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

**Report of the Special Rapporteur on freedom of religion or belief,  
Asma Jahangir\***

Addendum

Summary of cases transmitted to Governments and replies received

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

## Observations

80. The Special Rapporteur is grateful for the Government's reply. She would like to make reference to the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, of his mission to China from 20 November to 2 December 2005 (E/CN.4/2006/6/Add.6, para. 81): "In the opinion of the Special Rapporteur, the combination of deprivation of liberty as a sanction for the peaceful exercise of freedom of expression, assembly and religion, with measures of re-education through coercion, humiliation and punishment aimed at admission of culpability and altering the personality of detainees up to the point of even breaking their will, strike at the very core of the human right to personal integrity, dignity and humanity. It constitutes a form of inhuman and degrading treatment or punishment leading to submissiveness and a 'culture of fear', which is incompatible with the core values of any democratic society based upon a culture of human rights."

### **Urgent appeal sent on 13 September 2005 jointly with the Special Rapporteur on violence against women, its causes and consequences**

81. The Special Rapporteurs brought the two following cases to the attention of the Government: On 21 May 2002, police officers from the Zhonggong police station arrested Ms. **Ren Shujie**, aged 42, living in the Tiexi District, Shengyang City, Liaoning Province, for practicing Falun Gong. She was later sentenced to three years of forced labour and was detained at the Longshan Labour Camp. No charges were brought against her and she was provided no hearing before a court of law. She went on hunger strike for 64 days, during which time she was subjected to torture and harsh labour for fifteen hours daily. After bringing an end to her hunger strike she continued to be tortured by the prison guards, including Tang Yubao, who subjected her to electric shocks. On 22 March 2004, she was transferred to Masanjia Labour Camp where she was forced to sleep on cement floors for three months. She was released on 24 December 2004, due to her extremely weak conditions, weighing less than 40 kg, whereas at the time of her arrest she weighed 80 kg. The several complaints that Ren Shujie made to the prison guards, who were the only authorities she had access to, provided no response or amelioration to her conditions of detention.

82. On 21 January 2000, Ms. **Liu Yunxiang**, aged 32, living in Yangjiazhuang village in Junbukou Township was arrested by police officers belonging to the Junbukou Township of

Weifang City in Shandong province, for practicing Falun Gong. No charges were brought against her and she was provided no hearing before a court of law. She was subjected to severe beatings, and the men who were also arrested with her were forced to beat her and the other arrested women on their hips. During her detention, she was forced to curse the founder of Falun Gong, drink alcohol and smoke cigarettes, which is against Falun Gong principles. As a result of this treatment, Ms. Liu Yunxiang miscarried. She was released after having paid for her release. In the Summer of 2001, she was arrested again for practicing Falun Gong and was once again subjected to torture including electric shocks, as a result of which she miscarried a second time. After twenty days of torture, she was sent to a detention centre for another month, after which she was released.

## Observations

87. The Special Rapporteur is grateful for the Government's reply. She would like to make reference to her predecessor's conclusions after his country visit to China from 19 to 30 November 1994 (E/CN.4/1995/91, para. 189): "The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one's belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others."

88. The Special Rapporteur continues to be very concerned by the continued violations of freedom of religion or belief suffered by members of the Falun Gong. In her previous reports to the Commission on Human Rights, she explicitly mentioned members of the Falun Gong as targets of various human rights violations because of their beliefs and she strongly condemns the continued lack of freedom of belief of members of Falun Gong (see E/CN.4/2005/61, paras. 37-38 and E/CN.4/2006/5/Add.1, para. 109).

89. The Special Rapporteur would like to thank the Government for the invitation it has extended in 2004 for a follow-up visit and she hopes to receive a reply from the Government further to her last letter of September 2006 requesting dates for this visit.

