



*Gao Zhisheng and his son Gao Tianyu, 2007
Photo: China Aid*

CHINA

GAO ZHISHENG: UPDATE

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BACKGROUND

Gao Zhisheng is a prominent Chinese human rights lawyer who is best known for his work defending Christians, Falun Gong adherents, and other vulnerable social groups. As a result of his work on 'sensitive' cases and his open letters in 2004 and 2005 to the National People's Congress and then-leaders Hu Jintao and Wen Jiabao on the torture of Falun Gong practitioners, the Chinese authorities closed down his law firm and revoked his lawyer's licence. In early 2006 Gao continued to advocate for human rights, and organised a hunger strike involving high profile activists and ordinary citizens across the country.

In August 2006 Gao was illegally detained by the police; he was later officially detained on 21 September, and on 22 December 2006 he was sentenced to three years in prison and one year's deprivation of political rights, with a probation period of five years on the charge of 'inciting to subvert state power'. During his probation, he was forcibly disappeared at least six times. On one occasion, on 22 September 2007, Gao was taken from his home after writing open letters to members of the European Parliament and US Congress; he was held incommunicado and tortured for six weeks.

In 2009 Gao's wife, Geng He, sought asylum in the US where she now lives with the couple's two children. While still living in China, the family had been heavily monitored and followed by the authorities. According to Geng, this constant surveillance brought great mental and emotional trauma to her and the children.

On 4 February 2009 Gao was forcibly taken from his home in Shaanxi Province. Following intense international pressure, Gao reappeared and spoke to his family, former colleagues, and international reporters on 28 and 29 March 2010. In an interview with Associated Press he reported that he had been severely tortured while in detention. On 15 and 16 April 2010, Gao Zhisheng visited his in-laws in Xinjiang, telling them he would be flying home to Beijing at 10am on 20 April. Gao never arrived home at his apartment.

IMPRISONMENT 2011-2014

On 16 December 2011 the Chinese news agency Xinhua reported that Gao had violated the terms of his probation and had been returned to prison for three years. According to the authorities, Gao's probation was revoked in accordance with Article 77(2) of the Criminal Law.

In March 2012, after almost two years without contact with his family, Gao was finally allowed a visit from his brother and father-in-law. However, on 27 August, two lawyers hired by Gao Zhisheng's brother were refused access when they tried to visit Gao in prison in Xinjiang. Their access was refused on the grounds that Gao had not signed the letter authorising the visit, did not need legal representation because he is a lawyer, and did not want to see any relatives. Despite this message, on 12 January 2013 Gao's brother and father-in-law were allowed their first meeting in 10 months. The visit lasted just 30 minutes during which time they were only allowed to talk about family matters.

On 7 August 2014 Gao Zhisheng was released from Shaya Prison. After his release, Gao's wife reported that he had been kept in solitary confinement without sufficient light, has lost almost three stone in weight and is suffering from malnutrition as a result of meagre rations of bread and cabbage.



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HEALTH PROBLEMS AFTER RELEASE

At the time of writing, Gao Zhisheng is living with his in-laws in Xinjiang. Contact between Gao and his family and friends has been limited. Gao and his relatives are under round-the-clock surveillance. The Public Security Bureau (PSB) visit twice each day and spend two to three hours questioning Gao about how he spends his time. Gao's relatives are reportedly afraid to leave Gao at home alone with the PSB agents.

As a result of his time in prison, Gao has suffered from physical and psychological health problems. When he was first released, he was unable to communicate clearly and was often incoherent. He has now regained his power of speech to some degree, but is reportedly in urgent need of medical care, including dental treatment. Although he has been able to see a dentist, the dentist advised him to seek treatment in Beijing or another city because the necessary equipment is not available in Urumqi, where he is living. He is in a great deal of pain, and has trouble eating.

DEPRIVATION OF POLITICAL RIGHTS

Gao's original sentence included one year's deprivation of political rights, which entails certain restrictions stipulated in the 'Regulations for Monitoring and Management of Offenders Subject to Public Surveillance, Deprivation of Political Rights, Suspended Sentences, Parole, or Medical Parole by Public Security Organs' issued by the Ministry of Public Security.

According to an English-language translation of the Regulations by the non-profit organisation Dui Hua,¹ during this one-year period, the 'offender' may not 'organize or participate in any assembly, march, demonstration, or association', 'give interviews or make speeches', or 'publish or circulate, inside or outside China, any remarks, books, audiovisual recordings, or other such items that damage the reputation or interests of the state or pose any other threat to society' (Article 12). In addition, under Article 10, the public security organ responsible for monitoring and managing the period of deprivation of political rights must give permission in order for the offender to move to a new residence or to leave his or her area of residence.

¹ Dui Hua Human Rights Journal, 'Gao Zhisheng Begins Sentence of Deprivation of Political Rights', 7 August 2014 <http://www.duihuajournal.org/2014/08/gao-zhisheng-begins-sentence-of.html>

The ambiguity in some of the stipulations cited above makes it difficult to anticipate how these restrictions will be implemented in practice; much is left to the discretion of the Public Security Bureau responsible for overseeing the period of probation. However, given Gao's high profile and the lengths to which the government has gone to prevent him from continuing his work and interacting with the international community, it seems likely that the restrictions placed on him will be tightly enforced as long as the government sees him as a potential critic or threat.

RECOMMENDATIONS

To the Chinese authorities:

- To allow Gao Zhisheng full access to medical care including dental treatment outside of Xinjiang, as required;
- To ensure that the dignity and right to privacy of Gao and his family are fully respected;
- To allow Gao freedom of movement, and allow him to travel to be reunited with his wife and children in the US if he so chooses;
- To immediately and impartially investigate all incidents of alleged ill-treatment during Gao's detention, in accordance with the law;
- Where incidents of torture and other forms of ill-treatment are found to have occurred, to ensure that those responsible are held to account and prosecuted in accordance with the law.