

Ministry of Justice of the People's Republic of China
Minister Wu Aiying [吴爱英]
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February 17, 2010

Re: Non-Renewal of Lawyers' Licenses

Dear Madame,

We refer to our May 29, 2009 letter to you regarding lawyers in Beijing who have lost their licenses to practice law, and therefore their means of livelihood, because they represent clients who are unpopular with the authorities, or because of their bar association activities and rights defense advocacy. As lawyers interested in supporting the work and independence of our Chinese colleagues, we expressed our concern and asked you to help ensure that no Beijing lawyer would lose his or her license to practice law for such reasons.

Sadly, we continue to hear reports that the following Beijing lawyers have not had their licenses renewed for these reasons, including:

Zhang Lihui (张立辉)
Yang Huiwen (杨慧文)
Tang Jitian (唐吉田)
Liu Wei (刘巍)
Jiang Tianyong (江天勇)
Tong Zhaoping (童朝平)
Wen Haibo (温海波)
Li Jinsong (李劲松)

We understand that several of these lawyers have gone repeatedly to both the Beijing Lawyers Association and the Beijing Judicial Bureau, seeking the renewal of their licenses. Not only have their licenses not been renewed, they have also been unable to obtain any information as to the reasons why. Also disturbing to us are reports that these lawyers have been harassed and intimidated in the process of trying to renew their licenses. For example, we understand that several lawyers went to the Beijing Judicial Bureau on December 30, 2009 to ask for their licenses; after registering their names,

public security barred them from entering the Bureau's offices. It was only after they complained to the police that they were able to speak to a member of the Bureau's staff.

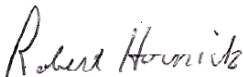
As we have said before, the failure to renew lawyers' licenses to practice because the clients they represent are unpopular with the authorities, or because such lawyers speak out about rights defense and bar association governance, is contrary to the rule of law and the United Nations Basic Principles on the Role of Lawyers, which China supports, including Articles 14 and 23 of the Basic Principles. It is also contrary to Chinese law, including Article 46, Section 1 of the Law of the People's Republic of China on Lawyers (stating that lawyers associations should "safeguard the practice of law by lawyers, and protect the legal rights and interests of lawyers"), and the guaranties of free association and free speech enshrined in the Constitution of the People's Republic of China (Constitution of the People's Republic of China [中华人民共和国宪法], adopted and in effect Dec. 4, 1982, amended by the National People's Congress on March 14, 2004, Article 35).

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 Chinese lawyers and to promote their independence. We know that you share these objectives.

We respectfully request, again, that you investigate why these lawyers' licenses to practice have not been renewed. If our information as to why license renewal has been withheld is correct, we then ask that you intercede on their behalf to secure renewal of their licenses. We also respectfully request that your office respond to this letter and the lawyers' request for information regarding the denial of their licenses to practice. It is only when lawyers are able to represent clients without fear of reprisal, and to speak freely about professional concerns and rights defense, that the rule of law can gain a secure foothold.

Thank you for your attention.

Very truly yours,



Robert N. Hornick
Chair



Martin S. Flaherty
Vice Chair



R. Scott Greathead
Vice Chair



AT THE LEITNER CENTER FOR INTERNATIONAL LAW AND JUSTICE

cc Zhang Xuebing (张学兵), President, Beijing Lawyers Association
Dong Chunjiang (董春江), Deputy Director, Beijing Judicial Bureau
The Hon. Jon M. Huntsman, Jr., U.S. Ambassador to China
HE Zhou Wenzhong, Ambassador of the People's Republic of China to the United States of America
Michael H. Posner, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor, United States State Department