

Mandates of the Chair-Rapporteur of the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 10/2014:

30 October 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 24/7, 25/2, 24/5, 24/6, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged sentencing of Ms. Liu Ping to six and a half years' imprisonment, as well as ill-treatment and denial of medical treatment in detention.

Ms. Liu Ping was involved in the New Citizens' Movement (NCM). The NCM has campaigned for greater transparency among Chinese Communist Party officials, including the creation of a law requiring government officials to disclose their assets. To this end, the NCM organised small peaceful protests in the spring of 2013, which led to the arrest and detention of more than a dozen anti-corruption activists. The movement has been largely inactive since the arrests of its leaders and a number of members, as many remain in detention while they await trial on charges such as "illegal assembly", "inciting subversion of state power", "disturbing social order", and "extortion".

Ms. Liu Ping was the subject of a communication sent to your Excellency's Government dated 9 August 2013, see A/HRC/25/74, case no. CHN 8/2013. We acknowledge receipt of the reply transmitted by your Excellency's Government on 11 November 2013, but express our continued concern in light of the allegations below.

According to the information received:

Following over a month of detention, Ms. Liu Ping was formally arrested on 4 June 2013 and charged with "picking quarrels and provoking trouble", "gathering a crowd to disrupt public order" and "using an evil cult to undermine law enforcement".

During her trial in December 2013, Ms. Liu Ping reportedly claimed that she had been tortured and ill-treated in June 2013. Allegedly, a police officer gripped her hair, lifted her head, and banged her head against metal bars during an interrogation.

According to sources, on 19 June 2014, Ms. Liu Ping was found guilty of all charges by the Yushui District People's Court in Xinyu, Jiangxi province. Reportedly, she was sentenced to six and a half years' imprisonment.

Allegedly, on 30 July 2014, Ms. Liu Ping stated that she was suffering from chronic diarrhea and an upset stomach, but that she had not been given a medical examination or treatment. Allegedly, during a visit on 18 August 2014, she was not permitted to discuss her health with her visitor, and she appeared pale and thin.

She is reportedly currently being held in Jiangxi Nanchang Women's Prison.

Concern is expressed at the severe sentence handed down to Ms. Liu Ping and that this might be related to her peaceful activities as a human rights defender exercising her rights to freedom of opinion and expression and to freedom of peaceful assembly. Further concerns are expressed regarding the allegations that she was ill-treated and denied medical treatment while in detention.

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 no intent of expressing an opinion on whether or not the detention of Ms. Liu Ping is arbitrary, the above allegations appear to be in contravention of the right

not to be deprived arbitrarily of her liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR)

With regard to the alleged torture and ill-treatment, 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 accessed on 4 October 1988, and recalled, inter alia, in Human Rights Council Resolution 25/13 and paragraph 1 of General Assembly Resolution 68/156.

Concerning allegations of denial of medical treatment of Ms. Liu Ping while in detention, we would like to remind your Excellency's Government about the right of everyone to the highest attainable standards of physical and mental health. This right is reflected, inter alia, in article 12 of the International Covenant of Economic, Social and Cultural Rights, acceded by your country on 21 March 2001, and includes the obligation to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

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 and 12.

In addition, we would like to refer your Excellency's Government to articles 19 and 20 of the UDHR which guarantee the rights to freedom of opinion and expression, and freedom of association respectively.

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 Ms. Liu Ping 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.

2. Please provide information concerning the legal grounds for the arrest, detention and sentencing of Ms. Liu Ping and how these measures are compatible with international norms and standards as stated in the UDHR.
3. Please provide the details and, where available, the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to the conditions of detention of Ms. Liu Ping. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In the event that the alleged perpetrators have been identified, 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 concerning any steps that have been taken by your Excellency's Government to ensure that Ms. Liu Ping receives the medical attention and medication that she requires while in detention.
6. Please indicate what measures have been taken to ensure that human rights defenders in China are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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.

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

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