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**ГРАЖДАНСКИЕ И ПОЛИТИЧЕСКИЕ ПРАВА, ВКЛЮЧАЯ
ВОПРОС РЕЛИГИОЗНОЙ НЕТЕРПИМОСТИ**

**Вербальные ноты Постоянного представительства Китая при Отделении
Организации Объединенных Наций в Женеве от 10 марта 2003 года,
5 сентября 2003 года и 14 октября 2003 года в адрес Управления Верховного
комиссара Организации Объединенных Наций по правам человека**

Постоянное представительство Китая при Отделении Организации Объединенных Наций в Женеве свидетельствует свое уважение Управлению Верховного комиссара по правам человека и, ссылаясь на полученные от Специального докладчика по вопросу о свободе религии или убеждений г-на Абдельфаттаха Амора письма от 28 марта 2002 года и 11 апреля, 12 июня и 3 июля 2003 года, имеет честь препроводить настоящим ответ китайского правительства*.

* Воспроизводится в приложениях в полученном виде только на языке представления и на английском и французском языках.

Annex 1

Receipt is acknowledged of communication G/SO 214 56-15, dated 28 March 2002, from the Special Rapporteur on freedom of religion or belief of the United Nations Commission on Human Rights. The Chinese Government has carefully investigated the circumstances referred to in the communication and wishes to submit the following response.

I. Relevant circumstances

1. **Xiong Wei**, female, aged 32. On 5 January 2001, Xiong was ordered to serve two years' labour re-education for disturbing the peace. Her labour re-education term was to run from 5 January 2002 to 4 January 2004. On 12 March 2002 she was admitted to the Beijing city labour re-education holding facility and, on 18 April 2002, she was transferred to the Beijing women's labour re-education facility to serve her term.

In its work, the Beijing women's labour re-education facility strictly abides by the principles that inmates should be re-educated, guided by persuasion and thus reformed. The management methods that it applies are legal, civilized and scientific and no form of corporal punishment or ill-treatment is ever used against those undergoing labour re-education. Xiong has now been able fully to acknowledge the unlawful nature of her activities, is able to comply with the facility rules and regulations, actively participates in collective activities and manifests good conduct.

2. **Liu Chunshu**, female, aged 45, teacher at the Shiqiaopu vocational secondary school in Chongqing city. Over the period from September 1999 to December 2000, she conducted numerous unlawful activities which disturbed the peace and the local labour rehabilitation committee decided, on 14 December 2000, to order her to serve one year's labour re-education. During her term of labour re-education, Liu was diagnosed as suffering from ovarian cancer and, on 15 August 2001, she was released from the facility on medical parole. On 3 January 2002, Liu was once again taken into custody for disturbing the peace but, in view of her physical condition, she was released by the judicial authorities on her own recognizance and, on 4 January, she was taken home by her husband, Wang Jiaying. On 8 January, Liu was taken seriously ill and was admitted to hospital for treatment by her family. On 9 January, with her cancer now in its terminal stages, she suffered multiple organ failure and she died.

3. **Zhan Wei**, male, aged 31, resident of Hubei province. In December 1999, he was ordered to serve one year's labour re-education for having disturbed the peace and other activities and, in late 2000, he was released from his term of labour re-education. On 2 October 2001, Zhan was taken into criminal detention for once again conducting unlawful activities and authorization was

granted for him to be held in custody. On 21 January 2002, Zhan fell ill and the public security authorities, acting in accordance with the law, released him on his own recognizance and admitted him to hospital for treatment. Members of his family, acting on their own authority and without the permission of the hospital, took him back home. On 23 January, Zhan died at home and his family have refused any further investigation into the causes of his death.

4. **Teng Chunyan**, female, aged 39, resident of Harbin city in Heilongjiang province. In May 2000, Teng was sentenced by Beijing city intermediate people's court No. 1 to serve three years' fixed-term imprisonment, to run from 11 May 2000 to 10 May 2003, and stripped of her political rights for one year, for the offence of entering the country on a false passport, with the intention of spying for foreign interests and unlawfully providing classified State information.

