

## CRIMINAL JUSTICE

*Abuse of Criminal Law To Suppress Dissent*

Developments in criminal justice during the Commission's 2014 reporting year were driven by the Chinese Communist Party and government's paramount concerns: "maintaining social stability" (*weiwen*) and ensuring the continuance of one-party rule.<sup>1</sup> The Commission observed the politically motivated use of criminal law and police power to suppress dissent and perceived challenges to Party rule.<sup>2</sup> Authorities detained, questioned, disappeared, and threatened rights advocates, human rights lawyers, and journalists.<sup>3</sup> The crackdown intensified around the 25th anniversary of the June 1989 Tiananmen protests and their violent suppression; as of July 24, 2014, the non-governmental organization Chinese Human Rights Defenders (CHRD) had documented 152 individuals who had been affected, including 44 criminal detentions, 15 short-term administrative detentions, and 20 confirmed arrests.<sup>4</sup>

As part of the Party and government's ongoing crackdown on rights advocates, dissidents, and human rights lawyers, authorities have used vague crimes of an ostensibly non-political nature (also known as "pocket crimes" or *koudaizui*),<sup>5</sup> such as "picking quarrels and provoking trouble" and "gathering a crowd to disturb order in a public place," to silence its critics.<sup>6</sup> Experts have used the term "pocket crime" to refer to crimes so vague that—as the U.S.-based Dui Hua Foundation notes—"anything can be stuffed into" them.<sup>7</sup> According to CHRD, avoiding the use of "overtly political charges" to suppress dissent is the government's attempt to downplay "the political motivations behind the crackdown."<sup>8</sup> In January 2014, authorities convicted Xu Zhiyong, a promoter of the New Citizens' Movement (NCM), of "gathering a crowd to disturb order in a public place."<sup>9</sup> Xu told an associate that the police told him that if he renounced the NCM he would be spared prison.<sup>10</sup> Xu refused, and was subsequently sentenced to four years' imprisonment.<sup>11</sup> In mid-April, authorities convicted four other NCM-affiliated asset transparency advocates of disturbing public order charges and sentenced them to prison terms of between two years and three years and six months.<sup>12</sup> In the run-up to the 25th anniversary of the violent suppression of the 1989 Tiananmen protests, public security officials charged numerous human rights advocates and lawyers, including prominent public interest lawyer Pu Zhiqiang, with "pocket crimes."<sup>13</sup>

*Arbitrary Detention*

According to the UN Working Group on Arbitrary Detention (WGAD),<sup>14</sup> the deprivation of personal liberty is "arbitrary" if it meets one of the following criteria: (1) There is clearly no basis in law for such deprivation; (2) an individual is deprived of his or her liberty for having exercised rights under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR); or (3) there is grave noncompliance with fair trial standards set forth in the UDHR and other international human rights instruments.<sup>15</sup>

Despite the Chinese government's claim in connection with its October 2013 UN Human Rights Council Universal Periodic Review (UPR) that "[t]here are no arbitrary or extrajudicial detentions in China,"<sup>16</sup> during the past year many human rights advocates were arbitrarily detained in detention centers or prisons under WGAD's second and/or third criteria (e.g., Xu Zhiyong, Pu Zhiqiang, Uyghur scholar Ilham Tohti, and Pastor Zhang Shaojie).<sup>17</sup> Authorities also arbitrarily detained Chinese citizens using other venues and methods, which include, among others, unlawful detention sites known as "black jails" (*hei jianyu*), *shuanggui* (a form of Communist Party discipline), enforced disappearance, "soft detention" (*ruanjin*), and various forms of administrative detention such as "custody and education" (for sex workers and their clients) and compulsory drug detoxification centers.<sup>18</sup> Many forms of arbitrary detention violate China's own laws.<sup>19</sup>

#### BLACK JAILS

The UN Committee against Torture observed in December 2008 that detention of individuals in secret detention facilities "constitutes per se disappearance."<sup>20</sup> "Black jails" are secret detention facilities that operate completely outside of China's official judicial and administrative detention systems.<sup>21</sup> Although the Chinese government stated during its October 2013 UPR that China "would never allow . . . establishment of any forms of 'black jails,'" <sup>22</sup> several reports suggest that the use of such facilities has become even more prevalent in the aftermath of the abolition of reeducation through labor.<sup>23</sup> The term "black jails" is often used to refer to different types of extralegal detention in China, including "legal education centers" (also known as "brainwashing classes"),<sup>24</sup> "legal education classes," "reprimand centers," and in at least one instance, unlawful home confinement.<sup>25</sup>

#### ABOLITION OF REEDUCATION THROUGH LABOR AND ITS CONSEQUENCES

A significant development during the Commission's 2014 reporting year was the long-awaited abolition of reeducation through labor (RTL), a form of administrative detention whereby individuals could be detained for up to four years without trial.<sup>26</sup> In November 2013, the Chinese Communist Party announced in the Central Committee Third Plenum Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms (Third Plenum Decision) that it would abolish RTL,<sup>27</sup> and on December 28, 2013, the National People's Congress Standing Committee issued a decision officially revoking the RTL regulations.<sup>28</sup> While RTL's abolition was welcomed by many, including domestic and international human rights groups,<sup>29</sup> at the same time, concerns were raised about what might replace reeducation through labor.<sup>30</sup> Reports have emerged that since the gradual phasing out of RTL, which began in early 2013,<sup>31</sup> Chinese authorities have increasingly relied on other forms of arbitrary detention to "manage" the "targeted population," (*zhongdian renkou*) which include groups such as petitioners and Falun Gong practitioners.<sup>32</sup> In November 2013, the mainland-based Chinese Human Rights Lawyers Group called on the government to abolish so-called "legal education centers," "legal

education classes,” “reprimand centers,” and every other kind of “black jail,” or RTL “in disguised form.”<sup>33</sup> A writer for the Guangdong province-based magazine *South Reviews* (*Nanfeng Chuang*) argued in April 2014 that the existence of RTL’s “little friends” demonstrates that the “RTL mindset” (*laojiao siwei*) has not yet been eradicated.<sup>34</sup> According to human rights lawyer Jiang Tianyong, “[s]o long as (the authorities) feel a need to maintain stability, simply abolishing *laojiao* [RTL] will not solve the problem.”<sup>35</sup>

Chinese authorities have transformed many RTL facilities into compulsory drug detoxification centers,<sup>36</sup> which suffer from the same legal and human rights problems as RTL.<sup>37</sup> Human Rights Watch estimated that at the beginning of 2013 more than half of those detained nationwide in RTL facilities were drug offenders.<sup>38</sup> In a December 2013 report, Amnesty International observed that some former RTL inmates have ended up in compulsory drug detoxification centers irrespective of whether they were drug addicts.<sup>39</sup>

Some Falun Gong practitioners released from RTL have been sent to compulsory drug detoxification centers, including to the former Masanjia RTL facility, which has been “rebranded” as a drug detox center and also serves as part of the Liaoning provincial prison system.<sup>40</sup> Amnesty reports that a former RTL facility in Heilongjiang province was repurposed as a “brainwashing center” (i.e., “legal education center”) to detain Falun Gong practitioners.<sup>41</sup> Authorities have reportedly used “legal education centers” extensively for more than a decade to detain Falun Gong practitioners in furtherance of their goal to “transform” them.<sup>42</sup> Such centers have reportedly increased as the RTL system has been dismantled.<sup>43</sup> Prominent human rights lawyer and scholar Teng Biao writes that even incomplete statistics reveal that six times as many Chinese citizens were detained in such centers during the second half of 2013, compared with the first half of 2013 when many RTL facilities were still open.<sup>44</sup> Amnesty documented the case of more than 10 Falun Gong practitioners—previously detained in the Nanchong RTL facility in Sichuan province—who were transferred to a “brainwashing center” after the RTL facility was shut down because they persisted in their beliefs and refused to be “transformed.”<sup>45</sup> In the spring of 2014, a “legal education center” in Jiansanjiang, Fujin county, Heilongjiang, was shut down in the wake of the publicity surrounding the detention and torture of four human rights lawyers who went to Jiansanjiang to provide legal assistance to Falun Gong practitioners detained there.<sup>46</sup> However, authorities have reportedly replaced the Jiansanjiang facility with a compulsory drug detoxification center in Qiqiha’er city, Heilongjiang, which is being used as a “legal education center” to detain Falun Gong practitioners.<sup>47</sup>

Scholars and activists have also raised concerns about “custody and education” (C&E)—a system of extralegal detention for female sex workers and their clients—and some suspect that it may become another substitute for RTL.<sup>48</sup> The decision to send a sex worker or a client to C&E, for between six months and two years, is made by public security officials alone, with no judicial involvement or oversight.<sup>49</sup> Detainees are forced to work long hours with-

out pay and are also required to pay for their living expenses.<sup>50</sup> In early May 2014, 108 lawyers, scholars, retired officials, and others signed an open letter to the National People's Congress (NPC) calling for the abolition of C&E.<sup>51</sup> Prominent legal scholar Jiang Ping and more than 40 others submitted a similar petition to the NPC in June following the announcement that a six-month C&E term had been meted out to a well-known actor for allegedly soliciting a prostitute.<sup>52</sup>

