



China: UN Experts Denounce Secret Detention of human rights lawyer Gao Zhisheng

GENEVA (23 December 2012) – UN human rights experts* on Friday denounced the continued secret detention of Gao Zhisheng, a prominent Chinese human rights lawyer who was arrested in 2006. They expressed concern at recent news that a Beijing court has withdrawn Mr. Gao's five-year probation and ordered him to serve a three-year sentence. The probation of Mr. Gao, whose whereabouts have been unknown for the last 20 months, was to end this week.

"It is alarming that Mr. Gao continues to be arbitrarily detained. His detention over the years has resulted in various human rights violations, including his fundamental right to a fair trial. I urge the authorities to release Mr. Gao," stated El Hadji Malick Sow, Chair-Rapporteur of the Working Group on Arbitrary Detention, which issued an opinion in 2010 declaring Gao's detention arbitrary as it lacked any legal basis.

Mr. Gao was allegedly arrested in 2006 in relation to his work advocating against human rights violations in China. He has been charged with subversion of State power, although this has never been proven in a court of law. In 2005 his licence to practice law was revoked and his firm shut down allegedly in response to his call for the Government to end abuse of religious groups.

"Under no circumstances should Mr. Gao be subjected to attacks, including arbitrary detention, aimed at preventing him from exercising his legitimate right to freedom of expression as a human rights lawyer," Frank La Rue, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated. "I call upon the Government of the People's Republic of China to take effective measures to protect Mr. Gao against such attacks." During his probation, Mr. Gao has been secretly detained multiple times. For the last 20 months, he has been held in an unknown location. There continue to be concerns regarding his state of health. It is unclear why Mr. Gao is to serve his sentence when his probation was about to end. "States should ensure a conducive working environment for human rights defenders which is free from persecution and judicial harassment," said Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders. She added "I am concerned that the measures enacted in this case contribute to criminalizing the legitimate activities of people working to ensure respect for human rights."

The experts of the Working Group on Enforced or Involuntary Disappearances expressed grave concern about the recent developments and the continuing disappearance of Mr. Gao: "His detention in an unknown location is an enforced disappearance and a crime under international law. The Working Group will continue to monitor his case with particular attention," said Mr. Jeremy Sarkin, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances.

Mr. Gao's continued detention takes place against the introduction of a proposed amendment to China's Criminal Law Procedure which is likely to permit the legalization of secret detentions. The experts urged China not to proceed with this amendment. They added that they remain at the disposal of the Government to provide assistance to ensure its legislation and practice conform with international human rights standards.

ENDS

(* Chair-Rapporteur of the Working Group on Arbitrary Detention, Mr. El Hadji Malick Sow; Special Rapporteur on the situation of human rights defenders, Ms. Margaret Sekaggya; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Jeremy Sarkin; and Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

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