



Public Statement

The Law Society of Upper Canada expresses grave concern about the incommunicado detention of lawyer Li Yuhan in China

Toronto, ON — The Law Society of Upper Canada expresses grave concern about the incommunicado detention of lawyer Li Yuhan in China.

Li Yuhan was last heard from on October 9, 2017 after she sent a text message to her brother about being taken away by the police. Since losing contact, Li Yuhan's family has asked the local authorities about her whereabouts repeatedly.

On October 31, a police officer who heads the criminal investigations division of the Shenyang City Public Security Bureau confirmed during a telephone call with her family that Li Yuhan had been detained. The officer claimed that she had given him legal authorization to hire a lawyer on her behalf.

The officer further claimed that Li Yuhan was being detained for "picking quarrels and provoking trouble" but did not provide any official documentation, nor confirm any further details. The family has not been allowed any communication with Li Yuhan. It is unclear whether Li Yuhan has hired a lawyer of her own choice or if she has been assigned one by the authorities.

The day after receiving confirmation of her detention, lawyer Wang Qiushi went to the Shenyang City No. 1 Detention Centre to try to meet with Li Yuhan. The officers refused his request, and only confirmed that Li Yuhan had been detained at the centre since October 9. The officers said they could not disclose the charges against Li Yuhan that led to her detention and refused to show Li Yuhan's written legal authorization of hiring a lawyer.

Wang Qiushi is a Heilongjian-based human rights lawyer who often defends clients involved in politically sensitive cases. He has defended fellow human rights lawyer Wang Quanzhang, who has been detained incommunicado for more than two years. The Law Society wrote a letter of intervention to China on March 7, 2016, regarding the detention of Wang Qiushi. Since his release, Wang Qiushi has continued to defend fellow human rights lawyers, such as Li Yuhan.

Li Yuhan has represented sensitive cases that address issues related to freedom of belief and access to government information. In 2015, during China's "709 Crackdown" on human rights lawyers, Li Yuhan defended Wang Yu, a fellow human rights lawyer who was targeted as one of the central victims of the crackdown.

Due to her work, Li Yuhan has frequently been the target of acts of retaliation by Chinese authorities, including threats to her family, verbal harassment, as well as violent, physical assault.

Associates of Li Yuhan believe that Shenyang authorities have used nation-wide “stability” measures in the lead-up to China’s 19th Party Congress as a pretext for targeting Li Yuhan and depriving her of her liberty.

Li Yuhan is sixty years old and suffers from a heart condition. As a result, she had major surgery in March 2017. There are serious concerns for Li Yuhan’s health. Further, being detained incommunicado, without confirmed access to a lawyer of her choice, Li Yuhan is at risk of torture and ill-treatment.

The Law Society is deeply concerned about Li Yuhan’s situation 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. withdraw the charges against Li Yuhan immediately and unconditionally;
- b. release Li Yuhan immediately and unconditionally and ensure that she is returned home;

- c. cease immediately any and all intimidation and harassment of Li Yuhang's family, recognizing that it is a violation of their rights and a means of further punishment and intimidation towards Li Yuhang herself;
- d. guarantee in all circumstances the physical and psychological integrity of Li Yuhang, with particular consideration for her precarious health;
- e. ensure that Li Yuhang is not subjected to torture or other ill-treatment, has regular, unrestricted access to her family, lawyers of her choice and medical care;
- f. guarantee all of the procedural rights that should be accorded to Li Yuhang in accordance with her right to a fair trial;
- g. guarantee that adequate reparation will be provided to Li Yuhang if she is found to be a victim of human rights abuses;
- h. put an end to all acts of violence against lawyers in China;
- i. 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
- j. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.