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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 218/2 G/SO 214 (53-24)
CHN 14/2013

24 December 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the situation of Ms. **Liu Xia**, Chinese national and wife of Nobel Peace Prize winner, Mr. Liu Xiaobo.

According to the information received:

On or around 14 October 2010, following the announcement of Nobel Peace Prize, Ms. Xia was placed under house arrest in her small Beijing apartment where she has remained ever since. It is reported that Ms. Xia's husband, Mr. Liu Xiaobo, human rights activist and Nobel Prize winner, was arrested and subsequently charged with and convicted of inciting subversion of state power. Mr. Xiaobo was reportedly subsequently sentenced to 11 years in prison. On May 2011, the United Nations Working Group on Arbitrary Detention adopted Opinions Nos. 15/2011 and 16/2011 (People's Republic of China), finding that both Mr. Liu Xiaobo and Ms. Liu Xia were being detained in violation of articles 9, 10 and 19 of the Universal Declaration of Human Rights, falling within categories I and II of the categories applicable to the cases submitted to the Working Group.

It is alleged that Ms. Xia is under psychological, emotional, and financial pressure. It is reported that a Chinese government official guards Ms. Xia's front door and several security officials prevent the entry into her apartment by any outsider. It is reported that Ms. Xia is not allowed to leave her apartment compound except under police escort, and that her telephone, mobile phone and access to the Internet were cut off. Ms. Xia's repeated requests to be able to send and receive regular correspondence have reportedly been denied by Chinese authorities. It was further reported that Ms. Xia is left without any financial support after her brother was reportedly sentenced to 11 years imprisonment on pre-textual charges of fraud. Ms. Xia's request for independent medical assistance for the treatment of her depression has allegedly not been granted. She fears that if she is provided with a State-appointed doctor, she might be institutionalized or further isolated from the outside world.

Serious concern is expressed about the mental and physical well-being of Ms. Liu Xia.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Ms. Xia is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee her right not to be deprived arbitrarily of her liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights.

We should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of Ms. Liu Xia. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Xia in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?

2. Has a complaint been lodged by or on behalf of Ms. Liu Xia?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information on the measures taken to ensure the safety and well-being of Ms. Liu Xia.

We undertake to ensure that your Excellency's Government's response will be available in the report we shall submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Liu Xia are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment