



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2006/55/Add.1  
27 March 2006

ENGLISH/FRENCH/SPANISH

---

COMMISSION ON HUMAN RIGHTS  
Sixty-second session  
Item 11 (c) of the provisional agenda

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

**The right to freedom of opinion and expression**

**Report of the Special Rapporteur, Ambeyi Ligabo**

**Addendum**

**Summary of cases transmitted to Governments  
and replies received\***

---

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

### China

149. On 10 January 2005, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **Yang Tianshui**, a freelance writer. He spent ten years in prison for "counter-revolutionary activities" from 1990 to 2000 after publicly voicing his opinion on the 1989 events in Tiananmen Square. He was again detained from 27 May to 11 June 2004, reportedly on account of articles marking the 15th anniversary of the 1989 events in Tiananmen Square. He then wrote articles about the torture of human rights activists and the official protection of some criminals. According to the information received:

- i. Police of the People's Republic of China detained Mr. Yang Tianshui in Hangzhou, Zhejiang Province, on 24 December 2004.
- ii. On 31 December 2004, an arrest warrant was issued by the Baixia Branch of the Public Security Bureau, Nanjing City, stating that Mr. Yang had been transferred to Nanjing, 200km north of Hangzhou. The Public Security Bureau accuses him of "incitement to subversion of state power". According to the information

received, except for this warrant, his family had no news of him. Concern was expressed that the arrest and detention of Mr. Yang may have been motivated by his writing, including on alleged human rights abuses in China, and aimed at preventing his further reporting.

150. On 16 June 2005 the Government of China replied to the communication of 10 January 2005. At the time this report was finalized, this reply was still in the process of being translated.

151. On 20 January 2005, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent a letter of allegation concerning three members of the unofficial Protestant Christian church: **Liu Fenggang**, **Xu Yonghai**, and **Zhang Shengqi**, a computer technician. They have already been the subject of a communication to the Government by the Special Rapporteur on Freedom of Religion or Belief dated 14 November 2004. The case of Mr. Liu was also the subject of a communication dated 6 October 2004, by the Working Group on Arbitrary Detention acting in its procedure involving the investigation of individual cases. According to information received, Mr. Liu was arrested on 13 October 2003, while Mr. Xu and Mr. Zhang were arrested in November 2003. They were reportedly charged with “providing state secrets to foreign organizations” pursuant to article 111 of the Criminal Law. These charges reportedly related to reports Mr. Liu had written documenting the destruction by the authorities of more than a dozen house churches and the arrest of at least 300 Christians, some of whom were allegedly ill-treated, in Zhejiang province in July 2003. Mr. Xu sent these reports to a US-based Chinese-language magazine, *Christian Life Quarterly*, and Mr. Zhang e-mailed the reports to foreign addressees. Allegedly, on 16 March 2004, these men were tried in secret by the Hangzhou Intermediate People’s Court in Zhejiang Province, and, on 6 August 2004, the court sentenced Mr. Liu, Mr. Xu and Mr. Zhang to three years, two years and one year of imprisonment respectively. Since the period of detention before the date of the judgment was credited towards the sentence imposed, Mr. Zhang should have completed his sentence by the time this communication was sent. It was not, however, known whether he had been released at the date this communication was sent.

152. On 16 June 2005 the Government of China replied to the communication of 20 January 2005. At the time this report was finalized, this reply was still in the process of being translated.

153. On 2 February 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **Hada**. According to the allegations received, Mr. Hada, detained in Chifeng prison, Inner Mongolia Autonomous Region, was subjected to disciplinary punishment on the ground that he was “resisting reform”. The punishments included being held in solitary confinement and being handcuffed overnight to a metal board. He was prohibited from talking to other inmates, allowed only limited contact with his family and denied proper medical care. He reportedly suffered from a serious stomach ulcer, coronary heart disease, rheumatoid arthritis, and experienced psychological problems. In 1992, Mr. Hada was one of the founders of the Southern Mongolian Democratic Alliance (SMDA), and in an underground journal and a book he published, he alleged that the Government had committed systematic violations of the human rights of the Mongols of Inner Mongolia, including mass killings, deprivation of social and political rights, and suppression of Mongol culture. In 1995, Mr. Hada

and the SMDA organized several peaceful demonstrations in Hohhot, to demand that the Government respect the rights of the Mongols. Mr. Hada was arrested in December 1995 and was still being detained at the time this communication was sent. On 6 December 1996, he was tried behind closed doors, convicted on charges of "conspiring to overthrow the government" and "espionage", and was convicted to 15 years imprisonment. In view of the alleged ill-treatment, concern was expressed that he might have been at risk of torture or other forms of ill-treatment.

