



TEXTS ADOPTED

P8_TA(2016)0444

The case of Gui Minhai, jailed publisher in China

European Parliament resolution of 24 November 2016 on the case of Gui Minhai, jailed publisher in China (2016/2990(RSP))

The European Parliament,

- having regard to its previous resolutions on the situation in China, in particular those of 4 February 2016 on the case of the missing book publishers in Hong Kong¹, 16 December 2015 on EU-China relations² and 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council³,
- 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 18th Annual Report of the European Commission and the European External Action Service on the Hong Kong Special Administrative Region (SAR) of April 2016,
- having regard to the EU-China dialogue on human rights launched in 1995 and to the 34th round held in Beijing on 30 November and 1 December 2015,
- 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 entitled ‘Elements for a new EU strategy on China’, of 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,

¹ Texts adopted, P8_TA(2016)0045.

² Texts adopted, P8_TA(2015)0458.

³ Texts adopted, P7_TA(2014)0252.

- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the adoption of the new national security law by the Standing Committee of the Chinese National People’s Congress on 1 July 2015, the adoption of the new Foreign NGO Management Law by the National People’s Congress on 28 April 2016 and the adoption of the new law on cybersecurity on 7 November 2016,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Gui Minhai, a book publisher and shareholder of the publishing house and of a bookstore selling literary works critical of Beijing, disappeared in Pattaya, Thailand, on 17 October 2015 without trace;
 - B. whereas between October and December 2015 four other Hong Kong residents (Lui Bo, Zhang Zhiping, Lam Wing-Kee and Lee Bo) who worked for the same bookstore also disappeared;
 - C. whereas Gui Minhai is a Swedish citizen of Chinese origin and therefore an EU citizen;
 - D. whereas on 17 January 2016 Gui Minhai appeared in a Chinese TV broadcast and apparently acknowledged that he had voluntarily returned to mainland China in order to be judged for a supposed crime involving a car accident in 2003; whereas there are serious reasons to believe his appearance on TV was staged and that he was given a script to read from;
 - E. whereas Gui Minhai has been under arrest for more than a year, incommunicado, and whereas his whereabouts are unknown; whereas Gui Minhai is the only bookseller of the group still in prison;
 - F. whereas the Swedish authorities have asked for the Chinese authorities’ full support in protecting the rights of their citizen, as well as those of the other ‘disappeared’ individuals; whereas neither Gui Minhai’s family nor the Swedish Government has been informed of any formal charges against him, or of the formal place of his detention;
 - G. 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 cases 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 having been kidnapped; whereas Lam Wing-Kee returned to Hong Kong on 16 June 2016;
 - H. whereas in June 2016, Lam Wing-Kee, one of the publishers, returned to Hong Kong to close the inquiry into his disappearance, but instead of returning to the mainland, he told the media that he had been abducted by Chinese security services, kept isolated and forced to confess to crimes he had not committed in front of TV cameras;
 - I. whereas Hong Kong upholds and protects freedom of speech, expression and publication; whereas the publication of any material critical of the Chinese leadership is legal in Hong Kong, although banned in mainland China; whereas the ‘one country, two systems’

principle guarantees Hong Kong's autonomy from Beijing with respect to such freedoms as are enshrined in Article 27 of the Basic Law;

- J. whereas in the 2015 Annual Report on the Hong Kong Special Administrative Region, the EEAS and the Commission 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 return to the People's Republic of China (PRC) in 1997; whereas only legal enforcement agencies in Hong Kong have the legal authority to enforce the law in Hong Kong;
 - K. whereas the UN Committee Against Torture has reported its serious concerns over consistent reports from various sources about a continuing practice of illegal detention in unrecognised and unofficial detention places, the so-called 'black jails'; whereas it has also expressed serious concerns over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system, which places over-reliance on confessions as the basis for convictions;
 - L. whereas China has signed but not yet ratified the International Covenant on Civil and Political Rights (ICCPR); whereas China has neither signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearances;
 - M. whereas the 17th EU-China Summit of 29 June 2015 lifted bilateral relations to a new level, and whereas in its strategic framework on human rights and democracy the EU pledges that it will place human rights at the centre of its relations with all third countries, including its strategic partners; whereas the 18th EU-China Summit of 12-13 July 2016 concluded with a statement saying there would be another round of the human rights dialogue between the EU and China before the end of 2016;
1. Expresses its grave concern over the lack of knowledge of the whereabouts of Gui Minhai; calls for the immediate publication of detailed information on his whereabouts and calls for his immediate safe release and for him to be given the right to communication;
 2. Notes with concern the allegations that mainland China's enforcement agencies are operating in Hong Kong; reminds the Chinese authorities that any operation of their law enforcement agencies in Hong Kong would be inconsistent with the 'one country, two systems' principle;
 3. Urges the relevant authorities in Thailand, China and Hong Kong to clarify the circumstances of the disappearances in conformity with the rule of law;
 4. 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;
 5. Condemns restrictions on and the criminalisation of freedom of expression, and deplores the tightening of restrictions on freedom of expression; calls on the Chinese Government to stop suppressing the free flow of information including by restricting the use of the internet;

6. Expresses its concern about the new law on cybersecurity, adopted on 7 November 2016, which would bolster and institutionalise the practices of cyberspace censorship and monitoring, and about the adopted national security law and the draft law on counter-terrorism; notes the fears of Chinese reformist lawyers and civil rights defenders that these laws will further restrict freedom of expression and that self-censorship will grow;
7. Calls on China to release or drop all charges against peaceful government critics, anti-corruption activists, lawyers and journalists;
8. Expresses its concern at the forthcoming entry into force of the new Foreign NGO Management Law on 1 January 2017, given that it would drastically hamper the activities of Chinese civil society and would severely restrict the freedoms of association and expression in the country, including by banning overseas NGOs that are not registered with the Chinese Ministry of Public Security and prohibiting provincial public security departments from funding any Chinese individual or organisation, and prohibiting Chinese groups from conducting ‘activities’ on behalf of, or with the authorisation of, non-registered overseas NGOs, including those based in Hong Kong and Macao; calls on the Chinese authorities to provide a safe and fair environment and transparent processes which allow NGOs to operate freely and effectively in China;
9. Underlines the European Union’s commitment to strengthening 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;
10. 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;
11. Emphasises the European Union’s commitment to strengthening the rule of law, the independence of the judiciary and fundamental freedoms and rights, in particular transparency and freedom of speech and expression, in all the countries with which it has bilateral relations; believes that a meaningful and open human rights dialogue, based on mutual respect, needs to be established; believes that strong ongoing EU-China relations must provide an effective platform for a mature, meaningful and open human rights dialogue based on mutual respect;
12. Insists that trade and economic relations are important to boost our respective welfare; recalls that such relations can only evolve in good faith and mutual trust; stresses that respecting human rights and transparency is part of modern trade agreements;
13. Urges the relevant EU institutions to act swiftly and to place the case of Gui Minhai on the agenda of the next EU-China Dialogue on Human Rights;
14. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of the People’s Republic of China, and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.