

## CRIMINAL JUSTICE

*Introduction*

During the Commission's 2016 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.<sup>1</sup> Representative examples discussed in this section include the criminal prosecution of Yang Maodong, better known as Guo Feixiong, who participated in peaceful rights advocacy and called for political reform; Tang Jingling, who promoted non-violent civil disobedience; and Zhang Haitao, who advocated for ethnic minority rights.

The Commission observed that many of the concerns raised by the UN Committee against Torture (Committee) during its November 2015 review of China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also were raised by the Committee during its previous review of China in 2008. The Committee remained concerned about a wide range of issues, including the use of extralegal and extrajudicial detention,<sup>2</sup> harassment of rights lawyers and advocates,<sup>3</sup> restrictions on detainees' access to legal counsel,<sup>4</sup> and excessive time in detention for individuals held without formal charges.<sup>5</sup> The Committee also expressed regret that the follow-up recommendations to the Chinese government identified in its 2008 concluding observations "have not yet been implemented."<sup>6</sup>

*Ongoing Use of Arbitrary Detention*

Extralegal and extrajudicial forms of detention that restrict a person's liberty without judicial oversight<sup>7</sup> violate Article 9 of the Universal Declaration of Human Rights<sup>8</sup> and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR).<sup>9</sup> Some commonly used forms of extralegal and extrajudicial detention in China include the following.

## BLACK JAILS

"Black jails" are detention sites that operate outside of China's judicial and administrative detention systems.<sup>10</sup> After the Chinese government abolished the reeducation through labor (RTL) system in 2013,<sup>11</sup> the Commission continued to observe Chinese authorities' use of "black jails"<sup>12</sup> to suppress individuals such as petitioners,<sup>13</sup> rights advocates,<sup>14</sup> and those resisting the government's crackdown on Christianity.<sup>15</sup> In one example, in March 2016, local police from Beijing municipality reportedly detained rights advocate Yin Huimin<sup>16</sup> for seven days in a "black jail," during which time an officer punched and repeatedly slapped her, breaking her ear drum and causing permanent deafness in one ear.<sup>17</sup> The Commission further observed multiple reports of Chinese authorities detaining petitioners in "black jails" prior to and during the National People's Congress and Chinese People's Political Consultative Conference meetings in March 2016.<sup>18</sup>

Local-level government and Communist Party officials reportedly used "legal education centers"—a type of "black jail"<sup>19</sup>—to detain

individuals such as Falun Gong practitioners, in an effort to force them to renounce their beliefs,<sup>20</sup> and petitioners, in order to prevent them from making complaints to the central government.<sup>21</sup> [For more information on Falun Gong practitioners and petitioners, see Section II—Freedom of Religion and Section III—Access to Justice.] In one example, in October 2015, authorities in Jiansanjiang, Fujin city, Jiamusi municipality, Heilongjiang province, detained a farm worker in a legal education center that reportedly closed around April 2014.<sup>22</sup> In addition, Shi Mengwen continued to serve a three-year prison sentence in Jiansanjiang in apparent connection with his advocacy—along with three other Falun Gong practitioners—for the release of Falun Gong practitioners who had been arbitrarily detained at the Jiansanjiang “legal education center.”<sup>23</sup>

#### PSYCHIATRIC INSTITUTIONS

Chinese authorities continued to forcibly commit individuals to psychiatric facilities as a tool of political repression<sup>24</sup> despite provisions in the PRC Mental Health Law aimed at protecting citizens from such abuse.<sup>25</sup> Civil Rights & Livelihood Watch, a human rights monitoring group based in China, noted an increase in reporting of such forcible commitments in 2015, stating that the options available for government officials to restrict citizens’ liberty in the name of “maintaining social stability” became more limited after the 2013 abolition of the RTL system.<sup>26</sup> [For more information on implementation of the PRC Mental Health Law, see Section II—Public Health.]

#### CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS (*SHUANGGUI*)

Under an investigation process known as “double designation” (*shuanggui*), Party investigators may summon Party members<sup>27</sup> to appear for interrogation at a designated time and place for alleged Party discipline violations.<sup>28</sup> The *shuanggui* process is within the Party’s control and outside China’s legal system; it is a form of extralegal detention<sup>29</sup> that contravenes rights guaranteed by the Universal Declaration of Human Rights and the ICCPR.<sup>30</sup> Investigators detain Party members for three to six months on average<sup>31</sup> and generally do not notify the detainee’s family nor permit family visits or meetings with legal counsel.<sup>32</sup> Investigators reportedly have employed torture and other coercive means to extract information and confessions during the investigation process.<sup>33</sup> Human Rights Watch reported in February 2016 that prolonged solitary confinement, ill treatment, and threats against family members during *shuanggui* remained common.<sup>34</sup> In February 2016, former Deputy Director of the National Energy Administration Xu Yongsheng retracted a confession he previously made while detained under *shuanggui*, asserting that investigators had tortured him while in custody.<sup>35</sup>

#### *Criminal Law*

Some provisions in the Ninth Amendment to the PRC Criminal Law, which became effective on November 1, 2015,<sup>36</sup> may have a negative impact on human rights practices in China<sup>37</sup> in areas such as freedom of speech,<sup>38</sup> freedom of the press,<sup>39</sup> freedom of as-

sembly,<sup>40</sup> freedom of religion,<sup>41</sup> access to justice,<sup>42</sup> and rights advocacy.<sup>43</sup>

#### USE OF CRIMINAL LAW TO PROSECUTE RIGHTS ADVOCATES

In the past year, the Chinese government continued to use broadly defined crimes to punish rights advocates, petitioners, lawyers, and members of some ethnic minority groups.<sup>44</sup>

- **Picking quarrels and provoking trouble.** This past year, authorities prosecuted rights advocates for “picking quarrels and provoking trouble”<sup>45</sup> under Article 293 of the PRC Criminal Law.<sup>46</sup> A U.S.-based legal scholar observed that the vagueness of this crime potentially allowed police “unlimited discretion to detain and arrest offenders for almost any action.”<sup>47</sup> The Chinese government expressly expanded this provision to cover Internet activities in 2013<sup>48</sup> and has since used it to prosecute individuals for online speech.<sup>49</sup> In December 2015, Chinese authorities convicted public interest lawyer Pu Zhiqiang<sup>50</sup> on charges of “picking quarrels and provoking trouble” and “inciting ethnic hatred”<sup>51</sup> in connection with his posting of several online messages critical of the Chinese government.<sup>52</sup> Pu was disbarred following his conviction.<sup>53</sup>

- **Gathering a crowd to disturb order in a public place.** The Chinese government applied Article 291 of the PRC Criminal Law under circumstances that could constitute a restriction on freedom of assembly.<sup>54</sup> Article 291 provides for criminal sanctions—including imprisonment of up to five years—for the main organizer who gathers a crowd to disturb order in a public place.<sup>55</sup> In November 2015, a court in Guangdong province sentenced rights advocate Yang Maodong, better known as Guo Feixiong, to six years’ imprisonment under both this provision and Article 293, reportedly in connection with his peaceful rights advocacy and calls for official transparency and political reform.<sup>56</sup> As part of the same case, the court also sentenced Sun Dsheng to two years and six months’ imprisonment under Article 291.<sup>57</sup>

- **Organizing and using a cult to undermine implementation of the law.** The Commission observed that in the past year, Chinese authorities used Article 300 of the PRC Criminal Law<sup>58</sup> to prosecute Buddhists,<sup>59</sup> Christians,<sup>60</sup> and Falun Gong practitioners,<sup>61</sup> among others, under circumstances that could constitute a restriction on the freedom of religion under international law.<sup>62</sup> The Ninth Amendment to the PRC Criminal Law added the possibility of life imprisonment to Article 300.<sup>63</sup> [For more information on Chinese authorities’ treatment of religious groups, see Section II—Freedom of Religion.]

