



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/13/2024], 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, 12 November 2024



Office of the High Commissioner for Human Rights

GENEVA

Translated from Chinese

Receipt is hereby acknowledged of communication AL/CHN/13/2024 from special procedure mandate holders of the United Nations Human Rights Council, to which the Chinese Government submits the following reply:

Xie Yang, male, age 52, was lawfully taken into criminal custody in January 2022 by officers of the Changsha Municipal Public Security Bureau in Hunan Province on suspicion of incitement to subvert State authority. With the approval of the procurator's office, the period of investigative detention was extended twice. In July 2022, the Changsha Municipal Public Security Bureau transferred the case to the office of the Changsha Municipal People's Procurator for examination and prosecution. On 23 August 2022, the office of the Changsha Municipal People's Procurator filed legal proceedings before the Changsha Municipal Intermediate People's Court. The procurator's office accused Xie Yang of using means such as rumour and slander to incite the subversion of State authority and the overthrow of the socialist system, in violation of article 105, second paragraph, of the Criminal Law of the People's Republic of China, and must now determine his criminal responsibility for the offence of incitement to subvert State authority. The case is currently being tried at first instance by the Changsha Municipal Intermediate People's Court. At present, Xie Yang is being held in Changsha Municipal Detention Centre No. 1. During his detention, four lawyers have met with Xie Yang 19 times. China is a State governed by the rule of law, and all of Xie Yang's legitimate rights have been protected by the judicial authorities, as required by law.

联合国人权理事会特别机制发送的 AL/CHN/13/2024 号来文收悉，中国政府答复如下：

谢阳，男，52岁。2022年1月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。2022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23日，长沙市人民检察院向长沙市中级人民法院提起公诉。检察机关指控谢阳以造谣、诽谤等方式煽动颠覆国家政权、推翻社会主义制度，触犯了《中华人民共和国刑法》第一百零五条第二款的规定，应当以煽动颠覆国家政权罪追究其刑事责任。案件正在长沙市中级人民法院一审审理过程中。目前，谢阳被羁押在长沙市第一看守所。羁押期间，有4名律师会见了谢阳19次。中国是法治国家，司法机关依法保障谢阳的各项合法权利。