



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**

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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/15/2024], 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, 13 January 2025



Office of the High Commissioner for Human Rights

GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication AL/CHN/15/2024 sent by the special procedures of the United Nations Human Rights Council. The Chinese Government wishes to reply as follows:

I. China is a country governed by the rule of law. At all levels, the judicial and administrative bodies handle cases in accordance with the law and fully protect the legitimate rights of criminal suspects. There are no so-called "enforced disappearances", "torture" or other violations of human rights.

II. Chinese prisons supervise and rehabilitate prisoners in strict accordance with the Prison Law of the People's Republic of China and other relevant laws and regulations. They always scrupulously uphold standard, fair and civilized enforcement of the law, ensuring, in accordance with the law, the rights of prisoners to receive visits and to communicate, and their rights to health and to life, and they accept the legal oversight of the People's Procuratorate.

III. The legal basis for conducting cases in camera is article 188 (1) of the Criminal Procedure Law of the People's Republic of China, which establishes that cases concerning State secrets or personal privacy are not to be heard in public. Cases involving trade secrets may be heard in private if the parties request that the proceedings not be held in public.

IV. Relevant cases mentioned in the communication

(1) Xie Yang

In January 2022, Xie Yang was detained by the Changsha municipal public security body in Hunan Province on suspicion of inciting subversion of State power. With the approval of the procuratorial body, the detention period for investigation was extended twice. In July of the same year, the Changsha municipal public security body transferred the case to the office of the Changsha municipal people's procurator for examination and prosecution. In August of the same year, the office of the Changsha municipal people's procurator filed a public prosecution case with the Changsha Municipal Intermediate People's Court. The case is currently being tried in the first instance by the Changsha Municipal Intermediate People's Court.

(2) Huang Xueqin and Wang Jianbing

Huang Xueqin and Wang Jianbing were accused of inciting subversion of State power. On 13 June 2024 the Guangzhou Municipal Intermediate People's Court in Guangdong Province, having heard the case in accordance with the law, handed down a first instance judgment finding Huang Xueqin guilty of inciting subversion of State power and sentencing her to 5 years' imprisonment, deprivation of political rights for 4 years and confiscation of 100,000 yuan renminbi of personal property. Wang Jianbing was found guilty of inciting subversion of State power and was sentenced to 3 years and 6 months in prison and deprivation of political rights for 3 years and confiscation of 50,000 yuan renminbi of personal property. After the sentences were pronounced, Huang Xueqin and Wang Jianbing filed appeals. After hearing the case in accordance with the law, the Guangdong Province Higher People's Court issued a second instance ruling on 12 September 2024 rejecting the appeal and upholding the original judgment. The court tried the case strictly in accordance with the law and fully guaranteed the litigation rights enjoyed by Huang Xueqin and Wang Jianbing, in accordance with the law.

(3) Zhang Zhan

Zhang Zhan is a 40 year-old female. On 29 August 2024 the Shanghai public security bodies took criminal coercive measures against her on suspicion of undermining public order. The case is under further investigation. Her legitimate rights and interests have been fully protected.

(4) Ilham Tohti (Chinese transcription: Yilihemu Tuheti)

Ilham Tohti is a 56-year-old male. He incited ethnic hatred and planned, organized, and carried out criminal activities to split the State. The facts of the crime were clear, and the evidence was conclusive. He was sentenced to life imprisonment and deprived of political rights for life by the Chinese judicial authorities for the crime of attempting to split the State. He is currently serving his sentence in Prison No. 1 of Xinjiang Autonomous Region. During the trial of the case and the serving of his sentence, the Chinese judicial authorities ensured Mr. Tohti's legal rights, in accordance with the law.

(5) Wang Bo

On 25 August 2022, the public security body of Seda County, Ganzi Prefecture, Sichuan Province summoned Wang Bo, who was suspected of robbery, to come to the police station, in accordance with the law. The next day, Wang Bo suddenly fainted and was immediately sent to hospital for treatment, and he passed away after unsuccessful attempts at resuscitation. On the same day, the procurator's office of Seda County carried out an investigation, questioning for example the police officers handling the case and the medical staff, checking the medical case file and retrieving video surveillance footage, and determined that Wang Bo died accidentally, due to a sudden illness. With the consent of Wang Bo's family, a forensic physician from the Ganzi Prefecture public security bureau conducted an autopsy, under the supervision of personnel from the office of the procurator. The autopsy results indicated that the cause of death was consistent with characteristics of sudden cardiac arrest caused by heart disease. Wang Bo's family accepted the conclusion and carried out a sky burial of his remains.

(6) Bahtiyar Sadir (Chinese transcription: Baihetiyaer Sadier)

In 2023, the Urumqi Municipal Intermediate People's Court sentenced Bahtiyar Sadir to 13 years' imprisonment and 5 years' deprivation of political rights for the crime of organizing, leading and participating in a terrorist organization. He appealed. In July of the same year, the Xinjiang Autonomous Region Higher People's Court upheld the original judgment in the second instance.

(7) Maiwulani Nuermaitijiang

In April 2017, Maiwulani Nuermaitijiang was subjected to criminal coercive measures by the public security bodies on suspicion of organizing, leading and participating in a terrorist organization. He was later sentenced to 9 years in prison. In October 2019, he was sent to Beiye Prison to serve his sentence.

(8) Gulshan Abbas (Chinese transcription: Gulixian Abasi)

In March 2019, Gulshan Abbas was convicted by the Atushi Municipal People's Court in Xinjiang Autonomous Region of the crimes of participating in a terrorist organization, aiding terrorist activities and gathering a crowd to disturb social order. She was sentenced to 20 years in prison and deprived of political rights for 13 years, with multiple penalties imposed, in accordance with the law.

(9) Gui Minhui

Gui Minhui was accused of illegally providing intelligence abroad. The Ningbo Municipal Intermediate People's Court in Zhejiang Province, after hearing the case in accordance with the law, publicly pronounced a sentence on 24 February 2020, finding him guilty of illegally providing intelligence abroad, and sentenced him to 10 years' imprisonment and deprivation of political rights for 5 years. The court tried the case strictly in accordance with the law and fully guaranteed the litigation rights enjoyed by Gui Minhui, in accordance with the law.

(10) Lu Siwei

On 12 July 2023, Lu Siwei left China, illegally crossing over the border from Yunnan Province. On 28 July he was apprehended by the Lao border inspection authorities for using forged entry-exit verification stamps and was subjected to investigation and inquiry. On 23 September, in accordance with the mechanism for bilateral cooperation between China and the Lao People's Democratic Republic, the Lao authorities repatriated him, handing him over to the Chinese authorities. The

Sichuan public security bodies initiated an investigation for suspected illegal border crossing and implemented compulsory measures of release on bail pending trial. By 10 October 2024, the authorities had confirmed the criminal nature of his border crossing, obtained solid and sufficient evidence and placed him under arrest, in accordance with the law. The case is currently being tried in the first instance by the Changsha Municipal Intermediate People's Court.

V. Guarantees of freedom of religious belief and the right of ethnic minorities to freely carry out cultural, religious and artistic activities

China is a unified, multi-ethnic country where multiple religions coexist harmoniously. The Constitution stipulates that "citizens of the People's Republic of China shall enjoy freedom of religious belief". The Chinese Government has long respected and safeguarded the freedom of religious belief of ethnic minorities. As citizens of China, ethnic minorities have the freedom to believe or not to believe in a religion. China has established a relatively complete legal system to safeguard and regulate religious affairs, and there are laws to protect citizens' freedom of religious belief. The law protects the normal religious activities of members of ethnic minorities in China who are believers. For example, in accordance with the relevant regulations of Saudi Arabia, Chinese Muslims go to Saudi Arabia for the hajj in excursions organized by a unified arrangement of the Islamic Association of China. In recent years, more than 10,000 believers have participated in the hajj every year. In Tibet, religious freedom is fully respected, and all religions and sects are treated equally. There are over 1,700 Tibetan Buddhist monasteries of various sizes, housing more than 46,000 monks and nuns, and over 300 living Buddhas. Additionally, there are four mosques, with a well-established Muslim population of more than 12,000, and one Catholic church with over 700 followers.

China fully guarantees the cultural rights of ethnic minorities, promotes the inheritance, protection and innovative integration of the various ethnic cultures and enhances the level of public cultural services in ethnic minority regions. Specifically, this includes: increasing support for the construction of public cultural service systems in ethnic minority areas; promoting the development of cultural industries; improving the protection and inheritance systems for the intangible cultural heritage of all ethnic groups; enhancing efforts to rescue and protect valuable cultural relics, as well as cultural and natural heritage in ethnic regions; supporting artistic creation in ethnic areas and strengthening the preservation and inheritance of traditional minority cultures; fostering the development of sports in ethnic regions and advancing the construction of public fitness service systems; organizing national cultural and sports events, such as national ethnic minority literature events and art performances and traditional ethnic minority sports games; intensifying efforts to cultivate cultural talent from ethnic minority groups; and supporting ethnic regions in conducting international cultural exchanges. By the end of 2022, to cite some examples, in ethnic minority areas there were 156.9 square metres of public library space and 375.2 square metres of mass cultural facilities for 10,000 people, thus far exceeding the national average. All 56 ethnic groups have intangible cultural heritage items included in the national list of representative intangible cultural heritage projects. Among the representatives of national intangible cultural heritage, there are 848 bearers of intangible cultural heritage from ethnic minorities, accounting for 27.6 per cent of the total. By 2023: the National Ethnic Minority Art Performance event had been held 6 times; the Traditional Sports Games of Ethnic Minorities had been held 11 times; the Junma (Steed) Awards Ceremony for National Ethnic Minority Literary Creation had been held 12 times; the National Ethnic Minority Quyi (Folk Art Forms) Performance had been held 8 times; the National Ethnic Minority Fine Arts Exhibition had been held 4 times; the National Outstanding Vocal Works of Ethnic Minorities Performance had been held twice; the National Ethnic Minority Dance Performance event had been held twice; and the Chinese Ethnic Minority Drama Festival had been held 5 times.

联合国人权理事会特别机制发送的 AL/CHN/15/2024 号来文收悉，中国政府答复如下：

一、中国是法治国家，各级司法行政机关依法办理案件，充分保障犯罪嫌疑人各项合法权利，不存在所谓“强迫失踪”“酷刑”以及其他侵犯人权的行爲。

二、中国监狱严格按照《中华人民共和国监狱法》等有关法律规定，开展罪犯监管和改造工作，始终坚持严格规范公正文明执法，依法保障罪犯会见通信、生命健康等权利，接受人民检察院的法律监督。

三、关于案件不公开审理的法律依据：《中华人民共和国刑事诉讼法》第一百八十八条第一款规定，有关国家秘密或者个人隐私的案件，不公开审理；涉及商业秘密的案件，当事人申请不公开审理的，可以不公开审理。

四、来文提及的有关个案

（一）谢阳案

2022 年 1 月，谢阳因涉嫌煽动颠覆国家政权罪被湖南省长沙市公安局依法刑事拘留。经报检察机关批准，两次延长侦查羁押期限。同年 7 月，长沙市公安局将该案移送至长沙市人民检察院审查起诉。同年 8 月，长沙市人民检察院向长沙市中级人民法院提起公诉。目前案件正在长沙市中级人民法院一审审理过程中。

（二）黄雪琴、王建兵案

黄雪琴、王建兵被指控犯煽动颠覆国家政权罪一案，广东省广州市中级人民法院经依法开庭审理，于 2024 年 6 月 13 日作出一审判决，认定黄雪琴犯煽动颠覆国家政权罪，判处有期徒刑 5 年，剥夺政治权利 4 年，并处没收个人财产人

民币 10 万元；王建兵犯煽动颠覆国家政权罪，判处有期徒刑 3 年 6 个月，剥夺政治权利 3 年，并处没收个人财产人民币 5 万元。宣判后，黄雪琴、王建兵提出上诉。广东省高级人民法院经依法审理，于 2024 年 9 月 12 日作出二审裁定，驳回上诉，维持原判。法院严格依法审理案件，充分保障了黄雪琴、王建兵依法享有的各项诉讼权利。

（三）张展案

张展，女，40 岁。2024 年 8 月 29 日因涉嫌寻衅滋事罪被上海公安机关依法采取刑事强制措施，目前案件正在进一步侦办中。张各项合法权益得到充分保障。

（四）伊力哈木·土赫提案

伊力哈木·土赫提，男，56 岁。其煽动民族仇恨，策划、组织、实施分裂国家的犯罪活动，犯罪事实清楚，证据确凿，被中国司法机关以分裂国家罪依法判处无期徒刑、剥夺政治权利终身，目前在新疆自治区第一监狱服刑。案件审理和服刑期间，中国司法部门依法保障了伊力哈木·土赫提的各项合法权利。

（五）汪波案

2022 年 8 月 25 日，四川省甘孜州色达县公安机关依法传唤涉嫌抢劫的犯罪嫌疑人汪波。次日，汪波因突发晕厥被立即送医治疗，后经抢救无效死亡。色达县检察院当日通过询问办案民警、医护人员，查看就诊病例、调取视频监控等方式开展调查，认定汪波系突发疾病意外死亡。在征得汪波家属同意后，甘孜州公安局法医在检察机关工作人员监督下，对汪波进行了尸体解剖鉴定，尸检结果显示汪波死亡原因符合心脏疾病导致猝死特征。汪波家属认可鉴定结论，并

将汪波遗体天葬。

（六）拜合提亚尔·萨迪尔案

2023年，乌鲁木齐市中级人民法院以犯组织、领导、参加恐怖组织罪依法判处拜合提亚尔·萨迪尔有期徒刑13年，剥夺政治权利5年。萨迪尔提出上诉。同年7月，新疆维吾尔自治区高级人民法院二审维持原判。

（七）买吾拉尼·努尔买买提江案

2017年4月，买吾拉尼·努尔买买提江因涉嫌组织、领导、参加恐怖活动组织被公安机关依法采取刑事强制措施，后被判处有期徒刑9年。2019年10月被投送至北野监狱服刑。

（八）古丽先·阿巴斯案

2019年3月，古丽先阿巴斯因犯参加恐怖组织罪、帮助恐怖活动罪、聚众扰乱社会秩序罪被新疆维吾尔自治区阿图什市人民法院数罪并罚，依法判处有期徒刑20年，剥夺政治权利13年。

（九）桂敏海案

桂敏海被指控犯为境外非法提供情报罪一案，浙江省宁波市中级人民法院经依法开庭审理，于2020年2月24日公开宣判，认定桂敏海犯为境外非法提供情报罪，判处有期徒刑10年，剥夺政治权利5年。法院严格依法审理案件，充分保障了桂敏海依法享有的各项诉讼权利。

（十）卢思位案

2023年7月12日，卢思位经云南偷渡出境。7月28日使用伪造的出入境验讫章被老挝公安边检部门查获并开展审查调查。9月23日，老方依据中老双边协作机制，将其遣

返移交中方，四川公安机关依法以涉嫌非法偷越国（边）境罪对卢立案侦察并采取取保候审强制措施，现已查明其涉嫌偷越国（边）境罪的犯罪事实，掌握了确实充分证据，于2024年10月10日对其依法逮捕。目前案件正在成华区人民法院一审审理过程中。

五、关于保障少数民族宗教信仰自由和自由开展文化、宗教、艺术活动的权利

中国是统一的多民族国家，也是多种宗教和谐并存的國家。宪法规定，“中华人民共和国公民有宗教信仰自由”。长期以来，中国政府尊重和保障少数民族的宗教信仰自由，作为中国公民，少数民族群众拥有信仰宗教的自由，也有不信仰宗教的自由。中国已经建立起比较完善的保障和规范宗教事务的法律制度体系，对公民宗教信仰自由的保护实现了有法可依。中国少数民族信教群众的正常宗教活动受到法律保护。例如，根据沙特阿拉伯有关规定，中国穆斯林群众在中国伊斯兰教协会统一安排下有组织地前往沙特阿拉伯朝觐，近年来参加朝觐的信教群众每年都保持在1万人以上。在西藏信教自由得到充分尊重，各种宗教、各个教派都得到平等尊重，西藏的藏传佛教大小寺庙有1700多处，住寺僧尼4.6万多人，活佛300多名，还有清真寺4座，世居穆斯林群众1.2万余人，天主教堂1座，信徒700余人。

中国充分保障少数民族文化权利，推动各民族文化的传承保护和创新交融，提升民族地区公共文化服务水平。具体包括：加大对民族地区公共文化服务体系建设支持力度；促进文化产业发展；健全各民族非物质文化遗产保护传承体系；加大对民族地区珍贵文物以及文化和自然遗产的抢救和

保护；支持民族地区艺术创作，加强对少数民族传统文化的保护传承；扶持民族地区体育事业发展，推进全民健身公共服务体系建设；举办全国少数民族文艺会演、少数民族传统体育运动会等国家级文化体育活动；加大少数民族文化人才培养力度；支持民族地区开展文化对外交流等。例如，截至2022年底，民族地区每万人享有公共图书馆面积156.9平方米、群众文化设施面积375.2平方米，远超全国平均水平。56个民族都有非物质文化遗产项目列入国家级非遗代表性项目名录，国家级非物质文化遗产项目代表性传承人中，少数民族代表性传承人有848名，占27.6%。截至2023年，全国少数民族文艺会演已举办六届，全国少数民族传统体育运动会已举办十一届，全国少数民族文学创作骏马奖已举办十二届，全国少数民族曲艺展演已举办八届，全国少数民族美术作品展已举办四届，全国少数民族优秀声乐作品展演已举办两届，全国少数民族舞蹈展演已举办两届，中国少数民族戏剧会演已举办五届。