- **Endangering state security.** During this reporting year, the Chinese government used “endangering state security” charges in a crackdown against rights lawyers and advocates.<sup>64</sup> 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” (ESS), some of which carry the death penalty.<sup>65</sup> The U.S.-based human rights organization Dui Hua Foundation noted a significant drop in the number of ESS trials in

2015, which it attributed to the Chinese government's use of non-ESS charges to prosecute political and religious activism.<sup>66</sup> In January 2016, a court in Guangdong province convicted Tang Jingling,<sup>67</sup> Yuan Chaoyang,<sup>68</sup> and Wang Qingying<sup>69</sup> of "inciting subversion of state power," an ESS charge, in connection with their promotion of non-violent civil disobedience, sentencing them to prison terms ranging from two years and six months to five years.<sup>70</sup> In the same month, a court in the Xinjiang Uyghur Autonomous Region sentenced Zhang Haitao,<sup>71</sup> an advocate for ethnic minority rights, to 19 years' imprisonment on ESS charges.<sup>72</sup> In addition, as of July 2016, authorities filed ESS charges against at least 16 rights lawyers and advocates who were detained or disappeared in connection with the crackdown that began in and around July 2015.<sup>73</sup> [For more information about the 2015 crackdown on human rights lawyers and advocates, see Section III—Access to Justice.]

**UN Committee against Torture's Review of China's Compliance  
With the Convention against Torture**

On November 17 and 18, 2015, the UN Committee against Torture (Committee) held sessions in Geneva, Switzerland, to assess China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).<sup>74</sup> In response to Committee members' questions, the Chinese delegation claimed that "[t]here were no cases of political imprisonment" and that "interrogation chairs were used to prevent detainees from escaping, attacking others or self-harming and were padded for comfort and safety."<sup>75</sup> Recent reports from international human rights organizations referred to these chairs as "tiger chairs" and detailed their use as torture devices.<sup>76</sup>

In its concluding observations, the Committee noted certain positive developments in the Chinese government's efforts to reform the criminal justice system, including the recognition of the infliction of mental suffering as a form of torture and the 2013 abolition of the reeducation through labor system.<sup>77</sup>

The Committee, however, censured the Chinese government, noting that "the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system . . ."<sup>78</sup> Specific concerns included that the definition of torture under Chinese law did not conform to that of the Convention against Torture<sup>79</sup> and that Chinese authorities used broadly defined charges against rights advocates and religious practitioners and subjected them to ill-treatment, torture,<sup>80</sup> "black jails," and other forms of administrative detention without accountability.<sup>81</sup> The Committee further criticized China for failing to provide disaggregated information about torture, criminal justice, and related issues by invoking state secrets provisions.<sup>82</sup> Among its recommendations, the Committee called on China to repeal provisions of the PRC Criminal Procedure Law that allow de facto incommunicado detention known as "residential surveillance at a designated location."<sup>83</sup>

**UN Committee against Torture’s Review of China’s Compliance  
With the Convention against Torture—Continued**

The Chinese government reportedly barred at least seven rights advocates from exiting China to prevent them from attending the review.<sup>84</sup> The Chinese government also reportedly denied citizens’ disclosure requests for information omitted from China’s written report to the Committee, including details of cases where the government had awarded compensation to victims of torture and coerced confession, the punishment that the perpetrators received, and the charges for which they were prosecuted.<sup>85</sup>

*Ongoing Challenges in the Implementation of the Criminal  
Procedure Law*

COERCED CONFESSIONS

Despite legislative and regulatory enactments by the Chinese government to prevent coerced confession, the problem continued during the reporting year. A November 2015 Amnesty International report noted that the extraction of confessions through torture remained widespread in pre-trial detention, especially in cases that the government considered to be politically sensitive.<sup>86</sup>

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.<sup>87</sup> In September 2015, the Ministry of Public Security (MPS) announced that the implementation of the audiovisual recording system, as prescribed by the CPL, was still in progress and that it planned eventually to expand the scope of the system to cover all criminal cases.<sup>88</sup> 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 by torturing detainees and retaliating against whistleblowers or complainants.<sup>89</sup>

Chinese and international rights organizations expressed concerns about the implementation and effectiveness of existing preventive measures, as did a member of the Chinese People’s Political Consultative Conference (CPPCC).<sup>90</sup> Lawyer and CPPCC delegate Shi Jie observed that written interrogation notes sometimes were inconsistent with or even contradicted audiovisual recordings.<sup>91</sup> Shi suggested that the National People’s Congress specify, through legislation or judicial interpretation, that defense lawyers have the right to copy the recording of the entire interrogation session, whether or not the procuratorate decides to transfer it to the court.<sup>92</sup> A U.S.-based legal expert observed that “recording interrogations [was] not significantly changing the culture of extreme reliance on confessions as the primary form of evidence in criminal cases.”<sup>93</sup> Human Rights Watch also questioned the effectiveness of the supervisory mechanism.<sup>94</sup>

## TELEVISED CONFESSIONS

The Chinese government's practice of broadcasting on television prerecorded "confessions" in high-profile cases<sup>95</sup> continued during the past reporting year.<sup>96</sup> Examples of individuals subjected to televised "confessions" included the cofounder of a legal advocacy NGO,<sup>97</sup> rights lawyers,<sup>98</sup> media professionals,<sup>99</sup> booksellers,<sup>100</sup> and other individuals.<sup>101</sup> Such practices contravene international human rights standards, including the right to a fair trial<sup>102</sup> and due process,<sup>103</sup> the presumption of innocence,<sup>104</sup> and the right against self-incrimination.<sup>105</sup> The international NGO Chinese Human Rights Defenders noted that "[w]hen suspects are held incommunicado, without access to lawyers, and 'confess' on TV—a cruel and degrading humiliation in itself—it is impossible to verify if they have confessed willingly or have been tortured, threatened, or intimidated."<sup>106</sup> Zhu Zhengfu, a CPPCC member and Deputy Director of the All China Lawyers Association, reportedly said that televised confessions worked against the principle of the presumption of innocence.<sup>107</sup> A senior judge in Henan province reportedly echoed this opinion, noting, "Outside of a court, no one has the right to decide whether someone is guilty of a crime."<sup>108</sup>

## RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Under Article 73 of the PRC Criminal Procedure Law, authorities can enforce a form of coercive detention known as "residential surveillance at a designated location"<sup>109</sup> to detain a person at an undisclosed location for up to six months for cases involving "endangering state security" (ESS), terrorism, and serious bribery.<sup>110</sup> An international human rights group questioned the legality of "residential surveillance at a designated location" and noted that the six-month period far exceeded the 30-day time limit for police to submit an arrest request to the procuratorate in cases where individuals were held at a detention center.<sup>111</sup>

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."<sup>112</sup> In December 2015, with the stated goal of supervising the enforcement of "residential surveillance at a designated location," the Supreme People's Procuratorate issued provisions requiring procuratorate officials to issue an "opinion to correct" upon discovering noncompliant or unlawful conduct such as corporal punishment and torture committed by officials carrying out the coercive measure.<sup>113</sup> A lawyer based in Shanghai municipality, however, questioned the effectiveness of the provisions because they did not provide for any penalty.<sup>114</sup> Two China-based legal scholars also cautioned that since "residential surveillance at a designated location" is enforced outside a detention center, the lack of effective supervision could lead to illegal evidence gathering.<sup>115</sup>

*Access to Counsel*

In the past year, the Chinese government denied access to legal counsel to some individuals detained in politically sensitive cases. Individuals charged with ESS crimes—which the government often used against rights advocates<sup>116</sup>—continued to face difficulty in

meeting with their lawyers.<sup>117</sup> Article 33 of the PRC Lawyers Law as amended in 2012<sup>118</sup> deprives detainees of the right to meet with their lawyers in ESS, terrorism, and serious bribery cases (“three categories of cases,” or *sanlei anjian*<sup>119</sup>) unless an application for that purpose has been approved by the agency investigating the case.<sup>120</sup> The CPL, however, does not provide for a specific time-frame within which authorities must decide on such an application.<sup>121</sup> Authorities reportedly obstructed or denied access to counsel for those detained during a major crackdown on rights lawyers and advocates that began in and around July 2015<sup>122</sup> and in other cases involving rights advocacy.<sup>123</sup>

After the 2012 amendment of the CPL, some lawyers reported that defendants had improved access to legal counsel,<sup>124</sup> even though lawyers continued to experience difficulties in meeting with their clients, for reasons including the following: insufficient numbers of lawyer meeting rooms in detention facilities;<sup>125</sup> authorities’ invocation of the “three categories of cases” to deny a detainee access to counsel irrespective of the actual charge;<sup>126</sup> authorities’ detention of individuals under “residential surveillance at a designated location” instead of at a detention center;<sup>127</sup> and authorities’ refusal to allow lawyer-client meetings without prior permission.<sup>128</sup>

