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

**Report of the Special Rapporteur on the situation of
human rights defenders, Margaret Sekaggya**

Addendum

Summary of cases transmitted to Governments and replies received*

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

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derechos de los pueblos indígenas. La Relatora Especial insta al Gobierno a realizar todos los esfuerzos para asegurar un ambiente seguro de modo que los defensores de los derechos humanos puedan realizar su trabajo.

China

Urgent appeal

298. On 24 December 2008, the Special Rapporteur, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding the situation of Mr. **Xiaobo Liu**, Chinese citizen, age 53, resident of Haidian District, Beijing, is a Beijing-based writer, intellectual and human rights activist; and currently the editor of the online journal Democratic China, the former president of the independent Chinese PEN.

299. On 8 December 2008, Mr. Liu was taken away from his home by the Local police and the National Security police (guobao) from Beijing Municipal Public Security Bureau (PSB). According to the detention warrant presented by the police at the time of arrest, he was to be detained on suspicion of “inciting subversion of state power”.

300. The police authorities have not informed his family about his detention, nor the type of detention, nor the reasons for the detention. It is alleged that the police authorities told Mr. Liu’s wife that his detention “was a very high level decision”, and that the police authorities can provide no further information regarding the detention.

301. In the past, Mr. Liu was detained several times: in 1989, he was jailed for 18 months for participating in the student democracy movement; in 1995, he was de facto detained under ruanjin, (or “soft detention” regime, a form of residential surveillance) for 8 months in a Beijing suburb for issuing a public petition; in 1996, he was sent to three years of Re-education through Labor (RTL). Since 1999, Mr. Liu has been under residential surveillance.

302. Mr. Liu’s arrest came a day before the issuance of Charter 08, a public appeal calling for reforms that promote democracy and human rights in the People’s Republic of China. Mr. Liu is one of the 303 Chinese citizens who signed this petition. It is alleged that Mr. Liu is detained for signing the petition, and also suspected of organizing the signature of the petition.

303. Concern is expressed that the arrest and detention of Mr. Liu may be related to his non-violent exercise of his right to freedom of opinion and expression in the course of his activities in defence of human rights. Further concern is expressed for the physical and psychological integrity of Mr. Liu while in detention.

Response from the Government

304. At the time this report was finalized, the reply of the Government of 13 February 2009 had not been translated.

Urgent appeal

305. On 14 January 2009, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning Mr. **Wang Debang**, a human rights activist from Beijing. According to the information received:

306. On 10 January 2009 Mr. Wang Debang was summoned by over twenty policemen to the Beijing Municipal Public Security Bureau. The police searched his home and confiscated his computer and other personal items.

307. Mr. Wang was interrogated for about six hours about his alleged involvement in drafting the forthcoming Report on the situation of human rights defenders in China (2008) for the NGO Chinese Human Rights Defenders (CHRD). He was also questioned about his involvement in Charter 08, a document signed by over 300 prominent Chinese intellectuals and human rights activists to promote political reform and democratization in China.

308. Concern is expressed that the summoning and interrogation of Mr. Wang, as well as the confiscation of his computer and other personal items may be solely related to his peaceful activities in defence of human rights. Further concern is expressed that these actions may form part of a broader pattern to harass signatories of Charter 08.

Response from the Government

309. On 27 February 2009, the Government responded to the urgent appeal. The Government indicated that Wang Debang, real name Wang Zhijing, is an ethnic Han male born on 4 October 1965 and originally from Guilin, Guangxi. On 10 January 2009 he was issued a subpoena by the Beijing public security authorities, in accordance with the law, for investigation on suspicion of having engaged in illegal activities. To date the public security authorities have taken no coercive measures in respect of him.

Urgent appeal

310. On 12 February 2009, the Special Rapporteur, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal concerning Mr. **Gao Zhisheng**, a human rights lawyer. Mr. Zhisheng was the subject of several communications sent on 28 September 2007, 1 December 2006, 30 November 2006, 21 December 2005 and 25 November 2005. According to the information received:

311. Mr. Gao Zhisheng was taken away from his home in Shaanxi Province by more than 10 security agents on 4 February 2009. He had previously been taken into custody on or shortly after 19 January 2009 and held incommunicado at an unknown location. He is considered to be at high risk of torture and other ill-treatment in light of the harsh treatment he received while in detention in 2006 and 2007. His current whereabouts are unknown.

