



CHINA HUMAN RIGHTS LAWYERS CONCERN GROUP (CHRLCG)

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Submission for the Universal Periodic Review of the People's Republic of China

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China Human Rights Lawyers Concern Group is a Hong Kong-based non-profit organization that aims to promote and support the development of rule of law, constitutionalism and human rights in China. Our work includes provision of humanitarian and legal aid to human rights lawyers, capacity building for lawyers and legal activists, and advocacy work on human rights lawyers and legal reform in China.

A) Prelude

1. "Rights-defense lawyers", or commonly called "human rights lawyers", is an ironic term. In many places, lawyers are a group of professionals who defend the rights and interests of their clients. So when a lawyer exercises his/her duties, s/he is supposed to defend someone's rights. S/he is a rights defender. But in China, when the lawyers defend the rights of clients, they need to defend their own rights first, because the lawyers themselves could become the victims of government suppression. When they handle politically sensitive cases or the cases threatening the interests of top officials in both local and national levels, they are brutally stopped to be rights defenders. They rather need someone to defend their rights. Human rights lawyer is a title not only describes how a group of lawyers in China bravely exercises their mandate and duties to defend their clients' fundamental rights and interests, but also states a fact how the lawyers' own rights are deprived of.
2. The present submission articulates how lawyers in China face severe suppression. The Chinese Government set a hurdle in **annual renewal of lawyers' licenses as a way to stop the lawyers to defend their clients** and to warn other lawyers to depart themselves from human rights cases. Failure in renewal of lawyers' licenses makes the lawyers unable to continue representing their clients. Some of them have been unable to succeed in renewing their lawyers' licenses for several years. Failure in renewal of licenses does not only happen to individual human rights lawyers, but also to their law firms. The livings of the lawyers and their families are devastated. Human rights lawyers just exercise their mandate and duties to defend their clients' rights and interests, but they become the victims of government suppression.
3. **Unlawful practices by court** also limit human rights lawyers to represent their clients. In many cases, the lawyers were denied meeting their clients, unnoticed by court for the trials, or denied access to their clients during the trials. Therefore, they were unable to defend their clients.
4. **Physical and psychological violence against the lawyers and/or their families** are not uncommon in China. Lawyers are forced to give up their cases and finally the victims cannot enjoy the rights to legal assistance and to fair trials.

B) Administrative Sanction Against Human Rights Lawyers

5. In 2009, at least 20 human rights lawyers could not pass in the first round of annual assessment because of their legal involvements in human rights cases,¹ such as representing Falun Gong practitioners, HIV/AIDS patients, peasants who lost their land due to forcible eviction, the victims of the tainted milk powder scandal, and deaths in Re-education-Through-Labour facilities.²
6. Administrative suppression peaked in 2010. Apart from 6 human rights lawyers who were unable to pass the annual assessment (5 of whom had not been able to pass in the previous as well),³⁴ among them, **Tang Jitian** of Beijing Anhui Law Firm and **Liu Wei** of Beijing Shun He Law Firm had had their licenses permanently revoked by the Beijing Municipal Bureau of Justice on April 22.⁵ The two lawyers were accused of "disturbing the order of the court and interfering with normal litigation"⁶ during the trial of a case on 27 April 2009 in Sichuan Province, involving a Falun Gong practitioner being accused of "using a cult organisation to undermine the implementation of the laws of the state".⁷
7. In 2011, at least 4 human rights lawyers could not pass in the annual assessment because they failed to inform the Justice Bureau for taking up "sensitive" and "mass" cases.⁸⁹ Despite the decreased number of lawyers being graded unqualified, suppression against human rights lawyers persisted indirectly by asserting pressure on their law firms. For instance, Beijing Qijian

Law Firm, which was headed by **Liu Xiaoyuan**, one of the four aforementioned lawyers that had not passed the assessment in 2011 and who represented a lot of sensitive cases such as the renowned cases of Yangjia (2008) and Beijing artist Ai Weiwei (2011), was not granted its license renewal in both 2011 and 2012 for various ungrounded reasons. Eventually, Liu had no option but to shut down the firm in October 2012 and practise in another firm.

8. In 2012, **Chen Wuquan**, defense lawyer of the case of Chen Kegui, nephew of the prominent blind legal activist Chen Guangcheng, had his employment contract terminated by his law firm as instructed by the Guangzhou Municipal Bureau of Justice. Up to the moment when this submission is drafted, Chen is unable to resume his practice in a new firm due to sustained pressure from the authority.

Comments

9. Lack of independence and impartiality in the practice of law is reflected from the current annual assessment system, such insufficiency violates Article 7 of the Universal Declaration of Human Rights and Principle 28 of the UN Basic Principles on the Role of Lawyers (UNBP). The system also violates the country's Law on Lawyers and Administrative Licensing Law.¹⁰
10. Lawyers¹¹ and law firms¹² must re-register the licenses on a yearly basis. Based on vaguely-defined codes such as "immoral behaviour" or "conduct which has resulted in adverse social impact", misconduct of lawyers would result in a grade of "unqualified" and discontinuation of the practice in the coming year, while lawyers would not be informed about the reasons.¹³ The assessment is carried out by All China Lawyers Association (ACLA), which is under direct supervision of the Ministry of Justice, therefore, makes it extremely easy for the government to use it as a means to put pressure on lawyers. It is not uncommon to see lawyers who handle cases contrary to the interest of the government ended up failing in the annual assessment, or in extreme cases, be given administration punishment, including licenses being revoked.
11. Assessment of law firms also takes into account the annual assessment results of its practicing lawyers.¹⁴ And as a measure of direct monitoring, firms are required to "build Communist Party membership and leadership" within its establishment.¹⁵ Hence, we saw cases where human rights lawyers endured pressures from their law firms to withdraw from politically sensitive cases.
12. All lawyers and law firms must join the local bar associations and automatically become a member of the ACLA,¹⁶ however, these organizations failed to defend the rights of its members when their professional duties brought them into conflict with the authorities as they are controlled by the Chinese government. In June 2009, 9 lawyers from Beijing wrote to the Beijing Lawyers' Association, condemning its suppression against human rights lawyers by failing the assessment of those who participated in or promoted direct election for the Association.¹⁷
13. By directly and indirectly depriving lawyers of the full rights to practice, the annual assessment system is, indeed, disciplinary proceedings that bypass formal legal procedures in penalising lawyers' conduct. It falls short in safeguarding lawyers' right to fair trial, which is stipulated in the Principle 27 of UNBP.
14. Moreover, under the current system, lawyers and law firms have to pay a compulsory annual membership fee to their respective local bar associations;¹⁸ and failing to re-register the licenses implies that lawyers lose their means of living. Such arbitrary infringement of property ownership and access to economic means are in violation of Article 1 and Article 6 of the International Covenant on Economic, Social and Cultural Rights.¹⁹

C) Unlawful Practice by the Court

15. On 7th February 2013, the second hearing of the local police officer **Wang Dengchao** in Shenzhen exposed some unlawful practices by the court.
16. First, without any given reasons, Wang's wife was not allowed to attend the hearing. A very common practice by the court is the defendant's family or the representing lawyer was being denied access to the trials regardless of the proper procedure the court should observe. Along with her 7-month-old son, Wang's wife had to wait outside the court for the trial result.
17. Second, according to the Criminal Procedure Law (CPL) Article 151, the court should "announce, three days before the opening of the session, the subject matter of the case to be heard to the public, the name of the defendant, and the time and place of the court session."²⁰ But the defendant did not receive the notice of court session until the day of the hearing and Wang was not prepared for the trial.
18. Also the 2 lawyers, **Li Jinxing** and **Li Jinglin**, were unable to defend Wang during trials. They were given no time for any speech to represent their client and the judge rejected most of the requests like avoidance from the lawyers. That contradicted the National Human Rights Action Plan of China (2012-2015) The Civil and Political Rights, Article 3 "Right to Fair Trial", which stated that "Guaranteeing the personal rights and right of defense of lawyers when they perform their duties."²¹
19. Wang received unfair treatment prior to the trial and his lawyers were obstructed in court to complete their duties and make defenses.
20. In another severe case, **Chen Kegui**, the nephew of human rights lawyer Chen Guangcheng, a citizen of Linyi, Shandong Province, experienced an unfair trial on 30th November 2012 while Chen Kegui's father did not received any court session notice until the day of the hearing.

Comments

21. The International Covenant on Civil and Political Rights (ICCPR) is signed by China in 1998 but lacks ratification. Although without ratification of the treaty should not stop China from protecting and preventing any possible violation of human rights, unlawful practice by the court is a common phenomenon in China.
22. Countless cases can be used to indicate that the Chinese court is short of the following legal procedures in managing cases, which makes defendants or lawyers difficult to go through a fair and open legal process. The transparency and fairness of how the court operates is very low and unclear.

D) Obstruction of access to justice

23. **Chen Kegui** was arrested for inflicting injuries on public security officials when they raided his home on 27th April 2012. Family of Chen entrusted lawyer Liu Weiguo, along with other lawyers after he was arrested. The lawyers faced threats imposed by the state security. **Liu Weiguo**, one of the lawyers representing Chen Kegui, was threatened by state security that his family would be harassed if he continued to handle the case. Chen Wuquan, another lawyer representing Chen Kegui, had his lawyer license snatched by state securities of Guangzhou, the city where he practiced, when he was about to leave for meeting Chen Kegui's family in Shangdong.
24. The Chen family later entrusted two more lawyers, **Si Weijiang** and **Ding Xikui**. However, during investigation, review and indictment of the case, officials of the Yinan Detention Centre denied request of meeting Chen Kegui made by the two lawyers.²²

25. Later, the Yinan officials announced that Chen applied for legal aid in the detention centre and asked the legal aid department to appoint two lawyers for him. However, the authorities failed to produce any document that proves Chen's application for legal aid as well as authorization of entrusting two government-appointed lawyers to represent him in court.²³
26. Because Chen was unable to make further contact with his relatives and obtained no information on his trial process, knowing he would be incapable to gain any more help from the representing lawyers, he chose to accept the verdict of the first trial.
27. **Li Wangyang**, deceased human rights activist, was found hanging on a window of the hospital with his feet touching the ground. Li's family hired a legal representative, Tang Jingling to inquire into Li's death on 7th June, 2012. However, Tang was missing for a few days right after he promised to take on the case. He was forced to drop the case through threats and intimidation directed at his family.²⁴

Comments

28. In order to increase the transparency and fairness of the Chinese Courts' system, CHRCLG recommends that the People's Republic of China:
29. Although the Criminal Procedure law states clearly that "a criminal suspect shall have the right to retain a defender from the day when the criminal suspect is interrogated by a criminal investigation authority for the first time or from the day when a compulsory measure is taken against the criminal suspect"²⁵, the right is not protected.
30. Article 37 of Criminal Procedure law also states clearly that "a defense lawyer may learn relevant case information and provide legal advice and other services"²⁶. In the aforementioned cases, the authorities shunned all channels of legal services and aid. We believe that Chen and Li are not unique cases of authorities which actively violate the suspect's right to defense.

E) Ill treatment of prisoners

31. Rights lawyer **Gao Zhisheng** was sent to prison for 3 years after being accused of violating probation requirements in December 2011. He was only first allowed to meet his family on 28 March 2012. Prior to the meeting, the prison officer told Gao's elder brother: "It's a three-month education period. If his performance is good, you will get to see him after three months. If not, you will not see him."²⁷
32. Legal activist **Ni Yulan** was sentenced to two years and eight months of imprisonment for "picking quarrels, provoking trouble and wilfully destroying private and public property" and "fraud" in April 2012.
33. In the meeting with her lawyers in July 2012, Ni expressed that she was not given proper medical care for her keel fracture caused by the torture she suffered during her previous detention. She was also diagnosed with a Thyroid tumor on the left side of her neck. The prison does not have adequate medical facilities. The catering and medical standards were poor in prison. Ni was heavily underweight.²⁸

Comments

34. Currently the regulations of family visit in prison vary from prison to prison. The right of prisoners meeting with their families is not protected by law. We urge the Chinese government to recognize the right of prisoners meeting with their families, as well as protecting such right in its regulation.
35. In the Judicial Reform in China White Paper released in 2012, "medical care for prison inmates

will be socialized, so as to ensure that an inmate gets timely treatment in case of illness.”²⁹ However, Ni was not given timely treatment for her illness.

F) Recommendations

CHRLCG urges the government of the People's Republic of China:

Concerning administrative sanction against human rights lawyers

36. To ratify the UN Basic Principles on the Role of Lawyers, and take concrete and immediate steps in realizing the provisions as part of the on-going judicial reform.
37. To abolish the annual assessment system and any other means of administrative retaliation and disbarment against lawyers who handle politically sensitive cases.
38. To abolish Communist Party membership and leadership within law firms and lawyers associations.
39. To take effective measures to prevent any sort of governmental influence on the self-organisation of legal practitioners and to promote the autonomous management of their own professional organizations, a recommendation that was rejected by China in the last Universal Periodic Review.

Concerning unlawful practice by the court

40. To make sure defendants, defendants' relatives and representing lawyers will be notified for the court session in time before the trial;
41. To allow family members, relatives of the defendants' have access to the trial without any mental or physical threats;
42. To issue and implement a clear guidelines for instructing Chinese Courts for the legal procedure;
43. To pursue an effective measurement for the courts who did not follow the guidelines;
44. To speed up the process of ratifying ICCPR, this can advance the rule of law and to promote the reform of the judiciary system.

Concerning obstruction of access to justice

45. To regulate the unlawful practices of officials at city and provincial level that violates citizens' right to defense and right to enjoy legal service and aid. State securities should stop threatening lawyers and legal representatives.
46. To realize its plan on “revising related laws to provide a legal guarantee for lawyers to overcome difficulties in meeting with the suspect or defendant, accessing to materials concerning the case and obtaining evidence through investigation”³⁰, in the Judicial Reform in China White Paper.

Concerning ill treatment of prisoners

47. To implement its policy underpinned in the White Paper by making sure that timely treatment is given to prisoners with accordance to their medical needs.

¹ Including Cheng Hai, Jiang Tianyong, Lan Zhixue, Li Chunfu, Li Dunyong, Li Heping, Li Jinlin, Li Xiongbing, Liu Wei, Liu Xiaoyuan, Peng Jian, Tang Jitian, Wan Haibo, Wang Yajun, Xie Yanyi, Yang Huiwen, Zhang Kai, Zhang Lihui, and Zhang Xinshui.

² China Human Rights Lawyers Concern Group, 16th July 2009. Protest against Beijing Justice Bureau's Unreasonable Suspension of Legal Practice of Human Rights Lawyers.

³ Jiang Tianyong, Wen Haibo, Liu Wei, Tang Jitian, Yang Huiwen, and Tong Chaoping.

⁴ China Human Rights Lawyers Concern Group, 15th July 2010. Concern over Human Rights Lawyers Snatched of their Legal Practice Qualification; Demand Scrapping the Annual Inspection and Annual Registration System.

⁵ China Human Rights Lawyers Concern Group, 21st April 2010. Statement: Two Beijing Lawyers' Licenses Unreasonably Revoked; Rights to Criminal Defense Infringed in Court.

⁶ Article 49(1), Clause 6, Law on Lawyers.

⁷ According to the two lawyers, the presiding judge interrupted them more than ten times during the presentation of their defense statements during the trial at the Luzhou City Intermediate Court, and ignored their requests to stop a person sitting in the public gallery from video-recording the court proceedings, which was in violation of Article 9, Clause 1, of the "Court Rules of the People's Courts of the People's Republic of China".

⁸ Including Liu Xiaoyuan of Beijing Qijian Law Firm, Li Baiguang of Beijing Gongxin Law Firm, Cheng Hai of Beijing Wutian Law Firm, and Li Jinglin of Beijing Haosheng Law Firm.

⁹ China Human Rights Lawyers Concern Group, 19th July 2011. Four Human Rights Lawyers Barred From Passing The Annual Assessment.

¹⁰ The two laws are more superior legally compared to the measures that demand the implementation of the system. The Law on Lawyers has not required the establishment of the system, nor has it mentioned about the invalidation of license if a lawyer fails in the renewal practice. Its subsequent amendment rules, such as "Measures on the Management of the Licenses to the Practice of Lawyers and Law Firms" issued in 2009, too had not mentioned about the requirement for annual license renewal. Article 16 of the Administrative Licensing Law states that "The regulations and rules shall not make specific requirements for the implementation of the administrative license set down by the upper law, shall not increase administrative license; for the specific conditions of administrative license, they shall not establish any other condition in violation of the upper law." In July 2009, a group of scholars submitted an open letter to the Ministry of Justice challenging the legality of the annual assessment system.

¹¹ According to "Administrative Measures for the Practice of Law by Lawyers, Articles 43(4) and 44(5).

¹² According to "Measures for the Annual Examination and Assessment of Law Firms".

¹³ Article 9 to Article 12, Rules for the Annual Assessment of Lawyers' Practice.

¹⁴ According to Article 5, "Measures for the Annual Examination and Assessment of Law Firms".

¹⁵ Article 7(4), "Measures for the Annual Examination and Assessment of Law Firms".

¹⁶ Article 45, Law on Lawyers.

¹⁷ Letter of Complaint Regarding the Beijing Lawyers Association's Violation of Law and the Association's Articles of Association and Its Encroachment on Lawyers' Right to Practice, 1st June 2009.

¹⁸ Take Beijing, for example, according to "Measures for the Management of Beijing Lawyers' Association Membership Fee" and "Notice on the 2012 Annual Assessment of Lawyers' Practice by the Beijing Lawyers' Association", in 2012, the annual fee was 2,000 RMB for the former and 5,000 RMB to 10,000 RMB for the latter.

¹⁹ In 2009, a group of about 10 lawyers made three submissions to the government, accusing against the Beijing Justice Bureau for "extorting management fees, registration fees and membership fees charged to lawyers".

²⁰ <http://www.china.org.cn/english/government/207332.htm>. China.org.cn is the "authorized government portal site to China, China.org.cn is published under the auspices of the State Council Information Office and the China International Publishing Group (CIPG) in Beijing."

²¹ http://www.china.org.cn/government/whitepaper/2012-06/11/content_25619585.htm

²² China Human Rights Lawyers Concern Group, 10th May 2012. CHRLCG's Declaration of Condemnation on the Suppression against CHEN Kegui and His Appointed Lawyers.

²³ China Human Rights Lawyers Concern Group, 18th June 2012. Statement: CHRLCG condemns the central government for breaking promises, and for allowing the Linyi government to deprive CHEN Kegui of the rights of defence and endanger his personal safety.

²⁴ China Human Rights Lawyers Concern Group, 18th September 2012. Justice Demanded Hong Kong Groups urge UN to follow up Li Wangyang's case

²⁵ Article 33, Criminal Procedure Law of the People's Republic of China (2012 Amendment)

²⁶ Article 37, Criminal Procedure Law of the People's Republic of China (2012 Amendment)

²⁷ China Human Rights Lawyers Concern Group, 29th March 2012. Human Rights Lawyer Gao Zhisheng allowed to meet family for the first time in two years, life safety still a major concern

²⁸ China Human Rights Lawyers Concern Group, 13th December 2012. China Human Rights Lawyers Concern Group calls on concern over Ni Yulan's life-threatening health condition and her application for medical parole.

²⁹ Judicial Reform in China, Information Office of the State Council,

<http://www.china-embassy.org/eng/zt/bps/t978034.htm>

³⁰ Judicial Reform in China, Information Office of the State Council,

<http://www.china-embassy.org/eng/zt/bps/t978034.htm>

Annex I

Protest against Beijing Justice Bureau's Unreasonable Suspension of Legal Practice of Human Rights Lawyers

The Beijing Justice Bureau on 9 July released on its official website the first batch of Beijing law firms and lawyers being suspended from practice (http://www.bjsf.gov.cn/sy/syztzg/200907/t20090709_545273.html). There were in total of 53 lawyers whose practice licenses were invalidated, including human rights lawyer Jiang Tianyong (江天勇) who actively participated in human rights cases. About 20 human rights lawyers had not yet passed their annual "assessment and registration", and there might be more lawyers being suspended from practice in the near future.

China Human Rights Lawyers Concern Group protest against the Beijing Justice Bureau for using this means to suppress human rights lawyers and to deprive their right to legal practice. We call on more attention and support for the human rights lawyers in China.

According to the notice of Beijing Justice Bureau, lawyers belonging to the Beijing Globe Law Firm including Jiang Tianyong, Li Xiongbing (黎雄兵), Li Heping (李和平), Li Chunfu (李春富) and Wang Yajun (王雅军), were unable to pass the annual "assessment and registration" and their practice licenses were as a result invalidated. The name of Lawyer Jiang Tianyong was listed at the same time in the list of "passed in assessment and not allowed to be re-registered" and the list of "failure in assessment and not allowed to be re-registered". It indicated that the information of the Bureau was in a state of chaos. The remaining four lawyers were in the list of "failure in assessment and not allowed to be re-registered".

Every year at the end of May, lawyers in China had to pass the annual "assessment and registration" in order to continue their practice, otherwise they could not be involved in any cases as a lawyer thereafter. They had to stop their involvement in any cases as a lawyer if they failed the annual "assessment and registration", even if they were consigned to any cases before the annual "assessment and registration". The system of annual "assessment and registration" thus totally deprived lawyers' right to practice. Moreover, there was no transparency to reveal any criteria of this system and how it worked. As a result, it is doubtful whether the authorities would use the system to take revenge against those lawyers who handled "politically sensitive" cases.

The above mentioned five lawyers were involved in human rights work and had undertaken human rights cases for a long period of time. For instance, Jiang Tianyong handled HIV/AIDS patient cases, Shanxi brick kiln slave labour cases, campaign for direct election of the Beijing Lawyers Association, and Falun Gong cases. He had been under close surveillance by the public security since early June. His personal freedom was restricted and later he was only allowed to stay in his house, as if he was put under house arrest. The state security agents even threatened him of the safety of his family members. Now the authorities suspended his practice license without valid reason. These were traces of suppression of Lawyer Jiang.

The Justice Bureau said that lawyers could only continue their practice if they passed the annual "assessment". We demand that the Justice Bureau should explain openly why there

was such a list of lawyers who “passed the assessment but were not allowed to be re-registered.” We also demand that the Justice Bureau should clearly explain why the lawyers’ legal practice licenses were invalidated and the criteria of the annual “assessment and registration”. As it was said the Justice Bureau’s website this was only the first batch of lawyers whose licenses were invalidated, we were worried that other human rights lawyers might also face similar suppression in the near future. We call on the authorities to immediately stop the suppression against human rights lawyers and to ensure the lawyers’ right to practice.

China Lawyer Human Rights Concern Group
16 July 2009

Annex II

Concern over Human Rights Lawyers Snatched of their Legal Practice Qualification, Demand Scrapping the Annual Inspection and Annual Registration System

With the introduction of the “Measures on Annual Inspection and Annual Assessment of Law Firms” (The People’s Republic of China Ministry of Justice Order No. 121) (律師事務所年度檢查考核辦法) in April and the implementation in June, the deadline for annual inspection of law firms was extended until today (July 15). According to the information received by the China Human Rights Lawyers Concern Group, there are still six Beijing human rights lawyers who fail to pass the annual inspection, including Jiang Tianyong (江天勇), Wen Haibo (溫海波), Zhang Lihui (張立輝), Tong Chaoping (童朝平), Yang Huiwen (楊慧文), Li Jinsong (李勁松).

Even for those who have passed the annual inspection, they either have to face a lot of difficulties coming from the authorities, or must accept the supplementary conditions before approval. Li Xiongbing (黎雄兵), Li Heping (李和平), Li Jinglin (李靜林) are some of those who only managed to pass the annual inspection a few days before the deadline or even on the last day. In addition, Chang Boyang (常伯陽) from Henan province, though allowed to continue practicing, has his legal practice license stamped “failed” by the judicial administrative authorities. The China Human Rights Lawyers Concern Group strongly condemns the authorities for abusing the Annual Inspection and Annual Assessment System to target on human rights lawyers by snatching their legal practice qualification and stripping their right to practice.

In recent years, many Chinese human rights lawyers encountered a lot of difficulties during the process of annual inspection. Under the threat of suspension of operation for rectification by the Ministry of Justice, it’s not surprising to see that some law firms would persuade the human right lawyers to change to other law firms in order to avoid any difficulties for passing the annual inspection.

Since 2008, the Ministry of Justice has released three sets of “Measures on Annual Inspection and Annual Assessment”¹ and they are updated annually, setting out more restrictions on lawyers’ practice. The authority set out the “Measures on Annual Inspection and Annual Assessment” on the pretext of the “Standardization of law firm practice and Supervision on management activities” as a way to suppress human rights lawyers who take up sensitive cases.

The Annual Inspection and Annual Assessment System has long been criticized as a problem within the legal profession. In June this year, two lawyers, Mu Jiyuan (牟繼源) and Li Jinxin (李金星), wrote to the State Council proposing to examine and withdraw the two new

¹ From the “Measures for Managing Law Firms” (Ministry of Justice Order No. 111) and the “Measures for Managing Lawyers’ Practice” (Ministry of Justice Order No. 112) promulgated in July 2008, to the “Measures for Managing Lawyers’ and Law Firms’ License” (Ministry of Justice Order No. 119) in September 2009, through to the newly promulgated “Measures on Annual Inspection and Annual Assessment of Law Firms” (Ministry of Justice Order No. 121) in this April.

Regulations promulgated by the Ministry of Justice, namely the “Measures on Annual Inspection and Annual Assessment of Law Firms” and “Measures for Punishing the Illegal Acts of Lawyers and Law Firms”². Two well-known Beijing lawyers, Tang Jitian (唐吉田) and Liu Wei (劉巍), could not pass the annual inspection since 2009. They were falsely accused by the Beijing Justice Bureau of “disruption of court order and interference of judicial proceedings”. Their practicing certificates were permanently revoked in May this year. This shows how these regulations are eroding the viability of human rights lawyers and deteriorating the lawyers’ practicing situation.

The human rights lawyers were snatched of their legal practice qualification and hence their right to practice was deprived. This directly suppresses the human right activists from fighting for their benefits through legal means. The China Human Rights Lawyers Concern Group expresses deep concern on the fact that mainland human rights lawyers are being threatened by the authorities by means of this annual inspection. We demand the authorities to restore these lawyers’ practicing license and we call on lawyers across the countries and other profession concerned to express concerns over the issue.

China Human Rights Lawyers Concern Group
July 15, 2010

² Lawyers’ Recommendation on the revocation of the two orders of the Ministry of Justice
<http://www.mzyfz.com/news/times/v/20100622/142204.shtml>

Annex III

Statement: Two Beijing Lawyers' Licenses Unreasonably Revoked; Rights to Criminal Defense Infringed in Court

21 April 2010

On 12 April 2010, Beijing lawyers Tang Jitian (唐吉田) and Liu Wei (刘巍) received a notice from the Beijing Municipal Justice Bureau informing them that an administrative punishment to permanently revoke their legal practice licenses, on the grounds that they had disturbed the order of the court while defending a Falun Gong practitioner, will be imposed on them. We, the undersigned organizations and professional associations, fear that Mr. Tang and Ms. Liu have been targeted because of their representation of clients unpopular with the Chinese government. Targeting lawyers in retaliation for activities undertaken as part of their professional duties violates Chinese law and international standards.

Citing Article 49(1), Clause 6, of the PRC Law on Lawyers, the Beijing Municipal Justice Bureau ordered the revocation of Tang's and Liu's licenses, accusing them of "disturbing the order of the court and interfering with normal litigation" during the trial of a case on 27 April 2009, in Luzhou City (泸州), Sichuan Province (四川省), involving a Falun Gong practitioner accused of "using a cult organisation to undermine the implementation of the laws of the state" (利用邪教组织破坏国家法律实施罪).

According to the two lawyers, the presiding judge interrupted them more than ten times during the presentation of their defense statements for the accused Falun Gong practitioner during the 27 April 2009, trial at the Luzhou City Intermediate Court. According to Tang and Liu, the presiding judge also ignored the lawyers' requests to stop a person sitting in the public gallery from video-recording the court proceedings. The two lawyers, therefore, felt unable to continue their defense for their clients, noting that the "Court Rules of the People's Courts of the People's Republic of China" (《人民法院法庭规则》) had been contravened. Article 9, Clause 1, of the Court Rules states "Members of the public sitting in the public gallery must respect the following requirements of discipline, they must not make audio-recordings or video-recordings or take pictures."

According to Article 36 of the PRC Law on Lawyers, "The defense statements of a lawyer appointed as a legal representative or criminal defense lawyer and his right to engage in criminal defense are safeguarded in accordance with the law." Article 37 (Clauses 1 and 2) continues "the personal rights of a lawyer engaged in practicing law shall not be infringed

upon. The representation and defense statements presented in court by a lawyer shall not be subject to legal prosecution, except for statements that compromise national security, maliciously defame others, or seriously disrupt the court order.” International principles similarly protect the rights of lawyers to discharge their professional responsibilities. Article 16 of the UN Basic Principles on the Role of Lawyers (1990) similarly requires “(g)overnments [to] ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; ...and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

During the Luzhou trial, the presiding judge failed to protect Tang’s and Liu’s rights to provide a criminal defense by repeatedly interrupting them, and by neglecting to prevent a person recording the court proceedings, in violation of Court Rules. It was under this duress that Tang and Liu chose to leave the proceedings.

