



AT THE LEITNER CENTER FOR INTERNATIONAL LAW AND JUSTICE

The Honorable Hillary Rodham Clinton
U.S. Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

May 6, 2010

Re: Mr. Gao Zhisheng

Dear Madame Secretary:

On behalf of the Committee to Support Chinese Lawyers, we write again (see our prior letter dated March 30, 2009) to urge you to inquire on behalf of Mr. Gao Zhisheng. Mr. Gao is a prominent human rights lawyer living in Beijing who disappeared more than a year ago, was briefly released by the Chinese authorities at the end of March, and has now disappeared once again. Mr. Gao first disappeared in February 2009 when he was reportedly taken away by the police. No information on his whereabouts or safety were provided (despite numerous requests and worldwide protest) until late March 2010, when he was briefly allowed to contact friends to say he was in Shanxi province. He was then returned to his Beijing apartment – only to disappear once again with no information as to his whereabouts. We are concerned that he has been secretly detained. We ask you to intervene on Mr. Gao's behalf and urge relevant Chinese authorities to verify his whereabouts and personal safety and reassure those of us concerned about his well-being that he is unharmed.

We understand the relevant facts to be as follows:

- In 2001, the Chinese Ministry of Justice recognized Mr. Gao as one of the country's ten best lawyers.
- Mr. Gao began to take on pro bono work to defend the rights of the poor in the late 1990s. His advocacy in cases of Falun Gong practitioners, so-called "house" Christians (Chinese Christians unaffiliated with registered churches in China), and democracy activists in 2004 led him trouble with the Chinese authorities.
- In 2006 Mr. Gao was detained and received a suspended 3-year prison sentence for "inciting subversion" after writing a series of open letters to President Hu Jintao and Premier Wen Jiabao regarding the abuse of Falun Gong practitioners. Additionally, his law firm was shut down and his license to practice law was revoked.
- In an account of his two-month detention beginning in September 2007 released last year, Mr. Gao details the torture he was subjected to, including beatings with electrified batons, burning his eyes with cigarettes, and other abuses amounting to torture and cruel, inhuman,

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and degrading treatment. He also states that he was threatened with punishment of death if he released the details of his mistreatment.

- Prior to his February 2009 disappearance, Mr. Gao and his family lived under constant police surveillance. Mr. Gao's family was forced to leave China in January 2009 due to the surveillance and repeated harassment by police.
- On February 4, 2009, Mr. Gao reportedly was dragged from his family home in Shaanxi province by unidentified policemen and hired thugs who provided no explanation for the detention. Throughout the 14 months of Mr. Gao's detention, the Chinese government refused to provide any information about his condition and whereabouts. Instead, various government officials made vague, and often contradictory, statements, increasing fears for Mr. Gao's well-being.
- On March 28, 2010, Mr. Gao suddenly resurfaced, saying in phone conversations that he was in Shanxi and not in police custody but that he could not provide any details about his situation and did not wish to give interviews.
- On April 6, 2010, Mr. Gao was allowed back to his Beijing apartment, where it appeared that he remained under police surveillance. In press interviews, Mr. Gao did not let details of his disappearance and whether he had been held or mistreated by the authorities be made public, warning that if those details were to be reported, he would disappear again.
- Several days later, Mr. Gao was seen leaving his apartment and getting into a vehicle parked outside his building. Reports state that he gave leftovers away to neighbors before he was taken away by several men. He was carrying just a backpack when he was led away.
- According to reports, Mr. Gao spent April 15, 2010, with his father-in-law in Urumqi, the capital of the Xinjiang region in western China, and left Xinjiang by plane on April 20, 2010. However, he never returned to his apartment. Family and friends have been unable to reach him. Mr. Gao has not been heard from or seen since.

Our Committee is deeply concerned that Mr. Gao has been “disappeared” – again. In light of Mr. Gao's assertions that he was tortured during his September 2007 detention and his reticence regarding his treatment by the authorities during his more recent 14-month disappearance, we fear for his life. The detention and harassment of Mr. Gao as a consequence of his professional decision to take on clients in politically sensitive cases undermines the development of a professional and independent bar and the rule of law in China.

Such detention and harassment of Mr. Gao is also inconsistent with international standards on the independence of lawyers. Moreover, reports of serious physical and mental abuse require action under article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a Party.

In sum, we believe that Mr. Gao remains at great danger and faces a high risk of torture and even death. We urge you to take all appropriate steps with counterparts in Beijing to identify Mr.



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Gao's captors, verify his whereabouts and verify the state of his health. Due to the seriousness of this case, we respectfully ask that you act without delay.

The Committee to Support Chinese Lawyers is a group of independent lawyers outside of China whose goal it is to support lawyers in China in their quest to strengthen the rule of law in China. The Committee, which is housed at the Leitner Center for International Law and Justice at Fordham Law School in New York City, seeks to strengthen the role of lawyers in China and to promote their independence.

Thank you for your attention to this important matter.

Very truly yours,

Robert N. Hornick
Chair

Martin S. Flaherty
Vice Chair

R. Scott Greathead
Vice Chair

Cc: The Hon. Jon M. Huntsman, Jr., U.S. Ambassador to China