

Mandates of the Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief and the Working Group on discrimination against women and girls

Ref.: AL CHN 15/2024
(Please use this reference in your reply)

14 November 2024

Excellency,

We have the honour to address you in our capacities as Working Group on Enforced or Involuntary Disappearances; 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 situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 54/14, 51/8, 52/9, 50/17, 52/4, 53/12, 52/5, 49/5 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **recurring patterns of repression, including incommunicado detention and enforced disappearance, aimed at restricting artistic, cultural and religious expressions, and silencing human rights defenders and dissenting or opposing views critical of the Government.**

Special Procedures mandate holders have previously communicated their concerns to your Excellency's Government regarding the arbitrary detention and enforced disappearance of activists, human rights defenders, and members of ethnic and religious minority groups. We raised such concerns in communications sent on 7 May 2020 ([CHN 8/2020](#)), 2 Jun 2020 ([CHN 12/2020](#)), 28 Apr 2021 ([CHN 4/2021](#)), 16 Jul 2021 ([CHN 7/2021](#)), 3 Feb 2022 ([CHN 2/2022](#)), 26 Jun 2023 ([CHN 8/2023](#)), 2 Nov 2023 ([CHN 18/2023](#)), 11 Jun 2024 ([CHN 10/2024](#)), and 11 September 2024 (AL CHN 12/2024). We thank your Excellency's Government for the relevant responses, including most recently on 7 August 2024 (AL CHN 10/2024). Nevertheless, we remain concerned at a number of allegations, as detailed below. During the 132nd session, the Working Group on Enforced or Involuntary Disappearances transmitted a [general allegation](#) to Your Excellency's Government regarding certain forms of deprivation of liberty under the national criminal system of China, which appear to include the constitutive elements of an enforced disappearance. We regret the lack of response to this date.

According to the information received:

Over the last decade, Chinese authorities have reportedly intensified the use of various forms of incommunicado detention and enforced disappearance as a tool to control the prevailing social and political movements, suppress dissenting voices, and restrict expressions of ethnic or religious minorities.

Enforced disappearances are allegedly often wielded against human rights defenders, dissidents, and individuals exercising their fundamental rights to freedom of expression, association, peaceful assembly, and religion or belief.

Police and State Security officials are reported to instil fear and intimidation among local communities and the wider population in the country, and systematically target those who dare challenge the Government either online or in the streets, in the nation's capital or the hinterlands, or abroad.

Curtailment of the freedoms of expression, peaceful assembly and association

In October and November 2022, numerous individuals were allegedly abducted by police officials for taking part in peaceful protests, including the “White Paper” protests opposing COVID-19 restrictions in many cities. Individuals had reportedly forcibly disappeared after being placed into State custody and remain without contact with the outside world.

In some cases, the families of the persons concerned have been warned against speaking out, and close relatives have faced restrictions such as residential surveillance in a designated location and other illegal forms of deprivation of liberty such as house arrest, “continued restrictions and surveillance after prison release”, and different types of “black jails”. Additionally, people expressing support and solidarity have also allegedly been intimidated or detained.

Many individuals are reported to have been directly targeted by the police and security authorities ahead or around sensitive political dates and events, such as State political meetings, religious festivities, cultural commemorations or anniversaries of historical moments. Such a targeted approach is reportedly aimed at preventing public gatherings and exerting control over the official political and social narrative. Individuals are reportedly held in prolonged incommunicado detention without due process or judicial safeguards, and in conditions that are leading to the deterioration of their physical and mental health and well-being, especially those with pre-existing medical conditions.

While many individuals were reportedly apprehended by the authorities in connection with the “White Paper” protests, other cases concerned abductions reportedly arising merely for the profile and work of the person targeted, and despite not having taken any recent actions that could motivate their detention by the authorities. These incidents frequently involve individuals who have reportedly expressed dissenting or critical opinions online or offline.

The following cases are just a few examples that highlight trends and patterns of concern raised above.

In January 2022, Chinese human rights lawyer Mr. **Xie Yang** was reportedly taken away by police officers, and his family and loved ones had no information about him until one year later. It is reported that the detention centre where he was held failed to register his name in the computer system until January 2023, so he could not be located by his family or a lawyer. Mr. Xie was reportedly subjected to torture and ill-treatment, and he could not meet a lawyer of his own choice until 16 months after his deprivation of

liberty.