### Community Correction System

Community correction is purportedly a non-custodial system within which offenders on parole or probation, or those otherwise subject to “light punishments,” are monitored, educated, and subjected to various restrictions, with the goal of re-integrating the offenders into the community.<sup>53</sup> In the Third Plenum Decision, the Party stated not only that it would abolish RTL, but that it would also “improve laws for the punishment and correction of unlawful and criminal acts, and perfect the community correction system,”<sup>54</sup> leading some observers to suspect that community correction might replace RTL.<sup>55</sup> In February 2014, as the National People's Congress Standing Committee (NPCSC) began reviewing a proposed Community Correction Law drafted by the Ministry of Justice (MOJ),<sup>56</sup> more than 100 lawyers and citizens jointly submitted a “citizens’ appeal” to the NPCSC calling on it to cease its review, citing a concern that community correction would be the return of RTL in disguised form.<sup>57</sup> In June 2014, the Dui Hua Foundation noted that some former RTL centers had reportedly become community correction centers.<sup>58</sup> Moreover, some former RTL guards have been transferred to community correction halfway houses in Beijing municipality.<sup>59</sup> Since community correction was first introduced as a pilot program in several cities in 2003, it has expanded dramatically.<sup>60</sup> According to statistics from the MOJ, as of November 2013, 1.7 million individuals—including 667,000 people then currently in the system—had received community correction since 2003.<sup>61</sup>

### *Implementation of the 2012 Criminal Procedure Law*

The 2012 Criminal Procedure Law (CPL), which took effect on January 1, 2013,<sup>62</sup> contains provisions that—if implemented effectively—could enhance certain fair trial rights of suspects and defendants and the ability of criminal defense lawyers to better defend their clients.<sup>63</sup> In effect for over a year, preliminary reports on the implementation of the new CPL indicate that there has been improvement in certain areas, such as in the ability of lawyers to meet with their detained clients.<sup>64</sup> Implementation of other new provisions, such as those aimed at increasing the appearance rate of witnesses and excluding illegally obtained evidence, however, has proven more difficult.<sup>65</sup>

### ACCESS TO COUNSEL

Although most Chinese suspects and defendants face the criminal justice process without a defense attorney,<sup>66</sup> lawyers and legal scholars note that detained individuals who have legal representa-

tion are now more likely to be able to meet with their lawyers than before the new CPL took effect.<sup>67</sup> The new CPL stipulates that a lawyer need only show “three certificates” (i.e., a lawyer’s license, a law firm certificate, and a client engagement letter), and the detention center must arrange for a meeting within 48 hours of the request.<sup>68</sup> Prior permission is required, however, in “three categories of cases” (*sanlei anjian*)—those involving endangering state security, terrorism, or serious bribery.<sup>69</sup> Lawyers across China who responded to a survey on implementation of the new CPL conducted by the Beijing-based criminal defense firm Shangquan Law Firm (Shangquan survey) noted a general improvement in their ability to meet with detained clients.<sup>70</sup> According to the Prison Administration Bureau of the Ministry of Public Security, the number of attorney-client meetings rose 30 percent between January and February 2013, despite there being only 17 work days in February.<sup>71</sup>

Lawyers and legal scholars indicated, however, that new problems have emerged that hinder the ability of lawyers to meet with their detained clients.<sup>72</sup> The most pressing issue reportedly is the lack of a sufficient number of attorney-client meeting rooms to handle the increased volume of meetings.<sup>73</sup> Some lawyers who responded to the Shangquan survey reported encountering additional conditions imposed by detention center staff before they would arrange a lawyer-client meeting, such as requiring the lawyer to produce the original detention notice or proof of the relationship between the detainee and the person who retained the attorney.<sup>74</sup> Other lawyers noted that public security officers were increasingly and arbitrarily invoking the exception of “three categories of cases” to reject lawyers’ requests to meet detained clients.<sup>75</sup>

In “politically sensitive” cases, public security officials routinely prevented lawyers from meeting with detained clients.<sup>76</sup> Uyghur scholar Ilham Tohti was held incommunicado in an unknown location from January 15, 2014, until late June when his lawyers, Li Fangping and Wang Yu, were finally permitted to meet with him.<sup>77</sup> Moreover, in further contravention of the CPL, Urumqi procuratorial officials indicted Tohti without first informing his lawyers and listening to their opinions.<sup>78</sup> [See Section IV—Xinjiang section for more information on Ilham Tohti’s case.] In June 2014, a group of human rights lawyers protested against authorities in Zhengzhou city, Henan province, for denying detained human rights lawyer Chang Boyang and other activists their right to meet with an attorney.<sup>79</sup> Despite Chang’s initial charge of “gathering a crowd to disturb order in a public place,” which was later changed to “illegal business activities,”<sup>80</sup> authorities have invoked the “three categories of cases” to deny lawyers’ repeated requests to meet with Chang.<sup>81</sup> It was not until early September 2014 that officials finally allowed a meeting between Chang and his lawyer.<sup>82</sup> In the case of veteran journalist Gao Yu, authorities held her for two weeks, without access to counsel, before broadcasting her videotaped “confession” on national television in early May 2014.<sup>83</sup> Officials rejected repeated requests by prominent lawyer Zhang Sizhi to meet with Gao, permitting a first meeting only in late June 2014.<sup>84</sup> Lawyers also have reported cases of police holding

suspects in detention centers under false names, thereby denying lawyers' access to their clients.<sup>85</sup>

#### WITNESSES IN COURT

A long-standing problem is the lack of witnesses appearing in court in criminal prosecutions; in China less than five percent of criminal cases proceed with in-court witnesses.<sup>86</sup> The 2012 revisions to the Criminal Procedure Law (CPL) sought to address this issue by authorizing courts to subpoena witnesses to appear in court and provide testimony when the court believed such testimony was necessary.<sup>87</sup> Nevertheless, according to legal experts and lawyers who responded to the Shangquan survey, there has been no discernible increase in the rate of witnesses appearing in court to give testimony in criminal cases since the revised CPL took effect.<sup>88</sup> In "politically sensitive" cases, courts routinely reject applications by defense attorneys to have witnesses appear to present testimony; for example, during this reporting year, courts denied lawyers' witness requests in the trials of Pastor Zhang Shaojie and New Citizens' Movement promoter Xu Zhiyong.<sup>89</sup>

#### EXCLUSION OF ILLEGALLY OBTAINED EVIDENCE

Another important revision in the 2012 CPL was the inclusion of provisions requiring the exclusion of illegally obtained evidence; in practice, however, the implementation of the exclusionary rule has thus far had little success.<sup>90</sup> In March 2014, the Beijing Evening News reported prominent Beijing-based criminal law professor Chen Guangzhong as stating that even if evidence is occasionally excluded under the rule, it is usually not a key piece of evidence, and in the end, its exclusion has no impact on the verdict or sentence in the case.<sup>91</sup> In addition, over 40 percent of the lawyers in the Shangquan survey indicated that although they had applied to a court to exclude illegally obtained evidence, the courts failed to respond to their applications.<sup>92</sup> In April 2014, law professor Eva Pils remarked that Chinese criminal defense lawyers had told her "it's extremely difficult to use the [exclusionary] rule in trial processes."<sup>93</sup>

### Televised Confessions

A disturbing development emerged during this reporting year: the broadcasting on state television of videotaped “confessions” of high-profile suspects.<sup>94</sup> Veteran journalist Gao Yu went missing on April 24, 2014.<sup>95</sup> About two weeks later, a national television broadcast showed the 70-year-old Gao in an orange jail vest “confessing” to the alleged charges of “leaking state secrets.”<sup>96</sup> Authorities had detained Gao on April 24 and held her incommunicado, without access to an attorney.<sup>97</sup> Her “confession”—which may have been coerced—deprived her of many of the rights accorded suspects and defendants in the 2012 CPL<sup>98</sup>—including the prohibition against self-incrimination<sup>99</sup>—not to mention the fair trial rights contained in Article 14 of the International Covenant on Civil and Political Rights.<sup>100</sup> Other prominent televised “confessions” this year included Chinese-American businessman and influential blogger Charles Xue,<sup>101</sup> journalist Chen Yongzhou,<sup>102</sup> and Sichuan mining tycoon Liu Han, who reportedly had links to Zhou Yongkang, former Secretary of the Communist Party Central Committee Political and Legal Affairs Commission, and who was subsequently sentenced to death.<sup>103</sup> According to human rights lawyer Liu Xiaoyuan, not only is the televising of confessions an abuse of power but there is no legal basis in the PRC Criminal Procedure Law or other relevant regulations that would permit television crews to enter detention centers and interview suspects.<sup>104</sup> Moreover, fairness and justice are compromised; as Liu told the *Los Angeles Times*, “judges will feel a lot of pressure to render guilty verdicts” in televised confession cases.<sup>105</sup>

