



The Law Society

From the President

His Excellency Li Keqiang
Premier
The State Council
9 Xihuangcheng Genbeijie
100032 Beijing
China

By email: premier@mail.gov.cn

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Your Excellency

Xia Lin - Lawyer at risk

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. It aims to promote and support solicitors while upholding the rule of law, legal independence, ethical values, and the principle of justice for all around the world.

The Law Society is very concerned by the imprisonment of Xia Lin, a prominent Chinese human rights lawyer. Mr Xia Lin was detained in November 2014. We understand that his trial commenced in June 2016. On 17 September 2016, Mr. Xia Lin was sentenced to 12 years imprisonment by the Beijing second intermediate people's court on fraud charges. It was alleged that he had coerced associates into lending him money to pay off gambling debts. We understand that Mr Xia Lin pleaded not guilty to these charges and that none of the persons he was accused of have borrowed money from filed a criminal or civil suit against him. His wife reported that Mr Xia Lin was not allowed to speak during his own trial.

Mr Xia Lin has worked on a number of high-profile human rights cases. He acted as a legal representative of the artist and activist Ai Weiwei, as well as human rights defender Guo Yushan, who was himself detained in 2014 after voicing support for pro-democracy street protests in Hong Kong.

The Law Society has previously expressed its concerns over the detention and ill treatment of lawyers and human rights defenders in China in its letters of 14 February 2014, 19 May 2014, 27 June 2014, 15 July 2014, 5 May 2016 and 14 September 2016.

China has been a member of the United Nations since 1 October 1949. We respectfully remind your Excellency that the **Universal Declaration of Human Rights (1948)** states that:

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

China is also a signatory of the **International Covenant on Civil and Political Rights**, which states that:

Article 9: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

The **UN Basic Principles on the Role of Lawyers** provides that:

Article 16: Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

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113 Chancery Lane London WC2A 1PL Dx 56 Lon/Chancery Ln
t: 020 7242 1222 f: 020 7831 0344 www.lawsociety.org.uk

Article 23: *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 of human rights.*

We further draw your attention to the **Declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)**, which provides as follows:

Article 7: Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 9.3: [...] everyone has the right, individually and in association with others, inter alia: (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

The Law Society respectfully urges the relevant authorities:

- 1) to review the judgment rendered in the criminal proceedings against Mr. Xia Lin and release him without delay
- 2) to ensure that lawyers and human rights defenders can carry out their professional duties without fear of intimidation, harassment or detention.

The Law Society shall continue to monitor the situation of lawyers and human rights defenders in China, and the situation of Mr. Xia Lin in particular.

Yours sincerely,



Robert Bourns
President

Direct Line: +44 20 7320 5603
Robert.Bourns@lawsociety.org.uk

cc.

Ms. Wu Aiyong, Minister of Justice
Ministry of Justice, No.10 Nandajie, Chaoyangmen, Chaoyang District, 100020 Beijing, China

His Excellency Mr. Liu Xiaoming, Ambassador
31 Portland Place, London W1B 1QD, United Kingdom
Email: political@chinese-embassy.org.uk; press_uk@mfa.gov.cn

Her Excellency Dame Barbara Woodward DCMG OBE, Ambassador
British Embassy, 11 Guang Hua Lu, Jian Guo Men Wai, 100600 Beijing, China
Fax: +86 10 5192 4239

Mr. Alexander Bristow, Second Secretary, Political Section
British Embassy, 11 Guanghua Lu, 100600 Beijing, China
Email: Alexander.Bristow@fco.gov.uk

Ms Lucy Monaghan
China Desk Officer, Foreign and Commonwealth Office, King Charles Street, Whitehall, London SW1A 2AH
United Kingdom. Email: Lucy.Monaghan@fco.gov.uk