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MEDIA RELEASE

FOR IMMEDIATE RELEASE  
August 1, 2011

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UN DECLARES DETENTION OF IMPRISONED NOBEL PEACE PRIZE LAUREATE AND  
WIFE ILLEGAL; CALLS FOR IMMEDIATE RELEASE

Washington, D.C.: Today, Freedom Now released Opinion Nos. 15/2011 and 16/2011 of the United Nations Working Group on Arbitrary Detention. In these opinions, a United Nations body declares the detention of 2010 Nobel Peace Prize Laureate Dr. Liu Xiaobo and the house arrest of his wife, Liu Xia, are in violation of China's obligations under international law.

Noting that permissible restrictions on political speech must be "strongly circumscribed," the Working Group held in Opinion No. 15/2011 that the Chinese government had "not shown in this case a justification for the interference with Mr. Liu Xiaobo's political free speech." In Opinion No. 16/2011, the Working Group found that Liu Xia's house arrest "amounted to a detention," and that she "has the right to be brought promptly before a judge, and the right to legal counsel." In both cases, the UN Working Group found that the government violated Articles 9, 10, and 19 of the Universal Declaration of Human Rights and called on the government to immediately release and adequately compensate Dr. Liu and Liu Xia.

The UN Working Group is an independent and impartial body currently composed of human rights experts from Chile, Norway, Pakistan, Senegal, and Ukraine. The Working Group's unique mandate authorizes it to adjudicate individual cases of arbitrary detention.

Jared Genser, founder of Freedom Now and lead counsel for the Lius said "this is a critical affirmation from the United Nations that the Chinese government's detention of Dr. Liu and Liu Xia are in flagrant violation of international law. While the world's attention has shifted to the 'Arab Spring,' these decisions are an important reminder that the crackdown against democracy activists—and members of their families—continues in China unabated. We call on the Chinese government today for Liu Xiaobo and Liu Xia's immediate release."

The full text of Opinion No. 15/2011 and Opinion No. 16/2011 is attached below.

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**OPINION No. 15/2011 (PEOPLE'S REPUBLIC OF CHINA)**

**Communication addressed to the Government on 3 February 2011**

**Concerning Mr. Liu Xiaobo**

**The State is not a Party to the International Covenant on Civil and Political Rights.**

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. The Human Rights Council assumed the mandate by its decision 2006/102. The mandate was extended for a further three-year period by resolution 15/18 adopted on 30 September 2010. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group forwarded a communication to the Government on 3 February 2011 and received a reply on 13 April 2011. The Working Group welcomes the cooperation of the Government.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - I. When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);
  - II. When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);
  - III. When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III).
  - IV. When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (Category IV);
  - V. When the deprivation of liberty constitutes a violation of the international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; disability or other status, and which aims towards or can result in ignoring the equality of human rights (Category V).
4. The case concerns Mr. Liu Xiaobo. The Working Group has at the same time considered the case of Ms. Liu Xia who is married to Mr. Liu Xiaobo (see the Working Group's Opinion No. 16/2011 adopted on 5 May 2011).
5. The Working Group will further point out that this is only one of several opinions from the Working Group holding the People's Republic of China in violation of its international human rights obligations (see WGAD Opinion No. 21/2008, Opinion No. 26/2010 and Opinion No. 29/2010). The Working Group will remind the People's Republic of China of its duties to comply with international human rights obligations not to detain arbitrarily, to release persons who are arbitrarily detained, and to provide compensation to them. The duty to comply with international human rights rests not only

on the Government but on all officials, including judges, police and security officers, and prison officers with relevant responsibilities. No person can contribute to human rights violations.

6. The UN High Commissioner for Human Rights Navi Pillay, expressing concern for the fate of human rights defenders in China, has on several occasions particularly mentioned Mr. Liu Xiaobo, and called for his release.

7. After Mr. Liu Xiaobo was awarded the Nobel Peace Prize, his case has been subject to a press release by the Chair of this Working Group together with the Special Rapporteur on Freedom of Opinion and Expression, the Special Rapporteur on the Independence of Judges and Lawyers, and the Special Rapporteur on Human Rights Defenders on 11 October 2010. The Working Group now turns to the merits of the case, following submissions from the source and the Government's reply.

## **Submissions**

### *Communication from the Source*

8. The case summarized below was reported to the Working Group on Arbitrary Detention as follows: Mr. Liu Xiaobo, citizen of China, born 28 December 1955, is a human rights activist and literary scholar. He is usually resident in Qixian in Beijing.

