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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Report of the Special Rapporteur on torture and other cruel, inhuman or
degrading treatment or punishment, Manfred Nowak**

Addendum

**Summary of information, including individual 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.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						tiempo y en el espacio, sin referir molestias y con un estado de salud estable.
33.	People's Republic of China	21/12/06	JUA	FRDX; HRD; IJL; TOR; VAW	<p>Chen Guangcheng (subject of previously transmitted communications, E/CN.4/2006/6/Add.1, para. 24, and A/HRC/4/33/Add.1, paras. 34, 38), his wife, Ms. Yuan Weijing, his lawyers Li Jinsong and Li Fangping, a member of his defence team, Teng Biao, and witnesses to his trial, Chen Gengjiang, Chen Guangdong, Chen Guangyu and Chen Guanghe. Notwithstanding the previous replies of the Government, there are consistent reports that a number of individuals involved in his trial have been targeted by the security forces including his wife, his lawyers, a member of his defence team and witnesses to his trial. On 27 November 2006, Chen Guangcheng's retrial before the Yinan County People's Court lasted approximately 10 hours. It is reported that on 1 December 2006, he was sentenced to four years and three months' imprisonment for "gathering crowds to disrupt traffic" and "intentional destruction of property". According to reports, Chen Guangcheng's wife, Yuan Weijing, has been under <i>de facto</i> house arrest from 12 August 2005 until 25 November 2006. Since then, she had been continuously followed by local security personnel and persons in civilian clothes believed to have been hired by the police. On 28 November 2006, around midday, she was arrested by members of the Yinan County Public Security Bureau and detained for questioning. Their one-year-old child was also taken but was</p>	<p>By letter dated 14/02/07, the Government informed that on 10 June 2006, Chen was arrested, in accordance with the law, by the Yinan county public security bureau in Shandong province on suspicion of the offences of wilful age to property and assembling a mob to disrupt the flow of traffic and, on 21 June, he was taken into custody with the approval of the procuratorial authorities. On 19 August 2006, the Yinan county people's court, meeting at first instance, found Chen guilty of the offence of causing wilful damage to property and sentenced him to seven months' fixed term imprisonment; it also found him guilty of the offence of gathering a mob to disrupt the flow of traffic and sentenced him to serve four years' fixed term imprisonment; the court decided that he should serve a combined sentence of four years and three months' fixed term imprisonment. Following his sentencing at first instance, Chen refused to accept the court's verdict and lodged an appeal. The Linyi city people's high court in Shandong province, meeting at second instance, found that the court of first instance had restricted Chen's right to defence (the assigned defence counsel had not been accepted by Chen), a factor which might have adversely influenced the fairness of the proceedings, and, on 31 October 2006, it quashed the original judgement and sent the case back to the court of first instance for retrial. The allegations in the letter that we have received that the case was sent back to the</p>

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					<p>sent home later that day. Approximately eight hours later, Yuan Weijing, was dragged out of police car and left in a barely conscious state on the side of the road near her village. She was taken to Mengyin County Menglianggu Hospital where she was treated for extreme trauma however she was accompanied by up to 20 policemen as an order of “residential surveillance” had been issued while she was in detention. She is also suspected of the offences of “gathering crowds to disrupt traffic” and for “intentional destruction of property”. Furthermore it is reported that the local authorities have intimidated witnesses and withheld evidence in order to prejudice Chen Guangcheng’s retrial. Four other key witnesses have been subject to police harassment in relation to the most recent trial and were subjected to torture in order to provide false testimony against Mr. Chen Guangcheng in his previous trial. According to reports, Mr. Chen Gengjiang was detained on 26 November 2006 and held until after the hearing had taken place. He was forced to sign papers in which he agreed not to participate in the case. On the same day, Mr. Chen Guangdong and Mr. Chen Guangyu disappeared after they had agreed to testify on behalf of the defence. Later the same evening, Mr. Chen Guanghe was abducted by undercover police officers as he was on his way to meet with Mr. Li Fanping regarding the upcoming trial in which he was scheduled to testify the following day. He was formally arrested on 28 November but his family was not informed of his arrest or his</p>	<p>original court because there had been insufficient evidence to convict Chen Guangcheng for the offence of gathering a mob to disrupt the flow of traffic are unfounded. On 27 November 2006, sitting at a reconstituted bench, the Yinan county people’s court reopened the case in open proceedings, Chen’s brother attended the court in the public gallery, and Chen’s defence was conducted by the lawyers Li Fangping from the Beijing Ruifeng law firm and Li Jinsong from the Beijing Yitong law firm. During the proceedings, Chen’s rights in litigation were fully upheld: he exercised his own rights to defence and the lawyers appointed by him also made submissions in his defence. On 1 December 2006 the court ruled at first instance and made public its verdict: for the offence of wilful damage to property, it sentenced Chen to seven months’ fixed term imprisonment and, for the offence of gathering a mob to disrupt the flow of traffic, it sentenced him to four years’ fixed term imprisonment, ruling that he should serve a combined term of four years and three months. After sentencing at first instance, Chen refused to accept the court’s verdict and once again lodged an appeal. The Linyi city intermediate people’s court, after hearing the case at second instance, ruled that Chen, as a means of giving vent to personal grievances, had caused and incited others to cause wilful damage to property, the amount of which was considerable, and that his conduct had infringed public and private ownership rights and constituted the offence of wilful damage to</p>

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					<p>whereabouts until 3 December 2006. Previously, it is alleged that Mr. Chen Guanghe was detained and tortured before the first trial by members of the Yinan police in order to procure a false confession and to testify against Mr. Chen Guangcheng. He was convicted on the basis of the false confession but granted a suspended sentence. It is feared that his recent detention may be related to the fact that that he has submitted written testimony stating that his prior evidence had been coerced through torture. Members of Chen Guangcheng's defence team have also been harassed, including his lawyers Mr. Li Jinsong, Mr. Li Fangping and Dr. Teng Biao. The two lawyers were apparently prevented from interviewing witnesses and obtaining further evidence for the retrial. On 27 November 2006, as the trial was taking place, Dr Teng Biao was detained for five hours during which he was pushed to the ground by six or seven policemen who held him down while they searched him. They also apparently searched his bags and computer and confiscated his mobile phone.</p>	<p>property; it found further that Chen, with the aim of influencing and exerting pressure on the Government, had assembled a mob in order to block the flow of traffic, that the circumstances of his offence had been particularly serious, that he had been responsible for organizing the process of assembling a mob to block traffic, that he had directed the operation and had served as the ringleader and that his conduct had therefore constituted the offence of assembling a mob for the purpose of disrupting traffic. As the original court judgement had been based on clear facts, the conviction had been correct, the sentence had been commensurate with the offence and the trial proceedings had followed due process, the court dismissed the appeal and ruled that the original judgement should stand. This ruling was published on 12 January 2007. During the proceedings at second instance, the court also heard the views of Chen's defence counsel and, in accordance with the applicable evidence, found that the facts set out in the accusation by the procuratorial authorities and the charges brought against the defendant were sound and accordingly handed down the judgement referred to above. In their conduct of the proceedings against Chen, the public security authorities fully upheld his rights in litigation and those of his family members, acted in strict compliance with the law and applied the law in a civilized manner. The proceedings in this case were all conducted in accordance with the law, the facts underlying the court's judgement were clear, the evidence was ample and</p>

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						conclusive, the sentence was commensurate with the offence and the trial proceedings followed due process. With regard to the allegations in the letter which we have received to the effect that, on 30 October 2005, Chen's lawyers endeavoured to lay charges with the Yinan county court against public security officials from Shuanghou township for having caused intentional bodily harm to Chen, but that the court ignored this suit, it is our understanding that the Yinan county court did indeed receive an application from the lawyers to bring charges, but because the lawyers did not have Chen's power of attorney, following an investigation the court determined that the lawyers were not authorized to act for the plaintiff and rejected the application. With regard to the allegations in the letter to the effect that Li Jinsong and Li Fangping filed an administrative and civil action with the Linyi city intermediate people's court against the Linyi city public security bureau (including the bureau chief) and other government agencies, it is our understanding that the court did indeed receive such an application from the lawyers, in December 2006, which had been sent by expedited mail service, and that the matter is currently being investigated and no conclusion has been reached as yet. The allegations in the letter that public security officials have been harassing members of Chen's family, his lawyers and other persons are entirely without substance.
34.		22/12/06	JUA	WGAD; RINT; TOR	Cao Dong , a Falun Gong practitioner. On 21 May 2006, Mr. Cao Dong met with the vice-president of the European Parliament in Beijing. Following this	

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					meeting, he was arrested and transferred to Gansu Province State Security Bureau Detention Centre. On 29 September 2006, Mr. Cao Dong was charged with “producing Falun Gong material”. His current whereabouts are unclear and his family has not been allowed to visit him since the arrest. Gansu local authorities informed Mr. Cao Dong's family that he will be on trial soon. He has previously been placed in administrative custody for being a Falun Gong practitioner.	
35.		04/01/07	JUA	WGAD; FRDX; TOR	Jigme Gyatso , currently detained at Qushui Prison on the outskirts of Lhasa. Mr. Gyatso was already the subject matter of Opinion N° 8/2000 adopted by the Working Group on WGAD on 17 May 2000. Further, the Special Rapporteur on torture visited Mr. Gyatso at Qushui Prison on 27 November 2005 during his mission to China. Mr. Jigme Gyatso was sentenced to 15 years of imprisonment and five years of deprivation of political rights by the Lhasa Municipal Intermediate People's Court on 25 November 1996 on charges of “planning to found an illegal organization and to seek to divide the country and to damage its unity”. During the meeting with the Special Rapporteur on torture, Mr. Gyatso explained that in May 2004 his sentence was extended by two years after shouting pro-Dalai Lama slogans at the Tibet Autonomous Region (TAR) Prison, upon which he was also kicked and beaten, and shocked with electric batons. Since meeting with the Special Rapporteur, Mr. Gyatso has been ill-treated and held in solitary confinement in particularly restricted conditions.	By letter dated 9/03/07, the Government informed that in November 1996, he was sentenced by the Lhasa Intermediate People's Court to 15 years' imprisonment and 5 years' deprivation of political rights for the crime of seeking to divide the State. He accepted the judgement and did not file an appeal. In March 2004, while serving his sentence, Jinmei Jiacao became involved in activities aimed at inciting separation of the State, for which he was indicted by the procuratorial authorities. On 18 May 2004 the Lhasa Intermediate People's Court sentenced him to 3 years' imprisonment for the crime of inciting separation of the State, to be added on to the 7 years and 27 days remaining from his original sentence; he was thus ordered to serve a further 9 years and 27 days, with the expiry of his sentence to fall on 30 March 2014. Jin accepted the judgement and did not file an appeal; he is currently serving his sentence in the Qushui prison in Tibet Autonomous Region. According to article 71 of the Criminal Law of the People's Republic of China, if a convicted criminal, having

