



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

October 13, 2017

Office of the Treasurer

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H.E. Xi Jinping
President of the People's Republic of China
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Your Excellency:

Re: Trial and conviction of lawyer Jiang Tianyong

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

Jiang Tianyong is a Chinese human rights lawyer who worked on sensitive cases defending clients such as political activists, exiled dissident lawyer Chen Guangcheng and practitioners of the banned Falun Gong spiritual movement. He was disbarred for taking on these politically sensitive cases. The Law Society first intervened on Jian Tianyong's behalf in February 2017.

It has come to the Law Society's attention that Jian Tianyong disappeared and was detained in November 2016, while visiting the family of another detained Chinese human rights lawyer, Xie Yang. Before his arrest, detention and disappearance, Jiang Tianyong [warned](#) his friends: "If I say things I don't mean to when I am in jail, please must forgive me... [Being tortured] was so painful."¹

¹ Sophie Richardson, "A Cynical Court 'Performance' in China", *Human Rights Watch* (22 August 2017), online: <<https://www.hrw.org/news/2017/08/22/cynical-court-performance-china>> [*Jiang Tianyong HRW*].

Six months later, Jiang Tianyong was charged with subversion and stood trial before a court on August 22, 2017. At trial, Jiang Tianyong pleaded guilty to "incitement to subvert state power". He stated that overseas workshops inspired him to try to overthrow China's political system, and he told the court that his "confessions" to police and prosecutors were entirely free and voluntary.

The Intermediate People's Court in Hunan, where Jiang Tianyong stood trial, released an online statement half an hour before the trial began saying it would live-stream what it called an "open" hearing, but the clips it posted were not streamed in real time. In addition, half a dozen diplomats who attempted to attend the trial were told the courtroom was full and were turned away. The police also [harassed](#) Jiang's activist and lawyer friends, closed surrounding roads and [blocked](#) people from approaching the court building.

The lawyers hired by Jiang Tianyong's family were told when they tried to visit him in detention back in June that Jiang had [fired them](#) and accepted lawyers the government had assigned to him instead. When Jiang's [two lawyers](#) appeared in the courtroom, it was the first time his wife learned who they were.

Jiang Tianyong's wife and other activists say that this was a show trial designed to discredit him, and his guilty verdict was a foregone conclusion. Political detainees in China are also typically held at unknown locations with no access to lawyers or family visits while awaiting trial, and they have reported being tortured or coerced into televised "confessions" following threats to their families.

The Law Society is deeply concerned with 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, 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.

Furthermore, Article 18 provides:

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. ensure that Jiang Tianyong can appeal the judgment rendered against him through an independent and impartial court proceeding that is open to the public and in which all rules regarding due process are observed;
- b. immediately and unconditionally vacate the conviction(s) rendered against Jiang Tianyong;
- c. ensure that Jiang Tianyong is able to communicate and consult in confidence with legal counsel;
- d. ensure that if there is a trial, that Jiang Tianyong is tried without undue delay, in a fair and public hearing by a competent, independent, and impartial tribunal established by law;
- e. ensure that Jiang Tianyong is afforded regular access to his family, and adequate medical care;
- f. ensure that all lawyers in China can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada 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:

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