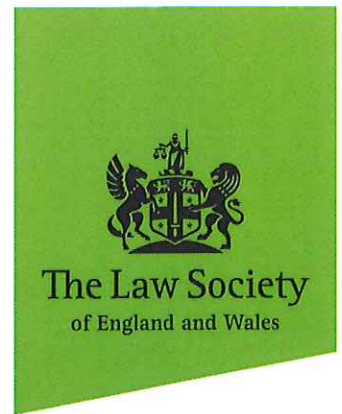


From the President

His Excellency General Secretary Xi Jinping
President of the People's Republic of China
No. 174 Xi Chang'an Jie
Beijing 100017
People's Republic of China



6 February 2017

Your Excellency

Detention of lawyer - Jiang Tianyong

The Law Society is a professional body representing more than 166,000 solicitors in England and Wales. Its aims include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The Law Society is very concerned about the detention of the Chinese lawyer, Mr. Jiang Tianyong. Mr. Tianyong was initially reported missing on 21 November 2016 near Changsha, Hunan, under unknown circumstances. We understand that it was nearly a month later, that his family was able to confirm his whereabouts. According to reports, on 31 December 2016, Mr. Tianyong's family was finally notified by the Changsha Municipal Government that he was being held under "residential surveillance at a designated location" on suspicion of "fraudulent use of identification, illegal possession of state secrets, and illegally providing state secrets". The Law Society is aware of the fact that Mr. Tianyong has not been allowed to see his family, nor has he had access to legal representation. Moreover, his family has not been informed of the specific location where he is being detained and his conditions and treatment while detained.

We understand that Mr. Tianyong has previously faced disbarment in 2009 for advocating in favour of democratic elections at the Beijing Bar Association. After this event, during the period between February and April 2011, Mr. Tianyong was forcibly arrested and beaten on a number of occasions.

In December 2016, a UN panel of experts, constituted by Mr. Philip Alston (Special Rapporteur on extreme poverty and human rights), Mr. Michel Forst (Special Rapporteur on the situation of human rights defenders) and Mr. David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), urged the Chinese authorities to investigate the case of detention of Mr. Tianyong. Mr. Philip Alston specifically stated that Mr. Tianyong's detention might have been in reprisal for his cooperation with the UN during Mr. Alston's last visit to China in August 2016. There have been similar cases of harassment and retaliation against other lawyers identified by the Special Rapporteur during his visit to China.

The Law Society has previously expressed its concern over similar cases involving lawyers and human rights defenders in China in its letters sent on 15 July 2015, 5 May 2016, 14 September 2016 and 20 October 2016

China has been a member of the United Nations since 1945. The Law Society respectfully refers you to the following provisions of the **UN Universal Declaration of Human Rights** (1948):

Article 3

Everyone has the right to life, liberty and security of person.

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Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

China ratified the **UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment** on 4 October 1988. We would like to respectfully highlight the following provisions under the Convention:

Article 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.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

The Law Society draws your attention to the **UN Standard Minimum Rules for the Treatment of Prisoners (1977)**, which provide that:

37. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

44.3. Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

We also respectfully draw your attention to the **United Nations Basic Principles on the Role of Lawyers (1990)**, which provide that:

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.

For these reasons, the Law Society respectfully urges the relevant authorities to:

1. Initiate a thorough investigation into the case of the detention of Mr. Jiang Tianyong.
2. Release Mr Jiang Tianyong without delay and ensure, until such release, that Mr. Jiang Tianyong is treated in detention in accordance with applicable international standards, is allowed to see his family and have access to a lawyer.
3. Ensure that lawyers and human rights defenders in China are free to carry out their professional duties without hindrance or interference.

The Law Society will continue to monitor the situation of Mr. Jiang Tianyong, as well as the situation of other lawyers and human rights defenders in China.

Yours sincerely,



Robert Bourns
President

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cc.

