



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 17/2024], 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, 28 February 2025



Office of the High Commissioner for Human Rights

GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of communication No. AL CHN 17/2024 sent by the special procedures of the United Nations Human Rights Council. The Chinese Government wishes to reply as follows:

He Fangmei is a 39-year-old female. On 7 October 2021, she was subjected to compulsory residential surveillance measures, in accordance with the law, on suspicion of undermining public order. On 23 March 2022, she was placed under arrest, in accordance with the law. The Huixian Municipal People's Court heard the case in public, in accordance with the law, on 23 March 2022, and publicly delivered its judgment on 23 October 2024, sentencing her to 1 year and 9 months in prison for bigamy and 4 years in prison for undermining public order, amounting to imprisonment of 5 years and 6 months. After the sentencing, Ms. He appealed, and the Xinxiang Municipal Intermediate People's Court in Henan Province handed down a public judgment on 7 January 2025 rejecting the appeal and upholding the original judgment.

After hearing the case, the court found that Ms. He knew that she had a spouse and lived openly with another person, as husband and wife. She created disturbances in a public place, causing public disorder and arbitrarily destroying public property. The circumstances were serious. The court held that Ms. He's behaviour constituted bigamy and undermining public order. These judgments were made in accordance with the provisions of articles 258 and 293 of the Criminal Law of the People's Republic of China.

China is a country governed by the rule of law. Judicial bodies always handle cases in accordance with the law. In handling the case, they fully guaranteed Ms. He's rights to medical treatment, lawyers and relatives, as well as her various litigation rights under the law. They fully guaranteed Ms. He's children's rights to education and medical treatment and hired special personnel to care for her minor children. There was no so-called "prolonged detention", "arbitrary detention", "enforced disappearance" or "denial of due process rights, such as the right to a legal defence of her own choosing and to communicate with her family and legal representatives".

联合国人权理事会特别机制发送的 AL CHN 17/2024 号来文收悉，中国政府答复如下：

何方美，女，39岁。2021年10月7日，因涉嫌寻衅滋事罪被依法采取监视居住强制措施。2022年3月23日，被依法逮捕。辉县市人民法院于2022年3月23日依法公开审理，于2024年10月23日公开宣判，认定何方美犯重婚罪，判处有期徒刑一年九个月；犯寻衅滋事罪，判处有期徒刑四年，决定执行有期徒刑五年六个月。宣判后，何方美提出上述。河南省新乡市中级人民法院于2025年1月7日公开宣判，驳回上诉，维持原判。

法院经审理查明，何方美明知自己有配偶而与他人以夫妻名义公开共同生活；在公共场所起哄闹事，造成公共场所秩序严重混乱，任意毁坏公共财物，情节严重。法院认为，何方美的行为构成重婚罪、寻衅滋事罪。依照《中华人民共和国刑法》第二百五十八条、第二百九十三条等的规定作出上述裁判。

中国是法治国家，司法机关始终坚持依法办案，案件办理过程中充分保障何方美就医、会见律师和亲属等权利及依法享有的各项诉讼权利，充分保障何方美子女接受教育、就医等权利，并聘请专人照顾其未成年子女，不存在所谓“超期羁押”“任意拘留”“强迫失踪”以及“剥夺其选择辩护律师、联系家人律师等正当程序权利”等情况。