

Geneva, the 8th of December 2014

We have received the letter (UA CHN 10/2014) dated October 30, 2014 sent by the Chair-Reporter of the Working Group on Arbitrary Detention, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Special Rapporteur the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on the situation of human rights defenders, and Special Rapporteur on torture on the cruel, inhuman or degrading treatment or punishment. The Chinese government has carried out further investigations on the information contained in the letter and provides the following replies:

Liu Ping, is a woman who was born on the 2nd of December, 1964. She is a retired employee of the Iron and Steel Mill of the Xin Yu City, Jiang Xi Province. On the 18th of June, 2014 the People's Court of Yu Shui District, Xin Yu City, Jiang Xi Province, in its first-instance ruling, issued the verdict as follows: Liu violated national law and regulations, spread fabricated information and on the internet, stirred trouble, provoking unrest and resulting in severe disturbance of public order. This constitutes the crime of picking quarrels and provoking trouble. She organized, planned and deliberately chose to display banners at peak times and rush hour at the most crowded commercial districts, ignoring the regulating effects of the state law on its citizens, when they exercise their legitimate rights. The result is that her action attracted a large number of on-lookers, and she also perverted and resisted against the state law enforcement agents who were in the process of performing duties according to the law. She very seriously disrupted order at public places and, therefore, committed the crime of gathering a crowd to disturb order at public places. Despite the fact that she is aware of the existence of the state law which explicitly bans spreading any information from an evil cult over the internet, Liu disseminated the info on so-called "the cult suffered persecution," with a vicious influence and bad consequences, committing a crime of using an evil cult to sabotage law enforcement. Combined all these offences, Liu was sentenced to an imprisonment of six years and six months. After the trial of the first instance, Liu appealed. The Intermediate People's Court of Xin Yu City rejected the appeal and sustained the original ruling.

1) The case processed by the relevant courts are strictly in accordance with the Penal Code and Criminal Procedure Law of the country. Liu had two defence lawyers for her defence. During the trial, apart from Liu's exercise the self defending right, her two defence lawyers have also adequately provided their defending opinions. The peoples' courts have fully guaranteed Liu's legitimate rights.

2) The statements in the letter concerning Liu's having an illness which was not treated and she was tortured etc. were not at all in consistent with the truth. Ever since her imprisonment, Liu's overall health condition has been sound and she has never asked for seeking a treatment due to an instance of bad health. In our country's prisons, we stick to the principle of everyone enjoying equal rights before the law. According to the law and in practice, we have strict, science-based and civilized prison management. The physical abuse of criminals is strictly prohibited. For guarantee

the legitimate rights of prisoners, there is regular examinations of their health, so that treatments for those who are ill are timely.

The Chinese government cordially requests that the above-mentioned text be included in full in the United Nations documentation

Word Count: 611 words



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/84/2014

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 10/2014】 dated 30 October 2014, 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, 8 December 2014

Office of the High Commissioner for Human Rights
GENEVA

OHCHR REGISTRY

11 DEC. 2014

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、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、健康权问题特别报告员、“人权卫士”问题特别报告员、酷刑问题特别报告员 10 月 30 日联合紧急呼吁函 [UA CHN 10/2014] 收悉。中国政府对来函所涉情况作了进一步调查，现答复如下：

一、刘萍，女，1964 年 12 月 2 日出生，江西省新余市钢铁厂退休员工。2014 年 6 月 18 日，江西省新余市渝水区人民法院作出一审判决，认定刘无视国家法律规定，编造虚假信息在信息网络上散布，起哄闹事，造成公共秩序严重混乱，构成寻衅滋事罪；无视国家法律对公民正当行使权利的规范，组织、策划在商业繁华、人流密集的公共场所，选择社会公众出行的高峰时段，张打横幅，聚集大量围观人员，且现场抗拒、阻碍国家治安管理人员依法执行职务，扰乱公共场所秩序，情节严重，构成聚众扰乱公共场所秩序罪；无视国家法律的明文禁止，利用互联网传播邪教组织信息，散发所谓邪教组织“被迫害”的信息，造成恶劣影响，构成利用邪教组织破坏法律实施罪。数罪并罚，判处有期徒刑六年六个月。一审判决后，刘提出上诉。2014 年 8 月 5 日，江西省新余市中级人民法院经依法审理后裁定驳回上诉，维持原判。

有关法院严格按照刑法、刑事诉讼法的规定审理此案。刘委托了两名律师担任其辩护人。庭审中，除其自己行使辩护权，两名辩护律师也发表了充分的辩护意见。人民法院充分保障了刘的诉讼权利。

二、来函中所称刘身患疾病未获医治、被实施酷刑等情况与事实不符。刘自入狱至今，身体健康状况整体较好，没有因身体不适而提出就诊要求。我国监狱坚持法律面前人人平等原则，对罪犯实行依法、严格、科学、文明管理，严禁体罚虐待罪犯。监狱还定期对罪犯进行身体检查，对患病的罪犯及时治疗，保障其合法权益。

中国政府谨请将上述内容全文载入联合国有关文件中。