



General Assembly

Distr.
GENERAL

A/HRC/4/33/Add.1
20 March 2007

Original: ENGLISH / FRENCH /
SPANISH

Human Rights Council
Fourth session
Agenda item 2

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>	

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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>

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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

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					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

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						<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

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					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.

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					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>	

Para	Country	Date	Type	Mandate	Allegations transmitted	Government Response
					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.	