

## From the President

Li Keqiang  
Prime Minister  
The State Council  
9 Xihuangcheng Genbeijie  
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People's Republic of China



The Law Society

19 May 2014

Your Excellency

### **Detention of Tang Jitian; Jiang Tianyong; Wang Cheng; Zhang Junjie**

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

We respectfully draw your attention to the Law Society's previous letters dated 31 July 2007 and 14 February 2014, concerning the detention and ill treatment of human rights lawyers in China.

Tang Jitian, Jiang Tianyong, Wang Cheng and Zhang Junjie, who are prominent Human Rights Lawyers representing Falun Gong practitioners, were seized by police after being followed to their hotel on 22 March 2014. Several of their relatives were also abducted with the Lawyers and all were held in the black jail in North Eastern China.

Tang Jitian, Jiang Tianyong, Wang Cheng and Zhang Junjie were ordered to serve a 15-day administrative detention in Jiansanjiang City after being seized on 21 March when they tried to visit their clients, Falun Gong practitioners being held in a black jail. They and the other detainees detained with them were allegedly beaten. When Zhang Junjie was released on 27 March, he recounted his experience in detail, including torture while being interrogated; being struck on the head, knocked to the floor, and beaten and kicked for several minutes, leaving him with excruciating pain in his back and three broken ribs along with other injuries.

We wish to draw to your attention the provisions of Articles 16 and 18 of the **UN Basic Principles on the Role of Lawyers (1990)**

Article 16: Governments shall ensure that lawyers:

- (a) Are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.
- (c) Shall not suffer or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 18: Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Further the **Declaration on the Rights and Responsibility of Individuals, Group and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998)** provides in articles 5, 6 & 7 as follows: .

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

#### Article 6

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

#### 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.

The **UN Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment (1988)** provides in Article 6 as follows:

6. No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

Finally, the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)** requires states to take effective legislative, administrative, judicial or other measures to prevent acts of torture.

Articles 1(1) and 2(1) state that:

- 1 (1) For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.
- 2(1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Article 2(2) states that

'No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture'.

Article 11 says that States must review interrogation procedures.

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of

arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Moreover, Articles 12 and 13 require State parties to investigate all allegations of torture:

#### Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

#### Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

We respectfully urge that you:

1. Ensure the immediate release of the lawyers acting for all Falun Gong practitioners as well as the other Lawyers and ordinary citizens detained for supporting them.
2. Institute an impartial investigation into the treatment of Tang Jitian, Jiang Tianyong, Wang Cheng and Zhang Junjie and those detained with them, identify those who ill- treated them and take steps to bring them before a Court to answer for their actions.
3. Guarantee in all circumstances the right to freedom of movement to both local and international human rights defenders in China as enshrined by Article 13 of the Universal Declaration of Human Rights, as well as the 1998 United Nations Declaration on Human Rights Defenders.
4. Guarantee in all circumstances the rights to freedom of movement to both national and international human rights defenders in China.
5. Guarantee in all circumstances that all human rights defenders in China are able to carry out their legitimate human rights activities without fear of reprisals, intimidation, threats and free of all restrictions.

Yours sincerely



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