



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/61/Add.1  
15 March 2005

ENGLISH/FRENCH/SPANISH

---

**COMMISSION ON HUMAN RIGHTS**

Sixty-first session

**Item 11(e) of the provisional agenda**

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF  
RELIGIOUS INTOLERANCE**

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

**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 page limitations currently imposed by the relevant General Assembly resolutions

54. By letter dated 24 November 2004, the Government responded that the problems and the contradictions between the Holy Synod of the Bulgarian Orthodox Church and the so-called "Alternative Synod" which has led to the situation referred to are, to a large degree, economically oriented, and are not linked to the right to freedom of religion. The Government indicated that in the specific case of 21 July 2004 the issue was about property disputes (concerning rents, candle sales, income from charges for religious ceremonies, etc.), a question within the sole jurisdiction of the court. The discussions and the efforts to resolve the problems through dialogue and by mutual consent lasted for more than 18 months. In the beginning of July 2004, following the assessment that all means had been exhausted, the Bulgarian Orthodox Church officially approached the Prosecutor's Office—which is a constituent part of the independent judiciary in Bulgaria—and requested assistance for the implementation of the law. The measures undertaken by the police were consistent with the provisions of the Confessions Act, and were carried out under the instruction of the prosecution, in accordance with provisions of the Judicial Authority Act (art. 118, para. 2). The Government finally stressed that the existing disputes would be settled in the court in strict observance of the legislation in force, in respect of the principles of the rule of law and equality before the law.

## **China**

### **Communications and replies received**

55. On 14 June 2004, the Special Rapporteur sent a communication to the Government of China in connection with information received according to which, since 20 July 1999, when the Chinese Government banned Falun Gong, over 1,600 practitioners of Falun Gong had been tortured or beaten, several hundred had been given prison sentences of over 20 years, others had been interned in mental hospitals and a high number of practitioners had been sent to labour camps without trial. An unspecified number of practitioners were allegedly being held without trial. It was also reported that at least 907 practitioners had died while in detention.

56. Reports indicated that the campaign against the Falun Gong continued unabated across China. According to information received, practitioners of Falun Gong continued to be subject to ill-treatment and torture by State officials in their attempts to force the practitioners to renounce their belief in Falun Gong. It was also reported that individual practitioners who had been subjected to torture and other inhuman and degrading treatment whilst detained had not been provided appropriate and effective remedies. In particular, the system of administrative detention, re-education through labour (RTL), reportedly continued to be imposed on Falun Gong practitioners. It was reported that RTL involves detention without charge or trial, and without judicial review, for between one and three years – which can be further extended by one year. People receiving terms of RTL allegedly have no right of access to a lawyer and there is no hearing for them to defend themselves.

57. In this connection, the Special Rapporteur drew the attention of the Government to the following individual cases:

(a) On 10 March 2004, information was received concerning the critical health condition of **Tang Yiewen**, a Falun Gong practitioner from Zuhai suburb of Guangzhou City (Guangdong Province), who was reportedly detained at the Chutou Law School, in Guangzhou Baiyun district. On 23 February 2004, Ms. Tang was reportedly taken away from her home and it was reported that she had been on hunger strike for 17 days to protest her detention. Reports indicated that Ms. Tang had previously been detained and was subjected to torture for practising Falun Gong;

(b) On 27 February 2004, **Zhao Fengyun** a Falun Gong practitioner from Harbin City (Heilongjiang Province), reportedly died at the Wanjia Labour Camp. It was reported that Ms. Zhao was illegally arrested and that she was subjected to torture while in detention. Her husband, **Li Weiguo**, was also a Falun Gong practitioner and it was reported that he was imprisoned at the Changlinzi Labour Camp in Harbin City, Heilongjiang Province;

(c) On 31 January 2004, **Zhang Guoqing** from Hebei Province reportedly died after being severely beaten while in detention at Rujiang Labour Camp in Fuzhou City, Fujian Province. Mr. Zhang was reportedly arrested and sentenced to two years of forced labour on 31 May 2003 for practising Falun Gong. In June 2003, he allegedly held a hunger strike to protest the ill-treatment by guards while in detention and was sent to the Jianxin Hospital in Fuzhou City where he was force-fed. In August 2003, Zhang Guoqing was reportedly transferred to Rujiang Labour Camp where he was reportedly subjected to regular severe beatings. On 19 January 2004, he allegedly suffered internal injuries after being beaten by guards and was again sent to the Jianxin Hospital. He was reportedly sent back to the labour camp the same day. On 29 January 2004 Zhang Guoqing's health condition was reportedly critical and he was sent again to the Jianxin Hospital where he died on 31 January 2004.