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					Further restrictions have been placed upon Mr. Gyatso regarding his monthly family visits rights and that his health is rapidly deteriorating. Earlier in 2006 he was hospitalized for several weeks and is currently unable to walk normally due to a leg injury. Also, contrary to information provided by Mr. Gyatso during his meeting with the Special Rapporteur on torture, Mr. Gyatso's prison term was actually extended by three years for "inciting splittism" following the incident at TAR Prison. This means that Mr. Gyatso is scheduled for release only in 2014.	been sentenced but not having served the sentence in its entirety, commits a new crime, a judgement shall be rendered in respect of the new offence; taking the crime into account, the duration of the combined punishment shall not exceed the length of the individual sentences taken together, nor shall it be any shorter than the longest of the individual sentences. It was pursuant to this provision that the Lhasa Intermediate People's Court issued the above-mentioned sentence in respect of Jinmei Jiacao. After entering prison, Jinmei Jiacao enjoyed the same rights and treatment as other criminals. From November 2005, before he met with the Special Rapporteur on the question of torture in November 2005, until the present he has remained in a double cell, and his conditions of detention have not changed; there is no substance to the allegation in the letter that "since meeting with the Special Rapporteur [he] has been ill-treated and held in solitary confinement in particularly restricted conditions". Jinmei Jiacao is currently in excellent health and receives regular visits from family members, and the allegations in the letter that "restrictions have been placed on [him] regarding his ... family visits and that his health is rapidly deteriorating" are not true.
36.		25/01/07	JAL	RINT; TOR	Organ harvesting (see also A/HRC/4/33/Add.1, para. 40). A critical issue was not addressed in the Government's previous responses, in particular: It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable	By letter dated 19/03/07, the Government informed that it has carefully examined the matters referred to in the communication and, with particular attention to the request put forward in the communication that the Chinese Government explain the discrepancy in the number of

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					<p>sources, namely: annual estimates of executed prisoners by whom a high percentage of organs are donated, according to the statement in 2005 of the Vice Minister of HLTH, Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. The Special Rapporteurs note reports that on 15 November 2006, Vice-Minister Huang reiterated at a conference of surgeons in Guangzhou that most organs harvested come from executed prisoners. And notwithstanding the reported stringent criteria in place for donors, including for those sentenced to death, the Government informed in its response of 28 November, that voluntary donations, and donations between relatives are the two other legitimate sources of transplant organs. According to the allegations, based on data from the China Medical Organ Transplant Association, between the years 2000 and 2005 there were 60,000 transplantations performed, or approximately 10,000 per year for six years. This period</p>	<p>transplants between the years 2000-2005 and the numbers from identifiable sources of organs, submits the following response. First, China's annual health statistics are compiled on the basis of categories of health disorder and not in accordance with the various types of treatment provided. For that reason, to date no Chinese authority has compiled official statistics on organ transplants for the period 2000-2005 and the allegations in the communication that we have received that, between the years 2000 and 2005, 60,000 transplantations were performed are drawn from erroneous data cited in a report compiled by two Canadians investigating allegations of organ harvesting of Falun Gong practitioners in China. The report claims: "Professor Bingyi Shi, vice-chair of the China Medical Organ Transplant Association, says there were about 90,000 [organ transplants] in total up until 2005, leaving about 60,000 in the six-year period 2000 to 2005 since the persecution of Falun Gong began." It has been ascertained that, in January 2007, during an interview with the BBC, Professor Shi Bingyi expressly clarified that on no occasion had he made such a statement or given figures of this kind, and these allegations and the related figures are pure fabrication. Given the above situation, the so-called "discrepancy" referred to in the communication that we have received does not make sense. In addition, from the point of view of medical science, during a person's lifetime that person may express the wish to donate one or more organs after his or her</p>

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					<p>coincides with the alleged rise in the persecution of Falun Gong practitioners. In 2005, it is reported that only 0.5% of total transplants were accounted for by donations by relatives; non-relative brain dead donors were around nine in 2006; and estimates—given that the Government does not make public statistics on executions—for 2005 indicate 1770 executions were carried out, and 3900 persons sentenced to death. It is alleged that the discrepancy between the number of transplants carried out and the number of available sources is made up from the harvesting of organs from Falun Gong practitioners. However, it is also reported that the true number of executions is estimated to be around 8,000 to 10,000 per year, rather than the figure of 1770 executions referred above. As the Special Rapporteur on torture recommended in his report on his visit to China, he reiterates that the Government (E/CN.4/2006/6/para. 82, recommendation q) should use the opportunity of the restoration of the power of review of all death sentences by the Supreme People’s Court to publish national statistics on the death penalty. A full explanation of the source of organ transplants would disprove the allegation of organ harvesting of Falun Gong practitioners, particularly if they could be traced to willing donors or executed prisoners. The request for an explanation for the discrepancy in the number of transplants between the years 2000 to 2005 and the numbers from identifiable sources of organs is reiterated.</p>	<p>death, so it is not possible to estimate the number of organ donors on the basis of a one-to-one correlation with the number of organ transplants. Second, as a State member of the World Health Organization (WHO), in carrying out organ transplants China unswervingly respects the WHO Guiding Principles on Human Organ Transplantation of 1991, strictly prohibits the buying and selling of human organs and insists on the principle that donations of human organs may only be made on a purely voluntary basis, with the prior written agreement of the organ donor. On 1 July 2006, the Chinese Government promulgated its interim provisions on the clinical application and management of human organ transplantation, reaffirming that human organs may not be bought or sold; that medical establishments may only use transplanted human organs with the written agreement of the donors; that donors have the right at any time prior to transplantation to refuse donation of their organs; that medical establishments conducting human organ transplantation must be properly equipped to be able to ensure the quality and safety of medical treatment; and that ethical principles must be respected. The aim of these provisions is to standardize and strengthen the clinical application and management of human organ transplantation, and to ensure the quality and safety of medical treatment. In China, it is categorically prohibited to coerce persons sentenced to death into donating their bodies or organs or for their bodies or organs to be resold for profit. The organs and bodies of</p>

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						<p>people sentenced to death may only be used in strict compliance with the relevant regulations. Primary among these are the following: (a) they may only be used with the prior written agreement of the prisoners themselves and of their family members; (b) they may only be used with the approval of the health authorities at the provincial level and of the provincial high court; and (c) units using such organs or bodies must secure the approval of the health authorities at the provincial and higher level and must be properly equipped to conduct the applicable medical research or to carry out the relevant transplantation surgery. Although China has strict prohibitory regulations in place relating to organ transplants, it is still hard to put a stop to certain unlawful practices. As soon as the relevant administrative bodies discover and verify that such unlawful activities are being conducted, the necessary action is taken to punish them in accordance with the law. Currently, regulations on the transplantation of human organs, as drafted by the Ministry of Health, have been issued and submitted to the State Council for its consideration and the State Council is soliciting the views of relevant Chinese and foreign experts and of WHO on the content of the draft text. It is our belief that the formulation of these regulations will help set in place a more standardized system for the management of human organ transplantation. Third, in order to ensure optimal use of the limited sources of organs, by drawing on current international practice, the relevant departments are currently</p>

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						giving close attention to the formulation of laws and regulations governing transplantation of human organs, exploring the creation of a human organ transplantation allocation system and applying the same organ allocation principles as WHO, the United States of America, the European Union and other bodies. It must be noted that the allegation in the report by the United Nations Special Rapporteur that China has “a computerized matching system for transplants” is inaccurate. To date, there is no institution in China responsible for coordinating and allocating organs and no network system in this area, nor does it have a live organ donor base and is not likely to establish such a donor base in the foreseeable future. Currently, the sourcing of organs and surgical operations involving organs are the responsibility of medical institutions. Fourth, the Chinese Government wishes to draw the Special Rapporteur’s attention to the following fact: the situation and the figures alleged in the communication that we have received are merely the product of agitation by Falun Gong; furthermore, most of them have already been revealed to be unfounded rumours.
37.		31/01/07	JUA	WGAD; FRDX; RINT; HRD; TOR	Jamyang Gyatso , a monk at Bora Monastery in Xiahe, Northwest Gansu. On 8 January 2007, Mr. Jamyang Gyatso was arrested by plain-clothed security officials outside Bora Monastery in Xiahe. Officials at the monastery later discovered that Mr. Jamyang Gyatso’s room had been searched and that a bag full of religious scriptures, including CD’s, had been removed. Several calls made to	By letter dated 23/03/07, the Government informed that on 9 January 2007, in accordance with the law, he was placed under investigation by the State security authorities, on suspicion of having conducted unlawful acts which endangered State security. In the course of the investigation Gyatso confessed in full to having committed the offence of incitement to separatism. On 3

