

(Translated from Chinese)

Receipt is hereby acknowledged of communication UA CHN 8/2015 of 7 August 2015 from the Chair-Rapporteur of 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 and the Special Rapporteur on torture. The Government of China has made careful inquiries into the matter referred to in the communication and wishes to make the following reply.

Mr. Yang Maodong is a male who was born on 2 August 1966. On 14 November 2007 he was sentenced to 5 years in prison for fraudulent activities, and on 13 September 2011 he completed his sentence and was released. On 8 August 2013, Mr. Yang was placed in criminal detention in accordance with the law by the public security authorities of Guangdong Province on suspicion of the crime of gathering a crowd to disrupt order in a public space, and on 12 September of that year he was arrested by order of the procuratorial authorities. During Mr. Yang's detention, the public security authorities acted in accordance with the law to guarantee his legitimate rights and interests, and he was not subjected to any "ill-treatment".

On 20 June 2014, the People's Procuratorate of Tianhe District, Guangzhou City, Guangdong Province charged Mr. Yang with gathering crowds to disrupt public order and instituted proceedings before the People's Court of Tianhe District, Guangzhou City. After the People's Court of Tianhe District, Guangzhou City agreed to take up the case in accordance with the law, acting in strict accordance with the relevant laws and regulations the Court also transmitted a copy of the indictment to Mr. Yang and his defence lawyer and made arrangements for the defence lawyer to consult the case file. In accordance with the relevant legislation and legal procedures concerning court notices and announcements, on 12 September and 28 November of 2014 the People's Court of Tianhe District, Guangzhou City heard the case in an open courtroom. During the hearing, the court considered the facts relating to the charges, and both the prosecution and the defence put forth evidence and conducted cross-examinations and were able to fully express their views on the case. At the end of the hearing, the court adjourned and chose a date on which to issue its judgement, which has not yet been issued.

Pursuant to the Code of Criminal Procedure, when a people's court hears a case of public prosecution in first instance, it may, under the circumstances prescribed by law and with approval from a higher court, extend the deadline for trying the case. This was done in the case at hand in accordance with the law, with the approval of a higher court.

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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

PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA

11 Chemin de Surville, 1213 Petit-Lancy

Tel: +41 (0)22 879 56 78 Fax: +41 (0) 22 793 70 14

Email: chinamission_gva@mfa.gov.cn Website: www.china-un.ch

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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 8/2015】 dated 7 August 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, 2 September 2015



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主席、言论自由问题特别报告员、“人权卫士”问题特别报告员、酷刑问题特别报告员2015年8月7日来函[UA CHN 8/2015]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，男，1966年8月2日出生。2007年11月14日因犯非法经营罪被判处有期徒刑五年，2011年9月13日刑满释放。2013年8月8日杨茂东因涉嫌聚众扰乱公共场所秩序罪被广东省公安机关依法刑事拘留，9月12日经检察机关批准逮捕。羁押期间，公安机关依法保障杨茂东各项合法权益，不存所谓“虐待”行为。

2014年6月20日，广东省广州市天河区人民检察院指控杨茂东犯聚众扰乱公共场所秩序罪，向广州市天河区人民法院提起公诉。广州市天河区人民法院依法受理此案后，严格依照法律法规，及时向杨茂东及其辩护人送达了起诉书副本，安排辩护人查阅了卷宗材料。经庭前通知和公告等法定程序，广州市天河区人民法院于2014年9月12日、11月28日对案件公开开庭审理。庭审中，法庭围绕起诉指控的事实进行了调查，控辩双方进行了举证、质证并充分发表了意见。庭审结束后，法庭宣布休庭，择期宣判，目前尚未宣判。

刑事诉讼法规定，人民法院审理一审公诉案件，具备法定情形的，经上级法院批准，可以延长审理期限。本案审理期间，经报请上级法院批准，依法对审理期限进行了延长。