

Wednesday, 28 August 2019

Law Council of Australia statement regarding the arrest of Dr Yang Hengjun

Statement from Law Council of Australia President, Arthur Moses SC

The Law Council strongly supports remarks today by the Minister for Foreign Affairs, Senator the Hon Marise Payne, concerning the formal arrest of Dr Yang Hengjun on suspicion of espionage in China.

The Law Council has repeatedly voiced grave concerns over China's treatment of Dr Yang, who had been detained by Chinese authorities since January without charge. We have raised these concerns consistently with the Australian Government, and with Presidents of Law Associations of Asia at a recent meeting in Kunming, China.

News Dr Yang has now been formally arrested on suspicion of espionage, without details of the basis for his arrest, heightens these concerns. In China, espionage is punishable by death.

During his detention, Dr Yang has only been permitted limited consular assistance. Access to family visits and his lawyers has not been allowed.

His treatment by Chinese authorities appears to constitute several breaches of the United Nations' Basic Principles of the Role of Lawyers.

These principles exist to protect individuals who are charged and promote natural justice by ensuring access to the lawyer of their choice to act for them without fear or favour.

It is vital for every nation to have an independent legal profession that can practice without fear of reprisal, to promote the administration of justice and ensure a fair trial.

Australia's legal community insists Dr Yang must be treated justly, humanely and in accordance with international law, including the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

The Law Council decries capital punishment and, as previously seen in other cases involving Australians facing the death penalty in other parts of the world, there is a dire need for early government intervention.

The Law Council welcomes Minister Payne's continued interventions in this troubling matter and remains ready to offer any assistance required to the Australian Government.

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