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Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the independence of judges and lawyers.

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 24/7, 22/20 and 26/7.

In this connection, we would like to bring to your Government's attention information we have received regarding the religious repression of Mr. **Wu Ze Heng** and his disciples, followers of the Hua Zang Dharma Buddhist Community.

According to the information received:

Mr. Wu Ze Heng is the founder of the Hua Zang Dharma Centre; he is also known as Zen Master Xing Wu to his followers. In 1999, Mr. Wu was charged with "economic crimes" and sentenced to 11 years of imprisonment following a letter he sent in 1998 to the Central Committee of the Communist Party of China and State Council to denounce human rights violations and call for reform.

During his imprisonment, it is reported that Mr. Wu was subjected to extensive forms of torture and spent some time in solitary confinement. He was furthermore put under harsh working conditions and deprived of sleep. He was also deprived of his rights to communicate and to be visited while he was in detention. After Mr. Wu sent a letter of complaint about his prison conditions, he was denied basic toiletries and sufficient clothing after he was moved to another detention unit. He was repeatedly coerced to denounce his Buddhist teachings in order to receive a sentence reduction that is usually granted to prisoners who meet their work quotas.

His charges were arbitrarily changed to the crime of “endangering national security” by the Huaiji Prison of Guangzhou Province in 2004, while the Hua Zang Dharma Centre was alleged to be “an illegal organization endangering society”. The practitioners of Hua Zang Dharma have also been subjected to nationwide surveillance, police raids of their homes, arrests and imprisonments.

After Mr. Wu was released from prison on 28 February 2010, the authorities reportedly continued to monitor and interfere in his activities, including birthday celebration by his disciples. In May 2011, Mr. Wu was beaten, threatened and again detained on “suspicion of intending to organize an illegal assembly” on the eve of Buddha’s birthday celebration. Police visited and questioned Mr. Wu at least on five occasions between 2011 and August 2012. During this period, Mr. Wu’s online teaching channel was also blocked.

On 29 July 2014, the police raided simultaneously Mr. Wu’s home in Zhuhai, and his disciples’ homes in Shenzhen, Shanghai, Beijing, Xuzhou, Pizhou, Dalian and Shenyang without any search or arrest warrant. The police arrested and detained Mr. Wu and about 80 of his Buddhist disciples, out of whom 16 were children. The detainees had their mobile phone confiscated while some were handcuffed or roughened up with the butt of guns. In the midst of the raid, a 71 year-old lady was also injured. At the police station, the detainees allegedly had their bodies searched, and blood tests carried out; they were also subjected to long hours of incessant interrogations by different batches of police officers. Mr. Wu in particular had to endure 16 consecutive hours of interrogation by four groups of police officers who denied him food and rest. None of the police officers involved in the interrogation identified themselves and Mr. Wu’s lawyer was not present.

After this incident, one Chinese newspaper described Hua Zang Dharma Centre as an “illegal organization” under investigation by the Zhuhai Police Security Bureau, and accused Mr. Wu and his followers of committing criminal activities that pose a threat to society. There have been many subsequent raids and arrests of Mr. Wu’s disciples.

To date, the majority of the detainees have been released. However, Mr. Wu and 19 others are still being held at various detention centers in Zhuhai city. Reportedly, the detention cells are overcrowded and detainees can barely sleep on the floor and have little food to survive. The lawyers of the detainees often face obstacles visiting them; the meetings are either delayed or shortened by the authorities with different excuses. The lawyers also do not have free access to case dossiers that are sent to People’s Procuratorate of Zhuhai. Mr. Wu is currently detained at Zhuhai No.2 Detention Centre under the charge of “using cultic activities to undermine law enforcement”. It is also reported that Mr. Wu’s

lawyer has limited access to him. Besides, Mr. Wu and a few other detainees have not received an arrest warrant.

Grave concern is expressed at the arrest and imprisonment of Mr. Wu Ze Heng and his disciples based on their religion or belief. Concerns are also expressed at the allegations of restriction of Mr. Wu's religious teaching and activities. Further concern is raised regarding the intrusive searches and arrests without warrants, lack of appropriate access to lawyers and harsh detention conditions.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Wu and his disciples is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of one's liberty, the right to fair proceedings before an independent and impartial tribunal, the right to freedom of thought, conscience and religion or belief, including the right to manifest his religion or belief in worship, observance, practice and teaching either individually or in community with others and in public or private; the right to freedom of opinion and expression, the right to freedom of peaceful assembly and association, the right not to be subjected to arbitrary interference with one's privacy, family or home, and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, as set forth in articles 5, 9, 10, 12, 18, 19 and 20 of the Universal Declaration of Human Rights. These rights are also enshrined in the International Covenant on Civil and Political Rights, which the People's Republic of China signed on 5 October 1998.

In this context, we also underline the rules and standards as provided in the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council; the Basic Principles for the Treatment of Prisoners, adopted by General Assembly; and the Basic Principles on the Role of Lawyers, which enshrine, inter alia, the right to access and consult a lawyer without delay, interception and censorship.

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. Please provide any additional information and any comment you may have on the above mentioned allegations.

2. Please explain the charges brought against Mr. Wu and his disciples, and the factual grounds for such charges. Have the authorities investigated the complaints submitted by the lawyers of the detainees?
3. Please provide detailed information on the legality of the arrest and detention of Mr. Wu and his disciples and explain how these measures are compatible with international norms and standards as stated above.
4. Please explain why the police authorities imposed heavy surveillance on Mr. Wu and his disciples in general. Please explain also why his online teaching channel was blocked.
5. Please indicate the measures taken to ensure that the mental and physical health and integrity of the prisoners or detainees meet the Standard Minimum Rules for the Treatment of Prisoners and Basic Principles for the Treatment of Prisoners.
6. Please explain how the actions of the authorities are compatible with international human rights standards in terms of the protection of freedom of religion or belief, freedom of opinion and expression, freedom from arbitrary interference in one's privacy, as well as freedom of peaceful assembly and of association.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers