

Mandate of the Special Rapporteur on the independence of judges and lawyers

Ref.: AL CHN 10/2025
(Please use this reference in your reply)

25 June 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received highlighting that next 9 July 2025 will mark ten years of what has become known as the 709 crackdown against lawyers in China, and the allegations concerning ongoing patterns of persecution faced by human rights lawyers in China since then. In particular, I wish to highlight serious concerns about the information received regarding the situation of four lawyers and one legal scholar who reportedly remain in detention in connection with these patterns: Mr. Xu Zhiyong, Mr. Ding Jiayi, Mr. Yu Wengsheng, Mr. Xie Yang, and Mr. Lu Siwei.

I would like to recall that, on 15 February 2024, through a communication addressed to Your Excellency's Government (AL CHN 1/2024), I expressed concern regarding information received about the restrictive legal and administrative framework governing the legal profession in China. In particular, I raised concerns regarding the *Administrative Measures for the Practice of Law by Lawyers*, the *Measures on the Administration of Law Firms*, and their implementation. I also expressed serious concerns about the alleged use of legal provisions to target lawyers handling certain human rights cases and the alleged imposition of various forms of reprisals that include administrative sanctions, arbitrary detention, criminal charges, disbarment, and travel bans in contravention of international human rights standards and the *Basic Principles on the Role of Lawyers*. I regret the lack of response to this date.

Additionally, Special Procedures mandate holders have previously communicated their concerns to Your Excellency's Government regarding measures taken against lawyers Mr. Xu Zhiyong (CHN 16/2024; CHN 5/2023), Mr. Ding Jiayi (CHN 5/2023), Mr. Yu Wengsheng (CHN 6/2024), Mr. Xie Yang (CHN 15/2024; CHN 13/2024), and Mr. Lu Siwei (CHN 15/2024). I take this opportunity to express appreciation for the replies received to these communications.

According to the information received:

On 9 July 2015, in what has become widely known as the "709 Crackdown", reports describe that a coordinated nationwide effort targeting human rights lawyers and legal activists took place across the country. Reports recall that the High Commissioner for Human Rights at the time, Zeid Ra'ad Al Hussein, publicly expressed his concern about those actions in 2016¹. To date, the patterns of repression alleged in 2015 and outlined in communication AL

¹ [UN Human Rights Chief deeply concerned by China clampdown on lawyers and activists | OHCHR](#)

CHN 1/2024 appear to persist. Reportedly, lawyers are frequently targeted with criminal charges in retaliation for their human rights work, including accusations such as “inciting subversion” and “subversion of State power”. These provisions carry severe penalties and are frequently exempted from many procedural safeguards guaranteed under the Criminal Procedure Law.

The information received also describes that authorities continue to use Residential Surveillance at a Designated Location (RSDL) as a mechanism to detain lawyers in secret locations for up to six months prior to formal arrest. During this period, individuals held under RSDL are allegedly denied access to legal counsel and contact with their families. In addition, it is reported that such detainees have endured physical and psychological torture and ill-treatment, often with the aim of extracting forced confessions.

In addition, the information received asserts that many detained lawyers are denied the right to choose their legal representation and instead are assigned government-appointed defenders, who reportedly fail to provide an adequate defense in the best interest of the client. In many cases, lawyers are reportedly tried behind closed doors, without notification to families or public disclosure of court verdicts for long periods based on national security grounds.

Furthermore, reports suggest that lawyers and their family members are frequently subjected to arbitrary travel restrictions, including exit bans imposed without a clear legal basis, which isolates them from international support and prevents reunification with family members abroad. Relatives of lawyers, including children, continue to face threats, harassment, surveillance, exit bans and restrictions on education and employment as a retaliation for their family member’s human rights work.

These patterns of criminalization of the legal profession are exemplified in several cases that have previously been addressed by Special Procedures mandate holders through the following communications: CHN 16/2024; CHN 5/2023; CHN 6/2024; CHN 15/2024; CHN 13/2024.

For example, according to the information received, Mr. Xu Zhiyong is a legal scholar who was convicted for the crime of “subversion of State power” and is currently serving a 14-year sentence following his detention under RSDL, during which he was allegedly subjected to torture and ill-treatment. In October 2024, he began a hunger strike to protest the inhumane treatment in detention, including restrictions to contact with family. As of June 2025, his family allegedly continues to request a prison transfer closer to his hometown to facilitate visits from his elderly mother. Meanwhile, letters from his fiancée have reportedly not been delivered since April 2025 and his access to reading materials remains limited.

Mr. Ding Jiayi is lawyer currently serving a 12-year sentence for the crime of “subversion of State power”. Allegedly, he was also held under RSDL and endured torture. According to the information received, as of June 2025, he is being denied access to books, yard time, and family visits, with only limited communication with legal counsel.

