

President Hu Jintao
People's Republic of China
c/o Embassy of the People's
Republic of China
463 Avenue de Tervuren
1160 Auderghem

Brussels, 6th February 2009

Re: Concerns regarding the case of Human Rights Lawyer Mr. Gao Zhisheng

Dear President,

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 700,000 European lawyers. In addition to membership from EU bars, it has also observer representatives from further ten 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 serious concerns over the arbitrary detention of Mr. Gao Zhisheng, a lawyer who is currently detained incommunicado at an unknown place. We have written about him to the Chinese government before, on 15 October 2007. We understand that Mr. Gao Zhisheng had been under constant police surveillance since receiving a suspended sentence for "inciting subversion" in 2006, and that during his illegal detention in 2007 he was tortured by security agents. We further understand that he has been under house arrest since November 2007. We are informed that he was taken into custody on or shortly after 19 January 2009, which is why we are writing to you again.

We are concerned that he may be at immediate risk of severe torture and ill treatment, given the harsh treatment he received earlier.

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, economic 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 respectfully urges you to take immediate and effective steps to guarantee the safety of Mr. Gao Zhisheng in order to preserve the independence and integrity of the administration of justice, to release him immediately and unconditionally if he is not to be charged with a recognisable crime, and to ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anne Birgitte Gammeljord', with a stylized flourish at the end.

Anne Birgitte Gammeljord
President