



China Human Rights Lawyers Concern Group (CHRLCG)
中國維權律師關注組 中国维权律师关注组

BY AIR/PRIORITY MAIL

His Excellency Mr. Xi Jinping
President of the People's Republic of China
The General Office of the State Council
2 Fuyoujie,
Xichengqu Beijingshi 100017
People's Republic of China

Amsterdam, 14 April 2020

Your Excellency,

Re: situation of Ding Jiayi and Qin Yongpei.

We write to you on behalf of the Dutch Lawyers for Lawyers Foundation (L4L) and the China Human Rights Lawyers Concern Group (CHRLCG).

L4L is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

CHRLCG is a Hong Kong-based non-profit organisation that aims to advocate for the protection of the rights of human rights lawyers and legal rights defenders in China.

L4L and CHRLCG have grave concerns about the welfare of former human rights lawyers Ding Jiayi and Qin Yongpei.

Ding Jiayi is a former human rights lawyer who advocated for the rights of migrant workers' children and called for government transparency. On 18 April 2014, he was sentenced to three and a half years for "gathering a crowd to disrupt order of a public place". His lawyer's license was subsequently revoked.

According to our information, on 26 December 2019 Ding Jiayi was taken away by Shandong Police after attending an informal gathering with other lawyers and activists in Xiamen earlier that month and was charged with 'inciting subversion of state power'. Since then, Ding Jiayi has been placed under Residential Surveillance at a Designated Location and he has been denied any access to his family. Combined with Mr. Ding's lack of access to a legal counsel of his choice, these measures all constitute serious violations of international human rights standards.

Qin Yongpei, also a former human rights lawyer, has defended various 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, which was shut down in May 2018 after the authorities revoked Qin Yongpei's lawyer's license without formal notice.



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On 31 October 2019, Qin Yongpei was detained in retaliation for criticizing on social media the corruption of high-level Chinese officials after they raided, searched, and seized computers and other belongings from his office. More than a month after being taken in for detention, lawyer Qin was formally arrested on 3 December 2019 for ‘inciting subversion of state power’ and has been in police custody since then.

The Nanning police has continuously refused requests by Qin Yongpei’s two lawyers to meet their client on the ground that doing so would risk “potential leaks of state secrets”. In February 2020, the Nanning police took Qin Yongpei’s two young daughters separately to a police station for questioning and asked them whether they knew about their father’s online postings and their “political content” and whether he criticised the Communist Party of China and the government during conversations at home.

Along with numerous other organizations and international bodies, L4L and CHRLCG fear that the arrests of Ding Jiayi and Qing Yongpei are connected to, and serve to frustrate their legitimate activities as a lawyer. This concern is formulated in part by a group of United Nations human rights experts in their recent statement on Ding Jiayi and his fellow human rights defenders. In their statement on 23 March 2020, the group human rights experts concluded: “*When the authorities in any country systemically charge human rights defenders with ‘subversion of state power’ or other terror-related charges without clearly communicating the factual basis for such accusations, we worry that these defenders are just being persecuted for the exercise of their most basic human rights.*”¹

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers,² and more in particular Article 7, 16 and 23, which read:

7. Governments shall ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention.

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 <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25735&LangID=E>

² 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.



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In view of the above, L4L and CHRLCG respectfully urge you to:

- Immediately and unconditionally release Ding Jiayi and Qin Yongpei, put an end to all acts of harassment – including judicial harassment – against them and ensure that they are able to carry out their activities without hindrance or fear of reprisals;
- Guarantee in all circumstances the physical integrity and psychological well-being of Ding Jiayi and Qin Yongpei;
- 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 this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,

Lawyers for Lawyers (L4L)
China Human Rights Lawyers Concern Group (CHRLCG)