

CRIMINAL JUSTICE

Introduction

During the Commission's 2017 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to further their priorities in "maintaining social stability" and perpetuating one-party rule at the expense of individual freedoms.¹

Ongoing Use of Arbitrary Detention

Extralegal and extrajudicial forms of detention that restrict a person's liberty without judicial oversight² violate Article 9 of the Universal Declaration of Human Rights (UDHR)³ and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).⁴ Some commonly used forms of extralegal and extrajudicial detention in China are described below.

BLACK JAILS

"Black jails" are detention sites that operate outside of China's judicial and administrative detention systems.⁵ After the Chinese government abolished the reeducation through labor system in 2013,⁶ the Commission continued to observe Chinese authorities' use of "black jails"⁷—including a type known as "legal education centers"⁸—to suppress individuals such as Falun Gong practitioners⁹ and petitioners.¹⁰ The Commission also observed multiple reports of Chinese authorities detaining rights advocates in "black jails" prior to and during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2017.¹¹ [For more information on Falun Gong practitioners and petitioners, see Section II—Freedom of Religion and Section III—Access to Justice.]

PSYCHIATRIC INSTITUTIONS

Despite provisions in the PRC Mental Health Law¹² and related regulations¹³ aimed at protecting citizens from such abuse, Chinese authorities continued to forcibly commit individuals to psychiatric facilities for political reasons¹⁴ and used psychiatric hospital staff as instruments of "maintaining social stability." Civil Rights & Livelihood Watch (CRLW), a human rights monitoring group based in China, documented a case in Anhui province in which personnel of a psychiatric facility participated in "stability maintenance" efforts by preventing a petitioner from traveling to Beijing municipality.¹⁵ CRLW observed that despite new laws and regulations aimed at improving mental health services, individuals who need mental health care lack access, while authorities continue to abuse the system to control petitioners and others defending their rights.¹⁶

CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS (*SHUANGGUI*)

Under an investigation process known as "double designation" (*shuanggui*), Party investigators may summon Party members¹⁷ to appear for interrogation at a designated time and place for alleged Party discipline violations such as corruption.¹⁸ The *shuanggui*

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process is within the Party's control and outside China's legal system; it is a form of extralegal detention¹⁹ that contravenes rights guaranteed under the UDHR and the ICCPR.²⁰ Human Rights Watch reported in December 2016 that prolonged solitary confinement, ill treatment, and threats against family members during *shuanggui* remained common.²¹ In March 2017, a Canada-based media outlet published a report detailing the torture and abuse that Wang Longming, a former manager of a state-run tobacco factory, suffered during his nearly two-month stay in *shuanggui* in 2015.²² According to the report, authorities subjected Wang to numerous forms of torture, including sleep deprivation and being forced to sit on a small stool for 20 hours.²³

In December 2016, the National People's Congress Standing Committee announced a pilot reform program that establishes supervisory commissions (*jiancha weiyuanhui*) in three province-level jurisdictions to take over the functions of investigating corruption and other official misconduct, functions originally performed by three government bodies.²⁴ The program authorizes the supervisory commissions to carry out 12 investigative measures including interrogation (*xunwen*) and confinement (*liuzhi*), without specifying limitations on the length of time or the manner of implementation.²⁵ According to legal experts, the implications of this new program, such as whether it will replace *shuanggui*²⁶ and how the detention authority will be exercised,²⁷ remain unclear.

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USE OF CRIMINAL LAW TO PROSECUTE RIGHTS ADVOCATES

This past year, the Chinese government continued to use broadly defined crimes to punish individuals such as rights advocates, lawyers, and members of some ethnic minority groups. The UN Working Group on Arbitrary Detention (Working Group) considers a detention arbitrary “even if it is authorized by law . . . if it is premised upon an arbitrary piece of legislation or is inherently unjust, relying for instance on discriminatory grounds.”²⁸ During the Commission's 2017 reporting year, the Working Group found the detentions of rights lawyer Xia Lin²⁹ and religious leader Wu Zeheng³⁰ to be arbitrary.³¹

• **Endangering state security.** The Chinese government continued to prosecute individuals under “endangering state security” charges for peacefully exercising their rights.³² Articles 102 to 112 of the PRC Criminal Law—listing offenses including “subversion of state power,” “separatism,” and “espionage”—are collectively referred to as crimes of “endangering state security,” some of which carry the death penalty.³³ In one recent example, in March 2017, the Foshan Intermediate People's Court in Foshan municipality, Guangdong province, convicted Su Changlan³⁴ and Chen Qitang³⁵ of “inciting subversion of state power” and sentenced them to three years' and four years and six months' imprisonment, respectively, for “attacking the socialist system” by means of spreading rumors and committing libel on the Internet.³⁶ Authorities in Foshan detained Su and Chen in October and November 2014, after they voiced

support for the fall 2014 pro-democracy protests in Hong Kong.³⁷

- **Extortion.** Authorities continued³⁸ to charge rights advocates and petitioners³⁹ with “extortion,”⁴⁰ the elements of which are undefined in the PRC Criminal Law and judicial interpretations.⁴¹ In cases of petitioners⁴² allegedly committing “extortion” against local government entities,⁴³ judgments published during this past year show that some courts viewed petitioning as a means of threat.⁴⁴ Relying on information from the Chinese judiciary’s judgment database, a China-based legal scholar observed an increase in such cases between 2013 and 2016, from about 25 to 280 across China.⁴⁵

- **Gathering a crowd to disturb social order and gathering a crowd to disturb order in a public place.** Authorities continued to invoke Articles 290 and 291 of the PRC Criminal Law⁴⁶ against citizens⁴⁷ in manners that infringed on their rights, including the freedom of assembly and religion.⁴⁸ For example, in April 2017, the Changji Municipal People’s Court in Changji Hui Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, tried five individuals⁴⁹ on the charge of “gathering a crowd to disturb social order” for participating in unauthorized Christian gatherings.⁵⁰ In February 2017, the Supreme People’s Court issued measures specifying that individuals who participate in sit-in protests, distribute print materials, chant slogans, or hold up banners outside a courthouse are subject to criminal prosecution under a range of criminal offenses, including Articles 290 and 291 of the PRC Criminal Law.⁵¹

- **Picking quarrels and provoking trouble.** This past year, authorities prosecuted petitioners and rights advocates⁵² for “picking quarrels and provoking trouble.”⁵³ A U.S.-based legal scholar observed that “the vagueness of the ‘crime’ . . . allows police unlimited discretion to detain and arrest offenders for almost any action.”⁵⁴ The Chinese government expanded this provision to cover Internet activities in 2013⁵⁵ and has since used it to prosecute individuals for online speech.⁵⁶ For example, in September 2016, the Gangzha District People’s Court in Nantong municipality, Jiangsu province, sentenced Shan Lihua⁵⁷ to two years and three months’ imprisonment partly in connection with her online activities advocating women’s rights and helping victims of forcible demolition and relocation.⁵⁸

- **Illegal assembly, procession, or demonstration.** In December 2016, the Haifeng County People’s Court in Shanwei municipality, Guangdong, convicted eight individuals⁵⁹ of “illegal assembly, procession, or demonstration,”⁶⁰ among other crimes, and imposed sentences ranging from 2 years’ to 10 years and 6 months’ imprisonment for participating in protests that lasted for 85 days in Wukan village, Donghai subdistrict, Lufeng city, Shanwei, calling on the government to release Wukan’s elected village committee head Lin Zulian (also known as Lin Zuluan) and to address villagers’ complaints regarding official corruption in village land sales.⁶¹ [For more in-

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formation on the Wukan village protests, see Section III—Institutions of Democratic Governance.]

• **Other criminal offenses.** This past year, authorities accused rights advocates and religious practitioners of other criminal offenses, including “illegal business activity,”⁶² “defamation,”⁶³ “misappropriation of funds,”⁶⁴ “sabotaging production and operation,”⁶⁵ “organizing and using a cult to undermine implementation of the law,”⁶⁶ and “disturbing court order.”⁶⁷

Ongoing Challenges in the Implementation of the Criminal Procedure Law

COERCED CONFESSIONS

The Chinese government and Communist Party emphasized the procuratorate’s supervisory role over criminal investigation and continued to improve implementation of the existing legal provisions⁶⁸ that address the problem of investigators’ use of coercion and overreliance on confession in criminal cases.⁶⁹ In October 2016, five central government bodies issued a joint opinion that obligates the procuratorate in certain important cases to ensure the legality of evidence before the conclusion of an investigation by directly questioning the criminal suspect about the existence of a coerced confession or illegal evidence collection practices.⁷⁰ In June 2017, the same government bodies issued provisions specific to the exclusion of evidence obtained by torture.⁷¹ A U.S.-based legal scholar, however, noted the ineffectiveness of the provisions because “they maintain a narrow view of what type of evidence should be excluded and also continue to allow subsequent non-coerced confessions after an initial coerced one.”⁷² In March 2017, Cao Jianming, Procurator-General of the Supreme People’s Procuratorate (SPP), reported that in 2016, the procuratorate corrected 34,230 cases of illegal investigation practices, such as extracting confessions by torture, but did not report any instance of criminal prosecution of investigators who engaged in abuse.⁷³ Despite these official pronouncements, reports of coerced confession continued to emerge this past year,⁷⁴ with some indicating that procurators participated in the practice.⁷⁵ [For more information on custodial torture and abuse, see Torture and Abuse in Custody in this section.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Under Article 73 of the PRC Criminal Procedure Law (CPL), authorities can enforce a form of detention known as “residential surveillance at a designated location” (RSDL)⁷⁶ to detain a person at an undisclosed location for up to six months in cases involving charges of “endangering state security” (ESS), terrorism, or serious bribery.⁷⁷ A U.S.-based scholar noted that RSDL is susceptible to abuse if authorities apply ESS charges as a pretext to forgo criminal suspects’ rights.⁷⁸ Reports that emerged this past year indicate that torture and abuse took place in the enforcement of RSDL.⁷⁹ In some cases, authorities reportedly enforced RSDL even when they did not allege any of the three types of offenses that permit this form of detention.⁸⁰ In the case of Jiang Tianyong, a disbarred rights lawyer who disappeared on November 21, 2016, authorities

reportedly did not provide his family notice of him being detained under RSDL within the timeframe required by law⁸¹ and refused to disclose his detention location or to allow his family and lawyers to meet with him.⁸² The location of Jiang's detention remained unknown for over six months.⁸³

ACCESS TO COUNSEL

This past year, the Chinese government denied access to legal counsel to some individuals, particularly those detained in politically sensitive cases. Individuals charged with ESS crimes—which the government often used against rights advocates⁸⁴—continued to face obstacles in meeting with their lawyers.⁸⁵ In cases involving ESS, terrorism, and serious bribery (“three categories of cases” (*sanlei anjian*)),⁸⁶ Article 33 of the PRC Lawyers Law as amended in 2012⁸⁷ qualifies detainees’ right to meet with their lawyers by referencing the PRC Criminal Procedure Law, which requires lawyers to obtain approval from the agency investigating the case but does not provide for a specific timeframe within which the agency must decide on such an application.⁸⁸ In the case of detained lawyer Jiang Tianyong,⁸⁹ his lawyers questioned the legality of the authorities’ decision to repeatedly deny Jiang access to counsel on ESS grounds yet permit a news reporter to interview him.⁹⁰

This past year, authorities obstructed or denied access to counsel for those detained in cases involving rights advocacy or the exercise of internationally recognized freedoms,⁹¹ and in some cases harassed or intimidated their lawyers.⁹² Liu Zhengqing, lawyer of democracy advocate Chen Yunfei,⁹³ said that after a December 2016 court hearing in which he represented Chen before the Wuhou District People’s Court in Chengdu municipality, Sichuan province, court officials detained him for four hours, searched his briefcase, and seized his computer.⁹⁴ Another report from this past year indicated that the lawyer initially retained by the family of petitioner Ding Meifang⁹⁵ withdrew representation after government officials reportedly asked the lawyer to demand that Ding make a guilty plea.⁹⁶

In May 2017, authorities detained rights lawyer Chen Jian’gang, his wife, and their two minor children when they were traveling in Yunnan province.⁹⁷ Previously, Chen publicized accounts of authorities torturing his client⁹⁸ Xie Yang,⁹⁹ a rights lawyer detained as part of the crackdown against rights lawyers and advocates that began in and around July 2015 (July 2015 crackdown).¹⁰⁰

OTHER DUE PROCESS CONCERNS

The following examples highlight certain due process violations that infringe on individuals’ substantive rights:

- **Prolonged pretrial detention.** Although the PRC Criminal Procedure Law permits law enforcement officials to extend the prescribed investigation period,¹⁰¹ prolonged pretrial detention constitutes a violation of international human rights standards.¹⁰² Some detainees reportedly remained in prolonged pretrial detention,¹⁰³ in some cases because authorities extended the investigation period or canceled scheduled hearings.¹⁰⁴ One example suggests that cooperation with the authorities can re-

duce a detainee's time in detention: Zhang Wanhe,¹⁰⁵ whom authorities detained in June 2015 outside a courthouse where she participated in an advocacy event,¹⁰⁶ said that authorities tried and then released her in January 2017 after she admitted guilt and terminated her lawyer, whereas Yao Jianqing,¹⁰⁷ whom authorities detained at the same event, did not cooperate as Zhang did and remained in pretrial detention.¹⁰⁸

• **Delay in judicial proceedings.** Delays in judicial proceedings likewise lengthen a person's time in detention.¹⁰⁹ In one example, after military veteran and petitioner Gao Hancheng¹¹⁰ appealed a June 2016 conviction for "gathering a crowd to disturb social order," the Wuhan Intermediate People's Court in Hubei province, after three adjournments, held a pretrial conference for the first time on April 25, 2017, and did not issue a trial date.¹¹¹ While in detention, Gao reportedly had a stroke and lost mobility in January 2017; the prolonged detention reportedly contributed to the deterioration of his health.¹¹²

• **Procedural irregularities in law enforcement.** Reports from this past year indicate that law enforcement authorities in some localities did not present proper documentation before restricting citizens' liberty or conducting a search¹¹³ in violation of China's domestic laws.¹¹⁴

Draft Amendment to the PRC People's Police Law

In December 2016, the Ministry of Public Security issued a draft amendment¹¹⁵ to the PRC People's Police Law¹¹⁶ that includes proposed statutory codification of existing regulations defining the scope of police authority to carry and use firearms.¹¹⁷ The draft amendment seeks to authorize police to use firearms in five situations, including when someone commits or escapes after having committed an offense that seriously endangers "state security" or "public safety," and when someone damages property that the government has designated as a target of protection.¹¹⁸ Noting the broad definitions of "state security" and "public safety" under Chinese law, Human Rights Watch (HRW) criticized the draft amendment for being inconsistent with international standards that prohibit law enforcement officials from using firearms unless it is necessary to prevent "imminent threat of death or serious injury . . ." ¹¹⁹ HRW also pointed out the lack of meaningful limitations on other police powers covered by the proposed amendment.¹²⁰ Radio Free Asia, for example, published multiple reports of such abuse of police power this past year.¹²¹

Torture and Abuse in Custody

This past year, reports continued to emerge that Chinese authorities tortured and abused individuals in detention,¹²² including rights lawyers and advocates detained as part of the July 2015 crackdown. Family members of rights lawyer Li Chunfu¹²³ reported that he returned home in January 2017 in a severely altered physical and mental state, exhibiting paranoia and schizophrenic behavior¹²⁴ as well as having damage to his neck and spine.¹²⁵ Li told his wife that authorities had drugged him daily for

the first portion of his detention.¹²⁶ Rights advocate Wu Gan¹²⁷ and rights lawyer Wang Yu¹²⁸ both reported that authorities tortured them with methods including sleep deprivation and shackling of their hands and feet.¹²⁹ The China Human Rights Lawyers Concern Group reported in January 2017 that rights lawyers Wang Quanzhang¹³⁰ and Li Heping¹³¹ had been tortured by electric shock to the point of fainting during the period they spent in RSDL.¹³² Li Heping's wife also said that authorities had forcibly medicated Li for 22 months with a drug that caused "muscle pains, lethargy, and blurred vision" and shackled him for a month in such a way that he could not stand upright.¹³³ Other reports from this past year described additional instances in which authorities administered medication as a means of torture.¹³⁴

Rights lawyer Xie Yang also gave detailed descriptions of the torture he suffered during his detention in connection with the July 2015 crackdown. In January 2017, Xie told his lawyers that during the portion of his detention spent under residential surveillance at a designated location (RSDL),¹³⁵ authorities deprived him of sleep, interrogated him for periods of over 20 hours, forced him to sit on stacked stools, punched him, kicked him, and kned him in his abdomen and lower extremities on multiple occasions.¹³⁶ Xie noted that officials carried out these actions directly under the camera in the room to avoid being recorded.¹³⁷ Xie also identified over 20 officials who participated in his abuse¹³⁸ and revealed that officials repeatedly pressured him to confess and to keep quiet about his torture.¹³⁹ Xie said in a letter that he reported the torture to two procurators, but they did not make a record of it.¹⁴⁰ Party- and state-run media claimed that another detained lawyer fabricated the accounts of Xie's torture,¹⁴¹ but Xie's lawyer affirmed their veracity.¹⁴²

Inadequate Medical Treatment

The Commission further observed reports of authorities denying or failing to provide detainees adequate medical treatment,¹⁴³ which may amount to torture¹⁴⁴ or violation of other international human rights standards.¹⁴⁵ For example, political reform advocate and Nobel Peace Prize laureate Liu Xiaobo died of liver cancer in July 2017 while serving an 11-year sentence for "inciting subversion of state power."¹⁴⁶ Liu's health condition prompted questions of "whether the cancer could have been diagnosed earlier, or whether poor treatment contributed to his declining health."¹⁴⁷

Lack of Accountability for Officials Involved in Torture

The Commission did not observe reports of Chinese authorities imposing criminal liability on the perpetrators of abuse in the above-mentioned cases, or in the case of Lei Yang. A resident of Beijing municipality, Lei Yang died in May 2016 shortly after plainclothes police officers in Beijing took him into custody.¹⁴⁸ In December, authorities announced their decision not to criminally prosecute the officers despite their finding that the officers committed "dereliction of duty"¹⁴⁹ and caused Lei's death by twice restraining him, including by kneeling and stomping on his neck and face, wrapping an arm around his neck, and pressing on the back

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of his neck.¹⁵⁰ Chinese law requires criminal prosecution if a government official causes the death of one or more persons as a result of dereliction of duty.¹⁵¹ The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China signed and ratified,¹⁵² requires a State Party to prosecute the perpetrator of torture or other forms of mistreatment.¹⁵³

Draft Law Affecting Public Security Bureau Detention Centers

The Chinese government issued a draft law that proposes to limit the use of shackling in detention, but legal experts question its effectiveness in curbing custodial abuse in general because it does not improve transparency or resolve an apparent conflict by continuing to allow police to run detention centers. In a January 2017 ruling, the Supreme People's Court (SPC) affirmed a lower court's dismissal of a compensation claim filed by a former death-row inmate who alleged that he suffered disfigurement and loss of mobility in his limbs as a result of wearing shackles during detention.¹⁵⁴ The SPC found that the treatment alleged by the claimant was consistent with the PRC Public Security Bureau Detention Center Regulations (PSB Detention Center Regulations),¹⁵⁵ which require every death-row inmate to be shackled.¹⁵⁶ The UN Standard Minimum Rules for the Treatment of Prisoners, however, prohibit the use of chains or irons as restraints and limit other kinds of restraints to the extent necessary for reasons such as prevention of escape during transfer, and of personal injury or property damage.¹⁵⁷ In June 2017, the Ministry of Public Security issued a draft law that would replace the PSB Detention Center Regulations.¹⁵⁸ The draft law limits the use of shackles to what is necessary for "preventing danger," bringing the current legal framework closer to international standards in this respect.¹⁵⁹ Lawyers and legal scholars, however, are skeptical about the draft law's effectiveness in curbing custodial abuse in general because it lacks provisions that improves transparency and it continues to give police the power to control PSB detention centers, an arrangement that conflicts with the role of police as investigators.¹⁶⁰

Wrongful Conviction

In the past reporting year, the Chinese government made some efforts to address the problem of wrongful conviction, but custodial abuse and political interference continued to be subjects of concern.¹⁶¹ According to a scholar, false confessions—obtained mainly through torture—are the predominant cause of wrongful convictions, and police obstruction in procuratorial investigations undermined efforts to curb this practice.¹⁶² To prevent local influence on investigations, the Supreme People's Procuratorate reportedly drafted provisions allowing criminal petitions (*xingshi shensu*) involving possible grave injustice to be transferred to agencies in other locations.¹⁶³ The Commission did not observe the publication of these provisions.

In February 2017, the Supreme People's Court (SPC) reported that courts across China in 2016 corrected 11 cases of wrongful conviction involving 17 individuals.¹⁶⁴ In one case, the SPC's second circuit tribunal rescinded the murder and rape convictions of

Nie Shubin, who was executed in 1995, after another person confessed to the crimes in 2005.¹⁶⁵ The court concluded that, due to inconsistencies in Nie's confession, it could not preclude the possibility that investigators induced or directed him to confess, but it declined to find that torture took place.¹⁶⁶

While the SPC reported that authorities continued to grant compensation in wrongful conviction cases,¹⁶⁷ a report citing official statistics notes that fewer courts disclosed state compensation statistics between 2014 and 2016, which a Chinese legal scholar said was inconsistent with central authorities' stated goal of improving judicial protection against wrongful conviction.¹⁶⁸

Death Penalty

LACK OF TRANSPARENCY IN DEATH PENALTY CASES

The Chinese government's claim of limited use of the death sentence¹⁶⁹ remained unverifiable as authorities continued to treat the number of executions as a state secret. An April 2017 Amnesty International report estimated that the number of executions in China remained in the thousands, exceeding the number for all other countries combined, and reported that the Chinese government continued its policy of nondisclosure of death sentence statistics on state secrecy grounds.¹⁷⁰ Amnesty International found that death penalty-related documents published in China's official judicial document database represented a fraction of the execution reports retrieved from a search engine in China—about 5 percent in 2015 and 8.5 percent in 2016—which in turn is a fraction of credible estimates given by non-governmental organizations and scholars.¹⁷¹

JUDICIAL REVIEW OF DEATH PENALTY CASES

In the 10-year period after the Supreme People's Court (SPC) regained exclusive authority to review death penalty cases,¹⁷² the low rate of legal representation in death penalty cases and the lack of a uniform legal standard of review have remained issues of concern. While the PRC Criminal Procedure Law requires legal representation in cases where the defendants may receive the death penalty,¹⁷³ there is no corresponding requirement in death penalty review cases before the SPC.¹⁷⁴ A study of judicial opinions published between 2014 and 2016 shows that legal counsel participated in 22 out of 255 (8.63 percent) death penalty review cases, and the majority of the defendants involved had junior high school or lower levels of education.¹⁷⁵ A legal practitioner reported difficulty in preparing an effective defense due to the lack of a uniform standard of review and further noted that some SPC judges disposed of cases without addressing the points raised by defense counsel.¹⁷⁶

ORGAN HARVESTING FROM EXECUTED PRISONERS

This past year, the Commission did not observe any rulemaking efforts to ban harvesting organs from executed prisoners,¹⁷⁷ but authorities reportedly imposed sanctions on persons involved in one case of organ transplantation from an executed prisoner. Amnesty International observed that China is likely "still sourcing organs

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from prisoners on death row” as of 2017, noting that senior Chinese health official Huang Jiefu, who spoke at an international summit on organ trafficking held at the Vatican in February 2017, did not deny that the practice continued.¹⁷⁸ Huang told reporters he was sure that there were some violations of China’s ban on harvesting organs from executed prisoners, given China’s population size.¹⁷⁹ In October 2016, Huang said at a conference in Beijing municipality that he received information about a paramilitary police hospital transplanting a kidney from an executed prisoner to a Canadian patient for 30,000 Canadian dollars (approximately US\$21,900).¹⁸⁰ Huang said he relayed the information to the Ministry of Public Security and the National Health and Family Planning Commission, after which authorities revoked the license of the doctor and the hospital, sanctioned the hospital director, and detained court personnel who facilitated the transaction.¹⁸¹

Notes to Section II—Criminal Justice

¹See, e.g., Rights Defense Network, “As June Fourth Approaches, Stability Maintenance Across the Country Intensifies, Dissidents and Citizens Who Defend Rights Targeted for Stability Maintenance” [Liusi linjin gedi weiren yankong jiaju, yijian renshi ji weiquan gongmin bei mijixing weiren], 1 June 17; Rights Defense Network, “Communist Party Member Zi Su Formally Arrested on ‘Inciting Subversion of State Power Offense’ for Asking Communist Party To Implement Direct Elections at 19th Party Congress” [Yaoqiu zhonggong 19 da zhixuan de zhonggong dangyuan zi su bei yi “shandong dianfu guojia zhengquan zui” zhengshi daibu], 15 June 17. See also Jerome A. Cohen, “Disappearance of Chinese Human Rights Lawyer: What It Means To Be Placed Under ‘Residential Surveillance’ in China,” Jerry’s Blog, 26 December 16; Sophie Richardson, Human Rights Watch, “Submission by Human Rights Watch to the National People’s Congress Standing Committee on the Draft Revisions to the Police Law,” 22 December 16; Chang Wang and Vivian Wu, Thomson Reuters, “China’s Legal System: 2016 Reviews and 2017 Predictions,” Legal Current (blog), 2 March 17; Alex Linder, “China’s Chief Justice Lists Jailing Human Rights Lawyer as Legal System’s Top Achievement of 2016,” Shanghaiist, 14 March 17.

²Harry Wu and Cole Goodrich, “A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China,” Human Rights Brief, Vol. 21, Issue 1 (Winter 2014), 4.

³Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

⁴International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 7 September 17. China has signed but not ratified the ICCPR. See also CECC, 2014 Annual Report, 9 October 14, 81; State Council Information Office, “National Human Rights Action Plan of China (2009–2010),” 13 April 09, Introduction, sec. V(1). The 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009 stated that the “essentials” of the ICCPR were some of the “fundamental principles” on which the plan was framed, and that the government would “continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for ratification of the ICCPR.” See also Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principle 4; International Justice Resource Center, “Increased Oppression of Chinese Human Rights Defenders Draws International Criticism,” 22 February 16.

⁵Harry Wu and Cole Goodrich, “A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China,” Human Rights Brief, Vol. 21, Issue 1 (Winter 2014), 4; Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; Chinese Human Rights Defenders, “We Can Beat You to Death With Impunity,” October 2014, 6. See also “Guo Gai and Wang Jianfen: Details of Black Jails in Wuxi: Rescue and Torture Reenactment” [Guo gai, wang jianfen: wuxi hei jianyu shimo: yingjiu he kuxing yanshi], Charter 08 (blog), 23 December 15.

⁶National People’s Congress Standing Committee, Decision on Abolishing Laws and Regulations Regarding Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jue ding], issued and effective 28 December 13; CECC, 2014 Annual Report, 9 October 14, 82–84.

⁷Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; “Black Jails Still in Vogue in Mainland, Reeducation Through Labor Continues To Exist Under a Different Name” [Dalü hei jianyu shengxing lao jiao huan tang bu huan yao], Radio Free Asia, 3 November 15. A petitioner reported that “black jails” provided no procedural protection and that human rights conditions had deteriorated after the abolition of RTL.

⁸Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14; “2016 Summary of Persecution Against Falun Gong Practitioners in Wuhan Municipality” [Wuhan shi falun gong xueyuan 2016 nian shou pohai zongshu], Clear Wisdom, 2 February 17. “Legal education centers” are sometimes called “brainwashing classes.”

⁹See, e.g., “2016 Summary of Persecution Against Falun Gong Practitioners in Wuhan Municipality” [Wuhan shi falun gong xueyuan 2016 nian shou pohai zong shu], Clear Wisdom, 2 February 17; “2016 Case Summary of Persecution Against Falun Gong Practitioners in Guangdong” [2016 nian guangdong falun gong xueyuan shou pohai anli zongshu], Clear Wisdom, 28 January 17.

¹⁰Petitioners are citizens who use the “letters and visits system,” also known as the petitioning system, to seek redress of their grievances against the government. See, e.g., “Two Petitioners Put in Black Jail for 13 Days, Coughed Up Blood After Being Beaten and Forced To Write About ‘Learning Experience’” [Liang fangmin qiu hei jianyu 13 ri bei ou tuxie bi xie “xuexi xinde”], Radio Free Asia, 23 September 16; Rights Defense Network, “On Legal System Promotion Day, 25 Petitioners From Sichuan and Chongqing Detained and Put in Black Jail” [Fazhi xuanchuan ri sichuan, chongqing 25 ming fangmin zaodao kouya, guan hei jianyu], 4 December 16; “Sixteen Petitioners From Chongqing Expressing Injustice at Front Entrance of Zhongnanhai in Beijing, Detained in Black Jail” [16 ming chongqing fangmin beijing zhongnanhai zhengmen han yuan bei song hei jianyu jiyu], Radio Free Asia, 21 December 16.

¹¹See, e.g., Rights Defense Network, “Statistical Report on Shanghai Rights Defenders Persecuted in Connection With National Two Sessions” [Shanghai weiquan renshi yin quanguo lianghui er zao pohai de tongji baogao], 12 March 17; Rights Defense Network, “Statistical Report on Rights Defenders in Shanghai Who Were Put in Black Jails or Detained Before and After Two Sessions (Supplement)” [Lianghui qianhou shanghai weiquan renshi zao guan hei jianyu he juliu de tongji baogao (buchong)], 16 March 17; “Victims of Demolition, Hangzhou

Farmer Put in ‘Black Jail,’ Police Did Not Accept Case Despite Report Being Made” [Hangzhou chaqian nongmin bei guan “hei jianyu” bao’an bu huo shouli], Radio Free Asia, 18 March 17. See also Liu Shaohua, “China Enters Two Sessions Period” [Zhongguo jinru lianghui shijian], People’s Daily, 2 March 17.

¹²PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1). See also “[Editorial] Beware of Arbitrary Psychiatric Treatment Due to Petitioning Dilemma” [[Shelun] jingti xinfang kunju xia de jingshenbing shouzhi luanxiang], Southern Metropolitan Daily, 14 June 16.

¹³Supreme People’s Procuratorate, Measures on Implementation of Compulsory Medical Treatment (Trial) [Renmin jianchayuan qiangzhi yiliao zhixing jiancha banfa (shixing)], issued 13 May 16, effective 2 June 16, arts. 9, 12.

¹⁴Civil Rights & Livelihood Watch, “2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

¹⁵Civil Rights & Livelihood Watch, “Anhui Petitioner Shi Chuanfeng Intends To Travel to Beijing, Psychiatric Facility Personnel Join Interception!” [Anhui fangmin shi chuanfeng yu jin jing jingshenbing yuan renyuan canyu jie fang!], 8 November 16. See also Civil Rights & Livelihood Watch, “2016 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

¹⁶Civil Rights & Livelihood Watch, “2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.

¹⁷Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued 25 March 94, effective 1 May 94, art. 28. Article 28 of the 1994 provisions requires any person or organization having information about a case under investigation to comply with the *shuanggui* process. Chinese Communist Party Central Commission for Discipline Inspection, Opinion on Strengthening the Coordination Mechanisms in Case Investigation and on Further Regulating the Measure of “Double Designation” [Zhongyang jiwei guanyu wanshan cha ban anjian xietiao jizhi jinyibu gaijin he guifan “lianggui” cuoshi de yijian], issued 20 January 05, item 2(1); Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1 (March 2008), 14–15. The 2005 Central Commission for Discipline Inspection opinion limits the application of *shuanggui* to Party members.

¹⁸Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued 25 March 94, effective 1 May 94, arts. 10, 28(3), 39; Human Rights Watch, “‘Special Measures’: Detention and Torture in the Chinese Communist Party’s Shuanggui System,” 6 December 16; Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” November 2015, 34, 47.

¹⁹Human Rights Watch, “‘Special Measures’: Detention and Torture in the Chinese Communist Party’s Shuanggui System,” 6 December 16; Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1 (March 2008), 24.

²⁰Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9. See also CECC, 2015 Annual Report, 8 October 15, 102–3; CECC, 2014 Annual Report, 9 October 14, 87–88.

²¹Human Rights Watch, “‘Special Measures’: Detention and Torture in the Chinese Communist Party’s Shuanggui System,” 6 December 16.

²²Nathan VanderKlippe, “Shuanggui: The Harsh, Hidden Side of China’s War on Graft, and How One Man Disappeared Into It,” Globe and Mail, 26 March 17.

²³Ibid.

²⁴National People’s Congress Standing Committee, Decision on Launching State Supervision System Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province, [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu zai beijing shi, shanxi sheng, zhejiang sheng kaizhan guojia jiancha tizhi gaige shidian gongzuo de jue ding], issued 25 December 16, effective 26 December 16, item 1; “Three Provincial-Level Administrative Jurisdictions, Beijing, Shanxi, and Zhejiang, Establish Supervisory Commissions” [Beijing, shanxi, zhejiang san sheng shi jiancha weiyuanhui chengli], Supervision Department of Central Commission for Discipline Inspection, 24 January 17. See also “Promote Comprehensive and Rigorous Development of Party Governance, Welcome the Opening of the Nineteenth Party Congress With Exceptional Performance—Work Report from the Chinese Communist Party’s Eighteenth Central Commission for Discipline Inspection’s Seventh Plenary Session” [Tuidong quanmian congyan zhi dang xiang zongshen fazhan yi youyi chengji yingjie dang de shijiuda zhaokai—zai zhongguo gongchandang di shiba jie zhongyuan jilu jiancha weiyuanhui di qi ci quanti huiyi shang de gongzuo baogao], Xinhua, 19 January 17, sec. 1(2).

²⁵National People’s Congress Standing Committee, Decision on Launching State Supervision System Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province, [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu zai beijing shi, shanxi sheng, zhejiang sheng kaizhan guojia jiancha tizhi gaige shidian gongzuo de jue ding], issued 25 December 16, effective 26 December 16, item 2. See also Ge Wenxiu et al., “Fifty-Nine Lawyers Including Ge Wenxiu Openly and Jointly Issued Four Suggestions to National People’s Congress Regarding ‘State Supervision Law (Draft)’” [Ge wenxiu deng 59 wei lushi lianming jiu “guojia jiancha fa (cao’an)” lifa xiang quanguo renda gongkai tichu sidian jianyi], 11 August 17, reprinted in Rights Defense Network, 13 August 17.

²⁶Flora Sapio, “An Interview About Shuanggui With the Globe and Mail,” REACH (blog), 10 January 17.

²⁷Lin Zizhen, “Chen Guangzhong: Supervisory System Reform Requires Initiating a Systematic Legislative Amendment Process” [Chen guangzhong: jiancha tizhi gaige xu qidong xitong xiu fa gongcheng], Caixin, 17 January 17; Wang Lina, “‘Detention Authority’ Makes First Appearance in Supervision Pilot Reform, ‘Shuanggui,’ ‘Shuangzhi’ May Be Affected” [Jiancha gaige shidian shou xian “liuzhi quan” “shuanggui” “shuangzhi” huo shou yingxiang], Caijing, 31 December 16.

²⁸UN Human Rights Council, Report of the Working Group on Arbitrary Detention, A/HRC/22/44, 24 December 12, para. 63.

²⁹For more information on Xia Lin, see the Commission’s Political Prisoner Database record 2014-00432.

³⁰For more information on Wu Zeheng, see the Commission’s Political Prisoner Database record 2017-00235.

³¹UN Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at Its 77th Session, 21–25 November 2016, Opinion No. 46/2016 concerning Wu Zeheng and 18 Others (China), A/HRC/WGAD/2016/46, 27 January 17, para. 64; UN Human Rights Council, Opinions adopted by the UN Working Group on Arbitrary Detention at Its 76th Session, 22–26 August 2016, Opinion No. 43/2016 Concerning Xia Lin (China), A/HRC/WGAD/2016/43, 12 October 16, para. 28.

³²See, e.g., Rights Defense Network, “Bulletin on CRLW Director Liu Feiyue’s Case: Family Members Receive ‘Arrest Notice’ From Suizhou, Hubei, PSB” [Minsheng guan cha fuzeren liu feiyue an tongbao: jiashu shoudao hubei suizhou shi gong’anju jifa de “daibu tongzhishu”], 11 January 17; Rights Defense Network, “Director of Mainland NGO ‘64 Tianwang’ Huang Qi Arrested by Authorities” [Dalü NGO “liusi tianwang” fuzeren huang qi yi bei dangju zhixing daibu], 20 December 16; “Li Heping Charged With ‘Subversion of State Power’” [Li heping bei kong “dianfu guojia zhengquan zui”], Radio Free Asia, 9 December 16; “Lawyer Wang Quanzhang in 709 Case Formally Indicted on Subversion Charge” [709 an wang quanzhang lushi zhengshi bei qisu dianfu zuiming], Radio Free Asia, 15 February 17; “Indictment Against Xie Yang Exposed, Lawyer To Counter Each Allegation” [Xie yang an qisushu baoguang dai li lushi jiang zhu tiao fanbo], Radio Free Asia, 1 February 17; “Sun Feng Convicted for Speech, Articles Posted Online Result in 5 Years’ Imprisonment” [Sun feng bei yi yan ru zui wangshang fawen huan 5 nian jianjin], Radio Free Asia, 21 November 16; “Shenzhen’s Li Jiangpeng Accused of ‘Subversion,’ Wang Jun’s Pregnant Wife Remains Subject to Monitoring After Returning to Shenzhen” [Shenzhen li jiangpeng bei kong “dianfu” wang jun yun qi hui shen reng shou jiankong], Radio Free Asia, 10 April 17; Human Rights Watch, “China: Drop Charges Against Tibetan Education Activist,” 15 January 17; Tibetan Centre for Human Rights and Democracy, “Charged of [sic] Inciting Separatism, Detained Former Tibetan Political Prisoner Tsegon Gyal on ‘Silent Protest,’” 29 December 16.

³³PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 54(2), 56, 102–113. All crimes of “endangering state security” (ESS) carry a mandatory supplemental sentence of deprivation of political rights, which include the rights of speech, publication, assembly, association, procession, and demonstration. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. In addition to the severe criminal penalty, ESS offenses permit authorities to use “residential surveillance at a designated location,” which in practice could “amount to incommunicado detention . . . putting detainees at a high risk of torture or ill-treatment.”

³⁴For more information on Su Changlan, see the Commission’s Political Prisoner Database record 2014-00406.

³⁵For more information on Chen Qitang, see the Commission’s Political Prisoner Database record 2009-00002.

³⁶“Su Changlan and Chen Qitang Sentenced to 3 Years and 4 Years and 6 Months Respectively, Citizens Expressed Support Online” [Su changlan, chen qitang fen huoxing 3 nian ji 4 nian ban gongmin wangluo biaoda shengyuan], Radio Free Asia, 31 March 17. The Guangdong High People’s Court dismissed the appeals of Su and Chen on June 6, 2017. “Appeals of Su Changlan and Chen Qitang Dismissed” [Su changlan, chen qitang shangsu zao bohui], Radio Free Asia, 7 June 17.

³⁷“Hong Kong Groups Went to China Liaison Office To Support Su Changlan and Tian Li” [Xianggang tuanti dao zhonglianban shengyuan su changlan, tian li], Radio Free Asia, 31 March 17; “Appeals of Su Changlan and Chen Qitang Dismissed” [Su changlan, chen qitang shangsu zao bohui], Radio Free Asia, 7 June 17.

³⁸Hua Xuan, “The Logic of Different Areas Making Different Judgments When Petitioners ‘Extort’ Government” [Dang fangmin “qiaozha” zhengfu butong diqu butong pan de luoj], Southern Weekend, 28 July 16.

³⁹See, e.g., Uncle Ou of Huiyang’s Younger Sister (Huiyang ou bo meimei), “Progress Status of Case Against ‘Uncle Ou of Huiyang’ Li Jianxin” [“Huiyang ou bo” li jianxin anqing jinzhan qingkuang], Weibo post, 27 March 17, 9:36 a.m.; Voice of Petitioners, “Six Petitioners From Hebei Accused of Extortion, Family Members Gather and Kneel Down To Demand Explanation” [Hebei liu fangmin bei kong qiaozha lesuo jiashu jiti xiagui yao shuofa], reprinted in Civil Rights & Livelihood Watch, 19 January 17. For more information on Li Jianxin (also known as Uncle Ou of Huiyang (Huiyang Ou Bo)), see the Commission’s Political Prisoner Database record 2016-00498.

⁴⁰ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 274. See also Supreme People's Court and Supreme People's Procuratorate, Interpretation on Certain Issues Concerning the Application of Law in Handling Criminal Cases Involving Extortion [Zuigao renmin fayuan, zuigao renmin jianchayuan guanyu banli qiaozha lesuo xingshi anjian shiyong falu ruogan wenti de jieshi], issued 1 April 13, effective 27 April 13, art. 1.

⁴¹ Cao Bo and Xiao Zhonghua, "Doctrinal Critique of Using Extortion Charge To Regulate Petitioning Activity" [Yi qiaozha lesuo zui guizhi xinfang xingwei de jiaoyixue piban], Journal of Law Application, No. 9 (2016), 43.

⁴² Petitioners are citizens who use the "letters and visits system" to seek redress of their grievances against the government. See, e.g., Philip Wen, "Rare Disclosure Sheds Light on Plight of China's Aggrieved Petitioners," Reuters, 2 March 17. Such grievances reportedly include cases concerning demolition or expropriation of property, social security, agriculture, land and resources, and environmental protection. Benjamin L. Liebman, "A Populist Threat to China's Courts?" in Chinese Justice: Civil Dispute Resolution in Contemporary China, eds. Margaret Y.K. Woo and Mary E. Gallagher (Cambridge: Cambridge University Press, 2011), 309; Liang Shibin, "Resolutely Fight To Win the Battle on Clearing Backlog of Petitioning Cases" [Jianjue da ying huanjie xinfang ji'an gong jian zhan], Legal Daily, 27 April 16.

⁴³ Chinese courts reportedly have not settled the legal question as to whether petitioning constitutes "extortion." See, e.g., Li Shide, "Judges Explaining Law: Does Extorting the Government by Means of Petitioning Constitute a Crime? How Should the Nature of the Matter Be Determined? (Model Cases)" [Faguan shuofa: yi shangfang yaoxie qiaozha lesuo zhengfu shifou goucheng fanzui? ying ruhe dingxing chuli? (dianxing anli)], Empirelawyers (*fake diguo*) (blog), 29 August 16; Cao Bo and Xiao Zhonghua, "Doctrinal Critique of Using Extortion Charge To Regulate Petitioning" [Yi qiaozha lesuo zui guizhi xinfang xingwei de jiaoyixue piban], Legal Application, No. 9 (2016), 43. See also Zhushan County People's Procuratorate, "Improper Petitioning Can Easily Violate Ten Criminal Offenses!" [Shangfang budang, rongyi chufan shi zong zui!], 8 March 17.

⁴⁴ See, e.g., Linying County People's Court, Luohe Municipality, Henan Province, Criminal Judgment [Henan sheng linying xian renmin fayuan, xingshi panjue shu], (2013) Lin Xing Chu Zi No. 30, 18 October 16, reprinted in China Judgements Online, 4 November 16; Hailun City People's Court, Suihua Municipality, Heilongjiang Province, Criminal Judgment [Heilongjiang sheng hailun shi renmin fayuan xingshi panjue shu], (2016) Hei 1283 Xing Chu No. 120, 27 December 16, reprinted in China Judgements Online, 19 January 17.

⁴⁵ Cai Yiwen, "Petitioning Henan Farmer Prosecuted for 'Blackmailing' Officials," Sixth Tone, 30 March 17.

⁴⁶ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 290, 291.

⁴⁷ See, e.g., "Gathering a Crowd To Disturb Social Order Case' Against 6 Nanjing Petitioners Commences, Public Blocked From Attending" [Nanjing 6 fangmin "juzhong raoluan shehui zhixu an" kaiting minzhong pangting zao ju], Radio Free Asia, 13 October 16; Rights Defense Network, "Old Lady Chen Xuebing of Guizhou Died in Injustice Over an Acre of Life-Sustaining Land Being Divided Into Three, Daughter Wang Hong Arrested for Petitioning" [Wei yimu sanfen huoming di, guizhou laotai chen xuebing bei yuansi nu'er wang hong shangfang zao daibu], 3 November 16; Rights Defense Network, "Ethnic Mongolian Rights Defender Wenming From Horqin Left Rear Banner, Tongliao Municipality, Inner Mongolia, Criminally Detained for Making a Post Online" [Neimenggu tongliao shi ke zuohou qi menggu zu weiguan gongmin wenming yin wangshang fa tie bei xingshi juliu], 20 December 16; "Filed Complaint Against Public Security Bureau Head, Arrest for Shenyang Rights Defender Lin Mingjie Approved" [Zhuanggao gong'an juzhang shenyang weiquan renshi lin mingjie bei pi bu], Radio Free Asia, 11 October 16; Rights Defense Network, "Trial for Guangdong Labor NGO Figure Meng Han, Charged on Suspicion of Gathering a Crowd to Disturb Social Order, To Begin November 3, 2016" [Guangdong laogong NGO renshi meng han shexian ju zhong raoluan shehui zhixu an jiang yu 2016 nian 11 yue 3 ri zhi 4 ri kaiting], 20 October 16; "Zeng Feiyang and Two Other Labor Advocates Receive Suspended Sentences, Released" [Zeng feiyang deng 3 laogong renshi bei pan huanxing huoshi], Radio Free Asia, 26 September 16.

⁴⁸ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 18, 20(1); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 18, 21, 22.

⁴⁹ For more information on the five individuals, see the following records in the Commission's Political Prisoner Database: 2016-00454 on Yang Zhaojun, 2016-00470 on Wang Lulu, 2016-00471 on Cheng Yajie, 2016-00472 on Zheng Lan, and 2016-00473 on Liu Yan.

⁵⁰ "5 Christians From Xinjiang Tried for Illegally Preaching" [Xinjiang 5 jidutu feifa chuandao shou shen], Radio Free Asia, 27 October 16; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05.

⁵¹ Supreme People's Court, Implementing Measures on People's Courts' Carrying Out "Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law" [Renmin fayuan luoshi "baohu sifa renyuan yifa luxing fading zhize guiding" de shishi banfa], issued and effective 7 February 17, art. 11. The Supreme People's Court issued the implementing measures pursuant to a set of rules jointly issued by the general offices of the State Council and Chinese Communist Party Central Committee. Tang Weijian, "Interpretation Related to 'Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law'" ["Baohu sifa renyuan yifa luxing fading zhize guiding" xiangguan jiedu], China Peace Net, 28 July 16.

⁵² See, e.g., “Lin Bingxing ‘Picking Quarrels and Provoking Trouble,’ Lawyer Expects Heavy Sentence” [Lin bingxing “xunxin zishi” lushi yuqi zhong pan], Radio Free Asia, 29 November 16; “Zhao Hongyan, Female Petitioner From Hefei, Sentenced to 2 Years’ Imprisonment at Trial of First Instance for Picking Quarrels and Provoking Trouble, Lawyer Cheng Hai Retained To File Appeal” [Hefei nu fangmin zhao hongyan yishen bei yi xunxin zishi zui panxing 2 nian cheng hai lushi shou tuo shangsu], Radio Free Asia, 14 December 16; “Wang Fengyun, Petitioner From Inner Mongolia, Sentenced to 2 and a Half Years, Asserts Appeal at Court” [Neimeng fangmin wang fengyun bei pan 2 nian ban dang ting ti shangsu], Radio Free Asia, 29 March 17; Rights Defense Network, “Court Hearing Concludes in Wuxi 413 Crackdown Case, Court Did Not Announce Judgment” [Wuxi 413 da zhuabu an tingshen jieshu wei dangting xuanpan], 24 April 17; Rights Defense Network, “Fuzhou Crackdown Bulletin: Today 8 Released on Bail, 3 People Still Detained (October 12, 2016)” [Fuzhou da zhuabu tongbao: jin 8 ren qubao huoshi, reng you 3 ren zao jiya (2016 nian 10 yue 12 ri)], 12 October 16; Rights Defense Network, “Bulletin on 908 Suzhou Crackdown: Changsu Rights Defender Gu Xiaofeng Placed Under ‘Residential Surveillance at a Designated Location’ by Suzhou Police for ‘Picking Quarrels and Provoking Trouble,’ Gu Yimin Released on Bail Last Month, 11 People Remain Under Residential Surveillance at a Designated Location (February 7, 2017)” [Suzhou 908 da zhuabu tongbao: changshu weiquan gongmin gu xiaofeng bei suzhou jingfang yi “xunxin zishi zui” zhixing zhiding jusuo jianshijuzhu gu yimin shangyuedi huo qubao huoshi reng you 11 ren bei zhiding jianshi juzhu (2017 nian 2 yue 7 ri)], 7 February 17.

⁵³ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 293.

⁵⁴ Stanley Lubman, “‘Picking Quarrels’ Casts Shadow Over Chinese Law,” Wall Street Journal, China Real Time Report (blog), 30 June 14.

⁵⁵ Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Concerning the Application of Law in the Handling of Criminal Cases Including Defamation by Means of the Internet [Guanyu banli liyong xinxi wangluo shishi feibang deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 10 September 13, art. 5.

⁵⁶ Edward Wong, “China Uses ‘Picking Quarrels’ Charge To Cast a Wider Net Online,” New York Times, 26 July 15. See also “Hu Changgen Probably Being Retaliated Against for Courageous Online Speech, To Be Tried on Wednesday” [Hu changgen yongyu wangshang jinyan yi zao baofu zhou san shenxun], Radio Free Asia, 20 September 16; “Hearing on Wang Jiangfeng ‘Picking Quarrels and Provoking Trouble Case’ Temporarily Postponed, Family Emphasize Charge Unfounded” [Wang jiangfeng “xunxin zishi an” linshi yanqi jiashu qiangdiao zuiming moxuyou], Radio Free Asia, 21 February 17; “11 Petitioners Face Prosecution for Demonstration, Indicted on ‘Picking Quarrels and Provoking Trouble’” [11 fangmin shiwei zao qingsuan bei qisu “xunxin zishi” zui], Radio Free Asia, 3 March 17.

⁵⁷ For more information on Shan Lihua, see the Commission’s Political Prisoner Database record 2016-00033.

⁵⁸ Gangzha District People’s Court, Nantong Municipality, Jiangsu Province, Criminal Judgment [Jiangsu sheng nantong shi gangzha qu renmin fayuan xingshi panjue shu], (2016) Su 0611 Xing Chu No. 50, 29 September 16, reprinted in Rights Defense Network, 29 September 16; “‘Picking Quarrels and Provoking Trouble’ Again, Jiangsu Rights Defender Shan Lihua Sentenced to 2 Years and 3 Months” [You shi “xunxin zishi” jiangsu weiquan renshi shan lihua panxing 2 nian 3 ge yue], Radio Free Asia, 29 September 16.

⁵⁹ For more information on the eight individuals, see the following records in the Commission’s Political Prisoner Database: 2016-00463 on Zhuang Songkun, 2017-00100 on Hong Yongzhong, 2017-00101 on Wu Fang, 2017-00102 on Cai Jialin, 2017-00103 on Li Chulu, 2017-00104 on Wei Yonghan, 2017-00105 on Chen Suzhuan, and 2017-00107 on Yang Jinzhen.

⁶⁰ PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 296.

⁶¹ Haifeng County People’s Court, “Haifeng County People’s Court Publicly Announces First Instance Judgment in Case Against Nine People, Including Wei Yonghan and Zhang Bingchai, for Gathering a Crowd To Disturb Social Order, Illegal Assembly, Procession, or Demonstration, Gathering a Crowd To Disrupt Traffic, Obstructing Official Business, and Intentionally Disseminating False Information, Haifeng First Instance Judgment Announced” [Haifeng xian renmin fayuan yishen gongkai xuanpan wei yonghan, zhang bingchai deng 9 ren juzhong raoluan shehui zhixu, feifa jihui, youxing, shiwei, juzhong raoluan jiaotong zhixu, fanghai gongwu, guyi chuanbo xujia xinxi an haifeng yishen xuanpan], 26 December 16; “China Moves Ahead With Trials of Rebel Villagers in Secret,” Radio Free Asia, 20 December 16; “China Jails Nine Protestors From Guangdong’s Rebel Village of Wukan,” Radio Free Asia, 27 December 16; Zhuang Liehong, “How Nine Wukan Villagers Were Illegally Tried and Sentenced in December, 2016,” China Change, 5 January 17; “Day Before Lin Zulian’s Trial, Tension Builds in Wukan Village Despite Relaxed Appearance” [Lin zulian shenxun qianxi wukan cun wai chi nei zhangle], Radio Free Asia, 7 September 16. For background information on Wukan village, see CECC, 2012 Annual Report, 10 October 12, 129; CECC, 2014 Annual Report, 9 October 14, 142–43; CECC, 2016 Annual Report, 6 October 16, 240.

⁶² PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 225. See, e.g., “Exclusive: Xin Lijian, Outspoken Entrepreneur From Guangdong, Indicted on Two Charges: ‘Illegal Business Activity and Destruction of Accounting Evidence’ [Dujia: guangdong ganyan qiyejia xin lijian bei yi “feifa jingying, xiaohui kuaiji pingju” liang zui yisong qisu], Bowen Press, 5 November 16; “Writer Xiong Feijun Among

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Three Criminally Detained, Defense Lawyer Will Request Bail” [Zuojia xiong feijun an san ren zao xingju daili lushi jiang ti qubao houshen], Radio Free Asia, 2 January 17; Human Rights Campaign in China, “Accused of Illegal Business Activity Due to Printing Religious Publications, Believer Li Hongmin of Guangfu Church in Guangzhou Sentenced to 10 Months and Fined Ten Thousand Yuan by Baiyun District Court” [Yin yinshua zongjiao kanwu bei kong feifa jingying zui guangzhou guangfu jiaohui xintu li hongmin zao baiyun qu fayuan panxing 10 ge yue ji chufa jin yiwang yuan], 27 March 17.

