



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2002/76/Add.1
14 March 2002

Original: ENGLISH/
FRENCH/SPANISH*
ENGLISH/FRENCH/SPANISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 of the provisional agenda

**QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:
TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

**Report of the Special Rapporteur, Sir Nigel Rodley, submitted
pursuant to Commission on Human Rights resolution 2001/62**

Addendum

Summary of cases transmitted to Governments and replies received*

* In view of its length, the present document is being issued in the original languages only, the Conference Services Division of the United Nations Office at Geneva having insufficient capacity to translate documents that greatly exceed the 32-page limit recommended by the General Assembly (see Commission resolution 1993/94, para. 1).

China

1. By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information according to which no presumption of innocence is incorporated in Chinese law, nor the right to remain silent, nor protection against self-incrimination. Evidence obtained through ill-treatment is said to be admissible in court and defendants are believed to have few means to expose ill-treatment by the police before or during trial, as judges are reported to have the power to limit arbitrarily a defendant's or defence lawyer's right to speak. Furthermore, a defendant who speaks out in court is said to open him/herself to retaliation by prison officials if he/she is convicted.

2. The 1996 revised Criminal Procedure Law (CPL) is said to repeat provisions in the 1979 law prohibiting the use of torture to extract statements, though not to exclude specifically the use as evidence in court of confessions, statements or additional evidence extracted as a result of torture. The Supreme People's Court's "Decision on specific issues in the implementation of the CPL" (effective 8 September 1998) is said to stipulate only that such statements: "61 ... cannot become the basis for determining a case". It is reported that evidence extracted under torture may still be used to supplement the major evidence used to determine a case, and that material evidence derived from such coerced statements would not be excluded. The three specific offences covering torture and other forms of ill-treatment in the 1997 revised Criminal Law, i.e., torture to coerce a confession, extortion of a testimony by violence, and ill-treatment of prisoners, are said to be applicable only to a limited range of officials in limited circumstances or locations. Article 247 of the revised Criminal Law, which is said to criminalize "torture to coerce a confession", reportedly provides that this crime is applicable to "judicial officers" who inflict such torture on a "criminal suspect" or "defendant". Punishment is said to range from detention for one to six months in a criminal detention centre, to three years' imprisonment. Where such acts cause injury, disability or death to the victim, heavier punishment shall reportedly be given, according to the provisions of articles 234 (intentional injury) and 232 (intentional homicide). Similarly, article 247, which also criminalizes the act of "extorting testimony by violence", is said to be applicable to "judicial officers" extorting testimony from "witnesses". "Violence" is said to be generally limited to direct physical violence. According to the information received, it is unclear whether "witnesses" cover all remaining relevant parties to an investigation and trial, including victims and experts. "Judicial officers" are said to be defined in article 94 of the Criminal Law as "persons who exercise the functions of investigation, prosecution, adjudication and supervision or control". Prior to the revisions, a wider range of officials could reportedly be prosecuted for "torture to coerce a confession". Article 94 was said to apply to "State personnel" defined as "all personnel of State organs, enterprises and institutions and other personnel engaged in public service according to law" (1979 CL, arts. 136 and 83). Concerns have been expressed that this more restricted term may not apply to officers hired temporarily, or seconded from non-judicial departments to assist in criminal investigations. Furthermore, it is reported that academic opinions appear to indicate that only "judicial officers" with specific responsibilities for interrogation could be prosecuted for these crimes. Previous judicial interpretations are also said to have given de facto powers of interrogation to security divisions in non-judicial government departments, enterprises and organizations, and it is allegedly unclear whether such staff

may now be prosecuted for these crimes. Furthermore, the use of the term “criminal suspect” or “defendant” in article 247 would appear to mean that these offences do not apply when the victim of torture is being detained outside the criminal process.

3. In addition, the procuratorate, which directly investigates and prosecutes torture and other offences committed by public officials, is believed to continue to set criteria for taking up cases which further limit the application of these offences. Under the 1999 Trial Rules, such cases should be filed for investigation only when the offences have involved one of the following: cruel methods or evil impact; they have resulted in suicide or mental disorder; they have caused unjust, false or erroneous cases; coerced confessions/extorted testimony by violence more than three times or against more than three people; or instigating, instructing or forcing others to coerce confessions/extract testimony by violence.

4. Sanctions applied for the police and procuratorate are believed to be insufficiently severe. Provisions for the procuratorate (25 May 1998) reportedly stipulate that the minimum sanction is a “demerit point”, and that in cases where the “circumstances are serious or cause serious consequences” the disciplinary sanction may only be demotion. Under the 1995 Police Law, the minimum administrative sanction is said to be a warning and the most severe the expulsion of the person found responsible. Later regulations are believed to state that responsibility for “errors” (including for forcing confessions or testimony) will not be pursued, inter alia where judicial interpretations are inconsistent; where the police officer was carrying out an order from a superior; or where the police officer was handling a case according to regulations on cooperation with other units.

5. The Special Rapporteur also transmitted information on the following individual cases.

6. **Chimey Rinzin** was reportedly arrested in 1997 in lieu of his father, who had been evading arrest, and detained in Ngaba Prison, where he is believed to have been tortured in order to make him confess his father’s whereabouts. As a result, he suffered from brain damage and died while in detention.

7. **Zhou Jiangxiong**, a farmer from Hunan province, was reportedly tortured to death in May 1998, when officials from a township birth control office allegedly tried to make him reveal the whereabouts of his wife, suspected of being pregnant. He was reportedly hung upside down, repeatedly whipped and beaten with wooden clubs, burned with cigarette butts, branded with irons and had his genitals ripped off.

8. **Quan Longyang**, a migrant worker who mistakenly entered a woman’s cubicle in Chaoyang district, Beijing, was reportedly beaten up by the local mutual defence team on 30 October 1998. Their leader reportedly told the team to do what they liked. Quang Longyang was reportedly beaten severely on the head, kicked repeatedly and left handcuffed to a bicycle overnight in freezing temperatures. He was subsequently hospitalized for 35 days. He reportedly initiated an action for compensation.

9. **Weidong Zhong** and **Licheng Zhang**, both majors in the China Air Force, were reportedly beaten by their superiors, in particular by the director deputy of the third unit of China Seventh Pilot College on 6 and 7 August 1998, respectively. They were allegedly forced to strip and lie down on the floor before being beaten, punched, kicked, whipped and hit with a pipe.

10. **Chen Haibing**, who was reportedly suing the Chengtuo township government for illegal detention of his father over an economic dispute, was kidnapped by the township Communist party officials on 30 June 1999. During a recess in the court case, the township deputy party secretary and other officials reportedly pushed Chen into a van and transported him to a government building, where he was severely beaten. When the presiding judge tried to stop the abduction, he was reportedly told that it was not his business. Chen was allegedly released later in the day, unconscious, and with severe chest and back injuries.

11. **Guo Shaokun**, a former policeman, was reportedly sentenced to two years' imprisonment by Gulou District People's Court, Xuzhou City, Jiangsu Province for "disturbing public order" and "fraud" in March 1999. He had reportedly been detained immediately after issuing an open petition to the National People's Congress about the Feng county police force's violent suppression of a demonstration by villagers. Guo Shaokun is said to have distributed the letter to foreign media based in Beijing.

12. **Hada**, the Chairman of the Southern Mongolian Democratic Alliance, was reportedly arrested on 10 December 1995 after a peaceful demonstration. A year later, he was reportedly sentenced to a 15-year prison term on charges of separatism and espionage. Over the years, he has allegedly been subjected to physical abuse in Inner Mongolia's No. 4 Prison in Chifeng and been denied family visits. He was allegedly beaten by inmates provided with rubber clubs by prison guards. On two occasions, a gun was allegedly held to his head by a prison official who threatened to kill him.

13. **Cao Maobing**, an electrician at the Funing County Silk Mill in Jiangsu Province was reportedly forcibly detained in a psychiatric hospital on 15 December 2000, shortly after he spoke to Western reporters about attempts to establish a union elected and run by workers at the mill. At the hospital, Cao was reportedly forced to take medication until his family complained.

14. **Fang Jue** was reportedly arrested on 23 July 1998, after publishing a platform for democratic reform in the international press, and is serving a four-year prison sentence in the Liang Xiang Prison in Beijing. From 30 December 2000, he was reportedly kept incommunicado in a bare cell with no heating, bed or blankets in winter, and was deprived of food and water. He is said to suffer from frostbite to his arms and legs, respiratory and digestive illnesses, with recurrent diarrhoea.

15. **Xue Jifeng**, a labour activist from Zhengzhou, Henan Province was reportedly forcibly confined in Xinxiang City Psychiatric Hospital from 17 December 1999 to 20 June 2000 by the Zhengzhou Public Security Bureau, after attempting to register the

Zhengzhou Workers' Association. He was reportedly forced to take drugs producing serious side effects. He was released only after agreeing not to participate in politics or "care about other people's affairs". He had reportedly been detained in the same hospital in November 1998 for one week after suing Henan Province Communist Party for its role in the winding up of the Three Stars investment company.

16. **Liu Haitao**, a member of the Chinese Evangelical Fellowship, was reportedly arrested on 14 September 2000 in Jiaozuo City. He reportedly died whilst detained by police in Xiaoyi County Detention Centre, Henan Province on 16 October 2000, as a result of severe beatings. Food and hygiene conditions were also allegedly poor and he had developed a high fever, with vomiting and breathing difficulties, in early October, for which he was reportedly denied medication.

17. **Zhang Zhenggang**, from Huai'an City, Jiangsu Province, was reportedly arrested on 2 March 2000 and transferred to the Huai'an City Detention Centre. He was reportedly severely beaten on or around 25 March, suffering severe head injuries, from which he never regained consciousness. On the evening of 30 March, after doctors found Zhang Zhenggang's pulse very weak, about 40 police officers reportedly cordoned off the ward and intervened with the doctor to shut off his oxygen supply and blood transfusion. Subsequently, police officers are said to have removed Zhang Zhenggang's body to the city crematorium and to have attempted to bar access to the family.

18. **A newborn "out of plan" baby boy** was reportedly beaten and killed by birth control officials in Caidian village, Hubei Province on 15 August 2000. The baby had first been rescued by a health worker, who had taken him home. There, five birth control officials reportedly grabbed the baby from her, kicked him repeatedly and then drowned him at a paddy field. Earlier, they had reportedly brought the nine-month-pregnant mother to their office and had injected her to kill the baby. When the baby was born alive, they instructed the father to kill him. Chen Shengli, Director of the State Family Planning Commission's Information and Education Department allegedly said the officials had "unfortunately ... killed the infant, and there is not much we can do now to change the outcome".

19. **Xi Zhaofu**, aged 17, reportedly died on 5 February 1999 after being beaten in the chest by an adult inmate in Huaihua City Detention Centre No. 2, Hunan Province, on transfer into a new cell, together with four other prisoners. His attacker is said to have been a prisoner serving a suspended death sentence for intentional injury and to have been executed as punishment for the attack.

20. The Special Rapporteur has transmitted information on the following individual case in the Xinjiang Uighur Autonomous Region (XUAR).

21. **Zulikar Memet**, an ethnic Uighur from Gulja (Yining) City, on behalf of whom the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteurs on the promotion and protection of the right of freedom of opinion and expression and on extrajudicial, summary or arbitrary executions, on 14 June 1999, was reportedly sentenced to death in July 1999 after telling the Ili Prefecture Intermediate People's Court

that his “confession” had been extracted under torture. He is said to have showed the court signs of torture, including missing fingernails. No investigation has reportedly taken place. He was reportedly executed on 14 June 2000. His parents had reportedly been denied access to him since April 1998 and learnt about his execution only afterwards.

22. **Abdulhelil Abdumijit** was reportedly detained immediately after taking part in a demonstration in Gulja, on 5 February 1999, and ill-treated to extract a confession and names. Police officers allegedly beat him on the back and a prison guard set a dog on him. At the end of 1999 or early in 2000, he was allegedly sentenced to death and severely beaten during a public sentencing rally announcing the sentences. He reportedly died in Chapchal prison, near Gulja (Yining) on 17 October 2000 as a result of torture. His body was reportedly taken to a cemetery in Chapchal under heavy police guard.

23. The Special Rapporteur transmitted information on the following individual cases in the Tibet Autonomous Region.

24. **Jampel Thinley**, a monk at Chamdo Monastery, was reportedly arrested in spring 1997 and charged with pasting “counter-revolutionary” posters on a monastery. He was allegedly beaten and deprived of food and water for nine days. He was subsequently taken to Chamdo People’s Hospital, where he reportedly died four hours later.

25. **Tsultrim Sangmo**, a 25-year-old woman from Chukar Chang village, Jhangkar township in Phenpo Lhundup county, reportedly died on 15 May 1998 in Drapchi prison, as a consequence of the injuries suffered after her participation in the May 1998 protests in Drapchi (see E/CN.4/2000/9, para. 237). She was reportedly severely beaten and denied access to medical assistance.

26. **Chadrel Rinpoche**, who was reportedly accused of betraying State secrets while helping the Dalai Lama to choose the eleventh reincarnation of the Panchen Lama, has allegedly been held in a secret compound of a Sichuan prison, where he is believed to be kept separate from other prisoners, denied all outside contacts and restricted to his cell, since his 1997 sentence to six years’ imprisonment after a closed trial. He and the other detainees are reportedly ill-treated, given electric shocks and suspended in painful positions.

27. **Ngawang Dekyi**, a nun of Poto Nunnery in Phenpo Lundu, was reportedly detained at Gutsa after taking part in a demonstration in Lhasa. She was allegedly sentenced to six years at Drapchi’s “reform-through-labour” camp, was hospitalized on 5 January 1998 and died 16 days later, as a result of severe beatings by prison guards.

28. **Thupten Kalsang**, a monk from Lo Monastery serving a five-year sentence in Drapchi Prison, was reportedly beaten by 12 prison guards after protests in the prison. On the following morning, he was allegedly beaten again and severely wounded. He was reportedly released on medical parole on 15 May 1998. Although he is said to have been treated for his injuries, he allegedly remained in critical condition.

29. **“Shol” Dawa**, a political activist, reportedly died on 19 November 2000, whilst serving a nine-year sentence imposed in 1995 on charges of “espionage” for collecting details of political prisoners. The circumstances of his death are unclear, but he had reportedly been suffering from a kidney ailment for which he did not receive medical treatment.

30. **Phuntsok**, a former monk of North-Lung Monastery from Lhasa and a former prisoner, who is said to have spent two years in Drapchi Prison from 1995 to 1997 for possession of “pro-independence documents”, reportedly died at home two years after his release, from liver failure, which is thought to have been the result of ill-treatment he was subjected to while in custody. At the time of his release, he suffered from liver infection and since then had failed to recover.

31. **Kalden**, a monk from Dagkar Tral-Zong Monastery, was reportedly arrested in December 1998 and detained for six months in Xining Prison. In May 1999, he was reportedly released on medical parole with broken ribs. While in prison he was allegedly subjected to beatings with an electric baton, kicked and punched, and deprived of food and sleep for five consecutive days. He was reportedly subsequently treated in Tsolho Medical Hospital.

32. **Phuntsog Legmon**, alias Taeten Norbu, aged 16, and **Namdrol**, alias Sonam Choedrak, both monks from Taklung Monastery in Toelung county north-west of Lhasa, were reportedly detained on 10 March 1999, during the fortieth anniversary of the uprising in Lhasa, and sentenced to three and four years imprisonment respectively. It is believed that police used both batons and fists to beat them while they were in detention.

33. **Penpa**, a man from Tsang Shalu who was reportedly arrested in 1997 by the National Security Bureau for his alleged involvement in a flag hoisting incident and detained in Trisam Prison, is said to have died in early 2000, just one month after being released on medical parole. At the time of his arrest, he was reportedly severely beaten and subsequently denied medical attention. One of his lungs reportedly collapsed.

34. **Tsering Wangdrak** was reportedly arrested on 29 October 1999 in Goloe township by policemen and People’s Armed Police forces who kicked and hit him with electric batons and transferred him to Karze police station, where he was allegedly beaten again during interrogation. He was reportedly whipped with wire strings and bamboo sticks and had boiling water poured on him. Two months later he was reportedly sentenced to three years and eight months’ imprisonment and transferred to Ngapa Prison in Karze Prefecture, Suchuan Province, then to the Xinhua Re-education through Labour Camp in Mianyang municipality, northern Sichuan, where he reportedly died in June 2000. At

Karze County Public Security Bureau Detention Centre, he had allegedly had to work in hot weather without adequate water and food, and was beaten at Mianyang.

35. **Lobsang Sherab**, a monk whose lay name is Norbu, was reportedly detained in early October 2000 by Security Bureau officers under the suspicion of involvement in pro-independence activities, and detained in the Tibet Autonomous Region Public Security Bureau Detention Centre, during which time he allegedly suffered ill-treatment, resulting in a fractured leg and head injuries. He was reportedly released on 24 November 2000 before sentence. His condition allegedly deteriorated drastically, and he reportedly died on 20 October 2000 from a brain haemorrhage.

36. The Special Rapporteur has continued to transmit to the Government information according to which many Falun Gong and Falun Dafa practitioners, alone or in groups, have been taken by law enforcement officials to mental hospitals where they were reportedly detained for periods varying from a few days to several months, without receiving a psychiatric examination before being detained. They are also said to have been forced to take drugs. On 20 January 2000, a spokesman for the Changguang police station in Fangshan district in Beijing, is said to have confirmed to a foreign journalist that around 50 practitioners, mainly women, were being held at the Zhoukoudian psychiatric hospital near Beijing. He reportedly said that they were “not patients”, but that they were confined “to be re-educated”.

37. With respect to Falun Gong and Falun Dafa practitioners, the Special Rapporteur transmitted information on the following individual cases.

38. **Zhang Shuqi** was reportedly arrested on 26 December 1999 and detained in Xicheng Detention Centre until 14 January 2000, when her relatives were told to pick her up. During the journey home, she reportedly told them about the ill-treatment she allegedly suffered, including force-feeding through the nose during a hunger strike. Within an hour of returning home, she allegedly started to vomit and lost consciousness. She reportedly died on the following day in Beijing University Hospital.

39. **Liang Quing** (f), from Dalian city, Liaoning province, was reportedly sentenced without trial to three years of “re-education through labour” for having sent information about the torture of fellow Falun Gong practitioner Zhang Chunqing (f) to the foreign media. She was reportedly first detained for 26 days from 20 July 1999 at the Yaojia detention centre in Dalian, and again on 24 October. **Zhang Chunqing** (f), who had given an account of her ill-treatment at the Yaojia detention centre in September, was reportedly also re-arrested in October and sentenced to three years “re-education through labour” at the Mashanjia camp.

40. **Liu Jiankun** from Liaoyuan City, Jilin Province, was reportedly assigned to one year re-education through labour in February 2000 in Baiquan labour camp. When he continued practising Falun Gong exercises, guards reportedly instigated inmates to beat him severely. In May 2000, he reportedly complained of pains in his chest and by 2 July he was unable to eat. He was reportedly required to continue with heavy labour until 5

July, when officials notified his family to collect him for medical treatment. City and district hospitals are said to have confirmed that his ribs were fractured and fluid had accumulated in his chest. He reportedly died in hospital on 27 August 2000.

41. **Wang Xingtian** from Dayang Ningjin County, Hebei Province, was reportedly detained in the “legal education centre” of his village to prevent him from travelling to Beijing to appeal against the Falun Gong crackdown on 21 February 2000. He was reportedly transferred to government offices in Beiquanli village around 23 March, where he was denied food. On 25 March, he was reportedly beaten by hired workers using batons and iron rods. Wang’s family reportedly had to pay a bribe before they could take him home in an unconscious state. He reportedly died later that day.

42. **Liu Xiaoling** (f) was reportedly arrested on the eve of the 2000 Chinese spring festival, and detained at the Zhaodong City Detention Centre, where she went on a hunger strike. On 13 or 14 May 2000, the police reportedly force-fed her. As a result of beatings, her ribs were fractured, causing them to puncture her lungs.

43. **Mei Yulan** (f) was reportedly arrested on 13 May 2000, detained in Chaoyang District Detention Centre, Beijing, where she was allegedly force-fed saltwater and soya bean milk through her nose on 17 May, by a fellow inmate with no medical skills who guards claimed was a nurse. Shortly after returning to the cell she allegedly began spitting blood, but she reportedly did not receive medical treatment until the next day. Her hands and feet reportedly became cold and her eyeballs stopped moving. She was reportedly transferred to the Minghang hospital, where she died on 23 May.

44. **Zhuang Yongxing** from Qionghai in Hainan, was reportedly arrested on 7 October 2000, and taken to the seventh floor of the Jingrong building for interrogation. On 8 October 2000, he was found dead in front of the same building, his body covered with cuts and bruises. The police reportedly claimed that he had jumped from the building’s balcony to avoid punishment.

45. **Yang Guibao**, a resident of Beixingbao village, Zhangjiakou City, was reportedly arrested on 24 October 2000 in Beijing, and detained at the Xuanwu District Detention Centre, where police took turns beating him and ordered other detainees to do so for a day. He was reportedly escorted back by the Beixinbao village local police (Huailai County, Zhangjiakou City) on 27 December 2000, where he is believed to have been kicked, beaten with a bamboo stick and shocked with an electric baton. He reportedly died in hospital on 14 January 2001. The doctor allegedly identified the cause of his death as suffocation from concentrated salt water, to which he had been subjected after going on hunger strike.

46. **Xu Bingyuan** and **Lou Aiqing** were reportedly arrested on 20 December 2000 in the central city of Qingdao for having hung up posters saying “Falun Gong is good” and were both beaten to death.

47. **Xia Shucaï** reportedly died as a result of police beatings on 22 December 2000, two weeks after his arrest at a train station in Caiyang City, Shandong.

48. **Zhang Maoxing**, a resident of Chenzi, Jiangxi Province, was reportedly arrested by police on 25 December 2000 and detained at a Beijing detention centre, where he is believed to have been severely beaten. He was subsequently returned to Jiujiang County Detention Centre, where he allegedly died a few days later. He reportedly sustained bruises all over his face and lip. His wife is said not to have been allowed to see his body, which was cremated as soon as he died.

49. **Zong Hengjie** was reportedly severely beaten on 1 and 3 October 2000 in the Tiexi district police substation, resulting in his death. The police allegedly claimed that he committed suicide. The authorities reportedly did not allow an autopsy and ordered his body to be cremated.

50. **Wang Bin** was reportedly beaten for three hours by guards at the Dongfeng labour camp, and subsequently died on 5 October 2000.

51. **Xie Guiying** reportedly died as a result of beatings he was allegedly subjected to at a police station in the eastern city of Zhunan on 18 October 2000.

52. **Zhao Yayun** reportedly died on 20 June 2000 at the Wanjia Labour Camp in Harbin City, Heilongjiang Province. She reportedly bore bruises around her eyes and shoulder blades, her face was swollen and strangulation marks were visible on her neck. On the same date, at least 14 other female Falun Gong practitioners died as a result of the torture they were allegedly subjected to. Officials from the central and provincial governments are said to have subsequently inspected the camp.

53. **Shi Yingchun** (f) was reportedly arrested for practising Falun Gong in a local park on 5 October 2000. In custody at the Huludao Detention Centre she was reportedly beaten by the guards when she continued to practise Falun Gong exercises. Two guards repeatedly beat her buttocks, using nail-studded clubs and plastic hoses. She was also handcuffed and shackled for several days.

54. **Zhao Shuijing** (f) was reportedly caught by a group of plainclothes policemen on 18 November 2000 when she went to Tiananmen Square, beaten and kicked and, as a result, lost consciousness. She was allegedly dragged to the Tiananmen police station in a bad condition and subsequently released. She had a bloody eyeball, a swollen face, a one-inch-long cut inside her upper lip and a dislocated right shoulder.

55. **Xin Ran**, a 14-year-old girl, and her 13-year-old sister were reportedly detained at Fangshan County, Beijing, on 16 December 2000, when they went with their mother to Beijing to appeal for Falun Dafa. Xin Ran was allegedly slapped, pinched on her face and beaten on her buttocks with a stick by Fangshan police officers. The sisters were allegedly brought back three days later to their school by local policemen from Sanhe

City. Their mother is believed to have been on a hunger strike and to have been released on 22 December 2000.

56. **Li Jingchun** (f) was reportedly detained in the Mentougou Detention Centre in Beijing since 18 December 2000. She allegedly went on a hunger strike, on the fifth day of which, the guards allegedly fed her through her nose. She was reportedly released on 30 December 2000 but her fever was said to have got worse and she was vomiting. She reportedly died on 4 January 2001.

57. **Chu Congrui** (f) was reportedly arrested in Tiananmen Square, Beijing on 1 December 2000. She reportedly died in the Haidian District Detention Centre around 13 December 2000. Her face and lips were reportedly swollen, her ears bloody and her nose was broken. Her body is believed to have been cremated in Changping County, Beijing on 18 December 2000.

58. **Tian Baozhen** (f) was reportedly arrested by officers of the Tiananmen police station in November 2000, when she went to Tiananmen Square. When she refused to reveal her name and address, she was reportedly sent to Xuanwu District Detention Centre in Beijing. She allegedly went on a hunger strike and was subsequently interrogated, beaten and force-fed. She was released and died several days later, on 11 December 2000.

59. **Tong Zhentian** was reportedly arrested and severely beaten by police in January 2001, when he went to Tiananmen Square in Beijing. He was taken to Shulan City police and then sentenced to one-year at Jilin Labour Camp, where he was allegedly subjected to further ill-treatment. He reportedly died on 4 July 2001 as a result of his injuries.

60. **Tan Yongjie** was reportedly arrested on 26 April 2001 for distributing flyers urging the Government of China to stop the persecution of Falun Gong practitioners. After being severely beaten by the local police, he was allegedly sent without trial to a labour camp in Boluo County, where he was reportedly held for over a month and repeatedly beaten, and hung from a cell window by a pair of handcuffs, with his feet barely touching the ground, for over five hours. On 2 June 2001, his legs were reportedly burnt 13 times with a heated iron.

61. **Li Changjun** was reportedly detained on 16 May 2001 in Wuhan, for printing materials that were believed to reveal human rights abuses against Falun Dafa practitioners in China. His family is alleged to have been notified of his death on 27 June 2001. His face and neck were bruised and distorted, most of his teeth were missing and his back was burnt.

62. **Zuo Zhigang** was reportedly arrested in his workplace, on 30 May 2001 by police from the Public Security Bureau of Shijiazhuang City and the so-called "610 office", taken to the Qiaoxi District police station in Shijiazhuang, where he was allegedly interrogated and beaten to death. His corpse reportedly bore many scars, there was a mark on his neck showing that a string had been pulled tightly around it, and two big square-shaped holes on the back of his torso.

63. **Liu Dongxue**, a peasant from Dalou village of Shenxing town, Hebei Province, was reportedly detained at the county detention centre, along with his wife, on Chinese New Year's Eve 2001. He allegedly resorted to a hunger strike for four months to protest his illegal detention and persecution, during which he was reportedly forced-fed and severely beaten. At the end of May 2001, he was reportedly covered with cuts and bruises and weighed less than 25 kilograms. It is reported that he was sent home, where he died on 31 May 2001.

64. **Wu Qingbin** reportedly died on 20 July 2001, after being forced to drink disinfectant at Huainan labour camp. He is alleged to have been in and out of re-education and labour camps since March 2000 and to have suffered repeated torture for his refusal to renounce his faith.

65. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received information on the following individual cases.

66. Between March 1997 and June 1998, the director and deputy director of Qinjia Township police station, Xinhua County, Hunan Province, had illegally detained 42 young women who worked in other provinces, handcuffing, kicking, beating, humiliating and threatening them in order to extract confessions that they had engaged in prostitution. In September 1999, they were reportedly sentenced to one year and to six months in prison respectively for detaining the women. Both sentences were allegedly suspended for one year.

67. On 17 May 1999, the head of the Public Security Bureau Communication Department of Xinmi City, Henan Province, a police colleague and a security guard reportedly apprehended a young woman, detained her at their office, demanded that she admit to prostitution, beat her with police batons, gave her electric shocks to her breasts and thigh, sexually assaulted her, kicked and beat her. They reportedly forced her to sign a guarantee, threatening to send her to a labour camp. They reportedly told her they had been lenient to her and that, with women from other towns, they would apply electric shocks to their vaginas until they confessed.

68. By letter dated 31 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual cases.

69. **Wang Wanxing**, a human rights activist, was reportedly forcibly taken to Ankang Psychiatric Hospital in Beijing on 23 November 1999, and then to Ankang Public Security Hospital, managed by the Beijing Public Security Bureau, on 3 June 1992 after trying to unfurl a banner in Tiananmen Square. His wife was allegedly told he was suffering from a condition called "political monomania". On 19 August 1999, Wang Wanxing was reportedly released for a three-month period on condition that he not contact the media and dissidents. On 18 November 1999, he reportedly asked the

authorities if he could hold a press conference on expiry of the period. In response, he was forcibly returned to the hospital on 23 November.

70. **Li Lanying, Chen Shihuan, Liu Jinling and Chi Yunling**, four Falun Gong practitioners from Zhaoyuan County in Shandong Province, were reportedly detained in November 1999 for disclosing details of the death as a result of ill-treatment of Zhao Jinhua (f). In December 1999, Li Lanying and Chen Shihuan were reportedly sentenced to three years' "re-education through labour" in a labour camp in Zibo County, Shandong Province. Liu Jinling and Chi Yunling were reportedly still in custody in January 2000.

71. By letter dated 11 September 2001, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no reply had been received.

Urgent appeals

72. On 7 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Tang Xi Tao** (f), arrested on 6 July 2000. She had allegedly been charged with disrupting public order in relation with her participation in Falun Gong exercises and sentenced to two years' imprisonment after an allegedly unfair trial. According to medical reports, she has serious health problems, such as renal calculus and cardiac troubles. She is reportedly being detained at Cha Tou Penitentiary, Canton, Guangdong Province, where she has allegedly been subjected to ill-treatment, including being handcuffed and isolated for several days, forced to sleep on the ground with other detainees, verbally threatened, intimidated and obliged to perform forced labour.

73. By letter dated 17 May 2001, the Government responded that she had repeatedly engaged in attacks on government organs, severely disrupting public order. In June 2000, she was assigned by the Guangzhou Re-education through Labour Committee to two years' re-education (from June 2000 to June 2002) in the Chatou re-education facility in Guanzhou. In view of her age, she has been repeatedly taken for physical check-ups and timely medical attention. The Government indicated that accounts of her suffering ill-treatment during re-education were purely fictitious.

74. On 22 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Rebiya Kadeer** (f) and **Kahriman Abdukirim**, her secretary, detained at Prison No. 2, in Baijiahu, Urumqi, and at Umriqui Prison No. 3, respectively. Both were believed to be in a poor state of health due to the alleged bad conditions of their detention, including inadequate food. Rebiya Kadeer was transferred from Liudaowan to Prison No. 2 after her appeal against her eight-year sentence was rejected by the Xinjiang High People's Court on 28 November 2000. Kahriman Abdukirim is said to have been removed from the Wulabai Re-education through Labour School in Urumqi to Umriqui Prison No. 3 on 27 May 2000 and he is reportedly currently serving a three-year term of "re-education through labour" for his association with Rebiya Kadeer.

75. By letters dated 15 January and 12 June 2001, the Government affirmed that Rebiya Kadeer's right to proper treatment and physical and mental health were respected and that

her physical condition was normal. On 10 March 2001, the Urumqi Intermediate People's Court had established that Rebiya Kadeer had, inter alia, long been collaborating with overseas elements engaging in ethnically divisive activities and had sent intelligence reports abroad endangering State security. The Court hence sentenced her to eight years' imprisonment for the criminal supply of State intelligence for parties abroad. Her appeal was rejected by the Xinjiang Uighur Autonomous Region Higher People's Court. The Government indicated that Rabiya Kadeer was now serving her sentence at the Xinjiang Autonomous Region No.1 prison, where she was in good health with a steady morale. The Government also stated that Kahrیمان Abdukirim and Rebiya Kadeer's son had been assigned by the Urumqi Municipal Re-education through Labour Committee to 18 months and two years' re-education through labour respectively for disturbing public order, and for having repeatedly supplied separatist elements abroad with material designed to fan ethnic hatred and imperil State security. The Government indicated that their punishment was entirely due to their own conduct. Both are serving their term at the Urumqi facility. Both are in good health and have received family visits. The Government specified that re-education through labour was remedially oriented. It did not seek to attribute criminal responsibility to petty offenders or to treat them as criminals. Its aim is to educate and reform them, to help them through persuasion and to turn them by means of education, labour and instruction in productive skills into disciplined, law-abiding, moral, useful human resources with some culture and technical abilities.

76. On 7 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Gao Zhan**, a research fellow at the American University in Washington D.C., who has been detained incommunicado since she was arrested by officers of the Beijing State Security Bureau at Beijing Airport on 11 February 2001. She was believed to have been charged on 2 April 2001 with accepting "missions from overseas intelligence agencies" and taking "funds for spying activities in mainland China". She is said to be suffering from heart disease. Her place of detention was unknown.