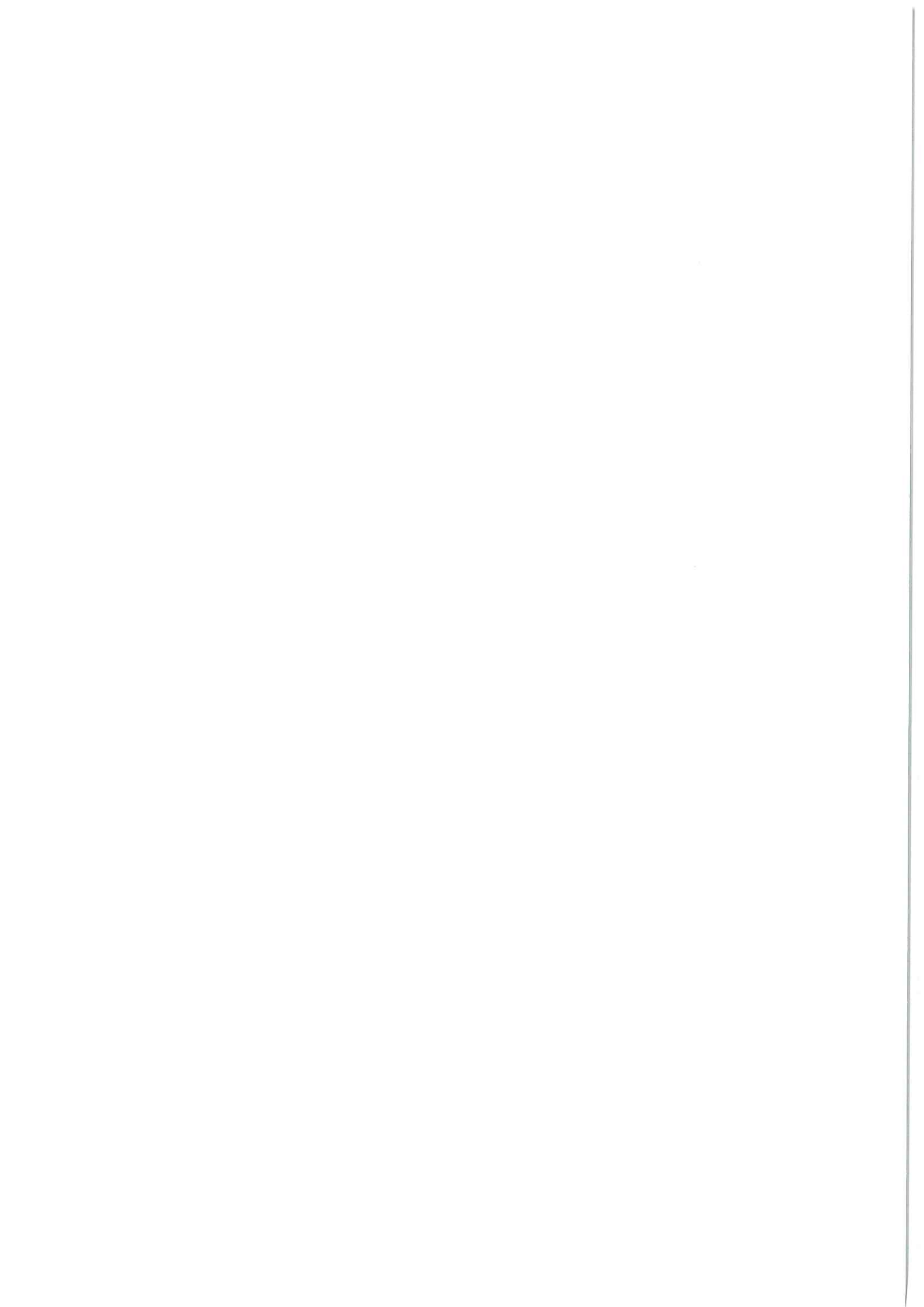
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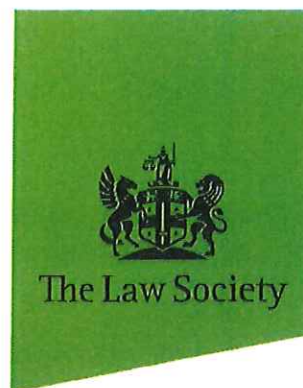
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From the President

