

# TAKE ACTION

This new regular feature, “Take Action,” provides up-to-date information about lawyers, or “defenders of human rights defenders,” under fire, and what you can do to help, along with links to current updates on our Web site. In each issue of CRF, a group of imprisoned human rights defenders will be introduced, along with ways to engage with NGOs, the United Nations and the Chinese government about these cases. The “What you can do” section will provide more details on the ways you can help and get involved.

Check out HRIC’s Web site for the most up-to-date information on these individuals’ cases, at [www.hrichina.org](http://www.hrichina.org) and [www.zhongguorenquan.org](http://www.zhongguorenquan.org).

Compiled by Carol Wang and Vivian Shen

## INTRODUCTION TO THE SITUATION OF CHINESE LAWYERS

China’s legal profession has encountered increasingly severe crackdowns in recent years. Lawyers have faced institutional setbacks including 1) the misuse of Chinese law and tightening of regulations to undermine defense work 2) procedural obstacles to hinder defense of criminal defendants, and 3) personal assault and intimidation of lawyers, in addition to surveillance, harassment and detention.

These alarming trends raise doubts about the Chinese government’s commitment to its stated objective of establishing a rule of law. Through official use of legal and extra-legal means to silence and control public dissent and unrest, this crackdown further calls into question the openness and fairness of the Chinese judicial system and the future of an independent bar in China.

## LAWYERS UNDER ATTACK

NAME	CASE SUMMARY	CURRENT STATUS
<p>Yang Maodong (also known as <b>Guo Feixiong</b>)</p> 	<p><b>Yang Maodong</b>, better known as <b>Guo Feixiong</b>, 40, is a writer and rights defender who <b>provided legal advice in several controversial rights defense cases</b>. He served in 2005 as an advisor to the law firm of Beijing lawyer Gao Zhisheng, and in July 2005 provided legal support to villagers in Taishi Village, Guangdong Province, who were demanding the resignation of a village official accused of corruption. Guo was detained for “disturbing the peace” and spent three months in prison, during which he went on a hunger strike for 59 days to protest abuse he suffered in custody. Following his release without a formal charge on December 27, 2005, Guo was beaten by public security officers on three occasions in 2006.</p> <p>His current detention stems from editing work he did in 2001 for <i>Shenyang Political Earthquake</i>, a book published in Liaoning Province regarding a political scandal in Shenyang City. He is scheduled to go on trial on June 15 in Guangzhou’s Tianhe District Court.</p>	<p><b>In prison:</b> Guangzhou Municipal No. 3 Detention Center</p> <p><b>Anticipated release: not yet known</b></p>

Portraits by Fan Ye

**NAME****CASE SUMMARY****CURRENT STATUS**

Chen Guangcheng



**Chen Guangcheng**, a blind self-taught lawyer, published an online report on official abuses in implementing family planning policy in Linyi, Shandong Province, and **organized a class-action lawsuit against the local government over the practice of sterilization and forced late-term abortions** in June 2005. He is currently serving four years and three months in prison for “damaging public property” and “gathering people to block traffic.” Prior to his arrest, Chen was repeatedly assaulted by the police.

**In prison:** Yinan County Public Security Bureau Detention Center (last reported)

**Anticipated release: 2010**

From March to June 2006, Chen was detained without access to counsel. His trial took place without the presence of his legal team, and he was sentenced on August 24, 2006. An appeal court ordered a new trial, which was held on November 27. Prior to his retrial, most of Chen’s defense witnesses were detained or abducted, and the verdict against him was upheld based only on written documents on January 12, 2007.

Zheng Enchong



**Zheng Enchong**, a lawyer, **represented Shanghai residents in disputes with real estate developers over forced evictions stemming from urban redevelopment.** In 2001, Shanghai authorities revoked his law license in an attempt to stop him from counseling displaced residents; however, he continued to assist them in more than 500 cases until his detention on June 6, 2003.