### *Torture and Abuse in Custody*

Despite the Chinese government’s heightened focus on the problem of torture in custody and confessions obtained through torture, the practice remains prevalent.<sup>106</sup> For example, in March 2014, police officers in Heilongjiang province tortured four human rights lawyers to extract confessions; the lawyers, including Tang Jitian, had traveled to Jiansanjiang to assist Falun Gong practitioners detained in a “legal education center.”<sup>107</sup> Jiansanjiang police officers broke 10 of Tang’s ribs and domestic security officers interfered when Tang subsequently tried to obtain treatment at a hospital.<sup>108</sup> Liu Wei, brother and co-defendant of Sichuan tycoon Liu Han, reportedly stated during his trial that his confession had been coerced while he was in police custody in Beijing; police officers beat him daily and made threats against his family if he did not confess.<sup>109</sup> While detaining Uyghur scholar Ilham Tohti incommunicado, authorities reportedly kept Tohti in leg irons for 20 days and denied him food for 10 days.<sup>110</sup>

Torture and abuse are common in extralegal detention facilities such as “black jails,” “legal education centers,” and *shuanggui* (“double regulation” or “double designation”) facilities.<sup>111</sup> According to prominent rights lawyer and scholar Teng Biao, torture occurs more frequently in “legal education centers” than in any other form of detention in China.<sup>112</sup> *Shuanggui* is extralegal detention used primarily for Chinese Communist Party officials who are suspected of corruption or other infractions.<sup>113</sup> The main objective of *shuanggui* is the extraction of confessions.<sup>114</sup> Details of torture re-

cently emerged in a *shuanggui* case from 2012 involving Zhou Wangyan, a former official in Liling city, Hunan province.<sup>115</sup> In order to extract a confession from Zhou, authorities broke Zhou's leg and four of his teeth, deprived him of sleep and food, whipped him with wires, and forced him to eat excrement.<sup>116</sup>

The U.S. State Department stated in its country report on China's human rights situation for 2013 that "adequate, timely medical care for prisoners remained a serious problem."<sup>117</sup> Human rights activist Cao Shunli died on March 14, 2014, as a result of complications stemming from a chronic medical condition for which she did not receive adequate, prompt medical care during five months of criminal detention.<sup>118</sup> Authorities denied her lawyer's repeated requests for medical parole until Cao was gravely ill; Cao died shortly after her release.<sup>119</sup> While Cao was detained, authorities denied Cao access to medication she had with her.<sup>120</sup> Similarly, detention center officials confiscated the personal medications of public interest lawyer Pu Zhiqiang and retired scholar Xu Youyu, both of whom suffer from diabetes and high blood pressure, and instead offered them pills they reportedly did not recognize.<sup>121</sup> According to Ilham Tohti's lawyer, Li Fangping, Tohti is suffering from serious illnesses for which he is not receiving adequate treatment.<sup>122</sup> Tohti had reportedly lost 17 pounds since he was first detained in mid-January 2014, and suffers from heart disease, prostatitis, and pharyngitis.<sup>123</sup> Blind legal advocate Chen Guangcheng's nephew, Chen Kegui, who is serving a three-year-and-three-month sentence for "intentional injury," has not been provided adequate medical treatment for appendicitis and injuries sustained from beatings in detention.<sup>124</sup> Moreover, authorities have denied multiple requests seeking Chen's release on medical parole.<sup>125</sup>

### *Wrongful Convictions*

During the Commission's 2014 reporting year, the Chinese Communist Party and government have intensified calls to prevent and correct wrongful convictions and miscarriages of justice.<sup>126</sup> From the Third Plenum Decision to related opinions issued by the Supreme People's Court (SPC) and Supreme People's Procuratorate (SPP) in late 2013, and the SPC and SPP annual work reports submitted to the National People's Congress (NPC) in March 2014, President and Party General Secretary Xi Jinping's message has been clear: wrongful convictions must stop.<sup>127</sup> Xi emphasized the point in a speech in which he said that the negative effects of 1 wrongly decided case destroy the positive image of 99 fair decisions.<sup>128</sup> According to official statistics, in 2013, procuratorates rectified 72,370 instances of collection of evidence by illegal means, confessions coerced through torture, and misuse of coercive measures.<sup>129</sup> Wrongful convictions are closely linked to coercion of confessions through torture.<sup>130</sup> As mentioned above, the 2012 Criminal Procedure Law prohibits the use of illegally obtained evidence in criminal proceedings, but there have been few reports of successful implementation of the rule.<sup>131</sup> While the new measures and repeated statements by senior Chinese government leaders emphasizing the urgency of the issue of wrongful convictions are noteworthy, whether they will make a difference in practice remains to

be seen. According to China law expert Stanley Lubman, these efforts “are best seen as aspirational.”<sup>132</sup>

### *Death Penalty*

The Chinese government continues to withhold statistics on the use of the death penalty on “state secrets” grounds.<sup>133</sup> During the October 2013 session of the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, a number of countries raised the issue of the death penalty in China,<sup>134</sup> including the lack of transparency regarding data on its application.<sup>135</sup> The Chinese government rejected recommendations that it publish official statistics on the application of the death penalty.<sup>136</sup>

As in 2012, Amnesty International concluded that, based on available information, the Chinese government executed more people in 2013 than the rest of the world combined.<sup>137</sup> The trend, however, is toward fewer executions; the Dui Hua Foundation estimated that 3,000 people were executed in 2012, a decrease of 25 percent from the estimated figure for 2011.<sup>138</sup> The Chinese government has indicated that it will continue to reduce the number of death penalty-eligible crimes, which currently stands at 55.<sup>139</sup> During the March 2014 annual meeting of the National People’s Congress (NPC), an official with the NPC Standing Committee stated that, in conformance with the Third Plenum Decision directive to gradually reduce the number of death penalty-eligible crimes,<sup>140</sup> work on an amendment to the PRC Criminal Law along these lines was included in the annual legislative plan.<sup>141</sup> In addition, at the NPC annual meeting, 36 delegates proposed that the death penalty be abolished for the crime of “fraudulent fundraising,” an issue that garnered substantial attention following the controversial execution of Hunan businessman Zeng Chengjie in July 2013.<sup>142</sup>

Organs are still harvested from executed prisoners in China, and the extent to which rules requiring prior informed consent are followed is unclear.<sup>143</sup> As the Commission noted last year, in August 2013 former Vice Minister of China’s Ministry of Health, Huang Jiefu, reportedly announced that China would cease relying on the organs of executed prisoners within the next two years.<sup>144</sup> In March 2014, however, Huang reportedly stated that to ensure transparency and fairness in connection with organs donated by executed prisoners, such donations would be included in the national public organ donation system.<sup>145</sup> Moreover, in April, Wang Haibo, the director of the China Organ Transplant Response System Research Center at the National Health and Family Planning Commission, stated that the Chinese government was unable to announce a specific timetable for ending the practice of using the organs of executed prisoners for organ transplants because of the low number of donors and a severe organ shortage.<sup>146</sup>

#### **Notes to Section II—Criminal Justice**

<sup>1</sup> Understanding China’s Crackdown on Rights Advocates: Personal Accounts and Perspectives, Hearing of the Congressional-Executive Commission on China, 8 April 14, Written Statement Submitted by Teng Biao, Human Rights Lawyer and Scholar; Stéphanie Balme, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14; Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14; Teng Biao, “China’s Growing Human Rights Movement Can Claim Many Accomplishments,” Washington Post, 18

April 14; “Chinese Dream Turns Sour for Activists Under Xi Jinping,” Agence France-Presse, 10 July 14; Stability in China: Lessons From Tiananmen and Implications for the United States, Hearing of the U.S.-China Economic and Security Review Commission, 15 May 14, Written Statement Submitted by Steve Hess, Assistant Professor of Political Science, College of Public and International Affairs, University of Bridgeport, 5–6. For similar trends in previous years, see also “The Rule of Law: Bizarrely Consistent,” Economist, 27 July 13; CECC, 2013 Annual Report, 10 October 13, 77; CECC, 2009 Annual Report, 10 October 09, 88.

<sup>2</sup>See, e.g., Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 3; Chinese Human Rights Defenders, “China: Reverse Travesty of Justice, Free Persecuted Human Rights Defenders in Jiangxi,” 20 June 14; Understanding China’s Crackdown on Rights Advocates: Personal Accounts and Perspectives, Hearing of the Congressional-Executive Commission on China, 8 April 14, Written Statement Submitted by Teng Biao, Human Rights Lawyer and Scholar.

<sup>3</sup>Chinese Human Rights Defenders, “149 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 8 July 14.

<sup>4</sup>Chinese Human Rights Defenders, “152 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 25 July 14.

