



# General Assembly

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## Human Rights Council

### Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Jubilee Campaign, 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.

[20 August 2021]

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



## Gao Zhisheng's Case and Recent News on Secret Jails

Jubilee Campaign would like to raise the Council's attention to the fourth anniversary of the detention and enforced disappearance of distinguished Chinese human rights lawyer Gao Zhisheng, as well as recent reports of Chinese-run secret prisons in Dubai used to detain Uyghur and other dissidents.

China has a record of arresting and imprisoning human rights activists, political dissidents, lawyers, scholars, journalists, and religious minorities, all under the false charges of "inciting subversion of state power". These individuals, for their advocacy and work defending individuals fighting for the expansion of rights, are branded as separatists, radicals, and traitors.

While China has neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearance, Article 37 of the Constitution of the People's Republic of China prohibits "unlawful deprivation or restriction of citizens' freedom of person by detention or other means".<sup>1</sup> However, Chinese authorities repeatedly use Article 75 of the Criminal Procedure Law to place detained dissidents under "residential surveillance at a designated location" which permits state officials to detain a defendant in an undisclosed location for up to six months without access to family or legal counsel, all of which inherently violates international due process.<sup>2</sup>

### The Case of Gao Zhisheng

Gao Zhisheng is one of the most widely-known and respected human rights lawyers in China, notably for his work defending religious minorities and victims of state persecution such as Falun Gong practitioners; he also worked to defend political activists and critics of the Chinese government.<sup>3</sup> Gao spoke out on issues that many people dare not to for fear of retribution and penalization by state authorities. In his work defending those unjustly detained, he himself has been unjustly detained and forcibly disappeared.<sup>4</sup>

In September 2020 Grace Gao, the eldest daughter of Gao Zhisheng, submitted an oral statement to the United Nations Human Rights Council in which she raised her father's case: "Because of his work he was detained by the Chinese government several times and severely tortured. He last disappeared on August 2017. [...] The Chinese authorities have not provided any conclusive information on my dad, nor his status or location."<sup>5</sup>

On 13 August 2021, Gao Zhisheng's wife Geng He released a statement regarding her husband's status and the lack of information on his case. She lamented that "during the past four years that Gao Zhisheng has been abducted, I have never heard his voice. No person nor any unit has verified that he is still alive." Furthermore, she explains that numerous times throughout the past four years she has fallen into despair because she believed that the CCP had killed her husband, and she emphasized that her youngest daughter, five years old, has yet to even meet her father since his arrest and disappearance.<sup>6</sup>

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<sup>1</sup> Constitution of the People's Republic of China [China], 4 December 1982.

<sup>2</sup> Front Line Defenders, "Li Qiaochu Formally Arrested, Denied Access to Legal Counsel" [last updated 28 April 2021]. ; Amnesty International, "China: Further Details: Charged with Subversion, Torture Details Revealed: Ding Jiayi", 10 February 2021.

<sup>3</sup> Teng Biao, "'The Bravest Lawyer in China' – Gao Zhisheng", Amnesty International, 13 August 2019.

<sup>4</sup> Front Line Defenders, "China: One-month incommunicado detention of four human rights defenders", 27 January 2020.

<sup>5</sup> Jubilee Campaign, "Grace Gao – daughter of disappeared HR lawyer Gao Zhisheng – addresses the UN Human Rights Council" [YouTube video], 21 September 2020.

<sup>6</sup> ChinaAid, "Today, the fourth anniversary of Gao Zhisheng's CCP enforced 'disappearance,' Geng He, his wife, states: 'after four years. 1,460 days in total – I have run out of tears'", 13 August 2021.

