

FORM TO SUBMIT A COMMUNICATION ON AN ALLEGED ENFORCED OR INVOLUNTARY DISAPPEARANCE

IMPORTANT PRELIMINARY NOTICE

INSTRUCTIONS RELEVANT TO ALL COMMUNICATIONS

- There are **6 required elements**, indicated with * without which the communication cannot be processed.

These are:

- 1) **Identity** of the disappeared person (full name);
- 2) **Date** on which the disappearance occurred (at least month and year);
- 3) **Place** of arrest or abduction, or where the disappeared person was last seen;
- 4) **Forces** (State or State-supported) believed to be responsible for the disappearance;
- 5) **Action taken** by the relatives or others to locate the person. If action was not possible, explain why;
- 6) **Identity of the person or organization submitting the report.**

Please, make sure, before sending the communication form, that all the above mentioned required elements are included. This will allow for a smoother consideration of the case.

- If submitting a handwritten communication, please use capital letters.
- Please provide names in full of institutions (security forces, governmental bodies or others). Please, do not use abbreviated forms.
- Describe facts in a clear and concise fashion, providing as much details as possible.
- Submit one form per disappeared person.
- If you would like particular information to be kept confidential please indicate this.

INSTRUCTIONS RELEVANT TO COMMUNICATIONS SUBMITTED BY NGOs

- It is necessary for your organization:
 - a) to have the consent of the family of the disappeared, and;
 - b) to be able to carry out follow-up, by conveying Government information to the family sent from the Working Group, and from the family to the Working Group until the fate or whereabouts of the person are determined.
- Therefore, **please answer to the following mandatory questions:**
 - * Does your organization have direct consent from the family of the disappeared to submit this communication form to the Working Group on Enforced or Involuntary Disappearances on their behalf? Yes No
 - * Will your organization be able to provide follow up by conveying information between the family and the Working Group: Yes No

ADDRESS TO SUBMIT A COMMUNICATION

E-mail: wgeid@ohchr.org Fax: +41 22 917 9006 (please, indicate: "For the attention of: WGEID").

Post: Working Group on Enforced or Involuntary Disappearances
Office of the High Commissioner for Human Rights
Palais des Nations, 8-14 Avenue de la Paix
CH-1211 Geneva 10, Switzerland



WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

COMMUNICATION FORM

1. INFORMATION CONCERNING THE DISAPPEARED PERSON

(a) * **Family name(s):** Liu

(b) * **Given names(s):** Xia

(c) Pseudonyms or other forms besides given name, by which he or she may be known: 刘霞

(d) Sex: male / female (e) Occupation/profession Poet, Painter, Photographer.

(f) father's name: Liu Zihua. mother's name: Xiang Tinghua.

(g) Date of birth: April 1, 1961. (h) Place and country of birth: Beijing, China.

(i) Was the person below 18 years-old at the moment of the disappearance? yes / no

(j) Identity document (passport, national identity card, voter's card or any other relevant national identity card)

type: Not Available number.....

date of issue: place and country of issue:

(k) Nationality or nationalities Chinese

(l) Address of usual residence: Apt. 501, Unit 4, Building 17, 9 Yuyuantan Nan Lu, Haidan District, Beijing, China 100038.

(m) Any other place of residence at the moment of the disappearanceNo.....

(n) Marital status: Widow (o) Indigenous: yes / no (p) Pregnant: yes / no

2. INFORMATION CONCERNING THE FACTS

(a) * **Date of arrest, abduction or disappearance** (at least month and year) Saturday July 15, 2017.

(b) * **Place of arrest, abduction or where the disappearance occurred** (be as precise as possible. Indicate street, city, province or any other relevant information).

(c) * **Date when the person was last seen** (at least month and year), if different from date of arrest or abduction (for example: if seen in a prison months after the initial arrest or abduction)

See above.

(d) * **Place where the person was last seen** (if different from place of arrest or abduction. For example: if seen in a prison months after the initial arrest or abduction. Please, be as precise as possible. Indicate street, city, province or any other relevant information). Not Applicable.

(e) **Please, provide a full description of how the disappearance took place** (attach one page if necessary. Please note that, although this is not a required element, providing a description as detailed as possible of the circumstances of the disappearance will enhance the possibilities to find the person).

