



---

*Plenary sitting*

---

**B8-1272/2016**

22.11.2016

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the case of Gui Minhai, jailed publisher in China  
(2016/2990(RSP))

**Fredrick Federley, Ramon Tremosa i Balcells, Ilhan Kyuchyuk, Pavel Telička, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Petras Auštrevičius, Marielle de Sarnez, Gérard Deprez, Martina Dlabajová, José Inácio Faria, Nathalie Griesbeck, Marian Harkin, Ivan Jakovčić, Petr Ježek, Louis Michel, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Frédérique Ries, Marietje Schaake, Jasenko Selimovic, Hannu Takkula, Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans, Paavo Väyrynen, Cecilia Wikström, Viktor Uspaskich, Valentinas Mazuronis**

on behalf of the ALDE Group

**European Parliament resolution on the case of Gui Minhai, jailed publisher in China (2016/2990(RSP))**

*The European Parliament,*

- having regard to the Treaty on the Functioning of the European Union;
- having regard to the Charter of Fundamental Rights of the European Union;
- having regard to the European Convention on Human Rights and Fundamental Freedoms and the additional protocols thereto;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966;
- having regard to the establishment of diplomatic relations between the EU and China as of 6 May 1975;
- having regard to the United Nations Human Rights Committee's concluding observations on the third periodic report of Hong Kong, China, adopted by the Committee at its 107th session (11–28 March 2013);
- having regard to the EU–China 2020 Strategic Agenda for Cooperation agreed on 21 November 2013;
- having regard to the announcement on 21 November 2013 of the negotiations of a comprehensive EU-China Investment Agreement;
- having regard to the adoption of the new national security law by the Standing Committee of the Chinese National People's Congress of 1 July 2015, and the publication of the second draft of a new Foreign NGO Management Law on 5 May 2015;
- having regard to the EU–China dialogue on human rights launched in 1995 and the 34th round held in Beijing on 30 November and 1 December 2015;
- having regard to European Commission (EC) annual report on the Hong Kong Special Administrative Region Annual Report 2015, published in April 2016;
- having regard to the 2016 annual report of the Hong Kong Journalists Association titled One country, two nightmares: Hong Kong media caught in ideological battleground;
- having regard to the statement of 7 January 2016 by the European External Action Service (EEAS) spokesperson on the disappearance of individuals associated with the Mighty Current publishing house in Hong Kong;
- having regard to the European Parliament resolution of 4 February 2016 on the case of

the missing book publishers in Hong Kong;

- having regard to the statement made on 16 February 2016 by the UN High Commissioner for Human Rights;
  - having regard to the European Commission and EEAS joint communication to the European Parliament and the Council: Elements for a new EU strategy on China, on 22 June 2016;
  - having regard to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, in particular the articles on personal freedoms and freedom of the press, and to the Hong Kong Bill of Rights Ordinance;
- A. whereas Gui Minhái, a book publisher and shareholder of the publishing house 'Mighty current Media', and of 'Causeway Bay Books', a bookstore selling tabloid style China-critical books, disappeared in Pattaya, Thailand, in 17 October 2015 without any trace; whereas there was no record of him leaving Thailand;
- B. whereas Gui Minhái is a Swedish citizen; whereas Gui Minhái is an EU citizen;
- C. whereas Gui Minhái was rumoured to have been working on a book regarding general secretary of the Communist Party of China (CPC) Xi Jinping's personal history;
- D. whereas on 17 January Gui Minhái appeared in a Chinese TV broadcast confessing that he voluntarily returned to mainland China in order to be judged for an alleged crime involving a car accident in 2003 where a girl died; whereas different elements of the interview give reasonable doubts about Gui Minhái being coerced during this confession;
- E. whereas Gui Minhái has been under arrest for more than a year, incommunicado and in an unknown whereabouts;
- F. whereas between October and December 2015 four other Hong Kong citizens (Lui Bo, Zhang Zhiping, Lin Rongji and Lee Bo) who also worked for 'Causeway Bay Books', went missing;
- G. whereas on 20 February 2016 Gui Minhái, Lui Bo, Zhang Zhiping and Lin Rongji appeared in Phoenix television confessing that they had been illegally trading books to mainland China;
- H. whereas Lui Bo and Zhang Zhiping, were allowed to return to Hong Kong on 4 March and 8 March 2016 respectively after being detained in mainland China; whereas they asked the police to drop their respective case and went back to mainland China on the same day they had arrived; whereas Lee Bo returned to Hong Kong on 24 March 2016 and denies kidnapping; whereas Lin Rongji returned to Hong Kong on 16 June 2016;
- I. whereas Lin Rongji claims in a press conference that he was kidnapped by an elite force in China, forced to confess and denied the right to see his family and a lawyer; whereas he claimed that that his appearance on Phoenix TV was staged and that he was given a script to read from;
- J. whereas Gui Minhái is the only bookseller of the group still in prison;

