

Tuesday, 29 January 2019

UN must investigate Wang Quanzhang's trial amid apparent breaches of international law

The Law Council of Australia will call on the United Nations to investigate international concerns over China's handling of Wang Quanzhang's trial, [after the prominent human rights lawyer was today sentenced to four and a half years in prison](#).

Mr Wang was one of several hundred legal activists arrested in July 2015 as part of the "709" crackdown and had been on trial in a closed court in China for alleged subversion of state power. Last month [Law Council President, Arthur Moses SC, wrote to the Foreign Affairs Minister Marise Payne](#) asking the Australian Government make diplomatic representations to China as a matter of urgency to ensure Mr Wang received a fair and transparent trial.

"The detention, subsequent charging, conviction and imprisonment of Mr Wang, in the absence of a public hearing or any evidence being disclosed, appears to constitute several breaches of the United Nations' [Basic Principles of the Role of Lawyers](#)," Mr Moses said today.

"The *Principles* exist to protect individuals who are charged and promote a fair trial by ensuring they are able to access the lawyer of their choice to act for them without fear or favour. The *Principles* also protect lawyers, such as our colleague in China Mr Wang, who are called to act for unpopular persons or persons who a Government alleges to have broken the law. It is vital for every nation to have an independent legal profession that can practice without fear of reprisal.

"Principle 1 states that all persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings. Principle 16 provides that governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties."

"Any suggestion that the *Principles* have been violated must be carefully investigated. The Law Council will work with our international colleagues to raise these concerns and call for an urgent investigation by the United Nations into Mr Wang's case to ascertain if China is in breach of its obligations as a member state," said Mr Moses.

"The rule of law has no borders. It is critical that lawyers work collaboratively across jurisdictions to protect our colleagues when they are affected by such conduct from the state in circumstances where it would appear, on the evidence available, that an accused was simply discharging their normal functions and duties as a lawyer," Mr Moses said.

Mr Moses warned the handling of Mr Wang's trial may have a chilling effect on lawyers called to act against the State in China, including counsel for the Chinese-Australian writer [Yang Hengjun who has been detained in China on suspicion of 'endangering national security'](#).

The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.

Media Release



“Mr Wang’s conviction heightens our concern as to whether the rights of Mr Yang can and will be robustly defended. We continue to hold grave concerns for Mr Yang and repeat our offer of any assistance the Australian Government may require to ensure he is fairly treated,” Mr Moses said.

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