



## **Statement on the continued enforced disappearance of Chang Weiping 26 May 2021**

**Lawyers for Lawyers, the Network of Chinese Human Rights Defenders, China Human Rights Lawyers Concern Group, and ChinaAid voice concern about the residential surveillance at a designated location (RSDL), under which Chang Weiping has been detained since October 2020. To date, his whereabouts are unknown.**

Chang Weiping is a human rights lawyer known for his public interest litigation in the defense of the rights of people facing discrimination based on their health status, sex, gender identity and sexual orientation. He has provided legal counsel to human rights defenders, victims of defective vaccines, as well as to many groups that face discrimination in the workplace, such as women, LGBT persons, and persons living with HIV/AIDS and hepatitis B.

Mr. Chang first faced an administrative sanction in January 2020, when [his license](#) to practice law was revoked. After his license was revoked, Mr. Chang was detained for 10 days, from 12 January 2020 to 21 January 2020. Mr. Chang reported on social media that he had been subjected to torture in this period, leading to permanent injury to his right hand.

According to our [information](#), on 22 October 2020, Mr. Chang was taken into custody again and was held at an undisclosed location under RSDL. Mr. Chang was able to meet his father shortly on 25 November 2020, but his family and lawyers have not been able to contact him since. To date, Mr. Chang's whereabouts are unknown. Our sources confirmed that applications for Mr. Chang's bail were denied several times, the last time on 11 March 2021. Our sources also reported that Chang Weiping's parents, wife and child have been subject to harassment by the authorities.

Residential Surveillance at a Designated Location was introduced into the PRC Criminal Procedure Law in 2012.<sup>1</sup> RSDL can be imposed upon those suspected of "crimes endangering state security or terrorist activities". [Reportedly](#), RSDL is essentially a legalized form of enforced disappearance during which detainees are often subjected to physical and psychological torture. Especially since 2015, after the "709 crackdown", Chinese authorities have used RSDL mainly against lawyers and human rights defenders. In 2018, UN experts<sup>2</sup> identified RSDL as a form of enforced disappearance, a grave violation of human rights under international law which exposes victims to heightened risks of torture and ill-treatment.

According to Chinese law, "the person under residential surveillance's family shall be notified within 24 hours", but the law specifies no duty to also disclose the address of the RSDL to the family. Article 79 of the PRC Criminal Procedure Law further states that RSDL may not exceed six months. However, as signaled in the letter by the UN experts, the decision to impose RSDL seems to be "at the sole discretion of the police or investigation body", with no records of oversight by the State's Procuratorate's office. Accordingly, due to the lack of transparency and public data, it is reportedly impossible to know which detainees are held under RSDL, where they are being held, and how long they have been held. The undersigned organisations express serious concern about the use of RSDL in general and specifically against Mr. Chang in this context and call upon the Chinese authorities to respect fair trial guarantees and the safeguards laid down in the UN *Basic Principles on the Role of Lawyers (Basic Principles)*.<sup>3</sup>

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<sup>1</sup> Following the amendment of article 73, RSDL was introduced in article 75 et seq. of the Criminal Procedure Law (2018); <https://www.chinalawtranslate.com/en/criminal-procedure-law-2018/>

<sup>2</sup> Letter to the Chinese authorities by experts from several UN Working Groups, 24 August 2018; [https://www.ishr.ch/sites/default/files/article/files/chn\\_15-2018.pdf](https://www.ishr.ch/sites/default/files/article/files/chn_15-2018.pdf)

<sup>3</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly. Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>.



Article 7 of the Basic Principles states that “Governments shall ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention”. Article 16 of the Basic Principles requires governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they “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”. Further, Articles 21 and 23 of the Basic Principles state, respectively, that lawyers should have sufficient access to their clients, and that lawyers “like other citizens are entitled to freedom of expression, belief, association and assembly”.

In view of the above, Lawyers for Lawyers, the Network of Chinese Human Rights Defenders, China Human Rights Lawyers Concern Group, and ChinaAid respectfully urge the Chinese government to:

- Immediately and unconditionally release Chang Weiping, put an end to all acts of harassment against him and his family, and ensure that he is able to carry out his activities without hindrance or fear of reprisals;
- Guarantee in all circumstances the physical integrity and psychological well-being of Chang Weiping;
- Ensure Chang Weiping to have timely and confidential access to his lawyers;
- Guarantee in all circumstances that all lawyers, including human rights lawyers, in China are able to carry out her legitimate professional duties without fear of reprisals and free of all restrictions.