



General Assembly

Distr.
GENERAL

A/HRC/4/40/Add.1
2 February 2007

ENGLISH
Original: ENGLISH/FRENCH/
SPANISH

HUMAN RIGHTS COUNCIL
Fourth regular session
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

Opinions adopted by the Working Group on Arbitrary Detention

The present document contains the Opinions adopted by the Working Group on Arbitrary Detention at its forty-fourth, forty-fifth and forty-sixth sessions, held in November 2005, May 2006 and August 2006, respectively. A table listing all the opinions adopted by the Working Group and statistical data concerning these opinions is included in the report of the Working Group to the Human Rights Council at its fourth regular session (A/HRC/4/40).

OPINION No. 11/2006 (CHINA)

Communication: addressed to the Government on 26 October 2005.

Concerning: Mr. Zheng Zhihong.

The State has signed but not ratified the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group conveys its appreciation to the Government of China for having forwarded the requisite information in good time.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source and received its comments.
5. The Working Group believes that it is in a position to render an Opinion on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto, as well as the observations by the source.
6. Mr. Zheng Zhihong, a citizen of China, born on 14 October 1957, was a cadre at the Huanggang City Salt Company in Hubei Province. He lived at the company dormitory in Huanggang City.
7. At an unspecified time before the year 2000, Zheng Zhihong became a Falun Gong practitioner. In 2000 he went to Beijing to appeal for the right to practice Falun Gong.

Security forces escorted him back to Huanggang City. He was held at the No. 1 Detention Centre in Huanggang City for one month. In 2001, the police took him into custody at his work unit without an arrest warrant and without charges and held him at the No. 2 Detention Centre for 15 days.

8. On 9 March 2004, Mr. Zheng Zhong, father of Zheng Zhihong and also a Falun Gong practitioner, passed away. On 11 March 2004, the Huanggang City Foreign Trade Bureau held a courtyard memorial service for its former cadre Zheng Zhong. Some bureau officials and Falun Gong practitioners attended the service. Mr. Zheng Zhihong delivered a eulogy in which he stated that his father regained his health after practicing Falun Gong; that the police had monitored and pursued his father since 2002 and forced him into exile; that his work unit suspended his salary, and that he passed away under tremendous pressure and poor living conditions due to the loss of his income and the persecution. These allegations were also posted on the World Wide Web.

9. On 20 May 2004, a group of police officers led by the political head of the Huangzhou District Police Department arrested Zheng Zhihong at his apartment. They held him at the No. 1 Detention Centre. Zheng Zhihong's detention was accompanied by other measures of reprisal against those involved in the 11 March 2004 memorial service. The head of the Huanggang City Foreign Trade Bureau was transferred, and about eight Falun Gong practitioners who had attended the memorial service were arrested.

10. In June 2004, a formal arrest warrant was issued. In November 2004, the police charged Zheng Zhihong with "instigation" and "using superstitious sects or secret societies or weird religious organizations ... to undermine the implementation of the laws".⁹ On 23 December 2004, the Huangzhou District Court tried Zheng Zhihong and sentenced him to five years of imprisonment.

11. Zheng Zhihong appealed the judgment on 29 December 2004. His attorney stated that his client had just followed the traditional Chinese custom of filial piety by delivering a eulogy at his father's memorial service and spoken words from his heart, so it could not be called "instigation". Rather, the Government prosecuted Zheng Zhihong because his father was a Falun Gong practitioner, because Falun Gong practitioners attended the service and because they appealed for justice. The Huanggang Intermediate People's Court rejected the appeal on 28 February 2005. The court cited section 1 of article 300 of the Criminal Law of China, and section 4 of article 1 of the Explanation of Specific Law Enforcement Applications Regarding Cases in Which People Organize Cults to Commit Crimes. Zheng Zhihong is currently detained at the Qinduankou Prison in Hubei Province.

12. The Government's reply is as follows: Zheng Zhihong, also known as Zheng Hong, is an ethnic Han male born on 14 October 1957 in the town of Huanggang, Huangzhou District, Hubei Province. He was formerly a cadre at the Huanggang City Salt Company. In March 2000

⁹ Text not available.

Zheng was sentenced by the Hubei public security authorities to one month's detention for going to Beijing to cause trouble and disturb public order. In December 2000 he was placed in administrative detention in accordance with the law by the Hubei public security authorities for 15 days for once again disrupting public order. On 11 March 2004 he used the Huanggang Foreign Trade Bureau to hold a memorial service for his father, giving tremendous publicity to Falun Gong, vilifying the Government for subjecting his father to political repression because he had practised Falun Gong, and maliciously fabricating slanderous remarks to the effect that the Foreign Trade Bureau had withheld his father's salary and benefits. Under the influence of his inflammatory speech, the mood of the Falun Gong members to follow the hearse through the streets demonstrating, creating a major public disturbance:

(a) The public security authorities, acting in accordance with the law, investigated these criminal acts - using a cult to organize a parade and disrupting public order - and seized more than 200 Falun Gong flyers and 44 Falun Gong compact discs from the Zheng home. On 20 May 2004, the public security authorities placed Zheng in criminal detention on suspicion of using a cult to undermine law enforcement; on 29 June the Huangzhou district procurator's office ordered his arrest, and on 16 November the Huangzhou district procurator's officer initiated criminal proceedings in the district court. The court, acting in accordance with the law, established a collegial panel, which heard the case. The prosecutor, the defendant and his counsel all participated in the hearing. During the proceedings the prosecutor read out the indictment, witnesses gave testimony and counsel provided a defence; the proceedings were conducted in public and in accordance with the law. The court found that the defendant Zheng Zhihong had disregarded national law, knowing that the Falun Gong cult was outlawed by the State, and instigated the disruption of public order and violated the provisions of national legislation and official regulations; his acts constituted a crime under article 300, paragraph 1, of the Criminal Law of the People's Republic of China and article 1, paragraph 4, of the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Questions Concerning Specific Application of Laws in Handling Cases Involving the Organization and Use of Cults to Commit Crimes, and constituted the crime of using a cult to undermine law enforcement. He was sentenced to five years' imprisonment. Zheng did not accept this verdict and filed an appeal. The Intermediate People's Court in Huanggang heard the case, rejected the appeal and upheld the original verdict. Zheng is currently serving his sentence in the Qinduankou prison in Wuhan, Hubei Province;

(b) In its explanatory remarks, the Government states that: Falun Gong, which has been legally banned by the Government of China, fraudulently uses some Buddhist, Taoist and Christian names and terminology to concoct a heresy that confuses people's minds and advocates such fallacies as the notion of a "global explosion" and the idea that sick persons cannot take medicine. In the name of religion, it hoodwinks [people] and amasses money, harms lives, endangers society, tramples on human rights and causes a great many obsessed people to injure or kill themselves, leaving countless families to mourn their kin: this poses a tremendous threat to Chinese society. The cult continues to engage in such disruptive activities as destroying radio and television stations, cutting fibre optical cables, disrupting television signals and harassing by telephone those who disagree with them. All countries deal with cults, like the Branch Dravidians in the United States of America and Aum Shinrikyo in Japan, in accordance with the law;

(c) The Government further states that China is a country governed by the rule of law. In its handling of cases China's judiciary acts in strict compliance with such legislation as the Criminal Law and the Criminal Procedure Law of the People's Republic of China. China's legislation stipulates that any act involving the organization or use of a cult to undermine law enforcement is punishable under the law. Zheng Zhihong suffered legal consequences because he advocated a cult and used it to undermine social stability; the facts of his crime were clear, the evidence was conclusive, and his actions and their aftermath constitute elements of the crime of using a cult to undermine law enforcement, as clearly spelled out in the applicable legislation. China's judicial authorities acted in strict compliance with the law: throughout the investigation of Zheng's crime, his arrest, the hearing and judicial proceedings, they observed due process, took due note of the evidence and upheld the defendant's legitimate interests, allowing him to fully exercise his right to a defence and a hearing. The allegations that "Zheng Zhihong's detention is arbitrary because the court that convicted and sentenced him was acting upon instructions of the Security Administration", that "the 610 Office had decided that Zheng would receive a five-year prison sentence before the trial began" and that "the police gave the court a note reading, 'be severe in handling this case', written by the deputy Governor of Hubei Province" are all inconsistent with the facts.

13. In its reply to the Government's observations, the source states that Mr. Zheng's original appellant letter has presented his case very clearly. The Government's response in fact corroborated the factual happenings of his case. What the Government tried to spin is its typical politically charged allegations. One key allegation was that Mr. Zheng "took advantage of his father's funeral held by Huanggang City Foreign Trade Bureau to wantonly publicize Falun Gong and attack the government for politically persecuting his father for his father's practice of Falun Gong". "Influenced by his inciting language, other Falun Gong member became aroused." This allegation in itself showed what Mr. Zheng had done is no more than making a speech. To the Working Group, to incriminate Mr. Zheng based on his speech is a shameless illustration, although perhaps unknowingly so, of the Government's utter ignorance of the right to freedom of expression. The Chinese Government's response has also failed to explain how Mr. Zheng was allowed to, as it has claimed, "attack the Government" in the funeral sponsored by the Foreign Trade Bureau, a government agency. The fact is, Mr. Zheng was invited to give a eulogy to his late father:

(a) Another allegation made by the Government is "Mr. Zheng instigated dozens of Falun Gong member[s] to follow the casket to stage a parade demonstration, and severely disturbed the social order". It only shows how arbitrary the Government is to trump up charges: that following the casket can be interpreted as a parade demonstration and called a disturbance to social order;

(b) The third allegation is the discovery of "over 200 Falun Gong flyers and 44 Falun Gong CDs". Again, the Chinese Government is shamelessly showing to the Working Group how it disrespects the freedom of the press;

(c) In summary, the Government of China is giving the Working Group a complete admission of how it arbitrarily infringes the basic freedoms guaranteed by the Universal Declaration of Human Rights.

