

Response of China Law Society to the LAWASIA ‘Statement of Continuing Concern regarding the Treatment of Lawyers in China’

Following the LAWASIA ‘Statement of Continuing Concern regarding the Treatment of Lawyers in China’ (issued 26 May 2017), China Law Society, which is a member organisation of LAWASIA, communicated a statement in response on 18 August 2017, extracts of which are reproduced below:

— CLS Statement —

China attach great importance to the safeguard of lawyers’ practicing rights, regarding it as an important measure to comprehensively deepen the reform and rule of law, continuously perfects the safeguard of lawyers’ practicing rights in legislation and justice. In 2015 and 2016, the Supreme People’s Court of PRC, the Supreme People’s Procuratorate of PRC, the Ministry of Public Security of PRC, Ministry of State Security of PRC and the Ministry of Justice of PRC jointly issued ‘Provisions on Legally Protecting Lawyers’ Practicing Rights’ and ‘Opinions on Advancing the Reform of the Trial-Centered Criminal Procedure System’ successively. In 2017, ‘Notice on the Establishment and Improvement of the Fast-linkage Mechanism of Protecting Lawyers’ Practicing Rights’ was issued jointly by the Supreme People’s Court of PRC, the Supreme People’s Procuratorate of PRC, the Ministry of Public Security of PRC, Ministry of State Security of PRC, the Ministry of Justice of PRC and All China Lawyers Association. These documents strengthen the safeguard of lawyers’ practicing rights on the basis of adhering to the past useful practice, and complete the mechanism of legal remedy for protecting the lawyers’ practicing rights and the liability investigation system for violating the lawyers’ practicing rights. Up to now, the Centers for safeguarding Lawyers’ Practicing Rights have been set up at the All China Lawyers Association, 31 provincial lawyers’ associations and 321 municipal lawyers’ associations, which play an important role on safeguarding the lawyers’ practicing rights. The detailed regulations on safeguarding the lawyers’ practicing rights were issued in more than 20 provinces, enabling lawyers to perform their duties and fully play functions in the lawsuits. Lawyers also experienced by themselves the gradually optimized practicing environment.

We have investigated the ‘torture’ mentioned in the Statement of LAWASIA. Since October in 2016, some media reported that Xie Yang, acting as the lawyer of some law firm in Hunan, was subjected to torture during detention. For this reason, the judicial authorities set up the Independent Investigation Group to investigate into the issue. Through the investigation to the prison inmates with Xie Yang, the police dealing with the case, the support staff of the appointed living place under surveillance and Xie Yang himself, as well as the independent investigation and crime scene investigation by the Independent Investigation Group, the affair of “Xie Yang suffering from torture” didn’t exist. The so-called “torture” was made up by Jiang Tianyong (who was the former lawyer of a law firm in Beijing and whose lawyer’s practicing certificate was revoked according to the laws in 2009) and others, aiming at putting pressure on the case handling organs through the media and taking opportunity to discredit the judicial authorities of China. Xie Yang himself clarified at the court and expressed that he had never been extorted confessions by torture or suffered from so-called torture. We solemnly reiterate that China is a nation ruled by law and highly values safeguarding the judicial human rights as well as the legal rights of the criminal suspects and the defendants. Nowadays, there are more than 300,000 lawyers in China, who have been the important strength of comprehensive rule of law and constructing the socialist legal state, and play the crucial role in the fields of politics, economy, society and rule of law.

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