312. Mr. Gao Zhisheng had been previously detained on 22 September 2007 and held incommunicado for six weeks. During this time, he was allegedly stripped and beaten by a group of police officers in civilian clothes. He was also beaten, given electric shocks to his genitals and had cigarettes held close to his eyes for several hours, leaving him partially blind for a number of days. During his detention in 2006, he was reportedly handcuffed and forced to sit in an iron chair or cross-legged for more than four days at a time, in addition to having bright lights shone in his eyes. In April 2007, Mr. Gao Zhisheng publicized the torture and ill-treatment he had suffered while in custody, which led to an escalation of harassment of his family.

313. Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Gao Zhisheng is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights.

314. We should also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression of the above mentioned person, in accordance with fundamental principles as set forth in article 19 of the Universal Declaration of Human Rights

Response from the Government

315. On 1 April 2009, the Government responded to the urgent appeal. The Government indicated that on 15 August 2006, Gao Zhisheng was placed in criminal detention on suspicion of inciting subversion of State power, and on 21 September of that year he was arrested by order of the procuratorial authorities. On 22 December 2006, the Beijing First Intermediate People's Court sentenced Gao, taking into account his meritorious service, to three years' imprisonment with five years' probation, and to one year's deprivation of his political rights. At present he is still in Beijing serving his term of probation.

316. China is a country governed by the rule of law. The public security authorities abide strictly by the law in their handling of cases. While Gao was in criminal detention in 2006, the public security authorities never tortured him. Since 2007, Gao has never been subjected to any coercive measures or held in any covert form of imprisonment by the Chinese Government. The Chinese public security authorities have never received any complaint from Gao or from anyone else.

Urgent appeal

317. On 18 February 2009, the Special Rapporteur, together with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal regarding Mr. **Lobsang Lhundup**, 38 years old, born in Gemo Village, in Litang County, Ganzi, Tibetan Autonomous Prefecture, Sichuan Province, a monk of Nekhor Monastery; his brother, Mr. **Sonam Tenpa**, 29 years old; Mr. **Jampa Thokmey**, 30 years old; Mr. **Gelek Kunga**, 26 years old; Mr. **Lobsang Tenzin**, 23 years old; Mr. **Lobsang Phendey**, 37 years old; Mr. **Jampa Yonten**, 30 years old; Mr. **Sanggey**, 29 years old; Mr. **Jampa Tsering**, 28 years old; Mr.

Lobsang Wangchuk, 30 years old; Mr. **Lobsang Tashi**, 21 years old; Mr. **Gendun Choephel**, 30 years old; Mr. **Dargye**, 37 years old; Mr. **Gedhun**, 29 years old; Mr. **Jampa**, 40 years old; Mr. **Amdo Gyaltsen**, 41 years old; and Mr. **Damdul**, head of Dekyi village, all of them residing in Litang County. According to the information received:

318. Mr. Lobsang Lhundup was arrested on 15 February 2009 for staging a peaceful solo demonstration at the main market square of Litang town for about 15-20 minutes, chanting slogan such as “Long live the Dalai Lama”, “Independence for Tibet”, “Swift return of the Dalai Lama to Tibet”, or “No Losar celebration this year” (Losar being the New Year celebrated by ethnic Tibetans). He was arrested and detained by officials of the Public Security Bureau (PSB) and People’s Armed Police (PAP) and taken to the Litang PSB Detention Centre for further interrogation.

319. In the morning of 16 February 2009, a group of twenty Tibetans from Litang County was also arrested after staging a similar peaceful protest march at Litang main market square. In addition to the sixteen individuals named above, they include two Tibetans, whose identities are not known, and Yanglo and Dolma, two Tibetan Nomad women from Sako village, who were released on the evening of the same day.

320. Mr. Sonam Tenpa, who led the peaceful protest, was carrying a portrait of the Dalai Lama adorned with a traditional Tibetan scarf, while the group chanted slogans such as “Long Live the Dalai Lama”, “Independence for Tibet”, “Swift return of the Dalai Lama to Tibet” and “No Losar celebration this year”.

321. Eyewitnesses to the scene reported that the members of the group were beaten, manhandled and forcibly loaded into military trucks by PSB and PAP forces. Some of the protesters were badly bruised and injured with blood dripping from their nose, head and arms. Mr. Sonam Tenpa and Mr. Lobsang Tenzin sustained particularly serious injuries from the beatings at the site of the demonstration.

322. Mr. Lobsang Lhundup is currently detained at Litang County PSB Detention Centre, whereas the other detainees are said to be held at Tsagha PSB Detention Centre. However, when the family members of Mr. Gelek Kunga arrived for a visit they could not find him at this detention centre.

323. Concerns are expressed for the physical and mental integrity of the abovementioned individuals, in particular of Mr. Gelek Kunga whose whereabouts are currently unknown. Further concerns are expressed that their arrest and detention might be solely based on their reportedly peaceful exercise of their right to freedom of assembly, opinion, and expression of political beliefs.

Response from the Government

324. At the time this report was finalized, the reply of the Government of 17 April 2009 had not been translated.

Urgent appeal

325. On 31 March 2009, the Special Rapporteur, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding **Wei Liangyue**, director of the Harbin-based Jiaodian Law Firm and a human rights lawyer, and his wife, **Du Yongjing**. According to the information received, on 28 February 2009, Wei Liangyue and his wife Du Yongjing were arrested by public security officers in the city of Harbin, Heilongjiang Province, while attending a Falun Gong meeting. Subsequently, Wei Liangyue and Du Yongjing were reportedly held in Nangang District Detention Center and in the Harbin City Women's No. 2 Detention Center, respectively.

326. While Wei Liangyue was detained on suspicion of “gathering a crowd to disturb social order” and reportedly received one and a half years of re-education through labour, his wife is suspected of “using heretical organization to obstruct the implementation of the law” and might face criminal prosecution under article 300 of the Criminal Law.

327. Both were reportedly warned by the authorities not to discuss the case publicly and not to hire a lawyer to represent them.

328. During over 20 years of his law practice, Wei Liangyue has provided legal aid to local people facing human rights violations, including Falun Gong practitioners who have been detained for their beliefs.

329. Concern was expressed for the physical and psychological integrity of Wei Liangyue and Du Yongjing while in detention.

Response from the Government

330. At the time this report was finalized, the reply of the Government of 22 May 2009 had not been translated.

Urgent appeal

331. On 19 May 2009, the Special Rapporteur, together with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal regarding two lawyers, Mr. **Zhang Kai** and Mr. **Li Chunfu**. According to the information received:

332. Zhang Kai and Li Chunfu were hired by the family of Jiang Xiqing, a Falun Gong practitioner who died in the Chongqing Xishanping Reeducation Center on 28 January 2009. Authorities stated that he died of a heart attack, but the family, suspicious of the cause of death, decided to hire a lawyer for legal support. A first lawyer was hired from Chongqing, but he declined to be retained by the family after having formally inquired with the police. Zhang Kai, from a Beijing Yijia Law Firm, and Li Chunfu, from the Beijing Globe Law Firm, were hired afterwards.

333. On 13 May 2009, they met with their clients at their home in the Jiangjin District, Chongqing, to discuss the case. At around 4 p.m., four policemen went to the home claiming that they were delivering materials from the public security bureau's judicial administrative office. They then started to interrogate the two lawyers and their clients. Subsequently, about 20 more individuals from the state security unit of the Jiangjin District Public Security Bureau and the Jijiang Police Substation also came to the house. When the police asked the two lawyers to show their identity cards, Li Chunfu presented his lawyer's license and Zhang Kai his passport, which were, however, not accepted by the police. Subsequently, the police officers began pulling their hair, twisting their arms and beating them while pinning them on the ground. Afterwards, the two lawyers were handcuffed and taken to the police station.

334. At the police station, Zhang Kai was hung up with handcuffs in an iron cage and Li Chunfu was slapped in the face by a police officer. During their interrogation they were both threatened not to defend any Falun Gong cases. They were released at 12:40 a.m., on 14 May 2009. Their hands were covered with bruises and scars; Zhang Kai's hands were also numb and swollen and Li Chunfu had troubled hearing in one ear. They are currently being examined at the Jiangjin District People's Hospital.