### **Urgent appeal sent on 6 December 2005 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture**

90. The Special Rapporteurs brought to the attention of the Government of the People's Republic of China information they had received regarding five Buddhist monks from Drepung Monastery in Lhasa. Their names are **Ngawang Namdrol** of Tsotod Township, Phenpo Lhundrup County, Lhasa Municipality; **Ngawang Nyingpo** of Khartse Township, Phenpo Lhundrup County, Lhasa Municipality; **Ngawang Thupen a.k.a. Shogbu Metok** of Lhasa Inner City, Lhasa Municipality; **Khenpo Ngawang Phelgyal** of Rinpong County, Shigatse Prefecture and **Phuntsok Thupwang** of Gongkar County, Lhoka Prefecture. According to the allegations received, on 23 November 2005, the five monks were arrested following a patriotic re-education ceremony that had been taking place at Drepung Monastery in Lhasa since October 2005. They were handed over to the Public Security Bureau of their respective places of origin after they refused to sign a statement denouncing the Dalai Lama and recognizing Tibet as a part of China. They are currently being held in Public Security Bureau places of detention. There are concerns that they may be subjected to torture or ill-treatment.

91. On 25 November 2005, approximately **400 monks** held a silent sit-down protest in the monastery courtyard. There is concern that members of the army and officers from the People's

Armed Police and the Public Security Bureau beat a number of the monks in thier efforts to disperse them.

92. The Special Rapporteurs also brought to the attention of the Government information they received concerning **Tsering Dhondup**, aged 30, a monk at Sera Monastery, near Lhasa and **Changchup Gyaltsen**, a disciplinarian at Sera Monastery. According to the information received, in July 2005, the authorities expelled Changchup Gyaltzen from Sera Monastery after he read out a request for prayer, which referred to the Dalai Lama. He was placed under surveillance for a year. Tsering Dhondup, who is alleged to have drafted the prayer, disappeared on the same day. He is thought to be held incommunicado at Gutsa prison in northern Lhasa. He is alleged to have possessed and distributed documents criticizing China and supporting Tibetan independence.

**Communication sent on 29 December 2005 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences**

105. The Special Rapporteurs brought to the attention of the Government information they had received concerning **two female Falun Gong practitioners**. According to the information received, on the night of 24 November 2005, one woman aged 51 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 shocked with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer took her to a room, where he lifted her shirt and touched her breasts. He then shocked her breasts with a stun baton. Another police officer came into the room and raped her. During the rape, he repeatedly slapped her in the face. He then brought another woman aged 42 into the same room and raped her too. The two rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.

**Response from the Government dated 28 June 2006**

106. At the time this report was finalized, this reply was still in the process of being translated.

**Communication sent on 11 August 2006 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on trafficking in persons, especially in women and children**

107. The Special Rapporteurs brought to the attention of the Government information they had received concerning **organ harvesting**. According to the allegations received, organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose of 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.

108. It is reported that employees of several transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants. 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 several detention facilities have indicated that courts have been involved in the administering the use of organs from Falun Gong detainees.

109. 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 by, according to 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.

110. 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.

111. 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 in 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 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.

## **Observations**

119. The Special Rapporteur is grateful for the Government's reply. She has sent a follow-up letter on 25 January 2007 which will be covered in her next addendum on cases transmitted to Governments and replies received.

### **Urgent appeal sent on 31 August 2006 jointly with the Special Rapporteur on the question of torture**

120. The Special Rapporteurs received information concerning **Bu Dongwei (also known as David Bu)**, aged 38, and Falun Gong practitioner. According to the allegations received, on 19 May 2006, he was detained by around seven police officers at his home in the Haidian district of

Beijing. On 19 June 2006, he was assigned to two and a half years re-education through labour in connection with his activities as a member of the Falun Gong spiritual movement by Beijing's 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" on the basis of evidence including a verbal confession he made to the police and 80 copies of Falun Gong literature discovered in his home. He is due to be released on 18 November 2008.

121. Despite repeated requests to the authorities, his family has 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 2006. 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-education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law' after he petitioned the authorities asking them to review their ban on Falun Gong. 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.