14. The Working Group notes that the Government agrees in essence with the facts as presented by the source. Mr. Zheng Zhihong expressed his beliefs and opinions as a Falun Gong member in the eulogy he held, as provided by the official protocol, at his father's funeral on 11 March 2004. Thereafter, Mr. Zheng Zhihong took part with other persons in a peaceful demonstration protesting against the Government's attitude towards Falun Gong. Finally, Mr. Zheng Zhihong had leaflets and CDs concerning the Falun Gong association at home.

15. The detention of Mr. Zheng Zhihong on the ground of these facts is incompatible with his right to freely express, in a peaceful manner, his religious beliefs and political opinions, and with his right to peacefully demonstrate.

16. The Working Group has already in previous Opinions and on the occasion of its visits to China expressed its concern with regard to the treatment to which members of the Falun Gong association are subjected. It finds no justification for the Government to keep in force penal laws impeding the exercise of the right to freedom of association, expression and demonstration of citizens who peacefully exercise activities within that association.

17. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Zheng Zhihong is arbitrary, being in contravention of articles 18, 19 and 20 of the Universal Declaration of Human Rights and falls within category II of the applicable categories to the consideration of the cases submitted to the Working Group.

18. The Working Group, having rendered this Opinion, requests the Government to take the necessary steps to rectify the situation, in order to bring it into conformity with the norms and principles set forth in the Universal Declaration of Human Rights, and to take the necessary measures to ratify the International Covenant on Civil and Political Rights.

Adopted on 11 May 2006.



General Assembly

Distr.
GENERAL

A/HRC/4/41
25 January 2007

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Fourth session
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

Report of the Working Group on Enforced or Involuntary Disappearances

Clarifications

130. Based on the information received from the source that the human rights defender (see paragraph 129) had returned home, the Working Group decided to clarify that case.

131. The Working Group also decided to clarify three cases where the six-month rule had been previously applied (see paragraph 11). The cases concerned a teacher and student who disappeared in 2001 and a female worker who disappeared in 2002.

Summary of the situation prior to the period under review

132. Most of the cases of disappearance reported to the Working Group occurred between 1988 and 1990, and between 1995 and 2005. The majority of these cases concerned Tibetans, 19 of them monks, who were allegedly arrested in Nepal and handed over to the Chinese authorities. A further 13 cases concerned Falun Gong practitioners who were allegedly arrested or abducted in 2000 and 2001. In one case, an autistic boy reportedly disappeared in 2000 after having been questioned by Hong Kong immigration officers. In one case transmitted in 2004, a 4-year-old child, reportedly the daughter of Falun Gong practitioners, was allegedly taken from her home by police officers from the Tongnan Country National Security Team in 2004.

Total cases transmitted, clarified and outstanding

133. In the past and during the year under review, the Working Group transmitted 112 cases to the Government; of those, 11 cases have been clarified on the basis of information provided by the source, 72 cases have been clarified on the basis of information provided by the Government and 29 cases remain outstanding.

Observations

134. The Working Group expresses its appreciation to the Government of China for its cooperation and hopes that the Government will continue to make serious efforts to elucidate the fate or whereabouts of persons who have allegedly disappeared, including children and mentally challenged individuals.



**General
Assembly**

Distr.
GENERAL

A/HRC/4/21/Add.1
8 March 2007

ENGLISH/FRENCH/SPANISH

HUMAN RIGHTS COUNCIL
Fourth session
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on freedom of religion or belief,
Asma Jahangir***

Addendum

Summary of cases transmitted to Governments and replies received

* The present document is being circulated in the language of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

was one of the first States to become party to the Convention against Torture. It upholds the prohibition on torture and other cruel, inhuman or degrading treatment or punishment and has adopted many specific measures under domestic law. In handling the case in question, the relevant Chinese Government departments abided strictly by their treaty obligations and proceeded in accordance with domestic law. There was no instance of torture or ill-treatment.

79. The Chinese Government has always taken great care to safeguard the legitimate rights of convicts and detainees. The Prisons Act and the Remand Facility Regulations cover all aspects of the protection of offenders' and detainees' rights including their right to security of the person, lawful possessions, health protection and education, and their rights to a defence, to appeal, to lodge complaints and report matters to the authorities, and such other rights as have not been restricted or taken from them by law. All legitimate rights of Zhang Rongliang have been safeguarded, and it is not true that when he fell ill he was refused medical treatment.

Observations

80. The Special Rapporteur is grateful for the Government's reply. She would like to make reference to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, of his mission to China from 20 November to 2 December 2005 (E/CN.4/2006/6/Add.6, para. 81): "In the opinion of the Special Rapporteur, the combination of deprivation of liberty as a sanction for the peaceful exercise of freedom of expression, assembly and religion, with measures of re-education through coercion, humiliation and punishment aimed at admission of culpability and altering the personality of detainees up to the point of even breaking their will, strike at the very core of the human right to personal integrity, dignity and humanity. It constitutes a form of inhuman and degrading treatment or punishment leading to submissiveness and a 'culture of fear', which is incompatible with the core values of any democratic society based upon a culture of human rights."

Urgent appeal sent on 13 September 2005 jointly with the Special Rapporteur on violence against women, its causes and consequences

81. The Special Rapporteurs brought the two following cases to the attention of the Government: On 21 May 2002, police officers from the Zhonggong police station arrested Ms. **Ren Shujie**, aged 42, living in the Tiexi District, Shengyang City, Liaoning Province, for practicing Falun Gong. She was later sentenced to three years of forced labour and was detained at the Longshan Labour Camp. No charges were brought against her and she was provided no hearing before a court of law. She went on hunger strike for 64 days, during which time she was subjected to torture and harsh labour for fifteen hours daily. After bringing an end to her hunger strike she continued to be tortured by the prison guards, including Tang Yubao, who subjected her to electric shocks. On 22 March 2004, she was transferred to Masanjia Labour Camp where she was forced to sleep on cement floors for three months. She was released on 24 December 2004, due to her extremely weak conditions, weighing less than 40 kg, whereas at the time of her arrest she weighed 80 kg. The several complaints that Ren Shujie made to the prison guards, who were the only authorities she had access to, provided no response or amelioration to her conditions of detention.

82. On 21 January 2000, Ms. **Liu Yunxiang**, aged 32, living in Yangjiazhuang village in Junbukou Township was arrested by police officers belonging to the Junbukou Township of

Weifang City in Shandong province, for practicing Falun Gong. No charges were brought against her and she was provided no hearing before a court of law. She was subjected to severe beatings, and the men who were also arrested with her were forced to beat her and the other arrested women on their hips. During her detention, she was forced to curse the founder of Falun Gong, drink alcohol and smoke cigarettes, which is against Falun Gong principles. As a result of this treatment, Ms. Liu Yunxiang miscarried. She was released after having paid for her release. In the Summer of 2001, she was arrested again for practicing Falun Gong and was once again subjected to torture including electric shocks, as a result of which she miscarried a second time. After twenty days of torture, she was sent to a detention centre for another month, after which she was released.

Response from the Government dated 12 December 2005

83. The Government informed that Ren Shujie, female, was born in February 1964 in Han Chinese. She was educated to lower middle-school level, from Shengyang City, Liaoning Province; formerly on the kitchen staff at the Shengyang New Model Building Materials Corporation. She was assigned to three years' re-education through labour (21 May 2002 to 20 May 2005) in April 2002 for disrupting public order and committed to the Longshan Re-education through Labour Facility in Shengyang on 21 May 2002. On 22 March 2004 she was moved to the provincial Masanjia Facility. During her assignment she resisted education and often refused to eat, but under careful, patient coaxing from the wardens she resumed eating normally. There was no question of ill-treatment during her period of re-education. Upon the completion of her term she was released in high spirits and good health.

84. Liu Yunxiang, female, aged 38, is from Weifang City in Shandong Province. She was taken into criminal custody by the local public security authorities in October 2000 for disturbing the peace, but released after being taught a lesson. On 30 August 2001, with the approval of the local Re-education through Labour Management Committee, she was assigned to three years re-education for repeatedly distributing, putting up and spray-painting Falun Gong cult material. She was granted early release from re-education on 1 December 2003. Throughout their handling of this case the public security authorities acted rigorously, properly and in a civilized manner. They did not cause Ms. Liu to have a miscarriage. The claims of beatings and electric shocks are sheer rumour mongering.

85. The Government wants to clarify that respect and upholding freedom of religion and belief is one of the Chinese Government's basic national policies. China has over 100 million religious adherents and about 300,000 clerics. The rule of law prevails, and the Constitution guarantees citizens' freedom of religion. No one can be attacked for their religious beliefs. In the cases at issue, Ren and Liu were subjected to re-education through labour for activities that disrupted public order; their treatment had nothing to do with freedom of religion.

86. China was one of the first States to become party to the Convention against Torture, and strictly prohibits torture and other cruel, inhuman and degrading treatment and punishment. Its laws clearly establish that detainees have extensive rights. The Penal Code, Code of Criminal Procedure, Prisons Act and much other legislation strictly prohibit beatings, abuse, corporal punishment and ill-treatment. When violations of detainees' rights come to light, those responsible are punished in accordance with the law. In dealing with the cases above, the

Chinese Government departments concerned complied strictly with their treaty obligations and acted within national law. There was no ill-treatment or use of torture.

Observations

87. The Special Rapporteur is grateful for the Government's reply. She would like to make reference to her predecessor's conclusions after his country visit to China from 19 to 30 November 1994 (E/CN.4/1995/91, para. 189): "The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one's belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others."

88. The Special Rapporteur continues to be very concerned by the continued violations of freedom of religion or belief suffered by members of the Falun Gong. In her previous reports to the Commission on Human Rights, she explicitly mentioned members of the Falun Gong as targets of various human rights violations because of their beliefs and she strongly condemns the continued lack of freedom of belief of members of Falun Gong (see E/CN.4/2005/61, paras. 37-38 and E/CN.4/2006/5/Add.1, para. 109).

89. The Special Rapporteur would like to thank the Government for the invitation it has extended in 2004 for a follow-up visit and she hopes to receive a reply from the Government further to her last letter of September 2006 requesting dates for this visit.

Urgent appeal sent on 6 December 2005 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture

90. The Special Rapporteurs brought to the attention of the Government of the People's Republic of China information they had received regarding five Buddhist monks from Drepung Monastery in Lhasa. Their names are **Ngawang Namdrol** of Tsotod Township, Phenpo Lhundrup County, Lhasa Municipality; **Ngawang Nyingpo** of Khartse Township, Phenpo Lhundrup County, Lhasa Municipality; **Ngawang Thupen a.k.a. Shogbu Metok** of Lhasa Inner City, Lhasa Municipality; **Khenpo Ngawang Phelgyal** of Rinpong County, Shigatse Prefecture and **Phuntsok Thupwang** of Gongkar County, Lhoka Prefecture. According to the allegations received, on 23 November 2005, the five monks were arrested following a patriotic re-education ceremony that had been taking place at Drepung Monastery in Lhasa since October 2005. They were handed over to the Public Security Bureau of their respective places of origin after they refused to sign a statement denouncing the Dalai Lama and recognizing Tibet as a part of China. They are currently being held in Public Security Bureau places of detention. There are concerns that they may be subjected to torture or ill-treatment.

91. On 25 November 2005, approximately **400 monks** held a silent sit-down protest in the monastery courtyard. There is concern that members of the army and officers from the People's

Armed Police and the Public Security Bureau beat a number of the monks in thier efforts to disperse them.

92. The Special Rapporteurs also brought to the attention of the Government information they received concerning **Tsering Dhondup**, aged 30, a monk at Sera Monastery, near Lhasa and **Changchup Gyaltzen**, a disciplinarian at Sera Monastery. According to the information received, in July 2005, the authorities expelled Changchup Gyaltzen from Sera Monastery after he read out a request for prayer, which referred to the Dalai Lama. He was placed under surveillance for a year. Tsering Dhondup, who is alleged to have drafted the prayer, disappeared on the same day. He is thought to be held incommunicado at Gutsa prison in northern Lhasa. He is alleged to have possessed and distributed documents criticizing China and supporting Tibetan independence.

Response from the Government dated 12 January 2006

93. The Government indicated that, recently, five monks at the Drepung monastery in the Tibet Autonomous Region were expelled from the monastery by the monastery's management committee, for having breached the monastery regulations. After announcement of this administrative decision, a number of monks from the monastery came to the management committee to demand an explanation. After hearing the explanation provided by the committee, the assembled monks all dispersed and the five monks who had been expelled also expressed their acceptance of the decision and returned to their places of origin. Drepung monastery remains open to the public and its religious activities are continuing as normal. Throughout this entire process, there has been no instance of any monk being physically or verbally assaulted or detained, nor has any monastery been shut down.

94. The Government also explained that article 36 of the Chinese Constitution stipulates that "Citizens of the People's Republic of China enjoy freedom of religion and belief." In accordance with the law, the Chinese Government protects the conduct of normal religious activities by the congregation of Buddhist clergy and laity. Currently, there are more than 40,000 monks and nuns living in more than 1,700 Tibetan Buddhist monasteries in the Tibet Autonomous Region and other religious centres, engaging freely in the study of Buddhist scriptures and conducting all kinds of religious activities. The right to freedom of religious assembly and religious belief is fully respected and their religious needs are fully satisfied. The Government affirms that any person going to Tibet and gaining an understanding of the real situation will reach this same conclusion.

95. In the Tibet Autonomous Region, the monks of every monastery elect their own monastery management committees through a democratic process, enact democratic management rules for each monastery and carry out its routine work. Each monastery, acting in accordance with the relevant management rules, carries out an assessment at regular intervals of the monks under its responsibility, the content of which includes such topics as religious regulations and precepts, monastic rules and general knowledge of the law.

96. The five monks from Drepung monastery were expelled by the monastery's management committee because they had breached the monastery rules and had failed the relevant assessment: this demonstrates that the monastery's management committee was carrying out its routine duties, according to the internal running of the monastery, acting in accordance with the relevant

provisions of Chinese law and the democratic management rules of the monastery, and it has nothing whatsoever to do with freedom of religion or belief.

97. The case of Tsering Dhondupo and Changchup Gyaltzen, monks at Sera monastery in the Tibet Autonomous Region and also mentioned in the communication, is in the process of being investigated by the Chinese Government.

Additional response from the Government dated 18 April 2006

98. The Chinese Government has carefully examined the circumstances of the two monks from Sera Monastery, Tsering Dhondup and Changchup Gyaltzen.

99. Mi Ma, which is the dharma name of Changchup Gyaltzen (male, ethnic Tibetan, born in 1963, resident of Phenpo Lundup, county of Lhasa, Tibet) was expelled from the monastery for engaging in activities within Sera monastery calling for the division of Chinese territory and has currently returned to his place of origin.

100. Tsering Dhondup, which is the dharma name of Ngawang Yönten (male, ethnic Tibetan, born 1976, resident of Phenpo Lundup, county of Lhasa, Tibet) was detained on 26 August 2005 by the Tibetan public security authorities, in accordance with the law, for preparing propaganda materials calling for “Tibetan independence” and advocating division of the State. On 25 October 2005, proceedings were instituted against him, in accordance with the law, by the Lhasa people’s procurator’s office on suspicion of the offence of fomenting division of the State.

101. Article 52 of the Chinese Constitution stipulates that “It is the duty of citizens of the People’s Republic of China to safeguard the unity of the country and the unity of all its nationalities.” China is a country run by the rule of law and its people - regardless of whether or not they are religious believers - are all obliged to respect Chinese law and may not conduct activities in the name of religion which are in breach of the law.

102. The two men referred to above, on repeated occasions, prepared propaganda materials which advocated division of the Chinese State and conducted activities calling for the division of Chinese territory, violated Chinese law and the relevant provisions of the monastery regulations and received the appropriate penalty. The Government states that all this has nothing to do with freedom of religious belief.

103. The Chinese judicial authorities acted in strict accordance with laws and regulations under the Chinese Criminal Code, the Chinese Code of Criminal Procedure and other instruments, and there was no question of any “arbitrary detention” or “torture”.

Observations

104. The Special Rapporteur is grateful for the Government’s responses. She would also like to thank the Government for the invitation it has extended in 2004 for a follow-up visit and she hopes to receive a reply from the Government further to her last letter of September 2006 requesting dates for this visit.

Communication sent on 29 December 2005 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences

105. The Special Rapporteurs brought to the attention of the Government information they had received concerning **two female Falun Gong practitioners**. According to the information received, on the night of 24 November 2005, one woman aged 51 was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and shocked with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer took her to a room, where he lifted her shirt and touched her breasts. He then shocked her breasts with a stun baton. Another police officer came into the room and raped her. During the rape, he repeatedly slapped her in the face. He then brought another woman aged 42 into the same room and raped her too. The two rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.

Response from the Government dated 28 June 2006

106. At the time this report was finalized, this reply was still in the process of being translated.

Communication sent on 11 August 2006 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on trafficking in persons, especially in women and children

107. The Special Rapporteurs brought to the attention of the Government information they had received concerning **organ harvesting**. According to the allegations received, organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose of making available organs for transplant operations. Vital organs including hearts, kidneys, livers and corneas were systematically harvested from Falun Gong practitioners at Sujiatan Hospital, Shenyang, Liaoning province, beginning in 2001. The practitioners were given injections to induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter.

108. It is reported that employees of several transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants. After the organs were removed, the bodies were cremated, and no corpse is left to examine for identification as the source of an organ transplant. Once the organs were removed they were shipped to transplant centres to be used for transplants for both domestic and foreign patients. Officials from several detention facilities have indicated that courts have been involved in the administering the use of organs from Falun Gong detainees.

109. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated by, according to the statement in 2005 of the Vice Minister of Health Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-

matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors.

110. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons.

111. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came in force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs, has not required that donors give written permission for their organs to be transplanted, there has been no restriction on the institutions which could engage in organ harvesting or transplants, there was no requirement that the institutions engaged in transplants had to verify that the organs being transplanted were from legal sources, and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.

Response from the Government dated 28 November 2006

112. The Government replied that in March 2006, Falun Gong began fabricating the so-called “Sujiatun Concentration Camp” issue, saying that 6,000 Falun Gong practitioners had been incarcerated in Sujiatun Hospital in Shenyang, Liaoyang Province and that two thirds of them had had organs removed from their living bodies and the corpses cremated to destroy the evidence. In order to clarify the facts, the Sujiatun District Government carried out an investigation at the hospital; domestic and foreign media including Japan’s NHK and Hong Kong’s Phoenix Satellite Network and Ta Kung Pao conducted on-the-scene interviews; and two visits were paid by consular personnel from the US embassy. Based on the results of these investigations it was discovered that the hospital only had 300 beds and was completely incapable of housing more than 6,000 persons. There was no such basement for incarcerating Falun Gong practitioners, as alleged by Falun Gong. The so-called “cremation oven” announced by Falun Gong is in fact a boiler/furnace room, whose primary function is to provide heat and disinfect medical instruments. This boiler room has several transparent glass windows and a lawn outside that is open to the public where nearby residents come daily to stroll. In such a place, with such a physical setting, there is simply no way to cremate corpses in secret, continuously, and in large volume. The rumors fabricated by Falun Gong collapse on their own. Everyone recognizes that Sujiatun Hospital is nothing but a simple hospital and that there is no evidence to show that it is being used for any purpose other than as a public hospital. This once again proves that the “Sujiatun Concentration Camp” fabricated by Falun Gong is nothing more than a rumor.

113. As a WHO member-state, the Chinese Government resolutely abides by the WHO’s 1991 Guiding Principles on Human Organ Transplants and strictly forbids the sale of human organs. Human organ donation must be done voluntarily and with the written consent of the donor.

114. The human organ transplant regulations that took effect on 1 July 2006 reiterate that human organs must not be sold, that human organs used for transplant by medical facilities must have the written consent of the donor, that a donor has the right to refuse to donate before the organ transplant takes place, and that medical facilities carrying out human organ transplants must have the capacity to ensure medical quality and safety in accordance with ethical principles. The goal of these regulations is to standardize and improve the management of clinical practice of human organ transplant operations in order to safeguard medical quality and safety.

115. Presently, the relevant Chinese Government agencies are drafting Human Organ Transplant Regulations in order to create the necessary regulation of human organ donation, registration, matching, and transplant.

116. China absolutely does not allow forced donation or trafficking in the corpses or organs of executed criminals, which are used in strict accordance with the relevant regulations. Notably: (1) Written consent must be received from the criminal to be executed and his family; (2) Approval must be received from the provincial-level health authority and the provincial-level higher people's court; (3) The unit using the organs must have the approval of the health authorities at the provincial level or higher and must have the authority/capacity to conduct medical science research or transplant operations.

117. The question of organ donation is not part of the inquiries made at the time of execution. Those death-row criminals who wish to donate their corpse or organs after they are executed must express this voluntarily in writing. Mobile Execution Vehicles are used solely by the courts to carry out execution by lethal injection. They do not, and are strictly forbidden to, transport organs. According to Chinese laws and regulations, individuals who are sentenced to death are those criminals who have committed extremely serious crimes and who should be sentenced to death and executed immediately, not whether they are Falun Gong practitioners. For this reason, there are no statistical data for Falun Gong practitioners who have been executed.

118. In order to deal with the problem of organ supply, each country typically uses two methods: firstly, to increase social awareness and mobilize the population to donate organs; and secondly, to facilitate live organ donation and transplant between relatives. China's methods are not exceptions, but it has placed serious restrictions: citizens who donate live organs must be at least 18 years old and be in possession of full civil capacities; the live organ recipient must be the spouse, direct blood relative, or within three generations of collateral blood relatives.

Observations

119. The Special Rapporteur is grateful for the Government's reply. She has sent a follow-up letter on 25 January 2007 which will be covered in her next addendum on cases transmitted to Governments and replies received.

Urgent appeal sent on 31 August 2006 jointly with the Special Rapporteur on the question of torture

120. The Special Rapporteurs received information concerning **Bu Dongwei (also known as David Bu)**, aged 38, and Falun Gong practitioner. According to the allegations received, on 19 May 2006, he was detained by around seven police officers at his home in the Haidian district of

Beijing. On 19 June 2006, he was assigned to two and a half years re-education through labour in connection with his activities as a member of the Falun Gong spiritual movement by Beijing's Re-education through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of "resisting the implementation of national laws" and "disturbing social order" on the basis of evidence including a verbal confession he made to the police and 80 copies of Falun Gong literature discovered in his home. He is due to be released on 18 November 2008.

121. Despite repeated requests to the authorities, his family has not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education through Labour facility in Beijing on 21 August 2006. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law' after he petitioned the authorities asking them to review their ban on Falun Gong. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.

Response from the Government dated 28 November 2006

122. At the time this report was finalized, this reply was still in the process of being translated.



General Assembly

Distr.
GENERAL

A/HRC/4/37/Add.1
27 March 2007

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Fourth session
Agenda item 2

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

**Report of the Special Representative of the Secretary-General on the
situation of human rights defenders, Hina Jilani**

Addendum

Summary of cases transmitted to Governments and replies received *

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

Singapore

589. On 27 October 2006, the Special Representative together with the Special Rapporteur on the independence of judges and lawyers and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention sent an urgent appeal concerning **Mr Ravi**, a human rights lawyer, who is the defense counsel for 11 Falun Gong practitioners in four separate cases brought to the court by the authorities. According to the information received, on 19 September 2006 Mr Ravi was arrested by the police near MacDonald's Restaurant in Yishun, Singapore, whilst eating with his niece and nephew. He was taken to And Mo Kui Police Station and interrogated without legal counsel. Neither at the time of arrest nor subsequently did the police notify him of any charges against him. The police then sent him to Changi Hospital, and informed the family only after having taken Mr Ravi there. Mr Ravi's youngest sister complained to the police and questioned on what authority they did it. The Police replied that they were still investigating him, without specifying for what. The family of Mr Ravi and his friends were informed that they would have to wait for the report of the doctor at Changi Hospital. Mr Ravi was examined by the doctor on the same day and was declared to be healthy. He was released conditionally into family care.

However two days later, despite the medical results, the police threatened Mr Ravi's family that unless they agreed to send him to a mental hospital, they would put Mr Ravi in jail where they would have no access to him. As a consequence, the family accepted and Mr Ravi was forcibly committed to Adam Road hospital and sedated against his will. He remains kept in the mental hospital. Concern was expressed that the alleged threats made by the authorities against Mr Ravi may have represented an attempt to prevent him from carrying out his human rights work, in particular his ability to legally represent 11 Falun Gong practitioners whose cases are pending.

Communications received

590. In a letter dated 6 December 2006, the Government replied to the joint urgent appeal sent on 27 October 2006 stating that the allegations contained in the letter were completely untrue and Mr Ravi's arrest had nothing to do with his professional activities including his work with the 11 Falun Gong practitioners, or any of his other activities connected with human rights matters. According to the Government, Mr Ravi was arrested by the police for disorderly behaviour in public, after a member of the public called the police on 18 September 2006 and reported that a barefooted man was making a nuisance of himself in public. Police allegedly responded to the call and found Mr Ravi, who was involved in an apparent argument with another individual. Despite advice from his female relative and a female friend who were at the scene, as well as several warnings from the Police to behave himself, Mr Ravi did not do so and continued to shout incoherently. After failing to heed repeated warnings by the Police, Mr Ravi was arrested. At the time of his arrest, Mr Ravi was informed that he was being placed under arrest for the offence of disorderly behaviour. The Police had not decided at the time of arrest whether to charge Mr Ravi in Court. Mr Ravi was interviewed while in Police custody. During this interview, Mr Ravi allegedly did not request the presence of a lawyer. The Government declared that while in Police custody, Mr Ravi was examined by a doctor who wrote a referral letter for Mr Ravi to be further examined at the Institute of Mental Health. This referral letter was allegedly handed to a female relative of Mr Ravi who bailed him out and told the police that she did not wish to send him to IMH for examination.

The Government asserted that the police did not commit Mr Ravi to a mental institution, forcibly or otherwise, nor was his family compelled by the police to do so but a male relative of Mr Ravi had caused Mr Ravi to be admitted to Adam Road Hospital (a specialist private hospital offering psychiatric and psychological services), for treatment. However, the Government stated that he has since been discharged from Adam Road Hospital.