K. whereas this kind of repressive policies, where individuals critical of the Chinese government have been detained and have appeared in television confessing their crimes under alleged coercion, have increased since Xi Jinping was appointed in 2013;

L. whereas the Hong Kong Basic Law enshrines the 'one country, two systems' principle and guarantees, among other things, the freedom of speech, freedom of the press and of publication;

M. whereas the EEAS and the EC in the 2015 Annual Report on Hong Kong Special Administrative Region consider the case of the five book publishers to be the most serious challenge to Hong Kong's Basic Law and the 'one country, two systems' principle since Hong Kong's handover to the People's Republic of China (PRC) in 1997;

N. whereas only legal enforcement agencies in Hong Kong have the legal authority to enforce law in Hong Kong;

O. whereas the freedom of speech in Hong Kong is protected under Basic Law Article 27; whereas Article 22 states that no department of the central provincial or municipal government within China may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own;

P. whereas China signed but not yet ratified the International Covenant on Civil and Political Rights (ICCPR); whereas China has not signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearances;

Q. whereas, aside from the annual pro-democracy protests that take place on the anniversary of Hong Kong's handover to China, on 10 January 2016 over 6000 people attended a protest march calling on Beijing to respect the 'one country, two systems' agreement;

R. whereas the Swedish authorities have asked for the Chinese authorities' full support in protecting the rights of Gui Minhai;

S. whereas the EU and China are currently negotiating a comprehensive bilateral investment agreement; whereas both sides have ambitious trade and investment agendas; whereas modern trade agreements take norms, standards and values into consideration; whereas mutual respect and confidence are key for good trade relations;

1. Notes with great concern the continuing lack of information about the well-being and whereabouts of Gui Minhai after more than 400 days of detention, calls for the immediate publication of detailed information thereon and strongly urges for his immediate safe release and for him to be given the right of communication;

2. Urges the relevant authorities in Thailand, China and Hong Kong to clarify the circumstances of the disappearances in conformity with the rule of law;

3. Strongly supports 'one country, two systems' as a basis for good relations between the Special Administrative Regions of Hong Kong and Macao and mainland China;

4. Calls on all parties involved to fully respect Hong Kong's Basic Law and its distinct

cultural identity, earned over 150 years of separation from the mainland, and recalls that if, as media allege, mainland law enforcement agencies had been operating in Hong Kong, this would be a violation of the Basic Law and would be inconsistent with the 'one country, two systems' principle;

5. Notes with high concern the increase of the repressive policies of China government against critical individuals from the civil society;
6. Insists that trade and economic relations are important to boost our respective welfare; reminds that such relations can only evolve in good faith and mutual trust; stresses that respecting human rights and transparency are part of modern trade agreements;
7. Strongly condemns all cases of human rights violations, in particular arbitrary arrests, rendition, forced confessions, secret detention, incommunicado custody and violations of the freedom of publication and expression; recalls that the independence of book editors, journalists and bloggers must be safeguarded; calls for an immediate end to human rights violations and political intimidation;
8. Underlines the European Union's commitment to strengthen democracy, including the rule of law, the independence of the judiciary, fundamental freedoms and rights, transparency, and freedom of information and expression in Hong Kong;
9. Calls for China to ratify the ICCPR and to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances without delay;
10. Urges the European Commission and the EEAS to bring the case of Gui Minhai to the agenda of the next EU-China Dialogue on Human Rights;
11. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Hong Kong Legislative Council and the Government of the People's Republic of China.