

THE PERILS OF CHINA'S LAWYERS

BY XIN FEI

Lawyer Mo Shaoping has provided legal defense for many political dissidents. In this interview with *The Epoch Times* on March 16, 2005, Mo describes the challenges facing Chinese lawyers who strive to uphold rule of law and the demands of personal conscience.

Zhao Xin's unlawful detention

Epoch Times (ET): I just interviewed Zhao Xin's wife, who told me that she has asked you to represent Mr. Zhao. Could you please briefly explain the current situation and possible future developments in this case?¹

Mo Shaoping (Mo): Yes. Beijing's Municipal Public Security Bureau (PSB) took Zhao into criminal detention on allegations of "assembling a crowd and creating a social disturbance."



Mo Shaoping

According to China's Criminal Procedure Law, detention of a so-called criminal suspect by a security organization cannot exceed 37 days. In practice, the term of custody is 30 days, and the remaining 7 days are the time involved in requesting an arrest warrant from the procuratorate.

When Zhao's term of criminal detention expired, the PSB submitted a request for an arrest warrant from the procuratorate in accordance with procedures. The officer in charge told us that the procuratorate did not authorize Zhao's arrest. According to Chinese law, the PSB cannot keep Zhao in custody under such circumstances unless it modifies the terms of detention.

There are generally two alternative terms of detention that can be arranged: one is release on bail pending interrogation, which can be for a maximum of 12 months; the other is residential surveillance, which can be for a maximum of six months. The third option, of course, is that if the arrest is not approved, the PSB may terminate the case as unsubstantiated and release the detainee.

At present, the authorities have modified Zhao's terms of detention. They haven't withdrawn or closed their case, but they can't keep Zhao in custody any longer.

ET: According to his wife, Mr. Zhao is still incommunicado, and she doesn't know where he is.

Mo: From the legal standpoint, the PSB is definitely acting unlawfully in this regard. The authorities are adhering to neither the Criminal Procedure Law nor the PSB's own regulations on the handling of criminal cases.

The PSB regulations state that when a person is under residential surveillance, the first consideration should be whether he has a fixed legal address in the jurisdiction of the PSB unit in charge of the case. If the person under residential surveillance has a legal fixed address in the city or county covered by the PSB unit, the residential surveillance should be arranged at that address. If the person does not have a fixed legal address in that particular jurisdiction, the PSB can provide a fixed residence at which the surveillance can be conducted.

Although Zhao has a fixed legal address in Beijing, he has not, at least up to now, been placed under residential surveillance there. Neither have the authorities informed us of his whereabouts. As a result, we have submitted a legal opinion to the relevant branch of the Beijing PSB. I clearly pointed out that what the branch was doing was wrong.

The legal provisions also allow the person under residential surveillance to live with the person or persons with whom he has been living, or to see those persons whenever he likes. He is also allowed to see his lawyer whenever he wishes, without obtaining prior approval from any organization or individual.

Up to now the PSB station in charge of this case has not arranged for Zhao to see his wife or lawyer, even though he has been officially placed under residential surveillance, so the PSB is not following the provision of the law on this point, either. I have pointed out to them that if Zhao is under resident watch, his wife and lawyer should be allowed to see him at any time without prior approval from any organization or individual.

ET: What is your next step in this case?

Mo: I have submitted my letter to the PSB station and am await-

ing their response. We're hoping for the best outcome, which would be for Zhao to be placed under residential surveillance in his own home. Even if the authorities insist that Zhao be held under surveillance at an address of the PSB's choosing, they should arrange for Zhao to see his wife and me, his lawyer.²

ET: Do you see any hope of this case being settled?

Mo: I met Zhao while he was in criminal detention, at which time I gathered information on the so-called criminal act of which Zhao is suspected and the evidence on which the PSB may build its case. From this information it was clear that the PSB would be unable to convict him. Also, if criminal guilt were clearly established, I don't believe the procuratorate would have rejected the PSB's application for an arrest warrant.

ET: So you're still relatively optimistic about the situation.

Mo: That's right. If the facts and charges are limited to those acknowledged by the PSB, and to those that I gathered during my meeting with Zhao, the existing evidence is insufficient to convict Zhao of any crime.

ET: Could you elaborate a little on the facts of the case?

Mo: Since the case had not been made public, it would be inappropriate to say too much about the allegations.

Harassment of attorney Guo Guoting

ET: Have you heard of the recent situation of attorney Guo Guoting? This matter is attracting considerable attention inside and outside of Shanghai.³

Mo: Yes, to be precise, Attorney Guo was not disbarred, but his license was suspended for a year. I have here the written order of suspension issued by the Shanghai Judicial Bureau. He can apply for an administrative review of this decision.

The reasons for penalizing Attorney Guo have to be proven in detail. For example, if they are convinced that Attorney Guo published certain materials, they need to analyze whether publishing these materials breached professional ethics or the lawyers' basic code of conduct. This analysis should be carried out by several legal experts.

In respect to the remarks made by Attorney Guo in court, I personally think it is unacceptable to penalize a lawyer for statements made in court. I will mince no words here. A lawyer should not be held accountable for any statements he makes in court in service to his client, regardless of whether the remarks are right or wrong, or whether or not they are sustained by the court. These remarks should also not be used as a basis for discipline. The Shanghai Municipal Judicial Bureau's argument is senseless and groundless.

The hardships of China's criminal lawyers

ET: I have interviewed several lawyers, and they all seem to think that China's defense lawyers work at a great disadvantage. Do you agree?

Mo: To be more specific, I would agree that defense lawyers operating in the current legal environment are at a disadvantage compared to those who worked under the old Criminal Law and old Criminal Procedure Law. That's not just my view—many other lawyers would agree.

According to officially published statistics, 70 percent of Chinese criminal cases are conducted without representation by a defense attorney. This is a very frightening number, and it's what the government reports officially.

ET: When was that reported?

Mo: It was reported last year in *Legal Daily*. The shocking thing about this number is that it means that less than 30 percent of China's criminal suspects are currently represented by an attorney.

ET: What do you think is the reason for such a phenomenon?

Mo: To put it simply: first of all, taking on a legal defense imposes great risk to a lawyer's reputation. Since the new Criminal Law and Criminal Procedure Law were promulgated, the number of lawyers prosecuted under Article 306, so-called "perjury by a lawyer," is estimated to have reached two or three hundred, and some claim even more.⁴ The old Criminal Law did not have a provision for perjury by a lawyer. The new law was promulgated in 1997. The threat of arrest for "perjury" has greatly increased the risk undertaken by an attorney. If lawyers cannot always protect themselves, how can they defend their clients?

Secondly, the salary and income of criminal lawyers is relatively low compared with that of civil and commercial lawyers.

Thirdly, the sense of achievement in conducting criminal defense is, quite frankly, very limited. This is mainly because China is not a country with an independent judiciary. Many criminal cases, especially some of the relatively sensitive ones, are not actually decided by a judge, or even by a court.

ET: Roughly how many criminal lawyers are there in China? What percentage do they make up of all lawyers?

Mo: I'm not too clear on that at the moment. Since the legal profession was established rather recently in China, the distinctions between different types of lawyers are not yet very clear. Since the categorization of "marriage and family law," "banking and financial law" and "criminal law" is not that clear, many lawyers tend to take on a range of cases rather than specializing in any one area. The current trend, however, is for more and more lawyers to avoid taking on criminal defense cases, and some even state this publicly.

It wasn't like this before, especially back when the 1979

Criminal Law and the Criminal Procedure Law were promulgated. At that time, many lawyers, or many lawyers who eventually became famous, took on criminal cases.

But now, many lawyers, even relatively famous ones, clearly express their refusal to take on criminal cases. This leads to the conclusion that the current working environment for criminal defense lawyers is worse than before. Many people would agree with this.

No judicial independence under the Communist Party

ET: Could you elaborate on the issue of judicial independence?

Mo: Yes. I should first note that judicial independence is not recognized in the design of the Chinese legal system. I have grounds for saying this.

The Constitution is the country's fundamental law. The articles in the Constitution relating to judicial hearings stipulate that administrative organizations, social groups and individuals may not interfere in the independent judgment of the court and its right to administer justice.

Take note of the phrase "the independent judgment of the court," which is not the same as an independent judiciary. According to the law, the court has a so-called "Judicial Committee" (*shenpan weiyuanhui*), which has the right of final judgment on cases deemed to be of "great difficulty." That means that the judge who hears the case in court may not have the right to actually rule on the case, a situation referred to as "hearing without ruling." "Ruling without hearing," on the other hand, refers to the right to make a final judgment, as the Judicial Committee does, on the basis of a report from the trial judge without themselves having heard the case in court.

This arrangement does not meet the criteria of judicial independence in the modern sense.

In addition, a Political and Legal Committee is installed in each administrative jurisdiction at the city, district and central level. Oftentimes the secretary of a Political and Legal Committee is also the deputy secretary or a standing committee member of the Party secretariat of that particular jurisdiction. At the same time, the district judge or procurator of that jurisdiction often also heads the local Public Security Bureau, and often exchanges positions with the deputy secretary of the Political and Legal Committee. And of course, the head of the local PSB can also serve concurrently as the secretary of the Political and Legal Committee.

ET: What is the idea behind the Political and Legal Committee?

Mo: The Political and Legal Committee essentially represents the Communist Party. In leading the procuratorate and judiciary and conducting so-called judicial functions, it is a body of considerable influence. This organization is not itself clearly prescribed in the legal provisions, but if you look at our Constitution, it only prohibits interference in the courts by administrative organizations, social groups and individuals, and there is no mention whatsoever of intervention by the Party. A genuine understanding of Chinese law and the Constitution makes

clear that Chinese laws and regulations do not provide for an independent judiciary. Of course, my analysis is based on the standpoint of law.

Of course there's always the question of whether the system should be improved. In my opinion, a country ruled by law needs to establish principles and a system supporting judicial independence in order for that country to enjoy democracy, freedom and justice.

ET: So according to your explanation regarding the Political and Legal Committee, it seems that the Communist Party has the final say and can even override the law.

Mo: You could say that. China's judicial system certainly has a Political and Legal Committee that can have significant influence on the decision of the court or on the judicial process. In a certain sense, it can even play a decisive role. The trial judge cannot make his own decision, especially in a sensitive case.

As I just said, our Constitution protects the independent judgment of the court, but not the independence of the judiciary. If a judge proves problematic, he can be replaced. Under these circumstances the government can still claim there is "independent administration of justice" in terms of the courts, though not in terms of judges.

The significance of defending prisoners of conscience

ET: You've taken on the defense of many prisoners of conscience such as Xu Wei, Yao Fuxin and Du Daobin.⁵ You've mentioned how difficult the work environment is for China's criminal lawyers. So why do you choose or dare to take on this kind of work, especially sensitive cases?

Mo: I would say there are two main reasons. First of all, although China does not enjoy an independent judiciary, and is still not a constitutional state in the modern sense, Chinese law still clearly states that whatever crime a person is accused of, he has the right to a lawyer's assistance. The fact that many lawyers are unwilling to take on such cases means that many people's rights are not adequately protected. Since the law doesn't prohibit lawyers from providing legal assistance to such people, I believe there should be lawyers who will take on this work. If no one is willing to do it, there is no way that the legal rights of these people will be protected, and no way for China's legal system to improve.

Secondly, I have always firmly believed in the saying, "Centuries of achievements and failures can only be evaluated by future generations." That is to say, it's not always possible to achieve justice in the short term. Some matters require the test and perspective of time before the rights and wrongs can be determined. I like to refer to the example of Nelson Mandela, who was considered to have broken South African law and was sentenced to 20 years in prison, and of Kim Dae Jung, who was considered to have violated Korean law and was sentenced to death. Ultimately history determined that what these people did was right.

Some matters are still awaiting the just evaluation of history.

The people I defend have been charged as criminals, but I believe history will ultimately provide an accurate evaluation.

ET: What kind of effect or influence do you think you have by defending these people? Even if not every case concludes justly now, do you think the cases you're involved in will have greater significance down the road?

Mo: These cases are significant in the sense that by going through the substantive process, we can have a positive influence, however small and imperceptible, on China's legal progress.

For example, freedom of speech is an issue of basic civil rights. In the case of Du Daobin, which I defended, he was ultimately given probation.⁶ When the judicial department charged Du Daobin, they selected 26 of the 300 articles, totaling more than a million words, that he had published on the Internet (including your Web site), and said that those articles had problems. They further selected seven sentences out of those 26 articles and said that these sentences, totaling 125 Chinese characters, constituted the crime of "incitement to subvert state power."

I completely disagree with the prosecution's charge and the court's judgment that found him guilty. Of course they apparently made a concession at last, and Du Daobin was indeed released, but the court still ruled that those 125 characters in his 26 articles constituted "incitement to subvert state power."

This case attracted public attention and raised questions over what exactly constitutes "incitement to subvert state power," and where we should draw the line between "incitement to subvert" and the basic right to freedom of expression. As a result, some people have called for a clarification of what exactly constitutes "incitement to subvert state power." Some have even called for the crime of "incitement to subvert" to be abolished, since this law can easily be used to take legal action against a person whose views differ from yours.

So I think that regardless of the outcome, by focusing attention and discussion on relevant laws, these cases can help to drive China's legal system forward.

The law on "perjury by lawyer"

ET: What do you see as the purpose and background of Article 306, which was promulgated in 1997?

Mo: The law certainly targets lawyers, in particular defense lawyers. When the new Criminal Procedure Law was issued, everyone cheered and jumped for joy, because it allowed attorneys to become involved in cases at an earlier stage. Previously, attorneys could only be brought into a case after it was brought to the court, but the new Criminal Procedure Law allowed attorneys to intervene at the interrogation stage, in other words, as soon as a person was arrested.

Everyone was very happy about this at the time. It could be for that reason that the Ministry of Public Security raised the issue that if attorneys are allowed to intervene at the interroga-

tion stage, they could cause collusive testimony or induce the suspect to change his or her testimony. That might be why this provision was added.

ET: How have attorneys reacted to this provision?

Mo: When the provision was issued, there was a huge controversy. But ultimately it was promulgated to keep lawyers in check.

ET: What kind of consequences has the provision generated?

Mo: I think it's been extremely harmful. Many attorneys have been arrested under this provision—at least 200 to 300, maybe even more.

ET: How many have actually been convicted?

Mo: Very few. People are often arrested, but the crime isn't established and the suspect is released. But the fact remains that these lawyers are arrested and detained for months, or even more than a year. This kind of situation has had a significantly negative effect on criminal law.

ET: If so many attorneys have been arrested but not convicted, that suggests they were arrested wrongfully. What problem does this indicate?

Mo: You're right, they were arrested wrongfully. As to the specific operational reasons, it has to do with the fact that the PSB and the procuratorate are always the prosecutors in criminal cases. When a lawyer interviews a witness, the witness may say, "What I originally told the PSB and the procuratorate wasn't true, I only said it because they threatened me. Now that an attorney is taking my statement, I'll tell you the truth."

After the attorney takes the statement, he presents it in court. If this witness's testimony is accepted, but the PSB and procuratorate had built their prosecution upon the original testimony, the crime might not be established, and the accused may be found not guilty.

From the legal aspect, the procurator and defense attorney are natural opponents. The procurator will definitely be annoyed if the crime is not established, and may go to talk to the witness again, and perhaps even arrest him. I've personally seen this happen. If the procurator arrests the witness, he may put pressure on him: "Why did you say that to the attorney? Unless you say that you lied to the attorney, I may not release you."

Under these circumstances, the witness might say, "Yes, what I told the attorney wasn't true." Then the prosecutor might ask, "Then why did you say it?" Then the witness might say, "The attorney made me say it." Then the prosecutor releases the witness.

Based on the latest testimony of the witness, the PSB and procurator's office immediately detain the attorney on the charge of perjury. In other words, the prosecutor arrests the defense, or the plaintiff arrests the defendant. Putting it bluntly,

the procurator is able to wreak professional revenge. Although the attorney might be deprived of his freedom, the crime is ultimately not established, and he's finally released.

Of all the lawyers accused of perjury, only a negligible number are ultimately found guilty. But the PSB and procurator still have this power to take the attorney into custody and deprive him of his physical freedom.

ET: This must be a psychological blow to the attorneys and their defendants.

Mo: Yes, absolutely. We've already discussed this issue many times, and we think the situation is ridiculous. A situation in which a prosecutor can carry out professional revenge and a plaintiff can arrest a defendant is completely absurd. The plaintiff and defendant should be equal. If a plaintiff has the power to arrest the defendant, this is like saying, "If we can't win this case, we'll arrest you." It's ridiculous.

Lawyer Gao Zhisheng penalized for defending Falun Gong

ET: Attorney Gao Zhisheng raised considerable notice with the petition he wrote on behalf of Falun Gong.⁷ Many people have signed his online petition, but now it's said that he's been threatened. What is your view on this?

