



MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
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OHCHR REGISTRY

15 JUL 2011

Recipients: *S/PD*
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No. GJ/25/2011

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter UA G/SO 218/2 G/SO 217/1 G/SO 214(67-17) G/SO 214(107-9) G/SO 214(53-24) CHN 13/2011 dated 11 May 2011, has the honor to transmit herewith the attached reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
 Geneva

(Translated from Chinese Mandarin)

14.07.2011

In regard to the Urgent Appeal letter dated 11 May 2011 of the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and Expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment [UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) G/SO 214 (138-9) G/SO 214 (53-24) CHN 13/2011], the Chinese government hereby gives the following reply after a careful investigation into the circumstances of the letter was carried out:

- Mr. Zhu Yufu, male, from China Zhejiang Province, Dongyang city. Mr. Zhu was detained according to law on March 5 2011 on charges of subversion of state power by the Zhejiang province police department. The investigative organ approved his arrest on 11 April. Mr. Zhu's case is currently under further investigation.
- Mr. Yuan Xinting, male, native of Sichuan, China. Mr. Yuan was put under home confinement on charges of subversion of state power by the Guanzhou police department. Mr. Yuan's case is currently under further investigation.
- The Chinese public security organ has not undertaken any coercive measures towards any the following individuals:
 - Mr. Li Hai, (male, from Beijing, China)
 - Mr. Qi Zhiyong, (male, from Beijing, China)
 - Mr. Huan Yanming, (male, from Guiyang, Guizhou province, China)
 - Mr. Yao Lifa, (male, from Hubei province, China)
 - Ms Li Tiantian, (female, Urumqi, Xinjiang province, China)
 - Mr. Liu Dejun, (male, from Xiangfan, Hubei province, China)
 - Mr. Wei Shuishan, (male, from Meikou, Sichuan province, China)
 - Mr. Li Yu, (male, from Deyang, Sichuan province, China)

The Chinese government will carry out further investigation into the cases of the other individuals mentioned in the Urgent Appeal letter.

The Chinese Government respectfully requests that the full text of the above be recorded in the relevant UN documents.

OHCHR GJ/25/2011

联合国人权理事会任意拘留工作组主席、强迫失踪工作组主席、言论自由问题特别报告员、“人权卫士”特别报告员和酷刑问题特别报告员 2011 年 5 月 11 日发来的紧急呼吁函【UA G/SO 218/2 G/SO 217/1 G/SO 214(67-17) G/SO 214(107-9) G/SO 214(53-24) CHN 13/2011】收悉。中国政府对来函所涉有关个人情况做了认真调查，现答复如下：

朱虞夫，男，中国浙江东阳人。2011 年 3 月 5 日，朱因涉嫌煽动颠覆国家政权罪被浙江省公安机关依法刑事拘留。4 月 11 日经检察机关批准逮捕。目前，该案正在进一步办理中。

袁新亭，男，中国四川人。2011 年 3 月 6 日，袁因涉嫌煽动颠覆国家政权罪被广州公安机关依法采取监视居住强制措施。目前，该案正在进一步办理中。

中国公安机关未对李海（男，中国北京人）、齐志勇（男，中国北京人）、黄燕明（男，中国贵州贵阳人）、姚立法（男，中国湖北潜江人）、李天天（女，中国新疆乌鲁木齐市人）、刘德军（男，中国湖北襄樊市人）、魏水山（男，中国四川眉山市人）、李宇（男，中国四川德阳市人）采取任何强制措施。

中国政府将继续对来函涉及的其他人员情况进行认真调查。

中国政府谨请将上述内容全文载入联合国有关文件中。



Chinese Human Rights Defenders (CHRD)

Web: <http://chrnet.com/> Email: contact@chrnet.com

Promoting human rights and empowering grassroots activism in China

25 June 2012

To:

Mr. El Hadji Malick Sow, Chair-Rapporteur of the Working Group on Arbitrary Detention

Mr. Olivier de Frouville, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms. Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders

Mr. Juan Mendez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

* * * *

Chinese Human Rights Defenders (CHRD) hereby respectfully submits comments on a reply by the Chinese Government (“Government”) concerning the detentions of Mr. ZHU Yufu (朱虞夫) and Mr. YUAN Xinting (袁新亭), and “coercive actions” taken against other individuals, namely Ms. LI Tiantian (李天天), Mr. LIU Dejun (刘德军), Mr. WEI Shuishan (魏水山), and Mr. LI Hai (李海). The Government reply, dated July 15, 2011, is referenced in the (Joint) Communications Report of Special Procedures, 9 September 2011 (A/HRC/18/51).¹

Mr. ZHU Yufu

As an initial matter, CHRD would like to take this opportunity to provide an

update on the case of Zhu Yufu since the Government's reply. In July 2011, Zhu's wife submitted an application seeking bail for her husband due to his poor health, but the application was not granted. Zhu has suffered from several illnesses, including hypertension, high cholesterol, gallstones, and other health problems. Mr. Zhu was tried in the Hangzhou City Intermediate People's Court in Zhejiang Province on January 31, 2012. On February 10, 2012, the court convicted Zhu of "inciting subversion of state power" and sentenced him to seven years' imprisonment followed by three years of deprivation of civil and political rights. Zhu's lawyer Li Dunyong visited him at the Shangheng District Detention Center on May 7 for about two hours, and reported that Zhu's health seemed fair. On May 10, Zhu was transferred to Zhejiang Provincial No. 4 Prison on May 10, 2012, to serve his prison sentence about a week after the Hangzhou City High People's Court upheld his conviction.

With Zhu now imprisoned for the third time, CHRD (among many others) believes that his detention is in retaliation for his longtime activism, which dates back to the Democracy Wall movement of the late 1970s. Zhu's initial detention in 2011 and subsequent conviction were also part of the widespread crackdown on activists, lawyers, and other rights defenders that followed online calls in China for "Jasmine rallies" in February 2011.

In its decision convicting Zhu, the court stated that Zhu had, among other alleged offenses, collected funds for prisoners who "endanger state security," incited people to overthrow China's socialist system, and expressed views that identified him as part of the illegal China Democracy Party. The court also cited a poem, "It's Time," that Zhu wrote and shared during online calls for Jasmine protests in early 2011, as well as interviews he had given. Zhu's actions were nothing other than the proper exercise of Zhu's legally protected rights as a Chinese citizen.

Mr. YUAN Xinting

In its response, the Chinese Government states that Mr. Yuan was put under "home confinement" (or in the Chinese "residential surveillance" (*jianshi juzhu*)) on suspicion of "subversion of state power" and, as of the date of the reply, was still "under further investigation." His incommunicado detention, which CHRD sources indicate ended in July 2011, occurred as part of the crackdown on civil society launched by the Chinese government following the Arab Spring and anonymous online calls in February of 2011 for Jasmine rallies in China. The crackdown was used by officials as a pretext to target many longtime activists and dissidents, including Yuan.

CHRD sources indicated that Yuan was reportedly seized in early March after going to a hospital in Guangzhou City to look for Mr. Liu Shihui, a human rights lawyer,

who had been brutally beaten on February 20 for attempting to take part in a “Jasmine stroll.” We believe that authorities detained Yuan not only because he is a human rights defender, but specifically because he was trying to assist fellow human rights defender, Mr. Liu.

Ms. LI Tiantian, Mr. LIU Dejun, Mr. WEI Suishan, Mr. LI Hai

Four other individuals whose situations received a reply from the Government were also detained during the crackdown on activists, lawyers, and other rights defenders that followed calls in China for Jasmine protests in February 2011. CHRDR believes that these individuals were subjected to “coercive measures” in retaliation for their human rights work.

Ms. Li Tiantian, a Shanghai-based human rights lawyer, was disappeared and harassed by police between February 19 and May 24, 2011. Police who seized Li also searched her residence and confiscated two computers. After a day of police questioning, Li was placed in illegal “residential surveillance” in an unknown location and without notification given to her family. For the three-month duration of her detention, Li was held in a windowless room, from which she was let out only for interrogations at a nearby police station regarding her reposting of messages related to the Jasmine protests in China. Police refused to let her hire an attorney, telling her that “the law is not a shield.” Police also threatened to beat her and lock her up in an “iron cage” if she failed to cooperate with them. On May 24, 2011, Li was flown back to her hometown in the Xinjiang Uyghur Autonomous Region. The following day, Li explained her “absence” on her blog in a post entitled, “May 24: I Was Discharged from the Hospital.” Her blog was subsequently shut down.

Mr. Liu Dejun (刘德军), a Beijing-based activist, was kidnapped, tortured, and detained between February 27 and May 13, 2011. During this period, police searched the home (and computer) of his sister, in Wuhan City, Hubei Province on three occasions; they also searched items left there by Mr. Liu. Officers did not provide any legal notification to Liu’s sister regarding his disappearance, and officers in Beijing and Wuhan contacted by the family refused to provide any information about Liu’s whereabouts.

Mr. Wei Shuishan (魏水山), a Zhejiang Province-based dissident and member of the banned China Democracy Party, was criminally detained on March 5, 2011, though as of the summer of 2011, Wei’s family had not received a formal detention notice. As of early 2012, Wei was reportedly still disappeared. To date, CHRDR has no further information about Wei’s situation or whereabouts.

Mr. Li Hai (李海), a Beijing-based dissident and activist, was criminally detained on February 26, 2011, by police in Chaoyang District for “creating a disturbance.” Li

was released on bail on April 2011. A student leader at Beijing University during the 1989 pro-democracy demonstrations, Li later served nine years in prison for his pro-democracy activities and advocacy on behalf of victims of the Tiananmen Massacre. Li has continued his activism since his release in 2004, and in retaliation has been repeatedly harassed, threatened, and detained by authorities.

Please do not hesitate to contact CHRD if you have any questions about our response to the Government's reply in the urgent appeals regarding Mr. Zhu Yufu, Mr. Yuan Xinting, Ms. Li Tiantian, Mr. Li Dejun, Mr. Wei Shuishan, and Mr. Li Hai.

Sincerely,

_____/s/

Ms. Renee Xia, International Director
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¹ CHRD will separately submit a response in connection with the Chinese government's comments about "coercive actions" taken against Mr. YAO Lifa, whose case is treated in more detail in A/HRC/19/44.