

URGENT ACTION

LAWYER ALLEGEDLY TORTURED IN DETENTION

Held incommunicado for over 18 months, human rights lawyer Yu Wensheng was finally allowed to meet his lawyer on 14 August. According to his lawyer, Yu was tortured in detention and his health has drastically deteriorated. Charged with “inciting subversion of state power”, Yu was sentenced on 17 June 2020 to four years’ imprisonment and deprivation of political rights for three years. He is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression, and must be immediately and unconditionally released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Director Yin Zhaoming
Xuzhou City Detention Centre
206 Guodaodongze,
Sanbao Zhen Nan, Tongshan Qu
Xuzhou Shi, Jiangsu Sheng, 221112
People’s Republic of China*

Dear Director Yin:

I am writing to express my concern for **Yu Wensheng** (余文生), who is currently detained in your facility for peacefully exercising his right to freedom of expression. While it is promising that Yu was able to meet with his lawyer on 14 August after more than 18 months in detention, it is alarming to learn of the conditions that he has experienced in Xuzhou City Detention Centre.

Yu Wensheng told his lawyer that, during his detention, he had been sprayed with pepper spray water and was at times required to sit on a metal chair for an extended period of time, until he partially lost consciousness. Yu also said that he was often not given enough food and that he suffered heatstroke in the summer and was cold in the winter.

Yu’s wife, Xu Yan, has expressed her distress about the sharp deterioration in Yu’s health since he has been held incommunicado. In addition to struggling with hypertension, some of Yu’s teeth fell out and he was too weak to chew his food. Yu also shared that, due to severe tremors, he was no longer able to write with his right hand. Instead, Yu was forced to write his entire appeal submission with his left hand. According to the doctor in the detention centre, this condition is irreversible.

Yu Wensheng is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression. Not only is Yu unjustly imprisoned, he is also enduring inhumane treatment in your detention centre.

Therefore, pending Yu Wensheng’s immediate and unconditional release, I call on you to ensure that he:

- **is treated in full accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and, specifically, is not subjected to torture or other ill-treatment, including to poor conditions of detention.**
- **has regular, unrestricted access to a lawyer of his choice and is granted regular and unrestricted access to food and medical care on request or as necessary.**

Yours sincerely,

ADDITIONAL INFORMATION

Yu Wensheng is a prominent human rights lawyer in Beijing. He represented a number of high-profile human rights cases, including Falun Gong practitioners and fellow human rights lawyer Wang Quanzhang, who was detained and charged with “subverting state power” during the mass crackdown on lawyers and activists starting in July 2015.

Yu was sentenced on 17 June 2020 to four years’ imprisonment and deprivation of political rights for three years. However, no formal notification about the sentence or legal documents regarding his case were made available to his lawyers. Yu’s family and friends believe that his conviction is related to an open letter criticizing President Xi Jinping as ill-suited to lead China due to his strengthening “totalitarian” rule over the country. He is now waiting for his appeal hearing. He filed for an appeal in June, when his access to lawyer was still barred.

Yu Wensheng was formally arrested by the Xuzhou City Public Security Bureau in Jiangsu Province on 19 April 2018 on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers”. He was then held under “residential surveillance in a designated location”, a measure that, under certain circumstances, enables criminal investigators to hold individuals for up to six months outside the formal detention system in what can amount to a form of secret incommunicado detention. When held without access to legal counsel of their choice, their families or others, suspects placed under this form of “residential surveillance” are at risk of torture and other ill-treatment. This form of detention has been used to curb the activities of human rights defenders, including lawyers, activists and religious practitioners.

On 15 January 2018, four days before he was taken away by police, Yu Wensheng received a letter from the Beijing Municipal Judicial Administration Bureau, notifying him that his license to practice as a lawyer was suspended because he had not been employed by a registered law firm for over six months. He also received another letter from the bureau, dated 12 January 2018, that his application to open a new law firm had been rejected because, the notice alleged, he had repeatedly made comments opposing the Communist Party’s rule and attacking the country’s “socialist rule of law” system.

Yu Wensheng’s wife Xu Yan has been tirelessly fighting for the release of her husband in the past two years. Xu made numerous attempts to visit her husband, who was held incommunicado 800km away from their home in Beijing. However, all 60 attempts to meet government officials and 25 requests to meet her husband were all in vain. Since January 2018, Xu Yan has filed approximately 300 requests to different government departments in relation to her husband’s detention. She did not receive one single reply. Xu Yan has been under constant surveillance and harassment by the authorities since she started to advocate for her husband. She has been summoned, detained and banned from travelling.

Activists and human rights defenders in China continue to be systematically subjected to monitoring, harassment, intimidation, arrest and detention.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 21 October 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Yu Wensheng (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/2546/2020/en/>