Mr. Xie Yang is a lawyer who, reportedly, remains in pre-trial detention since January 2022. According to the information received, he has previously been subjected to RSDL detention, endured torture and is facing criminal charges under national security provisions.

Mr. Yu Wensheng was arrested in April 2024 along with his wife and was subsequently sentenced to three years' imprisonment for the crime of "inciting subversion of State power", reportedly in retaliation for his legal work defending a fellow 709 lawyer.

Mr. Lu Siwei, a lawyer known for advocating on behalf of colleagues targeted during the 709 repression, was deported from Laos and subsequently sentenced to 11 months in prison for "illegally crossing the border". Purportedly, he had previously been subjected to an exit ban, which prevented him from reuniting with his family in the United States.

Without prejudging the accuracy of this information, I would like to express my deep concerns about the allegations that patterns of repression and criminalization of legal professionals, as previously outlined in communication AL CHN 1/2024, have not ceased.

In that communication, I expressed concern about how the legal framework governing the practice of law in China appears to enable arbitrary limitations on the right to practice the legal profession, interfering with the ability of lawyers to effectively represent their clients and fulfill their professional duties. Such limitations also seem to contribute to a chilling effect, discouraging lawyers and law firms from engaging in certain types of cases, particularly those deemed sensitive or related to human rights.

I also expressed concerns about what appears to be a broader pattern of repression against legal practitioners, involving the instrumentalization of criminal law. This trend is reportedly characterized by the use of vague offences, such as "subversion" and "inciting subversion", to criminalize the legitimate work of lawyers. I raised alarm over allegations about the use of Residential Surveillance at a Designated Location (RSDL), a form of incommunicado detention which, in some cases, allegedly involves torture and ill-treatment, and may amount to enforced disappearance. I further noted with concern the informed imposition of travel restrictions and other forms of reprisals to lawyers and family members, including exit bans, as well as the deprivation of political rights. The patterns described appear to function as retaliatory measures against legal professionals engaged in human rights-related cases.

The information now received suggests that these practices persist, maintaining an environment of fear and repression within the legal community, and continuing to undermine the independence of the legal profession and the right to a fair trial for the communities and clients they serve.

I would like to reiterate that the use of RSDL, if confirmed, would be incompatible with the right to liberty and the prohibition of arbitrary detention under article 9 of the Universal Declaration of Human Rights (UDHR). Allegations of torture or ill-treatment during such detentions, if proven, would breach the absolute prohibition

of torture under customary international law and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a State party. Furthermore, the alleged practice of incommunicado detention without judicial oversight and access to legal counsel would undermine basic due process guarantees and could meet the threshold of enforced disappearance.

Similarly, allegations about the denial of access to legal counsel, along with the imposition of government-appointed lawyers who do not act in the detainees' best interests, would, if confirmed, violate the right to a fair trial, including the right to legal representation of one's choice, as guaranteed under articles 10 and 11 of the UDHR.

Moreover, allegations of retaliatory measures, including exit bans, the deprivation of political rights and other restrictions, if accurate, suggest unjustified limitations to the freedoms of expression, movement, and participation in public life, as protected under articles 13, 19, and 21 of the UDHR.

Beyond violations on individual human rights, these practices, if true, significantly undermine the independence of the legal profession in China. As mentioned in the previous communication, the described measures are in contradiction to principle 16 of the Basic Principles on the Role of Lawyers, which requires that lawyers be able "to perform all of their professional functions without intimidation, hindrance, harassment or improper interference". This requires governments to take all appropriate measures to guarantee "that lawyers are not threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics".

In connection with these concerns, I am also deeply concerned to have received updated information regarding the situation of lawyers Mr. Xu Zhiyong, Mr. Ding Jiayi, Mr. Yu Wensheng, Mr. Xie Yang, and Mr. Lu Siwei. Despite previous expressions of concern by Special Procedures mandate holders regarding the situation of these individuals, the responses received from the Government have not provided clear information of the alleged human rights violations, including details on conditions of detention and their state of health.

Of particular concern is that these consequences appear to be imposed solely on the legitimate exercise of their professional functions, specifically in connection with their representation of individuals in human rights-related cases. The work of lawyers who defend human rights is essential to ensuring access to justice, due process, and the protection of fundamental freedoms. As recognized in the Basic Principles on the Role of Lawyers, "adequate protection of the human rights and fundamental freedoms [...] requires that all persons have effective access to legal services provided by an independent legal profession"².

