For Immediate Release

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Joint Statement

Respect Freedoms of Expression, Press and Assembly in China Stop violent crackdown and arrests of peaceful protesters

(Taipei, 2022-12-07) We, the undersigned, call on the Chinese government to strictly abide by its obligations under the Chinese Constitution and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its commitment as a signatory to the International Covenant on Civil and Political Rights, and respect peoples' basic rights to privacy, freedom of expression, press, association and peaceful assembly. The Chinese government should cease abusing the criminal code to detain peaceful protesters, harassing those who defend protesters' rights, and immediately halt, investigate and prosecute any use of violence or extrajudicial measures by authorities against those who exercise their basic human rights and freedoms.

Over the past week, peaceful rallies and protests triggered by mourning the victims of the fatal fire in Urumqi have spread in a number of cities in China. People took to the streets to express their frustration with the severe lockdowns measures brought about by the zero-COVID policy. Some held white sheets of paper, expressed their discontent with the government or appealed for their human rights and fundamental freedoms. This set of protests is an example of people standing up to the repressive rule of an authoritarian regime.

Although some local governments have announced relaxed quarantine measures in an attempt to calm the protests, we understand that the Chinese authorities are at the same time cracking down on protesters across the country, and that some of those arrested have gone missing and are feared to have been forcibly disappeared. It has also come to our attention that the authorities are interfering with the protesters' right to legal representation. Some lawyers have been warned by local authorities not to take up the cases, some others have had incoming calls to their mobile phones suddenly cut. Police have also stopped citizens on the street, inspected their electronic devices, and forced them to delete certain applications, content, and photos related to the protests on their phones. Given the lack of credible and transparent official information, we are extremely concerned about the possible magnitude and seriousness of the situation. We urge the international community to continue to monitor the situation and to condemn the ongoing rights abuses associated with the crackdown.

We would like to point out in particular that Article 35 of the People's Republic of China Constitution guarantees citizens the freedom of "speech, press, assembly, association, procession, and demonstration,"; Article 40 protects citizens' right to protection of and non-interference with their privacy of correspondence; and Article 41 stipulates that citizens have the right to criticize any state agency or staff and to make recommendations. China's Criminal Procedure Law also guarantees the basic rights for suspects and defendants in the criminal

process, including but not limited to the right to timely notification of family members, the rights to be represented and seen by lawyers, and the right to fair trial. The UN Convention against Torture, which China ratified in 1988, forbids all forms of torture and ill treatment. Article 19 and 21 of the International Covenant on Civil and Political Rights furthermore enshrine the rights to freedom of expression and peaceful assembly.

In this regard, we call on the Chinese government to immediately:

- 1. Respect the rights to privacy and to freedoms of peaceful assembly and expression enshrined in the Constitution and international human rights law, and ensure all police responses are in line with international standards, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- 2. Stop pursuing persons involved in peaceful protests, and ensure that anyone subject to violations of their rights can seek effective remedy;
- 3. Stop surveilling, harassing, mistreating, searching and arbitrarily arresting journalists and press freedom defenders for independently reporting on the protests;
- 4. Publish the number of persons detained for taking part in peaceful protests; provide details of their alleged crimes;
- 5. Ensure that the family members of all those deprived of liberty are notified of their whereabouts and the charges made against them;
- 6. Ensure the physical and psychological safety and wellbeing of all those currently deprived of liberty on grounds related to the recent protests, and guarantee their rights, including to meet with a lawyer of their own choice; and
- 7. Stop interfering with, harassing and intimidating lawyers and legal professionals, human rights defenders, and others who openly express concern about the protesters or who defend the right to peaceful protest.

Co-signatories (in alphabetical order)

- 1. Amnesty International
- 2. Article 19
- 3. Asia Citizen Future Association
- 4. Beijing Spring
- 5. Campaign For Uyghurs
- 6. China Change
- 7. China Political Prisoner Concern
- 8. ChinaAid
- 9. Chinese Human Rights Defenders
- 10. Christian Solidarity Worldwide (CSW)
- 11. Citizen Power Initiatives for China
- 12. Concern Group for Prisoners of Conscience in China
- 13. Cosmopolitan Culture Action Taichung

- 14. Democratic China
- 15. Dialogue China
- 16. Dr. Chen Wen-chen Memorial Foundation
- 17. Freedom House
- 18. Front Line Defenders
- 19. Human Rights Network for Tibet and Taiwan
- 20. Human Rights Now
- 21. Human Rights Watch
- 22. Humanitarian China
- 23. Hong Kong Democracy Council
- 24. Hong Kong Watch
- 25. Independent Chinese PEN Center
- 26. International Association of People's Lawyers
- 27. International Service for Human Rights
- 28. International Tibet Network Secretariat
- 29. Judicial Reform Foundation
- 30. MinZhuZhongGuo
- 31. New School for Democracy Association
- 32. Reporters Without Borders
- 33. Safeguard Defenders
- 34. Students for a Free Tibet
- 35. Taiwan Alliance to End the Death Penalty
- 36. Taiwan Association for Human Rights
- 37. Taiwan Association for Truth and Reconciliation
- 38. Taiwan Forever Association
- 39. Taiwan Labour Front
- 40. Taiwan Lily
- 41. Taiwan Support China Human Rights Lawyers Network
- 42. The Rights Practice
- 43. The Taiwan United Nations Alliance
- 44. The 29 Principles
- 45. Tibetan Centre for Human Rights and Democracy
- 46. Tibet Justice Center
- 47. Uyghur American Association
- 48. Uyghur Human Rights Project
- 49. World Uyghur Congress

聯合聲明

呼籲中國政府尊重言論、新聞以及集會自由 停止使用暴力驅離、搜捕和平示威人士

(臺北: 2022.12.07) 我們以下團體聯合發出聲明,要求中國政府恪守其憲法以及其為締約成員的聯合國《禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約》的義務,並作爲《公民與政治權利國際公約》簽署國的承諾,尊重其人民的隱私、言論、出版並和平集會與結社的自由,停止以暴力或法外手段,濫用刑典,對待行使其基本人權和自由的民眾。

由悼念新疆維吾爾自治區首府烏魯木齊火災引發的街頭集會和抗議活動,連日 在中國多個城市蔓延,群眾表達對清零政策帶來的嚴厲封控措施以至對當權者的不滿, 部份人士手持白紙,並訴求公民的人權與基本自由。這是典型的官逼民反,也是民眾 對威權長期以高壓手段管治的必然反彈。

雖然部分地方政府宣佈緩和防疫措施,試圖為抗議活動降溫,但據悉,中國官方已在各地展開搜捕行動,部分被捕者更失去聯絡,恐怕已被強迫失蹤。我們亦注意到,警察正在干預律師介入個案,有律師受到當局警告不能參與個案,亦有律師的電話通訊受到阻截。警察也在街頭截查公民的電子器材,強迫他們刪除通話軟體以及與抗議有關的內容和照片。由於缺乏透明而可靠的官方資訊,我們極度關注有關情況可能達至的規模和嚴重性,同時呼籲國際社會繼續監督事態發展,並譴責所有與此次鎮壓有關的人權違反事件。

我們特別指出,中華人民共和國憲法除了第 35 條保障公民有「言論、出版、集會、結社、遊行、示威」的自由,第 40 條確認公民的通信自由和通信秘密受法律的保護外,第 41 條亦保障公民有向任何國家機關和國家工作人員,提出批評和建議的權利。中國的刑事訴訟法亦賦予犯罪嫌疑人和被告各種刑事程序上的保障和規範,包括家屬適時獲得通知、被告獲得律師代表及會見、公正審判的權利。中國在 1988 年批准的《禁止酷刑公約》亦嚴禁一切形式的酷刑和不人道對待。《公民與政治權利國際公約》第 19 條和 21 條分別保障表達自由和和平集會的權利。

