

Li Wangyang UA 11 July 2012

(Translated from Chinese Mandarin)

In regard to the Urgent Appeal letter dated July 11 2012 of the Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions [UA G/SO 218/2 G/SO 214 (67-17) Assembly and Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) CHN 6/2012], the Chinese government hereby gives the following reply after a careful investigation into the circumstances of the letter was carried out:

1. Li WangYang has committed suicide by hanging

Li WangYang, male, born November 12, 1950, of Han ethnicity, from New Huashi village, Daxiang District Shaoyang city, Hunan Province.

Between 1996 and 1988, Li Wangyang has worked as a worker in Shaoyang city's various ceramic, glass, cement factories and subsidiary workshops. Li has never been married. On October 25 1989, Li was arrested under charges of 'counter-revolutionary propaganda and incitement' and sentenced to 13 years of imprisonment. On September 11 2001, Li was sentenced to ten years of imprisonment for 'inciting subversion of State power', and was released in May 2011. On June 6 2012 at 6:00, Li Wangyang was found dead in his hospital room at the Daxiang District People's Hospital, where he was receiving medical treatment. Immediately after the event, Shaoyang City and Daxiang District's public security authorities as well as other relevant parties have, according to the law, carried out on site and post event investigations. The authorities have also requested third party post mortem examination by the independent Forensic Identification Center at the Guang Zhou Zhongshan University. In the afternoon of June 8, four forensics experts at the Forensic Identification Center arrived at the Shenglong morgue and carried out an autopsy on Li Wangyang's body. A number of Shaoyang City deputies, party members and journalists were witness to the entire process of the autopsy, and took video records. On June 19, the Zhongshan University Forensic Identification Center released the 'Forensic Report', which concludes that Li Wangyang died of suicide by hanging. On June 21, a team of experts from the Chinese Forensic Association arrived at Shaoyang and conducted a review of Li Wangyang's cause of death, and subsequently released a 'Forensic Expert Opinion Report', concluding that 'Li Wangyang's death was caused by self-inflicted hanging'. For further verification, the Hunan police authority has proceeded in further examination. This included review of detection, wound examination, audio and electronic evidence by a joint investigation team of various experts including forensic doctors, legal and investigation experts, as well as the Criminal Law, and Evidence Act experts from the China Law Society. As part of the team were also provincial level government officials and members of the party (including Hong Kong representatives). The joint investigation team came to Shaoyang and carried out thorough reviews of reports from the scene of death, as well as post-mortem examinations, evidence and testimonies. The experts have also reviewed the legitimacy, truthfulness, and completeness of the entire investigative procedure that has been carried out in the days following Li Wangyang's death, according to the law and following appropriate legal procedures. The team has also conducted interviews of relevant personnel. Based on reviews and verification of the evidence and investigation procedures, the joint investigation team has concluded that in line with the conclusion of the Zhongshan University Forensic Identification Center, Li Wangyang committed suicide by hanging himself.

2. Li Wangyang's death was handled appropriately, according to rule of law

On June 6, at 6:29, a report was received by the Daxiang branch of the Shaoyang city police authority. At 7:23, Daxiang chief of police arrived at the hospital, accompanied by numerous police officers, and immediately started on-site procedures. According to the 'Public Security's Procedure Rulebook for Criminal Cases', Li's relatives Li Wangling and her husband Zhao Baozhu were present at the scene during the entire process. At 8:45, personnel from the morgue took the body away. In the morning of June 8, the Daxiang branch of Shaoyang Police department decided to proceed with an autopsy of Li Wangyang's body. A 'Notice of Autopsy' was sent to Li Wangling, requesting her to be present at requested time. Li Wangling was also notified that her absence without a justifiable reason will by no means affect the go-ahead of the autopsy.

In the afternoon of June 8, after approval by the couple, Li Wangling and Zhao Baozhu, the Forensic Identification Center at Zhongshan University completed the examinations, and extracted the necessary samples. Based on recommendations from the Zhongshan University Forensic Identification Center, the Daxiang police department decided that there was no need to further conserve Li Wangyang's body. The 'Public Security Authority Crime Scene Investigation Rules' article 84 stipulates that when there is no necessity to conserve the body, the body shall be immediately handed over to the death's relatives after approval from authorities higher than the that of the District level. Daxiang police department has thus notified the Li Wangling to take care of Li Wangyang's body. On June 9 at 9:00, Li Wangling and Zhao Baozhu submitted the cremation request to the Shaoyang City crematorium and Li Wangling filled in the cremation registration form. At 9:38, Li Wangyang's body was cremated, in the presence of Li Wangling and Zhao Baozhu.

