

**Mandates of the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE:  
AL CHN 9/2016

26 October 2016

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extreme poverty and human rights; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 25/2, 25/18, 26/7, 17/13 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 arbitrary arrest and detention of Ms. **Li Wenzu**, as well as alleged acts of intimidation and harassment against her and Ms. **Wang Qiaoling**, which are believed to be aimed at further intimidating their spouses, who are arbitrarily detained for their work in defence of human rights, and, in addition, in reprisal for cooperation of Ms. Li Wenzu and Ms. Wang Qiaoling with the Special Rapporteur on extreme poverty and human rights, who visited China from 15 to 23 August 2016.

Ms. Li Wenzu and Ms. Wang Qiaoling are married to two human rights lawyers, Mr. Li Heping and Mr. Wang Quanzhang, respectively. Both men were arrested on 10 July 2015 during the "709" crackdown on human rights lawyers, which was the subject of a joint urgent appeal dated 15 July 2015 (CHN 6/2015). Mr. Li Heping was the subject of two previous joint urgent appeals, dated 13 March 2008 (CHN 8/2008) and 5 October 2007 (CHN 33/2007).

According to the information received:

On 16 August 2016, Ms. Li Wenzu and Ms. Wang Qiaoling planned to meet with the Special Rapporteur on extreme poverty and human rights at the United Nations office in Beijing. When she left home, Ms. Li noticed that three individuals, two males and one female, were following her. Allegedly, the three individuals were "guobao" (domestic security) officers.

As Ms. Li approached the United Nations building, she was surrounded by the three individuals, who obstructed her movements and prevented her from approaching the building. One of the male officers pinned her to the railing of the bridge, implicitly threatening her by asking if she was throwing herself into the

river. The female officer had her arms wrapped around Ms. Li the whole time, so she could not move. After about 20 minutes of a stalemate, they managed to drag her away and prevented her from entering the United Nations premises. As a result, Ms. Li was unable to meet with the Special Rapporteur. One of the security officers reportedly filmed the incident.

After this incident, while Ms. Li was waiting for other persons who met with the Special Rapporteur, two local police officers approached Ms. Li, informing her that she would be taken to the Xinyuanli police station. A domestic security officer allegedly pushed and shoved Ms. Li, and grabbed her bag. At the police station, he accused her of beating him. Ms. Li was held in a room for over three hours, and then released when the local police officer concluded that the case could be dealt with as a civil case, since neither party had suffered any bodily injury.

Following this incident, Ms. Li has been subject to various forms of surveillance and harassment by the domestic security forces. On 27 August 2016, the lease agreement for her apartment was terminated, allegedly because domestic security officers threatened her landlord, forcing him to evict Ms. Li. Further, it was reported that domestic security forces hindered Ms. Li's efforts to find a new apartment by following her during her visits and intimidating potential new landlords. In addition to that, security officers have reportedly rented an apartment on the second floor of the building where she currently lives, and installed video cameras in the building to monitor her movements.

Ms. Li's three-year-old son has also been the subject of harassment. The police reportedly notified all the kindergartens in the neighborhood not to enroll Ms. Li's son under any circumstance. Subsequently, two kindergartens refused to enroll Ms. Li's son, despite the fact that Ms. Li's had already signed a contract with them and paid a tuition fee.

Ms. Wang Qiaoling, who met with the Special Rapporteur on 16 August 2016, has also been subject to similar forms of harassment. As reported, her lease agreement was terminated on 11 August 2016, after the police threatened her landlord. On 18 August 2016, Ms. Wang was forced to leave the new apartment she had found, allegedly after the police threatened her new landlord. Since then, Ms. Wang has been forced to stay in different temporary accommodations. She had to send her daughter to her friends' home and her son to a boarding school.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern that Ms. Li was physically restrained from meeting the Special Rapporteur on extreme poverty and human rights and that she was arrested and detained without any legal basis. This constitutes a *prima facie* violation of her rights to liberty and security, freedom from arbitrary arrest and detention, freedom of expression and freedom of peaceful assembly. These are well-established human rights norms, recognised in the Universal Declaration of Human Rights (articles 3, 9, 19 and 20) as well as in the

International Covenant on Civil and Political Rights (articles 9, 19 and 21), which China signed in 1998.