58. In the same communication, the Special Rapporteur also referred to the case of Pastor **Gong Shengliang** of the South China Church, who has allegedly begged to be transferred from Hongshan Prison, Wuhan City, Hubei Province, telling his sisters, "If you are able in any way, please transfer me to another prison - otherwise just come and pick up my corpse." It is reported that Pastor Gong was unable to walk into the visiting hall and had to be carried in by four other inmates. One of the sisters allegedly asked the guard for an explanation and was told that he had fallen washing windows. When one of the sisters complained to the prison director, Sun Wenquan, about Gong's injuries, the director reportedly told her that Gong was a model prisoner in all ways but one, namely that he refused to denounce his Christian faith and would not stop praying and preaching.

59. On 15 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, 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, the Special Rapporteur on the question of torture, 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 violence against women, its causes and consequences, wrote a letter to the Chinese Government in which they expressed their concern at

reports of systemic repression against the Falun Gong and other “heretical organizations” (“*xiejiao zuzhi*”). Over the past five years, hundreds of cases of alleged violations of the human rights of Falun Gong practitioners have been brought to the attention of the Special Rapporteurs. Many of these allegations have been reported back to the Chinese authorities and were reflected in reports of the Special Rapporteurs to the Commission on Human Rights.

60. The Special Rapporteurs were concerned that reports of arrest, detention, ill-treatment, torture, denial of adequate medical treatment, sexual violence, deaths, and unfair trial of members of so-called “heretical organizations”, in particular Falun Gong practitioners, are increasing. They were concerned that these allegations may reflect a deliberate and institutionalized policy of the authorities to target specific groups such as the Falun Gong.

61. According to information received, on 10 June 1999, the Central Committee of the Chinese Communist Party established an office for dealing with the Falun Gong, commonly referred to as the “610 Office” (for the date of its establishment), and officially later as the State Council Office for the Prevention and Handling of Cults. This institution reportedly was given a mandate to repress Falun Gong and other “heretical organizations”, and is operating outside of the rule of law. Reports indicate that the Falun Gong was officially banned on 22 July 1999 through a decision of the Ministry of Civil Affairs and since then several decisions, notices, regulations and other judicial interpretations have been issued by the Government and judicial authorities to legitimize the official repression against “heretical organizations”, including the Falun Gong.

62. In addition, according to reports, a media campaign was launched against the Falun Gong and Falun Gong practitioners in June 1999. It is believed that this campaign followed a protest gathering in Beijing on 25 April 1999, involving more than 10,000 Falun Gong practitioners.

63. Further reports indicate that in February 2001, the Central Committee of the Communist Party called for a Central Work Conference of high-level party officials. The purpose of this meeting was reportedly to adopt a plan calling for the formation of local “anti-cult task forces” in all universities, State enterprises and social organizations, to reinforce the “610 Office” and strengthen local control over the Falun Gong.

64. An analysis of reports received by the Special Rapporteurs indicates that the alleged human rights violations against Falun Gong practitioners, including systematic arrest and detention, are part of a pattern of repression against members of this group. Most of those arrested are reportedly heavily fined and released, but many are detained and ill-treated in order to force them to formally renounce Falun Gong. Those who refuse are sent to re-education through labour camps, where reportedly torture is used routinely, resulting in many deaths.

65. The Special Rapporteurs were further concerned at reports that few Falun Gong practitioners are prosecuted. When charges are laid they reportedly include allegations such as “disturbing social order”, “assembling to disrupt public order”, “stealing or leaking State secrets” or “using a heretical organization to undermine the

implementation of the law". According to the information received, those prosecuted have been unfairly tried and many have received lengthy prison sentences. In this respect it is reported that on 5 November 1999, a Notice issued by the Supreme People's Court instructed all local courts to do their "political duty" in bringing to trial and punishing "severely" those charged with "crimes of heretical organizations", "particularly Falun Gong", and to handle these cases "under the leadership of the Party committees".

