

URGENT ACTION

ACTIVISTS APPROACHING ONE YEAR IN DETENTION

On 13 April 2023, prominent human rights lawyer Yu Wensheng and his wife Xu Yan were taken into police custody while en route to the delegation of the European Union to China in Beijing. In October, Yu Wensheng and Xu Yan were indicted on charges of “picking quarrels” and an additional charge of “inciting subversion of state power,” and in January 2024, the couple were transferred from a detention centre in Beijing to one in Jiangsu Province. Xu Yan has reportedly lost 14kg since being detained and the conditions of her detention in Beijing may have constituted torture and other ill-treatment. Their son, who turned 18 just before their detention, has faced a serious deterioration of his mental health over the last year, and currently suffers from depression.

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

Chief Li Jun

Suzhou City People's Procuratorate, No.388 Jiefang East Road, Gusu District, Suzhou City
Jiangsu Province, 215000, P.R. China

Dear Chief Li,

I am writing to express my grave concern for prominent human rights lawyer Yu Wensheng (余文生) and his wife Xu Yan (徐艳). The couple, both well-known activists in China, were taken into police custody while en route to the delegation of the European Union to China in Beijing on 13 April 2023, where they were to attend a meeting with the EU's Ambassador to China. They were detained in Beijing Shijingshan Detention Centre from that date until January 2024, after which they were transferred to Suzhou Detention Centre in Jiangsu province, some 1000km away.

Yu and Xu were arrested for “picking quarrels and provoking trouble”, an overly broad crime which is widely used for targeting human rights defenders, journalists and dissidents. In October 2023, Yu Wensheng and Xu Yan were indicted on those charges, as well as an additional and more serious charge of “inciting subversion of state power.” There is no date set for their trial.

Xu Yan has reportedly lost 14kg since being detained and the conditions of her detention in Beijing may have constituted torture and other ill-treatment. She has been subjected to verbal abuse, including being intimidated by police who threatened to arrest her son if he undertakes advocacy on her and Yu's case. Their son, who turned 18 just before their detention, has faced a serious deterioration of his mental health over the last year, and currently suffers from depression. Xu and Yu's transfer to Suzhou, nearly 1000km away from their home in Beijing, has exacerbated his isolation and the risk of further mental health impacts.

Yu Wensheng, a prisoner of conscience, and his wife Xu Yan are being detained solely for exercising their rights to freedom of expression.

I therefore call on you to:

- Release both of them immediately and unconditionally, as they are being detained solely for peacefully exercising their human right to freedom of expression;
- Pending their release, ensure they are not subjected to torture or other ill-treatment while in detention;
- Ensure their son and other members of their family are not subjected to harassment and threats.

Yours sincerely,

ADDITIONAL INFORMATION

In 2020, prominent human rights lawyer Yu Wensheng was sentenced to four years' imprisonment and deprivation of political rights, on the charge of "inciting subversion of state power" (煽动颠覆国家政权罪) for only exercising his right to freedom of expression. Since his first arrest in 2018, Yu's health dramatically deteriorated due to poor conditions and alleged torture and other ill-treatment while in detention.

During Yu's first detention, his wife Xu Yan fought tirelessly for the release of her husband and made numerous failed attempts to visit him in prison. Xu was under constant surveillance and repeatedly faced harassment by the Chinese authorities, having been summoned, detained and occasionally banned from leaving her house.

Yu Wensheng is the winner of the 2021 Martin Ennals Award, an annual prize for human rights defenders selected by a jury of 10 of the world's leading human rights NGOs. He was released from prison on 1 March 2022.

However, Yu and Xu were taken into police custody while en route to the delegation of the European Union to China on 13 April 2023, where they were to attend a meeting with the EU's Ambassador to China, Jorge Toledo Albiñana, and another senior EU official. On 21 May, the police informed their family that Yu and Xu were both formally arrested for "picking quarrels and provoking trouble", an overly broad crime which is widely used for targeting human rights defenders, activists, journalists and dissidents. In October, Yu Wensheng and Xu Yan were indicted on charges of "picking quarrels" and an additional charge of "inciting subversion of state power." Picking quarrels carries a maximum of five years' imprisonment and inciting subversion carries a sentence of up to five years, or longer if they are deemed "ringleaders."

In early December 2023, Amnesty International learned that Xu Yan's alleged conditions in custody in Beijing may have constituted torture and other ill-treatment. She was given fewer quilts than other detainees and was thus very cold, was forced to sit for long periods of time leading to swelling in her legs and lower back pain, faced bullying from other detainees, including being beaten, and lost 14 kilos due to the poor quality of food in detention. Since being detained, she has been given one medical exam by a doctor, who confirmed there is an issue with her lower back, but they haven't given her any further information. In late November, Xu Yan started a hunger strike in protest of her treatment and denial of her legal rights. Police officers had verbally abused her and intimidated her by threatening to arrest her son if he undertakes advocacy on her and Yu's case.

Their son turned 18 just prior to their detention, and since then has been living on his own, under extensive public security surveillance. In November 2023, civil society groups reported that he had overdosed on medication and was rushed to the hospital; they believe this was a suicide attempt due to the impact of his parents' detentions and the security environment on his well-being and mental health. His situation has been exacerbated by the transfer of his parents to Suzhou, a city 1000 kilometres away, effectively removing the possibility for him to request visits and both give and receive moral support.

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

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 May 2024

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) & Xu Yan (she/her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/ASA17/3729/2021/en/>