



Joint submission to the United Nations Universal Periodic Review

**Lawyers for Lawyers
The International Bar Association's Human Rights Institute
The 29 Principles**

The People's Republic of China

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Presented by:

LAWYERS FOR LAWYERS (L4L)
PO box 15732, 1001 NE Amsterdam, the Netherlands
info@lawyersforlawyers.nl
www.lawyersforlawyers.org

THE INTERNATIONAL BAR ASSOCIATION (IBA)
5 Chancery Lane, London WC2A 1LG, United Kingdom iba@int-bar.org
<https://www.ibanet.org>
ibahri@int-bar.org

THE 29 PRINCIPLES
124 City Road, London, EC1V 2NX, United Kingdom
<https://29principles.uk/en>
contact@29principles.uk

A. Introduction

1. Lawyers for Lawyers (“L4L”), the International Bar Association’s Human Rights Institute (“IBAHRI”), and The 29 Principles submit this report on the state of human rights in the People’s Republic of China (“China”), particularly in respect of the legal profession, with recommendations for the 45th session of the Universal Periodic Review (UPR) Working Group in the UN Human Rights Council in January 2024.
2. L4L is an independent and non-political foundation based in the Netherlands, which was established in 1986 and is funded by lawyers’ donations. L4L promotes the proper functioning of the rule of law through the free and independent exercise of the legal profession around the world. L4L has special consultative status with ECOSOC since 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 IBA’s Human Rights Institute (IBAHRI), an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.
4. The 29 Principles is a non-profit organisation based in London, established in 2021, which focuses on human rights lawyers based in China and Hong Kong. They work with lawyers and legal associations around the world to support human rights lawyers and uphold the rule of law, especially with reference to the UN Basic Principles on the Role of Lawyers.

B. Executive Summary

5. This submission highlights key concerns regarding China’s compliance with its international human rights obligations to guarantee the right to independent counsel as set out in the UN Basic Principles on the Role of Lawyersⁱ (“Basic Principles”) and other international rights instruments, focusing on the following issues:
 - a) Criminal prosecution of lawyers (section D)
 - b) Disbarment and other disciplinary measures on improper grounds (section E)
 - c) Harassment of lawyers (section F)
 - d) Freedom of expression of lawyers (section G)
 - e) Restrictions of lawyers’ rights in Hong Kong (section H)
 - f) Access to legal representation of their own choosing (section I)

C. Normative and Institutional Framework of the State

6. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors,

are free to carry out their professional duties independently of the government and political pressure. This follows inter alia from the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (“**ICCPR**”). In particular, the protection and the independence of justice actors is a key component to ensure the well-functioning of justice systems and to combat impunity. This is a precondition to the right to a fair trial, protected by Article 14 of the ICCPR.

7. Furthermore, on 22 June 2017, the Human Rights Council (“**HRC**”) passed a resolution condemning in general “the increasingly frequent attacks on the independence of [lawyers], in particular threats, intimidation and interference in the discharge of their professional functions”. The HRC expressed its deep concern “about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable”.ⁱⁱ
8. In its task of promoting and ensuring the proper role of lawyers, the Government of China should respect the Basic Principles within the framework of its national legislation and practice. The Basic Principles provide a concise description of international standards relating to key aspects of the right to independent counsel. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.ⁱⁱⁱ
9. During the third UPR cycle in 2017, China received^{iv} and accepted^v some recommendations concerning the need to guarantee protection of lawyers against any form of harassment^{vi}; the need to ensure that human rights defenders and lawyers are able to exercise their right to freedom of expression and opinion without threats, harassment or repercussions^{vii}; and the need to take necessary measures to provide a safe environment for those who work on the protection and promotion of human rights^{viii}. China accepted all these recommendations but noted them as ‘already implemented’. Additionally, China did not accept^{ix} recommendations concerning the need to end the practice of “residential surveillance at a designated location”, specifically with regard to human rights defenders and lawyers^x; and the need to release all human rights defenders and lawyers and refrain from persecuting those who exercise their rights or defend others^{xi}.
10. Despite China noting recommendations relating to the protection of lawyers and human rights defenders as ‘already implemented’, reports gathered by L4L, IBAHRI, and The 29 Principles including information received from lawyers in China demonstrate that China does not uphold the necessary guarantees for the proper functioning of the legal profession as set out in the Basic Principles. Consequently, lawyers encounter serious difficulties in carrying out their professional duties independently. This undermines the proper functioning of the judicial system, including the right to fair trial and effective access to justice.

A. Criminal Prosecution of Lawyers

11. L4L, IBAHRI, and The 29 Principles are concerned about the increase in arrests, arbitrary detention, and illegitimate criminal prosecution of lawyers in China. We also note that the practice of ‘Residential Surveillance at a Designated Location’ (RSDL) has continued to be used against lawyers.^{xii}
12. Interference in the work of lawyers in the form of arrests, arbitrary detention and illegitimate prosecution results in violations of the right to a fair trial under article 14 of the ICCPR. In accordance with Principle 16(a) of the Basic Principles, governments must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”. The UN Human Rights Committee has stated that “lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.”^{xiii} In addition, illegitimate actions taken against the lawyers violate the right to a fair trial of the clients they represent, because it deprives them of legal representation of their own choosing and restricts access to justice for people in China in an impermissible manner.^{xiv}
13. We further condemn the abuse of National Security Laws to target human rights lawyers. Lawyers are systematically targeted with national security crimes under China’s Criminal Law, in particular Article 105(2), ‘inciting subversion of State power’. UN human rights experts have called on the government of China to repeal Article 105(2) or bring it in line with its obligation under international human rights law.^{xv}
14. L4L, IBAHRI, and The 29 Principles have identified a multitude of cases that highlight the ongoing and systematic criminal prosecution of lawyers in China. This is illustrated by, but not limited to, the following cases:

a) Ding Jiayi

On 10 April 2023, Beijing lawyer Ding Jiayi was sentenced to 12 years imprisonment and 3 years deprivation of political rights. He was found guilty on charges of “subverting state power” after he was tried in a closed door trial in June 2022.^{xvi} Ding Jiayi was detained by Shandong police on 26 December 2019 as part of a mass arrest known as the ‘1226 Crackdown’. Mr. Ding had already been held in pretrial detention for more than two years and has been subjected to torture and ill-treatment during his arbitrary detention.

During his pretrial detention, Mr. Ding’s requests to see his lawyer were denied on grounds of ‘endangering national security’. According to reliable sources, his lawyer had been forced to sign a non-disclosure agreement barring him from sharing information about the trial. Now, after the verdict has been delivered, Mr. Ding’s lawyer has been forced to sign an agreement to not disclose the verdict to the public.^{xvii}

b) Li Yuhan

Human rights lawyer Li Yuhan has been detained in Shenyang City, Liaoning since October 2017. She was charged with “picking quarrels and provoking trouble”. Although her case was tried 27 October 2021, there is still no verdict and her release date remains unknown.^{xviii}

In November 2019, Li Yuhan told her lawyer that the court had said that she would only be allowed to practice law again after release if she confessed to the supposed crime.^{xix} She refused, insisting that she had not committed any crime.

Li Yuhan has several urgent medical conditions (arrhythmia, coronary heart disease, unstable angina, hyperthyroidism, acute erosive gastritis, cerebral concussion, among others) but has been denied the necessary medical treatment.^{xx} Her health has been deteriorating since her trial in October 2021. The deterioration of her health includes episodes of heart attacks.^{xxi}

c) Yu Wensheng

On April 13, 2023, human rights lawyer Yu Wensheng and his wife Xu Yan were criminally detained by the Beijing police. Yu Wensheng and Xu Yan were on their way to the EU embassy in Beijing when they were intercepted by police officers who told them they had been summoned to a police station. Their son was informed on 15 April that the couple had been criminally charged with “picking quarrels and provoking trouble”.

Yu Wensheng had been released from prison just over a year before on 1 March 2022 after serving a four year prison sentence in retaliation for his human rights efforts.^{xxii} On 17 June 2020, the Xuzhou Intermediate People's Court convicted Yu Wensheng of 'inciting subversion of State Power' and sentenced him to four years' imprisonment, followed by three years' deprivation of political rights.^{xxiii}

d) Chang Weiping

Since 2013, Chang Weiping has represented victims of workplace discrimination over HIV/AIDS, litigated cases involving defective vaccines and defended rights activists. He was arrested in January 2020 after he attended a gathering of lawyers and activists in Xiamen after mass arrests during the '1226 crackdown'. After the arrest Chang Weiping was held under RSDL, in this case, a hotel, for 10 days. His license to practice law was suspended.

