

*(Translated from Chinese)*

Receipt is hereby acknowledged of communication UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) Assembly and Association (2010-1) G/SO 214 (107-9) G/SO 214 (53-24) from the United Nations Human Rights Council Chair-Rapporteur of the 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 and the Special Rapporteur on the question of torture, regarding a single case. The Chinese Government has made careful inquiries into the matter referred to in the communication and wishes to make the following reply:

Firstly, we wish to provide the following general information on the persons referred to in the communication.

Peng Lanlan is a female belonging to the Tujia ethnic group who was born on 8 May 1974. She is domiciled at No. 17 Hongqiao Road, Old Town District, Tuojiang Town, Fenghuang County, Hunan Province, and is unemployed.

Cao Shunli is an unmarried, ethnic Han female born on 28 March 1961, domiciled and currently living at No. 1202 Qingnian Hunan Street, Building No. 27, Dongcheng District, Beijing. Primary claims: She is dissatisfied with the employer's housing assignment she received in 1997 and with the decision to dismiss her from her official position at the Administrative Management Scientific Research Institute overseen by the Ministry of Personnel in 2001.

Hu Guang is an ethnic Han female born on 13 January 1956. She is domiciled at No. 228 Dongnei Street, Dongcheng District, Beijing and currently resides at No. 1 Xiaocheng Village, Jiangtai Township, Chaoyang District, Beijing. She is unemployed. Primary claims: She does not accept the decision to dismiss her from her former place of employment, the Chaoyang branch of the Agricultural Bank of China in Beijing, on the grounds that she was absent without leave for 47 consecutive days in 1989.

Regarding Chen Jianfeng and Zhang Ming, the communication provided only their names and no other details. It is thus impossible to ascertain their identities.

Secondly, with regard to the issues raised in the communication, the situation has been verified as follows:

(a) On the afternoon of 13 August 2012, at the Dong Si local police station in Dongcheng District, Beijing, the accused, Peng Lanlan, prevented officials of State agencies from carrying out their duties in accordance with the law, using violence. The People's Court of Dongcheng District, Beijing heard her case in an open session, in accordance with the law, and found her guilty of the crime of obstructing official business and sentenced her to 1 year's imprisonment. Peng Lanlan did not accept the verdict of the court of first instance and lodged an appeal. At the trial of second instance by Beijing Intermediate People's Court No. 2, the Court rejected the appeal and upheld the original decision. The People's Courts heard the case in strict accordance with the Criminal Code and the Code of Criminal Procedure and fully guaranteed Peng Lanlan's procedural rights. At the hearing, not only did the defendant, Peng Lanlan, herself exercise her right to a defence, but her defence counsel also made a full submission on her behalf. On 12 August 2013, Peng Lanlan completed her sentence and was released.

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(b) The communication states that on 14 January 2009, 26 February 2009 and 9 December 2011 Cao Shunli and others were arrested by the police, but after verification it has been ascertained that this is not the case. Cao Shunli has been in conflict with the law a total of four times, as follows: In September 1999 and October 2001 she was placed in administrative detention for disrupting order in a public place. On 12 April 2009, in the waiting room of the local police station on An Wai Street in Dongcheng District, Cao Shunli used an iron pipe she was carrying to smash the glass of the doors and windows and a television set. She was placed in administrative detention for six days subsequently underwent one year of re-education through labour for instigating fights and troublemaking. On 28 April 2010, Cao Shunli was placed in administrative detention for 10 days and subsequently underwent re-education through labour for 1 year and 3 months for destroying public and private property.

(c) Since 13 May 2013, petitioners have continuously assembled in front of the Ministry of Foreign Affairs. So as to keep order in front of the Ministry of Foreign Affairs, and to prevent petitioners from blocking the entrance, blocking the road or engaging in other excesses, the Chaoyang branch of the Public Security Bureau dispatched police forces to maintain order on a daily basis. No monitoring or law enforcement action was taken against the aforementioned persons. On 1 July, the public security authorities carried out an operation to gather and clear out the petitioners remaining in front of the Ministry of Foreign Affairs and to persuade them to go home. That day, a total of 186 persons were removed, including 13 persons from Beijing and 173 persons from elsewhere. After they were removed from the scene, the 13 persons from Beijing were taken to five local police stations under the Chaoyang branch of the Beijing Public Security Bureau for further questioning, including Jinsong, Shuangjing and Wangsiying stations. Within eight hours of being summoned for oral questioning, they were handed over to the branches of the Public Security Bureau where they were domiciled. They were not subjected to prolonged detention or violence owing to law enforcement activities or other actions. The 173 petitioners from outside Beijing, after being removed from the scene, were taken directly to the Beijing Jiujingzhuang Relief Services Centre, where they were separated and persuaded to go home. Apart from some cases in which the Relief Services Centre asked the local authorities at the petitioners' domicile of origin to take back the petitioners, the rest left on their own initiative.

(d) It has been verified that the aforementioned cases were handled strictly in accordance with the relevant laws and regulations, and that during the investigation and implementation of the detention the police duly informed all the individuals of their rights and duties and also ensured that their reasonable requests were met, such as for access to legal counsel and permission to meet with their families and to seek medical treatment either inside or outside the place of detention. They were never subjected to illegal detention, verbal abuse, beatings or covert physical punishment. Investigations have shown that the communication is not consistent with the facts.

(e) In October 2013 the human rights situation in China will be reviewed, and on 18 July China submitted to the Office of the United Nations High Commissioner for Human Rights its national human rights report. The report was drafted by an interdepartmental working group in which more than 30 departments participated, and which was led by the Ministry of Foreign Affairs. During the drafting process, China extensively called for NGOs to give their opinions. It also posted the draft report on the public website of the Ministry of Foreign Affairs and invited the general public to comment on it. China also encouraged national NGOs to submit their own reports to the Office of the United Nations High Commissioner for Human Rights.

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

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联合国人权理事会任意拘留问题工作组主席、言论自由特别报告员、和平集会和自由结社特别报告员、“人权卫士”特别报告员和酷刑问题特别报告员的有关个案来函[UA G/SO 218/2 G/SO 217/1 G/SO 214(67-17) Assembly and Association (2010-1) G/SO 214(107-9) G/SO 214(53-24)]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、来函提及人员基本信息

彭兰岚，女，土家族，1974年5月8日出生，户籍地为湖南省凤凰县沱江镇古城社区虹桥路17号，无业。

曹顺利，女，汉族，未婚，1961年3月28日出生，户籍地及现住地为北京市东城区青年湖南街27楼1202号。主要上访诉求：该人对原工作单位国家人事部行政管理科学研究所1997年单位分房以及2001年被开除公职决定不满。

胡光，女，汉族，1956年1月13日出生，户籍地为北京市东城区东内大街228号，现住地为北京市朝阳区将台路乡小陈各庄1号，无业。主要上访诉求：该人对原工作单位北京中国农业银行朝阳支行1989年以连续旷工47天为由除名决定不服。

陈建锋、张明因来函中只提到姓名，无其他详细信息，故无法确定身份信息。

#### 二、来函提及问题的核查情况

(一) 2012年8月13日下午，被告人彭兰岚在北京市

公安局东城分局东四派出所采取暴力手段阻碍国家机关工作人员依法执行职务，经北京市东城区人民法院依法开庭审理，认定其行为构成妨害公务罪，判处其有期徒刑一年。一审宣判后，被告人彭兰岚不服，提出上诉。北京市第二中级人民法院二审后，裁定驳回上诉，维持原判。人民法院严格依照刑法、刑事诉讼法的规定审理此案，充分保障了被告人彭兰岚的诉讼权利。庭审中，除被告人彭兰岚自己行使辩护权外，其辩护律师也发表了充分的辩护意见。彭兰岚已于2013年8月12日刑满释放。

（二）来函称2009年1月14日、2月26日及2011年12月9日曹顺利等人被警方逮捕一事，经核实不存在。曹顺利共被处理过四次，分别是：1999年9月和2001年10月，分别因扰乱公共场所秩序被行政拘留；2009年4月12日，曹顺利在东城区安外大街派出所侯问室，使用随身携带铁管将门窗玻璃及电视机砸碎，依照寻衅滋事将其行政拘留6日，后被劳动教养一年；2010年4月28日，曹顺利因毁坏公私财物，被行政拘留10日，后被劳动教养一年零三个月。

（三）2013年5月13日以来，部分上访民众连续到外交部门前聚集。为保障外交部门前正常秩序，防止上访人员发生堵门、堵路等过激行为，朝阳分局每日派警力进行维持，不存在对上述人员实行监控的执法行为。7月1日，公安机关对外交部门前滞留访民进行集中清理和劝返工作。当日共清理访民186人，其中北京市访民13人，外地访民173人。该批人带离现场后，北京市13人由朝阳分局劲松、双井、

王四营等 5 个派出所分别进行进一步审查，8 小时口头传唤时间内，交由户籍地分局接回，不存在超时羁押、暴力执法等行为；173 名外地访民带离现场后，直接送至北京市久敬庄接济服务中心分流劝返，除一部分由接济服务中心通知被劝返人原籍接回外，其余人员自行离开。

（四）经核实，以上案件在办理过程中，严格依照有关法律法规，在审查和执行拘留过程中民警均告知被执行人所享义务和权利，并且可以满足和保障其聘请律师、会见家属、以及所内外就医等合理要求，从未出现过非法羁押、辱骂、殴打以及变相体罚等行为。经调查，来函所述不符合事实。

（五）中方将于 2013 年 10 月接受国别人权审查，并已于 7 月 18 日向联合国人权高专办提交《国家人权报告》。该报告由外交部牵头、30 多家单位参加的跨部门工作组负责起草。中方在起草报告过程中广泛征求了非政府组织意见，并在外交部公众网上发布初稿征求公众意见。中方也鼓励国内非政府组织向高专办提交报告。

中国政府谨请将上述内容全文载入联合国有关文件中。