



**General Assembly**

Distr.  
GENERAL

A/HRC/11/2/Add.1  
29 May 2009

ENGLISH/FRENCH/SPANISH  
ONLY

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HUMAN RIGHTS COUNCIL  
Eleventh session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on extrajudicial, summary or  
arbitrary executions, Philip Alston\***

**Addendum**

**SUMMARY OF CASES TRANSMITTED TO GOVERNMENTS  
AND REPLIES RECEIVED\*\***

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\* Late submission.

\*\* The present report is circulated as received, in the languages of submission only, as it greatly exceeds the word limitation currently imposed by the relevant General Assembly resolutions.

### Annex

Country	Communications sent <sup>1</sup>	Government responses received	Number and category of individuals concerned <sup>2</sup>	Alleged violations of the right to life upon which the Special Rapporteur intervened	Character of replies received
Bangladesh	2 (2 AL)	2 (2 AL)	2 males	Deaths in custody (2)	Receipts acknowledged (2)
Bolivia	1 (1 AL)	1 (1 AL)	Unknown	Impunity (1)	Largely satisfactory response (1)
Brazil	2 (2 AL)	1 (1 AL)	3 males (1 HRD)	Attacks or killings (1) Attacks or killings/Impunity (1)	Largely satisfactory response (1) No response (1)
Cameroon	1 (1 AL)	1 (1 AL)	139 persons	Excessive force/Impunity (1)	Receipt acknowledged (1)
Chad	1 (1 AL)	0	72 persons (4 members of security forces)	Excessive force (1)	No response (1)
China	5 (3 UA, 2 AL)	4 (3 UA, 1 AL)	13 males 7 females Unknown	Death penalty safeguards (2) Deaths in custody (1) Excessive force (2)	Cooperative but incomplete response (2) No response (recent communication) (1) Translation awaited (2)
Colombia	6 (5 UA, 1 AL)	4 (3 UA, 1 AL)	22 males 2 females 19 persons	Death threats (2) Attacks or killings/Excessive force (1) Attacks or killings (2) Attacks or killings/Death threats/Impunity (1)	Largely satisfactory response (2) Cooperative but incomplete response (1) Receipt acknowledged (1) No response (1 recent communication) (2)
Democratic People's Republic of Korea	1 (1 AL)	0	2 males 13 females	Death penalty safeguards (1)	No response (1)

<sup>1</sup> UA = Urgent Appeal; AL = Allegation Letter.

<sup>2</sup> HRD = Human Rights Defender.

**China: Violence during demonstrations in the Tibet Autonomous Region  
and surrounding areas**

**Violation alleged:** Deaths due to excessive use of force by law enforcement officials

**Subject(s) of appeal:** Unknown number of persons

**Character of reply:** Cooperative but incomplete response

**Observations of the Special Rapporteur**

The Special Rapporteur appreciates the information provided by the Government of China with respect to the events of March 2008. However, the Special Rapporteur notes that the Government still has not provided detailed information about the deaths of the 18 persons referred to in the Government's response.

Specifically, the Special Rapporteur looks forward to receiving information on the investigations of each of those deaths, including the role, if any, of police and security forces, and the measures police and security forces took to avoid the loss of life. He would also appreciate receiving a copy of the report by the Aba police, published by the national police, regarding the Aba police officers' firing of weapons and injury of rioters on 16 March 2008. The Special Rapporteur would also request information from the Government about any independent investigation into the events of 16 March 2008. Finally, the Special Rapporteur looks forward to receiving reports of the investigations that were still in progress at the time of the Government's response.

**Urgent appeal dated 20 March 2008**, sent with the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the question of torture and the Special Rapporteur on the situation of human rights defenders

In this connection, we would like to bring to your Government's attention information we have received with regard to **reports of violence during demonstrations in the Tibet Autonomous Region and surrounding areas in China, killings of an unconfirmed number of people and arrests of hundreds of demonstrators.**

According to allegations received:

On 10 March 2008, demonstrations led by monks were organised demanding greater freedom of religion and the release of monks detained since October 2007. It is reported that 300 monks from Drepung Monastery, near Lhasa, proceeded with a peaceful march towards the Potala Palace when they were stopped by the police. It is believed that around **60 monks** suspected to be the leaders of the protest were arrested by the Public Security Bureau (PSB).

Sixteen people, including 15 visiting students monks in Sera Monastery, identified as **Lobsang**, aged 15, **Lobsang Thukjey**, aged 19, **Tsultrim Palden**, aged 20, **Lobsher**, aged 20, **Phurdan**, aged 22, **Thubdron**, aged 24, **Lodroe**, aged 30, and

**Lobsang Ngodrub**, aged 29, from Onpo Monastery, Sichuan Province; **Zoepa**, aged 30, from Mangye Monastery; **Trulku Tenpa Rigsang**, aged 26, **Gelek Pel**, aged 32, and **Samten**, aged 17 from Lungkar Monastery, Qinghai Province; **Pema Karwang**, aged 30 and **Thubwang**, aged 30, from Darthang Monastery; and **Tsegyam**, aged 22, from Kashi Monastery led a march on Barkhor Street in Lhasa, distributing pamphlets and raising Tibetan flags. It is reported that they were arrested by the People's Armed Police. Additional contingents of armed forces were then stationed in the area, and the police blocked roads and encircled Drepung and Sera monasteries around Lhasa to prevent further protests from taking place.

On the same day, about 350 people, including 137 monks from Lhutsang Monastery in the Tibetan area of Amdo in Mangra County, organised a protest in front of the Mangra County Assembly Hall where a government-sponsored show was taking place. The protest was stopped by the People's Armed Police. A number of arrests took place during the disruption of the protest, but no information on the whereabouts of the arrested monks has been received.

Reports indicate that on 11 March, 500 to 600 monks from the Sera Monastery called for the release of the monks arrested the day before and began a march towards Lhasa, but were met on the way by approximately 2,000 armed police. The crowd was reportedly dispersed with tear-gas. A number of monks were detained and then released.

On 11 March, the police surrounded and sealed off Ditsa Monastery in Hualong County in Qinghai Province after the monks held a protest.

On 14 March, violent incidents were reported in Lhasa as tension escalated between hundreds of demonstrators and police forces. Gunfire was heard in the streets, and shops and cars were set on fire. Allegations that a significant number of Tibetans and Han and Hui Chinese have been killed during the demonstrations have been received. Monks from Ganden and Reting monasteries joined the demonstrations, and the two monasteries were later sealed off by police. A number of monks from Sera Monastery started a hunger strike to protest against the sealing off of monasteries and the detention of monks.

Reports indicate that, in particular since 14 March, the wave of demonstrations by monks and lay people has spread in the whole Tibet Autonomous Region and in neighbouring provinces. These demonstrations have reportedly sometimes been violently repressed, in many cases leading to arrests of demonstrators. Allegations were received that since 14 March, the People's Liberation Army has been patrolling the streets of Lhasa.

On 15 March, shooting was reported inside the compound of Tashi Lhunpo Monastery in Shigatse, and at least 40 lay people demonstrating around the monastery were arrested. The next day, monks trying to escape the Kirti Monastery in Amdo in the Sichuan Province, which had been sealed off by the military, have allegedly been shot at; tear-gas was reportedly used on the demonstrators supporting the monks outside the monastery, and many demonstrators were severely beaten by the police. The police is then alleged to have shot into the crowd, killing and injuring a considerable but unconfirmed number of people.

On 17 March, students of Marthang Nationality Middle School in Hongyuan xian County, Aba Prefecture, Sichuan Province, aged between 14 and 20, started a protest inside the school. PSB officials blocked the entrance and beat the students while they were trying to come out of the school. Approximately 40 students are said to have been arrested. Around 700 students then staged a demonstration outside the Hongyuan xian County PSB office to protest against the detention of fellow students.

