



The Law Society of
Upper Canada

Barreau
du Haut-Canada

September 5, 2014

President Xi Jinping
President of the People's Republic of China
Zhongnanhai, Xichengqu
Beijing, People's Republic of China

Office of the Treasurer

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Your Excellency:

Re: The arrest and continued detention of human rights lawyer Tang Jingling and his colleagues

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the cases of Tang Jingling and his colleagues. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Tang Jingling is a prominent human rights defender who has fought for the rights of victims of land appropriation and has challenged government corruption in China. He allegedly had his license revoked in 2006, as the result of his participation in the Taishi Village case. The case sought to remove corrupt officials from government. Tang Jingling is involved with the non-violent civil disobedience movement, and is a signatory of "Charter 08", a document that calls for certain reforms in China, including an independent legal system. As a result of his work, Tang Jingling has been subject to frequent police harassment.

On May 16, 2014, Tang Jingling was detained by police, along with his Guangzhou colleagues, Yuan Xinting and Wang Qingying. It is reported that they were detained for "picking quarrels and provoking trouble." On June 21, 2014, these individuals were formally arrested on the elevated charge of "inciting subversion of state power."

The Law Society is concerned about the elevated charge and ongoing detention of Tang Jingling and his colleagues. The elevated charge of inciting subversion may restrict the rights of the prisoners, since Chinese authorities may attempt to deny certain rights on the basis that the cases touch upon state secrets. The Law Society is concerned that these cases further evidence a broad crackdown on human rights defenders in China.

In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of human rights lawyers Ni Yulan, Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio and Li Heping. The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights*, state that respect for humans rights are essential to advancing the

rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and 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 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 the People’s Republic of China to,

- a. release Tang Jingling and his colleagues immediately, as they are prisoners of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Tang Jingling and his colleagues;
- c. provide Tang Jingling and his colleagues with regular access to their lawyers and families;
- d. guarantee all the procedural rights that should be accorded to Tang Jingling, his colleagues, and other human rights defenders in China;
- e. put an end to all acts of harassment against Tang Jingling, his colleagues, as well as other human rights defenders in China;
- f. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor

Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 6,000 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:

Ms. Wu Aiyang
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Ms. Wang Yi
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Also copied:

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

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David F. Sutherland, Chair, Lawyers Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights

Sharon Hom, Executive Director, Human Rights in China

Wang Junfeng, President, All China Lawyers Association

Michael Frost, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights