioning his human rights activities, and fears for his health condition. Accordingly, the Observatory calls for his immediate and unconditional release.

Background information:

Mr. Gao Zhisheng, who has been under constant police surveillance, along with his family, since receiving a suspended sentence for "inciting subversion" in 2006, was last heard on April 20, 2010. He had only reappeared on March 28, 2010 following a 14-month detention during which he had been subjected torture. The authorities subsequently denied that Mr. Gao was in custody and the police refused to register him as missing.

As a criminal defence lawyer, Mr. Gao has been 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 cases of arbitrary detention of petitioners seeking official accountability for acts of corruption and negligence.

Arrested without a warrant on August 15, 2006, Mr. Gao was sentenced on December 22, 2006 for "inciting the subversion of State power" to three year's imprisonment, commuted into five years parole and to the privation of his political rights during one year. Following this sentencing, Mr. Gao was released and placed under house arrest.

On September 13, 2007, Mr. Gao wrote an open letter calling upon US 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 (PSB) searched his 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 his flat for an undefined period. On September 22, 2007,

Mr. Gao Zhisheng was driven away from his home by ten plainclothes State security protection officers. Early November 2007, Mr. Gao was brought back to his flat, in Beijing. He would have been beaten and subjected to ill-treatments while in detention.

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;
- ii. Disclose the whereabouts of Mr. Gao Zhisheng, 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 - including at the judicial level - against Mr. Gao Zhisheng as well as 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:

- Mr. Wen Jiabao, Prime Minister of the People's Republic of China, Guojia Zongli, The State Council General Office, 2 Fuyoujie, Xichengqu, Beijingshi 100017, People's Republic of China, Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)
- Ms. Wu Aiyng, Minister of Justice of the People's Republic of China, Buzhang Sifabu, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China, Fax: +86 10 6529 2345, minister@legalinfo.gov.cn / pfmaster@legalinfo.gov.cn
- Mr. Dai Bingguo, Minister of Foreign Affairs of the People's Republic of China, Buzhang Waijiaobu, 2 Chaoyangmen Nandajie, Beijingshi 100701, People's Republic of China, Fax: +86 10 6588 2594;
- Mr. Meng Jianzhu, Minister of Public Security of the People's Republic of China, Buzhang, Gong'anbu, 14 Dongchang'anjie, Dongchengqu, Beijingshi 100741, People's Republic of China, Fax: +86 10 63099216
- Ambassador He Yafei, 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.



The Observatory
for the Protection
of Human Rights Defenders

Paris - Geneva, December 20, 2010

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.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29
- Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80