Mr. Chang was arrested again by the Baoji City Public Security Bureau on 22 October 2020. His arrest followed six days after he openly accused Baoji police of torture during his January hotel detention. Mr. Chang was held in RSDL for more than 5 months and 16 days. In September 2021, he was able to meet with his lawyer and shared that he had again been subject to torture.

On 26 July 2022, Chang Weiping was tried in a secret closed-door trial at the Feng County Court in Shaanxi Province on charges of 'subversion of state power'.^{xxiv} Only on 8 June 2023, Mr Chang's verdict was announced and he was sentenced to 3.5 years imprisonment.

E. Disbarment and Other Disciplinary Measures on Improper Grounds

15. L4L, IBAHRI, and The 29 Principles observe an increase in instances of lawyers who have been subjected to disciplinary measures on improper grounds such as the revocation of

licenses of lawyers to practice law. These practices deprive lawyers of the ability to adequately defend their clients and themselves. At least 30 lawyers have had their licenses revoked since 2017.

16. Due to the recent implementation of a number of administrative instruments, the Justice Bureau can decide not to renew or withdraw the license of a particular human rights lawyer in the event the authorities perceive the lawyer in question as ‘problematic’ for providing legal representation for sensitive cases. According to information received, these administrative instruments are being used by authorities in China to silence human rights lawyers working on sensitive cases.^{xxv} L4L, IBAHRI, and The 29 Principles are concerned about this method of preventing lawyers from carrying out their professional duties.
17. The United Nations (UN) Basic Principles on the Role of Lawyers states that governments must ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance or improper interference.”^{xxvi} The Basic Principles further require that lawyers “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.”^{xxvii} They further stipulate that “charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures.”^{xxviii} The Basic Principles further state that “disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.”^{xxix}
18. The following cases illustrate the issue of disbarment and other disciplinary measures on improper grounds:

a) Lin Qilei

Lin Qilei is a human rights lawyer from Beijing, who has represented a number of human rights defenders, including detained human rights lawyer Li Yuhan. In October 2021, Mr. Lin was informed by the Beijing Municipal Bureau of Justice that his license had been revoked. The reason provided by the Bureau was that the law firm to which Lin Qilei belonged, Beijing Ruikai Law Firm, had been deregistered six months prior and that Mr Lin had not been employed by another law firm since that time. According to the Beijing Municipal Bureau of Justice, the firm had not participated in the mandatory 2020 annual inspection, ignoring Mr Lin’s appeals to the Bureau’s decision and ignoring the fact that the authorities had hindered the firm in participating in the annual inspection since 2018.^{xxx}

b) Liang Xiaojun

Liang Xiaojun is also a lawyer in Beijing who has represented a number of human rights cases, including most recently the detained legal scholar Xu Zhiyong. On 26 November 2021, Mr Liang received a notice from the Beijing Municipal Justice Bureau that his legal practice license had been revoked as an administrative punishment. The Beijing Municipal Justice Bureau accused Mr Liang of violating article 49 (1.8) of the PRC Law

on Lawyers for spreading online messages on domestic and overseas social media to support Falun Gong, which is banned in China, and discrediting China's legal system and basic principles as a lawyer and the director of Beijing Daoheng Law Firm.^{xxxii}

F. Harassment of Lawyers

19. Besides criminal proceedings and administrative disciplinary actions, L4L, IBAHRI, and The 29 Principles have also noted the prevalence of other forms of harassment against lawyers, including threats, surveillance and house arrest. In particular, lawyers often endure restrictions to their rights and freedoms upon leaving prison, in a phenomenon known as 'non-release release'.
20. Non-release release refers to the practice of continuing to subject convicted lawyers to forms of (continuous) surveillance and economic restrictions, even after completion of their prison sentence. Lawyers and human rights defenders are often also sentenced to years of deprivation of political rights after their release, which allows the Chinese authorities to impose restrictions on and monitor their freedom of movement, expression, association, and assembly. In September 2019, UN human rights experts condemned the practice of non-release release in response to the case of human rights lawyer Jiang Tianyong as "gratuitously punitive and legally unjustified".^{xxxiii}

a) Jiang Tianyong

Jiang Tianyong has taken on 'sensitive' cases as a human rights lawyer since 2005. He has defended fellow lawyers and human rights defenders, and religious minorities. On 22 August 2017, Mr Jiang was convicted to two years' imprisonment and three years' deprivation of political rights for the offence of 'inciting subversion of state power'.

On 28 February 2019, Mr Jiang was released from prison after completion of his prison sentence. After his release, Mr Jiang was placed under strict house arrest and has been subject to continuous police and camera surveillance. He is not allowed to leave China, so has been unable to reunite with his family living in the United States. His parents and younger sister, who live in China, are also under surveillance and are harassed by the authorities.

b) Li Heping

Chinese human rights lawyer Li Heping started his human rights work in 2002. He has defended members of the 'New Youth Study Group', who were accused of 'subverting state power'. Li Heping was arrested as part of the '709 crackdown' in July 2015. He spent nearly 22 months in pre-trial detention, after which he was convicted in a secret trial to three years imprisonment and a four-year probationary suspension. Mr Li was released from prison on 10 May 2017.

Since his release, Mr Li and his family have remained subject to close control and surveillance by state authorities. On 9 June 2023, Li Heping and his family were intercepted by border police from leaving the country and subjected to a travel restriction on the grounds that their departure might endanger national security.

c) Zhou Shifeng

Zhou Shifeng as a human rights lawyer has taken up multiple ‘sensitive’ human rights cases and was part of the legal activist Weiquan movement for civil rights. Zhou Shifeng was sentenced on 4 August 2016. He was released on 27 September 2022, after completing his seven-year prison sentence.

Zhou Shifeng is still subject to deprivation of his political rights for 5 years after his release. Since his release, Mr Zhou has been subject to close surveillance and continued harassment by the authorities. On 19 April 2023, Mr Zhou was taken away by unknown authorities, only to be released again a day later. On 22 May 2023, Mr Zhou left Beijing to go back to his hometown, after his surveillance had been tightened further.

21. Additionally, lawyers in China are sometimes pressured to drop certain politically sensitive cases. In November and December 2022, there were large scale peaceful protests in several big Chinese cities against the zero-COVID policy. During these protests, a large number of protesters were arrested. Lawyers have been providing legal services to those arrested during the protests. Lawyers report being pressured by local authorities and state police. Lawyers were warned to drop certain cases and have been questioned by state security police. Lawyers also stated receiving threatening phone calls.

G. Freedom of Expression of Lawyers

22. Lawyers, like any other individuals, have the right to freedom of expression. In particular, they have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights. This right is guaranteed under Article 19 of the ICCPR and Principle 23 of the Basic Principles. Lawyers' right to freedom of expression in connection to their professional capacity under the Basic Principles, the UDHR and the ICCPR, extends to legal advocacy in the protection of the rights of their clients. Lawyers must be enabled to effectively protect the rights and interests of their clients. This should include, for example, the use of social media platforms to inform the public about human rights law.
23. The case of Qin Yongpei shows that lawyers can experience retaliations for criticising government officials or speaking on politically sensitive topics:

a) Qin Yongpei

On 31 October 2019, Qin Yongpei was detained in apparent retaliation for criticising the corruption of high-level Chinese officials on social media after police raided his office. He was charged with “inciting subversion of state power” more than a month after his arrest and has been in police custody ever since. The Nanning police has continuously refused requests by Qin Yongpei’s lawyers to meet their client but did bring in Mr. Qin's two daughters for questioning. Mr Qin was eventually tried on 31 December 2021, with his family and lawyers only being informed of the trial 4 days before. Only on 31 March 2023 the verdict was

announced and Qin Yongpei was convicted of ‘inciting subversion to state power’ to 5 years imprisonment and 3 years deprivation of political rights.

24. Additionally, the use of non-disclosure agreements (‘NDAs’) in trial is becoming increasingly common in China. This practice requires attendees of a trial, including lawyers, to sign an NDA pursuant to which they are not allowed to disclose any information about the case or trial, including to the media. Chinese lawyers and their families believe that the NDAs allow the Chinese government to prosecute lawyers and other human rights defenders with as little public and international attention as possible.

