



BY AIRMAIL

President of the People's Republic of China
His Excellency Xi Jinping
The State Council General Office
2 Fuyoujie, Xichenggu
BEIJING 100017
People's Republic of China

Amsterdam, 22 January 2020

Your Excellency,

We write to you on behalf of the Dutch Lawyers for Lawyers Foundation and the Law Society of England and Wales (the "Law Society").

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote and protect the proper functioning of the rule of law by pursuing freedom and independence for the legal profession.

The Law Society is the professional body representing more than 180,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world. The Law Society holds Special Consultative status with the United Nations Economic and Social Council since 2014.

Lawyers for Lawyers and the Law Society express grave concerns that actions were taken against several Chinese human rights lawyers in December 2019 and January 2020 that could be construed as harassment. It has been alleged that this harassment is connected to a small private gathering in Fujian on 13 December 2019 attended by lawyers and human rights defenders.

Beijing lawyer Ding Jiayi was detained by Shandong police on 26 December 2019. He was charged with 'inciting subversion of state power'. The Shandong police searched his home and confiscated his computer, phone and other personal belongings, without presenting any arrest warrant. Ding's lawyer has not been allowed to meet Ding on grounds of 'endangering national security'.

On 29 December 2019, the police in Jinhua, Zhejiang province, arrested human rights lawyer Huang Zhiqiang and was placed under criminal detention on suspicion of 'picking quarrels and provoking trouble'. He was released on bail on 4 January 2020.

On 30 December 2019, human rights lawyer Lu Siwei was stopped by immigration authorities while he was traveling to Hong Kong to attend a legal seminar. The immigration authorities informed Siwei that

'judicial authorities' had imposed an exit ban on him but failed to provide him with further details. He was summoned by the police and was released on 4 January 2020.

On 31 December 2019, human rights lawyers Lu Tingge and Liu Shuqing were summoned by the police for questioning in Shijiazhuang, Hebei province, and in Jinan, Shandong province, respectively. On 1 January 2020, both Tingge and Shuqing were allowed to go home.

On 31 December 2019, border authorities stopped Zhejiang-based human rights lawyer Zhuang Daohe while he was travelling to South Korea. On 2 January 2020, he was released in the late afternoon after the Hangzhou police took him in for questioning on suspicion of "picking quarrels and provoking trouble".

On 12 January 2020, human rights lawyer Chang Weiping was arrested on suspicion of 'subversion of state power'. Police have told Chang's family that he was put under residential surveillance in an unknown location.

Lawyers for Lawyers and the Law Society fear that these actions are connected to, and serve to prevent these lawyers from carrying out their professional duties, as well as their legitimate human rights activities.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more in particular Article 16 and 23, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (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.

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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.



Furthermore, during the fortieth session of the Human Rights Council from 25 February–22 March 2019, China accepted² several recommendations made during the Universal Periodic Review³ concerning the creation of an enabling environment for lawyers and human rights defenders, including:

- Guarantee the protection of lawyers against any form of harassment, violence or attempts to impede or interfere with the defence of their clients, in accordance with national law (Finland);
- Take immediate action to allow human rights defenders and lawyers to exercise their right to freedom of expression and opinion without threats, harassment or repercussions (Ireland);
- Adopt the necessary measures to provide a safe environment for those who work on the protection and promotion of human rights, including human rights defenders and journalists, and investigate and punish all acts of violence against them (Argentina);
- Ensure that human rights defenders can conduct their work without being subjected to harassment, intimidation or any kind of reprisals (Liechtenstein).

In view of the above, Lawyers for Lawyers and the Law Society respectfully urge you to:

- Immediately release Ding Jiaxi and Chang Weiping, drop all charges against them and put an end to all acts of harassment – including judicial harassment - against them;
- Put an end to all acts of harassment – including judicial harassment - against Huang Zhiqiang, Lu Tingge, Liu Shuqing, Zhuang Daohe;
- Guarantee in all circumstances that all lawyers, including human rights lawyers, in China are able to carry out their legitimate professional duties without fear of reprisals and free of all restrictions.

Thank you for your attention to this very important matter. We are confident that the government of China will give these cases the attention they deserve. We will continue to monitor these cases closely.

Yours sincerely,
Lawyers for Lawyers (L4L)
The Law Society of England and Wales

² Report of the Working Group on the Universal Periodic Review on China, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/40/6/Add.1, 15 February 2019.

³ Report of the Working Group on the Universal Periodic Review on China, A/HRC/40/6, 26 December 2018.