
11 November 2024

CHINA MUST URGENTLY RELEASE HUMAN RIGHTS LAWYER YU WENSHENG AND ACTIVIST XU YAN

On 29 October 2024, Suzhou Intermediate Court sentenced Yu Wensheng to three years in prison and his wife, activist Xu Yan, to one year and nine months in prison for “inciting subversion of state power”.

We, the undersigned civil society organizations, are deeply concerned about this case and call for the immediate and unconditional release of Yu and Xu, as they have been sentenced solely for the exercise of their human rights including the right to freedom of expression. We believe that the sentence creates a chilling effect both on the work of human rights defenders in China, as well as on the important and constructive interactions between defenders and civil society groups and diplomatic representatives in the country.

The couple, both well-known activists in China, were taken into police custody while en route to a meeting with the delegation of the European Union to China in Beijing on 13 April 2023. Originally charged with “picking quarrels and provoking trouble,” they were detained in Beijing Shijingshan Detention Centre; they were indicted on new charges of “inciting subversion of state power” in October 2023. In January 2024, they were transferred to Suzhou Detention Centre in Jiangsu province, some 1000km away.

In August 2024, the cases of Yu Wensheng and Xu Yan, both suspected of ‘inciting subversion of state power’, were heard at the Suzhou Intermediate People’s Court. However, diplomats from several foreign missions and other activists were denied entry to the courtroom to observe the proceedings.

Xu Yan has reportedly lost 14kg since being detained and the conditions of her detention in Beijing may have amounted to torture or other ill-treatment. She was subjected to verbal abuse, including being intimidated by police who threatened to arrest her son if he undertook 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 years, and currently suffers from depression. Xu and Yu’s transfer to Suzhou has exacerbated his isolation and the risk of further mental health impacts; their imprisonment deprives him of the presence of a parent/caregiver that could help him to heal.

UN experts have repeatedly raised concerns about the Chinese authorities’ targeting of human rights defenders. They have consistently called for the repeal of Article 105(2) of China’s Criminal Law that provides for the crime of “inciting subversion of State power”. In March of this year, UN High Commissioner for Human Rights Volker Türk raised concern that “picking quarrels and provoking trouble” was a “vague offence” and encouraged Chinese authorities to revise the law, while also urging the release of human rights defenders, lawyers and others detained under it.

UN experts have also sought to communicate with the Chinese government on individual cases; the Working Group on Arbitrary Detention determined in 2019 that Yu Wensheng’s previous imprisonment was arbitrary under international law and called on authorities to provide remedy and compensation. And in June of this year, the Working Group joined other UN Special Procedures mandates in raising concerns about Yu’s most recent arrest, and the “allegedly arbitrary detention” of him and Xu Yan and “reported threats and intimidation of family members of human rights defenders,” in this case their young son.

Today, 11 November, is Yu Wensheng's 57th birthday. On this occasion we call on governments globally and on the UN and its human rights mechanisms to urgently press the Chinese government to uphold its international human rights obligations and commitments.

The Chinese authorities should:

- Immediately and unconditionally release Yu Wensheng and his wife, activist Xu Yan, as they have been convicted solely for exercising their human rights, including the right to freedom of expression;
- Pending their release, ensure they are free from torture and other ill-treatment, unrestricted access to adequate medical care and access to family members;
- Ensure that the human rights of all human rights defenders and their family members or associates in China are protected, and that any defender who engages or seeks to engage with diplomats and the United Nations human rights mechanisms may do so free from any form of reprisals or intimidation.

Undersigned, in alphabetical order

Amnesty International

Asian Lawyers Network (ALN)

Changsha Funeng

China Aid Association

China Dissent Network

Chinese Human Rights Defenders (CHRD)

Christian Solidarity Worldwide (CSW)

Council of Bars and Law Societies of Europe (CCBE)

Covenants Watch/人權公約施行監督聯盟

German Bar Association (Deutscher Anwaltverein - DAV)

Hong Kong Watch

Human Rights in China

Human Rights Network for Tibet and Taiwan (HRNTT)/西藏台灣人權連線

Human Rights Without Frontiers

Humanitarian China

International Bar Association's Human Rights Institute (IBAHRI)

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

International Service for Human Rights (ISHR)

Judicial Reform Foundation/民間司法改革基金會

New School for Democracy

Taiwan Association for Human Rights

Taiwan Labor Front

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