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

² United Nations, *Basic Principles on the Role of Lawyers*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Kindly share your views regarding the recommendation previously conveyed in communication AL CHN 1/2024, which suggested reviewing and reconsidering relevant laws and administrative measures to ensure compliance with international human rights law.
3. Please explain how the practices described in the alleged patters cited above are compatible with Your Excellency's Government's international legal obligations, including standards related to the independence of the legal profession and international human rights instruments.
4. Please provide information on any measures taken by Your Excellency's Government to ensure that lawyers are able to exercise their legal profession in accordance with the Basic Principles on the Role of Lawyers.
5. Please clarify the legal basis for the alleged use of Residential Surveillance at a Designated Location (RSDL) and indicate whether its application is subject to judicial oversight and can be legally challenged. Kindly explain how the use of RSDL complies with international human rights standards, including the prohibition of incommunicado detention, and the rights of access to legal counsel, contact with family and protection from torture and ill-treatment.
6. Please provide updated information on the detention conditions of Mr. Xu Zhiyong, Mr. Ding Jiayi, Mr. Yu Wensheng, Mr. Xie Yang, and Mr. Lu Siwei. Specifically, I would appreciate clarification on how these conditions align with national and international standards, and what measures have been taken to guarantee their physical and psychological safety and well-being. Please also indicate any inquiry or investigation that has been undertaken by authorities with respect to allegations of torture and ill-treatment.
7. Please provide detailed information on the legal and factual basis for the charges and, where applicable, convictions of Mr. Xu Zhiyong, Mr. Ding Jiayi, Mr. Yu Wensheng, Mr. Xie Yang, and Mr. Lu Siwei. In addition, kindly clarify whether these individuals were afforded all necessary guarantees of due process and the right to a fair trial under international human rights law, including: the right to access legal counsel of their own choosing; the right to be promptly informed of the nature and cause of the charges against them; the right to be promptly brought before a competent, independent and impartial judicial authority following arrest; the right to a fair and public hearing by a competent,

independent and impartial tribunal; the right to appeal their sentences to a higher tribunal; and the right to an effective remedy.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I 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(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to draw the attention of your Excellency's Government to the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), signed by China on 5 October 1998. While China has yet to ratify the ICCPR, as a signatory to the ICCPR, China has an obligation to refrain from any acts which would defeat the object and purpose of the Covenant prior to its entry into force (article 18 of the 1969 Vienna Convention on the Law of Treaties). Much of the content of the UDHR, including its provisions concerning the right to a fair trial, has passed into binding customary law.

The right to a fair trial is protected in both instruments mentioned above. Article 10 of the Universal Declaration on Human Rights guarantees everyone the "right to a fair and public hearing by an independent and impartial tribunal", while article 14 of the ICCPR stipulates that: "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law". Access to counsel is an integral part of a fair trial. The Human Rights Committee³ has stated that "the availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way". The Committee has further indicated that "lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure or undue interference from any quarter".

In addition, I would like to also refer to the Basic Principles on the Role of Lawyers⁴ and their requirement that governments must take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to guarantee that lawyers are not threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

I would like to refer to articles 19, 20 and 21 of the UDHR, which guarantee the rights to freedom of opinion and expression; freedom of thought, conscience and religion; and freedom of peaceful assembly and association. These rights are further expressed in all global and regional human rights treaties on civil and political rights, confirmed in declarations and resolutions, and are considered reflective of customary international law. The ICCPR also guarantees these rights in articles 18, 19 and 21. The conditions for permissible restrictions of these rights are reflected in the UDHR, the ICCPR, and in numerous regional and global human rights treaties, which require that any such restrictions must meet the tests of legality, necessity, and proportionality.

First, any restriction of the rights to freedom of opinion and expression; freedom of thought, conscience and religion; and freedom of peaceful assembly and association

³ Human Rights Committee General Comment No. 32, paragraphs 10 and 34.

⁴ Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, principle 16.

must pursue a legitimate objective. Article 29 of the UDHR, for example, limits those objectives strictly, explaining that restrictions must be “solely for the purpose of” the specified objectives of “respect for the rights and freedoms of others and to meet just requirements of morality, public order and general welfare in a democratic society”. Secondly, as expressed in article 29 of the UDHR, as well as in global and regional human rights treaties, any restriction must be “determined by law”. The Human Rights Committee has explained that laws must be “formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public.” Third, restrictions must be necessary and proportionate. Article 30 of the UDHR, for example, prohibits the use of overbroad restrictions which would destroy the essence of the right itself. This has been interpreted as an expression of the principle of proportionality. That requirement further entails that the measure must be the least intrusive measure necessary amongst those options that might achieve their protective function in order to protect a specified legitimate objective. Lastly, States have the burden of proof to demonstrate that any restriction is compatible with the requirements under customary international law.

The Basic Principles⁵ include a specific provision on the exercise of fundamental freedoms, stating that like other citizens, lawyers “are entitled to freedom of expression, belief, association and assembly”, and have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights. Lawyers are also free “to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization”. These guarantees are crucial to the profession of the lawyer since they enable practitioners to engage in free debate and exchange about the subject of their profession.

⁵ Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990, principle 23.