

OPINION No. 25/2003 (CHINA)

Communication addressed to the Government on 17 July 2003.

Concerning: Di Liu.

The State has signed but not ratified the International Covenant on Civil and Political Rights

1. (Same text as paragraph 1 of opinion No. 20/2003.)
2. The Working Group regrets that the Government has not replied within the 90-day deadline.
3. (Same text as paragraph 3 of opinion No. 20/2003.)
4. The Working Group deplores the fact that the Government has not provided it with information about the facts alleged and its position on the merits of the case, despite repeated invitations to do so. Nevertheless, the Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case in the context of the substantiated allegations made.
5. According to the information submitted to the Group, Di Liu was arrested on 7 November 2002 because she had published various articles in the Xizi Tribune web site that criticized the restrictions imposed by the Government regarding the use of the Internet, the closing of cyber cafes and because she had expressed solidarity with Huang Qi, a human rights Internet activist arrested in June 2000.
6. It appears to the Working Group that all these activities are legitimate uses of the right to freedom of expression as recognized in articles 19 and 20 of the Universal Declaration of Human Rights. Ms. Di's detention, as such, is contrary to human rights.
7. The Working Group also takes into account the fact that Di Liu has been detained since 7 November 2002 under article 105 of the Criminal Law as amended in March 1997. She was formally accused of endangering State security but has not been told of the date of her trial and has not been given any assistance for her defence. Di Liu has been in detention for more than a year without any fair trial norms having been observed.
8. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Di Liu is arbitrary, being in contravention of articles 10, 19 and 20 of the Universal Declaration of Human Rights, and falls within categories II and III of the categories applicable to the consideration of cases submitted by the Working Group.
9. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Di Liu. The Working Group also encourages the Government to ratify the International Covenant on Civil and Political Rights.

Adopted on 28 November 2003