

(Translated from Chinese)

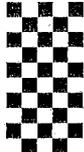
Receipt is hereby acknowledged of the joint urgent appeal regarding the case of Hu Wei Sheng from the Chair-Rapporteur of the United Nations Human Rights Council Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (UA G/SO/218/2 G/SO 214 (53-24) CHN 12/2012). The Chinese Government has made careful inquiries into the matter referred to in the communication and wishes to make the following reply:

1. Hu Wei Sheng, whose real name is Hu Wei Xing, is a male from Huidong County, Guangdong Province, who in 1979 illegally left for and subsequently became a citizen of Hong Kong. He was arrested on suspicion of committing offences on 10 June 2012 after entering Guangdong Province, while holding a mainland travel permit and a United States passport that had expired on 31 May 2012. After inquiries with the Hong Kong Immigration Department, it was ascertained that although Mr. Hu held a Hong Kong identity card and a United States passport, he had never changed his nationality and had remained a citizen of Hong Kong. On 8 August 2012 the Exit and Entry Administration Bureau of the Guangdong Province Public Security Administration already reported this situation in writing to the United States Consulate General in Guangdong and thereafter informed it on numerous occasions of the circumstances of the case. The United States authorities stated that they would respect the related Chinese law and would not interfere in the procedures and mechanisms used by the Chinese public security bodies to handle the case.

2. Mr. Hu is suspected of a number of crimes, and his arrest and transfer for investigation and prosecution took place in accordance with the law. Since 1982 Mr. Hu had been involved in beatings, illegal gambling and fraud in Hong Kong, Guangdong and Washington State in the United States, amassing a long criminal record. He was suspected of organizing and leading crime syndicates, intentionally causing injury, instigating fights and troublemaking, kidnapping for ransom, illegal detention, arson, gambling operations, fraudulent lending practices and many other types of offence. On 27 July 2012 the Huizhou municipal procuratorate thus approved his arrest. He is currently being held at the detention centre of the Public Security Administration in Guangdong Province. The Public Security Bureau in Huizhou, Guangdong Province, has already produced conclusive evidence implicating Mr. Hu in a major case involving organized crime and has referred the case to the procurator's office for investigation and prosecution. The Guangdong Province People's High Court has already assigned the Guangzhou Municipal People's Intermediate Court to hear this case.

3. The public security authorities have dealt with this case in strict accordance with the law, and there has been no illegal collection of evidence. In carrying out the procedures in this case the municipal public security authorities in Huizhou, Guangdong Province, have scrupulously adhered to the regulations set out by law for the performance of investigations. There has been no torture or illegal extraction of confessions. So far, Mr. Hu and his family members have not filed complaints with any of our country's competent authorities regarding possible coercion or inhuman treatment. In their handling of this case, the public security authorities have ensured the procedural rights of the suspect in accordance with the Code of Criminal Procedure and the Provisions on Procedures for Handling Criminal Cases by the Organs of Public Security, and at the same time have ensured the rights of Mr. Hu's family members and defence counsel to meet with him.

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



MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
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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(53-24) CHN 12/2012] dated 19 December 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.



OHCHR REGISTRY

18 MAR 2013

Recipients: *SPD*
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Office of the High Commissioner for Human Rights
 Geneva

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联合国人权理事会任意拘留问题工作组主席和酷刑问题特别报告员关于胡炜升案的紧急呼吁函[UA G/SO 218/2 G/SO 214 (53-24) CHN 12/2012]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

一、胡炜升，真实姓名为胡伟星，男，广东省惠东县人，1979年偷渡香港后成为香港居民，因涉嫌犯罪，于2012年6月10日持香港居民往来内地通行证入境广东后被抓获，其所持美国护照已于2012年5月31日到期。经向香港入境事务处查询，胡虽同时持有香港居民身份证及美国护照，但并未变更国籍，属香港居民。2012年8月8日，广东省公安厅出入境管理局已将此情况书面告知美国驻广州总领事馆，此后多次向美驻广州总领馆通报了案件情况。美方表示尊重中方有关法律，不会干涉中国公安机关的办案程序和方式。

二、胡涉嫌多项罪名，被依法逮捕并移送审查起诉。胡自1982年以来，在香港、广东、美国华盛顿州有殴打他人、非法聚赌、欺诈等多次违法犯罪记录，并因涉嫌组织、领导黑社会性质组织、故意伤害、寻衅滋事、绑架勒索、非法拘禁、放火、开设赌场、骗取贷款等多项罪名，于2012年7月27日被惠州市检察院批准逮捕，目前羁押在广东省公安厅看守所。广东省惠州市公安局已对胡牵涉重大涉黑案件掌握了确凿犯罪证据，将此案移送检察机关审查起诉。广东省高级人民法院已指定广州市中级人民法院审查此案。

三、公安机关严格依法办案，不存在非法取证行为。广东省惠州市公安机关在办案过程中严格按照法律规定行使侦查权，不存在刑讯逼供等非法取证行为。到目前为止，胡及其家属未向我国任何主管机关提出受到刑讯逼供及非人道待遇的申诉。在办案过程中，公安机关还依据《刑事诉讼法》和《公安机关办理刑事案件程序规定》的有关规定，保障犯罪嫌疑人诉讼权利，同时保障胡家属、辩护律师等有关人员依法会见的权利。

中国政府谨请将上述内容全文载入联合国有关文件中。