In October 2019, Ms. **Huang Xueqin**, a Chinese journalist and human rights activist, who played an instrumental role in launching the #MeToo movement in China in 2018, was detained by the Guangzhou City Baiyun District Public Security Sub-Bureau (PSB) and the Panyu District PSB. On 4 November 2019, she disappeared after being placed under Residential Surveillance at a Designated Location (RSDL). The authorities reportedly detained Ms. Huang out of mere suspicion that she could be liable of the criminal offence for “picking quarrels and provoking trouble” under article 293 of the Criminal Code.

Before her transfer to a RSDL detention centre, her acquaintances were reportedly informed that she would be transferred in order to “transform her thinking”, as 37 days of criminal detention were deemed insufficient. Despite efforts to locate her and inquiries to the authorities, all requests to contact or meet her were denied since her transfer. She was detained for three months and released in 2020.

She was later detained again in September 2021 and tried on 22 September 2023.

Ms. Huang was reportedly moved from Guangzhou No. 3 Detention Centre to Guangzhou No. 1 Detention Centre between late 2022 and early 2023. She was reportedly denied access to her family, preventing them from receiving information about her well-being and whereabouts. Ms. Huang allegedly refused to confess or accept any wrongdoing.

On 14 June 2024, the Guangzhou Municipal Intermediate People’s Court found her guilty of “inciting subversion of State power” under article 105 of the Criminal Code and sentenced her to five years in prison, and an additional four years of deprivation of political rights. The confiscation of Ms. Huang’s assets for an amount of RMB 100,000 ¥ was also ordered. On 10 September 2024, the Guangdong Provincial High Court rejected her appeal, upholding the lower Court’s verdict.

In September 2021, alongside Ms. Huang Xueqin, Chinese authorities detained grassroots human rights defender Mr. **Wang Jianbing** over suspicion of “inciting subversion of State power”. In the afternoon of 19 September 2021, Guangzhou public security officers arrived at Mr. Wang Jianbing’s residence and took both him and Ms. Huang Xueqin into custody. The police also searched the two human rights defenders’ residences and confiscated their personal belongings. Mr. Wang was apprehended because he had allegedly held private meetings in his residence believed to be of a political nature. Prior to his detention, Mr. Wang worked to protect the rights of persons with disabilities and advocated for labour rights.

On 14 June 2024, the Guangzhou Municipal Intermediate People’s Court found him guilty of “inciting subversion of state power” under article 105 of the Criminal Court and sentenced him to three years in prison, and an additional three years of deprivation of political rights. The court also ordered the confiscation of Mr. Wang Jianbing’s personal assets amounting to

RMB 50,000 ¥. On 10 September 2024, the Guangdong Provincial High Court rejected his appeal, upholding the lower Court's verdict.

Similarly to the case of Ms. Huang and Mr. Wang, the Chinese authorities have reportedly arbitrarily detained many other individuals on public disruption charges under the Chinese Criminal Code, which is often used to criminalize peaceful and legitimate human rights advocacy. Authorities also reportedly apply article 75 of China's Criminal Procedure Law, which allows the use of the RSDL for persons suspected of "endangering national security, terrorism, or serious bribery" or for those without a fixed address.

Ms. **Zhang Zhan**, a Chinese journalist and former lawyer, was detained in May 2020 for her reporting on the COVID-19 outbreak in Wuhan and was later sentenced to four years in prison on charges of "picking quarrels and provoking trouble". On 13 May 2024, after completing a four-year prison sentence, Ms. Zhang Zhan was released. However, she was detained again less than four months after. In late August 2024, while she reportedly travelled from Shanghai to her hometown in Shaanxi, she suddenly became unreachable. It was reported that she had been taken into custody by police from Shanghai and is reportedly held at the Pudong New District Detention Centre in Shanghai.

Crackdown on freedom of religion or belief and ethnic minorities

Chinese Government officials were reported to abduct religious believers for simply practicing their religion or belief, systematically targeting Tibetans, Uyghurs and other Turkic Muslims.