Since 10 March, it is reported that raids in the homes of people formerly imprisoned for their political opinions have taken place. Since 15 March, house-to-house searches are allegedly being carried out in Lhasa, with CDs and printed material being confiscated, and people being taken in custody. It is reported that on 15 March, at least 600 people had been arrested in Lhasa, either as a result of a house search or during demonstrations. Three hundred additional people were reportedly arrested on 16 March.

Reports indicate that on 13 March, the Lhasa Foreign Bureau Office has issued a warning to non-governmental organisations that any information given to foreigners regarding the protests could result in strict legal action against the concerned individuals and organisations, including the closing down of the latter.

On 17 March the authorities deported approximately 15 journalists from at least six Hong Kong television, radio and print organisations, accusing them of “illegal reporting” and of illegally shooting films of People’s Liberation Army soldiers. The journalists were escorted to the airport and put on a plane to Chengdu in Sichuan Province, and the police is alleged to have looked into the journalists computers and video footages. The authorities allegedly refused to grant permits to allow foreign journalists to travel to the Tibet Autonomous Region as from 12 March, and are reported to have ordered them out of the Tibetan parts of Gansu and Qinghai provinces on 16 March, the police reportedly saying that it was for their safety. Further reports indicate that within the country, video-sharing websites as well as news websites are inaccessible and that international news broadcasts are being cut when showing reports of the events in the Tibet Autonomous Region and surrounding areas in China.

On 15 March, the Tibet Autonomous Region High People’s Court, Tibet Autonomous Region High People’s Procuratorate, and Tibet Autonomous Region Public Security Department issued a notice, asking that:

“1. Those who on their own volition submit themselves to police or judicial offices prior to midnight on 17 March shall be punished lightly or dealt mitigated punishment; those who surrender themselves and report on other criminal elements will be performing meritorious acts and may escape punishment. Criminal elements who do not submit themselves in time shall be punished severely according to law.

2. Those who harbour or hide criminal elements shall be punished severely according to law upon completion of investigations.

3. Those citizens who actively report and expose the criminal behaviour of criminal elements shall receive personal protection, and granted commendations and awards.”

According to the latest information received, demonstrations continue to take place, both in the Tibet Autonomous Region and neighbouring provinces, despite the official notice.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would like to appeal to your Excellency’s Government to take all necessary steps to ensure the right of peaceful assembly as recognized in article 20 (1) of the Universal Declaration of Human Rights, which provides that “Everyone has the right to peaceful assembly and association”.

We should like to appeal to your Excellency’s Government to seek clarification of the circumstances regarding the case of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this connection we would like to refer Your Excellency’s Government to the fundamental principle set forth in Article 3 of the Universal Declaration of Human Rights which provides that every individual has the right to life and security of the person. I would also note the relevance in such situations of the UN Basic Principles on the Use of Force and Firearms by Law Officials. Principle 4 provides that, “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms.” Furthermore, Principle 5 provides that, “Whenever the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.”

We would also like to draw your Government’s attention to paragraph 1 of Resolution 2005/39 of the Commission on Human Rights which, “Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.”

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights as well as of the International Covenant on Civil and Political Rights.

We would like to call your Excellency's Government's attention to the principle enunciated in Article 19 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, as endorsed in E/CN.4/1996/39 of 1996, whereby any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or non-governmental organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organizations from areas that are experiencing violence or armed conflict except where their presence poses a clear risk to the safety of others.

In this connection, we would like to refer Your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- Article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- Article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- Article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

The Special Rapporteur on extrajudicial, summary or arbitrary executions would also like to reiterate his longstanding request for an invitation to visit China, including Tibet.

We urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to us by the Commission on Human Rights and extended by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provided detailed information as to the number of people killed, and explain the circumstances in which each killing occurred. In particular, please detail whether there were any killings by police or security forces. If there were, please explain whether the use of lethal force was justified in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Officials, and what investigations have been carried out to make this determination.
3. Please indicate the legal basis of the arrest and detention of the afore-mentioned persons, and how these measures are compatible with international norms and standards as contained, inter alia, in the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.
4. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

#### **Reply from the Government of China dated 21 May 2008**

Receipt is hereby acknowledged of the letter addressed jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders

(UA G/SO 214 (67-14) G/SO 214 (56-20) G/SO 214 (107-6) G/SO 214 (33-24) G/SO 214 (53-21) CHN 9/2008) and the letter addressed jointly by the Independent expert on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on the situation of human rights defenders and the [Vice-Chairperson of the] Working Group on Arbitrary Detention (UA G/SO 218/2 G/SO 214 (67-14) G/SO 214 (56-20) G/SO 214 (107-6) Minorities (2005-1) G/SO 214 (33-24) G/SO 214 (53-21) CHN 11/2008).

In March of this year there occurred in Lhasa and other places events that were incorrectly described as “peaceful demonstrations” but were actually serious acts of criminal violence involving beating, the destruction of property, looting and arson. Faced with such violent criminal acts, which seriously disrupted public order and did serious damage to human life, property and security, no responsible Government could simply sit back and not act. At present, the situation in the aforementioned areas has calmed down, and stability and public order have been restored. The judicial authorities of the Tibet Autonomous Region and the other areas in question are dealing with the criminal suspects severely, in accordance with judicial procedures. Those whose offences are lesser and who displayed a positive attitude, acknowledging their guilt, have been released. Those whose situations are more serious shall have their criminal responsibility investigated in accordance with the law.

The aforementioned serious violent criminal events were carefully plotted in advance and instigated by the Dalai clique. In their handling of the entire incident, the competent authorities of the Tibet Autonomous Region and other areas showed great restraint; they enforced the law in a civilized manner, and they enjoyed broad popular support. At the international level, however, some people have distorted the facts, creating untrue news stories and providing the United Nations special procedures with inaccurate information. Tibetan affairs are part of China’s internal affairs; nevertheless, in an effort to help the special procedures learn the truth about these events and to prevent the Dalai clique and anti-China elements from exploiting them, the competent authorities of the Chinese Government have thoroughly investigated the incidents described in the aforementioned letters and wish to make the following reply:

1. The truth about the violent criminal events

(a) In mid-March 2008, a series of serious violent criminal acts took place in the city of Lhasa, in China’s Tibet Autonomous Region. Starting on 10 March, a group of lawbreakers, acting without authorization, gathered illegally to create a disturbance; when police officers arrived to dissuade them, in accordance with the law, they clashed with them, cursing them and violently attacking the officers with clubs, rocks and knives. At approximately 11 a.m. on 14 March, some monks at the Ramoche Temple threw stones at the police officers on duty. Subsequently, a group of rioters began to gather in Barkhor Street, shouting separatist slogans and wantonly beating, smashing and looting. The situation quickly spread. The lawbreakers smashed and burned shops, primary and secondary schools, hospitals, banks, electrical and communications installations and news agencies along the main streets of Lhasa and set fire to cars, chased and beat pedestrians, and attacked stores, telecommunications and Internet outlets and Government offices. The rioters’ savage behaviour during these incidents resulted in the

slashing or burning to death of 18 innocent persons, including an infant less than 1 year old; 382 innocent persons were also injured, 58 of them seriously. The rioters set fire to over 300 sites, burning down 7 schools, 5 hospitals, more than 1,300 stores and 120 homes, causing extensive loss of human life and property, and occasioning a direct economic loss of 280 billion yuan renminbi. Public order in the affected area was severely disrupted.

All ethnic minorities in Tibet expressed their great indignation at and severe criticism of the violent criminal acts that took place in Lhasa. The Tibet Autonomous Region quickly organized the police and other relevant agencies to put out the fires, provide aid to the injured and reinforce the security provided to schools, hospitals, banks and Government offices. The Chinese Government and the Government of the Tibet Autonomous Region took these measures to protect law and order and social stability, and to safeguard the human rights of all ethnic groups in Tibet. In dealing with these violent criminal incidents and restoring law and public order in accordance with the law, the competent Chinese and Tibetan Government authorities exercised the utmost restraint. While enforcing the law they consistently acted in a lawful and civilized manner; they did not carry or use any lethal or injurious weapons. The People's Liberation Army was not involved in the efforts to quell these violent criminal incidents.