5. **Li Jingdong**, male, aged 41, resident of Pingdu city in Shandong province. On 3 November 2001, Li was taken into criminal detention by the local public security authorities for causing a disturbance of the peace. While held in detention, Li repeatedly refused food and water and the public security authorities administered intravenous feeding to provide him with supplementary nourishment. On 9 November 2001, in the company of members of his family, he was admitted by the public security authorities to hospital for treatment. During this period, Li did not follow the prescribed treatment and, notwithstanding all efforts to save his life, he finally died in the night of 21 November 2001 from multiple organ failure.

6. **Zhang Kunlun**, male, aged 60, resident of Shandong province. On 25 October 2000, he was ordered to serve three years' labour re-education for disturbing the peace and, on 14 November 2000, he was admitted to the Jinan city labour re-education facility to serve his term. During the term of his labour re-education, the facility fully respected his personal dignity, he underwent regular medical checks and any disorders were promptly diagnosed and treated. In response for this, Zhang expressed his satisfaction and gratitude. Since Zhang had fully acknowledged the unlawful nature of his activities and had pledged to abide by the law and its regulations, and taking into consideration his relatively advanced age, the labour re-education authorities, acting in accordance with the relevant regulations, granted him early remission from his term of labour re-education on 10 January 2001.

7. **Chen Biyu**, female, aged 51, resident of Putian in Fujian. In October and December 1999, she was twice taken into custody by the public security authorities for causing a disturbance of the peace. In November 2000, Chen was once again taken into custody by the public security authorities for disturbing the peace. Since, at that time, Chen had a confirmed diagnosis of lymphatic cancer, the public security authorities released her on humanitarian grounds after she had undergone a course of re-education. In August 2001, Chen was taken into custody yet again

for conducting unlawful activities. The local labour rehabilitation committee decided that she should be ordered to serve one year and six months' labour re-education, but, taking into consideration her state of health, the judicial authorities agreed that she could serve her term of labour re-education outside the custodial facility while being nursed by her family. In the night of 3 November 2001, Chen succumbed to her incurable cancer and died at home.

8. **Chai Yong**, male, aged 30, resident of Changji city in the Xinjiang Autonomous Region, unemployed. In November 1999, the local labour rehabilitation committee decided that he should be ordered to serve one year and six months' labour re-education for conducting unlawful activities and in late January 2001 he was granted early remission from his term of labour re-education.

9. With regard to the other persons mentioned in the communication, namely, **Mr. Levi Browde, Mr. Jason Loftus, Ms. Rosemary Katzen, Li Beigan, Cui Dezhe, Tong Guji, Wu Jingxia** and others, in the absence of more specific details about these persons, it has not been possible to ascertain their whereabouts. We request the Special Rapporteur to provide more details regarding the above persons, so as to facilitate our inquiries.

II. Explanatory remarks

1. Respect for and the upholding of the freedom of religion and belief have long been fundamental principles of the Chinese Government. The Chinese Government has always respected and upheld the freedom of citizens to choose their religion or belief and has provided legal guarantees of such freedom. The Chinese Constitution stipulates that citizens of the People's Republic of China enjoy freedom of religious belief and that no State body, public organization or individual may compel citizens to believe in, or not believe in, any religion, nor may they discriminate against citizens who believe in or do not believe in any religion. The State protects normal religious activities.

2. The communication in question makes frequent reference to "Falun Gong", and the Chinese Government would like at this point to make the following clarification.

"Falun Gong" is not a religion: it is, quite simply, a heretical cult. It has usurped certain terms and concepts from Buddhism, Taoism and Christianity, spinning a web of superstitious heresy designed to dupe people and poison their minds and fraudulently using the label of a religion in order to vilify and blaspheme other religions. The Falun Gong leader Li Hongzhi propagates the fallacy that people who are sick should not take medicine, preaching the "cataclysm of the earth", professing that "Doomsday is nigh", confusing and poisoning people's minds, duping the masses and enriching himself at their expense. To date, the number of persons

who have become disabled or lost their lives as a result of Falun Gong practices is in excess of 2,000. The facts clearly demonstrate that Falun Gong is an antisocial, anti-scientific, anti-human cult which is harmful to people's lives, encroaches upon their human rights and poses a serious menace to society.