On 23 September 2014, Mr. **Ilham Tohti**, a Uyghur scholar, was sentenced to life imprisonment by the Chinese Government. His conviction was reportedly based on his advocacy for peaceful dialogue and reconciliation between Uyghurs and Han Chinese. Mr. Tohti's writings and teachings highlighted systemic discrimination and oppression faced by Uyghurs in Xinjiang. During his imprisonment, Mr. Tohti has reportedly been subjected to torture and other ill-treatment, including wrist and ankle shackling, prolonged solitary confinement and denial of adequate medical care and food, as well as political indoctrination. Mr. Tohti's China-based family has not seen him or heard from him since spring 2017, when their quarterly prison visits abruptly stopped, and he has remained incommunicado ever since.

In August 2022, local police officials allegedly detained five Tibetan monks, in Awu kyil Rigo village, Serthar County, for burning incense and offering prayers. Mr. **Chugdar**, Mr. **Gelo**, Mr. **Tsedo**, Mr. **Bhamo**, and Mr. **Kori** were detained for organizing religious activities, and taken away by the police to an unknown location within the Serthar County. Persons associated with them were not allowed to send them food.

It is reported that days after his detention, Mr. Chugdar passed away while in custody, where he was allegedly subjected to severe beatings and other forms of torture and ill-treatment. Moreover, the local police reportedly warned persons associated with Mr. Chugdar that, unless they signed a statement declaring that his death was not a result of police beatings, Mr. Chugdar's body

would not be returned. Security officials allegedly proposed a one-time payment of RMB 100,000 ¥ for each family per year of detention in compensation.

In the Xinjiang Uyghur Autonomous Region (hereafter Xinjiang), the families of forcibly disappeared persons continue to face considerable obstacles in accessing and obtaining information on the fate and whereabouts of their loved ones.

In October 2022, Mr. **Sadier Baihetiyaer**, also known as Bahtiyar Sadir, was reportedly abducted by the police in his home in Urumqi, Xinjiang, despite being ill, feverish, and in a fragile state of health, and self-imposing a COVID-19 quarantine. He was apprehended and taken away by Chinese security and police officials because, as a Muslim, he had prayed with a group of people. He was reportedly sentenced to 10 years in prison.

There are serious and growing concerns for his physical and mental health and well-being, and he has reportedly not been able to communicate with his family or acquaintances. It is feared that Mr. Sadier's health has deteriorated significantly, given reports that he was beaten, tortured and ill-treated by officials; that his weight drastically dropped from 85 kg to 60 kg. Further, reports indicate that he was forced to sign a confession based on fabricated accusations. Mr. Sadier is reported to suffer from a pre-existing physical disability, having lost several fingers, and he sustained a leg injury during his detention.

Many families have reported deep concern over the health and well-being of their loved ones while in detention, given the alleged conditions of detention and increasing reports of Uyghur detainees being forced to work for up to 11 hours a day in Turpan Daheyuan prison and other detention.

In January 2017, plainclothes officers from the National Security Brigade allegedly detained Mr. **Nuermaimaiti Maiwulani**, also known as Mewlan NurMuhammad, in a restaurant in Bole City. A telecom engineer from New Zealand, Mr. Nuermaimaiti was sentenced to nine years of imprisonment and four years of deprivation of political rights for "splitting the State." Shortly after in June 2017, he was transferred to a re-education camp.

For over two years, his family and loved ones did not have any information regarding whether he had been detained, where he was or if he was in good health condition. In July 2019, Mr. Nuermaimaiti managed to have a brief video conversation with persons associated with him after being transferred to an unknown detention centre around April of that year.

On occasion, some information about the person deprived of liberty is made publicly available, although without consulting or informing their families directly by the authorities.

The family of Dr. **Gulshan Abbas**, also known as Gulixian Abasi, an imprisoned 62-year-old Uyghur-American retired medical doctor who had been sentenced to 20 years in prison in a secret trial in 2019, only recently learnt about her whereabouts when the Chinese Government replied to a

Special Procedures communication in August 2024 (AL/CHN/9/2024).

In September 2018, Chinese authorities reportedly abducted Dr. Abbas in Urumqi, Xinjiang, and later sentenced her on fabricated terrorism-related charges. Dr. Abbas retired from a state-owned hospital in Urumqi and has dedicated her life in service of others. She is known in her community as a loving, peaceful and non-political medical professional.

In September 2024, Chinese authorities reportedly detained two Tibetan monks from Kirti Monastery and two other Tibetans. Since the detention of **Mr. Lobsang Samten**, **Mr. Lobsang Trinley**, **Ms. Wangkyi** and **Mr. Tsering Tashi**, no information has been provided regarding their fate and whereabouts on the charges against them.

