

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. UA CHN 10/2015 from the United Nations Human Rights Council's Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 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 torture. The Government of China has looked carefully into the matter referred to in the communication and wishes to make the following reply:

Mr. Chen Yunfei is a 47-year-old male of Han ethnicity from Dazhu in Sichuan Province. On 27 March 2015, the Sichuan public security authorities, acting in accordance with the law, placed Mr. Chen in criminal detention on suspicion of inciting subversion of State power and creating a disturbance. On 30 April of that year he was arrested by order of the procuratorial authorities, and on 23 July his case was transferred to the procuratorial authorities for review and prosecution. The case is currently still under consideration.

It appears that Mr. Chen's defence lawyer is not Mr. Sui Muqing, as referred to in the communication, and that no coercive measures have been taken in respect of Mr. Chen's defence lawyer. The situation described in the communication is completely inconsistent with the facts. The Government of China hopes that the relevant special procedures mandate holders will ensure impartiality, fairness and objectivity in their work by strictly complying with the standards set out in the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, that is, by carefully examining the truthfulness of the information they receive and determining whether or not it is politically motivated.

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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/01/2016

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 latter's communication 【UA CHN 10/2015】 dated 29 October 2015, 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, 6 January 2016



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、言论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联合呼吁函[UA CHN 10/2015]收悉。中国政府对来函所涉情况作了认真调查，现答复如下：

陈云飞，男，汉族，47岁，四川大竹人。2015年3月27日，四川省公安机关以涉嫌煽动颠覆国家政权罪、寻衅滋事罪对陈依法刑事拘留，4月30日检察机关批准逮捕，7月23日移送检察机关审查起诉，目前该案正在进一步办理之中。

据了解，陈云飞的代理律师并非来函提及的隋牧青，也不存在陈的代理律师被采取强制措施的情况。来函所述情况与事实严重不符。中方希望有关特别机制按照《联合国人权理事会特别机制负责人行为准则》要求，严格遵循受理来文标准，仔细甄别来文信息真伪及有无政治动机，确保公正、公平、客观开展工作。