

(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, Dong Xuan, 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.

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.



Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

27 JUN 2011

Recipients :.....*SLO*.....
original :.....*P. Diego*.....
.....
.....

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，其女董璇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。