

12 January 2021

China: Upcoming hearing on the revocation of human rights lawyer Lu Siwei's license

On 13 January 2020, the Sichuan Provincial Judicial Department will hold a [hearing](#) in Chengdu, at the request of human rights lawyer **Lu Siwei**, who will contest the authorities' decision to initiate the process to revoke his lawyer's license in response to his human rights work and the exercise of his right to freedom of expression.

[Lu Siwei \(卢思位\)](#) is a human rights lawyer based in Chengdu, Sichuan province in western China. He has provided legal assistance to victims of human rights violations and is outspoken against instances of social injustice and the suffering of vulnerable groups. Through legal assistance, legal representation, signature petitions and other advocacy means, he has worked on human rights issues human issues such as freedom of expression, enforced disappearances, arbitrary detention, torture, and forced eviction and demolition.

The human rights lawyer has defended fellow human rights lawyers who are or were facing criminal prosecution, including [Yu Wensheng](#), [Qin Yongpei](#), and [Wang Quanzhang](#). In 2019, he faced disciplinary proceedings initiated by the State-controlled Chengdu Municipal Bar Association, which were believed to be in reprisal for his legal assistance to fellow human rights lawyer Chen Jiahong who was detained on suspicion of "inciting subversion".

In 2020, Lu Siwei was hired to defend one of the [12 Hong Kong youth activists](#) who were intercepted by Chinese authorities in August 2020 while fleeing to Taiwan by boat, but the authorities refused to allow him to meet his client and repeatedly threatened him in a bid to force him to abandon the case. On 28 December 2020, The European Union [criticised](#) the trial and subsequent sentencing of ten of the activists for not respecting the defendants' fair trial and due process rights, including the right to appoint legal counsel of their choice.

In November 2020, the Chengdu Qingyang District Judicial Bureau [demanded](#) that Lu Siwei's law firm turn over all files and legal counsel appointment documents in all cases handled by him since February 2019. The Bureau also required the law firm to inform the Bureau within three days of Lu Siwei signing any agreement to serve as a legal counsel and three days before the start of any trial in which he is the legal counsel.

In early January 2021, Lu Siwei received an [official notice](#) from the Sichuan Provincial Judicial Department informing him of its decision to suspend his license as an "administrative punishment" for his online activity which, according to the Bureau, was "inappropriate", "severely damaged the legal profession", and "caused negative social impact".

The notice asserts that Lu Siwei's actions have violated article 49(8) of the Law on Lawyers, which punishes speech acts that "harm national security, maliciously defame others, and seriously disrupt order in a court", and article 38(3) of the Measures of the Administration of Lawyers' Practice, which prohibits lawyers from "organising groups, launching joint signature petitions, publishing open letters, organising online gathering and advocacy" in order to "generate public pressure, attack, and defame judicial organs and the judicial system". These provisions are [overly broad and vague](#) and confer wide discretionary powers to the authorities to punish lawyers for exercising their legitimate rights under both Chinese laws and international human rights standards.

In a [statement](#) responding to the Judicial Bureau's decision, Lu Siwei stated that the provincial authorities abused their powers and did not follow the proper procedures governing license

revocation. He also insisted that throughout his legal career, he has never acted in ways that are contrary to ethics and regulations governing the profession.

Front Line Defenders believes the judicial authorities' actions against Lu Siwei are reprisals for his legitimate human rights work, including his defense of the due process and fair trial rights of other human rights defenders.

Front Line Defenders urges the relevant authorities in China to:

1. Refrain from revoking Lu Siwei's license, and end all administrative and other forms of harassment against him;
2. Guarantee in all circumstances that all human rights lawyers and defenders in China are able to carry out their human rights activities without fear of reprisals and free of all restrictions, in line with China's international human rights obligations and commitments as well as international human rights standards, such as the UN Basic Principles on the Role of Lawyers;
3. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society and human rights defenders, to review existing laws, regulations, policies and practices, especially those provisions governing lawyers, that have been used to target human rights defenders, with a view to align them with China's obligations under international human rights law and standards.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 6 (b and c): *"Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters"*, and to Article 12 (1 and 2): *"(1) Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. (2) 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."*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson
Executive Director

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