

(Translated from Chinese Mandarin)

27 August 2012

In regard to the Joint Urgent Appeal letter regarding Chen Guangcheng, sent by the Chair Rapporteur of the Working Group on Enforced and Involuntary Disappearance, the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders, Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel inhuman or degrading treatment or punishment, [(UA) G/SO 217/1 G/SO 214 (67-17) G/SO 214(109-9) G/SO 214 (53-24) CHN 4/2012], the Chinese government hereby provides the following reply, after a careful investigation into the circumstances of those letters was carried out:

Chen Guangcheng, male, born 1971, blind, originally from Shandong province, Yinan county. Due to committing deliberate destruction of property, and organizing a mob to disrupt traffic, Chen was sentenced to 4 years and 3 months limited term imprisonment according to the law. He was released on the 9<sup>th</sup> of September 2010. Since his release, the police authorities have not taken any law enforcement actions against him.

On the 26<sup>th</sup> of April 2012, the United States Embassy in China received Chen through abnormal channels onto its premises. On the 2<sup>nd</sup> of May, Chen voluntarily left the Embassy where he had stayed 6 days to seek medical care at Chaoyang hospital. On the 19<sup>th</sup> of May, Chen flew to the United States with his wife and daughter. He is currently studying at the New York University in the United States.

On the 26<sup>th</sup> of April, a resident of Shandong province, Yinan County, Shuang Hao town Chen Shigu village, Chen Kegui used a knife to injure local officials and workers before fleeing. On the 29<sup>th</sup> of April, Chen gave himself up to the Hong Hua Police station in neighboring Yi municipality. On the 30<sup>th</sup> of April, he was put under criminal detention, and on the 8<sup>th</sup> of May, his arrest was approved. His detention started on the 9<sup>th</sup> of May. The case is currently under continued investigation. On the 9<sup>th</sup> of May, Chen wrote an application for legal aid. After review by the Yinan County Legal Aid Center, it has been decided that he is eligible for legal aid, and thus appointed two lawyers to represent him from the Yinan County Legal Aid Center.

China's public security authority has not taken any law enforcement measures against Chen Guangfu, Chen Guangcun, Chen Hua, and Jian Tianyong. There is no ground for this Urgent Appeal's claims of the Chinese authorities torturing Chen's his wife, and beating Jiang Tianyong.

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

OHCHR REGISTRY

31 AUG 2012

Recipients: SPD.....

No. GJ/25/2012

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 217/1 G/SO 214(67-17) G/SO 214 (107-9) G/SO 214(3-3-16) G/SO 214 (53-24) CHN 4/2012] dated 15 May 2012, 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.



Geneva, 27 August 2012

Office of the High Commissioner for Human Rights

Geneva

联合国人权理事会强迫失踪问题工作组主席、言论自由、“人权卫士”、法官和律师独立性及酷刑问题特别报告员关于陈光诚案的来函 [UA G/SO 217/1 G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (53-24) CHN 4/2012] 收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

陈光诚，男，1971 年出生，盲人，山东省沂南县人。2006 年 12 月 1 日，因犯故意毁坏财物罪和聚众扰乱交通秩序罪，被依法判处有期徒刑 4 年 3 个月，2010 年 9 月 9 日刑满释放。自出狱以来，公安机关未对其采取任何法律强制措施。

2012 年 4 月 26 日，美驻华使馆以非正常方式将陈光诚带入使馆。5 月 2 日，陈在使馆停留六天后自行离开，前往朝阳医院就医。5 月 19 日，陈及其妻子、儿女乘飞机赴美。目前，陈在美纽约大学学习。

4 月 26 日，山东沂南县双堠镇东师古村村民陈克贵持刀砍伤当地政府干部及工作人员，陈案发后畏罪潜逃。4 月 29 日，陈向临沂市红花派出所投案自首，4 月 30 日被刑事拘留，5 月 8 日被批准逮捕，5 月 9 日执行逮捕，目前此案仍处于继续侦察阶段。5 月 9 日，陈克贵书写了法律援助申请书，经沂南县法律援助中心认定，符合申请法律援助条件，当地已指定沂南县法律援助中心两名律师担任其诉讼代理人。

中国公安机关未对陈光福、陈光存、陈华和江天勇等人采取任何法律强制措施，来函中所称陈妻遭受酷刑，江天勇遭殴打事不符合事实。

中国政府谨请将上述内容全文载入联合国有关文件中。