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					the listed number for the local police were dismissed as a wrong number, or the recipient hung up when enquiries were made as to Mr. Jamyang Gyatso's whereabouts. Mr. Jamyang Gyatso is currently being detained at an unknown location.	February, the Chinese security authorities ordered that he be placed under restricted freedom of movement, on his own recognizance, pending trial.
38.		13/03/07	JUA	FRDX; HRD; TOR	Ablikim Abduriyim (subject of previously transmitted communications (E/CN.4/2006/95/Add.1, para. 85 and A/HRC/4/37/Add.1, para. 152). He is currently being detained at Tianshan Detention Centre in Urumchi, Xinjiang Uighur Autonomous Region (XUAR). Mr. Abduriyim was arrested on 13 June 2006, along with his brothers Mr. Alim Abduriyim and Mr. Kahar Abduriyim. Subsequently, Mr. Ablikim Abduriyim was subjected to prolonged interrogations and beatings whilst awaiting trial. As a result of this treatment and the detention conditions, he is suffering from ill health. However, he is being denied access to medical treatment. He has also been prevented from wearing warm clothes provided by his family. Furthermore, on 26 November 2006, Mr. Ablikim Abduriyim was seen being carried out of Tianshan Detention Centre on a stretcher. On 28 January 2007, Mr. Abduriyim was charged and tried with "subversion of state power", "ethnic separatism" and "sending information over the Internet to Ms. Kadeer".	By letter dated 17/07/07, the Government informed the on 13 June 2006, he was taken into custody. The Urumchi city people's procurator's office in the Xinjiang Uighur Autonomous Region laid charges against the defendant Ablikim Abdureyim for the offence of incitement to separatism and instituted proceedings against him with the Urumchi city people's intermediate court. On 17 April 2007, the Urumchi city people's intermediate level court handed down its judgement and published its verdict: pursuant to the provisions of article 103, paragraph 2, article 56, article 55, paragraph 1, and article 106 of the Criminal Code of the People's Republic of China, Ablikim Abdureyim was sentenced to nine years' fixed term imprisonment and stripped of his political rights for three years, for the offence of incitement to separatism. In the course of this case, the courts, in accordance with the law, safeguarded Ablikim Abdureyim's lawful rights. Ablikim Abdureyim did not appoint defence counsel, nor did he request the court to assign a defence lawyer on his behalf. Article 34 of the Chinese Code of Criminal Procedure provides that, "if a defendant is blind, deaf or mute, or is a minor, and has not appointed defence counsel," or "could be sentenced to death, but has not

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						appointed defence counsel, the people's court shall designate a lawyer to undertake the duty of providing legal assistance". As in this case there was no duly appointed defence counsel, as stipulated by law, thus during the trial at first instance there was no defence counsel participating in the proceedings. During the trial, the defendant Ablikim Abdureyim made a full confession to having perpetrated a criminal offence. Three days before the trial opened, the court of first instance, as prescribed by law, posted an advance announcement of the date and venue of the trial on the bulletin board and notified the procuratorial authorities and the defence thereof. Following the proceedings at first instance, Ablikim Abdureyim did not lodge an appeal and the judgement has since become enforceable. During the period over which Ablikim Abdureyim has been held in custody, the Chinese public security authorities have conducted all proceedings in strict compliance with the law and there have been no instances of intimidation, excessively long custody, use of torture to extract confessions or other such practices being used against him.
39.		29/03/07	JUA	WGAD; TOR	Ms. Liang Wenjian , aged 39, her husband, Lin Zhiyong , aged 40, Ms. Li Dongmei , Wang He , Wu Jiangyan , and three other persons whose identities have yet to be established. All eight individuals were arrested on 10 February 2007 by around ten plain-clothed police officers for participating in an illegal gathering at the residence of Liang Wenjian. The police also	By letter dated 30/04/07, the Government informed that on 10 February 2007, the five persons named above colluded with others to form an unlawful gathering. Acting in accordance with the law, the public security authorities apprehended these persons, and, at the site of the gathering, seized a large quantity of Falun Gong publicity materials and equipment for the

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					<p>searched their home and confiscated Falun Gong literature and a computer. About one month later seven of the eight individuals mentioned above were assigned to two years of “Re-education through Labour” (RTL) in connection with their Falun Gong activities without formal charges, trial or any other judicial process. One person, an elderly woman whose identity has yet to be established, was assigned to one and a half years of “RTL”. All eight persons are currently being detained at Panyu detention centre in Guangzhou city, Guangdong province, awaiting transfer to an “RTL” camp. Their families have not been notified of their orders of detention and have not been allowed to visit them. Liang Wenjian had previously been assigned to “RTL” at Guangzhou Chaitou Xiaodao from February 2000 to April 2001. During this period she was subjected to ill-treatment. She was hung up by her wrists so that her feet could barely touch the ground for two hours for practicing Falun Gong in detention. Liang Wenjian was also required to work for up to 14 hours per day to make artificial flowers.</p>	<p>preparation of such materials. On 11 March, the labour re-education committee of Guangzhou city government in Guangdong province, in accordance with the law, ordered four of the persons, namely, Liang Wenjian, Lin Zhiyong, Wang He and Wu Jiangyan, to serve terms of two years’ labour education, to run from 10 February 2007 to 9 February 2009; Li Dongmei, Li Qinghua and Zhu Yubiao were ordered to serve terms of one year and six months’ labour re-education, to run from 10 February 2007 to 9 August 2008; and Yu Baozhu was ordered to serve a term of one year and three months’ labour re-education, to run from 10 February 2007 until 9 May 2008. On 22 March 2007, Liang Wenjian, Li Dongmei, Wu Jiangyan, Yu Baozhu and Li Qinghua were admitted to the Chaitou labour re-education facility and Lin Zhiyong, Wang He and Zhu Yubiao to labour re-education facility No. 3 in Guangzhou city to serve their respective terms of labour re-education. As has been ascertained, the eight persons named above, in common with other persons undergoing labour re-education, are accommodated in living quarters holding three to five persons per room, and there is no question of their being held in solitary confinement. In addition, they are able to receive visits from members of their families once per month. The Chaitou labour re-education facility and labour re-education facility No. 3 in Guangzhou city instructed the eight persons to write to their families, notifying them of the location of their particular labour re-education facility. On 28</p>

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						<p>March, Lin Zhiyong's parents and younger brother came to labour re-education facility No. 3 in Guangzhou city to visit him and, on the afternoon of that same day, went to Chaitou labour re-education facility to visit Liang Wenjian. The allegation in the communication that we have received that "their families have not been notified of their orders of detention and have not been allowed to visit them", and that they are being held in incommunicado detention and subjected to ill-treatment, are unfounded. Liang Wenjian underwent a period of labour re-education from December 1999 to April 2001 in the Chaitou labour re-education facility. During that period, the labour re education authorities dealt with her, in accordance with the law, in a civilized manner and there were no instances of her being required to perform overtime work or excessive physical labour, or being subjected to corporal punishment. Furthermore, as she demonstrated that she had responded well to re-education, on 25 April 2001 the labour re-education facility arranged for her to complete her term outside the facility. The legal basis for the labour re-education order served on the eight persons named above is provided by the Chinese State Council directive on labour re-education and the Council's proposed modalities for labour re-education approved by the Standing Committee of the National People's Congress. The eight persons in question were ordered, in accordance with the law, to serve terms of labour re education for disrupting social order and their "arrests and detention" are not, as alleged in the</p>

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						communication which we have received, "solely connected with their legitimate exercise of the right to freedom of religion or belief". According to the relevant regulations, if persons undergoing labour re-education do not accept the labour re-education order served on them, they may, within a period of 60 days of the date of receipt of the written order, apply to the Guangzhou city people's government or to the Guangdong provincial labour re-education management committee for administrative review of the order, or, within a period of three months of the date of receipt of the written order, lodge an administrative appeal directly with the people's court. As has been ascertained, Wu Jiangyan and Liang Wenjian separately submitted applications for administrative review, on 3 April and 6 April respectively. The labour re-education authorities duly referred their applications for administrative review to the relevant department, on 4 April and 7 April respectively.
40.		10/05/07	JAL	HOUS; HRD; IJL; TOR	Ms. Mao Hengfeng (subject of previously transmitted communications, e.g. A/HRC/4/33/Add.1, para. 32). Prior to her trial on 16 April 2007, she was detained in a small cell in which the floor was covered with excrement with the smell preventing her from sleeping. Reports also claim that prison guards had covered the only window in the cell. Ms Hengfeng's current conditions of detention are unknown.	By letter dated 15/08/07, the Government informed that on 16 April 2007 she was sentenced by the Yangpu district people's court to two years and six months' fixed-term imprisonment for the offence of causing malicious damage to property, to run from 30 May 2006 to 29 November 2008. She is currently serving her sentence in the Shanghai women's prison. Upon being admitted to prison, Mao underwent a physical examination which showed that, apart from an inclination to high blood pressure, all other indications were within the normal range. Mao is currently sharing

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						a cell with two other women prisoners, she has not been sent to the punishment cells nor has she been placed in solitary confinement. Her eating and sleeping arrangements are normal. With regard to the issue of appeal, to date Mao has not submitted any written application, nor has she applied to see her lawyer, so there is no case here of the prison not allowing her to lodge an appeal. The prison officers, acting in accordance with the law, treat the prisoners in a civilized manner. Mao enjoys her rights on the same footing as the other prisoners, including the right to health and the right to appeal. The allegation that Mao has been subjected to ill-treatment is not supported by the facts.
41.		27/06/07	JUA	HRD; IJL; TOR	Chen Guangcheng (subject of previously transmitted communications, see above). On 16 June 2007, several fellow prisoners were ordered by the prison guards to beat him. As a result of the beatings, one of his ribs broke and he suffered from severe pain in the chest area. He was denied medical treatment. That same day, he began a hunger strike to protest against the beatings and the lack of medical treatment. The beatings were aimed at punishing him for having requested to file an appeal with the provincial high court. Being blind from birth, Mr. Chen Guangcheng needs the assistance of a lawyer to draft an appeal, but is now unable to do so, since he is has not been allowed to meet with him for more than 30 minutes per month.	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
42.		12/07/07	JUA	HOUS; HRD; TOR; VAW	Ms. Mao Hengfeng (subject of previously transmitted communications, see above). On 15 May 2007 at approximately 6 a.m., she was transferred from the police detention centre to prison. She was given inadequate clothing which left her virtually naked. When she protested this treatment, she was beaten by police officers and placed in solitary confinement upon her arrival at the prison. Ms. Mao Hengfeng embarked upon a hunger strike as a gesture of protest against her situation. She was subsequently subjected to forced feeding on three occasions by prison guards who tied her hands and forced a tube down her throat. She was placed under constant surveillance by inmates that had been assigned the task by prison guards. They were also ordered to harass and verbally abuse her. Ms. Mao Hengfeng is currently in poor health, suffering from high blood pressure and arthritis. These conditions are further aggravated by her inadequate living conditions. She has neither been provided with a chair, nor a bed. She has no choice but to lie on the floor, often in cold and damp conditions. Ms. Mao Hengfeng was visited by her husband on 28 June 2007. At this time her husband reported her ill-treatment and requested that the prison officials grant her lawyers access to visit her in order to prepare for her upcoming appeal.	
43.		27/07/07	JUA	HOUS; HRD; TOR	Zheng Enchong , a human rights lawyer (subject of a previously transmitted communication, A/HRC/4/37/Add.1, para. 151), and his wife Ms. Jiang Meili , Shanghai. On 24 July 2007 at	By letter dated 18/12/07, the Government informed that the allegations in the letter that "on 24 July 2007 at approximately 7.30 a.m., Mr. Zheng Enchong went to the Shanghai Municipal

