

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

Brussels, 16 April 2012

**Re: Concerns regarding the case of lawyer, Ms Ni Yulan**

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 more than 1 million European lawyers. In addition to membership from the 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 writes to express its concerns over the situation of human rights defender and lawyer, Ms Ni Yulan, who has provided free legal advice to hundreds of people in Beijing.

The CCBE has been informed that on 10 April 2012, Ms Yulan was sentenced to two years and eight months in prison by Xicheng District People's Court in Beijing. The charges of 'creating a disturbance' and 'fraud' reportedly relate to the time that Ms Yulan spent with her husband, Mr Dong Jiqin, living in a hotel in late 2010 and early 2011, after their own home was demolished. Ms Yulan and her husband were initially detained on 7 April 2011 and were tried on 29 December 2011. They are being held in Xicheng District Detention Centre in Beijing. It is reported that the lawyer is in poor health and, according to her daughter, has been denied access to medical attention during her time in custody.

The CCBE believes that the sentencing and detention of Ms Yulan is directly related to her work in defence of human rights, in particular the provision of legal advice to those whose rights were violated. The CCBE is concerned for the physical and psychological integrity of Ms Yulan, particularly in light of the fact that she has been denied access to medical attention.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

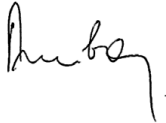
*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Furthermore, Article 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights 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 organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE urges you to take effective steps to ensure that Ms Yulan is unconditionally released, and that she has immediate access to necessary medical treatment, so as to guarantee her physical and psychological integrity and security while in detention. The CCBE also urges you to guarantee in all circumstances that lawyers in China are able to conduct their professional duties without fear of reprisals and free of all restrictions, in order to preserve the independence and integrity of the administration of justice and ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,



Marcella PRUNBAUER-GLASER

CCBE President