154. On 12 May 2005 the Government replied to the communication of 2 February 2005. At the time this report was finalized, this reply was still in the process of being translated.

155. On 22 February 2005, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Zhang Lin**, a dissident writer and pro-democracy advocate. According to information received, Mr. Zhang was arrested on 29 January 2005 by the National Security Police from the Public Security Bureau of Bangbu City, Anhui Province for "disturbing social order". He was placed in detention for a period of 15 days. His house was searched by police on 6 and 12 February 2005, and shortly before he was due to be released, he was charged with "suspicion of endangering national security" and placed in detention for an additional 30 days. Mr. Zhang was reportedly being detained incommunicado at the No. 1 Detention Centre of Bangbu City, Anhui province, at the time this communication was sent. His lawyer had not had access to him and was in the process of requesting a visitors' permit. The Notice of the Administrative Detention issued by the Public Security Bureau of Bangbu City stated that Mr. Zhang Lin was being detained because of allegations that he had written "radical" articles that were posted on the internet.

156. On 8 July 2005 the Government of China replied to the communication of 22 February 2005. At the time this report was finalized, this reply was still in the process of being translated.

157. On 17 March 2005, the Special Rapporteur sent an urgent appeal concerning a petitioner Mrs. **Jiang Meili**, the wife of Mr. Zheng Enchong (subject of two urgent appeals sent on 16 March 2004 by the Special Rapporteur jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Representative of the Secretary-General on the situation of human rights defenders; and on 1 December 2004 by the Special Rapporteur jointly with the Special Rapporteur on the independence of judges and lawyers, and the Special Representative of the Secretary-General on the situation of human rights defenders), who was the subject of an urgent appeal sent on 16 March 2004 by the Special Rapporteur jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Representative of the Secretary-General on the situation of human rights defenders, a petitioner Mr. **Li Jianhong**, operator for the Qimeng website, petitioner Mr. **Wu Xuwei**, husband of a detained petitioner Mrs. Mao Hengfeng concerning whom an urgent appeal was already sent on 12 October 2004 by the Special Rapporteur jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, a petitioner Mrs. **Shen Yongmei**, a petitioner Mr. **Xu Yongdao**, a petitioner Mr. **Tian Baocheng** and a petitioner Mrs. **Zhang Cuiping**. According to information received, people travelled to Beijing from all over China to present

their complaints to and to petition the central Government during the annual meeting of the National People's Congress (NPC) which commenced on 3 March 2005. Security was increased in Beijing during this event, and security forces reportedly arrested and detained various petitioners and persons holding protests. Moreover, some petitioners were prohibited from travelling to Beijing and were arrested and detained at their home villages. The following cases were brought to the attention of the Special Rapporteurs:

- i. On 10 March 2005, Jiang Meli, the wife of Zheng Enchong, together with her sister, was arrested outside the home of her husband's lawyer by the security police. They were both, at the time this communication was sent, being detained by Shanghai police at the Beicai Dispatch Station in Pudong Xinqu District. No arrest warrant was presented. Li Jianhong was also arrested outside Jiang Meli's home, where he had reportedly planned to meet her to accompany her to her husband's lawyer. Mrs. Jiang had intended to petition the National People's Congress on behalf of her husband.
- ii. Wu Xuewei, whose wife was being detained at the Re-education Through Labour camp at the time this communication was sent, had been under strict surveillance by security forces in Shanghai since 25 February 2005. He was moreover prevented from leaving his home at night.
- iii. On 6 March 2005, Shen Yohgmei, who had gone to Beijing to petition over redevelopment projects, was arrested and forcibly returned to Shanghai where she was being detained at the time this communication was sent.
- iv. On 5 March 2005, a 74-year old petitioner, Xu Yongdao, was arrested for petitioning in Beijing on behalf of his son Xu Zhengqing and was reportedly being kept under house arrest in Shanghai at the time this communication was sent.
- v. On 3 March 2005, Tian Baocheng and Zhang Cuiping were reportedly arrested by the security police and were being detained in a training centre, at the time this communication was sent. Both Tian Baocheng and Zhang Cuiping had already been detained, together with 80 other petitioners, in October 2003 for having petitioned the Government over forced relocation.
- vi. On 8 March 2005, a dissident artist Yan Zhengxue went to the court in Jiaojiang District, Taizhou City, Zhejiang Province, to ask for two copies of the written judgment relating to his lawsuit concerning alleged abuse of power and other unlawful activity by various local officials. Police officers reportedly beat and kicked him. He was then forced into a holding pen measuring 90 cm by 120 cm by 60 cm and transported to Jiaojiang Prison.

158. On 22 July 2005 the Government of China replied to the communication of 17 March 2005. At the time this report was finalized, this reply was still in the process of being translated.

159. On 18 March 2005, the Special Rapporteur sent an urgent appeal concerning a journalist **Shi Tao**, with regards to whom an urgent appeal was sent on 15 December 2004 by the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention. According to information received, on 11 March 2005, Shi Tao appeared before the State Prosecutor in the southern city of Changsha and was found guilty of illegally divulging state secrets abroad. He faced from 10 years to life imprisonment. The sentence was to be pronounced on 25 March 2005. It was reported that Shi Tao was assisted by a colleague of his lawyer, since his lawyer was, on 4 March 2005, banned by the Justice Department in the eastern city of Shanghai from practicing law for a year. The two-hour hearing was held behind closed doors. Despite the fact that Shi Tao suffered from the flu, the authorities did not allow his family to give him medication.

160. On 8 July 2005 the Government of China replied to the communication of 18 March 2005. At the time this report was finalized, this reply was still in the process of being translated.

161. On 5 April 2005, the Special Rapporteur, jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **Guozhu Ye**, a housing rights activist who, on 24 August 2004, allegedly applied for legal permission to hold a 10000 people protest march against forced evictions in Beijing in mid-September 2004. According to information received, on 27 August 2004, the police arrested Mr. Guozhu and searched his house. He was reportedly charged with "disturbing social order" in connection with the application to hold the protest march. Allegedly, on 18 December 2004, the Beijing Intermediate People's Court sentenced Mr. Guozhu to four years imprisonment because his actions "seriously interfered with the work and order of state organs and public order". Information indicated that he was detained at an unknown location, at the time this communication was sent.

162. On 8 April 2005, the Special Rapporteur sent a letter of allegation concerning **Jiao Guobiao**, a journalism lecturer at the Beijing University. According to information received, on 21 March 2005, Jiao Guobiao received a letter from the university authorities demanding that he voluntarily resign from his post as lecturer. It appeared that this request followed various actions taken by the authorities against Mr. Jiao. At the end of 2004, Mr. Guobiao was not allowed to work at the Journalism and Communications Faculty, and in November 2004 the Public Department ordered the official media to stop publishing articles written by six pro-reform political commentators, including Mr. Jiao. Moreover, in September 2004, Mr. Jiao Guobiao was barred from supervising doctoral students and the journalism course he gave was closed; he was offered to work at the Archives Department instead. Concern was expressed that harassment of Jiao Guobiao by the authorities was directly linked to his criticisms of the Publicity Department. In an article he wrote entitled, "Crusade Against the Propaganda Department", which was circulated on the Internet in Summer in 2004, he accused the ruling Communist Party of obstructing the civilised growth of Chinese society through its censorship policies.

163. On 22 July 2005 the Government of China replied to the communication of 8 April 2005. At the time this report was finalized, this reply was still in the process of being translated.

164. On 22 April 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning five Tibetan monks: **Tashi Gyaltzen, Lobsang Dhargay, Thoe Samden, Tsultrim Phelgay** and **Jampel Gyatso**. According to information received, on 16 January 2005, they were arrested for having published a journal containing poems and articles of a political nature. They were sentenced to two to three years of re-education through labour and were being detained at Qinghai labour camp, close to Xining, north central China, at the time this communication was sent. The Special Rapporteurs expressed their concern that the five monks had been sanctioned solely for expressing their views.

165. On 12 July 2005 the Government of China replied to the communication of 22 April 2005. At the time this report was finalized, this reply was still in the process of being translated.

166. On 27 April 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **Liu Yawen**. According to the allegations received, on 31 March 2005, she was arrested by the police when she was seen distributing Falun Gong Video-CDs in Beijing, and was being held at the Xuanwu District Detention Centre, at the date this communication was sent. After she was detained, police officers searched her home for other Falun Gong materials. She was denied visits by her family and it was not known whether she had been charged with any offence. In view of her alleged detention incommunicado, concern was expressed that she might have been at risk of torture or other forms of ill-treatment.

167. On 22 July 2005 the Government of China replied to the communication of 27 April 2005. At the time this report was finalized, this reply was still in the process of being translated.

168. On 1 July 2005, the Special Rapporteur, jointly with the Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning family members and business associates of Rebiya Kadeer, a human rights defender for the minority Uighur community in the northwest region of Xinjiang, in particular, her son **Ablikim Abdiriyim**, and two employees of her company Kadeer Trade Centre, **Ruzi Mamat** and **Aysham Kerim**. According to the information received, in August 1999, Rebiya Kadeer was detained in Urumqi on her way to meet with a United States Congressional Research delegation which was then visiting China. In March 2000, she was sentenced to eight years imprisonment on charges of "providing secret information to foreigners". On 17 March 2005, she was released on medical parole after serving five and a half years of this sentence and then joined her husband in exile in the United States. According to the new information received, on 11 May 2005, Ruzi Mamat and Aysham Kerim, the secretary and the director of the company respectively, were detained by the police. It was reported that Aysham Kerim was ill-treated by police during her arrest. Both were allegedly taken to the Fifth Branch of the Public Security Bureau in Urumqi. On 13 May 2005, the police reportedly took Ruzi Mamat and Aysham Kerim back to the Kadeer Trade Centre, and conducted a search of the office, under the pretext of a loan the Kadeer Trading Center had received from the state-owned Bank of China. During the raid it was reported that 100 security personnel were present both inside and outside the office, and that a large quantity of documents were removed from the office. Allegedly, at the time of the raid, police also tried to arrest Ablikim Abdiriyim, but he managed to escape and his whereabouts

were unknown, at the time this communication was sent. After the raid, Ruzi Mamat and Aysham Kerim were once again taken into the police custody. Concern was expressed that the harassment and intimidation of Ruzi Mamat, Aysham Kerim and Ablikim Abdiriyim may have been in retaliation for Rebiya Kadeer's activities in defending the human rights of the minority Uighur community. These concerns are heightened by allegations that, three days before her release on 17 March 2005, Rebiya Kadeer was threatened by prison guards that her business and children would be targeted if she associated with Uighurs abroad or revealed sensitive information about the Xingjiang. Nevertheless, since her release, Rebiya Kadeer had continued her work in defence of the human rights of the Uighur community, and had talked openly about her experiences in prison.

169. On 1 July 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning **Zhu Jiuhu**, a lawyer from the Jietong Law Office of Beijing. According to information received, at the time of his arrest Mr. Zhu was staying in Yulin City, Jingbian County, Shaanxi Province, where he was serving as lead counsel for the plaintiffs in the Shaanxi Petroleum Case. On 26 May 2005, approximately at 1.00 am, 17 officers of the Jingbian County Police arrived at the Shoufin Hotel, Yulin City. Seven of them entered Mr. Zhu's room and detained him, while the other ten waited outside. They did not show Mr. Zhu an arrest warrant or other document justifying his detention. Mr. Zhu's wife received a warrant through the post on 6 June 2005. The warrant, issued on 27 May 2005, charged Mr. Zhu with "involvement in illegal gathering, [and] disruption of social order". Since then Mr. Zhu was held by the Jingbian County Police at the Jingbian County Police Detention Centre. On 27 May 2005 he was placed under criminal detention. On 22 June 2005 a declaration of formal arrest was issued. On two occasions, 3 June 2005 and 13 June 2005, lawyers attempted to see Mr. Zhu but were not allowed admittance. The reason given was that Zhu's case was "a matter of national security". Mr. Zhu's wife had been denied the right to visit him, too.

