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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 [AL CHN 5/2023] dated 12 May 2023, has the honour to transmit herewith the reply of 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.



[Translated from Chinese]

Receipt is hereby acknowledged of the communication [dated 12 May 2023] addressed by the United Nations Human Rights Council's special mechanisms [– 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 the independence of judges and lawyers] (ref. AL CHN 5/2023). The Chinese Government wishes to make the following reply:

A. The cases of Xu Zhiyong and Ding Jiayi

China is a country governed by the rule of law. The public security organs handle cases in accordance with the law and fully guarantee the basic rights of criminal suspects. Xu Zhiyong and Ding Jiayi are in good physical and mental condition, and the risk of being “subjected to torture”, etc., does not exist.

The cases of Xu Zhiyong and Ding Jiayi, each of whom was accused of the crime of subversion of State power, were tried in the Intermediate People's Court of Linyi City, Shandong, in accordance with the law. The first instance verdicts were publicly pronounced on 10 April 2023, finding Xu Zhiyong guilty of subversion of State power and sentencing him to 14 years' imprisonment and four years' deprivation of political rights; Ding Jiayi was found guilty of subverting State power and sentenced to 12 years' imprisonment and three years' deprivation of political rights.

During the trial, the Linyi City Intermediate People's Court established that Xu Zhiyong and Ding Jiayi had developed illegal organizations, advocated subversion of State power, and conducted non-violent “colour revolution” training, with the aim of subverting State power and overthrowing the socialist system. Holding meetings to plan ways and means of subverting State power seriously endangers national security and social stability, and the entirety of their actions constituted the crime of subversion of State power. Based on the facts, nature and circumstances of the crimes committed by Xu Zhiyong and Ding Jiayi and their degree of harm to society, the aforementioned judgments were handed down in accordance with the law.

The Court handled the cases in strict accordance with the law and fully guaranteed all the litigation rights enjoyed by Xu Zhiyong and Ding Jiayi and their defenders in accordance with the law. During the first instance trial, the procuratorial authorities and the defenders of Xu Zhiyong and Ding Jiayi each presented relevant evidence; both prosecution and defence conducted cross examinations and fully expressed their views under the auspices of the Court. Xu Zhiyong's relatives and some members of the community were in attendance at the hearing when the first instance verdicts were pronounced.

After sentencing, Xu Zhiyong and Ding Jiayi lodged an appeal. At present, the Xu Zhiyong and Ding Jiayi cases are in the second instance trial process at the Shandong Provincial High People's Court.

B. The case of Qin Yongpei

China is a country governed by the rule of law. The public security organs handle cases in accordance with the law and fully guarantee the basic rights of criminal suspects. Qin Yongpei is in good physical and mental condition, and the risk of being “subjected to torture”, etc., does not exist.

The case of Qin Yongpei, who was accused of inciting subversion of State power, was tried at the Intermediate People's Court in Nanning, Guangxi Zhuang Autonomous Region, in accordance with the law. The first instance verdict was publicly pronounced on 31 March 2023, finding him guilty of inciting subversion of State power, and sentencing him to five years' imprisonment and three years' deprivation of political rights.

During the trial, the Nanning Intermediate People's Court established that Qin Yongpei had, by means of disinformation and slander, incited the subversion of State power

and the overthrow of the socialist system, and that his actions constituted the crime of incitement to subvert State power. Based on the facts, nature and circumstances of the crime committed by Qin Yongpei, and its degree of harm to society, the aforementioned judgment was handed down in accordance with the law.

The Court handled the case in strict accordance with the law and fully guaranteed all the litigation rights enjoyed by Qin Yongpei and his defenders in accordance with the law. During the first instance trial, the procuratorial authorities presented the relevant evidence; both prosecution and defence conducted cross examinations and fully expressed their views under the auspices of the Court, and Qin Yongpei made a final statement. Qin Yongpei's relatives and some members of the community were in attendance at the hearing when the first instance verdict was pronounced.

After sentencing, Qin Yongpei lodged an appeal. At present, the Qin Yongpei case is in the second instance trial process at the High People's Court of Guangxi Zhuang Autonomous Region.

联合国人权理事会特别机制 AL CHN 5/2023 号来文收悉，中国政府答复如下：

一、许志永案、丁家喜案

中国是法治国家。公安机关依法办理案件，充分保障犯罪嫌疑人各项基本权利，许志永、丁家喜目前身体及精神状况良好，不存在“遭遇酷刑”等情况。

许志永被指控犯颠覆国家政权罪一案和丁家喜被指控犯颠覆国家政权罪一案，山东省临沂市中级人民法院经依法开庭审理，于 2023 年 4 月 10 日一审公开宣判，认定许志永犯颠覆国家政权罪，判处有期徒刑十四年，剥夺政治权利四年；认定丁家喜犯颠覆国家政权罪，判处有期徒刑十二年，剥夺政治权利三年。

临沂市中级人民法院经审理查明，许志永、丁家喜以颠覆国家政权、推翻社会主义制度为目的，发展非法组织，宣扬颠覆国家政权主张，开展非暴力“颜色革命”培训，召开会议策划颠覆国家政权的方式方法，严重危害国家和社会稳定，其行为均已构成颠覆国家政权罪。根据许志永、丁家喜犯罪的事实、性质、情节和对于社会的危害程度，依法作出前述判决。

法院严格依法审理案件，充分保障了许志永、丁家喜及其辩护人依法享有的各项诉讼权利。一审庭审中，检察机关和许志永、丁家喜的辩护人分别出示了相关证据，控辩双方进行了质证，并在法庭的主持下充分发表了意见，许志永、丁家喜进行了最后陈述；一审宣判时，许志永的亲属和部分社会群众参加了旁听。

宣判后，许志永、丁家喜提出上诉。目前，许志永案、

丁家喜案正在山东省高级人民法院二审审理中。

二、覃永沛案

中国是法治国家。公安机关依法办理案件，充分保障犯罪嫌疑人各项基本权利，覃永沛目前身体及精神状况良好，不存在“遭遇酷刑”等情况。

覃永沛被指控煽动颠覆国家政权罪一案，广西壮族自治区南宁市中级人民法院经依法开庭审理，于2023年3月31日一审公开宣判，认定覃永沛犯煽动颠覆国家政权罪，判处有期徒刑五年，剥夺政治权利三年。

南宁市中级人民法院法院经审理查明，覃永沛以造谣、诽谤等方式煽动颠覆国家政权、推翻社会主义制度，其行为已构成煽动颠覆国家政权罪。根据覃永沛犯罪的事实、性质、情节和对于社会的危害程度，依法作出前述判决。

法院严格依法审理案件，充分保障了覃永沛及其辩护人依法享有的各项诉讼权利。一审庭审中，检察机关出示了相关证据，控辩双方进行了质证，并在法庭的主持下充分发表了意见，覃永沛进行了最后陈述；一审宣判时，覃永沛的亲属和部分社会群众参加了旁听。

宣判后，覃永沛提出上诉。目前，覃永沛案正在广西壮族自治区高级人民法院二审审理中。