



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/64/Add.1
29 March 2005

ORIGINAL:
ENGLISH/FRENCH/SPANISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Agenda item 11 (c)

**CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF
FREEDOM OF EXPRESSION**

The right to freedom of opinion and expression

Addendum

Summary of cases transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

Introduction

1. This addendum to the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression gives an account of actions undertaken by the Special Rapporteur between 1 January and 31 December 2004. It also contains in summary form the replies received from Governments to his communications.
2. Replies to communications received after 31 December 2004 will be included in the Special Rapporteur's report to the sixty-second session of the Commission on Human Rights.
3. Owing to restrictions on the length of documents, the Special Rapporteur has been obliged to reduce considerably details of communications sent and received. As a result, replies from Governments could not be published in their entirety.

China

142. On 8 January 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning **Cui Suzhen**, a 61-year-old female resident of

Shenze County, Shijiazhuang City, Hebei Province, who was reportedly detained in the Shijiazhuang Labour Camp because she practised Falun Gong. On 8 April 2001, she was reportedly transferred to the Gaoyang Labor Camp in Hebei Province. It is alleged that, since she went on a hunger strike to protest the treatment received, she was force-fed human excrement on three separate occasions, and afterwards suffered from serious diarrhea. As a result, she was reportedly sent to the Gaoyang County Hospital for emergency treatment. The attending doctor allegedly pointed out that feeding a person human excrement in that quantity can cause death. Upon being sent back to the labour camp, she was allegedly continuously beaten by the guards, who are said to have crushed her nipples, shocked her with electric batons simultaneously while pouring water on to her. They also used pliers to pinch her flesh, and buried her in snow until she passed out. At the time that this communication was sent, it was reported that she was still being detained in the labour camp, where she was believed to be at risk of being subjected to similar treatment.

143. On 21 May 2004, the Government sent a response to the Special Rapporteur's communication of 8 January 2004 stating that **Cui Suzhen** was ordered by the labour rehabilitation committee in Shijiazhuang, Hebei Province, to undergo three years' labour re-education (from 20 July 2000 to 19 July 2003) for having severely disrupted public order, owing to her severe obsession with Falun Gong. She entered the Shijiazhuang labour re-education facility in January 2001 and in April of that year was transferred to the facility in Gaoyang. She suffered from heart disease and received emergency medical treatment while in re-education. During that time she gradually realized that Falun Gong was a deceptive and harmful fallacy and overtly broke with it; because her conduct had significantly improved, she was rewarded with a 119-day reduction in her term, and was given an early release on 22 March 2003. The people's police at the labour re-education facility enforced the law in a civilized manner, and there were absolutely no instances of ill-treatment causing severe diarrhea or electric shocks being administered, as alleged. Cui underwent labour re-education in accordance with procedures prescribed by law because she accepted the delusions, poisons and incitement of Falun Gong and seriously disrupted social order; her case had nothing to do with freedom of expression.

144. On 15 January 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning **Kong Youping**, a 48-year-old factory worker from Anshan, north-eastern China, who was arrested on 13 December 2003 for posting five articles and seven poems on a foreign web site since June 2003, in which he called for a review of the events of the "Beijing spring" and an end to alleged corruption among political officials. Five police officers reportedly arrested Kong Youping at his home and seized his computer.

145. On 21 May 2004, the Government sent a response to the Special Rapporteur's communication of 15 January 2004 concerning **Kong Youping**. The Government stated that following a thorough investigation in November 2003, the Shenyang public security authorities cracked a major murder case in which the perpetrator had been at large. A suspect was caught. Following investigations with the suspect, he confessed that, after running away and hiding, he had continued, together with Kong Youping and others, to engage in illegal acts. The Government further stated that, after obtaining the relevant evidence, the public security authorities used coercive measures prescribed by law in respect of the suspect. In enforcing the law, China's public security authorities strictly observed legally prescribed procedures and acted in accordance with the law. Moreover, the Government asserts that Kong's legitimate rights were

fully guaranteed and that the case did not involve any arbitrary detention or has anything to do with freedom of expression.

146. On 4 February 2004, the Special Rapporteur, jointly with the Special Rapporteur on the right to health and Special Rapporteur on the question of torture, sent an urgent appeal concerning **Tian Xianofei**, 40 years of age, and resident of Cuidong Street, Pingshan District, Liaoyang City, Liaoning Province, who was reportedly detained in the Huazi Prison in Liaoyang City, and sentenced to 10 years by the Pingshan District Court, allegedly for being a Falun Gong practitioner. According to the information received, Mr. Tian began a hunger strike on 20 July 2003, and was held in solitary confinement with two prisoners monitoring him around the clock. It is alleged that while he was asleep, his hands were handcuffed to the bed. His health was reportedly deteriorating from forced feedings and he had difficulty walking. It is alleged that he was denied medical treatment, and would continue to be denied such treatment until his internal organs malfunction or he renounced Falun Gong. He was reportedly not permitted visits by his family. Moreover, **Cao Jiguang**, 35, an employee of the Cotton and Linen Company, Linshui County, Sichuan Province, was reportedly detained in Guangyuan Jail in Sichuan Province, serving out a five-year sentence, allegedly for being a Falun Gong practitioner. It is reported that he was detained in a small cell where five inmates are ordered to watch him throughout the day. He was reportedly on the verge of death after beginning a hunger strike to protest against his alleged torture by the prison guards. It is reported that, on a previous hunger strike, Cao Jiguang was force-fed by the jail's doctor, who inserted a plastic tube into his trachea and pulled it out repeatedly to hurt him, and that before force-feeding him, the guards opened his mouth with an instrument, which caused severe injuries inside his mouth. It is further reported that after his hunger strike, the guards reduced his food by half.

147. On 21 May 2004, the Government sent a response to the Special Rapporteur's communication of 4 February 2004, stating that **Tian Xiaofei** was sentenced on 21 August 2002 by the Pingshan District People's Court in Benqi to 10 years' imprisonment for the crime of using a heretical organization to undermine law enforcement. After he entered prison he stopped eating normally, but through patient education and counselling his condition had stabilized; he was eating normally, and hospital tests indicated that his health was excellent. While serving his sentence he was never denied family visits, as alleged. **Cao Jiguang** was sentenced on 19 July 2002 by the Linshui County People's Court to five years' imprisonment for the crime of using a heretical organization to undermine law enforcement. After entering prison, he became impulsive and irritable, but through patient, attentive education and counselling provided by the prison his mood improved and he submitted to supervision. He has not been subjected to "torture", as alleged, nor is he "on the verge of death".

148. On 4 February 2004, the Special Rapporteur sent an urgent appeal regarding **Liu Xiaolian**, 64 years old, a resident of Chibi Town, Chibi City, Hubei Province. She was reportedly arrested on 28 December 2003 by the local Chibi City police and her whereabouts were unknown at the time this communication was sent. Ms. Xiaolian had reportedly been detained on several occasions and subjected to torture and ill-treatment for allegedly being a Falun Gong practitioner. For example, on 6 December 2002, while she was reportedly detained at the First Detention Centre, Chibi City, 19 police officers and inmates started to beat Ms. Liu. Her body was reportedly pulled in five different directions simultaneously; her vagina was torn from the force and all her joints became dislocated. Others reportedly took turns beating her with 55-pound shackles while she was being pulled apart. Ms. Liu reportedly suffered many broken

bones and other severe injuries over the course of the day and fell unconscious due to the intense pain. Her head was reportedly violently banged, and she was then reportedly cuffed with 55 pound shackles for one week, and denied food for two weeks. In view of past allegations of torture against Ms. Xioalian, and her present unknown whereabouts, serious concerns are expressed for her well-being.

149. On 21 May 2004, the Government sent a response to the Special Rapporteur's communication of 4 February 2004 stating that on 15 September 2002 **Liu Xiaolian** was placed in criminal detention by the local public security authorities, in accordance with the law, on suspicion of having committed a crime because she had engaged in heretical Falun Gong activities. Following education, she was released. On 29 December 2003, she was again placed in criminal detention for carrying out these activities. On 14 January 2004, the local labour rehabilitation committee ordered her to undergo a period of labour re-education of two years and six months. She is currently undergoing labour re-education. While in detention she was not subjected to any ill-treatment and her legitimate rights and interests were respected. The compulsory measures taken by the public security authorities in respect of Liu, as well as the decision in her case, all had their basis in her heretical Falun Gong activities and the fact that she was a criminal suspect and had absolutely nothing to do with freedom of expression or opinion. When Liu entered the facility the staff strictly followed the method of "educate, reform and rescue" in dealing with her and conscientiously sought to guarantee her legitimate rights and interests; she was never beaten, verbally harassed or subjected to ill-treatment.

150. On 13 February 2004, the Special Rapporteur sent an urgent appeal concerning **Ms. W.L.**, a 17-year-old middle school student, from Machang, Suileng County, Heilongjiang Province. According to information received, in July 2002, W.L. attended a joint entrance examination for a provincial high school and answered a question in the politics section of the paper concerning Falun Gong, saying that, "Falun Dafa is good, and Falun Dafa is righteous". It is reported that later, officials from the Political and Judiciary Committee of the Police Department and Provincial Education Committee came looking for her, and she was forced to leave home. It is reported that her parents were arrested and ill-treated by personnel from the "610 Office". In May of 2003, W.L. was working in Harbin City, where she was reportedly seized by the police and sent to Suileng, where she is reportedly still detained, and it is not clear whether she was charged with any offence. Reports indicate that specific orders were issued at the time of her arrest by the chief of the "610 Office" in Suileng County to detain her until she turned the legal age of 18 years and then to sentence her.

151. The Government sent a response to the Special Rapporteur's communication of 13 February 2004 concerning **Ms. W.L.** The Government stated that in 2001 she wrote statements advocating Falun Gong on a junior middle school exam, After this, the teachers tried to educate her, but she insisted, quit school and ran away from home. In May 2003, she engaged in heretical Falun Gong activities in Harbin and was placed in criminal detention, in accordance with the law, by the Harbin public security authorities. The security authorities there educated her and then released her, while providing her with appropriate assistance regarding schooling and livelihood. She resumed a normal life and was in excellent health. The allegations that her parents have been arrested and that she was being detained until she is 18 are groundless. The Government states that Falun Gong is not a religion but an antisocial, anti-scientific, anti-human heretical organization that had increasingly shown a tendency towards violence.

152. On 26 February 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Sun Yuhua**, who was reportedly arrested at her home on 14 January 2004 at about 2 p.m., by a group of policemen (whose names are known to the Special Rapporteurs), led by the Chief of the Political Security Team at the Hulan County Police Station, allegedly because she practised Falun Gong. The policemen reportedly took Ms. Sun to the Hulan County Police Station, where officers (whose names are known to the Special Rapporteurs) reportedly beat and tortured her. Reports indicate that she was later sent to the Hulan County Second Detention Centre, where she reportedly went on a hunger strike to protest her torture and detention. When she refused to give up her beliefs, she was reportedly transferred to the Hulan County First Detention Centre, where she continued her hunger strike, and was allegedly force-fed, causing her physical condition to become critical. Fears were expressed that she might die from the treatment she allegedly received. Reports also indicate that, reportedly as a result of his public disclosure of the persecution of Falun Gong, Ms. Sun's husband, **Zhang Qingsheng**, was detained at Hulan County First Detention Centre. The police from the Hulan County Police Station also reportedly arrested **Ms. Sun's daughter**, an 18-year-old student at Hulan County College, on 14 January 2004. She was reportedly interrogated and tortured for four days, before being sent to the Harbin Second Detention Centre.

