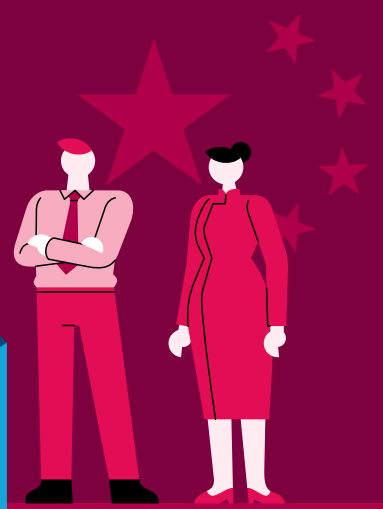




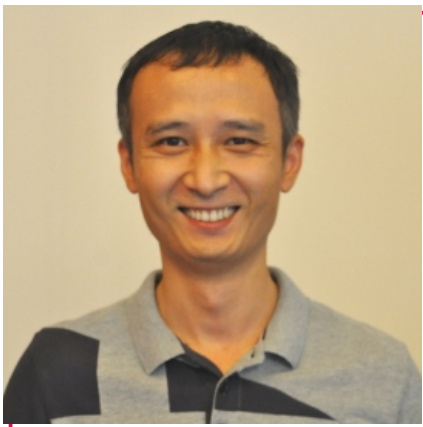
# UNITED NATIONS EXPERTS' ACTION ON CHINESE HUMAN RIGHTS DEFENDERS

## THE 'CHANGSHA THREE'

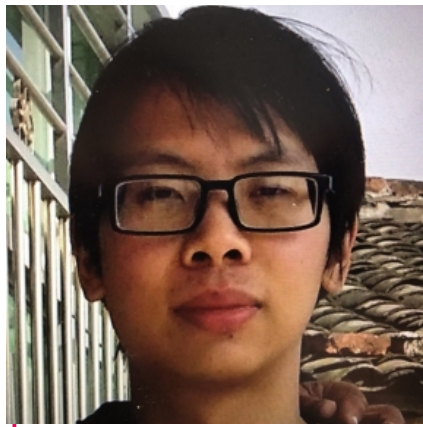


Changsha Funeng is an anti-discrimination NGO based in Changsha (Hunan province, China). It was founded by **Cheng Yuan (程渊)**, an activist with over ten years of experience advocating for health rights and fighting discrimination on the basis of disability and health status, including through impact litigation.

On **22 July 2019**, Cheng Yuan and his NGO colleagues **Wu Gejianxiong (吴葛健雄)** and **Liu Dazhi (刘大志)** were arrested by State Security police in Changsha and accused of 'subverting State power,' a **serious national security crime** carrying a heavy sentence. They are now known as the '**Changsha Three**'.



**Cheng Yuan**  
(程渊)

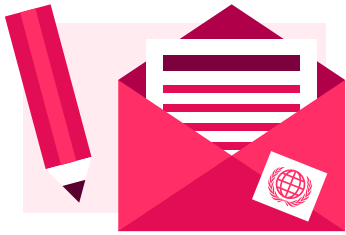


**Wu Gejianxiong**  
(吴葛健雄)



**Liu Dazhi**  
(刘大志)

Since their arrest, the **Special Procedures** – the United Nations (UN)'s independent human rights experts – have responded by increasing international visibility on the 'Changsha Three,' and stepping up pressure on the Chinese authorities, through:



A **joint letter** by 6 UN experts sent to the Chinese government in December 2019: they raise 'serious concerns' about their 'short-term enforced disappearance,' the 'serious charges brought against them' as well as over their 'preclusion from contact with their families and their legal representation.'



A **legal opinion** by a group of UN experts from April 2020 determining that their detention is arbitrary under international law.

In early August 2021, Cheng Yuan's wife, **Shi Minglei (施明磊)**, said Cheng Yuan had been **sentenced in a secret trial to 5 years' imprisonment**. Lawyers appointed by the government refused to provide the verdict to the family. In early January 2022, Cheng Yuan's family was informed that he had been transferred to **Chishan Prison**, where communication with his family has been highly restricted. Until today, Cheng Yuan **family's requests for a visit have been refused**.

Wu Gejianxiong and Liu Dazhi were sentenced to three and two years in jail respectively. Liu was released in July 2021, based on time served.

As of July 2022, Cheng Yuan and Wu Gejianxiong remain in prison, arbitrarily detained for **over 1000 days**.