<sup>5</sup>Xu Xin, “Xu Xin: Exceeding the Law To Attack Rumors Is Much More Dangerous Than Rumors Themselves,” Caijing (Xu Xin’s blog), 10 September 13; Xu Xin (xuxin), Tencent Weibo post, 6 May 14, 22:34; Dui Hua Foundation, “Broad Changes to China’s Criminal Law Enacted,” Dui Hua Human Rights Journal, 1 March 11. See also “Si Weijiang: Does a Closed-Door Meeting Constitute Picking Quarrels and Provoking Trouble?” [Si weijiang: bimen kaihui goucheng xunxin zishi ma?], New Citizens Movement Web site, 7 May 14; “Fu Dandi: The Crime of Picking Quarrels and Provoking Trouble: Origins in Last Century’s Crime of Hooliganism; The Interpretation in This Life Has Expanded” [Fu dandi: xunxin zishi zui: qian shiji qiuyuan liumang zui, jinsheng jieshi kuodahua], New Citizen’s Movement Web site, 8 May 14; Ying Chan, “Why Pu Zhiqiang Is Not Guilty,” China Media Project, 16 June 14.

<sup>6</sup>Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 3; Dexter Roberts, “Picking Quarrels and Provoking Trouble: The Crime Sweeping China,” Bloomberg Businessweek, 12 May 14; Verna Yu, “How China Is Using Criminal Detention in Place of Re-Education Through Labour,” South China Morning Post, 21 April 14; Gillian Wong, “Chinese Lawyer, Others Held in Tiananmen Clampdown,” Associated Press, 6 May 14; Didi Tang, “China Hits Activists with Common-Crime Charges,” Associated Press, 27 May 14; CECC, 2013 Annual Report, 10 October 13, 78.

<sup>7</sup>Dui Hua Foundation, “Broad Changes to China’s Criminal Law Enacted,” Dui Hua Human Rights Journal, 1 March 11; Dexter Roberts, “Picking Quarrels and Provoking Trouble: The Crime Sweeping China,” Bloomberg Businessweek, 12 May 14; Xu Xin (xuxin), Tencent Weibo post, 6 May 14, 22:34; Verna Yu, “How China Is Using Criminal Detention in Place of Re-Education Through Labour,” South China Morning Post, 21 April 14.

<sup>8</sup>Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 3. See also Didi Tang, “China Hits Activists with Common-Crime Charges,” Associated Press, 27 May 14; Verna Yu, “How China Is Using Criminal Detention in Place of Re-Education Through Labour,” South China Morning Post, 21 April 14.

<sup>9</sup>“On Appeal, Xu Zhiyong’s Original Verdict of Four Years’ Imprisonment for Gathering a Crowd To Disturb Public Order Upheld” [Xu zhiyong an ershen weichi yuandan juzhong raoluan gonggong changsuo zhixu beipan 4 nian], Southern Weekend, 11 April 14.

<sup>10</sup>Understanding China’s Crackdown on Rights Advocates: Personal Accounts and Perspectives, Hearing of the Congressional-Executive Commission on China, 8 April 14, Written Statement Submitted by Teng Biao, Human Rights Lawyer and Scholar.

<sup>11</sup>Ibid.

<sup>12</sup>Didi Kirsten Tatlow, “Chinese Court Sentences Four Activists to Jail,” New York Times, 18 April 14. For more information, see the Commission’s Political Prisoner Database records 2013-00307 on lawyer Ding Jiayi (sentenced to three years and six months in prison), 2004-05226 on veteran activist Zhao Changqing (sentenced to two years and six months in prison), and 2013-00308 and 2013-00132 on anticorruption and transparency advocates Li Wei and Zhang Baocheng, respectively. Li and Zhang were each sentenced to two years in prison.

<sup>13</sup>Verna Yu, “Human Rights Lawyer Among Four Detained Over Tiananmen Commemoration Event,” South China Morning Post, 7 May 14; Rights Defense Network, “Rights Defense Network Statement on Beijing Authorities’ Crackdown on Participants in the June Fourth Discussion Forum” [“Weiquanwang” jiu beijing dangju daya canjia “liu si” yantaohui renshi de shengming], 7 May 14; Cao Yaxue, “The Zhengzhou Twelve,” China Change, 26 June 14; Josh Chin, “The Tiananmen Square Meeting That Sparked a Crackdown in Beijing,” Wall Street Journal, China Real Time Report (blog), 6 May 14.

<sup>14</sup>UN Office of the High Commissioner for Human Rights, “Fact Sheet No. 26, The Working Group on Arbitrary Detention,” May 2000, sec. IV(B).

<sup>15</sup>Ibid. The rights and freedoms protected under the second category include those in Articles 7, 10, 13, 14, 18, 19, and 21 of the Universal Declaration of Human Rights and in Articles 12, 18, 19, 21, 22, and 27 of the International Covenant on Civil and Political Rights. See Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 7, 10, 13, 14, 18, 19, 21; 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. 12, 18, 19, 21, 22, 27.

<sup>16</sup>UN GAOR, Hum. Rts. Coun. 25th Sess., Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State Under Review, A/HRC/25/5/Add.1, 27 Feb-

bruary 14, para. 186.115; UN GAOR, Hum. Rts. Coun. 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 186.115. The recommendation which prompted this statement from the Chinese government was offered by the United States: “End the use of harassment, detention, arrest, and extralegal measures such as enforced disappearance to control and silence human rights activists as well as their family members and friends.”

<sup>17</sup>For more information on each of these imprisoned advocates, see the following records in the Commission’s Political Prisoner Database: 2005-00199 on Xu Zhiyong, 2014-00174 on Pu Zhiqiang, 2009-00315 on Ilham Tohti, and 2014-00126 on Zhang Shaojie. Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 1–6, 11, 27–28.

<sup>18</sup>Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 8–9; Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 1–3; Chinese Human Rights Defenders, “Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression,” last visited 8 July 14; Chinese Human Rights Defenders, “149 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 8 July 14; David Wertime, “Inside China’s Blackest Box: Even High Cadres Quake at the Term ‘Shuanggui,’ an Extrajudicial Interrogation Method That Has Claimed Lives,” Foreign Policy, 2 July 14; Human Rights Watch, “China: End Arbitrary Detention System for Sex Workers,” 24 June 14; Dui Hua Foundation, “Detained Actor Spotlights Custody and Education, Censors Intervene,” Dui Hua Human Rights Journal, 10 June 14; CECC, 2013 Annual Report, 10 October 13, 79–81.

<sup>19</sup>See, e.g., PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, arts. 37, 41; 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. 3; PRC Public Security Administration Punishment Law [Zhonghua renmin gongheguo zhan guanli chufa fa], passed 28 August 05, effective 1 March 06, arts. 2, 3, 10, 16; PRC Legislation Law [Zhonghua renmin gongheguo lifa fa], passed 15 March 00, effective 1 July 00, art. 8(5); CECC, 2012 Annual Report, 10 October 12, 71; CECC, 2013 Annual Report, 10 October 13, 81.

<sup>20</sup>UN Committee against Torture, Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Concluding Observations of the Committee against Torture: China, CAT/C/CHN/CO/4, 12 December 08, para. 14. The 1992 UN Declaration on the Protection of All Persons from Enforced Disappearance provides that an “enforced disappearance” occurs when individuals are detained or abducted “or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law.” UN General Assembly, Declaration on the Protection of All Persons from Enforced Disappearance, A/RES/47/133, 18 December 92.

<sup>21</sup>Human Rights Watch, “‘An Alleyway in Hell’: China’s Abusive ‘Black Jails,’” November 2009, 40–43.

<sup>22</sup>UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 156.

<sup>23</sup>Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 3; Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 39; Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14; “Joint Statement by Four Lawyers Detained in Jiansanjiang After Their Release” [Jiansanjiang bei ju si lushi huoshi hou de lianhe shengming], Boxun, 13 April 14; Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Reeducation Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13.

<sup>24</sup>Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14.

<sup>25</sup>Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Reeducation Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13; Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14; Joshua Rosenzweig, “Chinese Human Rights Lawyers Condemn Detention of Lawyers Investigating Black Jail,” Siweiluozi’s Blog, 22 March 14; Rights Defense Network, “Sun Wenguang: My Personal Remembrances of Shandong University’s ‘Black Jails’” [Sun wenguang: shandong daxue “hei jianyu” qinlin ji], 21 April 14.

<sup>26</sup>“Prospects for Reforming China’s Reeducation Through Labor System,” Congressional-Executive Commission on China, 9 May 13, 2–3; CECC, 2013 Annual Report, 10 October 13, 81.

<sup>27</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34).

<sup>28</sup>National People’s Congress (NPC) Standing Committee Decision on Abolishing Reeducation Through Labor Regulations [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jue ding], issued and effective 28 December 13; “NPC Standing Committee Decision on Laojiao,” China Law Translate (blog), 30 December 13.

<sup>29</sup>Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 5; Human Rights Watch,

“China: End Re-Education Through Labor Without Loopholes,” 15 November 13; Human Rights Watch, “China: Fully Abolish Re-Education Through Labor,” 8 January 13; Chinese Human Rights Defenders, “[CHRB] Lawyers Warn Against Other Forms of Arbitrary Detention To Replace RTL (11/14–11/20, 2013),” 21 November 13; Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Re-education Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13.

