

民间报告

普遍定期审议（第 3 轮）

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主题：律师的独立性受到严重干涉、司法救助权得不到保障

提交报告的民间机构：中国独立人权律师协会

1. 我们为参与普遍定期审议的各国提出以下建议：

- 确保律师能够不受阻碍地行使职业权利、免受暴力和恐吓、废除违反国际标准且干涉律师独立性的法规；
- 撤销一切行政障碍，例如对律师和律师事务所的年度考核制度，以及其它可用于恐吓或惩罚律师独立职业行为的任何行政规章；
- 确保独立和公正的机构能够对阻碍律师会见当事人的指控进行迅速有效的调查；堵塞法规里面的漏洞，这些漏洞为警方提供了巨大的权力，使其得以借涉“国家安全”罪之名拒绝在押人员与律师会见；
- 及时调查针对律师的暴力和恐吓指控。

2. 自中国政府参与 2013 年普遍定期审议以来，人权律师面临着严厉的镇压，法治环境倒退，法律执业环境迅速恶化。如今的实际情况与 2013 年形成鲜明对比，在第二次普遍定期审议期间，参与国向中国政府提出了多项建议，敦促中国政府尊重正当司法程序并保护律师执业权利，以便他们自由独立地开展业务。中国政府当时宣布它接受其中的以下 12 条：

186.50（尼日尔）：“继续完善法律制度，使之体现 2012 年改革表达的意愿，以便进一步确保保护人权”。

186.55（斯洛伐克）：“以对待经济、社会和文化权利的相同方式对待公民权利和政治权利，包括宗教或信仰自由和公平审判权”。

186.117（德国）：“……立即将逮捕和有效法律代表事宜告知被捕者亲属”。

186.123（东帝汶）：“调整和说明逮捕、审判前保释和监视居住等强制措施的适用条件和规定”。

186.124（新加坡）：“继续努力强化司法系统，以加强公共安全和法治”。

186.125（吉尔吉斯斯坦）：“继续实施全面司法改革，确保司法部门依法行使权力”。

186.126（尼日利亚）：“继续推行司法改革，以期强化各项人权保障措施”。

186.129（匈牙利）：“进一步完善规范框架，以便律师执业不受阻碍，并继续将法律法规与国际标准相统一”。

186.130（佛得角）：“进一步为律师履行职责创造更好的条件”。

186.131（芬兰，加拿大）：“采取措施确保律师和从事推进人权工作的个人可以自由执业，包括迅速调查以暴力和恐吓方式妨碍这些人工作的指控”。

186.132（东帝汶）：“及时依法告知嫌疑人他们的权利和义务，并积极创造条件，以便律师在犯罪调查阶段就可参与诉讼”。

186.134（吉布提）：“继续依法保证青年可以获得法律援助”。

中国政府称，建议第 117 和 123 条“已经实施”。

3. 不断恶化的现状也背离了中国在 2016 年竞选人权理事会席位时，向人权理事会做出的“自愿承诺”，发誓“中国律师的执业行为将受到法律保护”，以及背离了政府发布的国家人权行动计划（2012-15）¹。
4. 近年来，中国政府发布了表面上旨在维护律师权利的新规定。然而，实际上，这些法规变更对律师在法庭上的言论设置了新的限制，在某些情况下会导致对律师的拘留和定罪。它们削弱了本已脆弱的保护律师权益的法律框架。
5. 2015 年 7 月，中国当局在全国开展镇压律师的专项行动，因为律师们对警方或司法当局滥用职权侵犯当事人合法权利的行为提出了挑战。镇压行动波及了 300 多名律师和人权人士，中国律师执业的独立性被破坏。文化大革命结束后，律师职业于 20 世纪 70 年代后期才开始恢复，而 2015 年的镇压开展到现在，律师执业的独立水平一直处于最低点。与此同时，针对律师提出的刑事诉讼和行政处罚案件数量持续增加。民间社会团体还记录了数十起律师在执业当中受到暴力袭击事件，但这些事件的肇事者很少被追究相应的责任。