Li Keqiang
Premier
The State Council
9 Xihuangcheng Genbeijie
Beijingshi 100032
People's Republic of China



15 July 2015

Your Excellency

China: Lawyers at Risk

The Law Society is the professional body representing more than 145,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

We respectfully draw your attention to the Law Society's previous letters dated 19 May, 27 June and 21 August 2014 concerning the detention and ill treatment of human rights defenders in China.

The Law Society is very concerned to learn of the arrest and detention of more than 100 lawyers together with others who are either human rights defenders or employees of law firms in China. Beginning with the detention of Lawyer Wang Yu (王宇) on 9 July 2015, the Chinese authorities have staged an unprecedented series of arrests of human rights lawyers. A list of those known to have been arrested is annexed to this letter. Those arrested have included:

The criminal detention of lawyers and legal assistants Zhou Shifeng (周世鋒), Wang Quanzhang (王全璋), Huang Liqun (黃力群), Sui Muqing (隋牧青) and Xie Yang (谢阳), Bao Longjun (包龍軍), Liu Sixin (劉四新), and Ge Ping (戈平); further detentions or forced disappearances of other lawyers, including Li Heping (李和平); and the temporary detention or questioning of at least 80 more lawyers. Further Police have searched the offices of Fengrui (鋒銳) Law Firm and of Xiyuanwang (洗冤網), a network set up to work on wrongful criminal conviction cases, in Beijing.

Coupled with these arrests there have been nationwide media reports pre-emptively portraying those detained as 'suspects' and 'criminals'. On 12 July 2015 there was a CCTV 13 news report describing recent human rights lawyer advocacy campaigns as 'rights-defence-style trouble-making' ('维权式'滋事). In an article on Sunday 12 July 2015 headlined "Uncovering the dark story of 'rights defence'", spanning two-thirds of its second page, the People's Daily said the Ministry of Public Security launched the operation to "smash a major criminal gang that had used the Beijing Fengrui law firm as a platform since July 2012 to draw attention to sensitive cases, seriously disturbing social order". The article said the firm's director Zhou Shifeng, his assistant Liu Sixin, lawyers Wang Quanzhang, Huang Liqun, Wang Yu and her husband Bao Longjun were in criminal detention for "seriously violating the law". It did not specify a charge. It said "the criminal gang" comprised Zhou, Wang Yu, Wang Quanzhang, Huang as well as Liu, Bao and high-profile activist Wu Gan, who masterminded many plots in the name of "rights defence, justice and public interest". It accused them of "colluding with petitioners to disturb social order and to reach their goals with ulterior

motives".^{1 2} Many of the detainees had signed a statement condemning Wang Yu's disappearance early on Thursday 9 July 2015 after her electricity was cut and her home broken into.

We understand that the families of those detained have not been notified of their whereabouts and have not been able to visit them. Moreover those detained have not been allowed access to a lawyer nor have they been brought before a court.

We recall that China became a member of the United Nations on 1 October 1949, is a permanent member of the UN Security Council and became a member of the UN Human Rights Council as of 1 January 2014. China has also signed and ratified the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)**. There are a number of human rights obligations that China is bound to uphold.

These include the **Universal Declaration of Human Rights (1948)** which provides as follows:

Article 3: *Everyone has the rights to life, liberty and security of person*

Article 5: *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*

Article 10: *Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*

Article 19: *Everyone has the right to freedom of opinion and expression.*

And the **UN Basic Principles on the Role of Lawyers (1990)** which states that:

16. Governments shall ensure that lawyers

(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;

(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.

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.

