

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL CHN 22/2025

(Please use this reference in your reply)

23 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 60/8, 54/14, 52/9 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the recent detention and sentencing to additional four years of imprisonment of Chinese journalist and woman human rights defender Ms. Zhang Zhan, who has reportedly been held incommunicado with no information available regarding her place of detention or current health condition.

Ms. Zhang **Zhan** is a journalist, woman human rights defender and former lawyer. Her law license was reportedly revoked by the authorities in response to her participation in various human rights activities, including the signing of petitions and her reporting on the early handling of the COVID19 pandemic. She has used her legal knowledge to assist other human rights defenders in seeking legal redress, including in relation to demonstrations opposing the national security law in Hong Kong. In this context, Ms. Zhang was allegedly subjected to arbitrary detention on multiple occasions, including in 2020 when she was detained for her reporting from Wuhan, sentenced to four years' imprisonment, and reportedly subjected to illtreatment and prolonged forcefeeding during a hunger strike that resulted in severe health deterioration.

The detention of Ms. Zhang Zhan was deemed arbitrary by the Working Group on Arbitrary Detention in its Opinion No. 25/2021, adopted at its 91st session, and found to fall under categories I, II, III and V. The Working Group requested her immediate release and that she be accorded her enforceable right to compensation and other reparations. Moreover, this case has previously been raised in communications [CHN 12/2021](#) and [CHN 15/2024](#), and while we appreciate the response provided by Your Excellency's Government to the last communication, we deem it necessary to bring this case to Your Excellency's attention once again in light of the new charges and sentencing of Ms. Zhang Zhan.

According to the information received:

### *Context*

In early February 2020, Ms. Zhang Zhan, a citizen journalist and former lawyer from Shanghai, travelled to Wuhan, Hubei Province, to report independently on the COVID19 pandemic and the measures taken by the authorities to contain it. Ms. Zhang published information and videos on social media platforms including WeChat, Twitter and YouTube, where she uploaded 122 videos on various topics related to the pandemic. Her posts included interviews with Wuhan residents, footage of hospitals and crematoria, and commentary on the impact of the lockdown measures and the treatment of other journalists covering the situation.

On 14 May 2020, Ms. Zhang was reported missing in Wuhan, one day after she had published a video critical of the authorities' response to the pandemic and the use of intimidation tactics against residents. On 15 May 2020, she was confirmed to have been detained by the Wuhan authorities and subsequently transferred to Shanghai, where she was held in custody by the Pudong branch of the Shanghai Public Security Bureau on allegations of "picking quarrels and provoking trouble." On 19 June 2020, her arrest was approved by the Pudong New District Procuratorate.

During her pretrial detention, Ms. Zhang reportedly went on a hunger strike to protest her detention and was forced through a naso-gastric tube while being shackled and with her hands restrained for extended periods. On 15 September 2020, she was indicted by the Pudong New District Procuratorate for "spreading false information" and "maliciously stirring up the Wuhan epidemic situation." On 28 December 2020, Ms. Zhang was then convicted of "picking quarrels and provoking trouble" under article 293 of the Chinese Criminal Law and sentenced to four years' imprisonment by the Pudong New District Court. She was brought to the courtroom in a wheelchair due to her weakened condition following her hunger strike and was subsequently transferred to Shanghai Women's Prison to serve her sentence. Ms. Zhang reportedly declined to appeal her conviction.

Between July and August 2021, Ms. Zhang was hospitalized in a prison hospital due to malnutrition and gastric complications, during which she was reportedly tied to her bed and forced. She was later transferred back to Shanghai Women's Prison. Her family was permitted only limited contact with her, including one phone call in August 2021 and two video calls, in February and October 2021.

Ms. Zhang was reportedly suffering from severe malnutrition, a gastric ulcer and oedema in her lower limbs. Her weight was reported to have fallen below 40 kilograms, and she was reportedly unable to walk or raise her head without assistance.

### *New detention and sentence*

Following the completion of her sentence in May 2024, Ms. Zhang was reportedly again detained and tried before the Pudong New Area People's Court in Shanghai on 19 September 2025, on the same charge of “picking quarrels and provoking trouble.” According to the information received, the trial was held behind closed doors, and diplomatic representatives from at least seven countries were denied entry to the court. Several individuals attempting to observe the proceedings were allegedly detained temporarily.

Ms. Zhang was sentenced to four years' imprisonment. Since her rearrest, she has allegedly been held incommunicado, with no public information regarding her place of detention or current state of health. Her family members have reportedly been subjected to official pressure and surveillance.

