

12 December 2017

STATEMENT

BHRC calls on Chinese authorities to immediately release human rights lawyer Li Yuhan and provide evidence for the criminal charges against her

BHRC expresses serious concern at the recent arrest and detention of human rights lawyer Li Yuhan, the lack of information for the crimes she has been charged with, and the excessive delay between her arrest and access to legal representation. We reiterate our concern at China's repeated violation of the right of lawyers to perform their professional functions freely and effectively. BHRC considers that these violations are having a deleterious impact on the protection of human rights and the respect for the rule of law in China.

Following Ms Li's arrest in October 2017 and the subsequent communication by the police that she has been detained in the Shenyang City #1 Detention Centre, a joint statement was issued on 5 November by 70 Chinese human rights lawyers and 15 rights defenders urging the Shenyang Police to immediately release Ms Li.

Background

Ms Li, who is a 60-year-old lawyer, was arrested by public security officers of the Shenyang Public Security Bureau's Heping branch office on 9 October 2017. She could not be traced until 31 October, when Ms Li's family was verbally informed by a police

officer that Li had been criminally detained in the Shenyang City #1 Detention Centre for the alleged crime of ‘picking quarrels and provoking troubles.’ We understand that Ms Li was not allowed to consult with her lawyers until 10 November. Five days later, Li’s family received a formal notification of the charges against her, yet no information was adduced in support of the allegations.

Ms Li is known to have defended numerous human rights cases over her 26 years of practice. At the time of the arrest she was defending lawyer Wang Yu, who was charged with the crime of ‘subverting state power’ following the 709 Crackdown.¹ We understand that for some of her past cases Ms Li experienced physical assaults and kidnapping. Ms Li’s arrest and detention appears to form part of the Chinese authorities’ wider approach at suppressing lawyers’ freedom of expression, as demonstrated by the continued detention of many human rights defenders more than two years after the 709 Crackdown. We are also concerned with the Shenyang police’s reputation for using torture against human rights defenders and dissidents, as reported in [the joint statement of Chinese human rights defenders](#) on 5 November. We understand that Ms Li has been subjected to abuse and mistreatment during her detention. There are additional concerns about Ms Li’s health status, as she is understood to suffer heart problems and other health issues.

Human rights violations

As previously emphasised in relation to the detention of lawyer Wu Gan and other human rights defenders, BHRC is alarmed at human rights lawyers across China being charged with criminal acts on insufficient evidence and being detained without justification. This violates some of the most fundamental international human rights standards, including the right not to be arbitrarily detained, the right to a fair trial,

¹ The term refers to the crackdown perpetrated by the Chinese police against human rights defenders, which commenced on 9 July 2015 (hence the reference to ‘709 crackdown’ by the media). Approximately 300 lawyers, legal assistants and activists from across the country were rounded up by the police, questioned, arrested, and detained. To date, a few of them are still in detention. For our most recent statement relating to the 709 Crackdown in China, please see [Statement of concern over the continued detention of human rights defenders in China and their inability to access defence lawyers](#).

including the presumption of innocence, the right to freedom of expression, and the right to effective safeguards for those providing legal representation.

Those rights are now substantially and unacceptably threatened, contrary to China's national and international human rights obligations.

China has signed the International Covenant on Civil and Political Rights, which protects the right to liberty and not to be arbitrarily arrested and detained (Article 9), the right of detainees to be treated with humanity and with respect for their dignity (Article 10), the right to fair trial, including the presumption of innocence, the right to communicate with counsel and to defend oneself through legal assistance of their own choosing (Article 14), and the right to freedom of thought and conscience (Article 18). China's restrictive actions also appear to be in breach of the UN Basic Principles on the Role of Lawyers, and in particular of the Government's duty to ensure that lawyers be able to perform their professional functions without intimidation, hindrance, harassment or improper interference (Article 16(a)). Further, China's actions are in violation of the UN Declaration on Human Rights Defenders and the UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment. These two instruments protect, respectively, the role of lawyers in providing professionally qualified legal assistance, and the right to be assisted by counsel while under detention.

BHRC also notes that the acts of the Chinese authorities appear to be in contravention of the Chinese Criminal Procedure Law. This law provides the right to legal representation for criminal suspects and defendants (Article 32), which appears to have been violated since it is reported that Ms Li was denied access to her lawyers for over a month after being arrested. The Chinese Criminal Procedure Law also protects the right to legal assistance in the investigation phase and the right to be informed as to the charges and nature of the alleged offences by the investigating organs (Article 36), and the right of detainees' families to be formally notified of the arrest within 24 hours after it took place, including of the reasons for the arrest and detention (Article 83).

Conclusion

BHRC considers that the violations of fundamental human rights mentioned above are of serious concern. Urgent steps are needed to prevent the further erosion of the rule of law in China.

We call on China to immediately release Li Yuhan, to promptly and officially inform her of the reasons for the charges against her, and to allow her lawyers to undertake their role effectively.

BHRC calls on the Chinese authorities to affirm, enforce and ensure full respect of the fundamental rights of all human rights defenders in China, as guaranteed under international law and Chinese Criminal Procedure Law. China must promote and protect lawyers' freedom to perform their professional duties, including the upholding of human rights and fundamental freedoms.

ENDS.

NOTES FOR EDITORS

1. For an interview with our spokesperson, please contact Amanda June Chadwick, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.
4. For our previous statements relating to the 709 Crackdown in China please see <http://www.barhumanrights.org.uk/country/China/>. These include: “On eve of human

rights advocate's trial, BHRC calls on China to release detained lawyers and human rights defenders" (14 Aug 2017); "BHRC signs joint letter marking anniversary of Chinese lawyers' arrests" (22 July 2016); "Press Statement: British lawyers call for release of human rights lawyers in China" (22 Oct 2015); "Bar Human Rights Committee writes to Chinese President in response to mass arrests of lawyers and human rights defenders in China" (17 July 2015).