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AGAINST THE LAW

CRACKDOWN ON CHINA'S HUMAN RIGHTS LAWYERS DEEPENS

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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Cover photo: A policeman videotapes journalists outside a courtroom during a hearing in the case against human rights lawyers Tang Jitian and Liu Wei, in Beijing, China, 22 April 2010. The two lawyers faced the permanent loss of their legal licences, a new government tactic to tighten its grip on human rights defenders.

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1. INTRODUCTION

"I think the rule of law in China has taken a step backwards – or, I should say, attempts to build the rule of law, and attempts at legal and political reform, have all taken a step backwards… On the other hand, more and more people are concerned about the rule of law. Lawyers are not only working for money, but to protect human rights. These values have taken root in our consciousness."

Jiang Ping, 80, professor emeritus, Chinese University of Political Science and Law, December 2009[1]

Lawyers are increasingly on the frontline of human rights activism in China as more and more people turn to the law to push for democracy and their basic rights. The government's response has been uncompromising. Lawyers are threatened with suspension, disbarment and even criminal punishment for taking up sensitive cases that represent an actual or potential challenge to the power of officials. Some have had their licenses to practice law suspended or revoked. Where threats fail, lawyers are labelled dissidents and targeted with state violence. They are placed under surveillance. They may be arbitrarily detained or imprisoned. Some are subjected to enforced disappearance. Very few – a few hundred out of a total of 204,000 lawyers[2] – risk taking up human rights cases as a result.

This report updates Amnesty International's *Breaking the law: Crackdown on human rights lawyers and legal activists in China* (ASA 17/042/2009) published in 2009.[3] Focusing on new regulatory and policy instruments, the current report documents how the government exerts control over lawyers in three ways: first, by trying to rein in their behaviour through increasing demands to conform to party ideology; second, by using administrative procedures to discipline and stop lawyers and others who have taken on human rights cases; and third, by carrying out violent acts, illegal under China's own laws, against people who persist when all other forms of pressure on them have failed to end their human rights activism. In the

most extreme case, human rights lawyer Gao Zhisheng has now been forcibly disappeared for more than a year in a second lengthy detention, leading to serious concerns for his safety. In the last few months, other lawyers have also been subject to enforced disappearances; most recently, Shanghai lawyer Li Tiantian was held incommunicado for three months before being released in her home town in Xinjiang on 24 May 2011.

The report also sets out the latest developments in the cases highlighted in the 2009 report, considers ways lawyers have challenged efforts to control them, and analyzes recent trends in the development of the rule of law and in patterns of repression. It provides some evidence of the impact that controls on human rights lawyers have had on citizens access to justice.

1.1. PARTY INFLUENCE THWARTS LEGAL REFORM

China has made great efforts to build a legal system following the total rejection of the very concepts of law and legality in the Cultural Revolution of the 1960s. However, in recent years, the authorities have undermined these efforts, introducing laws and measures aimed at imposing Chinese Communist Party (CCP) control on the legal profession.

The state's use of administrative procedures to hobble lawyers is particularly damaging to their independence. Lawyers and law firms must undergo assessment every year and renew their licenses to practice law annually. Those lawyers (and firms) who take on human rights and other cases demanding government accountability often fail their assessments, so that their licenses are temporarily suspended, or worse, permanently revoked. Some disbarred human rights lawyers continue to provide legal advice to clients.

This was the case for **Liu Wei** and **Tang Jitian**, two prominent human rights lawyers. In May 2010, their licenses to practice law were permanently revoked because, when defending a Falun Gong practitioner, they walked out of court to protest against the judges' failure to follow criminal procedure and the denial of their right as lawyers to present a defence, present evidence, and ask questions pertaining to evidence. If this marked a low point for the rule of law in China in 2010, the situation deteriorated even further at the end of that year. In December, leading human rights campaigner and legal scholar Fan Yafeng was detained for nine days and tortured in an effort to halt his human rights-related activities.

State attempts to curb and control lawyers were underscored by the introduction in April 2010 of the new "Measures for Punishing Illegal Acts Committed by Lawyers and Law Firms"[4] – which can be used to penalize lawyers who take up human rights cases. Lawyers who provide representation in such cases have expressed serious concern about the implications of these new Measures for their work, in particular, they believe that they could allow for punishment of lawyers who speak to the media about the cases they are working on.[5]

1.2. DEFYING HUMAN RIGHTS LAW AND STANDARDS

These and other actions taken against lawyers described in this report contradict the commitments made by the Chinese government to respect and protect human rights, notably the incorporation of a commitment to this effect into the Constitution in 2004, and in many cases also violate Chinese laws and regulations. International human rights treaties and other instruments have emphasized the important role that lawyers play in safeguarding human rights, and the necessity of ensuring their independence in order to fulfil this role.

The Universal Declaration of Human Rights states that all should enjoy "equal protection of the law" (Article 7) and the "right to an effective remedy" for violation of their rights (Article 8). Article 10 states:

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

A similar provision is made in Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) (which China signed in 1998 but has yet to ratify). It is universally recognized that the right to be represented is essential for a fair trial, and that detainees, people accused of offences or others stating their claim before the courts need to be able to obtain representation by independent legal professionals.

An independent and proactive legal profession committed to providing strong legal representation regardless of the sensitivity of the issue involved is essential for the protection of human rights, in China as elsewhere. Amnesty International calls on China's authorities to abolish all administrative requirements and regulations that undermine the independence of the legal profession, and to ensure that the administration of the legal profession in China accords with international human rights law and standards. Lawyers who take up human rights cases should be able to do so free from harassment and the risk of being barred from practicing law, arbitrary detention, torture and imprisonment.

2. REASSERTING PARTY CONTROL

"Constantly ensure Communist Party leadership of lawyers' work and organizations"

Fourth principle of the Opinion on Further Strengthening and Improving Lawyers' Work, People's Republic of China Ministry of Justice, November 2010

In late 2010, a campaign was launched to ensure CCP control over the daily work, professional organizations and approach of all Chinese lawyers. The Ministry of Justice issued an internal document entitled "Opinion on Further Strengthening and Improving Lawyers' Work" (the Opinion), circulated with the imprimatur of the CCP Central Committee and the State Council. Although this document has not been made public, commentaries on it have appeared in various media.[6]

The effort to reassert CCP control over lawyers can be seen as a response to the increasing willingness of a small but growing group of lawyers to take on cases of people who have suffered violations of their human rights at the hands of officials or agents of the state. A handful of lawyers have consistently taken on cases of high-profile dissidents – veteran lawyer Zhang Sizhi provided legal defence for a number of those sentenced to long prison terms following the crackdown on the 1989 pro-democracy demonstrations, and Mo Shaoping since 1995 has defended a number of people charged with political crimes.

But since 2003, a number of younger lawyers have actively sought out local cases involving a variety of official misconduct as part of the "rights defence" (*weiquan*) movement.[7] As part of these efforts, lawyers have sought to provide legal aid to Tibetan protesters, defended Falun Gong practitioners and people petitioning for redress of long-standing grievances, and have taken up various public interest lawsuits. These lawsuits relate to issues such as the deaths during the Sichuan earthquake of children in school buildings allegedly constructed in substandard ways and government supervisors responsibilities in the distribution of toxic milk formula tainted with melamine.

In addition, lawyers have demonstrated a desire for independence by, for example, challenging the officially nominated candidates for election to the Beijing Lawyers Association in 2008 and seeking to hold a democratic vote for a new leadership.[8] This institution is crucial to their independence: all lawyers in China are required to join a local branch of the All China Lawyers Association (ACLA), an association that manages the legal profession and is comprised of lawyers and law firms. The ACLA is subordinate to the

Ministry of Justice. Local justice bureaus and ultimately the Ministry of Justice are responsible for the administration of lawyers.

Such activism among lawyers and legal workers has come about as part of the gradual emergence of an independent legal profession. In the late 1970s, the legal profession was revived after the comprehensive rejection of efforts to establish the rule of law during the Cultural Revolution. The PRC Interim Regulations on Lawyers,[9] promulgated in 1980, defined lawyers as state legal workers primarily tasked with ensuring the correct implementation of the law and protecting the interests of the state. Only with the passage of the Lawyers Law in 1996 were they transformed into "professional legal workers providing a service to society", shifting their role to defending their clients' rights and interests.[10]

The 1996 law offered lawyers the choice of operating independently of the state by setting up a private law firm. Article 2 of the law defines a lawyer as "a practitioner who has acquired a lawyer's practice certificate pursuant to law and provides legal services to the public". This definition was expanded and clarified on 28 October 2007 with an amendment to Article 2, which now states that lawyers "refer to practitioners who have obtained a certificate for law practice and provide legal services for the interested parties upon acceptance of trust or designation." Their role is to "safeguard the legitimate rights and interests of the interested parties, safeguard correct implementation of law and safeguard social equality and justice."

2.1. LAWYERS' INDEPENDENCE THREATENED

Now, however, it appears the Chinese leadership is retreating from the idea of an independent legal profession. The Opinion represents the intensification of an effort to halt legal behaviour that appears to challenge the interests of the CCP. In a speech to the All China Lawyers Association on 22 November 2010, Zhou Yongkang, Central Communist Party Political and Legal Committee Secretary, entreated members to "carefully study and implement with dedication" the Opinion, to "ensure that lawyers fulfil their role as legal practitioners of socialism with Chinese characteristics."

His words echoed a speech made by President Hu Jintao nearly three years earlier, to lawyers, procurators and judges on 26 December 2007. While Hu's speech also advocates impartiality, the order of the text sends the clear message that when this comes into conflict with CCP priorities, the requirement of CCP supremacy demands that its interests are paramount:

"Always adhere to the supremacy of the Communist Party's mission, the supremacy of the interests of the people and the supremacy of the Constitution. Effectively take on the historical mission and political responsibility of leading judges, procurators and other personnel to secure scientific development and promote social harmony. Make unremitting efforts to establish an impartial, highly efficient and authoritative socialist legal system."

The core of the Opinion is a set of principles known as the "Four Constants", requiring that the work of lawyers should:

1. Unswervingly uphold the great flag of socialism with Chinese characteristics, and firmly establish and implement the socialist rule of law;

2. Always adhere to the scientific outlook on development to guide the work of lawyers, who are to strive to advance the cause of socialism with Chinese characteristics, as well as to safeguard national interest, public interest and the legitimate rights of the people in accordance with law;

3. Persistently maintain that the basic characteristic of lawyers is as workers in the cause of socialism with Chinese characteristics in order to induce the vast majority to loyally carry out the mission making sure that they earnestly maintain the Communist Party's leadership, embrace the socialist system, uphold respect for the Constitution and the laws, protect the lawful rights and interests of clients, ensure correct implementation of the law, and maintain social equality and justice;

4. Constantly ensure Communist Party leadership of lawyers' work and organizations; lawyers who are members of the Communist Party should conscientiously insist on upholding the fundamental theories, directions, guiding principles and experience of the Party theory and policy, in order to conscientiously implement the decisions of the centre.[11]

Overall, the focus of the Opinion is on "management" of lawyers, which it states are goals to be achieved through the various administrative mechanisms of control that are detailed in later sections of this report.

Amnesty International is concerned at the influence that the CCP is seeking over lawyers, in particular its insistence on placing the "defence of socialism" and the primacy of the Communist Party's mission above the independence of lawyers in the defence of their clients' lawful rights. The Opinion and its promotion by top Party leaders aim to stop lawyers providing clients impartial representation and professional advice that best protects their legal rights and interests when their cases are seen as conflicting with CCP priorities. Such requirements can be employed to obstruct avenues of legitimate redress for those who have suffered violations of their human rights. They thus contradict the UN Basic Principles on the Role of Lawyers, which underlines the vital role that lawyers have in protecting basic freedoms and promoting justice.

THE ROLE OF LAWYERS

The UN Basic Principles on the Role of Lawyers state that lawyers have an important role in protecting fundamental freedoms. Principle 14 specifies that, "lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law".

Principle 16 calls on government to: "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."[12]

3. ADMINISTRATIVE RETALIATION AND DISBARMENT

"There is a trend of marginalizing human rights lawyers. They are unable to renew their licenses and are prevented from carrying out human rights work via NGOs or through commercially registered platforms. Several important legal scholars in China have raised the alarm that China's rule of law is on the verge of being destroyed."

Jiang Tianyong, July 2010[13]

When lawyers persist in taking up human rights cases, refusing to heed exhortations to put the perceived interests of the state ahead of those of their clients, the authorities' second strategy is to use administrative procedures to stop them. They exert pressure on lawyers and their firms, warning them against taking up certain types of cases. Those who refuse are censured either through the annual assessment – which all lawyers and firms must now undergo to retain their licenses to practice law – or administrative sanctions, including suspension or even revocation of their licenses. Some lawyers argue that the onerous administrative procedures being used to control lawyers – comprising assessments by law firms, local lawyers' associations and justice departments, and, in many places, annual license renewals – go beyond what is permitted under Chinese law.

Many types of cases can provoke such retaliation, but they all have one thing in common: they demand some form of accountability from the authorities, thus presenting a challenge to the public and private power of state agencies and central and local officials. They include cases on freedoms of expression, association and religion. Other types involve seeking redress for official misconduct, or legal defence for those seen as "enemies" of the central or local state – dissidents, ethnic nationalists and those involved with unauthorized religious groups. Very few lawyers – several hundred among the 204,000[14] practising in the country – dare to take up these types of cases. Those who do can face the types of consequences described below.

3.1. ANNUAL ASSESSMENT

In 2008, the Ministry of Justice ostensibly replaced the annual registration system, in existence since the mid-1990s, with a system of annual assessment of lawyers and law firms. The Ministry of Justice issued two regulations to implement this: "Measures for the Management of Law Firms" and "Measures for the Management of Lawyers' Practice".[15] Under this system, lawyers and law firms must be subjected to assessment on an annual basis, and their licenses may be revoked if they fail it.

The 1996 Lawyers Law does not provide for such annual assessments or annual license renewals, merely providing that the justice bureaus would exercise supervision over the work of lawyers. However, some version of these administrative controls has been in effect since 1996, when the Ministry of Justice "Measures for the Management of Lawyers' Practice" established a system of annual license renewal. Section 12 of these Measures provides: "Lawyers must re-register their licenses to practice law annually, without such re-registration, the license is invalid." Members of the legal profession have repeatedly challenged the legality of this provision. The UN Special Rapporteur on the Independence of Lawyers and Judges has also stated that provisions in the Measures that set out circumstances under which re-registration may be denied are "overly broad and thus raise concerns as to legal certainty".[16]

Amendments of the Lawyers Law in 2007 did not incorporate a provision requiring annual license renewal,[17] nor did the subsequently issued implementing rules, the Ministry of Justice's Measures for the Management of Lawyers' Practice (2008).[18] Article 52 of these Measures provides that should there be a conflict between this and previous regulations or documents, the 2008 regulation should take precedence, which Chinese lawyers argued should mean that the 1996 Measures were invalidated.[19] This position was confirmed when, at the end of 2010, the Ministry of Justice issued a list of valid regulatory instruments in its jurisdiction which did not include the 1996 Measures.[20] The Ministry of Justice Department of Guidance of the Work of Lawyers and Public Notaries had already issued an internal circular to this effect in 2009. The circular called for an immediate end to the annual assessment and registration of lawyers and law firms. In response, the Justice Bureau of the Guangxi Zhuang Autonomous Region (GZAR) issued its own circular in April 2009 stating that it would stop the annual assessment and extend the licenses of all lawyers and law firms, and would not resume such assessments until the Ministry of Justice issued new regulations authorizing them.[21] However, many provincial and municipal justice bureaus, including Beijing, continued to carry out annual assessments in 2009 and 2010. Regulations specifically on this subject, "Measures on the Management of the Licenses to Practice of Lawyers and Law Firms", issued by the Ministry of Justice in 2009, make no mention of an annual renewal system, providing only that local justice bureaus should stamp licenses to practice law annually following the assessment.[22] Thus 2011 will be a test of the willingness of local governments to act in accordance with the national level rules on this matter.

On 9 April 2010, the Ministry of Justice enacted "Measures for the Annual Inspection and Assessment of Law Firms" (the Annual Inspection Measures 2010).[23] This suggested that the annual assessment be undertaken from March to May each year, although the provincial governments, autonomous regional governments and municipal governments could determine their own timeline and process.

The annual assessment of lawyers and law firms in 2010 was carried out from April to 15 July across the country. For example, assessment of Beijing law firms and lawyers started on 1 June and ended on 15 July.[24]

3.2. LAWYERS CHALLENGE THE ASSESSMENT SYSTEM

On 21 February and 3 March 2009 a group of Beijing lawyers, including Li Subin, Yang Huiwen, Tang Jitian and Liu Wei, issued a "letter of accusation" against the Beijing Justice Bureau challenging the legality of annual assessments and registration. The letter challenged the annual registration system as well as the "extortionate" fees charged by the authorities to renew Beijing lawyers' licenses to practice law, currently set at 2,000 *yuan*.[25] Prior to standardization of the fee schedule in 2009, some lawyers were asked to pay up to 2,500 *yuan* for the annual fee. The amount was fixed at 2,000 after lawyers issued a protest letter about the fee in early 2009. In 2002, Li Subin brought a lawsuit against the Henan Justice Bureau on this issue, it was then charging 3,000 yuan per year.[26] Since a 2001 campaign against illegitimate fee-charging, the Beijing Lawyers Association began to collect the fees rather than the Beijing Justice Bureau, but lawyers cannot obtain the stamp renewing their license to practice for the year without having paid the fee. In 2010, Beijing lawyers sued both bodies over this system.[27]

On 8 July 2009 a group of academics in China, including Dai Qing and Du Guang, issued an open letter to the Ministry of justice arguing that the system of annual license renewal violates the Administrative Licensing Law and the Lawyers Law, which, as the governing legislation, is superior in the hierarchy of law. The letter pointed out that Chapter II of the Lawyers Law outlines the criteria governing lawyers' practice, and makes no mention of an annual license renewal, nor does it state that licenses will be invalidated if they are not renewed annually. In addition, the letter claimed that the system violates the Administrative Licensing Law.[28] Article 16(4) of that Law provides that administrative regulations or measures cannot create a licensing system that is not provided for in the relevant law, in this case, the Lawyers Law. In addition, as mentioned above the Ministry itself has issued regulations superseding the 1996 Measures on which re-registration is based.[29]

3.3. ASSESSMENT OF LAW FIRMS

Justice bureaus at the local level formulate their own rules to implement the assessment, guided by the new Annual Inspection Measures and the Lawyers Law. The first stage is a self-assessment by law firms, which is then submitted to the provincial or municipal justice departments, which in turn conduct on-site checks before producing their own assessment.

