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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION
OF DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Extrajudicial, summary or arbitrary executions
Report of the Special Rapporteur, Philip Alston**

Addendum

Summary of cases transmitted to Governments and replies received*

* The present document is being circulated as received in view of the fact that it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

Country	Type, date and summary of communication	Government reply	Observation of the Special Rapporteur
China	<p>60. <u>Allegation, 3 February 2004.</u> Zhao Lin was reportedly executed at the age of eighteen in January 2003 for a murder which allegedly took place in Funing County, Jiangsu Province in May 2000. According to the information received, Zhao Lin was sixteen years old when he allegedly committed the crime.</p>	<p>61. <u>Response dated 21 May 2004.</u> The Chinese Government has made numerous enquiries into the murder case involving Zhao Lin. The Government quotes, as explanatory remarks, that "article 17 of the Criminal Law of the People's Republic of China stipulates that a person who has reached the age of 16 who commits a crime shall bear criminal responsibility...a person who has reached the age of 14 but not the age of 18 who commits a crime shall be given a lesser punishment or a mitigated punishment. Article 49 stipulates that the death penalty is not to be applied to persons who have not reached the age of 18 at the time the crime is committed or to women who are pregnant at the time of adjudication. According to the Government, Chinese courts exercise strict control over the use of death penalty; in sentencing cases they always seek to protect the procedural rights of defendants who are minors, and the death penalty is never given to any defendant under the age of 18".</p>	<p>62. The Special Rapporteur thanks the Government for its reply. However, he would appreciate receiving clearer explanation in relation to the implementation in the case of Zhao Lin of article 49 of the Criminal Law of the People's Republic of China according to which the death penalty is not to be applied to persons who have not reached the age of 18 at the time the crime was committed.</p>
China	<p>63. <u>Urgent Appeal sent with the Special Rapporteur on the promotion and protection of the</u></p>	<p>64. <u>Reply dated 26 May 04.</u> According to the Government, since Jiang Meili was</p>	<p>65. The Special Rapporteur thanks the</p>

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	<p><u>right to freedom of opinion and expression, Special Representative of the Secretary-General on the situation of human rights defenders, 16 March 2004.</u> According to the information received, on 28 February 2004, Jiang Meili, who had traveled to Beijing to petition the National People's Congress on behalf of her husband, the human rights defender Zheng Enchong, was reportedly detained by officials of the Shanghai Representative Office in Beijing, the Shanghai Letters and Petitions Office and the Shanghai Municipal Public Security Bureau (PSB), without being presented with an arrest warrant. She was allegedly released on 1 March. It is reported that since then she has been under police surveillance and on 4 March was prevented from leaving her home to visit her husband. When she protested, she was allegedly taken to the Guoqing Lu Public Security Bureau and was released later that day. Shen Ting's mother, Mo Zhujie, was reportedly abducted on 5 March 2004 by individuals, some wearing police uniforms -one of them reportedly identified himself as a member of the Shimen Erlu Public Security Bureau- and allegedly threatened to kill her. She was released later that night. Fears have been expressed for the life and physical integrity of the above mentioned individuals who may have been targeted for their human rights work and in particular for campaigning against the reportedly arbitrary imprisonment of Zheng Enchong.</p>	<p>displeased that the law enforcement authorities had punished her husband for vilifying the Chinese authorities in contravention of Chinese criminal law, the Shanghai municipal petitions department engaged with her in some educative mediation, on the basis of relevant laws. In doing so, the public security organs did not apply any kind of coercion to her. The accounts given in the communication does not tally with the facts. Mo Zhujie and her daughter, Shen Ting, have repeatedly spread rumours, influencing the foreign media and putting pressure on the Government in order to maximize their interests in a dispute over the demolition of their home. From March 2004 onwards, Mo has deliberately gone into hiding. On investigation, it turns out that the claim that Mo was bundled by 11 individuals into a police vehicle does not tally with the facts. The rumours spread by Jian, Mo and Shen have nothing to do with freedom of speech and opinion. The Chinese Ministry of Justice took no coercive action against the three women, and their personal rights and other legitimate rights and interests were effectively guaranteed. The Chinese Government guarantees citizens' freedom of speech in accordance with the law and the constitution. There are petition offices at the National People's congress to deal with</p>	<p>Government of China for its reply and observes that freedom of speech is a right to be protected in accordance with both applicable international standards and with national law. The SR's concern related primarily to the alleged risk to the life of the complainant.</p>