9. He was arrested on 8 December 2008 at his home by police officers of Beijing Public Security Bureau. The police officers did not state reasons for his arrest, providing an arrest warrant which did not indicate any specific offence. The police officers searched the home of Mr. Liu Xiaobo and seized computers and other materials.

10. Mr. Liu Xiaobo was held incommunicado from 8 December 2008 to 31 December 2008, and denied access to his family and legal counsel. Mr. Liu Xiaobo had two visits by his spouse at the Xiaotangshan Conference Centre after 31 December 2008, but was otherwise held in solitary confinement until 23 June 2009.

11. On 23 June 2009, Mr. Liu Xiaobo was formally arrested on charges of inciting subversion of state power. He was detained at No. 1 Detention Centre of Beijing until 24 May 2010 when he was moved to Jinzhou Prison in Liaoning Province, where he remains in detention.

12. On 10 December 2010, the Beijing Municipal People's Procuratorate Branch No. 1 submitted the indictment against Mr. Liu Xiaobo. The prosecution asserted that Mr. Liu Xiaobo disregarded state laws and by means of rumour mongering and slander incited subversion of state power and the overthrow of the socialist system in violation of Article 105(2) of the Criminal Law of the People's Republic of China. The source alleges that these charges were based on Mr. Liu Xiaobo's participation in 'Charter 08' and six articles he has published. The source further informs us that 'Charter 08' is a document drafted by a number of intellectuals including Mr. Liu Xiaobo, calling for political reform in China.

13. On 23 December 2009, Mr. Liu Xiaobo was prosecuted before the Beijing Municipal No. 1 Intermediate People's Court. The source alleged that Chinese authorities significantly limited access to the proceeding; journalists, foreign diplomatic representatives, and all but two members of Mr. Liu Xiaobo's family, were prevented from entering the courthouse for the trial. The police prevented Ms. Liu Xia, the spouse of Mr. Liu Xiaobo, from leaving her home and attending the trial. The proceedings lasted for two hours, and the court imposed a time limit of 14 minutes for Mr. Liu Xiaobo's defence.

14. On 25 December 2009, Mr. Liu Xiaobo was convicted for inciting subversion of state power, and sentenced to eleven years imprisonment and two years loss of political rights. On 9 February 2010, the Beijing Municipal High People's Court rejected the appeal.

#### *Response from the Government*

15. The Government's reply was received on 13 April 2011. It states that citizens of the People's Republic of China enjoy the right to freedom of speech, including the right to criticize the government. The Government notes that freedom of speech is limited by Articles 51 and 54 of the Constitution of the People's Republic of China, in line with Article 19(3) of the International Covenant on Civil and Political Rights (ICCPR). The Government argues that the justifications for limitations on the right to freedom of expression contained in Article 19(3) of the ICCPR are present in this case.

16. The Government states that the People's Republic of China is a nation respecting the rule of law. Mr. Liu Xiaobo was convicted according to the criminal code offences for inciting subversion of state power, and not for the promotion or protection of human rights. The courts strictly followed domestic criminal procedural law, allowing Mr. Liu Xiaobo and his lawyers to present a defence with Mr. Liu Xiaobo's family members present at the hearing.

#### *Comments from the Source*

17. The source claims that Mr. Liu Xiaobo's detention is a direct result of his writings, including the 'Charter 08' initiative, containing peaceful calls for democratic reform and the protection of human rights in China.

18. The indictment and verdict cite Mr. Liu Xiaobo's participation in the production of these materials as the basis for his prosecution. The Government's position that it prosecuted Mr. Liu Xiaobo under a criminal charge does not change that the core charges against him directly relate to his exercise of fundamental right to freedom of expression.

#### **Discussion**

19. Article 9 of the Universal Declaration of Human Rights prohibits arbitrary arrest and detention, declaring that

No one shall be subjected to arbitrary arrest, detention or exile.