就此,我們要求中國政府立即:

- 1. 尊重憲法賦予的隱私權並和平集會和表達的權利和自由,確保警察的所有行動都符合國際準則,包括《聯合國執法人員使用武力與火器的基本原則》的規範。
- 2. 停止追捕因參與和平抗議的所有人士,並確保所有遭受暴力對待的人士得到有效的救濟。
- 3. 停止監控、騷擾、虐待、搜查和任意拘捕獨立報導抗議事件的記者和新聞自由捍衛者。
- 4. 公布因近日和平抗議而被扣押人員數目及其被指控罪名。
- 5. 確保相關被拘禁人士的家人獲得通知其所在及其被指控罪名。
- 6. 確保目前因此次抗議行動被拘禁人士的身心安全,並保障其基本權利包括會見及 自行選任律師。

7. 停止干預、騷擾和恐嚇律師和法律專業人士,以及其他公開關注和接受相關案件委託者。

聯署(依英文名字母排序)

- 1. 國際特赦組織
- 2. Article 19
- 3. 亞洲公民未來協會
- 4. 北京之春
- 5. 維吾爾運動
- 6. 改變中國
- 7. 中國政治犯關注
- 8. 對華援助協會
- 9. 中國人權捍衛者
- 10. Christian Solidarity Worldwide (CSW)
- 11. 公民力量
- 12. 中國良心犯關注組
- 13. 台中好民文化行動協會
- 14. 民主中國
- 15. 對話中國
- 16. 財團法人陳文成博士紀念基金會
- 17. 自由之家
- 18. 前線衛士
- 19. 西藏台灣人權連線
- 20. Human Rights Now
- 21. 人權觀察
- 22. 人道中國
- 23. 香港民主委員會
- 24. 香港監察
- 25. 獨立中文筆會
- 26. 國際人民律師協會
- 27. 國際人權服務社
- 28. 國際西藏網路秘書處
- 29. 財團法人民間司法改革基金會
- 30. 民主中國
- 31. 社團法人華人民主書院協會
- 32. 無國界記者組織
- 33. 保護衛士
- 34. 自由西藏學生運動
- 35. 台灣廢除死刑推動聯盟
- 36. 台灣人權促進會
- 37. 台灣民間真相與和解促進會
- 38. 台灣永社
- 39. 台灣勞工陣線協會
- 40. 行動山棧花
- 41. 臺灣聲援中國人權律師網絡

- 42. The Rights Practice
- 43. 台灣聯合國協進會
- 44. 29 原則
- 45. 西藏人權與民主中心
- 46. Tibet Justice Center
- 47. 美國維吾爾族協會
- 48. 維吾爾人權項目
- 49. 世界維吾爾代表大會

Simplified Chinese

简体中文

联合声明

呼吁中国政府尊重言论、新闻以及集会自由 停止使用暴力驱离、搜捕和平示威人士

(台北 2022.12.07) 我们以下团体联合发出声明,要求中国政府恪守其宪法以及其为缔约成员的联合国《禁止酷刑和其它残忍、不人道或有辱人格的待遇或处罚公约》的义务,并作为《公民与政治权利国际公约》签署国的承诺,尊重其人民的隐私、言论、出版并和平集会与结社的自由,停止以暴力或法外手段,滥用刑典,对待行使其基本人权和自由的民众。

由悼念新疆维吾尔自治区首府乌鲁木齐火灾引发的街头集会和抗议活动,连日在中国多个城市蔓延,群众表达对清零政策带来的严厉封控措施以至对当权者的不满,部份人士手持白纸,并诉求公民的人权与基本自由。这是典型的官逼民反,也是民众对威权长期以高压手段管治的必然反弹。