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					<p>approximately 7.30 a.m., Mr. Zheng Enchong went to the Shanghai Municipal Higher People's Court with his wife to register to attend the trial of Mr. Zhou Zhengyi, a property developer. On their arrival at the courthouse they were surrounded by six police officers. Mr. Zheng Enchong was knocked to the ground, and they dragged him along the ground and beat him for almost an hour. Mr. Enchong sustained injuries to his left hand in the course of the assault which was witnessed by hundreds of residents in the vicinity. The police officers forced Mr. Zheng Enchong and his wife into a taxi and were driven to his sister-in-law's house, where they were met by five police vehicles and more than 30 police officers who prevented them from leaving.</p>	<p>Higher People's Court ..., in order to register to attend the trial of Mr. Zhou Zhengyi", that he was dragged 200 metres along the ground by six police officers, and subjected to an assault which lasted for one hour and that he was then forced to leave, and that, on that same day, at approximately 9 a.m., "more than 50 displaced residents ... presented themselves ... in order to attend the trial of Mr. Zhou Zhengyi" but that "security guards and police officers prevented them from entering the building" are simply not true. Enquiries have shown that the second division of the Shanghai city people's procurator's office only filed charges against Zhou Zhengyi with the Shanghai people's intermediate court on 17 August 2007: thus it was not possible for anyone to have attended the trial at the Shanghai people's high court on 24 July. The six persons named in the letter are not to be found among the judicial police of the Shanghai people's high court. At about 9 a.m. on 24 July, dozens of people claiming to be forcibly relocated residents from "Dongbakuai" ("Lot East 8") demanded to attend the trial of Zhou Zhengyi. But following a perusal of the schedule of court hearings, and confirmation and notification that the Shanghai people's high court was not holding any hearings that day, the people that had gathered promptly withdrew, no one tried to gain entry to the court and the security guards and police did not need to take any preventive action.</p>

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44.		29/08/07	JUA	WGAD; TOR	Adruk Lopoe , a 45-year-old Tibetan monk of Lithang Monastery. On the evening of 21 August 2007, he reported to the public security bureau and was subsequently arrested without warrant and taken to an unknown location. He is the nephew of Ronggye A'drak, who was the subject of a communication transmitted on 14 August 2007. Adruk Lopoe, had publicly campaigned for his uncle's release. In the evening of 21 August 2007, two of Mr. Lopoe's cousins were also arrested in Yonru Kharshul village, Ponkar township, Lithang county, but later released.	By letter dated 20/11/07, the Government informed that on 22 August 2007 he was taken into criminal custody, in accordance with the law, by the Lithang county public security authorities on suspicion of having unlawfully gathered State secrets and having then transmitted these secrets to persons or bodies outside the country. On 12 September, in accordance with the provisions of paragraph 111 of the Criminal Code of the People's Republic of China, his arrest was approved by the Garzê prefecture people's procuratorate and he is currently being held at the Garzê Prefecture detention centre. Inquiries have established that, in their handling of this case, the public security authorities were not culpable of any acts of torture. After being placed under measures of restraint by the public security authorities, Adruk Lopoe did not submit any complaints to the relevant judicial bodies. His case is currently still at the preliminary investigation and pretrial inquiry stage, in accordance with the law, and has not yet been handed over to the procurator's office.
45.		28/09/07	JUA	HRD; IJL; TOR	Gao Zhisheng (subject of previously transmitted communications, e.g. A/HRC/4/33/Add.1, para. 41). On 22 September 2007, he was taken from his apartment in Beijing by plain-clothed policemen. His whereabouts remain unknown and concern is expressed that he is being held in incommunicado detention. Mr. Gao's arrest is directly related to an open letter he sent to the United States Congress last week expressing his deep concerns over the deterioration of the	By letter dated 18/12/07, the Government informed that he recently left Beijing to travel abroad to visit relatives on family business and he has been able to move freely and to communicate by letter without any impediment. The allegations in the communication which we have received to the effect that, because of an open letter which he sent, he has been taken from his home and is being held in incommunicado detention are not consistent with the facts.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					human rights situation in China ahead of the 2008 Beijing Olympics. The police had previously threatened Mr. Gao with jail if he released any more open letters or statements.	
46.		03/10/07	JAL	IJL; TERR; TOR	Husein Dzhelil , an ethnic-Uighur of Canadian nationality. On 19 April 2007, he was sentenced to life imprisonment for “plotting to split the country” and to 10 years’ imprisonment for joining a “terrorist organization.” These sentences were the result of an unfair trial and based on a confession extracted through torture. The High People’s Court of Xinjiang Uighur Autonomous Region (XUAR) denied Mr. Dzhelil’s appeal, assessing that the facts were clear, and that the evidence was reliable and adequate. During the trial, the court-appointed lawyer did not make any statements on behalf of Mr. Dzhelil. In relation to Mr. Ismail Semed (subject of a previously transmitted communication, A/HRC/4/33/Add.1, para. 35), the Government’s reply stated that the case is still under consideration. It is regretted that no information was provided in relation to the allegations of torture, especially in light of recent information that Mr. Semed was executed on 8 February 2007, for offences of attempting to split the country and possession of firearms and explosives.	

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47.		09/10/07	JUA	HOUS; WGAD; FRDX; HRD; TOR	Zheng Dajing , a petitioner and human rights defender. He was arrested and detained on 9 September 2007 by officials of the public security bureau of Shiyan city, Yunxi county, Hubei province, on criminal charges of "petitioning leading to disturbance of social order." Mr. Zheng was believed to be held at the Yunxi Detention Centre, however, on 18 September 2007 it appeared that he is being detained at Yancao Station in Hongtai Yuansigou village, where he has been beaten and subjected to other forms of ill-treatment. Yancao Station is an unofficial detention facility established by local authorities for the purpose of detaining petitioners. Local government authorities allege that Yancao Station is in fact merely a "class for petitioners who have adopted unusual means to petition" and was set up following directives of the central government. Before Mr. Zheng was arrested he had been forcibly returned from Beijing to his hometown on 7 September 2007 by unidentified officials believed to be from Hubei province. In Beijing he had met with other petitioners and received information about the destruction of a village where other petitioners were living.	
48.		24/10/07	JUA	TOR; WGAD	C. K., T. K., D. T., and G. , all aged 15, and belonging to nomad families. On 7 September 2007, they were arrested in Amchok Bora village, Xiahe county, Gansu province, on suspicion of writing political statements on the walls of a local police station. They are detained at Xiahe county Detention Centre. They were arrested together with about 36 other students, who have since	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					been released. Parents of two of these boys had paid fines of 2000 Yuan each and pledged that their sons would never leave the country or ever again engage in any form of political activity. The boys were initially held at a police station in Amchok Bora and allowed to see their families before plain-clothed officers believed to be state security agents transferred them to the city of Xiahe, Xiahe county. All were beaten during or shortly after the arrest, one of whom sustained head injuries and had to be hospitalised in Xiahe county.	
49.		5/11/07	JUA	TOR; HOUS; HRD; VAW	Ms. Mao Hengfeng (subject of previously transmitted communications, see above). On 13 September 2007, prison authorities ordered a fellow inmate to beat her for punishment for revealing that she had been held in solitary confinement for 70 days in July and August 2007, in violation of Article 15 of the Chinese Prison Law, which stipulates a maximum of 15 days for solitary confinement. Ms. Mao was badly bruised as a result of the beating. On 24 September 2007, prison authorities sent her to Nanhui Prison Hospital. She previously refused to undergo a medical examination for fear that she would be forcibly injected with drugs, as had happened when she was held in a psychiatric institution in the 1980s. At the hospital, her clothes were removed and she was tied to a bed and force-fed by other inmates. Ms. Mao's husband was prevented from visiting her at Shanghai Women's Prison until 26 October 2007. During his supervised visit, Ms. Mao was repeatedly silenced	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
					by prison guards when she attempted to inform him of having been force-fed.	
50.		Follow-up to past cases			Shi Xing-wu (E/CN.4/2006/6/Add.1, para. 25).	By letter dated 18/04/06, the Government informed that on 2 November 2001 Wu Zeheng was sentenced by the Beijing Supreme People's Court to 11 years' imprisonment (from 21 July 1999 to 30 July 2010) and deprived of his political rights for two years for the crime of illegal business operations and unauthorized floating of stocks. He is currently serving his sentence in the Huaiji Prison in Guangdong Province. A physical examination conducted after Wu entered prison yielded a positive reaction for tuberculosis. As a carrier of the tuberculin bacillus, he was treated with medication and was cured; he did not "suffer...from a fever of 40.2 Celsius", and his health is now normal. After entering prison Wu was able to visit with family members for the time prescribed by regulation, and he received more than 80 letters and six parcels. He has submitted written appeals to the National People's Council and to judicial bodies, which the prison authorities always transmit promptly. Like other criminals, Wu works eight hours a day; on no day does he ever work more than 13 hours. Wu has never been placed in solitary confinement, and the room where he is detained has a surface area of 26.4 square metres and has excellent light and

