

URGENT ACTION

FORMAL ARREST OF LAWYER AMID FEARS OF TORTURE

Beijing human rights lawyer Yu Wensheng has been formally arrested on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers” after being held incommunicado for three months. The recent alleged dismissal of his family-appointed lawyers has raised grave fears about his wellbeing. In a video recorded prior to his detention, Yu Wensheng stated that he would never give up the right to choose his own lawyer unless he was subjected to torture or other ill-treatment.

Yu Wensheng was formally arrested by the Xuzhou City Public Security Bureau (XCPSB) on 19 April 2018 on suspicion of “inciting subversion of state power” and “obstructing the duties of public officers”. If convicted, he could face a maximum sentence of 15 years imprisonment for the charge of “inciting subversion of state power”.

The two family-appointed lawyers tried to meet with Yu Wensheng the day before his formal arrest, on 18 April, however, officers at the Tongshan District Branch of XCPSB provided a statement, allegedly written by Yu Wensheng, dismissing them of their services and asking his wife not to hire any other lawyers. The subsequent requests of the two lawyers to meet Yu Wensheng and confirm his instruction, were rejected by the officers. This recent development has raised grave concerns about Yu Wensheng’s current situation following the decision of his family to release a video that was recorded prior to his current detention. In the recording, Yu Wensheng repeatedly states that, if detained, he would never dismiss his own lawyers unless he was subjected to torture or other ill-treatment.

Yu Wensheng was taken away by police while he was on his way to bring his son to school on 19 January 2018 and, after being detained in Beijing, was placed under “residential surveillance in a designated location”, a de facto incommunicado detention in secret, by the Tongshan District Branch of XCPSB in Jiangsu province. Throughout his time in detention, he has never once been allowed to see his family, nor meet the lawyers hired by his wife.

According to the People’s Republic of China Criminal Procedural Law, police can deny all access to lawyers’ for up to six months in cases which they claim involve “endangering national security”, further increasing the risk of torture and other ill-treatment. Yu Wensheng is a prisoner of conscience, detained solely for exercising his right to freedom of expression and should therefore be immediately and unconditionally released.

Please write immediately in English, Chinese or your own language urging the authorities to:

- Immediately and unconditionally release Yu Wensheng as he has been detained solely for peacefully exercising his human right to freedom of expression;
- Ensure that Yu Wensheng has regular, unrestricted access to a lawyer of his choice and his family;
- Ensure that while in detention Yu Wensheng is not subjected to torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 7 JUNE 2018 TO:

Director

Wang Wensheng
Xuzhou City Public Security Bureau
6 Jinshandonglu, Quanshanqu,
Xuzhou Shi, Jiangsu Sheng 221000
People’s Republic of China

Salutation: Dear Director

Minister of Public Security

Zhao Kezhi
14 Dongchang’anjie
Dongchengqu
Beijing Shi 100741
People’s Republic of China
Tel: +86 10 6626 2114 (Chinese only)

Salutation: Dear Minister

And copies to:

President
Xi Jinping
Zhongnanhai
Xichangan’jie
Xichengqu, Beijing Shi 100017
People’s Republic of China
Fax: +86 10 62381025

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LIU XIAOMING, Embassy of the People’s Republic of China, 49-51 Portland Place

W1B 1JL, 020 7299 4049, press_uk@mfa.gov.cn Please check with your section office if sending appeals after the above date. This is the second update of UA 19/18. Further

information: <https://www.amnesty.org/en/documents/asa17/8106/2018/en/>

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ADDITIONAL INFORMATION

On 15 January 2018, four days before he was taken away by police, Yu Wensheng received a letter from the Beijing Municipal Justice Bureau that his legal practice license was suspended because he had not been employed by a registered law firm for over six months. He also received another letter from the bureau, dated 12 January, that his application for opening a new law firm was rejected as he repeatedly made comments opposing the Communist Party's rule and attacking the country's "socialist rule of law" system.

Yu Wensheng is a prominent human rights lawyer in Beijing. He represented a number of high profile human rights cases, including Falun Gong practitioners and fellow human rights lawyer Wang Quanzhang, who was detained and charged with "subverting state power" during the mass crackdown on lawyers and activists starting in July 2015, and the only one whose whereabouts still remain unknown.

Yu Wensheng was already detained for 99 days in 2014, later sharing with Amnesty International that he had been tortured during that time. On 13 October 2014, he was arrested by Daxing Public Security Bureau in Beijing after showing his support for the pro-democracy protests in Hong Kong. He told Amnesty International that he was held with death row inmates for 61 days and questioned approximately 200 times. Refused access to a lawyer during that detention, Yu Wensheng had 10 public security officers assigned to question him in three shifts every day. At the beginning, the officers only abused him verbally. Later, they handcuffed him with his hands bound behind the back of the iron chair. He felt that his body's muscles and bone joints were completely stretched. He said that two police officers repeatedly yanked the handcuffs and he screamed every time they pulled them.

Yu Wensheng was briefly detained again in October 2017 after he wrote an open letter criticizing President Xi Jinping as ill-suited to lead China due to his strengthening "totalitarian" rule over the country. His family and friends believe that Yu Wensheng's current detention is related to this open letter.

On 23 January 2018, Shanghai-based news website The Paper released a news report with a heavily and abruptly edited video claiming that a lawyer surnamed Yu assaulted two police officers while resisting arrest on 19 January. The report was widely circulated on news search portals and social media platforms in China as Yu Wensheng's name was mentioned in tweets and posts from unidentified social media accounts. According to his friends and supporters, it seems to be an attempt to discredit the lawyer using similar tactics that have been seen in other cases of detained lawyers and activists.

The detention of lawyer Wang Yu and her family on 9 July 2015 marked the beginning of an unprecedented government crackdown on human rights lawyers and other activists. Over the following weeks, almost 250 lawyers and activists were questioned or detained by state security agents, and many of their offices and homes were raided. As of December 2017, nine individuals had been convicted for "subverting state power", "inciting subversion of state power" or "picking quarrels and provoking trouble". Five of them remain in prison, three were given suspended prison sentences and one was "exempted from criminal punishment" while remaining under surveillance. A tenth person, lawyer Wang Quanzhang, who has been indicted but awaits a trial, is being held incommunicado without access to a lawyer, and is also at risk of torture or other ill-treatment.

Further information on UA: 19/18 Index: ASA 17/8295/2018 Issue Date: 27 April 2018