



The Law Society
of England and Wales



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Human Rights
Institute

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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Arrest, detention, prosecution and torture of lawyer Ding Jiaxi

The Law Society of England and Wales,¹ Lawyers for Lawyers,² the International Bar Association's Human Rights Institute³ and Lawyers' Rights Watch Canada⁴ are gravely concerned about the situation of Ding Jiaxi, who is a lawyer and human rights defender campaigning for greater governmental transparency, rule of law and the rights of migrant workers in China.

On 26 December 2019, Mr Ding was taken into custody without an arrest warrant by the Yantai City Public Security Bureau as part of a crackdown, targeting lawyers and human rights defenders. The police officers searched his home and confiscated his personal belongings. He was held incommunicado in "residential surveillance at a designated location" for six months. During this time, he was subjected to torture and ill-treatment, including sleep deprivation, loud noise harassment, prolonged interrogation, being bound to an iron "tiger chair" for up to seven days at a time, and a lack of adequate food and hygiene facilities.

On 19 June 2020, he was formally arrested on the charge of "inciting subversion of state power" (later changed to "subverting state power") and transported to Linshu County Detention Centre in Shandong Province, where he continued to suffer physical and mental abuse. He was denied access to legal representation for more than a year on the grounds that such access would "impede the investigation or expose state secrets". In early 2021,

¹ The Law Society of England and Wales (the "Law Society") is the professional body representing approximately 200,000 solicitors in England and Wales. Its activities include upholding the independence of the legal profession, the rule of law and human rights throughout the world. The Law Society holds special consultative status with the Economic and Social Council of the United Nations since 2014.

² Lawyers for Lawyers is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.

³ The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of 80,000 individual lawyers and more than 190 Bar Associations and Law Societies, spanning all continents. The International Bar Association's Human Rights Institute (IBAHRI) is an autonomous and financially independent entity, working with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

⁴ Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research and education. LRWC is NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

he was allowed to meet with his lawyers for the first time by video call, but they were obliged to sign confidentiality agreements prohibiting them from speaking about his case and were also subjected to pressure and surveillance by authorities.

On 24 June 2022, Ding Jiayi was tried behind closed doors at the Linshu County Court without having had legal representation of his own choice. A judgment is yet to be issued. Mr Ding has filed applications requesting all evidence obtained under torture to be excluded from the trial, but these applications appear to have been unsuccessful.

Previously, in April 2013, Mr Ding had been arrested on the charge of "gathering a crowd to disrupt public order". He was disbarred and sentenced to 3,5 years in prison in 2014 and released 2,5 years later.

China has an international legal obligation to comply with, among others, the following treaty provisions, and is called upon to adhere to the following international standards on the independence of the legal profession.

The **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** ratified by China on 4 October 1998:

2.1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2.2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

12. Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

International Covenant on Civil and Political Rights (ICCPR) signed by China on 5 October 1998. While China has not ratified the ICCPR, according to Article 18 of the 1969 Vienna Convention on the Law of Treaties, the country is obliged "to refrain from acts which would defeat the object and purpose of a treaty".

7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

9.1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

10.1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

14.1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law [...]

The **UN Basic Principles on the Role of Lawyers**, endorsed by the UN General Assembly on 7 September 1990 state:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; 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.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

We urge the relevant authorities in China to:

1. Drop all charges against Ding Jiaxi and immediately and unconditionally release him;
2. Ensure that, pending such release, Ding Jiaxi's conditions of detention are in line with international human rights standards;
3. Investigate without undue delay, thoroughly and independently the allegations of torture and ill-treatment to which Ding Jiaxi was subjected in detention and bring the perpetrators to justice in proceedings that respect international fair trial guarantees; and
4. Ensure that all lawyers in China can practice their profession without undue interference in compliance with international standards on the independence of the legal profession.

We will continue to monitor the situation of Mr Ding Jiaxi, as well as that of other lawyers in China.

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