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						ventilation. Wu's legitimate rights and interests are guaranteed in accordance with the law. An investigation has revealed that there is no one in any Chinese prison by the name of Shi Xingwu.
51.					Mao Hengfeng (A/HRC/4/33/Add.1, para. 32).	By letter dated 18/04/06, the Government informed that on 28 December 2005, a group of more than 60 people including Mao Hengfeng, Sun Xicheng and He Guoguang gathered about the flagpole at Tianmen Square to cause trouble, disrupting the normal order of the Square. Acting pursuant to article 34 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities lawfully issued a public order summon to Mao and others. During this process, the Shanghai public security authorities never employed any kind of coercive measures in respect of anyone, nor did any instances of beating occur. Moreover, there is no Yangpu District dispatch station in Shanghai. On 15 December 2005, Zhou Xiudi, Chen Zonglai, Wu Yuping and Jin Huijun convened more than 30 persons to assemble at the entrance of Shanghai Municipal Government in order to cause trouble and create a public disturbance; despite efforts to educate and negotiate with them, they refused to disperse, severely disrupting the normal order of State organs. Acting pursuant to article 19 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities punished Zhou and others by placing them in administrative detention for 15 days. Careful checking has revealed that during the period from 22 to 28 December 2005 no coercive

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						measures of any kind were taken by the Shanghai public security authorities in respect of Ma Yalian. In dealing with the above cases, the relevant authorities strictly complied with their obligations under the Convention against Torture and acted in accordance with domestic legislation; there was no instance of beating or any other form of ill-treatment.
52.					Bu Dongwei (also known as David Bu) (A/HRC/4/33/Add.1, para. 42).	By letter date 28/11/06, the Government informed that in July 2000, Bu was ordered to serve a term of one year's labour re-education for using a heretical cult to disrupt law and order. On 13 June 2006, Bu was ordered by the Beijing city labour re-education committee to serve a further two and a half years' labour re-education, to run from 19 June 2006 to 18 November 2008, for using a heretical cult to disrupt law and order. Bu is currently serving this term in the Tuanhe labour re-education facility in Beijing. Inquiries have established that, while being held in the Tuanhe labour re-education facility, Bu has not been subjected to any ill-treatment. The accusations in the letter that we have received that he was beaten by the police in the labour re-education facility and subjected to sleep deprivation are without substance. The Chinese labour re-education facility operates a strict management system, under which the ill treatment of inmates undergoing labour re-education is categorically prohibited, and any persons disobeying this rule shall be punished in accordance with the law. Within the labour re-education facilities there are procuratorial representatives, specializing in

Para	Country	Date	Type	Mandate	Allegations transmitted	Government response
						<p>supervision of the conduct of law-enforcement activities by the police in the labour re-education facility. As to the question whether Bu lodged an appeal or whether an appeal was lodged on his behalf by a representative, Chinese laws and regulations stipulate that persons undergoing labour re-education may, within 60 days of receipt of the labour re-education order, submit an application for administrative review to the local government office that issued the order or, within three months of receipt of the labour re-education order, lodge an administrative appeal directly with the local people's court. This right is explicitly stated in the labour re-education order that was issued to Bu. On 5 May, Bu presented a power of attorney to the people's police in the labour re education facility, naming his wife as his legal representative in dealing with all matters relating to his application for administrative review. The Chinese Government wishes to draw the attention of the Special Rapporteur to the fact that Falun Gong is not a religion, nor is it a spiritual movement. It is an anti-scientific, anti human, anti-social cult. Falun Gong poses a serious menace to Chinese society, leading great numbers of its duped followers to cause harm to themselves, and even to take their own lives. The Chinese Government conducts patient persuasive counselling and educational work among rank-and-file Falun Gong practitioners, fully upholds all their rights and helps them return to their normal lives. A small number of Falun Gong practitioners receive punishments in accordance with the law,</p>

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						but this is not because of their opinions or belief: it is because their activities have breached the law, harming the interests of the State, society and individuals. In the course of the present case, the relevant departments have strictly observed due process and have guaranteed the exercise by the parties involved of their lawful rights and interests.
53.					Gao Zhisheng (A/HRC/4/33/Add.1, para. 44).	By letter dated 12/02/07, the Government informed that on 15 August 2006, he was placed under investigation by the Beijing public security authorities, in accordance with the law, on suspicion of the commission of a criminal offence, and, on 21 September, his arrest warrant was approved by the procurator's office. Beijing people's procurator's office No. 1 laid charges against Gao for the offence of fomenting subversion of the authority of the State and initiated proceedings against him with Beijing people's intermediate court No. 1. On 22 December 2006, the Beijing city people's intermediate court No. 1 ruled that Gao's conduct constituted the offence of incitement to subversion of the authority of the State, but in view of his meritorious conduct denouncing the offences of other culprits, decided, in accordance with the law, that his penalty should be rendered more lenient and to reduce it below the statutory level. Thus, he was sentenced to three years' fixed term imprisonment, to be suspended for five years, and stripped of his political rights for one year. After the court handed down its judgment at first instance, Gao declared himself willing to accept the verdict and did not lodge an appeal. The

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						<p>judgment has since become enforceable. In the course of the proceedings against Gao on the charge of incitement to subversion of the authority of the State, the public security authorities fully upheld his rights in litigation and those of his family and conducted the proceedings in strict compliance with the law, applying the law in a civilized manner. Three days before proceedings opened in this case, the court of first instance, in accordance with the stipulation of the law, notified the procurator's office and the defence counsel and published in advance the dates and venue of the trial. When the court rendered its judgment, Gao's family were present in the public gallery. When serving papers on Gao, the court expressly informed him of his rights in litigation to appoint a lawyer to conduct his defence. Gao indicated that, as he was himself a lawyer, he did not need to assign a lawyer and he did not agree to his family appoint one for him. For that reason, the lawyers from the Mo Shaoping law firm, appointed by his brother, were unable to act in his defence. Under these circumstances, the court decided, in order to ensure Gao's rights in litigation were fully upheld, that it should appoint two lawyers to defend him, and Gao agreed to this appointment. In the course of the trial, in addition to conducting his own defence, Gao also received full defence services from his defence lawyers. The allegations that the police harassed Gao's family members and others are unfounded.</p>
54.					Zhang Hongwei (A/HRC/4/33/Add.1, para. 45).	By letter dated 26/02/07, the Government informed that on 20 January 2001, Mr. Zhang was

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						<p>sentenced to 13 years' fixed-term imprisonment by the Fangshan district people's court in Beijing for the offence of using a heretical sect to engage in criminal activities and stripped of his political rights for 3 years. He is currently serving his sentence in Jilin city penitentiary in Jilin province. In December 2005, when undergoing a health check-up in prison, Zhang was found to be suffering from tuberculosis, but he maintained his firm conviction that, as a Falun Gong practitioner, when he fell ill he should not take any medicine or receive any injections, and that, as he himself was a disciple of the "dafa" - the major law, the master's "dharma body" would protect and save him, and for these reasons he refused medical treatment. In February 2006, the prison management found that his condition had taken a turn for the worse, and only after being repeatedly advised and encouraged did he agree to receive treatment. While in hospital, Zhang received meticulous medical treatment and nursing care; his condition has now clearly improved and in clinical terms, he has been cured of his illness. He has undergone two medical examinations by Jilin City Central Hospital and showed no symptoms of fever; his breathing was smooth; both lungs free of rales; his heart rate normal and heartbeat regular and without murmur; his blood routine, erythrocyte sedimentation rate and myocardial enzyme count all normal; and his ECG normal. The results of a frontal chest X-ray show a calcification focus in the right pulmonary field. Zhang's family members enquired as to whether</p>

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						he could be released for medical treatment outside the facility; the prison authorities deemed that his case did not meet the conditions for seeking medical attention outside the facility but special dispensation was granted to his family to be able to visit him outside regular visiting hours, with a view to fostering stronger relations between him and his family. To summarize, Zhang has now fully recovered from his illness and has been discharged from hospital, his state of mind is stable. His family members make frequent visits, and have expressed their satisfaction with the work of the prison staff. There is no question here of Zhang being subjected to ill-treatment or of his family being refused permission to visit him.
55.	Colombia	Follow-up to past cases			Incidentes ocurridos con motivo de una serie de manifestaciones (A/HRC/4/33/Add.1, párr. 48).	Por carta de fecha 26/07/07, el Gobierno informó de que según las conclusiones del Informe de la Policía Nacional, la fuerza utilizada por el ESMAD estaba dentro del marco de cumplimiento de los tratados internacionales y normas constitucionales, legales y reglamentarias de policía sobre el empleo de la fuerza y utilización de gases no letales. La intervención policial inicialmente desplegó el personal de la policía como una simple demostración de fuerza. Sin embargo, se aclara que posteriormente se emplearon bastones de mando, agua y gases lacrimógenos, en vista del grado de violencia ejercido por los manifestantes. La Policía Nacional afirma que los manifestantes utilizaron armas y explosivos de fabricación casera tales como: papas explosivas, bombas molotov, lanzas, garrotes, caucheras y hondas. Durante los



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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED "HUMAN RIGHTS COUNCIL"**

**Report of the Special Rapporteur on torture and other cruel, inhuman or
degrading treatment or punishment, Manfred Nowak**

