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City Bar Statement on the Sixth Anniversary of the Chinese Government's "709 Crackdown" on Lawyers and Human Rights Advocates

New York, July 9, 2021 – The New York City Bar Association marks the sixth anniversary of the "709 Crackdown," one of the most egregious episodes of the ongoing assaults by the People's Republic of China (PRC) on lawyers deemed to be a threat to the government. The "709" designation refers to July 9, 2015, the date on which the PRC government initiated a dramatic attack on human rights activists, criminal defense attorneys, and other attorney and non-attorney advocates representing unpopular clients and causes.¹ Throughout the month of July, the PRC arrested, detained, held incommunicado, disappeared and/or tortured over 300 individuals who subsequently either waited to be charged with vague violations such as "stirring up troubles,"² or were detained but then not charged at all.

We remain concerned that the PRC's persecution of lawyers continues. In January of 2020, for example, human rights advocate Chang Weiping was disappeared for ten days and his license to practice law was annulled.³ In October, Chang posted a video describing the methods government officials used to torture him; soon thereafter, he was detained in retaliation.⁴ Until April 16, 2021, the government allowed little contact with Chang, and several attorneys' attempts to meet with him were denied.⁵ On April 16, 2021, Chang's family received notice that he had been formally arrested on April 7, 2021.⁶

¹ 5-year anniversary of the 709-Crackdown, LawyersForLawyers (July 9, 2020) <u>https://lawyersforlawyers.org/en/5-year-anniversary-of-the-709-crackdown/</u> (All websites cited in this statement were last visited on July 9, 2021.)

² *Ibid.* <u>https://lawyersforlawyers.org/en/5-year-anniversary-of-the-709-crackdown/</u>

³ China: Shock at continued crackdown on human rights defenders and lawyers – UN expert, United Nations Office of the High Commissioner on Human Rights (December, 16, 2020)

https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E ⁴ *Ibid.* https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E

⁵ Chang Weiping formally arrested on a more serious charge, Front Line Defenders (April 21, 2021) <u>https://www.frontlinedefenders.org/en/case/human-rights-lawyer-chang-weiping-secret-detention-denied-access-lawyers</u>

⁶ *Ibid.* <u>https://www.frontlinedefenders.org/en/case/human-rights-lawyer-chang-weiping-secret-detention-denied-access-lawyers</u>

Lawyers in detention continue to face severe conditions. Lawyer Yu Wensheng, who was arrested in April 2018 and sentenced to four years in prison after a secret trial, is being denied adequate medical care in jail and is suffering from a number of serious medical conditions.⁷ Yu's treatment accords with reports confirming that the PRC government regularly tortures individuals in custody, prevents advocates from seeing their families, denies required medical care, and also forces individuals to take certain medications which cause adverse health effects.⁸

Other lawyers remain under strict house arrest even after their release from custody.⁹ Jiang Tianyong, a prominent human rights lawyer, was arrested in 2017. Though "officially" released on February 28, 2019, he has been under house arrest since then. The PRC uses this practice, called "Non-Release Release," in place of, or in addition to, traditional detention. By "officially releasing" individuals, the PRC government claims an ostensible improvement in the treatment of human rights advocates. Non-Release Release, however, keeps human rights lawyers under tight PRC government control and violates international protections for human rights generally, as well as specific protections intended to enable lawyers to defend their clients freely, including the UN Basic Principles on the Role of Lawyers.

Recently, lawyers operating within the PRC have also faced disbarment for representing clients from Hong Kong.¹⁰ Lawyers Ren Quanniu and Lu Siwei faced significant hurdles in being granted access to clients, who were among 12 individuals from Hong Kong detained by the PRC coastguard as they attempted to flee Taiwan.¹¹ Both lawyers were disbarred under a pretense by the PRC¹².

The assault on human rights advocates does not stop with the individual advocates themselves. The PRC government also targets their families. According to Mary Lawlor, UN Special Rapporteur on the situation of Human Rights Defenders, advocates' families are "routinely threatened, summoned for questioning, subjected to surveillance by the authorities and socio-economically affected on account of the loss of income."¹³ The families of individuals subject to Non-Release Release are also affected. Under strict house arrest procedures, the PRC government conducts surveillance and questions friends, family, and other associates.¹⁴

lawyers/2021/02/03/950e2566-65ce-11eb-bab8-707f8769d785 story.html

⁷ China: Human rights defenders given long jail terms, tortured – UN expert, United Nations Office of the High Commissioner on Human Rights (June, 28, 2021)

https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27221&LangID=E&fbclid=IwAR0Lg2t HP6KrcKWwjXyRvnAL1Bo1xqG6aGP6516zOQ-3TWNCLJKCLboojgI

⁸ Joint statement on the continuous house arrest of Jiang Tianyong, China Human Rights Lawyer Concern Group (March 2, 2021) <u>https://www.chrlawyers.hk/en/content/joint-statement-continuous-house-arrest-jiang-tianyong</u> ⁹ *Ibid* https://www.chrlawyers.hk/en/content/joint-statement-continuous house arrest-jiang-tianyong

⁹*Ibid.* https://www.chrlawyers.hk/en/content/joint-statement-continuous-house-arrest-jiang-tianyong

¹⁰ China's defense lawyers run into a brick wall: 'The order came from high up', Gerry Shih, *The Washington Post* (February 3, 20201) <u>https://www.washingtonpost.com/world/asia_pacific/china-hong-kong-crackdown-</u>

¹¹ *Ibid.* <u>https://www.washingtonpost.com/world/asia_pacific/china-hong-kong-crackdown-</u>lawyers/2021/02/03/950e2566-65ce-11eb-bab8-707f8769d785_story.html

¹² *Ibid.* https://www.washingtonpost.com/world/asia_pacific/china-hong-kong-crackdown-

lawyers/2021/02/03/950e2566-65ce-11eb-bab8-707f8769d785 story.html

¹³ China: Shock at continued crackdown on human rights defenders and lawyers – UN expert, United Nations Office of the High Commissioner on Human Rights (December, 16, 2020)

https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26612&LangID=E

¹⁴ Joint statement on the continuous house arrest of Jiang Tianyong, China Human Rights Lawyer Concern Group (March 2, 2021) https://www.chrlawyers.hk/en/content/joint-statement-continuous-house-arrest-jiang-tianyong

The PRC government's continuing repression and persecution of lawyers directly violates the UN Basic Principles on the Role of Lawyers. Article 16 of the Basic Principles declares, "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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."¹⁵ The PRC government's campaign further violates the guarantees of a fair trial in the International Covenant on Civil and Political Rights, which the PRC has signed. As a signatory state, the PRC must "refrain from acts which would defeat the object and purpose of a treaty."¹⁶ The brutal treatment and harsh conditions to which many lawyers have been subject also violate the Convention against Torture, which the government has ratified.

The New York City Bar Association again calls upon the PRC government to respect lawyers and other human rights advocates' basic human rights and to facilitate lawyers' work in undertaking the lawful representation of their clients without interference, which is consistent with international standards.

¹⁶ Vienna Convention on the Law of Treaties, Art. 18,

¹⁵ Basic Principles on the Role of Lawyers, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (August 27, 1990 - September 7, 1990) https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx.

https://www.oas.org/legal/english/docs/Vienna%20Convention%20Treaties.htm.