

9 July 2018

## STATEMENT

### **On the anniversary of the Chinese 709 Crackdown, BHRC calls for the release of detained human rights lawyers**

BHRC expresses continued concern for the human rights lawyers and defenders that remain in detention on the third anniversary following the so called “709 Crackdown”.

On 9 July 2015, a nationwide programme of arrests began, since labelled “the 709 Crackdown” after the date upon which it started. During the period of a few weeks, nearly 250 Chinese human rights lawyers, their staff and human rights defenders were arrested and detained by police.<sup>1</sup> Some of those arrested were subsequently charged with vague crimes against the State, based on insufficient or non-existent evidence. Many more have had no charges brought against them yet have faced intimidation, detention and administrative sanctions for their work.<sup>2</sup>

BHRC has previously raised concern over the response of the Chinese authorities to the work of human rights lawyers and defenders; Three years since the Crackdown began, the independence of the legal profession remains under threat in China, with many lawyers still detained or missing. Moreover, lawyers who were appointed to defend some of those charged following the Crackdown have also been threatened or arrested for conducting their

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<sup>1</sup> <https://www.amnesty.org/en/press-releases/2015/08/china-list-of-lawyers-and-activists-targeted/>

<sup>2</sup> [http://www.chrlawyers.hk/en/content/【 “709-crackdown” 】 -latest-data-and-development-cases-1800-17-may-2018](http://www.chrlawyers.hk/en/content/【%20709-crackdown%20】-latest-data-and-development-cases-1800-17-may-2018)

professional duties. These include Wang Yu, Li Heiping, Zhou Shifeng, Jiang Tianyong, Tang Jingling, Xia Lin, Yu Wensheng, Li Yuhan, Wang Quanzhang and Gao Zhisheng.<sup>3</sup>

The imprisonment and intimidation of lawyers and others who promote human rights and the rule of law not only undermines their fundamental rights and professional independence but also threatens the human rights of those they represent, who are denied effective representation.

## Violations

In a clear attempt by Chinese authorities to repress dissonance and silence opposition, the 709 Crackdown saw an increase in the persecution of lawyers who represent political and social dissidents, journalists and human rights defenders.

Violations include:

- a) The detention of lawyers incommunicado and without their families' knowledge of where they are being detained.<sup>4</sup> This includes lawyer Wang Quanzhang, who took on sensitive cases including allegations of police torture. Quanzhang has been missing since August 2015.<sup>5</sup>
- b) The prosecution of lawyers and legal assistants under broadly defined national security-related crimes, such as "subversion of state power" without sufficient evidence.<sup>6</sup>
- c) Prolonged periods of detention without access to legal representatives<sup>7</sup> or visitation with family.<sup>8</sup> In addition to isolation, this lack of visitation makes it more difficult to ensure that detainees are not being mistreated or suffering ill health.<sup>9</sup>
- d) Inability to access a legal representative of their choosing. On occasion police officers have dismissed lawyers before they were even able to meet their clients.<sup>10</sup> Authorities

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<sup>3</sup> <https://chinachange.org/tag/709-crackdown/>

<sup>4</sup> <http://www.scmp.com/news/china/policies-politics/article/2140248/wife-detained-chinese-lawyer-silent-1000-days-begins-60>

<sup>5</sup> <http://www.scmp.com/news/china/policies-politics/article/2140248/wife-detained-chinese-lawyer-silent-1000-days-begins-60>

<sup>6</sup> <https://www.hrw.org/news/2017/07/07/china-709-anniversary-legal-crackdown-continues>

<sup>7</sup> <http://www.chrlawyers.hk/en/content/open-letter-legal-professionals-president-xi-jinping-occasion-anniversary-709-crackdown>

<sup>8</sup> <http://www.chrlawyers.hk/en/content/open-letter-legal-professionals-president-xi-jinping-occasion-anniversary-709-crackdown>

<sup>9</sup> <http://www.barhumanrights.org.uk/wp-content/uploads/2017/12/BHRC-Li-Yuhan-Statement-Dec-2017.pdf>

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have also arrested the lawyers defending those who have been charged as part of the 709 Crackdown, including Ms Li Yuhan, charged with the crime of “*subverting state power*” for her role in defending those charged in the 709 Crackdown.<sup>11</sup>