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		<p>citizens criticisms and appeals to the Government and give the general public an unobstructed channel for making their views known. At the same time, Chinese law stipulates that in exercising their freedom of speech, citizens must not harm the legitimate rights and interest of the State.</p>	
China	<p>66. <u>Urgent appeal, 14 May-04.</u> Lu Wangli was reportedly sentenced to death on or around 10 May 2004 by a Chinese court for taking 25,59 million yuan (3.1 million dollars) in bribes. This put him at risk of imminent execution. According to the information received, Lu Wangli was convicted at the Intermediate People's Court in Guiyang, capital of Guizhou province, where he was previously the top official in charge of traffic management. He reportedly committed his crimes between 1998 and 2001, when he realized he was being investigated and fled the country. It is reported that he was detained in Fiji and repatriated in April 2002.</p>	<p>67. <u>No response.</u></p>	
China	<p>68. <u>Urgent appeal, 28 June 2004.</u> Dozens of people sentenced for drug-related crimes were to be executed "to mark" the United Nations-designated International Day against Drug Abuse and Illicit Trafficking on 26 June. In this regard, the SR expressed concerns at the reported executions of Mr. Laifu Yang (a Honk Kong citizen) and Mr. Zhiyuan Du, on 20 June 2004 on charges of drug smuggling following a trial which took place at the Shenzhen City Intermediate</p>	<p>69. <u>Response dated 16 August 2004.</u> The Government noted that:</p> <p>70. Gou Fei, male, born on 6 December 1964, Han Chinese, from Pingyu County, Henan Province, a teacher. Arrested on 5 February 2002 for smuggling large quantities of drug.</p> <p>71. Yu Zhuan, female, born on 10 November</p>	<p>79. The Special Rapporteur thanks the Government for its reply.</p>

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	<p>People's Court, in the province of Guangdong. Likewise, Mr. Fei Guo, Mr. Zhuan Yu, and Mr. Hancheng Zhang were also sentenced to death for drug-related crimes and executed on charges of drug smuggling following two separate trials at the Zhengzhou Railway Transport Intermediate Court, in the Province of Hubei on 24 June.</p> <p>Relatedly, the SR has brought to the attention of the Government information according to which death sentences handed down in the provinces of Sishuan and Yunnan, where problems relating to drug trafficking are said to be particularly acute, do not have to be reviewed by the central Supreme People's Court in Beijing, thereby allowing the possibility of provincial level courts to review cases on appeal and to order the execution of a death sentence.</p>	<p>1964, ethnic Dai from the Dai-Va Autonomous County of Gengma in Yunnan Province, a peasant. Sentenced to life imprisonment and stripped of political rights for life on 27 December 1998 for drug smuggling. Released on parole to seek medical attention on 9 June 1999; arrested in connection with the current case on 5 February 2002.</p> <p>72. In judgement No. 23, delivered in first instance on 7 November 2002, the Zhangzhou Rail Transport Intermediate People's Court found Guo guilty of drug smuggling and sentenced him to death, deprivation of his political rights for life and confiscation of all his property; it found Yu Zhuan guilty of drug smuggling and sentenced her to death and deprivation of her political rights for life, but since she had yet to serve her full sentence for her previous offence it decided to carry out the death sentence, strip her of her political rights for life and confiscate all her personal property. Guo and Yu both appealed. Their appeals were rejected and the original verdicts upheld by the Henan Province Higher People's Court on 10 November 2003. Once the case had been reviewed by the Supreme People's Court, which approved the death sentences on both individuals, the sentences were carried</p>	

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		<p>out on 24 June 2004.</p> <p>73. Yang Laifu, male, born on 8 November 1970, Han Chinese, a Hong Kong resident. Death sentence already put into effect.</p> <p>74. Du Zhiyuan, male, born on 3 August 1972, Han Chinese, a Hong Kong resident.</p> <p>75. In judgement No. 4 (2002), delivered in first instance on 29 January 2002, the Shenzhen Municipal Intermediate People's Court found the two men guilty of drug trafficking. It sentenced Yang to death, deprivation of his political rights for life, and confiscation of all his personal property; to Du, it gave a death sentence suspended for two years, stripped him of his political rights for life and confiscated all his personal property. Both men appealed, Yang on the grounds that he was an accessory to the crime, Du on the grounds that the crime was broken off. In criminal judgement No. 96 (2002), delivered in second and final instance on 14 October 2003, the Guangdong Province Higher People's Court rejected the appeals and upheld the original verdicts. The case was reviewed by the Supreme People's Court, which found that the conduct of Yang <i>et al.</i> did constitute drug trafficking; the facts established in the first and second hearings</p>	

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		<p>were clear and the evidence was reliable and plentiful; the court proceedings had been lawful. Yang had trafficked large quantities of drugs and was a principal in the offence. By ruling No. 65 (2004) delivered on review on 14 May 2004, the Court approved the death sentence passed on Yang for drug trafficking. As Du had been given a suspended sentence which the higher court had upheld, the death penalty has not been carried out on him.</p> <p>76. Zhang Hancheng -- we presume Zhang Hanchen is meant, -- male, born on 9 February 1961, Han Chinese from Wuhan, Hubei Province, unemployed. The Zhengzhou Rail Transport Division of the Hunan People's Procuratorate brought proceedings against Zhang for transporting drugs and illegal drug possession. By criminal judgement No. 12 (2003) delivered in first instance on 6 June 2003, the Zhengzhou Rail Transport Intermediate People's Court found Zhang guilty of transporting drugs and gave him a death sentence suspended for two years, stripped him of his political rights for life and confiscated all his personal property; for illegal possession of drugs it sentenced him to 15 years' imprisonment and a fine of 10,000 yuan. The court therefore resolved to carry</p>	

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		<p>out the death penalty, strip Zhang of his political rights for life and confiscate all his personal property. Zhang appealed on the grounds that he had not been involved in transporting drugs. By local ruling No. 511 (2003) issued in final instance on 29 November 2003, the Henan Province Higher People's Court rejected the appeal and upheld the original judgement. The case was reviewed by the Supreme People's Court, which found that Zhang's conduct, in organizing for other people to transport 4.6766 kg of heroin, did constitute the offence of transporting drugs. The facts established in the first and second hearings were clear and the evidence was reliable and plentiful; the court proceedings had been lawful. Zhang's conduct in transporting 229.8 g of heroin in a rented car also amounted to the offence of transporting drugs, but the lower and higher courts had differed as to whether Zhang had been guilty of illegal possession. The quantity of drugs Zhang had been transporting was large and he was a principal in the crime, so by law he must be severely punished. By ruling No. 91 (2004) delivered on review on 14 May 2004, the Court approved the death sentence passed on Zhang for transporting drugs, and the sentence was carried out on 24 June 2004.</p>	

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		<p>77. China is at present a strong adherent of the death penalty, but its ultimate objective is gradually to diminish its use and eventually to eliminate it. The Criminal Code limits the scope of its application and imposes a strict procedure for its application. The death penalty is applied only to exceptionally grave offenders. Procedurally, the people's courts are especially cautious about imposing it. Capital offenders whose sentences are not for immediate execution can be accorded a two-year suspension of sentence. At the same time, the Chinese law enforcement authorities are constantly reforming the way in which death sentences are carried out to show steadily more humanitarian concern, and are supported in this by all strata of society including criminals themselves and their families.</p> <p>78. The Chinese Code of Criminal Procedure establishes a special review procedure for capital cases whereby, after final judgement by the court of second instance, cases must be referred to the Supreme People's Court, which conducts a thorough review of the facts, the evidence, the verdict, the punishment ordered and the trial procedure; sentences become legally enforceable only with the Supreme Court's approval. All the cases referred to above were reviewed by the</p>	

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		Supreme People's Court. There is no basis for the Rapporteur's conjectures about the review procedure.	
China	80. <u>Allegation sent with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on torture, 8 July 2004.</u> The Special Rapporteurs brought to the attention of the Chinese Government cases relating to the arrest, detention, ill treatment and torture resulting in the deaths of 28 persons persecuted by the authorities solely because of their belonging to the Falun Gong movement. The victims are: Sun Yanying, Chen Aizhong, Zhu Yourong, Fan Yaxiong, Zhang Zhigen, Jiang Shuhua, Shen Lizhi, Liu Haibo, Liu Yuqing, Song Cuiling, Yin Ling, Xue Xia, Chen Hongping, Yu Yongquan, Chen Xiangrui, Gao Shuhua, Li Jianhou, Li Ying, Zhao Chunying, Yang Yufang, Sui Guangxi, Cao Ping, Bai Xiaojun, Tan Chengqiang, Tian Junlong, Lu Bingshen, Yan Hai, Zhang Changming.	81. <u>No response.</u>	
China	82. <u>Urgent appeal, 8 July 2004.</u> Two Nepalese citizens, Ishwori Kumar Shrestha and Rabi Dahal, were sentenced to death in the Tibet Autonomous Region (TAR), People's Republic of China, on 30 May 2004, on drug-related charges and could face execution at any time. The two men were appointed a lawyer, but it is not clear whether a Nepali-Chinese interpreter was provided, or whether the two were able to fully understand the	83. <u>No response.</u>	