153. On 5 July 2004, the Government sent a response to the Special Rapporteur's communication of 26 February 2004 stating that **Sun Yuhua** and **Zhang Qingshen** were ordered in April 2001 by the local labour rehabilitation authorities to undergo labour re-education for two and three years, respectively, for having produced and distributed Falun Gong propaganda. Because Sun was in poor health, she was allowed to undergo her re-education outside a facility, and in August 2002, Zhang Qingshen's term was converted to external re-education. In November 2003, he was arrested by the public security authorities while distributing Falun Gong propaganda in Hulan County, Heilongjiang Province. He was found to have on his person a large quantity of illegal propaganda. In February 2004, the Hulan County People's Court sentenced him to three years' imprisonment, in accordance with the law, for the crime of using a heretical organization to undermine the implementation of law. Because Sun Yuhua and Zhang Hui had helped him to produce the material, the local labour rehabilitation authorities ordered the two women on 13 February 2004 to undergo one year's labour re-education. During her sentence, Sun Yuhua began a hunger strike and was taken to the Hulan County No. 1 Hospital for treatment. The treatment was ineffective, however, and on 8 March 2004, she died. The judicial authorities strictly upheld the law and fully respected the legitimate rights of the two persons. Concerning Sun Yuhua, the authorities proceeded on the basis of humanitarian principles and, in accordance with the law, treated her leniently by, among other things, allowing her to undergo her sentence outside a facility. When her health declined, she was promptly taken to the hospital for treatment. The allegation of torture is pure fabrication.

154. On 1 March 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Deborah Xu Yongling**, one of the leaders of the Chinese house Church (the unregistered Protestant Church), who was reportedly arrested on 25 January 2004. Her whereabouts were not known at the time this communication was sent. According to information received, Ms. Xu Yongling was sleeping at her niece's home, when two female police officers reportedly came to the house at around 11 p.m. They reportedly rushed to the

second floor, where she was sleeping, handcuffed her and then took her to the central police station in Nanyang in Henan Province. It is also reported that they confiscated large numbers of photos, ID documents and other materials. Since her arrest, it has reportedly been impossible to receive news from her from the police in Nanyang. She is 58 years old and there is concern that she will not be able to withstand the physical and mental strain that she will be under. In addition, it is reported that due to the alleged persecution of the house church, she has spent most of the past 10 years in hiding, and as a consequence is in poor physical condition and suffers from breathing difficulties and high blood pressure. Deborah Xu Yongling is the sister of the well known house Church leader Peter Xu Yongze, who was reportedly detained many times until his departure abroad a few years ago.

155. On 26 May 2004, the Government sent a response to the Special Rapporteur's communication of 1 March 2004 stating that **Deborah Xu Yongling** employed deceptive means, fraudulently using the names of dead people to alter identity documents and making use of every trick in the book to engage in illegal activities. The facts were clear and the evidence conclusive: she violated the relevant laws and regulations and the police investigated her in accordance with the law. During the preliminary investigation, Deborah Xu Yongling made a full and candid confession. She was released on bail and is currently living with family members while awaiting trial. While taking compulsory measures in respect of Deborah Xu Yongling, the public security authorities acted strictly in accordance with the law and conscientiously protected her legitimate rights and interests; there were no instances of any ill-treatment. The allegations in the letter did not tally with the facts.

156. On 2 March 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Li Dongqing**, a Falun Gong practitioner. She is reportedly detained at Dabei Women's Prison, Baixitaizi Village, Pingluo Town, Shenyang City, Liaoning Province. Li Dongqing, who suffers from hepatitis, has allegedly been subjected to prolonged periods of solitary confinement, scolding, beatings, and shocks with electric batons by guards, including during her period of detention at the Masanjia Labour Camp. Currently, her body is swollen and her state of mental health is said to be deteriorating. In view of allegations of torture and ill-treatment of Li Dongqing in detention, and her present state of health, concern is expressed for her mental and physical integrity.

157. On 15 March 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning **Yiwen Tang** (f), a 37 year-old Falun Gong practitioner, from Zuhai suburb of Guangzhou City, Guangdong Province. On 23 February 2004 Yiwen Tang is said to have been taken from her home following an application for a passport. Her husband was reportedly also interrogated in connection with her passport application. It is reported that she was, at the time this communication was sent, being detained for re-education at the Chutou Law School, in Guangzhou Baiyun district. On 10 March 2004 information was received that Yiwen Tang's health condition was critical. She was said to have been on hunger strike for 17 days to protest her detention. It is reported that her family had appealed to the police in Guangzhou City for an investigation into the legality of her detention and called for her immediate release. Allegedly, no action had been taken at the time this communication was sent.

158. The Government of China sent a reply to the Special Rapporteur's communication of 15 March 2004 concerning **Tang Yiwen**, also known as Pang Dongwen. The Government stated that Tang Yiwen was a practitioner of Falun Gong. In April 2002 she was ordered, in accordance with the law, to undergo labour re-education for having twice disrupted public order. Then, in August 2003 she was released from re-education. In February 2004 the local government sought to re-educate her but she resisted by undertaking a hunger strike. The local government actively endeavoured to save her life and she is now in excellent health.

159. On 16 March 2004, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Jiang Meili**, the wife of **Zheng Enchong**, a human rights defender who was imprisoned in October 2003 and whose case was the subject of an urgent appeal sent jointly by the Special Representative to the Secretary-General on the situation of human rights defenders and the Special Rapporteur on the promotion of the right to freedom of opinion and expression on 3 December 2003 (E/CN.4/2004/62/Add.1) and to which the Government responded on 2 March 2004, and the situation of **Shen Ting**, a campaigner on behalf of Shanghai residents displaced by urban developments who has also been advocating the release of Zheng Enchong. According to the information received, on 28 February 2004, Jiang Meili, who had travelled to Beijing to petition the National People's Congress on behalf of her husband, was reportedly detained by five women and two men who allegedly entered her hotel room, bound and gagged her and took her to a hotel in Hubei's Canzhou City. The following day she was reportedly taken to another hotel on Hutai Road. According to the information received, Jiang Meili was not informed of the reason for her detention and the men and women, reportedly officials of the Shanghai Representative Office in Beijing, the Shanghai Letters and Petitions Office and the Shanghai Municipal Public Security Bureau (PSB), did not present an arrest warrant. She was allegedly released on 1 March. It is reported that until the time this communication was sent, she had been under police surveillance and on 4 March was prevented from leaving her home to visit her husband. When she protested, she was allegedly taken to the Guoqing Lu Public Security Bureau and was released later that day. It is also reported that the authorities have confiscated her two mobile phones and have also reportedly disconnected her home phone line. According to additional information received, the mother of Shen Ting, **Mo Zhujie**, was reportedly abducted on 5 March 2004 while visiting a displaced resident. According to the information received, 11 individuals, some wearing police uniforms and one who was allegedly identified as a member of the Shimin Erlu Public Security Bureau, reportedly entered the premises and forced Mo Zhujie into a police vehicle. They allegedly placed a plastic bag over her head and threatened to kill her. She was reportedly released later that night. Concern has been expressed that Jiang Meili, Shen Ting and Mo Zhujie may have been targeted for their human rights work and in particular for campaigning against the reportedly arbitrary imprisonment of Zheng Enchong. Fears have been expressed for the life and physical integrity of the above-mentioned individuals.

160. By letter dated 26 May 2004, the Government replied to the urgent action sent on 16 March 2004 concerning **Jiang Meili**, **Zheng Enchong**, **Shen Ting** and **Mo Zhujie**. The Government reported that it had conducted diligent inquiries into the matters raised and concluded that Jiang Meili, female, age 50, from Shanghai, was displeased that the law-enforcement authorities had punished her husband, Zheng Enchong, for breaking the Chinese criminal law and falsified news reports time and time again, starting rumours and vilifying the Chinese authorities. In response,

the Shanghai municipal petitions department engaged with her in some educative mediation, on the basis of the relevant laws. In so doing, the public security organs did not apply any kind of coercion to her, nor did they confiscate any of her private belongings. The account given in the communication does not tally with the facts. Concerning Mo Zhujie, female, age 65, and her daughter Shen Ting, aged 38, they repeatedly spread rumours, influencing the foreign media and putting pressure on the Government in order to maximize their interests in a dispute over the demolition of their home. From March 2004 onwards, to create an impression, Mo has deliberately gone into hiding and the report has been put about abroad by her daughter, Shen Ting, that she has gone missing. On investigation, it transpires that the claims Mo was bundled by 11 individuals into a police vehicle and so forth do not tally with the facts.

161. The rumours that were spread and the disturbance caused by Jiang, Mo and Shen have nothing to do with freedom of speech and opinion. The Chinese Ministry of Justice took no coercive action against the three women, and their personal rights and other legitimate rights and interests were effectively guaranteed.

162. On 19 March 2004, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning **Yang Jianli**, who was reportedly arrested on 26 April 2002, and for whom an urgent appeal was sent on behalf of the Special Rapporteur on the question of torture and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention on 11 December 2002 (E/CN.4/2003/67/Add.1). According to more recent information received, Mr. Yang was tried on 4 August 2003. It is reported that the authorities had four months from that date to make a ruling, in accordance with Criminal Code provisions, but that at the time this communication was sent, they had failed to pass a sentence. It is further reported that Yang Jianli, who was reportedly not allowed to have access to his lawyer during the first 14 months of his detention, asked to be allowed to speak to his lawyer without prison guards and security agents recording their conversation, and to be allowed to write letters. He was said to have begun a hunger strike on 3 March 2004 to push for his demands. Yang Jianli was editor-in-chief of the online review "Yibao" (www.chinaeweekly.com). He was arrested when returning to China to investigate worker strikes in the country's North-East, after his expulsion from the country for taking part in Tiananmen Square demonstrations in 1989. He was arrested for "failing to have a valid passport", and was charged on 17 July 2003 with "illegal entry into Chinese territory" and "spying for Taiwan". However, it was believed that Mr. Yang's critical stance vis-à-vis the authorities, in particular on the review "Yibao", might be the reason for his detention.

163. On 5 July 2004, the Government of China sent a response to the Special Rapporteur's communication of 19 March 2004 concerning **Yang Jianli**. The Government stated that, on 13 May 2004, the Beijing Second Intermediate People's Court issued a verdict, sentencing him to five years' imprisonment for the crime of illegally crossing state borders and fining him 1,000 yuan renminbi. China's judicial authorities acted in accordance with the law and based their sentence on article 110 of the Criminal Law concerning espionage, and on article 322 of the law concerning illegal border crossings. International human rights law was also respected throughout.

164. On 24 March 2004, the Special Rapporteur sent an urgent appeal concerning the reported sentencing on 19 March 2004 by the Dongshan District Court in Guangzhou, Guangdong Province, of **Yu Huafeng**, the deputy editor-in-chief and general manager of the *Nanfang Dushi*

Bao newspaper, to 12 years in prison on corruption charges and of Li Minying, former editor of the *Nanfang Dushi Bao*, to 11 years for bribery in a related case. It is reported that both Yu and Li will appeal the ruling. It is also reported that on the same date, at about 3 a.m., public security officials from Guangzhou arrested *Nanfang Dushi Bao* editor-in-chief **Cheng Yizhong** while he was visiting Sichuan Province, and brought him back to Guangdong where he was reportedly detained at the time this communication was sent in the Number One Detention Center in Guangzhou on suspicion of corruption. Officials reportedly searched his home in Guangzhou and confiscated a number of publications and books about Chinese politics. It is further reported that on 6 January 2004, authorities already detained Cheng from the paper's offices and interrogated him about the paper's financial activities, and released him eight hours later. It is believed that these actions might have been triggered by the independent investigative reporting of *Nanfang Dushi Bao* on social issues and reported wrongdoing by local officials. In particular, reference is made to the newspaper's article on the case of college student Sun Zhigang, who was beaten to death in March 2003 while being held in police custody in Guangzhou, which reportedly led to the arrest of several local government and police officials, and to its 26 December 2003 article on a suspected Severe Acute Respiratory Syndrome (SARS) case in Guangzhou, the first new case in China since the epidemic died out in July 2003, at a time when the Government had not yet publicly released information about the case.

