



The Law Society of
Upper Canada

Barreau
du Haut-Canada

October 9, 2017

Office of the Treasurer

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

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

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

Your Excellency:

Re: Ongoing incommunicado detention of lawyer Wang Quanzhang

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the ongoing incommunicado detention of lawyer Wang Quanzhang. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Wang Quanzhang is a human rights lawyer of the Beijing Fengrui Law Firm in China. He disappeared in July 2015 during the “709 crackdown”,¹ and was formally arrested on January 8, 2016 for the alleged crime of “subverting state power”.² He was formally indicted on February 14, 2017, however no trial has

¹ On July 9, 2015, the authorities in China began an extreme crackdown on human rights defenders. In reference to the date, it has been referred to subsequently as the “709 crackdown”. On that day and the following weeks, approximately 300 human rights defenders, their families and colleagues were detained, interrogated or harassed. The legal community was especially targeted. Despite President Xi Jinping’s repeated emphasis on the rule of law, scores of human rights lawyers were detained, threatened or subjected to travel bans solely for defending their clients. See: “China: #709 Crackdown”, *Frontline Defenders*, online: <<https://frontlinedefenders.atavist.com/china-709-crackdown>>.

² “Re: Concerns regarding the ongoing incommunicado detention of lawyer Wang Quanzhang”, *Council of Bars and Law Societies of Europe* (9 August 2017) at 1, online: <http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/China_-_Chine/2017/EN_HRL_20170809_China_Concerns-regarding-the-ongoing-incommunicado-detention-of-lawyer-Wang-Quanzhang.pdf> [CCBE Letter].

been scheduled as of September 26, 2017. There have also been credible reports that he has been subjected to severe torture in jail, including with electric batons.³

Wang Quanzhang has been detained incommunicado for more than two years. His family has appointed lawyers on his behalf, yet they have never been granted permission to see or meet with him on the grounds that he has been charged with a crime pertaining to national security.⁴ His lawyers have also been subjected to harassment and persecution. The lawyers initially appointed to his case have been forced to withdraw. The current lawyers, Yu Wensheng and Cheng Hai, have also been targeted. In July 2017, Yu Wensheng was dismissed by his law firm in Beijing, due to the pressure exerted by the Judicial Bureau.⁵

Li Wenzu, the wife of Wang Quanzhang, has explained in a public statement that she was approached by two state-appointed lawyers, seeking her consent to represent Wang Quanzhang.⁶ Li Wenzu made it clear that she had already appointed lawyers to represent her husband, and had no intention of appointing either of the state-appointed lawyers. The lawyers have denied being appointed by the state, however one of them revealed that Wang Quanzhang refused to be represented by him, and for this reason sought authorization from Li Wenzu.⁷

The family of Wang Quanzhang has suffered further persecution.⁸ His wife, Li Wenzu, has been subjected to police monitoring and harassment, and has been arbitrarily detained on several occasions. His son has been denied enrolment at elementary school in Beijing due to police pressure. Wang Quanzhang's family was forced out of their home, due to pressure on their landlord by the authorities. A new landlord refused to rent an apartment to Li Wenzu after a state security agent spoke with him.

³ "Need to develop a mandatory Code of Conduct for members of the UN Human Rights Council", *Lawyers' Rights Watch Canada* (19 September 2017) at Footnote 1, online: <http://www.lrwc.org/ws/wp-content/uploads/2017/09/LRWC.GD_.Item-4.19.Sept_.17.HRC-member-duties.pdf> [LRWC Statement].

⁴ CCBE Letter, *supra* note 1 at 1.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ "Take Action for Wang Quanzhang and His Family", *Frontline Defenders* (2 September 2016), online: <<https://www.frontlinedefenders.org/en/case/harassment-against-wang-quanzhang-family>> [FD Statement].

Requests to meet with Wang Quanzhang by his family and his lawyers have been repeatedly denied. In particular, it has been reported that on July 31, 2017, Li Wenzu and other family members of Wang Quanzhang went to the Tianjin No. 2 Detention Centre to meet with him, but their request was denied.⁹ They were further informed that Wang Quanzhang had been transferred to Tianjin No. 1 Detention Centre. Yet, authorities of Tianjin No. 1 Detention Centre could not find any record of Wang Quanzhang in their computer. They confirmed orally, however, that he was being detained there.

The detention of Wang Quanzhang is believed to be based solely on his legal advocacy for certain clients. He has a history of taking on politically sensitive cases, including defending persecuted followers of China's banned spiritual movement, Falun Gong, as well as investigative journalists and democracy advocates. He has been harassed, intimidated and beaten previously as a result of his work.¹⁰

The Law Society is deeply concerned about Wang Quanzhang'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.

Article 18 states:

⁹ CCBE Letter, *supra* note 1 at 1-2.

¹⁰ FD Statement, *supra* note 7.

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 Wang Quanzhang immediately and unconditionally;
- b. release Wang Quanzhang immediately and unconditionally and ensure that he is returned home;
- c. cease immediately any and all intimidation and harassment of Wang Quanzhang's family, recognizing that it is a violation of their rights and a means of further punishment and intimidation towards Wang Quanzhang himself;
- d. guarantee in all circumstances the physical and psychological integrity of Wang Quanzhang;
- e. ensure that Wang Quanzhang is not subjected to torture or other ill-treatment, has regular, unrestricted access to his family, lawyers of his choice and medical care;
- f. guarantee all of the procedural rights that should be accorded to Wang Quanzhang in accordance with his right to a fair trial;
- g. guarantee that adequate reparation will be provided to Wang Quanzhang if he 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.

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:

Ambassador Luo Zhaohui
Embassy of the People's Republic of China in Canada
515 St. Patrick Street
Ottawa, Ontario
K1N 5H3
Fax: (613) 789-1911
Email: chinaemb_ca@mfa.gov.cn

All China Lawyers Association
5th Floor Qinglan Mansion
No 24 Dongsi Shitiao
Dongsheng District

Beijing 100007, China
Tel: +86 (10) 6406 0212
Email: cilec@public.bta.net.cn

The Honourable Chrystia Freeland
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario
K1A 0G2
Email: chrystia.freeland@international.gc.ca

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

Wang Junfeng, All China Lawyers Association

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

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

Mónica Pinto, 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