⁶³PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 246. See, e.g., “Lawyer Zhang Lei: Explanation Regarding Hubei Liu Yanli’s Case (January 4, 2017)” [Zhang lei lushi: guanyu hubei liu yanli an de shuoming (2017 nian 1 yue 4 ri)], reprinted in Rights Defense Network, 4 January 17. For more information on Liu Yanli, see the Commission’s Political Prisoner Database record 2016-00380.

⁶⁴PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 272. See, e.g., ChinaAid, “Pastor Gu Yuese Formally Arrested on January 7” [1 yue 7 ri gu yuese mushi zhengshi bei daibu], 9 January 17. For more information on Gu Yuese, see the Commission’s Political Prisoner Database record 2016-00100.

⁶⁵PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 276. See, e.g., Rights Defense Network, “Five Farmers in Gushi County, Henan Province, Criminally Detained on ‘Sabotaging Production Operation’ for Protecting Dam and Field by Stopping Sand Trucks From Moving Sand” [Henan sheng gushi xian wu nongmin wei hudi baotian zuzhi yunshache yun sha bei yi “pohuai shengchan jingying zui” xing ju], 6 October 16.

⁶⁶PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300. See, e.g., Qiao Nong, ChinaAid, “Dali, Yunnan Christian Tu Yan Case Transferred to Procuratorate, Two Female Pastors in Chuxiong Arrested for Proselytizing” [Yunnan dali jidutu tu yan an yisong jian chuxiong liang nu mushi yin chuanjiao zao daibu], 7 February 17; “Accused Langfang Hebei Falun Gong Practitioner Zhu Xiaomei’s ‘Cult Case’ Sent Back for Investigation” [Hebei langfang falun gong xueyuan zhu xiaomei bei kong “xiejiao an” tui zhen], Radio Free Asia, 4 May 17.

⁶⁷PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 309. See, e.g., “At Least Nine Rights Activists ‘Secretly Detained’ in China’s Suzhou,” Radio Free Asia, 24 March 17; “Xie Yang Indicted for Inciting Subversion of State and Disrupting Court Order” [Xie yang bei qisu shan dian guojia ji raoluan fating zhixu zui], Radio Free Asia, 21 December 16.

⁶⁸See, e.g., PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 54, 121. The 2012 amendment to the PRC Criminal Procedure Law (CPL) provided for the exclusion of evidence obtained through illegal means such as torture, force, or threat, and required audiovisual recording of the interrogation process in serious cases involving life imprisonment or the death penalty. Xing Shiwei, “Audiovisual Recording Will Be Implemented in All Criminal Cases” [Suoyou xing’an xunwen jiang quan luyin luxiang], Beijing News, 22 September 15. In September 2015, the Ministry of Public Security (MPS) announced that law enforcement agencies were implementing the audiovisual recording system, as prescribed by the CPL, and that MPS planned eventually to expand the scope of the system to cover all criminal cases. Ministry of Public Security, Provisions on Accountability for Public Security Agencies and People’s Police in Law Enforcement Misconduct [Gong’an jiguan renmin jingcha zhifa guocuo zeren zhuijiu guiding], issued 24 February 16, effective 1 March 16, arts. 12, 19. In March 2016, the MPS issued disciplinary rules to hold police officers accountable for misconduct and subject them to criminal, administrative, and disciplinary sanctions, including for obtaining confessions through torturing detainees and retaliating against whistleblowers or complainants.

⁶⁹“Supreme People’s Procuratorate Report on Strengthening Supervision on Investigation and Protecting Judicial Justice (Excerpts)” [Zuigao renmin jianchayuan guanyu jiaqiang zhencha jiandu, weihu sifa gongzheng qingkuang de baogao (zhaiyao)], Procuratorial Daily, 7 November 16; Zheng Bochao et al., “NPCSC Members Hope Procuratorate To Improve Effectiveness of Supervision” [Renda changweihui zucheng renyuan xiwang jianfang zengqiang jiandu shixiao], Procuratorial Daily, 8 November 16.

⁷⁰Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Opinion on Promoting Trial-Centered Criminal Procedure System Reform [Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige yijian], 11 October 16, item 5. The 2016 opinion obligates procurators to ask criminal suspects before the conclusion of investigation about the existence of coerced confession or illegal evidence collection. Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on Certain Questions Regarding Excluding Illegal Evidence in Handling Criminal Cases [Guanyu banli xingshi anjian paichu feifa zhengju ruogan wenti de guiding], effective 1 July 10, art. 7. An earlier set of provisions required the procuratorate to produce evidence concerning the legality of the evidence only upon inquiry by the court, rather than questioning the criminal suspect at the pretrial stage.

⁷¹Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions on Certain Issues Relating to Strictly Excluding Illegal Evidence in Criminal Cases, issued and effective 27 June 17.

⁷²Margaret Lewis, "Penetrating Law Into the Walls of Chinese Detention Centers," University of Nottingham, China Policy Institute: Analysis (blog), 18 July 17. See also Jeremy Daum, "Exclusive Focus: Why China's Exclusionary Rules Won't Stop Police Torture," China Law Translate (blog), 1 July 17.

⁷³"Supreme People's Procuratorate Work Report" [Zuigao renmin jianchayuan gongzuo baogao], 12 March 17, 7; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 247; "Supreme People's Procuratorate Report on Strengthening Supervision on Investigation and Protecting Judicial Justice (Excerpts)" [Zuigao renmin jianchayuan guanyu jiaqiang zhencha jiandu, weihu sifa gongzheng qingkuang de baogao (zhaiyao)], Procuratorial Daily, 7 November 16. This November report states that the procuratorate corrected 175,062 cases of illegal evidence collection practices between 2013 and 2016. The report does not provide disaggregated information in terms of the specific actions taken by the procuratorate.

⁷⁴See, e.g., Craig Offman and Nathan VanderKlippe, "Detained Canadian Says China Tortured Her Into Giving Bribery Confession," *Globe and Mail*, 17 November 16; Te-Ping Chen, "China's Anticorruption Drive Ensnarers the Lowly and Rattles Families," *Wall Street Journal*, 20 December 16.

⁷⁵See, e.g., Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; "Former State Security Captain From Jinyang, Sichuan, Coerced To Confess Under Torture (I)" [Sichuan jinyang yuan guobao daduizhang bei xingxun bigong (shang)], *Radio Free Asia*, 8 March 17.

⁷⁶PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; Dui Hua Foundation, "China Issues Oversight Rules for 'Non-Residential' Residential Surveillance," *Dui Hua Human Rights Journal*, 9 February 16. The Dui Hua Foundation translated the term "residential surveillance at a designated location" as "designated-location residential surveillance." See also UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture used the translation "residential surveillance at a designated location."

⁷⁷PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 73, 77. See also Eva Pils et al., "Rule by Fear?" *Asia Society, ChinaFile*, 18 February 16. Scholar Eva Pils wrote: "... whereas in 2011, the authorities made people disappear stealthily and generally without admitting that this was happening, forced disappearances have now effectively become part of the system, and the authorities carry them out 'in accordance with law.'" UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture criticized this coercive measure because it "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment." Nathan VanderKlippe, "Canada, 10 Other Countries Call Out China for Torturing Human Rights Lawyers," *Globe and Mail*, 20 March 17.

⁷⁸Elizabeth M. Lynch, "Codifying Illegality? The Case of Jiang Tianyong," *China Law & Policy* (blog), 20 January 17. See also Chinese Human Rights Defenders, "NGO Mid-Term Assessment of China's Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report)," 22 November 16, 56–57.

⁷⁹Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (Two)" [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; Wang Qiaoling, "A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody," reprinted in *China Change*, 15 January 17; China Human Rights Lawyers Concern Group (chrlcg), "Li Heping and Wang Quanzhang Tortured With Electric Shocks To Faint," *Twitter* post, 23 January 17, 1:17 a.m.

⁸⁰See, e.g., "Two More People in Suzhou Crackdown Under Residential Surveillance" [Suzhou da zhuabu zai you liang ren jianshi juzhu], *Radio Free Asia*, 9 November 16; Rights Defense Network, "Rights Defense Network: Monthly Report on Detained Awaiting Trial and Forcibly Disappeared Individuals in Mainland China (March 31, 2017) Issue No. 18 (Total 199 Persons)" [Weiquan wang: zhongguo dalu jiya wei pan ji qiangpo shizong renyuan yue du baogao (2017 nian 3 yue 31 ri) di shiba qi (gong 199 ren)], 31 March 17.

⁸¹PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73; Zhuang An, "Suspected of Committing a Crime, Jiang Tianyong Duly Placed Under Criminal Coercive Measure" [Jiang tianyong shexian weifa fanzui bei yifa caiqu xingshi qiangzhi cuoshi], *The Paper*, 16 December 16; "Lawyer Tan Chenshou: Case Status Explanation Regarding Jiang Tianyong" [Tan chenshou lushi: jiang tianyong an ban'an qingkuang shuoming], *China Free Press*, 21 March 17.

⁸²"Lawyer Tan Chenshou: Case Status Explanation Regarding Jiang Tianyong" [Tan chenshou lushi: jiang tianyong an ban'an qingkuang shuoming], *China Free Press*, 21 March 17; "Changsha PSB Denied Meeting Request, Jiang Tianyong's Father and Lawyers Lodged Complaint" [Changsha gong'an ju huijian jiang tianyong fu ji lushi ti kongsul], *Radio Free Asia*, 30 December 16.

⁸³"709 Crackdown: Lawyer Jiang Tianyong Formally Arrested After Expiration of 'Residential Surveillance at a Designated Location'" [709 da zhuabu: jiang tianyong lushi "jianshi juzhu" qiman zao zhengshi daibu], *Radio Free Asia*, 1 June 17; "Jiang Tianyong's Family Received Ar-

rest Notice, Charge Changed for the Third Time” [Jiang tianyong jiashu shoudao daibu tongzhishu zhikong zuiming san ci biangeng], Radio Free Asia, 5 June 17.

⁸⁴See, e.g., Tibetan Centre for Human Rights and Democracy, “Charged of Inciting Separatism, Detained Former Tibetan Political Prisoner Tsegon Gyal on ‘Silent Protest,’” 29 December 16; Chinese Human Rights Defenders, “‘They Target My Human Rights Work as a Crime’: Annual Report on the Situation of Human Rights Defenders in China (2016),” February 17, 26; “Punishing Rights Lawyers a Top Achievement, Says China,” Al Jazeera, 12 March 17.

⁸⁵See, e.g., “Study Abroad Student Quan Ping Wears T-Shirt That Satirizes Leader, Right to Defense Counsel Illegally Stripped” [Chuan wenhua shan fengci lingdaoren liuxuesheng quan ping bianhu lushi zao weigui boduo], Radio Free Asia, 13 February 17; Rights Defense Network, “Lawyer Chen Jinxue: Lawyer Applies for Meeting With Jiang Tianyong on Grounds That Meeting With Reporter Already Took Place, Changsha Municipal Public Security Bureau Again Ignores Lawyer” [Chen jinxue lushi: lushi yi jizhe yi jian wei you shenqing huijian jiang tianyong, changsha shi gong’anju you ju lushi yu men wail], 2 March 17; Civil Rights & Livelihood Watch, “Lawyer Wen Donghai’s Third Application To Meet Liu Feiyue Denied” [Wen donghai lushi di san ci shenqing huijian liu feiyue zao ju], 24 March 17; Rights Defense Network, “Lawyer Sui Muqing: Circular on Huang Qi Case—Lawyer Not Permitted To Meet With Huang Qi or Make Bail Application on His Behalf (1 April, 2017)” [Sui muqing lushi: huang qi an tongbao—bu tongyi lushi huijian huang qi ji wei qi banli qubao (2017 nian 4 yue 1 ri)], 1 April 17; “Huang Qi of 64 Tianwang in Sichuan Has Worrying Health Conditions While Held in PSB Detention Center” [Sichuan liu si tianwang huang qi kanshousuo zhong bingkuang kanyou], Voice of America, 21 February 17.

⁸⁶Tai Jianlin, “Lawyers’ Meeting Rooms at PSB Detention Center Increased From Two to Nine” [Kanshousuo lushi huijian shi liang jian bian jiu jian], Legal Daily, reprinted in Xinhua, 24 May 16.

⁸⁷PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, amended 26 October 12, effective 1 January 13, art. 33. For the prior version, see PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, effective 1 June 08, art. 33.

⁸⁸PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 37; Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 9.

⁸⁹For more information on Jiang Tianyong, see the Commission’s Political Prisoner Database record 2011-00179.

⁹⁰Rights Defense Network, “Lawyers Chen Jinxue and Tan Chenshou: Lawyers’ Opinion and Declaration Regarding Jiang Tianyong’s Purported Acceptance of Being Interviewed by Global Times” [Chen jinxue lushi, tan chenshou lushi: guanyu jiang tianyong suowei jieshou huanqiu shibao caifang yi shi de lushi yijian ji shengming], 2 March 17; Rights Defense Network, “Lawyer Chen Jinxue: Lawyer Applies for Meeting With Jiang Tianyong on Grounds That Meeting With Reporter Already Took Place, Changsha Municipal Public Security Bureau Again Ignores Lawyer” [Chen jinxue lushi: lushi yi jizhe yi jian wei you shenqing huijian jiang tianyong, changsha shi gong’anju you ju lushi yu men wail], 2 March 17.