#### *Torture and Abuse in Custody*

During this reporting year, authorities at detention facilities continued to abuse detainees. For example, in November 2015, Zhang Liumao,<sup>129</sup> founder of a literary magazine, died in a detention center in Guangzhou municipality, Guangdong province, after authorities had detained him for about two months on suspicion of “picking quarrels and provoking trouble.”<sup>130</sup> A lawyer who viewed Zhang’s body observed evidence of physical abuse,<sup>131</sup> but procuratorate officials denied the family’s demand for a copy of the full autopsy report.<sup>132</sup>

In April 2016, the sister of imprisoned rights advocate Yang Maodong, better known as Guo Feixiong, requested that prison officials provide Guo with medical examination and treatment for his deteriorating health, which included intermittent bloody diarrhea and bleeding in his mouth and pharynx.<sup>133</sup> In May, officials in charge of Guo’s custody forced Guo to have a rectal examination, which officials reportedly filmed and threatened to post online.<sup>134</sup>

In May 2016, Lei Yang, an environmentalist and new father, died shortly after police officers in Beijing municipality placed him in custody.<sup>135</sup> In June, Beijing procuratorial officials approved the arrest of two of the officers involved on the charge of “dereliction of duty.”<sup>136</sup> Authorities reportedly censored a news article about Lei’s family accusing the police officers of causing Lei’s death by intentional infliction of injury.<sup>137</sup>

In August 2016, family members of detained lawyer Xie Yang issued a statement saying that in August 2015, officials reportedly beat Xie unconscious after Xie was tortured and called out for help from a window of the holding place where “residential surveillance at a designated location” was enforced.<sup>138</sup> In July 2016, officials at the Changsha Municipal No. 2 PSB Detention Center reportedly held Xie in a cell with a death row inmate who attacked Xie with handcuffs, causing serious injuries.<sup>139</sup>

### *Wrongful Conviction*

In March 2016, the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) reported continuing to make efforts to prevent wrongful convictions,<sup>140</sup> and courts in Jilin, Zhejiang, and Yunnan provinces overturned convictions in some cases involving torture allegations.<sup>141</sup> Nevertheless, reports of coerced confessions continued to surface this past year.<sup>142</sup> In June 2016, the SPP released a guiding case in which a local procuratorate did not approve the arrest of a murder suspect when it determined that authorities had illegally obtained the suspect's confession and that other evidence was insufficient to establish criminal conduct.<sup>143</sup> In March 2016, a procuratorate in Guizhou province agreed to investigate the 2003 murder convictions of two individuals who alleged that they were tortured during the police investigation, but the court that rendered the guilty verdict declined the procuratorate's request to retrieve the case materials for review.<sup>144</sup>

The Chinese government and Communist Party previously have called for an end to the use of quotas for arrests, indictments, guilty verdicts, and case conclusions in performance evaluations.<sup>145</sup> Depending on the implementation of such a plan,<sup>146</sup> this change could reduce pressure on police to extract confessions<sup>147</sup> and on courts to issue guilty verdicts.<sup>148</sup> In February 2016, state-funded newspaper Beijing Times published a commentary in which the author anticipated that this change would result in an increase in not-guilty verdicts.<sup>149</sup> According to the SPC work report released in March 2016, the not-guilty verdict rate for 2015 was 0.084 percent,<sup>150</sup> representing an increase from 0.066 percent for 2014,<sup>151</sup> but below 0.10 and 1.02 percent for 2010 and 2000, respectively.<sup>152</sup> Chinese news agency Caixin reported that more than half of the 26 annual work reports published by provincial-level high courts in 2016 continued to list statistical data of these quotas as performance indicators.<sup>153</sup>

### *Death Penalty*

The Ninth Amendment to the PRC Criminal Law removed the death penalty from 9 non-violent crimes,<sup>154</sup> leaving 46 crimes that still carried the death penalty.<sup>155</sup> While two UN special rapporteurs welcomed this move,<sup>156</sup> one human rights group viewed it as a modest improvement,<sup>157</sup> and another questioned its practical impact on reducing the number of executions.<sup>158</sup> Despite the trend of a reduction in the number of executions in China—from an estimated 12,000 in 2002 to 2,400 in 2013<sup>159</sup>—the number of executions reportedly remained high relative to other countries.<sup>160</sup> In April 2016, Amnesty International estimated that the number of executions in China in 2015 was still in the thousands, exceeding the number for all other countries combined.<sup>161</sup>

#### WITHHOLDING OF STATISTICS RELATED TO THE DEATH PENALTY

The Chinese government continued to withhold statistical data on executions<sup>162</sup> and treat the data as a state secret.<sup>163</sup> In its review of China's compliance with the Convention against Torture, the UN Committee against Torture requested that the Chinese gov-

ernment provide information on the number of executions carried out.<sup>164</sup> In its response to the Committee, China merged the statistical data on the death penalty with other criminal sentences, rather than providing disaggregated data on executions alone.<sup>165</sup>

#### JUDICIAL REVIEW OF DEATH PENALTY CASES

Some scholars expressed concerns about the death penalty review process, specifically its lack of clear legal standards,<sup>166</sup> transparency,<sup>167</sup> and adequate procedures to ensure meaningful participation by legal counsel.<sup>168</sup> At a criminal law forum in October 2015, Zhou Guangquan, a Tsinghua University law professor and a member of the National People's Congress Legal Affairs Committee, called on the SPC to promulgate death penalty sentencing guidelines and to disclose statistical data on death penalty reviews.<sup>169</sup>

The U.S.-based human rights organization Dui Hua Foundation examined 525 death penalty review decisions issued between April 2011 and November 2015 and inferred from these decisions that, in determining whether to approve a death sentence, the SPC considered several mitigating factors, including remorse, good behavior, severity of the crime, and the defendant's economic situation and role in the crime.<sup>170</sup> The Dui Hua Foundation did not cite and the Commission did not observe any published legal standards governing death penalty review.<sup>171</sup>

Although the SPC in 2013 promulgated a general rule requiring courts to post judgments online,<sup>172</sup> an SPC official explained that the SPC would publish only selected death penalty review decisions.<sup>173</sup> The Dui Hua Foundation reported an inconsistency between the 2-percent reversal rate based on the cases it examined<sup>174</sup> and the figure provided by a former SPC judge, which was around 10 percent in 2014.<sup>175</sup> The Dui Hua Foundation further noted that the SPC published a small fraction of the death penalty review decisions.<sup>176</sup>

#### ORGAN HARVESTING

Huang Jiefu, a senior Chinese health official, announced in late 2014 that harvesting organs from executed prisoners would completely cease on January 1, 2015,<sup>177</sup> but he later characterized death row prisoners as citizens who were eligible to give consent to organ donation.<sup>178</sup> In November 2015, Huang again affirmed the ban on harvesting organs from executed prisoners but when asked, did not deny that the practice continued.<sup>179</sup> In June 2016, the U.S. House of Representatives passed a resolution expressing concerns about organ harvesting in China and noting that Huang's 2014 announcement did not directly address organ harvesting from "prisoners of conscience."<sup>180</sup> Ahead of an August 2016 global conference on transplantation, its organizer, the Transplantation Society, rejected 10 out of 28 clinical papers submitted from China for presentation at the conference because of concerns over the sources of the transplanted organs discussed in these papers.<sup>181</sup>

According to Chinese doctors interviewed by the New York Times, the Communist Party called for Party members to donate organs and bring media attention to organ donation, which reportedly resulted in an increase in donations.<sup>182</sup> China Daily, a state-

run media outlet, reported a 60-fold increase in voluntary organ donations between 2010 and 2014.<sup>183</sup> According to a state-funded news outlet, as of July 2016, the number of patients waiting for organ transplantation (approximately 300,000) remained significantly higher than those who actually received it (approximately 10,000).<sup>184</sup>

## Notes to Section II—Criminal Justice

<sup>1</sup>Maya Wang, Human Rights Watch, “Dispatches: China Should End Deaths in Police Custody,” Dispatches (blog), 27 May 16; Ako Tomoko, “Why Is China Muzzling Its Lawyers?” Tokyo Foundation, 1 February 16; Margaret Lewis, “A Review of China’s Record on Torture,” University of Nottingham, China Policy Institute: Analysis (blog), 9 February 16. See also James Leibold, “China Tightens Its Security Screws,” East Asia Forum, 22 December 15; Minxin Pei, “The Twilight of Communist Party Rule in China,” American Interest, Vol. 11, No. 4, 12 November 15; Bureau of Diplomatic Security, U.S. Department of State, “China 2016 Crime & Safety Report: Shenyang,” 16 May 16.