Notably, Mr. Lobsang Samten had been previously detained in 2011 along with 300 other monks in Ngaba. Allegedly, both he and Mr. Lobsang Trinley play a vital role in the religious life of Kirti Monastery.

Transnational repression

Reports also indicate that the Chinese Government has systematically targeted journalists, human rights defenders, political dissidents and Uyghur migrants and refugees who fled or reside overseas, often in connivance with Governments of third countries.

In October 2015, **Mr. Gui Minhai**, a Swedish Chinese writer and bookseller, was abducted in Pattaya, Thailand, and then reappeared in China three months later. In February 2020, he was sentenced to 10 years in prison. Mr. Gui had been openly critical of the Government. At the time of his enforced disappearance, he was the co-owner of a publishing company which specialized in books critical of the Chinese political leadership. Other booksellers allegedly disappeared in similar circumstances.

Following the end of the COVID-19 travel restrictions, the practice of abductions of Chinese citizens abroad reportedly intensified in neighbouring countries throughout South-East Asia, as visa-free policies for Chinese citizens began to be implemented.

In July 2023, the Lao police reportedly detained a Chinese human rights lawyer, **Mr. Lu Siwei**, for crossing the China-Lao border irregularly although he had a valid visa delivered by Lao authorities in Guangzhou, China. He was detained by the Laotian authorities as the Chinese authorities had imposed a travel ban on him.

As a lawyer, Mr. Lu was involved in several high-profile cases, including representing one of the 12 Hong Kong activists detained at sea by mainland Chinese authorities in August 2020.

It is reported that Mr. Lu had attempted to travel to the United States to meet his family, and he disappeared from detention in Lao only to reappear weeks later under Chinese police custody. Chinese authorities later released him on bail pending trial, which was set to end on 27 October 2024. However, on

19 July 2024, he was called to the local Police Station to give a statement and was informed that his case would soon be transferred to the Procuratorate for review and renewed prosecution. On 10 October 2024, Mr. Lu was taken into custody from his place of assigned residence by officers from the Chenghua Branch of the Chengdu Public Security Bureau. On 14 October 2024, he was officially charged by the Chenghua District Procuratorate for “illegal crossing of national border”.

Persons associated with Mr. Lu in China were reportedly threatened by the authorities should they not cooperate in a criminal investigation against him.

Without prejudging the accuracy of these allegations, we stress that these cases may be revealing the existence of patterns of repression aimed at silencing human rights defenders, activists, lawyers, journalists, and other citizens expressing dissenting views or engaging in artistic, religious or cultural expressions that the Government might perceive as a threat. We deeply regret that many individuals are reported to currently being deprived of their liberty, mostly in incommunicado detention and without access to the outside world, for simply exercising their fundamental freedoms, including of opinion and expression, religion or belief, or peaceful assembly and association, for conducting their legitimate human rights work, or for discriminatory reasons based on their migratory status. Such practices further trigger a chilling effect among citizens, discouraging them to express their opinions freely or exercising their work as journalists, lawyers or social activists.

We are alarmed by the allegations of enforced disappearances of citizens, despite the *jus cogens* absolute prohibition of this crime under international law, often in connection to the victims’ exercise of freedom of expression, association, assembly or religion, among others. We remain very concerned by the traumatic impact that these allegations of enforced disappearances have on the families of the disappeared persons and local communities. Many individuals reported irreparable damage due to the disruption of their social and cultural life, notably women and children who endured the disintegration of their family structures, and their social exclusion.

We wish to reiterate that, under international law, the failure or refusal to acknowledge a deprivation of liberty by State agents or persons or groups of persons acting with their authorization, support, and acquiescence, constitute enforced disappearance, irrespective of the duration of the deprivation of liberty or the type of concealment concerned. State authorities are thus obliged to take all necessary measures to effectively protect the rights of the persons deprived of their liberty, as they automatically assume responsibility for their lives, physical integrity, and wellbeing.

