



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 13/2025], 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.



Office of the High Commissioner for Human Rights
GENEVA



Receipt is hereby acknowledged of joint communication No. AL CHN 13/2025 from special procedure mandate holders of the United Nations Human Rights Council, to which the Government of China submits the following reply:

1. Basic facts of the case

On 2 June 2016, the People's Procuratorate of Aba Tibetan and Qiang Autonomous Prefecture in Sichuan Province charged Lang Ji [Ms. Namkyi] with the offence of inciting separatism and filed proceedings with the Intermediate People's Court of Aba Tibetan and Qiang Autonomous Prefecture. After a public hearing held on 25 October 2016, that Court issued a judgment finding Ms. Namkyi guilty of inciting separatism and sentenced her to 3 years' imprisonment and 2 years' deprivation of political rights. On 16 November 2016, Ms. Namkyi began serving her sentence at Sichuan Women's Prison (Jintang Women's Prison in Sichuan Province). She was released upon completion of her sentence on 21 October 2018 and left the country illegally on 18 May 2023.

The People's Court heard the case in strict accordance with the law and fully guaranteed all the lawful procedural rights of Ms. Namkyi and her defence counsel. During the trial, Ms. Namkyi and her defence counsel appeared in court to take part in the proceedings, and the court provided Ms. Namkyi with an interpreter.

2. Reply to the request for information on investigations or accountability for torture and enforced disappearance

China is a Party to the Convention against Torture and strictly fulfils its obligations under that Convention. Chinese law contains clear provisions on the prohibition of torture. For example, the Criminal Procedure Law, the Prison Law and other laws clearly stipulate that torture is prohibited. The revised Criminal Procedure Law of 2012 clearly states that: "Confessions extracted from criminal suspects or defendants by illegal means such as torture, as well as witness testimony and victim statements obtained by means of violence, threats or other unlawful means, shall be excluded", thus establishing the rule that illegally obtained evidence is inadmissible. This system serves to prevent illegal practices such as torture to extract confessions and the use of illegal means to obtain evidence. In addition, the Criminal Law specifically criminalizes acts of torture committed by investigators, such as the use of torture to extract confessions and the use of violence to obtain evidence, which carry severe criminal penalties. The offences thus established include the extraction of confessions through torture, the collection of evidence by means of violence, the ill-treatment of persons in custody, retaliation and false accusation.

Regarding detention in criminal cases, the Criminal Procedure Law stipulates in detail the conditions, procedures and time limits for the application of coercive measures such as detention and arrest, as well as the protection of the rights of criminal suspects and defendants during the application of such measures. In addition, the application of coercive measures is subject to legal oversight by the people's procuratorates, which also review the necessity of detention after arrest. For example, article 88 of the Criminal Procedure Law provides that in cases where investigation activities may have involved serious violations of the law, the people's procuratorate should question the criminal

suspect when reviewing and approving the arrest. Article 95 provides that after a criminal suspect or defendant is arrested, the people's procuratorate should still review the necessity of detention. In cases where continued detention is considered unnecessary, it should recommend release or a change in the coercive measure applied. These provisions are very important for strengthening oversight and control, ensuring that appropriate coercive measures are taken against criminal suspects and defendants, protecting the legitimate rights and interests of criminal suspects and defendants, and protecting innocent persons from criminal prosecution. At the same time, regarding unlawful detention, the Criminal Law criminalizes conduct such as the abuse of power, the dereliction of duty and the perversion of justice for personal gain. Persons who engage in such acts can be held criminally responsible.

3. Reply to the request for information on measures to ensure the rights to freedom of expression and freedom of peaceful assembly of "human rights defenders"

China is a State governed by the rule of law that provides equal protection to citizens in the exercise of their legitimate rights in accordance with the law. Article 33 (3) of the Constitution of the People's Republic of China provides that: "The State shall respect and protect human rights." Article 35 provides that: "Citizens of the People's Republic of China shall enjoy freedom of speech, the press, assembly, association, procession and demonstration." In the era of traditional media, citizens expressed their views and opinions through newspapers, periodicals, radio, television and other media. In the Internet age, the Government of China promotes and protects citizens' constitutional right to freedom of speech by promoting the development of the Internet and providing efficient, advanced online platforms for expression. Citizens' use of the Internet to actively voice their concerns, offer suggestions and participate in oversight and social governance in an orderly manner has become an important channel for whole-process people's democracy. At the same time, freedom of speech is not unlimited in any country. Article 51 of the Constitution provides that: "Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the State, of society or of the collective, or upon the lawful freedoms and rights of other citizens." Some laws in China establish legal liability for speech that harms the interests of the country or of other persons.

The country's legal provisions apply equally to any person who commits an offence. No one is allowed privileges that transcend the law. Some individuals claiming to be so-called "human rights defenders" have been detained, arrested and even prosecuted and put on trial, not because of their status but because they committed violations of Chinese law and transgressed the bounds of the law. Such individuals' illegal and criminal acts have been dealt with in accordance with the law. This fully reflects the rule of law principle that all are equal before the law, in accordance with the letter and the spirit of relevant United Nations treaties.

联合国人权理事会特别机制发送的 AL CHN 13/2025 号来文收悉，中国政府答复如下：

一、案件基本情况

2016年6月2日，四川省阿坝藏族羌族自治州人民检察院指控郎吉犯煽动分裂国家罪，向阿坝藏族羌族自治州中级人民法院提起公诉。阿坝藏族羌族自治州中级人民法院于2016年10月25日公开开庭审理后作出判决，认定郎吉犯煽动分裂国家罪，判处有期徒刑三年，剥夺政治权利二年。2016年11月16日，郎吉进入四川女子监狱（四川省金堂女子监狱）服刑，2018年10月21日刑满释放，2023年5月18日非法出境。

人民法院严格依法审理案件，充分保障了郎吉及其辩护律师依法享有的各项诉讼权利。开庭审理时，郎吉及其辩护律师到庭参加诉讼，法庭为郎吉提供了翻译。

二、关于“请介绍对酷刑和强迫失踪开展调查或问责的情况”

中国是《禁止酷刑公约》缔约国，严格履行禁止酷刑的公约义务。中国立法对于禁止酷刑有相应的明确规定。例如，中国《刑事诉讼法》《监狱法》等法律明确规定禁止酷刑，《刑事诉讼法》在2012年修订时还明确规定：“采用刑讯逼供等非法方法收集的犯罪嫌疑人、被告人供述和采用暴力、威胁等非法方法收集的证人证言、被害人陈述，应当予以排除”，即确立“非法证据排除”规则，该制度对刑讯逼供和非法取证等违法行为具有源头预防作用。同时，中国《刑法》对办



案人员实施刑讯逼供、暴力取证等酷刑行为规定了予以严厉刑事处罚的针对性罪名，包括刑讯逼供罪、暴力取证罪、虐待被监管人罪、报复陷害罪等。

关于刑事案件中的羁押，中国《刑事诉讼法》详细规定了实施拘留、逮捕等强制措施的适用条件、程序、期限以及适用过程中对犯罪嫌疑人、被告人的权利保障，同时对于强制措施的适用由人民检察院予以法律监督和逮捕后的羁押必要性审查。例如，《刑事诉讼法》第八十八条规定，侦查活动可能有重大违法行为的，人民检察院审查批准逮捕时，应当讯问犯罪嫌疑人；第九十五条规定，犯罪嫌疑人、被告人被逮捕后，人民检察院仍应当对羁押的必要性进行审查。对不需要继续羁押的，应当建议予以释放或者变更强制措施。这些规定对于加强监督制约，确保对犯罪嫌疑人、被告人采取正确的强制措施，保护犯罪嫌疑人、被告人合法权益，保障无罪的人不受刑事追究具有非常重要的意义。同时，对于非法羁押行为，中国《刑法》规定了滥用职权罪、玩忽职守罪、徇私枉法罪等罪名，可据此追究刑事责任。

三、关于“请介绍保障‘人权卫士’行使言论及和平集会自由的措施”

中国是法治国家，依法平等保护公民行使合法权利。《中华人民共和国宪法》第三十三条第三款规定：“国家尊重和保障人权”，第三十五条规定：“中华人民共和国公民有言论、出版、集会、结社、游行、示威的自由”。在传统媒体时代，公民通过报纸、期刊、广播、电视等媒介发表言论和观点。



在互联网时代，中国政府通过推动互联网建设，提供高效先进的网络表达平台，促进和保障宪法规定的公民言论自由。公民在网络上积极表达诉求、建言献策，有序参与监督和社会管理，成为全过程人民民主的重要渠道。同时，任何国家的言论自由都不是无限制的。《中华人民共和国宪法》第五十一条还规定：“中华人民共和国公民在行使自由和权利的时候，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利”。中国的一些法律对损害国家和他人利益的言论的行为，规定了相应的法律责任。

中国法律规定，对任何人违法犯罪，在适用法律上一律平等，不允许任何人有超越法律的特权。一些打着所谓“人权卫士”旗号的人，之所以被拘留、逮捕甚至起诉、审判，并不是因为其身份，而是因为其实施了违反中国法律的行为，触碰了法律的底线。对这些人的违法犯罪行为依法处理，充分体现了法律面前人人平等的法治原则，符合联合国有关公约的规定和精神。

