

February 26, 2018

H.E. Xi Jinping
President of the People's Republic of China
The State Council General Office
2 Fuyoujie Xichengqu
Beijingshi 100017
People's Republic of China

Your Excellency:

Re: Concerns regarding the sentencing of lawyer Jiang Tianyong

Office of the
Treasurer

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

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

I write on behalf of the Law Society of Ontario* to voice our grave concern over the sentencing of lawyer Jiang Tianyong. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Further to our letters dated February 23, 2017 and October 13, 2017, copies of which are enclosed, we express our concern regarding continued violations of Jiang Tianyong's human rights. Since the Law Society's intervention in October 2017, Jiang Tianyong has been sentenced to two years in prison after being found guilty of "inciting subversion of state power".

Jiang Tianyong pleaded guilty to the charges against him. There is reason to believe that Jiang Tianyong was subjected to torture or extreme duress before his apparent confession was made. We are concerned that Jian Tianyong has been sentenced as a result of this apparent confession made under these circumstances.

The Law Society is deeply troubled by Jiang Tianyong'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. reverse the conviction against Jiang Tianyong immediately and unconditionally;
- b. release Jiang Tianyong immediately and unconditionally and ensure that he is returned home;
- c. ensure that Jiang Tianyong is not subjected to torture or other ill-treatment, has regular, unrestricted access to his family, lawyers of his choice, and medical care;

- d. guarantee all the procedural rights that should be accorded to Jiang Tianyong in accordance with his right to a fair trial;
- e. guarantee in all circumstances the physical and psychological integrity of Jiang Tianyong;
- f. guarantee that adequate reparation will be provided to Jiang Tianyong if he is found to be a victim of human rights abuses;
- g. put an end to all acts of harassment and acts of violence against lawyers in China;
- h. ensure that all people in China, including lawyers and judges, are able to exercise freely their freedom of association, peaceful assembly, opinion and expression, including when such expression is critical of government institutions and actions;
- 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.

Yours truly,

Paul Schabas
Treasurer

**The Law Society of Ontario is the governing body for more than 50,000 lawyers and 8,000 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:

H.E. Lu Shaye, Ambassador of the People's Republic of China to Canada

The Honourable John McCallum, Ambassador of Canada to the People's Republic of China

The Honourable Chrystia Freeland, Minister of Foreign Affairs

Wang Junfeng, All China Lawyers Association

Albert Ho Chun Yan, Chairperson, China Human Rights Lawyers Concern Group

Winnie Ng, Co-Chair, Toronto Association for Democracy in China

Alex Neve, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

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

Kenneth Roth, Executive Director, Human Rights Watch

Farida Deif, Canada Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Hina Jilani, 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



Law Society of Ontario | Barreau de l'Ontario

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales