

# FIVE YEARS LATER, LAWYERS STILL FEEL EFFECTS OF CHINA'S '709 CRACKDOWN'

Human rights lawyers are a cornerstone of China's human rights movement: they represent victims of injustices and abuses, promote compliance with international law, and strive for *human* rights change inside the system. Yet, they have been systematically targeted by the Government. On **9 July 2015** and during the weeks that followed, over 250 human rights lawyers and legal activists were harassed, detained, or disappeared in a *nationwide* police sweep known as the '709 crackdown'.

The international community spoke out, including the [UN's Committee against Torture](#), and the UN's highest human rights official:

“Lawyers should never have to suffer prosecution or any other kind of sanctions or intimidation for discharging their professional duties (...) [they] have an essential role to play in protecting human rights and the rule of law. I urge the Government of China to release all of them immediately and without conditions.”

Public statement by former UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein (February 2016)

Five years on, despite these statements of solidarity, the repression against human rights lawyers has changed in form but not in scale. Following the arrests of pro-democracy activists in late December, UN-appointed human rights experts publicly denounced a 'systematic crackdown on lawyers and human rights defenders since the so-called '709 crackdown'. This document gives a brief summary of different kinds of techniques used against lawyers in China.

## JUDICIAL PERSECUTION

The Chinese Government has made extensive use of its overly-broad **national security legislation** to target lawyers. Being charged with 'national security' crimes often results in the denial of a fair trial – especially lack of access to a lawyer or lack of family notification – and up to ten years' imprisonment.



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Yu Wensheng was a defence lawyer for his colleague, Wang Quanzhang, who was disappeared during the 709 crackdown. Yu later wrote a public article calling for constitutional reform and public accountability. As many other lawyers, he was disappeared, [arbitrarily detained](#), and sentenced to four and a half years in prison during a **secret trial** for 'inciting subversion of State power', a [vague and imprecise offence](#)'.

“We are concerned by the repeated use of national security legislation to target human rights defenders and (...) are particularly concerned that this may have a chilling effect on civil society in China.”

[UN experts' joint letter to the Chinese Government on the disappearance of Ding Jiayi, Dai Zhenya and Zhang Zhongshun \(9 March 2020\)](#)

Lawyers who have been charged with these crimes are often also 'deprived of political rights', even after they serve their time, and are regularly surveilled and harassed. This has been called '**non-release release**'.

Gao Zhisheng had been one of China's most famous lawyers, but after serving three years in prison, he was, upon his release in 2014, forced into house arrest in his hometown in Shaanxi province. He reported being surveilled and having his freedom of movement limited; he disappeared again in August 2017.



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“Under international human rights law, civil and political rights cannot be 'deprived' ... The domestic legal provisions allowing for 'deprivation of political rights' are nothing but an instrument of oppression, used to punish human rights defenders for their work.”

Public statement by UN experts on the harassment of Jiang Tianyong (24 September 2019)

## ADMINISTRATIVE SANCTIONS

After July 2015, the Chinese authorities changed two administrative regulations to make it easier to prevent lawyers from practicing, effectively **disbarring** any lawyers working on human rights cases, by exerting direct pressure on them, or on their employers. At least 34 human rights lawyers have been affected, leading to loss of income and taking a toll on their well-being, and that of their families.



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Sui Muqing was disbarred for 'disrupting court order', linked to years' old incidents, including taking a client's photo to share with his family.

“[We are concerned by] the use of disbarment as a seemingly common tactic used to deter the work of human rights lawyers and often leading to further judicial procedures against them.”

[UN experts' joint letter to the Chinese Government on the cases of Sui Muqing and Wu Quan \(6 April 2018\)](#)

Other lawyers have been unfairly denied the renewal of their licenses during the '**annual inspection**' exam.

Li Jinxing was [stripped from his license](#) following the 2019 annual inspection for his posts on social media platform *Weibo* considered to provoke discontent against the Party.

In all cases, the actions of the Chinese government have run counter to international standards, and violate rights protected in the Chinese Constitution.



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“The Basic Principles on the Role of Lawyers (...) stipulate that (...) lawyers shall not suffer, or be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics (Principle 16).”

[UN experts joint letter to the Chinese Government on the cases of Sui Muqing and Wu Quan \(6 April 2018\)](#)

## DISAPPEARANCES, SECRET DETENTION & TORTURE

'Residential Surveillance at Designated Location' (RSDL) allows the police to place a suspect in an unknown location for up to 6 months without judicial oversight, formal charges, or possibility to challenge its lawfulness in court. Most often, detainees are denied access to legal counsel and contact with family members. Since 2015, RSDL has been systematically used in the judicial persecution against lawyers and activists. [UN experts have stated](#) that this legal provision '[contradict\[s\] China's international human rights obligations](#)', and should be repealed.



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Jiang Tianyong also supported those detained in the 709 crackdown, and their families. He met with diplomats, and tried to meet the UN expert on extreme poverty during an official visit to China in 2016. He was [forcibly disappeared](#) into RSDL, and was then charged with crimes involving 'State secrets' and served two years in prison.

Wang Quanzhang was released from prison on 5 April 2020, after three years of incommunicado detention. Despite the risks, he shared with media how he was subjected to torture while incarcerated.

“He was pressed down 'like a pig' after he shouted, 'What do you mean by the rule of the country based on law.'”

[Interview to Kyodo News \(9 June 2020\)](#)



© Twitter Li Wenzu

RSDL, by placing individuals under incommunicado detention for investigation for prolonged periods without disclosing their whereabouts, amounts to '[secret detention and is a form of enforced disappearance](#)' according to UN arbitrary detention experts. As such, it increases the risk of torture and ill-treatment for the detained individual, and imposes suffering and hardship on their families.

“The experts expressed their alarm at the ongoing use of RSDL in China, despite having for many years reiterated the position that RSDL is not compatible with international human rights law.”

[Public statement by UN experts on the disappearance of human rights defenders in China \(23 March 2020\)](#)



## HARASSMENT OF FAMILY MEMBERS

To deter lawyers from taking sensitive cases or talking to media – or to obtain a confession during detention – authorities target their families. In addition to harassing elderly parents or denying education to their children, it is also *'common practice for Chinese authorities to provide limited or conflicted information on the victims and the charges'*, so that *'the families are often kept in the dark about the well-being of their loved ones'*, say UN experts.



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Following the 709 crackdown, **Wang Qiaoling** and **Li Wenzu** were part of a core group of wives and sisters that relentlessly campaigned for their family members' release. Because of this, they faced harassment and retaliation that sought to *'intimidat[e] them into ending their legitimate campaign to denounce the detention and prosecution of their human rights lawyer's husbands'*, as stated by UN experts.



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“According to the UN Basic Principles on the Role of Lawyers, Governments have the duty to (...) guarantee that no reprisals should be taken against the families of lawyers for conducting their professional duties.”

UN experts joint letter to the Chinese Government on the case of Wang Qiaoling and Li Wenzu (26 October 2016)

## STIGMATISATION

When lawyers are discussed at all, the **official State media** has described them as criminals, radicals or *'opponents to China'* in both *ad hominem* attacks, and broader remarks. To make an example of them, State media has also aired **public confessions**, which are usually coerced, on national television outlets and abroad. These efforts undermine the legitimacy of their vital human rights work, as it was the case for lawyers **Xie Yang** and **Jiang Tianyong**.

Lawyer **Gao Zhisheng**, who defended religious minorities and documented human rights violations, was *framed as a 'radical activist'*.

“As a radical activist, his advocacy is not in line with the direction of China's political and legal construction. (...) People like Gao have become a lever used by the West when it plays political games with China.”

State-owned national outlet *Global Times*

A Vice-Minister of Justice characterised human rights lawyers as *'black sheep [that] need to be removed from the lawyer group'*.

Lawyer **Wang Yu** was well-known for taking on cases of official misconduct, including sexual assault of schoolgirls in Hainan province. She is one of *at least 45* detainees forced to confess on public broadcast between 2013 and 2018



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## WHAT HAS THE INTERNATIONAL COMMUNITY DONE SO FAR

These actions are in line with the **EU Guidelines on Human Rights Defenders**, and other national human rights defenders guidelines. But it is clear they have not gone far enough.

### SPEAKING OUT

A number of Western States, as well as the European Union, regularly release **public statements** expressing concerns over crackdowns, arrests, imprisonment and non-release of lawyers and activists, calling for their immediate release. They also raise similar concerns in multilateral fora, in particular at the UN's top human rights body, the **Human Rights Council**. Public concerns have also taken the form of questions and recommendations at China's universal periodic review (UPR).

This [timeline](#), highlighting the case of **Yu Wensheng**, shows the range of different interventions from UN bodies and member States.



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#### What should be improved?

Better coordination between governments, and clearer 'costs' to China for continuing this crackdown, are essential. This could mean pursuing joint statements or resolutions at the UN, but also means refusing to accept censorship of principled concerns raised by diplomatic actors – whether in China or abroad.

### PRESSURING IN PRIVATE

China holds **bilateral human rights** dialogues with a number of States, including the European Union. Although the content of those dialogues is confidential, and civil society involvement remains rudimentary, many have included exchanges over individual cases, as [publicly mentioned by the European Union](#).

#### What should be improved?

Bilateral dialogues are important, but should not result in a 'silencing' of human rights concerns. It is important that security and economic ministers also insist to their Chinese counterparts that human rights and rule of law matter to them. Any dialogue should have clear benchmarks and deliverables, upon which future cooperation is conditioned, such as the release of detained defenders or the provision of unfettered access to diplomats and UN experts.

### LOCAL SUPPORT, MONITORING & SOLIDARITY

Through their diplomatic representations in China, many States take **direct action to support lawyers and activists**. This has included trial monitoring, private meetings with lawyers and their families, provision of rest and respite programmes, and issuance of human rights awards.

The Franco-German Prize for Human Rights and Rule of Law, awarded to **Li Wenzu** and **Yu Wensheng**.



Yu's wife, Xu Yan, received the prize on 14 January 2019 on behalf of her detained husband.

As [highlighted by Xu Yan](#), the wife of jailed lawyer Yu Wensheng, this kind of on-the-ground action supports those advocating for better treatment, and the release of, detained human rights lawyers.

#### What should be improved?

UN and diplomatic actors should continue to be informed about the situation on the ground, by keeping direct contact with those who are most affected. While continuing to prioritise support to human rights defenders in China, through diplomatic invitations, visibility and public communications from their representatives in Beijing, they also need to increase resources and political support to groups working in Hong Kong to support Chinese lawyers and advocate for the rule of law.