170. On 6 July 2005, the Special Rapporteur sent a letter of allegation concerning **more than 30 petitioners** from Shanghai including **Wang Qiaojuan, Wang Minqing** and **Yang Weiming**. According to information received, on 24 June 2005 at Shanghai's West train station, several police officers attacked the petitioners and stopped them from boarding a train going to Beijing. The police officers also prevented the petitioners from taking Wang Qiaojuan to a hospital to be treated for the injuries she sustained during the attack by the police officers. The petitioners were planning on going to Beijing to express their dissatisfaction with the new petitions regulations, which came into force on 1 May 2005, aimed at reducing the number of people going to the central authorities to file their complaints. These new regulations were aimed at improving the system of petitioning local officials. Many petitioners felt, however, that the local officials were not committed to properly dealing with their work as a result of which petitioners went back to filing their complaints before the central authorities.

171. On 19 September 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal concerning Mr. **CG**, aged 34, a blind peasant from Linyi, Shandong Province. Chen Guangchen was leading a legal campaign

against the use of forced sterilization and abortion in the city of Linyi. According to the information received, on the afternoon of 6 September 2005, several men in plain clothes grabbed CG as he left an apartment building in Beijing, dragged him across a parking lot and pushed him into an unmarked car with tinted windows. The men did not identify themselves. As he shouted for help and could be heard screaming in pain from inside the car, a small group of persons surrounded the vehicle and prevented it from driving away. Residents of the area called the Beijing police. Two uniformed officers arrived, consulted with the men who had seized CG, and then cleared the way for the car to drive away. The Beijing police officers informed the bystanders that the men who seized CG were police from Shandong province. A spokesman for the Shandong public security bureau stated, however, that he did not have any information about CG's detention. It was reported that the Shandong province police took Chen Guangcheng back to Linyi, where he was, at the time this communication was sent, confined to his farmhouse by a group of about 50 men acting on behalf of the Yinan county and Linyi city governments. CG was reportedly preparing a class-action lawsuit to challenge the population-control policies of the authorities of Linyi. In March 2005, the Linyi city government began requiring parents with two children to be sterilized and forcing women pregnant with a third child to have abortions. Officials also detained family members of persons who fled to avoid sterilization or abortion, beating them and holding them hostage until their relatives returned and submitted them to the operation.

172. On 12 December 2005 the Government of China replied to the communication of 19 September 2005. At the time this report was finalized, this reply was still in the process of being translated.

173. On 29 September 2005, the Special Rapporteur, jointly with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, sent an urgent appeal concerning **Zeng Yichun**, a writer and poet. According to information received, on 22 September 2005, following a conviction against him for 'incitement to subversion', a court in Yingkou sentenced him to seven years in prison. The conviction against him was linked to 63 articles he wrote for foreign based publications and websites which were critical of the Communist party and Chinese government policy. Mr. Zeng called for political reform, increased capitalism in China and an end to the practice of imprisoning writers. He was, moreover, a regular contributor to overseas online news web-sites that are blocked in China. Mr. Zeng's trial lasted less than three hours. Mr. Zeng suffered from diabetes and was not receiving the necessary medical treatment for it in prison, at the time this communication was sent. He had been in No. 1 jail in Panjin, Liaoning Province, since 3 December 2004. His health had seriously deteriorated and he was suffering from a depression, at the date this communication was sent. His family had been under pressure by the authorities not to contact foreign human rights organizations and the media on his case. A US journalist who attempted to attend the trial of Mr. Zeng was detained for six hours and was only released after being forced to sign a confession admitting to unauthorised activity in China.