⁹¹See, e.g., “Zhang Wanhe in Shandong Weifang Case Completed Sentence and Released From Jail” [Shandong weifang an zhang wanhe xing man chuyul], Radio Free Asia, 4 January 17; “Suzhou Rights Advocate Gu Xiaofeng Taken Away by Police, Residence Raided” [Suzhou weiquan renshi gu xiaofeng bei jing daizou zhuzhai bei chao], Radio Free Asia, 6 February 17; Rights Defense Network, “Status Report of Lawyer Tan Chenshou’s Meeting With Guiyang Living Stone Church Accountant and Christian Zhang Xiuhong, Who Was Sentenced to Five Years’ Imprisonment on Illegal Business Activity” [Tan chenshou lushi huijian yishen bei yi feifa jingying zui panchu 5 nian youqi tuxing guiyang huoshi jiaohui kuaiji jidutu zhang xiuhong de qingkuang tongbao], 24 February 17.

⁹²See, e.g., “Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng” [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17.

⁹³For more information on Chen Yunfei, see the Commission’s Political Prisoner Database record 2010-00014.

⁹⁴Liu Zhengqing, Human Rights in China, “Solemn Declaration Regarding Wuhou Court’s Seizure of My Computer at Chen Yunfei’s Hearing” [Guanyu chen yunfei an kaiting shi wuhou fayuan qiang wo diannao de zhengzhong shengming], 26 December 16; Chen Yunfei, “Lawyer Liu Zhengqing, Defense Lawyer for Chen Yunfei, Issued Letter Addressed to Chengdu Wuhou Court President” [Chen yunfei bianhu lushi lushi liu zhengqing zhi xin chengdu wuhou fayuan yuanyuan], reprinted in Free China News, 2 January 17; “Chen Yunfei’s Termination of Legal Representation Caused Cancellation of Court Hearing” [Chen yunfei jiepin lushi zhi tingshen liu chan gaozhong], Radio Free Asia, 26 December 16.

⁹⁵For more information on Ding Meifang, see the Commission’s Political Prisoner Database record 2017-00094.

⁹⁶Rights Defense Network, “Hefei Female Petitioner Ding Meifang, Who Previously Voiced Support for Zhang Anni, Again Sentenced to 2 Years for Petitioning, Parents Adamantly Insist She Was Persecuted” [Ceng canyu shengyuan zhang anni de hefei shi nu fangmin ding meifang yin shangfang zaici bei panxing 2 nian, fumu jian cheng shi bei pohai], 10 January 17.

⁹⁷“Over a Hundred Lawyers in China Issued Joint Letter Calling for Release of Human Rights Lawyer and His Family” [Zhongguo baiming lushi hanshu cu shifang renquan lushi ji jieren], Voice of America, 4 May 17; Civil Rights & Livelihood Watch, “Six Individuals, Including Chen Jian’gang, Detained During Trip to Yunnan” [Chen jian’gang deng liuren yunnan luyou beizhua], 3 May 17.

⁹⁸Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (One)” [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huijian jilu

(er)], reprinted in Rights Defense Network, 19 January 17; “Chen Guiqiu Writes Letter to Government-Appointed Lawyer, Chen Jian’gang Summoned by Ministry of Justice Again” [Chen guiqiu zhi xin xie yang an guanpai lushi chen jian’gang zai bei sifaju yuetan], Radio Free Asia, 10 April 17.

⁹⁹For more information on Xie Yang, see the Commission’s Political Prisoner Database record 2015-00295.

¹⁰⁰Rights Defense Network, “Lawyer Liu Zhengqing: Bulletin on Developments in 709 Xie Yang Case—Formal Indictment Received, Hearing Won’t Be Held Until After Spring Festival (January 4, 2017)” [Liu zhengqing lushi: 709 xie yang an jinzhan qingkuang tongbao—nadao qisu shu chunjie qian buhui kaiting (2017 nian 1 yue 4 ri)], 4 January 17.

¹⁰¹PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 154–57, 162.

¹⁰²International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 9(3), 9(4), 14(3)(c). The International Covenant on Civil and Political Rights entitles a person to be released or to “be brought promptly before a judge or other officer authorized by law to exercise judicial power” and “be tried without undue delay” for the purposes of determining the lawfulness of the detention and the criminal charge. See also Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) on 10 December 48, arts. 9, 10; UN General Assembly, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, A/RES/43/173, 9 December 88, principles 4, 11.

¹⁰³See, e.g., Huang Qi, 64 Tianwang, “Gathering a Crowd To Promote Mao Zedong and Xi Jinping, Mianyang Tries Deng Xuemei This Month” [Juzhong chuanbo mao zedong xi jinping mianyang ben yue shen deng xuemei], 4 April 16; “Su Changlan and Chen Qitang Sentenced to 3 Years and 4 Years and 6 Months Respectively, Citizens Expressed Support Online” [Su changlan, chen qitang fen huo xing 3 nian ji 4 nian ban gongmin wangluo biaoda shengyuan], Radio Free Asia, 31 March 17; “Appearing in Court in Pajamas and Having ‘Chinese Dream,’ Chen Yunfei Sentenced to 4 Years’ Imprisonment” [Shenchuan shuiyi chuting zuo “zhongguo meng” chen yunfei bei panqiu 4 nian], Radio Free Asia, 31 March 17; Rights Defense Network, “Zhang Xiaoyu From Jiaozuo, Henan, Sentenced to 3 Years and 6 Months’ Imprisonment at Trial of First Instance for Picking Quarrels and Provoking Trouble, Husband Xu Youchen Sentenced to Death” [Henan jiaozuo zhang xiaoyu yishen bei yi xunxin zishi zui panchu 3 nian 6 ge yue xingqi zhangfu xu youchen bei pan sixing], 10 January 17; “Liu Shaoming, a 1989 Veteran and a Labor Activist, Remains Imprisoned Without Sentence,” China Change, 31 May 17; “PSB Detention Center Refused To Allow Dong Guangping To Receive Money Deposited for Him, Citizen Seeks Information Disclosure” [Kanshou suo ju wei dong guangping cunqian gongmin yaoqiu xinxi gongkai], Radio Free Asia, 23 May 17.

¹⁰⁴See, e.g., China Labour Bulletin, “Labour Activist Meng Han Goes to Trial Amidst Intimidation and Blatant Procedural Violations,” 24 October 16; Edward Wong, “Chinese Prosecutors Ask Court for More Time in Detained Tibetan’s Case,” New York Times, 28 December 16; “June Fourth Liquor Case’ Returned for Investigation a Third Time, Defendant’s Counsel Sends Letter Urging Non-Prosecution” [“Liusi jiu an” di san ci tuizhen beigao lushi quxin yaoqiu bu qisu], Radio Free Asia, 1 March 17.

¹⁰⁵For more information on Zhang Wanhe (also known as Zhang Weihong), see the Commission’s Political Prisoner Database record 2016-00116.

¹⁰⁶“In the Weifang Placard-Holding Case, Lawyer Met With Yao Jianqing” [Weifang jupai an lushi huijian yao jianqing], Radio Free Asia, 17 May 16.

¹⁰⁷For more information on Yao Jianqing, see the Commission’s Political Prisoner Database record 2016-00160.

¹⁰⁸“Zhang Wanhe in Shandong Weifang Case Completed Sentence and Released From Jail” [Shandong weifang an zhang wanhe xing man chuyu], Radio Free Asia, 4 January 17.

¹⁰⁹See, e.g., Wang Jian, “6 Petitioners From Hebei Charged With Extortion: Received ‘Stipend for Food and Lodging’ When Petitioning, Victim of Extortion Unknown” [Hebei 6 fangmin bei kong qiaozha: shangfang shi shou “shisu butie,” qiaozha duixiang buming], The Paper, 22 October 16; Voice of Petitioners, “Six Petitioners From Hebei Charged With Extortion, Family Gathered and Knelt Down To Ask for Explanation” [Hebei liu fangmin bei kong qiaozha lesuo jiaoshu jiti xiagui yao shuofa], 19 January 17; Civil Rights & Livelihood Watch, “Hearing Adjourned in Case Against Shandong Petitioner Li Chunhua, Charged on Suspicion of Obstructing Official Business” [Shandong fangmin li chunhua shexian fang’ai gongwu an yanqi kaiting], 2 September 16; “Hu Changgen’s Court Hearing Suddenly Cancelled” [Hu changgen tingshen tu bei quxiao], Radio Free Asia, 21 September 16; Huang Qi, 64 Tianwang, “Support Xi Jinping and Bo Xilai and Oppose Wu and Wen, Sichuan Deng Xuemei Sentenced to 2 Years” [Ting xi jinping bo xilai fan hu wen sichuan deng xuemei huoxing 2 nian], 10 November 16; “Yin Xu’an Trial of First Instance Concluded, Judgment To Be Announced Another Day” [Yin xu’an yishen jieshu zeri xuanpan], Radio Free Asia, 13 September 16; Rights Defense Network, “Rights Defense Network: Monthly Report on Individuals in Mainland China Not Yet Sentenced and Forcibly Disappeared (March 31, 2017) No. 18 (199 People in Total)” [Weiquan wang: zhongguo dalu jiya wei pan ji qiangpo shizong renyuan yuedu baogao (2017 nian 3 yue 31 ri) di shiba qi (gong 199 ren)], 31 March 17. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 202. Article 202 of the PRC Criminal Procedure Law provides that the court of first instance generally must render a judgment within two and at most three months after a case has been filed. A three-month extension may be granted by the high people’s court for the following four reasons, as specified in Article 156: “1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal syndicates; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various quarters and for which it is difficult to obtain evidence.” Further ex-

tension requires approval by the Supreme People's Court and is granted only under special circumstances.

¹¹⁰For more information on Gao Hancheng, see the Commission's Political Prisoner Database record 2017-00218.

¹¹¹Voice of Petitioners, "Several Hundred Veterans Who Showed Support for Eight Veterans at Their Hearing, Including Gao Hancheng, Detained by Police" [Shubai laobing shengyuan gao hancheng deng ba laobing an kaiting zao jingfang zhuabu guanya], 27 April 17; "Pretrial Conference Held in Vietnam War Veteran Gao Hancheng's Case, Fellow Soldiers Who Show Support Intercepted" [Yuezhai laobing gao hancheng an zhaokai tingqian huiyi zhanyou shengyuan zao lanjie], Radio Free Asia, 27 April 17; Rights Defense Network, "Lawyers Li Yuhan and Wang Fei Filed Bail Application for the Fourth Time for War Veteran Gao Hancheng, Accused Wuhan Ankang Hospital of Torture" [Li yuhan wang fei lushi di si ci wei can zhan laobing gao hancheng shenqing qubao konggao wuhan ankang yiyuan nuedai], 26 February 17; "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng" [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 232. Article 232 of the PRC Criminal Procedure Law provides that the court of second instance generally must adjudicate a case within two months. A two-month extension may be granted by the high people's court for the following four reasons, as specified in Article 156: "1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal gangs; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various quarters and for which it is difficult to obtain evidence." Further extension requires approval by the Supreme People's Court and is granted only under special circumstances.

¹¹²Rights Defense Network, "Lawyers Li Yuhan and Wang Fei Filed Bail Application the Fourth Time for War Veteran Gao Hancheng, Accused Wuhan Ankang Hospital of Torture" [Li yuhan wang fei lushi di si ci wei can zhan laobing gao hancheng shenqing qubao konggao wuhan ankang yiyuan nuedai], 26 February 17; "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Hancheng" [Yu qing yingjiu hubei laobing huizhang weiquan daibiao gao hancheng], Boxun, 12 March 17.

¹¹³See, e.g., "Xie Yang's Legal Representative Chen Jian'gang Detained in Yunnan" [Xie yang daili lushi chen jian'gang zai yunnan beizhua], Radio Free Asia, 3 May 17; "Jiangsu Wang Jian To Be Tried on Wednesday" [Jiangsu wang jian zhou san shenxun], Radio Free Asia, 15 November 16; Rights Defense Network, "Chang Hongyan, Host of 'Petitioners Saturday,' Taken into Custody in Lu Village, Beijing, on Suspicion of Obstruction of Public Service, Under Which Arrest Was Approved" ["Fangmin xingqi liu" zhuchiren chang hongyan zai beijing lu cun bei yi shexian fanghai gongwu zui pibu zhua zou], 21 January 17; "Family Church in Xinjiang Weili Construction Corps Suffered Search and Seizure by Government" [Xinjiang weili jianshe bingtuan yi jiating jiaohui zao dangju chachao], Radio Free Asia, 1 March 17; Rights Defense Network, "Shandong Linqu Chen Zengjiang Detained While on a Ride, Ate Guaranty Document at Police Station and Beaten" [Shandong linqu chen zengjiang chengche bei zhua paichusuo nei tunshi baozheng shu zao da], 20 March 17; "Three Important Burial Sites Become Restricted Areas on 'Tomb Sweeping Day,' 10 People Detained While Paying Respect to Yang Jia" [San da muqu cheng "qingming" jindi ji yang jia 10 ren bei zhua], Radio Free Asia, 5 April 17.

¹¹⁴PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 83, 91, 117, 122, 136; PRC People's Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended 26 October 12, effective, 1 January 13, art. 9.

¹¹⁵Ministry of Public Security, PRC People's Police Law (Amendment Draft) [Zhonghua renmin gongheguo renmin jingcha fa (xiuding cao'an gao)], 1 December 16, arts. 31–35. See also Liu Yizhan and Xiong Feng, "Three Points of Focus of Proposed Substantial Revision to People's Police Law" [Renmin jingcha fa ni daxiu jujiao san da guanzhu dian], Xinhua, 3 December 16.

