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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 May 2020]

* Issued as received, in the language(s) of submission only.

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China must release Human Rights activist Zhang Baocheng

United Nations Watch is concerned about the case of Mr. Zhang Baocheng who has been arbitrarily detained by China since 27 May 2019 for exercising his rights to freedom of expression and association. A complaint submitted by United Nations Watch to the United Nations (UN) Working Group on Arbitrary Detention regarding this case is currently pending.

Now that China's representative has been appointed to the UN Human Rights Council's Consultative Group, our concern is exacerbated. China's representative will now help vet candidates for special procedures, key human rights experts who investigate, monitor and publicly report on either country specific situations, or thematic issues such as freedom of speech and religion. In that capacity, China's representative will play a central role in nominating the next two members of the UN Working Group on Arbitrary Detention, a body that has often ruled against China in arbitrary detention cases.

We note that China is rated "Not Free" by Freedom House,¹ and "Very serious situation" by Reporters Without Borders with the fourth worst ranking in the world (177 out of 180) on its Press Freedom Index.²

China is widely considered to commit gross and systematic human rights violations affecting its 1.3 billion people. Among other things, China arbitrarily detains human rights defenders like Zhang Baocheng and Wang Binzhang as a matter of policy and practice to suppress criticism.

Mr. Zhang is a sixty-one-year-old Chinese businessman turned human rights activist. Since 2006, he has engaged in human rights advocacy, specifically to promote democracy and the rule of law in China. Mr. Zhang was a leader of the now-defunct New Citizens' Movement ("NCM"), a decentralized civil rights movement which campaigned for democracy and government transparency. In 2013-14 the Chinese government cracked down on NCM members due in part to their heavy focus on government corruption, arresting more than 18 NCM activists, including Mr. Zhang who spent almost one year in jail. Following his release, Mr. Zhang continued his human rights advocacy.

Mr. Zhang was again detained on 27 May 2019 ahead of the thirtieth anniversary of the Tiananmen Square Massacres and has been imprisoned since. The alleged reason for the detention was suspicion of "hiding guns." However, this was only a pretext as no guns or other illegal objects were found after police searched Mr. Zhang personally, as well as his home and car.

The detention of Mr. Zhang is arbitrary under Categories I, II and III of the Working Group's methods. It is arbitrary under Category I because there is no "legal basis justifying the deprivation of liberty." Mr. Zhang was charged with two vaguely worded crimes: "picking quarrels and provoking trouble" and "promoting terrorism and extremism and inciting terrorist attacks." The former is typically used to persecute dissidents and suppress their rights to freedom of expression and association, while the latter is often used against Uighur Muslims in Xinjiang Uighur Autonomous Region, China. According to the Working Group, "the principle of legality requires that laws be formulated with sufficient precision so that the individual can access and understand the law and regulate his or her conduct accordingly."³ In addition, Mr. Zhang was never brought before a judge or given an opportunity to challenge his detention in court.

The detention of Mr. Zhang is also arbitrary under Category II because it relates to the exercise of Mr. Zhang's rights to freedom of opinion and expression and association under Articles 19 and 20 of the Universal Declaration of Human Rights (respectively, Articles 19

¹ Freedom in the World 2019: China, FREEDOM HOUSE (2019), <https://freedomhouse.org/country/china/freedom-world/2020>.

² 2020 World Press Freedom Index, REPORTERS WITHOUT BORDERS (last visited May 24, 2020), <https://rsf.org/en/ranking>.

³ *Wang Quanzhang, Jiang Tianyong and Li Yuhan v. China*, No. 62/2018, ¶ 57, Working Grp. On Arbitrary Det. (Aug. 24, 2018) [Hereinafter *Quanzhang v. China*].

and 21 of the International Covenant on Civil and Political Rights). This is clear from the conduct of police during the arrest and interrogation. First, police claimed the reason for the detention was suspicion of “hiding guns.” However, no guns or other illegal objects were found after police searched Mr. Zhang personally as well as his home and car. Nevertheless, Mr. Zhang was not released and was charged with other crimes. Furthermore, more than five months after the detention, there was still insufficient evidence of any crimes and the procuratorate transferred the case back to the police for further investigation.

Second, when searching Mr. Zhang’s house, the police confiscated two computers and three mobile phones, indicating that they were not really concerned about guns, but instead were interested in investigating his political activities. Finally, during his interrogation, police asked Mr. Zhang about matters related to his activism, such as his tweets on the reeducation camps in Xinjiang and his assistance to the mother of Huang Qi.

The charges against Mr. Zhang also confirm that his detention was not for a legitimate purpose. As noted, Mr. Zhang has been charged with “picking quarrels and provoking trouble,” a common charge against dissidents; and with “promoting terrorism and extremism and inciting terrorist attacks,” a charge employed against Uighur Muslims in Xinjiang.

Moreover, the government’s current detention of Mr. Zhang is consistent with its past violations of his rights to freedom of expression and association. Mr. Zhang has been subjected to harassment and surveillance and the Chinese authorities previously arrested Mr. Zhang on two occasions — in March 2013 along with other activists during an NCM demonstration; and in May 2016 just before that year’s anniversary of the Tiananmen Square Massacre, an anniversary date when China has a practice of detaining dissidents to prevent their activism. Also, the timing of this current arrest just before the thirtieth anniversary of that event is further proof that the detention is intended to suppress and punish Mr. Zhang for his political activism.

Finally, the detention of Mr. Zhang is arbitrary under Category III because of China’s failure to observe “the international norms relating to the right to a fair trial. Mr. Zhang was subjected to an illegal search and arrest without a warrant and without being informed of the reason for his arrest or his rights. China also held Mr. Zhang incommunicado for three weeks before he was allowed contact with an attorney. Since then, Mr. Zhang’s visits with his attorney occur under surveillance, are not private or confidential, and may be arbitrarily cancelled by the police at any time. In addition, since his arrest, Mr. Zhang has been denied all telephone calls with the outside world as well as visits with family. He has also been denied proper dental care, as a result of which he suffers tooth pains and has difficulty eating foods.

Further due process violations include that Mr. Zhang was not brought promptly before a judge, he is being held in prolonged pretrial detention without bail and his trial is not being held within a reasonable time.

United Nations Watch is particularly concerned about Mr. Zhang’s health at this time due to the dangers of COVID-19 in light of the overcrowding and generally poor conditions in Chinese prisons and Mr. Zhang’s age. As of the end of February 2020, there were over 800 Coronavirus cases in China’s prisons.⁴ United Nations Watch calls on China to immediately release Mr. Zhang.

⁴ Zi Yang, *Cracks in the System: COVID-19 in Chinese Prisons*, THE DIPLOMAT (March 9, 2020), <https://thediplomat.com/2020/03/cracks-in-the-system-covid-19-in-chinese-prisons/>; Alice Su and Emily Baumgaertner, *They were already in China’s prisons. Now the coronavirus is there, too*, LA TIMES (Feb. 28, 2020), <https://www.latimes.com/world-nation/story/2020-02-28/lawyers-activists-pastors-ughurs-families-of-detainees-in-china-fear-coronavirus-spread-outbreak-in-camps-and-prisons>.