针对人权律师的新订法律法规

6. 几部现行法律和法规，包括“律师法”（2012 年修订），“刑事诉讼法”（2012 年修订）以及司法部颁布的几部法规和规章²，其中有保障律师的权利和明确律师责任的条款，但是，其中也有破坏律师独立职业的条款，以及剥夺律师的言论自由、集会和结社自由的条款。虽然《律师法》中有关于保护律师职业权利和禁止干涉律师独立工作等明确规定³，但同时一些用语宽泛和含糊不清的条款又与上述条款产生直接矛盾。例如，如果律师在法庭上的言论被认为涉及“危害国家安全”，律师将会被追究法律责任（《国家安全法》第 37 条）；禁止“煽动”他人通过“扰乱公共秩序”或“危害公共安全”来影响案件（第 40 条）；并且可能因上述规定以及涉嫌“泄露国家机密”（第 49 条）而被暂停执业或吊销执照、罚款或刑事起诉。当局利用这些条款对人权律师进行打击报复，如 2016 年李金星律师被暂停一年执业，2017 年吊销祝圣武律师的执业证⁴。其他立法修订和政府法规在纸面上和实践中都抵销了法律里面规定的对律师的任何保障措施。
7. 2015 年的“刑法”修正案将律师在庭审中的言论定为刑事犯罪。比如，增加“破坏法庭秩序”罪条款，赋予当局一定的权力，可将律师在庭审中的言论认定为“侮辱”，“威胁”或有“破坏性”，此罪最高可判三年有期徒刑（刑法第 309 条）。据称违反此规定的人也将面临吊销执照的风险。依据此条款，法官可以对挑战法庭程序合法性的辩护律师做出处罚，例如长沙法院于 2017 年判处谢阳律师“破坏法庭秩序”罪，案由为，在一场土地征收纠纷中，谢律师为村民方代理人参与法庭诉讼⁵。联合国禁止酷刑委员会在其 2015 年 12 月的结论性意见中表达了对该条款用词含混的担忧，称其“对法律的滥用和解释”打开方便之门，致使辩护律师因为害怕遭到报复而不敢做无罪辩护⁶。
8. 司法部颁布的行政规定也被用来限制律师的执业权利。《律师事务所年度考核和评估办法》（2010 年）受到律师和法律学者的公开批评，此规定确立了律师和律师事务所的执业许可证年度更新制度，政府控制的“律师协会”用这种制度来恐吓或惩罚律师的独立执业行为⁷。2016 年 11 月，司法部《关于律师事务所管理办法》和《律师执业管理办法》的修订生效。这些措施严重破坏了律师执业的独立性，对律师的言论、集会和结社自由增设了更多的限制⁸。2016 年 10 月，数百名中国律师签署了一封公开信，呼吁废除新修定的律师事务所的管理办法，因为此规定打破了律师与律师事务之间的平等合作关系，而赋予律所解雇律师的权力。若律师发表不同意见、质疑当事人的诉讼权利被侵害、召开研讨辩护策略，或抱怨警方的虐待行为等，律师事务所都可以用违法司法部规定的管理办法为依据而解雇律师⁹。2017 年，当局对参与政治敏感案件的三个律师

事务所进行了搜查和“调查”；浙江吴有水律师因对共产党的负面评论而受到调查，根据新修定的律师管理办法¹⁰，此言论是被禁止的¹¹。（吴律师受到停止执业九个月的行政处罚）。

9. 司法部于 2015 年 9 月发布了关于保护律师权利方面的规定，但执行的效果不佳。这部规定的大部分条款可以从现行法律法规中找到，但当局向来忽视对律师权益保障的相关规定¹²。但新的法规中有一个亮点，制定了针对律师执业行为所发生暴力的救济程序¹³。可是，缺乏独立机构调查此类暴力行为，2016 年 6 月当局拒绝了四位律师依据此新规定采取的投诉活动就是一个列证¹⁴。
10. 2015 年的出台的以上规定在开始镇压律师几个月后生效，在此过程中，警察、司法当局和官方媒体联合对律师进行大规模地拘留、搜查、审讯以及恐吓和迫害。许多律师在官方媒体中被污名化为“罪犯”，包括强迫律师在国家电视台“认罪”等。新的保障律师权益的规定自通过以来没有得到落实，依据此规定进行的投诉控告却被拒之门外。例如此规定第 8 条，若是被羁押人解除对现任辩护律师的聘请，辩护律师有权要求看守所提供当事人签署的解除书面声明或者要求当面确认。然而，在 2016 年 1 月至 3 月期间，被关押在天津市看守所的 11 名人权律师的家属聘请的辩护律师们收到口头通知¹⁵，他们被解聘了，当局却不允许辩护律师与被关押的当事人见面确认，律师也没有收到被关押者签署的书面声明。当局给的解释是，这些在押人员已经聘请了政府认可的律师。这些亲官方律师不会对当局的镇压行动的合法性提出质疑，也不会依据无罪推定原则来进行辩护¹⁶。

