

Minister Wu Aiying (吴爱英)
Ministry of Justice of the People's Republic of China
No. 10 Nandajie, Chaoyangmen
Beijing, People's Republic of China, Postal code: 100020
Tel: +86 (010) 65205114
Fax: +86 (010) 84772883
Email: minister@legalinfo.gov.cn

December 9, 2010

Re: Recent Crackdown on Legal Professionals

Dear Minister Wu,

We write on behalf of the Committee to Support Chinese Lawyers, to express our concern related to the recent crackdown on Chinese lawyers and other legal professionals in the wake of the 2010 Nobel Peace Prize announcements. We believe that these individuals have been targeted because of their rights defense activities and their representation of clients unpopular with the Chinese authorities. We ask that you investigate these incidents of intimidation and harassment and ensure that the ability of all lawyers and legal professionals in China to undertake their professional activities is protected.

Since the October 8, 2010, announcement that the 2010 Nobel Peace Prize was to be awarded to Liu Xiaobo (刘晓波), lawyers and legal professionals have been prevented from leaving China to undertake professional activities on the grounds that such movements would endanger state security. Lawyers have also had their ability to effectively represent their clients compromised by house arrest and surveillance. Other lawyers have been prevented from meeting with their detained clients altogether, in contravention of Article 33 of the 2007 Lawyers' Law of the People's Republic of China (中华人民共和国律师法). Numerous lawyers have been put under surveillance and face restrictions on their personal freedoms, and have also been subject to harassment by local police.

The following cases have come to our attention:

Interference with Client Representation and Professional Activities

- On Oct. 27, 2010, Li Xiongbing (黎雄兵) was initially prevented from leaving his home for a business trip, although he successfully made a later flight.
- On Nov. 11, 2010, Yuexiu District Public Security Bureau in Guangzhou City, Guangdong Province denied the request of Liu Zhengqing (刘正清) to meet with his client, Guo Xianliang (郭贤良), on the grounds that Guo's case was "special." Guo was criminally detained on Oct. 29, 2010, on suspicion of "inciting subversion of state power" by passing out informational flyers regarding Liu Xiaobo and the Peace Prize.
- On Nov. 15, 2010, Li Fangping (李方平) attempted to visit client Zhao Lianhai (赵连海) at the Daxing Detention Center in Beijing. The police on duty told him he would have to contact Zhao by telephone instead, without providing an explanation.

- On December 7, 2010, Li Xiongbing (黎雄兵) was forced by local police to resign as acting head of Aizhixing, a prominent Beijing-based AIDS organization, in retaliation for Wan Yanhai's intention to attend the Nobel Peace Prize ceremony.

Lawyers Prevented from Participating in Professional Conferences

- On Oct. 30, 2010, Jiang Tianyong (江天勇) and Li Subin (李苏滨) were blocked from leaving the country at Beijing International Airport and Shanghai Pudong International Airport, respectively. The two were attempting to travel to the United States where they had accepted invitations to observe the U.S. mid-term elections and participate in academic exchanges.
- On Oct. 30, 2010, Beijing legal scholar Fan Yafeng (范亚峰) was barred from attending a seminar about a case of a fatal car accident at Hebei University. He was detained for 9 hours.
- On Nov. 8, 2010, Li Fangping (李方平) was placed under soft detention to prevent him from attending a legal seminar organized by the French government.
- On Nov. 9, 2010, Mo Shaoping (莫少平) and legal scholar He Weifang (贺卫方), were barred at the Beijing airport by police officers from boarding a flight to London, where they were due to take part in a conference organized by the International Bar Association on the independence of lawyers in China.
- On Nov. 28, 2010, Liu Xiaoyuan (刘晓原) was prevented from attending a conference at a Tokyo university because his departure would "endanger state security."

Harassment of Lawyers Through Interrogation, Surveillance, or House Arrest

- On Oct. 8, 2010, Pu Zhiqiang (浦志强) was detained for three days and then placed under house arrest.
- On Oct. 8, 2010, Li Fangping (李方平) and Li Heping (李和平) were also placed under continuous police surveillance, with officers stationed outside their homes and following them whenever they leave, including to client meetings.
- The number of policemen deployed outside the Beijing residence of lawyer and political theorist Zhang Zuhua (张祖桦) was increased on both Oct. 8 and Oct. 10, 2010. Zhang, who was the principal drafter of Charter 08, cannot leave his house without permission, and is accompanied by police wherever he goes.
- Ni Wenhua (倪文华) was summoned for repeated police interrogations on Oct. 16 and Oct. 17, 2010.

Reports also indicate that many other lawyers have been put under surveillance and have had their personal movements restricted, including: Liu Xiaobo's lawyers, Ding Xikui (丁锡奎) and Shang Baojun (尚宝军); Li Baiguang (李柏光); Li Xiongbing (黎雄兵); constitutional scholar Liu Junning (刘军宁); China University of Political Science and Law professor, Teng Biao (滕彪); Zhang Xingshui (张星水), and Zhuang Daohe (庄道鹤). Legal scholars Yu Haocheng (于浩成) and Zhang Zuhua are currently under soft detention at home. Other lawyers, including Pu Zhiqiang and Teng Biao, have been warned by Chinese authorities not to grant any media interviews.

Targeting and intimidating lawyers because the clients they represent are unpopular with the authorities, or because such lawyers speak out about rights defense, is contrary to the rule of law and the United Nations Basic Principles on the Role of Lawyers, which China supports. In particular, preventing lawyers and legal professionals from leaving the country and participating in their professional activities violates Article 16 of these Principles, which states governments' obligations to "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.”

The Committee respectfully requests that the Ministry of Justice investigate these cases and ensure the effective protection of all lawyers carrying out their professional functions.

The Committee to Support Chinese Lawyers is a group of independent lawyers from outside China whose goal is to support lawyers in China in their quest to strengthen the rule of law there. The Committee, which is housed at the Leitner Center for International Law and Justice at Fordham Law School in New York City, seeks to strengthen the role of lawyers and to promote their independence seeks to strengthen the role of lawyers and to promote their independence.

Thank you for your attention to this important matter.

Very truly yours,



Robert N. Hornick
Chair



Martin S. Flaherty
Vice Chair



R. Scott Greathead
Vice Chair

Cc: Zhang Xuebing [张学兵], President, Beijing Lawyers Association
HE Zhang Yesui [张业遂], Ambassador of the People's Republic of China to the United States of America
The Hon. Jon M. Huntsman, Jr., U.S. Ambassador to China
Michael H. Posner, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor, United States State Department