



The Law Society of
Upper Canada

Barreau
du Haut-Canada

June 7, 2016

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

Office of the Treasurer

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Your Excellency:

Re: House arrest of human rights lawyer Ni Yulan

I write on behalf of the Law Society of Upper Canada to voice our grave concern over the house arrest 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 human rights lawyer based in Beijing who rose to prominence defending people evicted from their homes to make way for development. Ni Yulan has been jailed several times. After her first arrest in 2002, Ni Yulan was allegedly beaten by police, sustaining such traumatic injuries that she was permanently confined to a wheelchair. In 2008, Ni Yulan was jailed again for defending the rights of residents faced with eviction to make way for Beijing's 2008 Summer Olympics. In 2012, Ni Yulan was sentenced to a two-year prison term — later reduced to two months — for “fraud” and “causing a disturbance” by the Xicheng District People's Court in Beijing.

In our letter dated 26 September 2013, the Law Society expressed concern about the arrest and detention of Ni Yulan.

The Law Society writes again to voice its continued deep concern as a result of reports that on 13 April 2016, Ni Yulan was placed under house arrest. This followed a travel ban imposed on Ni Yulan in order to prevent her from travelling to the US in order to accept the State Department's 2016 International Women of Courage Award. In mid-April, five diplomats from Canada, France, Switzerland, Germany, and the European Union were prevented from visiting Ni Yulan in her home.

The Law Society is concerned that the house arrest of Ni Yulan relates solely to her legitimate actions as a lawyer.

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. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments;
- b. guarantee all the procedural rights that should be accorded to Ni Yulan and other human rights lawyers and defenders in China;
- c. guarantee in all circumstances the physical and psychological integrity of Ni Yulan; and
- d. immediately and unconditionally release Ni Yulan from house arrest.

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