Addendum

**Summary of information, including individual 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.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
30.		21/12/05	JAL	HRD; IJL; TOR;	<p>Gao Zhisheng, a lawyer, Beijing, (the subject of a previously transmitted communication, E/CN.4/2006/95/Add.1, para. 90). On 2 December 2005, his law firm, Shengzhzhi Law Firm, was ordered by the Justice Bureau, Beijing, to cease operations from 30 November 2005 to 29 November 2006. The authorities ruled that the firm improperly changed the registration of the firm when it moved office in June 2005, in contravention of Lawyers Law, article 9 (2); and, in violation of article 47 of the Lawyers Law, it failed to use the firm's formal letterhead when it issued a letter of introduction for two of its lawyers, one of whom was not registered at the firm, to visit a client, Mr Yang Maodong, detained in Gunagzhou Panyu Police Detention Centre. Accordingly Mr Gao is required to handover the firm's license, official stamps, financial records, and licenses of its lawyers to the authorities before 29 December, or face further penalties. Mr Gao met with the Special Rapporteur on torture during his recent mission to China, in the context of his work as a human rights defender, including in areas related to the mandate.</p>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
31.		29/12/05	JAL	RINT; TOR; VAW;	<p>Ms L. J., aged 51 and Ms H. Y., aged 42, both of whom are Falun Gong practitioners. On the night of 24 November 2005, L. J. was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and given electric shocks with stun batons. At approximately 2pm on 25 November 2005, a police officer took L. J. to a room, where he lifted her shirt and touched her breasts. He then gave her electric shocks on her breasts with a stun baton. Another police officer briefly came into the room, encouraged the officer to beat her up, and left. The first officer raped L. J. While raping her, he repeatedly slapped her in the face. He then brought H. Y. into the same room and raped her too. Both rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.</p>	<p>By letter dated 28/06/06, the Government reported that on 24 November 2005, they were taken in to the local public security office for questioning, on suspicion of involvement in illegal activities, and were released in the afternoon of the same day. On 26 November, the Dashiqiao criminal police team in the Tunzhou City Public Security Bureau received a complaint from H. Y., claiming that she had been raped by an officer. On 27 November, L. J. also filed a report with the Tunzhou Public Security Bureau, stating that she too had been raped. The authorities promptly summoned the policed officer in question. In the ensuing questioning and investigation, it was ascertained that he was a temporary employee in the Dongchengfang Township Public Security Office. He admitted that, in the afternoon of 25 November 2005, he had taken L. J. and H. Y. in turn back to his hostel, where he had indecently assaulted L. J. and had raped H. Y. On 9 December, following approval from the procuratorial authorities, he was taken into custody. On 29 April 2006, the Baoding City People's Procuratorate, Hebei Province, instituted criminal proceedings with the Baoding City People's Intermediate Level Court against the defendant for the commission of the offences of rape and indecent assault of a woman. On 19 May 2006, after hearing the case, the court sentenced the defendant to eight years' fixed term imprisonment. On appeal, on 7 June, the Hebei People's High Court dismissed the appeal and upheld the original judgement.</p>

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
32.		05/01/06	JUA	HRD; TOR;	<p>Ms Mao Hengfeng (the subject of a previously transmitted communication, E/CN.4/2005/62/Add.1, para. 296; she was interviewed on 24 November 2005 during the mission to China of the Special Rapporteur on torture). On 28 December 2005 in the afternoon, she was among about a dozen persons who were detained in Beijing by police when they went to view the ceremonial lowering of the flag in Tiananmen Square. Ms Mao, who has petitioned the Government in relation to a number of human rights violations, and her two daughters, along with petitioners Zhang Cuizhi and Zhang Xueying, were forcibly taken to Beijing's Tianhai Reception Center that evening, while the others were immediately put onto the next train back to Shanghai. Among the latter group, Sun Xicheng, He Guoguang and others were reportedly beaten by Shanghai officials (jiefang renyuan). Mr Sun suffered a concussion as a result of his beating. Ms Mao was dragged by her feet down a flight of stairs by three policemen. She and her daughters, along with Zhang Cuizhi and Zhang Xueying, were forced to return to Shanghai by train on the evening of December 29. Following her arrival in Shanghai on December 30, Ms Mao immediately returned to Beijing with her daughters, but early on the morning of 1 January 2006, she was detained again and forcibly returned to Shanghai, where she and her daughters were taken directly to the Yangpu District dispatch station. Ms Mao's daughters were released that afternoon, but she remains in custody of the Daqiao neighborhood</p>	<p>By letter dated 18/04/06, the Government reported that On 15 December 2005, Zhou Xiudi, Chen Zonglai, Wu Yuping and Jin Huijun convened more than 30 persons to assemble at the entrance of Shanghai Municipal Government in order to cause trouble and create a public disturbance; despite efforts to educate and negotiate with them, they refused to disperse, severely disrupting the normal order of State organs. Acting pursuant to article 19 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities punished Zhou and others by placing them in administrative detention for 15 days. Careful checking has revealed that during the period from 22 to 28 December 2005 no coercive measures of any kind were taken by the Shanghai public security authorities in respect of Ma Yalian. On 28 December 2005, a group of more than 60 people including Mao Hengfeng, Sun Xicheng and He Guoguang gathered about the flagpole at Tianmen Square to cause trouble, disrupting the normal order of the Square. Acting pursuant to article 34 of the Regulations on Public Security Administration Punishment, the Shanghai public security authorities lawfully issued a public order summons to Mao and others. During this process, the Shanghai public security authorities never employed any kind of coercive measures in respect of anyone, nor did any instances of beating occur. Moreover, there is no Yangpu District</p>

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					municipal office. When her husband telephoned the office, an official, Mr Jiang, he indicated that she would remain for several days. Her family has had no contact with her since her detention in Daqiao. On 15 December, petitioners Zhou Xiudi, Chen Zonglai, Wu Yuping, Jin Huijun and others have been placed under criminal detention on charges of "disturbing public order" by Shanghai Hongkou public security authorities for their participation in a petition to the Shanghai municipal committee conference. On December 22, Shanghai petitioner Ma Yalian was also detained by local police and neighborhood committee members and held until December 28 without informing her family of her whereabouts.	dispatch station in Shanghai. In dealing with Mao Hengfeng, Zhou Xiudi and others by issuing summonses or placing them in administrative detention, the Shanghai public security authorities acted in accordance with the law; the case had nothing to do with freedom of expression and opinion.
33.		01/02/06	JUA	WGAD; HRD; TOR; VAW	Ms Mao Hengfeng , Shanghai (subject of a previously transmitted communication, see above). On 15 January, Mao Hengfeng had traveled to Beijing with her daughter to take part in an unofficial memorial service marking the first anniversary of the death of former Chinese leader Zhao Ziyang. On 24 January, they were detained by four Shanghai police officers at their hotel in Beijing. According to her daughter, the police treated Mao Hengfeng roughly, lifting her in an arm-lock and leaving her with bruising to her neck, arms and legs. The police took them to another hotel where Shanghai Residents' Committee officials were waiting to take them back to Shanghai by train. When the train arrived in Shanghai early the next day, Mao's daughter was released but Mao Hengfeng was taken to Daqiao Police Station, Yangpu District. She was held	By letter dated 14/06/06, the Government reported that on 17 January 2006, she and other persons assembled a crowd in a public area in Chongwen District in Beijing, thereby disturbing the peace. Pursuant to the provisions of article 34 of the regulations on punishments relating to the maintenance of law and order, the Yangpu Office of the Shanghai Public Security Bureau, acting in accordance with the law, served a summons on Mao Hengfeng for a public order offence, for the period from 7.45 am on 25 January 2006 to 7.45 am on 26 January. Upon expiry of this period, no further measures of restraint were applied against Mao Hengfeng and, in the course of this process, all her lawful rights were fully upheld, and the allegations that she was subjected to beatings have no foundation

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					there for questioning for 24 hours. The next morning, Mao was able to telephone her husband, Wu Xuwei. She told him that she was being taken away from the police station by Yangpu District Residents' Committee officials but that she did not know where. He then heard Mao Hengfeng scream and the line went dead. Wu Xuwei immediately telephoned the District Residents' Committee to find out where his wife was being taken, but they first denied that they were holding her. After repeated calls, the committee secretary confirmed that Mao Hengfeng was "in their hands" and that they wanted to "educate her" because her protests about human rights violations were creating "social instability". They have refused to indicate where she is detained and her family has not had access to her. With respect to her detention as alleged in the 5 January 2006 letter, further information received indicates that she was detained by seven Residents' Committee officials in a Shanghai hotel from 3-6 January. The officials reportedly beat her several times, grabbed her breasts and prevented her from sleeping during this period.	in fact.
34.		07/04/06	JUA	WGAD; IJL; TOR; HRD	Chen Guancheng (the subject of previously transmitted communications, E/CN.4/2006/6/Add.1, para. 24). He was interviewed on 28 November 2005, during the visit of the Special Rapporteur on torture (E/CN.4/2006/6/Add.6, page 58). On 11 March 2006, Chen Guangcheng's neighbour and cousin, Mr Chen Guangyu , was beaten by four hooded	By letter dated 14/06/06, the Government reported that on 11 March 2006, Chen Guangcheng and his family members Chen Guangjun, Chen Guangyu and others, assembled a crowd of villagers and obstructed traffic, causing a major traffic jam on national highway 205. On 12 March, Chen Guangjun and Chen Guangyu were taken into criminal

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					men who were waiting for him nearby his home. When Chen Guangcheng discovered this, he went out from his house with another villager, Chen Guangjun, towards the Yinan Local Government to seek an investigation into the beating. When they were a few meters from the house, the three of them were arrested (Chen Guangcheng, Chen Guangyu and Chen Guangjun) by officers of the Yinan Public Security Bureau, and taken to the local police station. Their families were notified that they would be detained for 24 hours in order to investigate their participation in an offence named "blocking the traffic". However, they are still detained. Chen Guangcheng has not been allowed to contact his lawyer, nor his family since his detention on 11 March 2006. Moreover, it is reported that law lecturer, Xu Zhiyong , and lawyers Li Fangping and Li Subinhad , are facing harassment from the authorities and their employers because they provided advice to Chen Guangcheng in cases related to forced sterilization and abortion policies in Linyi.	detention, in accordance with the law, on suspicion of having committed an offence under article 291 of the Chinese Criminal Code, on the gathering of crowds for the purpose of disrupting the movement of traffic. Chen Guangcheng was held for questioning by the local public security authorities, in accordance with the law, on suspicion of involvement in the offence at the scene of the crime, and was released at 9 pm on 12 March. In dealing with Chen and his associates, the public security authorities acted in compliance with the law, in remanding them in custody or holding them for questioning. Throughout this period their lawful rights were fully protected and there is no substance to the allegation that Chen Guangcheng was subjected to beatings and placed under house arrest.
35.		13/04/06	JUA	SUMX; TOR; CTR	Ismail Semed , an ethnic Uighur from Xinjiang Uighur Autonomous Region (XUAR), who is believed to be at imminent risk of execution. Ismail Semed was convicted by the Urumqi Intermediate People's Court on 31 October 2005 for "attempting to split the motherland" and other charges related to possession of firearms and explosives. The possession of firearms charges against Ismail Semed appear to have been based on old testimonies taken from other Uighurs, some of whom were reportedly executed in 1999.	By letter dated 12/07/06, the Government reported that on 13 August 2004, the Urumchi City procuratorial authorities instituted criminal proceedings against him with the Urumchi City Intermediate Level People's Court for the offences of separatism, unlawful manufacture of ammunition and the causing of explosions. In January 1997, Ismail Semed, together with Hasan Mahsum (later shot dead in Pakistan) and Abdukadir Amat (now on the run), slipped out of the country through the City of Xiamen