<sup>2</sup>UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 14; 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. 42. See also Human Rights Watch, “‘An Alleyway in Hell,’” 12 November 09.

<sup>3</sup>UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 15(b); 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. 18.

<sup>4</sup>UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 11(c); 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. 12.

<sup>5</sup>UN Committee against Torture, Concluding Observations of the Committee against Torture—China, adopted by the Committee at its 864th Meeting (21 November 2008), CAT/C/CHN/CO/4, 12 December 08, para. 11(a); 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. 10.

<sup>6</sup>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. 6.

<sup>7</sup>Harry 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.

<sup>8</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

<sup>9</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. 9(1). See also CECC, 2014 Annual Report, 9 October 14, 81; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 20 May 16. China has signed but not ratified the ICCPR. 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 “will 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 International Justice Resource Center, “Increased Oppression of Chinese Human Rights Defenders Draws International Criticism,” 22 February 16.

<sup>10</sup>Harry 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.

<sup>11</sup>National 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.

<sup>12</sup>Amnesty 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” [Dalu hei jianyu shengxing laojiao 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.

<sup>13</sup>Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16; “Chinese Petitioner ‘Tortured’ During Detention by Beijing Police,” Radio Free Asia, 7 October 15; “Wuxi ‘Fascism,’ ‘Black Jail,’ ‘Torture,’ ‘Human Rights’” [Wuxi “faxisi” “hei jianyu” “kuxing” “renquan”], Boxun, 20 April 16; “Black Jails Still in Vogue in Mainland; Reeducation Through Labor Continues To Exist Under a Different Name” [Dalu hei jianyu shengxing laojiao huan tang bu huan yao], Radio Free Asia, 3 November 15.

<sup>14</sup>Chinese Human Rights Defenders, “[CHRB] CHR D Urges International Intervention To Gain Release of Human Rights Defenders in China (10/5–10/9/2015),” 9 October 15.

<sup>15</sup>Carey Lodge, “China: 20 Christians Sentenced to ‘Black Jail’ in Last Two Months,” Christian Today, 3 November 15; Carey Lodge, “China: Pastor Released From ‘Black Jail’ After Opposing Cross Demolitions,” Christian Today, 9 February 16.

<sup>16</sup>For more information on Yin Huimin, see the Commission’s Political Prisoner Database record 2015-00015.

<sup>17</sup>“Yin Huimin, Placed in Black Jail During the Two Sessions, Faced Torture and Violent Beating by Evil Police, Causing Permanent Deafness” [Yin huimin lianghui qijian bei guan hei jianyu zao kuxing bei e jing baoda zhi zhongshen er long], Boxun, 19 March 16.

<sup>18</sup>See, e.g., Rights Defense Network, “Two Sessions Stability Maintenance: Hebei Petitioner Zhao Chunhong Held in Black Jail” [Lianghui weiwen, hebei nu fangmin zhao chunhong bei guan hei jianyu], 4 March 16; Rights Defense Network, “Two Sessions Stability Maintenance: Shanghai Rights Defender Ding Juying Held in Black Jail in Beijing, Zhou Xuezheng Administratively Detained” [Lianghui weiwen, shanghai renquan hanweizhe ding juying zai beijing zao guan hei jianyu, zhou xuezheng bei xingzheng juliu], 6 March 16; Rights Defense Network, “Shanghai Petitioner Sun Hongqin Sent Back to Shanghai From Beijing and Held in Black Jail” [Shanghai fangmin sun hongqin bei cong beijing qiansong huidao shanghai bei guan hei jianyu], 28 February 16; Xiong Bin and Shu Can, “Interception for the Two Sessions Began on the Fourth Day, Number of Petitioners in Beijing Decreased” [Lianghui jie fang chusi kaishi zai jing fangmin jianshao], New Tang Dynasty Television, 15 February 16.

<sup>19</sup>Teng Biao, “What Is a ‘Legal Education Center’ in China,” China Change, 3 April 14.

<sup>20</sup>Amnesty International, “China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015,” October 2015, 16.

<sup>21</sup>Rights Defense Network, “Rights Defense Network: Investigative Report Regarding Mainland China’s ‘Legal Education Centers’ (Black Jails)” [Weiquan wang: zhongguo dalu “fazhi xuexi ban” (hei jianyu) diaoyan baogao], 6 January 16.

<sup>22</sup>“Black Jails Still in Vogue in Mainland, Reeducation Through Labor Continues To Exist Under a Different Name” [Dalu hei jianyu shengxing laoqiao huan tang bu huan yao], Radio Free Asia, 3 November 15; “Jiansanjia ‘Black Jail’ Closed” [Jiansanjia “hei jianyu” guanbi], Deutsche Welle, 2 May 14; “Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” Clear Wisdom, 21 December 14.

<sup>23</sup>“Heilongjiang Human Rights Case Follow-up: Four Falun Gong Practitioners Illegally Tried,” Clear Wisdom, 21 December 14; “Jiansanjia Case Verdict Announced, Lawyers and Family Members Intercepted, Defendants Don’t Accept Verdict and Will Bring Appeals” [Jiansanjia an xuanpan lushi, jianshu zao lanjie dangshiren bufu panjue tichu shangsu], Radio Free Asia, 22 May 15. For prior Commission reporting on the legal education center in Jiansanjia, see CECC, 2015 Annual Report, 8 October 15, 124; CECC, 2014 Annual Report, 9 October 14, 83. For more information on the cases of the four Falun Gong practitioners, see the Commission’s Political Prisoner Database records 2015-00301 on Li Guifang, 2015-00302 on Meng Fanli, 2015-00303 on Wang Yanxin, and 2015-00304 on Shi Mengwen.

<sup>24</sup>“China Continues To Use Psychiatric ‘Treatment’ on Its Critics: Report,” Radio Free Asia, 11 February 16; “Shanghai Petitioner Sent to Psychiatric Hospital in Beijing, Wuxi Using Psychiatric Hospitals To Replace Black Jails To Detain Petitioners” [Shanghai yi fangmin zai beijing bei song jingshenbing yuan wuxi yi jingshenbing yuan daiti hei jianyu qiu fangmin], Radio Free Asia, 11 February 16; An Jing, “Psychiatric Hospitals Take the Place of Black Jails To Suppress Aggrieved Citizens Who Have Been Prevented From Petitioning” [Jingshenbing yuan qudai hei jianyu zhuan zhi jiefang yuanmin], Renmin Bao, 11 February 16. Authorities in different localities across China reportedly continued the practice of holding petitioners and rights advocates in psychiatric institutions. See, e.g., Civil Rights & Livelihood Watch, “2015 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16; Chinese Human Rights Defenders, “[CHR] Forced Psychiatric Commitment of Dissidents Continues as Police Act Above Enacted Law (4/29–5/5, 2016),” 5 May 16; Civil Rights & Livelihood Watch, “More Than 20 Petitioners Welcomed Lu Liming of Shanghai Upon His Discharge From the Hospital, Concluding His Life of Forcible Psychiatric Commitment” [20 yu fangmin yingjie shanghai lu liming chuyuan jieshu bei jingshenbing yuan shenghuo], 11 February 16 (Beijing municipality); Civil Rights & Livelihood Watch, “Qi Qianping From Guangzhou Forcibly Committed to Psychiatric Hospital Again for Over a Hundred Days” [Guangzhou qi qianping zaici bei guan jingshenbing yuan yu bai tian], 5 May 16 (Guangdong province); Civil Rights & Livelihood Watch, “Petitioner He Fangwu From Yongzhou City, Hunan Province, Forcibly Committed to Psychiatric Hospital Again” [Hunan sheng yongzhou shi fangmin he fangwu zaici bei guan jingshenbing yuan], 17 April 16 (Hunan province); Civil Rights & Livelihood Watch, “Gu Xianghong From Hunan Committed to Psychiatric Hospital During the Two Sessions and to Date Has Not Been Released” [Hunan gu xianghong lianghui qijian bei touru jingshenbing yuan zhijin wei fang], 21 March 16 (Hunan province); Civil Rights & Livelihood Watch, “Petitioner Zhang Chunyan From Inner Mongolia Certified To Have Mental Disorder, but Procuratorate Still Approved Her Arrest” [Neimeng fangmin zhang chunyan bei jiangding you jingshenbing reng bei jianchayuan pizhun daibu], 16 March 16 (Inner Mongolia Autonomous Region); Civil Rights & Livelihood Watch, “Petitioner Wang Shou’an From Zhushan County, Hubei Province, Committed to Psychiatric Hospital for the First Time” [Hubei sheng zhushan xian fangmin wang shou’an shouci bei guan jingshenbing yuan] 30 November 15 (Hubei province).

<sup>25</sup>PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 75(5), 78(1).

<sup>26</sup>Civil Rights & Livelihood Watch, “2015 Year-End Report on Mental Health and Human Rights (Forced Psychiatric Commitment)” [2015 nian zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie], 8 February 16.

<sup>27</sup>Chinese 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 and effective 25 March 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 xiediao jizhi jinyibu gajin 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.

<sup>28</sup> Chinese 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 and effective 25 March 94, arts. 10, 28(3), 39. Article 39 of the 1994 provisions limits the initial investigation period to three months but allows the unit that opened the case to extend it for an unspecified length of time in “serious or complex” cases. 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 xiediao jizhi jinyibu gajin he guifan “lianggui” cuoshi de yijian], issued 20 January 05, item 2(3). The 2005 opinion limits the initial investigation period to three months with an extension period not exceeding three months. Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 34.

<sup>29</sup> Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1, March 2008, 24.

<sup>30</sup> Universal 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.

<sup>31</sup> Flora Sapio, “Shuanggui and Extralegal Detention in China,” China Information, Vol. 22, No. 1, March 2008, 8, 16. Based on a sample of 380 cases between 1990 and 2005, Flora Sapio found that the period of detention ranged from two days to over a year with an average period of three to six months.

<sup>32</sup> Liu Hai and Sun Yizhen, “When an Official Goes Missing, What Should Their Family Do?” [Guanyuan shilian le, jiashu zenme ban?], Wujie News, reprinted in Phoenix Net, 13 December 15.

<sup>33</sup> Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 34; Zhong Ruoxin, “Zhong Ruoxin: Which Officials Suffered Torture in the Anticorruption Storm” [Zhong ruoxin: fanfu fengbao zhong naxie zaoyu xingxun de guanyuan], Criminal Affairs Net, 26 March 16.

<sup>34</sup> Maya Wang, Human Rights Watch, “Dispatches: A Top Chinese Banker’s Mysterious Death,” Dispatches (blog), 3 February 16.

<sup>35</sup> Austin Ramzy, “Ex-Official in China Blames Torture for Graft Confession,” New York Times, Sinosphere (blog), 25 February 16; Luo Jieqi and Cui Houjian, “Former National Energy Administration Deputy Director Xu Yongsheng on Trial, While in Court Asserts Innocence and Says Was Tortured” [Guojia nengyuanju yuan fu juzhang xu yongsheng shoushen dang ting hanyuan cheng zao bigong], Caixin, 24 February 16.

<sup>36</sup> National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xing fa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15.

<sup>37</sup> “Twenty Newly Added Crimes in PRC Criminal Law Are Said To Be Aimed at Suppressing Rights Defenders” [Zhongguo xingfa xin zeng 20 xiang zuiming bei zhi yizai daya weiquan minzhong], Radio Free Asia, 2 November 15.

<sup>38</sup> 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. 120(1–6), 286(1); Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiqianwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

<sup>39</sup> 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. 291(1); Human Rights Watch, “China: New Ban on ‘Spreading Rumors’ About Disasters,” 2 November 15; Cai Xiaoying, “International Federation of Journalists: Worsening Environment for Journalists in China” [Guoji jizhe lianhui: zhongguo meiti huanjing riyi yanjun], BBC, 30 January 16.

<sup>40</sup> 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. 290; Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiqianwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

<sup>41</sup> 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. 300; Guo Baosheng, “Rights Lawyers and Religious Freedom in China” [Weiquan lushi yu zhongguo de zongjiao ziyoudu], *Human Rights in China Biweekly*, No. 151 (20 February 15–5 March 15).

<sup>42</sup>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. 308(1); Rights Defense Network, “Request To Withdraw Unconstitutional Provisions in the Criminal Law Amendments—Suggestions for Amendment Proposed by Rights Defense Network Concerning PRC Criminal Law Amendment (9) (Second Reading Draft)” [Chexiao weixian qinquan de xingfa xiuzheng’an youguan tiaowen—weiquanwang dui xingfa xiuzheng’an (jiu) (cao’an erci shenyi gao) youguan tiaowen xiugai jianyi], 4 August 15.

<sup>43</sup>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. 309; “Disrupting Court Order?” Several Hundred Lawyers Protested in a Jointly Signed Letter” [“Raoluan fating zhixu”? shubai lushi lian shu fandui], *Deutsche Welle*, 28 November 14; Human Rights Campaign in China, “Lawyer Zhang Lei: Record of Verdict Announcement in Guo Feixiong and Sun Desheng Case” [Zhang lei lushi: guo feixiong, sun desheng an xuanpan jil], 16 December 15. The presiding judge in this case characterized the lawyer’s advocacy on behalf of his client as an “attack,” as reflected in the following exchange between the lawyer and the judge: “[Lawyer] Zhang Lei: [. . .] The protesters were exercising their right of free speech. By treating citizens’ exercise of their free speech right as causing commotion and trouble, the judiciary is in fact the one that is ‘causing commotion and trouble.’ When it makes this kind of determination, it is the judiciary that is ‘picking quarrels and provoking trouble’ with each individual citizen and their rights. [Judge] Zheng Xin: Do not attack the judiciary; otherwise, your speech will be terminated.”

<sup>44</sup>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. 36.

<sup>45</sup>See, e.g., Rights Defense Network, “Fujian Rights Defender and Lawyer Ji Sizun Was Prosecuted for ‘Picking Quarrels and Provoking Trouble and Gathering a Crowd To Disturb Public Order’ After Having Been in Custody for Nearly 11 Months” [Fujian renquan hanweizhe ji sizun lushi zao jiya jin 11 ge yue hou bei yi “xunxin zishi he juzhong raoluan gonggong zhixu zui” qisu], 20 September 15; Rights Defense Network, “Lawyer Liu Zhengqing: Three Gentlemen of Chibi Case Report—After More Than 2 Years, New Charge of ‘Picking Quarrels and Provoking Trouble’ Added Today” [Liu zhengqing lushi: chibi san junzi an tongbao—lishi 2 nian duo jin zai zeng zuiming “xunxin zishi”], 20 October 15.

<sup>46</sup>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.

<sup>47</sup>Stanley Lubman, “‘Picking Quarrels’ Casts Shadow Over Chinese Law,” *Wall Street Journal*, *China Real Time Report* (blog), 30 June 14.

<sup>48</sup>Supreme People’s Court, 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 [Liang gao fabu guanyu banli wangluo feibang deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 10 September 13.

<sup>49</sup>Edward Wong, “China Uses ‘Picking Quarrels’ Charge To Cast a Wider Net Online,” *New York Times*, 26 July 15 (quoting Professor Zhang Qianfan).

<sup>50</sup>For more information on Pu Zhiqiang, see the Commission’s Political Prisoner Database record 2014-00174.

<sup>51</sup>“Pu Zhiqiang: China Rights Lawyer Gets Suspended Jail Sentence,” *BBC*, 22 December 15.

<sup>52</sup>*Ibid.*; John M. Glionna, “Mao’s Grandson, Promoted to Major General, Faces Ridicule,” *Los Angeles Times*, 4 August 10; Chris Buckley, “Comments Used in Case Against Pu Zhiqiang Spread Online,” *New York Times*, *Sinosphere* (blog), 29 January 15.

<sup>53</sup>“Pu Zhiqiang: China Rights Lawyer Has Licence Revoked,” *BBC*, 14 April 16.

<sup>54</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 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, art. 21.

<sup>55</sup>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. 291.

<sup>56</sup>Human Rights Campaign in China, “Lawyer Zhang Lei: Record of Verdict Announcement in Guo Feixiong and Sun Desheng Case” [Zhang lei lushi: guo feixiong, sun desheng an xuanpan jil], 16 December 15; Human Rights in China, “Guo Feixiong and Sun Desheng Indictment,” 19 June 14. For more information on Yang Maodong, also known as Guo Feixiong, see the Commission’s Political Prisoner Database record 2005-00143.