165. On 5 July 2004, the Government of China sent a response to the Special Rapporteur's communication of 24 March 2004 concerning State employee **Yu Huafeng**, former deputy editor, general manager and advertising manager of the Southern Metropolis News (*Nanfang Dushi Bao*). The Government stated that Yu Huafeng had obtained and made improper use of bonus monies, which constituted the crime of embezzlement, for which he was sentenced to 10 and a half years and ordered to pay 50,000 yuan as well as two years' imprisonment for bribery of State employees. Li Minying, former member of the management board of the Southern Metropolis News and investigator and editor of the paper, used his privileges as a member of the paper, accepted bribes and sought benefits from Yu Huafeng in the context of the advertising department. Considering the fact that he had voluntarily confessed to the plot and had undertaken on his own initiative to return the entire amount, his punishment was reduced. For accepting a bribe, he was sentenced to 11 years' imprisonment and fined 10,000 yuan. The case regarding Cheng Yizhong, former editor of the *Southern Metropolitan Daily*, also suspected of the crime of embezzlement, was in the investigation phase. The Government of China reiterated that its Constitution and legislation clearly stipulated that citizens enjoyed the right to freedom of opinion and expression. Article 35 of the Constitution of China stated that "citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration". The Government ensured that these freedoms and rights were protected in accordance with the law. In exercising these rights and enjoying these freedoms, however, citizens had to assume their corresponding duties under the law. While the Universal Declaration on Human Rights recognized that citizens enjoyed all sorts of rights, it clearly stipulated that, in the exercise of their rights and freedoms, all persons would be subject to such limitations as determined by the law. The present case, according to the Government of China, is a criminal case involving the use of professional privileges to engage in economic crime. The compulsory measure taken by the Chinese judicial authorities in respect of Yu and the others as well as the sentences imposed had their basis in those individuals' illegal activities, and had absolutely nothing to do with freedom of expression or opinion.

166. On 6 April 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture and Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Ding Zilin, Zhang Xianling and Huang Jinping**. It was alleged that, on 28 March 2004, the three women, who belong to a group called the "Tiananmen Mothers", were detained in an attempt to warn them against commemorating the 15th anniversary of the June 1989 pro-democracy protests in Tiananmen Square. It is reported that members of this group have campaigned on behalf of their children and other relatives killed there almost 15 years ago. The teenage sons of Ding Zilin and Zhang Xinliang, and Huang Jinpin's husband were reportedly killed at Tiananmen Square. No information on the whereabouts or on possible charges against the women was available at the time this communication was sent.

167. By letter dated 10 June 2004, the Government replied to the urgent appeal sent on 6 April 2004 concerning **Ding Zilin, Zhang Xianling and Huang Jinping**. The Government stated that it had carefully investigated the matters referred to and came to the following conclusions. Ding Zilin, Zhang Xianling and Huang Jinping colluded with foreign organizations and jointly plotted to use such fraudulent means as the use of false labelling of goods and the forging of shippers' names to bring illegal goods into China. They also engaged in activities that were harmful to State security, in violation of the Customs Law of the People's Republic of China and the applicable provisions of the Security Law of the People's Republic of China and the rules for their implementation. The relevant authorities, acting in accordance with the law, placed Ding and the others under investigation and determined that they were engaging in illegal activities. They had since made a statement of repentance and been released from investigation; they had returned home. The investigation of the actions of Ding and the others conducted by the relevant departments was based solely on those individuals's actions and had absolutely nothing to do with freedom of expression or assembly; it did not constitute any kind of arbitrary detention. China was one of the first States to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It consistently sought to prohibit torture and seriously performed the tasks required of it under the Convention, banning torture and other cruel, inhuman or degrading treatment or punishment. The Chinese Constitution contains clear provisions protecting the right of citizens to personal security. In addition, the relevant provisions of various laws, including the Criminal Law, the Criminal Procedure Law, the Police Law and the Prison Law of the People's Republic of China, all clearly stipulated that it was strictly forbidden to beat or harass persons in detention or to subject them to corporal punishment or ill-treatment. Under the Provisions on Procedures for the Handling of Administrative Cases by the Public Security Organs, evidence obtained illegally by the public security authorities in their law enforcement work was considered inadmissible; the Provisions also stipulate clearly that, in their law-enforcement work, the public security authorities must show respect for the human rights of accused persons. In taking compulsory measures in respect of Ding and the two others, the relevant authorities acted strictly in accordance with the law and conscientiously protected their legitimate rights and interests; the three were not tortured or subjected to any other inhumane treatment. The allegations in the letter did not tally with the facts.

168. On 23 April 2004, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Wang Jinbo**, a political prisoner whose case was the subject of a joint communication by the Special Rapporteur on the question of torture and the Special Representative to the Secretary-

General on human rights defenders on 12 February 2003 (E/CN.4/2004/62/Add.1), to which the Government replied on 29 April 2003. According to the information received, Wang Jinbo was sentenced to four years' imprisonment in December 2001 on charges of "inciting the subversion of State power". It is reported that in 2003 he was subjected to repeated beatings by other inmates and that prison authorities failed to take action against the perpetrators. An investigation into the beatings has allegedly not been carried out. He was also reportedly held in solitary confinement for several months in 2003. According to new information received, Wang Jinbo was, at the time this communication was sent, permitted visits by his family although he was reportedly still not permitted to make telephone calls home. He reportedly continued to conduct several hunger strikes to protest against his sentencing and his treatment in prison. It is reported that, as a result, his health was deteriorating and it was not known if he was being allowed access to medical treatment. His family has reportedly applied for his release on medical parole. Concern was expressed for the physical integrity of Wang Jinbo. Concern was further expressed that Wang Jinbo was imprisoned for his work in defence of human rights and in particular for having called, through articles posted on the Internet, for a re-evaluation of the events surrounding the June 1989 pro-democracy protests in Tianamen Square.

169. By letter dated 5 July 2004, the Government replied to the urgent appeal sent on 23 April 2004 concerning **Wang Jinbo**. The Government stated that it had carefully investigated the matters referred to in this letter and made the following conclusions. Wang Jinbo is a male from Shandong Province born in October 1972. On 4 December 2001 he was sentenced by the Linzhe Intermediate People's Court in Shandong to four years' imprisonment (from 24 May 2001 to 23 May 2005) for the crime of inciting subversion of the political authority of the State. He was, at the time this reply was sent, serving his sentence in the Shandong No. 1 prison. The communication of the Special Rapporteur alleges that in 2003 Wang was subjected to repeated beatings by other inmates and was held in solitary confinement for several months. An investigation revealed that Wang was not involved with any fights with other prisoners during that time. On 19 November 2003 Wang was ordered by the prison administration, in accordance with the law, to spend 14 days in solitary confinement for having deliberately smashed glass and disrupted the normal prison routine. Wang subsequently acknowledged his error and undertook self-criticism in writing, so that the prison authorities released him from solitary confinement one day early. After Wang was incarcerated, the prison immediately allowed him to see members of his family once a week. During "atypical" periods, the prison authorities still arranged for him to speak to members of his family by telephone. The allegation in the letter that he was not permitted to call home was inconsistent with the facts. The letter further alleged that Wang went on several hunger strikes and that his health was deteriorating. In fact, while Wang had frequently said that he was going on a hunger strike, he never actually did, and his body weight increased from 64 kilograms, at the time he entered prison, to 74 kilos. At the time this reply was sent, his health was excellent; he never showed any illness at his annual medical check-up and his family never applied for him to be released on medical parole. In the present case, Wang was convicted because his actions harmed the political authority of the State, for where there are laws, they must be observed. The case has nothing to do with freedom of expression and opinion. China was one of the first States to become a party to the Convention against Torture, and the banning of torture and other cruel, inhuman or degrading treatment or punishment has been one of China's consistent positions. Legislation such as the Criminal Law and the Police Law contain extremely strict provisions relating to the ban on torture, and they seek to prevent and punish any State employees, particularly those in the justice system, who

practise torture. While Wang served his sentence, his legitimate rights and interests were being thoroughly guaranteed.

170. On 28 April 2004, the Special Rapporteur sent an urgent appeal concerning **Albert Cheng King-Hon**, a political journalist and businessman in Hong Kong. According to information received, Albert Cheng King-Hon had received death threats on an almost daily basis after February 2004. It was believed that these threats followed his criticism of the Government's ongoing reforms in his political programme "Teacup in a storm", on the station "Commercial Radio", and in his column for the daily *South China Morning Post*. It was reported that, on 31 March 2004, the offices of one of Albert Cheng King-Hon's companies were attacked. According to information received, Albert Cheng King-Hon was previously attacked on 19 August 1998, when he received six deep knife wounds from two assailants. Reports indicate that no arrest was made in relation with this case.

171. On 30 April 2004, the Special Rapporteur, jointly with 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 question of torture and Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning **Liu Mei**, 36, resident of Donggang City, Liaoning Province. She was reportedly held in Dabei Prison in Shenyang City at the time this communication was sent. On 10 March 2004, a relative who visited her reported that Liu Mei was carried to the visiting room wearing a big gauze mask, and that she was extremely weak and thin. It is reported that the guards immediately stopped the meeting when she said that she was dying, and since then no information on her situation had been available. It is reported that Liu Mei and her husband were arrested on 9 April 2002 and sentenced to 13 years in prison for producing and distributing materials about the alleged persecution of Falun Gong. It is alleged that since her arrest and detention at the Dandong City Police Station, and subsequently at the Dandong Detention Centre and then Dabei Prison, Liu Mei had been tortured in an attempt to force her to give up Falun Gong. The methods of torture and ill-treatment alleged include electric shocks all over the body and beatings on her head with hard plastic baton handles. It is alleged that she had been denied adequate medical attention, and as a consequence suffered among other things, high fevers which have damaged her lungs. Her health had reportedly continued to deteriorate. In view of the allegations of torture and the reported state of her health, concern was expressed for the physical and mental integrity of Liu Mei if she did not receive prompt and adequate medical attention.

172. On 3 May 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning **Cheng Fudong** (m), **Kong Wanli** (m) and **at least four others**, who had reportedly been detained by police in Henan province, central China, after seeking help from the local authorities. According to information received, the six men were detained on 27 April 2004 and were reportedly held in Shangcai county prison, Henan Province, at the time this communication was sent, after they travelled from their homes in Wenlou village, Shangcai county, to the provincial capital, Zhengzhou, to request Government help in repairing their homes. It is reported that the men were detained for "disturbing government organizations and disturbing government office work". It is believed that their arrest might have been prompted by a possible visit of the Prime Minister in the area on 1 May, in order to prevent them from protesting during the visit.

173. On 16 August 2004, the Government of China sent a response to the Special Rapporteur's communication of 3 May 2004 concerning **Chen Fudong**, who, according to the Government, was suffering from a serious disease. The Government further stated that Chen Fudong recently went on numerous occasions to premises of the working group set up by the Henan provincial government and asked for money. Moreover, that he made several unreasonable requests and cursed members of the working group, which prevented the group from working normally, and seriously disrupted the operations of the local Government. On 6 April 2004 the local public security authorities decided, in accordance with the law, to place Cheng in criminal detention for 15 days. He was subsequently released. Concerning **Kong Wanli**, the Government stated that, on 28 April 2004, he went to a highway construction site in a neighbouring village while drunk and caused a disturbance, holding up construction and asking for money. The local public security authorities decided, in accordance with the law, to put Kong in criminal detention for 15 days. He was then released. The Government further stated that in dealing with both cases, the Chinese judicial authorities used restraining measures because the actions of both individuals disrupted public security; It had nothing to do with the right to freedom of opinion and expression. The allegation that the men in question were detained because they sought help from the local authorities or expressed their opinions was groundless.

174. On 7 May 2004, the Special Rapporteur sent an urgent appeal concerning **Huang Xiangwei**, aged 44, a high school music teacher and a resident of Harbin City, Heilongjiang Province. He was reportedly held at Changlinzi Labour Camp at the time this communication was sent. It is reported that Huang Xiangwei went on hunger strike to protest alleged ill-treatment by the camp guards, as a result of which he lapsed into a coma and was sent to the hospital for emergency treatment. It is reported that, since his admission to the camp's hospital around early April 2004, no information had been available on his condition and he was not allowed any visitors. Huang Xiangwei was allegedly arrested on 15 May 2002 by the police from the Harbin City Police Station for being a Falun Gong practitioner, and brought to the Seventh Team of the Harbin City Second Detention Centre. It is alleged that he was tortured because he refused to renounce Falun Gong, and he became paralyzed from the waist down as a consequence of torture. On 3 November 2002, he was reportedly sentenced to three years of forced labor and transferred to the Wanjia Labor Camp, and later sent to the Wanjia Labor Camp Hospital. It is alleged that he was detained there for about one year, during which he was subjected to cruel and inhuman treatment, including being forced to crawl on the floor every time he needed to go to the bathroom. It is reported that in December 2003 he was transferred to the Changlinzi Labor Camp, where guards, allegedly falsely claimed that he was on hunger strike, force-fed him with concentrated salt water, and dragged him on the ground. Concern was expressed that Huang Xiangwei could be at risk of torture or other forms of ill-treatment.

175. On 16 August 2004, the Government sent a response to the Special Rapporteur's communication of 7 May 2004 where it informed the Special Rapporteur that **Huang Xiangwei** was ordered by the Harbin municipal labour rehabilitation committee to undergo three years' labour re-education (from 16 May 2002 to 15 May 2005) for engaging in illegal Falun Gong activities and disrupting the social order. On 5 November 2002 he was sent to the Changlinzi labour re-education facility in Heilongjiang to undergo re-education. After entering the facility, Huang Xiangwei was regularly sent to the Harbin No. 2 Hospital and the Harbin Public Security Hospital for treatment because he suffered from coronary disease and high blood pressure. In March 2004 the labour re-education facility sent him to the clinic at the Wanjia labour re-

education facility for treatment because, stubbornly holding on to the tenets of the heretical Falun Gong organization, he began a hunger strike and became seriously ill. While he was ill, relatives came to visit him regularly. Allegations that he was not allowed visitors are not true. China's judicial authorities took coercive measures in respect of him solely on the basis of his illegal actions; the case had nothing to do with the freedom of expression and opinion. When placing Huang Xiangwei in detention, the public security authorities never subjected him to ill-treatment. All of his legitimate rights were guaranteed and the police never subjected him to any corporal punishment or ill-treatment; the question of torture did not arise.

176. On 18 May 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Jin Jiang** and his wife, **Wei Limei**, both in their thirties and resident of Botou City, Hebei Province. They were allegedly arrested on 8 April 2004 for giving explanations in their restaurant about the alleged persecution of Falun Gong. It is alleged that the seven police officers who came to arrest them, ransacked the restaurant and took away Falun Gong books and materials. It is alleged that the couple were, at the time this communication was sent, detained at the Botou Detention Centre, where they started a hunger strike to protest their illegal detention, and were force-fed as a consequence. It is alleged that when Jin Jiang did not cooperate, the police brutalized him, allegedly broke his legs and two of his ribs, rupturing his right eardrum and dislocating his jaw. Wei Limei was allegedly beaten and was covered with bruises. It is alleged that they may be denied medical treatment. Concern was expressed for the physical and mental integrity of the two persons if they did not receive prompt and adequate medical treatment.

177. On 2 June 2004, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning reports that several human rights defenders and pro-democracy activists had been placed under de facto house arrest, presumably to prevent them from publicly marking the 15th anniversary of the Tiananmen Square repression on 4 June 2004. It was reported that, among those allegedly placed under house arrest were **Liu Xiaobo**, one of the country's leading human rights figures, who strongly criticized the "subversion" charges that are typically brought against most of the country's cyber-dissidents, **Hu Jia**, an activist who denounced the inaction of officials in the face of the spread of AIDS in China, and **Ding Zilin**, leader of the "Mothers of Tiananmen", a group of mothers whose children were killed during the 1989 repression. In this respect, it should be noted that the alleged arrest of Ding Zilin and two other members of the Mothers of Tiananmen, reportedly in an attempt to warn them against commemorating the 15th anniversary of the Tiananmen Square Repression, was the subject of an urgent appeal on 6 April 2004 by the Chairperson-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 question of torture and the Special Representative to the Secretary-General on the situation of human rights defenders. According to information received, the police had been surrounding the homes of well known activists for several days, de facto preventing them from meeting with journalists or with each other. It is also alleged that their telephone lines were cut as soon as they had conversations that were deemed to be politically "sensitive", and that their Internet access had been interrupted.

178. In reply to the Special Rapporteur's communication of 2 June 2004, reference was made to the Government's reply concerning the Special Rapporteur's communication of 6 April 2004,

since this communication, and therefore the corresponding Government reply, deals with the same allegations.

179. On 4 June 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Dr. Jiang Yanyong**, aged 72, and **his wife**. It was reported that they had been missing since they left their apartment in Beijing on 2 June 2004 with officials from the Government hospital where Dr. Jiang Yanyong is employed. It is alleged that the hospital officials had been evasive about Dr. Jiang Yanyong, aged 72, and his wife's whereabouts and relatives were cautioned against publicizing their disappearance. Officials allegedly told the family, "They are safe. You should not go beyond the authority to which you report." It is reported that the telephone to Dr. Jiang Yanyong's apartment was cut off on 3 June. It was believed that Dr. Jiang Yanyong and his wife might have been targeted in relation to a letter wrote in March by Dr. Jiang and widely publicized on the Internet, calling on the Government to admit that it was wrong in ordering the military assault against demonstrators in Tiananmen Square that killed hundreds and wounded thousands on 4 June 1989. It is alleged that, in connection with the 15th anniversary of the events in Tiannamen Square, these and other persons had been placed under house arrest or taken to locations outside Beijing until the anniversary had passed. In view of their alleged detention in an unknown location, concern was expressed that these persons could have been at risk of torture or other forms of ill-treatment.

180. On 8 June 2004, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning reports that, on 18 May 2004, the trial of **Du Daobin**, for "incitement to subversion", before the intermediate peoples' court in the city of Xiaogan, Hubei province, central China, opened in the absence of Du Daobin's lawyer. According to information received, Du's lawyer, who was notified four days before the trial, could not travel to attend the trial and Du was appointed a lawyer, who refused to enter a not-guilty plea, despite the demands of his client. It was further reported that the trial was held behind closed doors. It was reported that Du Daobin, for whom urgent appeals were sent on 7 November 2003 (E/CN.4/2004/62/Add.1) on behalf of the Chairperson-Rapporteur of the Working Group on arbitrary detention and on 3 December 2003 (E/CN.4/2004/62/Add.1) by the Special Rapporteur on the right to freedom of opinion and expression, was already deprived of the services of his lawyer when, on 3 November 2003, his counsel reportedly had his licence withdrawn by his own law firm, preventing him from defending his client.

181. On 10 June 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Xiao Yunliang**, who was sentenced to a prison term for "illegal assembly and demonstration". The Special Rapporteur notes that Xiao Yunliang had been the subject of several previous appeals (i.e. E/CN.4/2003/68/Add.1, and E/CN.4/2004/56/Add.1). Notwithstanding the responses of the Government, dated 16 December 2003 and 2 March 2004, which indicated that he was in fine physical and mental health, and that the allegations of ill-treatment and poor medical facilities of Lingyuan Prison were unfounded, the Special Rapporteur wished to bring the following information to the Government's attention. It was reported that the condition of Xiao Yunliang continued to deteriorate; his abdomen became severely distended, and he could not, at the time this communication was sent, eat without experiencing pain or vomiting, and he suffers from heart trouble. It was also reported that Xiao Yunliang suffers from symptoms associated with tuberculosis, pleurisy, hypertension, and that his eyesight was failing. It was also alleged that he was, at the time this communication was sent, effectively being denied adequate medical treatment; the provincial police authorities

had allegedly indicated that Xiao Yunliang would need to apply for a “medical treatment permit” from Shenyang No. 2 Prison before treatment would be considered. Moreover, it was alleged that family visits were effectively hindered because family members are required to re-apply for a permit from city and provincial authorities for every visit. In view of reports of Xiao Yunliang’s deteriorating health, concern was expressed for his physical and mental integrity if he did not receive prompt and adequate medical attention.

182. By letter dated 16 August 2004, the Government responded to the Special Rapporteur’s communication of 10 June 2004 stating that, on 25 June 2003, the Intermediate People’s Court in Luoyang, Liaoning Province, sentenced **Xiao Yunliang** to four years’ imprisonment and two years’ deprivation of political rights for the crime of subverting the political authority of the State. He was, at the time this reply was sent, currently serving his sentence in the Shenyang No. 2 Prison, Liaoning Province. A physical examination revealed that, before he entered prison, he suffered from cataracts and meningitis. With prompt treatment by the prison medical staff, the symptoms of meningitis were relieved. Although he suffers from cataracts, he was able to care for himself: he could read books and newspapers, write letters and watch television. A complete physical examination indicated that he suffered from chronic indigestion, although he had not been ill recently. In fact the prison authorities had on a number of occasions taken Xiao Yunliang to the hospital to see a doctor for emergency treatment of pre-existing conditions; there was no question of his having been denied adequate medical treatment. Since entering prison, he had been allowed to see family members on numerous occasions. There had been no instances of torture in this case.