(b) At 11 a.m. on 16 March 2008, more than 300 monks in Aba, Sichuan Province, assaulted and beat police officers, handing out inflammatory flyers and shouting separatist slogans; they threw rocks and homemade Molotov cocktails at the police and went on a rampage of smashing and burning. At 3 p.m., a group of monks joined with other rioters to once again strike Government facilities, schools and police stations, engaging in smashing, looting and burning. That day rioters burned down 24 stores and 2 police stations and set fire to 81 police and civilian vehicles. Some 200 innocent bystanders, Government workers and police officers were injured.

Seeking to restore law and order, the local Government immediately took steps to bring the situation under control and protect life, property and fundamental human rights. During these incidents, law enforcement was carried out in a civilized manner by the local police, who consistently displayed a high degree of restraint; even though they had shields to protect themselves during the rioters' brutal attacks, scores of police officers were injured from blows and burns, one critically. The Chinese People's Liberation Army did not take part in the response to these incidents.

## 2. Questions regarding the use of lethal or injurious weapons

In their efforts to deal with the violent criminal acts in the Tibet Autonomous Region in accordance with the law and to restore law and order, the local Government authorities exercised maximum restraint: law enforcement was consistently carried out in a lawful and civilized manner, and no lethal or injurious weapons were carried or used. For this very reason, there were only 242 casualties among law enforcement personnel, including 23 seriously injured and 1 dead.

On 16 March, in the Tibetan Autonomous Prefecture of Aba, Sichuan Province, rioters broke into the Aba Township police station and stabbed the police officers. When the rioters stole police firearms from a safe, the police fired warning shots, in accordance with the law, to no effect. They were thus compelled to open fire in self-defence, striking and injuring four

rioters, who managed to escape with their co-conspirators in the confusion. Immediately afterwards, the officers involved in the incident, acting pursuant to regulations, submitted a report to their superiors, which the national police promptly published. The firing of weapons in self-defence by the Aba police was fully consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

3. Alleged control of reporting by the media

During the violent criminal acts in Lhasa, when public order was severely disrupted and rioters were wilfully beating, burning and killing innocent persons, it was not safe for foreign reporters in Lhasa to cover the events. Reporters for the British publication *The Economist* and other foreign publications who were at the scene did provide coverage of the events. After the situation calmed down, the Chinese Government immediately organized a series of inspection tours to Tibet for representatives of 19 foreign media and delegations of foreign diplomats based in China. The Chinese media, including the Tibetan regional media, all reported on the events.

4. The legal basis for the arrest and detention of monks and nuns

In the wake of the destructive events in Lhasa, the competent authorities of China and the Tibet Autonomous Region arrested a number of major criminal suspects who had participated in the events and had been involved in their organization and plotting. Among these were a number of monks and nuns.

International human rights instruments, including the Universal Declaration of Human Rights (art. 29, para. 2), stipulate that “[i]n the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”. During the aforementioned incidents the rioters showed absolutely no respect for the rights and freedoms of innocent persons but wilfully disrupted public order and harmed the welfare of others. The Chinese and Tibetan Regional Governments consider that the lawful measures taken were fully consistent with the relevant provisions of international human rights instruments.

China is a country governed by the rule of law. Everyone is equal before the law, and anyone who violates the law shall be liable to punishment in accordance with the law, with no distinction made for citizens on account of their religious beliefs. During the violent criminal acts that were perpetrated in Lhasa and other locations, a small number of monks and nuns took part in unauthorized demonstrations; in the course of these demonstrations they engaged in violent activities that led to the death of scores of persons and the injuring of hundreds more; they burned and destroyed public property, including numerous homes and schools, they advocated separatism, they harmed the State and they jeopardized public safety, seriously violating the Law of the People’s Republic of China on Assemblies, Processions and Demonstrations and the Criminal Law of the People’s Republic of China. The treatment shown by China’s law enforcement and judicial authorities will differ depending on the nature of the criminal offence: where the offence is serious, the offender’s criminal responsibility will be ascertained; where the offence is minor, the offender will be provided with education and released. This work is already under way.

5. Investigations, prosecutions and trials

In the wake of the violent criminal events that transpired in Lhasa, the law enforcement and judicial authorities of China and the Tibet Autonomous Region conducted investigations and inquiries in accordance with the law.

On 29 April 2008, the Lhasa Municipal Intermediate People's Court held an open trial of some of the persons accused of participating in the "events of 14 March". The court found 30 accused persons (Pasang et al.) guilty of the crimes of arson, looting, instigating fights and troublemaking, assembling a group to attack a State organ, disrupting public service and theft. The defendants Pasang, Sonam Tsering and Tsering were sentenced to life imprisonment. The defendants Jigme, Kalsang Bagdro, Karma Dawa, Dorje, Migmar, Ngawang Choeyang and Bagdro were given sentences of fixed-term imprisonment of 15 years and more. The defendants Yargyal, Choephel Tashi, Dorje Dargye, Ngawang, Kalsang Tsering, Migmar, Sonam Tsering, Kelsang Samten, Tseten, Palsang Tashi, Lhagpa Tsering Chewa (Sr.), Lobsang Tashi, Lhagpa Tsering, Darchen, Thubten Gyatso, Tashi Gyatso, Kalsang Dondrub, Tenzin Gyaltzen, Kalsang Nyima and Yeshe were given sentences of fixed-term imprisonment ranging from 3 to 14 years.

The court informed the accused that if they refused to accept these judgements they could file an appeal with the Lhasa Municipal Intermediate People's Court or with the Tibet Autonomous Region Supreme People's Court within 10 days of the date of service of the judgement.

China's Criminal Procedure Law stipulates that People's Courts may or should appoint a defence counsel in cases where the defendant has not appointed counsel, the case is of great social significance, the defendant is totally without financial resources or the court considers that the prosecution arguments and evidence submitted may affect the proper determination of the severity of the sentence. Accordingly, the Lhasa Municipal Intermediate People's Court appointed defence attorneys for the 30 defendants. The defence arguments presented by these lawyers were given full value during the trial proceedings, and the mitigating circumstances that they cited in respect of the defendants, which were verified through investigation, were all accepted by the court.

China's Criminal Procedure Law stipulates that all citizens who are members of ethnic minorities have the right to use their own spoken and written language in an appeal. Of the 14 open hearings held in the Lhasa Municipal Intermediate People's Court, the proceedings were fully conducted in the Tibetan language in 9, while in the remaining 5 cases, the defendants were provided with Tibetan-Chinese interpretation.

It has been explained that the costs associated with the defence lawyers and interpreters provided for the defendants were entirely borne by the Tibet Autonomous Region Legal Aid Centre.

On the day of the hearings, more than 300 Lhasa residents, students and monks representing all ethnic minorities and all groups within society attended the trials.

The judicial authorities of the Tibet Autonomous Region and other localities intend to continue their efforts to deal in accordance with the law with the criminal suspects who participated in these violent criminal acts.

6. Related cases

Owing to time constraints and the incomplete nature of the information contained in the aforementioned letters, as well as the fact that the investigations being conducted by the Chinese authorities concerned are still in progress, China will continue to transmit to the relevant bodies information regarding the outcome of these investigations.

The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in the relevant documents of the United Nations.

**China: Killings, injuries and arrests of protestors in Gan Zi Xian,  
Sichuan Province**

**Violation alleged:** Deaths due to excessive use of force by law enforcement officials

**Subject(s) of appeal:** Unknown number of persons

**Character of reply:** Cooperative but incomplete response

**Observations of the Special Rapporteur**

The Special Rapporteur notes the information provided by the Government of China with respect to the events of March 2008. However, the response does not address the alleged use of lethal force by security forces and the death of 8 protestors in Zithang Township in Gan Zi Xian, Sichuan Province, on 3 April 2008. The Special Rapporteur remains concerned about the circumstances of these deaths and looks forward to receiving from the Government detailed information about the exact number of people killed, the circumstances of the deaths and the outcome of any investigation into those deaths.

**Urgent appeal dated 9 April 2008**, sent with the Independent Expert on minority issues, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur on the situation of human rights defenders and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention

In this connection, we would like to draw the attention of your Government to information we have received in relation to reports of **killings, injuries and arrests of protestors in Gan Zi Xian, Sichuan Province**, and the **arrests of over 570 Tibetan monks, including children, in Aba Xian and in Ruanggui/Zoige Xian the Tibetan Autonomous Region**.

A communication with regard to reports of violence during demonstrations, killings of an unconfirmed number of people and arrests of hundreds of demonstrators in the Tibetan Autonomous Region and surrounding areas in China was issued by the Special Rapporteur on

extrajudicial, summary or arbitrary executions, Special Rapporteur on freedom of religion or belief, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the question of torture and Special Representative of the Secretary-General on the situation of human rights defenders on 20 March 2008.

According to recent information received:

On 3 April 2008, at least eight protestors were killed and several injured when security forces opened fire during a peaceful protest in Zithang Township in Gan Zi Xian, Sichuan Province, calling for the release of two monks previously arrested. Several protestors were also arrested.

On 28 and 29 March 2008, over 570 Tibetan monks, including some children, were arrested following raids by security forces of the Chinese People's Armed Police and the Public Security Bureau on monasteries in Aba Xian and in Ruanggui/Zoige Xian in the Tibetan Autonomous Region. Arrests were made of those suspected of participating in protests and those suspected of communicating with the exiled Tibetan communities.

Serious concerns are expressed over the aforementioned arrests and detention of, and the excessive use of force against, the above-mentioned persons, including reportedly peaceful protestors. Further concerns are expressed that independent observers and foreign journalists have been restricted from accessing regions in which protests have taken place and that limitations have been imposed on the media, including Internet websites, to prohibit the dissemination of information throughout China concerning the events in the Tibetan Autonomous Region and abroad.

Without in any way implying any determination on the facts of the case, we would like to refer Your Excellency's Government to the fundamental principle set forth in Article 3 of the Universal Declaration of Human Rights which provides that every individual has the right to life and security of the person. I would also note the relevance in such situations of the UN Basic Principles on the Use of Force and Firearms by Law Officials. Principle 4 provides that, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms." Furthermore, Principle 5 provides that, "Whenever the use of force and firearms is unavoidable law enforcement officials shall, (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment and (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment."

Furthermore, without expressing at this stage an opinion on the facts of the case and on whether the detention of the above-mentioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights.

We would also like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the above cases. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We would further like to draw your Government's attention to paragraph 1 of Resolution 2005/39 of the Commission on Human Rights which, "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

We would further like to appeal to your Excellency's Government to take all necessary measures to guarantee the right to peaceful assembly enshrined in Article 20 of the Universal Declaration of Human Rights, which provides that "Everyone has the right to freedom of peaceful assembly and association".

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights as well as of the International Covenant on Civil and Political Rights.

We would also like to refer Your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- Article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully.
- Article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- Article 9 para. 1 which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
- Article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

In addition, we would like to refer to the 2006 report to the General Assembly (A/61/312) of the Special Representative of the Secretary-General on the situation of human rights defenders and in particular to paragraph 98 which states that “in conformity with article 15 of the Declaration on Human Rights Defenders, the Special Representative urges States to ensure that law enforcement agencies and their members are trained in and aware of international human rights standards and international standards for the policing of peaceful assemblies, including the Declaration on Human Rights Defenders, the Code of Conduct for Law Enforcement Officials and other relevant treaties, declarations and guidelines. The Special Representative also advises all States that all allegations of indiscriminate and/or excessive use of force by law enforcement officials should be properly investigated and appropriate action taken against the responsible officials”.

With regard to the role of media and human rights defender in monitoring demonstrations, we would like to refer to the 2007 report to the General Assembly of the Special Representative of the Secretary-General on the situation of human rights defenders (A/62/225, paras. 91 and 93) that underline how “monitoring of assemblies can provide an impartial and objective account of what takes place, including a factual record of the conduct of both participants and law enforcement officials. [...] The very presence of human rights monitors during demonstrations can deter human rights violations. It is therefore important to allow human rights defenders to operate freely in the context of freedom of assembly. [...] Journalists as well have an important role to play in providing independent coverage of demonstrations and protests. [...] The media must therefore have access to assemblies and the policing operations mounted to facilitate them”.

Finally, your Excellency's Government is equally reminded of the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

In the event that your investigations support or suggest the above allegations to be correct, we urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and accountability of any person guilty of the alleged violations is ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Commission on Human Rights and extended by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary accurate?
2. Please provide detailed information as to the exact number of people killed, and explain the circumstances in which each killing occurred. In particular, please detail whether the police or security forces were involved in the killings. If they were, please explain whether the use of lethal force was justified in accordance with the UN Basic Principles on the Use of Force and Firearms by Law Officials, and what investigations have been carried out to make this determination.
3. Please indicate the legal basis of the aforementioned arrest and detention of the persons concerned, and how these measures are compatible with international norms and standards, including the rights to freedom of expression and assembly, as contained, inter alia, in the Universal Declaration of Human Rights and the Declaration on Human Rights Defenders.
4. Please provide the details, and where available the results, of any investigations, medical examination and judicial or other inquiries carried out in relation to these events. If no inquiries have taken place, or if they have been inconclusive, please explain why.
5. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

**Reply from the Government of China dated 21 May 2008**

Receipt is hereby acknowledged of the letter addressed jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of

opinion and expression, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders (UA G/SO 214 (67-14) G/SO 214 (56-20) G/SO 214 (107-6) G/SO 214 (33-24) G/SO 214 (53 21) CHN 9/2008) and the letter addressed jointly by the Independent expert on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on the situation of human rights defenders and the [Vice-Chairperson of the] Working Group on Arbitrary Detention (UA G/SO 218/2 G/SO 214 (67-14) G/SO 214 (56-20) G/SO 214 (107-6) Minorities (2005-1) G/SO 214 (33-24) G/SO 214 (53-21) CHN 11/2008).

In March of this year there occurred in Lhasa and other places events that were incorrectly described as “peaceful demonstrations” but were actually serious acts of criminal violence involving beating, the destruction of property, looting and arson. Faced with such violent criminal acts, which seriously disrupted public order and did serious damage to human life, property and security, no responsible Government could simply sit back and not act. At present, the situation in the aforementioned areas has calmed down, and stability and public order have been restored. The judicial authorities of the Tibet Autonomous Region and the other areas in question are dealing with the criminal suspects severely, in accordance with judicial procedures. Those whose offences are lesser and who displayed a positive attitude, acknowledging their guilt, have been released. Those whose situations are more serious shall have their criminal responsibility investigated in accordance with the law.

The aforementioned serious violent criminal events were carefully plotted in advance and instigated by the Dalai clique. In their handling of the entire incident, the competent authorities of the Tibet Autonomous Region and other areas showed great restraint; they enforced the law in a civilized manner, and they enjoyed broad popular support. At the international level, however, some people have distorted the facts, creating untrue news stories and providing the United Nations special procedures with inaccurate information. Tibetan affairs are part of China’s internal affairs; nevertheless, in an effort to help the special procedures learn the truth about these events and to prevent the Dalai clique and anti-China elements from exploiting them, the competent authorities of the Chinese Government have thoroughly investigated the incidents described in the aforementioned letters and wish to make the following reply:

1. The truth about the violent criminal events

(a) In mid-March 2008, a series of serious violent criminal acts took place in the city of Lhasa, in China’s Tibet Autonomous Region. Starting on 10 March, a group of lawbreakers, acting without authorization, gathered illegally to create a disturbance; when police officers arrived to dissuade them, in accordance with the law, they clashed with them, cursing them and violently attacking the officers with clubs, rocks and knives. At approximately 11 a.m. on 14 March, some monks at the Ramoche Temple threw stones at the police officers on duty. Subsequently, a group of rioters began to gather in Barkhor Street, shouting separatist slogans and wantonly beating, smashing and looting. The situation quickly spread. The lawbreakers

smashed and burned shops, primary and secondary schools, hospitals, banks, electrical and communications installations and news agencies along the main streets of Lhasa and set fire to cars, chased and beat pedestrians, and attacked stores, telecommunications and Internet outlets and Government offices. The rioters' savage behaviour during these incidents resulted in the slashing or burning to death of 18 innocent persons, including an infant less than 1 year old; 382 innocent persons were also injured, 58 of them seriously. The rioters set fire to over 300 sites, burning down 7 schools, 5 hospitals, more than 1,300 stores and 120 homes, causing extensive loss of human life and property, and occasioning a direct economic loss of 280 billion yuan renminbi. Public order in the affected area was severely disrupted.