2015 年“7.09”对律师的打击

11. 2015 年中国政府发动的对人权律师镇压运动，此事件足以反映出中国政府是如何保障律师权益的以及中国律师执业有何独立性。从镇压开始，警方忽视或歪曲了中国法律和国家宪法，当局涉嫌严重滥用权力。警方传唤了 300 多名律师和活动人士，突击搜查了三家律师事务所，对数十名律师进行了至少六个月的秘密关押，后来 9 人被判刑，其中有 3 名律师。天津当局在 2016 年 8 月初开庭审理其中的四人，庭审时间持续几个小时，最终判定四个人“颠覆国家政权罪”¹⁷。目前共五人在狱中服三至八年的刑期，另有一名律师仍在等待审判中¹⁸。
12. 这次对律师和维权人士的镇压行动，不但侵犯“宪法”所保障的公民权利，也严重违反中国《刑事诉讼法》、《刑法》和《律师法》的规定¹⁹。警方不但曲解法律，也否认对被拘留者采取强制措施时违反了法定程序。在他们被带走后的那

六个月，律师和维权人士被采取指定监视居住（RSDL²⁰）强制措施，所有家属都没有收到拘留通知书，此强制措施是依据“刑事诉讼法”中的普遍受到国际谴责的指定监视居住条款。警方超越法律权限，剥夺涉案当事人与律师会见的权利，期间发生酷刑或其他不人道和有辱人格待遇的可能性很大，令人关切²¹。一些律师获释后透露，在指定监视居住期间，他们遭受到酷刑和虐待，包括被殴打，长时间不允许睡觉，被强迫服用“降压”药物²²。

13. 当局利用官媒对被关押律师和维权人士实行污名化²³，在批捕和审判前强迫他们在国家电视上认罪，这违反了无罪推定原则。官方在电视媒体也播放一些被关押者在审判中或者保释后“认罪”、“证词”等视频，包括保释后王宇律师于2016年8月做的证词，周世锋律师于2016年8月、谢阳律师于2017年5月、江天勇律师于2017年8月²⁴，在审判中分别表示“忏悔”的录像。这几位受害者在关押中都没有会见到自己的律师。这些做法加深了外界对被关押者遭受酷刑的质疑。至少有17位受害者，包括王宇和谢阳两位律师，在保释后数月中，不允许会见他们的友人和家属，有的由警方陪同住在家庭旅馆或者其他地方²⁵。
14. 为这些受迫害的律师和活动家们做辩护的律师们，也受到来自于警察、司法局和律师协会的压力，他们受到撤销辩护委托的威胁²⁶。其中有四名709的辩护律师受到拘留迫害，有王秋实，任全牛，李玉涵，余文生。他们分别于2016年1月和7月，2018年1月被拘押²⁷。在提交这个报告时，李玉涵和余文生仍旧处于被拘留中，有24名律师被限制出境，理由是可能“危害国家安全”²⁸。
15. 此外，受迫害律师的家属亦受到株连，包括限制出行、户外被安装监控摄像头、终止租房合同、阻止孩子入学，以及在某些情况下短暂的拘留和软禁²⁹。

律师执业环境的恶化

16. 如上所述，迅速恶化的政治和法治环境以使刑事辩护成为高政治风险的职业，特别是涉及人权敏感案件。辩护律师无法在刑事诉讼法规定的48小时内会见被拘留的政治异议人士、人权活动家以及人权律师。有的刑事敏感案件，辩护律师申请会见，会在几个星期或者几个月后获得批准，这算是比较好的情况。最糟糕的一个案例是，处于被关押中的人权律师王全章一直没有获得与他的辩护律师会见的机会，在提交此报告时仍旧被秘密监禁，王全章自2015年8月一直被秘密关押几乎3年时间³⁰。
17. 法律上的漏洞时常被警方利用，以涉及“国家安全”为借口，拒绝律师的会见申请，并且律师没有一条法文可以作为依据，到法院去起诉警方违法³¹。此外，

警方肆意扩大其职权，拒绝律师会见其他不涉及“国家安全”案件的当事人，包括“扰乱公共秩序罪”和“寻衅滋事罪”。公安部制定了一个用语不明确的规定，依此警方可以将几乎任何犯罪都归类为“危害国家安全”罪³²。

18. 当律师对违法警察或司法官员进行投诉控告以及公开揭露其违法行为时，他们往往面临人身攻击的风险。从 2013 年 3 月至 2017 年 12 月，非政府组织 CHRD 记录了 31 起相关事件，涉及 42 名律师被袭击或殴打，但没有一名肇事者被追究刑事责任。官方仅就其中一例肇事者做了调查并提出要赔偿被伤害的律师，但没有被追究刑事责任，调查的结果是这位官员滥用执法权³³。
19. 多年来，司法当局通过律师年度考核的方式来压制和恐吓参与人权案件、政治案件，以及直言不讳地依法挑战司法腐败的律师。例如，王全平律师和刘书庆律师的执照分别在 2014 年和 2016 年被注销，以报复他们坚决地维护被羁押或者审判的当事人的合法权益³⁴。2017 年，至少有四位维权律师没有顺利“通过”年度考核，他们是梁小军、蔺其磊、覃臣寿、余文生³⁵。2015 年 2 月，100 多名律师联名向全国人民代表大会发出公开信，呼吁立法机构废除 2010 年司法部制定的律师和律师事务所年度考核办法，认为这个规定与《律师法》相矛盾³⁶。当时至少有 38 名中国律师宣称不参加 2016 年律师执业考核³⁷。其中一名拒绝参加考核的律师，他的个人律师事务所的执照于 2018 年 2 月被注销³⁸。
20. 当局于 2017 年底和 2018 年初开始对继续参与人权案件的律师展开严厉的行政处罚。在六个月的时间里，司法当局吊销了两名律师的执照，注销了一个律师事务所的执照，给予一个律师暂缓九个月执业的处罚。处罚的依据是律师在社交媒体上或者在法庭辩护中的言论³⁹。
21. 在 2015 年 7 月镇压律师运动之前，当局一直利用刑事诉讼来限制律师推动法治的进程。例如，著名律师浦志强（2015 年）因其在社交媒体言论而被定罪判缓刑⁴⁰。当局以浦律师在线的演讲来对其定罪，目的是使这位优秀的律师不再公开发言。还有四位律师于 2014 年因为参与政治敏感案件而被抓捕⁴¹。其中一位是律师夏琳，他于 2016 年 9 月一审被判处 12 年有期徒刑，上诉后改判为 10 年有期徒刑⁴²。在中国，对律师的刑事定罪会导致他们的执照被永久取消，正如山东律师舒向新和律师浦志强的例子表明⁴³。

¹ UN General Assembly, “Letter dated 1 August 2016 from the Permanent Representative of China to the United Nations addressed to the President of the General Assembly,” A /71/294.

² Law of the People's Republic of China on Lawyers, 2007, http://www.npc.gov.cn/englishnpc/Law/2009-02/20/content_1471604.htm; Criminal Procedure Law of the People's Republic of China (中华人民共和国刑事诉讼法), 1979, amended 2012, http://www.gov.cn/flfg/2012-03/17/content_2094354.htm; Administrative Measures for the Practice of Law by Lawyers (律师执业管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5113014.htm; Administrative Measures for Law Firms (律师事务所管理办法), 2008, amended 2016, http://www.gov.cn/gongbao/content/2016/content_5109321.htm; Measures for the Annual Inspection and Evaluation of Law Firms (律师事务所年度检查考核办法), 2010, http://www.moj.gov.cn/lsgzgzds/content/2010-04/09/content_3000046.htm?node=278.

³ Article 3 of the Lawyers' Law states "The legal practice of lawyers according to law shall be protected by law. No unit or individual shall infringe the lawful rights and interests of lawyers."

⁴ Chen, Te-Ping, "Chinese Human-Rights Lawyer's Legal License Is Suspended," *Wall Street Journal*, December 2, 2016, <https://www.wsj.com/articles/chinese-human-rights-lawyers-legal-license-is-suspended-1480681832>; Yang, Fan, "China Strikes Off Defense Lawyer in 'Steamed Buns' Presidential Nickname Case," *Radio Free Asia*, September 21, 2017, <http://www.rfa.org/english/news/china/china-strikes-off-defense-lawyer-in-steamed-buns-presidential-nickname-case-09212017123315.html>.

⁵ Xinhua, "Former lawyer convicted of inciting subversion: court," December 26, 2017, http://www.xinhuanet.com/english/2017-12/26/c_136852619.htm; China Change (translation), "Bill of Indictment Against Human Rights Lawyer Xie Yang," December 16, 2016, <https://chinachange.org/2017/01/11/bill-of-indictment-against-human-rights-lawyer-xie-yang/>.