Observations

591. The Special Representative thanks the Government of Singapore for its response to her communication of 27 October 2006 and is encouraged by its willingness to investigate alleged violations. She is disappointed however that she did not receive a response to her communication of 19 September 2006. The allegations are serious and the Special Representative would urge the Government to provide a detailed substantive response assuring that an investigation has been launched into this case. The Special Representative wishes to remind the Government of Singapore of its obligations under Articles 6 (b) and (c), and 12 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.



General Assembly

Distr.
GENERAL

A/HRC/4/33/Add.1
20 March 2007

Original: ENGLISH / FRENCH /
SPANISH

Human Rights Council
Fourth session
Agenda item 2

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"

**Report of the Special Rapporteur on torture and other cruel, inhuman or
degrading treatment or punishment, Manfred Nowak**

Addendum

**Summary of information, including individual cases, transmitted
to Governments and replies received***

* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
30.		21/12/05	JAL	HRD; IJL; TOR;	<p>Gao Zhisheng, a lawyer, Beijing, (the subject of a previously transmitted communication, E/CN.4/2006/95/Add.1, para. 90). On 2 December 2005, his law firm, Shengzhzhi Law Firm, was ordered by the Justice Bureau, Beijing, to cease operations from 30 November 2005 to 29 November 2006. The authorities ruled that the firm improperly changed the registration of the firm when it moved office in June 2005, in contravention of Lawyers Law, article 9 (2); and, in violation of article 47 of the Lawyers Law, it failed to use the firm's formal letterhead when it issued a letter of introduction for two of its lawyers, one of whom was not registered at the firm, to visit a client, Mr Yang Maodong, detained in Gunagzhou Panyu Police Detention Centre. Accordingly Mr Gao is required to handover the firm's license, official stamps, financial records, and licenses of its lawyers to the authorities before 29 December, or face further penalties. Mr Gao met with the Special Rapporteur on torture during his recent mission to China, in the context of his work as a human rights defender, including in areas related to the mandate.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
31.		29/12/05	JAL	RINT; TOR; VAW;	<p>Ms L. J., aged 51 and Ms H. Y., aged 42, both of whom are Falun Gong practitioners. On the night of 24 November 2005, L. J. was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and given electric shocks with stun batons. At approximately 2pm on 25 November 2005, a police officer took L. J. to a room, where he lifted her shirt and touched her breasts. He then gave her electric shocks on her breasts with a stun baton. Another police officer briefly came into the room, encouraged the officer to beat her up, and left. The first officer raped L. J. While raping her, he repeatedly slapped her in the face. He then brought H. Y. into the same room and raped her too. Both rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.</p>	<p>By letter dated 28/06/06, the Government reported that on 24 November 2005, they were taken in to the local public security office for questioning, on suspicion of involvement in illegal activities, and were released in the afternoon of the same day. On 26 November, the Dashiqiao criminal police team in the Tunzhou City Public Security Bureau received a complaint from H. Y., claiming that she had been raped by an officer. On 27 November, L. J. also filed a report with the Tunzhou Public Security Bureau, stating that she too had been raped. The authorities promptly summoned the policed officer in question. In the ensuing questioning and investigation, it was ascertained that he was a temporary employee in the Dongchengfang Township Public Security Office. He admitted that, in the afternoon of 25 November 2005, he had taken L. J. and H. Y. in turn back to his hostel, where he had indecently assaulted L. J. and had raped H. Y. On 9 December, following approval from the procuratorial authorities, he was taken into custody. On 29 April 2006, the Baoding City People's Procuratorate, Hebei Province, instituted criminal proceedings with the Baoding City People's Intermediate Level Court against the defendant for the commission of the offences of rape and indecent assault of a woman. On 19 May 2006, after hearing the case, the court sentenced the defendant to eight years' fixed term imprisonment. On appeal, on 7 June, the Hebei People's High Court dismissed the appeal and upheld the original judgement.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
32.		05/01/06	JUA	HRD; TOR;	<p>Ms Mao Hengfeng (the subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 296; she was interviewed on 24 November 2005 during the mission to China of the Special Rapporteur on torture). On 28 December 2005 in the afternoon, she was among about a dozen persons who were detained in Beijing by police when they went to view the ceremonial lowering of the flag in Tiananmen Square. Ms Mao, who has petitioned the Government in relation to a number of human rights violations, and her two daughters, along with petitioners Zhang Cuizhi and Zhang Xueying, were forcibly taken to Beijing's Tianhai Reception Center that evening, while the others were immediately put onto the next train back to Shanghai. Among the latter group, Sun Xicheng, He Guoguang and others were reportedly beaten by Shanghai officials (jiefang renyuan). Mr Sun suffered a concussion as a result of his beating. Ms Mao was dragged by her feet down a flight of stairs by three policemen. She and her daughters, along with Zhang Cuizhi and Zhang Xueying, were forced to return to Shanghai by train on the evening of December 29. Following her arrival in Shanghai on December 30, Ms Mao immediately returned to Beijing with her daughters, but early on the morning of 1 January 2006, she was detained again and forcibly returned to Shanghai, where she and her daughters were taken directly to the Yangpu District dispatch station. Ms Mao's daughters were released that afternoon, but she remains in custody of the Daqiao neighborhood</p>	<p>By letter dated 18/04/06, the Government reported that On 15 December 2005, Zhou Xiudi, Chen Zonglai, Wu Yuping and Jin Huijun convened more than 30 persons to assemble at the entrance of Shanghai Municipal Government in order to cause trouble and create a public disturbance; despite efforts to educate and negotiate with them, they refused to disperse, severely disrupting the normal order of State organs. Acting pursuant to article 19 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities punished Zhou and others by placing them in administrative detention for 15 days. Careful checking has revealed that during the period from 22 to 28 December 2005 no coercive measures of any kind were taken by the Shanghai public security authorities in respect of Ma Yalian. On 28 December 2005, a group of more than 60 people including Mao Hengfeng, Sun Xicheng and He Guoguang gathered about the flagpole at Tianmen Square to cause trouble, disrupting the normal order of the Square. Acting pursuant to article 34 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities lawfully issued a public order summons to Mao and others. During this process, the Shanghai public security authorities never employed any kind of coercive measures in respect of anyone, nor did any instances of beating occur. Moreover, there is no Yangpu District</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					municipal office. When her husband telephoned the office, an official, Mr Jiang, he indicated that she would remain for several days. Her family has had no contact with her since her detention in Daqiao. On 15 December, petitioners Zhou Xiudi, Chen Zonglai, Wu Yuping, Jin Huijun and others have been placed under criminal detention on charges of "disturbing public order" by Shanghai Hongkou public security authorities for their participation in a petition to the Shanghai municipal committee conference. On December 22, Shanghai petitioner Ma Yalian was also detained by local police and neighborhood committee members and held until December 28 without informing her family of her whereabouts.	dispatch station in Shanghai. In dealing with Mao Hengfeng, Zhou Xiudi and others by issuing summonses or placing them in administrative detention, the Shanghai public security authorities acted in accordance with the law; the case had nothing to do with freedom of expression and opinion.
33.		01/02/06	JUA	WGAD; HRD; TOR; VAW	Ms Mao Hengfeng , Shanghai (subject of a previously transmitted communication, see above). On 15 January, Mao Hengfeng had traveled to Beijing with her daughter to take part in an unofficial memorial service marking the first anniversary of the death of former Chinese leader Zhao Ziyang. On 24 January, they were detained by four Shanghai police officers at their hotel in Beijing. According to her daughter, the police treated Mao Hengfeng roughly, lifting her in an arm-lock and leaving her with bruising to her neck, arms and legs. The police took them to another hotel where Shanghai Residents' Committee officials were waiting to take them back to Shanghai by train. When the train arrived in Shanghai early the next day, Mao's daughter was released but Mao Hengfeng was taken to Daqiao Police Station, Yangpu District. She was held	By letter dated 14/06/06, the Government reported that on 17 January 2006, she and other persons assembled a crowd in a public area in Chongwen District in Beijing, thereby disturbing the peace. Pursuant to the provisions of article 34 of the regulations on punishments relating to the maintenance of law and order, the Yangpu Office of the Shanghai Public Security Bureau, acting in accordance with the law, served a summons on Mao Hengfeng for a public order offence, for the period from 7.45 am on 25 January 2006 to 7.45 am on 26 January. Upon expiry of this period, no further measures of restraint were applied against Mao Hengfeng and, in the course of this process, all her lawful rights were fully upheld, and the allegations that she was subjected to beatings have no foundation