We, the undersigned organizations and professional associations are deeply concerned about the Beijing Municipal Justice Bureau’s intent to revoke Tang’s and Liu’s licenses to practice and call for an investigation into why this sanction is being imposed. The decision to revoke these lawyers’ licenses in the context of a trial during which they were unable to do their jobs appears to be politically motivated. Targeting lawyers who take on politically unpopular cases not only violates the domestic legal standards but also international laws and principles.

We remain concerned about restrictions imposed on other lawyers in recent months. In 2009, Beijing lawyer Jiang Tianyong’s (江天勇) legal practice license was suspended, and as of April 2010, at least six Beijing lawyers have still not had their licenses renewed following the annual inspection of lawyers’ licenses in mid-2009. The threat to permanently revoke Tang Jitian’s and Liu Wei’s licenses to practice law and the passage in April 2010 of new rules providing for administrative punishment of lawyers and law firms that include broad and vague new provisions appears to represent further efforts to restrict the independence of the legal profession in China, and undermines China’s commitment to the rule of law.

Co-signed by:

[Listed in alphabetical order]

China Human Rights Lawyers Concern Group
Committee to Support Chinese Lawyers

The Committee for Human Rights Protection of Taipei Bar Association

...

We welcome the support of other professional associations and interested organizations representing lawyers. Please send an email to info@chrlcg-hk.org to add your organisation's name to this statement.

Or, please write your own letter to the Beijing Municipal Justice Bureau: [Beijing City Xicheng District Houguangping Hutong no. 39, Postal code: 100035], and the PRC Ministry of Justice: [Minister Wu Aiyong [吴爱英], No. 10, Nandajie, Chaoyangmen, Beijing, People's Republic of China, Postal Code: 100020, Email: minister@legalinfo.gov.cn]

Annex IV

Four Human Rights Lawyers Barred From Passing The Annual Assessment

The deadline for this year's "Annual Assessment of Lawyers' Practice 2011" has just passed at the end of June. Yet, according to information received by the China Human Rights Lawyers Concern Group, as of 15 July 2011, at least 4 lawyers still have not received their lawyers' license stamped for the coming year's practice. Among them are Liu Xiaoyuan of Beijing Qijian Law Firm (who represented the recently released renowned Beijing artist Ai Weiwei), Li Baiguang of Beijing Gongxin Law Firm, Cheng Hai of Beijing Wutian Law Firm and Li Jinglin of Beijing Haosheng Law Firm. When these lawyers inquired the Beijing Justice Bureau about their licensing issue, they were told that they failed to inform the Justice Bureau for taking up the so-called "sensitive" and "mass" cases. All these lawyers passed the National Judicial Examination and obtained their legal qualifications, it is illogical for the Beijing Justice Bureau to deprive their rights to practice. China Human Rights Lawyers Concern Group strongly condemns the groundless and unlawful acts of the Justice Bureau. We demand that the Chinese Government immediately resume these lawyers' rights to practice and abolish the annual assessment system which has very ambiguous criteria. We hereby call on the international community, in particular the local and overseas legal professions, to raise concern for the issue.

The year by year "Annual Assessment" has become a nightmare for many human rights lawyers. Failing to obtain their licenses before the deadline and facing the intentional delay on licensing, lawyers were left with no choice but to perseveringly negotiate with the officials of the Lawyers' Management Department of the Justice Bureau. To their dismay, the officials responded in a very rude manner, irritated them with all sorts of unreasonable requirements and refused to provide an explanation and resolution. These adversely affected the daily work of lawyers, many of their cases in progress were forced to be suspended, consequently affecting the rights of those rights defenders they were representing.

In recent years, the suppressions on human rights lawyers continue to surge. The "annual assessment and registration" had long been criticized and found problematic. As we found, the series of laws and administrative regulations on law firms and lawyers' practicing had been amended yearly from 2008 to 2010 (refer to the table below), apparently raising the threshold for the annual assessment and registration on one hand, and restraining human rights lawyers' activities, depriving their basic rights on the other hand.

There seems a trend that the authority is using the "annual assessment and registration" as a tactic to suppress human rights lawyers. In past few years, a number of human rights lawyers had been barring from passing their "annual assessment and registration" or with their licenses suspended, among those lawyers include Jiang Tianyong, Wen Haibo, Tong Chaoping and Yang Huiwen. We call on the international community to raise concerns about

the practicing rights of human rights lawyers, to urge the Chinese government to stop suppressing human rights lawyers, and immediately repeal the annual assessment and registration on law firms and lawyers.

While social unrests in mainland China are getting more and more serious, these lawyers, delegated by families of human rights defenders or petitioners affected by illegal land grabs, are in fact fulfilling their professional responsibilities to represent their clients. None of them have violated the laws in China. On the contrary, the judicial authorities are violating the rule of law for depriving the practicing rights of lawyers arbitrarily. "If lawyers had no human rights, would there be rule of law?"

China Human Rights Lawyers Concern Group

19 July, 2011

Table 1

	Department of Promulgation	Date of Promulgation	Date of Implementation
Implementing Rules for Measures for Managing Law Firms in Beijing Municipality	Beijing Justice Bureau	22 March, 2011	1 May, 2011
Rules for Annual Assessment of Lawyers' Practice	All China Lawyers' Association	13 August, 2010	1 January, 2011
Measures on Annual Inspection and Assessment on Law Firms	Ministry of Justice	8 April, 2010	8 April, 2010
Beijing Justice Bureau's Implementing Rules for Measures for Managing Lawyers' Practice	Beijing Justice Bureau	2 December, 2009	1 January, 2010
Measures for Managing Lawyers' and Law Firms' License	Ministry of Justice	21 September, 2009	21 September, 2009
Measures for Managing Lawyers' Practice	Ministry of Justice	18 July, 2009	18 July, 2009
Measures for Managing Law Firms	Ministry of Justice	18 July, 2009	18 July, 2009

Annex V

Letter of Complaint Regarding the Beijing Lawyers Association's Violation of Law and the Association's Articles of Association and Its Encroachment on Lawyers' Right to Practice

To the Beijing Lawyers Association:

According to Article 6 (8) of the "Articles of Association of the All-China Lawyers Association"³ and Article 7 (6) of the "Articles of Association of the Beijing Lawyers Association,"⁴ members of lawyers associations have the right to raise criticisms of the associations. As member of both the All-China Lawyers Association and the Beijing Lawyers Association, I hereby raise a serious criticism of the Beijing Lawyers Association.

On 13 April 2009, the Beijing Lawyers Association issued its "Notice Regarding the Launch of Legal Professional Assessment Work for 2009,"⁵ which requires all of Beijing's practicing lawyers to submit to an annual assessment by the Beijing Lawyers Association between 20 April and 31 May. Those who pass the assessment will be allowed to register as members of the Association; those who do not pass will not be allowed to register as members, will have to hand over their law licences for revocation, and must suspend their practice of law.

As of the assessment cut-off date of 31 May, at least a dozen practicing lawyers, including ourselves, have not obtained membership registration, and face cancellation of our licenses and loss of our right to practice law.

We feel that this year's legal professional assessment has deviated from the Lawyers Association's work direction, and exceeds the Association's authorised responsibilities. The form and objectives of the professional assessment work seriously violate the relevant stipulations in the Law on Lawyers, the Administrative Licence Law and the Articles of Association of the All-China Lawyers Association. In practical terms, the assessment also impairs and illegally deprives lawyers of their due right to practice. We request that it be immediately rectified.

1. According to the Administrative Licence Law and the Law on Lawyers, a law license is an administrative licence that a citizen can lawfully acquire for the practice of law. Its validity is protected by law, and apart from implementation under the circumstances and by the judicial administrative organs stipulated in law and regulation, no other unit or organisation is empowered to issue a law licence or to restrict a lawyer's right to practice.