Liu Xia is the widow of Chinese Nobel Peace Prize Laureate Liu Xiaobo, who died at No. 1 Hospital of the China Medical University in Shenyang, China, on July 13, 2017. Chinese authorities reported he was cremated and then buried at sea on July 15, 2017.¹ According to media reports, he was buried off the coast of Dalian, China, near Laohutan Beach.² Since then, Liu Xia has been disappeared and has been held *incommunicado* in an unknown location or locations by Chinese government authorities. From when it was made public Liu Xiaobo was dying of liver cancer on June 26, 2017, through up until about a day before Liu Xiaobo's passing, Liu Xia had been in touch with any friends or counsel, although Chinese security officials were present with them 24/7. She has not been heard from since then. Chinese authorities have claimed through the state-run media that "Liu Xia is free, but is in great sorrow over the death of her husband," to try and explain why she has not been in touch with any friends or counsel.³ In addition, Shenyang spokesperson Zhang Qingyang also told the media "Liu Xia is free," but refused to reveal her whereabouts. He added "We want Liu Xia to avoid more trouble. I believe the relevant departments will protect Liu Xia's rights according to law."⁴

In a statement, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein said: "We are now focused on his [Liu Xiaobo's] wife and trying to ensure that she has freedom of movement and that if she wants to leave China, she should be able to leave China. The claim was that there was never any real restriction, but the feeling was that she was being restricted."⁵ Olav Njoelstad, Secretary to the Norwegian Nobel Committee, said it "is deeply worried about Liu Xia's situation in the aftermath of her husband's tragic death . . . We call upon Chinese authorities to lift all restrictions they have put upon her. If she wants to leave China, there is no justification for denying her the opportunity to do so."⁶ U.S. Secretary of State Rex Tillerson called on the Chinese Government to "release Liu Xia from house arrest and allow her to depart China, according to her wishes."⁷ And late last week, Reuters reported that a number of ambassadors to China in Beijing had asked for a meeting with Chinese security organs to discuss Liu Xia's situation, but had not gotten a response. In addition, the German Embassy said it "remains deeply concerned about the apparent unwillingness to discuss the lifting of restrictions against Mrs. Liu Xia, for which Chinese authorities have been unable to cite any legal foundation."⁸

By way of context for understanding her situation, since about two weeks after Liu Xiaobo was announced as the recipient of the 2010 Nobel Peace Prize through June 26, 2017, Liu Xia had been held under house arrest, without charge or trial by Chinese authorities. Based on our submission and consider the Chinese government's claims that Liu Xia was "under no legal restriction," the UN Working Group on Arbitrary Detention issued Opinion No. 16/2011 on May 5, 2011, finding that her detention was arbitrary and in violation of international law.

¹ *Liu Xiaobo Laid to Rest at Private Funeral "Under the Eyes of Chinese Secret Policy,"* THE TELEGRAPH, July 15, 2017.

² *China's Ocean Burial of Liu Xiaobo Backfires as Activists Stage Sea Protests,* THE GUARDIAN, July 18, 2017.

³ *China Vows to Protect Legitimate Rights of Liu Xiaobo's Wife as a Citizen,* GLOBAL TIMES, July 15, 2017.

⁴ *China Says Nobel Laureate Cremated and His Wife is "Free,"* REUTERS, July 31, 2017.

⁵ *UN Rights Chief Expresses Concern for Liu Xiaobo's Widow,* VOICE OF AMERICA, July 20, 2017.

⁶ *China Should Lift Restrictions on Liu Xiaobo's Widow: Nobel Committee,* REUTERS, July 14, 2017.

⁷ *On the Passing of Liu Xiaobo,* Secretary of State Rex W. Tillerson, July 13, 2017.

⁸ *Germany Said Concerned by China's Unwillingness to Discuss Nobel Laureate's Widow,* REUTERS, July 28, 2017.

(f) * **State or State-supported forces believed to be responsible for the disappearance.** If the perpetrators are believed to be State agents, please specify and indicate who and why they are believed to be responsible. Be as precise as possible (military, police, persons in uniform or civilian clothes, agents of security services, unit to which they belong, rank and functions, identifications presented, etc.).

