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Independent Chinese PEN Center



China Human Rights Lawyers Concern Group (CHRLCG)
中國維權律師關注組 中国维权律师关注组



香港天主教正義和平委員會

JUSTICE & PEACE COMMISSION OF THE H.K. CATHOLIC DIOCESE

August 5, 2015

President Xi Jinping
General Secretary Office
Central Committee of the Communist Party of China
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Beijing 100017
People's Republic of China

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Beijing No.1 Detention Center
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Beijing 100121

RE: Health of imprisoned journalist Gao Yu

Dear President Xi Jinping,

Our organizations have worked to monitor and promote human rights and press freedoms in China and other countries for many years.

We now write to express our deep concern about the health of imprisoned journalist Gao Yu, and to urge the Ministry of Public Security to immediately and unconditionally release her. We also wish to raise concerns about the access to medical care of other prisoners detained for the peaceful expression of their political views.

China is obligated under international law to provide for the medical care of all persons deprived of their liberty. The United Nations Committee on Economic, Social and Cultural Rights, the independent expert body that monitors state compliance with the International Covenant on Economic, Social and Cultural Rights, to which China is a party, states in its General Comment No. 14 on the right to the highest attainable standard of health that, "States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees ... to preventive, curative and palliative health

services” (para. 34). The UN Basic Principles for the Treatment of Prisoners states that, “Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.” And the UN Standard Minimum Rules for the Treatment of Prisoners provides that, “The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner’s rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end” (rule 62). Article 26 of China’s Detention Center Regulations also mandates that ill detainees be given “timely treatment” and that those who are seriously ill should be released on bail.

Gao, 71, was arrested in April 2014 and sentenced to seven years in prison in 2015 for allegedly leaking “Document Number 9,” an internal notice by the Chinese Communist Party warning its members against “seven perils” including “universal values” such as human rights. Gao was convicted of “illegally providing state secrets to [institutions] outside [China’s] borders” and was sentenced on April 17, 2015. Gao has since appealed her conviction. She is currently held in Beijing No.1 Detention Center.

Gao’s trial fell far short of Chinese and international standards. She told her lawyer that she was forced to confess on national television in May 2014 out of concern for her son, who had been taken into custody and later released. She was prevented from meeting with her lawyers for two months after being detained. During that time police did not notify her family about her detention. We believe that Gao is being punished for writing articles critical of the government, even though both international human rights law and the Chinese Constitution guarantee the rights to freedom of expression.

At the time of her detention, Gao was already known to be suffering from chronic heart pain, high blood pressure, an inner ear disorder known as Ménière’s disease, and an undiagnosed chronic skin allergy, according to her family and lawyers. During a recent visit she told them that her heart pain has worsened. The detention center has recently allowed her a check-up, which has shown signs of blockages in her heart arteries and abnormal lymph node growth that could be malign. We urge that she be released immediately to access independent medical care.

We are especially concerned about Gao in light of the deaths in detention of Beijing-based activist Cao Shunli and the respected Tibetan monk Tenzin Delek Rinpoche. In March 2014, Beijing-based activist Cao Shunli died after detention authorities failed to give her access to proper medical care, even though her family and lawyers sought to have her released on medical parole. Officials transferred her to a hospital only after she fell into a coma. She died days later. In July 2015, Tenzin Delek Rinpoche, who was serving a life sentence on charges of “terrorism and inciting separatism” after a grossly unfair trial, died in prison after being denied adequate medical treatment. The prison authorities cremated him despite his family’s protest and in contravention of China’s own new regulation on the handling of deaths in prison, and have refused to return his remains to his family. Should Gao’s health significantly worsen because of the Chinese authorities’ failure to ensure proper medical treatment, Chinese government claims to respect human rights will be irreparably harmed.

We are similarly concerned about other people arbitrarily detained or imprisoned who are reportedly being denied adequate medical care.¹ They include human rights lawyer Pu Zhiqiang, who has diabetes and high blood pressure; Uyghur scholar Ilham Tohti, who has heart disease and other illnesses; and anti-corruption activist Liu Ping, who has had daily, undiagnosed diarrhea for two years while in prison. Addressing these cases would be a way to demonstrate progress during China’s review by the UN under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in November 2015.


1 Chinese Human Rights Defenders, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, June 24, 2014, <http://chrnet.com/2014/06/medical-watch-list-of-chinese-detainees/>.

We urge you to:

- Immediately release Gao Yu to ensure she receives proper medical treatment;
- Release all prisoners incarcerated for the peaceful expression of their political views, giving particular attention to those with serious medical problems;
- Ensure that all prisoners receive prompt access to the specialist care that they need. If this care is not available in prison, prisoners should be transferred to a medical facility where they can be suitably treated;
- Accept an independent, international investigation – with the participation of forensic and human rights experts from the UN Office of the High Commissioner for Human Rights – into Tenzin Delek Rinpoche's and Cao Shunli's deaths in prison; and
- Allow a visit and full access to all detention facilities by the UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Thank you, and we look forward to your immediate action regarding Gao Yu and other cases.

Yours sincerely,



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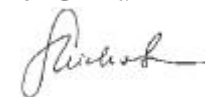
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