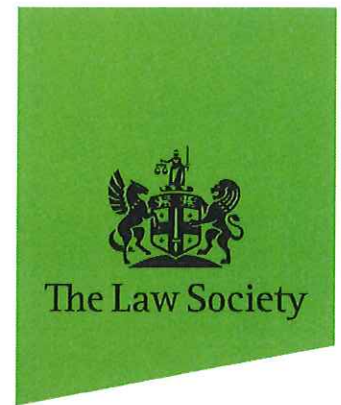


From the President

Li Keqiang
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The State Council
9 Xihuangcheng Genbeijie
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People's Republic of China



15 July 2015

Your Excellency

China: Lawyers at Risk

The Law Society is the professional body representing more than 145,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

We respectfully draw your attention to the Law Society's previous letters dated 19 May, 27 June and 21 August 2014 concerning the detention and ill treatment of human rights defenders in China.

The Law Society is very concerned to learn of the arrest and detention of more than 100 lawyers together with others who are either human rights defenders or employees of law firms in China. Beginning with the detention of Lawyer Wang Yu (王宇) on 9 July 2015, the Chinese authorities have staged an unprecedented series of arrests of human rights lawyers. A list of those known to have been arrested is annexed to this letter. Those arrested have included:

The criminal detention of lawyers and legal assistants Zhou Shifeng (周世鋒), Wang Quanzhang (王全璋), Huang Liqun (黃力群), Sui Muqing (隋牧青) and Xie Yang (谢阳), Bao Longjun (包龍軍), Liu Sixin (劉四新), and Ge Ping (戈平); further detentions or forced disappearances of other lawyers, including Li Heping (李和平); and the temporary detention or questioning of at least 80 more lawyers. Further Police have searched the offices of Fengrui (鋒銳) Law Firm and of Xiyuanwang (洗冤網), a network set up to work on wrongful criminal conviction cases, in Beijing.

Coupled with these arrests there have been nationwide media reports pre-emptively portraying those detained as 'suspects' and 'criminals'. On 12 July 2015 there was a CCTV 13 news report describing recent human rights lawyer advocacy campaigns as 'rights-defence-style trouble-making' ('维权式'滋事). In an article on Sunday 12 July 2015 headlined "Uncovering the dark story of 'rights defence'", spanning two-thirds of its second page, the People's Daily said the Ministry of Public Security launched the operation to "smash a major criminal gang that had used the Beijing Fengrui law firm as a platform since July 2012 to draw attention to sensitive cases, seriously disturbing social order". The article said the firm's director Zhou Shifeng, his assistant Liu Sixin, lawyers Wang Quanzhang, Huang Liqun, Wang Yu and her husband Bao Longjun were in criminal detention for "seriously violating the law". It did not specify a charge. It said "the criminal gang" comprised Zhou, Wang Yu, Wang Quanzhang, Huang as well as Liu, Bao and high-profile activist Wu Gan, who masterminded many plots in the name of "rights defence, justice and public interest". It accused them of "colluding with petitioners to disturb social order and to reach their goals with ulterior

motives".^{1 2} Many of the detainees had signed a statement condemning Wang Yu's disappearance early on Thursday 9 July 2015 after her electricity was cut and her home broken into.

We understand that the families of those detained have not been notified of their whereabouts and have not been able to visit them. Moreover those detained have not been allowed access to a lawyer nor have they been brought before a court.

We recall that China became a member of the United Nations on 1 October 1949, is a permanent member of the UN Security Council and became a member of the UN Human Rights Council as of 1 January 2014. China has also signed and ratified the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)**. There are a number of human rights obligations that China is bound to uphold.

These include the **Universal Declaration of Human Rights (1948)** which provides as follows:

Article 3: *Everyone has the rights to life, liberty and security of person*

Article 5: *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*

Article 10: *Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*

Article 19: *Everyone has the right to freedom of opinion and expression.*

And the **UN Basic Principles on the Role of Lawyers (1990)** which states that:

16. *Governments shall ensure that lawyers*

(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;

(c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. *Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.*

18. *Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*

23. *Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.*

The Law Society respectfully urges that:

¹ <http://www.scmp.com/news/china/policies-politics/article/1838240/chinese-police-detain-scores-lawyers-and-activists>

² <http://www.nytimes.com/2015/07/12/world/asia/china-arrests-human-rights-lawyers-zhou-shifeng.html>

- 1) The detained lawyers and others arrested with them are released immediately and unconditionally.
- 2) China must ensure that all persons detained are brought before a properly constituted court and any detention is sanctioned by such a court.
- 3) China comply with its obligations to support the freedoms enshrined in the UDHR, and allow for the practice of freedom of expression, association and assembly, and ensure that those who wish to partake in such activities and associations are able to do so safely and fully without threat, intimidation, prosecution or detention.
- 4) China provide a safe environment for lawyers and human rights workers to work in without fear of intimidation, threat of attack or harassment or unlawful detention.
- 5) The families of the detained are notified immediately of their whereabouts and permitted to visit any who are detained.
- 6) China should ensure that no one is detained in any secret detention facility as a secret detention facility is per se a breach of the Convention against Torture.

Yours sincerely,



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