



The Law Society
of England and Wales



Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Human Rights
Institute

Joint Statement on the sentencing of Chinese human rights lawyer Yu Wensheng and his wife Xu Yan

1 November 2024

We, the undersigned organisations, are seriously concerned about the recent sentencing of Chinese human rights lawyer **Yu Wensheng**, sentenced to 3 years imprisonment, and his wife **Xu Yan**, who was sentenced to 1 year and 9 months, by the Suzhou Intermediate People's Court on 29 October 2024. The couple are both prominent human rights defenders, and Yu Wensheng has represented many victims of human rights abuses, including fellow lawyers targeted in mass arrests.

On 13 April 2023, the couple were apprehended and taken away by a group of Beijing police officers as they were on their way to the EU Delegation in Beijing to meet with senior officials of the European External Action Service. The next day, the couple were unjustifiably detained on suspicion of "picking quarrels and provoking trouble". On the evening of 15 April 2023, more than seven police officers went to Yu Wensheng's home and informed their then 18-year-old son about their detention but did not give him any written notification nor allow him to take any photo of the arrest warrant.

On 21 May 2023, the couple were formally arrested for "picking quarrels and provoking trouble". They were detained at Shijingshan District Detention Centre and their charges were subsequently changed to "inciting subversion of state power" under Article 105(2) of the People's Republic of China Criminal Law. In early February 2024, they were transferred to Suzhou city, Jiangsu province, far from their registered residential address, making it extremely difficult for their lawyers and family members to visit them. Yu Wensheng was detained at Suzhou City No. 1 Detention Centre, while Xu Yan was detained at Suzhou City No. 4 Detention Centre. Their trial was held on 30 August 2024, almost one and a half years after they were arrested. They were eventually sentenced on 29 October 2024.

On 5 July 2024, the UN Special Rapporteur on Human Rights Defenders and other UN experts released information about their communication with the Chinese government concerning the case of Yu Wensheng and Xu Yan. The experts expressed concern that the couple were denied access to their lawyers in May, July and October 2023. The UN experts further expressed concern that Xu Yan was beaten up by other detainees in her cell at the beginning of her detention. However, the prison authorities wrongly deemed the beating as a 'fight'. As a result, Xu Yan was punished and made to clean the toilets for two and a half months. The UN experts also raised concern that Xu Yan was not given adequate food and medical treatment and lost approximately 28 kilograms in weight during her detention. The UN experts further noted that Yu Wensheng and Xu Yan's son

attempted to take his life on 18 November 2023 because of the extensive and intrusive police surveillance and intimidation to which he was subjected following the couple's detention. The UN experts expressed concern that the arrest, arbitrary detention and charges against the couple "appear to be in relation to their exercising of their right to freedom of expression to peacefully and legitimately advocate for human rights - particularly those of detained human rights defenders and lawyers" and that the punitive measures against the couple was "indicative of a concerning cycle of detaining and indicting human rights defenders and lawyers advocating for the rights of other human rights defenders who have been detained and indicted."

For many years Yu Wensheng has been targeted because of his exercise of legitimate professional duties and representation of human rights cases. Yu Wensheng has been detained twice previously. He was arbitrarily detained for over three months in a Beijing detention centre in October 2014 after posting online about the authorities' rejection of his request to visit his client, who supported the Umbrella Movement in Hong Kong. In January 2018 he was disbarred by the Beijing Justice Bureau and detained for "inciting subversion of state power" after he wrote an online letter calling for constitutional reform. He was eventually sentenced to four years imprisonment in June 2020. He was reportedly tortured and subjected to ill-treatment during his detention.

According to Article 16 of the UN *Basic Principles on the Role of Lawyers*, governments should "ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Moreover, Article 23 of the Basic Principles states that: "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights."

Under the *Universal Declaration of Human Rights*, China has an obligation to respect freedom of expression and ensure that no-one is subject to arbitrary arrest or detention. China must ensure that no-one is deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Such laws must be defined with sufficient precision to avoid overly broad or arbitrary interpretation or application and must comply with international law. The laws under which Yu Wensheng and Xu Yan have been tried and convicted are vague and overbroad and are regularly misused by authorities and courts to arbitrarily arrest and detain individuals who are exercising their fundamental rights. Yu Wensheng and Xu Yan have also been denied fundamental rights to fair trials by impartial and independent courts, including denial of access to lawyers.

The undersigned organisations urge the Chinese authorities to:

1. Immediately and unconditionally release Yu Wensheng and Xu Yan as they have been arbitrarily arrested, detained and prosecuted for their human rights work and exercising their freedom of expression;
2. Take immediate measures to ensure that they have access to adequate medical treatment;
3. Take immediate measures to ensure that they have access to their family members and lawyers of their choosing;

4. Stop all acts of intimidation and harassment against lawyers and their family members, including arbitrary arrest and detention, politically motivated charges and surveillance, and ensure that all Chinese lawyers can carry out their professional duties and exercise their right to freedom of expression without intimidation, hindrance or improper interference.

Signatories:

Asian Lawyers Network (ALN)
International Bar Association's Human Rights Institute
Lawyers' Rights Watch Canada
29 Principles
Lawyers for Lawyers
The Law Society of England and Wales