All ethnic minorities in Tibet expressed their great indignation at and severe criticism of the violent criminal acts that took place in Lhasa. The Tibet Autonomous Region quickly organized the police and other relevant agencies to put out the fires, provide aid to the injured and reinforce the security provided to schools, hospitals, banks and Government offices. The Chinese Government and the Government of the Tibet Autonomous Region took these measures to protect law and order and social stability, and to safeguard the human rights of all ethnic groups in Tibet. In dealing with these violent criminal incidents and restoring law and public order in accordance with the law, the competent Chinese and Tibetan Government authorities exercised the utmost restraint. While enforcing the law they consistently acted in a lawful and civilized manner; they did not carry or use any lethal or injurious weapons. The People's Liberation Army was not involved in the efforts to quell these violent criminal incidents.

(b) At 11 a.m. on 16 March 2008, more than 300 monks in Aba, Sichuan Province, assaulted and beat police officers, handing out inflammatory flyers and shouting separatist slogans; they threw rocks and homemade Molotov cocktails at the police and went on a rampage of smashing and burning. At 3 p.m., a group of monks joined with other rioters to once again strike Government facilities, schools and police stations, engaging in smashing, looting and burning. That day rioters burned down 24 stores and 2 police stations and set fire to 81 police and civilian vehicles. Some 200 innocent bystanders, Government workers and police officers were injured.

Seeking to restore law and order, the local Government immediately took steps to bring the situation under control and protect life, property and fundamental human rights. During these incidents, law enforcement was carried out in a civilized manner by the local police, who consistently displayed a high degree of restraint; even though they had shields to protect themselves during the rioters' brutal attacks, scores of police officers were injured from blows and burns, one critically. The Chinese People's Liberation Army did not take part in the response to these incidents.

## 2. Questions regarding the use of lethal or injurious weapons

In their efforts to deal with the violent criminal acts in the Tibet Autonomous Region in accordance with the law and to restore law and order, the local Government authorities exercised maximum restraint: law enforcement was consistently carried out in a lawful and civilized manner, and no lethal or injurious weapons were carried or used. For this very reason, there were only 242 casualties among law enforcement personnel, including 23 seriously injured and 1 dead.

On 16 March, in the Tibetan Autonomous Prefecture of Aba, Sichuan Province, rioters broke into the Aba Township police station and stabbed the police officers. When the rioters stole police firearms from a safe, the police fired warning shots, in accordance with the law, to no effect. They were thus compelled to open fire in self-defence, striking and injuring four rioters, who managed to escape with their co-conspirators in the confusion. Immediately afterwards, the officers involved in the incident, acting pursuant to regulations, submitted a report to their superiors, which the national police promptly published. The firing of weapons in self-defence by the Aba police was fully consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

3. Alleged control of reporting by the media

During the violent criminal acts in Lhasa, when public order was severely disrupted and rioters were wilfully beating, burning and killing innocent persons, it was not safe for foreign reporters in Lhasa to cover the events. Reporters for the British publication *The Economist* and other foreign publications who were at the scene did provide coverage of the events. After the situation calmed down, the Chinese Government immediately organized a series of inspection tours to Tibet for representatives of 19 foreign media and delegations of foreign diplomats based in China. The Chinese media, including the Tibetan regional media, all reported on the events.

4. The legal basis for the arrest and detention of monks and nuns

In the wake of the destructive events in Lhasa, the competent authorities of China and the Tibet Autonomous Region arrested a number of major criminal suspects who had participated in the events and had been involved in their organization and plotting. Among these were a number of monks and nuns.

International human rights instruments, including the Universal Declaration of Human Rights (art. 29, para. 2), stipulate that “[i]n the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”. During the aforementioned incidents the rioters showed absolutely no respect for the rights and freedoms of innocent persons but wilfully disrupted public order and harmed the welfare of others. The Chinese and Tibetan Regional Governments consider that the lawful measures taken were fully consistent with the relevant provisions of international human rights instruments.

China is a country governed by the rule of law. Everyone is equal before the law, and anyone who violates the law shall be liable to punishment in accordance with the law, with no distinction made for citizens on account of their religious beliefs. During the violent criminal acts that were perpetrated in Lhasa and other locations, a small number of monks and nuns took part in unauthorized demonstrations; in the course of these demonstrations they engaged in violent activities that led to the death of scores of persons and the injuring of hundreds more; they burned and destroyed public property, including numerous homes and schools, they advocated separatism, they harmed the State and they jeopardized public safety, seriously violating the Law of the People’s Republic of China on Assemblies, Processions and

Demonstrations and the Criminal Law of the People's Republic of China. The treatment shown by China's law enforcement and judicial authorities will differ depending on the nature of the criminal offence: where the offence is serious, the offender's criminal responsibility will be ascertained; where the offence is minor, the offender will be provided with education and released. This work is already under way.

#### 5. Investigations, prosecutions and trials

In the wake of the violent criminal events that transpired in Lhasa, the law enforcement and judicial authorities of China and the Tibet Autonomous Region conducted investigations and inquiries in accordance with the law.

On 29 April 2008, the Lhasa Municipal Intermediate People's Court held an open trial of some of the persons accused of participating in the "events of 14 March". The court found 30 accused persons (Pasang et al.) guilty of the crimes of arson, looting, instigating fights and troublemaking, assembling a group to attack a State organ, disrupting public service and theft. The defendants Pasang, Sonam Tsering and Tsering were sentenced to life imprisonment. The defendants Jigme, Kalsang Bagdro, Karma Dawa, Dorje, Migmar, Ngawang Choeyang and Bagdro were given sentences of fixed-term imprisonment of 15 years and more. The defendants Yargyal, Choephel Tashi, Dorje Dargye, Ngawang, Kalsang Tsering, Migmar, Sonam Tsering, Kelsang Samten, Tseten, Palsang Tashi, Lhagpa Tsering Chewa (Sr.), Lobsang Tashi, Lhagpa Tsering, Darchen, Thubten Gyatso, Tashi Gyatso, Kalsang Dondrub, Tenzin Gyaltsen, Kalsang Nyima and Yeshe were given sentences of fixed-term imprisonment ranging from 3 to 14 years.

The court informed the accused that if they refused to accept these judgements they could file an appeal with the Lhasa Municipal Intermediate People's Court or with the Tibet Autonomous Region Supreme People's Court within 10 days of the date of service of the judgement.

China's Criminal Procedure Law stipulates that People's Courts may or should appoint a defence counsel in cases where the defendant has not appointed counsel, the case is of great social significance, the defendant is totally without financial resources or the court considers that the prosecution arguments and evidence submitted may affect the proper determination of the severity of the sentence. Accordingly, the Lhasa Municipal Intermediate People's Court appointed defence attorneys for the 30 defendants. The defence arguments presented by these lawyers were given full value during the trial proceedings, and the mitigating circumstances that they cited in respect of the defendants, which were verified through investigation, were all accepted by the court.

China's Criminal Procedure Law stipulates that all citizens who are members of ethnic minorities have the right to use their own spoken and written language in an appeal. Of the 14 open hearings held in the Lhasa Municipal Intermediate People's Court, the proceedings were fully conducted in the Tibetan language in 9, while in the remaining 5 cases, the defendants were provided with Tibetan-Chinese interpretation.

