

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

REFERENCE:  
UA CHN 12/2018

14 June 2018

Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 33/30, 36/6, and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the deteriorating physical and mental health of **Mrs. Liu Xia**, a Chinese national, poet, human rights defender and wife of the deceased Nobel Peace Prize winner, Mr. Liu Xiaobo. Mrs Liu Xia is reportedly held or physically restricted in an unknown location.

Mrs. Liu Xia has been the subject of an Opinion of the Working Group on Arbitrary Detention (Opinion No. 16/2011 adopted on 5 May 2011); a joint urgent appeal by several special procedures mandate holders on 24 December 2013 (CHN14/2013); and an urgent procedure from the Working on enforced or Involuntary disappearances (WGEID), on 4 August 2017 (case number 10007719).

We thank you for the responses received respectively on 21 February 2014 to the UA CHN14/2013 and on 16 August 2017 to the urgent procedure from the WGEID. We regret that your Excellency's Government replies were limited to indicating that she has no criminal record and that no measures are taken against her and that she is a free citizen, without clarifying the allegations received, in particular reliable or verifiable information on her state of health, her precise whereabouts, the ability to exercise her right to freedom of movement, and to peacefully exercise her right to freedom of expression.

According to the additional information received:

Mrs. Xia is suffering from a depression. Phone conversations records, released in April and May 2018 by Chinese civil society networks, revealed her deteriorating health, mental exhaustion and suicidal discourse. The voice transcripts alternated from discussions about her ongoing desire to leave the country, and her belief that death may be her only escape from imprisonment for 'the crime of loving Liu Xiaobo'.

It is reported that after her husband's death, the relevant authorities told her repeatedly that should she cooperate with them, they would let her leave the country to seek treatment. It is not clear what this cooperation should be about.

While we do not wish to prejudge the accuracy of these allegations, the main elements of which appear reliable, we would like to express serious concern that Mrs. Liu Xia, seems to be suffering from severe psychological distress in connection with the death of her husband, and aggravated by her detention or restriction in an unknown location.

We also reiterate our concerns that such confinement is a form of detention and enforced disappearance and urge the Government to disclose the whereabouts of Mrs. Xia Liu. We reiterate that accurate information on the detention of persons deprived of their liberty and their place or places of detention, including transfers, should be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information (article 10 (2) of the Declaration on the Protection of All Persons from Enforced Disappearance).

We are reiterating our call to your Excellency's Government to take all necessary measures to restore and protect the rights of Mrs. Liu Xia to exercise all her fundamental freedoms and rights, including the right to not to be deprived arbitrarily of liberty, the right to freedom of movement and residence, the right to leave her own country, the right to peacefully express herself freely and to meet with whoever she wants as any other free Chinese citizen, and to ensure full realization of her right to adequate standard of mental and physical health, as enshrined in articles 9, 13 and 25 of the Universal Declaration of Human Rights (UDHR).

Articles 1 and 2 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, state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

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 Mrs. Xia 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 comment, which you may have on these allegations.
2. Please provide information about Mrs. Liu Xia's ability to freely seek and obtain the medical and psychological treatment of her choice, in relation with what appears her acute mental distress; and on any measures taken to ensure her physical and psychological integrity.
3. Please provide precise information on Mrs. Xia Liu's whereabouts and explain the reasons why her whereabouts continue not to be publicly confirmed. Please explain the reasons for keeping Mrs. Xia Liu in different forms of detention or physical restriction and how these measures are compatible with the international human rights obligations of China to protect her rights to exercise of all fundamental freedoms and human rights, including freedom of movement and in particular the right to leave her own country, her freedom of expression and to ensure full realization of her right to adequate standard of mental and physical health.
4. Given that she is officially reported as having no criminal record, and she is described as a free citizen, why is she continuing to be confined in an unknown location, and why she is facing restrictions as to her freedom of movements in China and outside it, and the peaceful exercise of her freedom of expression? Why is not she immediately released?
5. We also would like to request that unfettered access be granted to her.
6. Please indicate what measures have been taken to ensure that human rights defenders in China are able to peacefully carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort to themselves or their families.

We are considering to publicly express our concerns in the near future in this case, as in our view, the information at hand appears to be sufficiently reliable to indicate a matter warranting serious attention. We also believe that the wider public should be informed about the potential implications for the exercise of their rights and freedoms of the above-mentioned allegations. Any public pronouncement on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question in a reliable manner.

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.

Elina Steinerte  
Vice-Chair of the Working Group on Arbitrary Detention

Bernard Duhaime  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Michel Forst  
Special Rapporteur on the situation of human rights defenders