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					there for questioning for 24 hours. The next morning, Mao was able to telephone her husband, Wu Xuwei. She told him that she was being taken away from the police station by Yangpu District Residents' Committee officials but that she did not know where. He then heard Mao Hengfeng scream and the line went dead. Wu Xuwei immediately telephoned the District Residents' Committee to find out where his wife was being taken, but they first denied that they were holding her. After repeated calls, the committee secretary confirmed that Mao Hengfeng was "in their hands" and that they wanted to "educate her" because her protests about human rights violations were creating "social instability". They have refused to indicate where she is detained and her family has not had access to her. With respect to her detention as alleged in the 5 January 2006 letter, further information received indicates that she was detained by seven Residents' Committee officials in a Shanghai hotel from 3-6 January. The officials reportedly beat her several times, grabbed her breasts and prevented her from sleeping during this period.	in fact.
34.		07/04/06	JUA	WGAD; IJL; TOR; HRD	Chen Guancheng (the subject of previously transmitted communications, E/CN.4/2006/6/Add.1, para. 24). He was interviewed on 28 November 2005, during the visit of the Special Rapporteur on torture (E/CN.4/2006/6/Add.6, page 58). On 11 March 2006, Chen Guancheng's neighbour and cousin, Mr Chen Guangyu , was beaten by four hooded	By letter dated 14/06/06, the Government reported that on 11 March 2006, Chen Guangcheng and his family members Chen Guangjun, Chen Guangyu and others, assembled a crowd of villagers and obstructed traffic, causing a major traffic jam on national highway 205. On 12 March, Chen Guangjun and Chen Guangyu were taken into criminal

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					men who were waiting for him nearby his home. When Chen Guangcheng discovered this, he went out from his house with another villager, Chen Guangjun, towards the Yinan Local Government to seek an investigation into the beating. When they were a few meters from the house, the three of them were arrested (Chen Guangcheng, Chen Guangyu and Chen Guangjun) by officers of the Yinan Public Security Bureau, and taken to the local police station. Their families were notified that they would be detained for 24 hours in order to investigate their participation in an offence named "blocking the traffic". However, they are still detained. Chen Guangcheng has not been allowed to contact his lawyer, nor his family since his detention on 11 March 2006. Moreover, it is reported that law lecturer, Xu Zhiyong , and lawyers Li Fangping and Li Subinhad , are facing harassment from the authorities and their employers because they provided advice to Chen Guangcheng in cases related to forced sterilization and abortion policies in Linyi.	detention, in accordance with the law, on suspicion of having committed an offence under article 291 of the Chinese Criminal Code, on the gathering of crowds for the purpose of disrupting the movement of traffic. Chen Guangcheng was held for questioning by the local public security authorities, in accordance with the law, on suspicion of involvement in the offence at the scene of the crime, and was released at 9 pm on 12 March. In dealing with Chen and his associates, the public security authorities acted in compliance with the law, in remanding them in custody or holding them for questioning. Throughout this period their lawful rights were fully protected and there is no substance to the allegation that Chen Guangcheng was subjected to beatings and placed under house arrest.
35.		13/04/06	JUA	SUMX; TOR; CTR	Ismail Semed , an ethnic Uighur from Xinjiang Uighur Autonomous Region (XUAR), who is believed to be at imminent risk of execution. Ismail Semed was convicted by the Urumqi Intermediate People's Court on 31 October 2005 for "attempting to split the motherland" and other charges related to possession of firearms and explosives. The possession of firearms charges against Ismail Semed appear to have been based on old testimonies taken from other Uighurs, some of whom were reportedly executed in 1999.	By letter dated 12/07/06, the Government reported that on 13 August 2004, the Urumchi City procuratorial authorities instituted criminal proceedings against him with the Urumchi City Intermediate Level People's Court for the offences of separatism, unlawful manufacture of ammunition and the causing of explosions. In January 1997, Ismail Semed, together with Hasan Mahsum (later shot dead in Pakistan) and Abdukadir Amat (now on the run), slipped out of the country through the City of Xiamen

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					According to reports, those testimonies might have been extracted through torture.	and made their way to Saudi Arabia to meet Kurban Aji and other persons, to propagate the notion of an independent Xinjiang, to carry out separatist activities and to drum up support. Soon after, Semed and the two other men travelled to Rawalpindi in Pakistan, to meet Uighur students and other young Uighurs engaged in business in that city, preaching to them and urging them to form an organization and to go to Afghanistan to receive training, for the purpose of waging a holy war. In March of that same year, Semed and the other men convened a preparatory meeting of the East Turkestan Islamic Movement and, following a division of tasks, Ismail Semed was appointed in charge of military operations. Thereafter, Ismail Semed and the other men continued to develop and expand the organization, establishing military bases, recruiting members, conducting fund-raising and other activities and forging links with Afghan Taliban bases and bases run by Bin Laden, striking an agreement with them on the provision of free training for their jihadists. From May 1997 to January 1998 Semed and his accomplices organized the transport of some 100 Uighur jihadists from Pakistan and the Middle East to the above-mentioned military camps for training. After completing their training, Semed and the others appointed Usman Imat in charge and sent him to take 13 men to Xinjiang to set up workshops to manufacture explosives, to conduct training and to develop

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
						<p> jihadist columns. After arriving in Xinjiang, Usman and the others purchased 1,053 boxes of erbium nitrate, for use in preparing chemicals and other reagents for the manufacture of explosives, and set up explosive manufacturing workshops in Turfan, Hotan and other cities. They trained some 100 men in the use of chemicals and reagents for the manufacture of explosive devices, detonators and blasting fuses and in weapons technology. On 5 December 1997 Semed attended a conference of the formally constituted East Turkestan Islamic Movement, held in Rawalpindi in Pakistan, and was appointed military commander. The conference resolved that the goal of the organization would be to liberate East Turkestan through a holy war and to set in place an Islamic State, and mapped out a strategic plan for the period ahead. In mid-December 1998, Semed and others organized a meeting in Rawalpindi at which they decided to break away from the East Turkestan Islamic Movement and form a separate grouping. They deposed their former leader, Hasan Mahsum, assumed control of their members and funds in Afghanistan and started to look for ways of illegally entering Xinjiang, so as to prepare for the conduct of military jihadist activities in that region. On 16 September 2004 the Urumchi intermediate level people's court commenced hearings on this matter. Given the complexity of this case, it is still under </p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
						consideration.
36.		18/05/06	JUA	WGAD; FRDX; TOR;	<p>Several petitioners in Shanghai. On 13 February 2006, more than a dozen petitioners had a meeting with an American consular official at the house of petitioner Ms Fu Yuxia. Following the meeting, several petitioners were arrested and detained in connection with the meeting. Amongst them were Mr Chen Xiaoming, Ms Fu Yuxia, and Mr Han Zhongming. Chen Xiaoming was arrested on 15 February by police officers from Shanghai's Luwan District Public Security Bureau (PSB) and was held in a room at the PSB station. He is suspected of taking the American consular official to the meeting place. On 6 March, he was stripped naked and physically abused. Reports further indicate that Chen Xiaoming's whereabouts have been unknown since 31 March. Fu Yuxia was also arrested on 15 February. She was released on 5 April, and since then has been kept under house arrest. Han Zhongming and his wife were subjected to surveillance following their participation in the meeting with the American diplomat. On 16 February, Han Zhongming was detained while he was at his friend's house. His wife has reported his disappearance to the police, but no action has been taken by the police. His</p>	At the time this report was finalized, the reply of the Government of 20/12/06 had not been translated.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					whereabouts remain unknown. On the same day, in a separate incident, Ms Ma Yalian , a housing rights petitioner who was the subject of three previously transmitted communications, was arrested at the home of a friend on 15 February. She was held at Fengqi Hotel in Pudong New District under the watch of a dozen police officers. She was released on 6 May, but is reportedly still under house arrest.	
37.		29/06/06	JUA	WGAD; TOR;	Yusuf Kadir Tohti and Abdukadir Sidik , originally from Xinjiang Uighur Autonomous Region (XUAR). After having being forcibly returned from Almaty to Urumqi by Kazakh authorities on 10 May 2006, they are being held in incommunicado detention.	
38.		14/07/06	JUA	FRDX; HRD; IJL; TOR;	Mr Chen Guangcheng , a lawyer and human rights defender in Linyi, Shandong Province in China and Mr Guo Qizhen , a volunteer in the Tianwang Disappeared Persons Service Center in Cangzhou City, Hebei Province. The Tianwang Disappeared Persons Service Center assists relatives of missing persons to publicise their stories on the internet in order to find their relatives. Mr Chen Guangcheng was already the subject of a previously transmitted communication (see above). On 12 May 2006, Mr Guo Qizhen was placed under house arrest by local security forces, while he was participating in a hunger strike to protest against alleged human rights violations committed by the Chinese authorities. On 6 June 2006, Mr Guo Qizhen was reportedly charged with "inciting subversion of state power" and is currently being held in the No. 2 Detention	By letter dated 3/10/06, the Government reported that on 12 May 2006, Guo Qizhen was taken into police custody, in accordance with the law, for breach of the provisions of articles 105, paragraph 2, and 106 of the Criminal Code and on suspicion of having committed the offence of fomenting subversion of the political power of the State. On 6 June his remand in detention was approved by the procuratorial authorities and his case is currently under consideration. Through his conduct, Guo is suspected of having committed the offence of fomenting subversion of the political power of the State. The Government further reported that on 10 June 2006, the public security authorities, acting in accordance with the law, took Chen Guangcheng into police custody and launched