It has been explained that the costs associated with the defence lawyers and interpreters provided for the defendants were entirely borne by the Tibet Autonomous Region Legal Aid Centre.

On the day of the hearings, more than 300 Lhasa residents, students and monks representing all ethnic minorities and all groups within society attended the trials.

The judicial authorities of the Tibet Autonomous Region and other localities intend to continue their efforts to deal in accordance with the law with the criminal suspects who participated in these violent criminal acts.

#### 6. Related cases

Owing to time constraints and the incomplete nature of the information contained in the aforementioned letters, as well as the fact that the investigations being conducted by the Chinese authorities concerned are still in progress, China will continue to transmit to the relevant bodies information regarding the outcome of these investigations.

The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in the relevant documents of the United Nations.

#### **China: Public execution of three men in Yengishahar, Xinjiang Province**

**Violation alleged:** Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment

**Subject(s) of appeal:** 3 males

**Character of reply:** UN translation awaited for response of the Government of China of 30 September 2008

**Allegation letter dated 30 July 2008,** sent with the Special Rapporteur on the question of torture and the Special Rapporteur on the promotion and protection of human rights while countering terrorism

We would like to draw the attention of your Government to reports we have received regarding **the public execution of three men in Yengishahar, Xinjiang Province**, on 19 July 2008. They had been found guilty of being members of the East Turkistan Islamic Movement (ETIM), an organization classified as terrorist by your Excellency's Government.

According to the information received:

In January 2007, security forces arrested a group of 17 Uighur men, members of the East Turkistan Islamic Movement (ETIM), in Akto county, Xinjiang Province. The names of two of the men were **Mukhtar Setiwaldi** and **Abduweli Imin**. The men were

subsequently charged with separatist activities, organizing and leading a terrorist organization, and the illegal production of explosives. At a trial held in November 2007 they were found guilty.

Mukhtar Setiwaldi, Abduweli Imin and two or three other members of the group received death sentences, while the others were sentenced to terms of imprisonment. Some reports indicate that two of the defendants were executed immediately after the trial.

On 9 July 2008, the local government authorities brought thousands of students and workers to a public square in Yengishahar. Three men were brought before the crowd, death sentences were read out (indicating that the men were among those arrested in Akto in January 2007) and then the three men were executed by a firing squad. Some reports maintain that Mukhtar Setiwaldi and Abduweli Imin were among those executed on 9 July 2008, while others state that they had already been executed in November 2007.

We fully recognize your Government's right and duty to forcefully combat heinous acts of terrorism. Indeed, the very recent explosion of two buses in Kunming which reportedly killed two persons and might have been the result of a terrorist attack, reminded us (if at all necessary) of the urgency with which your Government needs to combat terrorist activities and protect the population. We recall, however, that the fight against terrorism must be conducted within the framework of international law. In particular, we would like to recall UN GA Resolution 60/158 of 28 February 2006, which in its paragraph 1, stresses that "States must ensure that any measure to combat terrorism complies with their obligation under international law, in particular international human right, refugee and humanitarian law".

While many elements of the fate of the men arrested in Akto in January 2007 and put to trial as members of the ETIM in November 2007 remain to be clarified, the reports we have received concur in indicating that three of them were executed in front of a crowd assembled for the purpose in Yengishahar on 9 July 2008.

In this respect, we would like to recall that the Human Rights Committee has observed that carrying out executions before the public is a practice that is "incompatible with human dignity", and the Special Rapporteur on extrajudicial, summary or arbitrary executions observed that "[t]here is no legitimate interest served [...] by making executions public spectacles, and this is itself a most inhuman form of punishment." (E/CN.4/2006/53/Add.3, para. 43).

According to our information, public executions are also prohibited by Article 212 of the Criminal Procedure Law of the People's Republic of China. The Supreme Court, too, has to our knowledge stated that public parading and other actions that humiliate the person being executed are forbidden. Your Excellency's Government has informed the Special Rapporteur on extrajudicial, summary or arbitrary executions that, "on 24 July 1986 and again on 1 June 1988, the ministries responsible for law, the People's Procuratorates, public security and justice jointly issued a circular strictly forbidding the public display of condemned persons, and the pertinent authorities have since then treated this issue with the utmost gravity. In recent years, the phenomenon has thus been effectively prohibited".

Turning from the execution to the circumstances under which the death penalty was imposed, we would recall that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life, and must as such be applied in the most restrictive manner.

In this respect, we would further respectfully remind your Excellency's Government that in capital punishment cases, the obligation of States parties to observe rigorously all the guarantees for a fair trial admits of no exception. Relevant to the case at hand, these guarantees include the right to have one's conviction and sentence reviewed by a higher court. It is our understanding that Chinese law now enshrines this guarantee, specifically providing that all death sentences have to be considered and confirmed by the Supreme Court. In the present case, reports do not clarify whether the three men executed on 9 July 2008 were able to exercise this right.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on this case to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the names of the (four or five) persons sentenced to death in the case involving Mukhtar Setiwaldi and Abduweli Imin. When were the death sentences imposed? When were Mukhtar Setiwaldi and Abduweli Imin and the co-defendants sentenced to death informed of the sentences, when were they publicly pronounced?
3. What proceedings took place between the trial in November 2007 and the execution on 9 July 2008? Did the Supreme Court confirm the death sentences imposed? If so, on what date?
4. Were Mukhtar Setiwaldi and Abduweli Imin and their co-defendants assisted by lawyers at all stages of the proceedings, including during the trial and thereafter, until the day of the execution?
5. Have the other defendants sentenced to death in the November 2007 trial of ETIM members already been executed? If so, when? Is it accurate that two men were executed immediately after the trial in November 2007?
6. Please indicate what measures your Excellency's Government has taken or intends to take with regard to the apparent violation in this case of the prohibition of public executions.
7. Please provide the exact wording of the provisions that form the legal basis for the arrest, detention, conviction and sentencing of the aforementioned persons. In particular, please explain how the notion of terrorism appears in the provisions in question, how it is defined and on what factual grounds all or some of the persons mentioned were considered to fall under the provisions in question.

**China: Death sentence of Wo Weihan**

**Violation alleged:** Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment

**Subject(s) of appeal:** 1 male

**Character of reply:** UN translation awaited for response of the Government of China of 17 February 2009

**Urgent appeal dated 24 November 2008**, sent with the Special Rapporteur on the question of torture

In this connection, we would like to draw the attention of your Government to information we have received regarding the situation below.

According to the allegations received:

Mr. **Wo Weihan** may be at imminent risk of execution. He was sentenced to death in May 2007 for spying following a closed trial in Beijing. His appeal was rejected on 29 February 2008.

Mr. Weihan had been detained in Beijing on 19 January 2005, but was not formally arrested until 5 May. Mr. Weihan, who reportedly had not had any health problems prior to his detention, suffered a brain hemorrhage in a detention centre on 6 February 2005, following which he was allowed to recuperate at home for six weeks. In March 2005, he was taken to Beijing Municipal Bo Ren Hospital (a prison hospital) where he has been held since.

Reports indicate that Mr. Weihan was held incommunicado during the first ten months of his detention and only then allowed regular meetings with his lawyers. It is further alleged that he confessed to the charges while in detention.

Concern has been expressed that Wo Weihan may have confessed to the spying charges under torture, in the absence of a lawyer.

While we do not wish to prejudge the accuracy of the allegations reported to us, we would like to respectfully draw the attention of your Excellency's Government to several principles applicable to this case under international law.

With regard to the charges of spying, we would like to remind your Excellency's Government that although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. As such, it must be interpreted in the most restrictive manner and can be imposed only for the most serious crimes. A thorough and systematic review of the jurisprudence of all of the principal United Nations bodies charged with interpreting the most serious crimes provision indicates that a death

sentence can only be imposed in cases where it can be shown that there was an intention to kill which resulted in the loss of life (A/HRC/4/20, para. 53). According to the information we have received, the offences for which Wo Weihan is facing the death penalty did not result in loss of life.

