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Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

* Issued as received, in the language(s) of submission only.

REQUESTING THAT THE U.N. DEMAND THE RELEASE OF WRONGFULLY IMPRISONED PASTOR CAO THEREBY RECOGNISING AND PROTECTING HIS RIGHT TO REELY PRACTICE HIS RELIGION

INTRODUCTION

Cao Sanqiang, a U.S. Lawful Permanent Resident has been unlawfully detained in China since 5 March 2017 for simply living out his faith. He was held for over two years at the Menglian Detention Center in Yunnan Province, waiting for an appeal of his original sentence to be heard. On 24 July 2019, in an unprecedented move, *without* an appeal hearing, the court simply announced that Pastor Cao's unjust sentence was to be upheld. On 12 August 2019 Pastor Cao was transferred to a prison in Kunming to serve out the remainder of his seven-year sentence. Currently, he is undergoing prison "orientation" which can last up to three months and during which time, Pastor Cao will still not be allowed any family visitation.

BACKGROUND

Pastor Cao has been living out his faith by assisting the poor in China and surrounding areas for over two decades. In fact, China awarded him for these efforts when he established the Yangmeng Elementary School in a very remote and poor village in Guizhou. In an official declaration the Chinese government praised Pastor Cao stating, "You invested in the education with your love for the children and this generous deed will last forever and pass to generations."

Pastor Cao was continuing those same praiseworthy efforts, simply following China's own "One Belt, One Road Policy" by assisting in poverty alleviation and education in the Wa State of Northern Myanmar. Therefore, it is no surprise that his efforts there were applauded by the Wa government as well, with the Wa State Education Committee stating:

In 2014, Mr. Cao Sanqiang went to Wa State to carry out poverty alleviation, schooling and school building. By 2017, in the poverty-stricken mountainous areas of Wa State, more than a dozen schools have been built for the poor children of rubber farmers. In order to allow students to go to school free of charge and enjoy basic education such as Chinese, many teachers have volunteered to teach and donate school bags, clothes, stationery and other daily necessities.

The Wa State Education Committee is very grateful for the care and friendship from China, for the extending of China's "One Belt, One Road" policy to us here, and for the love and support from the teachers who have come to teach and help the children living in abject poverty to learn Chinese and understand Chinese culture.

At all times, Pastor Cao performed his poverty alleviating and educational efforts openly, as sixteen schools were built in three years. During this time, neither China nor Myanmar ever prohibited the exportation or importation of building materials and supplies. In fact, the Wa State Ministry of Foreign Affairs and Wa State Education Committee wrote to Wa Customs clearing the materials and stating:

Currently, Mr. Cao Sanqiang and other warm-hearted Chinese devoted to the Wa State education, are helping Wa State to build schools. So far, seven poverty

alleviation primary schools have been successfully built, which has enabled a large number of children who could not go to school before to have their own schools.

Additionally, on several occasions Pastor Cao met directly with Chinese local national security police specifically discussing his charitable work in and travel to Myanmar, with absolutely no problems.

But, on 5 March 2017, Pastor Cao was unlawfully targeted and detained by police when he was re-entering China, where he is a citizen and holds a valid passport. He was taken to the Menglian Detention Center and held. Then on 28 March 2017, while still being held at the Menglian Detention Center, Pastor Cao was officially arrested. His case had to be returned to the police twice for further investigation due to lack of sufficient evidence for an indictment, which was finally handed down on 26 September 2017. This unexpected and unjustified targeting and imprisonment occurred as China has been increasingly restricting religious activities, especially in the southern provinces. Therefore, there can be no other explanation, as his actions prior to this time were applauded and freely allowed.

After his arrest, China has continued to not only violate and ignore Pastor Cao's rights, but its own laws. As we have previously pointed out to this Council in great detail, the court in this case acted in violation of many PRC Criminal Procedural Laws, resulting in an unjust conviction and appeal process: All while denying Pastor Cao visitation with his family, proper medical attention, and nutrition.

UPDATE

In keeping with the alarming irregularities in Pastor Cao's case, the Pu'er Court's April 2018 acceptance of Pastor Cao's appeal indicated that there would be a hearing in his case; however that did *not* occur. Instead, in early July 2019, one of Pastor Cao's attorneys was contacted by the provincial judicial bureau and told that he could not speak to any media about this case, especially international media. Shortly after, on 9 July 2019 Pastor Cao's attorneys were called by a third party and given a *message* from the Pu'er Court that the court was not going to hold a hearing and briefs should be submitted by 12 July 2019. Pastor Cao's attorneys demanded that they receive official notice of this unprecedented decision from the court itself. On 13 July 2019 Pastor Cao's attorneys received notice from the court which required the attorneys to submit their defence briefs before 17 July 2019, which gave them less than five days to do so. On 19 July 2019, the court issued another notice stating that the court would make a public announcement of the decision, without a hearing, on 25 July 2019.

Although the U.S. Embassy made several requests to attend the public announcement, they were repeatedly denied. Only Pastor Cao's mother and sister were allowed in the courtroom for the announcement. Upon arrival, the outside of the courthouse was heavily guarded by police officers. The court did not allow any defence evidence to be presented nor did they allow anyone to speak, they simply announced that the trial court's conviction and sentence would be upheld.

Now that Pastor Cao's "appeal" process is over, albeit illegally, he has been transferred to Kunming prison in Yunnan Province. Even though prisoners are allowed visitation rights with their family, Pastor Cao's family members have been notified that they will not be allowed to call, write, or visit him for 2-3 months. As a "courtesy," the prison is allowing Pastor Cao's mother to do a video conference call on 2 September 2019. Meanwhile, his wife and children have not been allowed to see him or talk to him since his unlawful imprisonment almost two and a half years ago. Once

again, China is enforcing this arbitrary isolation, despite the fact that no Chinese law supports it, the prison simply claims that it is routine and a local practice.

Extrajudicial restrictions, such as those that are now being placed on Pastor Cao, are yet additional and continuing unjust and wrongful restrictions and violations of his rights. China must not be allowed to simply continue this course without repercussions.

REQUEST

This Council should respectfully and firmly remind China of its continuing obligations as a Charter member of the United Nations and a signatory to the UDHR and ICCPR. The purpose of this Council and those bodies of law is to protect the human rights of individuals living around the world. China has an obligation to ensure that the rights of all of its citizens are protected, including the rights to freedom of religion and belief, and the right to receive equal treatment under the law.

CONCLUSION

Therefore, the ECLJ and more than 189,000 individuals worldwide who have signed our petition to free Pastor Cao, respectfully request that this Council demand the immediate release of Pastor Cao from prison in China and ensure his safe return to his family in the United States.