While we do not wish to prejudge the accuracy of these allegations, we express deep concern that the arrest, detention, and sentencing of Ms. Zhang Zhan appear to be directly related to her legitimate exercise of the right to freedom of opinion and expression through her independent reporting on the COVID19 pandemic in Wuhan. We wish to refer Your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right of every individual to seek, receive, and impart information and ideas of all kinds. The arrest and detention of Ms. Zhang in apparent retaliation for exercising this right are incompatible with this provision. We recall that, in accordance with the Vienna Convention on the Law of Treaties, as a signatory of the ICCPR, China has an obligation not to carry out conduct that would defeat the object and purpose of the Covenant

We further express concern regarding the use of broadly and vaguely worded provisions such as “picking quarrels and provoking trouble” to unduly criminalize the legitimate exercise of this right. We recall that any restriction under article 19(3) of the ICCPR must be clearly defined, pursue a legitimate aim, and be strictly necessary and proportionate (CCPR/C/GC/34, para.25). Moreover, invoking such laws to suppress or withhold information of legitimate public interest—such as information relating to the COVID19 pandemic, as in Ms. Zhang's case—is incompatible with article 19(3) (CCPR/C/GC/34, para.30).

We would also like to stress that Ms. Zhang's detention, prosecution, and sentencing may be indicative of a broader pattern of repression aimed at silencing journalists, human rights defenders, lawyers and other individuals engaging in activities perceived as critical of the authorities. We deeply regret that Ms. Zhang has reportedly been held in prolonged incommunicado detention, with severely limited access to her family and legal counsel, solely for exercising her fundamental freedoms of opinion and expression and for conducting legitimate human rights work. Such practices risk creating a chilling effect, discouraging others from freely reporting, advocating for human rights, or expressing dissenting views. We would like to emphasize that the lack of information regarding Ms. Zhang's place of detention raises issues pursuant to articles 6, 7, 9, 16, read alone and in conjunction with article 2.3 of the ICCPR. In this regard, we wish to recall that in order to constitute an enforced disappearance, a deprivation of liberty must be followed by a refusal to acknowledge such deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which

place such a person outside the protection of the law, regardless of the duration of the said deprivation of liberty or concealment. The situation of Ms. Zhang's relatives, and the fact that they would have been subjected to pressure and surveillance, raise issues pursuant to articles 7 and 17, read alone and in conjunction with article 2.3 of the ICCPR.

We further remind Your Excellency's Government that the Working Group on Arbitrary Detention found the deprivation of liberty of Ms. Zhang Zhan to be arbitrary, in contravention of articles 2, 3, 6, 7, 8, 9, 10, 11(1), 19, and 21 of the Universal Declaration of Human Rights (UDHR), and falling within categories I, II, III, and V. We express serious concern regarding her alleged second detention, which could equally amount to arbitrary deprivation of liberty, in violation of article 9 of the ICCPR and article 3 of the UDHR, which guarantee the right to liberty and security of person.

Reports that Ms. Zhang was tried behind closed doors, denied access to legal counsel, and held incommunicado also raise concerns under article 14 of the ICCPR, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (principles 11, 16, and 18), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), particularly rules 43 and 58, which prohibit prolonged or indefinite solitary confinement and require that detainees be allowed regular contact with the outside world.

We also express alarm at allegations that Ms. Zhang has been subjected to enforced disappearance, despite the *jus cogens* absolute prohibition of this crime under international law. Under international law, State authorities are obliged to take all necessary measures to protect the rights of persons deprived of their liberty, as they assume responsibility for their lives, physical integrity, and wellbeing.

We recall that, in its [2024 general allegation](#), the Working Group on Enforced or Involuntary Disappearances reiterated its concern over the use of prolonged incommunicado detention and enforced disappearance, and regretted the lack of information provided by the Government on measures to ensure that families can exercise their right to know the truth about the fate and whereabouts of their relatives. The High Commissioner for Human Rights publicly encouraged during the [Human Rights Council](#) of March 2024 the revision of the vague offence of "picking quarrels and provoking trouble" in article 293 of the Criminal Code and called for the release of human rights defenders, lawyers, and others arbitrarily detained under such legislation.

We further note with concern that the judgment in Ms. Zhang's case has reportedly not been made publicly available by the authorities, contrary to the Human Rights Committee's general comment No. 32, paragraph 29, which clarifies that "[e]ven in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public". According to information received regarding the contents of the judgment, the court's decision reportedly fails to specify what statements Ms. Zhang made, why those statements were false, or how posts on overseas social media platforms caused "serious disruption to public order" within China. If accurate, such a judgment would fail to meet the requirement that convictions be supported by "essential findings, evidence and legal reasoning", and would impair the effective exercise of Ms. Zhang's right to have her conviction and sentence reviewed by a higher tribunal under ICCPR article 14(5),

which presupposes access to "written judgments, duly reasoned" (communication No. 377/1989, Currie v. Jamaica)."