20. The prohibition of arbitrary detention is customary international law, authoritatively recognized as a peremptory norm of international law or *jus cogens*, see, *inter alia*, the established practice of the UN as expressed by the Human Rights Committee in its General Comment No. 29 on States of Emergency (see CCPR/C/21/Rev.1/Add.11, 31 August 2000, para. 11), which this Working Group follows in its opinions. Of assistance is the judgment of the International Court of Justice in *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)* of 30 November 2010 and in particular the discussions by Judge Cañado Trindade on arbitrariness in customary international law which the Working Group adopts.<sup>1</sup> The ICCPR, other treaties and conventions, the jurisprudence of UN and other treaty bodies are important sources in determining the extent of what constitutes arbitrary detention in customary international law. The constant jurisprudence of the rulings contained in the opinions of this Working Group, and of the other UN special procedures

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<sup>1</sup> See respectively International Court of Justice, *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment of 30 November 2010, *ICJ Reports* 2010, para. 79; Separate Opinion of Judge Cañado Trindade, pp. 26-37, paras. 107-142.

mandate holders, dealing with full range of human rights treaties and customary international law, is yet another source.

21. The Working Group will first address the issues relating to the pre-trial detention of Mr. Liu Xiaobo. The starting point is the requirements that follow from Article 9 of the Universal Declaration of Human Rights (see WGAD 2009 Annual Report, UN Doc. A/HRC/13/30, 15 January 2010, para. 61). Mr. Liu Xiaobo was not informed, at the time of arrest, of the reasons for his arrest or promptly informed of any charges against him. He was not brought promptly before a judge. He was held incommunicado for an extended period and not granted access to legal counsel. The pre-trial detention of Mr. Liu Xiaobo constitutes a clear violation of Article 9.

22. The Working Group will now turn to the trial and sentencing of Mr. Liu Xiaobo. The Government states that citizens of the People's Republic of China enjoy the right to freedom of speech, including the right to criticize the government. The Government notes that freedom of speech is limited by Articles 51 and 54 of the Constitution of the People's Republic of China, and Article 19(3) of the ICCPR. Article 51 of the Constitution of the People's Republic of China provides that "the exercise by citizens of the People's Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens". Article 54 of the Constitution of the People's Republic of China provides that "it is the duty of citizens of the citizens of the People's Republic of China to safeguard the security, honour and interest of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland". Article 19(3) ICCPR provides that "the exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) for respect of the rights and reputations of others; (b) for the protection of national security or of public order (*ordre public*), or of public health or morals". The Government's position is that the limitations on the right to freedom of expression contained in Article 19(3) ICCPR apply in this case.

23. The starting point for the Working Group is the requirements that follow from Articles 9 and 10 of the Universal Declaration of Human Rights. The total or partial non-observance of the relevant international standards in the Universal Declaration of Human Rights relating to the right to a fair trial can be of such gravity so as to confer on the deprivation of liberty, of whatever kind, an arbitrary character. The trial was organized in way which constitutes a breach of fairness. In spite of the difficult balancing issues that are involved in free speech cases, Mr. Liu Xiaobo's defence was limited to 14 minutes. His detention thus falls within category III of the categories applicable to the cases submitted to the Working Group.

24. A detention is also arbitrary if it is the result of a judgment or sentence for the exercise of the rights and freedoms of the Universal Declaration of Human Rights.

25. Article 19 of the Universal Declaration provides that

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

26. Restrictions of the right to political free speech are strongly circumscribed. The Government has not shown in this case a justification for the interference with Mr. Liu Xiaobo's political free speech. The requirement of proportionality which applies to such restrictions is not satisfied by the reasons provided by the Government. His detention also falls within category II of the categories applicable to the cases submitted to the Working Group.

27. Customary international law provides for an enforceable right of compensation. The Working Group has in its jurisprudence continued to develop, based on general principles, the right to a remedy, which primarily is a right to immediate release and to compensation. In this case, Mr. Liu Xiaobo is to be released immediately. He also has a claim to compensation. The reasons that may be given for his detention cannot be used against a claim for compensation.

### **Disposition**

28. In light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Mr. Liu Xiaobo, being in contravention to articles 9, 10 and 19 of the Universal Declaration of Human Rights, is arbitrary, and falls within categories II and III of the categories applicable to the cases submitted to the Working Group.

29. Consequent upon the Opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation, which include the immediate release and adequate reparation to Mr. Liu Xiaobo.

30. The Working Group would like to take this opportunity to invite the People's Republic of China to ratify the ICCPR.

Adopted on 5 May 2011.

**OPINION No. 16/2011 (PEOPLE'S REPUBLIC OF CHINA)**

**Communication addressed to the Government on 8 February 2011**

**Concerning Ms. Liu Xia**

**The State is not a Party to the International Covenant on Civil and Political Rights.**

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. The Human Rights Council assumed the mandate by its decision 2006/102. The mandate was extended for a further three-year period by resolution 15/18 adopted on 30 September 2010. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group forwarded a communication to the Government on 8 February 2011 and received a reply on 29 March 2011. The Working Group welcomes the cooperation of the Government.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
  - I. When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);
  - II. When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);
  - III. When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III).
  - IV. When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (Category IV);
  - V. When the deprivation of liberty constitutes a violation of the international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; disability or other status, and which aims towards or can result in ignoring the equality of human rights (Category V).
4. The case concerns Ms. Liu Xia. The Working Group has at the same time considered the case of her husband, Mr. Liu Xiaobo (see the Working Group's Opinion No. 15/2011, adopted on 5 May 2011).
5. The Working Group will further point out that this is only one of several opinions from the Working Group holding the People's Republic of China in violation of its international human rights obligations (see in particular Opinion No. 21/2008, Opinion No. 26/2010; Opinion No. 29/2010). The Working Group will remind the People's Republic of China of its duties to comply with international human rights obligations not to detain arbitrarily, to release persons who are arbitrarily detained, and

to provide compensation to them. The duty to comply with international human rights rests not only on the Government but on all officials, including judges, police and security officers, and prison officers with relevant responsibilities. No person can contribute to human rights violations.

## **Submissions**

### *Communication from the Source*

6. The case was reported to the Working Group on Arbitrary Detention as follows: Ms. Liu Xia, born in 1959, and national of the People's Republic of China, usually resident in Qixian in Beijing, and a poet, artist and intellectual. Ms. Liu Xia is the wife of Mr. Liu Xiaobo, a democracy advocate and literary scholar, who was awarded the Nobel Peace Prize on 8 October 2010.

7. In the days prior to the announcement of the Nobel Peace Prize, Ms. Liu Xia spoke to non-Chinese media about her fears that the Chinese Government would prevent Mr. Liu Xiaobo from receiving the Nobel Prize, should he be awarded it. Following the announcement of the Nobel Peace Prize on 8 October, journalists converged on Ms. Liu Xia's Beijing apartment. Police officers refused to allow Ms. Liu Xia to meet with any journalists. The following day, Ms. Liu Xia was escorted by Chinese police to see her husband in Jinzhou Prison in Liaoning Province. On 10 October, Ms Liu Xia was brought back to her apartment in Beijing. According to the information received, the Chinese authorities placed a sign on the fence in front of Ms. Liu Xia's apartment block stating that 'people in the residential compound do not accept interviews'. The source reports that plain-clothes security agents stand in front of the gate to the compound, warning journalists and visitors away. Ms. Liu Xia is not allowed to leave it, except for short, approved trips, under police escort. Visitors to her apartment are forbidden. Ms. Liu Xia has been prevented from communicating with the outside world on the telephone or internet, which were cut off in the hours following the announcement of the Nobel Peace Prize. The connection to her mobile phone was also broken. A second replacement phone was also cut off. The Chinese authorities have prevented foreign diplomats from meeting Ms. Liu Xia.

### *Response from the Government*

8. The Government's reply was received on 29 March 2011.

9. It acknowledges that the Working Group's letter has been received, and points out that the Government of the People's Republic of China has conducted a careful investigation on the situation as mentioned in the letter. It identifies Ms. Liu Xia as female, 50 years-old, Han Chinese, and a junior college graduate. It states that no legal enforcement measure has been taken against Ms. Liu Xia. It adds that China is a country of rule of law where the legal rights of the citizen are protected by the law. Finally, it requests that the content of the reply should be included in the relevant file.

### *Comments from the Source*

10. The source points out that the Government has confirmed that there are no charges against Ms. Liu Xia who has not been informed of any reasons justifying her detention. The source replies that the statement of Government that it has taken no legal enforcement measures against Ms. Liu Xia is either an admission of the illegality of her detention—as there would be no legal basis for her continued house arrest—or incorrect. In either event, she should be immediately and unconditionally released from detention.

## **Discussion**

11. Article 9 of the Universal Declaration prohibits arbitrary arrest and detention, declaring:



No one shall be subjected to arbitrary arrest, detention or exile.

12. The prohibition of arbitrary detention is customary international law, authoritatively recognized as a peremptory norm of international law or *jus cogens*, see, *inter alia*, the established practice of the UN as expressed by the Human Rights Committee in its General Comment No. 29 on States of Emergency (see CCPR/C/21/Rev.1/Add.11, 31 August 2000, para. 11), which this Working Group follows in its opinions. Of assistance is the judgment of the International Court of Justice in *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)* of 30 November 2010 and in particular the discussions by Judge Cançado Trindade on arbitrariness in customary international law which the Working Group adopts.<sup>2</sup> The ICCPR, other treaties and conventions and the jurisprudence of UN and other treaty bodies are important sources in determining the extent of what constitutes arbitrary detention in customary international law. So is the practice of international criminal courts, as the ruling of the International Criminal Tribunal for the former Yugoslavia (ICTY) has been to the Working Group in this case (see below para. 16). The constant jurisprudence of the rulings contained in the Opinions of this Working Group, and of the other UN special procedures mandate holders, dealing with full range of human rights treaties and customary international law, is yet another source.

13. The Working Group will first address the issues of whether the conditions following from the restrictions on Ms. Liu Xia amount to a detention. According to the information we have received, and where the Government has not provided us with any further assistance, Ms. Liu Xia is under a house arrest with limitations on her physical movements, visits from others and communications of different kinds.

14. In its Deliberation No. 1 of 23 March 1992, the Working Group held that “house arrest may be compared to deprivation of liberty provided that it is carried out in closed premises which the person is not allowed to leave. In all other situations, it will devolve on the Working Group to decide, on a case-by-case basis, whether the case in question constitutes a form of detention, and if so, whether it has an arbitrary character”.

15. In its constant jurisprudence this has been developed as, for example, in Opinion No. 2/2007 (Myanmar), where the Working Group ruled that the conditions of Aung San Suu Kyi at her home in Rangoon, without contact with the outside world, constituted a detention and that this was an arbitrary detention.

16. The Working Group has also been guided by the jurisprudence of the ICTY. In its 1996 ruling in the *Blaškić* case, the ICTY discussed house arrest in international law and national laws, which will constitute detention subjected to the same guarantees as detention in a prison facility.<sup>3</sup>

17. The Working Group has considered the different restrictions that Ms. Liu Xia is subjected to, and holds that they amount to a detention.

18. Such measures require the full set of procedural guarantees that follow from Articles 9 and 10 of the Universal Declaration. Ms. Liu Xia has the right to be informed of the reasons for the detention and promptly be informed of any charges against her. She has the right to be brought promptly before a judge, and the right to legal counsel. These core Articles 9 and 10 rights have not been observed in the case of Ms. Liu Xia. Her detention thus falls within category III of the categories applicable to the cases submitted to the Working Group.

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<sup>2</sup> See respectively International Court of Justice, *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgment of 30 November 2010, *ICJ Reports* 2010, para. 79; Separate Opinion of Judge Cançado Trindade, pp. 26-37, paras. 107-142.

<sup>3</sup> ICTY, *Prosecutor v. Blaškić*, Case No. IT-95-14-PT, Decision on the Motion of the Defence Filed Pursuant to Rule 64 of the Rules of Procedure and Evidence, 3 April 1996, paras. 19-24.

19. We now turn to Article 19 of the Universal Declaration which provides that

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

20. The source has argued that “Ms. Liu Xia’s deprivation of liberty is a direct consequence of her exercise of the right to freedom of expression as guaranteed under Article 19 of the Universal Declaration of Human Rights”. Restrictions of the right to political free speech are strongly circumscribed by international law. In the case concerning Mr. Liu Xiaobo’s detention (see the Working Group’s Opinion No. 15/2011), the Working Group ruled that the Government has not justified the interference with his political free speech. The requirement of proportionality which applies to such restrictions, are not satisfied by the reasons provided by the Government in that case. It follows in the Working Group’s view that the restrictions in the case of Ms. Liu Xia cannot be justified either. Her detention falls within category II of the categories applicable to the cases submitted to the Working Group.

21. Customary international law provides for an enforceable right of compensation. The Working Group has in its jurisprudence continued to develop, based on general principles, the right to a remedy, which primarily is a right to immediate release and to compensation. In this case, Ms. Liu Xia’s house arrest is to end immediately. She also has a claim to compensation.

### **Disposition**

22. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Ms. Liu Xia, being in contravention to articles 9, 10 and 19 is arbitrary, and falls within categories II and III of the categories applicable to the cases submitted to the Working Group.

23. The Working Group requests the Government to take the necessary steps to remedy the situation, which include the immediate end of the house arrest and adequate reparation to Ms. Liu Xia.

24. The Working Group would like to take this opportunity to invite the People’s Republic of China to ratify the ICCPR.

Adopted on 5 May 2011.