

Joint Statement Concerning the Personal Freedom of Wang Quanzhang After His Release

3 April 2020

Chinese human rights lawyer Wang Quanzhang is expected to be released after completing his sentence on 5 April 2020. Wang Quanzhang was arrested during the 709 Crackdown in 2015. After being secretly detained for more than 1200 days, he was tried behind closed doors on 26 December 2018, and was sentenced to four years and six months in prison in January 2019, as well as deprivation of political rights for five years.

To ensure that his treatment after release is in line with Chinese law and international human rights standards, we - the undersigned - strongly urge the Chinese government to:

- 1. Respect the wishes and basic rights of Wang Quanzhang and his family, and permit Wang to immediately return to Beijing to reunite with his wife and son;**
- 2. Respect and ensure the protection of Wang Quanzhang and his family's personal freedoms, in particular their freedom of movement;**
- 3. Ensure Wang Quanzhang or his family will not be put under house arrest or constant surveillance;**
- 4. Protect Wang Quanzhang and his family against any future harassment or persecution;**
- 5. Guarantee the equal right to education of Wang Quanzhang's son.**

Who is Wang Quanzhang?

Wang Quanzhang began his practice as a lawyer in 2007 in Beijing, and frequently took on politically sensitive human rights cases, including but not limited to those involving the freedom of religion, right to land, and press freedom. He also authored articles of political analysis under a pseudonym, in addition to reports on China's civil society. During the 709 Crackdown, Wang was detained by police on 3 August 2015, and was formally charged with "subverting state power" on 14 February 2017.

Lack of Due Process

From Wang Quanzhang's arrest to the start of his time in prison, Wang was detained incommunicado for over three years, and was not allowed to meet with his family or family-appointed lawyers. The family-appointed lawyers were dismissed, likely due to a decision by the authorities, and were themselves targeted and retaliated against. The Court alleged that the case involved "state secrets" and therefore the trial would not be open to the public. While the court handed down the sentence more than a year ago, it has yet to make the full verdict document public.

Family Continuously Harassed

Li Wenzu, Wang's wife, fought for his rights throughout his years of detention, holding protests in front of the Supreme People's Court more than 30 times, and initiating campaign actions to raise international and domestic awareness of her husband's plight. This included a 100-km march from Beijing to Tianjin in support of her husband. In 2017 she and the partners of other human rights lawyers targeted in the 709 Crackdown took to social media, where they shared videos of them having their heads shaved. Their 'loss of hair' was a Chinese pun, signifying the loss of the rule of law in China, and the direct action led to domestic and international attention and concern for Wang's situation.

While defending the rights of Wang, Li and their son have been subjected to constant surveillance and harassment by public security officers. The day before Wang Quanzhang's trial, Li was forced to stay at their home in Beijing, and was unable to attend the hearing. Their son also had to drop out of school twice due to the mounting pressure that the police put on nearby schools, including an order from police to all the kindergartens in the district not to accept their son in 2016. The six-year-old son was expelled from primary school in 2019.

Health Concerns

As early as 2018, Wang's wife Li Wenzu had already heard from defence lawyer Liu Weiguo that Wang had been forced to take unknown medication during his detention. Furthermore, it is likely that Wang was subjected to torture during this time. After seeing Wang for the first time since 2015 in June 2019, Li Wenzu noted that her husband looked thin, his memory appeared hazy, and he seemed anxious and fearful. In Li's subsequent prison visits, she saw that Wang had lost a number of teeth. Human rights defenders have been frequently tortured or subjected to other ill-treatment in pre-trial detention and while in prison. Common

practices include: forced medication, deprivation of sleep, shackling of detainees to a restraining device known as the “tiger bench”, solitary confinement, and lengthy interrogations. Notable victims include lawyers Wang Yu, Li Heping and Xie Yang.

Freed from Prison, But Not Truly Free

It is very likely that Wang Quanzhang, upon his release, will be forced to go to Jinan in Shandong Province, the location of his household registration. Li Wenzu suspects that the prison authorities are threatening Wang with a move to Shandong to prevent the family from reuniting in Beijing. Li received a “letter” that Wang ostensibly wrote explaining why he should go to Jinan instead of returning to Beijing on his release, an uncharacteristic move for the family-oriented lawyer.

This is an attempt to isolate Wang Quanzhang from his network and was similarly used against other 709 lawyers, including lawyer Jiang Tianyong, who was released on 28 February 2019 but is still under house arrest in Henan, and deprived of his right to proper medical care.

According to Chinese law, as highlighted by Lawyer Jiang Tianyong, an individual released from prison should be sent to their normal residential address as a priority, with “normal residential address” being the location where one has resided for at least one year. Wang lived and worked in Beijing before his arrest, therefore he has the right and should be allowed to return to Beijing.

The Universal Declaration of Human Rights (UDHR) guarantees all individuals the “freedom of movement and residence within the borders of [China].” The universal guarantee of freedom of movement must be interpreted and applied in accordance with the determinations of the UN Human Rights Committee.¹ In General Comment No. 27 the Committee has determined that any restrictions of the right to freedom of movement must be:

- 1/ provided by law; and,
- 2/ reasonably necessary to protect national security, public order or morals; and,
- 3/ proportionate to its purpose; and,
- 4/ consistent with other recognized rights; and,
- 5/ temporary.

Restricting Wang’s freedom to choose his own place of residence would therefore lack any legal justification.

Lawyer Wang and his family have suffered enough. **We - the undersigned - urge the Chinese government to adhere to Article 37 of the Constitution of the People’s Republic of China as well as Articles 3 and 13 of the Universal Declaration of Human Rights, to ensure Wang Quanzhang’s personal freedom after his release, and to refrain from putting him under any form of house arrest, surveillance, or any other form of control over his personal freedom.**

The undersigned,

China Human Rights Lawyers Concern Group
Chinese Human Rights Defenders
Front Line Defenders
Human Rights Committee of Taipei Bar Association
Human Rights Watch
International Service for Human Rights
Lawyers for Lawyers
Lawyers’ Rights Watch Canada
New School for Democracy
Safeguard defenders
Taiwan Support China Human Rights Lawyers Network
The Rights Practice

¹ UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <https://www.refworld.org/docid/45139c394.html> [accessed 9 March 2020]



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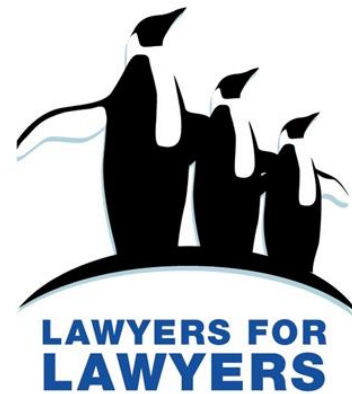
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