虽然部分地方政府宣布缓和防疫措施,试图为抗议活动降温,但据悉,中国官方已在各地展开搜捕行动,部分被捕者更失去联络,恐怕已被强迫失踪。我们亦注意到,警察正在干预律师介入个案,有律师受到当局警告不能参与个案,亦有律师的电话通讯受到阻截。警察也在街头截查公民的电子器材,强迫他们删除通话软体以及与抗议有关的内容和照片。由於缺乏透明而可靠的官方资讯,我们极度关注有关情况可能达至的规模和严重性,同时呼吁国际社会继续监督事态发展,并谴责所有与此次镇压有关的人权违反事件。

我们特别指出,中华人民共和国宪法除了第 35 条保障公民有「言论、出版、集会、结社、游行、示威」的自由,第 40 条确认公民的通信自由和通信秘密受法律的保护外,第 41 条亦保障公民有向任何国家机关和国家工作人员,提出批评和建议的权利。中国的刑事诉讼法亦赋予犯罪嫌疑人和被告各种刑事程序上的保障和规范,包括家属适时获得通知、被告获得律师代表及会见、公正审判的权利。中国在 1988 年批准的《禁止酷刑公约》亦严禁一切形式的酷刑和不人道对待。《公民与政治权利国际公约》第 19 条和 21 条分别保障表达自由和和平集会的权利。

就此,我们要求中国政府立即:

- 1. 尊重宪法赋予的隐私权并和平集会和表达的权利和自由,确保警察的所有行动都符合国际准则,包括《联合国执法人员使用武力与火器的基本原则》的规范。
- 2. 停止追捕因参与和平抗议的所有人士,并确保所有遭受暴力对待的人士得到有效的救济。
- 3. 停止监控、骚扰、虐待、搜查和任意拘捕独立报导抗议事件的记者和新闻自由捍卫者。
- 4. 公布因近日和平抗议而被扣押人员数目及其被指控罪名。
- 5. 确保相关被拘禁人士的家人获得通知其所在及其被指控罪名。
- 6. 确保目前因此次抗议行动被拘禁人士的身心安全,并保障其基本权利包括会见及自行选任律师。
- 7. 停止干预、骚扰和恐吓律师和法律专业人士,以及其他公开关注和接受相关案件 委托者。

联署(依英文名字母排序)

- 1. 国际特赦组织
- 2. Article 19
- 3. 亚洲公民未来协会
- 4. 北京之春
- 5. 维吾尔运动
- 6. 改变中国
- 7. 中国政治犯关注
- 8. 对华援助协会
- 9. 中国人权捍卫者
- 10. Christian Solidarity Worldwide (CSW)
- 11. 公民力量
- 12. 中国良心犯关注组
- 13. 台中好民文化行动协会
- 14. 民主中国
- 15. 对话中国
- 16. 财团法人陈文成博士纪念基金会
- 17. 自由之家
- 18. 前线卫士
- 19. 西藏台湾人权连线
- 20. Human Rights Now
- 21. 人权观察
- 22. 人道中国
- 23. 香港民主委员会
- 24. 香港监察
- 25. 独立中文笔会
- 26. 国际人民律师协会
- 27. 国际人权服务社
- 28. 国际西藏网路秘书处
- 29. 财团法人民间司法改革基金会
- 30. 民主中国

- 31. 社团法人华人民主书院协会
- 32. 无国界记者组织
- 33. 保护卫士
- 34. 自由西藏学生运动
- 35. 台湾废除死刑推动联盟
- 36. 台湾人权促进会
- 37. 台湾民间真相与和解促进会
- 38. 台湾永社
- 39. 台湾劳工阵线协会
- 40. 行动山栈花
- 41. 台湾声援中国人权律师网络
- 42. Th Rights Practice
- 43. 台湾联合国协进会
- 44. 29 原则
- 45. 西藏人权与民主中心
- 46. Tibet Justice Center
- 47. 美国维吾尔族协会
- 48. 维吾尔人权项目
- 49. 世界维吾尔代表大会