Finally, we emphasize that States have an obligation to promptly provide accurate information on the detention and location of persons deprived of liberty, including transfers, to their family members, legal representatives, or others with a legitimate interest in such information.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the current fate and whereabouts of Ms. Zhang Zhan, including her place of detention, her physical and psychological health condition, and the measures taken to ensure regular access to her family and legal counsel and her right to privacy.
3. Please explain the legal and factual grounds for Ms. Zhang Zhan's alleged re-detention in September 2025 and how these measures are compatible with international human rights standards, including those set forth in articles 9, 14, and 19 of the International Covenant on Civil and Political Rights (ICCPR).
4. Please clarify whether Ms. Zhang Zhan has had access to independent legal counsel of her choosing, whether her trial was public, and how these proceedings complied with international law, including principles 11, 16, and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, as well as rules 43 and 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).
5. Please clarify whether the judgment in Ms. Zhang's case has been made publicly available, and if not, please explain how this is compatible with the requirement under article 14 of the International Covenant on Civil and Political Rights (ICCPR) and Human Rights Committee's general comment no. 32 (paragraph 29) that judgments be made public.
6. According to information received, the judgment reportedly does not specify what statements Ms. Zhang made or provide reasoning as to how her conduct satisfied the elements of the offense charged. Please provide information on the factual and legal basis for Ms. Zhang's conviction, including how the court determined that such conduct caused "serious disruption to public order".

7. Please provide information on the measures adopted by Your Excellency's Government to ensure that journalists, human rights defenders, and other individuals exercising their right to freedom of expression can carry out their legitimate work in a safe and enabling environment, free from threats, reprisals, or arbitrary detention.
8. Please explain how the offence of "picking quarrels and provoking trouble" under article 293 of the Criminal Code complies with the principles of legality, necessity, and proportionality under international law, and how it can be reconciled with the protection of freedom of opinion and expression.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and physical and psychological wellbeing of Ms. Zhang Zhan, 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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Matthew Gillett  
Vice-Chair of the Working Group on Arbitrary Detention

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer you to articles 6, 7, 9, 14, 16, 19, 21 and 22, read alone and in conjunction with article 2.3 of the International Covenant on Civil and Political Rights (ICCPR), signed by China on 5 October 1998, which guarantee the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, the right to be treated with dignity and humanity, the right to freedom of thought, conscience, and religion, the right to freedom of movement and freedom of peaceful assembly and association, and the right to an effective remedy. While China has not ratified the ICCPR, core elements of these provisions, including the prohibition on arbitrary detention and fundamental fair trial guarantees, are reflected in the Universal Declaration of Human Rights and other international instruments and are recognized as part of the international human rights framework applicable to all States. Moreover, under article 18 of the Vienna Convention on the Law of Treaties, a signatory State is obliged to refrain from acts that would defeat the object and purpose of a treaty pending ratification.

Article 9 of the ICCPR guarantees the right to liberty and security of person and prohibits arbitrary arrest or detention. It requires that no one shall be deprived of liberty except on such grounds and in accordance with such procedures as are established by law, and that anyone arrested shall be informed promptly of the reasons for their arrest and of any charges against them. It further guarantees the right to take proceedings before a court to challenge the lawfulness of detention. The Human Rights Committee, in its general comment No. 35, clarified that detention as punishment for the peaceful exercise of fundamental freedoms, including freedom of expression, assembly or association, is arbitrary and unlawful.

Article 14 of the ICCPR ensures the right to a fair and public hearing by a competent, independent and impartial tribunal and the right to legal assistance of one's own choosing. It also guarantees that all persons charged with a criminal offence shall be presumed innocent and have adequate time and facilities for the preparation of their defence. Secret or closed-door trials, denial of access to legal counsel and incommunicado detention contravene the safeguards set out in this article.

Article 19 of the ICCPR protects the right to hold opinions without interference and the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers. The Human Rights Committee, in its general comment No. 34, emphasized that this protection covers political discourse, commentary on public affairs, journalism, discussion of human rights and artistic expression. States are required to ensure that individuals can exercise this right without fear of interference, retaliation or harassment. Criminalizing or detaining individuals for sharing information or expressing dissenting views violates this article.

We would also like to refer to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General

Assembly in resolution 43/173. Principle 11 provides that a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. Principle 16 guarantees that promptly after arrest, and at any time thereafter, a detained person shall be entitled to communicate with and be visited by their family, legal counsel or any other person of their choice. Principle 18 further provides that a detained or imprisoned person shall be entitled to communicate and consult with legal counsel without delay, interception or censorship and in full confidentiality. Denying access to family or counsel, or holding a person incommunicado, violates these principles.

