

(Translated from Chinese Mandarin)

31 May 2013

The joint urgent appeal by the Chair-Rapporteur of the Working Group on Arbitrary detention, the Chair-Rapporteur of the working group on Enforced or Involuntary Disappearances, the 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, the Special rapporteur on freedom of religion or belief, the Independent Expert on minority issues, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment is well-received. The Chinese government has conducted a careful study on the matters mentioned in the communication and provides the following reply:

1. Cases in Zuogang county, Mangkang county, and Qamdo Prefecture, TAR

After investigating the cases, we found that there was no “peaceful protest by monks” taking place in Zuogang and Mangkang counties of Qamdo Prefecture, TAR in February, 2013. Therefore, there is no alleged arrests indicated in the communication.. In addition, in the current Criminal Law of the P.R.C., there are no offences, such as “counter-revolution crime”, “instigating public crime” and “threatening social stability crime.” The statement in the communication relating to certain people and incidents simply does not comport with facts.

2. Cases in Chenduo county, Yushu Tibetan Autonomous Prefecture

- a. Case concerning Snam Sherab. On September 2, 2012, Sonam Sherab, Sonam Yignyen were detained, in accordance with law, on a charge of suspected crime to disturb public order by the Public Security organ of Chenduo county, Qing Hai Province. On October 1 of the same year, they were sentenced, by the local relevant department, to two years re-education through labor as administrative punishment.
- b. Case concerning Lobsang Jinpa. In September 2012, Lobsang Jinpa was detained, in accordance with law, on a charge of suspected crime to instigate the split of the state by the Public Security organ of Chenduo county, Qing Hai Province. On October 8 of the same year, arrest was carried out on approval by the prosecution. On 26 February, 2013, the Intermediate People's Court of Yushu Prefecture of Qing Hai Province sentenced him 5 years imprisonment with 2 years deprivation of political rights.
- c. Cases concerning Ngawang Monlam and Kalsang Tsultrim. In September, 2012, Ngawang Monlam and Kalsang Tsultrim were detained by the Public Security

organ of Chengduo county, Qing Hai Province, on a charge of suspected homicide of intentional nature. On September 7, in accordance with law, the mandatory measure was changed to “obtaining a guarantor pending trial”. On October 8 of the same year, upon the approval by the prosecution, the arrest for Kalsang Tsultrim was carried out, who was subsequently on medical parole due to a illness. The so-called “he was hospitalised due to a beating led injury” does not comfort with facts.

3, In March 2013, Sonam Namgyal, Lovsang Samten and thupten Gelek were detained by the Public Security organ of Serxu county, Ganzi Prefecture, Sichuan Province on charges of suspected gathering to disturb public order and traffic order. Subsequently, he was arrested, upon the approval of the prosecution. At present, this case is in the process of being reviewed.

Chinese government cordially requests that the above-mentioned text be included into relevant United Nations documents in full.



No. GJ/33/2013

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 217/1 G/SO 214 (67-17) Assembly & Association(2010-1) G/SO 214(56-23) Minorities (2005-4) G/SO 214(53-24)CHN 3/2013】 dated 26 March 2013, 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

31 MAY 2013

Recipients: SPD
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联合国人权理事会任意拘留问题工作组主席、强迫失踪问题工作组主席、言论自由问题特别报告员、和平集会和结社问题特别报告员、宗教信仰自由问题特别报告员、酷刑问题特别报告员和少数群体问题独立专家有关涉藏个案的联合紧急呼吁函[UA G/SO 218/2 G/SO 217/1 G/SO 214(67-17) Assembly & Association (2010-1) G/SO 214(56-23) Minorities (2005-4) G/SO 214 (53-24) CHN 3/2013)] 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、西藏左贡县、芒康县、江达县个案

经查，2013年2月，西藏昌都地区左贡县和芒康县未发生所谓“僧人和平抗议活动”，不存在来函中所称有人因此被逮捕的情况。此外，我国现行刑法中没有所谓“反革命罪、煽动公众罪和威胁社会稳定罪”，来函中涉及的人员、事件等情况与事实不符。

二、青海玉树州称多县个案

（一）索昂西然、索南伊尼案。2012年9月2日，索昂西然（Sonam Sherab）、索南伊尼（Sonam Yignyen）因涉嫌聚众扰乱社会秩序罪被青海省称多县公安机关依法刑事拘留，同年10月1日被当地有关部门依法处以劳动教养2年的行政处罚。

（二）罗松增巴案。2012年9月，罗松增巴（Lobsang Jinpa）因涉嫌煽动分裂国家罪被青海省称多县公安机关依法刑事拘留，同年10月8日经报检察机关批准依法执行逮捕。2013年2月26

日，青海省玉树州中级人民法院以煽动分裂国家罪依法判处其有期徒刑 5 年，剥夺政治权利 2 年。

（三）昂文美拉、次成尕松案。2012 年 9 月，昂文美拉（Ngawang Monlam）、次成尕松（Kalsang Tsultrim）因涉嫌故意杀人罪被青海省称多县公安机关依法刑事拘留，同年 9 月 7 日依法对昂文美拉变更强制措施为取保候审。同年 10 月 8 日经检察机关批准依法对次成尕松执行逮捕，后因身患疾病保外就医，所谓“在狱中遭受虐待受伤后住院治疗”与事实不符。

三、四川甘孜州石渠县个案

2013 年 3 月，四郎郎加(Sonam Namgyal)、洛松桑灯(Lobsang Samten)、土格(Thupten Gelek)因涉嫌聚众扰乱公共场所秩序、交通秩序罪被四川省石渠县公安机关依法刑事拘留，后经报请检察机关批准依法执行逮捕，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。