H. Restrictions of lawyers’ rights in Hong Kong

25. L4L, IBAHRI, and The 29 Principles are concerned about the increasing restrictions on lawyers rights since the implementation of the Law on Safeguarding National Security in the Hong Kong Special Administrative Region (HKNSL).^{xxxiii} The imposition of the HKNSL has severely impinged upon the city's commitment to human rights protection. This law, unilaterally enforced upon Hong Kong by the Central People's Government, fundamentally undermines the rule of law within the region.

26. The HKNSL was a paramount point of concern for the Human Rights Committee (HRCttee) during its June 2022 review session of Hong Kong's compliance with the ICCPR. As per the HRCttee in its concluding observations^{xxxiv}, the HKNSL has adversely affected a broad spectrum of rights under the ICCPR, including articles 2, 4, 7, 9, 10, 12, 14, 15, 17, 18, 19, 21, 22 and 25. The HRCttee has identified multiple shortcomings of the HKNSL which has led it to call for the repeal of the HKNSL. These shortcomings include^{xxxv}:

- a) The lack of clarity on “national security”, the types of behaviour and conduct that constitute a criminal offence under the Law, undermining the principle of legal certainty;
- b) The transfer of national security cases to the Central People’s Government, China not being a party to the Covenant, for investigation, prosecution, trial and execution of penalties, as provided for in articles 55, 56 and 57, which may lead to de facto breach of obligations of Hong Kong under the Covenant;
- c) The absence of mechanisms under the Law to allow suspects to challenge enforcement measures taken by the authorities of the Central People’s Government and seek judicial remedies in case of violation of Covenant rights;
- d) The excessive power of the Chief Executive and other measures provided for in the Law, which undermine the independence of judiciary and procedural safeguards for access to justice and the right to a fair trial, as specified in paragraph 35 below;
- e) The extensive investigative powers of the Hong Kong Police Force’s department for safeguarding national security and the absence of judicial oversight, provided for under article 43 of the Law and the implementation rules;
- f) The lack of clarity on the grounds for invoking the Law’s extraterritorial application.

27. While the HKNSL *prima facie* acknowledges the need to protect human rights and commitment to the rule of law, its broad measures pose significant risks to these principles. To affirm its commitment, the HKNSL specifically refers in article 4 to the adherence to the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, this provision, at best, serves as a smokescreen, as the actual application of the HKNSL contravenes multiple articles of human rights protection as outlined in the ICCPR and ICESCR.
28. These shortcomings were noted in a recent communication delivered to the HKSAR Government by the Special Rapporteur on the Independence of Judges and Lawyers. They noted that provisions in the HKNSL pose threats to Hong Kong's judicial independence and justice accessibility.^{xxxvi} The HKNSL, for example, grants the Chief Executive power to appoint and remove judges for national security cases, introduces the possibility of jury-less trials, and provides for case transfer to mainland China.^{xxxvii} Such view is shared by the Committee on Economic, Social and Cultural Rights (CESCR), which stated in its recent concluding observations^{xxxviii}, that the imposition of the HKNSL has *de facto* abolished independence of the judiciary in Hong Kong.
29. L4L, IBAHRI and The 29 Principles would particularly like to point out that the HKNSL and related sedition laws profoundly impacts human rights lawyers within the territory, in terms of the shrinking practice scope they can engage in and the significant risk posed to their personal liberty and security. Similar to events observed in mainland China, the implementation of the HKNSL and sedition laws suggests that human rights lawyers in Hong Kong are now vulnerable to forms of interference, including arrests, arbitrary detention, and unjust prosecutions, which could lead to severe sentences.
30. Both the CESCR^{xxxix} and HRCttee^{xl} in their concluding observations noted above have expressed concern about the HKNSL's arbitrary application and lack of due process. Both committees noted the potential detrimental effects on human rights focused-work and expression, including the arrest and arbitrary detention of journalists, politicians, academics, students and human rights defenders expressing dissenting opinions.^{xli} The HRCttee urged the HKSAR Government to cease the application of the HKNSL.

a) Chow Hang-Tung

The case of Chow Hang Tung, a human rights lawyer and female human rights defender (WHRD), serves as an illustration of how the application of the HKNSL can undermine the rule of law, especially in the context of human rights lawyers and advocates in Hong Kong.

In June 2023, the UN Working Group on Arbitrary Detention issued an opinion^{xlii} on the ongoing detention of Chow. Chow faced multiple arrests on various charges, with the most recent arrest occurring on 8 September 2021. She has been held in detention since then. The charges levied against her included two counts of "incitement to knowingly participate in an unauthorised assembly," connected to a vigil of the Tiananmen Square protests and massacre, "failing to comply with the police request for information to assist in an investigation of an organisation as a suspected "foreign agent" under article 43 of the HKNSL, and "incitement to State

subversion" under article 22 of the HKNSL. The Working Group determined that Chow's detention was arbitrary on several grounds. In its tardy response, the HKSAR Government denied the assertion but failed to offer specific and substantive counterarguments.^{xliii}

On the first ground, the Working Group concluded that Chow's arrest and detention were arbitrary, contravening Article 9 (1) and (2) of the ICCPR.^{xliiv} The Group expressed serious concerns over the extensive initial detention and the frequent denials of bail. When she was arrested on 4 June 2021, Chow was accused by the authorities of inciting an unauthorised assembly via two social media posts in which she merely urged people to light a candle "in every corner of Hong Kong".^{xliv} Even though the charges were vague, Chow faced prolonged detention as her numerous bail applications were denied. When a bail application was eventually considered, the bail conditions provided were ambiguously worded^{xlvi}, making the condition too ambiguous to comply with. This tendency to use ambiguous terminology, such as "subversion" and "secession" had already been noted by UN mandate holders in 2020, who highlighted the risk of the potential misuse of such terms to misconstrue lawful citizen-state interactions as illegal activities.^{xlvii}

In addition, it was further pinpointed by the Working Group that Chow's right to a fair trial was infringed, as a magistrate involved in the trial manipulated her social media posts used as evidence, leading to an exclusion of potentially exculpatory statements.^{xlviii} Despite Chow's conviction being overturned by the city's High Court, the HKSAR Government failed to explain the Magistrate's initial ruling in response to the Working Group's inquiry. It must be emphasised that any instance of evidence manipulation by judicial officers aimed at ensuring a conviction against selected individuals starkly undermines the entire principle of the rule of law.

Last but not least, the Working Group concluded that Chow's arrest and detention were driven by discriminatory practice pursuant to her political opinion and her activism, making her detention to be arbitrary.^{xlix}

This case of Chow Hang Tung thus demonstrates the detrimental impact of the HKNSL on the rule of law and the numerous violations of human rights and principles of justice that may arise against the backdrop of its adoption, particularly in relation to human rights lawyers and defenders.

I. Access to legal representation of own choosing

32. L4L, IBAHRI and The 29 Principles are concerned that the HKNSL further hinders lawyers' rights in making legal representation. Such limitation was demonstrated in the case of media tycoon Jimmy Lai Chee-ying, the founder of the now-disbanded Apple Daily, as the actions taken by the HKSAR Government towards limiting a defendant's freedom to choose their legal representation have raised concern.

33. On 28 November 2022, the Chief Executive of the HKSAR Government sought interpretation of the HKNSL from the Standing Committee of the National People's

Congress in Beijing.ⁱ This request for interpretation followed the city's Court of Final Appeal's ruling dismissing the government's appeal to bar British barrister Tim Owen KC from representing Jimmy Lai.ⁱⁱ

34. The decision was perceived as putting judicial matters into the political realm, casting a significant shadow on the principle of the separation of powers. Traditionally, Hong Kong's legal system, deeply rooted in its common law tradition, allows foreign lawyers to represent clients in its courts. The HKSAR Government's determination to restrict foreign legal representation threatens this tradition, limiting defendants' right to representation of their choice, and therefore hindering access to justice.
35. This apparent deviation from the established norms raises questions about Hong Kong's adherence to international standards. UN Basic Principle 1 stipulates that "all persons are entitled to call upon the assistance of a lawyer of their choice", and mandates that governments should "ensure that lawyers are able perform all of their professional functions without intimidation, hindrance, harassment, or improper interference" (Principle 16(a)). The actions of the HKSAR Government are, arguably, in contravention of these principles.
36. Eventually, the NPCSC's ruling on 30 December 2022 now requires Hong Kong courts to obtain certification from the Chief Executive to determine whether an act involves national security.ⁱⁱⁱ An amendment of law confirming the same was passed in Hong Kong's Legislative Council in May 2023. This ruling, together with the law amendment, means that any defendants under the HKNSL who instruct a foreign lawyer to represent them at their trial are subject to the sole discretion of the Chief Executive and the Committee for Safeguarding National Security.
37. These circumstances highlight a potentially concerning trajectory, where international standards on judicial independence appear to be compromised. Principle 4 of the UN Basic Principles on the Independence of the Judiciary, which expressly prohibits "any inappropriate or unwarranted interference with the judicial process", seems to be at risk of violation. The adoption of the HKNSL sets a precedent that limits the ability of lawyers in fulfilling their duties to make representation.
38. Also in Mainland China we observe problems with access to legal representation of one's own choosing. Detainees under RSDL are frequently denied access to legal counsel which is guaranteed under Article 37 of China's Criminal Law within 48 hours of making a request. The following cases illustrate that detained lawyers also face such problems:

a) Yu Wensheng & Xu Yan

When Yu Wensheng was first arrested on 19 January 2018, he was not given access to a lawyer within 48 hours of requesting. In May 2019, Mr Yu was secretly tried at the Xuzhou Municipal Intermediate Court. His lawyers had not been informed and were not present. Only on 14 August 2020, after Yu Wensheng had already been convicted to 4 years imprisonment, he was permitted to meet a lawyer of his choice for the first time.

A little over a year since his release, Yu Wensheng was arrested again on 13 April 2023 together with his wife Xu Yan and they are still detained. Two lawyers attempted to represent the couple, but they were told that “Yu Wensheng did not want any lawyers at this stage” and that Xu Yan had already hired her own lawyers. At the time of this submission, Yu Wensheng and Xu Yan have not been given access to counsel of their own choosing nor to the lawyers that their family hired for them.

b) Chang Weiping

Chang Weiping was first arrested in January 2020 and later placed under RSDL for prolonged periods of time. His requests for legal representation were denied until 14 September 2021. Only in May 2022, Mr Chang’s lawyers were given access to his casefiles. However, his lawyers were told they were not allowed to make copies, meaning that the lawyers had to read through hundreds of pages on the spot.

J. Recommendations to the Government of China

- a. Immediately release all detained human rights lawyers;**
- b. Take measures to guarantee detained lawyers immediate and effective access to legal counsel of their own choosing;**
- c. Abolish RSDL and all other forms of administrative detention, that detain individuals without due process and without independent judicial oversight;**
- d. Immediately halt all abuse and misuse of national security laws, including the HKSNL, aimed at arbitrarily restricting lawyers’ legitimate activities and detain and prosecute human rights lawyers and defenders;**
- e. Take immediate steps to establish due safeguards, in law and practice, to guarantee the full independence, safety and effective protection of lawyers, and cease any form of retaliation in connection with their professional activity such as the nature of the cases that the lawyer is involved in or the expression of critical views;**
- f. Take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in article 23 of the Basic Principles on the Role of Lawyers, in particular their right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights, without suffering professional restrictions by reason of their lawful action.**

ⁱ 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 September 7 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 December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

ⁱⁱ UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/35/12, 22 June 2017, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20.

ⁱⁱⁱ During its 29th session (from 15 June – 3 July 2015), the Human Rights Council adopted without a vote a resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. While recalling the Basic Principles on the Role of Lawyers and condemning the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions, the Human Rights Council reminded all States of their duty “to uphold the integrity of [lawyers] and to protect them, as well as their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and bring the perpetrators to justice”. See UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/29/6, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.11.

^{iv} Report of the Working Group on the Universal Periodic Review of China, A/HRC/40/6, 26 December 2018.

^v Addendum to the Report of the Working Group on the Universal Periodic Review of China, A/HRC/40/6/Add.1.

^{vi} Recommendation 28.216 (Finland): Guarantee the protection of lawyers against any form of harassment, violence or attempts to impede or interfere with the defence of their clients, in accordance with national law.

^{vii} Recommendation 28.340 (Ireland): Take immediate action to allow human rights defenders and lawyers to exercise their right to freedom of expression and opinion without threats, harassment or repercussions.

Recommendation 28.337 (Belgium): Take the necessary measures to guarantee that human rights defenders can exercise their freedom of expression and association.

^{viii} Recommendation 28.341 (Argentina): Adopt the necessary measures to provide a safe environment for those who work on the protection and promotion of human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them.

Recommendation 28.342 (Liechtenstein): Ensure that human rights defenders can conduct their work without being subject to harassment, intimidation or any kind of reprisals.

Recommendation 28.335 (Spain): Apply public policies to protect human rights defenders in line with international standards.

^{ix} Addendum to the Report of the Working Group on the Universal Periodic Review of China, A/HRC/40/6/Add.1.

^x Recommendation 28.176 (Switzerland): Put an end to the practice of “residential surveillance at a designated location”, specifically with regard to human rights defenders and lawyers.

^{xi} Recommendation 28.213 (Czechia): Guarantee fair trials, an independent judiciary and access to legal counsel, release all human rights defenders, including lawyers, and refrain from prosecuting those who exercise their right or defend others.

^{xii} L4L, *Joint statement on ‘Civil society call to end enforced disappearances in China* (30 August 2022), <https://lawyersforlawyers.org/joint-statement-on-civil-society-call-to-end-enforced-disappearances-in-china/>; L4L, *Chinese New Year: Looking back on another year of repression of China’s legal professionals* (22 January 2023), <https://lawyersforlawyers.org/chinese-new-year-looking-back-on-another-year-of-repression-of-chinas-legal-professionals/>

^{xiii} Human Rights Committee, General Comment No. 32, Article 14: Right to equality before court and tribunals and to a fair trial, 23 August 2007, CCPR/C/GC/32, par. 34.

^{xiv} ICCPR, Art. 14.

- ^{xv} OHCHR, *Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, 24 April – 3 May 2019; Opinion No. 15/2019 concerning Yu Wensheng (China)*, A/HRC/WGAD/2019/15 (29 May 2019), https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session84/A_HRC_WGAD_2019_15.pdf
- ^{xvi} L4L, *Joint statement on the trials of Ding Jiayi & Xu Zhiyong* (1 juli 2022) <https://lawyersforlawyers.org/joint-statement-on-the-trials-of-ding-jiayi-xu-zhiyong/>
- ^{xvii} L4L, *Joint statement on the sentencing of Ding Jiayi and Xu Zhiyong* (24 April 2023) <https://lawyersforlawyers.org/joint-statement-on-the-sentencing-of-ding-jiayi-and-xu-zhiyong/>; Front Line Defenders, *Human Rights Defender Ding Jiayi Sentenced to 12 Years in Prison* <https://www.frontlinedefenders.org/en/case/human-rights-defender-ding-jiayi-sentenced-12-years-in-prison>
- ^{xviii} L4L, *Joint statement calling for the release of Li Yuhan* (29 November 2022) <https://lawyersforlawyers.org/joint-statement-calling-for-the-release-of-li-yuhan/>
- ^{xix} L4L, *Letter on the ongoing detention of Li Yuhan* (9 October 2020) <https://lawyersforlawyers.org/en/letter-on-the-ongoingdetention-of-li-yuhan/>.
- ^{xx} Front Line Defenders, *Li Yuhan’s Health Deteriorates and Under Duress to Confess* (14 July 2021), <https://www.frontlinedefenders.org/en/case/li-yuhans-health-deteriorates-and-under-duress-confess>.
- ^{xxi} Front Line Defenders, *Woman human rights defender and lawyer Li Yuhan’s health deteriorates under prolonged detention* (6 September 2022) <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-and-lawyer-li-yuhans-health-deteriorates-under-prolonged-detention>
- ^{xxii} L4L, *Joint statement on arrest Yu Wensheng and Xu Yan* (28 April 2023) <https://lawyersforlawyers.org/joint-statement-on-arrest-yu-wensheng-and-xu-yan/>
- ^{xxiii} L4L, *Yu Wensheng* (n.d.) <https://lawyersforlawyers.org/advocaten/yu-wensheng/>; Frontline Defenders, *Yu Wensheng sentenced, and transferred from the Xuzhou detention centre to the Nanjing prison* (16 March 2021), <https://www.frontlinedefenders.org/en/case/yu-wensheng-detained-and-charged-disrupting-public-service>; Amnesty International, *China: Wife of detained lawyer Yu Wensheng tells of ongoing fight for justice* (9 July 2020), <https://www.amnesty.org/en/latest/campaigns/2020/07/wife-of-yu-wensheng-tells-on-fight-for-justice/>; Martin Ennals Award, *Yu Wensheng, a lawyer who held his government to account*, 12 February 2021, <https://www.martinennalsaward.org/yu-wensheng-a-lawyer-who-held-his-government-to-account/>
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- ^{xxv} L4L & LRWC, *China: UPR Mid-Term Report*, p. 7-8, <https://lawyersforlawyers.org/china-upr-mid-term-report/>
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- ^{xxvii} Basic Principles, par. 16(c).
- ^{xxviii} Basic Principles, par. 27.
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- ^{xxxi} *Ibid.*
- ^{xxxii} UN High Commissioner for Human Rights, ‘China: Harassment of human rights lawyer Jiang Tianyong must stop, say UN experts’, 24 September 2019, <https://www.ohchr.org/en/press-releases/2019/09/china-harassment-human-rights-lawyer-jiang-tianyong-must-stop-say-un-experts?LangID=E&NewsID=25046>.
- ^{xxxiii} Law on Safeguarding National Security in the Hong Kong Special Administrative Region (HKNSL), [https://www.elegislation.gov.hk/fwddoc/hk/a406/eng_translation_\(a406\)_en.pdf](https://www.elegislation.gov.hk/fwddoc/hk/a406/eng_translation_(a406)_en.pdf)
- ^{xxxiv} UN Human Rights Committee, ‘Concluding observations on the fourth periodic report of Hong Kong, China’, CCPR/C/CHN-HKG/CO/4, 11 November 2022.
- ^{xxxv} *Ibid.*, par. 12-13.
- ^{xxxvi} Mandate of the Special Rapporteur on the independence of judges and lawyers, OL CHN 2/2023, 19 April 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27992>.