¹¹⁶PRC People's Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended and effective 26 October 12.

¹¹⁷Ministry of Public Security, Provisions on the Administration and Use of Public Security Agencies' Official-Use Firearms [Gong'an jiguan gongwu yong qiang guanli shiyong guiding], issued and effective 9 October 99, arts. 2, 3; State Council, PRC Regulations on the People's Police Use of Police Equipment and Weapons [Zhonghua renmin gongheguo renmin jingcha shiyong jingxie he wuqi tiaoli], issued and effective 16 January 96, arts. 3, 9; Ministry of Public Security, Operating Rules and Procedures for On-Site Stopping of Illegal and Criminal Conduct of Public Security Agencies by the People's Police [Gong'an jiguan renmin jingcha xianchang zhizhi weifa fanzui xingwei caozuo guicheng], issued and effective 27 January 10, arts. 30, 31. See also PRC Firearms Management Law [Zhonghua renmin gongheguo qiangzhi guanli fa], passed 5 July 96, amended and effective 27 August 09, art. 5; Ministry of Public Security, Measures on Equipping Official-Use Firearms [Gongwu yong qiang peibei banfa], issued 26 May 98, amended and effective 28 August 02, art. I(1).

¹¹⁸Ministry of Public Security, PRC People's Police Law (Amendment Draft) [Zhonghua renmin gongheguo renmin jingcha fa (xiuding cao'an gao)], 1 December 16, art. 31.

¹¹⁹Sophie Richardson, Human Rights Watch, "Submission by Human Rights Watch to the National People's Congress Standing Committee on the Draft Revisions to the Police Law," reprinted in Human Rights Watch, 22 December 16, 2–3, citing UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba (27 August–7 September 1990), A/CONF.144/28/Rev.1, principle 9.

¹²⁰Sophie Richardson, Human Rights Watch, "Submission by Human Rights Watch to the National People's Congress Standing Committee on the Draft Revisions to the Police Law," reprinted in Human Rights Watch, 22 December 16.

¹²¹ See, e.g., “Dozens of Police Grab, Beat, and Detain Demolition Victims, Mother and Daughter With Disabilities; Accused of Wrongdoing After Sleeping in Government Building and Making Reports to Foreign Media” [Shushi jingcha zhua da juliu zao qiangchai canji munu lusu zhengfu xiang waimei baoliao huozui], Radio Free Asia, 25 May 17; “Man in Inner Mongolia Shot Dead After ‘Attacking Police’ While Intoxicated, Sparks Public Opinion and Debate” [Neimenggu nanzi jiuzui “xi jing” bei jibi yinfa yulun zhengyi], Radio Free Asia, 10 January 17; “Villagers From Taxian District, Anhui, Refuse To Relocate, Several Hundred Police Cordon Off Village, Beat and Grab Villagers” [Anhui taxian qu cunmin jujue banqian zao shubai jingcha feng cun zhua da], Radio Free Asia, 2 June 17.

¹²² See, e.g., “Chu Ling Refuses To Remain Silent, Exposes Jiang Yefei Cruelly Beaten and Twice Underwent Operations” [Chu ling jujue zai chenmo pu jiang yefei bei dacan shoushu liangci], Radio Free Asia, 23 May 17; “Chen Yunfei Tortured and Abused While Serving Sentence” [Chen yunfei fuxing zhong shou kuxing nuedai], Radio Free Asia, 4 May 17; “Wang Yuping, Prisoner Convicted of Inciting Subversion, Suffering From Kidney Stones; Abused, Beaten, and Threatened in Jail” [Shandian fan wang yuping shenhuan jieshi yuzhong zao nuedai ouda weixie], Radio Free Asia, 8 September 16.

¹²³ For more information on Li Chunfu, see the Commission’s Political Prisoner Database record 2015-00311.

¹²⁴ “Li Chunfu’s Schizophrenia Suspected To Be Linked to Drug That Public Security Gave Him” [Li chunfu jingshen fenlie yi yu gongan gei ta yong yao youguan], Radio Free Asia, 16 January 17; Wang Qiaoling, “A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody,” China Change, 15 January 17; Wang Qiaoling, “A Fourth Update on Lawyer Li Chunfu’s Situation: ‘What Are You Hiding From Me?’” China Change, 17 January 17; China Human Rights Lawyers Concern Group, “‘709 Crackdown’ Lawyers and Activists’ Case Update* (2015.10.24–2015.10.30),” 30 October 15.

¹²⁵ Wang Qiaoling, “A Third Update on Lawyer Li Chunfu: He Was Drugged in Custody,” China Change, 15 January 17.

¹²⁶ Wang Qiaoling, “A Fourth Update on Lawyer Li Chunfu’s Situation: ‘What Are You Hiding From Me?’” China Change, 17 January 17.

¹²⁷ For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2010-00348.

¹²⁸ For more information on Wang Yu, see the Commission’s Political Prisoner Database record 2015-00252.

¹²⁹ Yan Xin, “Complaint by Lawyer Yan Xin Addressed to Tianjin Municipal Procuratorate” [Yan xin lushi zhi tianjin shi jianchayuan de konggao han], reprinted in Human Rights in China, 16 December 16; Shen Yu, “Lawyer of ‘Butcher’ Wu Gan Writes Letter to Tianjin Municipal Procuratorate, Saying Wu Tortured by Domestic Security Officials” [“Tufu” wu gan lushi zhi xin tianjin shi jianchayuan zhi qi zaoyu guobao jingcha kuxing], Radio France Internationale, 16 December 16; “Wang Yu Reveals Custodial Abuse for the First Time, 709 Supporters Protest at Courthouse in the Hague” [Wang yu shouci baoguang yuzhong shou kuxing 709 shengyuanzhe hai ya fating kangyi], Radio Free Asia, 10 July 17.

¹³⁰ For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

¹³¹ For more information on Li Heping, see the Commission’s Political Prisoner Database record 2015-00284.

¹³² China Human Rights Lawyers Concern Group (chrhlg), “Li Heping and Wang Quanzhang Tortured With Electric Shocks To Faint” Twitter post, 23 January 17, 1:17 a.m.; “Li Heping, Wang Quanzhang Rendered Unconscious From Electric Shock” [Li heping, wang quanzhang ceng zao dianji zhi hunjue], Radio Free Asia, 23 January 17.

¹³³ June Cheng, “Wives of Chinese Torture Victims Beg Congress for Help,” World, 19 May 17; “709 Crackdown: Lawyer Li Heping Released, Forced To Take Medicine While in Detention” [709 da zhuabu: li heping lushi huoshi zaiya qijian zao qiangpo fuyao], Radio Free Asia, 10 May 17.

¹³⁴ Bob Fu, “China’s Tortured Lawyers,” Wall Street Journal, 29 May 17; “Two More Individuals in 709 Case Reported To Have Been Forced To Take Medicine” [709 an zaiyou liang ren bei qiangbi fuyao], Radio Free Asia, 16 May 17; “July 9 Lawyer Li Shuyun Exposes Torture, Reveals Forced Drugging” [709 lushi li shuyun jie kuxing pilu beipo fuyao], Radio Free Asia, 14 May 17; John Sudworth, “Chinese Lawyer Li Heping ‘Suffered Torture by Torture Instruments for a Month’ at Tianjin PSB Detention Center” [Zhongguo lushi li heping zai tianjin kanshouso “zheng yue zaoshou xingju zhemo”], BBC, 13 May 17; “Li Heping Exposes Torture Detail Again, Jiang Tianyong’s Daughter Writes Open Letter to Father” [Li heping zai pu kuxing xijie jiang tianyong nu’er gongkai zhi fu xin], Radio Free Asia, 31 May 17.

¹³⁵ Civil Rights & Livelihood Watch, “Hunan Lawyer Xie Yang Placed Under Residential Surveillance at a Designated Location on Suspicion of Disturbing Court Order, Inciting Subversion of State Power” [Hunan xie yang lushi bei shexian raoluan fating zhixu, shandian zui zhiding jusuo jianshi juzhu], 15 July 15; Chinese Human Rights Defenders, “Individuals Affected by July 9 Crackdown on Rights Lawyers,” 13 July 15, updated 6 February 17; Rights Defense Network, “In 709 Crackdown, Arrest Approved for Lawyer Xie Yang, Lawyer Xie Yanyi, and Lawyer Li Heping’s Assistant Zhao Wei (Kao La)” [709 da zhuabu shijian zhong xie yang lushi, xie yanyi lushi, li heping lushi zhuli zhao wei (kao la) yi bei pizhun daibu], 11 January 16.

¹³⁶ Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (One)” [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17. According to the meeting record, a domestic security officer told Xie that the amount of rest Xie would be allowed to have was undefined in the law and would be entirely at the authorities’ discretion, and could be as short as five minutes.

¹³⁷ Ibid.

¹³⁸ Ibid.; Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17; “Tran-

script of Interviews With Lawyer Xie Yang (1)—Arrest, Questions About Chinese Human Rights Lawyers Group.” China Change, last visited 8 August 17. Xie Yang identified the following officials who were involved in torturing and abusing him, directly or in complicity: 1) Captain Li Kewei of the Changsha Municipal Domestic Security Detachment; 2) Lieutenant Wang Dehua of the Changsha Municipal Domestic Security Detachment; 3) Captain Wang Tietuo of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 4) Lieutenant Zhu Heng of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 5) Instructor Ye Yun of the Sixth Brigade of the Changsha Municipal Domestic Security Detachment; 6) Li Feng of the Hunan Domestic Security Corps; 7) Captain Xie Leshi of the Dongkou County Domestic Security Corps; 8) public security officers Zhou Lang, 9) Yin Zhuo, 10) Qu Ke, 11) Li Yang, 12) Zhou Yi, and 13) Zhuang Xiaoliang; 14) Department Director Liu Xiaohong of the Hunan Provincial People’s Procuratorate Second Public Prosecution Department; 15) procurators Duan Xiaolong, 16) Jiang Bin, 17) Li Zhiming, 18) Wang Zhiyong, 19) Fang Hui, 20) Hu Yongchao, 21) Li Weining, and 22) a deputy director surnamed Jin; and 22) Bailiff Yuan Jin. See also “China Human Rights Accountability Center’ Issues a Public Announcement To Collect Personal Information on Seven Human Rights Abusers Who Tortured 709 Lawyer Xie Yang” [“Zhongguo renquan wenze zhongxin” fabu gonggao, zhengji dui 709 lushi xie yang shi yi kuxing de qi wei renquan shihai zhe geren xinxi], Radio Free Asia, 31 January 17.

¹³⁹Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (One)” [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huijian jilu (er)], reprinted in Rights Defense Network, 19 January 17.

¹⁴⁰“Xie Yang of the 709 Case Personally Wrote Letter Seeking Accountability From Changsha Procurators” [709 an xie yang qinbi xin wenze changsha jianchaguan], Radio Free Asia, 21 January 17.

¹⁴¹“Investigation Reveals Fake ‘Torture Stories’ About Lawyer Xie Yang,” Xinhua, reprinted in Global Times, 2 March 17; “Truth of ‘Xie Yang Tortured’ Revealed: Fabricated To Cater to the West” [Jiemi “xie yang zao kuxing” zhenxiang: wei yinghe xifang pingkong niezao], Global Times, 1 March 17; Zhang Yan, “Story of Torture Is ‘Fake,’” China Daily, 2 March 17.

¹⁴²Rights Defense Network, “Lawyer Chen Jian’gang: Before and After Meeting With Xie Yang” [Chen jian’gang lushi: huijian xie yang de qianhou], 3 March 17.

¹⁴³See, e.g., “Lu Gongsong Tortured in Jail and His Health Deteriorates, Outside World Calls for Granting Political Prisoners Medical Parole” [Lu gongsong yu zhong shou nuan jian kang ehua waijie huyu yingjiu zhengzhifan baowai jiu yi], Radio Free Asia, 23 December 16; “Hubei Prisoner of Conscience Wang Yuping Has Worrying Health Concerns, Jiangsu Shan Lihua Lacks Medical Treatment and Medicine While Imprisoned” [Hubei liangxin fan wang yuping jian kang kanyou jiangsu shan lihua yu zhong que yi shao yao], Radio Free Asia, 13 April 17; “Hu Shigen’s Seriously Deteriorating Health Exposes ‘Deal,’ Huang Wenxun Denied Tumor Treatment by Prison [Authorities]” [Hu shigen jian kang yanzhong shousun baoguang “jiaoyi” huang wenxun huan zhongliu jianyu ju zhi], Radio Free Asia, 13 July 17.

¹⁴⁴UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/22/53, 1 February 13, paras. 17–22; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87.

¹⁴⁵Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, arts. 22–26; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173 9 December 88, principle 24.

¹⁴⁶Chris Buckley, “Liu Xiaobo, Chinese Dissident Who Won Nobel While Jailed, Dies at 61,” New York Times, 13 July 17.

¹⁴⁷Austin Ramzy, “Chinese Hospital Invites Cancer Experts To Help Treat Nobel Laureate,” New York Times, 4 July 17. See also Tom Phillips, “‘Time Running Out’ for Terminally Ill Chinese Dissident Liu Xiaobo,” Guardian, 5 July 17; “Questions Raised About Liu Xiaobo’s Prison Medical Treatment,” Associated Press, 27 June 17.

¹⁴⁸Didi Kirsten Tatlow, “Chinese Man’s Death in Custody Prompts Suspicion of Police Brutality,” New York Times, Sinosphere (blog), 12 May 16.