<sup>57</sup>*Ibid.* For more information on Sun Desheng, see the Commission’s Political Prisoner Database record 2011-00313.

<sup>58</sup>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. 300. Article 300 of the PRC Criminal Law prohibits the “use of secret societies, cults, or superstition to undermine the implementation of the law.” The article,

as amended in 2015, provides for life imprisonment if the circumstances are “particularly serious.”

<sup>59</sup>Wei Meng, “Wu Zeheng, Leader of Evil Cult ‘Huazang Dharma,’ Sentenced to Life Imprisonment by Court of First Instance” [Xiejiao zuzhi “huazang zongmen” toumu wu zeheng yishen bei panchu wuqi tuxing], Xinhua, 31 October 15; “China Harshly Sentences Founder of Huazang Dharma,” China Change, 3 November 15; Zhuhai Intermediate People’s Court, “Court of First Instance Announces Verdict in Case of Wu Zeheng and Four Others [Charged With] Organizing and Using Cult Organization To Undermine Implementation of the Law” [Wu zeheng deng 5 ren zuzhi, liyong xiejiao zuzhi pouhuai falu shishi an yishen xuanpan], 30 October 15.

<sup>60</sup>Guo Baosheng, ChinaAid, “House Churches Are the Next Target of Sinicization of Christianity” [Jiating jiaohui shi jidujiao zhongguohua de xia yi ge mubiao], 2 December 15.

<sup>61</sup>“New Development in the Case in Which Lawyer Zhang Zanning Defended Wu Hongwei, a Falun Gong Practitioner From Heyuan, Guangdong” [Zhang zanning lushi wei guangdong heyuan falun gong xueyuan wu hongwei bianhu xin jinzhan], Boxun, 12 December 15.

<sup>62</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18; 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. 18.

<sup>63</sup>National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, art. 33.

<sup>64</sup>See, e.g., Chris Buckley, “3 Rights Advocates Are Sentenced to Prison in China,” New York Times, 28 January 16; “Xinjiang Rights Defender Zhang Haitao Sentenced to 19 Years—With Real Estate Confiscated, Where Will Wife and Infant Son Live?” [Xinjiang weiquan renshi zhang haitao zao zhongpan 19 nian fangchan jiang moshou qi yu qiangbao er hechu wei jia?], Radio Free Asia, 18 January 16; “Chinese Law Enforcement Uncovers Endangering State Security Cases; Peter [Dahlin] and Other Suspects Placed Under Criminal Coercive Measures” [Woguo zhifa bumen pohuo yi qi weihai guojia anquan anjian bide deng fanzui xianyiren bei yifa caiqu xingshi qiangzhi cuoshi], Xinhua, 19 January 16.

<sup>65</sup>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. 54(2), 56, 102–113. All ESS crimes 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 trigger the criminal procedure provision permitting “residential surveillance at a designated location,” which in practice could amount to incommunicado detention.

<sup>66</sup>Dui Hua Foundation, “China State Security Trials Fell 50 Percent in 2015, Official Data Suggest,” Dui Hua Human Rights Journal, 6 April 16.

<sup>67</sup>For more information on Tang Jingling, see the Commission’s Political Prisoner Database record 2011-00255.

<sup>68</sup>For more information on Yuan Chaoyang, also known as Yuan Xinting, see the Commission’s Political Prisoner Database record 2014–00221.

<sup>69</sup>For more information on Wang Qingying, see the Commission’s Political Prisoner Database record 2014-00180.

<sup>70</sup>Chris Buckley, “3 Rights Advocates Are Sentenced to Prison in China,” New York Times, 28 January 16; Human Rights in China, “Sentencing Document of Tang Jingling, Yuan Chaoyang, Wang Qingying, ‘The Three Gentlemen of Guangzhou’ [“Guangzhou san junzi” tang jingling, yuan chaoyang, wang qingying de panjue shu], 29 January 16.

<sup>71</sup>For more information on Zhang Haitao, see the Commission’s Political Prisoner Database record 2015-00343.

<sup>72</sup>“Xinjiang Rights Defender Zhang Haitao Sentenced to 19 Years—With Real Estate Confiscated, Where Will Wife and Infant Son Live?” [Xinjiang weiquan renshi zhang haitao zao zhongpan 19 nian fangchan jiang moshou qi yu qiangbao er hechu wei jia?], Radio Free Asia, 18 January 16; Rights Defense Network, “Urumqi Intermediate Court Sentenced Xinjiang Rights Defender Zhang Haitao to Fixed-Term Imprisonment of 15 Years for ‘Inciting Subversion of State Power’ and Fixed-Term Imprisonment of 5 Years for ‘Supplying Foreign Entities With State Intelligence,’ To Serve 19 Years Combined” [Xinjiang renquan hanwei zhe zhang haitao bei wulumuqi zhong yuan yi “shandong dianfu guojia zui” chu youqi tuxing 15 nian, “wei jingwai tigong qingbao zui” panchu youqi tuxing 5 nian, hebing zhixing 19 nian], 18 January 16.

<sup>73</sup>China Human Rights Lawyers Concern Group, “[‘709 Crackdown’] Latest Data and Development of Cases as of 1800 4 July 2016,” 4 July 16; China Human Rights Lawyers Concern Group, “Report on the 709 Crackdown,” 6 July 16, 27. See also Human Rights Watch, “China: Subversion Charges Target Lawyers,” 14 January 16. For more information on the 16 individuals detained during the July 2015 crackdown who were charged with ESS crimes, see the Commission’s Political Prisoner Database records 2004-02053 on Hu Shigen, 2010-00348 on Wu Gan (also known as Tufu), 2015-00252 on Wang Yu, 2015-00253 on Bao Longjun, 2015-00272 on Zhou Shifeng, 2015-00276 on Liu Sixin, 2015-00277 on Zhao Wei, 2015-00278 on Wang Quanzhang, 2015-00284 on Li Heping, 2015-00295 on Xie Yang, 2015-00308 on Xie Yanyi, 2015-00311 on Li Chunfu, 2015-00331 on Gou Hongguo (also known as Ge Ping), 2015-00333 on Liu Yongping (also known as Laomu), 2015-00344 on Lin Bin (also known as Monk Wang Yun), and 2016-00115 on Zhai Yanmin.

<sup>74</sup> UN Committee against Torture, Summary Record of the 1368th Meeting, CAT/C/SR.1368, 20 November 15; UN Committee against Torture, Summary Record of the 1371st Meeting, CAT/C/SR.1371, 23 November 15; Nick Cumming-Bruce, “China Faces Sharp Questioning by U.N. Panel on Torture,” *New York Times*, 17 November 15.

<sup>75</sup> UN Committee against Torture, Summary Record of the 1371st Meeting, CAT/C/SR.1371, 23 November 15, paras. 29, 67. For more information about interrogation chairs, also known as “tiger chairs,” see Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 40. Human Rights Watch reported that “[p]olice officers regularly use restraints—known as the “tiger chair”—to immobilize suspects during interrogations. Former detainees told Human Rights Watch that they were strapped in this metal chair for hours and even days, deprived of sleep, and immobilized until their legs and buttocks were swollen.”

<sup>76</sup> Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015; Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 6.

<sup>77</sup> 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. 5.

<sup>78</sup> *Ibid.*, para. 20.

<sup>79</sup> *Ibid.*, paras. 8–9.

<sup>80</sup> *Ibid.*, para. 18.

<sup>81</sup> *Ibid.*, para. 42.

<sup>82</sup> *Ibid.*, paras. 22, 30.

<sup>83</sup> *Ibid.*, paras. 14–15.

<sup>84</sup> *Ibid.*, para. 38. “The Committee is concerned at allegations that seven human rights defenders, who were planning to cooperate with the Committee in connection with the consideration of the fifth periodic report of the State party, were prevented from travelling or were detained on the grounds that their participation could ‘endanger national security.’” “Chinese Lawyer’s Solitary Confinement Amounts to ‘Slow Torture’: Wife,” *Radio Free Asia*, 18 November 15; Stephanie Nebehay, “U.N. Torture Watchdog Questions China Over Crackdown on Activists, Lawyers,” *Reuters*, 17 November 15; Sui-Lee Wee and Stephanie Nebehay, “At U.N., China Uses Intimidation Tactics To Silence Its Critics,” *Reuters*, 5 October 15.

