



Lawyers' Rights Watch Canada



ISHR | INTERNATIONAL SERVICE
FOR HUMAN RIGHTS



Lawyers for Lawyers

Co-sponsors: International Bar Association, ISHR, Lawyer's Rights Watch Canada

Joint statement under Item 3: Interactive Dialogue with Special Rapporteur on Independence of Judges and Lawyers and the Independent Expert on SOGI

24 June 2019

Mr. President,

Across China, repression of human rights lawyers and legal activists continues. They are disappeared, detained, and frequently convicted during secret trials which fail to respect basic rule of law guarantees.

Lawyer Jiang Tianyong was kidnapped, placed in 'residential surveillance', and ultimately sentenced to 2 years in prison for 'inciting subversion of State power'. Although released, he now lives under constant police surveillance and threat.

What was his so-called 'crime'? Representing fellow lawyers in court, investigating black jails, and meeting with Special Rapporteur Philip Alston during his official trip to China.

Mr Special Rapporteur, your report focuses on freedom of expression for judges. We are concerned about how the Chinese government imprisons and disbars lawyers who do not adhere to official ideology. Regulations passed in 2016 allow authorities to shut down law firms if they refuse to dismiss lawyers who express critical views or advocate for clients or causes unpopular with the Communist Party of China.

China's claims to 'faithfully uphold the rule of law' and to always 'act in accordance with the law' are true only in relation to national laws created to authorize government action that violates China's international law obligations as a member of the United Nations and of this Council. Chairman Xi has stressed the Communist Party's control over the legal system, and the use of the law to repress and punish those mandated by international law to uphold and protect rights.

Yu Wensheng, Sui Muqing, Zhou Shifeng, Xie Yanyi, Li Heping, Wang Yu, Liu Zhengqing and Liu Xiaoyuan are only 8 out of at least 27 documented cases of human rights lawyers whose licenses have been invalidated or revoked since 2016, simply for fulfilling their professional duties.

In her UPR follow-up letter to the government, the High Commissioner identified key areas for improvement, including 'guaranteeing an independent judiciary, fair trials, and access to legal counsel, releasing all human rights defenders, including lawyers'.

We call on you, Mr Special Rapporteur, and on this Council, to insist that China immediately stop all forms of harassment, intimidation and persecution of human rights lawyers, including through administrative means, and unconditionally release those arbitrarily deprived of their liberty.

Thank you, Mr President.