



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

February 23, 2017

Office of the Treasurer

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His Excellency Mr. Xi Jinping
President of the People's Republic of China
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People's Republic of China

Your Excellency:

Re: Detention of lawyer Jiang Tianyong

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the detention 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 human rights activist and former lawyer who is well known for his advocacy on behalf of Falun Gong practitioners, Tibetan protesters, and fellow human rights lawyers.

As the Law Society understands the situation, Jiang Tianyong disappeared on November 21, 2016. His last communication with the outside world was a text message to his wife, informing her that he had boarded a train in Changsha (where he had met the wife and lawyers of Xie Yang, a human rights lawyer currently detained at Changsha City Detention Centre) and was due back in Beijing the next morning. After he failed to show up at the train station and remained unresponsive to attempts to reach him, his family and lawyer reported his disappearance to the police. The police, however, refused to file a missing persons report.

On December 16, 2016, Chinese authorities finally confirmed that Jiang Tianyong had been detained (for nine days, his lawyer later learned) at a police station in Changsha for allegedly using fake identification to buy his train ticket. The police also accused him of “illegally possessing documents classified as State secrets” and “illegally disseminating State secrets to overseas [sources]”, political charges

frequently levelled against dissidents and activists to secure prosecution and conviction.

Then, on December 23, 2016, authorities informed Jiang Tianyong's family that he had been put under residential surveillance at an undisclosed location on suspicion of "inciting subversion of State power". On December 29, 2016, his lawyer's request to visit him was refused. Additionally, since his arrest, several members of Jiang Tianyong's family have been harassed by the police.

Human rights organisations fear that Jiang Tianyong's disappearance and detention may be directly linked to his human rights activities, including a meeting he had with United Nations officials in August 2016. There is also concern that he may be at risk of torture.

This is not the first time that Jiang Tianyong has been harassed by authorities as a result of his human rights work. He had been detained and brutally beaten by the police and state security officers on multiple occasions. Moreover, for defending or supporting high-profile human rights defenders, such as rights lawyer Gao Zhisheng and legal advocate Chen Guangcheng, Jiang Tianyong was disbarred in 2009. Since then, he has taken an active role in organizing Chinese human rights lawyers to provide legal counsel to victims of human rights abuses and criticized authorities' violations of human rights.

The Law Society of Upper Canada is deeply concerned about Jiang Tianyong's situation. Reports indicate that since July 2015, hundreds of lawyers and human rights defenders in China have been questioned, detained or charged as a result of their human rights work. We strongly believe that lawyers should be able to carry out their duties without fear for their lives, liberty and security.

The Law Society 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.

The Law Society urges the Government of China to:

- a. immediately and unconditionally release Jiang Tianyong;
- b. guarantee in all circumstances the physical and psychological integrity of Jiang Tianyong;
- c. ensure that any proceedings against Jiang Tianyong are carried out in full compliance with his right to a fair trial, as protected under international law;
- d. put an end to all acts of harassment against Jiang Tianyong and all other human rights lawyers and defenders in China; and
- e. 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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