

February 26, 2018

H.E. Xi Jinping
President of the People's Republic of China
The State Council General Office
2 Fuyoujie Xichengqu
Beijingshi 100017
People's Republic of China

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

Tel 416-947-3415
Fax 416-947-7609

Your Excellency:

Re: Concerns regarding the continued persecution of Ni Yulan

I write on behalf of the Law Society of Ontario* to voice our grave concern over the continued persecution of Ni Yulan. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ni Yulan is a former human rights lawyer based in Beijing who rose to prominence defending people evicted from their homes. It is the Law Society's understanding that Ni Yulan and her family have faced nearly 20 years of harassment, evictions and surveillance by the authorities due to her defense of housing rights. The Law Society has intervened twice in the past on behalf of Ni Yulan. The Law Society intervened once in September 2013 and again in June 2016.

Ni Yulan has been jailed several times. After her first arrest in 2002, Ni Yulan was tortured by police and sustained such traumatic injuries that she is permanently confined to a wheelchair. It was reported that she was denied access to medical attention during her time in custody. In 2008, Ni Yulan was jailed again for defending the rights of residents faced with eviction due to development for Beijing's 2008 Summer Olympics. During this period of detention, prison authorities forbid her to use her crutches, and as a result she was forced to crawl around the prison. In 2012, Ni Yulan was sentenced to two years in prison for "fraud" and "causing a disturbance". Her sentence was later reduced.

Since the demolition of her own home in 2008, Ni Yulan and her family have been forced to move from place to place and have faced frequent harassment from the authorities. Following her release from her second imprisonment in 2010, Ni Yulan and her husband were forced to live in a park in Beijing for a number of months.

Their home was demolished and all their possessions confiscated. When their case gained publicity, the couple was moved to a small room in a nearby hotel where they were kept under surveillance. In December 2010, police began efforts to evict Ni Yulan and her husband from their hotel room. It was thought that this was in response to Ni Yulan's continued assistance to people visiting her for legal advice in relation to the violation of their human rights.

After her third imprisonment, Ni Yulan was placed under house arrest. In April 2016, Ni Yulan was subjected to a travel ban in order to prevent her from travelling to the United States in order to accept the State Department's 2016 International Women of Courage Award. Later that month, five diplomats from Canada, France, Switzerland, Germany and the European Union were prevented from visiting Ni Yulan in her home.

On April 15 2017, Ni Yulan was forcibly evicted again from a house she was renting. Ni Yulan, her husband and her daughter were dragged out to the yard and put into a van. They were kept in the van until they were dumped at an unfamiliar location around 1:00am, when they called the police. All three sustained injuries from their abduction. The family returned to their home to find that the lock had been changed and all their belongings had disappeared. Ni Yulan and her husband camped out in a Beijing police station for ten days.

In December 2017, it was reported that thousands of migrant workers have now found themselves homeless. It is the biggest forced eviction operation in Beijing since the 2008 Olympics. Since April, when Ni Yulan was forcibly evicted from her home, there has been a calculated clearance campaign. The intensity of the campaign has increased, with hardly any notice being given and with more people suffering injuries by the clearance gangs.

Despite facing nearly 20 years of harassment, evictions and surveillance, Ni Yulan continues to speak out against these forced evictions and human rights violations.

The Law Society is deeply troubled by Ni Yulan's situation and urges Your Excellency to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

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.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Article 23 provides:

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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of China to:

- a. cease the harassment and persecution of Ni Yulan immediately and unconditionally;
- b. put an end to all acts of harassment and acts of violence against lawyers in China;

- c. ensure that all people in China, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression, including when such expression is critical of government institutions and actions;
- d. ensure that all lawyers and judges in China are adequately safeguarded by the authorities such that they are able to carry out their professional duties and activities free from intimidation, hindrance, harassment, improper interference, the threat of criminalization, or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Lu Shaye, Ambassador of the People's Republic of China to Canada

The Honourable John McCallum, Ambassador of Canada to the People's Republic of China

The Honourable Chrystia Freeland, Minister of Foreign Affairs

Wang Junfeng, All China Lawyers Association

Albert Ho Chun Yan, Chairperson, China Human Rights Lawyers Concern Group

Winnie Ng, Co-Chair, Toronto Association for Democracy in China

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales