



BY AIR/PRIORITY MAIL

Mr. Tang Bin

Director of Nanning City Public Security Bureau

8 Yibin Lu, Qingxiu Qu

Nanning Shi, Guangxi Sheng 530022

People's Republic of China

Amsterdam, 15 April 2020

Dear director Bin,

**Re: human rights lawyer Qin Yongpei**

Lawyers for Lawyers 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.

Lawyers for Lawyers has serious concerns about the well-being of human rights lawyer Qin Yongpei. Qin Yongpei 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, where several human rights lawyers in Guangxi also worked.

Following Mr. Qin's questioning during the widespread crackdown on human rights lawyers launched in July 2015, in May 2018 the authorities revoked Qin Yongpei's lawyer's license without formal notice and ordered him to shut down his law firm.

According to our information, on 31 October 2019, Qin Yongpei was detained in an apparent retaliation for criticising the corruption of high-level Chinese officials on social media. During the arrest, the police raided, searched, and seized computers and other belongings from his office. More than a month after being taken in for detention, Qin Yongpei was formally arrested on 3 December 2019 for 'inciting subversion of state power' and has been in police custody since then.

Since his arrest, the Nanning police 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. The measures taken by the Nanning Police constitute serious violations of international human rights standards.

More recently, on 2 March 2020, the Nanning Municipal Public Security Bureau in Guangxi province formally transferred the case to the Nanning Municipal People's Procuratorate for review for prosecution.



It was reported that on 10 April 2020, Qin Yongpei's lawyer was informed by the Nanning procuratorate that it had returned the case to the Nanning police for additional investigation on 3 April 2020. It was also reported by Qin Yongpei's lawyer that the Nanning No. 1 Detention Centre is barring him from meeting Qin Yongpei to prevent the spread of COVID-19.

Lawyers for Lawyers is deeply concerned about the ongoing detention of Qin Yongpei and the transfer of his case for review for prosecution, which is believed to be connected to, and serves to frustrate his legitimate activities as a lawyers.

We would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers,<sup>1</sup> 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.*

In view of the above, Lawyers for Lawyers respectfully urges you to:

- Immediately and unconditionally release Qin Yongpei, put an end to all acts of harassment – including judicial harassment – against him and ensure that he is able to carry out his activities without hindrance or fear of reprisals;
- Guarantee in all circumstances the physical integrity and psychological well-being of 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.

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<sup>1</sup> 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.



Thank you for your attention to this very important matter. We are confident that you will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,

**LAWYERS FOR LAWYERS (L4L)**