xxxvii *Ibid*, p. 2-3.

xxxviii UN Committee on Economic, Social and Cultural Rights, 'Concluding observations on the third periodic report of China, including Hong Kong, China, and Macao, China, E/C.12/CHN/CO/3, 22 March 2023, par. 100.

xxxix *Ibid*, par. 102.

xl *Ibid*.

xli UN Human Rights Committee, 'Concluding observations on the fourth periodic report of Hong Kong, China', CCPR/C/CHN-HKG/CO/4, 11 November 2022, par. 41.

xlii UN Human Rights Council Working Group on Arbitrary Detention, 'Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 27 March-5 April 2023, Opinion No. 30/2023 concerning Ms. Hang Tung Chow (Hong Kong, China), A/HRC/WGAD/2023/30, 1 May 2023.

xliii *Ibid*, par. 56.

xliv *Ibid*, par. 64-73.

xlv *Ibid*, par. 39.

xlvi *Ibid*, par. 36.

xlvii *Ibid*.

xlviii UN Human Rights Council Working Group on Arbitrary Detention, 'Opinions adopted by the Working Group on Arbitrary Detention at its ninety-sixth session, 27 March-5 April 2023, Opinion No. 30/2023 concerning Ms. Hang Tung Chow (Hong Kong, China), A/HRC/WGAD/2023/30, 1 May 2023, par. 87.

xlix *Ibid*, par. 91-94.

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² *Ibid*.

³ Hong Kong Free Press, 'Beijing gives Hong Kong leader power to bar foreign lawyers after loss at top court', 30 December 2022, <https://hongkongfp.com/2022/12/30/beijing-gives-hong-kong-leader-power-to-bar-foreign-lawyers-after-loss-at-top-court/>.

ANNEX 1

目前在押或失踪的律师

CURRENTLY IMPRISONED OR DISAPPEARED LAWYERS AND LEGAL ADVOCATES (17)

1. 常玮平，律师，陕西，2020年10月被捕，被控“煽动颠覆”，仍未被起诉。2020年1月因厦门聚会被关押10天，遭受酷刑。目前，他被判颠覆国家政权罪三年半，已经提出上诉。

Chang Weiping, lawyer, Shaanxi Province. Detained in October 2020 on suspicion of "inciting subversion", and has been convicted of "subversion of state power" for 3.5 years. He has appealed this conviction.

2. 张展，律师，上海，2020年5月被捕，被控“寻衅滋事”，2020年12月被判处有期徒刑4年。

Zhang Zhan, lawyer, Shanghai. Arrested in May 2020, sentenced to 4 years in prison in December 2020 on charges of "provoking disturbances."

3. 许志永，法律学者，公民运动活动家，北京，2020年2月被捕，被控“颠覆”，2021年8月被起诉。2013年7月至2017年7月，因新公民运动被关押四年。2023年4月10日他被判颠覆国家政权14年，案件在上诉中。

Xu Zhiyong, legal scholar and citizen activist, Beijing, detained in February 2020 on "subversion" charges, indicted in August 2021. On April 10, 2023 he was sentenced to 14 years for "subversion of state power". The case is on appeal.

4. 郝劲松，法律工作者，2020年1月17日被捕，2020年5月被起诉，被控“寻衅滋事”和“诽谤”，2021年11月已审判，无判决。

Hao Jinsong, legal advocate. Detained in January 2020, indicted on charges of "provoking disturbances" and "defamation," and tried in November 2021 with no verdict announced yet.

5. 丁家喜，前律师，公民运动活动家，北京，2019年12月26日被捕，被控“颠覆”，2021年8月被起诉。2013年3月至2016年10月，因新公民运动被关押三年半。2023年4月10日他被判颠覆国家政权12年，案件在上诉中。

Ding Jiayi, former lawyer and citizen activist, Beijing. Detained in December 2019 on "subversion" charges, indicted in August 2021. On April 10, 2023 he was sentenced to 12 years for "subversion of state power" and the case is on appeal.

6. 覃永沛，律师，广西，2019年10月31日被捕，被控“煽动颠覆”，2020年5月被起诉，仍未审未判。2023年3月31日他被判煽动颠覆国家政权，判处有期徒刑五年。案件在上诉中

Qin Yongpei, lawyer, Guangxi. Detained in October 2019, indicted on charges of "inciting subversion,". On March 31, 2023 he was convicted of inciting subversion of state power and sentenced to 5 years in prison. The case is under appeal.

7. 陈家鸿，律师，广西，2019年4月29日被捕，被控“煽动颠覆”，2020年6月已审判，至今无判决。2021年12月14日他被判煽动颠覆国家政权罪三年。后在2022年9月份，他再次被抓捕。

Chen Jiahong, lawyer, Guangxi. Detained in April 2019 on "inciting subversion" charges, tried in June 2020. On December 14, 2021 he was convicted of "inciting subversion of state power" for 3 years. In September 2022, he was arrest again.

8. 陈武权，律师，广东，2018年2月9日被捕，2019年1月18日被判刑5年，“寻衅滋事罪”。

Chen Wuquan, lawyer, Guangdong. Detained in February 2018, sentenced to 5 years in prison in January 2019, for “provoking disturbances.”

9. 余文生，律师，北京，2018年1月被捕，被控“煽动颠覆”，2020年6月被判处有期徒刑4年。余文生在2022年3月刑满后获释。在2023年4月，他和妻子许艳一同被拘留。在撰写此报告当日，两人均未获释。据消息称，两人将被控与危害国家安全相关的罪名。

Yu Wensheng, lawyer, Beijing. Detained in January 2018, sentenced to 4 years in prison in June 2020 on “subversion” charges. Yu Wensheng was released in March 2022 but has been detained once again in April 2023 with his wife Xu Yan. As of the date of writing, the couple has not been released. It was alleged that the couple would be charged with offence relating to endangering national security.

10. 李昱函，律师，北京，2017年10月被捕，2018年3月被起诉，被控“寻衅滋事”和“诈骗”，2021年10月开庭审判，仍无判决。

Li Yuhan, lawyer, Beijing. Detained in October 2017, indicted in October 2018 on charges of “provoking disturbances” and “fraud,” tried in October 2021 with no verdict announced yet.