<sup>85</sup> See, e.g., Rights Defense Network, “Shanghai Rights Defender Yin Huimin Received a Reply From the Ministry of Foreign Affairs Entitled ‘Reply Concerning an Open Government Information (OGI) Application,’ in Which It Claimed That the Information Sought Was Beyond the Scope of OGI” [Shanghai renquan hanweizhe yin huimin shoudao waijiaobu “guanyu zhengfu xinxi gongkai shenqing de fuhan” cheng shenqing gongkai neirong bu shuyu qi zhengfu xinxi gongkai fanchou], 21 September 15; Rights Defense Network, “Shanghai Rights Defender Ding Juying Commenced an Action Against the Ministry of Foreign Affairs Concerning Her Request for Information Relating to the Torture Report Made Under the Open Government Information Regulations” [Shanghai renquan hanweizhe ding juying jiu kuxing baogao xinxi gongkai shiyi qisu waijiaobu], 26 October 15; Rights Defense Network, “Shanghai Rights Defender Zheng Peipei Contests the Reply Issued by the Ministry of Foreign Affairs Regarding the Torture Report and Commenced an Administrative Litigation Action Against It” [Shanghai renquan hanweizhe zheng peipei bufu waijiaobu jiu kuxing baogao de fuhan dui qi tiqi xingzheng susong], 19 October 15; Lin Yunfei, “Citizen Li Wei: Administrative Litigation Complaint” [Gongmin li wei: xingzheng qisu zhuang], *New Citizen Movement*, 19 August 15.

<sup>86</sup> Amnesty International, “No End in Sight: Torture and Forced Confessions in China,” 11 November 15, 9.

<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, arts. 54, 121.

<sup>88</sup> Xing Shiwei, “Audiovisual Recording Will Be Implemented in All Criminal Cases” [Suoyou xing’an xunwen jiang quan luyin luxiang], *Beijing News*, 22 September 15.

<sup>89</sup> 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.

<sup>90</sup> Network of Chinese Human Rights Defenders & A Coalition of Chinese NGOs, “Civil Society Report Submitted to the Committee against Torture for Its Review at the 56th Session of the Fifth Periodic Report (CAT/C/CHN/5) by the People’s Republic of China on Its Implementation of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment,” 26 October 15, 4.

<sup>91</sup> Zhao Fuduo, “Shi Jie, Member of the CPPCC: Proposing Rules To Expressly Include Audiovisual Recordings as Evidence” [Quanguo zhengxie weiyuan shi jie: jianyi mingque xunwen luyin luxiang wei zhengju], *Caixin*, 26 February 16.

<sup>92</sup> *Ibid.*

<sup>93</sup> China’s Pervasive Use of Torture, Hearing of the Congressional-Executive Commission on China, 14 April 16, Margaret K. Lewis, Professor of Law, Seton Hall University School of Law, 2.

<sup>94</sup> Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 94.

<sup>95</sup> CECC, 2014 Annual Report, 9 October 14, 87, box on “Televised Confessions.”

<sup>96</sup> “Ministry of Truth: A Brief History of Televised ‘Confessions’ in China,” *Hong Kong Free Press*, 8 February 16; “Top China Lawyer Calls for End to Televised Confessions,” *Hong Kong Free Press*, 4 March 16.

<sup>97</sup> Tom Phillips, “Swedish Activist Peter Dahlin Paraded on China State TV for ‘Scripted Confession,’” *Guardian*, 19 January 16. For more information on Peter Dahlin, see the Commission’s Political Prisoner Database record 2016-00024.

<sup>98</sup> Abby Seiff, “China’s Latest Crackdown on Lawyers Is Unprecedented, Human Rights Monitors Say,” ABA Journal, 1 February 16; “US Condemns Zhang Kai ‘Confession’ on Chinese State TV,” BBC, 27 February 16. For more information, see the Commission’s Political Prisoner Database records 2015-00272 on Zhou Shifeng and 2015-00318 on Zhang Kai.

<sup>99</sup> “China Court Jails Former Journalist After Televised ‘Confession,’” Hong Kong Free Press, 24 December 15; Engen Tham and Paul Carsten, “China State Media Announce Confessions in Stock Market Investigations,” Reuters, 31 August 15; Tom Phillips, “Chinese Reporter Makes On-Air ‘Confession’ After Market Chaos,” Guardian, 31 August 15. For more information on Wang Xiaolu, see the Commission’s Political Prisoner Database record 2015-0319.

<sup>100</sup> Ned Levin, “Hong Kong Booksellers Confess to Illegal Sales in China,” Wall Street Journal, 29 February 16. For more information, see the Commission’s Political Prisoner Database records 2016-00090 on Gui Minhui, 2016-00164 on Lui Bo, 2016-00165 on Cheung Chi-ping, and 2016-00166 on Lam Wing-kei.

<sup>101</sup> “Chinese Tycoon Admits \$800m Fraud in TV Confession,” Japan Times, 16 May 16; “Chinese State TV Airs Confessions by Taiwan Fraud Suspects,” Reuters, 15 April 16.

<sup>102</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.

<sup>103</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 11(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, art. 9.

<sup>104</sup> Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 11(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, art. 14(2).

<sup>105</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(3)(g).

<sup>106</sup> Chinese Human Rights Defenders, “China: Forced TV Confessions Violate Principle of Presumed Innocence Before Trial, Constitute Cruel & Degrading Punishment,” 12 March 16.

<sup>107</sup> Jia Shiyu, “Zhu Zhengfu: Suspects Making Confessions on Television Does Not Mean They Are Actually Guilty” [Zhu zhengfu xianfan dianshi li renzui bu dengyu zhen youzui], Beijing News, 2 March 16.

<sup>108</sup> Josh Chin, “Chinese Judge Criticizes Televised Confessions,” Wall Street Journal, China Real Time Report (blog), 15 March 16.

<sup>109</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. 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 translates 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 uses the translation “residential surveillance at a designated location.”

<sup>110</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, arts. 73, 77. See also Eva Pils et al., “Rule by Fear?” Asia Society, ChinaFile (blog), 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.’”

<sup>111</sup> The Rights Practice, “Prevention of Torture: Concerns With the Use of ‘Residential Confinement in a Designated Residence,’” October 2015.

<sup>112</sup> 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.

<sup>113</sup> Supreme People’s Procuratorate, “SPP Issues Provisions Concerning People’s Procuratorates Carrying Out Supervision of Residential Surveillance at a Designated Location To Strengthen and Standardize Procuratorial Supervision of Residential Surveillance at a Designated Location” [Zuigaojian fabu renmin jianchayuan dui zhiding jusuo jianshi juzhu shixing jiandu de guiding jiaqiang he guifan dui zhiding jusuo jianshi juzhu de jiancha jiandu], 28 December 15.

<sup>114</sup> Cui Xiankang and Shan Yuxiao, “There Is Hope for Correcting [Problem of] Families Not Being Notified Promptly of Residential Surveillance at a Designated Location” [Zhiding jusuo jianshi juzhu yuqi bu tongzhi jianshi youwang bei jiuzheng], Caixin, 29 December 15.

<sup>115</sup> Liu Yachang and Wang Chao, “Interpreting and Improving the Constitutionality of the Residential Surveillance at a Designated Location System” [Liu yachang, wang chao: zhiding jusuo jianshi juzhu zhidu de hexianxing jiedu yu wanshan], Journal of Central South University (Social Sciences Edition) 2015 No. 5, reprinted in China Criminal Procedure Law Net, 29 April 16.

<sup>116</sup> Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRDR Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016, 5–6; Tom Hancock and Felicia Sonmez, “China Steps Up Political Arrests, Prosecutions: Rights Group,” Agence France-Presse, reprinted in Sino Daily, 8 January 15; Dui Hua Foundation, “China: State Security Indictments Hit Record High in 2014,” Dui Hua Human Rights Journal, 21 December 15. See also Human Rights Watch, “China’s Rights Defenders,” last visited on 10 May 16.

