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

Written statement* submitted by Human Rights Now, 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.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human Rights Now Strongly Protests the Chinese Government's Continued Detention and Harassment of Human Rights Defenders and Lawyers Two Years after the July 2015 Crackdown

1. Background on the 709 Crackdown

More than two years have now passed since 9 July 2015 when the government of China began a wholesale crackdown to detain and/or harass human rights activists and lawyers in an attempt to end their activities, the "709 Crackdown".¹ During the crackdown, the government questioned, summoned, and temporarily detained or arrested over 300 lawyers and activists. About 40 were and are still prevented from leaving China. Over 20 had remained in detention for over a year, most of them arbitrarily with the normal due process not observed. Many of the detained were held incommunicado, without the ability to speak to family or access counsel during their detentions. Following the crackdown, a number of reports have been made of torture and ill treatment while in detention, but the government has either denied or kept silent over the reports.

Among the lawyers who had trials, some were found guilty under Chinese law of inciting the subversion of state power and some of subversion of state power for their activism in taking up politically sensitive cases. Human rights have continued to be suppressed since the 709 crackdown, and this has had a serious impact on the current protection of fundamental human rights in China. Human Rights Now (HRN), a Tokyo-based international human rights NGO, protests against these attacks on human rights activists and lawyers and expresses our deep concern with the ongoing human rights suppression in China.

2. Continuing Abuses of Activists and Lawyers in China

At least five of the rights activists and lawyers detained in the 709 Crackdown still remain imprisoned today. Two of them, Zhou Shifeng and Hu Shigen, were sentenced to more than seven years in prison. Jiang Tianyong and Wang Quanzhang are still awaiting trials respectively nine months and two years after they were detained. More recently on 14 August 2017, Wu Gan was tried in a secret hearing without the participation of his family members, as was done to lawyer Li Heping in April 2017. While some of the individuals such as Gou Hongguo, Li Heping, and Zhai Yanmin, received suspended sentences, others have been "released on bail", including Wang Yu, Bao Longjun, Xie Yang, and Xie Yanyi. It has been reported that the government is subjecting all of these individuals to strict surveillance. There is a danger that the Chinese government will use the conditions of the suspended sentences and bailing system to arrest and imprison them again at any time for their human rights activities.

¹ China Human Rights Lawyers Group (CHRLG) Statement, 9 July 2017, <https://chinachange.org/2017/07/09/the-china-human-rights-lawyers-group-statement-upon-the-2nd-anniversary-of-the-709-incident/>. For a timeline of the crackdown up to the near present, see, Human Rights in China, "Mass Crackdown on Chinese Lawyers and Defenders", 6 June 2017 (updated), <http://www.hrichina.org/en/mass-crackdown-chinese-lawyers-and-defenders>

There is a high possibility that freedom of thought and conscience of many of the detained was violated. One of the most famous lawyers in China, Wang Yu, was reported to be released on 1 August 2016 and forced to confess and apologize on television. In July 2017, she issued a statement reporting that she had been forced to confess and apologize after being tortured and mistreated while handcuffed, threatened, and interrogated for five days straight without sleeping.

It is said that the families and assistants of the detained are also being harassed by authorities. It is reported that they are subjected to constant surveillance, restrictions on their ability to travel, a lack of information about the detained, and punishments at their places of work or school.

Moreover, the Chinese government is censoring all information about the 709 Crackdown online and through social media.

3. The Death of Liu Xiaobo

The cruelty of the suppression against critics of the government has most recently been symbolized by the tragic death of Nobel Laureate Liu Xiaobo on 13 July 2017, only days after the second anniversary of the 709 Crackdown. In 2008, on the 60th anniversary of Universal Declaration of Human Rights, Liu announced the “08 Charter” and demanded freedom of speech. Because of that, he was sentenced to 11 years in prison in 2009 for inciting the subversion of state power. The Chinese government kept Liu imprisoned even after he received the Nobel Peace Prize in 2010. After he had suffered from inhumane treatment in detention for years, he was reported to be diagnosed with terminal cancer in June 2017. He longed to get appropriate medical treatment abroad, but the Chinese government rejected his wish and did not allow him leave China until his death.

Even after his passing, the government continues to silence Liu’s wife, Liu Xia, refusing to release her from house arrest or allow her to leave China despite her suffering depression and serious psychological harm after years of house arrest, isolation, and constant surveillance. Liu Xia and Liu Xiaobo’s brother Liu Hui have remained disappeared since they were last seen in photographs of the sea burial of Liu Xiaobo on 15 July 2017.

4. Suppressions in China Must Never Occur Again

HRN offers our deepest condolences for Liu’s death and strongly protests against the Chinese government for its arbitrary detentions, unfair convictions, and inhumane treatment.

It is clear that the suppression of Liu and other human rights lawyers and activists should never be allowed since it is inconsistent with freedom of expression which is guaranteed in the Universal Declaration of Human Rights and specified in the Chinese constitution. The Chinese government should not suppress people who exercise freedom of expression and who work for advocacy.

Liu Xiaobo stated as his final plea in his 2009 trial that “I hope I will be the last victim in China’s long record of treating words as crimes.” “Free expression is the base of human rights, the root of human nature and the mother of truth. To kill free speech is to insult human rights, to stifle human

nature and to suppress truth.” The Chinese government needs to face up to these words of his sincerely.

HRN expresses our strong solidarity with all lawyers and activists in China who work for the protection of freedom of expression and fundamental human rights.

HRN calls on the Chinese government to cease its campaigns of suppression against human rights activists and lawyers, immediately release the human rights defenders and lawyers who are still arbitrarily detained, and lift the charges of those released on bail or suspended sentence.

It must also end its surveillance and harassment of the families and associates of the human rights defenders and lawyers who were released.

HRN requests the Office of the United Nations High Commissioner for Human Rights, the United Nations Working Group on Arbitrary Detention, the special rapporteur on human rights defenders, and all related independent experts to make further efforts to protect human rights activists who are in danger in China.
