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HUMAN RIGHTS COUNCIL  
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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 \* \*\***

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\* 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.