

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the independence of judges and lawyers

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the independence of judges and lawyers pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 25/18, and 26/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arrest and detention of Mr. Chang Boyang and the interrogation of members of Yirengping**.

Yirengping is a non-profit organization which combats discrimination, promotes social justice and provides community outreach programmes.

Mr. Chang Boyang is a human rights lawyer, the legal representative of the Zhengzhou branch of Yirenping and a board member of the parent organization of Yirenping. He has defended the rights of disadvantaged and vulnerable communities and has represented migrant workers, children and people living with HIV/AIDS. Prior to his detention, Mr. Chang Boyang was acting as legal representative to individuals who were detained after participating in an event related to the 25th anniversary of the Tiananmen Square protests.

According to the information received:

On 27 May 2014, Mr. Chang Boyang was summoned to appear at Erligang police station in Zhengzhou. Later that evening, 15 police officers carried out a search of his home. Two computers and two mobile phones were reportedly confiscated

during the search. Mr. Chang Boyang is currently being held in Zhengzhou No. 3 Detention Centre on charges of “gathering a crowd to disrupt public order.”

Since his detention, Mr. Chang Boyang has allegedly not been permitted to meet with his lawyers.

It is reported that on 11 June 2014, a police officer asked members of the Zhengzhou office of Yirenping to fill in a form in order to register as a foreign NGO, but the staff refused. The next day, Yirenping’s bank account in Zhengzhou was reportedly frozen, with police informing the organization that this was due to the investigation of Mr. Chang Boyang.

On the afternoon of 17 June 2014, five plain-clothes police officers from Erligang police station in Zhengzhou reportedly entered the premises of the Zhengzhou branch of Yirenping. They demanded that the staff of the NGO cooperate with the police investigation of persons who had participated in events commemorating the Tiananmen Square protests of 1989. It is also alleged that one Yirenping staff member was questioned regarding the organization's connections with Mr. Chang Boyang. The police officers confiscated two computers and financial documents.

It is reported that on 3 July 2014, the prosecutor’s office approved the arrest of Mr. Chang Boyang. He was allegedly charged with “engaging in illegal business operations”. However, according to the information received, Mr. Chang Boyang has not participated in Yirenping’s management, or in its financial or tax matters.

On 13 July, the Zhengzhou office of Yirenping was reportedly raided a second time by police officers.

On 22 August 2014, a former staff member of the Yirenping office in Zhengzhou was reportedly interrogated over a period of six hours regarding Mr. Chang Boyang.

Serious concern is expressed at the arrest and detention of Mr. Chang Boyang and the interrogation of members of Yirenping and that these might be related to Mr. Boyang’s legitimate and peaceful work as a legal representative of Yirenping. Concern is also expressed regarding the physical and mental integrity of Mr. Chang Boyang.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to refer your Excellency's Government to articles 19 and 20 of the Universal Declaration of Human Rights (UDHR) which guarantee the rights to freedom of opinion and expression, and association respectively.

Furthermore, we would like to refer to Human Rights Council resolution 24/5, in which the Council stresses the obligation of States to respect and fully protect the right of all individuals to associate freely, and to take all necessary measures to ensure that any restrictions on the free exercise of the right to freedom of association are in accordance with their obligations under international human rights law.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5 (a) and 9, paragraph 3.

We would also like to refer to Human Rights Council Resolution 22/6, which calls upon States to ensure that procedures governing the registration of civil society organizations are transparent, accessible, non-discriminatory, expeditious and inexpensive, allow for the possibility to appeal and avoid requiring re-registration and are in conformity with international human rights law.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion on whether or not the detention of Mr. Chang Boyang is arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of liberty as set forth in article 9 of the UDHR.

The above allegations also appear to be in contravention of Mr. Chang Boyang right to have access to a lawyer, as enshrined in the article 11 of the UDHR and the Basic Principles on the Role of Lawyers. Besides, as Mr. Chang Boyang is a lawyer himself, we would also like to remind your Excellency's Government of principle 18 according to which lawyers should not be identified with their clients or their clients' cause.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Chang Boyang in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide detailed information on the legal basis for the arrest and detention of Mr. Chang Boyang and explain how these measures are in compliance with

international human rights standards. In particular, please explain why Mr. Chang Boyang did not have access to a lawyer.

3. Please indicate what measures have been taken to ensure that the legitimate right to liberty and freedom of association and to provide legal assistance are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.

4. Please kindly indicate what measures have been taken to ensure that human rights defenders in China are able to carry out their legitimate work in a safe and enabling environment without fear of criminalization, threats or acts of intimidation of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

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freedom of opinion and expression

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