



BY AIRMAIL

H.E. Mr. Li Keqiang, Guojia Zongli,
Prime Minister of the People's Republic of China
The State Council General Office
2 Fuyoujie Xichengqu
BEIJINGSHI 100017
PEOPLE'S REPUBLIC OF CHINA

Amsterdam, 17 November 2017

Your Excellency,

Subject: Immediate release of Lawyer Li Yuhan - Urgent Action required

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.

Unlawful criminal detention lawyer Li Yuhan: immediate release required

The reason for this letter is **our grave concern** that 23 days after her disappearance, it is now known that **Beijing lawyer Li Yuhan** has been put under **criminal detention** since 31 October 2017 for “picking quarrels and provoking troubles” by the Heping branch office of the Shenyang City Public Security Bureau. Furthermore, although criminal detention has been applied on **Li Yuhan**, the Shenyang police have however unlawfully refused to provide any formal notification to her family. Her family nor her lawyers have also been allowed to visit Li Yuhan in detention. **Ms. Li Yuhan**, 60 of age, suffers heart diseases and other health issues and should have access to adequate and proper health care.

Lawyers for Lawyers reiterates its grave concern about the current well-being of our colleague **Ms. Li Yuhan**.

- 1)** We therefore urge the Shenyang police to respect the law and urge the Chinese authorities to order the **immediate release of lawyer Li Yuhan** without any further delay. Only if credible evidence of an internationally recognized crime exists against Li Yuhan, we urge that Li Yuhan is charged promptly and remanded by **an independent court in line with international human rights standards**. In this respect, we also demand that the case-handling organs should immediately **notify her family formally** and in writing as the law provides.



- 2) We also demand that while in detention the Chinese authorities will ensure that lawyer **Li Yuhan** is protected from torture and other ill-treatment, and that she is allowed access to her family and adequate medical health care, and to **ensure her basic rights of access**.

Lawyers for Lawyers stresses that the use of administrative or criminal detention of lawyers is an extremely serious threat to the rule of law, which can only function properly if lawyers are able to do their work without any improper interference or harassment by the government. We are concerned that lawyer **Li Yuhan** is put under administrative or criminal detention **purely to sanction** her while she was practicing **universally recognized fundamental human rights**, especially the right of freedom of speech, or because she went to visit the family members of her colleague or that she had accompanied them to enquire on the matter of right to meet defense counsels.

United Nations Basic Principles on the Role of Lawyers

In this respect, we refer in particular to paragraphs 16 and 17 of the United Nations Basic Principles on the Role of Lawyers, from which it follows that governments are under an obligation *'to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'*. Further: *'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities'*.

According to paragraph 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 of their membership in a lawful organization'*.

These principles are universally applicable. Therefore, the Chinese government is under an obligation to adequately protect and support its lawyers and human rights defenders.

National law

In this respect, we refer in particular to article 37, 83, 65 and 72 of the Criminal Procedure Law of the People's Republic of China (CPL) and article 26 of the Detention Center Regulation of the PRC.



According to article 37 and 83 of the CPL:

'Where a defense lawyer requests for a meeting with a criminal suspect or defendant under detention (...), the detention house concerned shall arrange the meeting in a timely matter, no later than 48 hours after receiving the request.'

'The family of the detainee shall be notified of the detention within 24 hours after the detention. (...) The family of the detainee shall be notified of relevant information immediately after the circumstances impeding investigation has been eliminated.'

According to article 65 and 72 of the CPL:

'A public security organ may allow a criminal suspect or defendant under any of the following conditions to be released on bail pending trial: (3) Where the criminal suspect or defendant is suffering from a serious illness.'

'A public security organ may place under residential surveillance a criminal suspect or defendant who satisfies the conditions for arrest and is under any of the following circumstances: (1) He/she is seriously ill and cannot take care of him/herself'.

According to article 26 of the Detention Center Regulation of the PRC:

'Detention centers should be equipped with the necessary medical equipment. (...) Detainees should be released on bail in case of serious illness.'

In view of the above we therefore strongly urge the Chinese government to honor its international and national legal obligations to release **Ms. Li Yuhan** immediately and unconditionally. We urge your government to immediately and seriously investigate the reason for the detention of **Ms. Li Yuhan**. Furthermore, we urge your government to guarantee under all circumstances the physical and psychological integrity of **Ms. Li Yuhan** as well as that of all human rights lawyers and human rights defenders. We urgently request you to assure that, during her detention, **Ms. Li Yuhan** will be allowed to be visited by her family, have free choice of legal representation, obtain adequate food and are provided with any medical care she may require.



Conclusion

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

Yours sincerely,

LAWYERS FOR LAWYERS

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Phon van den Biesen
President

Letters concerning the same topic were sent to:

- Mr. Yang Jianjun, Bureau Chief of the Shenyang City Public Security Bureau

A copy of this letter was sent to:

- Ambassade van het Koninkrijk der Nederlanden in Peking, China
- The Embassy of the People's Republic of China in the Kingdom of the Netherlands
- The United Nations Special Rapporteur on the Independence of Judges and Lawyers, mr Diego García-Sayán