We would further remind your Excellency's Government that in capital punishment cases there is an obligation to provide criminal defendants with "a fair and public hearing before an independent and impartial tribunal" (Article 10 of the Universal Declaration on Human Rights). Relevant to the case at hand, the right to a fair trial includes the right to be assisted by legal counsel at all stages of proceedings, the right to a public hearing and the right not to be compelled to confess guilt.

In this respect, we would also like to draw your Government's attention to Article 15 of the Convention against Torture, which provides that, "Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made." We also recall that paragraph 6c of Human Rights Council resolution 8/8 of 2008 urges States "to ensure that no statement established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". In addition to being a crucial fair trial guarantee, this principle is also an essential aspect of the non-derogable right to physical and mental integrity set forth, *inter alia*, in Article 7 of the International Covenant on Civil and Political Rights.

Only full respect for stringent due process guarantees distinguishes capital punishment as permitted under international law from a summary execution, which violates human rights standards. We therefore urge your Excellency's Government to take all necessary steps to ensure that the rights under international law of Wo Weihan are fully respected. Considering the irreversible nature of the death penalty, this can only mean that the death penalty is not carried out unless all of the concerns raised are convincingly dispelled.

It is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate? If not so, please share all information and documents proving their inaccuracy.
2. Please provide details regarding the trial of Wo Weihan: which provisions of criminal law was he found guilty of having violated; when did he obtain the assistance of a legal counsel; was his trial open to the public?
3. Please provide a list of the offences punishable by death under the laws the People's Republic of China.

### **China: Deaths of Falun Gong practitioners**

**Violation alleged:** Deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention

**Subject(s) of appeal:** 7 females; 9 males

**Character of reply:** No response (recent communication)

#### **Observations of the Special Rapporteur**

The Special Rapporteur looks forward to receiving a response concerning these allegations.

**Allegation letter dated 13 March 2009**, sent with the Special Rapporteur on the question of torture and the Special Rapporteur on freedom of religion or belief

We would like to bring to your Government's attention information we have received regarding the cases of **16 deaths of Falun Gong practitioners due to injuries allegedly sustained in custody** in China. While the circumstances under which the deaths occurred differ, all the victims were Falun Gong practitioners and they all died under the supervision of law enforcement officers or soon after their release from custody. Concern is expressed that the arrests and deaths of these individuals were solely connected with their activities as Falun Gong practitioners. In the Annex of this letter, we have reproduced detailed information on each of the 16 cases.

While we do not wish to prejudge the accuracy of these reports, we would like to refer you Government to the relevant principles of international law. In order to overcome the presumption of State responsibility for a death resulting from injuries sustained in custody, there must be a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances" (Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions). This principle was reiterated by the Human Rights Council as recently as at its 8th Session in Resolution 8/3 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4), stating that all States have "to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions".

The Council added that this obligation includes the obligation "to identify and bring to justice those responsible, [...], to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions". These obligations to investigate, identify those responsible and bring them to justice arise also under Articles 7 and 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a Party.

In addition to the above, we would like to appeal to your Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights.

We also would like to recall that in its resolution 63/181, the General Assembly “urges States to step up their efforts to protect and promote freedom of thought, conscience, religion or belief and to this end [...] to ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights”.

Moreover, it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the case summaries in the Annex accurate? If not so, please share all information and documents proving their inaccuracy.
2. Please provide the details, and where available the results, of the investigations, and judicial or other inquiries carried out in relation to each of the cases mentioned in the Annex.
3. Please provide the details of any disciplinary measures imposed on, and criminal prosecutions against persons found to be responsible, as perpetrators or as responsible commanders, for the killings mentioned in the Annex.
4. Please provide the details of any compensation payments made to the families or dependants, if any, of the victims in the cases mentioned in the Annex.

### **Annex**

Ms **Hu Yanrong**, from Xiaoyushulin Village, Beilu Township, Lingyuan City, Liaoning Province

On 1 August 2007 around 10 p.m., police officers blocked the entrance of the home of a Falun Gong practitioner, where some 40 persons including Hu Yanrong were present. About midnight, a dozen police officers arrested those practitioners trapped in the house. They beat the practitioners with electric batons and two-inch long metal rods and forced them into police vehicles. The police claimed that Hu Yanrong tried to jump out of a police car. She sustained severe injuries and fell into a coma after being taken to the Lingyuan Prison Hospital. Her head was swollen, her eyes, nose and mouth were bruised, the area between her temples and eyes was coloured in dark purple. There were traces of blood on her face. Doctors at Lingyuan Prison hospital performed two brain surgeries, but Ms. Hu died at 2 a.m. on 5 August 2007.

Mr. **Huang Fajun**, resident of Acheng District, Harbin City, Heilongjiang Province

On 24 July 2007, policemen from the Sougfengshan Town Police Station arrested Mr. Huang and beat him until both of his feet broke. The police detained him in the Acheng District First Detention Centre. He went on a hunger strike to protest the detention and was force-fed. He developed open sores, and his hands and feet were swollen and showed deep scars caused by shackles and cuffs. On 2 November 2007, the police notified his family that he was dying and that they could visit him at the Archeng District Traditional Medicine Hospital. He was allowed to return home on 4 November 2007, where he died at around 8 p.m. on 6 November 2007.

Mr. **Xiong Zhengming**

On 15 March 2007, police officers took Xiong Zhengming to the Wanyuan City First Detention Center, indicating that they had detected that Mr. Xiong visited overseas websites. Following eight months of detention, the police sentenced Mr. Xiong to one year of forced labour. Later, he was transferred to the Wanyuan City Second Detention Center. On 3 December 2007, he was informed of a second transfer to a forced labour camp outside the town. He refused to go, but was taken away at around 9 a.m. on 4 December 2007. On 5 December 2007, Mr. Xiong's family was notified that he had committed suicide while on his way to the Sichuan Province Xinhua Forced Labor Camp, by jumping out of the vehicle. Mr. Xiong's father was forced to sign the paper authorizing his body to be cremated immediately. He was also asked not to leak any information to the public; otherwise, his other two sons would lose their jobs. According to information received, the authorities gave inconsistent accounts of the cause of death, saying that he committed suicide in one instance and that he died in a traffic accident in other instances.

Mr. **Bai Heguo**, lived in Xiguangshan Village, Liutiao Town in Dengta City, Liaoning Province

Bai Heguo was taken into custody on 9 June 2002 by police officers from Tongerpu District Police Department, for practicing Falun Gong. He was sentenced to 11 years in prison and was held in Liaoning Province Huazi Prison. He was secretly transferred to the Nanganling Prison in Dalian city at the end of December 2007. On 5 January 2008, at 3 p.m., the prison administration notified Mr. Bai's family that he had died. His body was covered in bruises and he had a bump on his head and a cut in his tongue. His leg was broken and his testicles had been crushed. Authorities hurriedly cremated the body. The Nanganling prison authorities claimed that Mr. Bai had committed suicide.

Ms. **Zong Xiuxia**, lived in the Fangzi District in Weifang City, Shandong Province

In February 2008, Zong Xiuxia was taken to the Guangwen Police Station in Kuiwen District, at around 11.30 a.m., after she had discussed issues relating to Falun Gong at a supermarket. Police said that they took Ms. Zong to the Weifang City People's Hospital for a physical check-up at around 1 p.m., where she died at 3 p.m. The family was told that she died from jumping out of the elevator in the hospital.

Mr. **Yu Zhou**, a well-known singer from Beijing

Yu Zhou was arrested in Tongzhou District, Beijing, on 26 January 2008, along with his wife, Xu Na. The police stopped their vehicle when they were on their way home, arrested them and took them directly to the Tongzhou District Detention Centre. On 6 February 2008 Yu Zhou died at the Qinghe District Emergency Centre. The police claimed that this was a result of him going on hunger strike although he had diabetes. However, other sources indicate that he had been healthy and had never been suffering from diabetes. When the family requested to see the body and to have an autopsy performed, the authorities refused and threatened them.