Documents Beijing law firms must submit to the Beijing Justice Department as part of their self-assessment include reports on their finances in the past year; reports on internal management of matters such as their collective discussions on "mass cases"[30] and their requests for instructions from higher authorities on these or "important and difficult" cases; and a report assessing each of the lawyers employed by the firm.

To be allowed to continue in business, law firms need to pass all rounds of assessment. If the justice department fails a law firm in the initial review of documents or based on the on-site assessment, it must provide reasons for the failure, give the firm some time to rectify the situation and then reassess it. Failure to meet the deadlines set for the assessment would

automatically lead to a law firm's license being invalidated and subsequent suspension of the firm's operations.

3.3.1. CHANGES TO ASSESSMENTS IN 2010

A fundamental difference between the 2010 and 2009 assessment criteria is that law firms now have a duty to "build Communist Party membership and leadership" within the firm.[31] Firms are also required to ensure the "political education of lawyers",[32] and make sure that lawyers representing mass cases are subjected to further "self-discipline".[33]

Article 6 of the 2010 Annual Inspection Measures establishes seven areas of assessment: 1) building a legal team, 2) law firms' business operation, 3) performance of lawyers under the law firm, 4) Internal management of the law firm, 5) punishment and awards the law firm received, 6) implementation of obligations as member of the local lawyers' association, and 7) undefined other criteria specified by relevant provincial, municipal and autonomous region authorities.

Article 7 of the Annual Inspection Measures elaborates that "building a legal team" includes addressing issues of ethics, discipline, ongoing education of lawyers and "building Communist Party membership and leadership within the law firm". Article 14(1) provides that law firms that "allow or tolerate behaviour which violates laws and regulations and causes serious consequences will fail the assessment". Article 8 outlines rules for "law firms' business operation", explaining how a law firm's ability to "monitor and guide lawyers who take up important mass cases and collective cases"[34] will be assessed. According to a number of lawyers who have spoken to Amnesty International, these criteria undermine the partnership structure of law firms, treating lawyers as staff rather than partners.

Article 25 of the Annual Inspection Measures allows city level or county level justice departments to decide whether a law firm has failed the assessment criteria, and gives them arbitrary power to impose penalties. Local justice departments can suspend an entire law firm for up to six months.

Article 23 of the Annual Inspection Measures states that law firms and lawyers which are under investigation on suspicion of violating the law will have their assessments suspended until investigations are concluded. Firms in this situation are effectively suspended. As the official standard for opening an investigation is merely "suspicion", this allows local authorities to punish law firms they dislike, by effectively closing them down without evidence or hearings, by merely classifying them as "under investigation". In practice, this can stop many lawyers and law firms from operating for an unknown length of time at the whim of local authorities.

For example, on 17 March 2009, Yitong Law Firm in Beijing received a notice from the Haidian District Justice Bureau ordering them to suspend operations for six months beginning 13 March 2009 and to turn in the licenses of the firm and of all their lawyers. The notice said that the firm had violated the law by allowing a lawyer, Li Subin, to work without a license to practice. Li Jinsong, managing partner of the firm, thought the real reason for the suspension was their call for a democratic election in the Beijing Lawyers Association's and their public criticism of the courts' and justice departments handling of specific cases, such as that of Yang Jia, a young man executed for killing six policemen.[35] Although the

suspension was supposed to be for six months, the law firm's license was not returned until August 2010 without any further notice being given.

3.4. ASSESSMENT OF LAWYERS

As well as law firms, individual lawyers must undergo annual assessments, first by the law firm they work for, then by the provincial or municipal lawyers' association. If they fail these assessments, their license to practice law can be revoked. While lawyers disbarred from their chosen profession in this way can continue to give legal advice to clients and may even act as "civil representative" in a court case, they cannot be partners in law firms or be employed by a law firm as a lawyer. The lack of a license to practice law is particularly disabling in providing defence in criminal cases, since public security organs ask to see a lawyer's license before they can visit a client in detention, and the procuracy and courts will not give unlicensed lawyers access to case documents. Different provincial and municipal lawyers' associations have set different criteria for the assessment of individual lawyers. Some are as simple as those of the Fujian Lawyers Association[36] which includes the following criteria: business operation; training of lawyers; disciplinary requirements according to relevant law, regulations, rules and ethics; awards and punishments; and participation in officially sponsored public interest activities.

The Beijing Lawyers Association changed its criteria for assessment of lawyers from eight items in 2009 to 10 in 2010. The eight criteria lawyers had to meet to pass the 2009 assessment were:

1. Has complied with the Lawyers Law, the Charter of the Beijing Lawyers Association, the Beijing Lawyers Professional Rules and other relevant laws and regulations and occupational rules.

2. Has not been subject to administrative penalties in the one year review period.

3. Completed training required by lawyers' association.

4. Fulfilled obligations to provide legal aid.

5. Information in Beijing lawyers' digital database is correct.

6. The law firm that the individual lawyer works for has passed the annual assessment.

7. The law firm has assessed and approved the lawyer.

8. "Any other criteria" that the Beijing Lawyers Association "deem[s] necessary for the assessment."

Many of these criteria allow the Beijing Lawyers Association to arbitrarily decide whether or not a lawyer passes the review, in particular the final catch-all category. Two further criteria were added in 2010:

- Lawyers completed the (unspecified) "duties" assigned to them by their law firm.

■ Lawyers who have taken up important cases, mass cases, and difficult and complicated collective cases have reported to their law firm and to the city level lawyers' association, and asked these supervisory bodies for permission to take up the cases, following the advice and guidance of these bodies in handling the cases.[37]

This clearly indicate that lawyers who take up sensitive cases, whether of a collective or individual nature, without informing or following the advice of the local lawyers' association, which is an extension of the local government, may fail their assessment and be unable to renew their license to practice.

Only those lawyers who pass the two phases of assessment – by the law firm where they are employed and then by the Beijing Lawyers Association – may apply to the local justice department to renew their professional licenses to practice law. If a law firm decides to fail its own lawyers and refuses to support their re-registration, it has to provide reasons for its decision with supporting documents and submit them to the municipal lawyers' association.[38]

The justice department can then invalidate the lawyer's license to practice law. Lawyers who have failed the assessment by the lawyers' association are given some time to rectify the specified problems before being reassessed. Only once they pass the reassessment can they re-register their license to practice.

Several lawyers, including Jiang Tianyong, Wen Haibo, Liu Wei, Tang Jitian, Yang Huiwen and Tong Chaoping, who did not pass the annual assessment in 2009 and 2010, said that in fact no one gave them any chance to rectify their "problem," nor were they told what specific "problem" caused them to fail. When they asked their law firm, the firm told them to ask the lawyers' association, and the lawyers' association told them to ask the justice bureau, which then directed them back to the law firm and lawyers' association. There was no accountability and there were no channels for appeal.

In fact, in a major loophole in the assessment regulations, the lawyers' association is not required to share the reasons for its decisions with the lawyer in question, nor does it have to provide a reason why a lawyer has failed the annual assessment. Nor is there any mechanism for lawyers to appeal against the decisions of their law firms and the lawyers' association. As commercial entities and social organizations, neither can be sued under the Administrative Litigation Law, which only allows for lawsuits challenging government decisions, particularly relating to issuing of licenses.[39]

3.5. SUSPENSION OF LICENSES TO PRACTISE LAW

Outside the assessment system, the authorities may attempt to stop lawyers from taking on sensitive cases by imposing an administrative sanction – in this case, temporary suspension of a lawyer's license to practice. As in the cases of Lin Hongnan and Liu Shihui, described below, this sanction is often preceded by warnings to give up the case, issued by the lawyer's local justice bureau and/or lawyers' association. These official warnings are often accompanied by various forms of harassment, carried out by the police or individuals hired by them (see Chapter 5).

LIN HONGNAN

In December 2009, lawyer Lin Hongnan of Fawei Law Firm received a notice from Fuzhou City Justice Bureau's Legal Management Department, telling him his license was being suspended for one year as punishment for "leaking state secrets".

His license was revoked five days before he was to represent at trial three Fujian internet activists who had posted material online exposing an alleged police cover-up of the death of a woman gang-raped and murdered by a triad group with alleged connections to the local authorities. The case attracted nationwide attention, and the three "netizens" were facing criminal charges of making "false accusations". Beijing authorities asked Lin Hongnan several times to drop the case, but he refused.

Although unable to represent the clients after his license was revoked, Lin Hongnan continued to provide them with legal advice, and helped other lawyers to take up the case. Ultimately, the netizens were convicted and sentenced to prison terms of one to two years.

On 20 April 2010, a few days after the sentencing, Lin Hongnan received another notice from the Fuzhou City Justice Bureau, telling him that due to the revocation of his license to practice he could not be a partner of his law firm, and that therefore his law firm was to be closed down with 15 days' notice as it no longer fit the requirement that there be a minimum of three partners for a law firm to be registered. Later, however, the Fuzhou City Justice Bureau admitted it did not have the authority to close down the firm (only provincial level justice departments may do so), and the law firm continues to operate.

Lin Hongnan finally got his license to practice back on 4 January 2011. However, he is still officially barred by Fuzhou City Justice Bureau from providing representation in "sensitive cases", and when he has tried to do so, he has been physically blocked from attending court.[40]

LIU SHIHUI

On 15 August 2009, the Guangdong Province Justice Bureau suspended Liu Shihui's license to practice for six months as an administrative sanction for taking up a case in a different law firm without advance approval of the justice bureau, and for receiving a private fee.[41] Liu Shihui had been representing Yang Maodong, a land rights activist, currently held at Meizhou prison.[42] He made public allegations that Yang Maodong had been tortured in detention as well as his client's account of having witnessed a Falun Gong inmate being tortured to death at the prison. Liu Shihui was also bringing a legal action against the prison for preventing him from meeting his client.

Amnesty International reminds the Chinese authorities that Article 12 of the UN Convention Against Torture and Other Cruel, Inhuman Or Degrading Treatment Or Punishment, to which China is a state party, obliges them to "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." Article 13 provides that "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain, and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his

complaint or any evidence given." Amnesty International is deeply concerned that by denying Yang Maodong, allegedly both a victim of torture and a witness to the torture of another person, access to counsel, China is denying him his right to complain, precluding any prompt, impartial investigation and thus violating its obligations under this Convention. This, in addition to the alleged torture of Yang Maodong and another prisoner, would obviously be a violation of this Convention (see further below).

When notice of his punishment arrived on 3 September, however, Liu Shihui's suspension had been extended from six to nine months. He appealed against the punishment, but the Guangzhou City Justice Bureau refused him access to relevant documents, which meant he was unable to prepare his defence. On 23 December 2009, Liu Shihui sued the Guangzhou City Justice Bureau for administrative malpractice. The hearing in the case was completed on 26 January 2010, but no decision was made public. Like two other lawyers from Guangdong Province, Guo Yan (who lost her license over a land rights case) and Tang Jinling, Liu Shihui has no way of renewing his license to practice or resuming his professional work. Meanwhile, he also faces an intensifying campaign of political harassment.

3.6. LICENSES PERMANENTLY REVOKED

Attempts to muzzle human rights lawyers reached an extreme in 2010, when the authorities permanently revoked the licenses of two prominent lawyers. This was the first time Chinese lawyers had had their licenses permanently revoked without being convicted of or even charged with committing any criminal offence.

On 30 April 2010, the Beijing Municipal Bureau of Justice revoked the licenses to practice of lawyers Liu Wei and Tang Jitian, following an administrative hearing on 22 April. The Bureau's decision stated that the lawyers "disobeyed court personnels commands …disrupted court proceedings and interfered with the regular litigation process"[43] and found that they had violated Article 49(6) of the Lawyers Law.[44] The charges related to an incident in April 2009, when Liu Wei and Tang Jitian walked out of a Luzhou court in protest at the judges' behaviour, while defending Falun Gong practitioners (as described above).

At the disbarment hearing, the lawyers were represented by well-known human rights legal scholar Teng Biao. Following the decision, Teng published his defence statement online, and also wrote, "What kind of lawyers will have their license revoked?" This popular online article summarizes the wide-ranging human rights impact of the disbarment:

"The punishment given to lawyer Tang and lawyer Liu is not only a serious attack on the whole legal profession, but also a clear sign of repression of NGOs and individual human rights defenders as part of a crackdown on civil society. The repression of human rights lawyers affects not only lawyers but the whole of civil society, and people who try to seek justice through legal means. These include vulnerable groups, HIV/AIDS patients, hepatitis B patients, those subject to criminal prosecution for exercising their right to freedom of expression, victims of forced evictions, and victims of all kinds of miscarriages of justice and government malpractice. I hope the legal community, the press, intellectuals and all levels of society take note of this serious harm."[45]

According to Teng Biao the judges' behaviour in the Luzhou trial that Liu Wei and Tang Jitian walked out of violated article 125 of China's Constitution,[46] and Articles 11 and 14 of the

Criminal Procedure Law[47] – which hold that a trial should be held in public and that the accused has the right of defence – as well as Articles 31 and 36 of the Lawyers Law[48] that specify that it is the right and the duty of lawyers to represent their clients.

Many lawyers in China fear that while the punishment was ostensibly for taking a Falun Gong case, its severity was meant to serve as a warning to all lawyers who insist on taking any human rights cases in defiance of the government.[49]

Liu Wei and Tang Jitian are long-time human rights lawyers who formerly worked at Beijing Shunhe Law Firm and Beijing Anhui Law Firm respectively. Both were involved in various human rights cases and in the effort to hold democratic elections for the leadership of the Beijing Lawyers Association in 2008. They also signed an open letter offering legal assistance to those detained during the March 2008 unrest in the Tibetan Autonomous Region and neighbouring provinces.[50]

In early 2009, together with eight other lawyers, the two had also issued a "letter of accusation" against Wu Yuhua, the head of the Beijing Municipal Justice Bureau for extorting exceptionally high annual license renewal fees from lawyers.[51] In what appeared to be a response by the authorities, in May 2009, Liu Wei and Tang Jitian's licenses were suspended during the annual assessment. Their law firms were pressured to dismiss them under threat of each firm's license being withdrawn. All but one of the signatories who had not already had their licenses to practice suspended suffered such punishment in retaliation against this action.[52]

The use of administrative means to punish, control and disbar human rights lawyers are a clear threat to realizing access to justice and redress for human rights abuses. Legal assistance in such instances is critical to the protection of human rights. As stated in the UN Basic Principles on the Role of Lawyers, "…adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession".[53]

4. POLITICAL TARGETING OF LAWYERS AND LAW FIRMS

"Many people can defend their rights and help the country to maintain the rule of law with legal learning. It is not only about the law but the legal principles at the heart of the law. I feel it is my mission to help make that happen."

Liu Wei, whose license was permanently revoked in April 2010, speaking to Amnesty International in June 2010

Lawyers and law firms that took up high-risk cases were targeted by the local lawyers' associations and justice bureaus for political reasons in the course of their 2009 and 2010 assessments. They were repeatedly told to stop providing legal services in certain cases or risk failing their assessment. Firms were pressured to dismiss lawyers who pursued such cases as a condition of passing their assessment. The authorities appeared to deliberately obstruct lawyers or firms representing prominent human rights cases, preventing them from meeting stipulated criteria, and making it impossible for them to pass their assessments. Since 2008, dozens of human rights lawyers have faced difficulties in renewing their licenses to practice, with 20 being unable to renew their licenses in Beijing alone in 2009. In addition, six law firms have been suspended or closed down, with many more under threat of such punishment.

At least five lawyers in Beijing were stripped of their licenses in the 2010 assessment: Jiang Tianyong, Tong Chaoping, Wen Haibo, Yang Huiwen and Zhang Lihui. They had failed their assessments in 2009 as well. Nevertheless, they continue to provide legal advice to members of vulnerable groups such as ethnic minorities, farmers evicted from their land, and religious dissidents.

In 2009, Beijing Shunhe Law Firm and Beijing Anhui Law Firm were targeted by the local authorities for political reasons. Both law firms did not pass the initial annual assessment. The authorities similarly targeted Beijing Common Faith (Gongxin) Law Firm and Chang Boyang's law firm in Henan, both of which attempted to represent Tibetan film-maker Dhondup Wangcheng. Beijing Common Faith (Gongxin) Law Firm also represented prominent and long-standing human rights defender Mao Hengfeng. As the examples below illustrate,

these firms and their lawyers were repeatedly harassed by the authorities to prevent them pursuing cases deemed embarrassing or problematic to the state.

BEIJING SHUNHE LAW FIRM

The law firm did not pass its first 2009 annual assessment because it employed Liu Wei and Wen Haibo as its legal representatives. Both lawyers had called for a democratic election in the Beijing Lawyers Association, provided legal representation in Falun Gong cases, and signed an open letter offering legal assistance to detainees held during the unrest in March 2008 in the Tibet Autonomous Region and neighbouring provinces. At the end of December 2009, Shunhe Law Firm was able to renew its license after firing Liu Wei and Wen Haibo. Wen Haibo has since been unable to find another law firm to host him. Liu Wei had her license to practice law permanently revoked.

BEIJING ANHUI LAW FIRM

The firm employed, among others, Cheng Hai, Tang Jitian, Yang Huiwen, and Tong Chaoping. Several lawyers employed by the firm, including the above four, were involved in advocating democratic elections in the Beijing Lawyers Association. They also represented victims of land grabs, detainees of re-education through labour camps,[54] Falun Gong practitioners, and victims of the Sanlu tainted milk powder scandal.[55] Yang Huiwen ran for the position of chairperson of the Beijing Lawyers' Association. His name was eventually deleted from the ballot.

The Beijing Municipal Justice Bureau pressured law firm partners Liu Guitao and Zhu Guangming to quit the firm, after the law firm failed its initial 2009 assessment. On 18 August, the two partners formally left the firm, placing it at risk of closure, because it was left with only one lawyer, Tong Chaoping. Article 15 of the Lawyers Law requires that a law firm have a minimum of three partners.

The Beijing Municipal Justice Bureau requested that Anhui Law Firm report on its progress in meeting 14 criteria, including having three lawyers in partnership by 28 August 2009 or be shut down. The firm was able to avoid closure by engaging Yang Huiwen and Tang Jitian as partners.

With the permanent revocation of Tang Jitian's license to practice in April 2010, however, the law firm was again threatened with closure. In June 2010, Wen Haibo attempted to join the firm to fulfil the three partners requirement. However, the Beijing Municipal Justice Bureau told the firm and Wen Haibo that they could not make such a move while under assessment.

On 21 December 2010, the Beijing Municipal Justice Bureau cancelled the firm's registration for failing to have a minimum of three partners.

Tong Chaoping was unable to renew his license after the firm closed down.

Yang Huiwen lost his job with the firm's closure. While searching for a new firm, the Beijing Municipal Justice Bureau insisted that he re-apply for a new license to practice law from scratch. To do this, he had to send proof of his legal qualifications to the Beijing municipal human resource centre.[56] However, lawyers who do not have household registration in Beijing,

like Yang Huiwen, are only able to file this information with the National Human Resources Centre. This procedure is lengthy and complex, and requires that a law firm submit the relevant information on the lawyer's behalf. This is just one more example of how administrative procedure is being used to try to block human rights lawyers from practising. Yang Huiwen considers the demand tantamount to depriving him of his license to practice law.

BEIJING COMMON FAITH (GONGXIN) LAW FIRM

Prior to the 2009 and 2010 annual assessments, this law firm's operations were suspended for one month by the authorities due to its work on human rights cases. In 2009, the law firm's director Li Baiguang and lawyer Li Dunyong were forced to drop the case of Tibetan film-maker Dhondup Wangcheng, and to dismiss another lawyer, Xie Yanyi, in order to pass the assessment. In 2010, the law firm was threatened with suspension again, and lawyer Liu Peifu was questioned for three hours by Beijing Municipal Justice Bureau staff and internal security police about their cases, including that of prominent housing rights activist and human rights defender Mao Hengfeng. The firm had filed an appeal against the re-education through labour decision imposed on Mao Hengfeng.[57] Mao was originally detained on 24 February 2010 due to her support for Liu Xiaobo outside Beijing No. 1 Intermediate People's Court during his trial on 25 December 2009.[58] She was sent to re-education, apparently to prevent her from protesting over the Shanghai World Expo 2010.

CHANG BOYANG, HENAN

Human rights lawyer Chang Boyang was among those targeted during the assessments in Henan, which ran from May to 20 June 2010.

Prior to the assessment, in March 2010, the Henan Lawyers Association had meetings with all law firms. At the meeting, the law firm that employed Chang Boyang was reportedly singled out as an example of a firm that did not manage its lawyers well. The law firm was threatened with a one month suspension of operations, meaning that Chang was forced by his firm to drop the case of Tibetan film-maker Dhondup Wangcheng. Chang was preparing an appeal against the film-maker's six-year sentence for "inciting separatism" through his documentary, *Leaving Fear Behind*, released in the run-up to the 2008 Beijing Olympics.[59]

In May 2010, Chang Boyang and his law firm were suspended for one month. At the end of June 2010, the law firm passed the assessment and Chang also obtained his new license. However, he was bemused to find that his license book carried a "failed" stamp from the Henan Provincial Lawyers Association, something which has never happened before to any lawyer. This stamp did not appear on the new license he was issued in 2011, however.

Governments at times attempt to thwart the work of human rights defenders through direct laws, policies and practices overtly targeting them for their work. At other times they try to prevent or stop human rights work, or punish human rights defenders whilst hiding behind administrative requirements and regulations that appear to have no connection to such work. Amnesty International would like to remind the Chinese authorities that neither route is legitimate. In particular, Article 12(2) of the UN Declaration on Human Rights Defenders[60] clearly rules out both types of suppression, stipulating that states must "take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse

discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration", that is, the human rights exercised in defending human rights.

4.1. DISCRIMINATION

The suppression of lawyers based on the type of cases they take on is a form of illegitimate discrimination against lawyers who take up human rights cases and against activists who are thereby deprived of professional defence because of their political or other opinions or their religious or other beliefs. The UN Basic Principles on the Role of Lawyers states that governments and professional organizations should ensure that there is no discrimination based "on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status" against persons seeking to practice or continue to practice law (Article 10). Governments must also ensure the provision of "equal access to lawyers... for all persons within their territory and subject to their jurisdiction, without distinction of any kind" (Article 2, listing similar prohibited grounds). Such distinctions also breach provisions of the UN Declaration on Human Rights Defenders regarding the rights of people involved in defending rights and gaining redress. For example, the Declaration states in Article 12.1: "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms." (See also Article 12(2) quoted above)

5. ATTACKED, DETAINED, ABDUCTED, TORTURED

"I heard my bones crack. It was so painful, my mind went blank."

Ni Yulan, recalling her torture by police after she protested against her illegal detention in September 2002.[61]

When the annual assessment and other administrative methods have failed to stop lawyers taking up cases seeking government accountability, the authorities have often resorted to violence and other unlawful means to silence them. Intimidation, harassment, violence, arbitrary detention – were all increasingly used against lawyers and their families in 2010. Such acts are carried out in more and more blatant ways, with officials abandoning even the pretence of obeying the law. Lawyers who persist in taking up human rights cases have been labelled dissidents, convicted on vague charges and imprisoned. Many have been tortured in custody. Some, like Tang Jitian, have been subjected to enforced disappearance after being picked up by the authorities. Lawyer Gao Zhisheng has been subject to such enforced disappearance for more than a year, with spokespersons for the government denying all knowledge of his detention.

5.1. POLICE HARASSMENT – SURVEILLANCE, THREATS AND ASSAULTS

For human rights lawyers who refuse to give up their work, police surveillance and intimidation becomes an everyday reality, and threats and assaults a frequent risk.

Human rights lawyers report that they frequently receive phone calls from the police demanding meetings. They know that if they refuse they risk that the police will show up at their homes and detain or restrict their movements through imposing "residential surveillance". As the cases below illustrate, the state uses every means available, including hiring thugs and targeting family members and friends, to silence its critics.

- According to lawyer **Zhang Kai**, on the night of 15 December 2010, he and fellow lawyer Dai Jinbo were followed by three vehicles without number plates as they left a friend's home in Beijing. Suddenly, the cars blocked their way forward. Around 15 to 20 unidentified men got out and began attacking the lawyers' car. They smashed the rear-view mirror, and struck the windshield. Desperate to escape, Zhang drove his car forward, pushing aside the car that was blocking the way. Zhang and Dai eventually managed to flee the gang.

Zhang told Amnesty International that he believes the attackers were thugs hired by the police:

"First of all, only the police know where I am all the time... Secondly, many of our friends have experienced similar attacks involving cars without number plates. In all cases (Li Heping, Teng Biao and activist Liu Shasha) the attackers were found to be thugs hired by the police. Without police permission and help it is almost impossible to organize three cars without number plates and have nearly 20 people chase someone for quite a long way up a street and attack them."

Just 30 minutes before the thugs appeared, Zhang had given an interview to overseas media describing the imprisonment of petitioners he was representing in illegal "black jails" where they had been detained, tortured and ill-treated by officials from their home regions to prevent them filing complaints with Beijing authorities. Dai had previously been kidnapped by five unidentified men for several hours in late October 2010.

Not only are human rights lawyers vulnerable to attacks, but they also risk being evicted from their homes following relentless police harassment and threats of their landlords. Among numerous examples:

- **Li Xiongbing** was reportedly forced to move four times in 2010 after police threatened his landlords.

- Police pressured **Jiang Tianyong**'s landlord until the family finally moved in January 2011.

- Lawyer **Ni Yulan** was eventually made homeless after police harassed the owners of consecutive guest houses where she and her husband were renting accommodation following her release from detention in April 2010.[62] Unable to walk unaided due to injuries she received when she was tortured in custody (see below), from 28 April to 17 June 2010 Ni and her husband lived in a tent on the road near Donghuamen police station in Beijing. The pair returned to guest house accommodation after concerned members of the public, and foreign diplomats intervened on her behalf. However, their troubles were not over: in December 2010, police forced the owner of the guest house where Ni Yulan was staying to cut water and electricity supplies to her room over a period of 16 days. This was designed to block her access to the internet and make her day to day existence difficult.

5.2. ARBITRARY DETENTION

Human rights lawyers are routinely picked up and detained for periods ranging from a few hours to months at a time, often without any specific charges being laid. It is not unusual for lawyers to be detained several times in the course of a week or a month. They may be taken to a police station or placed under house arrest. Many have been held in administrative detention, notably in re-education through labour camps. Whatever the method, the state's objective appears to be pressuring lawyers to stop providing legal services for human rights cases or raising related issues.

According to Tang Jitian, a lawyer who himself was detained for four days in 2009 just before the 4 June anniversary of the Tiananmen protests and was forcibly disappeared in 2011, the

incidence of such detentions rises at sensitive times. "Whenever there are 'special days'," he said, "these 'sensitive' lawyers are deprived of their right to exercise their professional role and their basic citizens' rights. Like our clients, we lack a channel to address these abuses since we do not have a lawyers' association that protects our rights as lawyers."[63]

In the run-up to the 10 December 2010 ceremony to award the Nobel Peace Prize to imprisoned writer and human rights activist Liu Xiaobo, several activists and lawyers were taken into custody or put under surveillance to prevent them from commenting on the award or on China's human rights record.

Fan Yafeng, Zheng Enchong and **Liu Shihui** were among those detained around that time. Shanghai lawyer Zheng Enchong, who provides representation in forced evictions cases, and his wife Jiang Meili, were removed from their home and detained from 10 to 13 December at a rural "resort" in a Shanghai suburb as a "security measure". Liu Shihui (also see Chapter 3) was abducted in Guangzhou city on 10 December by plainclothes police and dumped at the top of a mountain 80 km away, late at night.[64]

Prominent legal scholar and human rights activist Fan Yafeng was taken from his home by police on 9 December. While he was in custody, his wife, Wu Lingling, was interrogated by police for eight hours during the night. The police also searched the Holy Mountain Cultural Research Institute and Church, which Fan used as a meeting space for Christian lawyers. They confiscated his personal computer, mobile phone, camera, bank cards, 19,100 yuan (approximately US$2,870) in cash, and copies of a magazine published by the research institute. Police warned Wu Lingling that her husband could be charged with "running an illegal business" or "subversion".[65]

Following media attention and pressure from international organizations, Fan was released on 18 December. As soon as he was sent home, he and his wife were placed under surveillance; their internet and phone connections were cut off. Several lawyers and activists who attempted to visit the pair were denied access and taken away for lengthy interrogations. Friends later learned that Fan had been tortured and otherwise ill-treated while in detention. He was beaten, and for three consecutive days, he was made to sit still on a hard chair with his legs stretched straight for more than 10 hours at a time. The police tried to pressure him to halt all his human rights activities, including withdrawing his membership from relevant organizations and groups.[66]

Human rights lawyers are also often detained during visits to China by foreign dignitaries. When US President Obama visited China on 15-18 November 2009, **Jiang Tianyong** was detained at the gate of his home in Beijing's Haidian District as he was walking his daughter to school. He was held for 13 hours and questioned by police in Yangfangdian police station. Police also questioned his seven-year-old daughter at school while he was in custody. Upon his release, police told him that "the issue is not over yet".[67]

Arbitrary detention is a grim fact of life not just for human rights lawyers, but also for their families and friends. Zheng Enchong told a sympathizer that the police have taken him into custody and searched his home more than 78 times since he was released from prison in June 2006.[68] Fan Yafeng was detained and interrogated several times in 2010. On one occasion, the police detained him, his wife and their three-year-old son. On 6 March 2010,

Fan staged a one man sit-in at his home, saying that police were violating the law by depriving him of his right to freedom of movement. The police claimed he was "making noises which disturbed the public" and detained him for nine hours in response.[69] His house was constantly monitored by between four and eight plainclothes police. Since his release from detention in December 2010, his house has been monitored by a group of officers.

Guangdong province lawyer **Zhu Yubiao** was repeatedly targeted for providing representation in Falun Gong cases. On 18 August 2010, he was detained by police on suspicion of "using evil religious organizations to sabotage the implementation of state laws", under Article 300 of China's Criminal Law.[70] He had already been stripped of his license to practice law in 2007 for representing Falun Gong practitioners and had served 18 months in a re-education through labour camp. Nevertheless, he continued to provide legal advice on such cases, which made him a target for the authorities. Police took him to Xingang police station of Haizhu District, Zhuhai City, interrogated him and transferred him at night to the Haizhu district detention centre where he remains, without access to a lawyer or his family.[71]

The right to liberty is a key human right, which arbitrary detention clearly violates. Article 9 of the Universal Declaration of Human Rights provides that "No one shall be subjected to arbitrary arrest, detention or exile." The UN Working Group on Arbitrary Detention has listed among the criteria for establishing that detention is arbitrary cases where "it is clearly impossible to invoke any legal basis justifying the deprivation of liberty."[72] This applies to the cases described here. The Working Group has repeatedly expressed the opinion that detention of this kind in China involving lawyers and other activists has been arbitrary.[73]

Amnesty International is also concerned that arbitrary detentions, in violation of international human rights law and standards, are systematically used by the Chinese authorities to prevent, stop or deter lawyers from defending human rights. The organization urges the Chinese authorities to cease such practices immediately.

5.3. ENFORCED DISAPPEARANCES

Enforced disappearance is the ultimate silencing tactic employed by the authorities. Human rights lawyers who remain undeterred by exhortation, disbarment, persistent harassment, threats and arbitrary detention, are at serious risk of being picked up by the authorities and vanishing into legal limbo.

On 16 February 2011, lawyers **Tang Jitian**, **Jiang Tianyong** and **Teng Biao** met at a restaurant in Beijing to discuss the case of a prisoner of conscience currently under house arrest.[74] That evening, the police detained Tang Jitian at his home in Haidian District in Beijing (see above) and took him away. They also searched his home. The police refused to tell his family where they were holding him.

On 5 March – nearly three weeks later – police escorted him to his house in his hometown in Jilin Province, where he remains under illegal house arrest.

The Haidian District police called Jiang Tianyong for a meeting the same evening after the dinner. A few hours later his friends received an SMS from him saying that the police had beaten him. He wrote that during questioning, police shoved him against a wall, banging his head and causing him to feel dizzy. He was released at around 9pm but the police detained

him again on 19 February at his brother's house. Jiang's brother and mother, who is in her seventies, were beaten as they tried to stop the police from dragging him away. The police returned at midnight, searched his home and confiscated a computer. Later, police told his brother and mother that they had no record of Jiang Tianyong. His family filed a missing person report.

Jiang Tianyong had worked on cases pertaining to HIV/AIDS, freedom of religion and allegations of torture in detention. He had also granted media interviews, exposing the inability of the courts to provide redress in cases of alleged human rights violations. His law license had not been renewed since 2009. He and his family had been subjected to a gradually intensifying campaign of harassment in 2010. The district police kept him under constant surveillance, his email account was hacked, and the keyhole to the front door of his house was filled with glue on four occasions, preventing the family from entering their home. The police also picked up his colleagues for questioning and sent him messages saying he "could be detained at any time if he did not cooperate" and that the "police already had a plan for him". He was allowed to return home on 19 April 2011. He had been held in incommunicado, unacknowledged detention, that is subjected to enforced disappearance, for two months.

Similarly, Teng Biao, a prominent legal scholar, was detained on 19 February,by state security officials who picked him up in the street. He was released on 29 April 2011 and remains under illegal house arrest. The police have been monitoring Teng Biao since 2008, frequently detaining and questioning him.[75]

Li Tiantian, a lawyer who has taken on controversial cases involving compensation for medical malpractice and corruption, was taken away from her home in Shanghai on 19 February 2011 after announcing on Twitter that she planned to go to the city's People's Square. Li was held incommunicado in a windowless room for three months, and despite being told that she would be charged with "disturbing public order", was never shown a warrant. Her request to see a lawyer was ignored. When she resisted signing a statement that she said was "illegal," police pulled her hair and kicked her. Much of the questioning surrounded her sex life; her boyfriend and his family were also harassed by police.[76] She was finally released in her hometown in Xinjiang on May 24, having been warned not to speak to the media. She initially said on her blog (now shut down) that she had been in "hospital", but later posted details about her detention on Twitter.[77]

Human rights lawyer **Gao Zhisheng** has been missing since February 2009, while serving a suspended sentence for "inciting subversion" (see below, under Criminal punishment and torture). Under international pressure, the Chinese authorities gave a contradictory explanation of his legal status in early 2010. During a short re-appearance in late March and early April in Beijing, he was allowed to give the Associated Press an interview. At the end of April 2010 he was taken away again and his whereabouts remain unknown. At the time of writing, he had been subjected to enforced disappearance for more than a year.

On 8 April 2011 the UN Working Group on Enforced and Involuntary Disappearances took the unusual step of issuing a press release detailing its concerns over a "recent wave of enforced disappearances" in China. The Working Group stated that "persons subject to enforced disappearances appear to be human rights activists, lawyers and students,"[78]

naming "lawyers Teng Biao, Tang Jitian, Jiang Tianyong, and Tang Jingling" as alleged victims. Stressing that "Enforced disappearance is a crime under international law" and that "Even short-term secret detentions can qualify as enforced disappearances," the Working Group stated unequivocally, "There can never be an excuse to disappear people, especially when those persons are peacefully expressing their dissent with the Government of their country." The Working Group urged the Chinese authorities to release all those who have been subjected to enforced disappearance, to provide full information on the fate and whereabouts of the persons who have allegedly disappeared. It said the government "ought to ensure that there are full investigations into these practices and should provide integral reparations to those who have suffered this heinous practice".

Amnesty International wholeheartedly shares the Working Group's concerns and recommendations.

5.4. PROSECUTION, PUNISHMENT AND TORTURE

Undaunted by harassment, surveillance and arbitrary detention, a few lawyers continue to pursue politically sensitive cases. These lawyers have been labelled dissidents and, following manifestly unfair trials, have been convicted of offences which are not internationally recognizable as crimes. When arrested and while serving their sentences, they often have little or no access to a lawyer or their families. Some have been tortured while in detention, suffering sustained and brutal attacks and/or other forms of torture.

Beijing lawyer **Ni Yulan** has been arrested and tortured several times since she began defending people forcibly evicted from their homes in her neighbourhood in the lead up to the 2008 Beijing Olympics. She lost her license to practice law and was disbarred permanently in 2002 and her own home was demolished by the authorities. While in custody, she was beaten so badly that she is now unable to walk unaided and is wheelchair bound.

Ni Yulan was first arrested in April 2002 when she filmed the demolition of a client's home and presented that material as evidence in court in a forced evictions court case she was representing. The police detained her without trial for 75 days.

After her release in September 2002, she protested against her illegal detention and was promptly detained again by police in Xinjiekou police station, Beijing who beat her so severely on her back and legs that she has been unable to walk without crutches since.

Recalling the experience, Ni Yulan said in June 2010, "I heard my bones crack. It was so painful, my mind went blank." She was charged with "obstructing the performance of official duties" in November and sentenced to one year in prison. During that year, she continued to be tortured and was refused medical treatment for her injuries.[79] Nevertheless, she continued to provide legal aid to "high-risk" clients, particularly Falun Gong practitioners and victims of forced eviction.

In April 2008, the authorities demolished Ni Yulan's home. When she challenged the legality of their actions, the police confiscated her crutches and took her to the Xinjiekou police station, Beijing where they claimed that she had kicked a police officer in his "lower body" causing him a "testicular contusion". She was taken to a dark room, beaten and interrogated. They charged her with "obstructing the performance of official duties" again, and jailed her

for two years. During her incarceration, she was deprived of her crutches so that she had no choice but to crawl on the floor, up and down the stairs and even onto the toilet.

Ni Yulan was finally released in April 2010, and had been living in guesthouses and other temporary accommodation until, on 7 April 2011 she and her husband Dong Jiqin were detained by Bejing police. On 13 April, Beijing Xicheng District Public Security Bureau issued a formal notice of Ni Yulan's detention to her daughter indicating she was being held on suspicion of committing the offence of "picking quarrels and provoking trouble." Police issued a similar detention notice for Dong Jiqin on 15 April. One month later on 17 May 2011, she alone was formally charged with the offence. The couple is reportedly held at the Changqiao police detention centre in Beijing.[80]

On 27 November 2009, human rights lawyer **Wang Yonghang**[81] was sentenced to seven years' imprisonment in connection with his work representing Falun Gong practitioners. Wang Yonghang was arrested on 4 July 2009 in his home city of Dalian, in the northern province of Liaoning. The police did not allow him any contact with his lawyers, on the grounds that his case involved "state secrets". He was tried behind closed doors at the Shahekou District People's Court, in Dalian City, around 14-16 October 2009. Police beat him while he was in custody awaiting trial, breaking his ankle. They told his wife on 27 July 2009 that he had a broken ankle, but waited two weeks before taking him to hospital, by which time the fracture was seriously infected. His ankle was operated on but remained infected. His wife was permitted to see him briefly just before the sentencing on 27 October 2009, for the first time since he had been detained, and reported that he could not walk properly.

Wang Yonghang's lawyers only found out about his trial after it was finished, and they asked the court to allow them to meet with him. The court turned down their request, quoting a Dalian City regulation which requires lawyers taking up cases involving Falun Gong to provide written evidence that they have reported the case to the All China Lawyers Association (ACLA) and that the ACLA endorses their meeting with their clients. The regulation also requires that such lawyers provide an assignment letter from the law firm they work for. According to Wang Yonghang's lawyers, this Dalian City regulation violates Chinese law, including the Criminal Procedure Law.

Wang Yonghang previously represented several Falun Gong practitioners. In May 2008, he also published an article online in which he explained his views on the authorities' persecution of Falun Gong practitioners under Article 300 of China's Criminal Law.[82] This is the same legislation under which he himself has now been convicted. Wang Yonghang's license to practise law was revoked in May 2008 by the Dalian City Justice Bureau. He did, however, continue to provide legal advice to Falun Gong practitioners and represented them in court. On 5 July 2010, police and the district neighbourhood management committee took Wang Yonghang's wife **Yu Xiaoyan**, a medical doctor, from her workplace and placed her in a "legal education centre", a form of administrative detention. She was detained there without charge for 25 days.

Human rights lawyer **Gao Zhisheng**, missing since February 2009, was given a three-year prison sentence, suspended for five years, after a secret trial in December 2006. He was also deprived of his political rights[83] for one year. He had been kept under constant surveillance

since he was sentenced, far beyond what is normal for those serving suspended sentences in China.

The authorities arrested Gao Zhisheng on 22 August 2006, formally arrested him on 12 September and sentenced him on 22 December 2006. The arrest and criminal charges came after he had organized a hunger strike campaign in February 2006 to draw attention to the persecution of peaceful activists in China.

In April 2007, Gao Zhisheng told other activists he had been tortured during pre-trial detention. He said he had been handcuffed and forced to sit, either in an iron chair or cross-legged, for hours at a time, with bright lights shining in his eyes. He also said that he had been forced to make a "confession" after state security officials repeatedly threatened they would harm his family. When the authorities discovered he had given out this information, they stepped up harassment of him and his family.

On 13 September 2007, Gao Zhisheng's open letter to the US Congress was published in the US-based *Epoch Times* newspaper, drawing attention to the deteriorating human rights situation in China. In the letter, Gao Zhisheng also wrote that he did not support the country's staging of the 2008 Olympics.

On 22 September 2007, a group of plainclothes police came into his home, stripped off his clothes and beat him unconscious. He was then taken from his home and held incommunicado for nearly six weeks.

During this time, the police subjected Gao Zhisheng to beatings and repeated electric shocks to his genitals. They also held lit cigarettes close to his eyes for hours, which left him partially blind for days afterwards. After he was released his acquaintances described him as "a broken man", physically and mentally. Throughout this time and after he returned to his Beijing home in November 2007, Gao Zhisheng's family were continually harassed by the security forces, and kept under house arrest which was not imposed through any legal proceedings. Their friends and other human rights activists tried repeatedly to contact his family but were never able to speak freely with them, as the family's telephone line had been cut, and their house surrounded by police.

In an interview with the Associated Press in April 2010, Gao Zhisheng said that "for 48 hours, my life hung by a thread" in reference to a week of brutality in September 2007. He said that the week culminated with three police officers taking turns for two days and nights to beat him with handguns in holsters and do other things Gao Zhisheng chose not to describe in the interview. He was stripped bare, and when the officers needed to catch their breath, they bound his arms and legs and threw him to the floor.[84]

Under international law torture and other cruel, inhuman or degrading treatment or punishment are prohibited absolutely, in all circumstances and without exception. Article 2(2) of the UN Convention Against Torture, to which China is a state party, provides that:

"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."

This absolute prohibition is mirrored in the Geneva Conventions, to which China (and all of the world's states) is a High Contracting Party, and which dictate that even during war, the direst of national emergencies, torture and other ill-treatment must never be perpetrated.[85]

Under the UN Convention against Torture and customary international law China must not only prevent, stop, punish and ensure reparations for torture within its own territory, it must also exercise universal jurisdiction, that is, investigate or prosecute persons for torture committed outside China's territory which are not linked to it by the nationality of the suspect or of the victim or by harm to China's own national interests.

In specific circumstances, torture and other forms of ill-treatment also constitute war crimes and crimes against humanity under customary international law, as reflected, for instance, the Rome Statute of the International Criminal Court.[86]

There can therefore be no justification or excuse whatsoever for the torture of Ni Yulan, Gao Zhisheng and Wang Yonghang, or other lawyers and human rights defenders. Amnesty International urges China to immediately halt all policies and practices of torture and other ill-treatment of lawyers or any other individuals, to investigate all such cases and prosecute those responsible.

6. BLOCKING ACCESS TO JUSTICE

"We went from one firm to another, many lawyers from local firms were afraid and refused to represent him. Finally we got a lawyer with guts, who tried to document the torture Leng had been subjected to, but he was under pressure."

A family member of Leng Guoquan, who was sentenced to death after allegedly being tortured into "confessing", April 2011[87]

The kinds of pressure, intimidation and persecution inflicted on human rights lawyers in China not only serve to keep their numbers down, but also have severe effects on access to justice for those pursuing cases seen as impinging on the interests of the state. Officials also routinely obstruct lawyers trying to provide representation in such cases: police block lawyers' access to their clients and pressure lawyers to give up cases, and courts refusing to hear cases. In many instances, these acts constitute a breach of China's Criminal Procedure Law and undermine the role of lawyers as defined in the Lawyers Law. This chapter gives a few illustrative examples of the barriers to proper representation in what the authorities refer to as "sensitive" cases.

Independent lawyers play a crucial role in defending individuals' rights to freedom from arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment. UN standards on the treatment of prisoners therefore include the right of prisoners to meet and communicate with counsel in confidence.[88] International standards also provide specifically for those facing the death penalty to have adequate legal assistance at all stages of the proceedings.[89] The Declaration on Human Rights Defenders (see box) makes clear the vital link between independent legal representation and the protection of human rights, most particularly for access to an effective remedy for those who have suffered abuses.

When **Li Fangping** and **Peng Jian** sought to represent Zhao Lianhai, the father of a child affected by melamine-tainted milk who sought to represent a group of parents in seeking accountability for the poisoning, they faced obstruction and pressure to drop the case. When they went to Daxing District police detention centre to meet their client on 24 November 2010, the police refused them entry to the station, although Zhao had been charged with a crime, and thus should have had access to a lawyer to represent him. According to the Criminal Procedure Law, lawyers should be able to meet with criminal suspects in custody

from the first day coercive measures are taken against them or after their first interrogation.[90]

After the lawyers took up Zhao Lianhai's case, the Bejing Municipal Justice Bureau repeatedly requested to "talk" to them, and the Beijing Lawyers Association urged them to give up the case.[91] After Zhao was sentenced to two and half years in prison in November 2010 for "causing a serious disturbance" due to his advocacy on behalf of children sickened by the tainted milk , an official from the Justice Bureau contacted Li Fangping four times in one week to pressure him to drop the case.[92] Both lawyers were placed under tight surveillance and were not allowed to leave their homes. As a consequence, they missed the deadline of 22 November 2010 to appeal against the verdict. That same day, the detention centre sent the lawyers a note in Zhao's name dismissing them from his case. The lawyers had no way of checking the veracity of the note directly with their client.[93]

Similarly, on 23 November 2010, the police stopped lawyers **Mo Shaoping** and **Ma Xiaopeng** from meeting their client Liu Xianbin, founder of the China Democracy Party, who had been detained on 28 June 2010 for "inciting subversion of state power". Liu Xianbin has already served two prison sentences, spending a total of almost 13 years in prison on similar charges.[94] Police initially asked the lawyers to come later, then told them they could not meet him because they did not have permission from "higher levels". Although the lawyers stated that this violated the Criminal Procedure Law, the Constitution and the Lawyers Law, the police ignored them.[95]

On 7 April 2010, lawyers **Song Yucheng** and **Yang Zaiming** attempted to file a lawsuit in Heilongjiang Provincial People's High Court on behalf of 512 victims of forced eviction. The group had been forced from their homes in Mudanjiang City. However, the High Court judge refused the application, stating that land conflict cases should be handled by local governments, and ordered them to leave. When the lawyers persisted in trying to file the case, court police attacked them. They punched Yang Zaiming in the face, knocked both lawyers to the ground and kicked them.

After receiving medical treatment at the hospital, the lawyers returned to the court that afternoon to report their assault to the court disciplinary officer. However, court police pushed them aside as they approached the office, dragging Song Yucheng into a room and detaining him. Yang Zaiming escaped, and reported the incident to his law firm in Beijing. With the firm's intervention, Song Yucheng was released from detention after three hours, during which time he was slapped by police and forced to write a detailed "confession" under threat of being locked in an iron cage.[96]

6.1. NEW REGULATIONS INTRODUCE FURTHER OBSTACLES TO LEGAL REPRESENTATION

Amnesty International is concerned that such practices are not a rarity; since 2006, the authorities have issued a number of laws and regulations that restrict lawyers in representing their clients. Some of these were documented in Amnesty International's previous report, *Breaking the law,*[97] including the restrictions introduced in 2006 on lawyers taking up "mass cases," and the Beijing Municipal circular warning lawyers not to defend those detained after the 5 July 2009 unrest in Urumqi, Xinjiang.

At the end of 2009 and in the first half of 2010, several new regulations were introduced that further obstruct lawyers' work. In addition to the "Measures for the Annual Inspection and Assessment of Law Firms" (see above), the "Measures for Punishing Illegal Acts Committed by Lawyers and Law Firms" (below, Punishment Measures) issued by the Ministry of Justice in April 2010, has caused deep concern among lawyers.[98] According to a number of lawyers, this regulation violates the Administrative Punishment Law[99] and the Lawyers Law, and does not accord with the principle that implementing rules should not exceed laws superior to them in the hierarchy of legal provisions. They are concerned that these new regulations restrict their ability to provide legal assistance in cases involving violations of human rights.[100]

Lawyers and legal scholar in China assert that four specific articles of the Punishment Measures exceed the provisions of the Lawyers Law, so violate the Administrative Punishment Law.[101] They express concern that these articles contain unwarranted extensions to the already troubling restrictions contained in the Lawyers Law. The articles contain broad provisions that may be used to prohibit lawyers from defending certain clients, and punish lawyers for commenting on cases to the media or challenging court malpractice or politically-motivated court judgements. The articles expand the scope for lawyers to be charged with "endangering state security", "inciting subversion of state power", subversion, "inciting separatism" or separatism, and could also result in their licenses being revoked.

For instance, they are concerned that Article 5 of the Punishment Measures, which prohibits lawyers from "Practising law concurrently in a law firm or social legal service office", could be used to penalize lawyers who provide legal aid, advice or take up cases for independent organizations including human rights organizations. They point out that the Lawyers Law, which is the relevant higher law in this case, only covers the first prohibition, barring lawyers from practising in two law firms at the same time.

Lawyers have pointed to two articles of the Punishment Measures as particularly worrying. Article 19 defines illegal acts that amount to "disrupting the order of a court or administrative tribunal, or interrupting the normal litigation or arbitration proceedings" as proscribed in Article 49.6 of the Lawyers Law. Article 19 states that these acts include: making statements that interrupt normal court or tribunal proceedings, inciting others to disturb the order of the court, refusing to defend or represent a client in court, refusing to sign for judicial documents, or refusing to comment on relevant documents without good reason. The lawyers claim these provisions could be used against them when they challenge a court's application of procedural rules, or otherwise question the way a case is being conducted.

Article 20 defines the circumstances that constitute the illegal act of "instigating a party to settle disputes by such illegal means as disrupting public order or endangering public security" as proscribed in Article 49.7 of the Lawyers Law. These circumstances include: instigating or helping people to make claims through illegal assembly or demonstrations that disrupt the order of a public place; and using the media or other channels to instigate people to disrupt normal court proceedings or administrative law enforcement by disturbing public order and endangering public security. Lawyers are particularly concerned about how this provision appears to make gaining media attention for a case a punishable offence.

The lawyers also believe that the Punishment Measures ignore Article 37 of the Lawyers Law which specifies that lawyers are protected from legal sanction when making courtroom statements in defence of their clients. The Lawyers Law does allow for punishment of lawyers who "deliver speech that endangers national security, maliciously slanders others or seriously disrupts the court order" (Article 49.8) or "leaks state secrets" (Article 48.9). The UN Special Rapporteur on the Independence of Lawyers and Judges has deemed this an "overly broad formulation" that "may deter lawyers from defending certain cases" which undermines principles 18 and 20 of the Basic Principles on the Role of Lawyers.[102] Article 21 of the Punishment Measures expands the scope even further to "making or spreading any speech, message or audiovisual product that endangers national security, or supporting, participating in or conducting any activity for the purpose of endangering national security." Article 21 also extends the restriction far beyond the courtroom to include "the period when s/he represents or defends a client" and "the period when s/he practises law".

These and the other types of controls on lawyers have severe repercussions for those seeking legal representation. People held in detention facing criminal charges are particularly vulnerable. For example, Fan Yanqiong, one of three Fujian internet activists charged with defamation for posting questions on-line about an alleged cover-up in the death of a young woman told Amnesty International in April 2011:

"Since I was detained in June 2009, I was desperate to meet my lawyer. There was no news, it was so quiet it made me afraid. I missed my daughter, I was ill and was kept in the clinic inside the detention centre... I kept thinking about how I could get back my lawyer's name card that the police in detention had taken away from me."

"Finally I was allowed to meet my lawyer in October 2009. He told me my case was deemed important by the authorities and the lawyers were under great pressure.... Because they had taken on our case, the Fujian Fawei Law Firm almost got closed down by the authorities. When Lawyer Lin Hongnan came to meet us, it was his birthday and on that day he got the notice about his punishment by the Fuzhou Justice Department [his license being suspended – see above]. But he still encouraged us to trust in justice under the law. However, police were monitoring us and did not even allow him to finish his words, before pushing him out of the visiting room."

"Because Lin Hongnan had his license revoked, lawyer Li Fangping took up our case when he had just returned from an overseas trip, I could see he had not even got over his jetlag... "

"I know we were lucky, because in China often there are no lawyers who dare to take up these kinds of cases, paying such a huge personal cost to uphold the rule of law. We could have been one of those innocent people who died in custody or were imprisoned and faced torture without anyone even knowing about it."[103]

However, it is not only in high profile criminal cases that there are difficulties obtaining legal assistance. People seeking to challenge illegal acts by local officials can find it just as hard, as Beijing forced evictions activist Han Ying described:

"It is really difficult for us, vulnerable people like victims of forced evictions, to get justice through the legal system. First of all, even though the government has passed new

regulations calling for an end to violence in evictions, developers still hire thugs to beat people who refused to move under threat. My friend Zhan Jiang was injured and had to go to hospital after such an incident. His car was smashed, and so was his house. We have videotaped the whole process, and the faces of the attackers were clearly visible but, police refused to file the case."

"We need a lot of lawyers who are brave and have good legal skills and also understand the concept of rights and related legal standards. But it is so difficult to find even one such lawyer. Most of these cases are complicated. Many lawyers do not have the skills for them. They may just ask us for money and then come a few times, going through the minimum legal procedures and then irresponsibly giving up. Some lawyers have good skills but charge very high fees that we cannot afford. If they are under pressure from the authorities or their own law firms, many lawyers will quickly just give up, some even ask us to cooperate with the authorities or court."

"Many forced eviction victims have no recourse except to threaten to immolate themselves or jump off their buildings when the forced demolition people come, since there is no channel left to get justice. Otherwise, we can just resort to petitioning and then get taken in to detention."

A long-time petitioner (who did not want to be named) continued to seek out Ni Yulan, even when Ni was detained, due to intense gratitude for having found a person willing to provide legal advice. One week after Ni Yulan and her husband had been taken away by police early morning 7 April 2011, this person told Amnesty International:

"I still come to see her place wishing one day she will be released and will be here to give us legal advice again, because we do not know where else we can go to seek help. We have suffered so much injustice in our case. We have spent all our money and gone into debt to seek justice in Beijing, but we are like a ball being kicked from one department to another, often detained in black jails or beaten while being returned to our hometowns. Our whole life has been dragged into the situation, our family is broken apart, and has become so poor. This lawyer gave us hope, we also send her clothes and food to support her since she lost the use of her legs due to helping people like us, she was imprisoned and forced to live on the streets… There is no justice in China, the law is just paper, or it protects the people in power, it does nothing for the vulnerable and poor like us. We were lucky to find that there are still a few conscientious lawyers, but their situation is as poor as ours nowadays…."[104]

For people facing capital punishment, finding a lawyer who will defend them seriously is a matter of life and death. A member of the family of Leng Guoquan, a business man who confessed to trafficking drugs, allegedly under torture, and was then sentenced to death, told Amnesty International about their difficulty finding adequate legal representation:

"It has been so difficult for us to find a lawyer for him. He is innocent, but he refused to endlessly lend money to the police and other people so they fabricated the crime to detain him."

"We signed with lawyers four times for our brother. The first lawyer took photos of Leng Guoquan's injuries, and then he was 'harmonized' by Dandong City Justice Bureau. The

second and the third lawyer accepted our case, and went to the detention centre, but they were not allowed to meet him... Yang Junzhe was a lawyer we found from another place; he was also blocked by the Dandong City police, lawyer Yang had to complain to the city Public Security Bureau head many times before he was finally allowed to meet Leng Guoquan."

"The first trial lawyer (Yang Junzhe) died from a cerebral haemorrhage after the first trial. We then went through a long process again to find a lawyer who would dare to take up the case.... Still we do not know if Leng Guoquan will get justice and not be executed for something he did not do. The case has been going on from 2009 to now, and the appeal verdict still hasn't been released."[105]

International standards provide specifically for those facing the death penalty to have adequate legal assistance at all stages of the proceedings.[106] More broadly, they also recognize the crucial role played by independent lawyers in defending individuals' rights to freedom from arbitrary detention, torture and other cruel, inhuman or degrading treatment or punishment. Hence, in addition to fair trial provisions in the ICCPR, UN standards on the treatment of prisoners provide for the rights of prisoners to meet counsels and for the confidentiality of communications with counsel.[107] As stated in the 1993 Vienna Declaration: "The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development."[108] Evidently, the kinds of pressures on lawyers described here undermine the realization of such standards, calling into question China's commitment to implementing these fundamental protections for the rights of persons deprived of their liberty.

The need for an independent legal profession as a vital guarantee for the conduct of a fair trial and as a safeguard against human rights violations has been reflected in the detailed guarantees in the Rome Statute of the International Criminal Court for the accused to have an adequate, independent defence, including, for instance, "To have adequate time and facilities for the preparation of the defence and to communicate freely with counsel of the accused's choosing in confidence".[109]

DECLARATION ON HUMAN RIGHTS DEFENDERS, ARTICLE 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

7. CONCLUSION AND RECOMMENDATIONS

In February 2009, when China's human rights record was assessed for the first time under the UN Universal Periodic Review, many concerns were raised on China's legal and judicial system's compliance with international human rights standards, and the effects of controls on lawyers on the protection of human rights.[110] In response, in April 2009 China released a National Human Rights Action Plan for 2009 to 2010 that purported to address some of these concerns. In a section on "the right to a fair trial," the Plan noted that the state "guarantees the rights of litigants, especially those charged with criminal offences, to an impartial trial". It also made particular commitments with regard to the legal profession:

"The state encourages the revision and abolition of various laws, regulations and regulatory documents that are inconsistent with the Lawyers Law; guarantees lawyers' rights to meet, correspond with and review files of persons in custody, and to conduct investigations and collect evidence. The state also guarantees the personal rights of lawyers and their right to debate or defend when they carry out their duties."[111]

The findings of this report call into question this commitment. During 2009-2010, when the Plan was to be implemented, the Chinese government and the Chinese Communist Party acted at both national and local levels to further control and restrict the operation of lawyers taking on human rights and other cases that challenge official policies and practices. In addition, the authorities at all levels seemed increasingly willing to violate lawyer's human rights, resorting to intimidation, harassment, detention and punishment often in violation of Chinese law itself.

Jiang Tianyong, a lawyer mentioned in this report, said that in the past, the authorities had sought to maintain some deniability, with violent attacks on lawyers generally being carried out by hired thugs or plainclothes police. Increasingly, he noted, this is no longer the case, as officers in uniform, court police, and others clearly acting in an official capacity are openly involved.[112] This report has described numerous incidents where the same trend is in evidence.

This reality, and the pattern of abuse of lawyers and obstruction of their work described in this report, raises the question of whether the Chinese government is now retreating from its 30-year project of building the rule of law and the related task of instituting effective protections for human rights. Both domestically and internationally, China has made a number of binding commitments to these goals. It signed the International Covenant on Civil and Political Rights (which it has yet to ratify) and ratified other human rights treaties, including the Convention Against Torture, and pledged to further an impartial rule of law as part of its accession to the World Trade Organization.

Amnesty International is gravely concerned about the developments described in this report. These show that the Chinese authorities are not only failing to ensure protection for human rights lawyers and others seeking to provide legal services, but are actively undermining their work through legislative, administrative, and practical measures. If lawyers and legal workers are rendered incapable of challenging human rights violations committed by those acting in an official capacity, there can be no effective protection of human rights in China.

The roots of this problem go deeper than the techniques involved: the fundamental issue is the need for lawyers in China to be independent from government. Currently the Communist Party Legal and Political Committee (*Zhengfa weiyuanhui*) controls the Ministry of Justice and local government justice departments. The justice departments in turn control law firms and lawyers' associations, and law firms and lawyers' associations control lawyers. This chain of control must be broken, and the discipline and governance of lawyers should be entrusted to fully independent lawyers' associations that are elected by their members, as advocated by many human rights lawyers in China. Only then will lawyers be able to exercise fully their proper role in the protection of human rights.

Recommendations

Amnesty International calls on the Chinese authorities to fully respect and protect the human rights of lawyers and other human rights defenders, and implement in law, policy and practice protections provided for by international law and standards, in particular within the UN Basic Principles on the Role of Lawyers and the UN Declaration on Human Rights Defenders. Specifically, the organization calls upon the Chinese authorities to:

- stop the harassment, arbitrary detention, torture and other ill-treatment, imprisonment and enforced disappearance of human rights lawyers peacefully carrying out their work;

- immediately halt all policies and practices of torture and other ill-treatment of lawyers or any other individuals, investigate all such cases, prosecute suspected perpetrators, including persons in places of authority who may have ordered, instigated or were otherwise involved in torture, as well as in at least deliberate acts of cruel, inhuman or degrading treatment or punishment;

- provide victims of arbitrary detention, torture and ill-treatment with reparation in accordance with international standards;

- abolish all administrative regulations, measures and opinions that violate or expand the scope of the Lawyers Law, the Law on Legislation and the Administrative Punishment Law in ways that allow the authorities to curtail lawyers' ability to defend human rights, in particular the Measures for Punishing the Illegal Acts of Lawyers and Law Firms and Measures for the Annual Inspection and Assessment of Law Firms issued by the Ministry of Justice;

- repeal the Guiding Opinion on Lawyers Handling Mass Cases issued by the All China Lawyers Association in 2006;

- recognize that lawyers are independent of the state and, as such, abandon the practice of governing lawyers through state justice bureaus and other administrative departments. This includes ceasing all administrative interventions and administrative punishments of lawyers

imposed as retaliation against lawyers who take up cases deemed by the authorities to be "sensitive";

- abolish the annual assessment and license renewal system imposed on lawyers and law firms, and allow lawyers, law firms and lawyers' associations to develop a system of professional self-governance independent of the central and local state;

- remove from the Charter of the All China Lawyers Association Article 4, which provides that "Lawyers' associations should be monitored and guided by justice departments". Ensure that lawyers' associations are democratically elected self-governing bodies;

- undertake a comprehensive review of the Lawyers Law, the Criminal Law, the Criminal Procedure Law and the Administrative Punishment Law and other relevant laws to eliminate the obstructions they impose on the work of lawyers in order to fully implement international standards on the role of lawyers;

- ratify and implement fully through law, policy and practice the International Covenant on Civil and Political Rights;

- ratify and implement the Optional Protocol to the UN Convention against Torture;

- ratify and incorporate into domestic legislation the Rome Statute of the International Criminal Court.

APPENDIX

BIOGRAPHIES OF LAWYERS FEATURED IN THIS REPORT

Chang Boyang (常伯阳), 41

Chang Boyang is a lawyer based in Zhengzhou City, Henan Province. For many years he has been taking on cases involving workers' rights and vulnerable social groups including juveniles. In 2004 he founded a non-governmental legal aid network with a group of lawyers working on public interest issues, and donated his income to set up the Boyang legal aid website. In 2008, he represented 12 students who sued the Xi'an education authorities for discriminating against them based on the unfairness of the household registration system. Chang Boyang also took up several suits challenging detention in psychiatric hospitals of petitioners or other people deemed to be "troublesome" by the authorities. Chang was one of the lawyers who volunteered their services to provide legal aid for families whose children were affected by melamine-laced milk.

Cheng Hai (程海), 57

Graduating from the Institute of Economics, Nankai University, Tianjin, in 1984 with a master's degree in economics, Cheng Hai has been a farmer, a worker, a civil servant, and a manager. In 2000 he started to practice law, and was attached to the Anhui Law Firm for a time, until it was shut down. After a long search, in November 2010 he found another firm in which to practice. In recent years, he has worked mainly on human rights and public interest law suits, including cases involving Falun Gong believers and other religious nonconformists. He also took on challenges against re-education through labour decisions, and defended the rights of long-term migrants in Beijing and Hefei. He has been a prime mover in efforts to challenge restrictions on lawyers imposed by the authorities, joining with others in appeals to end violence against lawyers and participating in efforts to elect the leadership of the Beijing Lawyers Association through a democratic process, including standing for election himself in 2009.

Fan Yafeng (范亚峰), 42

A researcher at the prestigious Chinese Academy of Social Sciences (CASS) in Beijing, Fan obtained a BA in education from Anhui Normal University in 1992, a master's degree in foreign constitutional law from Beijing University in 1995 and a PhD in comparative constitutional law from CASS in 2003. Fan has published numerous articles in Chinese academic journals on democracy and constitutionalism, as well as the relationship between religious freedom and law. In November 2009, his contract as a researcher at CASS was not extended. He was told this decision was made for "political reasons" believed to involve his efforts to promote the work of Christian lawyers, including founding the Holy Mountain Cultural Research Institute and Church. He has been the leader of a house church for Christian lawyers for many years, and has provided support to lawyers working on religious and human rights cases.

Gao Zhisheng (高智晟), 45

Gao is a lawyer, a Christian and an army veteran. He has represented underground church members and those seeking redress as a result of official requisition of land.. In 2001, the Ministry of Justice named him one of the 10 best lawyers in China. On 13 September 2007, he issued an open letter to the US Congress saying the human rights situation in China was deteriorating, and because of that he couldn't support his country hosting the Olympics. Three days later, officers from Beijing's Public Security Bureau's National Security Unit entered and searched his home. At that time a "supervision and modification" committee—made up of Public Security Bureau officials—was reportedly set up to deal with his case. In late 2005, after he published an open letter calling for religious freedom and an end to the "barbaric" persecution of the banned Falun Gong spiritual movement, Gao's lawyer's license was revoked and his Beijing-based Shengzhi Law Firm shut down. In December 2006, Gao Zhisheng was sentenced to three years imprisonment, suspended for five years, for "inciting subversion". He was also deprived of his political rights for one year. He has been kept under constant surveillance since he was sentenced, and has been subject to enforced disappearance since April 2010.

Guo Yan (郭艳), 47

A teacher at the Guangdong Vocational Police College since 1991, Guo began practising as a lawyer in 1993. After graduating from Southwestern University of Politics and Law with a bachelor's degree in law in 1985, she taught at the administrative management school of the Chinese University of Politics and Law for six years. She has worked pro bono representing underprivileged clients in housing, property and labour cases. Guo Yan's license was suspended in 2006 after she represented Taishi villagers detained because of their efforts to remove their village chief, who was suspected of corruption. Following this case, the Guangdong authorities attempted to discourage her from taking up sensitive cases through frequent harassment. On 4 May 2011, Guo Yan received notice from her college that she would no longer be allowed to teach and would be demoted to a laboratory assistant because she had mentioned the detention of artist Ai Weiwei and the case of Yang Jia (who killed six police in Shanghai) in class. Guo Yan said she was trying to use these topical cases to discuss the role of the police with her students.

Jiang Tianyong (江天勇), 38

Jiang is a lawyer at the Beijing Higher Globe Law Firm, and project coordinator at the Aizhixing Law Institute in Beijing. He obtained his BA in literature in 1995, and passed the exam to become a lawyer in 2000. In 2004 he began his law career in Beijing and obtained his license to practice in 2005. Since then, he has taken on a number of public interest and human rights cases. Jiang has provided legal services for Chen Guangcheng who was imprisoned on trumped-up charges for exposing violence in the implementation of the family planning policy in Linyi City, Shandong. He has also taken up a number of anti-discrimination issues, challenges against re-education through labour decisions cases involving Falun Gong members, as well as death penalty cases. He was one of a group of lawyers who offered their services to Tibetans detained following the 2008 unrest in Tibetan areas. Jiang has been active in promoting the rights of lawyers, including participating in efforts to hold competitive elections for the leadership of the Beijing Lawyers Association. As

a result, he has been disbarred from practicing as a lawyer (see report for details).and his family have suffered harassment and intimidation.

Li Baiguang (李柏光), 42

A partner in the Beijing Gongxin Law firm, Li graduated from Hunan Xiangtan University with a BA in philosophy in 1991, obtained a master's degree in government and administration from Beijing University in 1994 and a PhD in law from Beijing University. He taught for a year at the Hainan University Law faculty, leaving to set up a publishing company. In 2001, Li met a journalist who encouraged him to provide legal aid to farmers whose land had been illegally appropriated and to victims of forced evictions, and to those who had been arbitrarily detained as a result of petitioning; since then, Li has provided legal aid and legal education in many such cases. For the past decade, Li has travelled across China, teaching victims of forced evictions about strategies to protect their own rights, including information on the relevant laws and regulations. In 2002, he filed a constitutional law case with the Supreme People's Court on behalf of Liu Jie, a Heilongjiang farmer whose property had been illegally confiscated, the first case of its kind in China. Since 2005, he has also regularly provided legal assistance to Christian house church members and ethnic minorities.

Li Dunyong (李敦勇), 46

A partner in the Beijing Gongxin Law Firm, after graduating from Beijing University with a master's degree in law in 1997, Li worked in the Shandong Procuratorate for three years, and taught at a university for two years. He has also acted as legal counsel for some major airlines. Recently, he has been involved in many cases involving the right to religious freedom. For example, in 2007 he defended a house church leader charged for promoting Christianity among Muslims, and in 2008 represented another house church leader in the Xinjiang Uyghur Autonomous Region. In 2009 he represented Uighur Christian Alimujiang Yimiti, who had been charged with "leaking state secrets outside national borders". In 2009 he represented Tibetan film maker Dhondup Wangchen, detained and charged for making a documentary film about the suffering endured by Tibetans. For taking this case, Li Dunyong was threatened with the loss of his license and pressured to stop providing legal services in cases of this kind. In 2010, he brought a suit on behalf of Shanghai housing rights activist Mao Hengfeng, challenging the re-education through labour punishment imposed on her.

Li Fangping (李方平), 37

A lawyer with Beijing Ruifeng Law Firm, Li has been involved in criminal defence and public interest litigation. In particular, he has brought suits on behalf of people who received transfusions of HIV-infected blood; he filed the first hepatitis-B discrimination case, in Tianjin; he has provided legal services to victims of environmental pollution; and most recently, defended three Fujian internet activists charged with defamation for exposing what they claimed was a police cover-up. Two major public interest litigation cases on which he has worked focussed on internet access charges and, in the first such case in the country, on the installation of barrier-free facilities for people with disabilities on Beijing public transport. Because of his work on "sensitive" cases and frequent involvement in public interest activities he has, like other lawyers at his firm, frequently been brought in for interrogation by the Beijing Justice Bureau. He has also been harassed, stalked and put under house arrest.

Li Heping (李和平), 40

A partner in the Higher Globe Law Firm in Beijing since 2002, Li obtained a bachelor's degree in law from Henan University in 1995, and a master's in law from People's University Law School in 2005. Before embarking on his legal career, Li worked in business. He has since taken on a wide range of public interest and human rights cases, including the defence of dissidents charged with criminal offenses, as well as cases involving Falun Gong practitioners. He defended Zhu Jiuhu, a lawyer who was charged with crimes because he provided legal advice to owners of oil fields in Shanbei whose assets had been expropriated by the local government. He also participated in the effort to sue the authorities in Linyi City, Shandong Province, for abuses committed in the implementation of the family planning policy. In addition, he has represented villagers seeking compensation for damage caused by environmental pollution, and has challenged unfair imposition of re-education through labour and arbitrary detention. As a result, he has endured harassment, threats and violence by the Beijing police. On 29 September 2007, in one of the first such cases targeting lawyers, he was abducted and subjected overnight to torture and ill-treatment. On 7 March 2008, the car he was driving his daughter to school in was rammed by a police vehicle.

Li Jinglin (李静林), 53

Before graduating from Sichuan Broadcasting University, Li took the national lawyer training course in 1985, and after completing his degree, in June 1986 he was hired by Suining City Justice Department, Sichuan Province. In April 1987 he was transferred to Suining City Legal Consultation Department to work as a lawyer. In 1990 he obtained his license to practice law. In 2008, he represented the families of children who had been made ill by melamine-tainted milk. In 2009, he joined nine other lawyers in a complaint against fee charging by the Beijing Justice Department and Lawyers Association. As a result, his license was suspended. He was pressured to sign a statement guaranteeing that he would not take up any sensitive cases, otherwise his law firm would be closed down. In order to protect the other lawyers in the firm, Li signed. Later he wanted to move to another law firm to be able to take on cases contributing to social change, but both his current and prospective firm were harassed by Beijing Lawyers Association, blocking the move. On 14 April 2011, when Li Jinglin was in Inner Mongolia representing a client charged under Article 300 of the Criminal Law on "using an evil cult to undermine implementation of the law," his hotel room was broken into by three unidentified men who took away his notebook computer and mobile phone.

Li Subin (李苏滨), 55

Li began his legal career in 1991, in Luoyang City, Henan Province. In 2001 he filed an administrative litigation suit against the Luoyang Justice Bureau for illegally charging lawyers an annual fee of 2,500 *yuan* In retaliation, his license was suspended for a year, thereafter Luoyang Justice Bureau would not renew it. In 2005 he moved to Beijing to work as an administrator at the Yitong Law Firm, where he provided support in many human rights cases, and was one of 35 lawyers who pushed for democratic elections in the Beijing Lawyers Association. In March 2009, the Haidian District Justice Department suspended Yitong Law Firm for one year on the pretext that they had hired staff who did not have lawyers' licenses—notably Li Subin—and also did not renew the license of the firm's founder, Li Jingsong. The

firm was able to resume operations in early 2011; Li Jinsong's license was also renewed. As an independent legal activist, Li Subin continues to be involved in human rights cases and with challenges to the system of administrative control of lawyers.

Li Tiantian (李天天), 45

Born in the Xinjiang Uighur Autonomous Region (XUAR), Li worked as a nurse before becoming a lawyer. She began by studying law by herself, then passed the national lawyers exam and started to practice law in 1996. In 1998 she ran a three-month legal hotline program on XUAR Economic TV, and began writing a daily legal column in the local newspaper. She represented the family of a woman who died in childbirth, seeking accountability from the hospital. In 1999, she represented the family of a person who had been administered poison by an unqualified doctor. In 2006 she moved to Shanghai to work for Beifang Law Firm, later switching law firms twice. In 2008 she provided legal defence in a prosecution for alleged corruption, and in 2009 she represented petitioners who were charged with a crime after exposing corruption in their village. In 2009, she was harassed because intended to provide representation in the notorious case of Yang Jia, who was accused of shooting dead six Shanghai police after being abused in detention. In February 2011 she was subjected to enforced disappearance for three months after posting information and comments online about protest movements in the Middle East and North Africa.

Li Xiongbing (黎雄兵), 38

Li is a human rights lawyer based in Beijing. In recent years, he has focussed on providing defence and legal services, often pro bono, in cases involving civil rights, freedom of expression, freedom of religion, and freedom from discrimination. Past cases include compensation claims for victims held as slave labourers in brick factories in Shanxi Province and the Sanlu toxic milk powder scandal. He was also involved in the push for direct elections to the leadership of the Beijing Lawyers Association. In June 2009, Li was disbarred by the Beijing Justice Bureau for "failing to qualify", but was allowed to resume his practise six months later. Li has been subjected to harassment by state security forces, been summoned, stalked, and put under house arrest.

Lin Hongnan (林洪楠), 70

After graduating from the Faculty of Law at Beijing University in 1962, Lin was sent to the Tibet Autonomous Region where he worked at the army tribunal and state security office in the Shannan area (Tibetan Lho-kha Sa-khul). In 1981 he returned to Fujian to work in the Public Security Bureau and the Justice Bureau. Following the 1996 reform of the lawyers system which introduced private practice, Lin Hongnan resigned from his government positions and set up the Tianjun Law Firm and Fawei Law Firm in Beijing to serve the public. He is a member of the China Law Society, and was a member of the 8th Fujian Chinese People's Political Consultative Conference. Despite risking his own license and closure of his firm, Lin has taken up a number of controversial cases in Fujian. Most recently, he has provided representation for three internet activists in Fuzhou facing trial on defamation charges.

Liu Peifu (刘培福), 39

After becoming a lawyer in 2002, Liu initially worked in the legal office of Jiahe County, Hunan Province, supervising implementation of law and handling administrative appeals. In 2007, he joined the Gongxin Law Firm in Beijing, taking up cases involving land disputes, forced evictions and labour disputes. He has provided legal aid and legal training to farmers, working on many forced eviction cases with Li Baiguang, representing displaced people challenging illegal expropriation of their land. Cases include expropriations in two villages in Putian City, Fujian Province, which left the villagers homeless; the seizure of land to build the Harbin City economic development zone in Heilongjiang; construction of the Fujin dam in Chongqing; and redevelopment in Minxing District, Shanghai. At arbitration, Liu has used creative tactics to maximize compensation and uses his cases as examples to train villagers to defend themselves and others. In 2010, Liu Peifu represented Shanghai human rights defender Mao Hengfeng in her appeal against the re-education through labour punishment imposed to stop her speaking out at the time of the 2010 Shanghai Expo. Liu publicly exposed the torture Mao Hengfeng was enduring, including beatings, being tied hand and foot to an iron bed for days and being force-fed with a sharp-ended tube.

Liu Shihui (刘士辉), 45

Originally from Inner Mongolia, Liu started to practice law in 1999. Since then he has taken on cases involving labour disputes, land disputes and religious freedom, as well as administrative litigation against the police, often providing pro bono legal assistance. He has sought to hold officials accountable in cases of torture and death in police custody, and attempted to use the law to gain the release of people detained in psychiatric hospitals. His wife divorced him following the intensive harassment the family faced as a result of his activism.

A notable case he worked on was a suit against the police of Shaoguan City, Guangdong province on behalf of Pan Wenfeng, who suffered such severe torture he was in a coma for three months and sustained permanent brain damage. Although Liu faced physical harassment, and threats of violence and criminal charges, he persisted with the case right up to the Supreme People's Court where it became a landmark in the debate over state compensation.

In 2009, Liu Shihui represented activist Yang Maodong (alias Guo Feixiong), in his appeal against a politically-motivated conviction on charges of illegal business dealings. Liu publicly exposed the severe torture of Yang and a case Yang had witnessed when a Falun Gong practitioner was beaten to death by prison authorities. After this, in September 2009 local authorities pressured his law firm to terminate his contract and suspended Liu's license for 9 months. Since then, his license has not been returned.

Liu Wei (刘巍), 34

Formerly a director and partner in the Shunhe Law Firm in Beijing, Liu was disbarred in 2010 (see report for details) because of the cases she has taken on. She has a history of providing representation in sensitive cases, including those involving Falun Gong believers and people infected with HIV as a result of official negligence. She has brought a number of

challenges against decisions to impose re-education through labour punishments and provided legal advice to villagers facing demolition of their homes in illegitimate land grabs. She represented fellow lawyer Ni Yulan (see below) when Ni was arrested on trumped-up charges of "obstructing official business". She was one of the lawyers seeking to promote democratic elections in the Beijing Lawyers Association. As well as having her license revoked, she has been subject to harassment and intimidation by the Beijing police.

Mo Shaoping (莫少平), 53

A prominent criminal defence lawyer, Mo obtained a bachelor's degree in law from the Chinese University of Politics and Law, and a master's degree in criminal law from the Chinese Academy of Social Science. From 1988 to 1992 he worked for the Ministry of Labour and part-time at the Ministry of Justice. In 1995 he set up the Beijing Mo Shaoping Law Firm. He and his firm have provided legal defence for many prominent political prisoners, including Nobel laureate Liu Xiaobo; Tan Zuoren, a Sichuan environmental activist imprisoned for documenting the deaths of children due to shoddy school construction in the 2008 Sichuan earthquake; journalist Shi Tao, charged with leaking secrets; activist Yang Maodong (also known as Guo Feixiong); and dissidents and journalists including Zhao Yan, Zhang Lin, Du Daobin, Xu Wenli, Fang Jue, Liu Nanchun, Jiang Qisheng, and Yao Fuxin. Mo is the author of a number of legal books and has been an executive council member of Beijing Lawyers Association, as well as the secretary of its criminal defence committee. Mo Shaoping has been a visiting scholar at Harvard University. In 2003, *Time* magazine selected him as one of its "Asian heroes", and in 2007, along with Teng Biao and Li Jinsong, he was awarded the French Republic's Human Rights Prize.

Mou Jiyuan (牟继源), 60s

A legal advisor for many state-owned enterprises in the 1980s, Mou graduated in 1968 from the Beijing Engineering Management School (since 2004 known as Beijing Science and Technology University). He is an expert and writer on civil law. Since August 1981 he has worked on both criminal cases and civil cases. In 2008 he and Li Fangping represented HIV/Aids activist Tian Xi in a suit for compensation against the hospital which infected him with HIV through blood transfusion.

Ni Yulan (倪玉兰), 51

As well as graduating with a BA in Chinese from the Beijing Language Institute, Ni Yulan received a second bachelor's degree in law from the Chinese University of Politics and Law. From 1986 to 2001, she worked as a legal advisor in a trading company and then as a lawyer in the Zhengyi Law Firm in Beijing. From the beginning of her career as a lawyer she has provided legal advice and practical help to vulnerable people. In 2001, she began giving legal aid to many people who had been forcibly evicted. On 27 April 2002, as she was attempting to collect documentary evidence for such a case by filming a demolition in progress, she was noticed by the police and taken to a police station, where she was beaten and detained for a total of 75 days. After her release, she staged a protest against her detention and the beating she had suffered. She was detained again and suffered further torture and ill-treatment as a result of which on 27 September 2002 she became permanently disabled. In November 2002, she was sentenced to one years' imprisonment

and had her lawyer's license revoked. Since her release in 2003, Ni Yulan has been frequently detained: between 27 July 2004 and 16 March 2006, police held her under illegal detention and surveillance for 597 days. In 2008 she was sent to prison for two years as a consequence of her protests against police malpractice and her provision of legal aid to victims of forced eviction, as well as trying to protect her own house from demolition. Despite this persecution, she has continued to provide legal advice to people in difficult circumstances.

Peng Jian (彭剑), 37

After studying international finance and economic law and graduating from the Chinese University of Politics and Law in Beijing in 1997, Peng qualifed as a lawyer and in 2001 received a license to practice. He worked as a judge on a district labour tribunal then joined the Huahuan Law Firm in Beijing where he provides advice and legal aid to victims who have come to Beijing seeking redress for injustices they have suffered in the provinces. From 2009 to 2010, working with lawyer Li Fangping, he represented victims of the melamine-tainted milk powder scandal.

Song Yucheng (宋玉成), 32

After graduating from Chinese University of Politics and Law in Beijing, Song started work at the Shengting Law Firm in Beijing, specializing in forced eviction, land appropriation cases, and labour disputes. Through skilful arbitration, he has in some instances been able to get satisfactory compensation for victims.

Tang Jitian (唐吉田), 42

A former teacher and now a Beijing lawyer and member of the Anhui Law Firm, Tang has worked on cases involving freedom of expression, Falun Gong practitioners, and civil rights. He advocates abolition of the death penalty, and in 2008 led calls for a democratic election to the Beijing Lawyers' Association. As a result of these activities, he was targeted by the Justice Bureau and the Beijing Lawyers' Association, subsequently failing the annual lawyers assessment and registration in 2009. Since 2009, no lawyer from the Anhui Law Firm has been able to pass the assessment. In 2010, as a form of administrative punishment, the Justice Bureau suspended Tang's license to practice law. He has been the victim of police harassment, been forced to move from his rented accommodation several times and in 2011 was subjected to enforced disappearance.

Tang Jingling (唐荆陵), 40

A former manager in the chemical industry, Tang received his qualification to practice law in 1998 and joined the Guangda Law Firm in Guangdong province as a trainee. In November 1999, he received his lawyer's license and joined the Huazhijie Law Firm in Guangdong. Between 2004 and 2005, he became involved in labour cases, defending workers detained for protesting against poor working conditions or unpaid wages. When in 2005, across Guangdong province, villagers mounted protests against illegal land grabs and corruption by village committee members, Tang Jingling brought administrative litigation cases on behalf of villagers including three villages in Shibi, Panyu City, and the better known Taishi Village

case. Due to political pressure, the director of Tang's law firm was forced out of his post, and then in November 2005, Tang's contract with the firm was terminated. Despite this, Tang Jingling continued his involvement in land and labour issues. However, his 2006 efforts to find another law firm to join were unsuccessful; additionally, he has been unable to renew his lawyer's license under the current system of annual review. Despite these setbacks, Tang continues to provide legal advice to vulnerable people, such as migrant workers.

Teng Biao (滕彪), 38

After obtaining a PhD in law from Peking University in 2002, Teng worked as a lecturer at Chinese University of Political Science and Law and practiced law at Huayi Law Firm in Beijing. In 2003, together with Xu Zhiyong and Yu Jiang, Teng sent an open letter to the National People's Congress challenging the Custody and Repatriation System under which migrants and others without local residency could be arbitrarily detained. The system was abolished later that same year. In 2003, the Ministry of Justice and CCTV described Teng as one of the "Top Ten Figures in the Rule of Law"; in 2005, Asia Newsweek recognized him as one of its "Persons of the Year"; in December 2007, in conjunction with two other Chinese lawyers, he received the French Republic's Human Rights Award.

Teng Biao has been involved in a number of prominent human rights cases, such as investigating authorities' use of force in the implementation of family planning policy in Linyi, Shandong; the misappropriation of private oil farm ownership by the authorities in northern Shanxi; and the case of imprisoned Christian priest Cai Zuohua in 2005. With Fan Yafeng, he formed a Christian human rights lawyers group, and assisted in filing an appeal on behalf of writer Liao Yiwu, who had been deprived of his passport in 2006. He has investigated and appealed death penalty cases, cases of confessions extracted through torture, forced eviction cases and forced labour cases such as the Shanxi "black brick kiln" in 2008. In 2007 he was a visiting scholar at Yale University. In 2008, Teng Biao lost his license to practice law as punishment for his outspoken views on China's human rights problems and his criticism of the detention of rights activists Hu Jia and Gao Zhisheng. He continues to work on human rights cases.

Tong Chaoping (童朝平) 48

Prior to becoming a lawyer in Beijing in 2003, Tong had a long history as an activist on rural issues. In 1994, he published an article entitled "Disparity between the rich and poor, and common prosperity" and pieces in *Southern Weekend* and other publications about village elections and economic reform. In 1996, he began using the law to defend the rights of vulnerable groups. In Anhui Province, he sought to defend the right to work of teachers who had not received diplomas from teachers' colleges, but had long been working in schools in rural areas, when the County Education Commission tried to fire them for not being qualified. In a joint initiative with 40 rural NPC deputies, he represented 36,000 farmers demanding that Anhui provincial government stop illegal overcharging of taxes and fees. He also represented 2,000 Qinglong villagers in cases against illegal taxes on farmers levied by the county government and Finance Bureau.

In 2007 he set up the Anhui Law Firm in Beijing and became its director. Lawyers Cheng Hai, Tang Jitian, Yang Huiwen and others from Yitong Law Firm who had been forced by the

municipal Bureau of Justice to stop work, were re-employed by Tong's Anhui law firm, which supported their commitment to public interest and human rights cases. In spring 2009, the entire staff of the firm openly supported direct elections to the Beijing Lawyers Association, supporting Tang Jitian, Yang Huiwen, Cheng Hai, and Tong Chaoping as independent candidates. They obtained a majority of votes but were censured by the authorities. In May 2009, in order to protect these lawyers' legal right to practice Tong rejected an order from the Bureau of Justice to expel them. Tong's law firm has since failed to pass the government's annual assessment and registration.

Wang Yonghang (王永航), 37

A former lawyer from Dalian City, Liaoning Province, Wang Yonghang has represented several Falun Gong practitioners. In May 2008, he published an online article explaining his views on the persecution of Falun Gong practitioners under Article 300 of China's Criminal Law, the same legislation under which he has now been convicted. In May 2008, his license to practice law was revoked by the Dalian City Department of Justice; however, he continued to provide legal advice to Falun Gong practitioners, and represented a number of them at trial. Wang was taken into custody on 4 July 2009, and severely beaten, resulting in fractures to his right ankle. He was formally arrested on 10 August and held incommunicado until October 16, when he was tried in camera with no lawyer present. On 27 November 2009, he was sentenced to seven years' imprisonment for "using a cult to damage the implementation of the law" including "giving interviews and publishing articles on foreign websites".

Wen Haibo (温海波), 31

After graduating from Liaoning University Law School in early 2001, Wen practiced law at the Shengzhi Law Firm in Beijing from 2004, working as Gao Zhisheng's assistant and becoming involved in a number of human rights cases until the authorites closed the firm at the end of 2005. At the beginning of 2006, he joined the Yitong Law Firm but it was suspended for six months as a form of administrative punishment because several of its lawyers had called for democratic elections to the Beijing Lawyers Association. At the end of 2008, Wen transferred to the Shunhe Law Firm. Because of his work on behalf of Falun Gong practitioners and his participation in the push for democratic elections to the Beijing Lawyers Association, he has, since June 2009, failed the annual assessment and registration. As well as enduring restrictions on his personal freedom he is subjected to regular harassment by state security police. Wen has been a volunteer lawyer with the Open Constitution Initiative (Gongmeng, see Xu Zhiyong, below) and participated in the provision of legal aid to the victims of the Sanlu melamine-tainted milk powder scandal.

Xie Yanyi (谢燕益), 37

As a human rights lawyer in Beijing, Xie, from Dianbai, Guangdong province, has been involved, often pro bono, in cases involving forced evictions, people afflicted with AIDS, and freedom of religious expression, including Falun Gong practitioners. He was a prominent voice in the campaign opposing Green Dam censorship software which the government ultimately had to abandon. He has published numerous online articles advocating legal reform, and has been a vocal critic of the re-education through labour system. He is

frequently harassed by the police, and has been placed under surveillance and house arrest on numerous occasions. As a result of pressure from the Beijing Bureau of Justice, the law firm he worked for fired him.

Xu Zhiyong (许志永), 38

Xu was director of the now-closed legal aid centre, the Open Constitution Initiative (OCI; or *Gongmeng*), an NGO set up in 2007 to provide legal advice and assistance to the general public. He came to domestic and international attention when he used his position as an NPC member representing Beijing's Haidian District to issue an open letter to the government calling for an impartial investigation into the death of a young man from Guangdong province beaten to death in a Custody and Repatriation centre. Xu also called on lawyers' groups to support Chen Guangcheng, the blind activist who uncovered forced abortions and other violent implementation of the birth control policy in Linyi City, Shandong Province. He has participated in initiatives calling for reform of China's discriminatory household registration policy. In 2009, OCI released a report challenging the government's explanation of the unrest in the Tibet Autonomous Region in 2008. OCI also encouraged other lawyers' groups to come to the aid of victims of the melamine-tainted milk powder scandal. Xu Zhiyong was detained from 29 July to 23 August 2009, and later formally arrested for "tax evasion" and held in Beijing No.1 Detention Centre before being released on bail to await trial. Following his release, Xu continued involvement in human rights cases, maintaining a lower profile.

Yang Huiwen (杨慧文), 38

After obtaining a BA in engineering from Taiyuan Institute of Heavy Machinery, Yang became a law trainee in 2003 and worked in several law firms from 2004 to 2009. Since August 2009, he has been a qualified lawyer and partner at the Anhui Law Firm in Beijing, assisting in criminal and civil cases, including pro bono. He has contributed to the TV programme "Rule of Law in Current Affairs", and written a law review column in the *China Times*. Early in his career he often represented property owners and won the first compensation case for defective construction of commercial housing in Beijing. He was the main volunteer lawyer for OCI, and contributed to defending victims of the toxic melamine tainted milk powder scandal. In 2008, he was among those most active in the campaign to promote direct elections to the Beijing Lawyers Association. He currently provides legal services to Holy Mountain, a house church in Beijing, and represents house church personnel in cases involving official harassment, re-education through labour, torture, and miscarriages of justice. He serves as a lawyer to the Chinese Petitioners' Rights Defence Lawyers Association and China Rights Defence Network. Because of his work on pro bono cases and involvement in the movement to promote direct elections to the Beijing Lawyers Association, Yang has suffered retaliation from the Bureau of Justice: since 2009, he has been unable to pass the annual lawyer assessment and registration and has been deprived of his right to practise. No lawyer from the Anhui Law Firm has passed the annual lawyer assessment since 2009. He is also subject to constant intimidation by the state security police.

Yang Zaiming (杨在明), 43

A director of the Shengting Law Firm in Beijing, Yang Zaiming has a bachelor's degree in civil and commercial law from Shandong University, and a master's degree in the same from People's University, Beijing. In 1998, Yang started working on cases relating to property development, expanding in 2005 to cases from across China. In 2006, he created a website focussing on property rights, and in 2007 formed a team of lawyers in the Shengting Law Firm focussed on serving victims of forced eviction. Since 2007 he has been involved in hundreds of forced eviction cases and has been successful in achieving better compensation for the victims. Numerous difficulties have been put in his way by local government or property development agencies; he has been beaten at least six times by hired thugs in the pay of the authorities or property development agencies.

Zhang Kai (张凯), 32

Graduating with a bachelor's degree in Chinese law from the Beijing University of Politics and Law, Zhang began practicing as a lawyer in 2003, taking on human rights cases with other legal professionals. He is an expert in constitutional law, contributes opinion to websites and blogs, and provides legal and rights education to the general public. In partnership with Li Heping, he has represented members of house churches in Hubei Province, detained because of their religious beliefs. He has also helped some of the victims of the Sanlu, melamine tainted milk powder scandal seek redress through administrative litigation. On 13 May 2009, Zhang was visiting a client who wanted to sue Chongqing re-education through labour centre after his 66 year old father died suddenly in their custody. Zhang was beaten by Jiangjin District police officers and taken away in handcuffs. During the annual lawyer's assessment In May 2009, Zhang was threatened with the revocation of his lawyer's license if he continued human rights work.

Zhang Lihui (张立辉), 38

Formerly a member of the OCI, Zhang is now a lawyer in the Beijing Guogang Huachen Law Firm. He began practising law in Beijing in 2003, and also worked as a researcher at the Constitutional Research Centre, which was closed down by Beijing University in March 2010. He has also been a member of the Beijing Lawyers Association Constitutional Law Committee. He has defended Falun Gong practitioners, as well as house church leaders prosecuted in Heilongjiang Province. He has worked on cases seeking compensation for environmental pollution. He was among lawyers who supported Chen Guangcheng and his efforts to hold authorities in Linyi City, Shandong Province accountable for violence used in implementing family planning policies there. He was among the lawyers who called for democratic elections to the Beijing Lawyers Association. Zhang's lawyer's license was revoked in 2009, but he has since passed the annual assessment and is now able to practice again.

Zhang Xingshui (张星水), 44

In 1993, after graduating from the Chinese University of Politics and Law, Zhang was assigned to work in the investment and business departments of the Ministry of Justice Department of Lawyers Affairs. In 1996, he moved to the Central Union Law Firm in Beijing and in 1998 jointly established the Zhongren Law Firm in Beijing. He obtained a masters

degree in law from Temple University in the United States. He founded the Jingding Law Firm in 2001. Formerly secretary-general of the Beijing Yangguang Constitutional Social Studies Centre, the precursor to the OCI, he is also a Beijing University Natural Resource College and Business School research fellow and council member, and holds other positions in the Civil Society Transition Academic Forum. His interests include legislative research and public interest domain activities, and working with vulnerable groups to safeguard their civil rights. For the past 10 years, Zhang has acted as counsel in different types of litigation and arbitration participating in many human rights and public welfare cases. Because of this, Zhang and his law firm have been subject to harassment by the Bureau of Justice, the Tax Bureau and the police. In 2009 the Jingding Law Firm did not pass the annual lawyer assessment, forcing more than two thirds of the lawyers to leave. It also suffered onerous financial penalties imposed by the Beijing Tax Department office. In the second half of 2009, the lawyers were able to pass the assessment and resume their practice.

Zhang Sizhi (张思之), 84

At the age of 16, Zhang joined the Nationalist army to fight against the Japanese, and later joined the Chinese Communist Party. In 1947 he studied law at Chaoyang University in Beijing and in 1949 became a People's Court judge, completing his law studies in Moscow in 1950. During the turbulence of the Anti-Rightist campaign in the early 1950s, Zhang became a target of political persecution, and was sent to reform through labour for 15 years before being able to resume work as a lawyer. One of the most respected human rights lawyers in China, he acted for the defence in the trial of the Gang of Four after the end of the Cultural Revolution. He currently practices at the Wu Luan Zhao Yan Law Firm in Beijing, is a consultant to the All China Lawyers Association, the Constitutional Law and Human Rights Committee, and teaches at the Central University of Finance and Economy. One of the first lawyers to dare to take on cases of prominent political prisoners, he has acted as defence counsel in some of the most notable cases of the last 20 years. He represented Wang Juntao when he was tried as a "black hand" of the 1989 demonstrations; he acted for Bao Tong, Zhao Ziyang's top aide and the highest official prosecuted for the 1989 events; he defended journalist Gao Yu when she was charged with "leaking state secrets" in 1994; and provided legal defence for Wei Jingsheng's second prosecution for political crimes in 1995. He has published widely on the rule of law and has been a significant influence on many young lawyers.

Zheng Enchong (郑恩宠), 61

In July 2001, when Zheng was working at the Siwei Law Firm in Shanghai, his license to practice law was revoked by the Shanghai Municipal Justice Bureau on the grounds that he had contravened the Lawyers Law. On 28 August 2003, he was tried in camera on charges of "supplying state secrets to foreign entities". The charge related to two faxes he was alleged to have sent to the New York-based organization Human Rights in China. More than 100 people, most of whom he had provided legal assistance to, protested outside the court; on 28 October 2003, he was found guilty and given a three-year jail sentence. Before his imprisonment, Zheng advised and represented families forcibly evicted from their homes. Concerns were raised at the time that Zheng was being targeted by corrupt city officials profiting from their association with wealthy property developers. By the time of his detention it was thought that he had represented, or assisted, more than 500 families. In 2005 Zheng

was given a Human Rights Award by the German Judges' Association. His wife, Jiang Meili, was refused permission to leave China to attend. Zheng was released from prison in 2006, but was put under illegal house arrest in Shanghai and has been subject to repeated short-term detentions. However, he continues to speak out about abuses relating to forced evictions in the city, and to criticize Shanghai's development policy.

Zhu Yubiao (朱宇飙), 40s

Since obtaining a masters in law from Zhongshan University in Guangdong in 1994, Zhu has worked at the Guangda Law Firm and Guangdong Hengyi Law Firm, in Guangdong. Zhu Yubiao has defended many Falun Gong practitioners, especially in 2005 and 2006. In February 2007 whilst visiting a client inj Panyu, Zhu Yubiao was detained by police and kept in a re-education through labour camp for 18 months. In August 2010 more than 10 police searched his home in Guangzhou city and arrested him. As of June 2011 his legal status is unclear.

ENDNOTES

1 Excerpt from Jiang Ping's 28 December 2009 speech at the All China Lawyers Association annual meeting. Jiang has devoted much of his life to the promotion of the rule of law in China. The speech was later published in Chinese Lawyers Digest magazine《律师文摘》and is available, in Chinese, at: http://news.mylegist.com/1604/2010-02-21/21028.html, accessed 1 June 2011.

2 Figure announced by Du Chun, Director of Department of Guidance of the Work of Lawyers and Public Notaries, Ministry of Justice, at the annual meeting of the All China Lawyers Association Criminal Committee on 8 January 2011. In Chinese, available at: http://www.ahlawyer.org.cn/show_new.aspx?id=12534, accessed 1 June 2011.

3 Amnesty International 'Breaking the law: Crackdown on human rights lawyers and legal activists in China', ASA 17/042/2009, September 2009. Available at: http://www.amnesty.org/en/library/info/ASA17/042/2009/en.

4 Full Chinese text and official English translation available at: http://vip.chinalawinfo.com/newlaw2002/slc/slc.asp?db=chl&gid=129004, accessed 1 June 2011.

5 There is no equivalent to the sub judice rule in Chinese law.

6 See for example, 司法部負責人就中共中央辦公廳、國務院辦公廳轉發《司法部關于進一步加強和改進律師工作的意見》答記者問 available at: http://big5.gov.cn/gate/big5/www.gov.cn/jrzg/2010-11/23/content_1751696.htm, accessed 1 June 2011.

7 For information see Hualing Fu & Cullen, R. (2011). "Climbing the weiquan ladder: A radicalizing process for rights-protection lawyers." The China Quarterly, 205, 40; Fu, H., & Cullen, R. (2008). "Weiquan (rights protection) lawyering in an authoritarian state: Building a culture of public-interest lawyering." The China Journal, (59), pp. 111-127; Pils, E. (2007). "Asking the tiger for his skin: Rights activism in China." Fordham International Law Journal, 30(4), 1209-1287.

8 This effort is discussed in Amnesty International's previous report, see http://www.amnesty.org/en/library/info/ASA17/042/2009/en.

9 National People's Congress Standing Committee,《中华人民共和国律师暂行条例》, effective 1 January 1982. Chinese and English texts available at: http://www.flrchina.com/le/doc/001/067.htm, accessed 1 June 2011.

10 National People's Congress Standing Committee. Law of the Peoples Republic of China on Lawyers (Lawyers Law),《中华人民共和国律师法》,15 May 1996. English text available at: http://www.lawinfochina.com/law/display.asp?id=1155, accessed 1 June 2011.

11 As summarized in the article, 坚持和完善中国特色社会主义律师制度——司法部负责人就中共中央办公厅、国务院办公厅转发《司法部关于进一步加强和改进律师工作的意见》答记者问, People's Daily, 24 November 2010, available at: http://politics.people.com.cn/GB/1026/13301035.html#, accessed 2 June 2011.

12 Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

13 Interview with Amnesty International.

14 Figure announced by Du Chun, Director of Department of Guidance of the Work of Lawyers and Public Notaries, Ministry of Justice, at the annual meeting of the All China Lawyers Association Criminal Law Committee on 8 January 2011. In Chinese, available at: http://www.ahlawyer.org.cn/show_new.aspx?id=12534, accessed 1 June 2011.

15 Ministry of Justice, "Measures for the Management of Law Firms",《律师事务所管理办法》, effective 18 July 2008, Arts. 42 and 43, available, in Chinese, at: http://www.legalinfo.gov.cn/moj/2008zcfg/2008-07/22/content_906515.htm, accessed 19 June 2009. Ministry of Justice, "Measures for

the Management of Lawyers' Practice",《律师执业管理办法》, effective on 18 July 2008, Art. 40, available at: http://www.gov.cn/gongbao/content/2009/content_1220478.htm, accessed 2 June 2011.

16 Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy - Addendum - Situation in specific countries territories UN Doc. A/HRC/11/41/Add.1, 19 May 2009, para. 72, available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/132/91/PDF/G0913291.pdf

17 The Lawyers Law was amended on 28 October 2007.

18 See endnote 15 for reference.

19 Jiang Tianyong made this point in a 2008 interview with Epoch Times: http://www.epochtimes.com/b5/8/6/1/n2138386p.htm, accessed 5 June 2011. Also see post from an unnamed lawyer on Tianya law community website《荒唐的 2009 律师证年检》, available at: http://www.tianya.cn/publicforum/content/law/1/144398.shtml, accessed 5 June 2011.

20 Ministry of Justice, Notice on Promulgation of List of Currently Valid Justice Regulatory Instruments 關于公布現行有效司法行政規章目錄的公告, Doc. No. 101, 28 December 2010, in Chinese, available at: http://big5.gov.cn/gate/big5/www.gov.cn/gzdt/2010-12/16/content_1767006.htm, accessed 6 June 2011.

21 GZAR Justice Bureau《關於自 2009 年起不再開展律師事務所年檢和律師註冊工作有關問題的通知》Order No.52 of 2009. Available at: http://www.lklawyer.com/shownews.asp?id=473, accessed 2 June 2011.

22《律師和律師事務所執業證書管理辦法》, 2009, available at: http://big5.gov.cn/gate/big5/www.gov.cn/flfg/2009-09/23/content_1424108.htm, accessed 2 June 2011.

23 "Measures for the Annual Inspection and Assessment of Law Firms",《律師事務所年度檢查考核辦法》, effective 8 April 2010, available at: http://www.law-lib.com/law/law_view.asp?id=312434, accessed 2 June 2011.

24 Beijing Lawyers Association's Notice on the Commencement of Annual Assessment of Law Firms in Beijing 2010《北京市司法局關於北京市律師事務所 2010 年度檢查考核工作的通知》. In Chinese, available at: http://www.bmla.org.cn/cac/1116.htm, accessed 2 June 2011.

25 The letter is available at Tianya legal discussion community (in Chinese): http://www.tianya.cn/publicforum/content/law/1/135223.shtml, accessed 5 June 2011. They reissued this appeal on 14 May 2011, available at: http://www.soundofhope.org/programs/162/159314-1.asp, accessed 6 June 2011.

26 The original protest letter is not available online, but the issue is documented in detail in a post by activist Wang Haiyang,《河南司法厅一年两败诉》available at: http://www.cnwqw.com/Article_Show.asp?ArticleID=855, accessed 2 June 2011.

27 See http://blog.sina.com.cn/s/blog_4cd0987c0100h5ju.html and http://www.9ask.cn/blog/user/peiwenkui/archives/2008/44166.html, both in Chinese, accessed 2 June 2011.

28 National People's Congress《中华人民共和国行政许可法》, effective 1 July 2004. English version available at: http://www.lawinfochina.com/law/display.asp?ID=3076&DB=1, accessed 2 June 2011.

29 Open letter to the Minister of Justice Protesting against Abusive Actions Repressing Lawyers by Beijing Lawyers Association《抗议北京律协迫害维权律师的违法行径—致司法部的公开信》, 8 July 2009, in Chinese, available at: http://desaigongyuan.appspot.com/blogs/stone/2009/07/08/ztaeseaoeaaaeacaefaacseaeeoeaaeeaaeefcsaaea/, accessed 05 June 2011.

30 These are cases involving 10 or more plaintiffs who have initiated a collective lawsuit or a series of legal proceedings on a common matter. Specific rules for lawyers and law firms to "handle" such cases, including getting permission from local justice bureaus to pursue them, were enacted by the All China Lawyers Association in 2006. A description and assessment is available in Amnesty International's previous report, see http://www.amnesty.org/en/library/info/ASA17/042/2009/en.

31 Article 7(4) of the Annual Inspection Measures.

32 Article 7(2) of the Annual Inspection Measures.

33 Article 8(3) of the Annual Inspection Measures.

34 Collective cases (*jiti anjian*) may involve fewer plaintiffs than the 10 required for a "mass case".

35 According to media reports, Yang Jia had carried out the attack in revenge. He had previously sought compensation for ill-treatment by police when he was detained for riding an unlicensed bicycle on 15 October 2007. See Amnesty International' s previous report, http://www.amnesty.org/en/library/info/ASA17/042/2009/en, page 20.

36 Available at: http://www.fjszfh.org/XContentView.Xform?CataLogCode=1016&Flowid=1785, accessed 5 June 2011.

37 北京律师协会关于 2010 年度律师执业活动年度考核工作的通知, available at: http://www.bmla.org.cn/cac/1117.htm, accessed 2 June 2011.

38 Articles 10 and 19 of the of "Measures on the Management of the Licenses to Practice of Lawyers and Law Firms" 2009,《律師和律師事務所執業證書管理辦法》issued by the Ministry of Justice.

39 Article 19 of "Measures on the Management of the Licenses to Practice of Lawyers and Law Firms", 2009, stipulates that Justice Departments will be subject to punishment if during the management of the license process they violate these Measures or the Lawyers Law , "Measures for the Management of Law Firms" , or "Measures for the Management of Lawyers' Practice".

40 See http://news.boxun.com/news/gb/china/2011/04/201104240712.shtml, in Chinese, accessed 2 June 2011.

41 The document reference was 穗司行罚〔2009〕8 号《行政处罚决定书》. This was sent to Liu's law firm.

42 Activist Yang Maodong (also known as Guo Feixiong) was sentenced to five years' imprisonment for "illegal operation of a business" on 14 November 2007 after 14 months in detention. His conviction is widely believed to be a form of retaliation for his intervention in a rural land dispute and his support for the attempt of villagers in Taishi Village, Guangdong Province, to remove their village chief through legal means in 2005. The case was widely reported and local government suppressed the protests. After his return from a visit to the USA in 2006, Yang lobbied on behalf of detained lawyer Gao Zhisheng. Yang was reported severely tortured during detention and imprisonment causing permanent injuries. His wife and daughter fled China in 2008 fearing retaliation after reporting on the torture Yang had experienced.

43 The decisions were posted on the Beijing Municipal Bureau of Justice website on 7 May 2010. The decision on Tang Jitian: http://www.bjsf.gov.cn/lsgl/cxjl/201005/t20100507_1279438.html; the decision on Liu Wei: http://www.bjsf.gov.cn/lsgl/cxjl/201005/t20100507_1279577.html, both in Chinese, accessed 2 June 2011.

44 Article 49 of the Lawyers Law reads: "Where any lawyer does any of the following, the justice department of the people's government of a city with districts or a district of a municipality shall impose a penalty of suspending practice for six months to one year and may impose a fine of RMB50,000 at most; if there is any illegal income, the illegal income shall be confiscated; if the case is serious, the justice department of the people's government of the province, autonomous region or municipality shall revoke his or her license to practice law; if the act constitutes a crime, he or she shall be held liable for and prosecuted: (1) In violation of the rules, meet with judges, procurators, arbitrators and other related working personnel, or affect handling of a case according to law through other irregular ways; (2) Bribe judges, procurators, arbitrators and other related working personnel, act as a conduit for bribes or instruct or induce the interested party to bribe; (3) Provide false materials to the justice department or commit other acts of falsification; (4) Intentionally provide false evidence or threaten or induce others to provide false evidence and hinder the opposed interested party from lawfully obtaining evidence; (5) Accept goods or other interests from the opposed interested party, and maliciously collaborate with the opposed interested party or a third party to encroach upon the rights and interests of the client; (6) Disturb the order of the court or the court of arbitration and disturb lawsuit and arbitration activities from proceeding normally; (7) Agitate or abet the interested party to settle disputes through disturbing public order, harming public security and other illegal means; (8) Make speeches doing harm to national security, spread malicious falsehoods against others and seriously disturb court order; (9) Reveal state secrets. Where any lawyer receives criminal punishment for intentionally committing a crime, the justice department of the people's government of the province, autonomous region or municipality shall revoke his or her license to practice law."

45 See http://www.gongfa.com/html/gongfaanli/20100426/1125.html, in Chinese, link now inaccessible, copy on file with Amnesty International.

46 Article 125 of China's Constitution reads: "All cases handled by the people's courts, except for those involving special circumstances as specified by law, shall be heard in public. The accused has the right of defence."

47 Article 11 of China's Criminal Procedure Law reads: "Cases in the People's Courts shall be heard in public, unless otherwise provided by this Law. A defendant shall have the right to defence, and the People's Courts shall have the duty to guarantee his defence." Article 14: "The People's Courts, the People's Procuratorates and the public security organs shall safeguard the procedural rights to which participants in proceedings are entitled according to law."

48 Article 31 of China's Lawyers Law reads: "When a lawyer acts as a defence lawyer, he or she shall provide materials and opinions to prove that the criminal suspect or defendant is innocent, his or her crime is minor, his or her crime shall be abated, or he or she shall be exempted from criminal liabilities according to the facts and law to safeguard the legitimate rights and interests of the criminal suspect or the defendant." Article 36: "If a lawyer acts as agent or defender in a lawsuit, his or her right of argument or defending is protected according to law."

49 Concern over the case was expressed in various blogs, see for example, http://blog.sina.com.cn/s/blog_638107aa0100ii6m.html, in Chinese, accessed 2 June 2011,

50 The open letter has been deleted from many blogs but is still available at: http://www.wqyd.org/bbs/redirect.php?fid=69&tid=9082&goto=nextoldset&styleid=1&sid=5CL6ze, in Chinese, accessed 2 June 2011.

51 See endnote 24 for reference. They filed another complaint against Xiao Lizhu about the revocation of their licenses that also mentioned the 2009 letter. Available at: http://www.canyu.org/n15887c11.aspx, in Chinese, accessed 5 June 2011.

52 The ten signatories were: Liu Wei, Tang Jitian, Li Jinglin, Teng Biao, Zhang Kai, Li Subin, Jiang Tianyong, Lan Zhixue, Yang Huiwen and Xie Yanyi. Two had earlier had their licenses suspended: Li Subin since 2002 and Teng Biao since 2008. Apart from Lan Zhixue, the remaining seven had their licenses suspended in 2009. Zhang Kai and Li Jinglin subsequently got their licenses back in 2010.

53 This statement is from the Preamble of the Principles. Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

54 A system of administrative detention under which inmates can be detained on the direction of the police for up to four years without trial.

55 For information on this scandal, see postings on China Digital Times, http://chinadigitaltimes.net/china/sanlu/, in English, accessed 2 June 2011.

56 This is another administrative control imposed on new lawyers in 2010, requiring that newly qualified lawyers should file their CVs with these centres before they can be hired by a law firm.

57 For information on Mao Hengfeng's case, see: http://www.amnesty.org/en/library/asset/ASA17/008/2011/en/03f3eb04-4182-4ccf-9443-8874ca110039/asa170082011en.html and http://www.amnesty.org/en/appeals-for-action/act-now-mao-hengfeng-china

58 For more information, see: http://www.charter08.eu/5.html, in English, accessed 2 June 2011.

59 Leaving Fear Behind features a series of interviews with Tibetans, all of whom voice scepticism about the Chinese authorities' promises of greater freedom. The film is available at: http://www.leavingfearbehind.com/node/17, accessed 6 June 2011.

60 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by UN General Assembly resolution 53/144, 8 March 1999.

61 Interview with Amnesty International.

62 Human Rights Activist Xu Yonghai posted an account of Ni Yulan's experience on Boxun, a Chinese website, see: http://www.boxun.com/news/gb/china/2010/04/201004292052.shtml, in Chinese, accessed 5 June 2011. See also report by Paul Mooney, originally published in the South China Morning Post, reposted on a blog here: http://practicesource.com/australian-asian-legal-eye/scmp-reports-on-plight-of-mainland-lawyer-ni-yulan, in English, accessed 5 June 2011.

63 Interview with Amnesty International.

64 See report on Liu Shihui from Chinese Human Rights Defenders Network posted on various blogs: http://www.hkreporter.com/talks/thread-1048824-1-1.html, accessed 5 June 2011. See report on Fan Yafeng from VOA: http://www.voafanti.com/gate/big5/www.voanews.com/chinese/news/20101215-

Chinese-rights-attorney-detained-111919824.html, accessed 5 June 2011. See China-based NGO Minsheng Guancha report on Zheng Enchong: http://www.msguancha.com/Article/ShowArticle.asp?ArticleID=8890, accessed 5 June 2011.

65 See report from Christians in China posted on Boxun: http://peacehall.com/news/gb/china/2010/12/201012141415.shtml, in Chinese, accessed 5 June 2011.

66 Fellow lawyers reported this to Amnesty International and other organizations in January 2011. Nineteen lawyers issued a public statement protesting against torture of Gao Zhisheng and Fan Yanfeng on 17 January 2011, available at: http://www.chinaaid.net/2011/01/19.html, in Chinese, accessed 6 June 2011.

67 See Amnesty International press releases and news update: http://www.amnesty.org/en/for-media/press-releases/china-activists-under-threat-after-obama-visit-20091120 and http://www.amnesty.org/en/news-and-updates/news/chinese-activists-under-threat-after-obama-visit-20091120.

68 An account from a Shanghai petitioner, Wang Yuqin who had received help from Zheng Enchong in the past, available at: https://dongtaiwang.com/dm/ugGC/JjJ.RcbPUGVZRF.PBz/o5/10/11/25/n3095249.htm, accessed 5 June 2011.

69 See endnote 64 above. Fan Yafeng obtained his PhD in Comparative Constitutional Law and was a faculty member at the Chinese Academy of Social Science (CASS). Because he joined lawyers Gao Zhisheng, Teng Biao, Xu Zhiyong and Zhang Xingshui on the legal team representing house church leader Cai Zhouhua, who was charged with "printing illegal bibles" in 2005, and participated in other house church activities, he was dismissed by CASS for "political reasons" in November 2009.

70 Article 300 of China's Criminal Law reads: "Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment."

71 See reports from Zhu Yubiao's lawyer Liu Zhengqing and Falun Gong media reports: http://www.aboluowang.com/news/data/2010/1220/article_114945.html and http://m.minghui.org/mmh/articles/2011/5/31/241723.html, both in Chinese, accessed 5 June 2011.

72 Working Group on Arbitrary Detention, Individual Complaints, Urgent Appeals, Deliberations, available at: http://www2.ohchr.org/english/issues/detention/complaints.htm.

73 See for instance Opinion No. 26/2010, (People's Republic of China), communication addressed to the government on 6 July 2010, adopted 19 November 2010, concerning Zhisheng Gao; para 19.

74 See Amnesty International Urgent Action for details: http://www.amnesty.org/en/library/info/ASA17/009/2011/en.

75 See Amnesty International Urgent Action for details: http://www.amnesty.org/en/library/info/ASA17/009/2011/en.

76 See http://minzhuzhongguo.org/Article/ShowArticle.asp?ArticleID=20777, accessed 20 June 2011.

77 See a translation of Li Tiantian's initial blog post announcing her release, at: http://www.siweiluozi.net/2011/05/li-tiantian-fable-of-hornet-bird-and.html, accessed 6 June 2011. For her tweets on her interrogation, see http://www.globalfair.net/en/content/feed-item/china-detained-rights-lawyer-interrogated-about-sex-life, in English and Chinese, accessed 6 June 2011. A Chinese language report on the case is available at: http://www.voanews.com/chinese/news/20110527-li-powerless-122743719.html, accessed 6 June 2011.

78 Office of the High Commissioner for Human Rights, "China: UN expert body concerned about recent wave of enforced disappearances", 8 April 2011, available at: http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10928&LangID=E.

79 Interview with Amnesty International.

80 See Amnesty international Urgent Action for further details: http://www.amnesty.org/en/library/info/ASA17/020/2011/en.

81 See Amnesty International Urgent Action for further details: http://www.amnesty.org/en/library/info/ASA17/068/2009/en.

82 See Amnesty International Urgent Action for further details: http://www.amnesty.org/en/library/info/ASA17/036/2009/en and http://www.amnesty.org/en/library/info/ASA17/050/2009/en.

83 This a required extra punishment imposed on people convicted of endangering state security. It bars people from exercising their right to freedom of expression.

84 This Associated Press report was not released until January 2011. Gao gave the interview on condition that it not be released unless he went missing again. See Charles Hutzler, "Gao Zhisheng recounts months of abuse by Chinese police," Taipei Times, 13 January 2011, available at: http://www.taipeitimes.com/News/editorials/archives/2011/01/13/2003493354, accessed 2 June 2011.

85 See for instance Art. 17, 1949 Geneva Convention III relative to the Treatment of Prisoners of War; 1949 Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, Adopted on 12 August 1949, entered into force 21 October 1950, Art 31. See also Arts. 5, 27, 32, 37.

86 ICC Statue, Arts 7(1)(f) (torture) and 7(1)(k) (other inhumane acts—both as crimes against humanity), Art 8(1)(ii) ('Torture or inhuman treatment' as war crimes).

87 Interview with Amnesty International.

88 See for instance Principle 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of 9 December 1988; Standard 93 of the Standard Minimum Rules for the Treatment of Prisoners. Adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.

89 Safeguards guaranteeing protection of the rights of those facing the death penalty Approved by Economic and Social Council resolution 1984/50 of 25 May 1984, safeguard 5. Amnesty International is opposed to the imposition of the death penalty in all circumstances.

90 See Article 96 and 36 of China's Criminal Procedure Law, 1996.

91 Fellow lawyers reported to Amnesty International.

92 Ibid.

93 Legal scholar Xu Zhiyong put out this information on Twitter, which was reported by Hong Kong's Ming Pao newspaper: http://news.sina.com.hk/news/1265/3/1/1925593/1.html, in Chinese, accessed 5 June 2011.

94 Liu Xianbin was first convicted in 1991 for "counterrevolutionary propaganda and incitement" and sentenced to two and a half years in jail. After his release, he continued to call for democracy, helping political prisoners and forming the China Democracy Party. In 1999 he was sentenced to 13 years in prison for "subversion of state power". He was released early, on 6 November 2008 after serving 10 years in prison.

95 See Chinese Human Rights Defenders Network report on Boxun: http://news.boxun.com/news/gb/china/2010/11/201011231727.shtml, in Chinese, accessed 5 June 2011.

96 A report issued by Shengting Law Firm about the abuse is available at: http://hi.baidu.com/hzll/blog/item/6ee56e06889479770208819f.html.

97 Amnesty International 'Breaking the law: Crackdown on human rights lawyers and legal activists in China', ASA 17/042/2009, September 2009. Available at: http://www.amnesty.org/en/library/info/ASA17/042/2009/en.

98 In Chinese, available at: http://vip.chinalawinfo.com/newlaw2002/slc/slc.asp?db=chl&gid=129004, accessed 2 June 2011.

99 Effective 1 October 1996. In Article 10.2, this law states that any punishment provided in administrative rules may not exceed the scope of what is provided for in the relevant superior law. In English, available at: http://www.lawinfochina.com/law/display.asp?id=1148, accessed 2 June 2011.

100 Beijing lawyer Mou Jiyuan and Shandong lawyer Li Jinxing submitted a letter to the State Council requesting the repeal of the Punishment Measures and Measures for Annual Assessment of Law Firms on 31 May 2010 soon after the Measures were issued. Both lawyers collected many other lawyers' opinion, pointing out that some of the articles violated superior law and that some are impractical. See《关于提请国务院依法审查并撤销《律师和律师

事务所违法行为处罚办法》《律师事务所年度考核检查办法》两项部门规章的公民建议书, available at: http://www.tianya.cn/publicforum/content/law/1/234728.shtml, accessed 6 June 2011.

101 These are articles 5, 19, 20 and 21 respectively.

102 UN Doc. A/HRC/11/41/Add.1, 19 May 2009, op. cit note 16, para. 75.

103 Interview with Amnesty International.

104 Ni Yulan was formally charged with "picking quarrels and provoking trouble" on 18 May 2011. For details of this current detention see Amnesty International Urgent Action: https://www.amnesty.org/en/library/info/ASA17/020/2011/en.

105 Materials from interviews with Amnesty International.

106 Safeguards guaranteeing protection of the rights of those facing the death penalty Approved by Economic and Social Council resolution 1984/50 of 25 May 1984, safeguard 5. Amnesty International is opposed to the use of the death penalty in all circumstances.

107 See endnote 88.

108 The Vienna Declaration and Program of Action, adopted at the World Conference on Human Rights in 1993.

109 Article 67(1)(b) of the Rome Statue of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9), entered into force 1 July 2002. China has so far not signed or ratified this Statute. See also Article 67 generally, and similarly Rules 20-22 of the Court's Rules of Procedure and Evidence, UN Doc. PCNICC/2000/1/Add.1 (2000).

110 Human Rights Council, Report of the Working Group on Universal Periodic Review: China, UN Doc. A/HRC/11/25, 5 October 2009

111 State Council Information Office, The National Human Rights Action Plan of China (2009-2010), April 2009, available at: http://www.china.org.cn/archive/2009-04/13/content_17595407.htm.

112 Quoted in Eva Pils, "The dislocation of the Chinese human rights movement," in Stacy Mosher and Poon, P. (eds), A Sword and a Shield: China's Human Rights Lawyers, 2009, Hong Kong: China Human Rights Lawyers Concern Group.

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AGAINST THE LAW
CRACKDOWN ON CHINA'S HUMAN RIGHTS LAWYERS DEEPENS

Human rights lawyers in China are under siege from a state bent on imposing absolute control on them. These lawyers are threatened with suspension of their licences, disbarment and criminal punishment for taking up sensitive cases.

Where threats or suspension fail, lawyers are targeted with state violence. They are placed under police surveillance. They may be arbitrarily detained or imprisoned. Some are tortured; some simply go missing.

As a result, very few – only a few hundred out of a total of more than 200,000 lawyers in the country – risk taking up human rights cases. These cases may involve defending an activist's right to freedom of expression, challenging forced evictions or supporting the rights of Falun Gong practitioners. But they all have one thing in common: they demand government accountability.

This report documents the measures used by the state to intimidate, control and suppress lawyers who dare to take up human rights cases. It analyzes recent trends in the development of the rule of law in China and related patterns of repression.

It underlines how an independent and robust legal profession is critical to social stability. With the authorities attempting to subvert the independence of the legal profession, it is not just lawyers, but access to justice, and ultimately, the development of China's rule of law, that are at risk.

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