We recall that, in its [general allegation](#) of 2024, the Working Group on Enforced or Involuntary Disappearances reiterated the concerns regarding the use of prolonged incommunicado detention and enforced disappearances. Notably, the Working Group regretted the lack of response by the Government regarding the measures taken to ensure: (a) that the families can realize their right to know the truth about the fate and whereabouts of their family members who are deprived of their liberty; (b) that human rights defenders, political activists, members of ethnic minorities, and refugees can benefit from protective measures during deportation and return processes to neighbouring countries; and (c) that relatives who are overseas have the right to communicate with their loved ones who are deprived of liberty,

without fear of threats and reprisals. We reiterate the concerns expressed at continuing reports of incommunicado detention and enforced disappearance of ethnic and religious minorities, including Uyghurs and Tibetans who were allegedly detained incommunicado based on their religion or belief or cultural affiliation, and of human rights defenders based on their identity or legitimate human rights activities.

We further recall that 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 making trouble” in article 293 of the Criminal Code, and urged the release of human rights defenders, lawyers and others arbitrarily detained under such legislation.”

We highlight that States have an obligation to promptly provide accurate information on the detention of persons deprived of liberty and on their place or places of detention, including transfers, to their family members, to their counsel or to any other persons having a legitimate interest in the information. The State should also recognize fully the legal personality of disappeared persons and their families, and thus should protect them, bearing in mind their special vulnerability. It should also respect their rights to reparation, including adequate compensation for any damage (physical or mental injury, lost opportunities, material damage and loss of income, damage to reputation and costs incurred in obtaining legal or expert assistance) resulting from an enforced disappearance.

Moreover, we reiterate the devastating impact that enforced disappearances have on the families of the disappeared person as well as on their community. As a consequence, the enforced disappearances of religious believers and human rights defenders also violate the economic, social and cultural rights of the people that engaged in related activities and of a larger community of people who relied on the disappeared person to represent them and fight for their rights.

We further remind your Excellency’s Government that in the case of Mr. Ilham Tohti, the Working Group on Arbitrary Detention rendered in its opinion No. 2/2014 that the deprivation of liberty of Mr. Tohti was arbitrary, being in contravention of articles 9, 10, 11, 18, 19, 20 and 21 of the Universal Declaration of Human Rights, and falling within categories II and III of the categories referred to by the Working Group when considering the cases submitted to it. In consequence, the Working Group requested the Government to take the necessary steps to remedy the situation, which included the immediate release of Mr. Tohti and the granting to him of compensation for the harm he suffered during the period of his arbitrary detention. Additionally, we recall that, in a similar vein, the Working Group, in its opinion No. 25/2021, found the deprivation of liberty of Ms. Zhang Zhan to be arbitrary, being in contravention of articles 2, 3, 6, 7, 8, 9, 10, 11(1), 19 and 21 of the Universal Declaration of Human Rights and falling within categories I, II, III and V. We would like to express our concern regarding her alleged second detention, which could equally be arbitrary.

Moreover, the case of Mr. Wang Jianbing was found to violate articles 6, 8, 9, 10, 11, 18, 19, and 20 of the Universal Declaration of Human Rights, and was deemed arbitrary under categories I, II, and III (A/HRC/WGAD/2022/9). Similarly, the detention of Ms. Gulshan Abbas was considered a violation of articles 2, 3, 6, 7, 9, and 10 of the Universal Declaration of Human Rights, and was classified as arbitrary under categories I, III, and V (A/HRC/WGAD/2022/88).

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 fate and whereabouts of Mr. Xie Yang, Ms. Huang Xueqin, Mr. Wang Jiangbing, Mr. Lu Siwei, Mr. Nuermaimaiti Maiwulani, Mr. Sadier Baihetiyaer, Ms. Gulshan Abbas, Mr. Gui Minhai, Mr. Tsedo, Mr. Kori, Mr. Chugdar, Mr. Gelo, Mr. Bhamo, Mr. Lobsang Samten, Mr. Lobsang Trinley, Ms. Wangkyi, Mr. Tsering Tashi, Mr. Ilham Tohti, and Ms. Zhang Zhan.
3. Please explain what measures have been taken by your Excellency's Government to implement the Working Group on Arbitrary Detention's opinions No. 2/2014, No. 25/2021, No. 9/2022 and No. 88/2022, concerning the arbitrary deprivation of liberty of Mr. Ilham Tohti, Ms. Zhang Zhan, Mr. Wang Jianbing, and Ms. Gulshan Abbas, respectively.
4. Concerning the case of Ms. Zhang Zhan, please provide a detailed explanation of the reasons why she was re-detained in August 2024.
5. Concerning the case of Mr. Lu Siwei, please provide a detailed explanation for the authorities' decision to wait nearly a year, until his bail period was almost concluded, before proceeding with his arrest and formal charges. Additionally, please specify the charges brought against him, including legal grounds for his travel ban.
6. Please explain what actions are taken by your Excellency's Government to investigate and elucidate cases of enforced disappearances, torture and other human rights violations, including those concerning protesters, human rights defenders, journalists, lawyers, activists and ethnic or religious minorities. If no investigation has been undertaken, please explain the reason.
7. Please provide information about the factual and legal basis for the arrests, detention, charging, and sentencing of the above-mentioned individuals, as well as for the classification of their cases as secret and closing trials to public (where applicable), and explain how these actions comply with China's obligations under international human rights law.
8. Please clarify the measures currently in place to maintain official, reliable, transparent and publicly available up-to-date registers of all

detained persons in every place of detention and to ensure that any person with a legitimate interest, including relatives of persons deprived of their liberty and their representatives or counsel, has access to information on the fate, whereabouts and state of health of the person deprived of liberty.

9. Please explain how your Excellency's Government guarantees that persons deprived of their liberty are guaranteed adequate medical conditions (physical and psychological), proper treatment, and medication to those who need it.
10. Please explain how your Excellency's Government justifies extended pre-trial detention of individuals or incommunicado detention for extended periods of time and without notifying or allowing access to their families, counsel or any other person of their choice.
11. Please explain how your Excellency's Government justifies that in contexts articulated above most people are tried in closed-door trials, families and defence lawyers of one's choosing are reportedly rarely notified on time of the charges, date of trial or location of detention (both pre-trial and post-trial).
12. Please provide detailed information as to your Excellency's Government efforts to investigate any miscarriage of justice, ill-treatment in pre-trial and post-trial detention and in cases of death in custody.
13. Please provide detailed information on how China addresses allegations of forcibly returning vulnerable individuals to China, ensuring compliance with peremptory norms of international law relating to the principle of *non-refoulement* and the absolute prohibition of torture, arbitrary detention and enforced disappearance, including the relevant provisions of the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Declaration on the Protection of All Persons from Enforced Disappearance.
14. Please explain which measures are taken to ensure that activists, human rights defenders, journalists, and lawyers can perform their work in a safe and enabling environment, free from fear of reprisals, as well as the measures there are to safeguard their fundamental rights and freedoms, including the freedoms of expression, peaceful assembly and association that comprehends the right of dissenting or opposing views and of artistic, cultural or religious activities.
15. Please explain which measures are being taken to ensure that ethnic and religious minorities can exercise their right to freedom of religion or belief and perform cultural, religious and artistic practices.

16. Please provide detailed data on the number of persons that lodged an appeal in cases involving “picking quarrels”; “State subversion” or “separatism” and how many of them won their appeal.
17. Please provide information on the number of persons arrested during the “White paper movement” in November 2022, how many remain in detention, where, and on what charges.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#). 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 life and personal integrity of the persons referred to in the present communications, 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.

The cases referred to in the allegations concerning Ms. Huang Xueqin, Mr. Chugdar, Mr. Gelo, Mr. Tsedo, Mr. Bhamo, Mr. Kori, Mr. Sadier Baihetiyaer, Mr. Nuermaimaiti Maiwulani, Ms. Gulshan Abbas, Mr. Lu Siwei and Mr. Gui Minhai were already transmitted to your Excellency’s Government under the humanitarian procedure of the Working Group on Enforced or Involuntary Disappearances. This communication is without prejudice to the consideration of these cases under such procedure.

Further, we would like to inform your Excellency’s Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

Please be informed that a copy of this letter was sent to the Governments of the Lao People’s Democratic Republic, Thailand, the United States of America, New Zealand and Sweden.

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

Gabriella Citroni

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

Ganna Yudkivska

Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan

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

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Nicolas Levrat
Special Rapporteur on minority issues

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of Your Excellency's Government to the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), signed by China on 5 October 1998. While China is yet to ratify the ICCPR, as a signatory to the ICCPR, China has an obligation to refrain from any acts which would defeat the object and purpose of the Covenant prior to its entry into force (article 18 of the 1969 Vienna Convention on the Law of Treaties).

