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I.H.T. Op-Ed Contributor

## **China's Missing Human Rights Lawyer**

By JEROME A. COHEN and BETH SCHWANKE

Peter Gao is six and wants to be an astronaut. If you ask him why, he'll explain that he wanted to be a lawyer, but the Chinese government "really hates lawyers." He's pretty sure that it likes astronauts.

The Chinese government "disappeared" Peter's father, Gao Zhisheng, on Feb. 4, 2009. According to various Chinese officials over the past year, Mr. Gao is, "in Beijing," "gone missing," "where he should be," "working in Urumqi," the capital of China's northwestern Xinjiang Province, and now "sentenced for subversion."

We call on the Chinese government to stop stalling and produce Gao Zhisheng: a literal case of habeas corpus.

Mr. Gao's efforts as one of China's leading human rights lawyers made his latest detention inevitable. In 2006, after representing individuals persecuted by the government for their religious beliefs, Mr. Gao was convicted of "inciting subversion" and began serving a suspended sentence under 24-hour police surveillance — and harassment.

In 2007, after he wrote an open letter to the U.S. Congress detailing human rights violations in China, authorities again detained and tortured him.

Mr. Gao's publicly released account of this torture, which included toothpicks in his genitals and electric shocks, ends with the admonition of authorities not to tell anyone of his torture — or be killed.

Mr. Gao's extraordinary journey to become "China's conscience" and a recurring nominee for the Nobel Peace Prize began in his family's traditional home. After time as a coal miner and in the People's Liberation Army, Mr. Gao took his legal exams without the benefit of university. The government later named him one of China's 10 best lawyers. And, despite the risks, he began defending those people the government persecutes.

Perhaps even more extraordinary is the Chinese government's failure to officially acknowledge Mr. Gao's detention. It's unmistakable that Beijing is increasing its crackdown on political dissidents; however, the Chinese government's complete abandonment of even the pretext of the rule of law with regards to Mr. Gao's detention is unprecedented.

For over a year, the Chinese government has responded to outside pressure regarding Mr. Gao with silence, interspersed with conflicting and cryptic comments. In April 2009, Chinese government officials reported to the United Nations that he was in Beijing serving his 2006 probation.

But no one in Beijing has seen Mr. Gao since February 2009 and repeated demands of United Nations agencies to report his precise location have gone unanswered. In January, a Chinese Foreign Ministry spokesman told reporters that Mr. Gao is “where he should be.” At the next briefing, the same spokesman admitted that he “guesses” Mr. Gao is where he should be: “You can’t expect MoFA’s spokesman to know where everybody is. China has 1.3 billion people, there’s no way I can know where everyone is.”

In the last week, the Chinese government reverted to stonewalling repeated requests from foreign governments, rights groups, and media for information regarding Mr. Gao. The U.N. special rapporteur on torture, Manfred Nowak, told reporters on March 10: “I’m very concerned ... I have repeatedly asked the Chinese government to provide me with information, but I have not received any clear answer.”

And in a press conference with the British foreign minister, David Miliband, on Tuesday, the Chinese foreign minister, Yang Jiechi, stated that Mr. Gao had been sentenced for subversion charges, but didn’t explain whether this related to the prior conviction or was a new conviction.

Regardless of where Mr. Gao is or of any new alleged conviction, the Chinese government must follow its own law and release him because his detention violates its own criminal procedures. Beyond violations of procedural law, however, the government’s misconduct violates his rights guaranteed both by the Chinese Constitution and international law.

To punish Mr. Gao for joining a religious minority would itself be a violation of his fundamental rights; to punish him for “subversion” for merely representing religious minorities as a lawyer amounts to jailing a criminal defense lawyer for the crimes his clients allegedly committed.

Perhaps, given the Chinese government’s flagrant disregard of its own law, a call for his release seems pointless. So, we instead also ask the government to do something much easier — produce Mr. Gao to an impartial observer, such as an official from the United Nations or the International Committee of the Red Cross, to verify his well-being, provide details of Mr. Gao’s alleged conviction for “subversion,” and provide family access.

Peter, Mr. Gao’s son who now lives in the United States, told us last week that his father is a hero. We hope that the Chinese government will give Peter the opportunity to know Mr. Gao as his father, and not just as a hero.

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