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## **Concerning developments in the case of Ding Jiaxi**

**26 May 2021**

**Lawyers for Lawyers, the Network of Chinese Human Rights Defenders, China Human Rights Lawyers Concern Group, and ChinaAid express concern about the new developments in the case of human rights lawyer Ding Jiaxi. The charges against Ding Jiaxi were altered to a more severe charge of ‘subverting state power’ and reports of him being subjected to torture during his detention have been confirmed by his lawyer.**

Ding Jiaxi was arrested on 26 December 2019 as part of a large-scale crackdown targeting human rights lawyers and citizen activists, labelled the 1226 crackdown. Mr. Ding had been actively involved in the promotion of human rights since 2010 by pushing for the rights of migrant workers and by being involved in the New Citizens Movement, which promoted governmental transparency and the rule of law. Mr. Ding was first arrested and convicted in 2014 for charges related to his activism. After serving his full sentence in 2017, he was released, but was given a travel ban that prevented him from reuniting with his US-based family.

In December 2019, Mr. Ding was arrested on charges of ‘inciting subversion of state power’ during the aforementioned 1226 crackdown. In January 2021 these charges were altered to ‘subverting state power’, which carries a maximum sentence of life imprisonment. The initial charge was an ‘inchoate charge’, whereas the charge ‘subverting state power’ is a ‘substantive charge’.

After his arrest in 2019, Mr. Ding was held under Residential Surveillance at Designated Location (RSDL). Mr. Ding’s lawyer, who recently spoke to his client, confirmed that Mr. Ding had been tortured during his detention under RSDL. According to our information, Mr. Ding was subjected to, amongst other things, consecutive sleep deprivation and prolonged interrogation for 73 days, was given extremely meagre food, had no exposure to sunlight for over 6 months, but was exposed to continuous strong light to prevent him from sleeping.

After his arrest, Mr. Ding did not have prompt access to a lawyer. He has only recently been granted access to his lawyers after 326 consecutive days of detainment under RSDL. Our sources confirm that since 21 January 2021, Mr. Ding has been able to see his lawyers four times, with the last visit being on 9 March 2021. However, his lawyers reported that he has been stopped from reviewing Mr. Ding’s case files.

On 23 March 2020, a group of United Nations human rights experts expressed concern about Mr. Ding and two other human rights defenders who were arrested alongside Mr. Ding on 26 December 2019. The group of UN 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.”<sup>1</sup>

The UN *Basic Principles on the Role of Lawyers*<sup>2</sup> (*Basic Principles*), elaborate on the fundamental principles of international law. With regards to Mr. Ding’s detention we refer to Basic Principles 7 and 21 which stipulate that “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”<sup>3</sup> and that “it is the duty of the competent authorities to ensure

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<sup>1</sup> United Nations Human Rights Office of the High Commissioner, ‘China: UN experts gravely concerned by enforced disappearance of three human rights defenders’, available at: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25735&LangID=E>

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

<sup>3</sup> *Basic Principle 7*.



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lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time”.<sup>4</sup>

Furthermore, we like to recall that “lawyers 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”.<sup>5</sup>

In view of the above, Lawyers for Lawyers, the Network of Chinese Human Rights Defenders, China Human Rights Lawyers Concern Group, and ChinaAid respectfully urge the Chinese government to:

- Immediately and unconditionally release Ding Jiayi, 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 Ding Jiayi;
- Ensure Ding Jiayi has full access to his lawyer and that his lawyer is provided with the appropriate information, files and documents to enable them to provide effective legal assistance to Ding Jiayi;
- 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>4</sup> Basic Principle 21

<sup>5</sup> Basic Principle 16.