We would like to refer to articles 3, 6, 7, 9, 10, 14, 16, 18, 19, 21 and 22 of the ICCPR, read alone or in conjunction with article 2.3, which guarantee the right to life; the prohibition of torture and other cruel, inhuman or degrading treatment or punishment; the right to liberty and security of person; the right to be recognized as a person before the law; the right to a trial within a reasonable time, to challenge the legality of the detention before the courts, to be released subject to guarantees to appear for trial, to a fair and public trial before an independent and impartial tribunal without undue delay and with legal assistance of their choosing; the right to be treated with humanity and with respect for the inherent dignity of the human person; the right to an effective remedy, the right to freedom of religion or belief, the right to freedom of opinion and expression; and the rights to peaceful assembly and of association.

We would like to stress that the duty to protect the right to life requires States parties to adopt special measures of protection for persons in situations of vulnerability whose lives are at particular risk due to specific threats or pre-existing patterns of violence. Such persons include human rights defenders. The obligation of States parties to respect and ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (CCPR/C/GC/36, paras. 7, 23).

Torture and cruel, inhuman or degrading treatment or punishment are prohibited under article 7 of the ICCPR. Whilst China has not ratified the ICCPR, we wish to reiterate that the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment is an *erga omnes* and *jus cogens* norm, as expressed as a principle of customary international law.

Furthermore, torture and cruel, inhuman or degrading treatment or punishment are prohibited in articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by China on 4 October 1988. Accordingly, pursuant article 2 of the CAT, China has undertaken to ensure to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

We would like to draw the attention of Your Excellency's Government to article 18 ICCPR, whereby everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance,

practice and teaching. Furthermore, article 18(2) bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18(2). The same protection is enjoyed by holders of all beliefs of a non-religious nature (Human Rights Committee general comment 22, para. 5). According to article 18(3), freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

We would like to refer to article 19 of the ICCPR, which guarantees the right to freedom of expression. Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. While certain restrictions may be placed on freedom of expression, for the protection of national security or of public order, or of public health or morals, they may not be arbitrarily imposed on those sharing legitimate concerns, observations or opinions on health or Government policy.

In this regard, as indicated by the Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR. We would like to further remind Your Excellency's Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty.

We would furthermore like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same General Comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

In accordance with the jurisprudence of the Working Group on Arbitrary Detention, we wish to emphasize that enforced disappearances constitute a particularly aggravated form of arbitrary detention.

Notably, the 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, 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), and the right to a prompt and effective judicial remedy must be guaranteed as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances (article 9).

Additionally, the Working Group on Enforced or Involuntary Disappearances has noted the increasing practice of forced returns by States in violation of article 8 of the 1992 Declaration. It further underlined the importance of preventing human rights

violations by ensuring procedural safeguards upon detention and during the first hours of deprivation of liberty, including immediate registration, judicial oversight of the detention, prompt notification of family members, and the availability of a defence lawyer of one's choice. 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 States should take any lawful and appropriate action to bring to justice persons presumed to be responsible for acts of enforced disappearance (article 14), and 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 amnesty law (article 18); and the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

We further recall that while international law does not define or differentiate short-term enforced disappearances, in various regions of the world, patterns of enforced disappearance of people lasting for a limited period of time, even for a few hours, have been documented and are recurrent. Those instances qualify as enforced disappearances as defined in the preamble of the Declaration and in article 2 of the Convention, and in the case law of the Human Rights Committee (HRC) as long as they meet the constitutive elements of the definition. Nevertheless, the Committee, the Working Group and the HRC¹ acknowledge that these instances pose significant practical challenges for the victims and their families to seek for the truth on the fate and whereabouts of the person and to obtain justice and reparation for the harm suffered. Enforced disappearances, including so-called short-term enforced disappearances, can occur both in unofficial and official places of deprivation of liberty; the WGEID² and the Committee³ have confirmed that there is no duration element in the definition of enforced disappearance under international human rights law. The same line is followed by the Human Rights Committee⁴ and regional mechanisms⁵ (CED/C/11).

We also wish to recall that the guiding principles for the Search for the Disappeared⁶ of the United Nations Committee on Enforced Disappearances establish that the search for the disappeared should be undertaken without delay (principle 2); respect the right to participation of the family of the disappeared (principle 5); be

¹ Human Rights Committee, general comment No. 36 (2019) and [CCPR/C/VEN/CO/5](#), para. 23.

² See, for instance, [A/HRC/48/57](#), para. 60 (c); [A/HRC/45/13](#), para. 97; and [A/HRC/39/46](#), para. 143.

³ Committee on Enforced Disappearances, *Estela Deolinda Yrusta and Alejandra del Valle Yrusta v Argentina*, Communication No. 1/2013, , ([CED/C/10/D/1/2013](#)), 12 April 2016, para 10.3.

⁴ See, Human Rights Committee, general comment No. 36 (2019); [CCPR/C/VEN/CO/5](#), para. 23; Human Rights Committee, *Salah Drif and Khoukha Rafrat v Algeria*, Communication No. 3321/2019, ([CCPR/C/135/D/3321/2019](#)) 11 October 2022; Human Rights Committee, *Chhedulal Tharu and others v Nepal*, Communication No. 2038/2011 ([CCPR/C/114/D/2038/2011](#)) 21 October 2015.

⁵ Inter-American Convention on Forced Disappearance of Persons against Persons with Disabilities, art. 2.

⁶ [Guiding principles for the search for disappeared persons | OHCHR](#)

considered a continuing obligation (principle 7); and be interrelated with the criminal investigation (principle 13).

In its general comment on the right to recognition as a person before the law in the context of enforced disappearance,⁷ the Working Group 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.

In its report on standards and public policies for an effective investigation of enforced disappearances (A/HRC/45/13/Add.3), the Working Group on Enforced or Involuntary Disappearances 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.

Additionally, in the study on enforced disappearances and economic, social and cultural rights, the Working Group observed that the enforced disappearance of journalists, religious leaders or 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.⁸ Similarly, in its General Comment on Women and enforced Disappearances, the Working Group also 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 para. 5). The Working Group observes that transnational transfers embody a denial of justice insofar as individuals are deprived of liberty in the form of secret detention and are removed from the protection of the law. They are, as such, deprived of the rights to an effective remedy and fair trial, in denial of the presumption of innocence. In addition, the individuals concerned are unable to challenge the lawfulness of their detention, denied access to legal representation, and often induced to forced confession of guilt under duress. The Working Group recalls that such practices can also facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment under certain circumstances (A/HRC/48/57 para. 59).

We would also like to refer to article 21 of the ICCPR, that states that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights

⁷ [A/HRC/19/58/Rev.1](#)

⁸ [A/HRC/30/38/Add.5](#)

Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline. We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

The Human Rights Committee stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (CCPR/C/GC/37, para. 36).

We would also like to reiterate to Your Excellency’s Government the obligations of China through its ratification in 1980 of the International Convention on the Elimination of Discrimination against Women (CEDAW), and in particular article 7, which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

We would further like to recall the fundamental principles set forth in 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, we would like to refer to articles 1 and 2, which state 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 and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would like to also refer to article 6 paragraph (b), which guarantees the right to freely publish, impart or disseminate views, information and knowledge on human rights and fundamental freedoms. Furthermore, we would also like to make explicit reference to article 9 of the Declaration, which states that everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of their rights, and that “everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person’s rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay”. Finally, we would like to reference article 11 of the Declaration, which states that everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession.

The Working Group on discrimination against women and girls, in one of its reports to the Human Rights Council (A/HRC/23/50), stated that stigmatization,

harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group on discrimination against women and girls, recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

When the Working Group on discrimination against women and girls, visited China in 2013, it emphasized that the goal of gender equality cannot be fulfilled in China unless women's rights defenders can function in an environment of freedom and transparency and recommended the State to provide legal protection for all defenders of women's human rights and autonomous women's groups and coalitions in civil society to allow them to advance implementation of the law and advocate for policy changes affecting gender equality as part of the overall strengthening of the rule of law, democracy and human rights in China (A/HRC/26/39/Add.2).

In a joint declaration, the Working Group on discrimination against women and girls emphasized that women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. In its report on girls' and young women's activism (A/HRC/50/25), the Working Group on discrimination against women and girls expressed that girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls' and young women's human right to participate in public and political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group on discrimination against women and girls has called on States to ensure that mechanisms are in place to solicit the views of girls and young women in all matters of public interest affecting them directly or indirectly and to give due weight to those views.

Furthermore, in its thematic report on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work and recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders. Women who work specifically

to combat gender stereotypes and advance women's rights are most likely to be targets for criminal persecution and imprisonment. Certain laws, including "complicity" laws, and "public order" laws or even anti-terrorism laws, may be particularly instrumentalized to target women human rights defenders. The Working Group recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.