The Law Society respectfully urges that:

¹ <http://www.scmp.com/news/china/policies-politics/article/1838240/chinese-police-detain-scores-lawyers-and-activists>

² <http://www.nytimes.com/2015/07/12/world/asia/china-arrests-human-rights-lawyers-zhou-shifeng.html>.

- 1) The detained lawyers and others arrested with them are released immediately and unconditionally.
- 2) China must ensure that all persons detained are brought before a properly constituted court and any detention is sanctioned by such a court.
- 3) China comply with its obligations to support the freedoms enshrined in the UDHR, and allow for the practice of freedom of expression, association and assembly, and ensure that those who wish to partake in such activities and associations are able to do so safely and fully without threat, intimidation, prosecution or detention.
- 4) China provide a safe environment for lawyers and human rights workers to work in without fear of intimidation, threat of attack or harassment or unlawful detention.
- 5) The families of the detained are notified immediately of their whereabouts and permitted to visit any who are detained.
- 6) China should ensure that no one is detained in any secret detention facility as a secret detention facility is per se a breach of the Convention against Torture.

Yours sincerely,



Jonathan Smithers
President

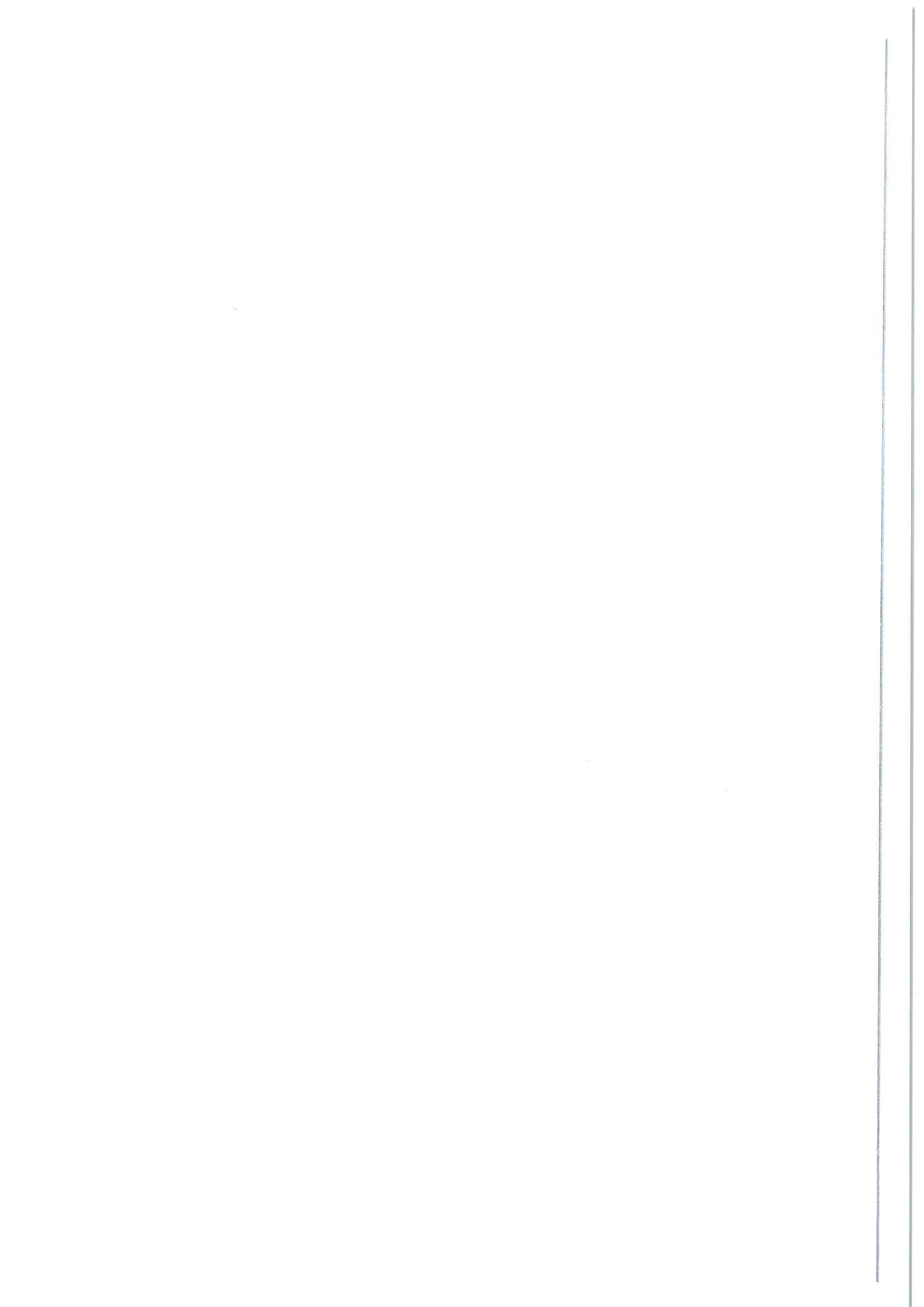
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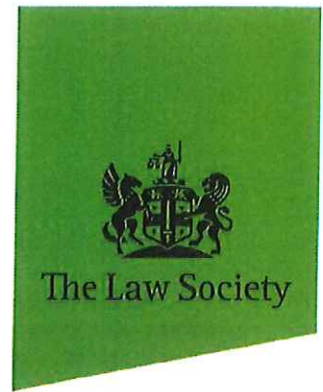
C.C:

