

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

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The Hon. Wu Aiying
Minister of Justice
Beijing, China

Dear Minister Wu:

I write on behalf of the New York City Bar Association to express my concern for the current situation of Mr. Peter Hahn (韩德秀), detained since November 19, 2014 in the Longjing Detention Facility in Jilin Province. The Association of the Bar of the City of New York is a 144-year-old organization of more than 24,000 members from New York City, throughout the United States and around the world with a long history of engagement in legal issues to promote the rule of law and better governance.

The Association has long sought to deepen its relationship with and to promote the rule of law in China, through our Committee on Asian Affairs, which was founded precisely to promote exchanges with Chinese legal educators and professionals, and our Committee on International Human Rights. Over the years, we have had many mutually instructive and beneficial contacts with numerous judges, scholars, officials, and legal practitioners both in China and in New York. This letter is written with the same commitment to exchange and cooperation in mind, and I hope you will find it informative and persuasive on the matter of Mr. Hahn's detention. Specifically, we hope and urge that, in the interest of the rule of law and justice, the Government of the People's Republic of China will take care to respect domestic law and international obligations in the treatment of Mr. Hahn, and that proper and timely due process be observed in examining his case.

Mr. Hahn, a naturalized U.S. citizen and committed humanitarian aid worker, has been living and working in the border region between China and the Democratic People's Republic of Korea for the past 14 years. His aid organization focuses on providing aid to needy individuals in both North Korea and China. Inside North Korea, his organization has built a fertilizer factory, a food processing plant, and an industrial-scale bakery that provides food to many people.

In China, Mr. Hahn's Tumen River Vocational school has for many years provided to local Chinese youths free education and vocational training, including computer literacy, English, and culinary and baking skills, thus opening the way to vocations to which they would not have

otherwise had access. Mr. Hahn's charity has donated extensively to families in need in the Tumen area, as well as to victims of natural disasters elsewhere in China on several occasions.

We understand that on July 1 of this year, police in Tumen raided Mr. Hahn's offices at the Tumen River Vocational School, shuttered the school, and placed Mr. Hahn under house arrest. On November 19, local authorities placed Mr. Hahn under detention. He has since then been held at the Longjing detention facility in Jilin Province, Yanbian autonomous region. We understand that throughout this process, the authorities have not provided him with any reasons for the raid, and neither he nor his family and lawyer have been informed of any formal charges against him.

The conditions of Mr. Hahn's detention also cause concern. Mr. Hahn is 74-years-old, and in frail health. Specifically, he has had two mild strokes over the course of the past several years, and has suffered from frequent dizziness. He has been taking herbal supplements for energy and to alleviate his symptoms. Mr. Hahn also suffers from a prostate dysfunction that causes bladder obstruction, and has been taking medication to manage symptoms. We have been informed that since being taken into detention he has been denied both the herbal and prescription treatments. Throughout his detention, his family has been denied permission to see him.

International law has long stipulated principles for the humane treatment of prisoners. The United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955, lays out the minimum conditions for the treatment of prisoners as endorsed by the UN. Paragraph 10 requires that "all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation." Paragraph 22 of the Standards requires that prisons provide medical services, and that such services should be organized in close relationship with outside medical services. Subsequent UN resolutions and the International Covenant on Civil and Political Rights have continued to enshrine prisoners' rights in international law.

China's own Criminal Procedure Law ("CPL") also stipulates standards for the treatment of prisoners and proper due process in detaining and charging individuals accused of violations of the law. Article 64 of the CPL states that "when detaining a person, a public security organ must produce a detention warrant." Article 69 states that, should the police deem arrest necessary, approval for the arrest must be sought from the Procuratorate within three to seven days of the detention. In cases of major crime, that time limit may be extended to 30 days. Article 69 also requires that the Procuratorate approve or disapprove of an arrest within seven days from the date of receiving a written request from the police, and that if the Procuratorate disapproves the arrest, the detainee be released immediately. If arrest is approved, Article 72 requires interrogation to be conducted by the court or the Procuratorate within 24 hours after the arrest, and if it is found that the arrest was incorrectly carried out, the detainee is to be released immediately.

Articles 65A and 69 also require that if further investigation is necessary by the authorities to ascertain the facts of a case, that the detainee be allowed to obtain a guarantor pending trial or further investigation, and that the detainee may be placed under residential surveillance.

Mr. Hahn had been under house arrest from July to November of this year, and has been in

detention since the 19th of November without charge, access to counsel or even to his medications. This is long past the total of 14 days allowed by Article 69 of China's CPL for the police to request and the Procuratorate to grant or deny permission to continue Mr. Hahn's detention.

In view of clear international norms advocating the humane treatment of prisoners, and the Chinese CPL's stipulation of timely investigation and determination of the need to continue an accused suspect's detention, we respectfully request that the Government of The People's Republic investigate Mr. Hahn's case on a timely basis.

We do so out of humanitarian concern for Mr. Hahn's health and out of our desire to see a just outcome. Mr. Hahn has lived and worked in China for nearly a decade and half. In that time, he has devoted himself to charity and humanitarian work, and has helped thousands of people in both China and North Korea. Given his delicate state of health and advanced age, continued detention in difficult conditions and denial of medication may lead to acute health complications. Accordingly, we urge you to allow Mr. Hahn access to his prescribed medications, and to make timely investigations into Mr. Hahn's case, as Chinese law requires. Specifically, we ask the Government and the local Procuratorate to examine the facts of the case, and make a timely finding as to the cause and justifiability of his continued detention.

Respectfully



Debra L. Raskin
President

- cc. Hon. John Kerry, US Secretary of State
Sarah Sewall, Under Secretary of State for Civilian Security, Democracy, and Human Rights
Hon. Daniel Russel, Assistant Secretary of State for East Asian and Pacific Hon. Affairs
Hon. Tom Malinowski, Assistant Secretary of State for Democracy, Human Rights and Labor
Hon. Max Baucus, US Ambassador to the People's Republic of China