11. 高智晟，律师，北京，2006年至2012年间，高智晟几次被失踪，时间长达三年以上，遭受了“没有言语可以形容”的酷刑。2011年底至2014年8月，在新疆沙雅监狱被关押两年零八个月。出狱后被软禁陕西老家。2017年8月再度失踪，2021年警方承认他被关押，但关押地不详。

Gao Zhisheng, lawyer, Beijing. Released in August 2014, held under house arrest in Shaanxi, held at unknown location since August 2017. In 2021, the authorities admitted Gao was in custody but refused to disclose his whereabouts.

12. 刘尧，律师，广东，2015年12月被捕，被控“敲诈勒索”，2017年12月被判处有期徒刑20年。

Liu Yao, lawyer, Guangdong. Detained in December 2015, sentenced to 20 years in prison in December 2017, on “extortion” charges.

13. 周世锋，律师，北京，2015年7月被捕，被控“颠覆”，2016年8月被判处有期徒刑7年。周世锋在2022年9月刑满后获释。他在获释后仍被严密监控。

Zhou Shifeng, lawyer, director of Beijing Fengrui Law Firm. Detained in July 2015, sentenced to 7 years in prison in August 2016, on “subversion” charges. Zhou Shifeng was released in September 2022. Yet, he was subjected to prolonged surveillance even after release.

14. 胡石根，709案被捕公民，北京，2015年7月被捕，被控“颠覆”，2016年8月被判处有期徒刑7年6个月。

Hu Shigen, dissident, Beijing. Detained in July 2015 during the 709 crackdown, sentenced to 7 and half years in prison in August 2016 on “subversion” charges.

15. 吴淦，709案被捕公民，北京，2015年5月20日被捕，被控“颠覆”，2017年12月被判处有期徒刑8年。

Wu Gan, activist, Beijing. Detained in July 2015 during the 709 crackdown, sentenced to 8 years in prison in December 2017 on “subversion” charges.

16. 夏霖，律师，北京，2014年11月被捕，被控“诈骗”，2016年9月被判处有期徒刑12年有期徒

刑。

Xia Lin, lawyer, Beijing. Detained in November 2014, sentenced to 12 years in prison in September 2016, on victimless “fraud” charges.

17. 陈树庆，取得司法资格但被禁止执业，2014年9月被捕，被控“颠覆”，2016年6月被判处有期徒刑10年6个月。

Chen Shuqing, lawyer and dissident in Zhejiang, barred from practice. Detained in September 2014, sentenced to 10 and half years in prison in June 2016 on “subversion” charges.

18. Yang Maodong (Guo Feixiong), legal activist and human rights defender, Guangdong. He has been detained since January 2021. In May 2023, he was sentenced to 8 years in prison after being convicted for inciting subversion, after being detained after attempting to leave Chinese territory.

杨茂东（郭飞雄），司法活动家及维权人士，广东，2021年1月开始被拘留，被控“颠覆”。2023年5月被判处有期徒刑8年。

II

曾被关押、现已获释的人权律师

RELEASED LAWYERS (44)

1. 陈秋实，律师，北京，2020年因调查武汉新冠疫情，被关押7个月后获释。

Chen Qiushi, lawyer, Beijing. Detained for 7 months for reporting on coronavirus in Wuhan.

2. 黄志强，律师，浙江金华，因参加2019年厦门聚会被关押6天。

Huang Zhiqiang, lawyer, Jinhua. Detained for 6 days for participation in the 2019 Xiamen meeting of lawyers and activists.

3. 江天勇，709律师，北京，2011年在茉莉花抓捕期间被羁押60天，遭受酷刑。2013年在黑龙江建三江抗议黑监狱，被关押15天，遭到殴打。2016年至2019年因组织声援709律师被控“煽动颠覆”并被羁押两年零3个月，遭受酷刑，被迫电视认罪。2019年2月获释后至今被软禁河南老家，至今无人身自由。

Jiang Tianyong, 709 lawyer, Beijing. Detained for 60 days during the “Jasmine Arrests” in 2011, and tortured.

Detained for 15 days and beaten for protesting a black jail in Jiansanjiang, Heilongjiang province in 2013.

Imprisoned for two years and three months between 2016 and 2019 on “inciting subversion” charges. Tortured, forced to confess on TV.

Has been held under house arrest in parents’ home in Henan Province since release in February 2019.

4. 任全牛，709律师，郑州，2016年为709当事人赵威发声被关押一个月。

Ren Quanniu, 709 lawyer, Zhengzhou. Detained for a month for speaking out for his client, 709 detainee Zhao Wei in 2016.

5. 王秋实，律师，哈尔滨，2016年因代理709律师王全璋，被关押一个月。遭受酷刑，并被电视认罪。

Wang Qiushi, lawyer, Ha’erbin. Detained for a month in 2016 for representing 709 lawyer Wang Quanzhang in 2016. Tortured, forced to confess on TV.

6. 张凯，律师，北京，2015年至2016年因在温州为基督教会辩护被关押8个月，遭遇酷刑，被迫电视认罪。

Zhang Kai, lawyer, Beijing. Detained for 8 months for defending house churches in Wenzhou in 2015-2016. Tortured, forced to confess on TV.

7. 王宇，709 律师，北京，2015 年至 2016 年被关押 13 个月，遭受酷刑、被迫电视认罪，获释后被软禁一年。

Wang Yu, 709 lawyer, Beijing. Detained for 13 months in 2015-2016. Tortured, forced to confess on TV. Held under house arrest for a year after release.

8. 包龙军，709 律师，北京，2015 年至 2016 年被关押 13 个月，遭受酷刑，获释后被软禁一年。

Bao Longjun, 709 lawyer, Beijing. Detained for 13 months in 2015-2016. Tortured. Held under house arrest for a year after release.

9. 李和平，709 律师，北京，2015 年至 2017 年被关押 22 个月，遭受酷刑，被控“颠覆国家政权”，判刑三年，缓刑四年，2021 年 5 月解除“社区矫正”。

Li Heping, 709 lawyer, Beijing. Detained for 22 months. Tortured. Sentenced to three years in prison with a 4-year reprieve. Ended “community correction” in May 2021. Since release, Li Heping has been subjected to various forms of persecution, include attempts to evict them from their residence.

10. 赵威，709 被捕者，李和平律师的助理，2015 年至 2016 年被关押 12 个月。遭受酷刑，被强迫电视认罪。

Zhao Wei, 709 detainee, assistant to Li Heping, Beijing. Detained for 12 months in 2015-2016. Tortured, forced to confess on TV.

11. 高月，709 被捕者，李和平律师的助理，2015 年至 2016 年被关押 9 个月。遭受酷刑。

Gao Yue, 709 detainee, assistant to Li Heping, Beijing. Detained for 9 months in 2015-2016. Tortured.

12. 李春富，709 律师，北京，2015 年 8 月至 2017 年 1 月被关押 17 个月，遭受酷刑，获释后会短期精神失常。

Li Chunfu, 709 lawyer, Beijing. Detained for 17 months in 2015-2017. Tortured. Suffered mental breakdown after release.

13. 刘四新，709 被捕者，法律学者，北京，2015 年至 2016 年被关押 16 个月，遭受酷刑，获释后被软禁一年。

Liu Sixin, 709 detainee, legal scholar, Beijing. Detained for 16 months in 2015-2016. Tortured. Held under house arrest for a year after release.

14. 王全璋，709 律师，北京，2015 年至 2020 年被羁押 4 年零 9 个月。遭受酷刑。

Wang Quanzhang, 709 lawyer, Beijing. Detained for 4 years and 9 months in 2015-2020. Tortured. Since release, Wang Quanzhang has been subjected to various forms of persecution, including attempts to evict them from their residence.

15. 谢燕益，709 律师，北京，2015 年至 2017 年被关押 18 个月，遭受酷刑。

Xie Yanyi, 709 lawyer, Beijing. Detained for 18 months in 2015-2017. Tortured.

16. 李姝云，709 律师，北京，2015 年至 2016 年被关押 9 个月，遭受酷刑。

Li Shuyun, 709 lawyer, Beijing. Detained for 9 month in 2015-2016. Tortured.

17. 谢远东，709 律师，北京，2015 年至 2016 年被关押 6 个月，遭受酷刑，被强迫电视认罪。

Xie Yuandong, 709 lawyer, Beijing. Detained for 6 months in 2015-2016. Tortured. Forced to confess on TV.

