

6 January 2021

## STATEMENT

### **BHRC expresses concern at continued State obstruction of defence lawyers in China and Hong Kong**

The Bar Human Rights Committee of England and Wales (BHRC) is extremely concerned at the threat to revoke the practising licences of two Chinese human rights lawyers, Ren Quanniu and Lu Siwei, in circumstances which strongly suggest that the lawyers are being targeted for their recent high-profile work.

Mr Ren and Mr Lu had been hired by the families of the so-called ‘Hong Kong 12’ to represent them at trial for “secretly” crossing into mainland Chinese waters on 23 August 2020 while allegedly fleeing to Taiwan to escape charges related to the 2019 protests in Hong Kong. The so-called Hong Kong 12 had been detained in the mainland Chinese city of Shenzhen; Mr Ren and Mr Lu were denied access to them and were barred from representing them at trial. Last week, the group was tried and convicted at a closed hearing in Shenzhen with representation by State appointed lawyers. Ten were sentenced to between seven months and three years’ imprisonment. The other two accused, who were minors, were sent back to Hong Kong.<sup>1</sup>

Mr Ren had also represented Zhang Zhan, a citizen journalist last week sentenced to four years in prison for her reporting on the Coronavirus outbreak in the Chinese city of Wuhan, a case which received significant international attention. Mr Lu had been subjected to a formal reprimand after representing another human rights lawyer in 2019 who had openly criticized the Chinese leadership.

On Monday 4 January 2021, Mr Ren and Mr Lu received notices that their licenses to practice are to be revoked. The notices allege violation of local regulations, in the case of Mr Ren for his representation in 2018 of a member of the banned Falun Gong organisation; Mr Lu stands accused of “repeatedly publishing unsuitable language online, which seriously damaged the image of the legal sector and had an adverse

impact on society.” The Departments of Justice in Sichuan Province and Henan Province, where the lawyers respectively are licensed to practice, both advised that each lawyer has three days to appeal.

BHRC remains extremely concerned that the right to a fair trial is undermined in China for those who face serious charges against the State in consequence of expressing their views. Lawyers who have acted in these cases have been repeatedly silenced, through disbarment from practice or through arrest, detention and charge associated with the same alleged crimes. Mr Lu and Mr Ren are the most recent examples of an approach that obstructs choice of legal representation in furtherance of the right to an effective defence.

As this statement goes to press, there have been further concerning reports from Hong Kong of the arrest of John Clancey, a US lawyer admitted to practice in Hong Kong and who has served as the treasurer for political group Power for Democracy during the pan-democratic primary election in 2020. Many of those pro-democracy figures have been themselves subject to mass arrest in Hong Kong today. Mr Clancey is the Chair of the Asian Human Rights Commission and the Asian Legal Resource Center, as well as a founding member of the China Human Rights lawyers Concern Group. The law firm where Mr Clancey is a partner, has been investigated by the Hong Kong authorities as part of a series of mass arrests and raids which Beijing has reportedly claimed are a necessary measure to stop “external forces and individuals” colluding to undermine China.

BHRC recalls the UN Basic Principles on the Role of Lawyers which requires governments to ensure that lawyers are able to perform their professional functions without improper interference. In particular, Principle 23 requires that lawyers have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional restrictions by reason of their lawful action. Principle 18 requires that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The independence of the judiciary and the legal profession underpin the rule of law. Without the rule of law, any justice system is fundamentally flawed and imperilled. The Chinese authorities must guarantee the independence and impartiality of lawyers, and ensure that lawyers do not suffer retaliation or intimidation, by way of disciplinary measures or otherwise, for their association with cases which the State considers sensitive or controversial. BHRC has [called upon the Chinese authorities to address the very grave situation of other human rights lawyers in China](#). We continue to call for those lawyers to be released, and for all lawyers in China to be able to practice independently without intimidation, harassment, hindrance or improper interference, and in compliance with international standards, as well as Chinese domestic provisions. The targeting and persecution of lawyers undermines China's efforts at legal reform and its standing in the international community, as well as violating international norms, including those rights protected by the International Covenant on Civil and Political Rights, which was signed by China on 5 October 1998.

BHRC continues to call upon the government of the People’s Republic of China to commit to upholding the rule of law, to ensure adequate and effective protection of the rights of defendants, and to ensure the effective protection of human rights, including through the protection of the independence of lawyers.

**ENDS.**

## **NOTES FOR EDITORS**

1. BHRC has [repeatedly expressed concern](#) to the Chief Executive of the Hong Kong Special Administrative Region at the brutal treatment and indiscriminate arrest of peaceful protesters in Hong Kong.
2. For an interview with our spokesperson, please contact Josie Fathers, Project Officer on [coordination@barhumanrights.org.uk](mailto:coordination@barhumanrights.org.uk) or +44 (0)7854 197862
3. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
4. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.