335. We urge your Government to take all necessary measures to guarantee that the rights of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured.

Response from the Government

336. At the time this report was finalized, the reply of the Government of 9 June 2009 had not been translated.

Letter of allegations

337. On 2 June 2009, the Special Rapporteur, together with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent a letter of allegations concerning **Jiang Cunde**, sentenced to life in prison in 1987. According to the information received:

338. Jiang Cunde was active in the democracy movement that began in China in December 1986. In late 1986, he was arrested after giving a speech supporting the students at Shanghai's People's Square. He was charged with plotting to hijack an aircraft and sentenced to life in prison for the crime of counterrevolutionary sabotage and related offenses.

339. In early 1993, he received parole on the grounds of mental illness. It is believed that this illness developed while he was in prison, since he would not have been given that sentence if he had been diagnosed as mentally ill at the time of his conviction.

340. After his release, Jiang Cunde returned to his previous activities. In June 1999, he was arrested and returned to Tilanqiao Prison to continue serving his sentence. However, the reasons given for his re-incarceration do not include the cure of his mental illness.

341. In 2004, Jiang Cunde's life sentence was commuted to a fixed term of 20 years. The latest information reportedly provided by the Government in late 2007 indicated that Jiang is

serving a sentence for “endangering state security” and is due for release in 2024. His conviction in 1986 had been for counterrevolution, and not endangering state security, since it did not exist as a crime at the time. Moreover, hijacking an airplane was not included in the amended criminal law as a crime of endangering state security, but as a crime against public security. Although the crime of counterrevolution was removed from China’s Criminal Law in 1997, Jian Cunde is still serving his prison sentence for this crime.

342. We would also like to draw your Government’s attention to the report of the Special Rapporteur on Torture on his visit to China, where he stated that “...prisoners are still serving sentences for counter-revolution... Most systems provide for the release of prisoners serving sentences for a crime that is removed from the criminal law. Article 15, paragraph 1 of the International Covenant on Civil and Political Rights suggest that, at a minimum, reviews of the prisoners’ sentences should be carried out” (see E/CN.4/2006/6/Add.6, para. 60).

343. We urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned person are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Government adopts effective measures to prevent the recurrence of these acts.

Response from the Government

344. At the time this report was finalized, the reply of the Government of 22 July 2009 had not been translated.

Urgent appeal

345. On 10 June 2009, the Special Rapporteur, together with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal regarding the rejection of re-registration of several defense lawyers, in particular **Jiang Tianyong, Li Heping, Li Xiongbing, Li Chunfu** and **Wang Yajun** of Globe-Law in Beijing; **Cheng Hai, Tang Jitian**, and **Yang Huiwen** of Anhui Law Firm in Beijing; **Xie Yanyi** and **Li Dunyong** of Gongxin Law Firm in Beijing; **Wen Haibo** and **Liu Wei** of Shunhe Law Firm in Beijing; **Zhang Lihui** of Beijing G&G Law Firm; **Li Jinglin** of Jiurui Law Firm in Beijing; **Wei Liangyue** of Jiaodian Law Firm in Heilongjiang; **Yang Zaixin** of Baijuming Law Firm in Guangxi; and **Sun Wenbing** of Xinhua Law Firm in Liaoning.

346. Li Heping, Li Chunfu, Cheng Hai, Tang Jitian and Wei Liangyue have been the subject of previous communications sent on 5 October 2007, 13 March 2008, 7 November 2008, 31 March 2009 and 19 May 2009. The Special Rapporteurs wish to thank the Government of the People's Republic of China for the replies received on 25 February 2008, 24 April 2008, 13 February 2009 and 22 May 2009.

347. On 25 June 2008, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders sent an allegation letter to the Government regarding the Law on Lawyers as amended on 28 October 2007 and the 1996 Ministry of Justice regulations on “Methods for the Management of Lawyers Professional Licenses”. In this connection, the Special Rapporteurs drew the Excellency’s Government attention to concerns related to the legal regime of re-registration of licenses of lawyers and its

application and several new provisions of the amended Law on Lawyers. The Special Rapporteurs regret that no reply has been received so far from the Government to that communication. According to the information received:

348. Jiang Tianyong, Li Heping, Li Xiongbing, Li Chunfu, Wang Yajun, Cheng Hai, Tang Jitian, Yang Huiwen, Xie Yanyi, Li Dunyong, Wen Haibo, Liu Wei, Zhang Lihui, Li Jinglin, Wei Liangyue, Yang Zaixin and Sun Wenbing had applied for the renewal of their lawyers' licenses in the 'Annual Inspection and Registration' procedure, which was concluded on 31 May 2009. The above-mentioned individuals have not been granted re-registration by early June 2009 and thus are in effect disbarred from carrying out their professional functions. As a consequence, they will not be able to proceed in the cases they are currently representing.