183. On 8 July 2004, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture, sent a letter of allegation concerning:

- **Sun Yanqing**, a resident of Hebei Province working for the mechanical maintenance facility of the Xuanhua District Steel Works in Zhanjiakou City. She was reportedly arrested in 2000 in Beijing when she went there to appeal for an end to the persecution of Falun Gong. According to the information received, her condition became critical after she was severely tortured. Reports indicate that she was sent back to her hometown where she was hospitalized and died a few days afterwards;
- **Chen Aizhong**, aged 33, a resident of Beixinbao Town, Huailai County, Zhangjiakou City, in Hebei Province. According to the information received, since 20 July 1999, Mr. Chen, together with his family, had gone to Beijing to appeal for an end to the persecution of Falun Gong. On 12 September 2000 he was reportedly arrested and sent to the Sixth Brigade of Hehuakeng Labor Camp in Tangshan City. He reportedly died on 20 September 2000 after being subjected to severe torture while in detention. Zhu Yourong, a Falun Gong practitioner residing in Xuanhua District, Zhangjiakou City, Hebei Province. It is believed that she was brutally tortured while being detained at the Women’s Second Brigade in the First Forced Labor Camp of Hebei Province. She reportedly died at the labour camp on 16 December 2000;
- **Fan Yaxiong**, aged 42, a resident of **Zhangjiakou** City, Hebei Province, and Chairwoman for Teaching and Guidance at High School No. 15, who was

reportedly arrested in Beijing while demonstrating against the persecution of Falun Gong in May 2000. According to the information received, the Zhangjiakou “610” officials reportedly sent her to the Shalingzi Mental Hospital where she was allegedly forcibly injected with nerve-damaging drugs. In June 2000, she was reportedly sentenced to three years of forced-labour education and she was brutally tortured at the Tangshan Forced Labour Camp. She was released at the end of 2000 and died at home shortly afterwards;

- **Zhang Zhigen**, aged 53, a Falun Gong **practitioner**, resident of Zhangjiakou City and working in the Zhangjiakou Embroidery Factory, who was allegedly arrested when she went to Beijing to appeal for an end to the persecution of Falun Gong in April 2000. According to the information received, she was detained by the “610 Office” deputies at the Xuanhua District Detention Center of Zhanjiakou City for 17 days, where she allegedly suffered severe torture. One of her legs allegedly became infected and had to be amputated. According to the information received, on 6 October 2000, she went to Beijing where she was rearrested. She was reportedly transferred to the Shisanli Zhangjiakou City detention centre and tortured for nine days. She was subsequently released and she reportedly died on 25 February 2001 as a result of the torture to which she was subjected while in detention;
- **Jiang Shuhua**, aged 50, was a Falun Gong **practitioner** residing in Shihuiyao Village, Yangtian Township, Chicheng County, Zhangjiakou City, Hebei Province, who was reportedly arrested by the police on 8 February 2002. According to the information received, she died on 3 March 2002 while in police custody allegedly as a result of the torture she was subjected to while in detention;
- **Shen Lizhi**, a 33-year-old university **graduate** from Shenyang City and his wife **Luo Fang**, from Leshan City, Sichuan Province, were reportedly arrested on 1 February 2002 by police officers from Yingmenkou Police Station in Chengdu City. The police allegedly claimed that they were carrying materials revealing the persecution of Falun Gong, at the time of their arrest on Bus No. 75. They were reportedly detained at the Chengdu Detention Centre. Shen Lizhi was allegedly tortured after his arrest and he reportedly died on the afternoon of 3 March 2002 at Qingyang District People’s Hospital. It was further alleged that the police only notified his parents one year later, on 3 March 2003. According to the information received, Luo Fang was eight months pregnant at the time of her arrest. Tian Xinming, from the “610 Office”, allegedly forced her to have an abortion. She was reportedly released on 8 May 2002 but was arrested again on 5 December. She was allegedly tortured and sentenced to 12 years in prison. Since August 2003, she was held at the Chuanxi Prison in Hongan Town, Longquan, Chengdu City;
- **Liu Haibo**, aged 34, a doctor from the CT (computed tomography) room of the Luyuan District Hospital in Changchun City, Jilin Province. According to the information received, since 20 July 1999 he had gone to Beijing twice to appeal to the Government to stop the persecution of Falun Gong. It was reported that for this reason, he was sentenced to one year of forced labor at the Weizigou Labor Camp in Changchun City. Refusing to give up Falun Gong, he was reportedly

transferred to the Fenjin Labor Camp and then to the Chaoyanggou Labor Camp in Changchun City. He was allegedly tortured numerous times while in detention and his term was extended by nine months. After his release, on 11 March 2002, police from the Kuancheng District Police Station in Changchun City allegedly abducted him from his home and tortured him to death. He reportedly died at the 120 Emergency Center on 12 March 2002;

- **Liu Yuqing**, aged 40, a resident of Wanghua District, Fushun City, Liaoning Province. She reportedly went to Beijing to appeal to the Government to stop the persecution of Falun Gong on 23 October 1999 and on 21 December 2000, as a result of which she was allegedly arrested, detained and tortured. After she was released, on 15 February 2001, it was reported that three police officers from the Putun Police Station in the Wanghua District forcibly dragged her down from the third floor of her work unit and took her to the police station. She was then reportedly sent to the Fushun City Detention Center and half a month later she was transferred to the Wujiabao Labor Camp in Fushun City where she was allegedly tortured again. She was reportedly taken home by her family on 11 April 2001 where she reportedly died on 13 April 2002 due to permanent damage to her internal organs;
- **Song Cuiling**, aged 52, a resident of **Zhangjiakou** City, Hebei Province. According to the information received, the police arrested her at Tiananmen Square on 5 May 2002 while she was there to appeal for an end to the persecution of Falun Gong. She was reportedly sent to the Zhangjiakou Detention Center where it is believed that she was subjected to torture. She reportedly went on a hunger strike to protest the persecution and was allegedly tortured to death on 20 May 2002;
- **Yin Ling**, aged 34, a resident of No. 597 Farm in Baoqing County, Heilongjiang Province. According to the information **received**, on 28 December 2001, the Chief of the No. 597 Farm Police Station, Zhu Shaokun, and several other policemen abducted her and sentenced her to three years of forced labour in the Jiamusi City Labor Camp. She allegedly began a hunger strike on 28 October 2002 to protest the detention. She was then reportedly force-fed for a long time, tortured and handcuffed to her bed all day. It was reported that her family was instructed to take her home on 13 November 2002 and that she died soon after. Concerns were expressed that she died as a result of torture to which she was subjected while in detention;
- **Xue Xia**, aged 33, a resident of Jiejiatun Village, Xingtai City, Hebei Province. According to the information received, she went to Beijing on 1 January 2000 to appeal to the Government to stop the persecution against Falun Gong, as a result of which she was reportedly arrested and sentenced to three years of forced labour at Shijiazhuang Labour Camp. She was allegedly beaten in detention and force-fed with unknown drugs. She was reportedly released in May 2001 on medical bail as she was reportedly on the verge of death. It was further reported that, on 27 September 2002, she was brought with her mother to the Shijiazhuang Labor Camp in order to allegedly brainwash them. According to the information received, she was sent to Xingtai City for medical treatment on 4 January 2003

and she reportedly passed away on 21 February 2003 as a result of torture she was subjected to throughout those years in detention;

- **Chen Hongping**, aged 32, a resident of Huailai County, Zhangjiakou City, Hebei Province who was arrested and beaten along with her sister, who was also a Falun Gong practitioner, in 2001 by the **Donghuayuan** police. She was reportedly sent to the Gaoyang Labor Camp and was subjected to further torture as well as round-the-clock brainwashing against her belief in Falun Gong. She reportedly died on 5 March 2003, soon after the authorities sent her back to her home;
- **Yu Yongquan**, aged 45, worked in the Daqing City No.2 Rice Mill in Daqing City, Heilongjiang Province. He was reportedly arrested on 11 May 2002 by police from the Ranghulu District Police Station and Chuangxin Police Station and sent to the Ranghulu District Detention Center. He was charged with making Falun Gong materials and was reportedly sentenced to 10 years in jail on 22 September 2002 by the Ranghulu District Court and detained in the Hongweixing Jail in Daqing City. According to information received, on 8 March 2003, he was sent to the jail hospital for emergency treatment and died the same day. It is alleged that Yu Yongquan died as a result of the torture he suffered while he was in detention;
- **Chen Xiangrui**, aged 29, a resident of Hengyang City, Hunan Province, reportedly went to Beijing three times to appeal to the Government to stop the persecution of Falun Gong, on 27 October 1999, 2 March 2000 and in late April 2000. As a result, he was reportedly detained several times. In January 2001, police allegedly abducted him from his home and detained him in a detention center for half a year. It was further reported that, on 11 March 2003, the head of the National Security Team of the Hengyang City Police Station, Lei Zhenzhong, led a group of policemen to break into his home. They allegedly beat and kicked him while they dragged him out of his house and forced him into a police van. He was allegedly further tortured in the police station. He was reportedly sent to a hospital the next morning where he allegedly died soon afterwards. The autopsy reportedly revealed that his internal organs had suffered trauma resulting from the severe beatings;
- **Gao Shuhua**, aged 49, a resident of Guanzhonghe Street in Weicheng District, Weifang City, Shandong Province, who was reportedly arrested on 14 March 2003 while distributing materials about the persecution of Falun Gong. She was detained in the Weicheng Detention Center for 13 days, during which she reportedly went on a hunger strike to protest her imprisonment. According to the information received, she died on 26 March 2003 as a result of torture and force-feeding by guards;
- **Li Jianhou**, a 67-year-old Falun Gong practitioner from Nanchong City, Sichuan Province was reportedly tortured to death on 27 March 2003 in the Deyang Prison in Sichuan Province. According to the information received, he had been arrested and imprisoned four times by the local "610 Office" (agency allegedly specifically created to persecute Falun Gong, with absolute power over each level of administration in the Party and all other political or judicial systems);

- **Li Ying**, resident of Youyan Street, Wanghua District, Fushun City, Liaoning Province was reportedly arrested on 31 March 2003 by police from the Public Security Bureau of Wanghua District and the local police station who took her to the No.1 Division of the Fushun City Public Security Bureau. She reportedly died on 2 April 2003. It is reported that her death was caused by the torture she has been subjected to while in detention;
- **Zhao Chunying**, aged 56, a Falun Gong practitioner from Jixi City, Heilongjiang Province. She was reportedly arrested and detained at the Hengshan District Branch Office of the Jixi City Police Department in 1999 and then sent to the Wanjia Labor Camp. After her release, she wrote about her alleged ordeal in the labor camp and posted it on the Internet. According to the information received, when the local police from the Hengshan District Branch Office discovered this, they arrested her again on 15 April 2003 and sent her to the Jixi City No. 2 Detention Centre. On 10 May 2003, her family was reportedly notified of her death. Following a request by her family, two autopsies were reportedly carried out and several signs of torture were allegedly found. It is alleged that Zhao Chunying died as a result of the treatment she was subjected to while in detention. Reports indicate that her family tried by different means to bring the perpetrators to justice in the previous few months before this communication was sent but without any results;
- **Yang Yufang**, aged 47, a resident of Dongyaozi Village, Qiaoxi District, Zhangjiakou City, Hebei Province, and who practised Falun Gong, was arrested on 17 May 2003. She reportedly died on 16 June 2003 as a result of torture she was subjected to while in detention at the Shisanli Detention Centre in Zhangjiakou City. Sui Guangxi and his wife were both Falun Gong practitioners from Xiangyangling Village, Niuxibu Township, Laixi City, Shandong Province. On 17 September 2002, the couple was reportedly forcibly dragged into a police van and brought to the Sanjiaocun Elementary School, where they were held for four days before they were transferred to the Xinzhuang "610 Office" in Laixi City, where they were allegedly forced to listen to broadcasts slandering Falun Gong every day. As Sui Guangxi reportedly refused to listen to the broadcasts, the police allegedly subjected him to various forms of torture. He reportedly escaped 20 days afterwards and died on 4 July 2003 in the Pingdu First People's hospital as a result of the torture he reportedly endured;
- **Cao Ping**, aged 40, a resident of Caojiaba, Jiulong Town, Linshui County, Sichuan Province. According to the information received, he was detained in June 2000 for 15 days because he went to Beijing to appeal to the Government to stop the persecution against Falun Gong. He was reportedly arrested again in May 2001 while distributing Falun Gong flyers and was detained at the Linshui County Detention Centre, where he was allegedly beaten by officers from the Linshui County Police Station and from the Chengbei Police Station. He was then reportedly sentenced to four years in prison at the Deyang Jail in Sichuan Province. It was alleged that while in custody, his internal organs were severely injured because of torture and beating. He was reportedly sent to a hospital and diagnosed as "untreatable". The authorities ordered his family to take him home on 27 May 2003 and he subsequently passed away on 17 July 2003;

- **Bai Xiaojun**, aged 35, a professor at the Northeast Normal University in Jilin Province, who was reportedly sent to a labour camp in Chaoyanggou because he had gone to Beijing to appeal for an end to the persecution of Falun Gong. He was reportedly beaten to death while in custody and passed away on 18 July 2003. Tan Chengqiang, a resident of Hongcheng Village, Handian Town, Shuangcheng City, Heilongjiang Province, was reportedly arrested and detained several times for being a Falun Gong practitioner. According to the information received, Mr. Tan was arrested one more time on 18 May 2003 by the “610 Office” in Shuangcheng City. He was reportedly held in the Second Detention Center in Shuangcheng City where he allegedly went on hunger strike to protest his detention. He was reportedly force-fed and was subsequently transferred to hospital. The “610 Office” ordered his family to take him home where he died a few days later, on the evening of 19 July 2003 as a result of the ill-treatment he had been subjected to while in detention;
- **Tian Junlong**, aged 45, from Majiatun, Wuyi Township, Yitong County, Jilin Province. In the fall of 2002, he was reportedly sent to the Weizigou Labour Camp for having distributed information materials on the persecution of Falun Gong. He was reportedly transferred three months later to the Chaoyanggou Labour Camp in Changchun City. It was alleged that Mr. Tian was severely tortured in both camps. He was reportedly sent home on 1 September 2003 since his condition had deteriorated and he reportedly passed away on 21 September 2003 as a result of torture he suffered while in detention;
- **Lu Bingshen**, aged 39, a firefighter in the 6th Fire Brigade in Daqing City, Heilongjiang Province, and residing in the Caikulou area of Ranghulu District. He was reportedly arrested by the police in October 2000 while he was distributing Falun Gong anti-persecution materials. According to the information received, he was later sentenced to two years and sent to the Daqing City Labor Camp. It was alleged that, on the afternoon of 20 October 2003, he was locked in a solitary compartment and tortured until he became unconscious. He was then reportedly sent to the Daqing City People’s Hospital for emergency care, where he died on 21 October 2003. Concerns have been expressed that Mr. Lu died as a result of the torture he was subjected to in detention;
- **Yan Hai**, aged 37, a farmer from Tumu Village, Tumu Township, Huailai County, Zhangjiakou City, Hebei Province. On 30 October 2002, policeman Wang Guohong from the Langshan Police Station reportedly led a dozen policemen to Yan Hai’s home and arrested him because he practised Falun Gong. From the time of his arrest, he allegedly endured various psychological and physical tortures at the Huailai County Detention Centre. The police also allegedly subjected him to continuous brainwashing in an attempt to force him to give up his practice of Falun Gong. According to the information received, Yan Hai was jailed and tortured for one year and 24 days. On 14 November 2003, he was reportedly transferred to the Shisanli Detention Center in an extremely weak condition. On 22 November 2003, he was reportedly sent to the 251 Hospital where he died on 24 November 2003. Concerns were expressed that he died as a result of the extended torture to which he was subjected. It was further alleged that, on 27 November, when his family members went to the hospital to look at

his body, more than 10 armed policemen were guarding the site and did not leave his family alone with his body;

- **Zhang Changming**, aged 50, a resident of Shuangyashan City, Heilongjiang Province, who reportedly appealed for the right to practise Falun Gong. He was allegedly arrested in that connection and arbitrarily sent to the Jiamusi Labour Camp in Heilongjiang Province where he was reportedly beaten to death. He was then reportedly transferred to a hospital for emergency treatment but doctors refused to treat him as they saw that he was on the verge of death. It was further alleged that, in order to avoid responsibility, the camp authorities sent Mr. Zhang back to his home, where he reportedly died as soon as he arrived.

184. On 14 July 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Zhang Youren**, the leader of a farmers' group in Tangshan, Hebei Province, that has organized peaceful protests against the flooding of farmland to make way for a reservoir. According to reports, Zhang Youren was arrested at his home on 6 July 2004 at around 10 a.m. by public security police officers. The police reportedly searched Zhang Youren's home and beat and arrested his wife, **Wang Yushu**. It is alleged that Zhang Youren's detention could be linked with the visit to Tangshan by Premier Wen Jiabao scheduled for July 8-10, during which the relocated farmers had been planning to petition him to intervene in the ir case. The arrest of Zhang Youren was believed to be an attempt to forestall any such action.

185. On 15 July 2004, the Special Rapporteur, jointly with 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 violence against women, its causes and consequences and the Special Rapporteur on the question of torture, sent an urgent appeal concerning:

- **Geng Juying**, resident of Luozhuang Hamlet, Chengbo Village, Mengzhou City, Henan Province, who in 2000 was arrested at her home and taken to a detention centre, together with her eight-month-old child, by the "610 Office" in Mengzhou City and officers from the Mengzhou City Police Station (whose names are known to the Special Rapporteurs). She is said to have been arrested because she is a Falun Gong practitioner. Geng Juying did not have enough milk to nurse her child due to the poor nutrition at the detention centre. On 25 May 2002, after Ms. Geng's release, police officers (whose names are known to the Special Rapporteurs) jumped over the wall into the courtyard of her house and took her away to the police station, without a warrant. Ms. Geng was again pregnant at the time. It is alleged that the police officers forced her to have an abortion so that she could be sent to a labour camp. They are said to have forcibly given her an injection to induce the abortion, watched the procedure and mocked her when she was in pain. Then she was sent to a detention centre in Jiaozuo City, Henan Province. Later, she was transferred to the Shibalihe Labour Camp because she refused to give up Falun Gong. She is still there. Furthermore, it was reported that Geng Juying's father, Geng Xuecai, her mother, Shen Guangbai, her elder sister, Geng Xiaocui, and her brother, Geng Huaming, have also been detained many times because they practise Falun Gong;

- In April 2001 **Chen Yaru**, aged 46, resident of Xiaohaidi in Tianjin City's Hexi District, was taken from her home and sentenced to two years of forced labour at the Tianjin City, Jianxin, Women's Forced Labour Camp, No. 3 Squadron of the No. 6 Brigade, where she was tortured. On 13 May 2002, Chen Yaru practised Falun Gong exercises in the labour camp and, as punishment, the camp police confined her to a small, dark room where they beat her and trampled on her arms. Then they handcuffed each of her arms to a bed, stretching her out spread-eagled. She remained handcuffed this way for 23 days. On 6 April 2003, Chen Yaru and another Falun Gong practitioner tore down the anti-Falun Gong slogans posted inside the Squadron. As a result, the guards dragged them into a room where they stripped them down to their underclothes and tied up their hands. Then the guards dragged them into the hallway and ordered them to kneel down. When they refused, six policemen (including officers whose names are known to the Special Rapporteurs) used six electric batons simultaneously on Ms. Chen. One policeman used the electric baton on her genitalia for 20 minutes. Then they did the same to the other female prisoner. They then shocked Ms. Chen again with electric batons all over her body, to the point that her teeth became loose. For more than one month after this torture, her right arm was paralyzed;
- **Yan Shujun**, in her fifties, was arrested by the Tianjin City, Heping District, Public Security Bureau in November 2000 because she refused to give up Falun Gong. She was taken to a police station where policemen violently slapped her face. She was sentenced to two and a half years of forced labour and detained at the No. 4 Brigade of the Banqiao Women's Forced Labour Camp in Tianjin City. On 1 June 2001 Yan Shujun was transferred to the Tianjin City, Jianxin, Women's Forced Labour Camp, No. 3 Squadron of the No. 6 Brigade. Because she refused to renounce Falun Gong, the female camp guards deprived her of sleep, allowing her as little as two hours of sleep per day. In protest, Ms. Yan went on a hunger strike for 12 days. Subsequently, the camp extended her term of detention. On 1 April 2003 the No. 3 Squadron attempted to brainwash Ms. Yan. The camp policewomen dragged her into a tiny, dark room and hit her all over her body with electric batons. They exposed Ms. Yan's body in front of the camp's male discipline instructors to demonstrate their electric baton torture. Then they confined Ms. Yan to a wooden cage measuring roughly 50 centimetres by 30 cm by 1.5 metres, where the 1.7 metre tall Yan Shujun was forced into a crouched position. Ms. Yan was tortured in this way for eight days. Afterwards she had significant muscular and skeletal problems;
- In April 2001, **Guo Baohua**, in her thirties, a resident of Tonggu District, Tianjin City, was arrested by the police who tied her up and subjected her to physical punishment because she refused to read anti-Falun Gong articles. They then confined her to a wooden cage for more than a month. Ms. Guo went on a hunger strike for 37 days to protest this persecution. During her hunger strike she was handcuffed and tied up, and afterwards she was put in solitary confinement for more than a month. Still refusing to abandon Falun Gong, police handcuffed her to a radiator, then handcuffed her spread-eagled between two radiators. Still later, the police handcuffed her and suspended her by her wrists, and subjected her to

further torture. On 1 April 2003, the police shocked Ms. Guo with several electric batons simultaneously. Then they put her in a wooden cage for several days;

- On 15 April 2002, **Su Yanhua**, a resident of Lianjiangkou, Jiamusi City, Heilongjiang Province, was arrested at her brother's house by local police because she was a Falun Gong practitioner. She was sent to Lianjiangkou Detention Centre and two weeks later transferred to the Jiamusi Labour Camp. Upon her arrival at Jiamusi, she was tortured and forced to undergo brainwashing. In July 2002, the labour camp guards forced her to sit on a small stool and watch anti-Falun Gong videos. When she refused to watch, a guard (whose name is known to the Special Rapporteur) dragged her downstairs and handcuffed her to a bed. She began a hunger strike to protest the torture, so the guards force-fed her milk saturated with salt, which was extremely painful. They tortured her like this for seven days. In November 2002, guards forced Ms. Su to sit on a stool with sharp triangular ridges across its surface for more than 10 hours a day. They made her put both hands on her thighs and didn't allow her to move. Eventually, the skin of her buttocks tore and began to bleed. Meanwhile, she was monitored by several guards brandishing electric batons. Each time she moved, they shocked and beat her simultaneously. When she refused to read an anti-Falun Gong article, they beat her again. Her body was black and blue with bruises, and she was unable to walk for a long time afterwards. At the end of November 2002, because Ms. Su still refused to watch the videos, a guard (whose name is known to the Special Rapporteur) cuffed her to a bed in an awkward, asymmetrical position, her hands tied to two different steel bars. She was cuffed in the same position for two weeks. When she was finally released, she was unable to move her any of her limbs. The conditions in Jiamusi Labour Camp are very unsanitary, and for a long time Ms. Su was not allowed to bathe. By February 2003, she had developed scabies, which prevented her from sleeping. At one point the guards sprayed her with a chemical that caused her severe chest pains and rendered her unable to move her head or hands. One morning in May 2003, Ms. Su began to practise the Falun Gong exercises. As soon as she was seen, two guards (whose names are known to the Special Rapporteur), rounded up some other inmates and they all beat her together. Then they dragged her to the second floor, where they forced her to sit on a cold cement floor with her hands cuffed behind her back for 10 days. The nights were bitter cold, and she was deprived of sleep. On the tenth day, guards (whose names are known to the Special Rapporteur) cuffed her hands in the forced backbend position (one arm is reaching down the back behind the head and the other hand meeting it from the lower back). She suffered this torture for 13 days. After her hands were released, she was unable to move her arms and could barely walk. In June 2003, a guard (whose name is known to the Special Rapporteur) slapped her face so hard that she temporarily lost her hearing. Ms. Su was not released after her term expired. She was, at the time this communication was sent, still being detained in the labour camp, and her health was in a critical condition.