⁶ Committee against Torture (CAT), Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, February 2016, para. 18.

⁷ See, Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance*, 2014, Routledge Press.

⁸ The amended Measures on the Practice of Law by Lawyers include a new provision (Article 2) that demands: "As a basic requirement to practise, lawyers should endorse Communist Party leadership and socialist rule of law". Under Chapter 4 of the amended Measures, officials have inserted new clauses that would restrict lawyers' speech, association, assembly (Articles 37, 38, 39, 40). CHRD, China Human Rights Briefing September 21-October 3, 2016, <https://www.nchrd.org/2016/10/chrb-revised-measures-on-law-firms-further-curb-independence-of-chinese-lawyers-921-103-2016/>.

⁹ Lucy Hornby and Christian Shepherd, "Chinese lawyers make open protest over online advocacy curbs," *Financial Times*, October 11, 2016, <https://www.ft.com/content/92c9e24e-8f96-11e6-a72e-b428cb934b78>; Zhao Yusha, "Fresh petition urges withdrawal of new regulation on law firms," *Global Times*, October 12, 2016, <http://www.globaltimes.cn/content/1010814.shtml>;

¹⁰ See, for example: Lawyer Rights and Interests Net, "Survey Team Formed by Beijing Municipal Bureau of Justice and Other Departments Entered Beijing Daoheng Law Firm to Conduct Inspection" (北京市司法局等多部门组成的调查组入驻北京道衡律师事务所检查), September 15, 2017, http://lvshiquanyiguanzhu.blogspot.com/2017/09/blog-post_15.html; RFA, "Chinese Officials Search Law Firm of Top Human Rights Lawyer," September 18, 2017, <http://www.rfa.org/english/news/china/search-09182017193815.html>.

¹¹ *Global Times*, "Lawyer under investigation for negative comments about Party, govt," July 18, 2017, <http://www.globaltimes.cn/content/1056912.shtml>.

¹² Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, "Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law" (关于依法保障律师执业权利的规定), September 21, 2015, http://www.spp.gov.cn/flfg/gfwj/201509/t20150921_104855.shtml.

¹³ There are new measures to stop violence, humiliation, threats and reprisals against lawyers (Article 3), but lawyers are not optimistic that they will be enforced. This is because the new system does not set up an independent or impartial body to investigate complaints. Instead, they are handled by the "organ that is handling the case or to its superior organ" or the people's procuratorate (Article 41 and 43).

¹⁴ Rights Defense Network (RDN), "Four Lawyers Files Request with All China Lawyers Association to Protect Their Rights Over Infringement on Professional Rights of Lawyers" (四律师就多起侵害律师执业权事件赴全国律协要求维权), June 13, 2016, https://wqw2010.blogspot.de/2016/06/blog-post_74.html.

¹⁵ CHRD, *China Human Rights Briefings March 15 – 21, 2016*, <https://chrdnet.com/2016/03/chrb-forced-switch-to-police-appointed-lawyers-further-erodes-protections-for-detained-rights-defenders-315-321-2016/>.

¹⁶ CHRD, *Repression & Resilience: Annual Report on the Situation of Human Rights Defenders (2017)*, p. 8, <https://www.nchrd.org/2018/02/2017hrd-report/>.

¹⁷ CHRD, "China: End Show Trials, Free Human Rights Lawyers & Other Defenders," August 8, 2016, <https://www.nchrd.org/2016/08/china-end-show-trials-free-human-rights-lawyers-other-defenders/>; European Union External Action Service, "Statement by the Spokesperson on the conviction of Chinese lawyers and other human rights defenders on

charges of state subversion,” August 5, 2016, http://eeas.europa.eu/statements-eeas/2016/160805_03_en.htm; US State Department, “Sentencing of Lawyers and Rights Activists in China,” August 6, 2016, <https://www.state.gov/r/pa/prs/ps/2016/08/260913.htm>.

¹⁸ CHRD, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed January 10, 2018), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>.

¹⁹ CHRD, *China Human Rights Briefing August 12-20, 2015*, <https://chrdnet.com/2015/08/chrb-what-happened-to-the-detained-lawyers-18-held-in-secret-several-accused-of-endangering-national-security-812-202015/>.

²⁰ A de facto form of incommunicado detention, the UN called on the Chinese government to repeal this provision “as a matter of urgency” in December 2015. CAT, Concluding observations on the fifth periodic report of China, para. 15.