Liu Xiaoming
Chinese Ambassador to the United Kingdom
51 Portland Place
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From the President

Li Keqiang
Premier
The State Council
9 Xihuangcheng Genbeijie
Beijingshi 100032
People's Republic of China



5 May 2016

Your Excellency

Ge Yongxi - Lawyer at risk

The Law Society is very concerned for the safety of Ge Yongxi, a Guangdong-based human rights lawyer, at An Guo Law Firm. He is well-known for defending political and social activists, underground church leaders and those involved in a non-violent civil disobedience movement. In 2013 Ge Yongxi was subjected to a travel ban while defending Tang Jingling, a human rights lawyer sentenced to 5 years in prison for subversion. Between 28 May and 6 June 2015, Ge Yongxi was held at a detention centre in Qing'an, Heilongjiang Province. He was released after 733 Chinese lawyers signed a petition, calling on the Standing Committee of the National People's Congress to investigate his detention. Moreover, on 8 September 2015, Ge Yongxi was prevented from travelling to Hong Kong, despite a lack of documentation authorising his travel ban. These repeated incidents, involving detention and harassment, have impeded Ge Yongxi's legitimate work as a human rights lawyer.

On Thursday 14 April, at 2.30pm, Ge Yongxi posted a picture on a social media network, WeChat, which related to the leaked Panama Papers. The picture purported to show the Panama Canal and included images of President Xi Jinping and two former Chinese leaders, Deng Xiaoping and Jiang Zemin. Later that day, at around midnight, Ge Yongxi was taken from his home in Foshan, in Guangzhou province, by five plain-clothed police officers. While the police informed Ge Yongxi's family that he had been detained for interrogation, his family could not contact him as his mobile phone appeared to have been switched off.

During his detention, the police questioned Ge Yongxi about the origin of the picture posted and whether he had been involved in spreading material about the Panama Papers. Moreover, Ge Yongxi was made to write a letter of assurance promising not to post the picture again. On Friday 15 April, human rights lawyers gathered outside the Public Security Bureau to show their support for Ge Yongxi. He was subsequently released that night, after being held in detention for 22 hours.

Ge Yongxi's detention was allegedly justified on the basis that he had been "insulting other people". We submit that his arrest was, however, arbitrary and linked to his posting about Chinese officials and the Panama Papers. Indeed, Chinese websites have been banned from publishing material relating to the Panama Papers and social media references to the leak have been deleted.

We respectfully draw your attention to the Law Society's previous letters dated 14 February 2014, 19 May 2014, 27 June 2014, 15 July 2015 and 25 January 2016 concerning the detention and ill treatment of human rights lawyers in China. These letters demonstrate that there has been a significant increase in criminal and administrative detentions in China since 2014, indicating escalating suppression of human rights and fundamental freedoms. Since July 2015, over 280 Chinese human rights lawyers, their associates and family members have been summoned, detained or subjected to travel bans. While some have been released, many have been charged with subversion or remain in detention, with the whereabouts of detained victims largely unknown. This has led to an international plea for Chinese authorities to release detained lawyers who seek to protect the rights of other Chinese citizens.

China has been a member of the United Nations since 1 October 1949 and became a member of the UN Human Rights Council on 1 January 2014 which promotes and protects all human rights.

These include rights enshrined in the **Universal Declaration of Human Rights (1948)** which states that:

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

China is also a signatory of the **International Covenant on Civil and Political Rights (1976)**, which states that:

Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

The **UN Basic Principles on the Role of Lawyers (1990)** specifically concerns the rights of lawyers and provides that:

Article 16: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Article 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 of human rights.

We further draw your attention to the **Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)**, which provides as follows:

Article 7: Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

The Law Society respectfully urges that:

- 1) You ensure that Ge Yongxi is not subjected to further intimidation, harassment or detention.
- 2) China complies with its obligations to promote and protect freedom from arbitrary arrest or detention and freedom of expression.
- 3) China provides a safe environment for human rights lawyers to carry out their legitimate work without fear of intimidation, harassment or detention.

Yours sincerely,


Jonathan Smithers
President

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cc.

/
Liu Xiaoming
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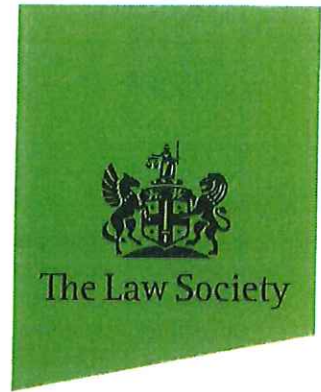
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From the President

His Excellency General Secretary Xi Jinping
President of the People's Republic of China
No. 174 Xi Chang'an Jie
Beijing 100017
People's Republic of China



14 September 2016

Dear President

Treatment in detention - human rights defender Guo Feixiong

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world.

The Law Society would like to express its concern on the detention of the human rights defender Mr. Yang Maodong, commonly known as Guo Feixiong. Mr. Guo Feixiong was sentenced to 6 years of detention in 2013 on charges of having made a public protest against official censorship of a Guangzhou newspaper. He is currently detained in Yangchun Prison in the province of Guangdong.

The Law Society is particularly concerned about the health of Mr. Guo Feixiong, who has been on hunger strike since 9 May 2016 as a response to alleged degrading and humiliating treatment he has been subjected to while in detention. In particular, we are deeply concerned about an alleged lack of adequate medical attention and ill-treatment, which allegedly includes sleep deprivation, harassment and humiliating medical procedures filmed by prison officials for public release. These violations were recorded and subsequently reported by a group of United Nations independent experts and are referred to in a press release of the Office of the UN High Commissioner for Human Rights dated on 4 August 2016. Furthermore, Mr. Guo Feixiong began a hunger strike calling on the Chinese government to launch political reforms, which included the abolition of punishment by electric shock, improvements in the treatment of political prisoners, and the ratification of the International Covenant on Civil and Political Rights. We understand that Mr. Guo Feixiong has been forced-fed twice every other day since 1 May 2016 and is being given intravenous supplements every other day against his will.

The Law Society is seriously concerned about the conditions of detention of Mr. Guo Feixiong and the apparent inadequacy and unacceptable quality of the medical treatment provided to him while in prison. It is feared that Mr. Feixiong has been targeted because of his work as a human rights defender. Such measures would have a negative effect on the work of other human rights defenders in China as well as China's image and reputation.

