

February 26, 2018

H.E. Xi Jinping
President of the People's Republic of China
The State Council General Office
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Your Excellency:

Re: Concerns regarding the disbarment of lawyer Sui Muqing

I write on behalf of the Law Society of Ontario* to voice our grave concern over the disbarment of lawyer Sui Muqing. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Sui Muqing is a Guangdong-based human rights lawyer. He has taken on many politically sensitive cases, including the defence of rights activists and fellow human rights lawyers.

The Guangdong Justice Department has revoked his legal license after he ignored official warnings to not take on so many politically-sensitive cases. On January 23, 2018, Sui Muqing was visited by two officials from the Guangdong Justice Department, who informed him that his license was being revoked as a punishment.

Sui Muqing said that this has been a cumulative process and that the Chinese government is unhappy with him because he has not cut back on the number of human rights cases he has represented after his license was renewed in the wake of the July 2015 crackdown. Since July 2015, more than 300 lawyers, law firm staff and rights activists have been detained, questioned or placed under surveillance travel bans along with their families. A large number of rights lawyers have also been denied legal licenses during annual reviews, following the July 2015 crackdown.

Concerns have been expressed that the Chinese government is using the Justice Departments and Lawyers' Associations instead of or in addition to criminal proceedings to target the legal profession. It is suggested that the revoking of legal

licenses is another way of punishing certain human rights lawyers who are very active.

The document notifying Sui Muqing of his disbarment said that he had broken China's law for lawyers, as well as the rule on the conduct of lawyers and law firms. As evidence, it cited two incidents. First, the document claimed that when defending fellow lawyer Ding Jiayi in court in 2014, Sui Muqing stood up, walked and spoke without permission many times, and did not comply with the court's orders. The document also claimed that Sui Muqing violated the rules by bringing his cellphone into a meeting with his client, activist Chen Yunfei, in a detention centre in Sichuan in 2017. The document stated that he tried to bring out two photos and eight documents, and did not cooperate with police when they tried to stop him.

In both cases cited by the Department, Sui Muqing was defending individuals who had been imprisoned for exercising their rights to peaceful assembly, association and expression. During the visit with Chen Yunfei cited by the notice, Sui Muqing was attempting to photograph injuries his client had sustained from alleged mistreatment. Sui Muqing has denied that he broke the rules or the law and said that the 2014 case was too far in the past to reasonably be used as evidence against him now.

A set of measures on the practice of Chinese law firms and lawyers was revised in late 2016. The measures included higher levels of scrutiny of the speech and conduct of lawyers as well as greater requirements of political loyalty for firms and practitioners. It has been said that the revisions were aimed at preventing the legal community from taking on sensitive rights cases or speaking out against political prosecution of legal work.

The revocation of Sui Muqing's legal license has come shortly after another human rights lawyer, Yu Wensheng, was disbarred. Yu Wensheng's license was revoked on January 15, 2018. Yu Wensheng has been outspoken about the Chinese government's crackdown on human rights lawyers and penned an open letter calling for political and constitutional reform in China. On January 19, 2018, days after his license was revoked, Yu Wensheng was detained. He has not been allowed to meet with his family or a lawyer since being detained. There is concern that Yu Wensheng could be subjected to torture or other ill-treatment in custody, as he was during his detention in 2014.

In light of recent events in relation to the treatment of human rights lawyers in China, there is reason for concern about Sui Muqing's situation. Sui Muqing may be further

punished for his legal work and advocacy. There is also reason for concern that Sui Muqing could be further punished beyond disbarment, such as with detention and criminal prosecution, similar to the situation of Yu Wensheng earlier this month.

The Law Society is deeply troubled by Sui Muqing situation's 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. reinstate Sui Muqing's license to practice to law 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



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