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					Center in Cangzhou City. On 10 June 2006, Mr Chen Guangcheng was charged with “deliberate destruction of property” and “organizing a mob to disrupt traffic”, allegedly after he had spent 89 days in incommunicado detention in the Yinan County Detention Centre, where he remains. It is reported that he was arrested on 11 March 2006 but that his family were not informed of his whereabouts until 11 June 2006. It is still unknown whether Mr Chen Guangcheng has been finally allowed to see his lawyer.	an investigation into his actions. On 21 June his remand in detention was approved by the procuratorial authorities and, on 26 June, the matter was referred to the procuratorial authorities for review and prosecution. On 4 July, the Yinan County Procurator’s Office referred his case to the Yinan County People’s Court for prosecution for the offences of wilfully causing damage to property and assembling a crowd for the purpose of disrupting traffic. On 24 August, the Yinan County People’s Court instituted proceedings in this case. As the offender in this case is blind, leniency could be applied in his case. That same day, the Yinan County People’s Court decided as the court of first instance to sentence Chen to seven months’ fixed-term imprisonment for the offence of wilfully causing damage to property and to four years’ fixed-term imprisonment for the offence of gathering a crowd to disrupt traffic and ordered him, accordingly, to serve a sentence of four years’ and three months’ fixed-term imprisonment. During the legal proceedings in this case, the court fully upheld the defendant’s rights in litigation and in the courtroom his two defence lawyers were able to provide full defence services.
39.		18/07/06	JUA	SUMX; TOR;	Mr Xu Shuangfu (also known as Xu Wenku) and Mr Li Maoxing , two Chinese religious leaders belonging to a group known as “the Three Grades of Servants” who were sentenced to death on 28 June 2006. They were accused of murdering twenty leaders of a religious group known as the	By letter dated 21/08/06, the Government reported that from 28 February to 3 March 2006 the Shuangyashan Intermediate People’s Court in Heilongjiang Province conducted an open trial in the criminal cases brought against Xu Shuangfu and others for a series of crimes.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					Eastern Lightning group. Xu was also accused of defrauding his congregation of over thirty-two million Yuan. Xu Shuangfu, was kidnapped in April 2004 by gun-wielding men in a police car while visiting congregation members in neighboring Haerbin, Heilongjian Province. Reports indicate that he was held incommunicado for some time before his family was informed of his detention. Concern has been expressed that Xu Shuangfu and Li Maoxing confessed to their murder charges under torture and subsequently denied their guilt during their trial which was held at the Shuangyashan Intermediate Court, from 28 February to 3 March 2006.	On 4 July 2006 the court handed down its sentence: Xu Shuangfu and Li Maoxing were found guilty of the crimes of murder, wilful and malicious injury, unlawful detention and fraud, for which they were sentenced to death, in accordance with the law; they were also deprived of their political rights for life and their personal property was confiscated. In conducting this trial, the Chinese judicial authorities adhered to the facts of the case, took the law as their criterion, applied the law properly and proceeded in accordance with the law.
40.		11/08/06	JAL	RINT; TOR; Trafficking;	Organ harvesting. Organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose making available organs for transplant operations. Vital organs including hearts, kidneys, livers and corneas were systematically harvested from Falun Gong practitioners at Sujiatan Hospital, Shenyang, Liaoning Province, beginning in 2001. The practitioners were given injections to induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter. It is reported that employees of the following transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants: Zhongshan Hospital Organ Transplant Clinic in Shanghai, Qianfoshan City Liver Transplant Hospital in Shangdong, Nanning City Minzu Hospital in Guangxi	By letter dated 28/11/06, the Government reported that in March 2006, Falun Gong began fabricating the so-called "Sujiatun concentration camp" issue, saying that 6,000 practitioners had been incarcerated in Sujiatun Hospital in Shenyang, Liaoyang Province, and that two thirds of them had had organs removed from their living bodies and the corpses cremated to destroy the evidence. In order to clarify the facts, the Sujiatun District government carried out an investigation at the hospital; domestic and foreign media including Japan's NHK and Hong Kong's Phoenix Satellite Network and Ta Kung Pao conducted on-site interviews; and two visits were paid by US consular personnel. Based on the results of these investigations it was discovered that the hospital only had 300 beds and was completely incapable of housing more than

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					<p>Autonomous Region, Jiaotong University Liver Transplant Centre in Shanghai, Zhengzhou Medical University Organ Transplant Centre in Henan, Oriental Organ Transplant Centre in Tianjin City, Tongji Hospital in Wuhan City in Hunan and General Hospital of Guangzhou Military Regional in Guangdong. It is reported that employees from the following detention facilities have indicated that organs from Falun Gong detainees have been used for transplants: Mijiang Detention Centre in Heilongjiang, First Detention Centre of Qinhuangdao City in Shangdong Province and Second Detention Centre of Qinhuangdao City in Shangdong Province. After the organs were removed, the bodies were cremated, and no corpse is left to examine for identification as the source of an organ transplant. Once the organs were removed they were shipped to transplant centres to be used for transplants for both domestic and foreign patients. Officials from the following detention facilities have indicated that courts have been involved in administering the use of organs from Falun Gong detainees, namely: Qinhuangdao Intermediate People's Court in Shangdong Province, First Criminal Bureau of the Jinzhou Intermediate People's Court and Kunming Higher People's Court. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated, according to</p>	<p>6,000 persons. There was no basement for incarcerating practitioners, as alleged. The so-called "cremation oven" is in fact a boiler/furnace room, whose primary function is to provide heat and disinfect medical instruments. This boiler room has several transparent glass windows and a lawn outside that is open to the public where nearby residents come daily to stroll. In such a place, there is simply no way to cremate corpses in secret, continuously, and in large volumes. The rumors fabricated by Falun Gong collapse on their own. Everyone recognizes that Sujiatun Hospital is nothing but a simple hospital to treat coronary disease and that there is no evidence to show that it is being used for any purpose. This once again proves that the "Sujiatun concentration camp" fabricated by Falun Gong is nothing more than a rumor. As a WHO Member State, the Government resolutely abides by the WHO 1991 Guiding Principles on Human Organ Transplants and strictly forbids the sale of human organs. Human organ donation must be done voluntarily and with the written consent of the donor. The human organ transplant regulations that took effect on 1 July 2006 reiterate that human organs must not be sold, that human organs used for transplant by medical facilities must have the written consent of the donor, that a donor has the right to refuse to donate before the organ transplant takes place, and that medical facilities carrying</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					<p>the statement in 2005 of the Vice Minister of Health Mr Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came into force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs; has not required that donors give written permission for their organs to be transplanted; there has been no restriction on the institutions which could engage in organ harvesting or transplants; there was no requirement that the institutions engaged in transplants had to verify</p>	<p>out human organ transplants must have the capacity to ensure medical quality and safety in accordance with ethical principles. The goal of these regulations is to standardize and improve the management of clinical practice of human organ transplant operations in order to safeguard medical quality and safety. Presently, the relevant government agencies are drafting human organ transplant regulations in order to create the necessary regulation of human organ donation, registration, matching, and transplant. China absolutely does not allow forced donation or trafficking in the corpses or organs of executed criminals, which are used in strict accordance with the relevant regulations. Notably: written consent must be received from the criminal to be executed and his family; approval must be received from the provincial-level health authority and the provincial-level higher people's court; and the unit using the organs must have the authority/capacity to conduct medical science research or transplant operations. The question of organ donation is not part of the inquiries made at the time of execution. Those death-row criminals who wish to donate their corpse or organs after they are executed must express this voluntarily in writing. Mobile execution vehicles are used solely by the courts to carry out execution by lethal injection. They do not, and are strictly forbidden to, transport organs. According to Chinese laws and regulations, individuals who</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					that the organs being transplanted were from legal sources; and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.	are sentenced to death are those criminals who have committed extremely serious crimes and who should be sentenced to death and executed immediately (i.e. without reprieve), not for being Falun Gong practitioners. For this reason, there are no statistical data for Falun Gong practitioners who have been executed. In order to deal with the problem of organ supply, each country typically uses two methods: one, to increase social awareness and mobilize the population to donate organs; and two, to facilitate live organ donation and transplant between relatives. China's methods are not exceptions. Moreover, it has placed serious restrictions: citizens who donate live organs must be at least 18 years old and be in possession of full civil capacities; and the live organ recipient must be the spouse, direct blood relative, or within three generations of collateral blood relatives.
41.		22/08/06	JUA	HRD; IJL; TOR;	Gao Zhisheng , aged 42, a human rights lawyer in Beijing (the subject of previously transmitted communications, see above). On 15 August 2006, he was residing with his sister in the city of Yingshe, Shandong Province. At noon, ten to twelve plain clothes officers of the Beijing Public Security Bureau entered the house and detained him "for questioning related to his suspected involvement in criminal activities". It is reported that Mr Gao had been under strict surveillance by the secret police for several months prior to this. The day before he was detained, the phone of the house where he was residing was disconnected,	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					as were the phones of many of his relatives, who also received warnings from the police. Mr Gao's whereabouts remain unknown. The Special Rapporteur (TOR) recalls that he strongly protested to the Ministry of Foreign Affairs against the intimidation and surveillance by the security services that Mr Gao was subjected to during their meeting in Beijing on 20 November 2005 (E/CN.4/2006/6/Add.6, para. 10; and Appendix 3, paras. 2-3). Moreover, he regrets that despite the numerous further allegations of threats and intimidation he has received concerning Mr Gao, no measures have been carried out by the Government to investigate and prevent them.	
42.		31/08/06	JUA	RINT; TOR;	Bu Dongwei (also known as David Bu), aged 38, Falun Gong practitioner. On 19 May 2006, he was detained by around seven police officers at his home in the Haidian District of Beijing. On 19 June, he was assigned to two and a half years re-education through labour by the Beijing Re-education Through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of 'resisting the implementation of national laws' and 'disturbing social order'. Despite repeated requests to the authorities, his family have not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education Through Labour facility in Beijing on 21 August. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-	At the time this report was finalized, the reply of the Government of 28/11/06 had not been translated.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law'. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.	
43.		22/11/06	UA	TOR;	He Depu. He was interviewed by the Special Rapporteur on Torture on 22 and 24 November 2005 at Beijing No. 2 Prison, during his visit to the People's Republic of China (E/CN.4/2006/6/Add.6, Appendix 2, para. 6). In the recent past, his diet and physical condition have deteriorated sharply. He is reported to be emaciated, having lost approximately 18kg. Concern is expressed that his physical and mental integrity may be at further risk without provision of medical treatment.	
44.		30/11/06	JUA	WGAD; HRD; IJL; TOR; VAW;	Gao Zhisheng , a lawyer and Director of the Shengzhi Law Office in Beijing, his wife Ms Geng He , their children aged 13 years and two years and his 70 year old mother-in-law . On 24 November 2006 Ms Geng was beaten by members of the State Security police who had been following her movements and keeping her under surveillance. It is reported that Ms Geng, her 13 year old daughter and her mother have been constantly followed by police for approximately three months. The incident reportedly took place on a street in Beijing (Jingsong Road, near the Lidu Hotel on bus route 408), after Ms Geng told three police officers (two	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					<p>male, one female) to stop following her and her children. As a result of the beating by the two male police officers, Ms Geng is reported to have sustained loosened teeth, a bleeding mouth and gums, her fingernail on one hand completely torn off and her leather clothing ripped into pieces. It is further reported that Mr Gao and Ms Geng's 13 year old daughter, Gege, has also been harassed by the State Security Police who follow her at all times, including while she is in school. It is reported that they follow her to her classroom, in the school corridors and even to the bathroom, which makes her educational environment difficult. Furthermore, on 21 November, it is reported that Beijing police showed their badges and attempted to pick up Tianyu, their two year old son, but his kindergarten teacher refused to comply. It has also been reported that Ms Geng's 70 year old mother is tailed by police if she leaves the house. On 12 October 2006, Mr Gao Zhisheng was formally charged with "incitement to subvert the State". It is reported that on 6 October 2006, Ms Geng's birthday, she was allowed to see her husband at the Beijing No. 2 Detention Centre where they were watched and interrupted by police officers throughout the visit which lasted for approximately 20 minutes. However sources indicate that Mr Gao has still not had access to his lawyer Mr Mo Shaoping despite the recent discovery of his current whereabouts, as the authorities have reportedly stated that his case concerns "State secrets". Prior to 6 October 2006 he had allegedly been held incommunicado since</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					15 August 2006 when he was arrested without a warrant at his sister's house in Dongying City in Shandong Province, by more than 20 plain clothes police officers from the Beijing Public Security Bureau. According to reports, the official Xinhua News Agency released a statement on 18 August 2006 stating that Mr Gao had been arrested "on suspicion of breaking the law" however details of the alleged crime he had committed were not provided.	
45.		01/12/06	JUA	WGAD; RINT; TOR;	Zhang Hongwei , member of Falun Gong, residing at Tonghua District, Jilin Province, currently detained at Jilin Prison. His health condition is severe. By the beginning of 2006, he was diagnosed with type III tuberculosis. Body fluid was accumulating in his chest and in March 2006 he also suffered from pleurisy, high blood pressure and heart disease. Thereafter, he was transferred to the prison hospital, however, still ill-treated by prison guards. Several applications by Mr Zhang's family for medical parole and access to his x-rays were refused. Further, his family was denied permission to visit him. Concern is expressed as regards his deteriorating health and physical integrity, also in view of his incommunicado and solitary detention. Mr Zhang was arrested in Beijing and sentenced to 11 years of imprisonment in 2001. Later that year he was transferred to Tiebei Prison in Changchun city, where he went on a 53 day hunger strike, and then, in March 2002, to Jilin Prison. There, Mr Zhang was held in solitary confinement for two years and five months and ill-treated.	