The Law Society would like to raise your attention to the following provisions of international human rights law.

The **UN Universal Declaration of Human Rights (1948)** states:

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

The People's Republic of China ratified the **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)** on 4 October 1988 and is bound to uphold its provisions:

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Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

Further, we would like to bring your attention to the **UN Standard Minimum Rules for the Treatment of Prisoners**:

Article 22

2. Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals.

Article 25

1. The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

Principles 1 and 24 of the **UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment** prescribe that:

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

Principle 24

A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge.

Further, Article 12 of the **UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms** states that:

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

The Law Society respectfully urges His Excellency to:

- While Mr. Guo Feixiong remains in detention, guarantee the physical and psychological safety and integrity and ensure that he immediately receives the required medical treatment;
- Secure an independence and expeditious investigation into the instances of ill-treatment allegedly suffered by Mr. Guo Feixiong in Yangchun Prison in order to identify and punish the perpetrators;
- ensure the safety of all lawyers and human rights defenders in China and the establishment of a viable environment to enable them to carry out their work free from threats, intimidation, harassment, restrictions, or reprisals.

Yours sincerely,



Robert Bourns
President

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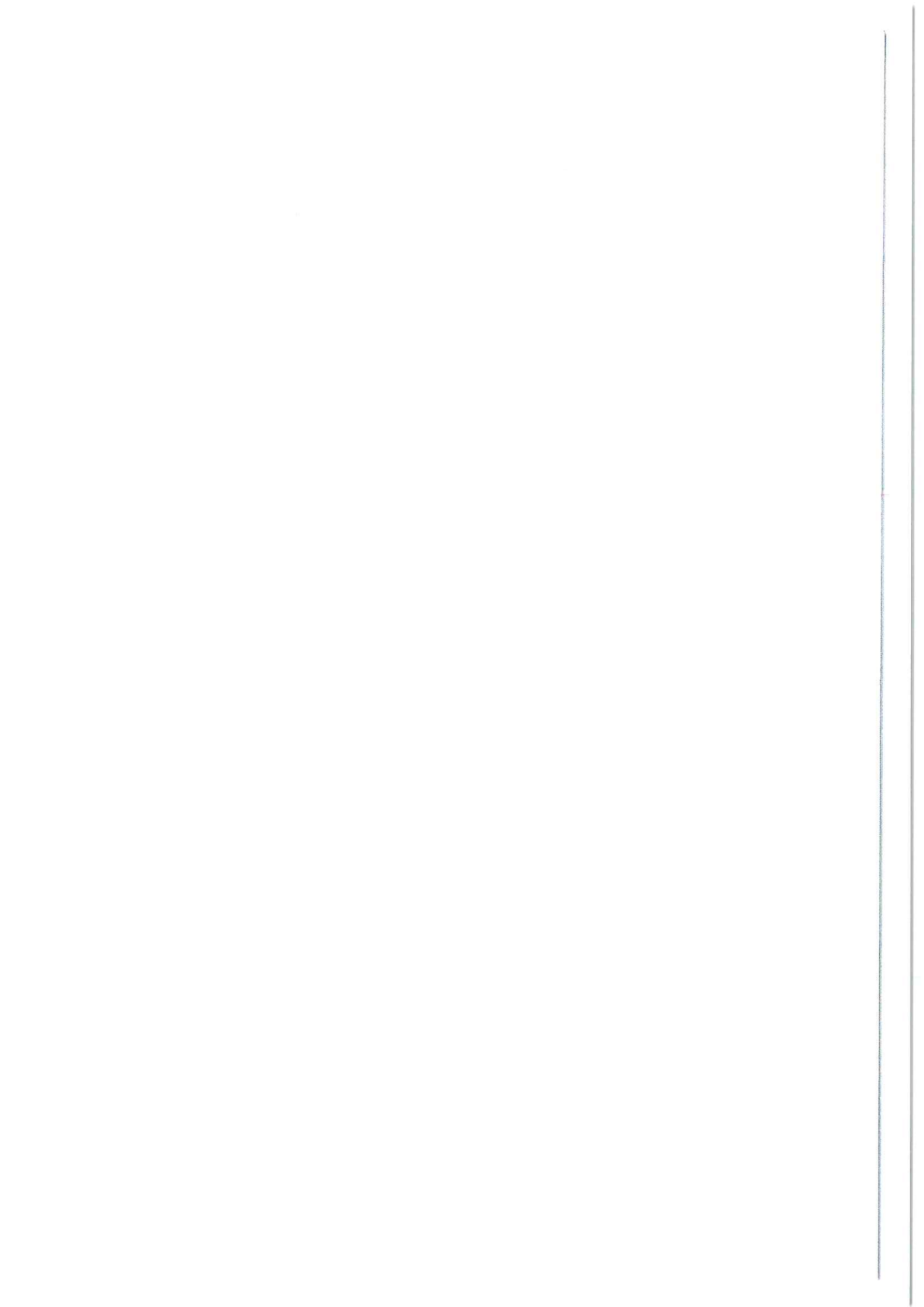
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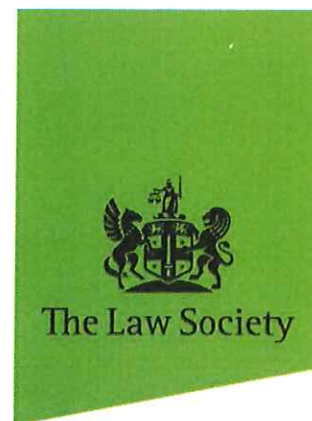
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From the President