²¹ Police initially cited provisions on national security to deny lawyers’ visits with their clients before claiming that at least 11 individuals had “fired” their family-appointed lawyers in 2016 and instead engaged government-approved lawyers. CHRD, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees,” <https://chrdnet.com/2015/12/gallery-chinese-police-deny-requests-for-lawyer-visits-with-detainees/>; CHRD, *China Human Rights Briefing March 15-21, 2016*; CHRD, Individuals Affected by July 9 Crackdown on Rights Lawyers, (Accessed November 11, 2016), <https://www.nchrd.org/2015/07/individuals-affected-by-july-10-crackdown-on-rights-lawyers/>. At the time of this report’s release, only two individuals in the crackdown have been granted access to a lawyer of their choice, Wang Fang (王芳) and Yin Xu’an (尹旭安), but neither are held in Tianjin Municipality where the majority of the cases are being tried. CHRD, Portrait of a Defender – Wang Fang, <https://www.nchrd.org/2016/08/wang-fang/>; CHRD, Portrait of a Defender – Yin Xu’an, <https://www.nchrd.org/2016/08/yin-xuan/>.

²² China Human Rights Lawyers Concern Group, “Torture and Other Cruel, Inhumane or Degrading Treatments in the 709 Crackdown – a Summary of Cases (9 July 2015 – 9 July 2017),” http://www.chrlawyers.hk/sites/default/files/20170709_-_Torture_in_the_709_Crackdown_%28ENG%29.pdf; CHRD, Portrait of a Defender – Xie Yang, <https://www.nchrd.org/2016/09/xie-yang/>; Wang, Yu, “The Nightmare – An Excerpt of Lawyer Wang Yu’s Account of 709 Detention and Torture,” from *The People’s Republic of the Disappeared: Stories From Inside China’s System for Enforced Disappearances*, <https://chinachange.org/2017/11/13/the-nightmare-an-excerpt-of-lawyer-wang-yus-account-of-709-detention-and-torture/>.

²³ *Xinhua News Agency*, “Ministry of Public Security Exposes Dark Secrets of ‘Rights Defense’ (公安部揭开“维权”事件黑幕), July 11, 2015, <http://politics.people.com.cn/n/2015/0712/c1001-27290030.html>; *Legal Daily*, “Explaining the ‘Rights Defense’ Ring in One Graphic” (一图读懂“维权”圈), July 13, 2015, http://www.legaldaily.com.cn/zl/content/2015-07/13/content_6168094.htm?node=73108; CHRD, “China: Halt Police Operations Targeting Human Rights Lawyers as ‘National Security’ Threat,” July 13, 2015, <https://www.nchrd.org/2015/07/china-halt-police-operations-targeting-human-rights-lawyers-as-national-security-threat/>.

²⁴ Philip Wen, “A confession few believe: Chinese rights lawyer Wang Yu is ‘freed,’” *Southern Morning Herald*, August 2, 2016, <http://www.smh.com.au/world/a-confession-few-believe-chinese-rights-lawyer-wang-yus-is-freed-20160801-gqipos.html>; *Xinhua News Agency*, “Following Beijing Fengrui Law Firm Case: Law Firm Director Zhou Shifeng Confesses” (北京锋锐律所案追踪:律所主任周世锋认罪忏悔), July 18, 2015, <http://politics.people.com.cn/n/2015/0719/c1001-27325554.html>; Josh Chin, “China Court Says Lawyer Retracts Torture Charge; Wife Calls Trial a Farce,” *Wall Street Journal*, May 8, 2017, <https://www.wsj.com/articles/china-court-says-lawyer-retracts-torture-charge-wife-calls-trial-a-farce-1494259101>; Chris Buckley, “Activist Confesses to Subversion in Chinese Show Trial,” *The New York Times*, August 22, 2017, <https://www.nytimes.com/2017/08/22/world/asia/jian-tianyong-trial-china-activist-human-rights.html>.

²⁵ As of November 20, 2016, they are: Gou Hongguo (沟洪国), Zhai Yanmin (翟岩民), Bao Longjun (包龙军), Gao Yue (高月), Li Shuyun (李姝云), Liu Yongping (刘永平), Lin Bin (林斌), Wang Yu (王宇), Zhao Wei (赵威), Huang Liquan (黄力群), Zhang Kai (张凯). CHRD, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” (Accessed November 20, 2016); Ng Yik-tung and Lee Lai, “‘Bailed’ Chinese Rights Lawyers Under Round-The-Clock Surveillance,” *Radio Free Asia*, September 21, 2016, <http://www.rfa.org/english/china-lawyers-09212016102201.html>.

