

URGENT ACTION

PROMINENT LEGAL SCHOLAR INDICTED FOR SUBVERSION

Prominent legal scholar and human rights defender Xu Zhiyong has been formally indicted for “subversion of state power”. Detained since February 2020, Xu has reported harsh conditions as well as incidents of torture and ill-treatment while in custody. Charged and detained solely for exercising his right to freedom of expression, Xu must be immediately released. Denied access to a lawyer for more than a year after he was first detained, there are grave concerns for his wellbeing as well as access to a fair trial.

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

*Chief Procurator Wang Qinjie
People's Procuratorate of Linyi City
North side, West Section, Jiefangdonglu,
Linyi Shi, Shandong Sheng, 276000
People's Republic of China*

Dear Chief Procurator Wang,

I am writing to express my concern for **Xu Zhiyong** (许志永), who has been formally indicted and charged with “subversion of state power” (颠覆国家政权) for peacefully exercising his human rights to freedom of expression and assembly.

It is distressing to learn that, according to the indictment, the procuratorate charged him with “subverting state power” for allegedly having published online commentaries, initiated online chat groups, and conducted online workshops on non-violent activism. As has been repeatedly raised by United Nations human rights experts, there are concerns that Chinese authorities consistently use national security provisions to target human rights defenders.

I find it alarming that the authorities have routinely obstructed Xu's lawyers in the exercise of their professional duties. According to the wife of Ding Jiayi, another human rights defender indicted in the same case, the authorities forced the lawyers representing Xu and Ding to keep silent about the progress of the case and the details of the indictment.

Further to my concern is Xu's testimony that he was subject to torture and ill-treatment while in detention last year, when he was bound to an iron chair with his limbs restrained for more than 10 hours a day for more than a week. Given his previous treatment, and the lack of unrestricted access to his lawyers, I fear that Xu could be at risk of future human rights violations while in custody.

International human rights laws and standards guarantee the rights to liberty, freedom of association and freedom of expression. Therefore, I call on you to:

- **Release Xu Zhiyong immediately and drop all charges as he has been charged and detained solely for exercising his right to freedom of expression,**
- **Pending his release, ensure that Xu Zhiyong has regular, unrestricted access to family and lawyers of his choice and is not subjected to torture and other ill-treatment.**
- **Stop harassing, arresting, and threatening other human rights defenders, including human rights lawyers, who peacefully exercise their right to freedom of association and other human rights.**

Yours sincerely,

ADDITIONAL INFORMATION

Xu Zhiyong is a prominent Chinese legal scholar and rights activist known for his work on behalf of disadvantaged groups and his promotion of a “New Citizens’ Movement”, a loose network of activists founded by Xu to promote government transparency and expose corruption in 2012. He has been jailed previously for his peaceful activism, spending four years in prison on trumped-up public order charges from 2013 to 2017.

After more than a year of incommunicado detention, Xu Zhiyong was finally able to meet his lawyer via video call on 21 January and 5 February 2021. Xu revealed in these calls that his current conditions in the Linshu County Detention Centre were incredibly harsh and reported to receive only one steamed bun for each meal every day. Xu also described in the call the treatment that he had to endure while detained in “residential surveillance in a designated location”, where he was bound to an iron chair and his limbs were restrained for more than 10 hours a day for more than a week. He found himself very exhausted and struggled to breathe while restrained.

Xu Zhiyong was among dozens of lawyers and activists who attended an informal gathering held in Xiamen, a city on China’s southeast coast, in December 2019. Many present at this private gathering had been active in the New Citizens Movement, a loose network of activists who aimed to promote government transparency and expose corruption in the early 2010s. At the meeting, they discussed the situation of civil society and current affairs in China. Since 26 December 2019, police across the country have been summoning or detaining participants of the Xiamen gathering.

Along with Xu Zhiyong, Ding Jiayi (丁家喜) and Chang Weiping (常玮平), fellow human rights defenders and former lawyers disbarred because of their activism, were also charged with subverting state power. Xu, Ding and Chang told their lawyers that they were subjected to torture and ill-treatment while in custody.

Li Qiaochu, a labour rights and feminist activist and Xu Zhiyong’s partner, was held in secret detention from February to June 2020. As a result of her continued call for Xu’s release and better treatment, Li was again detained by the authorities on 6 February 2021 and was charged with “inciting subversion of state power” on 15 March 2021. During detention Li’s depression worsened. She also developed hallucinations. She continues to be at imminent risk of torture and ill-treatment.

Since the massive crackdown on lawyers and activists in 2015, the Chinese authorities have been systematically using national security charges with extremely vague provisions, such as “subverting state power” and “inciting subversion of state power”, to prosecute lawyers, scholars, journalists, activists and NGO workers.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 25 December 2021
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Xu Zhiyong 許志永(He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/3753/2021/en/>