
CHINA: IMMEDIATELY RELEASE HUMAN RIGHTS LAWYER YU WENSHENG AND ACTIVIST XU YAN

13 April marks the first anniversary of the detention of human rights lawyer Yu Wensheng and his wife, activist Xu Yan.

We, the undersigned civil society organizations, are deeply concerned about this case and call for the immediate and unconditional release of Yu Wensheng and his wife, activist Xu Yan, as they have been detained solely for the peaceful exercise of their human rights including the right to freedom of expression. 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 invited 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 weaponized to target, intimidate and harass human rights defenders, activists, 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." UN experts have repeatedly raised concerns about the authorities' use of both crimes to target human rights defenders. 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 amount to 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 has exacerbated his isolation and the risk of further mental health impacts.

Ahead of the first anniversary of their arrest, we call on the Chinese government to uphold its international human rights obligations. We urge the Chinese government to:

- Immediately and unconditionally release Yu Wensheng and his wife, Xu Yan, as they are being detained solely for peacefully exercising their human rights including the right to freedom of expression;
- Pending their release, ensure they are not subjected to torture and other ill-treatment while in detention;
- Ensure their son's enjoyment of the right to health is fully protected and that he and other members of their family are not subjected to threats, intimidation and harassment.

BACKGROUND

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" solely for peacefully 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, on 13 April 2023, Yu and Xu were taken into police custody while en route to the delegation of the European Union to China, 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 had both been formally arrested for "picking quarrels and provoking trouble", an overly broad crime which is weaponized to target, intimidate and harass 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."

UN experts have repeatedly called for the repeal of Article 105(2) of China's Criminal Law that provides for the crime of 'inciting subversion of State power,' and in 2020 asserted that the criminal provision of 'picking quarrels and provoking trouble' violates due process and the principle of legality underpinned in article 11 (2) of the Universal Declaration of Human Rights.

In early December 2023, Amnesty International learned that Xu Yan's alleged conditions in custody in Beijing may amount to 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 did not provide her with 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 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; the groups believe this was due to the impact of his parents' detention 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 roughly 1000 kilometres away, effectively removing the possibility for him to request visits and both give and receive moral support.

Undersigned, in alphabetical order

Amnesty International

ARTICLE 19

Asian Lawyers Network (ALN)

China Against the Death Penalty

China Dissent Network (previously known as china deviants)

Chinese Human Rights Defenders

Council of Bars and Law Societies of Europe (CCBE)

Deutscher Anwaltverein

FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders

Freedom House

Front Line Defenders

Georgetown Center for Asian Law

HKersUnited
Hong Kong Outlanders in Taiwan
Human Rights Now
Humanitarian China
Independent Chinese PEN Center
Index on Censorship
International Bar Association's Human Rights Institute (IBAHRI)
International Service for Human Rights (ISHR)
Lawyers for Lawyers
Martin Ennals Foundation
PEN America
PEN International
Safeguard Defenders
The Rights Practice
Uyghur Human Rights Project
World organisation against torture (OMCT), within the framework of the Observatory for the Protection of Human Rights
Defenders