Mo: He seems to be under house arrest, and it's said that he was physically threatened. He also seems to have been warned by judicial organizations and possibly penalized.

My position on this matter has been clear from the start. Attorney Gao Zhisheng submitted a petition to the National People's Congress or its Standing Committee reporting that some judicial body failed to adhere to the law in processing a Falun Gong case, with the result that the lawful rights of the accused did not receive the appropriate protection under law. Attorney Gao hoped that the NPC would look into this matter and correct the unlawful action. If Attorney Gao has been placed under house arrest or otherwise dealt with because of these actions, there is no legal basis for it.

Attorney Gao has a lawful right to petition the People's Congress any problematic activities he notes in the process of handling his case. In fact, every citizen has this right, not only lawyers. No organization or individual can deprive him of this right. If some organization punished him or deprived him of his freedom because of his just and lawful action, that organization acted unlawfully.

ET: None of your clients are Falun Gong practitioners, but will you be willing to represent a Falun Gong member if you encounter such a case in the future?

Mo: I believe that no matter what crime a person is accused of, his lawful rights should receive their lawful protection. Regardless of whether a person is a Falun Gong practitioner or a political prisoner or a suspect in any other crime, he or she should have the right to legal representation. If a Falun Gong practitioner needs my help, I can represent him.

Reeducation Through Labor lacks legal footing

ET: We've heard of a number of cases in which the PSB doesn't carry out the proper legal procedures or fails to produce evidence in its cases against Falun Gong practitioners. We've heard they sometimes search people's home, detain them and send them to a Reeducation Through Labor [RTL] camp or some other place, or even beat them to death. The detained practitioner has no opportunity to appeal, and sometimes his family waits for months or longer to learn where the person is, or even if he's dead or alive. For example, Attorney Zhang Jiankang⁸ was unable to file an administrative appeal on behalf of a Falun Gong practitioner, Ms. Cui, who was sent to an RTL camp, because she was never provided with legal documentation.

Mo: According to legal provisions, anyone sentenced to RTL should be issued with a "Reeducation Through Labor Decision." After the person who is to be sent to labor education receives the Decision, he can hire a lawyer within a certain period of time and file an administrative appeal to revoke the decision. In this case, the person sent to RTL becomes the plaintiff, and a lawyer can see him, represent him in court and sue the PSB on his behalf.

If the PSB fails to issue a "Reeducation Through Labor Decision," or if it fails to inform the person of his right to an administrative appeal within a certain time limit, or if it fails to inform the person of his right to hire a lawyer, this is unlawful.

ET: What is your opinion of the RTL system?

Mo: We think that modern constitutional standards require that a person should be deprived of his personal freedom only as a result of court proceedings. Allowing the PSB to restrict a person's freedom is actually worse than routine imprisonment through the courts. For the PSB to be able to deprive someone of their physical freedom for one to three years or even longer without court proceedings is indefensible from a legal standpoint.

Also, Chinese law stipulates that administrative punishments restricting personal freedom can only be prescribed by laws promulgated by the NPC and its Standing Committee. The RTL system was not established through law, but through decisions by the State Council, which does not have this power.

From this standpoint, we believe RTL is inconsistent with the current law and should be revoked. Legal professionals have been attacking and criticizing RTL for a long time on this basis.

Only political reform will bring legal progress

ET: When you're defending political dissidents, do you feel pressured or threatened? This kind of work must require great moral courage and a keen sense of justice.

Mo: There's definitely pressure. For example, when Yao Fuxin's daughter came to my office and asked me to represent her

father, she was accompanied by the police. When we went to Liaoyang to see her father in preparation for my representing him in court, a police car followed us from the moment we entered the city. They followed us to where we ate and where we stayed, and maintained 24-hour surveillance on us. Our phones were also tapped and so on. I won't go into all if it, but it put enormous pressure on us. Improving a country's legal system may be a long, drawn-out process and may exact a heavy price from many people. Still, someone has to take on this kind of work.

ET: Dissatisfaction seems to be growing in China, and injustice is widespread. Do you gain this impression from the cases you handle?

Mo: Yes. Problems relating to peasants and migrant workers, such as forced relocations, unequal benefits and excessive medical costs have become extremely common and have become the focal points of social contradictions. There are many reasons for these problems. The legal factors include the inability of local courts to reach a decision without interference from all quarters. Another common factor is the lack of equality under the law, which prompts so many people to come to Beijing to petition.