<sup>30</sup> See, e.g., Robert Williams, “‘Community Corrections’ and the Road Ahead for Re-Education Through Labor,” China File, 20 December 13; Chinese Human Rights Defenders, “[CHRB] Lawyers Warn Against Other Forms of Arbitrary Detention To Replace RTL (11/14–11/20, 2013),” 21 November 13; Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Reeducation Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13; Margaret K. Lewis and Jerome A. Cohen, “How Taiwan’s Constitutional Court Reined in Police Power: Lessons for the People’s Republic of China,” *Fordham International Law Journal*, Vol. 37 (2014), 918–20.

<sup>31</sup> Chinese Human Rights Defenders, “[CHRB] Lawyers Warn Against Other Forms of Arbitrary Detention To Replace RTL (11/14–11/20, 2013),” 21 November 13.

<sup>32</sup> Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14; Dui Hua Foundation, “For State Security, Police Rules Color Code ‘Targeted Population,’” Dui Hua Reference Materials, 3 October 13; Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 8–9, 39–41; Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 2–3.

<sup>33</sup> Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Reeducation Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13; Chinese Human Rights Defenders, “[CHRB] Lawyers Warn Against Other Forms of Arbitrary Detention To Replace RTL (11/14–11/20, 2013),” 21 November 13; Joshua Rosenzweig, “Statement on the Abolition of Re-Education Through Labour (RTL) and Related Problems by Chinese Lawyers for the Protection of Human Rights,” Siweiluozi’s Blog, 19 November 13.

<sup>34</sup> Ye Zhusheng, “How Many ‘Smaller Versions’ of Reeducation Through Labor Still Remain?” [“Xiao laojiao” haiyou neixie?], *South Reviews*, 29 April 14.

<sup>35</sup> John Ruwitch, “A Jail by Another Name: China Labor Camps Now Drug Detox Centers,” *Reuters*, 2 December 13.

<sup>36</sup> Wang Bixue, “Work Following the Abolition of RTL Proceeding Smoothly” [Laojiao zhidu feizhi shanhou gongzuo youxu], *People’s Daily*, 15 January 14; “Many Places Throughout China Have Already Ceased Approvals for RTL; A Portion Have Become Compulsory Drug Treatment Centers” [Quanguo duodi yijing tingzhi laojiao shenpi bufen bianshen qiangzhi jiedusuo], *Dazhong Net-Qilu Evening News*, reprinted in *Sina*, 24 July 13.

<sup>37</sup> Human Rights Watch, “China: End Arbitrary Detention System for Sex Workers,” 24 June 14; “Beijing Aizhixing Institute: Report on Law and Human Rights With Respect to Chinese Drug Addicts (2013)” [Beijing aizhixing yanjiusuo: zhongguo dupin chengyinzhe falu renquan baogao (2013 nian)], *New Citizens Movement Web site*, 9 May 14, sec. 3(3); Carol Wickenkamp, “Torture Camp Rebranded in China,” *Epoch Times*, 17 June 14. For background on compulsory drug detoxification centers, see Human Rights Watch, “‘Where Darkness Knows No Limits’: Incarceration, Ill-Treatment and Forced Labor as Drug Rehabilitation in China,” 7 January 10, 1–3, 19. The 2008 Anti-Drug Law authorizes police to send suspected drug users to compulsory treatment centers for a minimum of two years with a possible extension of an additional year without trial or judicial supervision. See PRC Anti-Drug Law [Zhonghua renmin gongheguo jindufa], passed 29 December 07, effective 1 June 08, art. 47. In practice, deprivation of personal liberty in drug detention centers can last up to six years. See Human Rights Watch, “‘Where Darkness Knows No Limits’: Incarceration, Ill-Treatment and Forced Labor as Drug Rehabilitation in China,” 7 January 10, 2. In March 2012, 12 UN agencies issued a joint statement calling for an end to compulsory drug treatment and rehabilitation centers worldwide, finding not only that they violate a wide range of human rights but that they also threaten the health of those detained. See UNAIDS, “Joint UN Statement Calls for the Closure of Compulsory Drug Detention and Rehabilitation Centers,” 8 March 12.

<sup>38</sup> John Ruwitch, “A Jail by Another Name: China Labor Camps Now Drug Detox Centers,” *Reuters*, 2 December 13.

<sup>39</sup> Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 9, 35–36, 38; Carol Wickenkamp, “Torture Camp Rebranded in China,” *Epoch Times*, 17 June 14.

<sup>40</sup> Carol Wickenkamp, “Torture Camp Rebranded in China,” *Epoch Times*, 17 June 14.

<sup>41</sup> Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 9, 37–38.

<sup>42</sup> *Ibid.*, 9.

<sup>43</sup> Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14; Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 6, 39.

<sup>44</sup> Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14.

<sup>45</sup> Amnesty International, “‘Changing the Soup but Not the Medicine?’: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 36.

<sup>46</sup> “Drug Addiction Treatment Centers Becomes [sic] Brainwashing Center,” *New Tang Dynasty Television*, 6 May 14; “Joint Statement by Four Lawyers Detained in Jiansanjiang After

Their Release” [Jiansanjiang bei ju si lushi huoshi hou de lianhe shengming], Boxun, 13 April 14; Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14.

<sup>47</sup>“Drug Addiction Treatment Centers Becomes [sic] Brainwashing Center,” New Tang Dynasty Television, 6 May 14.

<sup>48</sup>Dui Hua Foundation, “Custody and Education Worse Than Reeducation Through Labor?” Dui Hua Reference Materials, 26 December 13; Asia Catalyst, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013; Didi Kirsten Tatlow, “Petition Seeks Closure of Extrajudicial Detention Centers,” New York Times, Sinosphere (blog), 5 May 14; Dui Hua Foundation, “Detained Actor Spotlights Custody and Education, Censors Intervene,” Dui Hua Human Rights Journal, 10 June 14.

<sup>49</sup>Asia Catalyst, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013, 18, 38–39; Dui Hua Foundation, “Custody and Education Worse Than Reeducation Through Labor?” Dui Hua Reference Materials, 26 December 13.

<sup>50</sup>Ibid., 25–27, 29–31; Dui Hua Foundation, “Custody and Education Worse Than Reeducation Through Labor?” Dui Hua Reference Materials, 26 December 13.

<sup>51</sup>“108 Scholars, Lawyers and Others Jointly Sign [Letter] Recommending That Custody and Education Be Abolished” [108 ming xuezhe lushi deng lianming jianyi feichu shourong jiaoyu], Caixin, 5 May 14; Didi Kirsten Tatlow, “Petition Seeks Closure of Extrajudicial Detention Centers,” New York Times, Sinosphere (blog), 5 May 14.

<sup>52</sup>“Jiang Ping and Others in the Legal World Submit Petition to NPC Proposing Abolition of Custody and Education Measures” [Jiang ping deng falujie renshi shangshu quanguo renda, tiyi feizhi maiyin piaochang ren्यान shourong jiaoyu banfa], Radio Free Asia, 8 June 14; Elizabeth M. Lynch, “It’s a Man’s, Man’s, Man’s World: Current Efforts To Abolish China’s Custody & Education System,” China Law & Policy (blog), 23 June 14.

<sup>53</sup>Dui Hua Foundation, “Events,” Dui Hua Digest, 12 June 14; “MOJ Official: At Present There Are 667,000 People Receiving Community Correction” [Sifabu guanyuan: muqian you 66.7 wan ren zheng jieshou shequ jiaozheng], Beijing News, reprinted in New North Net, 6 January 14; Xu Xin and Lu Rongrong, “Annual Report on China’s Judicial Reform (2009),” Caijing, 21 January 09; “Inquiry into Effectiveness of Henan’s Community Corrections for Rehabilitating Criminals” [Tanfang henan shequ jiaozheng gaizao zuifan chengxiaog ruhe], Henan Daily, reprinted in Henan Culture and Industry Net, 17 April 14.

<sup>54</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34).

<sup>55</sup>Sui-Lee Wee, “Community Corrections’ System Will Not Replace Labour Camps in China,” Reuters, 29 November 13; Dui Hua Foundation, “Community Correction Expands as RTL Contracts,” Dui Hua Human Rights Journal, 19 December 13; “MOJ Official: At Present There Are 667,000 People Receiving Community Correction” [Sifabu guanyuan: muqian you 66.7 wan ren zheng jieshou shequ jiaozheng], Beijing News, reprinted in New North Net, 6 January 14; “The [Community] Correction Law May Turn Communities Into Prisons? Citizens Call on NPC To Stop Reviewing the Draft” [Jiaozhengfa ke zhi shequ jianyuhua? gongmin huyu renda tingzhi shenyl], Radio Free Asia, 27 February 14.

<sup>56</sup>“The [Community] Correction Law May Turn Communities Into Prisons? Citizens Call on NPC To Stop Reviewing the Draft” [Jiaozhengfa ke zhi shequ jianyuhua? gongmin huyu renda tingzhi shenyl], Radio Free Asia, 27 February 14; Dui Hua Foundation, “Community Correction Expands as RTL Contracts,” Dui Hua Human Rights Journal, 19 December 13.

<sup>57</sup>“The [Community] Correction Law May Turn Communities Into Prisons? Citizens Call on NPC To Stop Reviewing the Draft” [Jiaozhengfa ke zhi shequ jianyuhua? gongmin huyu renda tingzhi shenyl], Radio Free Asia, 27 February 14.

