



China

2 March 2011

Enforced disappearance of human rights lawyers - CHN 001 / 0311 / OBS 028

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in the People's Republic of China.

Description of the situation:

The Observatory has been informed by Chinese Human Rights Defenders (CHRD) about the enforced disappearance of Messrs. **Jiang Tianyong**, Beijing human rights lawyer, **Tang Jitian**, a Beijing lawyer who has been active in defending the rights of people living with HIV/AIDS and hepatitis B, and of Mr. **Teng Biao**, human rights legal scholar.

On February 16, 2011, Messrs. Jiang Tianyong, Tang Jitian, Teng Biao and several other lawyers and human rights activists from Beijing had met in a restaurant to discuss the case of Mr. **Chen Guangcheng**, a Chinese lawyer and defender of reproductive rights who is currently under house arrest since his release from custody in September 2010, and whose family is victim of continuous acts of harassment.

According to the information received, the restaurant was surrounded by police officers from the Beijing Municipal Public Security Bureau at around 12:15 pm. The police stayed there until the end of the meeting, at around 2:30 pm, and arrested Mr. Jiang Tianyong. He was brought to the police station of Haidian district, where he was interrogated. During his detention, Mr. Jiang Tianyong was allegedly ill-treated and pushed against a wall, where he banged his head. He was released five hours later. On February 19, 2011, men identified by Mr. Jiang Tianyong's family as Beijing policemen took Mr. Jiang Tianyong from his brother's home, where he was temporarily staying. On the evening, the Beijing police returned to Mr. Jiang Tianyong brother's house and confiscated a computer. Mr. Jiang Tianyong's whereabouts are currently unknown.

According to the same information, on the evening of February 16, 2011, after the meeting at the restaurant, two police officers entered Mr. Tang Jitian's home forcing the doors and dragged him away. At 8:00 pm, Ms. Ye Jinghuan, Beijing human rights activist, went to the Guang'anmenwai police station, where Mr. Tang Jitian was supposedly being held, but she was not allowed to see him. Half hour later, Mr. Dong Qianrong, lawyer, went to the same police station and the officers told him that Mr. Tang Jitian had been taken away by officials from the Beijing Municipal Public Security Bureau. On the morning of February 21, 2011, Mr. Tang Jitian's wife went to the Guang'anmenwai police station to ask about her husband. She was told that he would return home "within four or five days." No information about Mr. Tang Jitian's whereabouts has been given since then.

In addition, on February 19, 2011, Mr. Teng Biao was called by the police and has been missing since. Policemen from the Beijing Municipal Public Security Bureau's National Security Unit searched Mr. Teng Biao's home on February 20, 2011, confiscating two computers, a printer, articles, books, DVDs and photos of Mr. Chen Guangcheng. Mr. Teng Biao is believed to be in custody, but no information has been given by the police.

The Observatory expresses its deep concern about the physical and psychological integrity of Messrs. Jiang Tianyong, Tang Jitian and Teng Biao, whose disappearance seems to merely aim at sanctioning their human rights activities. The Observatory urges Chinese authorities to guarantee their safety, disclose their whereabouts and immediately release them.

The Observatory calls upon Chinese authorities to put an end to any acts of harassment, including at the judicial level, against Messrs. Jiang Tianyong, Tang Jitian, Teng Biao, as well as against other human rights lawyers and human rights defenders in China. The Observatory further calls upon the authorities in China to conform with the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, and other international human rights instruments ratified by China.

Background information:

In June 2009, the licenses to practice law of Mr. Tang Jitian and Ms. Liu Wei, a Beijing human rights lawyer, had not been renewed. Their licenses were finally definitively revoked in May 2010 by the Beijing Bureau of Justice (BBJ). Mr. Tang Jitian has not been allowed to leave the country since then.

Mr. Tang Jitian and Ms. Liu Wei have been accused by the BBJ of "disrupting court order and interfering with the normal conduct of litigation activities", on the basis of Article 49 of the Lawyers' Law. The accusations refer to the trial of a Falun Gong practitioner that took place on April 27, 2009 where Mr. Tang Jitian and Ms. Liu Wie, representatives of the defendant, had walked out the courtroom after pointing out the repeated interruptions by the presiding judge and court officials.

The judicial harassment against Ms. Liu Wei and Mr. Tang Jitian illustrate the repression and obstacles to professional duties faced by lawyers who take on "sensitive cases", such as the defence of political dissidents, human rights defenders, Uyghurs and Tibetan minorities as well as Falun Gong practitioners. Mr. Tang Jitian and Ms. Liu Wei were two of about 20 lawyers whose licenses were not renewed by their local bureaus of justice in June 2009 in reprisal for taking on some of these "sensitive" cases.

Freedom of movement has also been restricted to Chinese human rights lawyers. In January, 2011, Mr. Jiang Tianyong had been prevented from leaving China to attend a seminar on human rights in the United States.

Actions requested:

Please write to the authorities in the People's Republic of China, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Jiang Tianyong, Tang Jitian and Mr Teng Biao, as well as that of all human rights lawyers, including Mr. Chen Guangcheng;
- ii. Take prompt action in order to disclose the whereabouts of Messrs. Jiang Tianyong, Tang Jitian and Teng Biao, and ensure his immediate release;

- iii. Take prompt action in order to release Messrs. Jiang Tianyong, Tang Jitian and Teng Biao;
- iv. Order an immediate, thorough, effective and impartial investigation into the above mentioned acts against Messrs. Jiang Tianyong, Tang Jitian and Teng Biao, the result of which must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;
- v. Put an end to any acts of harassment, including at the judicial level, against Messrs. Jiang Tianyong, Tang Jitian, Teng Biao, other human rights lawyers, including Mr. Chen Guangcheng, as well as against all human rights defenders in China;
- vi. Conform with the provisions of the UN Declaration on Human Rights Defenders, especially:
- its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels";
 - its Article 9.c, which provides that "everyone has the right, individually or in association with others, to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedom";
 - and its Article 12.2, which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- vii. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the People's Republic of China.

Addresses:

- Mr. Wen Jiabao, Prime Minister of the People's Republic of China, Guojia Zongli, The State Council General Office, 2 Fuyoujie, Xichengqu, Beijingshi 100017, People's Republic of China, Fax: +86 10 65961109 (c/o Ministry of Foreign Affairs)
- Ms. Wu Aiyong, Minister of Justice of the People's Republic of China, Buzhang Sifabu, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China, Fax: +86 10 6529 2345, minister@legalinfo.gov.cn / pfmaster@legalinfo.gov.cn
- Mr. Yang Jiechi, Minister of Foreign Affairs of the People's Republic of China, Buzhang Waijiaobu, 2 Chaoyangmen Nandajie, Beijingshi 100701, People's Republic of China, Fax: +86 10 6588 2594, Email: ipc@fmprc.gov.cn;
- Mr. Meng Jianzhu, Minister of Public Security of the People's Republic of China, Buzhang, Gong'anbu, 14 Dongchang'anjie, Dongchengqu, Beijingshi 100741, People's Republic of China, Fax: +86 10 63099216
- Ambassador Yafei He, Permanent Mission of the People's Republic of China, Chemin de Surville 11, P.O. Box 85, 1213 Petit-Lancy 2, Geneva, Switzerland, Fax: +41 22 7937014, E-mail: mission.china@ties.itu.int;

· Embassy of the People's Republic of China in Brussels, Avenue de Tervuren, 463 1160 Auderghem, Belgium, Tel: + 32 2 663 30 10 / + 32 2 663 30 17 / +32 2 771 14 97 / +32 2 779 43 33; Fax: +32 2 762 99 66 / +32 2 779 28 95; Email: chinaemb_be@mfa.gov.cn.

Please also write to the diplomatic mission or embassy of the People's Republic of China in your respective country.

<http://www.fidh.org/Enforced-disappearance-of-human-rights-lawyers>