

Petition Letter on Human Rights Lawyer YU Wensheng

To:

- Mr. Tang Yijun (唐一军)
Minister of Justice
6 Nandajie, Chaoyangmen,
Chaoyangqu, Beijing
100701
- Mr. Liu Yuxiang (柳玉祥)
Chief of Jiangsu Department of Justice
28, Beijing Xilu, Gulouqu,
Nanjing City, Jiangsu
210024
- Mr. Zhang Xiaowei (张晓伟)
Chief of Jiangsu Bureau of Prisons
188, Qingliangdajie, Gulouqu,
Nanjing City, Jiangsu
210036

18 January 2021

Dear Sirs,

We, the undersigned, are writing with regard to the case of Mr. Yu Wensheng (余文生).

Yu Wensheng, 53, was arrested in Beijing on 19 January 2018, but was transferred for detention in Xuzhou in the Jiangsu province for allegedly “inciting subversion of state power”. He was secretly tried on 9 May 2019 and thereafter, sentenced to 4-year imprisonment on 17 June 2020.

Yu’s appeal was heard on 13 December 2020, with the original verdict upheld. This means Yu will be transferred to the prison shortly.

In this regard, we take note of the basic principle on human rights in the administration of justice: “except for those lawful limitations that are demonstrably necessitated by the fact of incarceration, persons deprived of their liberty shall retain their non-derogable human rights and all other human rights and fundamental freedoms”.

We understand that Xuzhou, where Mr. Yu is held, is over 800 km from the city of his residence, Beijing, where his wife Xu Yan and son live. The trip from home in Beijing to the Xuzhou prison will require travelling long hours both by train and by car. It would take 2 days per visit for the family. We understand that the family does not have relatives or friends in Xuzhou, and it will be difficult for Yu to have obtain any familial or social support in the city.

We also understand that Ms. Xu does not have a job. The family has been living on its saving since Mr. Yu’s detention. The expenses incurred in visiting Yu in long distance is increasingly a burden on the mother and son. It also occurs that in where the company of lawyer is required

for the completion of legal procedures, the costs will mount. Ms. Xu has also been suffering physical and psychological distress as Yu's case proceeded over the past 3 years.

We are also concerned about the health condition of Mr. Yu. It has been reported that he suffers general toothache with a molar tooth fallen off, causing difficulty in chewing, and eating. His right-hand trembles uncontrollably due to injury, reportedly induced during his detention in Xuzhou pending for trial. He reports constant pain in his spinal cord and lower back resulting from mandatory pro-longed hours of sitting on the floor in fixed posture with legs crossed during the detention.

We take reference of the following rules in the Resolution adopted by the United Nations General Assembly on 17 December 2015 (A/RES/70/175):

- Rule 59 that provides for prisoners to be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.
- Rule 25 that health care service in a prison shall pay particular attention to prisoners with special healthcare needs or with health issues that hamper their rehabilitation.
- Rule 4 that the various forms of assistances offered by prison administrations and other competent authorities should be delivered in line with the individual treatment needs of prisoners.

In this light, we request your generous consideration for Yu Wensheng to be transferred to Beijing for the rest of his imprisonment term, observing the international norms of human rights indicated in the above Rules and the humanitarian ground as pleaded by the family.

We hope that with Mr. Yu back in his home city, his family will be able to assist you in providing the attention and support much needed by Mr. Yu for his recovery and rehabilitation.

We look forward to your favourable reply. Thank you.

Co-signatories (in alphabetical order)

Organisations

- Covenants Watch
- Foundation day of the Endangered Lawyer
- Geneva Bar
- Humanitarian China
- International Association of People's Lawyers (IAPL)
- Judicial Reform Foundation
- Lawyers for Lawyers
- Paris Bar (Barreau de Paris)
- Taipei Bar Association, Human Rights Committee
- Taiwan Association for Human Rights
- Taiwan Support China Human Rights Lawyers Network

Individuals

- Eva Pils, Professor of Law, Dickson Poon School of Law, King's College London
- Gill Boehringer, Honorary Senior Research Fellow at Macquarie University School of Law, Sydney, Australia.

- Hans Gaasbeek, lawyer, founder of the Day of the Endangered Lawyer
- Martin Flaherty, Leitner Family Professor of International Human Rights Law
- Patrick Henry, ancient President, Order des Barreaux Francophones et Germanophone de Belgique
- Paul Copeland C M, lawyer, co-founder of Law Union of Ontario
- Stuart Russel, lawyer, administrative judge (retired)
- Symone Gaasbeek Wielinga, lawyer

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People's Republic of China

- Standing Committee of the National People's Congress
- State Council
- Supreme People's Court
- Supreme People's Procuratorate
- Ministry of Public Security