174. On 12 December 2005 the Government of China replied to the communication of 29 September 2005. At the time this report was finalized, this reply was still in the process of being translated.

175. On 29 November 2005, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal

concerning **Zhao Xin**, the director of the Empowerment and Rights Institute in Beijing. According to information received, on 17 November 2005, Zhao Xin was severely beaten by seven men in Maoxin, Sichuan province. The men, reportedly armed with steel pipes and knives, confronted Zhao Xin as he left a restaurant with seven of his friends. Zhao Xin was the only target of the attack; his friends were intimidated and forcibly prevented from intervening. Following the attack Mr. Zhao was taken to a nearby hospital, where he received 11 stitches for a wound to his head; he also suffered a shattered knee cap. It had been reported that the police had refused to investigate the attack and that Zhao Xin had not been offered any protection when leaving the hospital. Zhao Xin was a former chief organizer of the banned opposition group the China Democracy Party and a student leader during the Tiananmen democratic movement in 1989. He had written articles, many under the pseudonym Zhao Zixian, advocating human rights and democracy in China. Reports also indicated that Zhao Xin had been instructed by officers from the Beijing Public Security Bureau (PSB) to leave Beijing during visits to China by the US President, George W. Bush, in mid-November, and the United Nations Special Rapporteur on Torture, Manfred Nowak, at the end of November. Zhao Xin had reported that since he arrived in Maoxin, and despite assurances from the PSB that he would be safe there, two cars, a black Audi and a VW Passat, had been following him.

176. On 14 December 2005 the Special Rapporteur, jointly with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and the Special Representative of the Secretary-General on the situation of human rights defenders sent an urgent appeal, concerning the detention of approximately **60 human rights defenders** who attempted to express their concern over ongoing forced evictions and lack of protection of adequate housing of affected communities in Shanghai. According to information received, on 1 December 2005, 60 persons were detained in front of the Oriental Pearl building in Shanghai as they attempted to deliver a letter addressed to UN Secretary-General, Kofi Annan to United Nations officials who were attending the UN Global Compact Summit. It was reported that approximately 40 of the activists were detained at the Century Plaza police station in Pudong, Shanghai and were subsequently released. It was reported that another twenty were returned to their home districts by local district officials. One of the activists, **Cai Wenjun**, who had been released after serving one year of “Re-education through Labour”, was officially notified that she remained under police investigation on suspicion of ‘disturbing public order’.

177. On 22 December 2005 the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, sent an urgent appeal regarding **Dae Sub Hwang** of Korean Catholic Farmers Association, **Kyoung Kyu Yang** and **Dae Hyuk Lim** from the Korean Confederation of Trade Unions, **Seung Kyu Kang**, **Young Hoon Lee**, **In Hwan Park**, **Il Kwon Yoon**, **Suk Namgung**, **Chang Joon Kim**, **Dong Ung Han** and **Hyung Jin Lee** from Korean Peasants League (KPL), **Chien Ching Lee**, a Taiwanese Student, **Kosuke Makakiri**, a Japanese journalist for *People Newspaper*, and others arrested at the World Trade Organisation (WTO) Ministerial meeting in Hong Kong. According to information received, on 18 December 2005, at approximately 03:00, over 600 peaceful protesters were arrested at the WTO Ministerial meeting in Hong Kong. The above-mentioned persons and other individuals remained in detention, at the date this communication was sent, and had been charged with unlawful assembly under the Hong Kong Public Order Ordinance. Reports indicated that they were to face trial on 23 December 2005 at the Kwun Tong Magistrates Court, Hong Kong. According to reports many of those arrested were mishandled by the police and were denied medical aid, food, water and bathroom facilities.

187. With regard to the communication dated 18 March 2005 concerning **Shi Tao**, the Special Rapporteur was further informed from another source that that he was sentenced on 27 April 2005 to 10 years imprisonment in a closed trial before the Intermediate People's Court of Changsha in central China's Hunan Province. He was reportedly subject to forced labour in a jewellery factory at the high-security Chishan prison in Hunan Province, where he was transferred on 5 September 2005, and was suffering from respiratory problems and a skin inflammation at the time the information was received.

