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## China: Secretly Detained Lawyers at Risk of Torture

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Thirteen people who were detained in the course of an unprecedented nationwide attack on human rights lawyers remain in police custody incommunicado, leaving them vulnerable to torture and other abuses, Human Rights Watch said today. Police have not informed the families of the detainees of their whereabouts, nor given them access to lawyers. Six other lawyers and activists have disappeared, and it remains unclear whether they have also been detained by authorities.

Since July 10, 2015, 233 human rights lawyers and activists have been taken into custody across the country as authorities have accused them of being involved with the activism of the Beijing Fengrui Law Firm, which appears to be at the center of the crackdown. While most of the 200 have been released after being threatened for supporting the firm, 14 remain in custody while 6 others have disappeared, according to the Hong Kong-based NGO Chinese Human Rights Lawyers Concern Group. Of the 14, 8 have been criminally detained, 3 have been placed under "designated residential surveillance," and 3 have been placed under other forms of police custody. Only 1 of these 14 has had access to a lawyer.

"Detaining anyone incommunicado and in secret leaves them at high risk of torture or ill-treatment, especially when they are detained on politicized charges," said Sophie Richardson, China director at Human Rights Watch. "Beijing's blatant failure to guarantee even basic protections for these individuals demonstrates the government's extraordinary disdain for rule of law."

Human Rights Watch has recently and extensively documented routine use of torture against criminal suspects in police custody. Former suspects described their torture, which included being hung up and beaten, forced to remain immobile for hours and even days, and extended sleep deprivation. Many of these detainees also lack access to their families, lawyers, and independent doctors.

Shortly after the wave of detentions began, state media outlets published unsubstantiated allegations about lawyers, activists, and the Fengrui Law Firm, as well as confessions by some of the detained in an apparent effort to discredit the individuals and their work. On July 12, state

news agency Xinhua published an article calling the Fengrui Law Firm and other lawyers and activists detained in relation to the case, "a major criminal gang" that "aim[s] to create disturbances and disturb order" in the name of "defending [human] rights." On July 18, Xinhua quoted the confession of lawyer Zhou Shifeng, the director of Fengrui, stating that he had said the firm "had broken the law" and "brought great risks to social stability."

Except for lawyer and law professor Chen Taihe in Guangxi Province and human rights activist Jiang Jianjun in Liaoning Province, who were both detained for "creating a disturbance" on July 13 and July 12, respectively, none of the families of the other 12 remaining in police custody have been informed of their whereabouts. Only Chen has been able to meet with his lawyer. The others who are detained incommunicado and at undisclosed locations include:

Zhou Shifeng, director of Fengrui Law Firm; Wang Yu, Wang Quanzhang, and Huang Liquan, lawyers of the same firm; Liu Sixin, administrative assistant at the firm; and Bao Longjun, a legal representative and husband of Wang Yu, who were criminally detained in Beijing between July 9 and 10, according to Xinhua. The charges against them are not known;

Lawyers Sui Muqing in Guangdong Province and Xie Yang in Hunan Province, and Tianjin activist Gou Hongguo, who were placed under "designated residential surveillance," a form of detention police can use to hold individuals at a location other than their homes, between July 10 and 11. Sui and Xie have been held for "inciting subversion" while Xie is being accused of an additional charge of "disrupting court order." Gou has been held for "creating a disturbance." The police have notified their families that these three are being subjected to residential surveillance, but have not disclosed where they are being held;

Beijing lawyers Li Heping, Xie Yanyi, and Xie Yuandong, who were taken away by police around July 10. Their status is unclear. The state press has reported that Xie Yanyi and Xie Yuandong have been subjected to unspecified "coercive criminal procedures," while Li's wife was told by the police upon his arrest that he had been taken "for involvement in a criminal case"; and

Six others, including lawyer Li Shuyun and accountant Wang Fang, who work for Fengrui Law Firm; Zhao Wei, assistant for lawyer Li Heping; and activists Liu Yongping, Hu Shigen, and Lin Bin, who have disappeared. Their status or whereabouts are not known.

Article 83 of the Chinese Criminal Procedure Law (CPL) allows the police not to inform families about detainees' criminal detentions if their families cannot be contacted, or if their cases involve "endangering state security" or "terrorism," and if such notification would "impede investigation." If, as according to Xinhua, the lawyers' and activists' alleged crimes involve charges of "disturbing public order," there is no legal basis for the police to withhold information about their whereabouts or the charges against them.

Article 73 of the CPL allows individuals be held in an undisclosed location for up to six months under "designated residential surveillance" if they "endanger state security" or are involved in "terrorism" or "major corruption." Article 37 of the CPL also states that lawyers need to obtain permission from the police before they can meet with their clients in the above three categories. In essence, police can hold these lawyers without access to lawyers and families in an undisclosed location for up to six months.

"If Chinese authorities are even remotely serious about the law, they'll release all these people immediately and without charge," Richardson said. "At a minimum, they should be granted full, unfettered, and immediate access to family members and lawyers to prevent ill-treatment in detention."

In the course of the crackdown police have also harassed and briefly detained some of the lawyers' family members, including the child of one of the detained lawyers and legal advocates. Bao Mengmeng, the 16 year-old son of Wang Yu and Bao Longjun, was at the airport with his father when his father was taken into custody. Between July 9 and July 18, police took Bao Mengmeng into custody briefly and interrogated him four times. Three other family members of Wang and Bao were also briefly detained by police and warned not to hire lawyers for the couple. Police also took away Bao Mengmeng's passport.

Human Rights Watch also notes the disturbing uptick in the detentions of relatives of activists in the past year. In May 2014, authorities briefly detained Zhao Meng, the adult son of prominent journalist Gao Yu, who later said she was forced to confess out of concern for him. Gao was imprisoned for seven years. Also in May 2014, authorities detained and later released lawyer Qu Zhenhong, the niece of lawyer Pu Zhiqiang, who is detained on charges of "inciting ethnic hatred" and "creating a disturbance." In July 2015, authorities detained Xu Xiaoshun, the father of activist Wu Gan, who is held for "inciting subversion" and "creating a disturbance," and whose detention immediately predated that of the lawyers in Fengrui Law Firm.

"The Chinese government may think that the crackdown is an effective way to discredit an increasingly vocal community of lawyers," Richardson said. "But what it has ended up discrediting is its own legitimacy and any claims to meaningful legal reform."

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