**Under house arrest:** Shanghai

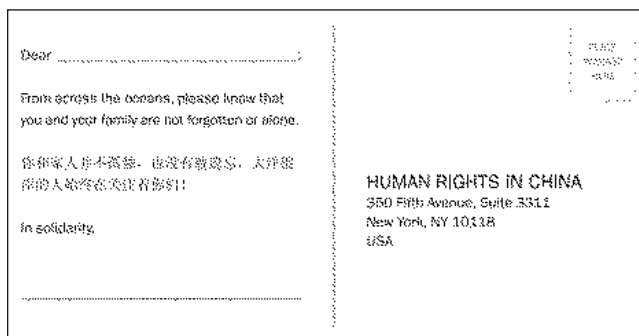
Zheng served a three-year prison sentence for “leaking state secrets abroad” after he contacted Human Rights in China about property disputes. Released in June 2006, he has since remained under surveillance, and is constantly harassed by the police. His political rights have also been suspended for one year, and he has not been allowed to resume the practice of law. In a 2007 interview with Radio Free Asia, Zheng revealed that if he promises not to leave the country after his political rights suspension expires in June 2007, the authorities have promised to expedite review of his case.


# TAKE ACTION | WHAT YOU CAN DO

## SEND MESSAGES OF SUPPORT

Please remove the postcard from the insert, and send a personal message of support to these prisoners and their families. A simple note of encouragement can bring hope to those who are imprisoned. Let them know that they are not forgotten!

Because of the sensitivity and heightened surveillance over these individuals and their families, HRIC will collect all postcards and transmit these messages in a safe and secure way.



NAME	CASE SUMMARY	CURRENT STATUS
<p>Gao Zhisheng</p> 	<p><b>Gao Zhisheng</b> is a lawyer known for his work <b>defending underground Christians, dissidents and other lawyers detained for human rights work</b>. Gao had his license to practice law revoked in 2005, and was monitored by the police for organizing a hunger strike to call attention to attacks on legal activist Yang Maodong.</p> <p>Gao was convicted of “inciting subversion” and was sentenced to three years’ imprisonment with a five-year suspension and a one-year deprivation of political rights on December 22, 2006. He was denied access to his family-appointed lawyers and ultimately pleaded guilty, represented by two government-appointed lawyers. Gao had been under surveillance and beaten by police before he was detained on August 18, 2006 “for suspected involvement in criminal activities.” Dozens of dissidents signed a petition for his release, and many were put under house arrest for varying periods of time. Gao’s wife and two children have also been periodically confined to their home. Gao remains under surveillance.</p>	<p><b>Under house arrest:</b> Beijing</p>

---

## CALL FOR THEIR IMMEDIATE AND UNCONDITIONAL RELEASE

---

Join the international community in calling for the immediate and unconditional release of these and other human rights defenders. You can send copies of letters expressing concern for prisoners to:

### **Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland**

11, Chemin de Surville  
1213 Petit-Lancy  
Geneva, Switzerland  
Email: mission.china@ties.itu.int

### **President Hu Jintao**

The State Council General Office  
2 Fuyoujie  
Xichengqu  
Beijingshi 100017, PRC

### **Minister of Justice, Wu Aiyang**

Ministry of Justice  
10 Nandajie Chaoyangmen  
Chaoyangqu  
Beijingshi 100020, PRC  
Fax: 011 86 10 65 292345  
Email: minister@legalinfo.gov.cn

### **Minister of Foreign Affairs, Li Zhaoxing**

Ministry of Foreign Affairs  
2 Chaoyangmen Nandajie  
Chaoyang District  
Beijingshi 100701, PRC

### **And for those subjected to ill-treatment:**

#### **Chinese Medical Association**

42 Dongsu Xidajie  
Beijing 100710, PRC  
Fax: 86-10-6512-3754  
E-mail: cmafrd@public3.bta.net.cn

#### **International Committee of the Red Cross**

19 avenue de la Paix  
CH 1202 Geneva, Switzerland  
Fax: 41 (22) 733 20 57

---

## SEND MESSAGES OF CONCERN TO UN BODIES AND URGE THEM TO TAKE APPROPRIATE ACTION

---

### **Special Rapporteur for Independence of Judges and Lawyers**

c/o Office of the High Commissioner for Human Rights  
United Nations office in Geneva  
8-14 Avenue de la Paix  
1211 Geneva 10, Switzerland  
Fax: 011 41 22 917 9003  
Email: urgent-action@ohchr.org  
<http://www.ohchr.org/english/issues/judiciary/index.htm>

### **BASIC FACTS**

The mandate of the UN Special Rapporteur for the Independence of Judges and Lawyers is three-fold:

- to inquire into any substantial allegations transmitted to him and to report his conclusions thereon;
- to identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also on progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when requested by the State concerned;
- to study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

### **PROCESS**

- **Allegation letters:** The UN Special Rapporteur acts on information submitted to his attention regarding alleged violations regarding the independence and impartiality of the judiciary and the independence of the legal profession by sending allegation letters and urgent appeals to concerned governments to clarify and/or bring these cases to their attention.
- **Urgent appeals:** In rare cases of particularly grave allegations of violations, for example, threats to life, the Special Rapporteur will send an urgent appeal to the concerned country. This government will then be expected to respond expeditiously to the Special Rapporteur's request for information or explanation.
- **Submissions:**
  - Can be made by various actors, including NGOs and individuals;
  - Should include information about the alleged vic-

---

tim and the event or interference alleged, corroborative sources and relevant law in force.

• **Decisions:**

- If the Special Rapporteur believes the information submitted is prima facie credible, he or she will transmit the letter to the concerned government in order to obtain a response from the government.
- The government concerned will be expected to respond expeditiously to the Special Rapporteur's request for explanation or information.

- **Country visits:** The Special Rapporteur also conducts country visits, which can be initiated through a request by the Special Rapporteur to the government concerned, or by a government directly inviting the Special Rapporteur. Both cases require the government's consent.

The Special Rapporteur reports annually to the United Nations about the activities undertaken during the year, highlighting important issues or areas of concern, summarizing the urgent appeals, allegation letters and other communication with governments, and additional comments by the Special Rapporteur on various country situations.

---

**SEND MESSAGES TO THESE ORGANIZATIONS AND ASSOCIATIONS, URGING THEM TO INTERVENE ON BEHALF OF THESE LAWYERS IF THEY HAVE NOT ALREADY DONE SO**

---

**International Commission of Jurists**

Center for the Independence of Jurists and Lawyers (CIJL)  
P.O. Box 91  
33 rue des Bains  
1211 Geneva 8, Switzerland  
Fax: 011 41 (0)22 979 3801  
Email: info@icj.org  
[http://www.icj.org/rubrique.php3?id\\_rubrique=40&lang=en](http://www.icj.org/rubrique.php3?id_rubrique=40&lang=en)

**BASIC FACTS**

The International Commission of Jurists' Center for the Independence of Judges and Lawyers works to promote and protect judicial and legal independence and impartiality through a variety of means:

- Intervenes with governments in particular cases of harassment of jurists;

- Observes trials which impact upon judicial independence or where lawyers are targeted;
- Conducts fact-finding missions to countries where the functioning of the judiciary is under serious threat;
- Organizes seminars to promote the UN Basic Principles on the Independence of the Judiciary and the UN Basic principles on the role of Lawyers;
- Publishes country reports documenting cases of harassment and persecution of judges and lawyers throughout the world.