<sup>58</sup>Dui Hua Foundation, “Events,” Dui Hua Digest, 12 June 14.

<sup>59</sup>Min Jie, “Beijing Model’ of Community Correction” [Shequ jiaozheng de “beijing moshi”], China Newsweek, reprinted in Phoenix Net, 3 January 14.

<sup>60</sup>Dui Hua Foundation, “Community Correction Expands as RTL Contracts,” Dui Hua Human Rights Journal, 19 December 13.

<sup>61</sup>“MOJ Official: At Present There Are 667,000 People Receiving Community Correction” [Sifabu guanyuan: muqian you 66.7 wan ren zheng jieshou shequ jiaozheng], Beijing News, reprinted in New North Net, 6 January 14.

<sup>62</sup>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.

<sup>63</sup>CECC, 2013 Annual Report, 10 October 13, 77, 82.

<sup>64</sup>Xu Jun, “New Criminal Procedure Law in Effect for One Year: How Substantial Are Changes in Detention Centers?” [Xin xingsufa shishi yi nian lai: kanshou suo de bianhua you duoda], People’s Daily, reprinted in Xinhua, 19 March 14; Ji Xin, “Criminal Defense Lawyers’ Current ‘Three New Difficulties’” [Lushi bianhu xian “xin san nan”], Legal Daily Evening News, 14 May 14; Shangquan Law Firm, “Second Unit: Changes in Criminal Defense’s ‘Three Old Difficulties’” [Di er danyuan: xingshi bianhu “lao san nan” de bianhua], Shangquan Criminal Defense Network, 5 March 14; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>65</sup>Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; “New Criminal Procedure Law in Effect for One Year: How Substantial Are Changes in Detention Centers?” [Xin xingsufa shishi yi nian lai: kanshou suo de bianhua you duoda], People’s Daily, reprinted in Xinhua, 19 March 14; Shangquan Law Firm, “Second Unit: Changes in Criminal Defense’s ‘Three Old Difficulties’” [Di er danyuan: xingshi bianhu “lao san nan” de bianhua], Shangquan Criminal Defense Network, 5 March 14.

<sup>66</sup>Shangquan Law Firm, “Second Unit: Changes in Criminal Defense’s ‘Three Old Difficulties’” [Di er danyuan: xingshi bianhu “lao san nan” de bianhua], Shangquan Criminal Defense Network, 5 March 14; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniver-

sary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; Jerome A. Cohen, “Struggling for Justice: China’s Courts and the Challenge of Reform,” World Politics Review, 14 January 14; CECC, 2009 Annual Report, 10 October 09, 102; CECC, 2013 Annual Report, 10 October 13, 161.

<sup>67</sup>Xu Jun, “New Criminal Procedure Law in Effect for One Year: How Substantial Are Changes in Detention Centers?” [Xin xingsufa shishi yi nian lai: kanshousuo de bianhua you duoda], People’s Daily, reprinted in Xinhua, 19 March 14; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2.2–2.3).

<sup>68</sup>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. 37; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; CECC, 2013 Annual Report, 10 October 13, 82.

<sup>69</sup>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. 37; CECC, 2013 Annual Report, 10 October 13, 82.

<sup>70</sup>Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2); Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>71</sup>Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2.3).

<sup>72</sup>Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>73</sup>Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2.3); Xu Jun, “New Criminal Procedure Law in Effect for One Year: How Substantial Are Changes in Detention Centers?” [Xin xingsufa shishi yi nian lai: kanshousuo de bianhua you duoda], People’s Daily, reprinted in Xinhua, 19 March 14; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>74</sup>Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2); Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>75</sup>Ibid., sec. 4(2.3); Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; CECC, 2013 Annual Report, 10 October 13, 82.

<sup>76</sup>“Chinese Rights Lawyers Sign Aid Pledge Amid Growing Crackdown,” Radio Free Asia, 2 June 14; Human Rights Watch, “China: End Nationwide Crackdown on Activists,” 29 June 14; “Calls Grow for Release of Chinese Student Held Over Tiananmen Tweet,” Radio Free Asia, 13 June 14.

<sup>77</sup>Michael Martina and Ben Blanchard, “Uighur Scholar Kept in Chains in China, Lawyer Says,” Reuters, 26 June 14; “Ilham Tohti Detained for More Than 4 Months, Has Not Met With His Lawyer or Family” [Yilihamu bei ju yu 4 yue lushi jiaren weineng huijian], Radio Free Asia, 26 May 14.

<sup>78</sup>“China Indicts Ilham Tohti; His Lawyer Had No Knowledge” [Zhongguo qisu yilihamu lushi wanquan bu zhiqing], Radio Free Asia, 30 July 14; 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. 170.

<sup>79</sup>“China Lawyers Demand Access to Activists Detained Ahead of Tiananmen Anniversary,” Associated Press, reprinted in South China Morning Post, 7 June 14; “Chinese Authorities Now Targeting Lawyers’ Lawyers,” Radio Free Asia, 9 June 14; Human Rights in China, “Photos: Lawyers Protest To Demand Access to Activists by Zhengzhou Authorities,” 13 June 14.

<sup>80</sup>Didi Kirsten Tatlow, “Lawyer Charged After Trying To Defend June Fourth Commemorators,” New York Times, Sinosphere (blog), 7 July 14.

<sup>81</sup>“Chinese Authorities Now Targeting Lawyers’ Lawyers,” Radio Free Asia, 9 June 14; Human Rights Watch, “China: End Nationwide Crackdown on Activists,” 29 June 14; “Over 120 Chinese Legal Professionals Demand Guarantee of Right of Lawyers To Meet With Their Clients” [Zhongguo 120 duo ming falu ren yaoqiu quebao lushi yu dangshi ren de huijian quan], Radio Free Asia, 15 June 14; Didi Kirsten Tatlow, “Lawyer Charged After Trying To Defend June Fourth Commemorators,” New York Times, Sinosphere (blog), 7 July 14.

<sup>82</sup>“Chang Boyang’s Criminal Detention Extended One Month, Case Involves Zhengzhou Yirenping’s Receipt of Foreign Funds” [Chang boyang bei yanchang xingju yige yue an she zhengzhou yirenping shou jingwai zijin], 6 September 14.

<sup>83</sup>Michael Forsythe and Chris Buckley, “Journalist Missing Ahead of Tiananmen Anniversary,” New York Times, 29 April 14; Gillian Wong, “China Detains Veteran Journalist for State Secrets,” Associated Press, 8 May 14; Chinese Human Rights Defenders, “149 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 8 July 14.

<sup>84</sup>“Calls Grow for Release of Chinese Student Held Over Tiananmen Tweet,” Radio Free Asia, 13 June 14; “Gao Yu Has Been Detained for More Than Two Months; Zhang Sizhi’s Request To Meet With Her Was Rejected” [Gao yu bei qiu yi yu liangge yue zhang sizhi yaoqiu jian ren bei ju], 24 June 14; Chinese Human Rights Defenders, “149 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 8 July 14; “Beijing Woman Journalist Gao Yu Detained Under Suspicion of Unlawfully Disseminating a Top Secret CCP Central Committee Document Overseas” [Beijing nuzi gao yu she xiangwai feifa tigong zhongyang jimi wenjian bei ju], Xinhua, reprinted in NetEase, 8 May 14.

<sup>85</sup>“China Holds Two More Rights Lawyers Under Criminal Detention,” Radio Free Asia, 19 May 14; Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2.3); Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; “Lawyer Confirms That Gao Yu’s Arrest Was Approved One Month Ago; She Was Not Tortured; Her Case Has Not Yet Been Sent to the Procuratorate” [Lushi zhengshi gao yu yi ge yue qian bei pibu wei shou kuxing anjian shangwei song jianchayuan], Radio Free Asia, 30 June 14.

<sup>86</sup>Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14; Ji Xin, “Criminal Defense Lawyers’ Current Three New Difficulties” [Lushi bianhu xian “xin san nan”], Legal Daily Evening News, 14 May 14; Jerome A. Cohen, “Struggling for Justice: China’s Courts and the Challenge of Reform,” World Politics Review, 14 January 14; CECC, 2009 Annual Report, 10 October 09, 106; CECC, 2008 Annual Report, 31 October 08, 39.

<sup>87</sup>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. 188; Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14. See also Jie Yang, “The Development of China’s Death Penalty Representation Guidelines: A Learning Model Based on the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases,” Hofstra Law Review, Vol. 52 (2013), 593.

<sup>88</sup>Wang Feng, “New Criminal Procedure Law ‘Diagnosis’ on First Anniversary” [Xin xingsufa “linchuang” yi zhounian], 21st Century Business Herald, 15 March 14.

