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中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团

PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA

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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication 【UA CHN 6/2015】 dated 15 July 2015, has the honour to transmit herewith the attached reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. UA CHN 6/2015 of 15 July 2015 from the Chair of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, of the United Nations Human Rights Council. The Chinese Government has made careful inquiries into the matter referred to in the communication and wishes to make the following reply:

First, beginning in July 2012, Zhou Shifeng, the director of the Beijing Fengrui Law Firm, and others organized a succession of plots promoting dozens of attacks on public security, prosecutorial and judicial bodies and gathered crowds in public places to create a disturbance and block traffic. With Zhou Shifeng as leader, this band of lawyers also incited web users to harass government employees with telephone calls and to threaten, insult and slander judges and public security officers in the performance of their duties. Behind the Beijing Fengrui Law Firm was a network of lawyers, behind-the-scenes plotters and “interviewers” with their own agendas. Dozens of lawyers who were making a show of defending people’s rights and the public good were, behind the scenes, sacrificing the interests of the people concerned for their own fame and monetary gain. The public security bodies are now investigating the persons in question on suspicion of illegal criminal activities. Nine lawyers and other persons involved, including Zhou Shifeng and Wang Yu, have been subjected to criminal coercive measures (arrest), in accordance with the law. Zhou Shifeng and the other lawyers used the law as a front, conspicuously operating and swindling people over an extended period, fomenting trouble and instigating problems, far exceeding the legally established scope of a lawyer’s work. They are suspected of serious violations of the professional ethics of lawyers and of interfering in the normal administration of justice and disturbing social and public order.

Second, in China, lawyers are essential to administering the State in accordance with the rule of law and are an important force for building a socialist State governed by the rule of law. The number of lawyers in China increased from 137,000 in 2002 to 271,000 in 2014, and for seven consecutive years beginning in 2007 their numbers grew by 10 per cent annually. There are now more than 20,000 law firms. Some 2.8 million lawsuits are taken on every year, and about 1 million are handled without litigation; more than 360,000 cases are undertaken as legal aid, and 2.3 million cases are handled on a public interest, pro bono basis.

The overwhelming majority of lawyers are able to work within the law and perform their duties with integrity; they have actively promoted the creation of a State governed by the rule of law and the development of a service-economy society. It is lawyers, as legal practitioners, who must be the resolute defenders of the law, and not the other way around. China is a State based on the rule of law, and anyone who violates the law must be subject to investigation and punishment, in accordance with the law. China has, in accordance with the law, investigated and prosecuted each of these lawyers who have committed legal offences, so as to observe the principle of the rule of law, to safeguard the objective need for normal social order, and, above all, to defend the interests of the overwhelming majority of lawyers who perform their duties in accordance with the law — which will help to create a favorable environment in

which the vast numbers of lawyers can perform their work and promote the healthy development of the legal profession.

联合国人权理事会任意拘留问题工作组主席、言论自由问题特别报告员、“人权卫士”问题特别报告员、法官和律师独立性问题特别报告员、酷刑问题特别报告员、和平集会与结社自由问题特别报告员 2015 年 7 月 15 日来函[UA CHN 6/2015]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

一、自 2012 年 7 月以来，北京锋锐律师事务所主任周世锋等人先后组织策划炒作了几十起冲击公检法机关、在公共场所聚众闹事、堵塞交通的事件。以周世锋为首的这些律师还煽动网民对政府工作人员实施电话滋扰，对法官、执勤民警等进行侮辱诽谤、威胁恐吓。锋锐律师事务所背后，存在一个以律师、幕后策划者、“访民”组成的利益链，涉案的数名律师以维权、公益之名“炒作”，背后却牺牲当事人的利益为自己图名牟利。目前，中国公安机关正对相关涉嫌违法犯罪行为进行侦办，周世锋、王宇等 9 名律师和相关人员被依法采取刑事强制措施。周世锋等律师打着法律幌子，长期招摇撞骗，策划挑拨激化矛盾，远远超出法律规定的律师执业范围，涉嫌严重违反律师职业道德，干扰正常司法活动和社会公共秩序。

二、在中国，律师队伍是落实依法治国基本方略、建设社会主义法治国家的重要力量。中国律师总人数从 2002 年的 13.7 万发展至 2014 年的 27.1 万，自 2007 年起连续 7 年以 10% 的速度增长。律师事务所已达两万多家，年均办理诉讼案件 280 万件，办理非诉讼法律事务近 100 万件，承办法律援助 36 万余件，提供公益法律服务 230 万件次。

绝大多数律师都能够依法执业、诚信履职，为推动法治国家建设、服务经济社会发展发挥了积极作用。律师作为法律从业人员，应当是法律的坚定维护者，而不是相反。中国是法治国家，任何人违法犯罪都要依法受到追究和制裁。中国依法查处个别违法犯罪律师，既是对法治原则的遵循，也是维护正常社会秩序的客观需要，更是对绝大多数依法执业律师利益的维护，有助于为广大律师营造良好的执业环境，促进律师事业健康发展。