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FREEDOM NOW

February 27, 2014

Mr. Ariel Dulitzky (Chairperson)
UN Working Group on Enforced or Involuntary Disappearances
OHCHR, Palais des Nations
8-14 Avenue de la Paix
CH-1211 Geneva 10
Switzerland

RE: *In the Matter of Gao Zhisheng v. People's Republic of China*

Dear Mr. Dulitzsky:

I am writing on behalf of Mrs. Geng He to submit the case of her husband, Mr. Gao Zhisheng, to the UN Working Group on Enforced or Involuntary Disappearances.

Gao Zhisheng, 49, is one of the most prominent human-rights lawyers and prisoners of conscience in China. Mr. Gao, a self-taught advocate and early leader of the *Weiquan* legal rights movement, was named among the country's top ten lawyers by the Ministry of Justice in 2001. However, he became a target of government repression after representing some of China's most vulnerable citizens, including religious minority groups, factory workers, coal miners, and victims of government land seizures. As a result of his activism, Mr. Gao and his family endured unrelenting pressure from the government. Authorities closed his law firm and placed the family under constant surveillance. Police, who were for some time stationed inside the family's home, harassed and even physically attacked Mr. Gao's wife, Geng He. During school, their young children were always watched by police—even in the restroom.

Because of the unrelenting pressure, Geng He and the children sought asylum in the United States and now live in California. The government also repeatedly subjected Mr. Gao to detention, disappearance, and brutal torture in response to his peaceful advocacy. Authorities placed Mr. Gao under *de-facto* house arrest in 2006 after forcing him to confess to charges of "inciting subversion" by threatening his family. Even though he received a suspended three-year sentence, the government arrested and brutally tortured Mr. Gao again in 2007 after he sent an open letter to the U.S. Congress detailing human rights violations in China. During the torture, officials repeatedly beat Mr. Gao, even shocking his genitals with an electric baton and piercing them with toothpicks. Police again disappeared and tortured Mr. Gao in 2009 and 2010 and then announced in December 2011 that he would be imprisoned for the remainder of his original three-year sentence national security charges in Shaya prison in Xinjiang, China, a remote Western region. Since his re-imprisonment, family members have been allowed to visit just two

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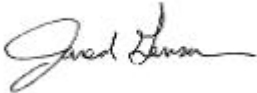
Our mission is to free prisoners of conscience through focused legal, political and public relations advocacy efforts.

times for 30 minutes on each occasion and were prohibited from asking about his wellbeing. Mr. Gao is now scheduled to be released in August 2014.

I am making this submission today to the Working Group because since the last family visit to him which was permitted on January 12, 2013, he has been held *incommunicado*, and denied all access to the outside world. Mr. Gao's family is understandably distraught because they have no idea whether he is even alive. Furthermore, there has been no explanation provided by the Chinese government as to what is happening, whether he has been moved, and why it is violating its own laws which provide a convicted prisoner the right to receive family visits¹, the right to send and receive written correspondence², and the right to have access to counsel³ to raise concerns about their prison conditions. All of these rights have been denied with impunity.

If indeed Mr. Gao is still alive and in Shaya prison, then it is incumbent on the Chinese government to provide proof of life and immediate access for his family to visit him. Otherwise, it is very reasonable to presume given Mr. Gao has been repeatedly disappeared and tortured that he disappeared again into the bowels of the Chinese security state.

Sincerely,



Jared Genser, Esq.
Counsel to Gao Zhisheng and Geng He

¹ Article 48 of the Prison Law of the People's Republic of China states "[a] prisoner may, in accordance with relevant regulations, meet with his relatives and guardians during the service of his sentence." This has been interpreted by Chinese authorities to allow for a monthly family visit or two brief telephone calls per month, at the discretion of prison authorities.

² Article 47 of the Prison Law of the People's Republic of China states "[a] prisoner may, during the service of his sentence, correspond with others, but their correspondence shall be examined by the prison."

³ While Chinese law does allow limitations on the right to counsel, it is generally understood prisoners have a right of access to counsel. Chinese lawyers hired by Gao's family in China have been repeatedly denied the right to visit with him in prison.

***Consent of victim's family given directly to your organisation to submit this case:**

Yes, we have direct consent received from Mr. Gao's family. The authorization from Mr. Gao's wife Geng He, that was previously submitted to the Working Group with regards to one of his prior disappearance remains in force.

***If this case is being submitted by an organisation, will it be able to provide follow up by conveying information between the family and the Working Group:**

Yes.

1. Identity of the disappeared person:

(a) Family name (*): Gao

(b) First name (*): Zhisheng

(c) Sex: Male

(d) Date of birth: April 20, 1964

(e) Identity document: Unknown

Date of issue: Unknown Place of issue: Xinjiang Province

(f) Address of usual residence:

Building 11, Gate 7, Apartment # 202

Xiao Guan Bei Li

Chaoyang District

Beijing 100029

China

(g) Indigenous: No

2. Date on which the disappearance occurred (at least as to the month and year) (*):

January 13, 2013⁴

3. Place of arrest or abduction, or where the disappeared person was last seen (*):

Shaya Prison, Xayar County, Xinjiang Province, China

4. Forces (State or State-supported) believed to be responsible for the disappearance (*):

(a) If the perpetrators are believed to be State agents, please specify (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, etc.) and indicate why they are believed to be responsible; be as precise as possible:

Gao Zhisheng was last seen by his family in Shaya Prison in Xinjiang Province, China, on January 12, 2013. He was at the time being held by Chinese prison officials.

(b) If identification as State agents is not possible, why do you believe that Government authorities, or persons linked to them, are responsible for the incident?

Not applicable.

⁴ We have confirmed with Geng He that the last family contact with Gao Zhisheng took place on January 12, 2013. See Family Permitted to Visit Rights Defense Lawyer Gao Zhisheng, HUMAN RIGHTS IN CHINA, January 22, 2013, available at www.hrichina.org/en/content/6513.

(c) If there are witnesses to the incident, indicate their names. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify:

Gao Zhisheng was last seen by his father and younger brother.

5. Action taken by the relatives or others to locate the person (inquiries with police, jail, human rights commission, habeas corpus petition etc.) (*):

(a) Indicate if complaints have been filed, **when**, by **whom**, and before **which organ**.

Gao Zhisheng's father and brothers have made repeated inquiries of Chinese police, Public Security officials, and prison officials, who have been unwilling to even allow them to file a formal request to visit Gao in prison.

(b) Other steps taken:

Numerous foreign governments and NGOs have urged the Chinese government to allow family visits.

(c) If action was not possible, please explain why:

N/A, please see above.

6. Identity of the person or organization submitting the report (*):

(a) Family name: Genser

(b) First name: Jared

(c) Relationship with the disappeared person: International pro bono counsel hired by Mr. Gao's wife, Geng He.

(d) Organization (if applicable, see also below): Freedom Now

(e) Address (telephone, fax, e-mail):

1750 K Street, NW

Suite 350

Washington, DC 20036

+1 (202) 223-3733 (tel)

jgenser@perseus-strategies.com

(f) Please state whether you would like your identity to be kept confidential

No request for confidentiality.