## Other Relevant Cases

Ding Jiaxi, Dai Zhenya, Li Yingjun, and Zhang Zhongshun are four human rights defenders that were arrested in late December 2019 for their attendance at an informal gathering of activists in Xiamen; in the weeks following the meeting – which was regarding the shrinking of civil society and current corruption in the government – authorities rounded up many of the participants. While Zhang Zhongshun, Dai Zhenya, and Li Yingjun were released on bail,<sup>7</sup> Ding Jiaxi remained detained incommunicado in an undisclosed location (RSDL) for a year alongside another activist, Xu Zhiyong, in contravention of both international human rights standards and even domestic law limiting enforced disappearance to six months. In late March 2020, a group of United Nations experts raised the problematic use of RSDL in China:

“While certain provisions in international law allow exceptional measures to be taken for the protection of public order or national security, enforced disappearance is a grave and flagrant violation of human rights and is unacceptable in all circumstances. We are dismayed that national security provisions are used to target human rights defenders who meet peacefully and exercise their right to free speech – even if such speech is critical of the State.”<sup>8</sup>

Li Qiaochu is a women’s rights and labor rights activist, as well as the partner of aforementioned Xu Zhiyong. Li was detained in February 2020 for her use of Twitter and other social media platforms to raise her partner’s case and to shed light on China’s attempted coverup of the COVID-19 outbreak;<sup>9</sup> she was held for four months under RSDL. By February 2021, Li Qiaochu was arrested again on charges of ‘subversion of state power’, this time being held at the Linyi Municipal Detention Centre in Shandong province.<sup>10</sup>

The Chinese government has also used RSDL to target COVID-19 information freedom activists for their work. In April 2020, three individuals, Chen Mei, Cai Wei, and Xiao Tang were arrested for their work on a project Terminus2049 to archive coronavirus-related news stories that the government was attempting to censor or otherwise remove from the internet. Chen and Dai were released from RSDL, but the only news on Xiao Tang is from July 2020 and reported that she remained three months disappeared.<sup>11</sup>

## Chinese Secret Jails in Dubai Hold Uyghurs

In August 2021, The Associated Press published an article in which Wu Huan, a 26-year-old Chinese woman and wife of a political dissident, was abducted in Dubai following her escape from China. Wu was accosted by Chinese officials and transferred to a villa that had been converted into a small secret jail, a “black site” where “prisoners generally are not charged with a crime and have no legal recourse, with no bail or court order.” Wu states that she was detained in this clandestine jail for eight days in a small room with no windows, only a heavy metal door and a bed; she was only retrieved from the room a few times to undergo interrogation with threats that she would never be released. She reflected that in those eight days, she was provided two meals a day, had to ask the secret jail guards for permission to use the restroom or drink water, and that the Chinese authorities forced her to sign documents falsely claiming that her husband Wang Jingyu –who China considers to be an enemy of the state – was harassing her. Wu Huan also explained that she saw two Uyghur women – both of whom she was able to identify as Uyghur because of their style of dress – detained in the villa with her.<sup>12</sup>

<sup>7</sup> Human Rights Watch, “China: Free Journalists, Activists”, 26 December 2020.

<sup>8</sup> United Nations Office of the High Commissioner for Human Rights, “China: UN experts gravely concerned by enforced disappearance of three human rights defenders”, 23 March 2020.

<sup>9</sup> Yaqiu Wang, “Chinese Social Justice Activist ‘Disappeared’”, Human Rights Watch, 11 March 2020.

<sup>10</sup> Front Line Defenders, “Li Qiaochu Formally Arrested, Denied Access to Legal Counsel”, [last updated 28 April 2021].

<sup>11</sup> Front Line Defenders, “Li Qiaochu Formally Arrested, Denied Access to Legal Counsel”, [last updated 28 April 2021].

<sup>12</sup> The Associated Press, “Detainee says China has secret jail in Dubai, holds Uyghurs”, 16 August 2021

## **A Call to Action**

In light of the fourth anniversary of Gao Zhisheng's disappearance into custody on 13 August 2017, and with regards to the upcoming International Day of the Victims of Enforced Disappearances on 30 August 2021, Jubilee Campaign calls on the international community to hold the People's Republic of China accountable for violations of its own citizen's human rights and civil liberties.

## **Recommendations**

Jubilee Campaign urges members and observer states of the Human Rights Council to:

1. Urge the People's Republic of China to accept international intervention to install permanent and effective human rights mechanisms to protect all citizens of China, including dissidents and minorities, from arbitrary detention and enforced disappearance.
  2. Encourage the People's Republic of China to ratify and implement important UN mechanisms, including the International Convention for the Protection of All Persons from Enforced Disappearance as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
  3. Pressure the People's Republic of China to release all political and religious prisoners of conscience.
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