



The Law Society of
Upper Canada | Barreau
du Haut-Canada

February 4, 2016

His Excellency Mr. Xi Jinping, The President
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
People's Republic of China

Office of the Treasurer

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Your Excellency:

Re: Conviction of human rights lawyer Pu Zhiqiang

I write on behalf of the Law Society of Upper Canada* further to our letter of 5 September 2014, to voice our grave concerns over the conviction of human rights lawyer Pu Zhiqiang. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Pu Zhiqiang is a prominent human rights lawyer in Beijing. He often defends clients who are involved in politically sensitive cases.

In our letter dated 5 September 2014, the Law Society expressed concern about the arrest, continued detention and ill-treatment of Pu Zhiqiang.

The Law Society again writes to voice its continued deep concern as a result of reports that on 22 December 2015, Pu Zhiqiang was convicted and given a three-year suspended sentence, following 19 months of detention on charges of “inciting ethnic hatred” and “picking quarrels and provoking trouble”.

Reports indicate that although Pu Zhiqiang has been released, the verdict will prevent him from ever practising law again. A number of organizations have reported on the arrest and detention of human rights lawyers in China. The Law Society is concerned that the arrest and detention of these lawyers is directed at preventing them from carrying out peaceful human rights activities.

The Law Society of Upper Canada urges Your Excellency to comply with Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

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 the People's Republic of China to:

- a. vacate Pu Zhiqiang's conviction immediately and unconditionally;
- b. put an end to all acts of harassment against Pu Zhiqiang as well as other human rights lawyers and defenders in China;
- c. guarantee in all circumstances the physical and psychological safety and integrity of Pu Zhiqiang;
- d. guarantee all the procedural rights that should be accorded to Pu Zhiqiang; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 49,000 lawyers and 7,400 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:

His Excellency Mr. Guo Shengkun
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Adrie van de Streek, Executive Director, Lawyers for Lawyers

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

Yves Berthelot, 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

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales