

(Translated from Chinese)

Receipt is hereby acknowledged of the joint communication of 3 February 2022 from the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; 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; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, of the United Nations Human Rights Council. The Chinese Government would like to reply as follows:

1. Regarding the cases in question

1.1 Wang Jianbing

Wang Jianbing is a 38-year-old male from [REDACTED]. In September 2021, the public security authorities, acting in accordance with the law, placed him in criminal detention, as he was suspected of violating the law. The case is currently advancing, under investigation. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused. The Chinese judicial bodies hear cases in accordance with the law and there has been no so-called “forced disappearance” or “suppression of human rights”.

1.2 Yang Maodong (Guo Feixiong)

Yang Maodong (whose pen-name is Guo Feixiong) is a 55-year-old male originally from [REDACTED] and currently lives in [REDACTED]. In December 2021, the public security authorities, acting in accordance with the law, placed him in criminal detention, as he was suspected of violating the law. The case is currently advancing, under investigation. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused.

1.3 Tang Jitian

Tang Jitian is a 54-year-old male from [REDACTED], who was disbarred by the Beijing judicial department in 2010, in accordance with the law, for disturbing the order in a court. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused. There has been no so-called “forced disappearance” or “suppression of human rights”.

1.4 Gao Zhisheng

Gao Zhisheng is a 58-year-old male from [REDACTED]. In December 2006 he was sentenced to 3 years of imprisonment and 5 years of probation, and he was deprived of his political rights for 1 year, for committing an offence. In August 2014 he was released after serving his sentence. It is understood that the public security authorities have not taken any criminal coercive measures against him.

1.5 Xu Zhiyong, Li Qiaochu, Ding Jiayi

Xu Zhiyong is a 49-year-old male from [REDACTED] and was formerly a lecturer at Beijing University of Posts and Telecommunications. In 2014 he was sentenced to 4

years of imprisonment for gathering people to disturb public order at a public place; Li Qiaochu is a 31-year-old female from [REDACTED]. Ding Jiayi is a 55-year-old male from [REDACTED]. In December 2019 and February 2021, the public security authorities, acting in accordance with the law, successively placed Mr. Ding, Mr. Yu and Ms. Li in criminal detention, as they were suspected of violating the law. Their cases are currently under investigation. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused.

1.6 Chang Weiping

Chang Weiping is a 37-year-old male from [REDACTED] and was formerly a lawyer with the [REDACTED]. In December 2019 he was disbarred by the Shaanxi judicial authorities, in accordance with the law, for violating laws and regulations while practising law. In October 2020 the public security authorities took criminal coercive measures against him, as he was suspected of violating the law. The case is currently under investigation. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused.

1.7 Qin Yongpei

Qin Yongpei is a 53-year-old male from [REDACTED], and was formerly a lawyer at and the director of the [REDACTED]. In October 2019, the public security authorities took criminal coercive measures against him, as he was suspected of violating the law. In May 2020, his case was investigated by the Nanning People's Procuratorate and sent to the Nanning Intermediate People's Court. On 31 December 2021, the Nanning Intermediate People's Court heard the case and set a date to hand down its verdict. China is a State based on the rule of law, and in accordance with the law, it guarantees all the rights of the accused.

2. Regarding the question of whether subversion of State power is in line with the requirements of legal certainty in the Universal Declaration of Human Rights

The Constitution of China establishes that “the State shall respect and protect human rights”, and at the same time, that “every citizen shall enjoy the rights prescribed by the Constitution and the law and must fulfill the obligations prescribed by the Constitution and the law.” Article 29 of the Universal Declaration of Human Rights establishes that “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” and that “these rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.”

Subversion of State power is one of the most serious acts that undermine national security. It is common practice in the world to impose penalties, in accordance with the law, for criminal acts that endanger the system of national power or the social system. Article 15 of the National Security Law of China establishes that “the State shall adhere to the leadership of the Communist Party of China and maintain the socialist system with Chinese characteristics”... and “the State shall prevent, frustrate, and legally punish any conduct that betrays the country, splits the country, incites rebellion or subverts or incites the subversion of the people's democratic dictatorship”. Article 105 of the Criminal Law of China clearly establishes the crimes of subversion of State power and incitement to subversion of State power. The punishment in China, in accordance with the law, of subversion of State power and incitement to

subversion of State power is fully in line with the principles established by international law and the Universal Declaration of Human Rights.