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

Opinions adopted by the Working Group on Arbitrary Detention

The present document contains the Opinions adopted by the Working Group on Arbitrary Detention at its forty-fourth, forty-fifth and forty-sixth sessions, held in November 2005, May 2006 and August 2006, respectively. A table listing all the opinions adopted by the Working Group and statistical data concerning these opinions is included in the report of the Working Group to the Human Rights Council at its fourth regular session (A/HRC/4/40).

OPINION No. 11/2006 (CHINA)

Communication: addressed to the Government on 26 October 2005.

Concerning: Mr. Zheng Zhihong.

The State has signed but not ratified the International Covenant on Civil and Political Rights.

1. (Same text as paragraph 1 of Opinion No. 38/2005.)
2. The Working Group conveys its appreciation to the Government of China for having forwarded the requisite information in good time.
3. (Same text as paragraph 3 of Opinion No. 38/2005.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source and received its comments.
5. The Working Group believes that it is in a position to render an Opinion on the facts and circumstances of the cases, in the context of the allegations made and the response of the Government thereto, as well as the observations by the source.
6. Mr. Zheng Zhihong, a citizen of China, born on 14 October 1957, was a cadre at the Huanggang City Salt Company in Hubei Province. He lived at the company dormitory in Huanggang City.
7. At an unspecified time before the year 2000, Zheng Zhihong became a Falun Gong practitioner. In 2000 he went to Beijing to appeal for the right to practice Falun Gong.

Security forces escorted him back to Huanggang City. He was held at the No. 1 Detention Centre in Huanggang City for one month. In 2001, the police took him into custody at his work unit without an arrest warrant and without charges and held him at the No. 2 Detention Centre for 15 days.

8. On 9 March 2004, Mr. Zheng Zhong, father of Zheng Zhihong and also a Falun Gong practitioner, passed away. On 11 March 2004, the Huanggang City Foreign Trade Bureau held a courtyard memorial service for its former cadre Zheng Zhong. Some bureau officials and Falun Gong practitioners attended the service. Mr. Zheng Zhihong delivered a eulogy in which he stated that his father regained his health after practicing Falun Gong; that the police had monitored and pursued his father since 2002 and forced him into exile; that his work unit suspended his salary, and that he passed away under tremendous pressure and poor living conditions due to the loss of his income and the persecution. These allegations were also posted on the World Wide Web.

9. On 20 May 2004, a group of police officers led by the political head of the Huangzhou District Police Department arrested Zheng Zhihong at his apartment. They held him at the No. 1 Detention Centre. Zheng Zhihong's detention was accompanied by other measures of reprisal against those involved in the 11 March 2004 memorial service. The head of the Huanggang City Foreign Trade Bureau was transferred, and about eight Falun Gong practitioners who had attended the memorial service were arrested.

10. In June 2004, a formal arrest warrant was issued. In November 2004, the police charged Zheng Zhihong with "instigation" and "using superstitious sects or secret societies or weird religious organizations ... to undermine the implementation of the laws".⁹ On 23 December 2004, the Huangzhou District Court tried Zheng Zhihong and sentenced him to five years of imprisonment.

11. Zheng Zhihong appealed the judgment on 29 December 2004. His attorney stated that his client had just followed the traditional Chinese custom of filial piety by delivering a eulogy at his father's memorial service and spoken words from his heart, so it could not be called "instigation". Rather, the Government prosecuted Zheng Zhihong because his father was a Falun Gong practitioner, because Falun Gong practitioners attended the service and because they appealed for justice. The Huanggang Intermediate People's Court rejected the appeal on 28 February 2005. The court cited section 1 of article 300 of the Criminal Law of China, and section 4 of article 1 of the Explanation of Specific Law Enforcement Applications Regarding Cases in Which People Organize Cults to Commit Crimes. Zheng Zhihong is currently detained at the Qinduankou Prison in Hubei Province.

⁹ Text not available.

14. The Working Group notes that the Government agrees in essence with the facts as presented by the source. Mr. Zheng Zhihong expressed his beliefs and opinions as a Falun Gong member in the eulogy he held, as provided by the official protocol, at his father's funeral on 11 March 2004. Thereafter, Mr. Zheng Zhihong took part with other persons in a peaceful demonstration protesting against the Government's attitude towards Falun Gong. Finally, Mr. Zheng Zhihong had leaflets and CDs concerning the Falun Gong association at home.

15. The detention of Mr. Zheng Zhihong on the ground of these facts is incompatible with his right to freely express, in a peaceful manner, his religious beliefs and political opinions, and with his right to peacefully demonstrate.

16. The Working Group has already in previous Opinions and on the occasion of its visits to China expressed its concern with regard to the treatment to which members of the Falun Gong association are subjected. It finds no justification for the Government to keep in force penal laws impeding the exercise of the right to freedom of association, expression and demonstration of citizens who peacefully exercise activities within that association.

17. In the light of the foregoing, the Working Group renders the following Opinion:

The deprivation of liberty of Zheng Zhihong is arbitrary, being in contravention of articles 18, 19 and 20 of the Universal Declaration of Human Rights and falls within category II of the applicable categories to the consideration of the cases submitted to the Working Group.

18. The Working Group, having rendered this Opinion, requests the Government to take the necessary steps to rectify the situation, in order to bring it into conformity with the norms and principles set forth in the Universal Declaration of Human Rights, and to take the necessary measures to ratify the International Covenant on Civil and Political Rights.

Adopted on 11 May 2006.