



The Law Society
of England and Wales



LAWYERS FOR
LAWYERS



Human Rights
Institute

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

27 January 2023

Arrest, detention, prosecution and torture of lawyer Chang Weiping

The Law Society of England and Wales,¹ Lawyers for Lawyers,² the International Bar Association's Human Rights Institute³ and Lawyers' Rights Watch Canada⁴ are gravely concerned about the situation of lawyer Chang Weiping. Prior to his arrest and detention, he represented clients, including those facing discrimination due to their gender or sexual orientation.

On 22 October 2020, he was taken into custody on unspecified "violations of legal regulations" and held incommunicado in "residential surveillance in a designated location" until April 2021. On 7 April 2021, he was formally arrested on the charge of "subverting state power" and transferred to the Feng County Detention Centre, having been previously detained on the lesser charge of "inciting subversion of state power".

Mr Chang was denied access to legal representation for almost a year. His lawyers were prevented from meeting their client because this would allegedly "impede the investigation or result in leaking of state secrets". On 14 September 2021, he was able to meet with his lawyer for the first time since being detained. Mr Chang recounted the torture and ill-treatment that he had been subjected to under "residential surveillance in a designated location", which left him with multiple health problems. He was subjected to prolonged interrogations, sleep deprivation, and bound to an iron "tiger chair" for up to six days at a time, as well as a lack of adequate food and hygiene facilities.

¹ The Law Society of England and Wales (the "Law Society") is the professional body representing approximately 200,000 solicitors in England and Wales. Its activities include upholding the independence of the legal profession, the rule of law and human rights throughout the world. The Law Society holds special consultative status with the Economic and Social Council of the United Nations since 2014.

² Lawyers for Lawyers is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.

³ The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of 80,000 individual lawyers and more than 190 Bar Associations and Law Societies, spanning all continents. The International Bar Association's Human Rights Institute (IBAHRI) is an autonomous and financially independent entity, working with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

⁴ Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research and education. LRWC is NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

The Baoji Municipal Public Security Bureau had previously rejected requests to end the “residential surveillance at a designated location” and grant bail, and multiple attempts to submit complaints against the Public Security Bureau and Procuratorate officials at the local and provincial levels were unsuccessful. Several lawyers who represented Mr Chang had needed to withdraw from his case due to intense pressure from the authorities. His family members have also suffered threats, surveillance, interrogation and confiscation of property.

On 26 July 2022, Chang Weiping was tried behind closed doors at Feng County People’s Court. Mr Chang’s family, who had driven over 2000 kilometres to attend the trial, were not allowed to attend the trial or visit him. Mr Chang and his lawyer were obliged to sign confidentiality agreements that prohibited them from sharing information about the trial. The judgment in his case is expected to be issued on 7 January 2023. Mr Chang continues to be detained at Feng County Detention Centre, where his health situation has worsened.

Previously, in January 2020, Mr Chang had been arrested as part of a crackdown targeting lawyers and human rights activists. On 12 January 2020, his license to practice law was revoked. He was held under “residential surveillance in a designated location” for ten days. Six days before his second arrest in October 2020, Mr Chang had posted a video about being tortured during that detention, stating that - since his provisional release - the local police had kept him under strict surveillance at his family home, telephoned him daily, and visited him at least weekly.

China has an international legal obligation to comply with, among others, the following treaty provisions, and is called upon to adhere to the following international standards on the independence of the legal profession.

The **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** ratified by China on 4 October 1998:

2.1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction

2.2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

12. Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

International Covenant on Civil and Political Rights (ICCPR) signed by China on 5 October 1998. While China has not ratified the ICCPR, according to Article 18 of the 1969 Vienna Convention on the Law of Treaties, the country is obliged “to refrain from acts which would defeat the object and purpose of a treaty”.

7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

9.1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

10.1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

14.1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law [...].

The **UN Basic Principles on the Role of Lawyers**, endorsed by the United Nations General Assembly on 7 September 1990, state:

16. 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.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

We urge the relevant authorities in China to:

1. Drop all charges against Chang Weiping and immediately and unconditionally release him;
2. Ensure that, pending such release, Chang Weiping's conditions of detention are in line with international human rights standards;
3. Investigate without undue delay, thoroughly and independently the allegations of torture and ill-treatment to which Chang Weiping was subjected in detention and bring the perpetrators to justice in proceedings that respect international fair trial guarantees; and
4. Ensure that all lawyers in China can practice their profession without undue interference in compliance with international standards on the independence of the legal profession.

We will continue to monitor the situation of Mr Chang Weiping, as well as that of other lawyers in China.

Law Society of England and Wales

Lawyers for Lawyers

International Bar Association's Human Rights Institute

Lawyers' Rights Watch Canada