

*(Translated from Chinese)*

Receipt is hereby acknowledged of communication AL CHN 3/2018, of 8 February 2018, from the 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 and other cruel, inhuman or degrading treatment or punishment of the United Nations Human Rights Council. The Government of China wishes to make the following reply:

On 26 December 2017, Tianjin Municipal Intermediate People's Court No. 2 issued a decision as a court of first instance in the subversion case of defendant Wu Gan, determining that he had committed the offence of subverting State power and sentencing him to 8 years' imprisonment and deprivation of political rights for 5 years.

In hearing the case, the court ascertained that the defendant, Wu Gan, had [REDACTED] [REDACTED] subverting the political power of the State, owing to his dissatisfaction with the current State political system. Wu Gan later used information networks to spread a large quantity of political opinions over an extended period and attack the State system established by the Constitution. He colluded with many people wishing to subvert the political power of the State — [REDACTED] [REDACTED] a few lawyers and others — to “defend rights” and put on “performance art” productions as a pretext for organizing illegal assemblies and creating disturbances in public places, insulting people and spreading false information on information networks, hyping contentious cases, blackening the name of State bodies and attacking the system established by the Constitution. He carried out a series of illegal acts to subvert the political power of the State and overthrow the socialist system, seriously undermining State security and social stability.

The court found that, with the aim of subverting the political power of the State and overthrowing the socialist system, and by spreading subversive political opinions on information networks and hyping contentious cases, the defendant, Wu Gan, attacked the State system established by the Constitution and seriously undermined State security and social stability. His actions thus constituted an offence of inciting subversion of State power. The charges of subverting the political power of the State that were brought by the procuratorial bodies against Wu Gan were clearly appropriate; there was ample, reliable evidence and the accusations were sound. Wu Gan engaged in such behaviour actively and maliciously; his actions brought serious harm to society; they were heavily subjective and pernicious, and they merited severe punishment, in accordance with the law. The court, acting in accordance with the law, issued the decision described above in line with the acts committed, their nature and the circumstances, and in the light of the degree of damage done to society.

During the proceedings in this case, the court fully ensured that Wu Gan and his defence counsel could make use of all their procedural rights, in accordance with the law.

As soon as the decision was handed down, Wu Gan appealed. The case is currently being heard at the Tianjin Municipal High People's Court of second instance.