77. By letter dated 2 August 2001, the Government responded that she had joined a Taiwanese spy organization in 1993 and entered China several times to engage in espionage. She had incited the defection of an official responsible for affairs concerning Taiwan, who stole a large quantity of confidential documents, which she sent to a Taiwanese espionage unit, endangering the security of China. Gao and her husband were interrogated and candidly confessed to their spying activities. On 24 July 2001, Gao Zhan was sentenced to 10 years in prison by the First Intermediate People's Court, but was released on parole on medical grounds. Her husband, who was an accomplice, supported the police investigation, as a result of which the Procuratorate decided on 8 March 2001 to allow him to leave for the United States with his son. During the examination of the case, their son Andrew was placed in a kindergarten in Beijing with their consent.

78. On 21 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Zhang Shanguang**, a labour activist who is facing a 10-year sentence at the Hunan No. 1 prison, an electrical machinery factory in Yuanjiang City, central Hunan Province. He was reportedly beaten by prison guards and put in solitary confinement after he allegedly circulated a petition, dated 15 March 2001, demanding an end to torture and long working hours. Other prisoners who signed the petition were reportedly also beaten. The above-mentioned petition was smuggled out of the prison in April 2001 and describes the conditions of detention in the penitentiary centre, as well as the corporal punishments to which prisoners who are unable to do the work required or who complain are allegedly subjected. Zhang Shanguang has reportedly contracted tuberculosis in the past and is currently suffering from a lung illness. He is allegedly denied medical treatment. He is said to be forced to do heavy work in shackles, and to be beaten when he tries to stop working.

79. On 3 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Han Yuejuan**, the widow of a United Nations observer and previous director of the Theory Office of the Propaganda Department of Dongshan district in Guangzhou City, Guangdong Province. After her husband's death in January 1993, she is said to have started to practise Falun Dafa. After several arrests, she was reportedly placed in a "reform through labour programme" under the surveillance of the Political and Public Security Departments. On 22 December 2000, her work unit was said to have been ordered to send her to a "transformation class" at a great distance from Guangzhou City, which the unit refused. Han Yuejuan reportedly escaped the surveillance and went to appeal in Beijing, where the police are said to have arrested her, to have bound her hands behind her back and to have beaten her severely. In June 2001, the police reportedly re-arrested Han Yuejuan at Yifangyuan in Xilang of Fangcun in Guangzhou and detained her in Tianpingjia Detention Centre in Dongshan district in Guangzhou.

80. On 25 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Huang Guodong**, a resident of Mudanjiang city, Heilongjiang province, and his son, who had reportedly been arrested by two police officers at their home in February 2001 on the charge of having printed and distributed Falun Gong flyers. They were reportedly taken to the Nanshan police station of Tielinghe in Mudanjiang City, where the police are said to have tied them up and to have beaten them violently for a whole day and night. Huang Guodong was reportedly subsequently transferred to Mudanjiang Detention Centre, where he was said to be held in handcuffs and shackles. As a result of the treatment he was subjected to during the previous eight months, Huang Guodong is believed to have become incontinent and not to have been able to take in any food since 10 October 2001.

81. On 30 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Zhang Maoxing** and his eldest daughter **Zhang Juan**, who had reportedly been arrested in Beijing while protesting in favour of Falun Gong and taken to the Jiujiang County Detention Centre in the Jiangxi Province, where Zhang Maoxing allegedly suffered severe beating and was

tortured to death on 25 January 2001. The police reportedly did not allow Zhang's wife to see her husband for the last time, simply because she is also a Falun Gong practitioner. To this date, Zhang Maoxing's daughter, Zhang Juan, has reportedly been detained in the Jiujiang Detention Centre, under the control of the Deputy Director of the Jiujiang Public Security Bureau, who is believed to be directly responsible for Zhang Maoxing's death. It was reported that she was near death after having endured brutal torture at the detention centre.

Follow-up to previously transmitted cases

82. By letter dated 9 January 2001, the Government responded to an urgent appeal sent in May 2000 by the Special Rapporteur on behalf of Li Dexian (see E/CN.4/2001/66, para. 303). The latter had for many years spread Christian propaganda and on many occasions organized illegal meetings. Under the effects of his venomous pronouncements, some people had abandoned their jobs and students their studies, which had a deleterious effect on the social climate and had seriously disrupted people's usual production activities and life and their normal religious activities. The local authorities had repeatedly endeavoured to re-educate him, but he had refused to repent. In November 1999 and April 2000, the authorities twice sentenced him to a punishment of 15 days' detention for disturbing public order. No shackles were used against him. He was now at home and no coercive measures were used against him.

83. By letter dated 21 November 2000, the Government responded to an urgent appeal sent in July 2000 by the Special Rapporteur on behalf of Zhuo Xiaojun (see E/CN.4/2001/66, para. 306). On 26 December 1989, he had quarrelled with his neighbours over the erection of a wall, during which he picked up a knife stabbing them in the chest and abdomen and another man in the thigh. He was arrested on 30 December 1989 at the Jiangbin mansion in Fuzhou, Fujian Province and handed over to the armed police unit at the public security bureau in Changle. It was ascertained that no confession was extracted under torture. On 7 September 1990, he was found guilty of deliberate homicide and sentenced to death by the Fuzhou Intermediate People's Court. In January 1992, the Fujian Higher People's Court ruled that findings of fact of the lower court were not clear, set the decision aside and sent the case back for reconsideration. In the same year, the Fuzhou Intermediate People's Court sent the case back to the procuratorial authorities for further investigation. In August 1993, the Court began renewed hearings. In January 2000, the Fuzhou Municipal Intermediate People's Court found him guilty of deliberate homicide, and rejected his argument that there was no third party witness to the act. The Government indicated that his appeal was currently before the Fujian Higher People's Court. He is detained in normal custody and in good health. Allegations of his being shackled and suffering from several illnesses are not true.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2002/75/Add.2
25 February 2002

Original: ENGLISH/FRENCH/
SPANISH
ENGLISH/FRENCH/
SPANISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 11 (c) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION
OF FREEDOM OF EXPRESSION**

**Report of the Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression, Mr. Abid Hussain, submitted in accordance with
Commission resolution 2001/47**

Addendum

Country situations

China

Communications sent

1. On 7 May 2001, the Special Rapporteur, jointly with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture, sent an urgent appeal concerning the prolonged detention of Gao Zhan, a research fellow at the American University in Washington D.C. She had been held in incommunicado detention since her arrest by officers of the Beijing State Security Bureau at Beijing airport on 11 February 2001. A spokesman for the Chinese Foreign Minister issued a statement on 28 March 2001 that she had been charged with accepting “missions from overseas intelligence agencies” and taking “funds for spying activities in mainland China”. She was formally charged on 2 April 2001 with accepting money from a foreign intelligence agency and of participating in espionage activities in China. It was reported that the State Security Ministry had repeatedly denied Gao Zhan’s lawyer’s requests for meetings. Concerns were expressed for her health as Gao Zhan suffers from heart disease and other medical problems. Her place of detention was unknown. Gao Zhan, a United States resident, might have been arrested in connection to her research which focused primarily on women’s issues, on Chinese family and on China’s relations with Taiwan. Gao Zhan’s husband, Xue Donghua, and their son, Andrew Xue, were also arrested on 11 February 2001 at Beijing airport and kept in incommunicado detention for 26 days. Xue Donghua, also a United States resident, and Andrew Xue, a United States citizen, were released and reunited on 8 March 2001 and immediately returned to the United States.

