



Plenary sitting

B8-0047/2018

16.1.2018

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 cases of human rights activists Wu Gan, Xie Yang, Lee Ming-chee, Tashi Wangchuk and the Tibetan monk Choekyi
(2018/2514(RSP))

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on behalf of the ALDE Group

European Parliament resolution on the cases of human rights activists Wu Gan, Xie Yang, Lee Ming-cheh, Tashi Wangchuk and the Tibetan monk Choekyi (2018/2514(RSP))

The European Parliament,

- having regard to the Universal declaration of Human Rights of 1948;
 - having regard to the Statement on 27 December 2017 by the Spokesperson of the EEAS on the verdicts of Wu Gan and Xie Yang in China;
 - having regard to the press statements on 28 November 2017 and 11 September 2017 by the Chair of the subcommittee on Human Rights (DROI) of the European Parliament to release Lee Ming-cheh
 - having regard to the Local statement by the Delegation of the EU on International Human Rights Day, 8 December 2017
 - having regard to the European Parliament resolution of 6 July 2017 on the cases of Nobel laureate Liu Xiaobo and Lee Ming-cheh(2017/2754(RSP))
 - having regard to the European Parliament resolutions of 25 November 2010 on Tibet: plans to make Chinese the main language of instruction; of 27 October 2011 on Tibet, in particular self-immolation by nuns and monks 2 and of 14 June 2012 on the human rights situation in Tibet; of 15 December 2016, in particular on the cases of the Larung Gar Tibetan Buddhist Academy and Ilham Tohti,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to the 35th round of the EU–China Human Rights Dialogue in Brussels on 22-23 June 2017,
 - having regard to Article 36 of the Constitution of the People’s Republic of China, which guarantees all citizens the right to freedom of religious belief and to Article 4 that upholds the rights of minority nationalities,
 - having regard to China’s Criminal Procedure Law to a fair trial, proper defence and prompt access to legal representation;
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Chinese human rights activist and blogger **Wu Gan** was detained by the police on May 19, in 2015, when protesting outside a court in Jiangxi province over a rape and a murder case where the defense was not allowed access to court documents;
- B. whereas two months later **Wu Gan** was charged with subversion of state power; was forced to confess guilt on TV in August 2015 but was accused of not following the script;
- C. whereas on 26 December 2017 **Wu Gan** was sentenced to eight years of prison for subverting state power at the Tianjin no 2 court; whereas his defending counsel filed an appeal on 4 January 2018;

- D. whereas **Xie Yang**, a Chinese human rights lawyer, was found guilty on 27 December 2017 of inciting subversion of state power, but was exempted from punishment; whereas it is believed that he had been subject to political pressure in his confession at the trial of 18 May 2017 since it contradicted his previously written testimony; whereas there are allegations that **Xie Yang** has been tortured, beaten and threatened by interrogators;
- E. whereas the Taiwanese democracy activist **Lee Ming-cheh** went missing in March 2017 during a trip to China; whereas it was later revealed that he had been arrested; whereas it was only at the first court session in September 2017 that Taiwan got the information where **Lee Ming-cheh** was;
- F. whereas **Lee Ming-cheh** has been sentenced to five years of prison for subversion by disseminating articles, books and videos critical of China's Communist system;
- G. whereas Taiwan's presidential office has called the verdict "unacceptable" and has urged the Chinese authorities to release **Lee Ming-cheh** and let him return to Taiwan;
- H. whereas **Tashi Wangchuk**, a Tibetan language activist, was taken from his home in January 2016, two months after appearing in a New York Times video in which he criticised policies towards Tibetan language education, attempted to sue the local government and tried to get China's state broadcaster, CCTV, to report on it;
- I. whereas **Tashi Wangchuk**, after almost two years in detention has been put to trial in Yushu, a western Chinese city, for inciting separatism despite explicitly having stated that he did not ask for Tibetan independence or separatism;
- J. whereas in September 2017, Chinese prosecutors sent his case for trial by a criminal court but in December 2017 the court unusually asked to reopen the case back for further investigation, ;
- K. whereas at the trial of 4 January 2018 **Tashi Wangchuk** pleaded not guilty to the charges, on which the verdict is to be given at a later stage; whereas Tashi Wangchuk risks a conviction of up to 15 years;
- L. whereas the Tibetan monk **Choekyi**, of Phurbu monastery in Sichuan's Serthar, jailed since two years for celebrating the birthday of the Dalai Lama, is failing health; whereas **Choekyi** already was at poor health at the arrest for separatist activities in 2015; whereas **Choekyi** despite his health situation has been forced to hard labour aggravating his health further; whereas the visit time by family and other relatives has been limited and whereas they are not allowed to bring food or medicine;
- M. whereas these cases raise serious concerns regarding the respect of the rule of law;
- N. whereas the Chinese authorities conveniently schedule trials around Christmas when public attention and diplomatic action is less likely;

- O. whereas the promotion of and respect for human rights, the rule of law and democracy should stay at the centre of the long-standing partnership between the European Union and the People's Republic of China;
- P. whereas the EU, at the 35th round of the EU-China Human Rights Dialogue in Brussels on June 22-23 2017, pointed out the deteriorating situation for civil and political rights in China, notwithstanding the freedom of religion and creed and the rights of minorities especially in Tibet and Xinjiang,
1. Invites the Peoples' Republic of China to embrace the Universal Declaration of Human Rights and reminds of article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and idea through any media and regardless of frontiers";
 2. Urges Chinese authorities to immediately and unconditionally release all human rights defenders, activists, lawyers, journalists and petitioners being detained for their human rights work, and end the ongoing crackdown of detention, judicial harassment, and intimidation against them;
 3. Underlines that Chinese authorities must ensure that all those held incommunicado are immediately put in contact with their family members and lawyers, and the conditions of all those in detention must meet the standards set out in 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, including access to medical care;
 4. Is highly concerned to learn about allegations of torture of human rights activists and call on the People's Republic of China to wholeheartedly respect the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in line with articles 2 and 16 of the by China ratified Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
 5. 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;
 6. Is gravely concerned about the seemingly continuing crack-down on human rights activists and lawyers in China, seen escalating under President Xi Jinping;
 7. Is highly concerned that Wu Gan and Xie Yang have not been given the full right to a fair trial, proper defense and access to legal representation as stipulated by China's Criminal Procedure Law;
 8. Insists that Wu Gan is given the right to appeal his conviction;
 9. Emphasises the need to investigate the allegations of torture of Xie Yang;

10. Reiterates its demand to release Lee Ming-chech and to let him return to Taiwan;
11. Insists that Tashi Wangchuk be released and not sentenced to jail for advocating the Tibetan language to be more present in Tibet;
12. Calls for the release of monk Choekyi and for immediate access to his family members and other relatives and to medical assistance;
13. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, and the Government and the Parliament of the Peoples' Republic of China.