In this particular context, we also wish to reiterate the right of everyone to have “unhindered access to and communication with international bodies”, including the special procedures of the Human Rights Council, which is expressly recognised in article 9 (4) of 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) and by Human Rights Council resolution 22/6.

We are also particularly concerned that Ms. Li and Ms. Wang appear to have been subject to different forms of intimidation and harassment, partly in reprisal for their cooperation with the Special Rapporteur on extreme poverty and human rights. Such acts of reprisal are widely condemned as a “completely unacceptable” practice by the international community.<sup>1</sup> Human Rights Council resolutions 12/2 and 24/24 urge Governments to prevent and refrain from all acts of intimidation or reprisal against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights. The Secretary-General reiterated that any such act of intimidation or reprisal “must be halted, immediately and unconditionally”.<sup>2</sup>

We would also like to draw the attention of your Excellency’s Government to paragraph 8(a) of Human Rights Council Resolution 16/23, which reminds States that intimidation and coercion, as described in article 1 of the Convention against Torture, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person can amount to cruel, inhuman or degrading treatment or to torture.

We also take this opportunity to express our grave concern that the acts of intimidation and harassment targeted at Ms. Li and Ms. Wang appear to be aimed at further intimidating their detained husbands and coercing them into cooperation with the authorities. Both of their husbands, Mr. Wang Quanzhang and Mr. Li Heping, are weiquan (rights defense) lawyers who represented a wide range of cases concerning human rights, including the right to adequate housing. They remain in detention, and currently face trial for the alleged crime of “subversion of State power”, which is believed to be directly linked to their peaceful and legitimate work in defence of human rights.

In this vein, it is pertinent to remind your Excellency’s Government that, according to the UN Basic Principles on the Role of Lawyers, governments have the duty to ensure that legal professionals are able to perform all of their functions without intimidation, hindrance, harassment or improper interference, including threats of prosecution or administrative, economic or other sanctions for any action taken in

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<sup>1</sup> Report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29), at paragraph 47.

<sup>2</sup> Report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/30/29), at paragraph 47.

accordance with their recognized professional duties, standards and ethics (Principles 16 and 17). This protection includes, of course, the guarantee that no reprisals should be taken against the families of lawyers for conducting their professional duties.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate legal grounds or justifications, if any, for preventing Ms. Li from participating in the meeting with the Special Rapporteur on extreme poverty and human rights on 16 August 2016.
3. Please provide details of any specific measures taken by the Government of China to respect, protect and promote the right of all persons to unhindered access to and communication with the United Nations human rights mechanisms, including the special procedures of the Human Rights Council.
4. Please provide details of the legal grounds of Ms. Li's arrest and detention at Xinyuanli police station on 16 August 2016.
5. Please provide information on any measures taken to ensure the physical and psychological integrity and well-being of Ms. Li, and in particular during her arrest and detention.
6. Please indicate whether the Government has conducted an investigation into the allegations of intimidation and harassment described above. If so, please indicate the outcomes of the investigation.
7. Please provide information as to whether the domestic security officers and police officers concerned in the above cases have been identified and held accountable. If so, what measures have been taken to punish them?
8. Please indicate whether Ms. Li and Ms. Wang have been or will be provided with any remedies for the alleged violations.
9. Please indicate what measures have been taken to ensure that human rights defenders in China, including human rights lawyers, 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.

We would appreciate receiving a response within 60 days.

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(s) responsible for 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.

Philip Alston  
Special Rapporteur on extreme poverty and human rights

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Mónica Pinto  
Special Rapporteur on the independence of judges and lawyers

Juan Ernesto Mendez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment