



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

December 9, 2016

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

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Your Excellency:

**Re: Imprisonment of lawyer Xia Lin**

I write on behalf of the Law Society of Upper Canada to voice our grave concern over the sentencing of lawyer Xia Lin. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Xia Lin is a prominent human rights lawyer whose clients include Chinese artist Ai Weiwei, human rights lawyer Pu Zhiqiang, and human rights defender Guo Yushan. On September 22, 2016, Xia Lin was sentenced to 12 years in prison.

In November 2014, Xia Lin was detained by Beijing police. He was charged with fraudulently obtaining 10 million yuan — later reduced to 4.8 million yuan. Xia Lin's trial commenced in June 2016. It is our understanding that the charges against Xia Lin were based on allegations that he had coerced individuals to lend him money to pay off gambling debts. Xia Lin pleaded not guilty to the charges and the individuals he is alleged to have borrowed money from have not filed criminal or civil suits against him.

The Law Society is deeply concerned about Xia Lin's case. Reports indicate that since July 2015, approximately 250 Chinese human rights lawyers and activists have been questioned, detained or charged. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada 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, economic 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.

The Law Society urges the government of the People's Republic of China to:

- a. release Xia Lin immediately;
- b. guarantee all the procedural rights that should be accorded to Xia Lin and other human rights lawyers and defenders in the People's Republic of China;
- c. put an end to all acts of harassment against Xia Lin as well as other human rights lawyers and defenders in the People's Republic of China;
- d. guarantee in all circumstances the physical and psychological integrity of Xia Lin;

- 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,

Paul Schabas  
Treasurer

*\*The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 7,800 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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Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

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

Kenneth Roth, Executive Director, Human Rights Watch

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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

Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales