



Joint statement on lawyer Xu Zhiyong's hunger strike over inhumane treatment in Lunan prison, China

The Law Society of England and Wales ('the Law Society'), Lawyers' Rights Watch Canada, Asian Lawyers Network, Lawyers for Lawyers, International Bar Association Human Rights Institute, 29 Principles, The Rights Practice, and the Council of Bars and Law Societies of Europe (CCBE) are gravely concerned about human rights lawyer and legal scholar, Dr Xu Zhiyong who is currently on hunger strike in Lunan prison, Shandong province in China.

Mr Xu started his hunger strike on 4 October 2024 to call attention to the inhumane treatment he is being subjected to in prison. Our organisations have been informed that Mr Xu is held in a cell with three other detainees who have been instructed by prison guards to monitor and torment him, even when he is using the toilet. In the prison, he is only referred to as "prisoner No. 003", rather than his real name. His family have been granted access to visit him once a month. However, they have experienced threats and harassment which has prevented them from visiting. Furthermore, authorities have refused to deliver his letters to his family or his girlfriend Li Qiaochu, a feminist activist, and have not permitted him to contact them by phone.¹ This activity violates China's Prison Law (1994) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

The Law Society has previously written to the relevant authorities concerning the detention of Mr Xu.² He was arrested on 15 February 2020 by police officers from Beijing Municipal Police Security Bureau. Mr Xu was denied access to his family and lawyers for four months at this time, during which he was subjected to torture and other ill-treatment. Mr Xu was chained to a chair, deprived of sleep and given little food and water for 10 days. As a result, his health deteriorated quickly. Between 22 and 24 June 2022, Mr Xu was subject to a closed trial at the Linshu County Court, in

¹ Chinese Human Rights Defenders (24 October 2024), "Urgent Action: Provide Life-Saving Care to Prisoner of Conscience Xu Zhiyong during Hunger Strike", <https://www.nchrd.org/2024/10/urgent-action-provide-life-saving-care-to-prisoner-of-conscience-xu-zhiyong-during-hunger-strike/>.

² Letter dated 1 November 2024, "Re: Detention of Lawyer - Xu Zhiyong", see under "November 2023": <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/intervention-letters/intervention-letters>.

Shandong province, reportedly on the charge of 'subversion of state power'. Mr Xu was subsequently sentenced, almost a year later, on 11 April 2023 to 14 years in prison.

In light of the ill-treatment previously experienced by Mr Xu and its impact on his health, our organisations are especially concerned about the risk to his health and life during his hunger strike. We have been informed that since Mr Xu began his hunger strike one month ago, he has lost over five kilogrammes. The prison authorities have not confirmed whether Mr Xu has received any medical treatment during this time.

The actions of Chinese authorities in this case violate China's obligation to ensure that no-one is subjected to torture or other cruel inhuman or degrading treatment or punishment under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (ratified by China on 4 October 1988). Under the *Universal Declaration of Human Rights*, China must also ensure that no-one is deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Such laws must be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application and must comply with international law.

Our organisations are concerned that Mr Xu's detainment and ill-treatment is related to his professional duties as a lawyer. Mr Xu is a leading human rights lawyer and scholar, who has previously represented several human rights defenders. He was also a co-founder of the Open Constitution Initiative, a legal aid centre which has since been banned by Chinese authorities.

According to Article 16 of the UN *Basic Principles on the Role of Lawyers*, governments should "ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics." Moreover, Article 23 of the Basic Principles 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."

The undersigned organisations urge the relevant authorities to:

1. Immediately and unconditionally release Xu Zhiyong from detention and drop the charges against him related to his legitimate professional duties.
2. Pending his release, ensure Xu Zhiyong is held in adequate conditions of detention that comply with international human rights standards, including halting constant surveillance, torment, and restrictions on family contact.
3. Immediately provide appropriate medical attention during and related to his hunger strike.
4. Halt all acts of harassment against Xu Zhiyong's family members.

5. Halt all acts of intimidation and harassment against lawyers in China, including arbitrary arrest and detention, and ensure that all lawyers in China can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance or improper interference.

SIGNATORIES:

The Law Society of England and Wales

Lawyers' Rights Watch Canada

Asian Lawyers Network

Lawyers for Lawyers

International Bar Association's Human Rights Institute

29 Principles

The Rights Practice

Council of Bars and Law Societies of Europe (CCBE)