188. With regard to the communication dated 19 September 2005 concerning **Chen Guangcheng**, the Special Rapporteur was further informed from another source that his case was due to be heard on 10 October, but was postponed.

189. Moreover, in view of the allegations concerned in the communications sent to the Government in 2005, the Special Rapporteur deems it appropriate to call to the Government's attention the Commission on Human Rights' concerns as expressed in resolution 2005/38, that violations of the right to freedom of opinion and expression continue to occur, often with impunity, including extrajudicial killings, arbitrary detention, torture, intimidation, persecution and harassment, threats and acts of violence and of discrimination, including gender-based violence and discrimination, increased abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship, against persons who exercise, seek to promote or defend these rights, including journalists, writers and other media workers, Internet users and human rights defenders. In this context the Commission defined as unlawful those restrictions to the right to freedom of opinion and expression which are incompatible with paragraph 3 of article 19 of the International Covenant on Civil and Political Rights, including on i. discussions of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups; ii. the free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship; and iii. access to or use of information and communication technologies, including radio, television and the Internet.

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

### Singapore

886. On 3 May 2005 the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning Singapore national **NCH** (F) 41, and Chinese national **Ms. CLJ** (F) 37, both Falun Gong practitioners. According to information received, NCH (F) and CLJ (F) were arrested and charged in May 2004 for having participated in an illegal assembly in February 2003 and for having distributed flyers and VCDs at the Esplanade Park in Singapore exposing the persecution against Falun Gong practitioners. On 27 April 2005, the Court 39 of the Subordinate Courts in Singapore sentenced NCH to S\$20,000 and CLJ to S\$24,000 on charges including ‘assembly without permit’ and ‘possession and distribution of illegal VCDs’. They both appealed the decision and refused to pay the fine, as a result of which the fines imposed were converted into prison terms: NCH was sentenced to 20 weeks imprisonment and CLJ to 24 weeks imprisonment. The two women were immediately taken to the Changi Women’s Prison and had not, until the moment that this communication was sent, had access to a lawyer or been allowed visitors. NCH, who was not

given the time to make arrangements for her six-month old baby girl whom she was reportedly nursing until then, had also been prohibited from seeing her child in prison. At the time this communication was sent, they had both been on hunger strike, in protest of the court decision against them of 27 April 2005 and prison authorities had reportedly threatened to punish them further if they continued their hunger strike.

### **United Kingdom of Great Britain and Northern Ireland**

1057. On 25 April 2005, the Special Rapporteur, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the question of torture, sent an urgent appeal concerning **HJ**, a 35 year-old student and national of the People's Republic of China, residing in Manchester. According to the allegations received, he was, at the time this communication was sent, being detained at Harmondsworth Immigration Removal Centre and was at risk of

imminent forcible return to China, following the rejection of his asylum application.

On 10 September 2003 around 2am, while on vacation in China, he was arrested together with another person, **ZZ**, in Jinxi City, Liaoning, by officers of the Jinxi City Lianshan District Police. At the time of their arrest, they were distributing Falun Gong-related flyers in a residential area. They were brought to separate interrogation rooms on the second floor of the station and interrogated about their activities. **ZZ** was beaten, including with handcuffs. **HJ** was slapped, beaten and kicked by three police officers, and lost a tooth. The two men were later held together in a room, from which **HJ** escaped through a window. He reportedly remained in hiding for ten days in Taiyuan City, Shanxi, before boarding a flight back to the United Kingdom on 21 September 2003. He had also been involved with Falun Gong activities prior to his arrival as a student in the UK, for which his family has been threatened. Moreover, he continued to be involved in such activities, including in protests against the persecution of Falun Gong practitioners, including before the Chinese consulate in Manchester. In view of allegations of ill-treatment of **HJ** and threats related to his practice of Falun Gong in China, concern was expressed that he might have been at risk of torture or other forms of ill-treatment should he be returned.