

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
AUPRÈS DE L'OFFICE DES NATIONS UNIES À GENÈVE
ET DES AUTRES ORGANISATIONS INTERNATIONALES EN SUISSE
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No. GJ/05/2011

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 214(67-17) G/SO 214(107-9) CHN 1/2011] dated 19 January 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

OHCHR REGISTRY

22 MARS 2011

Recipients : SPD
(end) 3-262
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(Translated from Chinese Mandarin)

22. 03. 2011

In regard to the Urgent Appeal letter dated 19 January jointly sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders [UA G/SO 214 (67-17) G/SO 214 (107-9) CHN 1/2011], the Chinese government hereby provides the following reply, after a careful investigation into the circumstances of those letters was carried out:

Ms. Ni Yulan, female, 51 years old. Ms. Ni's husband is Dong Jiqin, male, 58 years old.

Due to disputes over family real estate assets, Ms. Ni has been involved several times in physical conflicts with family members of her husband Mr. Dong. In April 2002, Ms. Ni has injured several members of the police force due to violent behavior. In November the same year, Ms. Ni was sentenced to one year imprisonment on charges of "obstruction of official business".

In April 2008, Ms. Ni used violence to prevent the normal functioning of construction work, causing minor injuries to two construction workers. Later, during police interrogation over the matter, Ms. Ni has once again caused injury to members of the police force. In December 2008, Ms. Ni was sentenced to two years imprisonment on charges of "obstruction of official business".

Ms. Ni has served her term and was released in April 2010. According to our understanding, from 19 June 2010, Ms. Ni and her husband Dong have been living in a hotel room without paying for the accommodation, and regularly receiving visits, disturbing the normal functioning and management of the hotel. The water and power cuts are measures carried out by the hotel management as a result of the disturbance caused to the business.

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

联合国人权理事会言论自由特别报告员和“人权卫士”特别报告员1月19日发来的紧急呼吁函[UA G/SO 214 (67-17) G/SO 214 (107-9) CHN 1/2011]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

倪玉兰，女，现年51岁。董继勤，男，58岁，为倪丈夫。

倪曾因家庭房产纠纷与丈夫董继勤的叔父等人多次发生肢体冲突。2002年4月，倪因对维持秩序的警察实施暴力并导致其受伤，同年11月被法院以妨害公务罪判处有期徒刑一年。

2008年4月，倪暴力阻碍一处施工现场正常作业，致使两名施工人员受轻微伤。在被警方传唤调查时，倪再次袭警致其受伤。2008年12月，倪被法院以妨害公务罪判处有期徒刑二年。

2010年4月，倪刑满释放。据了解，自2010年6月18日以来，倪与董拖欠所住宾馆住宿费，并在客房内频繁与各类人员会面，严重影响该宾馆的正常经营和管理秩序。断水、断电系宾馆商业行为。

中国政府谨请将上述内容全文载入联合国有关文件中。

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
A GENÈVE

11, CHEMIN DE SURVILLE - 1213 PETIT-LANCY 2, GENÈVE
TÉL. 022 879 56 78

No. GJ/23/2011

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 214(67-17) G/SO 214(107-9) CHN 11/2011] dated 26 April 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.



2011

Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

27 JUN 2011

Recipients :.....SPD.....
original :.....L. Dieg.....
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(Translated from Chinese Mandarin)

23 June 2011

In regard to the urgent appeal letter dated 26 April of the Chairman of the Working Group on Arbitrary Detention of the United Nations Human Rights Council, the Special Rapporteur on Freedom of Speech and the Special Rapporteur of "Human Rights Defender" (UA G/SO 218/2 214 (67-17) G/SO 214 (107-9) CHN 11/2011), the Chinese government hereby gives the following reply after a careful investigation into the circumstances of the letter was carried out:

Ni Yulan, female, aged 51, unemployed, high school education, was sentenced to a one-year and a two-year jail term respectively in 2002 and 2008 on suspicion of committing the crime of obstruction of public functions. Dong Jiqin, male, aged 58, Ni's husband, retired, was put under security detention in 2008 for five days on suspicion of giving false information to the 110 police hotline.

In March 2010 when Ni was released from prison after completing her last jail term, she rejected a temporary flat offered by the court after forced demolition was implemented to her house, and did not return to another residence of hers. From early May 2010 and onwards, the Ni couple put up a tent in a park to stay and sleep there on the grounds that they were made homeless following the forced demolition of their house by the court. In so doing, the order of public places was disrupted. On 16 June 2010, the public security organ summoned the Ni couple to the police station for an interview, and clearly informed the two that no tent shall be put up in the park since this would disrupt the public order. The next day, the public security department of Ni's hometown went to Beijing to bring the couple back. Claiming that it was not convenient for them to go home late in the night, the Ni couple asked the police to provide them with accommodation. They were then escorted to Yu Xin Gong Hotel in Xicheng District of Beijing to spend one night. The police paid on the couple's behalf the accommodation for one night in advance, and clearly informed the Ni couple and the person in charge of the hotel that only the room rate of one night for the couple would be paid in advance, and the two would hence be left alone and check out the next day by themselves.