18. 黄力群，709 律师，北京，2015 年至 2016 年被关押 6 个月，遭受酷刑，被强迫电视认

罪。

Huang Liqun, 709 lawyer, Beijing. Detained for 6 months in 2015-2016. Tortured. Forced to confess on TV.

19. 谢阳，709 律师，长沙，2015 年至 2017 年被关押 22 个月，被强迫电视认罪，获释后继续被软禁 3 个月。关押期间向陈建刚律师和刘正清律师详细描述了所遭受的酷刑。

Xie Yang, 709 lawyer, Changsha. Detained for 22 months in 2015-2016. Forced to confess on TV. Held under house arrest for 3 months after release. Accounted his torture in detail to lawyers Chen Jianguang and Liu Zhengqing while in detention.

20. 隋牧青，709 律师，广州，2015 年被关押 6 个月，遭受酷刑。

Sui Muqing, 709 lawyer, Guangzhou. Detained for 6 months in 2015. Tortured.

21. 陈泰和，709 律师，桂林，2015 年被关押 1 个月。

Chen Taihe, 709 lawyer, Guilin. Detained for one month in 2015.

22. 刘建军，律师，北京，2015 年在山东潍坊法院外举牌抗议被关押一个月。遭受酷刑，被强迫电视认罪。

Liu Jianjun, lawyer, Beijing. Detained for one month in 2015 for protesting outside a courthouse in Weifang, Shandong.

23. 浦志强，律师，北京，2014 年至 2015 年被羁押 20 个月，被控“煽动民族仇恨”、“寻衅滋事”，判处有期徒刑三年，缓刑三年，2019 年 1 月解除“社区矫正”。

Pu Zhiqiang, lawyer, Beijing. Detained for 20 months in 2014-2015. Sentenced to three years in prison with a 3-year reprieve on charges of “inciting ethnic hatred” and “provoking disturbances.” Ended “community correction” in January 2019.

24. 屈振红，律师，北京，与浦志强案相关，2014 年至 2015 年被关押一年。

Qu Zhenhong, lawyer, Beijing. Detained for 12 months in connection to Pu Zhiqiang in 2014-2015.

25. 唐荆陵，律师，广州，2011 年在茉莉花抓捕期间被羁押 160 天，遭受酷刑。2014 年至 2019 年因公民不合作活动被控“煽动颠覆”，关押五年。

Tang Jingling, lawyer, Guangzhou. Detained for 160 days during the “Jasmine arrests” in 2011. Tortured. Imprisoned again for 5 years in 2014-2019 on charge of “inciting subversion” for advocating civil disobedience.

26. 石玉，前记者，郑州。通过了司法考试但被阻挠执业，2014 年因纪念中共前总书记赵紫阳被关押 1 个月。

Shi Yu, former journalist, passed bar exams but prevented from practice, Zhengzhou. Detained for one month for commemorating reformer CCP General Secretary Zhao Ziyang in 2014.

27. 常伯阳，律师，郑州，2014 年因纪念中共前总书记赵紫阳，被关押 6 个月。

Chang Boyang, lawyer, Zhengzhou. Detained for 6 months for commemorating reformer CCP General Secretary Zhao Ziyang in 2014.

28. 姬来松，律师，郑州，2014 年因纪念中共前总书记赵紫阳，被关押 4 个月。

Ji Laisong, lawyer, Zhengzhou. Detained for 4 months for commemorating reformer CCP General Secretary Zhao Ziyang in 2014.

29. 王全平，律师，江门，2014 年因声援新公民运动被捕者被拘留 10 天。

Wang Quanping, lawyer, Jiangmen. Detained for 10 days for supporting the New Citizen Movement detainees in 2014.

30. 蒋援民，律师，深圳，2013 年因帮助农民维权被关押 6 个月。

Jiang Yuanmin, lawyer, Shenzhen. Detained for 6 months for helping farmers to defend their rights in 2013.

31. 唐吉田，律师，北京，2011年在茉莉花抓捕期间被秘密羁押20天，遭受酷刑；2013年在黑龙江建三江抗议黑监狱，被关押15天，遭到殴打。2013年10月在黑龙江鸡西抗议黑监狱，被行政拘留5天。

Tang Jitian, lawyer, Beijing. Detained and tortured for 20 days during the “Jasmine Arrests” in 2011. Detained for 15 days and beaten for protesting a black jail in Jiansanjiang, Heilongjiang province in 2013. Detained for 5 days for protesting a black jail in Jixi, Heilongjiang province in 2013. In 2023, Tang Jitian was detained again after attempting to leave Chinese territory.

32. 王成，律师，杭州，2013年3月在黑龙江建三江抗议黑监狱，被关押15天，遭到殴打。
Wang Cheng, lawyer, Hangzhou. Detained for 15 days and beaten for protesting a black jail in Jiansanjiang, Heilongjiang province in 2013.

33. 张俊杰，律师，郑州，2013年3月在黑龙江建三江抗议黑监狱，被关押5天，遭到殴打。

Zhang Junjie, lawyer, Zhengzhou. Detained for 5 days and beaten for protesting a black jail in Jiansanjiang, Heilongjiang province in 2013.

34. 蔡瑛，律师，长沙，2012年因办案遭地方政府报复，被羁押87天，遭到酷刑。

Cai Ying, lawyer, Changsha. Detained for 87 days as a retaliation of local government in Hunan in 2012. Tortured.

35. 刘士辉，律师，广州，2011年在茉莉花抓捕期间被羁押108天，遭受酷刑。

Liu Shihui, lawyer, Guangzhou. Detained for 108 days during the “Jasmine Arrests” in 2011. Tortured.

36. 刘正清，律师，广州，2011年在茉莉花抓捕期间被羁押30天，遭受酷刑。

Liu Zhengqing, lawyer, Guangzhou. Detained for 30 days during the “Jasmine Arrests” in 2011. Tortured.

37. 滕彪，律师，北京，2011年在茉莉花抓捕期间被羁押70天，遭受酷刑。

Teng Biao, lawyer, Beijing. Detained for 70 days during the “Jasmine Arrests” in 2011. Tortured.

38. 金光鸿，律师，北京，2011年在茉莉花抓捕期间被拘留10天，遭受酷刑。

Jin Guanghong, lawyer, Beijing. Detained for 10 days during the “Jasmine Arrests” in 2011. Tortured.

39. 刘晓原，律师，北京，2011年茉莉花抓捕期间，为被失踪的艾未未发声，被羁押5天，遭受酷刑。

Liu Xiaoyuan, lawyer, Beijing. Detained for 5 days for speaking out for Ai Weiwei, who was disappeared during the “Jasmine Arrests” in 2011. Tortured.

40. 李天天，律师，上海，2011年在茉莉花抓捕期间被羁押100天，遭受酷刑。

Li Tiantian, lawyer, Shanghai. Detained for 100 days during the “Jasmine Arrests” in 2011. Tortured.

41. 王永航，律师，大连，2009年至2016年因为法轮功辩护被关押七年。狱中遭受酷刑。

Wang Yonghang, lawyer, Dalian. Detained for 7 years from 2009 to 2016 for defending Falungong practitioners. Tortured.

42. 郑恩宠，律师，上海，2003年至2006年被关押近三年，被控“泄露国家秘密”，狱中遭受虐待。

Zheng Enchong, lawyer, Shanghai. Detained for nearly 3 years from 2003 to 2006 for “leaking state secrets.” Mistreated in prison.

43. 李苏滨 (去世) ， 律师 ， 北京 ， 1991 年至 1996 年期间因帮助弱势群体维权多次遭羁押 ， 共计 400 天。

Li Subin (deceased), lawyer, Beijing. Detained total 400 days during 1991 to 1996 for defending the rights of clients.

44. 李大伟 ， 前政治犯 ， 西宁。通过了司法考试但被阻挠执业 ， 2001 年至 2012 年 ， 被控“颠覆国家政权” ， 入狱 11 年。

Li Dawei, former political prisoner in Xining, Gansu province. Imprisoned for 11 years from 2001 to 2012. Passed bar exams in 1998 but has been prevented from practice since.

III

被剥夺执业资格

**LAWYERS DISBARRED FOR THEIR HUMAN RIGHTS WORK (71)
LAWYERS WHOSE LICENSES HAVE BEEN SUSPENDED OR PERMANENTLY REVOKED, AS WELL AS THOSE WHO HAVE PASSED THE BAR EXAMS BUT HAVE BEEN PREVENTED FROM PRACTICING.**

2023

吴绍平 (上海)

Wu Shaoping (Shanghai)

2022 (1)

陆妙卿 (广州)

Lu Miaoqing (Guangzhou)

2021 (7)

梁小军 (北京) ， 蔺其磊 (北京) ， 卢思位 (成都) ， 任全牛 (郑州) ， 裘祥栋 (济南) ， 杨晖 (厦门) ， 彭永和 (上海)

Liang Xiaojun (Beijing), Lin Qilei (Beijing), Lu Siwei (Chengdu), Ren Quanniu (Zhengzhou), Xi Xiangdong (Jinan), Yang Hui (Xiamen), Peng Yonghe (Shanghai)

2020 (4)

谢阳 (长沙) ， 杨斌 (广州) ， 王宇 (北京) ， 任照 (信阳)

Xie Yang (Changsha), Yang Bin (Guangzhou), Wang Yu (Beijing), Ren Zhao (Xinyang)

2019 (7)

常玮平 (宝鸡) ， 李金星 (济南) ， 张雪忠 (上海) ， 王全璋 (北京) ， 陈建刚 (北京) ， 包龙军 (北京) ， 王清鹏 (石家庄)

Chang Weiping (Baoji), Li Jinxing (Jinan), Zhang Xuezhong (Shanghai), Wang Quanzhang (Beijing), Chen Jiangan (Beijing), Bao Longjun (Beijing) , *Wang Qingpeng (Shijiazhuang)*

2018 (15)

李和平 (北京) ， 周世峰 (北京) ， 谢燕益 (北京) ， 刘晓原 (北京) ， 程海 (北京) ， 余文生 (北京) ， 李昱函 (北京) ， 隋牧青 (广州) ， 刘正清 (广州) ， 陈科云 (广州) ， 文东海 (长沙) ， 杨金柱 (长沙) ， 覃

永沛 (南宁), 陈家鸿 (南宁), 马连顺 (郑州)

Li Heping (Beijing), Zhou Shifeng (Beijing), Xie Yanyi (Beijing), Liu Xiaoyuan (Beijing), Cheng Hai (Beijing), Yu Wensheng (Beijing), Li Yuhan (Beijing), Sui Muqing (Guangzhou), Liu Zhengqing (Guangzhou), Chen Keyun (Guangzhou), Wen Donghai (Changsha), Yang Jinzhu (Changsha), Qin Yongpei (Nanning), Chen Jiahong (Nanning), Ma Lianshun (Zhengzhou)

2017 (6)

王理乾 (昆明), 王龙得 (昆明), 毛晓敏 (昆明), 玉品健 (南宁), 张展 (上海), 祝圣武 (济南)
Wang Liqian (Kunming), Wang Longde (Kunming), Mao Xiaomin (Kunming), Yu Pinjian (Nanning), Zhang Zhan (Shanghai), Zhu Shengwu (Jinan)

2016 (4)

夏霖 (北京), 浦志强 (北京), 刘书庆 (济南), 石玉 (郑州)
Xia Lin (Beijing), Pu Zhiqiang (Beijing), Liu Shuqing (Jinan), Shi Yu (Zhengzhou)

2015 (2)

谢远东 (北京), 左培生 (北京)
Xie Yuandong (Beijing), Zuo Peisheng (Beijing)

2014 (2)

丁家喜 (北京), 王全平 (江门)
Ding Jiayi (Beijing), Wang Quanping (Jiangmen)

2013 (1)

金光鸿 (北京)
Jin Guanghong (Beijing)

2012 (3)

王成 (杭州), 陈武权 (湛江), 罗茜 (长沙)
Wang Cheng (Hangzhou), Chen Wuquan (Zhanjiang), Luo Xi (Changsha)

2011 (1)

李天天 (上海)
Li Tiantian (Shanghai)

2010 (5)

唐吉田 (北京), 刘巍 (北京), 童朝平 (北京), 温海波 (北京), 刘士辉 (广州)
Tang Jitian (Beijing), Liu Wei (Beijing), Tong Chaoping (Beijing), Wen Haibo (Beijing), Liu Shihui (Guangzhou)

2009 (2)

江天勇 (北京), 王永航 (大连)
Jiang Tianyong (Beijing), Wang Yonghang (Dalian)

2008 (3)

滕彪 (北京), 张立辉 (北京), 刘尧 (广州)
Teng Biao (Beijing), Zhang Lihui (Beijing), Liu Yao (Guangzhou)

2007 (1)

张鉴康 (西安)

Zhang Jiankang (Xi'an)

2006 (2)

高智晟 (北京), 刘四新 (北京)

Gao Zhisheng (Beijing), Liu Sixin (Beijing)

2005 (4)

唐荆陵 (广州), 郭艳 (广州), 李苏滨 (北京), 陈树庆 (杭州)

Tang Jingling (Guangzhou), Guo Yan (Guangzhou), Li Subin (Beijing), Chen Shuqing (Hangzhou)

2004 (1)

郭国汀 (上海)

Guo Guoting (Shanghai)

2003 (1)

郑恩宠 (上海)

Zheng Enchong (Shanghai)

1998 (1)

李大伟 (西宁)

Li Dawei (Xining)

IV.

因办理人权案件而被强行关闭的律师事务所

LAW FIRMS SHUT DOWN FOR WORK ON HUMAN RIGHTS CASES (8)

北京道衡律师事务所 (2022) Beijing Daoheng Law Firm

上海锦政律师事务所 (2021) Shanghai Jinzheng Law Firm

河南轨道律师事务所 (2021) Henan Guidao Law Firm

北京瑞凯律师事务所 (2021) Beijing Ruikai Law Firm

广西百举鸣律师事务所 (2018) Guangxi Baijuming Law Firm

北京悟天律师事务所 (2018) Beijing Wutian Law Firm

北京锋锐律师事务所 (2018) Beijing Fengrui Law Firm

北京安汇律师事务所 (2011) Beijing Anhui Law Firm

北京旗鉴律师事务所 (2011) Beijing Qijian Law Firm

北京高博隆华律师事务所 (2010) Beijing Global Law Firm

北京舜和律师事务所 (2010) Beijing Shunhe Law Firm

V.

被禁止出境

LAWYERS PROHIBITED FROM TRAVELING OUTSIDE CHINA (AT LEAST 47)

NOT INCLUDING THOSE WHO HAD EXIT BANS THAT WERE LATER LIFTED, THOSE WHO MANAGED TO LEAVE CHINA DESPITE HAVING AN EXIT BAN, AND THOSE WHO MAY HAVE

BEEN BARRED FROM LEAVING CHINA BUT CANNOT CONFIRM BECAUSE THEY HAVE NEVER ATTEMPTED TO TRAVEL OUTSIDE CHINA.

包龙军 Bao Longjun
蔡瑛 Cai Ying
常伯阳 Chang Boyang
陈进学 Cheng Jinxue
程海 Cheng Hai
丁家喜 Ding Jiayi
高智晟 Gao Zhisheng
葛文秀 Ge Wenxiu
葛永喜 Ge Yongxi
江天勇 Jiang Tianyong
胡林政 Hu Linzheng
李春富 Li Chunfu
李大伟 Li Dawei
李和平 Li Heping
黎雄兵 Li Xiongbing
李仲伟 Li Zhongwei
梁小军 Liang Xiaojun
蔺其磊 Lin Qilei
刘书庆 Liu Shuqing
刘四新 Liu Sixin
刘晓原 Liu Xiaoyuan
刘正清 Liu Zhengqing
卢思位 Lu Siwei
卢廷阁 Lu Tingge
马连顺 Ma Lianshun
彭永和 Peng Yonghe
覃臣寿 Qin Chenshou
冉彤 Ran Tong
任全牛 Ren Quanqiu
斯伟江 Si Weijiang
隋牧青 Sui Muqing
唐荆陵 Tang Jingling
唐吉田 Tang Jitian
唐天昊 Tang Tianhao

王成 Wang Cheng
王全平 Wang Quanping
王全璋 Wang Quanzhang
王宇 Wang Yu
文东海 Wen Donghai
吴魁明 Wu Kuiming
谢燕益 Xie Yanyi
谢阳 Xie Yang
燕文薪 Yan Wenxin
游飞翥 You Feizhu
张磊 Zhang Lei
郑恩宠 Zheng Enchong