<sup>89</sup>ChinaAid, “Zhang Shaojie Trial Continues, Attorneys’ Request To Subpoena 10 Witnesses Refused” [Zhang shaojie an xushen, lushi chuanzhao zhengren chuting bei jue], 29 April 14; “Xu Zhiyong Appeals: Spare Any Talk About Rule of Law in China if the Second Instance Does Not Correct the Decision by the First Instance [Court]” [Xu zhiyong shangsu shu: ershen ru bu jiu zheng, zhongguo mo tan fazhi], 3 February 14, reprinted in China Change, 8 February 14. See also Liu Shuqing, “Defense Lawyer in Dr. Xu’s Case Applies for 75 Main Witnesses To Give Testimony in Court” [Xu boshi an bianhu ren shenqing 75 ming zhuyao zhengren chuting zuozheng beiwanglu], China Free Press, 4 April 14.

<sup>90</sup>An Ran, “New Criminal Procedure Law in Effect for One Year: Rarely Has ‘Illegal Evidence’ Been Excluded” [Xin xingsufa shishi yi nian; shao you “feifa zhengju” bei paichu], Beijing Evening News, 2 March 14; Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14.

<sup>91</sup>An Ran, “New Criminal Procedure Law in Effect for One Year: Rarely Has ‘Illegal Evidence’ Been Excluded” [Xin xingsufa shishi yi nian; shao you “feifa zhengju” bei paichu], Beijing Evening News, 2 March 14.

<sup>92</sup>Shangquan Law Firm, “Investigative Report on the Implementation of the New Criminal Procedure Law (2013 Annual [Report])” [Xin xingshi susongfa shishi zhuangkuang diaoyan baogao (2013 niandu)], 2 March 14, sec. 4(2.8); An Ran, “New Criminal Procedure Law in Effect for One Year: Rarely Has ‘Illegal Evidence’ Been Excluded” [Xin xingsufa shishi yi nian; shao you “feifa zhengju” bei paichu], Beijing Evening News, 2 March 14.

<sup>93</sup>Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14.

<sup>94</sup>Josh Chin, “Dissident Journalist Becomes Latest To Confess on Chinese State TV,” Wall Street Journal, China Real Time Report (blog), 8 May 14; Liu Xiaoyuan, “Do Law Enforcement Agencies Have the Authority To Approve Journalists Entering Detention Centers To Interview Suspects?” [Ban’an jiguan shifou youquan pizhun jizhe jinru kanshou suo caifang fazui xianyi ren?], Liu Xiaoyuan’s Blog, 26 October 13; Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 2, 5.

<sup>95</sup>Michael Forsythe and Chris Buckley, “Journalist Missing Ahead of Tiananmen Anniversary,” New York Times, 29 April 14; Gillian Wong, “China Detains Veteran Journalist for State Secrets,” Associated Press, 8 May 14; Human Rights in China, “Restrictions, Detentions, Disappearances, and Arrests Related to June 4, 2014,” 8 July 14.

<sup>96</sup>Gillian Wong, “China Detains Veteran Journalist for State Secrets,” Associated Press, 8 May 14; Chinese Human Rights Defenders, “149 Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre,” last visited 8 July 14.

<sup>97</sup>Gillian Wong, “China Detains Veteran Journalist for State Secrets,” Associated Press, 8 May 14; Verna Yu, “Journalist Gao Yu in Detention for Allegedly Leaking Secret Communist Party Document,” South China Morning Post, 9 May 14; Human Rights in China, “Restrictions, Detentions, Disappearances, and Arrests Related to June 4, 2014,” 8 July 14. Gao was permitted a first meeting with her attorney, Zhang Sizhi, only in late June 2014. See “Lawyer Confirms That Gao Yu’s Arrest Was Approved One Month Ago; She Was Not Tortured; Her Case Has Not Yet Been Sent to the Procuratorate” [Lushi zhengshi gao yu yi ge yue qian bei pibu wei shou kuxing anjian shangwei song jianchayuan], Radio Free Asia, 30 June 14.

- <sup>98</sup>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.
- <sup>99</sup>CECC, 2013 Annual Report, 10 October 13, 83.
- <sup>100</sup>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. 14; Julie Makinen, “Televised Confessions in China Raise Worries,” *Los Angeles Times*, 2 March 14.
- <sup>101</sup>Keith Zhai, “Celebrity Blogger Charles Xue Biquan Released on Bail,” *South China Morning Post*, 17 April 14; Julie Makinen, “Televised Confessions in China Raise Worries,” *Los Angeles Times*, 2 March 14.
- <sup>102</sup>Josh Chin, “Dissident Journalist Becomes Latest To Confess on Chinese State TV,” *Wall Street Journal*, *China Real Time Report* (blog), 8 May 14.
- <sup>103</sup>“I Was Framed: Court Outburst by Mining Tycoon Liu Han as He Is Sentenced to Death,” *South China Morning Post*, 24 May 14; Julie Makinen, “Televised Confessions in China Raise Worries,” *Los Angeles Times*, 2 March 14.
- <sup>104</sup>Liu Xiaoyuan, “Do Law Enforcement Agencies Have the Authority To Approve Journalists Entering Detention Centers To Interview Suspects?” [Ban’an jiguan shifou youquan pizhuan jizhe jinru kanshousuo caifang fanzui xianyi ren?], *Justice Net*, Liu Xiaoyuan Law Blog, 26 October 13.
- <sup>105</sup>Julie Makinen, “Televised Confessions in China Raise Worries,” *Los Angeles Times*, 2 March 14.
- <sup>106</sup>Amnesty International, “Torture in 2014: 30 Years of Broken Promises,” ACT 40/004/2014, May 2014, 33–34; Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14; An Ran, “New Criminal Procedure Law in Effect for One Year: Rarely Has ‘Illegal Evidence’ Been Excluded” [Xin xingsufa shishi yi nian shao you “feifa zhengju” bei paichu], *Beijing Evening News*, 2 March 14; Joshua Rosenzweig, “Tang Jitian Recounts Torture and Detention in Heilongjiang,” *Siweiluozi’s Blog*, 31 May 14; Dui Hua Foundation, “Is Detention Center Law Enough To Prevent Police Abuse?” *Dui Hua Human Rights Journal*, 2 July 14; CECC, 2013 Annual Report, 10 October 13, 83.
- <sup>107</sup>“Joint Statement by Four Lawyers Detained in Jiansanjiang After Their Release” [Jiansanjiang bei ju si lushi huoshi hou de lianhe shengming], *Boxun*, 13 April 14; Joshua Rosenzweig, “Tang Jitian Recounts Torture and Detention in Heilongjiang,” *Siweiluozi’s Blog*, 31 May 14. For more information on these cases, see the Commission’s Political Prisoner Database records 2011-00180 on Tang Jitian, 2011-00179 on Jiang Tianyong, 2014-00122 on Wang Cheng, and 2014-00139 on Zhang Junjie.
- <sup>108</sup>“Liu Xiaoyuan Detained in Jiangsu While Handling a Case; Tang Jitian and Others Issue Statements Condemning the Revocation of Their Lawyers’ Licenses” [Liu xiaoyuan jiangsu banan bei juya; tang jitian deng fa shengming qianze lushizheng bei diaoxiao], *Radio Free Asia*, 1 July 14.
- <sup>109</sup>“I Was Framed: Court Outburst by Mining Tycoon Liu Han as He Is Sentenced to Death,” *South China Morning Post*, 23 May 14.
- <sup>110</sup>“Detained Uighur Scholar Went for Days Without Food,” *Associated Press*, reprinted in *Washington Post*, 26 June 14; Human Rights Watch, “China: Baseless Charge Against Uighur Scholar,” 30 July 14.
- <sup>111</sup>“Beijing Court Tries ‘Interceptors’ Over Black Jail Torture Claims,” *Radio Free Asia*, 14 August 14; Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14; Chris Luo, “Chinese Prosecutors ‘Worse Than Police’ in Torturing Suspects for Confessions: Legal Experts,” *South China Morning Post*, 18 March 14; Amnesty International, “Torture in 2014: 30 Years of Broken Promises,” May 2014; Gillian Wong, “In China, Brutality Yields Confessions of Graft,” *Associated Press*, 10 March 14; David Wertime, “Inside China’s Blackest Box: Even High Cadres Quake at the Term ‘Shuanggui,’ An Extrajudicial Interrogation Method That Has Claimed Lives,” *Foreign Policy*, 2 July 14.
- <sup>112</sup>Teng Biao, “What Is a ‘Legal Education Center’ in China,” *China Change*, 3 April 14. See also Amnesty International, “‘Changing the Soup but Not the Medicine’: Abolishing Re-Education Through Labour in China,” *ASA* 17/042/2013, 17 December 13, 9.
- <sup>113</sup>“Official Discipline: Policing the Party,” *Economist*, 1 September 12; Flora Sapio, “Shuanggui and Extralegal Detention in China,” *China Information*, Vol. 22, No. 1, March 2008, 7, 12; CECC, 2013 Annual Report, 10 October 13, 80; CECC, 2008 Annual Report, 31 October 08, 35.
- <sup>114</sup>Andrew Jacobs, “Accused Chinese Party Members Face Harsh Discipline,” *New York Times*, 14 June 12; Gillian Wong, “In China, Brutality Yields Confessions of Graft,” *Associated Press*, 10 March 14; CECC, 2013 Annual Report, 10 October 13, 80.
- <sup>115</sup>Gillian Wong, “In China, Brutality Yields Confessions of Graft,” *Associated Press*, 10 March 14; Leon Watson, “Limbs Broken, Spoon-Fed Excrement and Forced To Smoke Ten Cigarettes Simultaneously: Former Chinese Official Reveals How He Was Tortured for Six Months in Corruption Probe,” *Daily Mail*, 11 March 14.
- <sup>116</sup>*Ibid.*
- <sup>117</sup>Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Report on Human Rights Practices—2013. China (Includes Tibet, Hong Kong and Macau),” 27 February 14. See also Chinese Human Rights Defenders, “Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention,” 24 June 14.
- <sup>118</sup>Renee Xia and Perry Link, “China: Detained to Death,” *New York Review of Books* (blog), 15 May 14; “Inadequate Medical Care for Cao Shunli Before Her Death Contradicts International Law,” Congressional-Executive Commission on China, 2 April 14; Understanding China’s Crackdown on Rights Advocates: Personal Accounts and Perspectives, Hearing of the Congressional-Executive Commission on China, 8 April 14, Written Statement Submitted by Teng Biao, Human Rights Lawyer and Scholar.