We recall the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by General Assembly resolution 70/175. Rule 43 prohibits indefinite or prolonged solitary confinement, collective punishment and any measures that may constitute torture or other cruel, inhuman or degrading treatment or punishment. Rule 58 guarantees that prisoners shall be allowed, under necessary supervision, to communicate with their family and friends and to receive visits at regular intervals. The use of incommunicado detention and denial of contact with the outside world are inconsistent with these rules.

We wish to reiterate that the absolute prohibition of enforced disappearance has attained the status of *jus cogens*. In this regard, we wish to recall that the United Nations Declaration on the Protection of All Persons from Enforced Disappearances establishes that “all acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness” (article 4), “no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance” (article 6). Furthermore, the Declaration stipulates that “no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances” (article 7).

Moreover, articles 9 to 12 of the Declaration further spell out the rights of detained persons to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty. Access by competent national authorities to all places of detention must be ensured and any deprivation of liberty be held in officially recognized places of detention. Detainees have the right to be released also in a manner permitting verification of whether their human rights have been fully ensured. Article 13 further stipulates that “any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority.”

The Declaration also establishes that “all States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance” (article 14), that “the persons responsible for these acts shall be tried only by ordinary courts and not by other special tribunal, notably military courts” (article 16); “not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction” (article 18); and that “the victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible” (article 19).

In the [Joint statement](#) on short-term enforced disappearances, the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances highlighted that, under international law, the duration is not a constitutive element of enforced disappearance, stating that "whatever its duration, any enforced disappearance entails serious harm and consequences for the disappeared persons and their families, and poses practical difficulties for the protection of these persons and the defence of their rights".

In its general comment on the right to recognition as a person before the law in the context of enforced disappearance, the Working Group also noted that when a person deprived of liberty is not acknowledged by the State, the legal rights of this person are placed in a legal limbo, a situation of total defencelessness. The crime of enforced disappearance puts the detainee outside of the protection of the law, denies the person of legal existence and prevents the enjoyment of their rights, including due process rights and judicial safeguards, and other fundamental rights and freedoms (A/HRC/19/58/Rev.1).

In its report on standards and public policies for an effective investigation of enforced disappearances, the Working Group recommended that States define enforced disappearance as an autonomous crime in national legislation and establish different modes of criminal liability, including abetting, instigating, acquiescing and actively covering up an enforced disappearance, as well as criminal liability for command or superior responsibility; and create mechanisms that can promptly receive and process complaints of enforced disappearances, under the responsibility of authorities who are independent of the institutions to which the alleged perpetrators belong or may be linked. These mechanisms should be empowered to trigger prompt investigations of the complaints received ([A/HRC/45/13/Add.3](#)).

In its general comment on the right to life, the Human Rights Committee observed enforced disappearance as an extreme and life-threatening form of arbitrary detention, that violates the rights to liberty, security and life. It removes individuals from legal protection, placing their lives at constant risk and making the State accountable. Failure to uphold procedural safeguards under article 9 of the ICCPR can also lead to violations of the right to life under article 6 and the prohibition of torture under article 7. States must take effective measures to prevent disappearances, investigate promptly and impartially, prosecute perpetrators, and ensure victims and their families receive full reparation ([CCPR/C/GC/36](#)).

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of persons actively promoting the enjoyment of economic, social and cultural rights, are used as a repressive tool to deter the legitimate exercise, defence or promotion of the enjoyment of these rights. Due to their collective character, such measures also violate their economic, social and cultural rights, the rights of others engaged in related activities, and of the larger community of people who relied on the disappeared person to represent and fight for their rights ([A/HRC/30/38/Add.5](#)). Similarly, in its general comment on women and enforced disappearances, the Working Group noted that States have an obligation to recognize the particular types of harm women suffer based on their gender

and the resulting psychological damage and social stigma as well as the disruption of family structures ([A/HRC/WGEID/98/2](#)).

We further 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, adopted by General Assembly resolution 53/144 (the Declaration on Human Rights Defenders). Articles 1 and 2 affirm that everyone has the right to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Article 12 establishes that States must take all necessary measures to ensure the protection of individuals against any violence, threats, retaliation, pressure or arbitrary actions as a consequence of their legitimate exercise of these rights.

Finally, we would like to refer to articles 9, 10 and 19 of the Universal Declaration of Human Rights (UDHR), which guarantee respectively the right not to be subjected to arbitrary arrest, detention or exile; the right to a fair and public hearing by an independent and impartial tribunal; and the right to freedom of opinion and expression, including the right to seek, receive and impart information and ideas through any media and regardless of frontiers. These rights are fundamental to the protection of human dignity and the rule of law.