

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

NEW YORK
CITY BAR

DEBRA L. RASKIN
PRESIDENT
PHONE: (212) 382-6700
FAX: (212) 768-8116
draskin@vladeck.com

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Minister Guo Shengkun
Ministry of Public Security of the People's Republic of China
No. 14 Chang'anjie
Beijing, People's Republic of China, Postal code: 100741
Tel: +86 (010) 65022114

Dear Minister Guo:

I write on behalf of the Association of the Bar of the City of New York (the "Association") to express our deep concern regarding the recent detention of women's rights defenders Li Tingting (also known as "Li Maizi"), Wu Rongrong, Zheng Churan (also known as "Datu" or "Giant Rabbit"), Wang Man, and Wei Tingting. We urge the government of the People's Republic of China to immediately release all five women from detention.

Founded in 1870, the Association is an independent non-governmental organization with over 24,000 members across 50 countries, including China and the Hong Kong Special Administrative Region. Our membership includes judges, prosecutors, government officials, and defense lawyers, as well as corporate attorneys representing nearly every major law firm and corporation in the United States.

The Association has a long history of dedication to promoting the rule of law and supporting human rights, particularly through the Committee on International Human Rights, which investigates and reports on human rights conditions in the United States and around the world. The Committee on Asian Affairs also focuses on legal and policy issues in Asia, as well as on current developments in that region. The Association firmly believes that a robust civil society is essential to advancing the rule of law in all jurisdictions.

For these reasons, we write now to express our grave concern over the detentions of these five women's rights defenders immediately preceding International Women's Day. According to reports, at least ten women's rights defenders were detained in Guangzhou, Hangzhou, and

Beijing and questioned by police on March 6 and 7, 2015.¹ Five remain in custody at a criminal detention center in Beijing as of March 25; several were not shown proper warrants and none had access to legal counsel until March 12.² Additionally, there have been troubling reports that Wu Rongrong, who was hospitalized in February for a severe illness, was denied access to critical medication and treatment for at least the first ten days of her detention.

These activists have all been involved in promoting equal rights for women in China. At the time of their detention, the women were about to launch a nationwide campaign to raise awareness about sexual harassment aboard public transportation and to join a march against sexual harassment in a Beijing park in commemoration of International Women's Day on March 8.³ While no formal charges have been filed against the defenders, their lawyers allege that they are being held under suspicion of "picking quarrels and provoking trouble."⁴ As of March 25, 2015, none of the defenders' families has received an official detention notice.

These detentions, seemingly undertaken in response to peaceful advocacy, are inconsistent with Article 35 of China's Constitution, which protects the rights to peaceful expression, including speech, assembly, and demonstration.⁵ Additionally, the denial of access to counsel is a violation of China's Criminal Procedure Law⁶ and Law on Lawyers,⁷ as well as international legal principles.⁸ The failure to provide several of the defenders with warrants at the time of their detention is a further violation of the Criminal Procedure Law, as is the failure to serve their families with official detention notices.⁹

The detentions and denial of access to counsel are also inconsistent with international law. According to the United Nations Working Group on Arbitrary Detention, a deprivation of liberty is arbitrary when it "results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, [2]0 and 21 of the *Universal Declaration of Human Rights* (UDHR) and, insofar as States Parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the *International Covenant on Civil and Political Rights* (ICCPR)."¹⁰ Although China is not a party to the ICCPR, it became a signatory on October 5, 1998, and as such may not actively undermine the Covenant's purpose, including the protection of freedom of opinion and expression. Moreover, despite the Chinese government's non-State party status, the Covenant's prohibition of arbitrary detention reflects a key tenet of customary international law with which China is obligated to comply. These detentions also violate the spirit of commitments under the Beijing Declaration and Platform for Action—undertaken by the Chinese government 20 years ago after it hosted the Fourth World Conference on Women—to ensure the full implementation of the human rights of women.¹¹

¹ <http://www.bbc.com/news/world-asia-china-31792608>; <http://www.nytimes.com/aponline/2015/03/09/world/asia/ap-as-china-activists-detained.html>.

² <http://www.nytimes.com/2015/03/14/world/asia/5-womens-rights-activists-are-formally-detained-in-beijing.html>.

³ <http://www.bbc.com/news/world-asia-china-31792608>.

⁴ <http://www.reuters.com/article/2015/03/12/us-china-rights-idUSKBN0M819K20150312>.

⁵ Constitution of the People's Republic of China art. 35.

⁶ Criminal Procedure Law of the People's Republic of China ("Criminal Procedure Law"), art. 36.

⁷ Law on Lawyers of the People's Republic of China, art. 33.

⁸ United Nations Basic Principles on the Role of Lawyers, art. 7.

⁹ Criminal Procedure Law, art. 83.

¹⁰ Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 26: The Working Group on Arbitrary Detention, 4 (available at <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf>).

¹¹ Beijing Declaration and Platform for Action, including Section IV.I. of the Platform for Action.

Finally, the denial of Ms. Wu's access to medication and treatment is inconsistent with the Criminal Procedure Law¹² and the Security Agency Rules for Handling Criminal Cases,¹³ which state that detainees should be released to receive certain kinds of medical treatment. Similarly, the deterioration of Ms. Wu's health during her detention contradicts international agreements addressing a prisoner's right to health, specifically the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment,¹⁴ and the Standard Minimum Rules for the Treatment of Prisoners.¹⁵

Also troubling are reports that students, advocates, and lawyers supporting the release of these detained activists have been harassed and intimidated. On March 26, security agents raided the offices Beijing Yirenping Center, a nonprofit organization that promotes gender equality and advocates against discrimination against people with H.I.V., hepatitis and physical disabilities. Lu Jun, the organization's founder, fears that the raid is related to the organization's efforts to publicize the detentions of the women activists who have ties to Yirenping.

We respectfully urge the Chinese government to immediately release from police custody all five human rights defenders, as well as to take all necessary steps to ensure that they and other human rights defenders in China are free to engage in the peaceful and legitimate activities necessary to defend human rights without fear of retribution and reprisal. We further urge the Chinese government to ensure that all lawyers, including those representing the five detained women, are free to meet and communicate freely with their clients without intimidation, hindrance, harassment or improper interference.

We thank you for your prompt attention to this matter.

Respectfully,



Debra L. Raskin

cc:
Minister Wu Aiying
Ministry of Justice of the People's Republic of China

Premier Li Keqiang

All China Women's Federation

Hon. John Kerry, US Secretary of State

¹² Criminal Procedure Law, art. 65 (3).

¹³ Security Agency Rules for Handling Criminal Cases, art. 77 (c).

¹⁴ Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principle 24.

¹⁵ Standard Minimum Rules for the Treatment of Prisoners, art. 22 (2).

Hon. 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. Tom Malinowski, Assistant Secretary of State for Democracy, Human Rights and Labor

Hon. Max Baucus, US Ambassador to the People's Republic of China