Chinese government authorities are responsible for Liu Xia's disappearance. It is believed that the Chinese Government's Ministry of Public Security would be responsible for her disappearance, but who disappeared her and is holding her remains unknown.

(g) If identification as State agents is not possible, please indicate why you believe that Government authorities, or persons linked to them, may be responsible for the incident.

As noted above, the spokesman for Shenyang implicitly acknowledged that Liu Xia was being held by Chinese authorities when he both claimed she was free but then also said the authorities wanted to be sure she wouldn't end up in further "trouble."

(h) If there are witnesses to the incident, please provide their names and relation to the victim. If they wish to remain anonymous, indicate if they are relatives, by-standers, or others. If there is evidence, please specify.

Unknown.

(i) Additional Information on the case.

Jared Genser has served as pro bono counsel to Liu Xiaobo and Liu Xia through Freedom Now since mid-2010. He was hired directly by Liu Xia to represent her and Liu Xiaobo and to seek both his and subsequently her release from arbitrary detention in China. Attached on to this complaint are two recent opeds published by him in the *Washington Post* and *U.S. News & World Report*.

3. INFORMATION CONCERNING ACTIONS TAKEN AFTER THE DISAPPEARANCE

* **Indicate any action taken** (police inquiries, jail, human rights commission, habeas corpus petition etc.) **taken by the relatives or others to locate the person.** You are required to state the following: *when*, by *whom*, and before *which organ* the actions were taken.

(a) **Complaints** (*when*, by *whom*, and before *which organ/s*). Not Applicable.

(b) **Other steps taken** (*when*, by *whom*, and before *which organ/s*). As counsel to Liu Xia, I have been in touch with the United Nations and a wide array of foreign governments, civil society groups, and media about her situation.

(c) **If no action was taken, please explain why.** The Chinese government has held Liu Xia without charge or trial for almost seven years. It is self-evident from the widespread reporting from independent media and our own information

confirming the presence of Chinese security officials with her 24/7 from June 26, 2017, until her disappearance on July 15, 2017, that the Chinese government has disappeared her and is detaining her in some unknown location.

4. PERSON OR ORGANIZATION SUBMITTING THE COMMUNICATION

*** Person submitting the communication**

- (a) Family name: Genser
- (b) First name: Jared
- (c) Relationship with the disappeared person: Counsel
- (d) Contact details (address, telephone, fax, email): See Below.

*** Organization submitting the communication (if applicable)**

- (e) Contact details (address, telephone, fax, email):

Freedom Now
1750 K Street, NW, 7th Floor
Washington, D.C. 20006
+1 (202) 320-4135
jgenser@freedom-now.org

5. CONFIDENTIALITY REQUEST

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

Yes, keep my identity confidential: No request for confidentiality: X

*** Date:** August 1, 2017 **Place:** Washington, D.C.



*** Signature of author:**



July 13, 2017

Liu Xiaobo's Dreams of a Democratic China Will Never Die

The Nobel Laureate May Have Passed Away But His Vision of a Democratic China Lives On.

By Jared Genser

The world's only imprisoned Nobel Peace Prize laureate, Liu Xiaobo, died of liver cancer on Thursday at the No. 1 Hospital of China Medical University in the northeastern city of Shenyang. Despite a global outcry supporting his dying wish to travel abroad for medical treatment, including by 154 Nobel laureates, the Chinese government stood firm and willfully hastened his death by denying him access to treatments abroad that could have extended his life by several weeks. As his lawyer, I had arranged for a Medevac to take him abroad the moment Chinese President Xi Jinping might relent, but in the end Xi showed no humanity and no mercy.

Liu died totally cut off from everyone but his wife Liu Xia, and was not allowed to receive visits or calls from friends or other family. And as a further affront to his dignity, he wasn't even allowed to be alone with his wife – a Chinese security official was in the room with them around the clock and even when he died.

The last time the world heard from Liu was in a statement released by his counsel on Dec. 25, 2009, right after he was sentenced to 11 years imprisonment for "inciting subversion of state power." Liu said, "I have long been aware that when an independent intellectual stands up to an autocratic state, step one toward freedom is often a step into prison. Now I am taking that step; and true freedom is that much nearer."