From 18 June 2010 until 6 April 2011, the Ni couple stayed in the hotel, claiming that they had no place to live. The hotel repeatedly urged them to pay the room rate, but the two refused to pay and refused to check out. The hotel reported the case to the police station several times. However, the Ni couple not only owed the room rate, but was also rude and abusive to the hotel staff. In addition, they put up posters on doors outside the hotel, and defied the visitor registration rule of the hotel to the extent of tearing up the visitor registration book. All this has seriously disrupted the normal business order of the hotel and cost the hotel a huge amount of financial losses. In response to these circumstances, the public security organ carried out investigation and evidence gathering. Based on the illegal acts of the Ni couple and in accordance with Article 293 of <The Criminal Law of the P.R.C.> and Article 61 of <The Code of Criminal Procedure of the P.R.C.>, on 6 April, the public security organ put the couple under criminal detention on suspicion of the crime of stirring up troubles. On 13 May the couple was put under arrest following official approval.

During the Ni couple's detention, the medical department performed physical examination for Ni, and

found her suffering from no serious diseases. The public security organ also satisfied all of Ni's requests for physical examination and doctor interview. In the detention center, the medical division performed 17 rounds of ward visits to Ni, with all findings showing that she was in good health.

After the Ni couple was detained, [REDACTED], the couple's daughter, hired two lawyers for each of her parents to provide them with legal services. On 6 May and 18 May, the couple had two meetings with their lawyers.

Currently, the case that the Ni couple was suspected of has not entered into the trial stage, and the couple did not raise any complaint. The Chinese judicial organ is handling the case in strict accordance with the relevant provisions of <The Criminal Law> and <The Code of Criminal Procedure>. The procedural rights of the Ni couple are fully protected.

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

联合国人权理事会任意拘留问题工作组主席、言论自由特别报告员和“人权卫士”特别报告员4月26日发来的紧急呼吁函[UA G/SO 218/2 G/SO 214 (67-17) G/SO 214(107-9)CHN 11/2011]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

倪玉兰，女，现年51岁，无业，高中文化程度，2002年、2008年因涉嫌妨害公务罪分别被判处有期徒刑一年和两年。董继勤，男，现年58岁，倪丈夫，退休，2008年曾因谎报110警情，被治安拘留5天。

2010年4月倪刑满释放后，拒绝接收法院执行强拆后提供的某小区周转房，且不返回其另一住处居住。自2010年5月初起，倪夫妇以房屋被法院强拆，无家可归为由到某公园支帐篷滞留露宿，对公共场所秩序造成影响。2010年6月16日，公安机关将倪夫妇传唤至派出所审查，并依法明确告知二人不得在公园内搭建帐篷影响公共秩序。次日倪属地公安部门将二人接回，倪夫妇以深夜不便为由，请求民警安排住宿，遂临时安排在北京市西城区御鑫官宾馆暂住一宿。民警垫付当晚住宿费用，并明确告知倪夫妇及宾馆负责人，只垫付二人一天的房费，要求二人在次日自行离开。

自2010年6月18日起至2011年4月6日，倪夫妇称自己无地方居住，滞留宾馆。宾馆多次催促倪夫妇交纳房费，但二人拒绝交费，也拒不离店。宾馆数次到派出所报案反映，倪夫妇不仅拖欠房费，还蛮横谩骂宾馆工作人员，在宾馆外大门贴标语，不遵守宾馆来客登记制度、撕毁来客登记簿，

严重扰乱宾馆正常经营秩序，给宾馆造成重大经济损失。针对上述情况，公安机关依法开展调查取证工作，根据倪夫妇的违法事实，依据《中华人民共和国刑法》第 293 条和《中华人民共和国刑事诉讼法》第 61 条规定，4 月 6 日公安机关以涉嫌寻衅滋事罪将二人刑事拘留。5 月 13 日，倪夫妇被批准逮捕。

拘留期间，医务部门对倪进行了身体检查，未发现倪患有严重疾病。针对其提出的检查和看病要求，公安机关均予以满足，看守所内医疗机构对其巡诊 17 次，检查结论均表明其身体正常。

倪夫妇被拘留后，其女 [REDACTED] 为二人各聘请两名律师，为其提供法律服务。5 月 6 日和 5 月 18 日，二人与律师进行了两次会见。

目前，倪夫妇涉嫌的案件尚未进入审判阶段，二人均未提出过申诉。中国司法机关正在严格依照刑法、刑事诉讼法的有关规定办理此案，倪夫妇的诉讼权利得到充分保障。

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://chrdnet.com/> Email: contact@chrdnet.com

Promoting human rights and empowering grassroots activism in China

28 May 2012

To:

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

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

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

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Chinese Human Rights Defenders (CHRD) hereby respectfully submits comments on two replies by the Chinese Government (“Government”) concerning the detention of Ms. NI Yulan, dated March 22, 2011, and June 23, 2011, respectively, referenced in the (Joint) Communications Report of Special Procedures, 9 September 2011 (A/HRC/18/51).

As an initial matter, CHRD would like to take this opportunity to provide an update on the case of Ni Yulan since the last reply from the Government. Ms. Ni and her husband, Dong Jiqin, were tried in the Xicheng District People’s Court in Beijing on December 29, 2011. On April 10, 2012, the court convicted Ni of “creating a disturbance” and “fraud” and sentenced her to two years and eight months imprisonment. (Though initially only charged with “creating a disturbance” in April 2011, the fraud charge was added in July 2011; in bringing the fraud charge, authorities alleged that Ni misrepresented herself as lawyer in order to win sympathy for her case and to gain financially.) Ni, now 52 years of age, is being held at the Xicheng District Detention Center in Beijing’s Haidian District.

In the Chinese Government’s first reply, dated March 22, 2011, the Government claims that in April 2002, Ms. Ni “injured several members of the police force due to violent behavior” after attempting to film the forced demolition of a neighbor’s home.

Ni was then charged with and in November 2002 convicted of “obstruction of official business,” and sentenced to one-year imprisonment. CHRD maintains that the alleged factual basis for Ni’s conviction is suspect and that she was prosecuted in retaliation for her rights-defense activities on behalf of fellow citizens. For example, in 2001 Ni filed an administrative litigation lawsuit against the Xicheng District Government concerning a Falun Gong practitioner. Ni then became involved in defending the rights of victims of forced evictions after Beijing was selected to host the 2008 Olympics and widespread demolition ensued.

The Government further claims that in April 2008 Ms. Ni allegedly used violence that caused “minor injuries to two construction workers” that came to forcibly demolish her home. Moreover, the Government alleges that “during police interrogation over the matter, Ms. Ni once again caused injury to members of the police force.” In December 2008, Ni was sentenced to two years in prison for “obstruction of official business.” By April 2008, however, Ni was physically very weak and required crutches to walk—a result of previous torture by the police. The notion that the disabled Ni could injure officers “during interrogation” -- when she was in police custody-- is even more preposterous. For details of the torture and other abuses suffered by Ni at the hands of police beginning in 2002, please see our August 2010 submission, [Communiqué Alleging Torture, Arbitrary Detention, Forced Eviction, Harassment and Intimidation of Human Rights Defender Ni Yulan, Citizen of the People’s Republic of China.](#)

In the Chinese Government’s second reply (dated June 23, 2011), the Government asserts that authorities in Beijing attempted to provide accommodation to Ms. Ni and her husband after she had been released from prison on April 15, 2010 (not in March, as the second reply states), but that Ni “rejected a temporary flat offered by the court,” and that “the order of public places was disrupted” when the couple went to live in a tent in a public park in Dongcheng District. (At the time of Ni’s release, she and her husband were homeless since their previous residence had been demolished in 2008.) Contrary to the Government’s assertions, the couple was living in the park because police had pressured local guesthouse owners not to rent space to them. The tragic story of how Ms. Ni ended up in a wheelchair living in a public park is chronicled in the 2010 documentary film [“Emergency Shelter”](#) (with English subtitles). Only when the couple’s living circumstances attracted international attention did the Beijing authorities finally relent. In June 2010, the couple moved into the Yuxingong Guesthouse in Beijing.

The Government reply claims that during the 10-month period from June 2010 to early April 2011, Ni and her husband refused to pay for their guesthouse room or check out of the room, causing a “huge amount of financial losses.” If Ni and her

husband were in fact in arrears, why weren't they evicted after the first or second month of nonpayment, particularly after the hotel allegedly "reported the case to the police station several times," as the Government claims?

CHRD further notes that the Government reply does not address the harassment Ni and her husband faced at the guesthouse. After Ni and Dong moved in, local officials ordered constant surveillance of the couple, and disrupted their electricity, water, and Internet services. Before the couple was detained for "creating a disturbance" on April 7, 2011, they had been living without electricity for 107 consecutive days, and without running water for most of their stay. The couple's detention is widely believed to also have been part of the widespread crackdown on activists, lawyers, and other rights defenders that followed online calls in China for a "Jasmine Revolution."

With respect to the Government's claims about Ni being "in good health" and that the couple "did not raise any complaint," facts demonstrate otherwise. Since 2002, Ni has been unable to walk on her own and has suffered from an assortment of chronic medical issues; including difficulty breathing, heart problems, and digestive trouble. Furthermore, Ms. Ni was denied proper treatment for medical problems while in detention, causing a further decline in her health. Her daughter repeatedly expressed concerns about Ni's health after visits with her mother, and a month after Ni had been detained, her lawyer submitted an application for her to be released on medical parole, but to no avail. Her poor, worsening health was on open display at her trial on December 29, 2011, when Ni was brought into the courtroom on a gurney, where she remained during the hearing, using an oxygen machine to help her breathe. The couple's daughter and lawyers have repeatedly raised concerns about the couple's treatment and their case.

Please do not hesitate to contact CHRD if you have any questions about our response to the Government's replies in the urgent appeal regarding Ms. Ni Yulan.

Sincerely,

_____/s/

Ms. Renee Xia, International Director
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