Ms. **Gu Jianmin**, lived in Pudong New District, Shanghai

Gu Jianmin was arrested on 1 March 2008, by officers from the Yangjing Police Station in Pudong New District, Shanghai. Her husband was called and told to go to the Pudong New District Police Department and to the Neighbourhood Administration to do some medical parole paper work. When he arrived at the hospital, he saw that his wife's eyes were protruding, her pupils were enlarged, and that she was bleeding from the mouth. No one treated her although more than thirty agents of the 610 Office were present. She died on 13 March 2008.

Mr. **Gu Qun**

Gu Qun was arrested and taken to the Tianjin Street Police Station, for distributing Falun Gong materials, on 16 March 2008. On the following day, he was transferred to the Yaojia Detention Center. To protest his detention, he went on a hunger strike, but was forced-fed. On 7 April 2008, the detention centre took him to the Dalian City Third People's Hospital. The doctor there said he was in need of treatment, but the detention staff indicated that he would be taken to the Police hospital. However, they returned him to the detention centre. At 9 a.m. on 8 April 2008, he was taken to the hospital once again, but died on the way.

Mr. **Fan Dezhen**, lived in Huludao City, Liaoning Province

On 25 February 2008, Fan Dezhen was arrested with eleven other Falun Gong practitioners, by the Suizhong Country Domestic Security Division Leader. He died at around 7 a.m. on 20 April 2008, in the Suizhong Country Detention Centre. Officers notified his family after 4 p.m., indicating that, if they wanted to see the body, they had to do so on that same evening, because on the following day, an autopsy and cremation would be performed.

Mr. **Liu Quan**, lived in Benxi City, Liaoning Province

On 4 May 2008, the Nan'guanling Prison Administration in Dalian City called Mr. Liu Quan's family to inform them that Liu Quan had died at 2 a.m. due to a heart attack. His face was yellow, the flesh around his eyes and lips was purple, there were large purple bruises on his back, and his nose was filled with cotton balls. No autopsy was carried out and the authorities refused to authorize the transfer of Liu's body to Benxi City, where he had lived.

Mr. **Wu Xinming**, a resident of Xuanwu Town, Hanyin County, in Shaanxi Province

Wu Xinming was arrested on 15 June 2006 after talking about Falun Gong to people in the countryside. The police sent him to Zaozihe Forced Labor Camp. There, the guards tied him with a rope. When he went on a hunger strike to protest the detention, the guards force-fed him with a highly concentrated salt solution, chilli powder, water and even laundry detergent. They also tied up his body, and whipped him with wire, resulting in his whole body being covered with bruises. He was returned home on 25 June 2008 after he began coughing up and vomiting blood. He died on the following day, 26 June 2008.

Ms **Chen Yumei**, resident of Shenyang City, Liaoning Province

On the evening of 3 July 2008, officers from the Chang'an Police Station in Dadong District, Shenyang City, arrested Chen Yumei on Pangjiang Street. During the arrest, they beat and kicked her. Her family was asked to identify her in the ambulance, at around 9 p.m. of the same day, before she was taken to #463 Military Hospital. Having detected bleeding in her skull, the doctor had to perform an operation, for which the family paid. Her arms and legs were covered in bruises, and there were deep scratches on her body. Doctors said the marks were caused by beating or dragging. She died at around 8.30 p.m. on 4 July 2008.

Mr. **Zhong Zhenfu**, lived in Zhongjia Village, Changle Town, Pingdu City, Shandong Province

On 4 May 2008, Zhong Zhenfu was arrested at his house at around 6 p.m., as officers from the Pingdu City 610 Office and the City Police Department stormed into houses rented by Falun Gong practitioners in Pingdu City. The police confiscated some of their possessions and interrogated them at the police station. When they refused to reveal any information, the officers poured boiling water over their necks and bodies. Three days later, they were taken to Pingdu City Detention Centre. Guards put shackles on Zhong Zhenfu and whipped him about the head with metal wires. He was detained in a metal cage with the shackles still on, and the guards ordered other inmates to ill-treat him. The latter tried to force him to curse the founder of Falun Gong. When he refused, they beat him for over an hour. He was sent to the hospital and released on medical parole, after having been forced to pay over 100,000 Yuan in medical expenses. He died on 20 July 2008.

Ms. **Yang Jingfen**, a resident of Panjin City, Liaoning Province

At approximately 7:30 a.m. on 18 August 2008, six police officers from the Xinglongtai District State Security Division entered the apartment of Ms. Yang Jingfen, aged 59, and her husband to arrest her and search the apartment on the ground that she practiced Falun Gong. At around 9 a.m., her husband had to run an errand and left Ms. Yang alone with the police officers. When he returned at around 9:30 a.m. he found Ms. Yang's lifeless body in front of their apartment building. The police officers claimed that she had jumped out of a window of her sixth floor apartment to commit suicide.

Ms. **Sun Aimei**, resident of Xinhua Village, Zhucheng City, Shandong Province

Sun Aimei, aged about 60, was sentenced to detention at the Wangcun Women's Forced Labour Camp on 28 March 2008, three days after being arrested for distributing literature about

the persecution of Falun Gong. At the end of 2008, her family was informed that she had suffered a stroke and had undergone surgery. They were not, however, allowed to see her. On 1 February 2009, Ms. Sun's family was told to go to Wangcun Women's Forced Labour Camp to collect her ashes.

Ms. **Hou Lihua**, resident of Dongan District, Mudanjiang City, Heilongjiang Province

Hou Lihua was arrested at her workplace on 17 November 2008 and taken to the Mudanjiang City State Security unit. According to witnesses, she was beaten and otherwise ill-treated while in custody there. She was released in December 2008 but died on 14 February 2009 due to the injuries sustained in custody.

**Colombia: Asesinato de Jesús Heberto Caballero Ariza y amenazas en contra de miembros de la sociedad civil**

**Violación alegada:** Muerte a consecuencia de ataque o ejecución por fuerzas de seguridad o por grupos paramilitares, Impunidad y amenazas de muerte

**Persona objeto del llamamiento:** 1 hombre, 19 personas

**Carácter de la respuesta:** Acuse de recibo

**Observaciones del Relator Especial**

El Relator Especial agradecería que se le mantenga informando del progreso de las investigaciones por el Gobierno con relación a la muerte del Sr. Jesús Heberto Caballero Ariza.

**Llamamiento urgente del 23 de mayo de 2008**, mandado con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión y la Relatora Especial sobre la situación de los defensores de los derechos humanos

Acusamos recibo de la respuesta rápida del gobierno colombiano al comunicado de prensa del 30 de abril de 2008. Reconocemos la cooperación del Gobierno en este respecto y notamos con agrado el diálogo constructivo entre ambas partes para abordar las problemáticas de los derechos humanos en Colombia, y esperamos que dicho diálogo continúe en el futuro.

En el marco de esta cooperación que esperamos será fructífera para mejorar el respeto de los derechos humanos, quisiéramos señalar a la atención urgente del Gobierno informaciones que seguimos recibiendo sobre violaciones y ataques en contra de los defensores de derechos humanos.

En este contexto, señalamos la información recibida en relación con el asesinato del Sr. **Jesús Heberto Caballero Ariza**, cuyo cadáver se encontró el pasado 17 de abril, al parecer con señales de tortura. El difunto defensor de los derechos humanos era fiscal suplente del *Sindicato Nacional del Servicio Nacional de Aprendizaje (SINDESENA)*, seccional Atlántico e instructor de Ética y Derechos Humanos del *Centro agropecuario CAISA*. Asimismo, se ha recibido información relacionada con la presunta desaparición forzada del Sr. **Guillermo Rivera Fúquene**, Presidente del *Sindicato de Servidores Públicos de Bogotá (SINSRV PUB)*, ocurrida el pasado 22 de abril.