

COMMITTEE TO SUPPORT CHINESE LAWYERS | 中国律师之友

Ministry of Justice of the People's Republic of China
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March 30, 2009

Re: Mr. Gao Zhisheng

Dear Madame:

We write on behalf of the Committee to Support Chinese Lawyers to express our concern about the disappearance of Mr. Gao Zhisheng a prominent human rights lawyer who was reportedly taken away by police on February 4, 2009. Since that date, no information has been provided concerning his whereabouts or safety. We ask that you look into this matter as soon as possible, verify Mr. Gao's whereabouts and personal safety and, hopefully, reassure those of us concerned about his well-being that he is unharmed.

Our understanding of the relevant facts is 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 rights-defense cases as part of his legal practice beginning in the late 1990s, and took on the cases of religious practitioners and other controversial cases between 2004 and 2006.
- In 2006 he was detained and received a 3-year prison sentence, suspended for five years, for "inciting subversion." Additionally, his law firm was shut down and his license to practice law was revoked.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 this year, Mr. Gao details appalling treatment during his detention, amounting to torture.
- Prior to reports of his disappearance this year, Mr. Gao and his family lived under constant police surveillance. Mr. Gao's family left China in January due to the surveillance and repeated harassment by police.
- Early on February 4, 2009, Mr. Gao was taken away from his home in Shaanxi on February 4, 2009, and has not been heard from since.

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Chair: Robert N. Hornick, Esq.

Vice Chair: Professor Martin S. Flaherty, Esq. | Vice Chair: R. Scott Greathead, Esq.

Leitner Center for International Law and Justice | Fordham Law School | New York City

Our Committee is deeply concerned about Mr. Gao's detention. Further, in light of Mr. Gao's assertions that he was abused during his September 2007 detention, we fear for his personal safety. The detention and harassment of Mr. Gao as a consequence of his professional decision to represent 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 are also inconsistent with international standards codified in the United Nations Basic Principles on the Role of Lawyers, adopted by the UN without vote, which state that "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; . . . and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics." Basic Principles on the Role of Lawyers, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990), Article 16.

Moreover, China is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which requires the government to take steps to prevent acts of torture. We believe Mr. Gao's case requires action under article 2 of the Convention.

In sum, we respectfully ask that you take all necessary steps to investigate Mr. Gao's disappearance and ensure his personal safety and other rights as a citizen of the People's Republic of China. As Mr. Gao appears to have been detained outside of formal legal proceedings and without legal cause, we also urge you to release him without delay.

The Committee to Support Chinese Lawyers is a group of independent lawyers from outside China whose goal is to support lawyers in China in their quest to strengthen the rule of law there. 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 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: Director Li Dajin (李大进), Beijing Lawyers Association
Xiao Lizhu (萧骊珠), All-China Lawyers Association