Cults have become a scourge of the modern world. Countries the world over take the same serious view of the problem of cults within their societies and, in their administration of justice, the economy and other areas, have adopted many effective measures to guard against and combat the spread of cults. The Chinese Government's decision to ban the Falun Gong cult was an entirely legitimate act. In taking measures to prohibit Falun Gong, the Chinese Government has paid extremely close attention to the manner and means in which it has proceeded and has acted strictly in accordance with the law. It has made every effort to assist Falun Gong practitioners and helped them through a process of patient persuasion and re-education. It has opposed and prohibited the use of torture and other cruel, inhuman or degrading treatment and punishment against them, and has adopted a number of efficient measures to preclude and punish the perpetration by State officials, in particular members of the judiciary, of acts of torture or other cruel, inhuman or degrading treatment or punishment.

The Chinese Government respectfully requests that the content of the above reply be incorporated in full in a relevant document of the United Nations.

Annex 2

Receipt is acknowledged of the letters dated 20 June 2003 (G/SO 214 (56-16)) and 7 August 2003 (G/SO 214 (56-17)) from the Special Rapporteur of the United Nations Commission on Human Rights on freedom of religion or belief. The Chinese Government has carefully investigated the situations referred to in this letter and wishes to make the following reply:

1. Concerning the Sertar [*Chinese: Wuming*] Buddhist Institute

The Sertar Buddhist Institute is located at the Larong Monastery in Garze Tibetan Autonomous Prefecture, Sertar county, Sichuan province. In 1980 Khenpo Jigme Phuntsok, chief abbot, came to develop a monastery at Larong Gar, Sertar county, for the teaching of the Tibetan Nyingmapa school of Buddhism. At that time the Institute, which is located on a bitterly cold mountainside, is extremely cramped and lacks running water, had 32 students. Over the past 20 years it has developed, but while it has not grown in physical size, its enrolment has risen to more than 7,000. Khenpo Jigme Phuntsok was extremely concerned about this situation, believing that if it continued to worsen, the lives and property of a great many Buddhist monks and nuns and devout masses were likely to be irretrievably lost, and that the situation must therefore be brought under control.

On 16 May 2001 the Sertar Buddhist Institute decided to carry out a reorganization and bring the situation under control; it also hoped that the Government would help to find a solution. Motivated by a sense of responsibility for the lives and property of the many faithful and by a desire to improve the Institute, the local Government decided to support the effort to undertake the necessary reorganization and clean-up of the Institute. It urged all monks and nuns who did not belong to the monastery to return to their homes, drew up a proper set of regulations and undertook the systematic overhauling of temporary and unsafe monastery buildings, so that the Institute became a regular and orderly centre for religious education.

On 25 December 2002 senior Sertar county officials and individuals from other relevant authorities went to the Institute to repair the buildings that were in violation of the regulations. There they encountered verbal abuse from persons from the Institute who surrounded them and blocked their way. As the situation developed, a small group of individuals armed with stones and cudgels attacked members of the work team, smashing their vehicles and worksite. The leader of the county officials and more than 10 other persons were injured and seven vehicles were damaged. The local Government then took steps to restore order.

On 27 May 2003 the Sertar county public security authorities imposed penalties under the law against the following four individuals who had participated in the assault:

Palzin, 40-year-old male worker, 10 days' detention;
Tamding, a 37-year-old male, zaba (monk), 10 days' detention;
Shongdu, a 39-year-old male khenpo, 10 days' detention;
Ngodup, a 26-year-old male, driver, 10 days' detention.

After serving their sentences the aforementioned individuals were released.

2. Concerning the arrest of Huang Yuting and others

Since 1995, 12 citizens of Nalong village, Gula town, Funing county, Yunnan province, including Huang Yuting and Huang Changxiao, have held illegal meetings every Wednesday and Friday evening from 8 p. m. to midnight, broadcasting through loudspeakers and severely affecting the ordinary lives and work of the local population. The local people strongly objected to this and frequently complained. On 6 June 2003 the local public security authorities, acting in accordance with the Criminal Law of the People's Republic of China, arrested eight persons including the principal organizer, Huang Yuting. Under the Regulations of the People's Republic of China on Administrative Penalties for Public Security, four participants including, Huang Changxiao, were sentenced to 15 days' detention. In accordance with the law, the security authorities opened criminal investigations in respect of eight persons including Huang Yuting, considering that their punishment had been insufficient; in accordance with article 73 of the Criminal Procedure Law of the People's Republic of China, they were released from detention on 25 June 2003. At present Huang Yuting and the 11 others have all been released.

3. Explanatory statement

(a) Pursuant to articles 19 and 22 of the Regulations of the People's Republic of China on Administrative Penalties for Public Security, anyone who commits one of the following acts shall, if the act is not serious enough for criminal punishment, be detained for a maximum of 15 days: refusing or obstructing State personnel who are carrying out their functions according to law, without resorting to violence and threat; and striking another person, causing slight injury. The four individuals from the Sertar Buddhist Institute were punished for their actions for no other reason than that they had violated the relevant Chinese laws and regulations. In their handling of this matter the Chinese public security authorities strictly observed judicial procedures, and the legitimate rights of the persons involved were fully respected.

The reorganization of the Sertar Buddhist Institute was carried out in a manner that was entirely consistent with the traditional policy of religious freedom and was characterized by respect for the views of Khenpo Jigme Phuntsok and the Institute. The Government expended considerable resources to make appropriate arrangements to help monks and nuns return to their homes and to repair the Institute's buildings, and there was in fact no "demolition of the monastery and expulsion of monks and nuns". With the reorganization and clean-up completed, the environment of the Sertar Buddhist Institute has been transformed, the operation of the school and the lives of most of the faithful have also been vastly improved, and the Government's efforts at the Institute have succeeded in winning the understanding and support of nearly all the monks, nuns and faithful.

(b) The Chinese Government has historically respected and protected citizens' freedom of religion and belief. Article 36 of the Constitution of the People's Republic of China stipulates: "Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization or individual may compel citizens to believe in, or not believe in, any religion, nor may they discriminate against citizens who believe in, or do not believe in, any religion. The State protects normal religious activities."

What must be pointed out is the fact that rights and duties are relative; nowhere in the world do there exist absolute rights and freedoms. Anyone who exercises his or her rights should not at the same time infringe other people's legitimate rights. The Chinese Constitution clearly states: "No one may make use of religion to engage in activities that disrupt public order [or] impair the health of citizens ...". The treatment received by Huang Yuting on this occasion was due entirely to the fact that his illegal meetings had an impact on other people's legitimate rights and had nothing to do with religious belief. In dealing with this matter, the public security authorities insisted on enforcing the law in a civilized manner; they acted in strict compliance with the law, and when arresting Huang and the others they also displayed valid credentials. There were no "falsified licenses" or any subsequent "failure to present any documentation when the 12 persons were arrested". Huang Yuting and the others also recognized their error and expressed remorse.

The Chinese Government respectfully requests that the foregoing be reproduced in its entirety in the relevant documents of the United Nations.

Annex 3

We acknowledge receipt of communication No. G/SO 214 (56 – 16) dated 11 April 2003 from the Special Rapporteur on freedom of religion and belief of the United Nations Commission on Human Rights.

A. Falun Gong practitioners

The Chinese Government has treated the communication with the utmost seriousness and conducted diligent inquiries into the matters it raises. As much of the information given on individual cases and places of detention is not detailed, however, there is no means of checking it. Among the individuals whose cases have indeed been checked, some, such as Wang Shufang and Liu Yingdu, have cast off the shackles of the Falun Gong sect and returned to normal life; some, such as Wang Haoyun, Yang Fenfang and Xing Xiuqin, were so infatuated with Falun Gong that they refused medical attention and died at home or did away with themselves.

Falun Gong is not a religion but an anti-social, anti-science, anti-human sect whose violent tendencies are becoming increasingly manifest. Its leader, Li Hongzhi, preaches that the world is doomed and that the sick cannot take medicine, and incites practitioners to "abandon the attachments of life" and "advance towards perfection", duping many of them to the point where their sense of kinship and conscience vanishes, with tragic instances of mothers strangling their own children and children hacking their parents to death. According to incomplete figures, over 1700 people have so far died through the practice of Falun Gong.

The Falun Gong organisation frequently disrupts radio and television broadcasts and seeks to disrupt rail and other traffic; for political motives it has repeatedly attacked satellite transmission equipment, jammed the transmission of radio and television programmes and interfered with normal satellite operation, threatening the security of the broadcasting business. Attacking undefended commercial civilian satellites is a crime resolutely opposed by the leadership of the International Telecommunication Union, a brazen assault on common morals which flouts the basic law of civil communications and seriously endangers public security.

In the first six months of this year, during the crucial period when the Chinese Government was taking forceful measures to combat SARS and striving to protect people's right to life and health, Li Hongzhi, outside China, trotted out his "Bible" encouraging Falun Gong practitioners to stage disruptive activities and proclaiming that "this can increase resistance to SARS, otherwise [SARS] may be a purge from Heaven". At his urging, Falun Gong elements mounted many disruptive activities, going so far as to attempt to spread the virus to the entire country. In May this year Falun Gong practitioner Chen Fuzhao, of Chanan County, Zhejiang Province,

misled by Li Hongzhi, put poison in the food of some beggars, leading to the deaths of 16 of them and one Buddhist. This is how Falun Gong harms life, violates human rights and poses a serious menace to society. The action taken by the Chinese Government against Falun Gong is intended to afford better protection for the rights and freedoms of the masses.

Sects are a contemporary social evil. It is not only developing countries for which they pose a problem, developed countries too can be harmed by cults such as the Branch Davidians, the Peoples Temple and Heaven's Gate in the United States, Aum Shinrikyo in Japan and the Restoration of the Ten Commandments of God movement in Uganda. The problem is taken very seriously everywhere, and all countries are applying numerous stern sanctions to contain and counter sects. The lawful actions of the Chinese Government in dealing with the illegal conduct of the Falun Gong organisation and its ringleaders are consistent with the practice of any country.

The rule of law applies in China. The Chinese Government's ban on the Falun Gong organisation is entirely legal. In the process of taking action against the organisation, every ministry acts strictly within the law and is especially attentive to ways and means. The vast majority of Falun Gong practitioners do not initially grasp the nature of Li Hongzhi and Falun Gong, and are taken in. The Government always offers them warmhearted assistance and patient education, while fully safeguarding all their rights. After patient, painstaking assistance and education the vast majority of the people who have been duped and hurt throw off the psychological control of the Falun Gong cult and resume their normal lives. The law enforcement authorities must of course investigate and apportion criminal responsibility among the very few criminals who take advantage of the sect to take over people's lives, illegally amass wealth, steal State secrets or severely disrupt public order. In dealing with such cases, they fully respect and uphold the legitimate rights of the individuals concerned. China was one of the very first States to become party to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; it does indeed ban such treatment and punishment and takes action to that end under the Penal Code, the Code of Criminal Procedure, the Police Act and other such domestic legislation. Li Hongzhi, his Falun Gong organisation and a few other individuals abroad who have ulterior motives noisily claim that the Chinese Government illegally detains, tortures and lethally oppresses members of Falun Gong. This is sheer fabrication designed to confuse world opinion.

B. Ngawang Tashi and Lobsang Dhondup

1. Background

On 20 August 2002, the people's procuratorate in Kardze Tibetan Autonomous Prefecture, Sichuan Province, launched criminal proceedings in the Kardze Prefecture People's Court against Ngawang Tashi (on suspicion of incitement to separatism and causing explosions) and Lobsang Dhondup (on suspicion of incitement to separatism, causing explosions and unlawful possession of firearms and ammunition). The court took up the case on 29 November 2002.

The court ascertained that since late 2000, Ngawang Tashi and Lobsang Dhondup had plotted and conspired on many occasions to cause explosions in public places and had distributed leaflets advocating the division of the State, with a view to splitting the State and undermining national unity. Ngawang had delivered explosives illegally in his possession, leaflets that he had written, and operating funds to Lobsang. Between January 2001 and April 2002, Lobsang had caused a series of explosions: at the eastern end of the central bridge in Dhartsedo county town, Sichuan Province; the residence of living Buddha Shangen Palden Dorje at Changqing Chunke'er monastery, Litang county; the entrance to the Kardze Prefecture central council offices; the Kardze Prefecture transport police detachment; Tianfu Square in Chengdu City, and elsewhere, killing one person, seriously injuring another, causing minor injuries to many others and doing over 1 million yuan-worth of damage to property. Lobsang also had firearms and ammunition illegally in his possession.

