

REPORT OF THE INTERNATIONAL OBSERVATORY FOR LAWYERS IN DANGER (OIAD)

China: Lawyer Xie Yanyi assaulted, detained during impending disbarment proceedings

May 22nd, 2018

The International Observatory for Lawyers in Danger (hereafter "OIAD") is concerned about the situation of the Chinese lawyer Xie Yanyi who was assaulted and detained during his disbarment proceedings.

The human rights lawyer, Xie Yanyi, was one of the lawyers arrested in the “709 crackdown” of 2015, during which the Chinese government arrested about 300 lawyers and activists. He is now accused of “conduct violations” that could result in his losing the right to practice law.

On April 2018, Xie Yanyi noticed that his legal license had been marked “void” on the Beijing Justice Bureau’s website and therefore preventing him from practicing legally.

In early May, Xie Yanyi was informed that a formal hearing before the Beijing Lawyers’ Association, in order to determine whether infractions allegedly committed by him are sufficient to warrant the revocation of his license to practice law, will be held on May 16th. He requested this hearing to be postponed but his request was denied.

On May 16th, before entering the building, Xie Yanyi was physically assaulted by the police. Chui Chun-ming, a Hong Kong cameraman working for Now TV, witnessed the assault and saw the police grabbed the human rights lawyer and slammed him to the ground. Xie Yanyi and his wife were then detained for several hours.

OIAD calls on the Chinese authorities to respect the Basic Principles on the Role of Lawyers, adopted by the United Nations in Havana in 1990, which provides, inter alia, that:

“Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”
Principle 16.

The Observatory calls on the Chinese authorities to make every effort to guarantee that Xie Yanyi is able to perform his professional duties freely and independently, ending any form of intimidation or harassment against him.

The Observatory urges the Chinese authority to drop all charges against Xie Yanyi.

Who are we?

The International Observatory for Lawyers in Danger was created by the National Bar Council (France), the Paris Bar (France), the Consejo General de la Abogacía Espanola (Spain), and the Consiglio Nazionale Forense (Italy). Its goal is to conduct a constant monitoring on lawyers facing threats around the world because they lawfully practice their profession and to provide assistance to attorneys whose lives, freedom or practice are threatened.

The active members of the OIAD are the following:

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