349. Most of the aforementioned lawyers have worked on a number of human rights related cases. They represented parents in the melamine milk-powder affair and parents of children killed during the Sichuan earthquake who are pressing for an investigation into the causes of the disproportionately high rate of school collapses. Others have been involved in representing HIV/AIDS patients, victims of police abuses, farmers evicted from their land, and Falun Gong practitioners. In addition, many of those lawyers supported the call for direct elections of representatives of the Lawyers Association.

350. Many law firms have received instructions by their judicial and administrative departments and lawyers associations of their localities to either 'fail' those lawyers in their annual performance evaluation (a pre-requisite for successful re-licensing) who take on sensitive cases or to immediately terminate their contracts.

351. Furthermore, at least three law firms, i.e. Anhui, Gongxin and Shunhe in Beijing, were also denied the approval by local lawyers associations in the 'Annual Inspection and Registration' exercise. This rejection affects at least 30 more lawyers employed by those firms. On 17 February 2009, Beijing's Yitong Law Firm was forced to close for six months. It is alleged that this closure was in retaliation for the advocating of some of the firm's lawyers in the direct election of the representatives of the Lawyers Association.

352. Concern was expressed that the rejection to re-register the above-mentioned lawyers and the law firms is related to their activities in representing victims of alleged human rights violations and their families in their capacity as defense lawyers.

Response from the Government

353. At the time this report was finalized, the reply of the Government of 21 August 2009 had not been translated.

Urgent appeal

354. On 30 July 2009, the Special Rapporteur, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,

sent an urgent appeal regarding the detention of Mr. **Huang Qi**. Mr. Huang Qi is the head of the human rights organization Tianwang Human Rights Service and founder of the human rights website 64tianwang. He has also advocated on behalf of parents whose children were killed when their school buildings collapsed in the Sichuan earthquake in May 2008.

355. Mr. Huang Qi was the subject of urgent appeals sent by the then Special Representative on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the question of torture on 8 December 2003, and by the Special Rapporteur on the situation of human rights defenders on 18 June 2008. We would like to thank your Excellency's Government for its letter of response dated 7 August 2008. According to new information received:

356. In spite of deteriorating health conditions, Huang Qi has allegedly been denied medical treatment while in detention. Huang Qi suffers from headaches and insomnia, has an irregular heart beat and has reportedly recently discovered four lumps on his chest and abdomen. He has not been permitted access to any medical care.

357. Following a meeting with Huang Qi on 26 May 2009, during which the human rights defender described his health concerns, his lawyer, Mr. Mo Shaping, submitted an application for bail. However, authorities have not yet responded to this request. Huang Qi's family has also been denied visitation rights since he was first arrested and detained on 10 June 2008.

358. On 18 July 2008, Huang Qi was formally charged with "illegal possession of state secrets" having been previously detained for over a month without charge. His detention is believed to be connected to articles posted on his website, 64 tianwang, regarding allegations made that the buildings which collapsed in the Sichuan earthquake in May 2008, and which resulted in the deaths of many children, were structurally faulty.

359. Concern was expressed that the continued detention of Huang Qi, and the refusal to provide him with the necessary medical attention, are related to his work in defence of human rights.

Response from the Government

360. At the time this report was finalized, the reply of the Government of 17 December 2009 had not been translated.

Urgent appeal

361. On 7 August 2009, the Special Rapporteur, together with the Vice-Chairperson Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal regarding Mr **Xu Zhiyong** and Mr **Zhuang Lu**. Mr Xu Zhiyong is the founder of the legal aid and research center Open Constitution Initiative (OCI, also known as Gongmeng in Chinese), law professor at Beijing University of Post and Telecommunications and elected representative of the People's Congress for Haidian District. Mr Zhuang Lu is a staff member of the OCI. The Open Constitution Initiative addressed issues such as the death penalty, the

existence of unofficial “black jails” and represented parents of the victims of a recent tainted milk scandal.

