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

#### **Letter dated 26 February 2007 from the Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

Upon instruction of my Government, I would like to express concern to a report titled “Progress on reports and studies relevant to cooperation with representatives of United Nations human rights bodies” (A/HRC/4/58), due to be submitted for consideration at the fourth session of the Human Rights Council. The report listed seven individual cases in developing countries. And yet it failed to indicate the criteria and method for choosing these cases. It is not convincing and persuasive for the report to state that “it has not been possible to record in this report additional cases due to specific security concerns or because the individuals exposed to reprisals have explicitly requested that their case not be raised publicly”. This kind of selectivity is clearly in contradiction with the principle of General Assembly resolution 60/251.

With regard to the case concerning Mr. Gao Zhisheng, I do regret that the report did not include replies from my Government. In fact, communications about Mr. Gao were brought to the attention of my Government several times by several Special Rapporteurs of the Human Rights Council. As always, my Government investigated and replied on 18 April and 17 May 2006 and 12 February 2007, respectively. To my surprise, the report made no mention of these replies.

Therefore, I would like to sum up our replies as follows: Mr. Gao Zhisheng, a lawyer in Beijing at Shengzhi Law Firm, was arrested on 21 September 2006 for suspected involvement in illegal activities. Criminal investigation indicated that, from December 2005 to May 2006, Mr. Gao had engaged in criminal activities to defame State power and the social system and to incite subversion of the legal Government. He made a confession and took the initiative to expose

some criminal activities committed by others. The Beijing First Intermediate People's Court heard the case and sentenced him to three years' imprisonment with five years' probation on 22 December 2006. Mr. Gao accepted the ruling without appeal. During the investigation and the Court hearing, Mr. Gao's legal rights, including his right to defence, were fully protected according to law. Indeed, Mr. Gao had met with the Special Rapporteur on the question of torture in 2005. However, that is not a punishable crime; neither is it a haven from legal prosecution. No one is above the law.

I would like to reaffirm the commitment of my Government to the rule of law and the promotion and protection of human rights. We would also continue to cooperate with human rights mechanisms and support their independent, impartial, objective and efficient discharge of their mandates.

I would appreciate if you could have this letter distributed as an official document of the fourth session of the Human Rights Council under the same agenda item as the above mentioned report.

*Signed:*

SHA Zukang

Ambassador, Permanent Representative

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