

**Mandates of the Working Group on Enforced or Involuntary Disappearances; and the Special  
Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
CHN 1/2015:

27 January 2015

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 27/1, and 25/18.

1. *Arrest, incommunicado detention and judicial proceedings against members and supporters of the Transition Institute, Messrs. [REDACTED], [REDACTED], Xia Lin, [REDACTED], [REDACTED] and Ms. Kou Yanding and Ms. [REDACTED]*

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary arrest and incommunicado detention of several human rights defenders reportedly in relation either to their human rights work or to their affiliation with the Transition Institute, an independent research group which carries out research on civil society in the People's Republic of China. The human rights defenders include Messrs. [REDACTED], [REDACTED] of the Transition Institute; Xia Lin, a lawyer; [REDACTED], [REDACTED] and Ms. Kou Yanding, a human rights activist who is affected by a disability. Further concern is expressed concerning the alleged detention and charges of Mr. [REDACTED], [REDACTED] of the Institute; Ms. [REDACTED], a human rights activist who has supported the demonstrations in Hong Kong late last year by putting up posters on a university campus in Beijing and Mr. [REDACTED], Ms. [REDACTED]'s partner and a member of staff at the Institute; as well as the bringing of charges against Mr. [REDACTED], [REDACTED] of Xizhao Legal Aid and Research Institute, an organization founded in July 2013 by former members of the Transition Institute.

According to the information received:

On 2 October 2014, Ms. [REDACTED] was detained by the police on charges of “creating disturbance” and sentenced to criminal detention.

On 6 October 2014 Mr. [REDACTED] was detained by the police on charges of “creating disturbance” and sentenced to criminal detention when he went to a police station in Changping District, where he believed his partner Ms. [REDACTED] was being held. Their families were not immediately informed of their detention.

On 10 October 2014 around noon, human rights defender Mr. [REDACTED], [REDACTED] of the Transition Institute, was taken from his office in Beijing by the police and detained, on charges of “creating a disturbance”. On the same day, at around 10.30 p.m., police searched his home and confiscated a number of items, including a computer and books. On 15 October 2014, having still received no formal notification of Mr. [REDACTED]’s detention, a person associated with him went to request information to a number of detention centres and police stations in Beijing. Apart from the information obtained at the Yueshu Police Station in Beijing on 18 November 2014, confirming that Mr. [REDACTED] was detained on 10 October 2014 at Haidian Detention Centre for “picking quarrels and provoking troubles”, the Beijing authorities, including the People’s Procuratorate of Haidian District, Beijing Municipality, have either denied any connection or declined to respond to the enquiries about Mr. [REDACTED]’s whereabouts. His fate and whereabouts remain unknown.

On the evening of 10 October 2014, Ms. Kou Yanding, a human rights activist who has/is affected by disability, author and editor of independent documentaries, was detained by the police as she boarded a train leaving Beijing, also on charges of “creating a disturbance”. The specific reason for her detention is unknown. It is believed that Ms. Kou Yanding is being held in Haidian District Detention Centre in Beijing.

On 26 November 2014, [REDACTED] of The Transition Institute, Mr. [REDACTED], was also detained by the police, as was a former employee, Mr. [REDACTED], who had been managing a network of libraries in rural China. It is believed Mr. [REDACTED] is being detained at Beijing No.1 Detention Centre on charges of “illegal business activity”. According to sources, on 24 December 2014 Mr. [REDACTED] was released on bail.

According to reports, on 3 January 2015, Mr. [REDACTED] was formally arrested [REDACTED] in Beijing No.1 Detention Centre where he has been since he was initially detained by police on 9 October 2014. It is unknown what the charges relate to.

His lawyer, Mr. Xia Lin, was also detained. His fate and whereabouts remain unknown.

None of the persons mentioned in the communication has been permitted access to lawyers.

The Transition Institute was forced to close by the Chinese authorities in 2014 due to a campaign the organization carried out concerning the alleged harassment against a number of civil society organisations in China.

