



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

March 7, 2016

His Excellency Mr. Xi Jinping
President of the People's Republic of China
State Council General Office
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People's Republic of China

Office of the Treasurer

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Your Excellency:

Re: Conviction of human rights lawyer Shu Xiangxin

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the conviction of human rights lawyer Shu Xiangxin. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Shu Xiangxin is a prominent human rights lawyer in Shandong province. He often defends clients who are involved in politically sensitive cases.

Reports indicate that Shu Xiangxin was arrested on the 2 January 2016. On 4 January 2016, Shu Xiangxin reported to his lawyers that he had been severely beaten and handcuffed to a staircase for seven hours.

Shu Xiangxin's lawyers attest to visible injuries on his wrists and face. Moreover, medical examinations conducted from 6-8 January 2016 describe the deterioration of his physical health while in pre-trial detention: he reportedly suffers from tinnitus, thrombosis, muscle atrophy, and an effusion on his brain. Furthermore, observers at his trial on 8 January 2016 report that Shu Xiangxin was unable to walk without assistance.

On 8 January 2016, Shu Xiangxin was convicted of defamation and sentenced to a six month jail term. His licence to practice law was also revoked.

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 Shu Xiangxin's conviction immediately and unconditionally;
- b. reinstate Shu Xiangxin's licence to practice law;
- c. put an end to all acts of harassment against Shu Xiangxin as well as other human rights lawyers and defenders in China;
- d. provide Shu Xiangxin with regular access to his lawyer, family, his physician and adequate medical care;

- e. guarantee in all circumstances the physical and psychological safety and integrity of Shu Xiangxin;
- f. guarantee all the procedural rights that should be accorded to Shu Xiangxin; and
- g. 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 7,900 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:

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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