China is indisputably a great power, with a population of 1.4 billion people, a GDP of \$11.2 trillion, the second largest economy in the world behind the United States, and annual military expenditures of \$140 billion. It is therefore stunning that Xi was so afraid of this one man and his ideas. Ironically, by its relentless persecution and silencing of Liu, China has made him a martyr for its democracy movement and ensured that his ideas will endure long beyond his passing today. Liu's soul is now free from his body, and even the powerful Chinese government cannot continue to persecute him.

Originally from northeast China's Jilin Province, Liu was a 61-year old former literature professor. He began an academic career at the Beijing Normal University as a lecturer and subsequently earned a doctoral degree before joining the faculty. A popular professor, he was invited to be a visiting scholar in Europe and the United States. In 1989, he left his position as visiting scholar at Columbia University to return to the growing protests in Tiananmen Square.

When Liu returned to Beijing, the students were occupying Tiananmen Square and demonstrations spread across the country. When the military were on the cusp of clearing the square by force, Liu and three other well-known intellectuals staged a 72-hour hunger strike as a show of solidarity. When the tanks were about to roll in, Liu negotiated with the military to allow many students to leave the square safely, preventing even more bloodshed. In response, the government detained Liu for 20 months at the Qincheng Prison on charges of "counterrevolution." He also lost his teaching position with Beijing Normal University and was prohibited from ever publishing again in China.

After Tiananmen, he became a moderate voice in the pro-democracy movement, rejecting the use of violence, rebellion or revolution. He also became a prolific writer, authoring hundreds of essays, which would eventually lead to further arbitrary detentions.

In 1995, the Chinese government placed Liu under house arrest for eight months for his writings and advocacy. The following year, he was sentenced to three years of "reeducation through labor" on charges of "rumor mongering and slander" and "disturbing the social order." These charges were in retaliation for his writings in support of freedoms of speech and religion.

Liu's last detention was again linked to his writings, in particular Charter 08. Drafted by a number of intellectuals, Charter 08 was modeled after the Charter 77 of then-Czechoslovakia and offered an alternative vision for China's political future. It called for political reform in China based on the principles of human rights, freedom and democracy. Though Liu did not initially begin as the leader of the group, he volunteered to be the first signatory on the petition. Charter 08 eventually garnered some 10,000 signatures before government censors removed it from the internet in China. Then-Chinese President Hu Jintao was heard to have said that the Chinese government needed to "cut off the head of the snake," a reference to Liu being the first signer.

On December 8, 2008, two days before the public release of Charter 08, authorities detained Liu. A year later, he was accused of having "disregarded state laws and by means of rumor-mongering and slander thereby inciting subversion of state power and the overthrow of socialist system." The charges were based on his participation with Charter 08 and six articles he authored.

I was hired to serve as Liu's pro bono counsel in mid-2010 by his wife and began to work to secure his freedom. As the announcement of the Nobel Peace Prize approached that year, it was rumored he was on the short list. Liu Xia and I discussed if it made more sense for her to travel abroad to fight for his freedom or remain in China. Despite the concerns I expressed to her that she would not likely remain free if Liu won the prize, she told me unequivocally, "My place is in China with my husband." Shortly after he was announced as the recipient of the prize in October 2010, she was placed under house arrest. She has been held without charge or trial ever since. With Liu Xiaobo's passing, the world must compel China to let her leave if that is her wish.

I had the tremendous privilege and honor to represent the Lius in Oslo and sit in the front row as the prize was presented to the empty chair. In the subsequent years, the United Nations found they both were being held in violation of international law; a group of 134 Nobel laureates urged their release; a global petition drive secured 450,000 signatures that was delivered to six Chinese embassies; and numerous other efforts were undertaken, but all to no avail.

Yet despite the tragedy that Liu's freedom has come from his death, it is clear today that the Chinese government has lost. Liu's ideas and his dreams will persist, spread, and will, one day, come to fruition. And his courage and his sacrifice for his country will inspire millions of Chinese activists and dissidents to persevere until China has become the multi-party democracy that Liu knew to his core was within its people's grasp.

Jared Genser, founder of Freedom Now, is pro bono counsel to Liu Xiaobo and Liu Xia.

The Washington Post

June 27, 2017

Dear President Trump: Please Let Liu Xiaobo Die As A Free Man

By Jared Genser and Yang Jianli

On Monday, China released Nobel Peace Prize laureate Liu Xiaobo from prison on parole, after he was diagnosed as being in the final stages of liver cancer. He is being treated at a hospital in the northeastern city of Shenyang, but he has asked Chinese authorities to let him travel to the United States with his wife, Liu Xia, for medical treatment. President Trump should immediately urge Chinese President Xi Jinping to grant Liu's request on humanitarian grounds.

It is incredibly disturbing that the Chinese government failed to diagnose its most famous political prisoner as having cancer until it was too late for meaningful treatment. Liu Xiaobo is a scholar and democracy activist who was imprisoned primarily for his role in drafting Charter 08, a political manifesto that called for greater rule of law, respect for human rights and an end to one-party rule in China. He was detained two days before the public release of Charter 08, and in December 2009, he was sentenced to 11 years in prison for "inciting subversion of state power."

On Oct. 8, 2010, the Norwegian Nobel Committee announced that Liu was the recipient of the Nobel Peace Prize. Within two weeks, Liu Xia was placed under house arrest and has been held without charge or trial for almost seven years.

Liu Xiaobo's imprisonment coincided with China's rise as a global power on the world stage. In recent years, China has raised its military budget past a record high of \$145 billion annually and vigorously contested competing claims in the South China Sea. In its "One Belt, One Road Initiative," China is investing hundreds of billions of dollars into infrastructure projects across Asia, Africa and Europe. And it has created the Asian Infrastructure Investment Bank, whose 57 members have contributed more than \$100 billion, making it half the size of its rival World Bank. It has also positioned itself to be a key interlocutor with difficult states such as Iran and North Korea.

At home, however, Xi has faced serious economic and environmental challenges, as best highlighted by an extraordinary rise in domestic dissent. In response, Xi has unabashedly increased repression of religious and ethnic minorities, human rights lawyers and civil society activists; China reportedly now spends more than \$120 billion annually on domestic security.

As China's power and influence have increased, Western democracies have collectively engaged in self-censorship on human rights, choosing to prioritize what they have clearly believed to be their more important interests over their purported values. In the past five years, since Xi became president, discussions on human rights have been relegated to fruitless dialogues with the Chinese foreign ministry, which has never had any power over domestic concerns.

President Barack Obama led the West in playing down concerns with China on human rights and was conspicuous by his unwillingness to help Liu, his fellow Nobel Peace Prize laureate. He raised Liu Xiaobo's case publicly only once after he was awarded the Nobel Peace Prize, and whatever he might have said privately clearly had no impact. At the same time, he did not join 134 Nobel laureates on a letter to Xi, did not publicly condemn Liu Xia's detention under house arrest and even threatened to veto a bill, passed by the Senate, to rename the street in front of the Chinese Embassy "Liu Xiaobo Plaza."

Chinese security officials even exploited the United States' repeated refusal to help the Lius in torture sessions with detained Chinese dissidents. They explained to their victims that they surely must have observed that Washington had refused to help the world's only imprisoned Nobel Peace Prize laureate and his wife — so what hope could they expect if they were to be disappeared, tortured or imprisoned? The American refusal of support to the Lius gave Xi license to act with total impunity to repress domestic dissent.

Much as that unknown protester stood in front of the tank in Tiananmen Square, Liu Xiaobo volunteered to be the first signatory of Charter 08, knowing that by symbolizing the Chinese people's demands for human rights, democracy and the rule of law, he would pose a singular threat to the one-party system. For that courageous stand, he paid with his and his wife's freedom, and he is about to pay with his life. Now is the time for Trump and the United States to honor his sacrifice and his dying wishes and to implore Chinese authorities to allow him to obtain medical treatment here and live out his remaining days in freedom.

Jared Genser, founder of Freedom Now, is pro bono counsel to Liu Xiaobo and Liu Xia. Yang Jianli is president of Initiatives for China.