*2. Arrest, incommunicado detention of several human rights defenders  
Ms. Ni Yulan, Ms. Su Changlan, Mr. Chen Dequan and Mr. Chen Qitong*

Ms. Ni Yulan is a women legal activist focusing on mobilizing and defending victims of forced evictions who has been permanently disbarred. Ms. Ni Yulan was the subject of four previous communications sent by various Special Procedures, dated 30 July 2008, see A/HRC/10/12/Add.1, case no. CHN 33/2008; 19 January 2011, see A/HRC/18/51, case no. CHN 1/2011; 26 April 2011, see A/HRC/18/51, case no. CHN 11/2011 and 9 August 2013, see A/HRC/25/74, case no. CHN 8/2013. While we welcome the response from your Excellency's Government received 22 March 2011, 23 June 2011 and 11 November 2013, we regret that no response has been received to the 30 July 2008 communication, especially as it expressed concern about alleged torture and ill treatment.

Ms. Su Changlan is a women's rights activist who has also been involved in campaigns promoting family planning and combatting domestic violence. She has faced harassment due to her human rights activism and has been detained on a number of occasions.

Mr. Chen Dequan is the spouse of Ms. Su Changlan; Mr. Chen Qitong, also known as "Tian Li", is a friend of Ms. Su Changlan, who has been providing her with legal advice.

*Allegations regarding Ms. Ni Yulan.*

According to the information received:

Between 11 and 14 November 2014, Ms. Ni Yulan's husband was beaten and her family were placed under house arrest. She has been subject to ongoing surveillance and harassment, including intimidation directed against her family.

*Allegations regarding Ms. Su Changlan, Mr. Chen Dequan and Mr. Chen Qitong.*

According to the information received:

Reportedly on 12 September and 5 October 2014, Ms. Su Changlan was questioned by the police in relation to comments made on social media concerning pro-democracy protests in taking place in Hong Kong. She was warned not to publish any further posts regarding the protests.

On 27 October 2014, Ms. Su Changlan was detained and taken to Nanhai Guicheng local police station by four police officers. The police officers stated that she was being questioned on the charge of “picking quarrels and provoking troubles”. Later the same day, the police raided her house and seized three computers.

On 28 October 2014, Ms. Su Changlan’s family sought information concerning her whereabouts and was notified that she had been placed in criminal detention and accused of “subversion of state power”. However, the family did not receive an official confirmation document of the formal charges and Ms. Su Changlan’s location was not disclosed. Her family was informed that they would receive a response to their enquiry within 60 days.

On 31 October 2014, Mr. Chen Dequan visited Nanhai District Detention Centre in search of Ms. Su Chanlan, but was told that she was not detained there.

According to sources, on 25 November 2014, police in Nanhai detained Mr. Chen Dequan and Mr. Chen Qitong. Mr. Chen Dequan was released the next day, but Mr. Chen Qitong remains in detention at an undisclosed location. No information has been provided by the authorities regarding any charges being brought against him.

On 3 December 2014, Ms. Su Changlan’s family received formal notice of the charges brought against her and of her location. She is detained at Nanhai District Detention Centre and has been charged with “inciting subversion”.

Serious concern is expressed about the security, harassment, incommunicado detention, treatment in detention, conviction and judicial proceedings against Messrs. [REDACTED], [REDACTED], Xia Lin, [REDACTED], Ms. Kou Yanding, Mr. Chen Qitong, Ms. Su Changlan, Mr. [REDACTED], Ms. [REDACTED], Ms. Ni Yulan and members of her family.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international

norms and standards that are applicable to the issues brought forth by the situation described above.

With regard to the allegation that Messrs. [REDACTED], Xia Lin, [REDACTED], Ms. Kou Yanding and Mr. Chen Qitong's fate or whereabouts are currently unknown, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, in particular articles 2, 3, 11 and 12.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6, 9 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 the above-mentioned persons in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations concerning arrest, incommunicado detention and judicial proceedings against members and supporters of the Transition Institute and several human rights defenders.
2. Please provide information on the fate and whereabouts of Messrs. [REDACTED], Xia Lin, [REDACTED], Ms. Kou Yanding and Mr. Chen Qitong.
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to the arrest, incommunicado detention and judicial proceedings against members and supporters of the Transition Institute and several human rights defenders. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please indicate what measures have been taken to ensure that human rights defenders in the People's Republic of China are able to carry out their

legitimate work in a safe and enabling environment without fear of harassment, retaliation and criminalization.

We would like to bring to the attention of your Excellency's Government that should the Working Group on Enforced or Involuntary Disappearances receive allegations concerning Messrs. [REDACTED], Xia Lin, [REDACTED], Ms. Kou Yanding and Mr. Chen Qitong as cases, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Ariel Dulitzky  
Chair-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

Michel Forst  
Special Rapporteur on the situation of human rights defenders