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					According to reports, those testimonies might have been extracted through torture.	and made their way to Saudi Arabia to meet Kurban Aji and other persons, to propagate the notion of an independent Xinjiang, to carry out separatist activities and to drum up support. Soon after, Semed and the two other men travelled to Rawalpindi in Pakistan, to meet Uighur students and other young Uighurs engaged in business in that city, preaching to them and urging them to form an organization and to go to Afghanistan to receive training, for the purpose of waging a holy war. In March of that same year, Semed and the other men convened a preparatory meeting of the East Turkestan Islamic Movement and, following a division of tasks, Ismail Semed was appointed in charge of military operations. Thereafter, Ismail Semed and the other men continued to develop and expand the organization, establishing military bases, recruiting members, conducting fund-raising and other activities and forging links with Afghan Taliban bases and bases run by Bin Laden, striking an agreement with them on the provision of free training for their jihadists. From May 1997 to January 1998 Semed and his accomplices organized the transport of some 100 Uighur jihadists from Pakistan and the Middle East to the above-mentioned military camps for training. After completing their training, Semed and the others appointed Usman Imat in charge and sent him to take 13 men to Xinjiang to set up workshops to manufacture explosives, to conduct training and to develop

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
						<p> jihadist columns. After arriving in Xinjiang, Usman and the others purchased 1,053 boxes of erbium nitrate, for use in preparing chemicals and other reagents for the manufacture of explosives, and set up explosive manufacturing workshops in Turfan, Hotan and other cities. They trained some 100 men in the use of chemicals and reagents for the manufacture of explosive devices, detonators and blasting fuses and in weapons technology. On 5 December 1997 Semed attended a conference of the formally constituted East Turkestan Islamic Movement, held in Rawalpindi in Pakistan, and was appointed military commander. The conference resolved that the goal of the organization would be to liberate East Turkestan through a holy war and to set in place an Islamic State, and mapped out a strategic plan for the period ahead. In mid-December 1998, Semed and others organized a meeting in Rawalpindi at which they decided to break away from the East Turkestan Islamic Movement and form a separate grouping. They deposed their former leader, Hasan Mahsum, assumed control of their members and funds in Afghanistan and started to look for ways of illegally entering Xinjiang, so as to prepare for the conduct of military jihadist activities in that region. On 16 September 2004 the Urumchi intermediate level people's court commenced hearings on this matter. Given the complexity of this case, it is still under </p>

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						consideration.
36.		18/05/06	JUA	WGAD; FRDX; TOR;	<p>Several petitioners in Shanghai. On 13 February 2006, more than a dozen petitioners had a meeting with an American consular official at the house of petitioner Ms Fu Yuxia. Following the meeting, several petitioners were arrested and detained in connection with the meeting. Amongst them were Mr Chen Xiaoming, Ms Fu Yuxia, and Mr Han Zhongming. Chen Xiaoming was arrested on 15 February by police officers from Shanghai's Luwan District Public Security Bureau (PSB) and was held in a room at the PSB station. He is suspected of taking the American consular official to the meeting place. On 6 March, he was stripped naked and physically abused. Reports further indicate that Chen Xiaoming's whereabouts have been unknown since 31 March. Fu Yuxia was also arrested on 15 February. She was released on 5 April, and since then has been kept under house arrest. Han Zhongming and his wife were subjected to surveillance following their participation in the meeting with the American diplomat. On 16 February, Han Zhongming was detained while he was at his friend's house. His wife has reported his disappearance to the police, but no action has been taken by the police. His</p>	At the time this report was finalized, the reply of the Government of 20/12/06 had not been translated.

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					whereabouts remain unknown. On the same day, in a separate incident, Ms Ma Yalian , a housing rights petitioner who was the subject of three previously transmitted communications, was arrested at the home of a friend on 15 February. She was held at Fengqi Hotel in Pudong New District under the watch of a dozen police officers. She was released on 6 May, but is reportedly still under house arrest.	
37.		29/06/06	JUA	WGAD; TOR;	Yusuf Kadir Tohti and Abdukadir Sidik , originally from Xinjiang Uighur Autonomous Region (XUAR). After having being forcibly returned from Almaty to Urumqi by Kazakh authorities on 10 May 2006, they are being held in incommunicado detention.	
38.		14/07/06	JUA	FRDX; HRD; IJL; TOR;	Mr Chen Guangcheng , a lawyer and human rights defender in Linyi, Shandong Province in China and Mr Guo Qizhen , a volunteer in the Tianwang Disappeared Persons Service Center in Cangzhou City, Hebei Province. The Tianwang Disappeared Persons Service Center assists relatives of missing persons to publicise their stories on the internet in order to find their relatives. Mr Chen Guangcheng was already the subject of a previously transmitted communication (see above). On 12 May 2006, Mr Guo Qizhen was placed under house arrest by local security forces, while he was participating in a hunger strike to protest against alleged human rights violations committed by the Chinese authorities. On 6 June 2006, Mr Guo Qizhen was reportedly charged with "inciting subversion of state power" and is currently being held in the No. 2 Detention	By letter dated 3/10/06, the Government reported that on 12 May 2006, Guo Qizhen was taken into police custody, in accordance with the law, for breach of the provisions of articles 105, paragraph 2, and 106 of the Criminal Code and on suspicion of having committed the offence of fomenting subversion of the political power of the State. On 6 June his remand in detention was approved by the procuratorial authorities and his case is currently under consideration. Through his conduct, Guo is suspected of having committed the offence of fomenting subversion of the political power of the State. The Government further reported that on 10 June 2006, the public security authorities, acting in accordance with the law, took Chen Guangcheng into police custody and launched

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					Center in Cangzhou City. On 10 June 2006, Mr Chen Guangcheng was charged with “deliberate destruction of property” and “organizing a mob to disrupt traffic”, allegedly after he had spent 89 days in incommunicado detention in the Yinan County Detention Centre, where he remains. It is reported that he was arrested on 11 March 2006 but that his family were not informed of his whereabouts until 11 June 2006. It is still unknown whether Mr Chen Guangcheng has been finally allowed to see his lawyer.	an investigation into his actions. On 21 June his remand in detention was approved by the procuratorial authorities and, on 26 June, the matter was referred to the procuratorial authorities for review and prosecution. On 4 July, the Yinan County Procurator’s Office referred his case to the Yinan County People’s Court for prosecution for the offences of wilfully causing damage to property and assembling a crowd for the purpose of disrupting traffic. On 24 August, the Yinan County People’s Court instituted proceedings in this case. As the offender in this case is blind, leniency could be applied in his case. That same day, the Yinan County People’s Court decided as the court of first instance to sentence Chen to seven months’ fixed-term imprisonment for the offence of wilfully causing damage to property and to four years’ fixed-term imprisonment for the offence of gathering a crowd to disrupt traffic and ordered him, accordingly, to serve a sentence of four years’ and three months’ fixed-term imprisonment. During the legal proceedings in this case, the court fully upheld the defendant’s rights in litigation and in the courtroom his two defence lawyers were able to provide full defence services.
39.		18/07/06	JUA	SUMX; TOR;	Mr Xu Shuangfu (also known as Xu Wenku) and Mr Li Maoxing , two Chinese religious leaders belonging to a group known as “the Three Grades of Servants” who were sentenced to death on 28 June 2006. They were accused of murdering twenty leaders of a religious group known as the	By letter dated 21/08/06, the Government reported that from 28 February to 3 March 2006 the Shuangyashan Intermediate People’s Court in Heilongjiang Province conducted an open trial in the criminal cases brought against Xu Shuangfu and others for a series of crimes.

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					Eastern Lightning group. Xu was also accused of defrauding his congregation of over thirty-two million Yuan. Xu Shuangfu, was kidnapped in April 2004 by gun-wielding men in a police car while visiting congregation members in neighboring Haerbin, Heilongjian Province. Reports indicate that he was held incommunicado for some time before his family was informed of his detention. Concern has been expressed that Xu Shuangfu and Li Maoxing confessed to their murder charges under torture and subsequently denied their guilt during their trial which was held at the Shuangyashan Intermediate Court, from 28 February to 3 March 2006.	On 4 July 2006 the court handed down its sentence: Xu Shuangfu and Li Maoxing were found guilty of the crimes of murder, wilful and malicious injury, unlawful detention and fraud, for which they were sentenced to death, in accordance with the law; they were also deprived of their political rights for life and their personal property was confiscated. In conducting this trial, the Chinese judicial authorities adhered to the facts of the case, took the law as their criterion, applied the law properly and proceeded in accordance with the law.
40.		11/08/06	JAL	RINT; TOR; Trafficking;	Organ harvesting. Organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose making available organs for transplant operations. Vital organs including hearts, kidneys, livers and corneas were systematically harvested from Falun Gong practitioners at Sujiatan Hospital, Shenyang, Liaoning Province, beginning in 2001. The practitioners were given injections to induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter. It is reported that employees of the following transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants: Zhongshan Hospital Organ Transplant Clinic in Shanghai, Qianfoshan City Liver Transplant Hospital in Shangdong, Nanning City Minzu Hospital in Guangxi	By letter dated 28/11/06, the Government reported that in March 2006, Falun Gong began fabricating the so-called "Sujiatun concentration camp" issue, saying that 6,000 practitioners had been incarcerated in Sujiatun Hospital in Shenyang, Liaoyang Province, and that two thirds of them had had organs removed from their living bodies and the corpses cremated to destroy the evidence. In order to clarify the facts, the Sujiatun District government carried out an investigation at the hospital; domestic and foreign media including Japan's NHK and Hong Kong's Phoenix Satellite Network and Ta Kung Pao conducted on-site interviews; and two visits were paid by US consular personnel. Based on the results of these investigations it was discovered that the hospital only had 300 beds and was completely incapable of housing more than

