



The Law Society

## From the President

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

27 June 2014

Dear Mr Prime Minister

### **Pu Zhiqiang and Qu Zhenhong : Lawyers at Risk**

The Law Society is the professional body representing more than 166,000 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 31/07/2007 and 14/02/2014, concerning the detention and ill treatment of human rights lawyers in China. More recently on the 19 May we wrote regarding the detention of 4 lawyers: Tang Jitian; Jiang Tianyong; Wang Cheng and Shang Junjie (see attached).

The Law Society is concerned to learn of the arrest and detention of Pu Zhiqiang, an internationally known human rights activist and lawyer to Ai Weiwei, and his niece Qu Zhenhong, also a lawyer, who were detained over a month ago for attending a meeting in Beijing marking the anniversary of the Tiananmen Square protests of 1989. According to the public security bureau in Beijing, Pu Zhiqiang was arrested on charges of "creating a disturbance" and "illegally obtaining personal information" but no information has been given as to the reason for the arrest and detention of his niece. Their arrests and detention without trial lead us to believe that this is an attempt to silence lawyers who have worked on a number of sensitive civil rights issues. Their arrest appears to be part of government suppression of Human Rights lawyers and activists which has involved a large number of detentions recently.

More than a month has gone by since Pu Zhiqiang and Qu Zhenhong's initial detention without an attempt to justify their detention and incarceration nor have they been brought before a court. Moreover Pu Zhiqiang, who is aged 49, suffers from diabetes and is thought to be in deteriorating health.

We wish to draw to your attention the following

Article 3 of the **Universal Declaration of Human Rights (1948)** states that:

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

Article 9 states that:

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

Articles 9 and 14 of the **International Covenant on Civil and Political Rights (1966)**, which China signed on 5 October 1998, states that:

*9.1 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.*

9.2. *Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.*

9.3. *Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.*

9.4. *Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.*

9.5. *Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation...*

14.3. *In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:*

(a) *To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him...*

(c) *To be tried without undue delay;*

Articles 1, 7, 8, 16 and 18 of the **United Nations Basic Principles on the Role of Lawyers (1990)** state:

1. *All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.*

7. *Governments shall further 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.*

8. *All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials.*

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.*

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

Further the **Declaration on the Rights and Responsibility of Individuals, Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)** provides in articles 5, 6 & 7 as follows:

Article 5

*For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:*

- (a) *To meet or assemble peacefully;*
- (b) *To form, join and participate in non-governmental organizations, associations or groups;*
- (c) *To communicate with non-governmental or intergovernmental organizations.*

Article 6

*Everyone has the right, individually and in association with others:*

*(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;*

*(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;*

*(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.*

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.*

We respectfully urge that you:

1. Ensure the immediate release of Pu Zhiqiang and Qu Zhenhong.
2. Guarantee in all circumstances the right to freedom of movement to both local and international human rights defenders in China as enshrined by the Universal Declaration of Human Rights, as well as the 1998 United Nations Declaration on Human Rights Defenders.
3. Guarantee in all circumstances that all human rights lawyers and defenders in China are able to carry out their legitimate human rights activities without fear of reprisals, intimidation, threats and free of all restrictions.

Yours sincerely



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