

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. UA CHN 7/2014, dated 16 July, from the Chair-Rapporteur of the United Nations Human Rights Council Working Group on Arbitrary Detention, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the question of torture. The Chinese Government has carefully looked into the matters referred to in the communication and wishes to make the following reply:

1. Regarding Jiang Tianyong, Tang Jitian, Zhang Junjie and Wang Cheng

On 20 March 2014, Jiang Tianyong (a 43-year-old male from Zhengzhou, Henan Province), Tang Jitian (a 46-year-old male from Yanji, Jilin Province), Zhang Junjie (a 40-year-old male from Luohe, Henan Province) and Wang Cheng (a 39-year-old male from Zaoyang, Hubei Province) brought together and agitated a mob of “Falun Gong” supporters and members of their families and went to the legal education centre located in the office of the Bureau of State Farms and Land Reclamation in Jiansanjiang, Heilongjiang Province, where they stirred up trouble and disturbed public order in front of the door. In accordance with article 27, paragraph 1, of the Law of the People’s Republic of China on Public Security Administration Punishments, policemen from the office’s public security unit placed the four individuals under administrative detention. The public security authorities guaranteed the four individuals’ lawful rights and interests during their administrative detention, in accordance with the law.

2. Regarding Tang Jingling, Yuan Xinting and Wang Qingying

On 16 May 2014, Tang Jingling (a male born in October 1971), Yuan Zhaoyang (a male from Suining, Sichuan Province born in 1971 who also goes by the name Yuan Xinting) and Wang Qingying (a male from Sheqi county, Henan Province born in 1982) were placed in criminal detention, in accordance with the law, by public security officers from the Baiyun police station in Guangzhou on suspicion of picking quarrels and provoking trouble. On 20 June 2014, their arrest was confirmed by the Guangzhou people’s procuratorate, for the crime of inciting subversion of State power, and they are now being held at the No. 1 Detention Centre in Guangzhou. At this stage the case is undergoing further investigation.

3. Regarding Liu Shihui

Liu Shihui is a 48-year-old male of Mongolian ethnicity from Chifeng, Inner Mongolia. On 13 May 2014, Mr. Liu was placed in criminal detention by the Shanghai public security authorities, in accordance with the law, on suspicion of assembling a crowd to disturb order in a public place, and he has now returned to his place of origin.

4. Regarding Ding Jiayi

Ding Jiayi is a 46-year-old male and a native of Yidu, Hubei Province. On 18 April 2013, Mr. Ding was placed in criminal detention, in accordance with the law, on suspicion of the crime of unlawful assembly. On 25 May, his arrest was confirmed by the procuratorial authorities, and on 8 December his case was transferred to those authorities for review and prosecution. On 18 April 2014, the Haidian District People’s Court in Beijing ruled in first instance that Mr. Ding had acted in defiance of the laws of the State,

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colluded with others to assemble a crowd to disturb order in a public place and resisted and hindered public security officials in the lawful exercise of their duties. He had been an instigator of acts that were of sufficient gravity to constitute the crime of assembling a crowd to disturb order in a public place. The Court, acting in accordance with the law, sentenced Mr. Ding to 3 years and 6 months' imprisonment. Mr. Ding refused to accept the decision issued in first instance and lodged an appeal. The Beijing First Intermediate People's Court heard the case in accordance with the law, and on 18 July 2014 it dismissed the appeal and upheld the original decision. The People's Court heard the case in strict accordance with the provisions of the Criminal Law and the Criminal Procedure Law and fully upheld Mr. Ding's procedural rights.

5. Regarding Zhao Changqing

Zhao Changqing is a 44-year-old male of Han ethnicity. On 18 April 2013, the Beijing public security authorities placed him in criminal detention, in accordance with the law, on suspicion of the crime of unlawful assembly, and on 25 May his arrest was confirmed by the prosecutorial authorities. On 18 April 2014, the Haidian District People's Court in Beijing ruled in first instance that Mr. Zhao had acted in defiance of the provisions of State law on the people's legitimate exercise of their rights, exploited the public's interest in a topic of widespread concern and participated in activities to organize and plan the assembly of a crowd to disturb order in a public place. The actual perpetrators at the scene had resisted and hindered public security officials in the lawful exercise of their duties and disturbed order in a public place. Mr. Zhao had been an instigator of acts that were of sufficient gravity to constitute the crime of assembling a crowd to disturb order in a public place. He was therefore sentenced to 2 years and 6 months' imprisonment, in accordance with the law. Mr. Zhao refused to accept the decision issued in first instance and lodged an appeal. The Beijing First Intermediate People's Court heard the case in accordance with the law, and on 27 June 2014 it dismissed the appeal and upheld the original decision. The People's Court heard the case in strict accordance with the provisions of the Criminal Law and the Criminal Procedure Law and fully upheld Mr. Zhao's procedural rights.

6. Regarding Li Sihua

Li Sihua is a 56-year-old male from Xinyu, Jiangxi Province. On 30 April 2013, the Jiangxi public security authorities placed Mr. Li in criminal detention, in accordance with the law, on suspicion of inciting subversion of State power, and on 4 June his arrest was confirmed by the prosecutorial authorities. On 18 June 2014, the Yushui District People's Court in Xinyu, Jiangxi Province, ruled in first instance that Mr. Li had acted in defiance of the laws of the State, fabricating news and publishing it on news websites, which had created a disturbance that led numerous people to observe, pass on and comment on the fabrications and had created a serious disturbance of public order. His actions were sufficient to constitute the crime of picking quarrels and provoking trouble. The Court sentenced him to 3 years' imprisonment, in accordance with the law. Mr. Li refused to accept the decision issued in first instance and lodged an appeal. The case is currently being heard in second instance. The People's Court has heard the case in strict accordance with the provisions of the Criminal Law and the Criminal Procedure Law and fully upheld Mr. Li's procedural rights.

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

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中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团

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No. GJ/63/2014

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 CHN 7/2014】 dated 16 July 2014, has the honour 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, 20 August 2014

联合国人权理事会任意拘留问题工作组主席、言论自由问题特别报告员、和平集会和结社自由问题特别报告员、“人权卫士”问题特别报告员、法官和律师独立性问题特别报告员、酷刑问题特别报告员 7 月 16 日紧急呼吁函[UA CHN 7/2014]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、江天勇、唐吉田、张俊杰、王成

2014 年 3 月 20 日，江天勇（男，43 岁，河南省郑州市人）、唐吉田（男，46 岁，吉林省延吉市人）、张俊杰（男，40 岁，河南省漯河市人）、王成（男，39 岁，湖北省枣阳市人）等 4 人煽动纠集一些“法轮功”人员及家属，到位于黑龙江建三江的省农垦局法制教育基地门前滋事，扰乱社会秩序。黑龙江省建三江农垦公安机关依照《中华人民共和国治安管理处罚法》第 27 条第 1 项规定，对江等 4 人予以行政拘留。在执行行政拘留期间，公安机关依法保障了江等 4 人的合法权益。

二、唐荆陵、袁新亭、王清营

2014 年 5 月 16 日，唐荆陵（男，1971 年 10 月出生）、袁朝阳（又名袁新亭，男，1971 年出生，四川遂宁人）、王清营（男，1982 年出生，河南省社旗县人）3 人因涉嫌寻衅滋事罪被广州市公安局白云分局依法刑事拘留。2014 年 6 月 20 日，经广州市人民检察院批准以涉嫌煽动颠覆国家政权罪被逮捕，现羁押在广州市第一看守所。目前，案件正处于进一步侦查阶段。

三、刘士辉

刘士辉，男，48岁，蒙古族，内蒙古赤峰市人。2014年5月13日，刘因涉嫌聚众扰乱公共场所秩序罪被上海市公安机关依法刑事拘留，现已返回原籍。

四、丁家喜

丁家喜，男，46岁，原籍湖北省宜都市。2013年4月18日，丁因涉嫌非法集会罪被依法刑事拘留，5月25日经检察机关批准逮捕，12月8日移送检察机关审查起诉。2014年4月18日，北京市海淀区人民法院一审认为，被告人丁家喜无视国家法律，伙同他人聚众扰乱公共场所秩序，抗拒、阻碍国家治安管理工作人员依法执行职务，情节严重，且系首要分子，其行为已构成聚众扰乱公共场所秩序罪，依法判决丁有期徒刑3年6个月。一审宣判后，丁不服，提出上诉。北京市第一中级人民法院经依法审理，于2014年7月18日裁定驳回上诉，维持原判。人民法院严格依照刑法、刑事诉讼法规定审理此案，充分保障了被告人丁家喜的诉讼权利。

五、赵常青

赵常青，男，44岁，汉族。2013年4月18日，赵因涉嫌非法集会罪被北京公安机关依法刑事拘留，5月25日经检察机关批准逮捕。2014年4月18日，北京市海淀区人民法院一审认为，被告人赵常青无视国家法律对于公民正当行使权利的规范，利用群众关心的社会热点话题，参与组织、策划多人实施聚众扰乱公共场所秩序的行为，且具体实施者在现场抗拒、阻碍国家治安管理工作人员依法执行职务，扰乱了公共场所的秩序，情节严重，赵作为首要分子，其行为已构成聚众扰乱公共场所秩序罪，依法判处赵有期徒刑2年6个月。一审宣判后，赵不服，提出上诉。北

京市第一中级人民法院经依法审理，于2014年6月27日裁定驳回上诉，维持原判。人民法院严格依照刑法、刑事诉讼法规定审理此案，充分保障了被告人赵常青的诉讼权利。

六、李思华

李思华，男，56岁，江西省新余市人。2013年4月30日，李因涉嫌煽动颠覆国家政权罪被江西省公安机关依法刑事拘留，6月4日经检察机关批准逮捕。2014年6月18日，江西省新余市渝水区人民法院一审认为，被告人李无视国家法律规定，编造虚假信息在信息网络上散布，起哄闹事，引发多人围观、转发、评论，造成公共秩序严重混乱，其行为已构成寻衅滋事罪，依法判处李有期徒刑3年。一审宣判后，李不服，提出上诉，现案件正在二审过程中。人民法院严格依照刑法、刑事诉讼法规定审理此案，充分保障了被告人李思华的诉讼权利。

中国政府谨请将上述内容全文载入联合国有关文件中。