3. Li Wangling and husband and Shaoyang City Daxiang district hospital signed the 'People's Mediation Agreement'.

Li Wangling has alleged that the inappropriate medical care provided by the hospital is related to Li Wangyang's death, and thus demanded compensation. In the morning of June 9, North Shaoyang's 'Street People's Mediation Committee' has promptly started the mediation process, and organized mediation sessions regarding compensation. At the mediation session, the Daxiang district Hospital admitted that there has been neglect on the part of the nurse on call that night to not have discovered Li's death in time and provided the appropriate care. The Hospital agreed on paying the compensation. A 'People's Mediation Agreement' was signed by both parties as an agreement was reached between Li Wangling, Zhao Baozhu and the Daxiang District Hospital.

4. Li Wangyang has not received inhuman treatment during his incarceration

Li was suffering from multiple serious illnesses prior to his arrest and incarceration. During his term, the prison management ensured he was treated humanely, and organized multiple visits to the hospital, for him to receive medical treatment and provided personal care. In May 1980, Li Wangyang was diagnosed with Hepatitis. In June 1989, he was diagnosed with hyperthyroidism. On November 16, health check-up conducted on Li's first term in prison showed that his left eye's vision was only 0.1 and his pulse was 124 pulse/min. Longxi Prison has accordingly arranged for Li to receive treatment at the prison hospital. Li was also granted medical parole from July 1996 until March 1997. In September 2001, on Li's second incarceration, his medical examination showed that both his eyes were protruding, suffered from severe myopia, and could barely distinguish human contours under bright light. Furthermore, he could only walk either by following a wall or guided by a person. His right lost its hearing entirely on his right ear, whereas

he could only hear loud sounds from his left ear. His thyroids were swollen. Hunan province Chishan Prison has arranged for Li to receive medical treatment and personal care from the prison hospital, and has several times organized visits to the Yiyang municipality Zhongshan Hospital for consultation. The hospital diagnosed hyperthyroidism, thyroid heart disease, secondary blindness in both eyes and deafness. After various treatments, his situation has shown slight improvement.

5. Li Wangyang's relatives enjoy freedom of movement and have not been arrested or incarcerated

After the Li Wangyang incident, Li's relatives issued a written statement to the public stating: ' Li Wangyang's funerals have been carried out. We do not wish to interact with the outside world. We do not wish to be disturbed and give any interviews. All we would like is to overcome our grief and lead a peaceful and normal life.' They have also by their own will changed their mobile phone numbers.

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

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE
A GENÈVE

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OHCHR REGISTRY

- 9 NOV. 2012

Recipients :.....
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No. GJ/45/2012

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 218/2 G/SO 214(67-17) Assembly & Association(2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) CHN6/2012] dated 11 July 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, 30 October 2012

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、言论自由、和平集会、“人权卫士”、法官和律师独立性、法外处决、酷刑问题特别报告员就李旺阳案的联名来函[UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) G/SO 214 (53-24) CHN 6/2012]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、李旺阳系自缢身亡

李旺阳，男，1950年11月12日出生，汉族，湖南省邵阳市大祥区滑石新村居民。1966年至1988年先后在邵阳市陶瓷厂、玻璃厂、水泥厂附属加工厂当工人，终身未婚。1989年10月25日因反革命宣传煽动罪被判刑13年，2001年9月11日因危害国家安全罪被判刑10年，2011年5月出狱。2012年6月6日6时许，李旺阳被发现在其住院就诊的大祥区人民医院病房死亡。事发后，邵阳市及大祥区公安机关和有关方面依法开展了现场和善后处置工作，并委托第三方独立权威机构广州中山大学法医鉴定中心进行尸检。6月8日下午，中山大学法医鉴定中心4名专家在邵阳市神龙殡仪馆对李旺阳尸体进行了解剖检验，部分邵阳市人大代表、政协委员、媒体记者等全程见证尸检过程，并全程录像。6月19日，中山大学法医鉴定中心出具《司法鉴定意见书》，认为李旺阳系生前缢死。6月21日，中国法医学学会专家组赴邵阳对李旺阳死因进行了调查复核，并出具《法医学鉴定专家咨询意见书》，结论为“李旺阳死亡系自缢所致”。为进一步核实有关情况，6月19日至7月2日，湖南省公安厅组织由侦