General Assembly

Distr.
GENERAL

A/HRC/4/34/Add.1
19 March 2007

ENGLISH / FRENCH / SPANISH

HUMAN RIGHTS COUNCIL
Fourth session
Agenda item 2

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on violence against women, its causes and consequences,
Yakin Ertürk**

Addendum

Communications to and from Governments * **

* The report is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

** The present document is submitted late to reflect the most up-to-date information possible.

169. On 27 June 2006, lawyers L. Jinsong and L. Subin attempted again to see Y. Weijing (to seek medical parole for Chen Guangcheng), but were also harassed by persons in the village, while the police refused to intervene. Around 20 men turned over their car (while L. Jonsong was still inside) and smashed their cameras. L. Jonsong was then taken to the police station for questioning. He resigned as Chief Counsel for Chen Guancheng's case.

170. On 18 August 2006, the day before C. Guangcheng's trial, his lawyers were detained by police. X. Zhiyong who replaced L. Jinsong was allegedly beaten and taken into police custody and not released until 22 hours later after C. Guangcheng's trial had ended. Similarly, it is alleged that L. Jinsong and another lawyer, Z. Lilhui were detained by police the night before the trial then released after the trial without charge.

171. On 24 August 2006, the Yinan County People's Court convicted C. Guangcheng under article 291 of the Chinese Criminal Code (CCC) for "gathering crowds to disrupt traffic" and "intentional destruction of property". CCC article 291 provides that "[w]here people are gathered to disturb order at railway stations or bus terminals, ferry landings, civil airports, market places, parks, theatres and cinemas, exhibition halls, sports grounds or other public places, or to block traffic or disrupt the movement of traffic, or to resist or obstruct public security officials from carrying out their duties according to law, if the resulting situation is serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or surveillance." C. Guangcheng was sentenced to four years and three months imprisonment.

172. However, the Linyi City Intermediate People's Court, when reviewing the appeal by C. Guangcheng's lawyers, overturned this verdict on 30 October 2006 on the basis of insufficient evidence for convicting C. Guangcheng for the offence under CCC article 291. Instead of declaring C. Guangcheng to be innocent and releasing him, the Intermediate Court referred the case back to the lower court for re-trial. He continued to be held in detention at the Yinan County Detention Centre.

Response to an allegation letter sent in 2005

173. On 29 December 2005, the Special Rapporteur, jointly with the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the question of torture, sent an allegation letter concerning **Liu Jizhi**, aged 51 and **Han Yuzhi**, aged 42, both of whom are Falun Gong practitioners. According to the information received: On the night of 24 November 2005, Liu Jizhi was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and given electric shocks with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer called He Xuejian took Liu Jizhi to a room, where he lifted her shirt and touched her breasts. He then gave her electric shocks on her breasts with a stun baton. Another police officer called Wang came into the room and encouraged He Xuejian to beat her up. After Wang left the room, He Xuejian raped Liu Jizhi. While raping her, he repeatedly slapped her in the face. He then brought Han Yuzhi into the same room and raped her too. Both rapes took place in the presence of another police officer, Dadjun, who made no attempt to intervene or prevent the incidents.

174. By letter dated 28 June 2006, the Government informed that on 24 November 2005, the two women were taken in to the local public security office for questioning, on suspicion of

involvement in illegal activities, and were released in the afternoon of the same day. On 26 November, the Dashiqiao criminal police team in the Tunzhou City Public Security Bureau received a complaint from HY, claiming that she had been raped by HX. On 27 November, LJ also filed a report with the Tunzhou Public Security Bureau, stating that she too had been raped. The authorities promptly summoned the policed officer in question. In the ensuing questioning and investigation, it was ascertained that he was a temporary employee in the Dongchengfang Township Public Security Office. He admitted that, in the afternoon of 25 November 2005, he had taken LJ and HY in turn back to his hostel, where he had indecently assaulted LY and had raped HY. On 9 December, following approval from the procuratorial authorities, he was taken into custody. On 29 April 2006, the Baoding City People's Office of the Procurator, Hebei Province, instituted criminal proceedings with the Baoding City People's Intermediate Level Court against the defendant for the commission of the offences of rape and indecent assault of a woman. On 19 May 2006, after hearing the case, the court sentenced the defendant to eight years' fixed term imprisonment. On appeal, on 7 June, the Hebei People's High Court dismissed the appeal and upheld the original judgment.

Observations

175. The Special Rapporteur would like to thank the Government of China for its reply to her communications of 29 December 2005, 1 February 2006 and 24 March 2006. However, she regrets not yet having received any reply to her communications on 30 November 2006 and 21 December 2006 and would like to reiterate her interest in receiving a reply also from the Government in regard to these allegation submitted.