

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

NEW YORK  
CITY BAR

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Minister Wu Aiying (吴爱英)  
Ministry of Justice of the People's Republic of China  
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Dear Minister Wu:

The Association of the Bar of the City of New York is a non-governmental organization of 23,000 members in New York and around the world, including lawyers in China and the Hong Kong Special Administrative Region. Our membership includes corporate attorneys representing nearly every major law firm and corporation in the United States, judges, prosecutors, government officials, and defense lawyers. Throughout its 141-year history, one of the principal purposes of the New York City Bar has been to promote the Rule of Law.

On many occasions in the past several years, the New York City Bar has joined with other national and international bar associations of lawyers in expressing its support for the Rule of Law in the international community, recognizing that an independent judiciary and an independent legal profession are essential to the Rule of Law in all jurisdictions. We remain fully committed to this principle, and are anxious to do what we can to help our fellow lawyers carry out their professional obligations.

I am writing to express our grave concern with respect to reports over the past several weeks that lawyers in various parts of China have been harassed, beaten, and detained at the hands of agents of the government. These reports include the following incidents:

- On January 24, 2011, eight defense lawyers were beaten by court officers of the Daoli District People's Court in Harbin City. On that morning, two lawyers of the of Jiaxu Law Firm [佳旭 律师事务所], Wen Yongquan and Liu Guiying, who was pregnant, arrived in the courtroom to defend a client accused of fraud. Other lawyers from the

firm attempted to attend the hearing but were told there was no room. When Wen attempted to intervene and Rong Jingpeng, another lawyer, started videotaping the proceedings with her cell phone, the court police attacked them, confiscating Rong's phone and Wen's legal license, beating the lawyers in the process, and then detaining them. Liu Guiying suffered injuries so severe she was forced to terminate her pregnancy two days later.

- On February 10, 2011, Chen Guangcheng, a well-known blind, self-taught lawyer, and his wife, Yuan Weijing, were badly beaten by police and state security officials after a video documenting their living conditions was smuggled out of the couple's home. Chen was previously imprisoned because of his work for clients alleging wrongdoing by government officials, and has recently been detained again under informal house arrest. The video, made available online on February 9, shows their lives in Dongshigu, their home village in Linyi, Shandong Province, which has been subject to conditions tantamount to martial law, with over 100 people hired to monitor all movements in and out of the village. Chen's home is flooded with lights at night, and security cameras have been installed inside and outside his home.
- On February 16, 2011, lawyers and others planned a meeting in Beijing to discuss the mistreatment of Chen Guangcheng and his wife. Two of the lawyers, Li Xiongbing and Li Heping, along with legal scholar Xu Zhiyong, were placed under house arrest, apparently in order to prevent them from attending the meeting. Rights defenders Wang Lihong, Mo Zhixu, Chen Tianshi, and blogger Liu Di were also placed under house arrest in connection with the meeting.
- After the February 16, 2011 meeting to discuss Chen Guangcheng's situation, Jiang Tianyong, one of the lawyers who attended, was seized and taken to the police station, where his interrogator grabbed him by the neck and smashed his head against the wall. Jiang was then told he would not be allowed to leave his home without permission until February 19. He was later detained in Beijing on February 19, and is being held incommunicado. He was taken away by local police officers, and Jiang's room in the home of his brother in Changping district, where Jiang's family was staying at that time, was searched the following day. The Public Security authorities have refused to acknowledge holding Jiang and have not disclosed where he is being held. Teng Biao, another lawyer who attended the February 16 meeting, was also picked up by police following the lunch and was placed under house arrest. On February 19, he was detained while on his way to a meeting by police, who then seized two computers, books, documents and DVDs following a search of his home. He has not been seen or heard from since.
- Tang Jitian, a prominent rights defense lawyer in Beijing, was picked up by police on February 16. Tang's home was also searched and some of his belongings were seized. Tang has faced much retaliation for his rights defense work and had his license to practice law permanently revoked in April 2010. Tang has not been heard from since his February 16 disappearance, but reports now indicate that a notice imposing

“residential surveillance” on his home indicates that he is suspected of inciting subversion of state power.

- February 20, 2011, Liu Shihui, a lawyer in Guangzhou, was brutally beaten and seriously injured on February 20 while he waited for a bus to People’s Park, a place that had been designated in online postings as locations for alleged gatherings and demonstrations.
- According to reports, two other rights lawyers, Tang Jingling, of Guangzhou, and Li Tiantian, of Shanghai, have been seized and detained.
- On March 5, 2011, reports indicate that rights lawyer Wang Quanzhang, from Beijing, was beaten when trying to come to the rescue of a petitioner who is reportedly being held in a so-called “black prison” (*i.e.*, an illegal detention facility) in Fushun City, Heilongjiang Province. Wang was attacked by seven uniformed men who came out of the detention facility. He received multiple injuries and his cell phone and camera were taken away. Emergency calls to the police were without result; Wang reported the incident to a local police station later.
- In recent weeks, other Beijing rights lawyers have been placed under strict surveillance, or have been followed and harassed by police and other security officials. These rights lawyers include Li Heping and Li Xiongbing, whose home has been under round-the-clock surveillance.

