

DATE
05/05/2010

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 lawyer Mr. Lin Hongnan**

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.

We express our concern over the situation facing Fujian lawyer Mr. Lin Hongnan.

The CCBE has been informed that Mr. Lin Hongnan is being harassed by the authorities.. We are told that, after suspending his licence for 1 year in December 2009, the Fuzhou City Bureau of Justice forcibly ordered the dissolution of Mr. Lin's law firm by accusing the firm of being subject to unlawful statutory conditions of establishment.

We believe that these actions follow the fact that Mr. Lin Hongnan, took up the case of "Three Fuzhou Netizens", which aroused territory-wide concern. The three internet users, Fan Yanqiong, Wu Huaying and You Jingyou, were accused of "false accusation and defamation" after helping a petitioner, Lin Xiuying, to post up records of her grievance on internet. Mr. Lin took up the case and defended Wu Huaying. About 5 days before the first trial in December 2009, Mr. Lin received a penalty notice from the Fuzhou City Bureau of Justice, ordering a 1-year suspension of his licence, thus immediately preventing him from legally representing any of the three defendants. On 20 April 2010, a few days after the three netizens were convicted of libel, Mr. Lin received another notice from Fuzhou City Bureau of Justice, enforcing the dissolution of his law firm. Citing the fact that Mr. Lin could not assume his duty as a law firm partner during his licence suspension, the Fuzhou City Bureau of Justice stated that his firm had failed to maintain the statutory conditions of establishment by having fewer than 3 partners. The firm was ordered to go into liquidation within 15 days.

The CCBE condemns such harassment against Mr. Lin Hongnan, which seems to us aimed at penalising his professional activity.

In this context, the CCBE wishes to draw to your attention the following Article 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

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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.

In view of the above, the CCBE respectfully urges the Chinese authorities to dismiss the judicial proceedings against Mr. Lin Hongnan, and to guarantee the free exercise of the profession of lawyer without any interference, in order to preserve the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J.M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President