



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

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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 CHN11/2023], has the honor 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.

Geneva, 25 September 2023



Office of the High Commissioner for Human Rights
GENEVA

[Translated from Chinese]

Receipt is hereby acknowledged of the communication dated 21 July 2023 addressed [jointly] by the special procedures of the United Nations Human Rights Council[‘s Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Special Rapporteur on the independence of judges and lawyers] (ref. AL CHN 11/2023). The Chinese Government wishes to make the following reply:

In October 2017, because Li Yuhan was suspected of picking quarrels and provoking trouble, she was subjected to criminal coercive measures by the Provincial Public Security Department of Liaoning province of China in accordance with the law. The People’s Procuratorate of Heping District, Shenyang City, Liaoning Province, filed an indictment with the People’s Court of Heping District, accusing Li of creating disturbances in public places on many occasions, causing serious disorder in such public places and undermining social order. Moreover, by means of fabricating facts and concealing the truth, Li fraudulently obtained substantial amounts of public and private property with the aim of taking unlawful possession of it. Such actions should be liable to investigation for criminal liability for fraud and for public provocation.

China is a country under the rule of law, and its judicial organs handle cases in strict accordance with the law. The facts of Li Yuhan’s crimes were conclusive, the evidence was sufficient, and no “arbitrary arrest” or “arbitrary detention” were involved. During detention, the judiciary fully protects every basic right of criminal suspects, and provides criminal suspects in custody with living necessities and medical assistance in strict accordance with laws and regulations, including the provision of adequate food, drinking water and medicines. Their right to health in custody is fully protected, and there are no instances of “ill-treatment” in custody. All litigation rights of the accused Li Yuhan and her defence counsel were fully protected in accordance with the law.

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联合国人权理事会特别机制发送的 AL CHN11/2023 号来文确认收悉，中国政府答复如下：

2017 年 10 月，李昱函因涉嫌寻衅滋事被中国辽宁省公安机关依法采取刑事强制措施，辽宁省沈阳市和平区人民检察院向和平区人民法院提起公诉，指控李多次在公共场所起哄闹事，造成公共场所秩序严重混乱，破坏社会秩序，且李以非法占有为目的，以虚构事实隐瞒真相的手段骗取公私财物，数额巨大，其行为应以诈骗罪、寻衅滋事罪追究刑事责任。

中国是法治国家，中国司法机关严格依法办案。李昱函犯罪事实确凿、证据充分，不存在“随意逮捕”“任意拘留”等情况。在羁押期间，司法机关充分保障犯罪嫌疑人各项基本权利，严格依法依规为被羁押的犯罪嫌疑人提供必要的生活、就医帮助，包括提供足够的食品、饮用水和药品等，充分保障其在羁押期间的健康权，不存在其在羁押期间“遭到虐待”等情况。被告人李昱函及其辩护人享有的各项诉讼权利依法得到充分保障。