

6 March 2020

## China: Police seek prosecution of human rights lawyer Qin Yongpei

On 2 March 2020, the Nanning Municipal Public Security Bureau in Guangxi province formally transferred the case against human rights lawyer **Qin Yongpei (覃永沛)** to the Nanning Municipal People's Procuratorate for review for prosecution on the charge of "inciting subversion of State power". Qin Yongpei has been in police custody since 31 October 2019 and is currently detained at the Nanning Municipal Detention Centre No. 1. Under Chinese law, the procuratorate must make a decision on whether to prosecute the case within a month and may extend the deadline for another 15 days if the case is deemed "major" or "complicated"; it may also return the case back to the police for supplementary investigation.

In a legal career spanning more than a decade, [Qin Yongpei](#) has defended other human rights lawyers facing reprisals from the authorities, provided legal assistance to vulnerable groups, and took up cases involving unlawful administrative detention, industrial pollution, forced demolition of housing, and wrongful convictions. He is the founder and director of the Guangxi Baijuming Law Firm, where several human rights lawyers in Guangxi also worked. In July 2015, he was briefly taken and questioned by police in what has become known as the "709 Crackdown" targeting human rights lawyers and other defenders across China. He has often taken to online platforms to comment on State policies and actions, including incidents of abuse of power by officials and human rights violations. He has had multiple social media accounts shut down because of his online postings critical of the government.

In May 2018, the authorities revoked Qin Yongpei's lawyer's license and ordered him to shut down his law firm. He then founded a legal consultancy services company to continue his legal work. After his license was revoked, Qin Yongpei submitted a [complaint](#) against Fu Zhenghua, China's Minister of Justice, to the Central Commission of Discipline Inspection (CCDI), a top internal body within the Communist Party of China responsible for enforcing party rules and combating corruption and malfeasance among party members. In his complaint, Qin Yongpei accused Fu Zhenghua of ordering the revocation of human rights lawyers' licenses, which he argued constituted abuse of power and malfeasance. In November 2018, he also sued the Guangxi Justice Bureau for its decision to revoke his lawyer's license, and sought financial compensation.

On 31 October 2019, police detained Qin Yongpei after they raided, searched, and seized computers and other belongings from his legal consultancy company's office in Nanning city, without showing a warrant. On the same day, the police also searched his home and took away electronic devices, without providing the family with an inventory of the seized items as required by law. Qin Yongpei has been in police custody since then and is currently detained at the Nanning Municipal Detention Centre No. 1.

In November 2019, the Nanning Public Security Bureau refused requests by Qin Yongpei's two lawyers to meet their client, without providing a reason in the written refusal notice. The two lawyers also requested the police to provide them with any main facts of the alleged crime that had been ascertained by the police at the time, but the police refused on the ground that doing so would risk "potential leaks of State secrets". On 3 December 2019, the police formally arrested Qin Yongpei on the charge of "inciting subversion of State power".

On 6 December 2019, the two lawyers lodged a [complaint](#) with the Nanning procuratorate against the Nanning police for these refusals, which they argue are in violations of Chinese law and

regulations governing the rights of suspects and of lawyers in carrying out their professional duties. The Nanning procuratorate responded that the police had acted lawfully. In January and February 2020, the police continued to refuse the lawyers' requests for meeting Qin Yongpei.

On 26 February 2020, the Nanning police took Qin Yongpei's two young daughters separately to a police station for questioning. The police asked them whether they knew about their father's online postings and their "political content", whether he talked to them about politics, and whether he criticised the Communist Party of China and the government during conversations at home.

Front Line Defenders is seriously concerned about the ongoing detention of Qin Yongpei and the transfer of his case for review for prosecution as these measures are believed to be a reprisal for his activities as a human rights lawyer and his criticisms of State policies and actions, particularly the persecution of human rights lawyers.

**Front Line Defenders urges the relevant authorities in China to:**

1. Immediately and unconditionally release Qin Yongpei, and end all investigative and judicial actions against him;
2. Cease all forms of harassment of his family;
3. Ensure that, pending his release, Qin Yongpei is not subjected to any form of torture or other ill-treatment, in strict adherence to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988. Ensure as well that he has immediate, regular and unrestricted access to legal counsel of his choice, and is able to communicate with family members, without undue interference;
4. Guarantee in all circumstances that all human rights defenders in China are able to carry out their human rights activities without fear of reprisals and free of all restrictions, in line with China's international human rights obligations and commitments;
5. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society and human rights defenders, to review existing laws, regulations, policies and practices, especially the provisions related to national security offences, that have been used to target human rights defenders, with a view to align them with China's obligations under international human rights law and standards.