

Repression in China: Open Statement by Hong Kong Labour Groups on the Trial of Guangdong Labour Activists

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Three Guangdong labour activists - Zeng Feiyang, Zhu Xiaomei, and Tang Huanxing, who were arrested by Chinese police on 3 December 2015 - will stand trial on charges of “gathering a crowd to disturb social order” on 26 - 28 September in the Panyu district court in Guangzhou. Meng Han, who was arrested with them, remains detained in Guangzhou Detention Centre No. 1. Local prosecutors sent his case back a second time to the police for further investigation and a hearing for him has yet to be set.

In the December arrests, more than 50 labour activists were taken in for questioning, and seven were detained or disappeared. Those seven spent long periods in detention, and were unable to meet with their lawyers. Lawyers authorized by family members of the detained went to the detention center asking to meet their clients, but the lawyers were often denied on the grounds that they needed the approval of the police authorities investigating the case; sometimes they were not even given any reason or documentation. Of those detained, Zeng Feiyang was not able to see his lawyer until six months after his arrest, and was the subject of a smear campaign by official media. In addition, the family members of those arrested have to this day been subjected to surveillance, physical threats, and verbal intimidation.

Since 2015, mainland China’s civil society has faced frequent repression, with several large-scale arrests of rights defence lawyers, and women’s rights and labour activists. Recently, Communist Party authorities held a series of political trials of those arrested. In August of this year, four rights defence lawyers - Zhou Shifeng, Hu Shigen, Gou Hongguo, and Zhai Yanmin - were charged with “subversion of state power” and given prison sentences ranging from three to seven years. On September 22, the Beijing lawyer Xia Lin, who has defended many activists (including Ai Weiwei, Pu Zhiqiang, and Tan Zuoren), was sentenced to 12 years in prison for fraud. Chinese courts have become the Chinese Communist Party’s tool for political repression, piling on various offences to prosecute activists and deprive them of their civil rights.

Similarly, we believe the actions of the Guangzhou police have trampled on the principles of justice and law and the basic human rights of those arrested, and seriously violated current domestic law. Article 11 of the International Declaration of Human Rights clearly states all those subject to criminal prosecution have the right to obtain adequate defence. Article 14.3 of the International Covenant on Civil and Political Rights guarantees the right of those facing criminal prosecution the right to contact a lawyer of their own choosing in the preparation of a defense. The meaning of the phrase “of their own choosing” is that the accused should make the choice of their own free will, and not under threat or force. The [United Nations] Principles for the Protection of All Persons under Any Form of Detention or Imprisonment expressly provides that a detainee should have the right to assistance in obtaining legal counsel, and the right to communicate and consult with legal counsel. Article 125 of the People’s Republic of China Constitution states: “the accused have the right to defense.” Article 14 of the People’s Republic of China Criminal Procedure Law states: “the public

security organs shall safeguard the procedural rights to which participants in proceedings are entitled according to law". Article 33 of the Criminal Procedure Law states that for a "defendant in custody, his or her guardian or close relative may retain a defender on his or her behalf."

Today three labour activists stand trial. In light of the actions taken since last December by Guangzhou police in committing multiple violations of the rights of the detained, and monitoring and harassing their family members, we issue the following public statement:

1. When the legal rights of workers have been violated, it is natural for them to self-organize and seek out social support. Even though they caused losses for the factory, this does not constitute "gathering a crowd to disturb social order". The rights of workers to freedom of association and collective bargaining should be respected; workers and labour activists have committed no crime in defending the rights of labour.
2. The Ministry of Public Security should carry out its supervisory responsibilities and instruct the Guangzhou police to follow the aforementioned national laws and international conventions recognized by the Chinese government, protect the rights of the four accused to an effective defence and to freely appoint a lawyer, and to protect the rights of the families of the accused to appoint a lawyer and prepare an adequate defence until the end of the trial.
3. The Guangzhou Municipal People's Procuratorate and the Supreme People's Procuratorate should carry out their legal supervisory responsibilities, curb the illegal actions of the public authorities in this case, and make a record of and investigate those who have violated the law and bring them to justice.
4. We are watching the situation closely, and demand an immediate end to the political prosecution of the staff of these labour organizations, and their immediate release.

Co-signed Organizations:

Hong Kong Confederation of Trade Unions
Globalization Monitor
Workers Empowerment
Labour Education and Service Network
Labour Action China
Red Balloon Editorial Committee
Students and Scholars Against Corporate Misbehaviour
China Labour Bulletin
Left 21
Asia Monitor Resource Centre

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