

In March this year, at the *13th session of the United Nations Human Rights Council*, Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, reported that she had sent a request to the Chinese government for an explanation regarding allegations that lawyers defending Falun Gong practitioners in court have been pressured and persecuted by authorities.

Below is a quote from her report, [available online](#) :

Case 1:

"325. On 31 March 2009, the Special Rapporteur, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding Wei Liangyue, director of the Harbin-based Jiaodian Law Firm and a human rights lawyer, and his wife, Du Yongjing.

According to the information received, on 28 February 2009, Wei Liangyue and his wife Du Yongjing were arrested by public security officers in the city of Harbin, Heilongjiang Province, while attending a Falun Gong meeting. Subsequently, Wei Liangyue and Du Yongjing were reportedly held in Nangang District Detention Center and in the Harbin City Women's No. 2 Detention Center, respectively.

326. While Wei Liangyue was detained on suspicion of "gathering a crowd to disturb social order" and reportedly received one and a half years of re-education through labour, his wife is suspected of "using heretical organisation to obstruct the implementation of the law" and might face criminal prosecution under article 300 of the Criminal Law.

327. Both were reportedly warned by the authorities not to discuss the case publicly and not to hire a lawyer to represent them.

328. During over 20 years of his law practice, Wei Liangyue has provided legal aid to local people facing human rights violations, including Falun Gong practitioners who have been detained for their beliefs.

329. Concern was expressed for the physical and psychological integrity of Wei Liangyue and Du Yongjing while in detention."

Case 2:

"331. On 19 May 2009, the Special Rapporteur, together with the Special Rapporteur on the

independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal regarding two lawyers, Mr. Zhang Kai and Mr. Li Chunfu. According to the information received:

332. Zhang Kai and Li Chunfu were hired by the family of Jiang Xiqing, a Falun Gong practitioner who died in the Chongqing Xishanping Reeducation Center on 28 January 2009. Authorities stated that he died of a heart attack, but the family, suspicious of the cause of death, decided to hire a lawyer for legal support. A first lawyer was hired from Chongqing, but he declined to be retained by the family after having formally inquired with the police. Zhang Kai, from a Beijing Yijia Law Firm, and Li Chunfu, from the Beijing Globe Law Firm, were hired afterwards.

333. On 13 May 2009, they met with their clients at their home in the Jiangjin District, Chongqing, to discuss the case. At around 4 p.m., four policemen went to the home claiming that they were delivering materials from the public security bureau's judicial administrative office. They then started to interrogate the two lawyers and their clients. Subsequently, about 20 more individuals from the state security unit of the Jiangjin District Public Security Bureau and the Jijiang Police Substation also came to the house. When the police asked the two lawyers to show their identity cards, Li Chunfu presented his lawyer's license and Zhang Kai his passport, which were, however, not accepted by the police. Subsequently, the police officers began pulling their hair, twisting their arms and beating them while pinning them on the ground. Afterwards, the two lawyers were handcuffed and taken to the police station.

334. At the police station, Zhang Kai was hung up with handcuffs in an iron cage and Li Chunfu was slapped in the face by a police officer. During their interrogation they were both told not to defend any Falun Gong cases. They were released at 12:40 a.m., on 14 May 2009. Their hands were covered with bruises and scars; Zhang Kai's hands were also numb and swollen and Li Chunfu had troubled hearing in one ear.

335. We urge your Government to take all necessary measures to guarantee that the rights of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured."

According to UN regulations, as a member of the UN Human Rights council, the Chinese government is required to reply to all official UN communications and requests. Regarding the above cases, the Chinese government's response from 2009 had not yet been translated at the time the Rapporteur's report was finalised. The responses will be published in the rapporteurs next report.

UN urgent appeal on behalf of human rights lawyers in China

Additionally, the Special Rapporteur mentioned the names of several lawyers she was particularly concerned for, including Jiang Tianyong, Li Heping, Li Xiongbing, Li Chunfu and Wang Yajun of Globe-Law in Beijing; Cheng Hai, Tang Jitian, and Yang Huiwen of Anhui Law Firm in Beijing; Xie Yanyi and Li Dunyong of Gongxin Law Firm in Beijing; Wen Haibo and Liu

Wei of Shunhe Law Firm in Beijing; Zhang Lihui of Beijing G&G Law Firm; Li Jinglin of Jiurui Law Firm in Beijing; Wei Liangyue of Jiaodian Law Firm in Heilongjiang; Yang Zaixin of Baijuming Law Firm in Guangxi; and Sun Wenbing of Xinhe Law Firm in Liaoning. "The above-mentioned individuals have not been granted re-registration by early June 2009 and thus are in effect disbarred from carrying out their professional functions. As a consequence, they will not be able to proceed in the cases they are currently representing. Most of the aforementioned lawyers have worked on a number of human rights related cases."

The report further emphasized, "Many law firms have received instructions by their judicial and administrative departments and lawyers associations of their localities to either 'fail' those lawyers who take on sensitive cases, in their annual performance evaluation (a pre-requisite for successful re-licensing) or to immediately terminate their contracts.

Furthermore, at least three law firms, i.e. Anhui, Gongxin and Shunhe in Beijing, were also denied the approval by local lawyers associations in the 'Annual Inspection and Registration' exercise. This rejection affects at least 30 more lawyers employed by those firms. On 17 February 2009, Beijing's Yitong Law Firm was forced to close for six months. It is alleged that this closure was in retaliation for the advocating of some of the firm's lawyers in the direct election of the representatives of the Lawyers Association."

As reported by the Special Rapporteur, Chinese authorities indeed often warn lawyers not to speak in defense of Falun Gong practitioners, house church Christians and other "dissidents". Lawyers who do not heed such warnings frequently have their license to practice law revoked, are taken into custody and even tortured. Wang Yonghang, a lawyer who previously defended Falun Gong practitioners, is now in prison for 7 years. His right leg was broken by police.

Gao Zhisheng, who similarly defended Falun Gong, described in an open letter how he had suffered severe torture at the hands of authorities. There have been numerous documented similar cases, such as those of Guo Guoting, Chen Guangcheng, Zheng Enchong, Guo Feixiong, Xu Zhiyong, etc.

International community pays close attention to the state of the Chinese legal system

From one angle, a country's legal system tells how civilized and advanced it is. The widespread persecution suffered by lawyers in China exposes the Chinese Communist Party's fake proclamation of 'rule of law'. This situation has caught the attention of human rights organizations and governments across the world.

Falun Gong Human Rights Working Group's spokesperson Dr. Chen. raised this issue at the *13th Session of the UN Human Rights Council*. He stated, "China has consistently claimed to have made progress in the 'rule of law', and

used 'punishment according to the law' to defend its human rights violations. Reports from many of the Council's own Special Rapporteurs paint a different picture.

Prof. Nowak, for example, in his country report on China, stated that China's criminal law is like the 'sword of Damocles,' and 'this 'sword of Damocles, as it is known, can be invoked to harass, intimidate and sanction lawyers.' Special Rapporteur Prof. Nowak and Special Rapporteur Despouy have also reported many cases of incarceration and torture of human rights lawyers in China."