2. On 17 May 2001, the Special Rapporteur transmitted an urgent appeal concerning a series of alleged arrests and detentions targeting individuals who write on the Internet. Yang Zili, creator of an Internet web site *www.lib.126.com*, was arrested on 13 March 2001 as he was leaving his home in Beijing. His place of detention was unknown and he had not been formally charged. It was believed that his arrest was linked to articles he had published on Internet which denounced repression against Falun Gong followers and the economic problems of Chinese peasants. His wife, Lu Kun, was also arrested on 13 March 2001 and, after being interrogated by the police regarding the activities of her husband, she was released after 48 hours. Moreover, the Special Rapporteur referred to the detention of Lu Xinhua for “subversion” on the basis of the law on the content of information published on the Internet, and of Wang Jinbo, a member of the China Democracy Party, arrested by police on 9 May 2001 in Junan, Shandong province, and accused of having published on the Internet a text libelling the local police. Furthermore, Wang Sen, also a member of the China Democracy Party, was detained in Dachuan, Sichuan province, where he was arrested on 30 April 2001. He was accused of having denounced on the Internet local trafficking in medicines. In addition, the Special Rapporteur indicated that Guo Qinghai was sentenced by a court in Cangzhou on 26 April 2001 to four years in jail for subversion by virtue of the law on the content of news published on the Internet.

3. On 15 August 2001, the Special Rapporteur transmitted an urgent appeal concerning a directive issued publicly on 8 August by the Chinese State Press and Publications Administration according to which publications could be summarily closed down for reporting on any one of the seven proscribed topics, including criticism of government policies or reporting that “harms the national interest”. This directive was the latest move in a crackdown on the mainland Chinese press that began intensifying in January. Since then, several publications have been shut down and a number of reporters and editors have been dismissed or demoted. Furthermore, hundreds of journalists have been brought to Beijing to meet with propaganda officials in order to “study publicity directions”.

4. On 3 September 2001, the Special Rapporteur sent an urgent appeal concerning the sending of Liu Haofeng, a free-lance writer and journalist, to a labour camp where he could stay for up to three years without formal charges or trial. Liu Haofeng was secretly arrested in March 2001 in Shanghai. Liu Haofeng was accused by the Shanghai Re-education through Labour Committee of “endangering national security” for having published under various pen names on the Internet a policy paper and an essay on the dissident China Democratic Party as well as on the current situation of China’s peasants. Liu Haofeng was also accused of trying to form an illegal organization, the “China Democracy Party Joint Headquarters, Second Front”.

5. On 25 October 2001, jointly with the Special Rapporteur on torture, the Special Rapporteur sent an urgent appeal regarding the arrest of Huang Guodong, a 51-year-old resident of Mudanjiang city, Heilongjiang province, and his son in February 2001 on the charge of having printed and distributed Falun Gong flyers. They were taken to the Nanshan police station of Tielinghe in Mudanjiang city, where the police are said to have tied them up and to have beaten them violently for a whole day and night. Huang Guodong was subsequently transferred to Mudanjiang detention centre, where he was subjected to periodic torture by three police officers, whose names are known to the Special Rapporteurs. As a result of the torture, Huang Guodong became incontinent and has not been able to take in any food since 10 October 2001.

6. On 30 October 2001, the Special Rapporteur transmitted an urgent appeal, jointly with the Special Rapporteur on torture, concerning the following allegations. On 25 December 2000, Zhang Maoxing and his eldest daughter, Zhang Juan, went to Beijing to appeal to the Government to stop the persecution of the Falun Gong. They were arrested together there and escorted back to the Jiujiang county detention centre in Jiangxi province. Zhang Maoxing had suffered severe beating in the detention centre and was tortured to death on 25 January 2001. Even after Mr. Zhang’s death, the police did not lessen its persecution against his family. Indeed, the police did not allow Mr. Zhang’s wife to see her husband for the last time. Likewise, Zhang Maoxing’s brother and his 10-year-old son were allowed to see his body, but only very briefly before it was hastily cremated. They saw that the body had dark bruises all over, and was still shackled to an iron bed when it was carried away from the hospital for cremation.

7. On 1 November 2001, the Special Rapporteur transmitted a communication regarding the sentencing on 11 September 2001 of Zhu Ruixiang, a former Chinese television editor who used a Hong Kong-based Internet site to e-mail political articles to his friends, to three years' imprisonment on charges of subversion. In the same communication, the Special Rapporteur referred to the detention of Lu Xinhua, arrested in mid-March 2001 in Wuhan, Hubei province. This arrest could be linked to articles written by Mr. Lu about rural unrest and official corruption which appeared on various overseas Internet news sites. On 20 April 2001, Mr. Lu was charged with subversion, a charge frequently used against journalists who write about politically sensitive subjects.

Communications received

8. In a letter dated 15 January 2001, the Government of China replied to the concerns expressed in the communication dated 13 March 2000. The Government explained that Rebiya Kedeer was taken for questioning by the Urumqi Public Security Bureau on 11 August 1999 for attempting to supply intelligence to individuals abroad. On 13 August 1999 she was arrested on criminal charges. On 2 September 1999, the Urumqi Municipal People's Court authorized her detention and on 28 February 2000 the Urumqi Municipal Procurator's Office referred the case to the Intermediate People's Court for trial. The Government informed the Special Rapporteur that it was established that Rebiya Kedeer had long been collaborating with overseas elements engaging in ethnically divisive activities, had taken part in destructive separatist actions and had sent intelligence reports abroad. In accordance with articles 111 and 56.1 of the Penal Code, the Court sentenced her to eight years' imprisonment and stripped her of her political rights for two years. The Government further explained that all Rebiya Kedeer's rights were duly upheld and that she was serving her sentence at the Xinjiang Autonomous Region No. 1 prison, where her rights to proper treatment and to physical and mental health are respected. (See E/CN.4/2001/64, para. 117.)