³ Posted on the Ministry of Justice Web site, <http://www.legalinfo.gov.cn/joa/zhishudanwei/lvshixiehui.htm>.

⁴ The revised Articles of Association passed in December 2008 are posted at http://www.51fagu.com/_fagu_news/information/Articles/2008-12-26/2008122618213.html. The Articles of Association do not appear to be posted on the Lawyers Association's own Web site.

⁵ The Notice is posted on a number of PRC Web sites, including that of the Beijing Municipal Justice Bureau: <http://www.bzsfxz.gov.cn/>.

The Beijing Lawyers Association's use of "failing the assessment" as a reason to suspend or terminate lawyers' practicing of their profession, and to revoke or cancel law licences, is a serious violation of the basic principles of the Administrative Licence Law and the Law on Lawyers.

The Beijing Lawyers Association is a self-governing professional organisation, not a judicial administrative organ. Its unauthorised disciplinary handling of administrative licences lawfully acquired by citizens exceeds the association's statutory powers.

2. According to the Law on Lawyers and the Articles of Association of the All-China Lawyers Association, lawyers who have obtained law licences are automatically members of the All-China Lawyers Association and their local lawyers association. The Beijing Lawyers Association's use of "failing the assessment" as a reason to deny a practicing lawyer registration as a member, and its unauthorised termination of the membership of practicing lawyers, violates mandatory provisions in law and the statutory duties of the association, and also violates the association's Articles of Association.
3. According to Article 9 of the Articles of Association of the All-China Lawyers Association, members of lawyers associations are not required to renew their registration unless they have moved to a new firm or locality to practice law. The Beijing Lawyers Association's requirement that its members renew their registration every year clearly violates the Articles of Association of the All-China Lawyers Association.
4. Professional assessment is a management system that the judicial administrative organs and lawyers associations implement according to their respective authorised responsibilities through supervision, inspection, statistics, analysis and reporting on the legal services performed by law offices and practicing lawyers. Professional assessment is not in and of itself an independent form of administrative punishment or professional discipline, and it cannot serve as a pretext for punishing or restricting the lawful rights of lawyers and law offices.

The Administrative Licence Law stipulates that the administrative licence-related supervision and inspection carried out by administrative organs or relevant organisations cannot obstruct or affect the ability of the licence-holder to carry out business or production, nor can it be used as a means of gaining financial benefit. The Beijing Lawyers Association violates these legal provisions through the huge

membership fees it will collect, and the strictures it will impose through its professional assessment.

5. The current situation makes it clear that the Beijing Lawyers Association's grounds for "failing the assessment" are actually "participating in or promoting direct election for the Beijing Lawyers Association," "handling a class action case," "handling a politically sensitive case," "defence opinion did not undergo discussion or approval process," etc.

The lawyers who have "failed the assessment" are law-abiding rights defence legal representatives who have taken it upon themselves to act as defenders of human rights and lawful civil rights and guardians of fairness and justice. The cases they have represented are wide-ranging, involving freedom of expression, religion, association and residence; racial equality; defending the rights of human rights workers, journalists, ethnic minorities and parents of earthquake victims; cases involving forced relocation, eminent domain, property rights, environmental protection, food safety and disease prevention and treatment; as well as protecting civil rights such as the right to know, the right to participate and the right to oversee the government; and the area of public interest law.

Governing in accordance with law and respecting and safeguarding human rights form the basic roadmap for our country. The revision of laws and regulations inconsistent with the provisions of the Law on Lawyers, and the safeguarding of lawyers' professional rights, has been explicitly written into the "Human Rights Action Plan."⁶

The Beijing Lawyers Association's violation of laws and regulations, and the exceeding of its authority by restricting and violating lawyers' legitimate right to practice their profession, are inconsistent with the association's aims, and are counterproductive to objectives such as defending the rights of its members and promoting the building of China's rule of law and the progress of its social culture.

These are our criticisms, in hope that correction will result.

Beijing lawyers Li Xiongbing, Jiang Tianyong, Tang Jitian, Yang Huiwen, Zhang Lihui, Li Chunfu, Wen Haibo, Xie Yanyi, Zhang Kai

1 June 2009

⁶ An official English translation of the Human Rights Action Plan is available at http://news.xinhuanet.com/english/2009-04/13/content_11177126.htm.

Annex VI

CHRLCG's Declaration of Condemnation on the Suppression against CHEN Kegui and His Appointed Lawyers

CHEN Guangcheng's nephew CHEN Kegui was recently arrested by Yinan County's Public Security Organ for self-defending with kitchen knife against trespassers into his home. His elder brother's wife was charged with harboring criminals. CHEN Guangcheng had voiced for worldwide concern on CHEN Kegui's self-defence case and the situation of his family. Now such concern should cover his lawyer who is also suppressed by the officials. CHRLCG is angered to urge that the relevant authorities shall not restrict CHEN Kegui's right to lawyers and violate the human rights of his lawyers.

A lawyer who represents CHEN Kegui revealed to us that the relevant authorities are threatening and suppressing the team of lawyers by all means. An officer of the Ministry of National Security had once told to a lawyer in the team that he was not allowed to participate in this case or he would have his relatives abused. That team member, whose surname is Liu, was barred from the Internet afterwards. Another team member, CHEN Wuquan, had his lawyer's practice license confiscated when he was on the way to meet CHEN Kegui, and was ordered that he was not allowed to meet CHEN Kegui in the custody.

CHRLCG thinks that the National Security organ's acts create great threats to the personal freedom and freedom of expression of the lawyer team. Intervening the meeting between CHEN and his lawyers is a complete ignorance to the laws. Article 36 of the Criminal Procedure Law (2012) provides that *"During the period of criminal investigation, a defense lawyer may provide legal assistance for a criminal suspect, file petitions and accusations on behalf of a criminal suspect, apply for modifying a compulsory measure, learn the charges against a criminal suspect and relevant case information from the criminal investigation authority, and offer opinions"* and Article 37 provides that, *"A defense lawyer may meet and communicate with a criminal suspect or defendant in custody. As permitted by the people's court or people's procuratorate, a defender other than a defense lawyer may also meet and communicate with a criminal suspect or defendant in custody."* Therefore, CHRLCG strongly condemns the unconstitutional behavior of the relevant authorities that infringe the basic human rights and civil rights of the victims in the case, namely, CHEN Kegui and his lawyers.

The relatives and voluntary lawyers of CHEN Guangcheng are in deep water. They are under crazy suppression by the local government with authorization by the State. CHRLCG urges that everyone and every monitoring body shall keep their eyes on the situation of CHEN's relatives and his lawyers.

CHRLCG requests –

1. The Ministry of National Security must stop and order to stop any unlawful behavior that infringes the personal safety and freedom of expression of CHEN Kegui's appointed lawyers.
2. The National Security organ in Shandong must return the lawyer's practice license to the appointed lawyer of CHE Kegui who represented CHEN in accordance with the laws.
3. Yinan County's custody must protect CHEN Kegui's right to his appointed lawyers in accordance with the laws
4. The Central government must investigate into any unlawful act of the National Security organs and punish the wrongdoers accordingly.

Contact person

Ms Lau (852- 5492 3004)

CHRLCG

10th May 2012

Annex VII

Statement: CHRCLG condemns the central government for breaking promises, and for allowing the Linyi government to deprive CHEN Kegui of the rights of defence and endanger his personal safety

CHEN Guangcheng has recently expressed to CHRCLG, that his nephew CHEN Kegui, who was arrested by Yinan County's Public Security Bureau for homicide with intent when defending himself against home trespassers has yet to be allowed to see his family members. The home trespassing suspects include the Mayor ZHANG Jian and many others. CHEN Guangcheng also expressed that his nephew is forced to use an officially assigned lawyer to represent him. CHEN Guangcheng further pointed out that the assigned lawyer upon seeing his nephew, expressed that it is possible that Chen has been tortured in the house of detention. No medical treatments were given to his wounds. The CHRCLG is angered by the Yinan County's Public Security Bureau for impeding CHEN Kegui's rights to defence and the infringement of his personal safety. The CHRCLG also condemns the central government for breaking her promises, continue to allow the Linyi government to carry out illegal activities and behaviours of human rights infringement.

Yinan County's Public Security Bureau claimed that CHEN Kegui has requested lawyers from the Legal Aid Centre. The two assigned lawyers were WANG Haijun of Yinan Yangdou Law Firm and SONG Kuiyuan of Yinan Tongli Law Firm. Both lawyers were from the same firms as the assigned lawyers for CHEN Guangcheng in 2006. CHEN Guangcheng expressed that, when the father of CHEN Kegui inquired with the Yinan Legal Aid Centre, the person in charge claimed "the leaders requested us to arrange lawyers for the case." To date, they have yet to provide any evidence of CHEN ever seeking such legal aid.

From the arrest till today, CHEN Kegui has yet to be allowed to see his family. The lawyer commissioned by CHEN's family has been to the house of detention multiple times, requesting to see CHEN. The efforts have been in vain. According to Article 33 of the Criminal Procedural Law, "the crime suspect, the defendant, may ask their guardian or relatives to entrust a defendant on their behalf." The Yinan government had completely defied Article 14 of the Criminal Procedural Law which states, "The People's Courts, the People's Procuratorates and the public security organs shall safeguard the defence rights and other procedural rights to which criminal suspects, defendants, and other participants in proceedings are entitled according to law." Without a lawyer entrusted by the relatives, CHEN lost his entitled rights of defence, including the rights of having the entrusted lawyer to visit the suspect, inspecting the statements and defending on behalf of the defendant etc.

The prime suspects of this case of trespass and wounding with intent, including the mayor of Yinan, ZHANG Jian, and the public security officials of Yinan county, have turned themselves into the plaintiff, bringing a case of homicide with intent against CHEN Kegui.

They have also assigned lawyers for CHEN against his will. The Public Security Bureau of Yinan who is supposed to be the perpetrator, now becomes the arrestor and plaintiff, resulting in a serious conflict of interest, disabling CHEN from receiving an independent and fair court hearing.

When the CHEN Kegui's father inquired from WANG Haijun and SONG Kuiyuan, they expressed that CHEN's "wounds have yet to go through forensics", implying that the wounds caused when defending against intruders had not yet been treated, and that there is even the possibility of CHEN being tortured in the house of detention.

The CHRCLG strongly condemns the relevant parties for openly infringing human rights and citizens' right. At the same time, the CHRCLG is pessimistic about the possibility of CHEN receiving a fair court hearing in Linyi. The central government has promised to openly investigate the illegal actions of the Yinan local government according to the laws of the country. However, after CHEN Guangcheng left the country, the central government acted against her promises, allowing the Yinan government to impede CHEN Kegui from exercising his rights to defence, as well as endangering his personal safety.

CHRCLG requests-

1. The Yinan government to stop all actions that endanger CHEN Kegui's personal safety immediately, as well as to provide appropriate medical care.
2. The Yinan government to safeguard the rights of defence of CHEN Kegui and his family, immediately arrange meetings between CHEN Kegui and his family assigned lawyer, DING Xikui and SI Weijiang.
3. The Supreme People's Court to consider this case involves the severe conflict of interest between CHEN Guangcheng and the various local governments of Shandong Province, regarding the violence implementation of family planning. According to Article 26 of the Criminal Procedural Law, "A people's court at the higher level may appoint a people's court at the lower level to try a case over which jurisdiction is unclear, and may also instruct a people's court at the lower level to transfer the case to another people's court for trial." The Supreme People's Court should refer the case of CHEN to courts outside of Shandong Province to ensure that the judgment would be fair and independent from the interference of Yinan Public Security Bureau personnel as well as officials of Shandong Province who were involved with the violence implementation of family planning case.
4. The central government to act according to the made promises, investigate the illegal actions of the Linyi government, and punish according to law.

Contact Person

Miss Law (5492 3004)

CHRCLG

18 June 2012

Annex VIII

Justice Demanded: Hong Kong Groups urge UN to follow up Li Wangyang's case

18/09/2012

Since the former leader of the Hunan labour movement Li Wangyang was “suicided” in the hospital on the 6th of June, his entourage including sister Li Wangling, brother-in-law Zhao Baozhu and friend Zhu Chengzhi were either once forced to disappear or charged with false accusations. Significant loopholes were found in the first investigation report submitted by the Shaoyang Public Security Bureau. Although the Hunan Provincial government conducted an independent investigation later, the “Joint Investigation Report” it released on 12 July however has failed to clear the doubts surrounding the death of Li Wangyang. When commissioned by the Hong Kong Alliance in Support of Patriotic Democratic Movements of China to review the autopsy report of Li, Professor Stephen Cordner of forensic medicine at Monash University, Australia, pointed out that the investigations conducted by the Hunan provincial government failed to meet international standards. The Hunan government did not provide sufficient information to attest that Li committed suicide. Professor Cordner has also pointed out that the fracture of a neck bone as in Li's case is rare in suicidal hanging. According to the report of Mingpao on 12 September, Zhao Baozhu and his wife never signed to give consent for the autopsy to be performed or for Li's body to be incinerated. Nor did they take part in any investigation process, sign or agree on any report that affirmed Li committed suicide. The couple has not heard of any “Joint Investigation Report”, not to mention approving the conclusions therein made. Zhao's comments contradicted the government's claim that Li's family had agreed to official report. They also rendered the report inconclusive and untrustworthy.

Since both the provincial and city level governments in Hunan failed to conduct a fair and independent investigation and the central government has ignored calls for intervention, civil society groups in Hong Kong have decided to write to the UN human rights mechanism for their intervention to urge the Chinese government for more information for Li's case. Civil society groups are very concerned about the prevalence judicial injustice in China. They would also like to solicit the attention of the international community on the situation of the dissidents and human rights defenders who are subjected to arbitrary detention, torture and inhumane treatment, enforced disappearance and even extrajudicial killing.

We have two goals in sending out this letter:

1) That the United Nations will put pressure on the Chinese government to ensure that the investigation is carried out in a proper and impartial manner which leads to prosecutions of those involved and compensation for Li Wangyang's family.

2) That the United Nations will put pressure on the Chinese government to take necessary precautionary measures to ensure that crimes of similar nature do not take place in the future.

According to the UN human rights mechanism, mandate holders of the Special Procedures may proceed with the following actions once they find the submission admissible.

1) To request for further information regarding the status of the investigation to be submitted, sanctions be imposed on perpetrators, compensation be provided to the family and any other relevant observations or comments.

2) To urge that the government concerned take necessary steps to meet international standards with respect to the investigation, prosecution, sanctions and compensation as well as to prevent such actions from happening again.