¹⁴⁹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397.

¹⁵⁰Beijing Municipal People’s Procuratorate, “Beijing Procuratorate Lawfully Conducted Examination and Investigation on Five Police Officers, Including a Person Surnamed Xing, and Found Elements of Dereliction of Duty Offense Established” [Beijing jianfang yifa shencha rending xing moumou deng wu ming she’an jingwu renyuan fuhe wanhu zhishou zui goucheng tiaojian], 23 December 16; “Person in Charge of Fengtai District People’s Procuratorate in Beijing Answers Reporters’ Questions About Dereliction of Duty Case of Five Individuals, Including a Person Surnamed Xing” [Beijing shi fengtai qu renmin jianchayuan youguan fuzeren jiu xing moumou deng wu ren wanhu zhishou an da jizhe wen], Qianlong Web, 23 December 16; Chris Buckley and Adam Wu, “No Trial for Beijing Officers Over Death of Environmentalist,” New York Times, 23 December 16; Beijing Municipal Public Security Bureau (Ping’an Beijing), “Police Officers and Persons Responsible for the Lei Yang Case Receive Party and Government Discipline” [Lei yang an she an jingwu renyuan he xiangwan zerenren shoudao dang zheng ji chuli], Weibo, 29 December 16, 4:00 p.m. Authorities reported that they imposed administrative sanctions on law enforcement personnel connected to the Lei Yang case.

¹⁵¹PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397; Supreme People's Court and Supreme People's Procuratorate, Interpretation of Certain Issues Regarding the Application of Law in Handling Criminal Cases Involving Dereliction of Duty by Public Officials (One) [Guanyu banli duzhi xingshi anjian shiyong falu ruogan wenti de jieshi (yi)], issued 7 December 12, effective 9 January 13, art. 1(1).

¹⁵²United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, last visited 11 May 17. China signed the convention on December 12, 1986, and ratified it on October 4, 1988.

¹⁵³Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, arts. 4, 7, 16(1). Article 7 of the Convention against Torture provides, "The State Party . . . shall submit the case to its competent authorities for the purpose of prosecution." Article 16(1) provides, "Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1 . . ." See also Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 5 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 7 ("No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"); Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 90, 7 ("Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law").

¹⁵⁴Compensation Committee, Supreme People's Court, State Compensation Decision [Guojia peichang jue ding shu], Case No. (2016) Zui Gao Fa Wei Pei 11 Hao, 24 January 17.

¹⁵⁵PRC Public Security Bureau Detention Center Regulations [Zhonghua renmin gongheguo kanshousuo tiaoli], issued and effective 17 March 90, art. 17.

¹⁵⁶Compensation Committee, Supreme People's Court, State Compensation Decision [Guojia peichang jue ding shu], Case No. (2016) Zui Gao Fa Wei Pei 11 Hao, 24 January 17.

¹⁵⁷Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, principles 33–34.

¹⁵⁸Ministry of Public Security, "Ministry of Public Security's Public Comments Solicitation Notice on the PRC Public Security Bureau Detention Center Law (Draft for Solicitation of Comments)" [Gong'anbu guanyu "zhonghua renmin gongheguo kanshousuo fa gongkai zhengqiu yijian gao" gongkai zhengqiu yijian de gonggao], 15 June 17; Ni Dandan, "Lawyers Skeptical About China's New Detention Center Law," Sixth Tone, 19 June 17.

¹⁵⁹Ministry of Public Security, PRC Public Security Bureau Detention Center Law (Draft for Solicitation of Comments) [Zhonghua renmin gongheguo kanshousuo fa (gongkai zhengqiu yijian gao)], issued 19 June 17, art. 71; Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, principles 33–34.

¹⁶⁰Margaret Lewis, "Penetrating Law Into the Walls of Chinese Detention Centers," University of Nottingham, China Policy Institute: Analysis (blog), 18 July 17; Cui Xiankang et al., "Draft Law on Detention Centers Won't Help Reduce Police Torture, Critics Say," Caixin, 20 June 17; "Over a Hundred Chinese Lawyers and Citizens Jointly Sign Citizen Opinion Letter on 'Public Security Bureau Detention Center Law'" [Zhongguo bai lushi he gongmin lianshu "kanshousuo fa" gongmin yijianshu], Radio Free Asia, 6 July 17; Ge Wenxiu et al., "PRC Public Security Bureau Detention Center Law (Public Comments Draft)" [Zhonghua renmin gongheguo kanshousuo fa (gongmin jianyi gao)], reprinted in Rights Defense Network, 5 July 17. See also Ni Dandan, "Lawyers Skeptical About China's New Detention Center Law," Sixth Tone, 19 June 17.

¹⁶¹For the Commission's past reporting on wrongful conviction, see CECC, 2014 Annual Report, 9 October 14, 88–89; CECC, 2015 Annual Report, 8 October 15, 106–8; and CECC, 2016 Annual Report, 6 October 16, 106.

¹⁶²He Jiahong, *Back From the Dead: Wrongful Convictions and Criminal Justice in China*, (Honolulu: University of Hawai'i Press, 2016), 47, 50.

¹⁶³Zhang Cong, "The Bottom Line of Adamantly Preventing Wrongful Convictions (Dialogue)" [Jianshou fangzhi yuanjia cuo'an de dixian (duihua)], People's Daily, 29 March 17; "SPP Official: Provisions on Conducting Criminal Petition Examination in a Different Locality Researched and Drafted" [Zuigaojian guanyuan: yi yanjiu qicao xingshi shensu anjian yidi shencha guiding], China News Service, 10 February 17; Zhou Bin, "Supreme Procuratorate Criminal Case Petition Office Director Explains Procuratorate's Work in Criminal Case Petitions: Firmly Guard Against Wrongful Convictions" [Zuigaojian xingshi shensu ting tingzhang jiedu xingshi shensu jiancha gongzuo: shoulao fangzhi yuanjia cuo'an dixian], Legal Daily, reprinted in Supreme People's Procuratorate, 22 February 17.

¹⁶⁴Cao Yajing, "Supreme People's Court Issues Judicial Reform and Judicial Transparency White Papers" [Zuigao renmin fayuan fabu sifa gaige, sifa gongkai baipishu], People's Court Daily, reprinted in China Court Network, 27 February 17.

¹⁶⁵Supreme People's Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao renmin fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 3, 30 November 16, reprinted in China Judgements Online, 2 December 16; Luo Sha and Bai Yang, "Supreme People's Court

Finds Nie Shubin Not Guilty After Retrial” [Zuigao renmin fayuan zaishen gaipan nie shubin wuzui], Xinhua, 2 December 16.

¹⁶⁶Supreme People’s Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao renmin fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 3, 30 November 16, reprinted in China Judgements Online, 2 December 16. In another case published during the Commission’s 2017 reporting year, the Supreme People’s Court rescinded several intentional homicide convictions without directly addressing the defendants’ claims of torture. Supreme People’s Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao fayuan xingshi panjue shu], (2016) Zui Gao Fa Xing Zai No. 2, 20 January 17, reprinted in China Judgements Online, 14 March 17; “Supreme Court Announces Judgment in Retrial in Case Involving Charges of Organizing, Leading, and Participating in Criminal Syndicates, Intentional Homicide, and Extortion Against Defendants, Including Sun Baoguo, Sun Baodong, and Sun Baomin” [Zuigaofa dui yuanshen beigaoren sun baoguo, sun baodong, sun baomin deng ren zuzhi, lingdao, canjia heishehui xingzhi zuzhi, guyi sharen, qiaozha lesuo deng zaishen yi an xuanpan], Xinhua, 23 January 17.

¹⁶⁷Supreme People’s Court, “Court Reform in China,” 14 March 17, III. See also PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], passed 12 May 94, amended 29 April 10, 26 October 12, effective 1 January 13, art. 17; Supreme People’s Court and Supreme People’s Procuratorate, Interpretations on Certain Issues Regarding the Application of Law in Handling Criminal Compensation Cases [Guanyu banli xingshi peichang anjian shiyong falu ruogan wenti de jieshi], issued 28 December 15, effective 1 January 16, art. 21; “Supreme People’s Court Issues Newest State Compensation Standard, Daily Compensation Amount for Infringement of Personal Freedom Set at 258.89 Yuan Per Day” [Zuigao renmin fayuan gongbu guojia peichang zuixin biao zhun qinfan gongmin renshen ziyou quan de peichangjin biao zhun wei meiri 258.89 yuan], People’s Court Daily, reprinted in Supreme People’s Court, 31 May 17; 2016 China Law Yearbook [2016 zhongguo falu nianjian] (Beijing: China Law Yearbook Press, 2016), 1299, table 9. According to the 2016 China Law Yearbook, in 2015, official data indicates that courts awarded compensation in 606 of 2,528 adjudicated cases involving compensation claims in criminal matters.

¹⁶⁸Shan Yuxiao, “Awaiting Further Disclosure on State Compensation” [Guojia peichang dai jin yibu gongkai], Caixin, 28 February 17.

¹⁶⁹“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 12 March 17.

¹⁷⁰Amnesty International, “China’s Deadly Secrets,” April 2017, 14, 27–28; Amnesty International, “Death Sentences and Executions 2016,” April 2017, 2, 4, 19; Amnesty International, “Death Penalty: World’s Biggest Executioner China Must Come Clean About ‘Grotesque’ Level of Capital Punishment,” 11 April 17.

¹⁷¹Amnesty International, “China’s Deadly Secrets,” April 2017, 27–28.

¹⁷²National People’s Congress Standing Committee, PRC People’s Courts Organic Law (Amended) [Zhonghua renmin gongheguo renmin fayuan zuzhi fa (xiuzheng)], passed 1 July 79, amended 2 September 83, 2 December 86, 31 October 06, effective 1 January 07, art. 12; National People’s Congress Standing Committee, Decision on Amending PRC People’s Courts Organic Law [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai “zhonghua renmin gongheguo renmin fayuan zuzhi fa” de jue ding], issued 31 October 06, effective 1 January 07; Supreme People’s Court, Decision on Issues Relating to the Unified Exercise of the Approval Authority on Death Penalty Cases [Zuigao renmin fayuan guanyu tongyi xingshi sixing anjian hezhunquan youguan wenti de jue ding], issued 13 December 06, effective 1 January 07.

¹⁷³PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34; Supreme People’s Court and Ministry of Justice, Several Provisions on Comprehensively Protecting Lawyers in Fulfilling Their Duty To Defend According to Law, and Ensuring Quality in the Handling of Death Penalty Cases [Zuigao renmin fayuan sifabu guanyu chongfen baozhang lushi yifa luxing bianhu zhize, quebao sixing anjian banli zhiliang de ruogan guiding], issued 21 May 08, art. 2.

¹⁷⁴Hua Xuan, “Ten Years After Regaining Death Penalty Review Authority: What Can Lawyers Do for Death Row Inmates” [Sixing fuhe shangshou shinian: lushi neng wei sixingfan zuo shenme], Southern Weekend, 16 September 16; Li Haiyang, “Ten Years After Regaining Death Penalty Review Authority, Experts Call for Uniform Adjudication Standard” [Sixing fuhe quan shouhui shinian zhuanjia huyu tongyi caipan biao zhun], Legal Weekly of Business Daily, 10 October 16.

¹⁷⁵Ibid.

¹⁷⁶Ibid. See also Chinese Human Rights Defenders, “NGO Mid-Term Assessment of China’s Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report),” 22 November 16, 31.

¹⁷⁷Although the Chinese government has promulgated rules to regulate the sourcing of organs, it has not outlawed sourcing organs from executed prisoners. PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 234–1. The PRC Criminal Law prohibits organized trading of organs, the removal of organs without consent, and the inducement of another to donate organs by fraud or coercion. State Council, Regulations on Human Organ Transplants [Renti qiguan yizhi tiaoli], issued 31 March 07, effective 1 May 07, arts. 7, 21. The State Council’s Regulations on Human Organ Transplants prohibit medical facilities from charging a fee for the transplanted organ. Ministry of Health, Certain Provisions on Standardizing Live Organ Transplantation [Weishengbu guanyu guifan huoti qiguan yizhi de ruogan guiding], issued and effective 28 December 09. In general, the Ministry of Health’s Certain Provisions on Standardizing Live Organ Transplantation implement the State Council’s Regulations on Human Organ Transplants. National Health and Family Planning Commission, Regulations on Administering Procurement and Distribution of

Human Organ Donations (Trial) [Renti juanxian qiguan huoqu yu fenpei guanli guiding (shixing)], issued 13 August 13, effective 1 September 13, arts. 5, 6. The trial Regulations on Administering Procurement and Distribution of Human Organ Donations create organ procurement organizations in every provincial-level administrative jurisdiction and require them to register procured organs in a national registry.

¹⁷⁸Amnesty International, “China’s Deadly Secrets,” April 2017, 12; Stephanie Kirchgaessner, “China May Still Be Using Executed Prisoners’ Organs, Official Admits,” *Guardian*, 7 February 17.

¹⁷⁹Stephanie Kirchgaessner, “China May Still Be Using Executed Prisoners’ Organs, Official Admits,” *Guardian*, 7 February 17. See also Amnesty International, “China’s Deadly Secrets,” April 2017, 12.

¹⁸⁰“Zero Tolerance on Transplantation of Organs Sourced From Executed Prisoners,” Huang Jiefu Said Armed Police Hospital’s License Revoked for Illegal Operation” [“Ling rongren siqiu qiguan yizhi” huang jiefu zhi wujing yiyuan feifa shoushu zao chupai], *Ming Pao*, 17 October 16.

¹⁸¹*Ibid.*