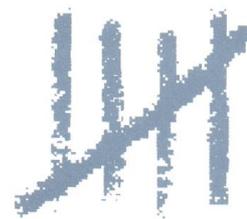


Xi Jinping,  
President of China  
The State Council General Office  
2 Fuyoujie Xichengqu  
Beijingshi 100017  
People's Republic of China



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND AND WALES

London, 17 July 2015

### **Open letter: Arrest and detention of lawyers and human rights activists in China**

Your Excellency,

The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

BHRC is concerned by the arrest and detention of an increasing number of lawyers, legal staff and human rights defenders across China. The arrests are reported to have commenced on 9 July 2015, targeting lawyers Wang Yu (王宇), Zhou Shifeng (周世鋒), and others who are reportedly accused of causing social chaos through open defiance in the courtroom, on the internet and organising protests. Reports also raise concern as to the severe methods in which the Public Security Ministry has orchestrated the arrests, often without following legal procedure or providing reasons. Chinese media reports have referred to these individuals as ‘gang members’ who have committed criminal acts, prior to any judicial finding of guilt.

Since these arrests, and as of today’s date, it is understood from sources that 220 lawyers, staff, human rights defenders and their family members have been arrested and/or detained during what has been described as a crackdown on their activities. A significant number continue to be held in detention while the whereabouts of others is unknown.

Yesterday the UN Special Rapporteurs to the Special Procedures of the Human Rights Council stated that ‘more than 100 lawyers have been arrested and detained or interrogated over the last few days in direct connection with their professional activities,’ and that ‘most of the lawyers are believed to have been working on human rights-related cases, in particular cases where they represented well known political dissidents, journalists and artists.’

We join the UN experts in underlining that China is not only a member of the United Nations, but of the Human Rights Council. The members have agreed to respect the UN Declaration on Human Rights, the UN Basic Principles on the Role of Lawyers 1990 and the UN Declaration on Human Rights Defenders 1998, among other instruments.

The mass arrests appear to be in violation of these instruments, which set out fundamental rights, such as the right to a fair trial, and to freedom of expression, and provide procedural safeguards for those representing accused people. In particular, the UN Basic Principles on the Role of Lawyers provides that lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions (Principle 18), and affirms that lawyers shall enjoy civil and penal immunity for

Chair: Kirsty Brimelow QC | Vice-Chairs: Sudanshu Swaroop & Blinne Ní Ghrálaigh

relevant statements made in good faith or in their professional appearances before courts and tribunals (Principle 20). It also requires governments to ensure that lawyers are able to perform their professional functions without improper interference, and be entitled to take part in public discussion on matters concerning the law, administration of justice and promotion and protection of human rights.

In addition, Article 8 of the Declaration on Human Rights Defenders enables everyone to participate in the public affairs of their country, to raise criticism and proposals for improvement and to ‘draw attention to any aspect of [government] work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.’

We understand that the Criminal Procedure Law in China enables effective legal representation of accused people, and the Supreme People’s Procuratorate issued a regulation (December 2014) enabling lawyers to meet privately with their clients at the investigation stage and have access to case files. This is to enhance judicial transparency as well as to prevent miscarriages of justice.

The recent mass arrests appear to be a departure from China’s commitment to the rule of law.

We urge Your Excellency to take the necessary and immediate steps to ensure that:

- The arrest and detention of all lawyers, human rights defenders or others connected with them (‘the arrested people’) is reviewed to ensure that there is reasonable suspicion of actual criminal conduct justifying arrest;
- The arrested people are immediately released from custody;
- All accusations and charges are discontinued against those whose actions relate to the representation of others, or criticism of government activity;
- All arrested people who continue to be detained are kept in humane conditions and are treated with dignity;
- All arrested people who continue to be detained are given access to lawyers, who are able to effectively provide a defence;
- The manner in which the arrested people were detained is investigated to ensure proper procedures were followed; and,
- No further arrest or detention takes place with regard to other lawyers, human rights defenders and their associates where their activity relates to the representation of others or criticism of government activity, which remain fundamental human rights.

Yours sincerely,



**Kirsty Brimelow QC**

Chair, Bar Human Rights Committee of England and Wales (BHRC)

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CC: Guo Shengkun, Minister of Public Security

CC: H.E. Mr Liu Xiaoming, Ambassador of the People's Republic of China to the United Kingdom