- e) Using undue pressure to secure incriminating statements and confessions from defendants including through intimidation of family, friends and legal representatives of detainees.
- f) The more subtle approach of revoking licences to practice,<sup>12</sup> imposing residential surveillance or preventing travel abroad.<sup>13</sup>

China has signed the International Covenant on Civil and Political Rights, which protects the right to liberty and not to be arbitrarily arrested and detained (Article 9), the right of detainees to be treated with humanity and with respect for their dignity (Article 10), the right to fair trial, including the presumption of innocence, the right to communicate with counsel and to defend oneself through legal assistance of their own choosing (Article 14), and the right to freedom of thought and conscience (Article 18). China’s restrictive actions also appear to be in breach of the UN Basic Principles on the Role of Lawyers, and in particular of the Government’s duty to ensure that lawyers be able to perform their professional functions without intimidation, hindrance, harassment or improper interference (Article 16(a)). Further, China’s actions are in violation of the UN Declaration on Human Rights Defenders and the UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment. These two instruments protect, respectively, the role of lawyers in providing professionally qualified legal assistance, and the right to be assisted by counsel while under detention.

## Conclusion

Li Wenzu, the wife of detained lawyer Wang Quanzhang has addressed Chinese authorities:

*“It’s so easy for you to create an unjust case; for us to pursue this through legal channels is like trying to ascend to the heavens.”<sup>14</sup>*

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<sup>10</sup> <http://www.chrlawyers.hk/en/content/open-letter-legal-professionals-president-xi-jinping-occasion-anniversary-709-crackdown>

<sup>11</sup> <http://www.barhumanrights.org.uk/bhrc-calls-for-release-of-li-yuhan-as-chinas-arrest-of-human-rights-lawyers-continues/>

<sup>12</sup> <http://www.chrlawyers.hk/en/content/【-joint-statement-strongly-condemn-chinese-government’s-suppression-against-human-rights>

<sup>13</sup> <http://www.chrlawyers.hk/en/content/【“709-crackdown”】-latest-data-and-development-cases-1800-17-may-2018>

As previously emphasised in relation to the detention of lawyers Wu Gan, Li Yuhan and other human rights lawyers and defenders, BHRC is alarmed at human rights lawyers across China being detained for lengthy periods and charged with vague criminal acts against the State on insufficient evidence. This violates some of the most fundamental international human rights standards, including the right not to be arbitrarily detained, the right to a fair trial, including the presumption of innocence, the right to freedom of expression, and the right to effective safeguards for those providing legal representation.

Those rights are now substantially and unacceptably threatened, contrary to China's national and international human rights obligations.

BHRC considers that the violations of fundamental human rights mentioned above are of serious concern. Urgent steps are needed to prevent the further erosion of the rule of law in China.

We call on Chinese authorities, on the anniversary of the 709 Crackdown, to reaffirm, enforce and ensure full respect of the fundamental rights of all human rights defenders in China, as guaranteed under its Constitution, Chinese Criminal Procedure Law, international conventions and the UN Basic Principles on the Role of Lawyers by:

- Releasing all human rights lawyers and others unlawfully detained, including Zhou Shifeng, Jiang Tianyong, Tang Jingling, Xia Lin, Yu Wensheng, Li Yuhan, Wang Quanzhang and Gao Zhisheng;
- Promptly and officially informing those facing prosecution of the specific charges and evidence against them;
- Allowing those detained to be given access to a legal representative of their choosing and allowing those lawyers to undertake their role effectively, without harassment or impediment; and
- Ceasing the intimidation of family and friends of those detained, and allowing visitation with their loved ones.

**ENDS.**

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<sup>14</sup> <https://www.amnesty.org/en/latest/campaigns/2016/07/one-year-since-chinas-crackdown-on-human-rights-lawyers/>

## NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Amanda June Chadwick, Executive Officer, at [coordination@barhumanrights.org.uk](mailto:coordination@barhumanrights.org.uk) or on +44 (0)7854 197862
2. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
3. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
4. For our previous statements relating to the 709 Crackdown in China please see <http://www.barhumanrights.org.uk/country/China/>

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