9. In a letter dated 2 August 2001, the Government of China replied to the concerns expressed in the communication dated 7 May 2001. The Government informed the Special Rapporteur that in 1993, when studying in the United States, Gao Zhan had joined a Taiwanese spy organization, taking the name of "Wei". On instruction from the organization, she entered China several times to engage in espionage activities. The Chinese State Security authorities, in accordance with the relevant provisions of the Criminal Code of the People's Republic of China and the Law on Criminal Proceedings, interrogated Ms. Gao and her husband, who confessed to their spying activities. On 24 July, the Beijing First Intermediate People's Court sentenced Gao Zhan to 10 years in prison. Taking account of her state of health, the Court agreed to release her on parole on medical grounds. On 8 March, the Procuratorate allowed Xue Donghua to leave for the United States with his son. Furthermore, the Government said that the competent Chinese authorities had dealt with the case in strict accordance with the law and that legal rights were fully guaranteed. The Government also specified that Gao Zhan was arrested not because of her academic research, but for her spying activities.

10. Replies from the Government to the communications dated 15 August 2001 and 3 September 2001 were received on 21 November 2001 and were in the process of being officially translated at the time of completion of this report.

Observations

11. The Special Rapporteur thanks the Government of China for its replies and its willingness to cooperate with the mandate. However, he awaits further responses to his communications dated 17 May 2001, 25 and 30 October 2001 and 1 November 2001.

Visit

The Special Rapporteur would like to reiterate his wish to undertake a visit to the country, as expressed in letters dated 17 June 1999 and 30 September 2001.



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2002/106
27 February 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-eighth session

<http://www.unhcr.ch/Huridocda/Huridoca.nsf/e06a5300f90fa0238025668700518ca4/4d23a02eac9b1116c1256b820052c56f>

Item 17 (b) of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS

HUMAN RIGHTS DEFENDERS

**Report submitted by Ms. Hina Jilani, Special Representative of
Secretary-General on human rights defenders, pursuant to the
Commission on Human Rights resolution 2000/61**

CHINA

Communications sent

1. On 31 August 2001 the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture on the following cases.
2. Wang Wanxing, a human rights activist, was reportedly forcibly removed from his home by public security officers and taken to Ankang Psychiatric Hospital in Beijing on 23 November 1999. This followed Mr. Wanxing's request to the authorities to hold a press conference to discuss his confinement. He was allegedly first detained in Ankang Public Security Hospital on 3 June 1992 after trying to unfurl a banner in Tiananmen Square commemorating the events of 4 June 1989. On 19 August 1999, Wang Wanxing was reportedly released for a three-month trial period.
3. Li Lanying, Chen Shihuan, Liu Jinling and Chi Yunling, four Falun Gong practitioners from Zhaoyuan county in Shandong province, were reportedly detained in November 1999 for disclosing details of the death due to torture of Zhao Jinhua in October 1999. In December 1999, Li Lanying and Chen Shihuan were reportedly assigned to three years' "re-education through labour", to be served in a labour camp in Zibo county, Shandong province.
4. On 26 September 2001 the Special Representative transmitted an allegation jointly with the Special Rapporteur on torture regarding the following cases.
5. Mr. Lobsang Tenzin and Mr. Tenpa Wangdrak were reportedly caught, on 31 March 1991, while in Drapchi Prison, attempting to hand over a letter to the then United States Ambassador, James Lilley, who was visiting Drapchi Prison. According to the information received, the letter contained in detail treatment meted out to political prisoners and a list of prisoners who had reportedly been tortured. Mr. Lobsang Tenzin and Mr. Tenpa Wangdrak were reportedly beaten by officers of the Public Security Bureau (PSB), and moved to dark isolation cells.
6. Mrs. Li Yang was reportedly arrested on 15 March 2000 and sent for one month to Chaoyang District Detention Centre for appealing for the rights of Falun Gong practitioners at the Government Central Appeal Office in Beijing. She was reportedly held in very bad conditions.
7. Ms. Zhang Xueling was reportedly sentenced on 24 April 2000 to three years' imprisonment in the Wangcun Labour Camp in Shandong province for collaborating with the enemy. According to the information received, her arrest was connected with the appeal Ms. Zhang filed to seek justice for her mother, Ms. Chen Zixiu, who had allegedly been beaten to death on 21 February 2000, while in detention, and ask for a forensic

report. It has been further reported that, on 20 April 2000, Ms. Zhang gave details of her mother's death and of her quest for justice to the *Asian Wall Street Journal*.

8. On 27 September 2001 the Special Representative transmitted an allegation to the Government of China regarding the following cases.

9. Jamphel Jangchup, Ngawang Phulchung, Ngawang Woesser and Ngawang Gyaltzen, Drepung monk members of the "Organization of Ten" were reportedly arrested by officers of the Public Security Bureau (PSB), on 16 April 1989, for forming a "counter-revolutionary organization, producing reactionary literature, which attacked the Chinese Government and slandered the People's Democratic dictatorship". In fact, the group reportedly published a Tibetan translation of the Universal Declaration of Human Rights and had also given information about the human rights abuses reportedly perpetrated by the authorities. According to the information received, Mr. Jangchup and Mr. Phulchung were sentenced to 19 years' imprisonment and Mr. Woesser and Mr. Gyaltzen were sentenced to 17 years.

10. Mr. Chu O-ming, a Falun Gong practitioner based in Hong Kong, was reportedly arrested on 7 September 2000 in connection with the complaint he filed, on 29 August 2000, with the Supreme Procuratorate of China, against Jiang Zemin, the President, Zeng Qinghong, Minister of the Ministry of Human Resources and Personnel, and Luo Gan, Secretary of the Political and Legal Committee of the State Council, for alleged persecution of Falun Gong practitioners. To date, Mr. Chu's family has still not obtained any information about his whereabouts.

11. Ms. Teng Chunyan, a medical doctor and Falun Gong practitioner, was reportedly charged with "prying into State intelligence for overseas organizations" and sentenced to three years in jail by Beijing Intermediate People's Court, on 23 November 2000. According to the information received, on 7 February 2000, Ms. Teng led foreign journalists to a village in the Fangshan district of Beijing, where they reportedly interviewed Falun Gong practitioners detained in a mental hospital. In March 2000, Ms. Teng returned to Fangshan and provided a digital camera for a man to take pictures of the detained Falun Gong members to document their detention and hunger strike. She later reportedly forwarded the pictures to foreign news organizations by e-mail.

12. On 8 and 12 March 2001, the local police reportedly arrested He Kechang, Ran Chongxin, Jiang Qingshan and Wen Dingchun, four farmers, who were planning to go to Beijing in early March 2001 to present a petition to the Government complaining that local officials had embezzled funds intended to pay for resettling them. According to the information received, the four farmers are among thousands of people whose homes will be flooded by the Three Gorges Dam, a giant reservoir that is reportedly planned to be operational in the centre of Gaoyang in 2003. All four of them were reportedly held in the Yunyang county police Detention Centre, charged with disturbing the social order, leaking State secrets and maintaining illicit relations with a foreign country.