There are many more factors, such as bribery and other crimes by high officials, and these situations seem to have become worse, affecting the profitability of the business sector. The Liaoyang case involved corruption in the factory's management, which eventually caused the factory to go bankrupt and sent the workers marching in the streets.

Everyone has become aware of the severity of the problem. What matters now is how to resolve it. Of course, it's always easier to fix the technical details, but any comprehensive solution will require addressing systemic problems.

I personally believe that unless China experiences a thorough reform of its political system, we will not be able to resolve these many contradictions. Of course, our leaders are also aware of this, and they don't deny the need for political reform.

ET: How do you view the future of lawyers and China's legal system?

Mo: No matter what, especially now, in the midst of globalization, a country has to move forward. It cannot turn back. If you're too pessimistic, your life loses all hope. But the outlook is improving, as it should be. This society, this country, should gradually move forward.

Translated by Akiko Kageyama

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1. A member of the banned Chinese Democracy Party and a veteran of the 1989 democracy movement, Zhao was detained in Beijing on the evening of January 21, 2005, after the government rejected his application to hold a demonstration to protest the government's "forcefully depriving citizens' right to commemorate Zhao Ziyang, the former General Secretary of the Chinese Communist Party." See "Beijing Rejects Parade Application to Commemorate Zhao, Police Take Away Organizer," *The Epoch Times*, Jan 22, 2005, <http://english.epochtimes.com/news/5-1-22/25940.html>.
2. Zhao Xin was finally released and allowed to return home at the end of March.
3. Guo Guoting, who has defended a number of journalists and cyberdissidents, was notified of a suspension of his license in February, after which he was reported to have been placed under house arrest. Guo arrived in Canada on May 20.
4. Article 306 states, "If, in criminal proceedings, a defender or agent ad litem destroys or forges evidence, helps any of the parties destroy or forge evidence, or coerces the witness or entices him into changing his testimony in defiance of the facts or give false testimony, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Where a witness's testimony or other evidence provided, shown or quoted by a defender or agent ad litem is inconsistent with the facts but is not forged intentionally, it shall not be regarded as forgery of evidence." Translated on the Web site of LawInfoChina: <http://www.lawinfochina.com/dispfree.asp?db=1&id=354>.
5. Xu Wei, a reporter with *Xiaofei Ribao* (Consumer Daily) formed the New Youth Study Group with Yang Zili, Zhang Honghai and Jin Haike. On May 28, 2003, the four men were each sentenced to prison terms of eight to ten years on charges of incitement to subvert state power. Yao Fuxin and Xiao Yunliang led a protest by thousands of workers in March 2002 following the closure of the bankrupt Liaoyang Ferro-Alloy Factory. Yao and Xiao were tried in January 2003 and sentenced to prison terms of seven years and four years, respectively. Du Daobin was a civil servant who posted many essays on the Internet. Following a trial on May 18, 2004, Du was sentenced to three years in prison, suspended for four years, on charges of slander and incitement to subvert state power.
6. For more information on Du Daobin's case, and the defense presented by Du and Mo Shaoping in his appeal, see "On the Legitimacy of Subverting the Government" and "Du Daobin's Application for Appeal," *China Rights Forum*, No. 2, 2004: http://www.hrichina.org/fs/view/downloadables/pdf/downloadable-resources/On_the_Legitimacy_of_Subverting_the_Government.pdf.
7. Veteran lawyer Gao Zhisheng has taken on a number of cases involving political and religious dissidents. In late December 2004, Gao took on the case of Huang Wei, a Falun Gong practitioner who had been sent to the Shijiazhuang City Forced Labor Camp. Gao prepared a lawsuit to be filed with an administrative court, charging the Shijiazhuang City Government with failing to respond to Huang's application to appeal, but was reportedly told that cases involving Falun Gong were not to be dealt with by the courts. On December 31, 2004, Gao wrote an open letter to the National People's Congress asking, "Aren't Falun Gong practitioners also Chinese citizens? Aren't they protected by the Constitution of China?" The open letter can be accessed at: <http://secretchina.com/news/articles/4/12/30/79126.html>.
8. Zhang Jiankang has defended political dissidents, and was himself detained in 1998 for demanding the release of all political prisoners.