

28 April 2020

China: Right to information defenders detained in undisclosed location

On 19 April 2020, right to information defenders **Cai Wei (蔡伟)** and **Chen Mei (陈玫)**, as well as Cai Wei's partner, a woman surnamed Tang, went missing.

Cai Wei and Chen Mei are Beijing-based volunteer contributors for [Terminus2049 \(端点星计划\)](#), an online crowd-sourced repository hosted on the open-source platform Github, which archives content removed from Chinese websites and social media platforms by government censors. The repository was set up in January 2018 and has now archived hundreds of articles, many of the most recent ones on the topic of COVID-19. Since the coronavirus outbreak began in China in December 2019, government monitors have [censored](#) media reports, personal blog entries, and social media posts that criticise or discuss the government's responses to the pandemic, such as the harassment of whistleblower doctors in Wuhan and pleas from frontline healthcare workers for international assistance.

On 23 and 24 April 2020, the families of Cai Wei and Ms Tang received an official document from the Chaoyang District Branch of the Beijing Public Security Bureau informing them that the two have been placed under "residential surveillance in a designated location" (RSDL) on suspicion of "picking quarrels and provoking trouble". Chen Mei's family believe he was taken away by Chaoyang public security officers but they are yet to receive any official detention notice and his whereabouts are unknown.

Under Chinese law, public security officers are authorised to place suspects or defendants under residential surveillance in a designated location for up to six months. RSDL detainees who are being investigated for "crimes endangering State security, involving terrorist activities or involving significant amount of bribes" may be detained in a venue other than a detention centre or a special venue for investigation and require permission from the investigators to meet with lawyers. Under the Criminal Law of China, "picking quarrels and provoking trouble" is classified as a public order rather than a national security or economic offence. While Chinese law requires the police to notify a RSDL detainee's family about the detention within 24 hours, it does not explicitly require the police to reveal the exact location of detention.

In August 2018, UN human rights experts [wrote](#) to the Chinese government raising concern that the conditions of detention under RSDL "are analogous to incommunicado and secret detention and tantamount to enforced disappearance", exposing "those subjected to RSDL to the risk of torture and other inhuman and degrading treatment and other human rights violations." Many [human rights defenders](#) have been subjected to RSDL in recent years and are often denied access to their lawyers during the detention.

Front Line Defenders is deeply concerned about the detention of Cai Wei and Ms Tang and the unknown location of their detention and the on-going disappearance of Chen Mei.

Front Line Defenders urges the relevant authorities in China to:

1. Immediately and unconditionally release Cai Wei and Ms Tang, as well as Chen Mei if he is being detained by public security;
2. Ensure that, pending their release, they are not subjected to any form of torture or other ill-treatment, in strict adherence to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988. Ensure as well that they have immediate, regular and unrestricted access to legal counsel of their choice, and are able to communicate with family members, without undue interference;
3. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society and human rights defenders, to review existing laws, regulations, policies and practices, especially the provisions related to detention under residential surveillance, that have been used to target human rights defenders, with a view to align them with China's obligations under international human rights law and standards;
4. Guarantee in all circumstances that all human rights defenders in China are able to carry out their human rights activities without fear of reprisals and free of all restrictions, in line with China's international human rights obligations and commitments.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 6 (b and c): "*Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters*", and to Article 12 (2): "*(2) The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*"

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director