

*(Translated from Chinese)*

Receipt is hereby acknowledged of joint communication No. UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) CHN 10/2012 from the Chair-Rapporteur of the Working Group on Arbitrary Detention and the United Nations Human Rights Council Special Rapporteurs on the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, on the situation of human rights defenders and on the question of torture, relating to a case involving a demonstration by young students in Tibet. The Chinese Government has looked carefully into the matter referred to in the text and wishes to make the following reply.

On 26 November 2012 a number of students from a vocational and technical school in Hainan Prefecture, Qinghai Province, held a demonstration to express dissatisfaction with the management of their school, without requesting or obtaining permission from the relevant authorities as required by law, organizing over 200 students in an illegal street demonstration. The relevant local government departments and the school authorities patiently and painstakingly made efforts to convince the students to stop their action, but some of the students refused to comply with an order to disperse and threw stones at the police who were on the scene to maintain order. A few of the students crowded and tugged at each other, resulting in minor injuries. The local authorities showed the utmost restraint. Afterwards, the students were persuaded to return to the campus. Those who had been injured were promptly taken to hospital for treatment, and have since been discharged after their recovery. The reports of a so-called official booklet mocking the Tibetan language, or excessive use of force by the local police, or the firing of warning shots and cuts on students' heads and bodies, are purely groundless fabrications.

The Chinese Constitution guarantees citizens the freedom of speech, of publication, of assembly, of association, of procession and of demonstration. However, when exercising their freedom of assembly, of association, of procession and of demonstration, citizens must not harm the interests of the State, society or the community or the legitimate freedoms and rights of other citizens. Certain students failed to apply for and obtain authorization from the relevant authorities in accordance with the Law on Assembly, Processions and Demonstrations of the People's Republic of China and then organized, led and convened an illegal procession and demonstration, moreover refusing to comply with an order to disperse, thus seriously undermining public order. Their conduct was a violation of article 296 of the Criminal Law of the People's Republic of China, and, as they were suspected of involvement in the organization of an illegal procession and demonstration, on 27 December 2012 the People's Procuratorate of Gonghe County in Qinghai Province authorized their arrest, in accordance with the law. As they had violated the relevant provisions of the Law of the People's Republic of China on Public Security Administration Punishments, they each received sentences of administrative detention as a public security punishment. Consideration of this case is currently under way and is progressing.

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

---

MISSION PERMANENTE DE LA RÉPUBLIQUE POPULAIRE DE CHINE  
AUPRÈS DE L'OFFICE DES NATIONS UNIES À GENÈVE  
ET DES AUTRES ORGANISATIONS INTERNATIONALES EN SUISSE

11, CHEMIN DE SURVILLE - 1213 PETIT-LANCY 2, GENÈVE  
TÉL. 022 879 56 78 - FAX 022 793 70 14

No. GJ/06/2013

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(53-24) CHN 10/2012】dated 10 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.



Office of the High Commissioner for Human Rights  
Geneva

**OHCHR REGISTRY**

13 FEB 2013

Recipients: SPB  
S. Lidome (Encl.)

For copy registered on  
08.02.2013

联合国人权理事会任意拘留工作组主席、言论自由、和平集会、“人权卫士”、酷刑问题特别报告员关于藏区青年学生示威案的联名来函[UA G/SO 218/2 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) CHN 10/2012]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

2012年11月26日，青海省海南州职业技术学校一些学生因不满学校管理等问题，在未依照法律规定向有关部门提出申请并获得许可的情况下，组织200余名学生非法上街游行示威。当地政府有关部门及学校负责人对学生开展了耐心细致的教育劝阻工作，但部分学生拒不服从解散命令，并向维持现场秩序的警察投掷石块等，个别学生因相互拥挤、拉扯等造成轻微受伤，当地政府保持了极大的克制。后经做工作，学生返回校园，受伤学生被及时送到医院进行治疗，现均已康复出院。所谓官方手册抹黑藏语、当地警察过度使用武力、鸣枪示警，一些学生头部和身体被砍伤等纯属无稽之谈。

中国宪法规定，公民有言论、出版、集会、结社、游行、示威的自由。但公民在行使集会、结社、游行、示威的自由的同时，不得损害国家、社会、集体的利益和其他公民的合法权利和自由。个别学生未依照《中华人民共和国集会游行示威法》的规定向有关部门提出申请并获得许可，组织、领导举行非法游行示威活动，且拒不服从解散命令，严重破坏

了社会秩序，其行为已经触犯了《中华人民共和国刑法》第296条的规定，涉嫌非法游行示威罪，2012年12月27日，经青海省共和县人民检察院批准依法执行逮捕；个别学生因违反《中华人民共和国治安管理处罚法》的有关规定，被分别处以行政拘留等治安处罚。目前，案件正在进一步审理中。

中国政府谨请将上述内容全文载入联合国有关文件中。