

UN Special Rapporteur on the Independence of Judges and Lawyers
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
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Dear Colleague:

I am writing to bring to your attention the ongoing harassment and detention of lawyers in China.

In 2001, Liu Jingmin, a Beijing Olympic official, stated that the “Games are an opportunity to foster democracy, improve human rights and integrate China with the rest of the world.” An independent bar is fundamental to achieving that goal, and yet lawyers in China are prevented from doing their jobs through harassments, intimidations, beatings, and detentions.

The ability to practice law means at its core that lawyers must act independently and cannot be punished for carrying out their professional duties. Lawyers cannot be subjected to harassment, beatings, or deprivations of liberty while representing clients. Furthermore, legal practitioners and their clients must be guaranteed procedural protections, including the right to meet and prepare a client’s defense.

The detention or harassment of lawyers in China for providing a zealous defense of their clients is of serious concern. More serious, however, are reports of physical attacks carried out on lawyers in China. In 2007, lawyers continued to be targeted for attacks. For example, Li Heping (李和平), a Beijing-based rights-defense lawyer, was kidnapped, beaten, and tortured with electric rods by a group of unidentified masked men on September 29, 2007, the weekend before National Day celebrations in China. Li was held in a basement outside Beijing until early September 30, when he was dumped in the woods outside the city. As he was beaten, Li was told to leave Beijing with his family or face the consequences. When he returned home, Li discovered that his license to practice law and other personal belongings were missing. His computer had also been completely erased.

This attack and others like it appear to be linked in some way to the authorities, which raises serious concerns about the will and ability of the government to protect lawyers’ personal safety and right to practice law.

I urge you to monitor this harassment and reports of attacks, and to take action by calling on the Chinese government to release lawyers in detention, including Chen Guangcheng, Guo Feixiong, and others, in order to support a stronger, more independent and effective Bar.

Sincerely,