<sup>119</sup>Renee Xia and Perry Link, “China: Detained to Death,” New York Review of Books (blog), 15 May 14; “Inadequate Medical Care for Cao Shunli Before Her Death Contradicts International Law,” Congressional-Executive Commission on China, 2 April 14.

<sup>120</sup>Renee Xia and Perry Link, “China: Detained to Death,” New York Review of Books (blog), 15 May 14.

<sup>121</sup>Ibid.

<sup>122</sup>Chinese Human Rights Defenders, “[CHRB] Arrested Uyghur Scholar Ilham Tohti Suffering From Multiple Illnesses & Other News (June 20–June 26, 2014),” 27 June 14.

<sup>123</sup>Ibid.; “Detained Uighur Scholar Went for Days Without Food,” Associated Press, reprinted in Washington Post, 26 June 14.

<sup>124</sup>Chinese Human Rights Defenders, “Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention,” 24 June 14; Chen Guangcheng, “Chen Guangcheng: Still Waiting on China To Honor Its Pledges,” Washington Post, 24 June 14; UN Human Rights Council, Working Group on Arbitrary Detention, Opinions Adopted by the Working Group on Arbitrary Detention at Its Sixty-Ninth Session, 22 April–1 May 2014, No. 2/2014 (China), A/HRC/WGAD/2014/xx, 4 June 14, para. 13.

<sup>125</sup>Chinese Human Rights Defenders, “Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention,” 24 June 14.

<sup>126</sup>Dui Hua Foundation, “Is Detention Center Law Enough To Prevent Police Abuse?” Dui Hua Human Rights Journal, 2 July 14; Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34); Yang Jinzhi and Yue Deliang, “Supreme People’s Court and Supreme People’s Procuratorate Work Reports ‘Declare War’ on Wrongful Convictions and Miscarriages of Justice: Will ‘Correct Mistakes’ and [Investigate] and Affix Responsibility?” [Lianggao baogao xiang yuanjia cuoan “xuanzhan”: yao “jiucuo” ye yao “jiuze”], Xinhua, 12 March 14.

<sup>127</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34); “SPC Opinion on Completing Systems for Prevention of Wrongful Cases,” China Law Translate (blog), 21 November 13; Yang Jinzhi and Yue Deliang, “Supreme People’s Court and Supreme People’s Procuratorate Work Reports ‘Declare War’ on Wrongful Convictions and Miscarriages of Justice: Will ‘Correct Mistakes’ and [Investigate] and Affix Responsibility” [Lianggao baogao xiang yuanjia cuoan “xuanzhan”: yao “jiucuo” ye yao “jiuze”], Xinhua, 12 March 14.

<sup>128</sup>Zhou Bing and Jiang Hao, “Legal Reforms Must Start From the Things the Masses Care Most About” [Sifa gaige cong qunzhong zui guanqie zhi chu gai qi], Legal Daily, 3 June 14.

<sup>129</sup>State Council Information Office, “White Paper on Progress in China’s Human Rights in 2013,” reprinted in Xinhua, 26 May 14.

<sup>130</sup>He Jiahong and He Ran, “Empirical Studies of Wrongful Convictions in Mainland China,” 80 U. Cin. L. Rev. Issue 4, 8 September 13, 11; CECC, 2013 Annual Report, 10 October 13, 83–84.

<sup>131</sup>An Ran, “New Criminal Procedure Law in Effect for One Year: Rarely Has ‘Illegal Evidence’ Been Excluded” [Xin xingsufa shishi yi nian shao you “feifa zhengju” bei paichu], Beijing Evening News, 2 March 14; Eva Pils, Remarks on China’s Domestic Policy and Human Rights Webcast, 2014 Bernstein China Symposium, Panel 1, U.S.-Asia Law Institute, New York University Law School, 3 April 14; CECC, 2013 Annual Report, 10 October 13, 83–84.

<sup>132</sup>Stanley Lubman, “China Will Struggle To Walk the Talk on Legal Reform,” Wall Street Journal, China Real Time Report (blog), 3 December 13. See also Jeremy Daum, “Walkthrough for SPC Opinion on Wrongful Cases,” China Law Translate (blog), 21 November 13.

<sup>133</sup>Amnesty International, “Death Sentences and Executions in 2013,” ACT 50/001/2014, March 2014, 7.

<sup>134</sup>See, e.g., UN GAOR, Hum. Rts. Coun., 25th Sess., Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, paras. 122, 130, 136, 143, 147, 164, 176, and 186.107–114.

<sup>135</sup>UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 186.108.

<sup>136</sup>UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State Under Review, A/HRC/25/5/Add.1, 27 February 14, para. 186.108; UN GAOR, Hum. Rts. Coun., 25th Sess., Agenda Item 6, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, 4 December 13, para. 186.108.

<sup>137</sup>Amnesty International, “Death Sentences and Executions in 2013,” ACT 50/001/2014, March 2014, 5.

<sup>138</sup>Dui Hua Foundation, “Our Work: Criminal Justice,” last visited 2 July 14; “The Death Penalty: Strike Less Hard,” Economist, 3 August 13; CECC, 2013 Annual Report, 10 October 13, 84.

<sup>139</sup>“Execution With No Farewell Spotlights China Death Penalty,” Agence France-Presse, reprinted in Bangkok Post, 11 February 14; Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34). In 2011, with the eighth amendment to the PRC Criminal Law, the National People’s Congress Standing Committee rendered 13 non-violent crimes no longer eligible for the death penalty, reducing the number to 55. See Zhang Yan and He Dan, “13 Crimes Exempted From Death Penalty,” China Daily, 2 May 11.

<sup>140</sup>Chinese Communist Party Central Committee, Decision on Some Major Issues Concerning Comprehensively Deepening the Reform, reprinted in China Internet Information Center, 16 January 14, sec. 9(34).

<sup>141</sup>“China’s Top Legislature Considers Trimming Death Penalty Crimes,” Xinhua, 9 March 14; “36 Delegates Propose Abolishing the Death Penalty for Fraudulent Fundraising” [36 ming daibiao tiyi feichu jizi zhapianzui sixing], Southern Weekend, 12 March 14.

<sup>142</sup>“36 Delegates Propose Abolishing the Death Penalty for Fraudulent Fundraising” [36 ming daibiao tiyi feichu jizi zhapianzui sixing], Southern Weekend, 12 March 14; Xiaoqing Pi, “Tough Questions After Chinese Court Mishandles Execution,” Wall Street Journal, China Real Time Report (blog), 16 July 13; CECC, 2013 Annual Report, 10 October 13, 84–85.

<sup>143</sup>“Senior Official Admits Use of Organs of Executed Prisoners Has Not Stopped; [Prisoners’] Families Kept in the Dark; Citizen Donations Increasing Gradually” [Gaoguan ren quyong siqiu qiguan weizhi benren jiashu jubu zhiqing cheng minzhong juanzeng yi jiandu], Ming Pao, 12 March 14; CECC, 2013 Annual Report, 10 October 13, 85.

<sup>144</sup>CECC, 2013 Annual Report, 10 October 13, 85.

<sup>145</sup>Shan Juan, “Govt Seeks Fairness in Organ Donor System for Inmates,” China Daily, 7 March 14; Adnan Sharif et al., “Organ Procurement From Executed Prisoners in China,” American Journal of Transplantation 2014, XX, 24 July 14, 4.

<sup>146</sup>“China Plans To Stop Using Organs From Executed Prisoners for Transplants” [Zhongguo jihua quxiao siqiu qiguan yizhi], Deutsche Welle, 9 April 14; Matthew Robertson, “Top Chinese Transplant Official Says There’s No Plan To Stop Using Prisoner Organs,” Epoch Times, 11 April 14; World Health Organization, “New Era for Organ Donation and Transplant in China,” Bulletin of the World Health Organization, Vol. 90, No. 11, November 2012.