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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

REFERENCE: UA G/SO 218/2 G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) Health (2002-7) G/SO 214 (107-9) G/SO 214 (53-24)
CHN 8/2013

9 August 2013

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 15/18, 16/16, 16/4, 15/21, 15/22, 16/5, and 16/23.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning a pattern of arbitrary arrests, ill-treatment in detention and incommunicado detention as well as intimidation of human rights defenders and activists across the country.

The persons named in this communication are Ms. **Hou Xin**, Mr. **Yuan Dong**, Mr. **Zhang Baocheng**, Mr. **Ma Xinli**, Mr. **Wang Yonghong**, Mr. **Sun Hanhui**, Mr. **Zhao Changqing**, Mr. **Xu Zhiyong**, Mr. **Liu Weiguo** Mr. **Li Gang**, Ms. **Li Huanjun**, Mr. **Ding Jiayi**, Mr. **Li Wei**, Mr. **Qi Yueying**, Ms. **Liu Ping**, Mr. **Wei Zhongping**, Mr. **Li Sihua**, Ms. **Li Xuemei**, Ms. **Zou Guiqin**, Mr. **Huang Wenxun**, Mr. **Yuan Fengchu**, Mr. **Yuan Xiaohua**, Ms. **Li Yinli**, Mr. **Chen Jianxiong**, Mr. **Zhang Xiangzhong**, Ms. **Ni Yulan**, Mr. **Huan Tiejun**, Ms. **Ye Haiyan**, Mr. **Du Bin**, Ms. **Ding Hongfen**, Mr. **Qu**

Fengsheng, Ms. Shen Aibin, Ms. Xu Haifeng, Mr. Wu Ping, Mr. Zheng Bingyuan and Ms. Zou Guiqin.

Ms. Ni Yulan was the subject of a communication sent on 19 January 2011, by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the situation of human rights defenders. She was also the subject of a communication dated 30 July 2008, sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the question of torture; and the Special Rapporteur on the situation of human rights defenders. We acknowledge the response transmitted by your Excellency's Government with regard to the communication dated 19 January 2011. She was again the subject of a communication dated 26 April 2011 sent by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders. We thank your Excellency's Government for its response dated 26 June 2011, but serious concern remains over the situation of Ms. Ni in light of new information received.

Mr. Zhao Changqing was the subject of a communication sent on 7 December 2010 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We regret that no response has been received from Your Excellency's Government with regard to this case.

Mr. Xu Zhiyong is the founder of the legal aid and research center Open Constitution Initiative, law professor at Beijing University of Post and Telecommunications and elected representative of the People's Congress for Haidian District. Mr. Xu was the subject of a communication sent to your Excellency's Government on 1 December 2006, when it was alleged that he had been taken into custody and ill-treated due to his work as a defence lawyer. A reply was received on 26 February 2007. Mr. Xu was the subject of another communication dated 21 December 2006, to which a reply was received on 14 February 2007. On 7 August 2009, Mr. Xu was again the subject of a communication sent by the Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. A reply was received on 24 December 2009. Mr. Xu was again the subject of a communication sent on 7 December 2010 by the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in which it was reported that Mr. Xu had been arrested and detained as part

of an alleged clampdown after the awarding of the 2010 Nobel Peace Prize to Mr. Liu Xiabo. Unfortunately, to date, no reply has been received to this communication.

Mr. Zhang Lin was the subject of a communication sent to your Excellency's Government on 22 February 2005, by the Special Rapporteur on the independence of judges and lawyers; the Chair-Rapporteur of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Representative of the Secretary-General on the situation of human rights defenders, for which a response was received on 8 July 2005. He was one of the subjects of a communication sent on 2 March 2011, to which we regret that no reply has been received to date.

According to the information received:

Right to information and anti-corruption activists

On 31 March 2013, four activists, Ms. Hou Xin, Mr. Yuan Dong, Mr. Zhang Baocheng and Mr. Ma Xinli, were allegedly detained in Beijing. The activists were reportedly detained on charges of "unlawful assembly" after a demonstration in which they campaigned for the public disclosure of assets of Chinese officials. Ms. Hou Xin was subsequently released on bail on 12 April 2013, while Mr. Yaun Dong, Mr. Zhang Baocheng and Mr. Ma Xinli were formally arrested on 7 May 2013. All three are reportedly being held at Beijing No. 3 Detention Centre.

