

URGENT ACTION

HUMAN RIGHTS DEFENDERS FACE SECRET TRIAL

Anti-discrimination NGO workers Cheng Yuan, Liu Yongze and Wu Gejianxiong remain incommunicado since being detained on 22 July 2019. Cheng Yuan's wife learned from prosecutors on 10 July 2020 that an indictment was issued in the case on 24 June and that the three now await trial on charges of "inciting subversion of state power". As the authorities have provided no additional information about the indictment to members of the three men's families or family-appointed lawyers, there are fears that these human rights defenders could be tried in secret. Without access to families or lawyers of their choice, they remain at grave risk of torture and other ill-treatment.

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

Chief Procurator Wang Xunjue

The People's Procuratorate of Changsha City,
Dujuan Road, Yuelu District,
Changsha 41000, Hunan,
People's Republic of China

Dear Chief Procurator Wang:

I am writing to express my grave concern for three anti-discrimination NGO workers, **Cheng Yuan** (程渊), **Liu Yongze** (刘永泽) and **Wu Gejianxiong** (吴葛健雄), who have been detained incommunicado since 22 July 2019. It is distressing to know that members of the three men's families have been kept in the dark about the case for almost a year, only finding out about your procuratorate's indictment in the case as a result of a telephone call that they initiated on 10 July.

The three men, who are now detained at Changsha City Kaifu District Detention Centre, have been charged with "inciting subversion of state power" (煽动颠覆国家政权罪) and are awaiting trial by the Changsha Intermediate People's Court. I am deeply concerned that the three men may have been pressured into firing defence lawyers appointed for them by their families in March 2020.

It is distressing to learn that the three men have now been held incommunicado for more than a year, with no way for their families or lawyers to check their physical and mental wellbeing. Given the limited safeguards protecting those held incommunicado, I am very worried that Cheng Yuan, Li Yongze and Wu Gejianxiong are at risk of torture and other ill-treatment.

It is upsetting that individuals like Cheng Yuan, Li Yongze and Wu Gejianxiong who advocate for the rights of marginalized groups and work to protect the rights of the most vulnerable people in society are being detained in such a manner have charged with vague national security offences and detained. Given the lack of transparency with which this case has been handled to date, I am also concerned that these three may soon be tried in secret.

Cheng Yuan, Liu Yongze and Wu Gejianxiong are considered prisoners of conscience, as they have been detained solely for carrying out their professional work and peacefully defending human rights. Therefore, I call on you to: -

- **immediately and unconditionally release Cheng Yuan, Liu Yongze and Wu Gejianxiong and drop the charges against them as they have been detained solely for carrying out their professional work and peacefully defending human rights.**
- **ensure that each has regular, unrestricted access to family members and lawyers of their choice and ensure that they are not subjected to torture or other ill-treatment while in detention**

Yours sincerely,

ADDITIONAL INFORMATION

Changsha Funeng (长沙富能) is an NGO advocating for the rights of people with disabilities and other marginalized groups and combats employment discrimination against people living with HIV and hepatitis B through litigation. Cheng Yuan, the head of the organization, is an experienced public interest- and legal activist in China. By representing clients in about a dozen discrimination cases over the past decade, Cheng has contributed to the reduction of institutional discrimination against hepatitis B carriers in China. In 2013, he led a landmark lawsuit in which an HIV-positive person for the first time ever received compensation for employment discrimination. Apart from that, Cheng Yuan has continually used litigation and advocacy to work towards abolition of China's "one child policy" and reform of the household registration (*hukou*) system. Liu Yongze and Wu Gejianxiong are both staff members of Changsha Funeng.

Cheng Yuan, Li Yongze and Wu Gejianxiong all lost contact with friends and colleagues on 22 July 2019. Li and Wu had been scheduled to meet with a lawyer about a litigation case in the afternoon but never showed up. It was later confirmed that the three were placed under criminal detention at their homes in Changsha on 22 July 2019.

A week before their detention, Cheng Yuan travelled to Hong Kong amid the anti-extradition bill protests in order to handle some personal and organizational affairs. Cheng Yuan had earlier mentioned to one of his friends that police had warned Changsha Funeng's work partners that they were about to arrest him.

Members of the three men's families also reported being intimidated and threatened by police. They have been told not to post anything online and stop speaking to the media about the men's detention. On 22 July 2019, Cheng Yuan's wife, Shi Minglei, was interrogated and held under residential surveillance for "suspicion of subverting state power". During her interrogation, investigators threatened to harm the couple's three-year-old child and detain other people she knows if she did not cooperate with them. Later, on 8 August, Cheng Yuan's brother, Cheng Hao, was summoned for questioning after he made public appeals for his brother's release.

On March 2020, family-appointed lawyers received notice from authorities that they had been "dismissed". The authorities claimed that the dismissal had been requested by the three detainees, even though none had been allowed to meet their clients since they were detained. The families believe that the three were coerced to fire the family-appointed lawyers. Amnesty International has documented instances in which the Chinese authorities have forced detained human rights defenders to fire lawyers of their choice and appointed pro-government lawyers to defend them against politically motivated charges.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 23 September 2020

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

NAME AND PREFERRED PRONOUN: Cheng Yuan (He/Him), Li Yongze (He/Him), Wu Gejianxiong (He/Him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa17/0927/2019/en/>

And copies to:

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