

DATE
10/12/09

President Hu Jintao
People's Republic of China c/o Embassy of
the People's Republic of China
443-445 Avenue de Tervuren
1150 Woluwe Saint Pierre
BELGIUM

Re: Concerns regarding the case of lawyer Wang Yonghang.

Dear President,

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.

With this letter we express great concern over the detention of the human rights lawyer **Wang Yonghang**, who to our information has been sentenced to seven years' imprisonment. We wrote to you previously with our concerns about Wang Yonghang on the revocation of his licence to practise law, but received no reply.

Wang Yonghang was detained on 4 July in his home city of Dalian, in the northern province of Liaoning. The police never allowed him any contact with his lawyers, on the grounds that his case involved "state secrets." He was tried behind closed doors at the Shahekou District People's Court, in Dalian City, around 14-16 October, and the court announced the sentence on 27 November 2009.

We are told that Wang Yonghang was beaten by the police while he was in custody awaiting trial, breaking his ankle. However, he was not taken to hospital until 11 August, by which time the fracture was seriously infected. His ankle was operated on but remained infected. According to his wife, who met with him briefly just before the sentencing hearing, for the first time since he had been detained, he could not walk properly.

His lawyers only found out about his trial after it was finished, and they asked the court to allow them to meet with him. The court turned down their request, quoting a Dalian City regulation which requires lawyers taking up cases involving Falun Gong to provide written evidence that they have reported the case to the All China Lawyers' Association (ACLA) and that the ACLA endorses their meeting with their clients; and also an assignment letter from the law firm they work for. According to Wang Yonghang's lawyers, this Dalian City regulation violates Chinese laws, including Criminal Procedure Law, which allow defence lawyers to meet with criminal suspects in custody, as soon as the People's Procuratorate begins to examine their cases for prosecution.

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:

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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 the authorities to release Wang Yonghang immediately and to ensure he has access to proper legal assistance of his choosing. Furthermore we urge you to ensure that the administration of justice in China is now duly brought in line with the United Nations Basic Principles of the role of the lawyer.

Yours sincerely,



Anne Birgitte Gammeljord
President