

URGENT ACTION

ACTIVIST SUBJECTED TO TORTURE AND CHARGED WITH SUBVERSION

Prominent legal scholar and activist Xu Zhiyong, who has been detained since February 2020, has for the first time been allowed to meet with his lawyer through two video calls. During these conversations, Xu told his lawyer that he was subjected to torture when he was detained under “residential surveillance under designated location” and described harsh conditions in the current detention centre. Originally detained for “inciting subversion of state power”, the People’s Procuratorate of Linyi City informed Xu’s lawyer on 20 January that he is now charged with “subversion of state power”. Given Xu’s treatment over the last year, there are grave concerns that he could be at risk of further torture and other ill-treatment.

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

Chief Procurator Wang Qinjie
People Procuratorate of Linyi City
Jiefang East Road, Hedong Qu,
Linyi Shi, Shandong Sheng, 276034
People’s Republic of China

Dear Chief Procurator Wang:

*I am writing to express my concern about the prominent legal scholar and activist **Xu Zhiyong** (許志永), who has been detained since February 2020 and was charged with subversion of state power (颠覆国家政权) on 20 January 2021.*

It is encouraging to learn that, after more than a year of incommunicado detention, Xu Zhiyong was finally able to meet his lawyer via video call on 21 January and 5 February. However, Xu reportedly revealed in these calls that his current conditions in the Linshu County Detention Centre are incredibly harsh. I find it extremely worrying that Xu receives only one steamed bun for each meal every day and fear that his health will deteriorate without sufficient nutrition.

I also found it distressing to learn of the treatment that Xu had to endure while detained in “residential surveillance in a designated location”. According to Xu, he was bound to an iron chair and his limbs were restrained for more than 10 hours a day for more than a week. He found himself very exhausted and struggled to breathe while restrained. This treatment violates the prohibition against torture and other ill treatment under international human rights law.

Xu Zhiyong has been detained for peacefully exercising his right to freedom of association. The fact that he was subjected to torture and ill-treatment while held in “residential surveillance in a designated location” and is now currently enduring such harsh conditions in the current detention centre has significantly increased my concern for his current and future wellbeing.

I therefore call on you to immediately:

- ***Release Xu Zhiyong 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 Xu Zhiyong has regular, unrestricted access to family and lawyers of his choice and is not subjected to torture and other ill-treatment;***
- ***Ensure Xu Zhiyong is provided adequate food and allow him prompt, regular and unrestricted access to medical care on request, or as necessary.***

Yours sincerely,

ADDITIONAL INFORMATION

Xu Zhiyong was among dozens of lawyers and activists who attended an informal gathering held in Xiamen, a city on China's southeast coast, in December 2019. Many presents at this private gathering had been active in the New Citizens Movement, a loose network of activists who aimed to promote government transparency and expose corruption in the early 2010s. At the meeting, they discussed the situation of civil society and current affairs in China. Since 26 December 2019, police across the country have been summoning or detaining participants of the Xiamen gathering.

Friends of Xu Zhiyong say he went into hiding after the meeting in December 2019. In early February 2020, Xu criticized President Xi Jinping's handling of the coronavirus crisis and the Hong Kong pro-democracy protests and called on him to resign. On 15 February 2020, Xu was detained while staying at the home of a fellow activist and held incommunicado until 21 January 2021.

Xu Zhiyong's situation is very similar to human rights lawyer [Ding Jiaxi](#), who was detained at the same time after attending the Xiamen gathering. The authorities investigated their cases together until 20 January 2021, after which their charges were changed to "subversion of state power" and their lawyers were informed that their cases would be handled separately. No trial dates have yet been confirmed

Li Qiaochu, a labour rights and feminist activist and Xu Zhiyong's partner, was held in secret detention from February to June 2020. As a result of her continued call for Xu's release and better treatment, Li was again detained by the authorities on 6 February 2021 and is currently being held in the same detention centre as Xu Zhiyong and Ding Jiaxi. It is currently unclear whether her case is being handled together with either Xu or Ding.

Xu Zhiyong is a prominent Chinese legal scholar and rights activist known for his work on behalf of disadvantaged groups and his promotion of a "New Citizens' Movement", a loose network of activists founded by Xu to promote government transparency and expose corruption in 2012. He has been jailed previously for his peaceful activism, spending four years in prison on trumped-up public order charges from 2013 to 2017.

Since the massive crackdown on lawyers and activists in 2015, the Chinese authorities have been systematically using national security charges with extremely vague provisions, such as "subverting state power" and "inciting subversion of state power", to prosecute lawyers, scholars, journalists, activists and NGO workers.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 27 April 2021

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

NAME AND PREFERRED PRONOUN: Xu Zhiyong (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/2738/2020/en/>