

BY PRIORITY AIRMAIL

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

9 October 2020

Re: situation of former lawyer Li Yuhan (李昱函)

Your Excellency,

We write to you on behalf of the Dutch Lawyers for Lawyers Foundation (hereafter: **L4L**). 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.

L4L has grave concerns about the health and welfare of former human rights lawyer Li Yuhan (李昱函), who was arrested exactly three years ago today. According to our information, Li Yuhan suffers from heart disease, for which she has been hospitalized multiple times since 2015.

Li Yuhan was arrested on October 9, 2017. For more than a month after her arrest, she was refused access to legal representation. On November 15, 2017, she was charged with “picking quarrels and provoking trouble”. In early 2018, Li Yuhan started a hunger strike against her long detention and the delayed delivery of necessary medicine. Li Yuhan's trial was scheduled for April 9, 2019, but was postponed. Li Yuhan told her lawyer in late November 2019 that the court had said she would be allowed to practice law again after release, as long as she confessed to her supposed crime. Li Yuhan insisted that she would not confess. The current status of Li Yuhan's trial is unknown. Li Yuhan continues to be held in Shenyang City No. 1 Detention Center, Liaoning Province.

Li Yuhan has several urgent medical conditions: arrhythmia, fluttering in chest and tremors, coronary heart disease, unstable angina, hyperthyroidism, acute erosive gastritis, cerebral concussion, and cerebral ischemia. According to our information, Li Yuhan has reported being refused medical treatment. Furthermore, applications for bail have been denied, and the detention centre has denied her brother to provide her with the medication she needs. As of January 2020, authorities have disallowed all visits to Li Yuhan, including visits by her lawyer, citing the COVID-19 pandemic. The actual status of Li Yuhan's health is unknown as of the writing of this letter.

L4L would like to draw your attention to the United Nations Basic Principles on the Role of Lawyers,¹ in particular Articles 7 and 16, 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."*²

In view of the above, L4L respectfully urges you to:

- Immediately and unconditionally release Li Yuhan, and grant her urgent access to adequate medical care;
- Put an end to all acts of harassment – including judicial harassment – against Li Yuhan and ensure that she is able to carry out their activities without hindrance or fear of reprisals;
- Guarantee in all circumstances the physical integrity and psychological well-being of Li Yuhan;
- Guarantee in all circumstances that all lawyers, including human rights lawyers, are able to carry out their legitimate professional duties without fear of reprisals and free of all restrictions in the People's Republic of China.

L4L thanks you for your attention to this very important matter. L4L is confident that the government of The People's Republic of China will give this case the attention it deserves, and will continue to monitor this case closely.

Yours sincerely,

LAWYERS FOR LAWYERS (L4L)

By priority mail and email also a copy of this letter was sent to:

His Excellency Mr. Xu Hong
Ambassador of the People's Republic of China to The Netherlands
P.O. Box 2517
2517 JT The Hague
The Netherlands
Email: chinaemb_nl@mfa.gov.cn

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.

² <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>