²⁶ Two lawyers for Wang Quanzhang withdrew their representation following threats from police. Another lawyer was compelled by police to not take on Wang Yu as a client.

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²⁸ RDN, “Feng Zhenghu: Citizens’ Right to Leave the Country - 33 Lawyers And Others Restricted From Leaving the Country For Engaging in Rights Defence” (冯正虎: 公民出境权——33 名律师等人被限制出境及维权表现), February 5, 2016, <http://wqw2010.blogspot.hk/2016/02/33.html>.

²⁹ Michael Forsythe, “Bao Zhuoxuan, Son of Rights Lawyer Held in China, Is Said to Be Under House Arrest,” *The New York Times*, October 12, 2015, <http://www.nytimes.com/2015/10/13/world/asia/china-bao-zhuoxuan-son-wang-yu-rights-lawyer-house-arrest.html>; RDN, “Wang Quanxiu (Wang Quanzhang’s Older Sister): Record of Events of These Past Two Day” (王全秀 (王全璋姐姐): 发生在这两天的事), April 29, 2016, http://wqw2010.blogspot.se/2016/04/blog-post_434.html; Mimi Lau, “Chinese police hold four wives of rights activists seized in ‘709 crackdown’,” *South China Morning Post*, July 30, 2016, <http://www.scmp.com/news/china/policies-politics/article/1996637/chinese-police-hold-four-wives-rights-activists-seized>; Human Rights Campaign in China, “709 Crackdown: ‘Subversion’ Trial of Zhai Yanmin: Home Searched, Wife’s Cellphone Seized and She is Put Under House Arrest” (“709 大抓捕事件”翟岩民涉嫌颠覆国家政权案庭审 住处被查封 妻子手机被抢并遭软禁), August 2, 2016, http://www.hrcchina.org/2016/08/709_2.html; Civil Rights & Livelihood Watch, “Family of Lawyer Li Heping Forced to Move and One Day Later Again Chased Away” (李和平律师家属被迫搬家一天后再遭驱赶), August 19, 2016, <http://msguancha.com/a/lanmu4/2016/0819/14811.html>; RDN, “Chen Guiqiu (Lawyer Xie Yang’s wife) 709 Detainees Family Are Guilty by Association, Go on Holiday Yet No Freedom?” (陈桂秋 (谢阳律师妻子): 709 案当事人家属被株连, 休假也没有自由?), August 25, 2016, https://wqw2010.blogspot.hk/2016/08/709_52.html; RDN, “709 Crackdown Notice: Guilt by Association Targets Preschooler – Wang Quanzhang’s son already enrolled in school but national security prevent him from attending” (709 大抓捕通报: 株连肆虐以至幼儿, 王全璋律师儿子入学报名已办妥手续被国保阻挠致无法入学), August 31, 2016, https://wqw2010.blogspot.hk/2016/08/709_31.html; RDN, “Yuan Shanshan: Situation of Lawyer Xie Yanyi’s Family” (原珊珊: 谢燕益律师家庭近况), September 14, 2016, <https://wqw2010.blogspot.hk/2016/09/2016914.html>.

³⁰ At the time of this report’s release, the following eight individuals have not been granted access to a lawyer since being taken into custody between May-October 2015. Li Chunfu (李春富), Li Heping (李和平), Liu Sixin (刘四新), Tang Zhishun (唐志顺), Wang Quanzhang (王全璋), Wu Gan (吴淦), Xie Yanyi (谢燕益), and Xing Qingxian (幸清贤). CHRD, *Individuals Affected by July 9 Crackdown on Rights Lawyers*, (Accessed November 20, 2016); CHRD, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³¹ Under Article 37 of the CPL, lawyers’ visits with clients held on suspicion of crimes endangering national security, terrorism, or involving significant amounts of bribes must first be approved by investigating organs. See also, CHRD, “Gallery: Chinese Police Deny Requests for Lawyer Visits With Detainees.”

³² The “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” detail the procedures for investigating organs to approve or reject lawyers’ requests to visit clients held on suspicion of national security or terrorism. However, it goes on to give an expanded definition of crimes that “endanger national security” in Article 374: Crimes of “endangering national security” in this provision include those included in 102-112 of the Criminal Law *as well as other crimes that endanger national security*: terrorist activities, including generating terror in society, endangering public safety, or threatening state agencies or foreign organizations; use of violent, destructive, or threatening means to plot to kill or injure people, inflict serious harm, damage public infrastructure, create social chaos; and other serious crimes that harm social stability. “Ministry of Public Security Provision on Procedures for Handling Criminal Cases” (公安机关办理刑事案件程序规定), <http://www.mps.gov.cn/n2254314/n2254409/n2254443/n2254452/c3708286/content.html>; For example, police at Daye City Detention Center in Hubei Province denied lawyer Lin Qilei (蔺其磊)’s request to visit his client Yin Xu’an on April 6, 2016. Yin is held on suspicion “picking quarrels and provoking troubles.” RDN, “Hubei Human Rights Defender Yin Xu’an Case Notice –Lawyer Not Allowed Visit” (湖北人权捍卫者尹旭安案情通报——律师仍无法获见), April 7, 2016, http://wqw2010.blogspot.no/2016/04/blog-post_7.html; Officials from Zhengzhou No. 3 Detention Center in Henan Province denied lawyers visits for 10 weeks to eight activists and two lawyers held on suspicion of crimes of “illegal business activity” and “picking quarrels and provoking troubles.” CHRD, *China Human Rights Briefing July 4-10, 2014*, <https://www.nchrd.org/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

³³ CHRD, *End Violence Against Human Rights Lawyers*, (Accessed October 13, 2016), <https://chrdnet.com/2015/10/end-violence-against-human-rights-lawyers/>.

³⁴ CHRD and Coalition of NGOs, “Information Submission to the UN Committee Against Torture for Consideration in List of Issues,” February 9, 2015, para 6 (c), <https://chrdnet.com/2015/02/chrd-information-submission-to-the-un-committee-against-torture-for-the-review-of-the-fifth-periodic-report-of-china-february-2015/>; CHRD, *China Human Rights Briefing January 28-February 3, 2016*, <https://chrdnet.com/2016/02/chrb-government-reprisals-assault-imprisonment-torture-cancellation-of-a-lawyers-license-128-242016/>.

³⁵ CHRD, “End 2-Year Crackdown on Lawyers, Hold Chinese Government Accountable,” July 6, 2017, <https://www.nchrd.org/2017/07/end-2-year-crackdown-on-lawyers-hold-chinese-government-accountable/>.

³⁶ RDN, “121 Mainland Lawyers: Repeal Ministry of Justice ‘Method of Law Firms Annual Review Examination’ Application” (121 名大陆律师: 撤销司法部《律师事务所年度检查考核办法》的申请书), February 28, 2015, <http://wqw2010.blogspot.se/2015/02/121.html>.

³⁷ RDN, “38 Chinese Lawyers Issue Joint Statement About Not Participating in Illegal Annual Assessment and Examination, Jointly Boycott Illegal Annual Assessment and Examination (中国 38 名律师联署不参加违法年度检查考核声明, 共同抵制违法的年度检查考核), April 18, 2016, <http://wqw2010.blogspot.com/2016/04/38.html>.

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³⁹ CHRD, “China Strips Rights Lawyers’ Licenses in Reprisal Against Their Push for Rule of Law,” January 24, 2018, <https://www.nchrd.org/2018/01/china-strips-rights-lawyers-licenses-in-reprisal-against-their-push-for-rule-of-law/>.

⁴⁰ CHRD, Portrait of a Defender – Pu Zhiqiang (浦志强), <https://chrdnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>.

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⁴² CHRD, “China: Overturn Unjust Verdict & Release Lawyer Xia Lin,” September 22, 2016, <https://www.nchrd.org/2016/09/china-overturn-unjust-verdict-release-lawyer-xia-lin/>.

⁴³ CHRD, *China Human Rights Briefing January 1-7, 2016*, <https://chrdnet.com/2016/01/chrb-torture-of-chinese-human-rights-lawyer-emblematic-of-persistent-pattern-of-official-reprisal-abuse-11-7-2016/>; CHRD, Portrait of a Defender – Shu Xiangxin (舒向新), <https://chrdnet.com/2016/01/shu-xiangxin-%E8%88%92%E5%90%91%E6%96%B0/>; CHRD, Portrait of a Defender – Pu Zhiqiang, <https://www.nchrd.org/2014/06/prisoner-of-conscience-pu-zhiqiang/>.