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Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



Requesting that the UN demand the release of wrongfully imprisoned Pastor John Cao thereby recognizing and protecting his right to freely practice his religion

1. Introduction

Nearly two years ago, on 5 March 2017, Cao Sanqiang (John), a Chinese citizen, Protestant Pastor and humanitarian worker, and legal permanent resident of the United State of America, was detained and then arrested and convicted on the false charge of “organizing illegal border crossings.” Pastor Cao has appealed his unjust conviction, but the appellate court has continually, illegally, and unnecessarily delayed hearing Pastor Cao’s appeal. As a result, Pastor Cao continues to be wrongfully imprisoned, and he is facing deteriorating health issues, as well as the strain of being imprisoned and separated from his family.

As a charter member of the United Nations, China is obligated to adhere to the principles set forth in the U.N. charter, which require members to “promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to [inter alia] religion”. Moreover, as a signatory of the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR), China is obligated to protect the rights of its citizens guaranteed and protected by those documents. Those rights include—among other things—the right to freedom of religion, equal protection under the law, freedom of movement, freedom to leave and return to their country, full equality to fair and public hearings, and freedom from arbitrary arrest.

2. Background

For decades, Pastor Cao has worked as a pastor and a humanitarian worker in the United States, in China, and in Myanmar. In addition to pastoring churches in the United States, Pastor Cao has established Bible schools in central and southern China, and focused on education and mission work. In 2013, Pastor Cao focused his humanitarian efforts on the impoverished Wa State in Myanmar (Burma). His work there included building schools, providing basic necessities and medical aid, and promoting drug control. At the time of his arrest, Pastor Cao, with the aid of others, had built 16 schools serving over 2000 students.

As part of this important work, Pastor Cao regularly travelled between China and Myanmar. In order to do so, Pastor Cao had to cross a narrow river which divides the two countries. Crossing the river requires the use of local ferries, which locals have used regularly for 100s of years. The ferries are small rafts which can shuttle 2-3 people at a time. They operate openly and are not subject to any prosecution. On a rare occasion, the police may give the locals a warning, or impose a fine of roughly \$30 USD. These fines are administrative, not criminal, in nature.

During all of his years traveling between Myanmar and China, Pastor Cao never experienced any problems with either government, and openly used the ferry system. In fact, Pastor Cao frequently had meetings with the Chinese local National Security Police to talk about his charity work and travel to Myanmar. Despite these facts, on 5 March 2017 during a return trip into China from Myanmar, Pastor Cao, along with a Chinese Christian teacher, was greeted by Chinese security agents when he stepped off the ferry into China. Notably, there were approximately 12 people arriving on different ferries at the same time as Pastor Cao and the Christian teacher. While the others received the rare administrative fine for using the ferries, Pastor Cao and the other Christian present were the only ones detained, arrested, and charged with illegal border crossings. Moreover, Pastor Cao is a Chinese citizen with a Chinese passport, and he was arrested as he *entered* China. Soon after his arrest, the charge against Pastor Cao was changed to “organizing illegal border crossings,” a charge normally used to convict human traffickers. Over a year later, on 22 March 2018, Pasto Cao was wrongfully convicted and sentenced to seven years in prison, despite a lack of evidence to support the charges against him.

In recent years, China has seen a marked decrease in the overall protection of freedom of religion and belief. In fact, the Chinese government has adopted a number of policies in order to ensure that the Communist Party of China (CPC) maintains control over religious organisations and activities. In February 2018, the revised Regulations on Religious Affairs came into effect. These revised Regulations include further restrictions on religious practice, and even extend to religious expression online. Under the revised Regulations, government registration is mandatory, and communities which do not register—such as house churches—have been pressured to do so through harassment, eviction, and the detention of leaders.

In addition to the crackdown on house churches, Chinese officials in Yunnan Province have been working with authorities in Wa, Myanmar, to crackdown on Christian activities, including stopping humanitarian efforts, such as those in which Pastor Cao was engaged.

Pastor Cao's arrest was selective enforcement of the law, and the current trend of Chinese officials targeting Christians is a violation of the freedom of religion, as well as numerous other provisions in the UDHR and ICCPR.

Furthermore, prior to Pastor Cao's trial, the prosecutor promised that if Pastor pled guilty to the charge against him, Pastor Cao would only serve on year in prison. Not only was Pastor Cao then wrongfully convicted and sentenced to *seven* years in prison, but the charge against him was changed. Instead of being charge with illegal border crossing, as was the case when he pled guilty, Pastor Cao was charged with and convicted of organising illegal border crossings. Moreover, during the trail, the prosecutor provided only questionable *written* witness testimony. Pastor Cao was prohibited from cross-examining the alleged witness and was not allowed to provide rebuttal evidence. Finally, while Pastor Cao has appealed his conviction, the appellate court has unnecessarily, illegally, and continually delayed Pastor Cao's case by extending the trial period for 9 months *beyond* the statutory limit. To date, an appeal hearing has not been set, and the current court deadline is 22 March 2018.

All of these facts have significantly contributed to the continuing violation of Pastor Cao's rights.

3. Request

This Council should respectfully and firmly remind China of its continuing obligations as a Charter member of the United Nations and a signatory to the UDHR and ICCPR. The purpose of this Council and those bodies of law is to protect the human rights of individuals living around the world. China has an obligation to ensure that the rights of all of its citizens are protected, including the rights to freedom of religion and belief, and the right to receive equal treatment under the law.

4. Conclusion

Therefore, the ECLJ and more than 117,000 individuals worldwide who have signed our petition, respectfully requests that this Council demand the immediate release of Pastor Cao from prison in China and ensure his safe return to his family in the United States.
