



Public Statement

The Law Society of Upper Canada expresses grave concern about the disappearance of lawyer Gao Zhisheng in China

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the disappearance of lawyer Gao Zhisheng in China.

Gao Zhisheng is a human rights lawyer in China who has disappeared from where he has been held under house arrest since his release from prison in August 2014.

Gao Zhisheng was first surveilled and targeted “by Chinese authorities after he defended some of China's most vulnerable people, including Christians, coal miners, and followers of the banned Falun Gong spiritual movement.”¹ The operations of his successful Shengzhi Law office were suspended by the Beijing Municipal Bureau of Justice in 2006, and his license to practice was revoked. There have been previous instances of forced disappearance, where Gao Zhisheng was alternatively held under residential surveillance, incarceration, and incommunicado detention in black jails [from 2006-2014]. During this time period he was subjected to torture and other cruel and inhuman treatment. The Law Society has intervened on Gao Zhisheng's behalf in October 2006,² May 2007,³ and April 2014.⁴

It has come to the Law Society's attention that on August 13, 2017, Gao Zhisheng was reported missing by his brother, following the latter's visit to the defender's cave dwelling in a remote village in the northern province of Shaanxi. Gao Zhisheng has been kept under close surveillance while living at this location by Yulin authorities following his release from detention on August 8, 2014.

At approximately 8am, Gao Zhisheng's brother visited his home and notified local police when he was unable to find Gao Zhisheng. Local police failed to locate Gao Zhisheng in the vicinity. Gao Zhisheng's wife, who fled to the United States in 2009 after repeated instances of harassment and abuse by Chinese authorities, has also reported being unable to reach her husband by phone. No news of Gao Zhisheng's whereabouts have been reported as of August 16, 2017.⁵

Gao Zhisheng's written memoirs of his detention and torture by Chinese authorities were published in Taiwan in June 2017, and local human rights defenders following Gao Zhisheng's case have expressed concern that his present disappearance may be an act of

1 “Fears For Safety of Detained Chinese Rights Lawyer 'Missing' Since The Weekend”, *Radio Free Asia* (15 August 2017), online: <<http://www.rfa.org/english/news/china/missing-08152017111439.html?searchterm:utf8:ustring=human+rights+lawyer>> [*Gao Zhisheng RFA*].

2 The Law Society of Upper Canada, “China: Zhisheng (October, 2006)” (30 October 2006), online: <<http://www.lsuc.on.ca/with.aspx?id=2147488138>>.

3 The Law Society of Upper Canada, “China, Zhisheng (May, 2007)” (25 May 2007), online: <<http://www.lsuc.on.ca/with.aspx?id=2147488130>>.

4 The Law Society of Upper Canada, “Letter to President Jinping China” (28 April 2014), online: <[http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Ltr_to_President_Jinping_China_Apr.28.2014\(1\).pdf](http://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Human_Rights_Monitoring_Group/Ltr_to_President_Jinping_China_Apr.28.2014(1).pdf)>.

5 “Gao Zhisheng reported missing”, *Frontline Defenders* (18 August 2017), online: <<https://www.frontlinedefenders.org/en/case/gao-zhisheng-reported-missing>> [*Gao Zhisheng FD*].

retaliation by Chinese authorities in response to this publication.⁶ Other reports from social media posts suggest that his disappearance might be linked to an interview Gao gave recently to Hong Kong's *Chengming Magazine*, in which he talks about "the destruction of the Communist Party and President Xi Jinping's mission."⁷

In light of these circumstances, the Law Society urges the Government of China to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of China to:

- a. locate Gao Zhisheng and ensure that he is released and returned home immediately;
- b. guarantee in all circumstances the physical and psychological integrity of Gao Zhisheng;
- c. guarantee that adequate reparation will be provided to Gao Zhisheng if he is found to be a victim of human rights abuses;
- d. put an end to all acts of violence against lawyers in China;
- e. ensure that all lawyers and judges in China are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities

⁶ *Ibid.*

⁷ *Gao Zhisheng RFA, supra note 1.*

free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and

- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.