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China's Defiance Stirs Fears for Missing Dissident

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By Andrew Jacobs

BEIJING — A year ago this week, Chinese security agents made a midnight visit to the home of Gao Zhisheng, one of China's most high-profile human rights lawyers, and led him away. They told his family he was wanted for a brief chat.

In the months that followed, his whereabouts have become a mystery and a growing source of concern for relatives, colleagues and human rights advocates, who fear that he has been badly tortured or worse.

His case is highly unusual, even by the standards of China's opaque justice system. After a previous detention in 2006, Mr. Gao was allowed to return home after publicly confessing to a number of transgressions. Once out of custody, however, Mr. Gao [recanted his confession](#) and described abuse he said he had suffered. He also said his torturers told him he would be killed if he spoke publicly about the matter.

Diplomatic entreaties to the Chinese government have been brushed aside. Foreign reporters who ask about his plight have been treated to glib retorts. Ma Zhaoxu, a Foreign Ministry spokesman, compounded the mystery two weeks ago by saying that Mr. Gao "is where he should be." When prodded again at a regular press briefing last Tuesday, he offered a smile and said: "Honestly speaking, I don't know where he is. China has 1.3 billion people and I can't know all of their whereabouts."

Legal experts say the disappearance of Mr. Gao, whose case has been championed by American lawmakers, several European leaders and the United Nations, represents a disturbing milestone. Even in the most politicized cases, the Chinese authorities generally claim to be complying with their own criminal procedure laws. Mr. Gao has vanished with no official accounting or legal explanation.

Emboldened by China's newfound economic prowess but insecure about its standing at home, the Chinese Communist Party has been tightening Internet censorship, cracking down on legal rights defenders and brushing aside foreign leaders who seek to influence the outcome of individual cases.

In December, the authorities executed Akmal Shaikh, a British citizen, on drug trafficking charges despite Prime Minister Gordon Brown's personal plea to President Hu Jintao that Mr. Shaikh was mentally ill.

During President Obama's state visit to China in November, the plight of a pro-democracy advocate, Liu Xiaobo, was reportedly at the top of his list of concerns. A few weeks later, on Dec. 25, Mr. Liu was given an unexpectedly harsh 11-year sentence for publishing an online petition that sought expanded liberties.

John Kamm, a veteran American human rights campaigner, said that during three decades working in China he had rarely seen such a hard line toward dissidents — and unbridled defiance against pressure from abroad. “China right now doesn't feel like it owes anyone anything on human rights,” said Mr. Kamm, the founder of the [Dui Hua Foundation](#), which seeks clemency for political prisoners through quiet diplomacy. “I've never seen a downward spiral like this.”

In the 31 years since the People's Republic of China and the United States established diplomatic relations, Chinese officials have often resisted American intervention on human rights, calling the issue a domestic matter. But there has generally been some give and take, largely behind the scenes, especially in the years after the violent suppression of protests in Tiananmen Square, when China was eager to shed its pariah status abroad.

That leverage began dissipating in 2001 after China was admitted to the World Trade Organization, and Congress surrendered the right to review China's human rights record before granting it favorable trade status.

There is little space in Chinese society for unyielding dissidents like Mr. Gao. But until recently, the authorities often allowed them to stay at home under close surveillance. If they crossed certain unwritten lines, they might be prosecuted, often for the crime of inciting subversion or leaking state secrets. Even if stymied in their defense, lawyers can expect a modicum of information about their clients. Family jailhouse visits are not uncommon.

But Mr. Gao's case has defied these norms.

In September, a security agent who took Mr. Gao into custody told one of his brothers that he had simply disappeared during a walk. The brother, Gao Zhiyi, said he suspected the worst. “If he were alive, they would have allowed me to visit him,” he said in a telephone interview from his home in Shaanxi Province. “Either that or he's in such bad shape, it would be too horrible for anyone to see him.”

Rights advocates say Mr. Gao's predicament can be partly traced to his persistent and caustic criticism of the ruling Communist Party. A self-educated lawyer, Mr. Gao, 46, was named one of China's top 10 lawyers by the Ministry of Justice in 2001 for his work defending victims of medical malpractice and farmers whose land had been seized for redevelopment.

But Mr. Gao quickly ran afoul of the authorities when he began representing members of unofficial Christian churches and adherents of Falun Gong, the banned spiritual movement. In 2005, the Beijing judicial bureau closed his firm and suspended the licenses of its 20 lawyers. Mr. Gao countered by [publicly renouncing](#) his Communist Party membership and writing a series of open letters to senior leaders that demanded an end to the persecution of Falun Gong believers.

A week later, Mr. Gao was arrested. In a letter published just before his latest disappearance, he documented what he said happened to him during his 54 days in custody. He was shocked and beaten almost continuously, he wrote, or forced to sit motionless, enveloped by blinding lights. By the end, he said, “the skin all over my body had turned black.” He was released only after he confessed to various crimes; he retracted his confession as soon as he was let go.

A month before he vanished last February, Mr. Gao’s wife and children slipped away from their minders and, with the help of Christian activists, left China. Ten days later, they were granted asylum in the United States.

Renee Xia, the international director of [Chinese Human Rights Defenders](#), said the family’s escape, coupled with the revelations of Mr. Gao’s torture, probably infuriated those charged with reining in his activities.

Given the increasingly strained relations between China and the United States, it is unclear whether Mr. Gao’s supporters abroad can have any impact on his fate. But some, like Nicholas Bequelin, a researcher at Human Rights Watch, said that Chinese leaders were still sensitive to international criticism and that a spike in global protests over Mr. Gao’s mistreatment would not go unnoticed.

“Beijing doesn’t care about releasing a prisoner or two,” he said. “It’s not going to bring about the collapse of the Communist Party but if they don’t have to do it, they won’t.”

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