

Human Rights Attorneys in China Very Active but Find Themselves in a Dire Situation

Jiang Tianyong

Since 2005, the social conflicts in China have been intensifying, but people are fast awakening in the awareness of their rights. Given such a background, the rise of the right defense movement has produced a group of human rights defenders such as Gao Zhisheng, Chen Guangchen, Guo Feixiong, Hu Jia, Li Heping, etc. Human rights attorneys are an important group of these people. The human rights attorneys in China work in a wide range of fields such as the freedom of religious belief, freedom of speech, freedom of association, residential rights (objection to forced removal), land rights, rights of ethnic minorities (such as Tibetans), etc. On the one hand, they are becoming more and more active and are more and more needed and depended upon by victims whose human rights are abused. On the other hand, they suffer harassment, repression and persecution from the government.

Following is my experience to demonstrate this situation:

My name is Jiang Tianyong, and I'm a male of Han nationality. I was born in Henan province, PRC in 1971. Currently, I'm residing in the Haidian District of Beijing, China. Because I wanted to engage in work of defending human rights, I quit my work at a middle school in Henan province and came to work at Beijing Globe-law Firm in 2004. In 2005, I got my attorney's license and became a practicing attorney. After that, I've taken a large number of human rights cases, both individually or in partnership with my associates. As a result of this, I've suffered various forms of persecution from the government. Except 2007, I met troubles in renewing my attorney's license at Beijing Bureau of Justice during the annual inspection/registration/annual evaluation in 2006, 2008 and 2009.

In 2006, as I was involved in right defenses cases of migrant workers, Gao Zhisheng's case, victims of violent family planning policies in Linyi, Chen Guangchen's case, I was harassed and threatened by the secret police of Domestic Security Protection Squad of Beijing. They tried to prevent me from participating in these so-called sensitive cases, claiming that it was not good for me. They also said that if I wanted to make a fortune, they could help. Their demands were not unfulfilled. People from Beijing Municipal Bureau of Justice found me through my law firm and told me they forbade me to get involved in some cases. They even used special means in getting to know that I had bought a train ticket to go to Linyi for the violent family planning case. They called me many times and forbade me from going there. Even my wife who was living far away in Zhengzhou, Henan province was harassed on the phone by them in the middle of the night. In the meantime, as my landlord could not endure the pressure from the secret police, and he refused to continue renting the house to me. I had to move out. In the same year, the registration of my attorney's license and Li Heping's license got into trouble and were delayed. Beijing Municipal Bureau of Justice illegally forced me and my law firm to write a statement of guarantees.

Starting from August 2006, I was illegally stalked because of Gao Zhisheng's case and was placed on house arrest for five months.

In 2008, I continued engaging in cases of human rights and began to provide legal assistance to people sentenced to re-education through labor and HIV carriers. I also provided legal support for NGO organizations that defend human rights---for example, Aizhi Research Institute of

Beijing (www.aizhi.net) and Open Constitution Initiative (OCI) (www.gongmeng.cn). After the March 14 Incident in Tibet, I signed a declaration to express my willingness to represent the arrested Tibetans. In that year, I met with serious troubles from Beijing Municipal Bureau of Justice during the annual inspection and registration of my attorney's license. They unequivocally told me the reason: "You have gotten involved in sensitive cases." They said they wanted to "unleash their wisdom" and "break the livelihood" of us human rights attorneys. Beijing Municipal Bureau of Justice tried illegally to force me to write a statement of guarantees in which I would promise not to get involved in sensitive cases again and not to have interviews with the media. Because their demands lack legal basis, they were rejected by me. After widespread concerns from people both in China and abroad, I finally passed the annual inspection and registration on June 30 of that year. At this time, I have not been able to engage in attorney's work for a month now.

From July 2008 to May 2009, I represented a large number of people in cases ranging from Falun Gong, HIV carriers in defending their rights, earthquake victims (such as Hong Chun case), Tibetans (such as Phurbu Tsering Rinpoche the living Buddha and Jigma Lama). I also participated in the direct election of Beijing Lawyers Association. Because of this, I was seriously persecuted by Beijing Municipal Bureau of Justice and Beijing Lawyers Association. They joined forces in trying to force the law firm where I worked not to renew our contract. From the end of 2008 to March 2009, the head of Globe-Law Lawyers where I worked talked with me on many occasions and told me that "since we work under them, we have to yield." "We really can't endure the pressure from the above (referring to Bureau of Justice and Beijing Lawyers Association) and "We shouldn't be closed (by Beijing Municipal Bureau of Justice and Beijing Lawyers Association) just because of you (representing people in cases involving human rights), etc." In the 2009 "Annual Evaluation" of attorneys, the great majority of Chinese human rights attorneys who strictly adhere to law have failed to pass. Six human rights attorneys from our law firm are all among these attorneys who have failed to pass. They are myself, Li Heping, Li Xiongbing, Li Fuchun, Wang Yajun and Guo Shaofei. May 31, 2009, the expiration date for the annual evaluation and we haven't been able to engage in jobs as an attorney since then. Now, we not only can't accept new human right cases, but we also have to stop on cases that we have already accepted before this date, such as the case of Li Zhigang of Shenyang (Falun Gong), He Hongchun case (a case from the earthquake disaster areas), the case of Phurbu Tsering Rinpoche (case involving Tibetan issues) and other human rights cases. When human rights attorneys themselves are bogged down in a difficult situation, the rights of the clients in human rights cases also lose their protection instantly! Other human rights attorneys and I myself have made inquiries at the relevant people at Beijing Municipal Bureau of Justice and Beijing Lawyers Association, but nobody has given us an official reply. So far, we still have not received any documents in writing related to the result of our annual evaluation results. Yet, the hints we have received from Beijing Municipal Bureau of Justice, Beijing Lawyers Association and our own law firm show that our current predicament has something to do with the cases we have accepted. At about 11:20 a.m. on July 3, Attorney Zhang Xuebing, president of Beijing Lawyers Association told us in the capacity as an "attorney of our own kind":

"I know something about your issues. This issue is actually very complicated. As the old saying goes: 'Rome was not built in a day. Doubtlessly, every human being enjoys the rights of freedom and equality because of the creation by God' and it is not that easy to solve this problem. You'd better talk with your superiors, and I'm afraid you still have to find a way to win the trust of the

Party and the government!”

Starting from 2006, I have always been placed on house arrest on June 4 anniversaries, October 1, the Beijing Olympics and state visits by important diplomats (including China—Africa Forum on Cooperation, visit in 2008 by Congressmen Wolf and Smith). Though I was in America when U.S. Secretary of State Hillary Clinton visited China, my family was harassed on many occasions by the police. From June 3 to June 7 of 2009, the police were deployed at my door and prohibited me from leaving the house. They threatened me with my personal safety and the safety of my wife and my daughter.

No matter how we suffer, we the human rights attorneys will still adhere to our own belief and will never give up our efforts in winning and defending human rights. In the meantime, we also call on the people who live in the free world and under rule of law to show concern to the efforts made by Chinese people in winning and defending human rights. This is because as long as there are still members of the human race who live in fears and lack of freedom, the enjoyment of freedom and human rights is very likely to be short-lived.