The Kardze Intermediate People's Court found that Ngawang and Lobsang had, for the purpose of fomenting ethnic separatism, together planned and produced explosives and leaflets advocating separatism, had repeatedly caused explosions in public places that had resulted in death and injury and caused extensive damage to property, and had distributed leaflets at the sites of those explosions. It determined that such conduct amounted to the offences of causing explosions and fomenting the division of the State and, on 2 December 2002, ruled in first instance that Ngawang Tashi was guilty and sentenced him to death, suspended for two years, for fomenting the overthrow of State power and causing explosions, also stripping him of his political rights for life; it ruled that Lobsang Dhondup was guilty and sentenced him to death for fomenting the division of the State, causing explosions and illegally possessing firearms, also stripping him of his political rights for life. Ngawang appealed to the Sichuan Province Higher People's Court; Lobsang did not contest his sentence. The Higher People's Court determined that the judgement in first instance had been based on clear facts and ample evidence, the offences of which [Ngawang] had been convicted were the right ones and the punishment ordered was commensurate, and the trial proceedings had been conducted in accordance with the

law; on 26 January 2003 it issued its judgement in second instance rejecting Ngawang's appeal and upholding the original judgement.

2. Some points of clarification

Since the case against Ngawang Tashi and Lobsang Dhundup, involving the offences of promoting ethnic separatism and fomenting the division of the State, touched upon State secrets, the Kardze Tibetan Autonomous Prefecture Intermediate People's Court decided, under article 152 of the Chinese Code of Criminal Procedure, not to conduct its hearings in public but to announce its judgement publicly upon conclusion of the proceedings, in accordance with the law. Having gone over the case, questioned the suspects and heard the views of their defence counsel, the panel of judges at the Sichuan Province Higher People's Court decided that the facts in the case had not changed from those established in the judgement at first instance and, in accordance with article 187. 1 of the Code of Criminal Procedure and paragraph 253. 2 of the interpretation issued by the Supreme People's Court on some matters relating to the application of the Code, decided not to conduct a public hearing but announced their judgement upon conclusion of their deliberations.

The judgement acknowledged evidence that the two offenders had fomented the division of the State, caused explosions and been in illegal possession of firearms and ammunition: there was testimony from witnesses, there were records of the investigations at the crime scenes, there were the post mortem report, the forensic records and the weapons, ammunition and separatist leaflets that were recovered, all of which were examined by the court. Indeed, the two accused did not contest the facts in the case, and expressed regret during the hearing over the harm their actions had caused to the State and society.

During the hearings on this case in both first and second instance, the procedural rights of the accused were fully guaranteed. Ngawang Tashi's appointed counsel, advocates Chen Shichang and Yu Jianbo of the Kardze Prefecture law office, and advocates Kuai Qinghua and Liu Shijian, of the same law office, whom the two courts respectively assigned to represent Lobsang Dhundup, conducted their defences in accordance with the law. Ngawang and Lobsang also amply defended themselves in court.

Under Chinese law, the Supreme People's Court has conferred upon the higher people's courts the authority to ratify death sentences handed down in cases involving the causing of explosions. Accordingly, upon conclusion of the hearing in second instance, the Sichuan Province Higher People's Court ratified the death sentence passed on Lobsang Dhundup. Ngawang Tashi is serving sentence at Chuandong prison in Sichuan Province and has the same

correspondence and visiting rights as other offenders; he is treated by the guards strictly in accordance with the law and has never been subjected to any kind of physical abuse.

Summing up, the Chinese judicial authorities had good legal grounds for not conducting public hearings in this case and for not having the death sentence ratified by the Supreme Court; the two men's right to defence during the trial proceedings was fully guaranteed; and the two men have not been executed. It is completely untrue that Ngawang was "held incommunicado from the time of his arrest". The accusations in the communication against the Chinese judicial authorities are utterly unprincipled.

Repeated inquiries by the Chinese public security and judicial authorities have turned up nothing relating to the Shamba Tsangpo, Namgyal, Kayo Dogha, Tsering Dorjee or Jampal referred to in the communication. The Rapporteur is requested to provide [more] detailed information.

C. Hong Kong

A copy of the communication was forwarded to the Government of the Hong Kong Special Administrative Region. The full text of its response is given below:

[...]

The Chinese Government respectfully requests the incorporation of the above replies in full into the relevant United Nations documents.
