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Commission  
of Jurists

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His Excellency Mr. Xi Jinping  
President of the People's Republic of China  
Office of the President of the State  
Zhongnanhai, Xi Chang'an Jie,  
Beijing 100017  
China

Geneva, 1 September 2014

Dear Excellency,

Re: Alleged arbitrary detention of lawyers

I write to you on behalf of the International Commission of Jurists (ICJ), an international organization composed of 60 eminent judges and lawyers from all regions of the world. The International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952 and active on the five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

The ICJ has noted continuing credible reports of interference with lawyers in China, including through the alleged practice of arbitrary detention. The ICJ is writing to respectfully request your officials to comment on the details and provide a response to the allegations.

The ICJ urges your government to take action to remedy any breaches of international law and standards, including by immediately releasing any lawyers deprived of liberty for discharging their professional functions or for exercising their protected human rights, including freedom of expression, opinion, association or assembly.

Lawyer **Chang Boyang**, for instance, was reportedly arrested on 27 May when he sought to meet clients being held at Erligang police station in Zhengzhou City. The clients were being detained on suspicion of "gathering in a public place to disturb public order", reportedly as a result of taking part in a memorial tribute on February 2 for former leaders Hu Yaobang and Zhao Ziyang. When Chang Boyang arrived at the police station to meet them, he was allegedly also detained for "gathering in a public place to disturb public order", in the absence of any evidence that he was even present at the event. The charges were reported to have

changed in early July, with little explanation, to "suspicion of illegal commercial activities". The ICJ understands that he remains in custody.

Lawyer **Pu Zhiqiang** was said to have been taken into criminal custody on 6 May 2014, three days after attending a private event commemorating the 'Tiananmen' political crisis of 1989.

He was reportedly held without charge until 13 June, when he was formally charged with "creating a disturbance" and "illegally obtaining personal information". While in custody, he was allegedly not provided prompt and necessary medical treatment for his diabetes and was denied an early release on medical bail. The ICJ understands that he remains in custody.

Lawyer **Ji Laisong** was reportedly taken into custody on 27 May 2014, also after attending a Tiananmen commemoration event. He was reportedly initially accused of "creating a disturbance" but was ultimately charged with "gathering a crowd to disrupt order of a public space". Authorities allegedly prevented him from access to his lawyer, contending that his case involved matters of state security. The ICJ understands that he remains in detention.

A number of other lawyers also appear to have been targeted for their efforts in defence of human rights. On 21 March 2014, lawyer **Zhang Junjie** was reportedly detained by government officials from his hotel room in the Heilongjiang Province, where he had apparently travelled to investigate the detention conditions of his clients. He was accompanied by **Wang Cheng, Tang Jitian and Jiang Tianyong**, lawyers who had had their licenses to practice law annulled by authorities, allegedly because of their human rights activities. Zhang Junjie was apparently held under administrative detention for five days for "disrupting public order", while the other three were held under a 15-day administrative detention order, a deprivation of liberty imposed without a trial.

**Ding Jiayi**, a lawyer involved in anti-corruption initiatives, was reportedly arrested in April 2013 after participating in a public event where participants held up banners and made public speeches calling for high-level government officials to disclose their assets. He was apparently convicted of "gathering a crowd to disrupt order of a public place" and sentenced to three years and six months of imprisonment in April 2014. His lawyer, **Cheng Hai**, was in turn allegedly assaulted by police officers during a prison visit in late November 2013 and later resigned in protest against the numerous procedural violations that occurred throughout Ding's trial. Ding was sentenced on 18 April to three years and six months' imprisonment. The ICJ understands that he remains in custody.

A number of the detained lawyers allege they were subjected to torture or other cruel, inhuman or degrading treatment and denied access to their legal counsel and family members. As you are aware, international law and standards, as well as Chinese law, prohibit arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment, and guarantee the right to a fair trial.

China signed the International Covenant on Civil and Political Rights in 1998, which incorporates and elaborates on these prohibitions and the right to fair trial (as well as freedom of expression, association and peaceful assembly, and other rights). Under the Vienna Convention on the Law of Treaties (to which China acceded in 1997), having signed the Covenant, China is bound at minimum to "refrain from acts which would defeat the object and purpose" of the Covenant until such time as China ratifies the treaty (at which point its provisions come fully into effect).

To respect the right to fair trial and the prohibition of arbitrary detention, States must inform persons of the reasons for an arrest and allow access to independent legal assistance throughout all stages of proceedings. Any deprivation of liberty that is based solely on the exercise of human rights, or on a lawyer duly discharging his or her professional functions, would be arbitrary. Detainees may not be arbitrarily deprived of access to their family members. Prolonged deprivation of access can violate the prohibition of torture and other ill-treatment.

Building on states' legal obligations, the United Nations Basic Principles on the Role of Lawyers require states to respect and observe the independence of the legal profession, including by ensuring lawyers are not subject to any intimidation, hindrance, harassment or improper interference in the discharge of their professional duties. "Where the security of lawyers is threatened as a result of discharging their functions," the Principles provide that "they shall be adequately safeguarded by the authorities".

The UN Basic Principles also provide that lawyers shall not suffer or be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance

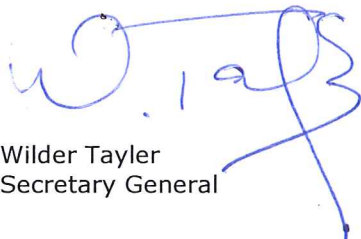
with recognized professional duties, standards and ethics. Sanctions for breaches of professional duties, standards or ethics may only be imposed by independent and impartial bodies after a fair proceeding.

The UN Basic Principles further affirm that "[l]awyers 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 or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession."

The allegations as reported would constitute breaches of the international standards and legal obligations set out above.

The ICJ would very much welcome a detailed response from you or your officials to the reported facts in relation to the relevant standards. The ICJ further urges your Government to release immediately all lawyers who have been detained for carrying out their professional functions, including in cases the government deems sensitive, or for the exercise of their rights of freedom of expression, association or assembly.

Yours sincerely,



Wilder Tayler  
Secretary General