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Geneva, 30 October 2020

Grave concerns about the situation of lawyer Chang WEIPING

Your Excellency,

As an association representing the interests of lawyers, the Geneva Bar Association places a great emphasis on the respect for human rights and the rule of law and is particularly concerned by the situation of fellow colleagues in the world.

In this context, the Geneva Bar Association has been informed that on 22 October 2020, lawyer Chang WEIPING was allegedly arrested in the city of Baoji in the north-western province of Shaanxi and has been detained incommunicado ever since in an undisclosed location, without any official information about the charges held against him nor access to his lawyers.

According to our sources, the Baoji Police only informed his wife that her husband had been placed under "residential surveillance at a designated location" (RSDL) for unspecified "violations of legal regulations".

We understand that on 26 October 2020, Chang WEIPING's father, accompanied by two lawyers, went to the Gaoxin District Branch of the Baoji Public Security Bureau to seek more information and obtain a meeting between him and the lawyers. The police reportedly did not allow Chang WEIPING's lawyers to meet with their client and refused altogether to disclose the identity of the authorities in charge of the investigation, the location of his detention as well as the legal reasons for his placement under RSDL.

Chang WEIPING is notably known for being a committed lawyer active in the defence of the rights of people facing discrimination based on their health status, sex, gender identity and sexual orientation. He is known to have provided legal counsel to human rights defenders, victims of defective vaccines, as well as women, LGBT persons, and persons living with HIV/AIDS and hepatitis B who face discrimination in the workplace.

According to our sources, Chang WEIPING had already been placed under RSDL - and had his lawyer's licence suspended - in January 2020 for having participated in a private gathering of human rights lawyers, academics and activists in Xiamen city, Fujian province in early December 2019.

We understand that his recent arrest came six days after Chang WEIPING published a video in which he shared details about the torture he suffered during this previous RSDL placement in January 2020.

The Geneva Bar Association therefore fears that Chang WEIPING's recent arrest might be related to his legitimate lawyer's activity and his denunciation of the ill-treatment he has been subject because of this activity. If confirmed, this would be **a clear violation of the basic human rights as enshrined in all international and regional human rights instruments ratified by China.**

We would like to draw your attention in particular to the 1990 UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, that have a normative value under customary international law, and should be respected by China, which was present at the Congress and voted in favour of their adoption.

The latter states that the Chinese authorities have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties (Principle 16).

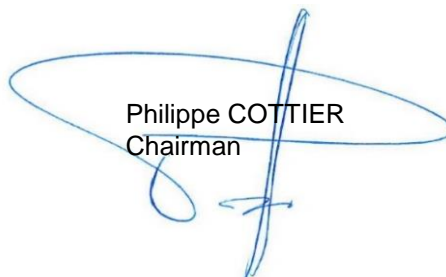
Furthermore, Chinese authorities have an obligation to ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention (Principle 7).

Therefore, we call on the Chinese authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers, to abide by its international obligations and to:

- Release immediately Chang WEIPING if no reliable evidence is brought forward;
- Ensure that Chang WEIPING has regular and unrestricted access to his family and lawyers of his choice;
- Ensure that Chang WEIPING is protected from torture and other ill-treatment while in detention as enshrined in the UN Convention against Torture to which China is a party;
- Ensure due process and fair trial of Chang WEIPING and respect in particular the fundamental principle of rule of law "being innocent until proven guilty";
- Protect Chang WEIPING and all lawyers in China against any present or future harassment, intimidation and/or reprisal in the exercise of their profession and of legitimate human rights activities.

We thank you for your attention to this very serious and urgent matter. We will continue to closely monitor this case.

Respectfully yours,


Philippe COTTIER
Chairman

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