

the actual figure, for crimes including hooliganism, theft, corruption and drug trafficking. In this context, an urgent appeal was transmitted to the government on behalf of the director of a municipal trust company who was reportedly sentenced to death in January 1997 for embezzlement of more than 100 million yuan (US\$12 million). The government replied, informing the SR that the man was sentenced to death in accordance with the law and that his case was pending before the Superior People's Court of Jiangsu province. The government also stated that China's application of the death sentence is in line with the International Covenant on Civil and Political Rights, and that extremely strict constraints have been placed on the application of capital punishment, noting the Penal Code provides that the death sentence applies only to those who are guilty of the most heinous crimes.

Allegations regarding violations of the right to life were also sent in cases related to incidents in Tibet involving: death as a result of injuries sustained in police beatings; death of a monk of Sakya monastery, while in prison, as a result of torture; arrest during a raid on Chamdo monastery, and death as a result of torture five days after release, on medical grounds, from Chamdo prison. One other case unrelated to Tibet concerned a death in custody from beatings by police.

In response to cases transmitted in 1997, the government replied that the person named: did not exist; hanged himself and the suicide was confirmed by a forensic medical examination; died of tuberculosis meningitis and had been taken to hospital immediately when he contracted the disease while undergoing re-education through labour; and died as a result of injuries sustained when the individual jumped out of a prison van, noting that a forensic medical examination confirmed that the death had been caused by a severe skull injury and haemorrhage resulting from the fall.

In reply to cases transmitted in 1995, the government stated that the person named: had been suffering from serious tuberculous meningitis when imprisoned, was paroled in order to receive medical treatment, and died at home; was twice hospitalized during detention for treatment for high blood pressure after which the physical condition normalized, was not subjected to torture, and was released from prison upon completion of sentence; had been released from labour camp, fell ill with a gynaecological ailment and a gastric perforation which caused death after treatment failed, and was not subjected to beatings by prison guards; and, died as a result of beatings from other detainees, noting that proceedings were started against those alleged to be responsible, the responsible officials in the detention centre had received disciplinary punishments, and the allegation that the man's wife was the subject of police harassment was not true. In reply to an urgent appeal that had been sent on behalf of six persons who were executed, reportedly without having been granted the right to appeal or seek clemency, the government stated that three defendants had appealed against the judgement by the court of first

instance and the judgements of the other three were submitted to a higher court for approval. The government also stated that the six criminals all fell into the category of "most heinous criminals" under China's Criminal Law and that their death sentences therefore had a sound legal basis.

The report notes that the government was considering the SR's request for an invitation to China, and had informed the SR of the adoption of the Law on the Role of Lawyers and the Law on Administrative Punishment, the major changes made to the Law on Criminal Procedure, and its commitment to improve further its system of laws and the administration of justice in the light of its economic and social development.

The SR reiterated concern at the wide range of crimes punishable by death and the very high number of executions, and reminded the government that the broadening of the range of capital offences which has reportedly occurred since 1979 counters the international trend towards the limitation, and eventual abolition, of the death penalty. The SR also expressed concern about allegations of unfair trials and, in particular, a lack of respect for safeguards and guarantees for the protection of those facing the death penalty.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, paras. 76–77)

Cases were transmitted to the government concerning 10 individuals and arbitrary interference in their right to freedom of opinion and expression. The report notes that the persons named were arrested for alleged offences such as conspiring to subvert the government, leaking state secrets or endangering state security. Seven of those named had been sentenced to re-education through labour for periods between one and three years. At the time the report was prepared the government had not responded to these cases.

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 23, 29, 48, 50, 63, 66, 69, 73–76, 95)

The report recalls that the Special Rapporteur (SR) visited China in November 1994 (see E/CN.4/1995/91) and refers to violations of freedom of religion and belief against Christianity and Buddhism. Allegations were received stating that the authorities had imposed controls on, and/or interfered illegally with, the religious activities of religious groups and communities. The report refers to the case of Ghedhun Nyima, who was recognized by the Dalai Lama as the eleventh reincarnation of the Panchen Lama. The report notes that in response to a case taken up during the visit to China, the government informed the Special Rapporteur that the Tibetan monk had been conditionally released from prison for good conduct, in November 1994, after having been sentenced to 10 years' imprisonment for having taken part in uprisings.

Communications were sent to the government with regard to the case of a Tibetan monk and two associates