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	process of their charge and trial. It was reported that their families had not heard from them for four months. They were not officially informed of their sentence, but read about it in a Kathmandu newspaper.		
China	84. <u>Allegation, 15 July 2004.</u> Kuerban Tudaji, an alleged Uighur "separatist" in the Xinjiang Uighur Autonomous Region (XUAR) of China, was sentenced to death on 30 June after being convicted of "manufacturing explosives, firearms and ammunition", "attempting to split the country" and "organising terrorist training" between 1998 and 2000. Reports indicate that he had declared a jihad or "holy war" against China. There is no clarity as to the evidence brought against him or whether he had access to a lawyer.	85. <u>Response dated 11 November 2004, UN translation awaited</u>	
China	86. <u>Urgent appeal, sent with the Special Rapporteur on torture, 20 September 2004.</u> 50 persons, whose names have not been made public, were reportedly sentenced to death over the past eight months for "separatist" and "terrorist" activities, in the Xinjiang Uighur Autonomous Region (XUAR), northwest China and were at risk of imminent execution. According to the information received, on 13 September 2004, the Secretary of the Regional Communist Party Committee, Mr. Wang Lequan, stated that none of these people sentenced had yet been executed. He allegedly claimed that the 50 persons were detained in the context of a security crackdown on 22 groups involved in "separatist and terrorist"	87. <u>No response.</u>	

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	<p>activities. Reports indicate that Uighurs detained on suspicion of “separatist” or “terrorist” offences are often detained without access to lawyers and are at high risk of torture or ill-treatment while in custody. It has been brought to my attention that, earlier this year, four Uighurs, namely Aihe Maititashi, Luoheman Maimaiti, Idris Kadir and Kuerban Tudaji, had been executed in June and July 2004, all for political offences related to “separatist” activities or “trying to split the country”.</p>		
China	<p>88. <u>Urgent appeal sent with the Special Rapporteur on the independence of judges and lawyers, 22 September 2004.</u> Two Nepalese citizens, whose names remain unknown, were reportedly sentenced to death by a Chinese court in a trial alleged to have fallen short of international fair trial standards and were at imminent risk of execution. They were reportedly sentenced to death by a court in the Tibet Autonomous Region (TAR) of the People’s Republic of China, on charges relating to smuggling arms into Nepal. During their trial, it is believed that they neither had access to legal representation nor to an interpreter. Reports indicate that the Nepalese government, which announced the sentences on 17 September 2004, has appealed to the Chinese government to retry the case and to provide the defendants with legal representation.</p>	89. <u>No response.</u>	
China	90. <u>Allegation sent with the Special Rapporteur</u>	91. <u>Response dated 31 December 2004.</u> UN	

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	<p><u>on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on freedom of religion or belief, Special Rapporteur on torture, and Special Rapporteur on violence against women, 15 October 2004.</u> The Special Rapporteurs expressed their concern at increasing reports, over the past five years, of systemic repression against the Falun Gong and other “heretical organizations” (“xiejiao zuzhi”). The Special Rapporteurs are concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called “heretical organizations”, in particular Falun Gong practitioners, may reflect a deliberate and institutionalized policy of the authorities to target specific groups such as the Falun Gong.</p>	translation awaited	
China	<p>92. <u>Urgent Appeal sent with Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on torture, 19 October 2004.</u> Tenzin Deleg Rinpoche, a 54 year-old Buddhist religious leader was at imminent risk of execution, following a conviction based on a confession obtained under torture. He was arrested on 7 April 2002 following a bombing</p>	93. <u>Response dated 31 December 2004.</u> UN translation awaited	

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	<p>incident in Chengdu, Sichuan Province on 3 April 2002. He was found guilty on 29 November 2002 in a secret trial by the Kardze (Ganzi) Intermediate People's Court in the Kardze Tibetan Autonomous Prefecture, Sichuan Province, for "causing explosions" and "inciting separatism". On 2 December 2002 he was sentenced to death with a two-year suspension of execution, which was set to expire on 2 December 2004. Tenzin Deleg Rinpoche was reportedly held incommunicado for eight months and was reportedly tortured in detention. His conviction was upheld on 26 January 2003 by the Sichuan High People's Court, and he was moved to a secret location afterwards.</p>		
China	<p>94. <u>Allegation, sent with the Special Rapporteur on freedom of religion and belief, 26 November 2004.</u> Ms. Jiang Zongxiu, aged 34, was arrested on 17 June 2004 while she and her mother-in-law were distributing some Christian texts and Bibles in a local market place. Both of them were sentenced to 15 days administrative detention for their suspected activities of "spreading rumours and disturbing the social order." On 18 June around 2pm at the Public Security Bureau of Tongzi County, in Guizhou province, she was beaten to death during an interrogation. No steps have been taken to investigate the case. An autopsy result issued by the local government claimed that Ms. Jiang died of heart failure.</p>	95. <u>No response</u>	