362. Mr. Xu was the subject of an urgent appeal sent by the then Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the then Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture and the then Special Representative of the Secretary-General on the situation of human rights defenders on 7 April 2006. According to information received:

363. On 29 July 2009, at approximately 5.00 am, Mr Xu Zhiyong was taken from his home in Beijing by several policemen. Mr Zhuang Lu was also taken from his home at around the same time. Both remain in police detention at an unknown location.

364. On 30 July 2009, the State Administration of Taxation held a hearing about its decision of 14 July 2009 in which it imposed a fine of 1.42 million RMB on OCI for tax evasion. The hearing was reportedly held without the presence of Mr Xu Zhiyong and was closed to the public. The lawyers of Mr Xu Zhiyong and Mr Zhuang Lu attended the hearing.

365. On 17 July 2009, three days after the State Administration of Taxation fined the OCI for tax evasion; the Beijing Municipal Bureau of Civil Affairs declared the OCI illegal and raided its offices.

366. Concern is expressed that the arrest and detention at an unknown location of Mr Xu Zhiyong and Mr Zhuang Lu may be related to their activities in defence of human rights. Further concern is expressed given that the arrest and detention of the above-mentioned persons may form part of a broader pattern of restricting the activities of NGOs and lawyers working on sensitive human rights issues.

Response from the Government

367. At the time this report was finalized, the reply of the Government of 24 December 2009 had not been translated.

Letter of allegations

368. On 20 August 2009, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations in relation to the arrest and detention of four writers from Tibet Autonomous Region (TAR), Mr. **Kang Gongque**, Mr. **Gang Ni**, Mr. **Zhuori Cicheng**, and Mr. **Tashi Rabten**. According to information received:

369. On 20 March 2008, Mr. Kang Gongque, editor of the newspaper “Gangsai Meiduo” and founder of the Barkham University newspaper, was arrested in Luomo Temple in Qinghai, after condemning the measures taken against the riots which took place that month. He is now serving a two-year sentence in a prison in Chengdu, Sichuan province.

370. On 17 March 2009, Mr. Gang Ni, a monk who wrote articles entitled “Who are the real separatists?” and “Tibetans, we must recognise the truth about AIDS”, was arrested and has been in prison since then.

371. On 2 April 2009, Mr. Zhuori Cicheng, founder and editor of a literary magazine “Life of Snow”, was jailed for writing articles that allegedly “incited separatism”.

372. On 27 July 2009, Mr. Tashi Rabten, a journalist known by the pen-name “Therang”, was arrested after self-publishing “The Book of Blood”, a collection of 32 articles about the March 2008 riots in TAR. Reports claim that he is being held in a prison in Ruogai, Sichuan province.

373. The imprisonment of the four writers only became known after it was reported on an online blog on 3 August 2009. The blog, as well as other local blogs which reported on this issue, have been blocked since then.

374. Concern was expressed that the arrest and detention of these four writers, as well as the blocking of the blogs, may represent a direct attempt to prevent independent reporting in the People’s Republic of China, thus stifling freedom of expression in the country. Further concern was expressed that some of the above-mentioned persons have been held without trial in unknown locations.

Response from the Government

375. At the time this report was finalized, the reply of the Government of 26 October 2009 had not been translated.

Urgent appeal

376. On 12 October 2009, the Special Rapporteur, together with the Chairperson Rapporteur of the Working Group on Arbitrary Detention, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, sent an urgent appeal concerning Mrs. **Liang Liwan**, a petitioner from Hangzhou, Zhejiang Province. According to the information received:

377. Mrs. Liang Liwan has been active as a petitioner in relation to forced evictions and demolition. It was reported that, on 22 September 2009, three men and one woman forced their way into her temporary home and attempted to force her to sign an agreement for the demolition of her home, which she refused.

378. The next day, Mrs. Liang Liwan was arrested and detained in police custody in Beijing by officers of the security police and other Government officials based in the city of Hangzhou. On 27 September, she was taken to Hangzhou and detained at two different locations before being transferred to an undisclosed location on 3 October. Her family currently has no information concerning her whereabouts. It is reported that members of the Hangzhou police informed her husband on 23 September only that “we have picked up your wife.”