**All China Lawyers Association: Commission on Safeguarding Lawyers' Lawful Rights in Practice**

5th Floor, Qinglan Mansion  
No. 24 Dongsi Shitiao  
Dongsheng District, Beijing, PRC  
Fax: 011 86 (010) 64060207  
Email: cilec@public.bta.net.cn  
<http://www.acla.org.cn/html/union/englishunion/briefintroduction.html>

**BASIC FACTS**

The All China Lawyers Association (ACLA) serves as a self-disciplined professional body for lawyers at the national level, which by law carries out professional administration over lawyers. All lawyers of the People's Republic of China are members of ACLA, and local lawyers' associations are group members of ACLA. The aim of the ACLA is to unite and educate its members to protect the dignity of the Constitution and law; to be faithful to the legal profession and abide by professional ethics and rules of conduct; to defend lawful rights and interests of its members; to enhance professional competence of lawyers; to strengthen professional self-regulation for sound development of the legal profession; and to build up the socialist state with rule of law and develop social civilization and progress.

**PROCESS**

The ACLA's Commission on Safeguarding Lawyers' Lawful Rights in Practice guides the safeguarding of lawyers' rights at national and local levels; crafts measures for lawyers' associations to safeguard lawful practice; and forwards proposals to related organs about further normalizing and safeguarding lawyers' rights to practice.

---

**International Bar Association: Human Rights Institute (HRI)**

10th Floor  
1 Stephen Street  
London W1T 1AT, United Kingdom  
Fax: 011 44 (0)20 7691 6544  
<http://www.ibanet.org/humanrights/headerpage.cfm>

**BASIC FACTS**

The HRI works to promote, protect and enforce human rights under a just rule of law in a variety of ways. These include: training lawyers, judges and prosecutors in human rights law and international humanitarian law; pioneering training programs to strengthen the judiciary in post-conflict countries or countries where basic state infrastructure may have been eroded; undertaking fact-finding missions and sending trial observers to countries where the rule of law has deteriorated; making representations to authorities worldwide where individuals or the independence of the judiciary has been threatened; galvanizing international support to lobby for change through media and advocacy campaigns; and providing long-term technical assistance to under-resourced Bar Associations and Law Societies.

**PROCESS**

The HRI welcomes members from across the legal, social and political spectrum; indeed, many of HRI's most active participants do not practice human rights law in their daily lives but, through membership of the HRI, demonstrate their commitment to supporting human rights and the freedom of the profession.

**American Bar Association: Asia Division, Rule of Law Initiative**

740 15th Street, N.W.  
Washington, DC 20005-1019  
Fax: (202) 662-1684  
Email: [abaasia@abanet.org](mailto:abaasia@abanet.org)  
<http://www.abanet.org/aba-asia/projects/china.shtml>

**BASIC FACTS**

Over the past several years, ABA-Asia has focused on building Chinese capacity to advocate for citizens' rights. ABA-Asia works with local partners to identify and begin to address legislative, structural, organizational, financial and other barriers to effective broad-based advocacy. In practi-

cal terms, the ABA-Asia works to strengthen the Chinese bar for its critical role as an advocate for citizens' rights and the rule of law.

**PROCESS**

ABA-Asia works with the All China Lawyers Association (ACLA), local bar associations, non-governmental organizations, law schools and legal aid providers to support the development of public interest litigation in China.

---

**STAY INFORMED****Human Rights in China resources:**

- Empty Promises: Human Rights Protections and China's Criminal Procedure Law*, 2001.
- Kellogg, Tom. "A Case for the Defense." *China Rights Forum* 2 (2003): 31–34.
- "Trends Bulletin: Setback for the rule of law—Lawyers under attack in China," August 28, 2006, <http://www.hrichina.org/public/contents/30425>.
- "A Legal *Laoganbu* Looks Back." *China Rights Forum* 2 (2003): 11–21.
- Mosher, Stacy. "In Custody: Lawyers in Detention." *China Rights Forum* 2 (2005): 101–105.
- Wang, Yi. "Human Rights Lawyers and the Rule-of-law Camp." *China Rights Forum* 3 (2006): 21–26.
- "The Wuhan Court Bribery Case." *China Rights Forum* 1 (2005): 30–32.