

## The West must not forget Liu Xiaobo's plight

The UN has backed the jailed Nobel peace laureate. Now we must keep the pressure on China

**Jared Genser**



Last December I sat in the front row of the audience assembled at Oslo City Hall, watching Liu Xiaobo's Nobel Peace Prize being presented to an empty chair. The world focused for a moment on the people of China's demands for fundamental rights that had resulted in his being imprisoned. But after the speeches and celebration ended, the headlines shifted. Since the beginning of the Arab Spring and calls for a similar Jasmine Revolution to be launched in China, its Government has only intensified its repression of human rights defenders, imprisoning hundreds. The international community's need to engage China on human rights has never been greater.

Helpfully, in separate judgments released today, the United Nations Working Group on Arbitrary Detention has found that China is flagrantly violating international law by detaining Liu Xiaobo and his wife, Liu Xia.

The Chinese arrested Dr Liu, a prominent intellectual and democracy activist, on December 8, 2008, and convicted him of "inciting subversion". As co-author of the Charter 08 manifesto, his only crime was to call for peaceful reform based on freedom, democracy and the rule of law. He is now serving an 11-year prison sentence.

After the Nobel Committee awarded

Dr Liu the Peace Prize in recognition of his "long and non-violent struggle for fundamental human rights in China", the Chinese Government lashed out, calling the award an obscenity. It rounded up his supporters in China; prevented his family from traveling to Oslo to accept the award on his behalf; and placed his wife, Liu Xia, under house arrest without any charge or legal process, where she remains today.

The UN working group, which is made up of human rights experts, currently representing Chile, Norway, Pakistan, Senegal and Ukraine, and considers individual cases of arbitrary detention, found that Dr Liu's imprisonment and Ms Liu's house arrest violate international human rights standards. In finding that China had infringed Dr Liu's right to freedom of expression, the working group stated that it had "not shown in this case a justification for the interference

### China's claim to back the rule of law was unanimously rejected

with his political free speech".

It also stated that his pre-trial detention, during which time he was held incommunicado and not granted access to a lawyer, constituted a "clear violation" of his rights and called for his immediate release.

Strikingly, in responding to Freedom Now's petition to the UN on Ms Liu's case, China claimed that "no legal enforcement measure" had been taken against her. Such a claim, in face of her well-documented house arrest, which



**Liu Xia was put under house arrest without any charge or legal process**

came after public statements in support of her husband, was either an admission that she was detained without any legal process or a barefaced lie. The working group found that her illegal house arrest had no justification and that China had violated her right to freedom of expression and due process under law. It concluded with a stern demand: "Liu Xia's house arrest is to end immediately."

These UN opinions are unlikely to yield the Lius' immediate release because there is no means to force China to act, but their value should not be underestimated. China regularly asserts that it adheres to the rule of law — claims that have now been put to the test and unanimously rejected. There is great moral strength in such

considered opinions being expressed by the UN. These opinions, when combined with political and public pressure, have often contributed to the release of wrongly detained prisoners. Furthermore, China regularly affirms the importance of dialogue and co-operation with international institutions. If it fails to act on these opinions, its legitimacy in insisting that other countries abide by UN decisions will be undermined.

To help effectuate these opinions, the international community must now take action on its commitment to stand with the Lius and the people of China. First, diplomats such as the British Ambassador to China, Sebastian Wood, should once again try to meet Ms Liu at her home in Beijing. If, as China claims, no legal action has been taken against her, they should encounter no obstacles to this.

Second, the UK and other governments should make the Lius' cases a main concern in bilateral relations with China. While economic, security and political issues will be elements of any bilateral relationship, human rights must always be part of the dialogue.

Finally, Ban Ki Moon, the UN Secretary-General, should seize this opportunity, with his final re-election behind him, to join the working group in calling for the immediate release of Liu Xiaobo and Liu Xia.

Governments often find excuses to avoid confronting China. But now, with these clear and unequivocal statements by the UN, they should have the courage to act.

**Jared Genser is the founder of Freedom Now, an international legal advocacy organisation that represents the Lius**