

*(Translated from Chinese Mandarin)*

16.05. 2011

In regard to the letter of the Chairman of the Working Group on Arbitrary Detention dated 4 April 2011 (G/SO 218/2) and the Urgent Appeal letter dated 5 April 2011 jointly sent by the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression and Special Rapporteur on the Situation of Human Rights Defenders, pursuant to Human Rights Council (UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-16) CHN 8/2011), the Chinese government hereby provides the following reply after a careful investigation into the circumstances of those letters was carried out:

Mr. Liu Xianbin, male, Han, born on 25 August 1968 in Sichuan Province, Suining municipality. In August 1999, Mr. Liu was sentenced to thirteen years of imprisonment and three years of deprivation of political rights for inciting subversion of state power. In 2008, Mr. Liu's sentence was reduced and he was released.

As identified at the trial at the People's Court of Suining, Sichuan, Liu Xianbin has published various subversive articles on the internet, inciting the subversion of China's state power and the dismantling of the socialist system. Such action constitutes the crime of subversion of state power, an extremely serious offence which results in severe punishment according to the law. On March 25 2011, the court issued a statement sentencing Mr. Liu to ten years imprisonment for inciting subversion of state power, with two years of deprivation of political rights; This is added to the 4 months and eight days of deprivation of political rights which had not been served, resulting in a total of 10 years imprisonment and 2 years and four months of deprivation of political rights.

The judiciary organ strictly complies with the law when handling cases. Mr. Liu has commissioned a legal representative for the defense of his case. During the trial, in addition to Mr. Liu who carried out his own defense rights, his Lawyer has also issued a great number of statements on behalf of the defendant. Mr. Liu's right to defense was thus fully protected.

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

19 MAY 2011

Recipients: *SPD*  
*3-042 (Encl.)*

No. GJ/15/2011

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 communications [ G/SO 218/2] dated 4 April 2011 and [UA G/SO 214(67-17) G/SO 214(107-9) G/SO 214(3-3-16)CHN 8/2011] dated 5 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

联合国人权理事会任意拘留问题工作组主席4月4日发来的指控函[G/SO 218/2]及人权理事会法官和律师独立性、言论自由和“人权卫士”特别报告员4月5日联名发来的紧急呼吁函[UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) CHN 8/2011]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

刘贤斌，男，汉族，1968年8月25日出生于四川省遂宁市。1999年8月因犯颠覆国家政权罪被判处有期徒刑13年，剥夺政治权利3年。2008年11月主刑执行完毕释放出狱。

四川遂宁市中级人民法院经审理认定，2009年4月至2010年2月期间，刘贤斌在互联网上发表多篇煽动性文章，煽动他人颠覆中国国家政权和推翻社会主义制度，其行为已构成煽动颠覆国家政权罪；其在剥夺政治权利刑罚执行期间又犯煽动颠覆国家政权罪，罪行重大，且系累犯，依法应从重处罚。法院于2011年3月25日作出一审判决并当庭宣判，以煽动颠覆国家政权罪判处刘有期徒刑10年，剥夺政治权利2年；与未执行完毕的剥夺政治权利4个月8天并罚，决定执行有期徒刑10年，剥夺政治权利2年4个月。

人民法院严格按照刑法、刑事诉讼法的有关规定审理此案，刘委托了律师担任辩护人。案件审理期间，除刘自己行使辩护权外，其委托的辩护律师也发表了充分的辩护意见，刘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。