

URGENT ACTION

HUMAN RIGHTS LAWYER AT RISK OF TORTURE

Beijing human rights lawyer Yu Wensheng has been indicted and his case has been transferred from the prosecution to the court awaiting a trial date, according to his wife. No official notification about the indictment nor transfer has been received. With no access to his lawyers since his detention in January 2018, there are fears that he is at risk of torture or other ill-treatment. Yu Wensheng is a prisoner of conscience, detained solely for exercising his right to freedom of expression and should be immediately and unconditionally released.

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

*Han Xiaojun, Procurator-General of Xuzhou City People's Procuratorate
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Quanshan Qu, Xuzhou Shi
Jiangsu Sheng 221006
People's Republic of China
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Dear Procurator-General Han,

Beijing human rights lawyer Yu Wensheng was indicted on 1 February 2019 and his case has been transferred from Xuzhou City People's Procuratorate to Xuzhou City Intermediate People's Court awaiting a trial date, according to his wife who was told by an officer of the procuratorate. No formal notification about the indictment, nor any of the legal documents of his case, have been made available to his lawyers.

Yu Wensheng's lawyers were once again not allowed to meet him in the detention centre on 12 and 13 February 2019. They have made 25 attempts to visit Yu Wensheng since he was taken away in January 2018, however all requests, without any clear or valid reason, have so far been rejected by the police. Without access to a lawyer of his choice, I am concerned that Yu Wensheng is at risk of torture and other ill-treatment.

Yu Wensheng was taken away by police on 19 January 2018 and, after being placed under "residential surveillance in a designated location", was formally arrested on 19 April 2018 on suspicion of "inciting subversion of state power" and "obstructing the duties of public officers".

I call on you to

- a) Immediately and unconditionally release Yu Wensheng and drop the charges against him as he has been detained solely for peacefully exercising his human right to freedom of expression;***
- b) Ensure that he has regular, unrestricted access to a lawyer of his choice and his family and investigate and ensure that while in detention Yu Wensheng is not subjected to torture or other ill-treatment.***

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, and who was sentenced to four and a half years’ imprisonment on 28 January 2019 after having been detained for nearly two and a half years.

Yu Wensheng was formally arrested by the Xuzhou City Public Security Bureau (XCPSB) on 19 April 2018 on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers”. If convicted, he could face a maximum sentence of 15 years imprisonment for the charge of “inciting subversion of state power”.

On 15 January 2018, four days before he was taken away by police, Yu Wensheng received a letter from the Beijing Municipal Justice Bureau that his legal practice license 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 for opening a new law firm was rejected as he repeatedly made comments opposing the Communist Party’s rule and attacking the country’s “socialist rule of law” system.

Yu Wensheng was already detained for 99 days in 2014, later sharing with Amnesty International that he had been tortured during that time. On 13 October 2014, he was arrested by Daxing Public Security Bureau in Beijing after showing his support for the pro-democracy protests in Hong Kong. He told Amnesty International that he was held with death row inmates for 61 days and questioned approximately 200 times. Refused access to a lawyer during that detention, Yu Wensheng had 10 public security officers assigned to question him in three shifts every day. At the beginning, the officers only abused him verbally. Later, they handcuffed him with his hands bound behind the back of the iron chair. He felt that his body’s muscles and bone joints were completely stretched. He said that two police officers repeatedly yanked the handcuffs and he screamed every time they pulled them.

Yu Wensheng was briefly detained again in October 2017 after he wrote an open letter criticizing President Xi Jinping as ill-suited to lead China due to his strengthening “totalitarian” rule over the country. His family and friends believe that Yu Wensheng’s current detention is related to this open letter.

On 23 January 2018, Shanghai-based news website The Paper released a news report with a heavily and abruptly edited video claiming that a lawyer surnamed Yu assaulted two police officers while resisting arrest on 19 January. The report was widely circulated on news search portals and social media platforms in China as Yu Wensheng’s name was mentioned in tweets and posts from unidentified social media accounts. According to his friends and supporters, it seems to be an attempt to discredit the lawyer using similar tactics that have been seen in other cases of detained lawyers and activists.

The detention of lawyer Wang Yu and her family on 9 July 2015 marked the beginning of an unprecedented government crackdown on human rights lawyers and other activists. Over the following weeks, almost 250 lawyers and activists were questioned or detained by state security agents, and many of their offices and homes were raided. As of December 2017, nine individuals had been convicted for “subverting state power”, “inciting subversion of state power” or “picking quarrels and provoking trouble”. Five of them remain in prison, three were given suspended prison sentences and one was “exempted from criminal punishment” while remaining under surveillance. A tenth person, lawyer Wang Quanzhang, was sentenced to four a half years’ imprisonment on 28 January 2019.

PREFERRED LANGUAGE TO ADDRESS TARGET: Chinese, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 5 April 2019

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

NAME AND PREFERRED PRONOUN: Yu Wensheng (he, his, him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/8295/2018/en/>