His Excellency Li Keqiang
Premier
The State Council
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By email: premier@mail.gov.cn

20 October 2016

Your Excellency

Xia Lin - Lawyer at risk

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world.

The Law Society is very concerned by the imprisonment of Xia Lin, a prominent Chinese human rights lawyer. Mr Xia Lin was detained in November 2014. We understand that his trial commenced in June 2016. On 17 September 2016, Mr. Xia Lin was sentenced to 12 years imprisonment by the Beijing second intermediate people's court on fraud charges. It was alleged that he had coerced associates into lending him money to pay off gambling debts. We understand that Mr Xia Lin pleaded not guilty to these charges and that none of the persons he was accused of have borrowed money from filed a criminal or civil suit against him. His wife reported that Mr Xia Lin was not allowed to speak during his own trial.

Mr Xia Lin has worked on a number of high-profile human rights cases. He acted as a legal representative of the artist and activist Ai Weiwei, as well as human rights defender Guo Yushan, who was himself detained in 2014 after voicing support for pro-democracy street protests in Hong Kong.

The Law Society has previously expressed its concerns over the detention and ill treatment of lawyers and human rights defenders in China in its letters of 14 February 2014, 19 May 2014, 27 June 2014, 15 July 201, 5 May 2016 and 14 September 2016.

China has been a member of the United Nations since 1 October 1949. We respectfully remind your Excellency that the **Universal Declaration of Human Rights (1948)** states that:

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

China is also a signatory of the **International Covenant on Civil and Political Rights**, which states that:

Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

The **UN Basic Principles on the Role of Lawyers** provides that:

Article 16: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

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Article 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 of human rights.

We further draw your attention to the **Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)**, which provides as follows:

Article 7: Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 9.3: [...] everyone has the right, individually and in association with others, inter alia: (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

The Law Society respectfully urges the relevant authorities:

- 1) to review the judgment rendered in the criminal proceedings against Mr. Xia Lin and release him without delay
- 2) to ensure that lawyers and human rights defenders can carry out their professional duties without fear of intimidation, harassment or detention.

The Law Society shall continue to monitor the situation of lawyers and human rights defenders in China, and the situation of Mr. Xia Lin in particular.

Yours sincerely,



Robert Bourns
President

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