On 10 April 2013, Mr. Li Wei and Ms. Qi Yueying were allegedly taken into custody on charges of "unlawful assembly". Mr. Li was formally arrested on 18 May 2013, and is being held at Beijing No. 3 Detention Centre, Ms. Qi was arrested on 8 May 2013, on charges of "extortion" and is in detention at Chaoyang District Detention Centre. On 15 April 2013, Mr. Wang Yonghong was reportedly taken into custody on charges of "disturbing social order" after unfurling a banner in Beijing which called for public disclosure of assets. He was formally arrested on 24 May 2013, on charges of "unlawful assembly". On 17 April 2013, Mr. Sun Hanhui, Mr. Zhao Changqing, Mr. Ding Jiayi, all allegedly suspected of having participated in organizing the campaign for public disclosure of assets, were reportedly taken into custody on charges of "unlawful assembly". Mr. Sun Hanhui was arrested and charged on 22 May 2013, while Mr. Zhao Changqing and Mr. Ding Jiayi were arrested on 24 May 2013. All three are allegedly detained at Beijing No. 3 Detention Centre.

On 22 April 2013, sources report that there was a demonstration in Xinyu City, Jiangxi province, in which a group of activists publically expressed their support for the aforementioned detainees. It is reported that they also called for public disclosure of assets. On 27 April 2013, police allegedly detained a number of people who participated in this demonstration, including Ms. Liu Ping, Mr. Wei Zhongping, Mr. Li Sihua, Ms. Li Xuemei and Ms. Zou Guiqin. Of these, three

allegedly remain in custody: Ms. Liu Ping, Mr. Wei Zhongping and Mr. Li Sihua. They were initially charged with “inciting subversion of state power”, a charge which was reportedly later changed to “unlawful assembly”. It is reported that Ms. Liu Ping and Mr. Wei Zhongping are being held at Xinyu City Detention Center, and Mr. Li Sihua is detained at Fenyi County Detention Center. All three face trial on these charges on 18 July 2013. Ms. Zou Guiqin was released in mid-May 2013, but is reportedly under surveillance.

On 25 May 2013, Mr. Huang Wenxum, Mr. Yuan Fengchu (also known as Yuan Bing), Mr. Yuan Xiaohua, Ms. Li Yinli, and Mr. Chen Jianxiong were allegedly taken into custody in Hubei province. Ms. Li Yinli and Mr. Chen Jianxiong were released on 13 July 2013, while Mr. Huang Wenxum and Mr. Yuan Fengchu were reportedly arrested on 19 June 2013, on charges of “inciting subversion” and “subversion”, respectively. Mr. Yuan Xiaohua is being criminally detained on suspicion of “endangering state security”. All three are reportedly currently being held in Chibi Detention Centre.

On 2 July 2013, Mr. Zhang Xiangzhong was reportedly arrested, along with two others, in Beijing after they had left a sum of money with detained activists at Beijing No.3 Detention Centre. It is alleged that since being questioned, no-one has been able to contact Mr. Zhang Xiangzhong. On 8 July 2013, family members reportedly learned that he had been detained without further details. It is reported that police indicated that his case was being “secretly handled”. According to sources, his family has not received information regarding charges pending against him. He is reportedly being held at Beijing No. 3 Detention Centre.

On 12 April 2013, Mr. Xu Zhiyong was placed under house arrest at his home in Beijing. On 16 July 2013, he was detained at Beijing No.3 Detention Centre on suspicion of having “gathered crowds to disrupt public order”. Computers and phones were also allegedly confiscated by police from his house. Mr. Xu Zhiyong is a leading advocate in the campaign for government officials to reveal their wealth. He has also actively campaigned on behalf of inmates on death row. It is also alleged that on 18 July 2013, when Mr. Xu Zhiyong’s lawyer, Mr. Liu Weiguo, attempted to visit him, he was taken into custody by the Beijing Daqing District Public Security Bureau, on the same charges of “gathering a crowd to disrupt public order” and brought to Suncun police sub-station. Also on 18 July 2013, a human rights defence organization, the Transition Institute, with whom Mr. Xu Zhiyong has worked before, was allegedly shut down, apparently because it had not registered with the Bureau.

On 12 July 2013, Mr. Li Gang and Ms. Li Huanjun were reportedly arrested on charges of “gathering a crowd to disrupt public order”. It is alleged Mr. Li Gang is being held at Beijing No. 3 Detention Centre, and Ms. Li Huanjun at Beijing No. 1 Detention Centre.

Housing rights activists

In October 2012, the family and lawyer of Ms. Ni Yulan applied for medical parole due to the alleged detection of a tumour in her thyroid gland. In March 2013, prison officials reportedly rejected this application. Ms. Ni Yulan's daughter reportedly visited her mother at Beijing Women's Prison in mid-June of 2013. She allegedly observed that Ms. Ni's tumour, which was detected last autumn, had been left untreated and had swollen to the "size of an egg". According to sources, Ms. Ni is serving a sentence of two years and six months for "creating a disturbance". She is reportedly due to be released in October 2013. Ms. Ni is allegedly incapacitated due to past torture, or other cruel, inhuman or degrading treatment.

In February 2013, Mr. Huan Tiejun reportedly took part in a gathering held by alleged victims of forced demolitions during the traditional lantern festival. On 1 June 2013, he was allegedly taken into custody on charges of "extortion". On 9 July 2013, it is reported that he was arrested on suspicion of "gathering a crowd to disrupt social order" and "extortion".

Other human rights activists

On 30 May 2013, Ms. Ye Haiyan was reportedly arrested and placed in thirteen days administrative detention after she was forced to defend herself when she was allegedly assaulted in her home by a group of unknown women. The incident took place after Ms. Ye had reportedly initiated a protest about the alleged sexual abuse of schoolchildren in a school in Hainan province. On 6 July 2013, Ms. Ye, together with her family, was allegedly forced to leave her house in Zhongshan, Guangdong province by security police. It is alleged that she and her family were left on the side of the road in the early morning with their belongings.

On 31 May 2013, Mr. Du Bin was allegedly arrested at his home and reportedly held incommunicado for more than ten days. It was later learned that he was detained on 2 June 2013. On 26 June 2013, police allegedly rejected an application for bail by Du Bin's lawyer, which had been made the same day. He is reportedly being held at the Fengtai District Detention Centre, in a cell measuring thirty square meters, along with more than twenty other detainees. Du Bin has produced a book on the events that took place in connection to the Tiananmen Square protest in 1989 and a documentary film about the Masanjia Re-education through Labour camp.

On 22 June 2013, sources have indicated that six human rights defenders, namely Ms. Ding Hongfen, Mr. Qu Fengsheng, Ms. Shen Aibin, Ms. Xu Haifeng, Mr. Wu Ping, Mr. Zheng Bingyuan were arrested when they broke into a guesthouse in Wuxi City where a private security firm was illegally detaining five people in an unknown pace of detention, including relatives of Ms. Ding and Ms. Xu. As they

released the detainees, it is alleged that 50 civilians arrived from the local police station and tried to seize Ms. Ding and Ms. Xu. On 23 June 2013, sources indicate that approximately one hundred people, some in civilian clothes, others in security personnel clothes, took Ms. Ding Hongfen, Ms. Xu Haifeng and her husband Mr. Qu Fengsheng, along with several others, away. On 26 June, police allegedly arrested Mr. Wu Ping, Ms. Shen Aibin and several others. Sixteen people were arrested altogether after they engaged in the rescue action, but only six remain in detention. Wu Ping is held at Wuxi City No. 1 Detention Centre, and Ms. Ding Hongfen and Ms. Xu Haifeng at Wuxi No. 2 Detention Centre. The whereabouts of Mr. Qu Fengsheng, Ms. Shen Aibin and Mr. Zheng Bingyuan are as yet unknown. Ms. Ding Hongfen and Ms. Xu Haifeng were denied access to their lawyers on 9 July 2013, but on 11 July 2013, it is reported that Ms. Ding Hongfen was allowed to see her lawyer. It is reported that she had been held in three different unknown place of detention between 23 June and 2 July, as well as having been shackled to a tiger bench, allegations which, if proven to be accurate, would amount to torture or other cruel, inhuman or degrading treatment.

On 18 July 2013, police arrested Mr. Zhang Lin and confiscated his computer and cellphone. After eight hours of interrogation he was sent to Benbu City No. 1 Detention Centre and on 19 July 2013, he was detained on suspicion of “gathering a crowd to disrupt social order of a place”. When Mr. Zhang’s lawyers visited him on 19 July, he informed them that the interrogation had focused on protests organized in April 2013, when activists in Hefei had gathered to demand that Mr. Zhang’s 10-year-old daughter be allowed to attend school. According to reports, Mr. Zhang’s daughter was seized from school on 27 February 2013, by four unidentified men and was held in custody for a number of hours until her father arrived. It is alleged that she was not allowed to attend school for a number of weeks after this, and many activists gathered to protest this fact during April 2013.

We have also received credible information regarding human rights activist Ms. Zhu Guiqin, indicating that she might have been subject to torture, or other cruel, inhuman or degrading treatment or punishment during her time in the aforementioned Masanjia Re-education through Labour camp. It is alleged that since her release from this camp she has suffered extreme physical and psychological distress. It is further alleged that she was raped in April 2012 by men who claimed they were hired by local government officials to punish her for seeking redress.

Profound concern is expressed at the allegations of torture, or cruel, inhuman or degrading treatment or punishment against the named human rights defenders. Serious concern is expressed at allegations of the denial of medical treatment to detainees. Further deep concern is expressed at the allegations received indicating that human rights defenders and activists were arrested and detained while exercising their fundamental

rights to freedom of opinion and expression and peaceful assembly which are basic tools for the defence and promotion of human rights.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the aforementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

We should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the cases of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights (UDHR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by your Excellency's Government on 4 October 1988.

In this context, we would like to draw the attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We would also like to draw your Excellency's Government's attention to article 12 of the CAT, which requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the CAT, which requires State parties to prosecute suspected perpetrators of torture. We would also like to draw your Excellency's Government's attention to paragraph 7b of Human Rights Council Resolution 16/23, which urges States "To take persistent, determined and effective measures to have all allegations of torture or other cruel, inhuman or degrading treatment or punishment promptly and impartially examined by the competent national authority, to hold those who encourage, order, tolerate or perpetrate acts of torture responsible, to have them brought to justice and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and to take note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture;".

With regard to the allegations regarding the incommunicado detention of Mr. Du Bin and the unknown whereabouts of Mr. Qu Fengsheng, Ms. Shen Aibin and Mr. Zheng Bingyuan, we would further like to draw the attention of your Excellency's Government

to paragraph 8b of Human Rights Council Resolution 16/23 of 18 June 2008, which reminds all States that “Prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person”.

In addition, we would like to refer your Excellency’s Government to article 19 of the UDHR which provides that “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Similarly, we would also like to refer to article 20 of the UDHR, which provides that “[e]veryone has the right to freedom of peaceful assembly and association.”

In this connection, we would like to further refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

We would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In relation to the allegation according to which the fate and whereabouts of Messrs. Qu Fengsheng, Zheg Bingyuan and Ms. Shen Aibin are unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular:

- article 2 (no State shall practice, permit or tolerate enforced disappearances);
- article 3 (each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction);
- article 6.2 (Each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited);
- article 10 (right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest).

With respect to the allegations of the denial of medical treatment to detainees, we would like to recall that this right is reflected, inter alia, in article 12 of the International Covenant on Economic, Social and Cultural Rights (ratified on 27 March 2001), which provides for the right of everyone to the enjoyment of the highest attainable standard of

physical and mental health. This includes an obligation on the part of all State parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

We wish to refer your Excellency's Government to General Comment No. 14 of the Committee on Economic, Social and Cultural Rights, which provides that States are under the obligation to respect the right to health by, inter alia, refraining from interfering directly or indirectly with the enjoyment of the right to health, from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal migrants, to preventative, curative and palliative health services, and from enforcing discriminatory practices as a State policy (para.34).

We would also like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "(s)ick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Rule 25(1) provides that, "(t)he medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed". Furthermore, we would also wish to refer to the Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Principle 9).

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the cases accurate?
2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to any of the above cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide information concerning the legal grounds for the arrest and detention of the mentioned persons and how these measures are compatible with

international norms and standards as stated in the UDHR. Please provide information on whether all detainees have access to family members, legal counsel, and medical personnel.

4. Please provide information concerning any steps that have been taken by your Excellency's Government to ensure that the alleged detainees receive the medical attention and medication that they require while in detention.

5. Please provide information concerning access of human rights monitors and independent civil society representatives to Masanjia Re-education through Labour camp, and to all places of detention.

6. Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in an enabling environment and carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

7. Please provide information on the fate and whereabouts of Messrs. Qu Fengsheng, Zheg Bingyuan and Ms. Shen Aibin. If their fate and whereabouts are unknown, please provide the details on any investigation or other inquiries which may have been carried out. If no inquiries have taken place, or if they have been inconclusive, please explain why.

8. Please provide information on steps taken by your Excellency's Government to ensure the enjoyment by detainees of the right to the highest attainable standard of health, including access to medical treatment.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

Olivier de Frouville

Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Frank La Rue

Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of
association

Anand Grover

Special Rapporteur on the right of everyone to the enjoyment of the highest
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Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

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