



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

April 28, 2014

President Xi Jinping
President of the People's Republic of China
Zhongnanhai, Xichengqu
Beijing, People's Republic of China

Your Excellency:

Re: Ongoing detention of Gao Zhisheng

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the ongoing detention of Gao Zhisheng, human rights lawyer and former Nobel Peace Prize nominee. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society of Upper Canada raises this intervention for the third time¹, highlighting its deep concerns about the ongoing detention and whereabouts of Gao Zhisheng. In our initial communication to Prime Minister Wen Jiabao in 2006, we drew attention to the incommunicado detention of Gao Zhisheng. We also expressed our concern over reports that the operation of Gao Zhisheng's Shengzhi Law Office was suspended for one year by the Beijing Municipal Bureau of Justice and that his licence to practise law was revoked. Additionally, we raised concerns regarding reports that Gao Zhisheng was subjected to continuous surveillance and other forms of harassment and intimidation by authorities.

In our May 2007 letter to President Hu Jintao, we requested that Gao Zhisheng be allowed to travel to the United States to receive the Courageous Advocacy Award by the American Board of Trial Advocates. We also expressed our concern regarding the arrest, detention and ill treatment of Gao Zhisheng.

Since our previous communications, Gao Zhisheng was sentenced to three years in prison in December 2006. This sentence was converted to a five year suspended sentence and he was allowed to return home. In September 2007, he was taken away by police officers and imprisoned for six weeks before being returned home.

¹ The Law Society of Upper Canada raised concerns dated October 30, 2006 and May 25, 2007.

Office of the Treasurer

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

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

After 2007, Gao Zhisheng was confirmed missing for 14 months beginning in February 2009. He was briefly released in March 2010. On April 20, 2010, Gao Zhisheng was taken into custody for 20 months and was not allowed contact with either his lawyer or his family. In December 2011, it was reported that he had been sent back to prison. During his imprisonment in the Shaya County Prison, he was only allowed two visits from his family members. The first visit was in March 2012 and the second visit was in January 2013.

Since January 2013, Gao Zhisheng has not been seen by either his lawyer or his family. We are concerned about reports that during his time in detention, Gao Zhisheng may have been, and continues to be, subjected to ill treatment by authorities. We also worry that neither his family members nor his lawyer have seen or heard from him in over one year.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and 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 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 China to,

- a. guarantee all the procedural rights that should be accorded to Gao Zhisheng and other human rights defenders in China;
- b. guarantee in all circumstances the physical and psychological integrity of Gao Zhisheng;
- c. put an end to all acts of harassment against Gao Zhisheng and other human rights defenders in China;
- d. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence 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 very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for 46,200 lawyers and 6,200 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.