



Human Rights
Institute

therightspractice
partnerships for rights and justice

His Excellency Li Qiang

Premier of the People's Republic of China
The State Council General Office
2 Fuyou Street, Xicheng District
Beijing 100017

Email: premier@mail.gov.cn

21 October 2024

Re: Arrest and Detention of Lawyer - Lu Siwei

Your Excellency,

The Law Society of England and Wales, the International Bar Association's Human Rights Institute, Lawyers for Lawyers, Asian Lawyers Network, 29 Principles, The Rights Practice, and Lawyers Rights Watch Canada are gravely concerned about the arrest and detention of lawyer Lu Siwei. On 10 October 2024, at about 6pm, Lu Siwei was taken from his home by police officers from Chenghua Branch of the Chengdu City Public Security Bureau in Chengdu, Sichuan province.

We have been informed that, on 14 October 2024, Chenghua District Procuratorate issued a formal arrest warrant for Lu Siwei, accusing him of "illegally crossing the border". He is currently detained at Chengdu City Detention Centre, in reportedly cramped, overcrowded conditions with inadequate nutrition.

Lu Siwei is a prominent human rights lawyer, known for representing clients in politically sensitive cases. Over recent years, he has experienced ongoing intimidation and harassment by authorities for his peaceful human rights work. In January 2021, Lu Siwei was disbarred for online speech that allegedly 'endangered national security' and was subjected to an exit ban in May 2021.

On 28 July 2023, Lu Siwei was arrested by police in Laos while boarding a train for Thailand. He had fled China, with the intention of flying from Thailand to the United States to reunite with his family. Lu Siwei remained in an unknown place of detention, without access to his lawyers, his family or any other person of his choice, for over a month,¹ before being forcibly repatriated to China. This occurred despite calls from UN experts for his immediate release and for Laos to respect its obligations under international human rights law, specifically the

¹ <https://forum-asia.org/statement-laos-immediately-release-lawyer-lu-siwei-and-ensure-his-safety/>

principle of non-refoulement which guarantees that no one should be returned to a country where they would be in danger of being subjected to torture, cruel, inhuman or degrading treatment or punishment, enforced disappearance and other irreparable harm.²

Our organisations are concerned that Lu Siwei's detention is related to his professional duties as a lawyer and that the offence he has reportedly been charged with is based on an exit ban that lacks legitimacy, rendering his arrest and detention arbitrary. We are also concerned about the conditions under which Lu Siwei is detained and the risk of ill-treatment whilst he is in custody.

Under the Universal Declaration of Human Rights, China has an obligation to ensure that no-one is subject to arbitrary arrest or detention. China must ensure that no-one is deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Such laws must be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application and must comply with international law.

According to Article 16 of the UN Basic Principles on the Role of Lawyers, governments should "ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (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". Moreover, Article 23 of the Basic Principles states that: "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights."

The undersigned organisations respectfully urge the relevant authorities to:

1. Immediately and unconditionally release Lu Siwei from detention and drop the charges against him related to international travel or legitimate professional duties.
2. Pending his release, ensure Lu Siwei is held in adequate conditions of detention that comply with international human rights standards.
3. Halt all acts of intimidation and harassment against lawyers in China, including arbitrary arrest and detention, and ensure that all lawyers in China can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance or improper interference.

Our organisations will continue to monitor the situation of Lu Siwei, as well as other members of the legal profession and human rights defenders in China.

Yours sincerely,

Law Society of England and Wales
International Bar Association Human Rights Institute
Lawyers for Lawyers
Asian Lawyers Network
The Rights Practice
Lawyers Rights Watch Canada
29 Principles

² <https://www.ohchr.org/en/press-releases/2023/08/lao-must-immediately-release-chinese-lawyer-lu-siwei-and-prevent-his>

cc:

Ms. He Rong
Minister of Justice
10, Chaoyangmen Nandajie
Chaoyang District
Beijing, 100020
Email: hotline@moj.gov.cn

His Excellency Zheng Zeguang
Ambassador
Embassy of the People's Republic of China
49-51 Portland Place
London W1B 1JL
Email: political_uk@mfa.gov.cn; press_uk@mfa.gov.cn

His Excellency Chen Xu
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the People's Republic of China to the United Nations Office at
Geneva
Chemin de Surville 11
1213 Petit-Lancy
Switzerland
Email: chinamission_gva@mfa.gov.cn

Her Excellency Caroline Wilson DCMG
Ambassador
British Embassy
11 Guang Hua Lu
Jian Guo Men Wai
Beijing
China
Email: consularmailbeijing@fco.gov.uk; Olivia.Norton@fcdo.gov.uk

Prof. Margaret Satterthwaite
UN Special Rapporteur on the Independence of Judges and Lawyers
OHCHR-UNOG, 8-14 Avenue de la Paix,
1211 Geneve 10
Switzerland
Email: hrc-sr-independencejl@un.org