379. In December 2008, Mrs. Liang Liwan sent to Yves Cabannes, convener of the United Nations Advisory Group on Forced Evictions, information about the impending demolition of her home by the local government. Later that month, her husband sustained serious injuries from beatings by unidentified individuals.

380. In mid-August 2009, at a conference at the School of Public Management of Zhejiang University, Mrs. Liang Liwan, using her own case as an example, spoke about social problems faced by ordinary Chinese citizens. Mr. Cabannes attended the conference, which was organized by the Friedrich-Ebert-Stiftung, a German foundation, the Centre Marc Bloch, a German social sciences research institution, and Zhejiang University. After the conference, Mrs. Liang Liwan invited Mr. Cabannes and others to see the site of her home, which is being requisitioned by the Chinese Government for expansion of the city's East Railway Station. During the tour, the police took Mr. Cabannes and others to the local police substation for questioning. Mrs. Liang Liwan escaped and returned to the outskirts of Beijing to her temporary home, which she was renting while petitioning the Government.

381. In view of her reported detention at an undisclosed location, serious concerns were expressed as regards Ms. Liang Liwan's physical and mental integrity. Further concern was expressed that the arrest and detention of Ms. Liang Liwan might be related to her reportedly peaceful exercise of her right to freedom of opinion and expression in defence of human rights.

Response from the Government

382. At the time this report was finalized, the reply of the Government of 12 February 2010 had not been translated.

Urgent appeal

383. On 19 October 2009, the Special Rapporteur, together with the Chairperson Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal regarding Mr. **Guo Quan**, former Nanjing Normal University associate professor and former member of the China Democratic League, one of the eight State-approved political parties. According to the information received:

384. On 16 October 2009, Guo Quan was sentenced to ten years of imprisonment on charges of "subversion of state power" by the Suqian Intermediate People's Court in Jiangsu Province.

385. Between 2007 and 2008, Guo Quan published a large number of articles, including open letters on the Internet addressed to the President of the People's Republic of China, His Excellency Hu Jintao, and to Mr. Wu Bangguo, Chairman of the Standing Committee of the National People's Congress. The letters addressed social problems in the People's Republic of China such as workers who had been laid off, demobilized military cadres, and peasants who had lost their land. Guo Quan advocated a multi-party, competitively-elected democratic system and nationalization of the military. He also founded the New Democracy Party of China. In late 2007, he was laid off by the Nanjing Normal University from his position as associate professor. Later he was summoned by the police, his house was searched and he was expelled from the China Democratic League.

386. In November 2008, Guo Quan was detained by the Nanjing Public Security Bureau in the Gulou District on suspicion of "subversion of state power". A case was filed on 20 June 2009 with the Suqian Intermediate People's Court, and Guo Quan's trial took place on 7 August 2009. In issuing a decision more than four months after it had accepted the case, the court significantly

exceeded the one-and-a-half month legal time limit stipulated in article 168 of the Criminal Procedure Code for a court to conclude a case.

387. Concerns were expressed that the criminal sentencing of Mr. Guo Quan might solely be related to his reportedly peaceful activities petitioning your Excellency's Government, and might represent an attempt to stifle the right to freedom of opinion and expression in the country.

Response from the Government

388. At the time this report was finalized, the reply of the Government of 18 January 2010 had not been translated.

Urgent appeal

389. On 11 December 2009, the Special Rapporteur sent an urgent appeal to the Government concerning the situation of **Chen Xi, Shen Youlian, Mo Jiangang, Huang Yanming, Chen Defu, Zhu Zhengyuan, Sha Li, Wu Yuqin, Liao Shuangyuan** and **Zhang Chongfa**, members of the Guizhou Human Rights Forum. Chen Xi is one of the organizers of the Guizhou Human Rights Symposium which annually commemorates the Universal Declaration of Human Rights around the Human Rights Day. According to the information received:

390. On 6 December 2009, Wu Yuqin, Shen Youlian, Mo Jiangang, Huang Yanming, Chen Defu, Zhu Zhengyuan, Sha Li, and Zhang Chongfa, were allegedly prevented to attend the annual Guizhou Human Rights Symposium, which was about to take place on the same day to commemorate the Human Rights Day. They were allegedly stopped by the police on their way to the symposium, searched and their mobile phones seized. It is reported that Wu Yuqin was told by the police that the Guizhou Human Rights Symposium's activities were illegal.

391. On 7 December 2009, Chen Xi was allegedly arrested by the State security police in Guiyang and taken to an unknown location. It is alleged that the police officers were stationed in front of his home. It is reported that Chen Xi was told that he would be released after 10 December 2009.

392. On 14 November 2009, the police reportedly summoned Wu Yuqin and her husband, Liao Shuangyuan, and advice them not to take part in any activities related to the Human Rights Day commemorative activities. Liao Shuangyuan went into hiding after this summons.

393. Concern is expressed that the arrest and detention of Chen Xi, the acts of intimidation against Wu Yuqin, Shen Youlian, Mo Jiangang, Huang Yanming, Chen Defu, Zhu Zhengyuan, Sha Li, and Zhang Chongfa and the summons of Wu Yuqin and Liao Shuangyuan might be directly related to their work in defense of human rights. Given the fact that the whereabouts of Chen Xi are unknown, further concern is expressed about his physical and psychological integrity.

Response from the Government

394. At the time this report was finalized, the reply of the Government of 5 January 2009 had not been translated.

Observations

395. The Special Rapporteur thanks the Government of China for responding to most of her communications but regrets that at the time of the finalization of the report, the Government had not transmitted any replies to her communication of 12 October 2009.

396. Notwithstanding the releases of Mrs. Liang Liwan in October 2009 and Chen Xi in December 2009, the Special Rapporteur urges the Government to transmit to her all relevant information regarding any investigation or prosecution in relation to these cases. The Special Rapporteur also urges the Government to transmit all relevant information concerning the case of Mr. Guo Quan and notably how his activities, in particular the publishing of his articles, amount to a threat to the national security.

Colombia

Llamamiento urgente

397. El 29 de diciembre de 2008, la Relatora Especial sobre la situación de los defensores de los derechos humanos, junto con el Relator Especial sobre la promoción del derecho a la libertad de opinión y de expresión, el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, la Relatora Especial sobre la violencia contra la mujer, con inclusión de sus causas y consecuencias y el Relator Especial sobre las ejecuciones extrajudiciales, sumarias o arbitrarias, enviaron un llamamiento urgente señalando a la atención urgente del Gobierno la información recibida en relación con el asesinato del Sr. **Edwin Legarda**, esposo de la Sra. Aida Quilcué Vivas, Consejera Mayor del Consejo Regional Indígena del Cauca (CRIC).

398. La Sra. Aida Quilcué Vivas también ha tenido un papel importante en la Minga Nacional de Resistencia Indígena y Popular, una jornada de unidad comunitaria, social y popular convocada por la Organización Nacional Indígena de Colombia (ONIC) para defender la vida y los derechos territoriales, políticos, ambientales y alimentarios de las poblaciones indígenas. En octubre de 2008, las autoridades colombianas, incluyendo al Presidente, supuestamente justificaron la represión de esta Minga por parte de las Fuerzas Armadas de Colombia.

399. De acuerdo con las informaciones recibidas, el 16 de diciembre de 2008, a primeras horas de la mañana, entre las localidades de Inzá y Totoró, Departamento de Cauca, soldados del Batallón “José Hilario López” de la tercera división del Ejército habrían llevado a cabo un ataque armado contra el Sr. Edwin Legarda.

400. La víctima conducía una camioneta de la Consejería del CRIC con vidrios semipolarizados que se había asignado a su esposa, la Sra. Aida Quilcué Vivas.

401. En total 17 balas, disparadas desde varios ángulos, habrían llegado al vehículo. El Sr. Edwin Legarda se habría muerto unas horas después en un hospital.

402. Al momento del ataque el Sr. Edwin Legarda se dirigía a recoger a la Sra. Aida Quilcué Vivas, quien regresaba de Ginebra, Suiza, donde había asistido como representante del CRIC y delegada de la Organización Indígena de Colombia (ONIC) al Examen Periódico Universal (EPU) de Colombia en las Naciones Unidas.