



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

May 6, 2016

Office of the Treasurer

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Tel 416-947-3415  
Fax 416-947-7609

His Excellency Mr. Xi Jinping, The President

The State Council General Office  
2 Fuyoujie  
Xichengqu  
Beijingshi 100017  
People's Republic of China

Your Excellency:

**Re: Detention and release of Human Rights Lawyer Zhang Kai**

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

Zhang Kai is a prominent Beijing human rights lawyer. On 25 August 2015, Zhang Kai was arrested while advising a congregation faced with orders to remove the cross from their church. The arrest occurred just hours before Zhang Kai was due to meet an American State Department official to discuss religious freedom in China.

After his arrest, Zhang Kai was placed under residential surveillance in an undisclosed location with an order to detain him for up to six months. Zhang Kai was not heard from again until 25 February 2016 when he appeared on state television in a taped confession. In the video, Zhang Kai expressed his remorse and admitted to conspiring with foreign groups in order to stir up religious unrest in China. He also claimed to have received payment from China Aid to defend churches and other Christian organizations.

After the broadcast, Zhang Kai was charged with “endangering state secrets” and “gathering a crowd to disturb public order”; thereafter, Zhang Kai was transferred from residential surveillance to criminal detention. His parents were informed of the transfer on 28 February 2016.

On 23 March 2016, Zhang Kai posted on WeChat and Weibo saying that he had been “safely returned to his hometown in Inner Mongolia.” His comments on social media do not provide reasons for his sudden release.

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. Put an end to all acts of harassment against Zhang Kai as well as other human rights lawyers and defenders in China;

- b. Guarantee in all circumstances the physical and psychological safety and integrity of Zhang Kai;
- c. Guarantee all the procedural rights that should be accorded to Zhang Kai; and
- d. 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  
Minister of Public Security  
No.14, Donchang'anjie,  
Dongchengqu, Beijing 100741  
People's Republic of China  
Email: gabzfwz@mps.gov.cn

Ambassador Luo Zhaohui  
Embassy of the People's Republic of China in Canada

515 St. Patrick St.  
Ottawa, ON  
Canada K1N 5H3

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Wang Junfeng, All China Lawyers Association

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