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					<p>Autonomous Region, Jiaotong University Liver Transplant Centre in Shanghai, Zhengzhou Medical University Organ Transplant Centre in Henan, Oriental Organ Transplant Centre in Tianjin City, Tongji Hospital in Wuhan City in Hunan and General Hospital of Guangzhou Military Regional in Guangdong. It is reported that employees from the following detention facilities have indicated that organs from Falun Gong detainees have been used for transplants: Mijiang Detention Centre in Heilongjiang, First Detention Centre of Qinhuangdao City in Shangdong Province and Second Detention Centre of Qinhuangdao City in Shangdong Province. After the organs were removed, the bodies were cremated, and no corpse is left to examine for identification as the source of an organ transplant. Once the organs were removed they were shipped to transplant centres to be used for transplants for both domestic and foreign patients. Officials from the following detention facilities have indicated that courts have been involved in administering the use of organs from Falun Gong detainees, namely: Qinhuangdao Intermediate People's Court in Shangdong Province, First Criminal Bureau of the Jinzhou Intermediate People's Court and Kunming Higher People's Court. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated, according to</p>	<p>6,000 persons. There was no basement for incarcerating practitioners, as alleged. The so-called "cremation oven" is in fact a boiler/furnace room, whose primary function is to provide heat and disinfect medical instruments. This boiler room has several transparent glass windows and a lawn outside that is open to the public where nearby residents come daily to stroll. In such a place, there is simply no way to cremate corpses in secret, continuously, and in large volumes. The rumors fabricated by Falun Gong collapse on their own. Everyone recognizes that Sujiatun Hospital is nothing but a simple hospital to treat coronary disease and that there is no evidence to show that it is being used for any purpose. This once again proves that the "Sujiatun concentration camp" fabricated by Falun Gong is nothing more than a rumor. As a WHO Member State, the Government resolutely abides by the WHO 1991 Guiding Principles on Human Organ Transplants and strictly forbids the sale of human organs. Human organ donation must be done voluntarily and with the written consent of the donor. The human organ transplant regulations that took effect on 1 July 2006 reiterate that human organs must not be sold, that human organs used for transplant by medical facilities must have the written consent of the donor, that a donor has the right to refuse to donate before the organ transplant takes place, and that medical facilities carrying</p>

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					<p>the statement in 2005 of the Vice Minister of Health Mr Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came into force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs; has not required that donors give written permission for their organs to be transplanted; there has been no restriction on the institutions which could engage in organ harvesting or transplants; there was no requirement that the institutions engaged in transplants had to verify</p>	<p>out human organ transplants must have the capacity to ensure medical quality and safety in accordance with ethical principles. The goal of these regulations is to standardize and improve the management of clinical practice of human organ transplant operations in order to safeguard medical quality and safety. Presently, the relevant government agencies are drafting human organ transplant regulations in order to create the necessary regulation of human organ donation, registration, matching, and transplant. China absolutely does not allow forced donation or trafficking in the corpses or organs of executed criminals, which are used in strict accordance with the relevant regulations. Notably: written consent must be received from the criminal to be executed and his family; approval must be received from the provincial-level health authority and the provincial-level higher people's court; and the unit using the organs must have the authority/capacity to conduct medical science research or transplant operations. The question of organ donation is not part of the inquiries made at the time of execution. Those death-row criminals who wish to donate their corpse or organs after they are executed must express this voluntarily in writing. Mobile execution vehicles are used solely by the courts to carry out execution by lethal injection. They do not, and are strictly forbidden to, transport organs. According to Chinese laws and regulations, individuals who</p>

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					that the organs being transplanted were from legal sources; and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.	are sentenced to death are those criminals who have committed extremely serious crimes and who should be sentenced to death and executed immediately (i.e. without reprieve), not for being Falun Gong practitioners. For this reason, there are no statistical data for Falun Gong practitioners who have been executed. In order to deal with the problem of organ supply, each country typically uses two methods: one, to increase social awareness and mobilize the population to donate organs; and two, to facilitate live organ donation and transplant between relatives. China's methods are not exceptions. Moreover, it has placed serious restrictions: citizens who donate live organs must be at least 18 years old and be in possession of full civil capacities; and the live organ recipient must be the spouse, direct blood relative, or within three generations of collateral blood relatives.
41.		22/08/06	JUA	HRD; IJL; TOR;	Gao Zhisheng , aged 42, a human rights lawyer in Beijing (the subject of previously transmitted communications, see above). On 15 August 2006, he was residing with his sister in the city of Yingshe, Shandong Province. At noon, ten to twelve plain clothes officers of the Beijing Public Security Bureau entered the house and detained him "for questioning related to his suspected involvement in criminal activities". It is reported that Mr Gao had been under strict surveillance by the secret police for several months prior to this. The day before he was detained, the phone of the house where he was residing was disconnected,	

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					as were the phones of many of his relatives, who also received warnings from the police. Mr Gao's whereabouts remain unknown. The Special Rapporteur (TOR) recalls that he strongly protested to the Ministry of Foreign Affairs against the intimidation and surveillance by the security services that Mr Gao was subjected to during their meeting in Beijing on 20 November 2005 (E/CN.4/2006/6/Add.6, para. 10; and Appendix 3, paras. 2-3). Moreover, he regrets that despite the numerous further allegations of threats and intimidation he has received concerning Mr Gao, no measures have been carried out by the Government to investigate and prevent them.	
42.		31/08/06	JUA	RINT; TOR;	Bu Dongwei (also known as David Bu), aged 38, Falun Gong practitioner. On 19 May 2006, he was detained by around seven police officers at his home in the Haidian District of Beijing. On 19 June, he was assigned to two and a half years re-education through labour by the Beijing Re-education Through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of 'resisting the implementation of national laws' and 'disturbing social order'. Despite repeated requests to the authorities, his family have not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education Through Labour facility in Beijing on 21 August. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-	At the time this report was finalized, the reply of the Government of 28/11/06 had not been translated.

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					education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law'. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.	
43.		22/11/06	UA	TOR;	He Depu. He was interviewed by the Special Rapporteur on Torture on 22 and 24 November 2005 at Beijing No. 2 Prison, during his visit to the People's Republic of China (E/CN.4/2006/6/Add.6, Appendix 2, para. 6). In the recent past, his diet and physical condition have deteriorated sharply. He is reported to be emaciated, having lost approximately 18kg. Concern is expressed that his physical and mental integrity may be at further risk without provision of medical treatment.	
44.		30/11/06	JUA	WGAD; HRD; IJL; TOR; VAW;	Gao Zhisheng , a lawyer and Director of the Shengzhi Law Office in Beijing, his wife Ms Geng He , their children aged 13 years and two years and his 70 year old mother-in-law . On 24 November 2006 Ms Geng was beaten by members of the State Security police who had been following her movements and keeping her under surveillance. It is reported that Ms Geng, her 13 year old daughter and her mother have been constantly followed by police for approximately three months. The incident reportedly took place on a street in Beijing (Jingsong Road, near the Lidu Hotel on bus route 408), after Ms Geng told three police officers (two	

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					<p>male, one female) to stop following her and her children. As a result of the beating by the two male police officers, Ms Geng is reported to have sustained loosened teeth, a bleeding mouth and gums, her fingernail on one hand completely torn off and her leather clothing ripped into pieces. It is further reported that Mr Gao and Ms Geng's 13 year old daughter, Gege, has also been harassed by the State Security Police who follow her at all times, including while she is in school. It is reported that they follow her to her classroom, in the school corridors and even to the bathroom, which makes her educational environment difficult. Furthermore, on 21 November, it is reported that Beijing police showed their badges and attempted to pick up Tianyu, their two year old son, but his kindergarten teacher refused to comply. It has also been reported that Ms Geng's 70 year old mother is tailed by police if she leaves the house. On 12 October 2006, Mr Gao Zhisheng was formally charged with "incitement to subvert the State". It is reported that on 6 October 2006, Ms Geng's birthday, she was allowed to see her husband at the Beijing No. 2 Detention Centre where they were watched and interrupted by police officers throughout the visit which lasted for approximately 20 minutes. However sources indicate that Mr Gao has still not had access to his lawyer Mr Mo Shaoping despite the recent discovery of his current whereabouts, as the authorities have reportedly stated that his case concerns "State secrets". Prior to 6 October 2006 he had allegedly been held incommunicado since</p>	

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					15 August 2006 when he was arrested without a warrant at his sister's house in Dongying City in Shandong Province, by more than 20 plain clothes police officers from the Beijing Public Security Bureau. According to reports, the official Xinhua News Agency released a statement on 18 August 2006 stating that Mr Gao had been arrested "on suspicion of breaking the law" however details of the alleged crime he had committed were not provided.	
45.		01/12/06	JUA	WGAD; RINT; TOR;	Zhang Hongwei , member of Falun Gong, residing at Tonghua District, Jilin Province, currently detained at Jilin Prison. His health condition is severe. By the beginning of 2006, he was diagnosed with type III tuberculosis. Body fluid was accumulating in his chest and in March 2006 he also suffered from pleurisy, high blood pressure and heart disease. Thereafter, he was transferred to the prison hospital, however, still ill-treated by prison guards. Several applications by Mr Zhang's family for medical parole and access to his x-rays were refused. Further, his family was denied permission to visit him. Concern is expressed as regards his deteriorating health and physical integrity, also in view of his incommunicado and solitary detention. Mr Zhang was arrested in Beijing and sentenced to 11 years of imprisonment in 2001. Later that year he was transferred to Tiebei Prison in Changchun city, where he went on a 53 day hunger strike, and then, in March 2002, to Jilin Prison. There, Mr Zhang was held in solitary confinement for two years and five months and ill-treated.	