



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
**THE PERMANENT MISSION OF THE PEOPLE'S REPUBLIC OF CHINA
 TO THE UNITED NATIONS OFFICE AT GENEVA AND OTHER
 INTERNATIONAL ORGANIZATIONS IN SWITZERLAND**

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 Note Verbale dated 11 July 2018, has the honor to transmit the 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

15 AUG 2018

Recipients: SPB.....

CEG: 2/08/2018

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 11 July 2018 from the Office of the United Nations High Commissioner for Human Rights. The Chinese Government wishes to make the following reply:

1. In July 2015, Wang Yu was lawfully taken into criminal custody on suspicion of involvement in the crimes of picking quarrels and provoking trouble, and of inciting subversion of State power; [his detention] was later lawfully modified to residential surveillance. In July 2016 he was released on bail pending trial, and the bail provisions were lifted in July 2017.

China is a country ruled by law. All are equal before the law; no one can place him/herself above the law. Lawyers should be the protectors of the law; the status of lawyer is not a talisman providing cover for law-breaking. No country would allow certain people to engage in criminal activities just because they have lawyer status.

2. In March 2015, Qin Yongmin was lawfully taken into criminal custody on suspicion of involvement in the crime of inciting subversion of State power; the procuratorial authorities formally approved his arrest in May 2015, and he was remanded for trial in June 2016. On 11 July 2018, the Wuhan Municipal Intermediate People's Court conducted the first-instance trial of this case, ruling Qin guilty of the crime of inciting subversion of State power and sentencing him to a term of 13 years' imprisonment and 3 years' deprivation of political rights.

During the trial, the Wuhan Municipal Intermediate People's Court ascertained that the defendant Qin Yongmin had previously received a sentence for the crime of subverting State power. Following his release after completing that sentence in 2010, he continued to engage in activities subversive of State power owing to his dissatisfaction with State power and the socialist system. He publicized his advocacy of subverting State power by writing articles, publishing books, and using the Internet and overseas media, setting forth the goals, strategies and methods of subverting the power of the State. To achieve the objective of subverting State power, Qin Yongmin recruited the members, drafted the charter, and established the structure of an illegal organization of which he was the head, and raised funds for use in carrying out activities subversive of State power by collecting membership fees, launching donation drives and accepting financial assistance. The Wuhan Municipal Intermediate People's Court held that by setting up an illegal organization and organizing, planning and carrying out the subversion of State power and the overthrow of the socialist system with the goal of subverting the basic national system established under the Chinese Constitution, the defendant Qin Yongmin's actions constituted the crime of subverting State power and he himself was the ringleader and a recidivist, deserving of severe punishment in accordance with the law. Based on the facts, nature and circumstances of Qin Yongmin's crimes, as well as the degree of harm to society they entailed, that judgment was made within the law.

Qin Yongmin is a criminal offender sentenced by the Chinese judicial organs in accordance with the law. His sentencing has nothing to do with the issue of human rights. China is a country ruled by law. Anyone who breaks the law should be punished in accordance with the law regardless of his or her status.

3. In May 2015, Mei Chongbiao was lawfully taken into criminal custody on suspicion of involvement in the crime of picking quarrels and provoking trouble; [his detention] was subsequently lawfully modified to residential surveillance, which was lifted in August 2012. China is a country ruled by law, and the Chinese public security organs guarantee all legitimate rights enjoyed by criminal suspects in accordance with the law. Allegations of so-called "disappearances" and "arbitrary detention" are not consistent with the facts.



联合国人权高专办 2018 年 7 月 11 日照会收悉。中国政府答复如下：

一、2015 年 7 月，王宇因涉嫌寻衅滋事、煽动颠覆国家政权罪被依法刑事拘留，后依法变更为监视居住。2016 年 7 月取保候审，2017 年 7 月解除取保候审。

中国是法治国家。法律面前人人平等，任何人都不能凌驾于法律之上。律师应是法律的维护者，律师身份不是破坏法律的护身符。任何一个国家都不会因为一些人有律师身份就允许其从事违法犯罪活动。

二、2015 年 3 月，秦永敏因涉嫌颠覆国家政权罪被依法刑事拘留，2015 年 5 月经检察机关批准逮捕，2016 年 6 月被移送起诉。2018 年 7 月 11 日，武汉市中级人民法院对该案一审公开审判，认定秦犯颠覆国家政权罪，依法判处其有期徒刑 13 年，剥夺政治权利 3 年。

武汉市中级人民法院经审理查明，被告人秦永敏曾因犯颠覆国家政权罪被判处刑罚，2010 年刑满释放后，出于对国家政权和社会主义制度的不满，继续从事颠覆国家政权的活动，通过撰写文章、出版书籍，以及利用互联网、境外媒体等方式，宣扬其颠覆国家政权思想，提出颠覆国家政权的目標、策

略、方法。为达到颠覆国家政权的目的是，秦永敏物色组织成员、草拟组织章程、确立组织结构，成立以其为首的非法组织，并通过收取会费、发动捐款、接受资助等方式募集经费，用于开展颠覆国家政权的活动。武汉市中级人民法院认为，被告人秦永敏以颠覆中国宪法确立的国家基本制度为目的，成立非法组织，组织、策划、实施颠覆国家政权、推翻社会主义制度的行为，已构成颠覆国家政权罪，系首要分子，且属累犯，依法应当从重处罚。根据秦永敏犯罪的事实、性质、情节和对社会的危害程度，依法作出上述判决。

秦永敏是中国司法机关依法判决的犯罪人员，他被判刑和人权问题无关。中国是法治国家，任何人只要触犯法律，不管他是什么身份，都应依法受到惩处。

三、2012年5月，糜崇标因涉嫌寻衅滋事罪被依法刑事拘留，后变更为监视居住，2012年8月解除监视居住。中国是法治国家，中国公安机关依法保障犯罪嫌疑人享有的各项合法权利，有关所谓“失踪”、“任意拘留”等说法与事实不符。