

Mr. Wen Jiabao
Prime Minister of the
People's Republic of China,
Guojia Zongli, The State
Council General Office,
2 Fuyoujie, Xichengqu,
Beijingshi 100017,
People's Republic of China

Re: Concerns regarding the case of Zhao Lianhai

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE is writing to express its serious concerns over the recent and sudden dismissal of the lawyers of Zhao Lianhai, a father whose child contracted kidney stones from drinking melamine-tainted milk, who was sentenced on 10 November 2010 to two and a half years' imprisonment for "inciting social disorder".

According to reliable sources, since his sentence, his two lawyers, Li Fangping and Peng Jian, have been denied access to meet him face to face. Moreover, on the last day of filing an appeal against his conviction (22 November 2010), the lawyers received a note of dismissal from him.

We understand that as Zhao had previously vowed to lodge an appeal, it is thought strange that he would choose to dismiss his defence lawyers at such a crucial moment. Especially worrisome is that fact that the lawyers have been unable to meet Zhao in person to confirm his intention.

Due to the unexpected nature of the dismissal of the lawyers and the fact that they were unable to meet with the client in person to confirm this dismissal, it is more than reasonably feared that the authorities have exerted tremendous pressure over Zhao and his family, barring his appeal by forcing them to dismiss his lawyers.

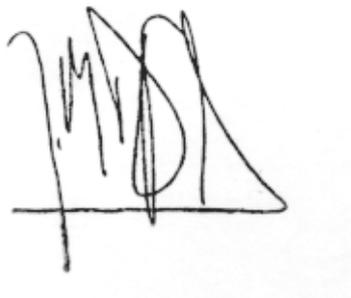
In this context, the CCBE wishes to draw to your attention to Article 180 of "PRC Criminal Procedure Law" which states that a defendant should not be deprived on any pretext of his right to appeal. Whilst Article 37 of "PRC Law on Lawyers" states that "the personal rights of a lawyer in practicing law shall not be infringed upon."

Furthermore, Article 33 of "PRC Law on Lawyers" specifies that:

“as of the date of first interrogation of or adoption of a compulsory measure on a criminal suspect by the criminal investigative organ, an authorized lawyer shall have right to meet the criminal suspect or defendant and learn information related to the case, by presenting his lawyer’s practicing certificate, certificate of his law firm and power of attorney or official legal aid papers. A lawyer who meets a criminal suspect or defendant shall not be under surveillance.”

In view of the above, the CCBE respectfully urges you to investigate the above mentioned facts and to take immediate and effective action to allow the lawyers to meet with Zhao Lianhai and guarantee in all circumstances the physical and psychological integrity of all human rights defenders, in order to preserve the independence and integrity of the administration of justice in China.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JMD', written over a horizontal line. The signature is stylized and somewhat abstract.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President