

# URGENT ACTION

## TRIAL DELAY FOR DETAINED AUSTRALIAN-CHINESE WRITER

Yang Hengjun was scheduled to stand trial in January 2021. However, the reasons of the delay have not made known to the public, his trial has been delayed by three months. Detained for more than 24 months, Yang continues to deny all allegations of espionage and has endured countless hours of interrogations and extremely stressful conditions. With uncertainty around whether he will have regular access to consular representatives and his lawyer, there are concerns that Yang might be subjected to torture and other ill-treatment.

### TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Chief Procurator Zhang Yukun  
Beijing No. 2 People's Procuratorate  
18, Zhifang Lu,  
Fengtai Qu,  
Beijing Shi, 100078  
People's Republic of China

Dear Chief Procurator Zhang:

I am writing to express my concern for Australian-Chinese writer **Yang Hengjun** (杨恒均), who has been detained for more than 24 months without trial. Charged with "espionage", his case was scheduled to go to trial before the Beijing Second Intermediate People's Court in January 2021. However, it has since been delayed by three months. Similar to the charges of espionage, the reasons for the delay of the trial have not been disclosed publicly.

It is further distressing to learn that Yang will face a closed-door trial. As stated in Article 10 of Universal Declaration of Human Rights (UDHR), everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Yang Hengjun was first taken into police custody at Guangzhou airport on 19 January 2019 and was detained at the Beijing State Security Bureau Detention Centre where he was subjected to extensive interrogations and stressful conditions. While it is welcome news that he has now been allowed to occasionally meet with an Australian consular representative and his lawyer, I remain concerned about further delays to his trial process.

It is essential that you ensure that as long as Yang Hengjun remains in detention he is granted regular access to his defence lawyer and consular access in line with the Vienna Convention on Consular Relations. I fear that without regular access to these, he may be at risk of torture and other ill-treatment while in detention.

I therefore call on you to:

- **Release Yang Hengjun immediately and unconditionally, unless there is sufficient credible and admissible evidence that he has committed an internationally recognized offence and is granted a fair trial in line with international standards;**
- **Pending his release, ensure that Yang Hengjun has regular, unrestricted access to consular visits, is able to meet and communicate with family and lawyers of his choice and is not subjected to torture and other ill-treatment;**
- **Allow him prompt, regular and unrestricted access to medical care on request, or as necessary.**

Yours sincerely,

## ADDITIONAL INFORMATION

Yang Hengjun is a prominent writer and blogger who has amassed a wide public following for his novels and often-outspoken commentary on Chinese public affairs. Yang is a former Chinese diplomat who also worked in the private sector in Hong Kong before moving to Australia in 1999, where he earned a Ph.D. at the University of Technology, Sydney. Yang became an Australian citizen in 2002 and before his arrest had been living in the United States, where he was a visiting scholar at Columbia University.

Yang Hengjun was detained by police upon arrival in the southern Chinese city of Guangzhou, where he flew with his family in January 2019. He was initially held under “residential surveillance at a designated location”, a measure that, under certain circumstances, enables criminal investigators to hold individuals for up to six months outside the formal detention system in what can amount to a form of secret incommunicado detention. When held without access to legal counsel of their choice, their families or others, suspects placed under this form of “residential surveillance” are at risk of torture and other ill-treatment.

For more than eight months from the time he was taken into custody, Yang Hengjun was denied consular access and was not allowed to meet with defence lawyers. Yang was finally allowed to meet online with an Australian consular representative on 31 August and have an in-prison meeting with his lawyer on 3 September 2020. Yang shared that he has endured more than 300 interrogations by 30 different people for sometimes hours at a time in the middle of the night. Yang also said that the lights in his cell are apparently switched on 24 hours a day.

Yang has denied all allegations of espionage. According to media reports, Yang told his lawyer during his first visit on 3 September that he considers the charges to be political persecution and said he will not confess to any crimes that he did not commit.

Yang’s wife, Yuan Xiaoliang (an Australian permanent resident), and their son were allowed to enter China but have been banned from leaving the country. In July 2019, Yuan tried to fly home to Australia but was stopped by a border security official. A few days after this attempt, Yuan was taken away by state authorities and questioned for two hours. According to her close friend, Yuan believes that she will be punished if she speaks to international media.

This is not the first time that Yang has been detained. In 2011, Yang went missing for a week after having been followed by three men. This sparked global speculation that he had been detained. However, re-emerging a week later, he told the reporters that it is a “misunderstanding” as he had been sick. Yang has since retracted that statement.

Espionage is categorized as a crime of “endangering national security” under China’s criminal law. Individuals convicted of espionage face a minimum of three years’ imprisonment, and individuals deemed to have endangered national security with “particularly serious harm to the country and the people” may be sentenced to death. Suspects in national security trials are regularly deprived of procedural rights afforded to ordinary suspects, including access to legal counsel of their choice and the right to a public hearing. In 2017, Amnesty International [described](#) China’s use of the concepts of “national intelligence” and “national security” as excessively vague and overbroad.

**PREFERRED LANGUAGE TO ADDRESS TARGET:** English or Chinese

You can also write in your own language.

**PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 9 April 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

**NAME AND PREFERRED PRONOUN:** Yang Hengjun (He/Him)

**LINK TO PREVIOUS UA:** <https://www.amnesty.org/en/documents/asa17/3028/2020/en/>