186. On 16 July 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard

of physical and mental health and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Wang Guofeng**, and his wife, **Li Suzhi**, both suffering from a serious disease. According to the allegations received: They were arrested in Shangqiu city, Henan province, on 12 July 2004, when they were about to travel to Beijing to petition the National Health Department. They wanted to protest inadequate healthcare and other services for those infected with their serious disease in the city. In particular, they were concerned that they had not received the medical treatment that had been promised by the central authorities. They were also concerned that the school of their children had been recently closed down by the local authorities. The school had been set up by a local activist for children whose parents were suffering from this disease or had died of this disease. The school was reportedly closed after its founder told the authorities that he was going to Thailand to participate in an international conference. Wang Guofeng and Li Suzhi were, at the time this communication was sent, detained in Shangqiu city. In the light of reports according to which people with this disease were detained in Henan province in the past had been beaten while in police custody, concern is expressed that Wang Guofeng and Li Suzhi may be at risk of torture or other forms of ill-treatment. Concern is also expressed for their physical and mental integrity if they do not receive adequate medical treatment during their detention.

187. On 1 September 2004, the Special Rapporteur sent an urgent appeal concerning **Chen Guidi** and **Wu Chuntao**. According to the information received, they were sued by the former Linquan County Communist Party secretary for libel in Fuyang Intermediate People's Court in connection with the publication of their book, *An Investigation of China's Peasantry (Zhongguo Nongmin Diaocha)*, in which they describe cases of abuse of farmers and extortion of lands by corrupt officials. They were reportedly requested to pay damages of around US\$ 24,000. The proceedings ended on 28 August 2004. It is also reported that the defense had requested that the trial take place outside Linquan County as the son of the plaintiff is a judge in the courthouse in the city of Fuyang. This appeal was reportedly denied.

188. On 30 September 2004, the Special Rapporteur sent a letter of allegation concerning:

- A Beijing court which sentenced on 28 November 2003 a cyber-dissident **Jiang Lijun**, who was arrested on 7 November 2003 and detained in Qincheng jail, to four years in prison for posting articles critical of the Government on the Internet. Jiang Lijun was charged with "inciting subversion" after writing an open letter to the 16th Congress of the Chinese Communist Party calling for democratic reforms. The Special Rapporteur had already sent, jointly with the Special Rapporteur on the question of torture, two urgent appeals regarding the case of Jiang Lijun on 28 March 2003 and 1 July 2003 (see E/CN.4/2004/62/Add.1);
- On 19 February 2004, five members of the Falung Gong movement, who were accused of helping to post news on a web site about ill-treatment in prison of a student member of the movement, appeared before the Court N°1 in western Chongqing. In its verdict, the court said that the report published online "tarnished the image of the Government by broadcasting fabricated stories of persecution suffered by cult members". **Lu Zengqi**, accused of writing the incriminating document, and **Yan Qiuyan**, who helped him publish the article, were both sentenced to 10 years in jail. **Li Jian**, who reportedly posted the article on a site run by the movement, was sentenced to 12 years in prison. **Chen Shumin**, head

- of the company where Lu Zengqi worked, was jailed for 12 years. **Yin Yan** was sentenced to five years without any evidence being given of the part he played;
- On 9 March 2004, authorities in Beijing interrogated **three reporters** from the Hong Kong-based *Apple Daily* newspaper and then deported them to Hong Kong. Security officials arrived at the journalists' hotel and brought them for questioning. The reporters were held for six hours before officials escorted them to the airport and put them on a flight to Hong Kong. The three journalists were in Beijing to cover the annual meetings of the National People's Congress and the Chinese People's Political Consultative Conference;
 - On 11 March 2004, the **Blogbus.com web site** was closed "until further notice" for allowing a letter that was critical of the Government to be posted. **Blogcn.com** was subsequently shut down on 14 March 2004. Both websites give Chinese Internet users the ability to create personal web pages without technical knowledge. Blogbus.com alone hosted more than 15,000 blogs that have been shut down;
 - On 16 March 2004, **Ouyang Yi** was sentenced to two years' imprisonment on a charge of "incitement to subvert State power". Ouyang Yi is an Internet dissident who was arrested on 5 December 2002 and has been detained ever while awaiting his trial. He was tried in secret at the Chengdu Intermediate People's Court without any prior notice having been given to his family or lawyer, who was unable to represent him in court. The Special Rapporteur already sent, jointly with the Special Rapporteur on the question of torture, two urgent appeals regarding the case of Ouyang Yi on 28 March and 1 July 2003 (see E/CN.4/2004/62/Add.1);
 - On 19 March 2004, the Shanghai Re-education Through Labor (RTL) Administrative Committee sentenced **Ma Yalian** to one and a half years of re-education. The decision claimed that, "from July 2003 until February 2004, Ma Yalian on numerous occasions posted on *chineselawyer.com.cn*, *dajiyuan.com* and other web sites, articles falsely accusing the Shanghai authorities of causing her physical injury". The decision also stated that Ma Yalian had "turned petitioning into pestering". The main reason for Ma Yalian's arrest was an article she posted on several web sites. The article includes accounts by many petitioners describing their brutal treatment at the hands of the authorities, providing the names, places of origin of victims and date of incident;
 - On 2 May 2004, freelance journalist **Liu Shui**, aged 37, was sentenced without trial to two years in a re-education camp. Officially charged with soliciting the services of several prostitutes, Liu Shui is believed to have been sentenced for posting sensitive material on the Internet, particularly concerning the Tiananmen Square massacre. Liu Shui worked for the *Southern Metropolis News* and the *Shenzhen Evening News*.
 - On 13 May 2004, United States resident and cyber-dissident Yang Jianli was sentenced to five years in prison for "espionage" and "illegally entering Chinese territory", after spending more than two years in prison awaiting his sentencing. Yang Jianly, now aged 40, was expelled from China after taking part in the 1989 Tiananmen Square demonstrations. He is the editor-in-chief of the dissident online review "Yibao". The Special Rapporteur on the question of torture, jointly

with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, already sent an urgent appeal regarding the case of Yang Jianli on 11 December 2002 (E/CN.4/2003/68/Add.1);

- On 19 May 2004, former Hong Kong radio host and delegate to the Chinese legislature **Allen Lee**, announced his resignation from both posts after being pressured by Government officials in Beijing because of his support on-air for democracy. He had been host on the popular morning phone-in radio show “Teacup in the storm”, produced by the privately owned Commercial Radio. In a specially convened meeting of Hong-Kong Legislative Council’s home affairs panel, Allen Lee described several meetings in which Beijing officials pressured him to cease his public support for democracy in Hong Kong. The journalist also told the panel that a person claiming to be a former Chinese official phoned him to request a meeting and then brought up his wife and daughter. Allen Lee interpreted the comment as a threat, and quit his posts as a “preventive measure”;
- At the end of May 2004, Chinese authorities placed several human rights activists under house arrest, preventing them from publicly marking the 15th anniversary of the Tiananmen Square massacre on 4 June 2004. The dissidents included **Liu Xiaobo**, one of the country’s leading human rights figures and the author of many articles about cyber-dissidence in the country. **Hu Jia**, an activist who allegedly denounced the inaction of officials in the face of the spread of HIV/AIDS in China, was also placed under house arrest, along with **Ding Zilin**, aged 67, leader of the “Mothers of Tiananmen”, a group of mothers who lost their children in the 1989 demonstration;
- On 11 June 2004, a Xiaogan court sentenced cyber-dissident **Du Daobin** to four years of house arrest and two years of privation of his civil liberties for “inciting subversion of the State”. Du Daobin was arrested on 28 October 2003 for posting articles on the Internet advocating democracy and respect for human rights. The Special Rapporteur had already sent an urgent appeal regarding the case of Du Daobin on 3 December 2003 (E/CN.4/2004/62/Add.1).

189. On 1 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Zhao Yan**, news assistant at the Beijing bureau of *The New York Times* and former reporter for *China Reform* magazine. He was arrested in Shanghai on 17 September 2004. He was charged on 21 September 2004 with “providing State secrets to foreigners”, allegations which could lead to the charge of treason, a crime punishable by execution. His arrest was reportedly linked with the publication of an article in *The New York Times* on 7 September 2004 revealing the plan of the Chairman of the Central Military Commission to retire and concerning the transfer of leadership to President Hu Jintao. This article preceded the official announcement about the latter’s retirement, which was made on 19 September 2004. Zhao Yan is thought to be under investigation as the source of the leak. It was also reported that in May 2004, he was forced out of his job as a reporter for *China Reform* magazine after he reported on allegations of Government abuse of peasants across China. Zhao Yan is said to be held incommunicado. Therefore, fears have been expressed for his physical and mental integrity.

190. On 4 October 2004, the Special Rapporteur sent an urgent appeal concerning **Tang Yiwen**, a Falun Gong practitioner. According to the information received, in May 2000, she was arrested in Beijing for appealing for Falun Gong. She was detained for two years in Chatou Women's Forced Labor Camp, Guangdong Province, and later transferred to Sanshui Labour Camp. During her detention, she was reportedly subjected to torture, in particular she was hung up, beaten and forced-fed with hot chili. She was released in August 2003 and re-arrested in February 2004. Since then, she reportedly tried several times to leave the country but was never issued a passport. In June 2004, her passport application was rejected for the third time by Guangzhou Police Department and on her file it was allegedly noted that "This person's activity is limited". On 25 June 2004, Tang Yiwen reportedly lodged a law suit in Guangzhou City Baiyun District Procuratorate (BDP) against those who illegally sentenced, detained and tortured her. It was furthermore reported that, since August 2004, she has been constantly followed by agents from the 6-10 Office. Fears were expressed regarding her physical and mental integrity, which may have been at risk.

191. On 12 October 2004 the Special Rapporteur, jointly with the Special Rapporteur on the question of torture and Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning **Mao Hengfeng**, who in April 2004 was sent to a labour camp by police in Shanghai, to undergo 18 months of "re-education through labour". According to the information received, the "re-education through labour" measure inflicted on Mao Hengfeng was motivated by her persistence in petitioning the authorities with regard to a labour dispute and to treatment allegedly suffered at the hands of the police. The labour dispute originates in Mao Hengfeng's dismissal from her job in 1988, when she refused to undergo an abortion in violation of the family planning policies of China. Mao Hengfeng was detained several times on account of these activities, and forcibly confined in psychiatric units where she was forced to undergo shock therapy. Her daughters, both under the age of 18, were also reportedly detained repeatedly by police and questioned about who is assisting their mother with her petitions. At the "re-education through labour" camp, where she was detained at the time this communication was sent, Mao Hengfeng was reportedly tied up, suspended from the ceiling and severely beaten. The ill-treatment Mao Hengfeng was allegedly subjected to repeatedly at the hands of officials, including during the current period of administrative detention in a "re-education through labour" camp, gives rise to fears about her being subjected to further ill-treatment.

