

PUBLIC

AI Index: ASA 17/055/2006

23 October 2006

Further Information on UA 14/06 (ASA 17/001/2006, 19 January 2006) and follow-up (ASA 17/047/2006, 22 August 2006) - Fear for safety/death threats/incommunicado detention

CHINA

Gao Zhisheng (m), 42, human rights lawyer

Human rights lawyer Gao Zhisheng has been formally arrested on charges of “inciting subversion”. He is still held at an unknown location and has no access to his lawyer or family. Amnesty International fears that he is at risk of torture and ill-treatment.

Gao Zhisheng was detained on 15 August when he was visiting his sister in Shandong Province, and has since been held incommunicado. The documents on his formal arrest were issued on 21 September but his lawyer and family were only informed about the charges on 12 October by the Beijing municipal procurator. His lawyer has been denied access to Gao Zhisheng on the grounds that the case involves “state secrets”. It remains unclear exactly what information this refers to. ‘State secrets’ are vaguely defined in Chinese law: whether something constitutes a “state secret” is often an arbitrary and politically motivated decision.

Gao Zhisheng’s wife Geng He and their two children have been under surveillance since Gao was detained. Following his formal arrest the surveillance on them has tightened. Geng He has been warned not to contact or communicate with anyone, especially media, in exchange for an opportunity to meet Gao Zhisheng. Their 13-year-old daughter is being escorted to school by the police, and kept under surveillance throughout the day. On one occasion, she reportedly refused to be escorted from school back home in a police car, and was subsequently dragged into the car causing bruising to her legs and neck.

BACKGROUND INFORMATION

Gao Zhisheng is a director of the Beijing-based Shengzhi Law Office. He has taken on several high-profile cases and defended a number of activists, including human rights activist Yang Maodong (the subject of UA 32/06, ASA 17/008/2006, 9 February 2006 and follow-ups), Zheng Yichun, a journalist and former professor, sentenced to seven years’ imprisonment for his online writings; and Pastor Cai Zhuohua, who has been imprisoned for three years for ‘illegal business practices’, including printing and selling copies of the Bible.

In November 2005, the operations of the Shengzhi Law Office were suspended by the Beijing Municipal Bureau of Justice for one year. One month later, Gao Zhisheng's licence to practice law was revoked. These events appear to be linked to his work in defence of activists, and in particular his publication of 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. Since then he has been subjected to continuous surveillance and other forms of harassment and intimidation by the authorities. In January 2006, Gao Zhisheng survived an apparent attempt on his life when he almost collided with a car (see original UA). He believed the incident was instigated by the authorities.

Chinese law contains sweeping definitions of crimes such as ‘subversion’ and ‘stealing state secrets’, which can be used to detain and imprison people simply for engaging in legitimate human rights activities. The definition given to ‘state secrets’ in China is very broad, encompassing matters which would be the subject of public scrutiny in many other countries, and going far beyond what is needed to protect national security.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Chinese or your own language:

- expressing concern that the charges of "inciting subversion" against Gao Zhisheng are politically motivated and calling for him to be released;
- calling on the authorities to reveal the whereabouts of Gao Zhisheng;
- calling on the authorities to guarantee that Gao Zhisheng will not be tortured or ill-treated while he is in custody, and that he has access to lawyers, members of his family and any necessary medical treatment;
- expressing concern that Gao Zhisheng's family members are under tight police surveillance and calling for all restrictions on their freedom of movement to be lifted;
- urging the authorities to ensure that human rights defenders can carry out their peaceful and legitimate activities without fear of arbitrary detention, torture or ill-treatment, or other human rights violations.

APPEALS TO:

Prime Minister of the People's Republic of China

WEN Jiabao Guojia Zongli

The State Council

9 Xihuangcheng Genbeijie

Xuanwuqu

Beijingshi 100032

People's Republic of China

Fax: +86 10 6596 1109 (c/o Ministry of Foreign Affairs) or 2260 (c/o Ministry of Communications)

Email: gazette@mail.gov.cn

Salutation: Your Excellency

Minister of Public Security of the People's Republic of China

ZHOU Yongkang Buzhang

Gong'anbu

14 Dongchang'anjie

Dongchengqu

Beijingshi 100741

People's Republic of China

Fax: +86 10 6309 9216 (it may be difficult to get through, please keep trying)

Salutation: Your Excellency

Director of the Beijing Public Security Bureau

MA Zhenchuan Juzhang

Beijingshi Gong'anju

9 Qianmen Dongdajie

Dongchengqu

Beijingshi 100740

People's Republic of China

Fax: +86 10 8522 2320

Email: 110@bjgaj.gov.cn

Salutation: Dear Director

COPIES TO:

Minister of Justice of the People's Republic of China

WU Aiying Buzhang

Sifabu

10 Chaoyangmen Nandajie

Chaoyangqu

Beijingshi 100020

People's Republic of China

Fax: + 86 10 6529 2345

Email: minister@legalinfo.gov.cn or pfmaster@legalinfo.gov.cn (c/o Ministry of Communications)

Salutation: Dear Minister

and to diplomatic representatives of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 December 2006.