

Mandates of the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA
CHN 9/2014:

23 October 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions dec 25/116, 25/18 and 25/13.

According to the information received:

On 1 October 2014, Ms. **Liu Xizhen** (刘喜珍), a human rights defender, was detained by the police in Beijing after going there to attend a protest.

On 2 October 2014, she was allegedly escorted back to the Xinyu City in Jiangxi province by Xinyu City officials and placed in an unofficial detention centre, located in the city. Her fate and whereabouts are unknown.

Prior to the arrest and disappearance on 2 October 2014, Ms Liu Xizhen has been arrested and detained on several occasions. In April 2013, Ms. Liu Xizhen was allegedly detained, interrogated and tortured by the police in connection to her involvement in the campaign calling on Chinese officials to disclose their assets and for the Government to ratify the ICCPR. In October 2013, Ms. Liu Xizhen was allegedly placed under ten days' administrative detention to prevent her from appearing as a witness at the trial of fellow human rights defenders. When the trial was resumed in December 2013, she was reportedly again placed under house arrest to prevent her from being called as a witness. On 1 March 2014, Ms. Liu Xizhen was again allegedly detained for 30 days in Beijing following a

protest she participated in calling for “constitutional liberties” for the Chinese people. On 17 June 2014, before the verdicts in the trials of her fellow human rights defenders, she was reportedly abducted off the street by unidentified men, held in a “black jail” and beaten by state security police for two days.

Serious concern is expressed that the alleged arbitrary detention and enforced disappearance of Ms. Liu Xizhen may be linked to her legitimate human rights activities, and the exercise of her rights to freedom of opinion and expression and peaceful association. Further concern is expressed for her physical and psychology integrity.

In relation to the allegation that the fate and whereabouts of Ms. Liu Xizhen 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, the prohibition to practice, permit or tolerate enforced disappearance (article 2), the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3), the right to be held in officially recognised place of detention and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10) and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

We would like to remind your Excellency’s Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which China ratified on 4 October 1988, and recalled, inter alia, in Human Rights Council Resolution 25/13 and paragraph 1 of General Assembly Resolution 68/156.

We would also 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. In particular, we would 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 and 12.

The full texts of the human rights instruments and standards recalled above are available on 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 person(s) 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. Are the facts alleged in the summary of the case accurate?
2. Please provide information on the fate and whereabouts of Ms. Liu Xizhen.
3. If the fate and whereabouts of the above-mentioned person are unknown, please provide the details on any investigation or other inquiries which may have been carried out. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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

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