查、痕迹检验、影像与电子物证、法医、法制、侦查监督专家，中国法学会刑法、证据法专家，省级人大代表、政协委员（含香港籍）组成的联合调查组，依据相关法律法规和程序，赴邵阳对李旺阳死亡现场的痕迹、物证进行复勘、检验，对言词证据进行审查，查看现场视频资料，对所有处置措施和证据的程序性、合法性、真实完整性进行核查，并进行了侦查实验，访问询问了相关人员。联合调查组通过调查核查，并综合中山大学法医鉴定中心司法鉴定意见、中国法医学会医学鉴定专家咨询意见，确认李旺阳系自缢身亡。7月11日，邵阳市公安局大祥区分局向李旺玲、赵宝珠通报了法医鉴定意见和调查结果，两人表示接受。

二、李旺阳死亡事件处置依法得当

6月6日6时29分，邵阳市公安局大祥分局接到报案，7时23分，大祥区公安分局局长带领多名民警到达医院，迅速开展现场处置工作。按照《公安机关办理刑事案件程序规定》，民警在病房开展现场勘查和初步尸表检验时，李旺玲、赵宝珠夫妇始终在场。8时54分，殡仪馆工作人员将尸体移走。6月8日上午，邵阳市公安局大祥分局依法决定对李旺阳尸体进行解剖检验，将《解剖尸体通知书》送达李旺玲，要求其届时到场，并告知其根据有关法律规定，无正当理由拒不到场的不影响解剖检验。

6月8日下午，经李旺玲、赵宝珠夫妇同意，中山大学法医鉴定中心完成尸检，提取了相关检材。大祥区公安分局经征求中山大学法医鉴定中心意见，认为李旺阳的尸体已没有继续保存的必要。按照《公安机关刑事案件现场勘查检查

规则》第 84 条“对没有必要保存的尸体，经县级以上公安机关负责人批准，应当立即通知死者家属处理”的规定，大祥区公安分局通知李旺玲处理李旺阳尸体。6 月 9 日 9 时许，李旺玲、赵宝珠向邵阳市殡葬管理所递交了火化申请，李旺玲填写了火化登记表。9 时 38 分，李旺阳尸体火化，李旺玲、赵宝珠在场。

三、李旺玲夫妇与邵阳市大祥区医院签订《人民调解协议书》

李旺玲提出，医院对李旺阳死亡在陪护方面负有责任，要求赔偿。大祥区城北街道人民调解委员会立即启动人民调解机制，于 6 月 9 日上午对事件赔偿事项进行了调解。经调解，大祥区人民医院承认值班护士疏忽大意，没有及时发现李旺阳死亡，没有尽到护理责任，同意承担赔偿责任。6 月 9 日，李旺玲、赵宝珠夫妇在与大祥区人民医院调解时达成一致意见，双方签订了《人民调解协议书》。

四、李旺阳服刑期间未遭受非人道待遇

李入狱前患多种严重疾病，服刑期间监狱部门给予李旺阳充分的人道待遇，多次安排其赴医院就诊，安排专人陪护。李旺阳 1980 年 5 月经诊断患肝炎。1989 年 6 月被诊断患“甲状腺功能亢进症”。1989 年 11 月 16 日，李第一次入狱时体检，左右眼视力仅为 0.1，心率 124 次/分。针对李旺阳的病情，湖南省龙溪监狱安排其在监内医院治疗，并于 1996 年 7 月至 1997 年 3 月安排其保外就医。2001 年 9 月，李旺阳再次入狱时体检表明，双眼突出，高度近视，在强光下仅能看到人影，走路靠墙或他人牵引，右耳听力完全丧失，左耳需

靠近大声说话方能听见，甲状腺稍肿大。湖南省赤山监狱一直将其安排在监内医院治疗，专人陪护，并两次安排其到益阳市中山医院就诊，诊断为甲状腺功能亢进症、甲状腺心脏病、继发性双眼失明、耳聋。经多方治疗后，症状有所缓解。

五、李旺阳家属行动自由，并未被逮捕和关押

李旺阳事件发生后，李旺阳家属委托其原单位向外界发表书面声明：“李旺阳的后事已经处理完毕，我们不愿与外界联系，不愿受到任何打扰，不愿接受任何采访，只想从悲痛中走出来，过正常安静的生活。”并自行更换了手机号码。

中国政府谨请将上述内容全文载入联合国有关文件中。