The lawyers subjected to these attacks and abuses are well-known rights defenders in Beijing and elsewhere who have previously been targeted by authorities for their work on cases that the authorities regard as politically sensitive, such as cases involving religious freedoms, population control, the professional rights of lawyers, and civil society activists.

These current incidents follow reports from 2010 of lawyers being harassed and detained, particularly in the aftermath of the announcement that Liu Xiaobo would receive the Nobel Peace Prize.

In addition to the foregoing incidents, we remain concerned about the treatment of a number of prominent lawyers whose cases we have previously brought to the attention of Chinese authorities in the Report of the Mission of the Association of the Bar of the City of New York to China, December 6 to 17, 2009, including the following:

- Rights lawyer Gao Zhisheng remains “disappeared,” detained by government authorities in an unknown location. Though released on a “reprieve” after a conviction for inciting subversion, Gao has been held in secret detention since February 2009, with the exception of a brief reappearance in March and April 2010. His family reportedly fled conditions of ongoing house arrest, and were granted asylum in the United States. Gao has reported repeated severe torture at the hands of the police or police-hired thugs since September 2007.

- Rights lawyer Zheng Enchong remains subject to strict surveillance and harsh extra-judicial measures despite his release from prison on June 5, 2006. Zheng has been harassed, detained, summoned for investigations and interrogated on multiple occasions in retaliation for his professional activities and views. Since being released from prison in 2006, Zheng has been summoned for questioning by the police over 70 times, with his home frequently searched and personal items confiscated. In the course of these interrogations, Zheng has faced violent abuse.

More recently, prominent legal academic and rights defender Dr. Fan Yafeng (formerly affiliated with the Chinese Academy of Social Sciences) was reportedly subjected to violent abuse during a period of illegal detention lasting from 9 to 19 December 2010.

The well-known cases of Gao and Zheng, as well as the recent violent abuse inflicted on Fan Yafeng by the authorities, suggests a pattern of abuse and violence against rights lawyers generally, and increases our concerns about the treatment of lawyers who are now in detention.

The rights of lawyers in China to practice their profession and to carry out their professional duties to clients free of government interference are protected by both Chinese law and international norms. The abuses of lawyers described above violate the Rule of Law as well as China's domestic law and its international obligations.

Like all other citizens, Chinese lawyers are entitled to the rights and protections articulated in Article 35 of the Constitution of the People's Republic of China, including the rights to free speech, assembly, association and demonstration. Article 37 of the Lawyers Law of the People's Republic of China specifically protects lawyers in carrying out their professional duties. Article 37 provides that "a lawyer's right of the person is inviolable" and affirms that a lawyer should not be legally liable for the opinions he or she presents on behalf of clients.

The intimidation and harassment of lawyers also violates international standards set forth in the United Nations Basic Principles on the Role of Lawyers, which the members of U.N. General Assembly, including China, adopted without dissent. In particular, Article 16 provides that "Governments shall 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."

In addition, the arbitrary detention of lawyers violates fundamental human rights set out in the Universal Declaration of Human Rights, Articles 5 and 9, which prohibit arbitrary arrest and detention, as well as cruel, inhuman or degrading treatment or punishment, principles which are binding and non-derogable under customary international law and *jus cogens*.

We call upon the Ministry of Justice (i) to investigate the foregoing incidents, (ii) to take immediate steps to end the abuses of lawyers who are carrying out their professional duties,

and (iii) to reaffirm the rights afforded Chinese lawyers to practice their profession without governmental interference under domestic and international law.

The New York City Bar Association expresses particular concern for the situation of lawyers Gao Zhisheng, Jiang Tianyong, Li Tiantian, Tang Jingling, Tang Jitian and Teng Biao, who appear to be in detention without charge. We ask the Ministry of Justice to seek the immediate release of these individuals.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Seymour', written in a cursive style.

Samuel W. Seymour

cc: Legislative Affairs Office of the State Council of the People's Republic of China  
Law Committee of the National People's Congress  
Legislative Affairs Office of the Standing Committee of the National People's Congress  
of the People's Republic of China  
Ministry of Public Security  
Beijing Judicial Bureau  
Beijing Public Security Bureau (National Security Section)  
Beijing Political and Legislative Affairs Committee of the Communist Party of China  
Central Committee  
All-China Lawyers Association  
Beijing Lawyers Association