***This is an outright illegal trial; our family will never recognise it.***

*Shi Minglei*

## FOCUS: UN EXPERTS' LEGAL OPINION ON THE ARBITRARY DETENTION OF THE 'CHANGSHA THREE'

In April 2020, the five independent experts composing the UN Working Group on Arbitrary Detention determined in a [legal opinion](#) that [Cheng Yuan, Wu Gejianxiong and Liu Dazhi's detention is arbitrary](#), because it:

### ■ **Is clearly impossible to invoke any plausible legal basis:**

the experts stress that the grounds for arrest – for 'subversion of State power' – are 'vaguely and broadly worded provisions [that] could be used to deprive individuals of their liberty without a specific legal basis and violate the due process of law upheld by the principle of legality.' The Working Group, and other UN experts have [repeatedly called](#) for the repeal of article 105 of China's Criminal Law on 'inciting subversion' and 'subversion of State power'.

### ■ **Results from the exercise of rights and freedoms guaranteed by the Universal Declaration of Human Rights (UDHR):**

the experts point that they were not presented with 'any evidence that the exercise by Messrs. Cheng, Liu and Wu of their rights to freedom of expression and of peaceful assembly and association could be reasonably qualified as posing threats against morality, public order and the general welfare in a democratic society'.

### ■ **Resulted from grave violations of fair trial guarantees, including:**

- 'the absence of legal counsel violated their rights to a fair trial and due process under articles 10 and 11(1) of the UDHR'.
- the denial of the 'right to be visited by and to correspond with, in particular, family members'.

### ■ **Is discriminatory, as the experts consider that:**

- the detention constitutes a 'violation of articles 2 and 7 of the UDHR on the grounds of discrimination, based on political or other opinion as well as on their status as human rights defenders'.
- 'they have been a target of persecution and there is no explanation for this other than their exercise of the right to express views and convictions'.

The five UN experts declared that Cheng Yuan, Wu Gejianxiong and Liu Dazhi should be released 'immediately.'

## LET'S RECAP: A DETAILED TIMELINE OF THE 'CHANGSHA THREE' CASE

2019

22  
July

Cheng Yuan, Wu Gejianxiong and Liu Dazhi are taken by State Security police. Cheng's wife, Shi Minglei is also blindfolded, handcuffed, and taken for interrogation. Her personal belongings (IDs, electronic devices) are taken away, and her bank account frozen. She is released the next day but is placed under residential surveillance<sup>1</sup> at her own house in Shenzhen City, suspected of 'subversion of State power' – yet, no charges are officially brought against her.

Cheng Yuan is formally **arrested on charges of 'subversion of State power'**, held at Hunan's National Security Detention Center). All requests for visits by the three defenders' families and lawyers are rejected.

Shi Minglei continues to suffer **intimidation and threats**. On **28 September**, State Security police warn her not to give media interviews or post on social media ahead of China's National Day (1 October). On **24 October**, she is threatened by Changsha's Procuratorate, accused of violating the terms of her residential surveillance.

2019

26  
August

2019

11  
December

Six UN experts<sup>2</sup> write a joint **letter** to the Chinese authorities:

*'We express our serious concerns regarding the alleged arbitrary detention, short-term enforced disappearance and formal arrest of Messrs. Cheng, Liu and Wu, the serious charges brought against them, which appear to be a direct result of their human rights activism, in particular their advocacy for non-discrimination and the rights of disadvantaged groups in the realization of their right to health.'*

*'We also wish to express our concerns over their preclusion from contact with their families and their legal representation in order to mount their legal defence [and] serious concerns over their treatment, along with the conditions in which they are being kept.'*

*'We further express concerns about the placement of [Shi Minglei] under residential surveillance and the investigation opened against her and Mr Cheng's Brother.'*



The experts request the government to give detailed information on the legal and factual grounds of detention and charges brought, their conditions of detention, and access to lawyer and family. They urge the government to take all measures to halt the violations and prevent their reoccurrence.

The government provides a one-paragraph **response**, indicating the authorities handled the case ‘in accordance with the law’ and ‘fully guaranteed their rights.’

2020

23

December

2020

JAN

Shi Minglei is released from residential surveillance, her personal belongings returned to her by the police and her bank account finally unblocked. In the weeks following, Shi Minglei, and Cheng Yuan’s brother, Cheng Hao, are threatened by police for speaking out in support of Cheng Yuan.

The UN’s Working Group on Arbitrary Detention determines that the detention of Cheng, Wu, and Liu, is arbitrary, because it lacks a legal basis, is discriminatory, it did not comply with fair trial guarantees, and it results from the exercise of fundamental freedoms and rights. The Working Group calls for their immediate release.

2020

APR

2020

24  
June

Cheng and his colleagues are **indicted in secret**. Shi Minglei is only informed about it 16 days later, after contacting the Procuratorate.

The three defenders have been **unable to meet with lawyers appointed by their families** since their arrest. The authorities later inform their families that the defenders have ‘dismissed’ their lawyers, who have been replaced by government-appointed ones. However, the authorities refuse to disclose the new lawyers’ identity and contact information to the families.

Cheng Yuan and his colleagues are **tried in secret**: neither the court nor the government-appointed lawyers inform their families of the hearing. Shi Minglei and other family members only find out that the cases had been heard after attempting through various channels to reach the government-appointed lawyers.

2020

SEP

2021

7

April

Shi Minglei and her five-year-old daughter are able to relocate to the United States.

Nearly ten months after their secret trial, the three defenders are sentenced, once more without notification from the court. Family members are only informed later by one of the government-appointed lawyers that Wu Gejianxiong and Liu Dazhi had been **sentenced to three- and two-years imprisonment** respectively. Yet, Cheng Yuan's verdict remains unknown to his family until **early August 2021**, as the lawyers refuse to disclose the sentence and location of the prison, or to provide a written copy of the official verdict, as required by Chinese law.

**Liu Dazhi was reportedly released in July 2021**, as he had already been held in pre-trial detention for two years.

2021

20  
July

2021

27

September

The European Union (minus Hungary) **calls for their 'immediate release'** at the 48th session of the UN Human Rights Council.

Cheng Yuan is granted a three-minute-long call with his older sister in China, and tells her that he's serving his sentence at Jinshi Prison. This is the first direct contact between Cheng Yuan and his family since his detention. Cheng's father is notified by mail on the same day that Cheng was transferred on 15 September, and that he has been sentenced to **five years imprisonment** for 'subversion of State power'.

2021

2  
October



Prison officials inform the family that allegedly due to COVID-19, all meetings between prisoners and family members are suspended until further notice.

2021

22  
December

Cheng Yuan [calls his sister](#) to ask for clothes, as he's reportedly suffering from a cold. He did not receive any of the clothes his family had previously sent to the prison, in 24 separate packages. Wu Gejianxiong is allowed to call his father to ask for ointment to treat injuries and muscle strains. Their families are very concerned about the health of the two defenders in prison.

Cheng's family is informed that Cheng was transferred to Chishan Prison (赤山监狱, Yuanjiang City, Hunan province) on **18 January 2022**. Their requests for a visit are denied by prison officials.

2022

JAN

2022

9  
February

The United Kingdom's Human Rights Ambassador [reiterates calls](#) for Cheng Yuan's release.

Shi Minglei issues an [open letter](#) to the Governor of Hunan Province, Mao Weiming, stating that her husband and colleagues have been unable to meet with their lawyers and families since their arrest. Since their transfer to Chishan Prison in January 2022, they have even been denied the right to write letters and have private phone calls with their loved ones, leading to a complete lack of information and access to the detained defenders.

2022

10  
May

2022

18  
May

Shi Minglei writes an open letter to High Commissioner Michelle Bachelet prior to her visit to China. Immediately after, Chishan prison officials allow Cheng Yuan to write a first letter to his sister, delivered on 22 May through expedited shipping.

Cheng Yuan's family receives three letters from him, indicating he has been held in solitary confinement for three months. Based on the testimony of other detainees, Shi Minglei suspects he is denied any communication with others, and is held in a small cell with room only for a single bed, no room to move around, no windows, and strong lights 24 hours a day. He reports that he has lost weight, and that his hair 'is nearly all white.'

Shi Minglei suspects that he's been subjected to **ill-treatment and acts tantamount to torture**, as well as to **forced labour**. This last technique, to coerce him into 'confessing' and 'implicating other people, was also evident in the case of Taiwanese activist Lee Ming-che (李明哲), himself previously detained in Chishan Prison.



**Shi Minglei believes that pressure from family members and engagement with the UN has reportedly prompted this change in his conditions, but regrets that her husband has still not been allowed to speak with her directly.**

*1 - Note: this correspond to 'residential surveillance' under the Criminal Procedure Law, but not to 'Residential Surveillance at a Designated Location'.*

*2 - UN Special Rapporteurs on human rights defenders, freedom of expression, freedom of peaceful assembly and association, and the right to health, and the Working Groups on arbitrary detention, and on enforced disappearance.*