192. On 15 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on freedom of religion or belief, Special Rapporteur on the independence of judges and lawyers, 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, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on violence against women, its causes and consequences, sent a letter of allegation concerning reports of systemic repression against the **Falun Gong** and other "heretical organizations" (*xiejiao zuzhi*). Over the past five years, hundreds of cases of alleged violations of the human rights of Falun Gong practitioners have been brought to the attention of the Special Rapporteurs. Many of these allegations have been reported back to the Chinese authorities and were reflected in reports of the Special Rapporteurs to the Commission on Human Rights. The Special Rapporteur is concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called

“heretical organizations”, in particular Falun Gong practitioners, are increasing. He is concerned that these allegations may reflect a deliberate and institutionalized policy of the authorities to target specific groups such as the Falun Gong. According to information received, on 10 June 1999 the Central Committee of the Chinese Communist Party established what is known as the “6-10 Office”, an institution which is linked to State Security Defence. The office reportedly was given a mandate to repress Falun Gong and other “heretical organizations”, and is operating outside of the rule of law. Reports indicate that the Falun Gong was officially banned on 22 July 1999 through a decision of the Ministry of Civil Affairs and, since then, several decisions, notices, regulations and other judicial interpretations have been issued by the Government and judicial authorities to legitimize the official repression against “heretical organizations”, including the Falun Gong. In addition, according to reports, a media campaign was launched against the Falun Gong and its practitioners in June 1999. It is believed that this campaign followed a protest gathering in Beijing on 25 April 1999, involving more than 10,000 Falun Gong practitioners. Further reports indicate that, in February 2001, the Central Committee of the Communist Party called for a Central Work Conference of high-level party officials. The purpose of this meeting was reportedly to adopt a plan calling for the formation of local “anti-cult task forces” in all universities, State enterprises and social organizations, to reinforce the “6-10 Office” and strengthen local control over the Falun Gong. An analysis of reports received by the Special Rapporteurs indicates that the alleged human rights violations against Falun Gong practitioners, including systematic arrest and detention, are part of a pattern of repression against members of this group. Most of those arrested are reportedly heavily fined and released, but many are detained and ill-treated in order to force them to formally renounce Falun Gong. Those who refuse are sent to “re-education through labour” camps, where torture is reportedly used routinely and in many cases has resulted in death. The Special Rapporteur is further concerned by reports that few Falun Gong practitioners are prosecuted. When charges are laid they reportedly include allegations such as “disturbing social order”, “assembling to disrupt public order”, “stealing or leaking State secrets” or “using a heretical organization to undermine the implementation of the law”. According to the information received, those prosecuted have been unfairly tried and many have received lengthy prison sentences. In this respect, it is reported that on 5 November 1999, a Notice issued by the Supreme People’s Court instructed all local courts to do their “‘political duty’ in bringing to trial and punishing ‘severely’” those charged with “heretical organizations crimes”, “particularly Falun Gong”, and to handle these cases “under the leadership of the Party committees”.

193. On 19 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture, sent an urgent appeal concerning Falun Dafa practitioner **Zhao Yougang**, 32 years old. In June 2003, he was arrested by the Nanjing police while he was composing materials regarding Falun Gong. In jail he was reportedly subjected to torture and inhumane treatment. On 29 December 2003, he was sentenced to nine years in prison. According to the information received, he was then detained in Wuxi Prison where he was subjected to further torture. He started a hunger strike in June to protest the persecution and the ill-treatment to which he was subjected. He weighed 35 kg at the time this communication was sent. It was reported that he was being force-fed seven to eight times every night by the prison guards.

194. On 19 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture and Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Yan Zhengxue**, a human rights

defender, who has initiated an international petition campaign against the Re-Education Through Labour (RTL) system. According to the allegations received, on 14 September 2004 at 2:35 p.m., Yan Zhengxue was arrested by the Zhejiang Province State Security Department police in Taizhou City, Zhejiang Province, and taken away to an unknown location. Concerns have been expressed that the reported arrest and detention of Yan Zhengxue may be an attempt to prevent him from carrying out human rights activities, in particular in connection with the meeting of the Central Party Committee of the 16th Party Congress. In view of his alleged incommunicado detention, concern is expressed that he may be at risk of torture or other forms of ill-treatment.

195. On 26 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on the question of torture and Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Zhang Bo, Wang Jie, and Cai Shaojie**, three Falun Gong practitioners, and **Li Weiji**. According to the allegations received, Zhang Bo was detained at an unknown location at the time this communication was sent, Wang Jie and Cai Shaojie were detained in the Dabei prison, and Li Weiji was detained in the Panjin Prison. It is reported that the police broke both the arms of Li Weiji and caused him to develop a lumbar inter-vertebral disc protrusion. As a result of the treatment suffered, he can hardly walk. On 5 March 2003, these persons were sentenced to imprisonment by the Yinzhou District Court in Tieling, Liaoning Province for collecting evidence of the persecution of Falun Gong practitioners in Liaoning Province (i.e. persecution by the local authorities, including local governments and local police stations, related to the use of detention, torture and forced labour). Li Weiji was also convicted of assisting Falun Gong practitioners to go abroad. Zhang Bo and Wang Jie were sentenced to seven years' imprisonment, Cai Shaojie to four years' imprisonment, and Li Weiji to eight years' imprisonment. In view of the allegations of ill-treatment, concern was expressed that Zhang Bo, Wang Jie, and Li Weiji were at risk of torture or other forms of ill-treatment. Moreover, concern was expressed that the imprisonment of the four individuals was an attempt to prevent their activities to protect the human rights of Falun Gong practitioners in Liaoning Province.

196. On 1 December 2004, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, 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, sent an urgent appeal concerning **Zheng Enchong**, a Shanghai lawyer involved in the defence of economic and social rights of displaced persons, who was, at the time this communication was sent, detained at Shanghai's Tilanqiao Prison. The case of Zheng Enchong has been the subject of previous urgent appeals to the Government by the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on freedom of expression on 3 December 2003 (E/CN.4/2004/62/Add.1), and by the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on freedom of expression, and the Special Rapporteur on extrajudicial, summary or arbitrary executions on 16 March 2004. The Special Rapporteurs and the Special Representative are also in receipt of the reply of the Government to the appeal of 16 March 2004. According to the information received, since being sentenced on 28 October 2003, Zheng Enchong has been imprisoned and denied access to his lawyer, which reportedly resulted in his not being able to file an appeal application against his sentence before the Shanghai Supreme People's Court. His wife reportedly filed an application on his behalf, but the court has not acknowledged it. Furthermore, the director of the Shanghai's Judicial Bureau and Prisons Bureau reportedly visited Zheng Enchong in detention on several occasions, telling him

that if he admitted wrongdoing, his three-year sentence would be reduced by one year. However, Zheng Enchong refused to do so. Moreover, according to the information received, in spite of his relatively light sentence, Mr. Zheng is housed in a high security prison where he is obliged to share his 3.5-square-metre cell with two other prisoners. In addition, Mr. Zheng's repeated requests to be allowed to telephone his family have consistently been denied. Concern was expressed that the denial of Mr. Zheng Enchong's right to see a lawyer and the right to appeal his sentence may be intended to prevent him from resuming his work as a lawyer who defends persons displaced from their homes by real estate projects. Such concerns are reinforced by the alleged attempts to induce Zheng Enchong to repudiate his work in defence of human rights, both by offering a reduction of his sentence and by aggravating the conditions of his detention. Concern was expressed that the denial of Zheng Enchong's right to see a lawyer and the right to appeal his sentence may be intended to prevent him from resuming his work as a lawyer who defends persons displaced from their homes by real estate projects. Such concerns are reinforced by the alleged attempts to induce Zheng Enchong to repudiate his work in defence of human rights, both by offering a reduction of his sentence and by aggravating the conditions of his detention.

197. On 15 December 2004, the Special Rapporteur sent an urgent appeal concerning **Liu Xiaobo** and **Yu Jie**. According to the information received, Liu Xiaobo and Yu Jie, who had been actively campaigning for the release of Shi Tao (concerning whom an urgent appeal, dated 15 December 2004, had already been sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) were arrested and detained for 12 hours on 13 December 2004 by the Beijing National Security Bureau. Their arrest warrants stated that they were accused of participating in activities harmful to the State. Their houses were searched and documents seized. It was further reported that, following their release, their house was placed under police surveillance, which therefore places Liu Xiaobo and Yu Jie under de facto house arrest. Liu Xiaobo is a known literary critic as well as being one of the founders and now president for Independent Chinese PEN Centre. He has recently written articles on cyber-dissidence in China. Yu Jie is also a founder for International Chinese PEN Centre and an eminent writer known for his criticism of the Chinese authorities and for his support to writers attacked for the manifestation of their right to freedom of expression. Liu Xia, Liu Xiaobo's wife, was also briefly detained on 13 December 2004. Upon being released, the police warned her to make her husband stop publishing material on the Internet.

198. On 15 December 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning the freelance journalist and poet **Shi Tao**. According to the information received, Shi Tao was arrested on 24 November 2004 by national security police officers from the Hunan Province. Police officers of the local branch of national security also went to his house and, without showing a warrant to search the house, confiscated his computer and other documents. The police officers did not inform his relatives why and where he was being detained. It is reported that it was only on 2 December 2004, that his relatives were informed that Shi Tao had been arrested for exposing State secrets in accordance with article 61 of the Criminal Law. One of his relatives was allowed to visit him on Monday 13 December. She was allegedly driven at night by security officers to a place she could not recognize and allowed to speak to Shi Tao for half an hour. The conversation took place under constant surveillance of the security officers, who interrupted them whenever

they mentioned anything concerning the arrest. Shi Tao was not allowed, according to information received, to contact a lawyer until he is officially charged.

199. Shi Tao is a member of the Independent Chinese PEN Centre. His arrest was presumed to be linked to his articles critical of the Government of China. In view of his detention at an undisclosed location with only very limited and tightly supervised contact with his family, and no access to a lawyer, concern was expressed that Shi Tao may be at risk of ill-treatment.

200. On 16 December 2004, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, concerning **Zhang Rongliang**, an underground Church leader who was reportedly detained by police on 1 December 2004 where he lives, in Xuzhai village, Zhengzhou city, Henan Province. It is alleged that he is at risk of being tortured. Moreover, since he is diabetic, concern was expressed that he would not have access to the medication or treatment he needed. It was reported that his wife and child were in hiding. According to witnesses, police searched every household in the village and confiscated Christian DVDs, other materials and photos revealing Zhang's connections with foreigners. Reports indicated that Zhang Rongliang was the leader of the China for Christ Church and of the Protestant Fangcheng Mother Church. He is the co-author of *House Churches of China—Confession of Faith and Declaration*. Zhang Rongliang had already been imprisoned five times for his beliefs, for a total of 12 years, during which time he was allegedly tortured.

Follow-up to previously transmitted communications

201. By letter dated 2 March 2004, the Government sent a reply to the Special Rapporteur's communication of 3 December 2003 (E/CN.4/2004/62/Add.1) concerning **Zheng Enchong**. The Government stated that Zheng Enchong is a former employee of the Minjian law firm in Shanghai, who, on 6 June 2003, was placed under criminal detention on suspicion of illegally transferring State secrets abroad. Moreover, on 18 June he was arrested and on 15 August 2003 the Second Branch of the Shanghai People's Procuratorate initiated proceedings against Zheng in the Second Intermediate People's Court of Shanghai Municipality. On 26 August the court heard the case in camera, in accordance with article 152, paragraph 1, of the Criminal Procedure Law of the People's Republic of China, because the case involved State secrets. The court's investigation revealed that in May 2003 Zheng had handed over to a foreign organization materials that were the property of the State. In the latter part of May, Zheng had sent official documents relating to the handling of an emergency by the Shanghai public security authorities by fax and e-mail to entities outside China. The Second Intermediate People's Court of Shanghai Municipality found that Zheng's actions violated article 111 of the Criminal Law of the People's Republic of China and constituted the crime of illegally transferring State secrets out of the country. On 28 October 2003 he was sentenced to three years' imprisonment. Following his sentencing, Zheng filed an appeal with the Supreme People's Court of Shanghai Municipality. Upon hearing the case, the Supreme People's Court found that the decision of the court of first instance and the facts of the case were clear, the evidence was conclusive and sufficient, the judgement had been accurate and the severity of the penalty was appropriate. On 18 December 2003 the court rejected the appeal and upheld the original verdict. During the proceedings in the courts of both first and second instance, Zheng's counsel fully exercised his right to a defence and other procedural rights. Any restraining measures taken by China's judicial authorities in

Observations

1048. The Special Rapporteur regrets that no reply to his communication of 28 July 2004 was received at the date this report was finalized.