Organizations/ Individuals co-signing the submission:

Legislators

1. HO Sau-lan Cyd, Labour Party Legislator (1998-2004, 2008 –)
2. LAU Wai-hing Emily, J.P, Democratic Party Legislator (1991-1997, 1998 –)
3. HO Chun-yan Albert, Democratic Party Legislator, (1995-1997, 1998 –)
4. LEE Cheuk Yan, Labour Party Legislator (1995-1997, 1998 –)
5. LEONG Kah-kit Alan, Senior Counsel, Civic Party Legislator (2004 –)
6. LEUNG Kwok-hung, League of Social Democrats Legislator (2004 –)
7. LEUNG Yiu Chung, Neighbourhood and Worker's Service Centre Legislator (1995-1997, 1998 –)
8. TONG Ka-Wah Ronny, Senior Counsel, Civic Party Legislator (2004-)
9. TO Kun-sun James, Democratic Party Legislator (1991-1997, 1998 –)

Other individuals

1. CHAN Suk-chong Tanya, Barrister, Civic Party Former Legislator (2008-2012)
2. CHEUNG Man-kwong, Democratic Party Former Legislator (1991-1997, 1998-2012)
3. EU Yuet-mee Audrey, Senior Counsel, J.P, Civic Party Former Legislator (2000-2012)
4. LEE Martin, Senior Counsel, Founding Chairman of the Democratic Party of Hong Kong, Former Legislator 1985 – 2008 (Except 1998)

5. NG Ngoi-yee Margaret, Barrister, Civic Party Former Legislator (1995-1997, 1998-2012)
6. POON Patrick, Director, Independent Chinese Pen Centre

Non-Governmental Organization

1. China Human Rights Lawyers Concern Group
2. Civil Human Rights Front
3. Hong Kong Alliance in Support of Patriotic Democratic Movements of China
4. Tiananmen Mothers Campaign

Trade Union Organization

Hong Kong Confederation of Trade Unions

Religious groups

1. Holy Cross Catholic Church, Social Concern Group
2. Hong Kong Catholic Commission for Labour Affairs
3. Hong Kong Christian Institute
4. Justice and Peace Commission of the Hong Kong Catholic Diocese
5. St. Andrew's Parish Social Concern Group
6. Social Concern Group of Our Lady of Lourdes Church
7. Social Concern Group of Hunghom St. Mary's Church
8. Social Concern Group of St. Francis Church
9. Union of Hong Kong Catholic Organizations in Support of the Patriotic and Democratic Movement in China

Annex IX

Human Rights Lawyer Gao Zhisheng allowed to meet family for the first time in two years, life safety still a major concern

China Human Rights Lawyer Concern Group welcomes Chinese government's permission on Gao Zhisheng meeting his family for the first time in two years. We demand the immediate release of Gao Zhisheng and call on everyone to continue to concern for Gao Zhisheng and other mainland human rights lawyers and activists.

Rights lawyers Gao Zhisheng was sent back to prison for 3 years after being accused of violating probation requirements in December 2011. Recently he was finally allowed to meet his family.

According to Radio Free Asia's report on March 28, Gao's father-in-law and his elder brother Gao Zhiyi visited Gao Zhisheng in Xinjiang Shaya prison on March 24. They talked for half an hour by phone and were separated by glass.

Quoting from her father, Gao Zhisheng's wife Geng He said that Gao's physical condition is passable. Gao asked about his family and mentioned that he needed money in the prison.

On January 1 2012, Gao Zhisheng's elder brother Gao Zhiyi received a notice from the Criminal Enforcement Division of Shaya Prison. He travelled to Xinjiang to visit Gao Zhisheng but was denied. The prison officer told Gao's elder brother: "It's a three-month education period. If his performance is good, you will get to see him after three months. If not, you will not see him." Geng He said that it was possible that Gao Zhiyi was under threat. On his way to Xinjiang, he was accompanied by police and was not allowed to contact anyone, including his family.

Gao Zhisheng, who defended the Falun Gong, a cult banned in China, was kidnapped by police in August 2006. He was sentenced to three years in prison and a five-year reprieve after a secret trial. During 2007 to 2011, he was reported missing several times. It was reported that he was tortured during his disappearance. He even needed approval of the Central Government for taking care of basic hygienic needs. When his reprieve was about to expire in December 2011, Gao Zhisheng was sent back to prison to serve his original 3-year sentence as he was accused of violating probation requirements.

China Human Rights Lawyers Concern Group has been concerned about the unreasonable imprisonment of Gao Zhisheng and the use of torture by the Chinese government. There was no news of Gao since he was jailed in December 2011. Although we have finally learned that his physical condition is acceptable and that he was allowed to meet his family, Gao's condition in prison is still worrying, judging from the cruel suppression he suffered in the past. Whether he will be released as scheduled is also doubtful. We condemn the Chinese government for unreasonably imprisoning human rights defenders. We demand the

immediate release of Gao Zhisheng. We also demand the authorities to stop suppressing and monitoring him and his family.

Albert Ho Chun-yan, Chairman of China Human Rights Lawyers Concern Group has been staging a 24-hour hunger strike every Wednesday and John Clancey, International Secretary of the Concern Group, has been staging a 12-hour hunger strike every Wednesday to support the mainland lawyers and activists. This week is their 159th Wednesday hunger strike.

China Human Rights Lawyers Concern Group

March 29, 2012

Contact Person: Ms Lau

Tel: 23881377

Reference:

RFA 獨家：高智晟家人 24 日在新疆沙雅監獄見到高智晟 (in Chinese)

<http://www.rfa.org/mandarin/Xinwen/gzsh-03272012215236.html>

Reuters: Detained Chinese human rights lawyer Gao Zhisheng 'alive and well'

<http://www.guardian.co.uk/world/2012/mar/28/chinese-human-rights-lawyer-gao-zhisheng?newsfeed=true>

Annex X

China Human Rights Lawyers Concern Group calls on concern over Ni Yulan's life-threatening health condition and her application for medical parole

13th December 2012

Citizen Lawyer and land activist Ni Yulan is currently jailed in Beijing Women's Prison. She has been diagnosed with Thyroid tumor on the left side of her neck. The prison has inadequate medical facilities to treat her problem. Lawyers of Ni have filed an application for medical parole as she needs urgent medical attention. However, her lawyers think that chance of prison authorities approval her application is slim. China Human Rights Lawyers Concern Group (CHRLCG) is gravely concerned about Ni's health condition. We demand the Chinese government to immediately grant medical parole to Ni Yulan.

After being detained unlawfully for more than one year, in April 2012, Ni was sentenced to two years and eight months of imprisonment for 'picking quarrels, provoking trouble and wilfully destroying private and public property' and 'fraud'. Her husband Dong Jiqin was sentenced to two years of imprisonment for 'picking quarrels, provoking trouble and wilfully destroying private and public property'. Ni was accused of kicking the hotel security and not paying rent, even though the room was arranged by police.

In the meeting with her lawyers in July, Ni expressed that she was not given proper medical care for her keel fracture caused by the torture she suffered during her previous detention. During the meeting with her daughter Dong Xuan in October, Ni expressed that she was diagnosed with a Thyroid tumor on the left side of her neck. However, the prison authorities said that they did not have adequate medical facilities to treat her problem. According to her lawyers, the catering and medical standards were poor in prison. Ni was heavily underweight.

Lawyers representing Ni Yulan have filed the application for medical parole in November. However, they think that the chance of prison authorities approving the application is slim.

Ni Yulan has been suffering from inhumane treatment for more than ten years. She was traumatized severely by physical and mental abuse. Urgent medical treatment is needed to curb the life-threatening disease.

(CHRLCG) believes that everyone should be entitled to adequate medical care. CHRLCG urges the Chinese government to grant medical parole to Ni Yulan. We also call on the international community and governments to pressure the Chinese government to grant the medical parole.