

Mr Li Keqiang
Premier of the State Council of the People's Republic of China
The State Council General Office
2, Fuyoujie, Xichengqu
Beijingshi 100017
People's Republic of China

Brussels, 4 February 2014

RE: Concerns over the conviction of lawyer Xu Zhyong

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 EU bars, it also has observer representatives from a further twelve 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 previously wrote to you on 3 September 2013, in order to express its concern over the arrest and detention of Mr Xu Zhyong, a prominent lawyer, academic and anti-corruption activist who was detained on 16 July and then arrested on 22 July in Beijing.

The CCBE has been informed that the trial against Mr Xu Zhyong was held on 22 January 2014. According to the information that we received, on the day of the trial the police reportedly blocked road access to the courthouse and placed a number of Xu Zhyong's supporters under arrest. In addition, it seems that while 17 foreign diplomats were permitted access to the building, they were forbidden from entering the courtroom where the trial was taking place. On 26 January 2014 Mr Xu Zhyong was convicted of "gathering crowds to disrupt public order" and condemned to four years in prison.

The CCBE is alarmed by these facts that show a worrisome crackdown against those fighting for more transparency in the Chinese political system. Moreover we believe that the decision against Mr Xu Zhyong is solely motivated by his peaceful and legitimate work in the defence of human rights and constitutes an intimidating message for other human rights defenders working on politically sensitive issues.

In this context the CCBE would 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

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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 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.

In view of the above, the CCBE urges your Excellency to take effective steps to ensure that the decision against Mr Xu Zhyong is overturned and he is immediately and unconditionally released. The CCBE also asks you to take all necessary measures to guarantee that lawyers in China are able to carry out their professional activities in all circumstances, without fear of reprisal, intimidation or judicial harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
CCBE President