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China: background briefing on rights lawyer Gao Zhisheng

Background information

Gao Zhisheng was detained in Dongying city, Shandong province by Beijing police on 15 August 2006. Gao Zhisheng was formally charged with 'inciting subversion' on 29 September 2006 – a charge apparently unrelated to 'state secrets'. His trial took place on 12 December 2006 without his family or lawyers being informed in advance.

Gao Zhisheng's detention and imprisonment appears to be linked to his defence and support of numerous activists in China, including his organization of a hunger-strike protest in Beijing in February 2006 to draw attention to the plight of several activists who had been subjected to human rights violations. In late 2005, the operations of his law firm, the Shengzhi Law Office, were suspended and his licence to practice law was revoked after he published an open letter calling for religious freedom and an end to the 'barbaric' persecution of the Falun Gong spiritual movement, which has been banned in China.

Examples of the gross procedural flaws in his arrest and trial include:

Police reportedly failing to show identity papers or produce an arrest warrant.

His family was only informed of his detention three days later when the official Chinese news agency, Xinhua, announced that Gao Zhisheng had been detained for 'suspected involvement in criminal activities'.

He was denied access to the lawyer of his choosing or his family throughout his detention apparently on the pretext that his case involved 'state secrets'.

Authorities failed to inform his family of his trial and therefore prevented them from employing their own defence team

Examples of the harassment and intimidation of Gao Zhisheng family include:

The arbitrary detention and harassment of Gao Zhisheng's 19-year-old nephew when, after a visit to Zhisheng's lawyer, he was reportedly warned not to get involved with the case

The surveillance and intimidation of Gao Zhisheng's wife and children who have been prevented from communicating with people outside the home.

The physical and psychological intimidation of Gao Zhisheng's 13-year old daughter, who has been forcibly escorted to school by plain clothes police including an occasion where she was reportedly dragged into a car causing bruising to her legs and neck. Police have also reportedly encouraged other pupils to inform on her activities in an apparent attempt to isolate her from her classmates.

A pattern of convictions and imprisonment after unfair trials

Gao Zhisheng is the latest in a disturbing pattern of Chinese lawyers and activists being subjected to conviction and imprisonment after unfair trials. The pattern continues despite promises by the Chinese authorities to improve human rights in the run-up to the Beijing Olympics in August 2008.

Last month, blind activist and self-trained legal advisor, Chen Guangcheng, was sentenced to four-years-and-three-months in prison in Linyi city, Shandong province after he tried to sue local authorities for conducting a brutal campaign of forced sterilizations and abortions in pursuit of birth quotas. His wife, Yuan Weijing, other family members, lawyers and associates were also subjected to arbitrary detention, beatings and harassment during his detention and trial.

For more information please see:

Urgent Actions

<http://web.amnesty.org/library/index/ENGASA170012006?open&of=ENG-CHN>

<http://web.amnesty.org/library/Index/ENGASA170472006?open&of=ENG-2AS>

<http://web.amnesty.org/library/Index/ENGASA170552006>

The section on human rights defenders in China: The Olympics Countdown - failing to keep human rights promises at <http://web.amnesty.org/library/Index/ENGASA170462006>

Public Document

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