

President Xi Jinping
The State Council General Office
2 Fuyoujie Xichengqu
Beijingshi 100017
People's Republic of China

Brussels, 23 July 2014

Re: Concerns regarding the detention of Chang Boyang, a human rights lawyer

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 associate and observer representatives from a further thirteen 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 concern over the situation of Mr Chang Boyang, a human rights lawyer who has worked extensively with disadvantaged and vulnerable communities to help defend their rights. He has represented migrant workers, children and people living with HIV/AIDS. In 2004 he set up a volunteer legal aid centre in Henan province and, in 2008, founded a volunteer lawyers' network to assist children who had been made ill from drinking tainted baby milk formula. Chang Boyang is also a legal representative of Yirenping, an NGO that fights discrimination, promotes social justice and provides community outreach programmes. He is as well a board member of the parent Yirenping organisation.

The CCBE was informed that on 27 May 2014, Mr Chang Boyang was detained on suspicion of "gathering a crowd to disrupt public order." On that day, he received a summons to appear at Erligang police station in Zhengzhou and later that evening 15 police officers carried out a search of his home, during which two computers and two mobile phones were confiscated. Since then he has been held in Zhengzhou No. 3 Detention Centre. On 3 July 2014, Chang Boyang's arrest was approved by the prosecutor's office. The arrest notice delivered to his family on 5 July 2014 states that Chang Boyang is currently charged with "engaging in illegal business operations". As far as the CCBE was informed, Chang Boyang has never participated in Yirenping's operation or management, nor in any of its financial or tax matters.

According to CCBE sources, it is believed that Chang Boyang's detention relates to his legal representation of a number of detained human rights defenders in Henan province, including Yu Shiwen and Chen Wei, human rights defenders who were detained in late May 2014 after participating in an event related to the 25th anniversary of the Tiananmen Square protests.

Since his detention, Chang Boyang has not been permitted to meet with his lawyers, in violation of China's Criminal Procedure Law, while over 60 lawyers from around the country have expressed their willingness to represent him.

Chang Boyang's family has voiced concern for his psychological and physical well-being in detention. The CCBE is also concerned that Chang Boyang may be subjected to torture in detention.

Furthermore, the harassment suffered by clients and staff of Yirenping is extremely concerning as it is likely connected to the organisation's legitimate and peaceful work in defence of human rights.

On 29 June 2014, various clients of Zhengzhou Yirenping received suspicious phone calls from callers who claimed to be staff members of Zhengzhou Yirenping. Some of the callers identified themselves as case handlers from Erligang police station in Zhengzhou city, while some stated that they were staff members of a "Disabled Persons' Foundation". Others declined to reveal their names. These callers asked questions about the cases being taken by Yirenping and repeatedly mentioned Chang Boyang, who was in administrative detention at the time.

On 17 June and 13 July 2014, police raided offices of Zhengzhou Yirenping and interrogate the NGO's staff in relation to Chang Boyang. On 12 June 2014, the organisation's bank account in Zhengzhou city was frozen, with police reportedly telling Yirenping that this was due to the investigation into Chang Boyang. Police alleged that, as the human rights defender is a shareholder in Zhengzhou Yirenping, the deposits in that bank account constitute Chang Boyang's assets, and so can be legally frozen.

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 respectfully urges you to take immediate and effective steps to urgently and unconditionally release Mr Chang Boyang, in order to preserve the independence and integrity of the administration of justice. The CCBE also asks the Chinese government 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.

I look forward to hearing from you.

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
President