66. On 19 October 2004, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture, sent an urgent appeal to the Government of China regarding **Tenzin Deleg Rinpoche**, a 54-year-old Buddhist religious leader whose case has been addressed by the Special Rapporteur in the past (see, inter alia, A/58/296, para. 33). According to information received, he was at imminent risk of execution, following a conviction based on a confession obtained under torture. It was reported that he was arrested on 7 April 2002 following a bombing incident in Chengdu, Sichuan Province, on 3 April 2002. He was found guilty on 29 November 2002 in a secret trial by the Kardze (Ganzi) Intermediate People's Court in the Kardze Tibetan Autonomous Prefecture, Sichuan Province, for "causing explosions" and "inciting separatism". On 2 December 2002 he was sentenced to death with a two-year suspension of execution, which would expire on 2 December 2004. Tenzin Deleg Rinpoche was reportedly held incommunicado for eight months, from the time of his arrest until the time of his trial. He was reportedly tortured in detention, including by being shackled hand and foot and suspended from above, and forced to confess. His conviction was upheld on 26 January 2003 by the Sichuan High People's Court, and he was moved to a secret location afterwards. Numerous and credible reports have referred to serious procedural flaws during Tenzin Deleg Rinpoche's closed trial, in particular: violation of the right to a public trial; violation of the right to choose his own lawyer; denial of the right to know and have the opportunity to examine the evidence presented against him in court. In view of his alleged detention incommunicado and allegations of torture, concern was expressed for his mental and physical integrity, and that he may not have received a fair trial in accordance with international standards.

67. On 3 November 2004, the Special Rapporteur transmitted a communication to the Government of China in relation to information received according to which, on 21 September 2004, in the Dungan mosque of Burqin, in the north-western Xinjiang-Uighur autonomous region, the authorities compelled the local imam, Musa Ma, to put in his office an instructional display outlining banned activities. Among banned activities were: teaching religion "privately"; allowing children under 18 years old to attend a mosque; allowing Islam to influence family life and birth planning behaviour; propaganda associated with terrorism and separatism; religious professionals acquiring large sums of money; the declaration of "holy war" (jihad); and promoting "superstitious thoughts". The display also reportedly required all religious venues to display land certificates, building certificates, imam qualification certificates, operating permits, joint management contracts, and the appointment certificate of the head of the religious venue. Reports indicated that these displays were not compulsory in non-Muslim places of worship, like in the Xinjiang's two Orthodox churches. It was further reported that similar displays hung in the offices of nearly all the imams of Xinjiang's mosques.

68. Moreover, reports indicated that the Party-appointed committees, also called the mosque's "democratic management committee", must conduct regular sessions for religious professionals and lay persons disseminating legal regulations and Party policies. Such committees allegedly oversee activities in places of worship and are also known to exist in Tibetan Buddhist temples.

69. Finally, it was alleged that national-religious committees, which form part of the administration of every city, also maintain control over the lives of believers. Communities may only function once they have registered with the national-religious committee, and their leaders have to be drawn from people whose candidacy has been approved by the authorities. The leaders of all religious communities reportedly have to attend meetings of the national-religious committees during which officials explain to them what policy they should pursue with believers.

70. The Special Rapporteur also brought to the Government's attention information she had received according to which, following what was believed to be the largest survey to date on the extent to which the Chinese Government's Golden Shield Internet firewall denies access to religious web sites, certain religious web sites appear to be consistently blocked, although Chinese Internet users do have access to a range of web sites based outside the country that cover religious themes in Chinese or other languages. The tests that led to this conclusion were reportedly carried out from mid-May to mid-July 2004 and monitored Internet access in a variety of locations in China. The web sites to which access is reportedly automatically barred included those relating to the persecution of Christians and other religious faiths, the Dalai Lama, the Falun Gong religious movement, the Muslim Uigurs of Xinjiang and a number of Catholic sites, including the web site of the Hong Kong diocese and the Divine Word Missionaries in Taiwan. However, the web sites in European languages covering religious freedom issues, including those covering repression within China, were not blocked.

71. It was further reported that, in an alleged attempt to help remove "unacceptable" content from the web, the authorities launched a web site in June 2004 encouraging users to report "illegal" sites, including those on religious cult activity. Reports indicated that while "reporters" were assured of the confidentiality of the information they provided, they were warned that they would bear personal responsibility for reporting erroneous information.

### **Observations**

72. The Special Rapporteur is grateful for the replies provided by the Government on 31 December 2004 related to the communications of 15 and 19 October 2004. The content of these replies, which are still being translated, will be reflected in next year's report.

73. The Special Rapporteur still awaits a reply to her communication of 3 November 2004. In this regard, she would like to refer to the most recent concluding observations of the Committee on the Elimination of Racial Discrimination of 9 August 2001 (A/56/18, paras. 231-255) in which some members of the Committee remained "concerned with regard to the actual enjoyment of the right to freedom of