



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

PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA

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No. GJ/06/2016

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 **【AL CHN 13/2015】** dated 23 December 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, 10th February 2016



OHCHR REGISTRY

15 FEB 2016

Recipients : *SRD*
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Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. AL CHN 13/2015 dated 23 December 2015 from the United Nations Human Rights Council's Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders. The Government of China has looked carefully into the matter referred to in the communication and wishes to make the following reply:

Mr. Yang Maodong, also known by the pen name Guo Feixiong, is a 48-year-old male from Gucheng county, Hubei Province. On 27 November 2015, the people's court in Tianhe district, Guangzhou city, Guangdong Province sentenced Mr. Yang to 6 years' imprisonment, in accordance with the law, for gathering crowds to disturb social order and for picking quarrels and provoking trouble. China is a country governed by the rule of law, and the people's court heard the case in strict compliance with the Criminal Law of the People's Republic of China and the Criminal Procedure Law of the People's Republic of China and fully guaranteed Mr. Yang's legitimate rights and interests. During the trial at first instance, not only did Mr. Yang exercise his right to defend himself on his own behalf; two defence lawyers also made a full submission on his behalf. The claim made in the communication that Mr. Yang's lawyers were denied the opportunity to defend him is inconsistent with the facts.

HRC/NONE/2016/29
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联合国人权理事会言论自由问题特别报告员、和平集会与结社自由问题特别报告员和“人权卫士”问题特别报告员2015年12月23日来函[AL CHN 13/2015]收悉。中国政府对来函所涉情况做了认真调查，现答复如下：

杨茂东，笔名“郭飞雄”，男，48岁，湖北谷县人。2015年11月27日，杨茂东因聚众扰乱公共场所秩序罪、寻衅滋事罪被广东省广州市天河区人民法院依法判处有期徒刑6年。中国是法治国家，人民法院严格依照刑法、刑事诉讼法的规定审理此案，充分保障了杨茂东的各项合法权利。一审庭审中，除杨茂东自己行使辩护权，其两名辩护律师也充分发表了辩护意见，来函所谓“未予其律师辩护机会”等与事实不符。