<sup>117</sup> See, e.g., Chinese Human Rights Defenders, “Too Risky To Call Ourselves Defenders’: CHRDR Annual Report on the Situation of Human Rights Defenders in China (2015),” February 2016, 15; Hai Yan, “Chinese Rights Lawyer Zhou Shifeng Prosecuted for ‘Subversion’”

[Zhongguo weiquan lushi zhou shifeng bei yi 'dianfu zui' qisu], Voice of America, 13 June 16; "In July 9 Case, Liu Sixin's Arrest on 'Subversion' Charge Approved" [709 an liu sixin she "dianfu zui" bei pibu], Radio Free Asia, 14 January 16; Lin Feng, "Legal Assistant Born in the 90s Accused of Subversion of State Power, Family Says It's Ridiculous" [90 hou lushi zhuli bei kong dianfu zhengquan, jiaren cheng huangmiu], Voice of America, 14 January 16.

<sup>118</sup> PRC 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.

<sup>119</sup> Tai Jianlin, "Lawyers' Meeting Rooms at PSB Detention Center Increased From Two to Nine" [Kanshousuo lushi huijian shi liang jian bian jiu jian], Xinhua, 24 May 16.

<sup>120</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. See also Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice, Provisions Concerning the Legal Protection of Lawyers' Rights To Practice [Guanyu yifa baozhang lushi zhiye quanli de guiding], issued and effective 16 September 15, art. 9.

<sup>121</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; Amnesty International, "China: Submission to the United Nations Committee against Torture 59th Session, 9 November–9 December 2015," October 2015, 9.

<sup>122</sup> See, e.g., Rights Defense Network, "Report on 709 Mass Crackdown: Lawyers' Request To Meet With Client Was Dodged by Supervisor Li Bin" [709 da zhuabu an tongbao: lushi yaoqiu huijian dangshiren zao zhuguan li bin duobi], 28 April 16; Rights Defense Network, "Lawyer Li Yuhuan: Report Concerning Lawyer Wang Yu's Case and My Current Precarious Situation" [Li yuhan lushi: guanyu wang yu lushi an he wo xianzai de weiji chujing tongbao], 15 March 16; "No News Regarding Li Heping; Legal Representative Sues Tianjin Public Security Bureau" [Li heping yin xun quan wu dali lushi konggao tianjin shi gong'anju], Radio Free Asia, 6 April 16; Rights Defense Network, "Lawyer Huang Hanzhong: Report on Bao Longjun's Case" [Huang hanzhong lushi: bao longjun an jinzhan tongbao], 23 April 16; "709 Mass Crackdown: Lawyers' Request for Meeting With Wang Quanzhang and Zhao Wei Denied Again" ["709 da zhuabu": lushi huijian wang quanzhang, zhao wei zai zao jujue], Radio Free Asia, 3 June 16; "Detained Lawyer Xie Yang Allegedly Tortured, His Wife Accused the Government of Corrupting the Law" [Bei kou lushi xie yang yi shou nue qi kong dangju xun si wangfa], Radio Free Asia, 15 August 16.

<sup>123</sup> See, e.g., Rights Defense Network, "Mr. Zhang Jianping, Hired by Mother of Jiangsu Women's Rights Defender Ms. Shan Lihua as Daughter's Defense Counsel, Faces Difficulty" [Jiangsu nuquan hanweizhe shan lihua nushi muqin weituo zhang jianping xiansheng zao nu'er bianhuren zao diaonan], 6 February 16; "Guizhou Police Refuse To Let Lawyer Meet With Detained Pastor in 'Pastor Yang Hua Case,' Church Sues State Administration for Religious Affairs, Court Refuses To Accept Case" [Guizhou jingfang ju lushi huijian beibu "yang hua mushi an" mushi jiaohui gao zongjiaojiao fayuan bu shouli], Radio Free Asia, 10 March 16; Rights Defense Network, "Weifang Case Bulletin: Five Individuals—Zhang Wanhe, Liu Xing, Li Yanjun, Yao Jianqing, and Zhai Yanmin—Still Held in Weifang PSB Detention Center" [Weifang an tongbao: weifang kanshousuo reng you zhang wanhe, liu xing, li yanjun, yao jianqing, zhai yanmin wu ren zai ya], 25 March 16; Human Rights Campaign in China, "In December 3rd Labor NGO Incident, Guangzhou No. 1 PSB Detention Center Denies Zeng Feiyang and Deng Xiaoming Meetings With Lawyers for Suspected Endangerment of State Security" ["12.3 laogong NGO shijian" guangzhou di yi kanshousuo yi zeng feiyang he deng xiaoming shexian weihai guojia anquan wei you jujue lushi huijian], 9 December 15.

<sup>124</sup> Wang Yu, "Third Anniversary Since the Implementation of the New Criminal Procedure Law, Protection of Defense Rights Still Awaiting Improvement" [Xin xingsufa shishi san zhounian bianhu quanli baozhang reng dai wanshan], 21st Century Business Herald, 24 March 16; Human Rights Campaign in China, "Lawyer Ge Yongxi: Notes of He Xiaobo's Lawyer About Meeting—Arrangements Will Be Made Within 48 Hours" [Ge yongxi lushi: he xiaobo dali lushi huijian shouji—"bei sishiba xiaoshi"], 9 December 15; Zhou Jianwei and Wei Wei, "Causes and Strategies for Difficulty in Lawyers' Meetings Under the New Criminal Procedure Law" [Xin xingsufa xia lushi huijian nan chengyin yu duice], Shandong Lawyers Net, 7 November 14. See also Yi Xiaohong, "Shenzhen: Great Improvement in 'Lawyers' Difficulties in Meeting and Viewing Documents'" [Shenzhen: lushi "huijian nan, yue juan nan" wenti da you gaishan], Shenzhen Evening News, 18 December 15; "Taiwan Delegation Toured PSB Detention Center Where Taiwanese Suspects Were Held: Their Rights Were Fully Protected, 45 Individuals All Admitted Guilt" [Taiwan daibiaotuan cangan jiya taiwan xianfan kanshousuo: quanli dedao chongfen baozhang 45 ren jun yi renzui], Xinhua, 21 April 16.

<sup>125</sup> Human Rights Campaign in China, "Lawyer Ge Yongxi: Notes of He Xiaobo's Lawyer About Meeting—Arrangements Will Be Made Within 48 Hours" [Ge yongxi lushi: he xiaobo dali lushi huijian shouji—"bei sishi ba xiaoshi"], 9 December 15. See also Zhang Yangqiu, "Proposal Regarding Full Protection of Lawyers' Meeting Rights" [Guanyu chongfen baozhang lushi huijian quan de ti'an], Proposal Committee Office, Chinese People's Political Consultative Conference Shaanxi Provincial Committee, 31 March 16.

<sup>126</sup> See, e.g., 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. 12; Wu Fatian, "My Encounter at the Yiyang Public Security Bureau Today" [Jintian wo zai yiyang shi gong'anju de zaoyu], Weibo post, 22 June 16, 10:10 p.m.; Human Rights Campaign in China, "In the 'December 3rd Labor NGO Incident,' Guangzhou No. 1 PSB Detention Center Denied Zeng Feiyang and Deng Xiaoming Meetings With Lawyer on Endangering State Security Grounds" ["12.3 laogong NGO shijian" guangzhou di yi kanshousuo yi zeng feiyang he deng xiaoming shexian weihai guojia anquan wei you jujue lushi huijian], 9 December 15. See also Rights Defense Network, "Lawyer Cheng

Hai: Defense Statement Presented Before the Court of Second Instance in Jia Lingmin's Picking Quarrels and Provoking Trouble Case" [Cheng hai lushi: jia lingmin xunxin zishi an ershen bianhu ci], 5 April 16.

<sup>127</sup> Wu Fatian, "My Encounter at the Yiyang Public Security Bureau Today" [Jintian wo zai yiyang shi gong'anju de zaoyu], Weibo post, 22 June 16, 10:10 p.m.; PRC Criminal Procedure Law (CPL) [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 37, 72, 73. "Residential surveillance at a designated location" is a coercive measure under the CPL that allows authorities to hold a person at an undisclosed location if the case relates to endangering state security, terrorism, or serious bribery cases (three categories), or if the detainee does not have a fixed place of abode. Meeting with defense counsel is subject to approval by the investigating agency if the case falls under one of the three categories.

<sup>128</sup> Yi Shenghua, "Lawyer Yi Shenghua: Complete Strategy for Lawyer Meeting in Criminal Cases" [Yi shenghua lushi: xingshi anjian lushi huijian quan gonglue], Weibo post, 7 March 16, 10:30 p.m.; Yu Weipeng, "Measures Protecting Lawyers' Right To Meet With Their Clients During the Investigation Phase Must Be Properly Implemented" [Baozhang lushi zhencha jieduan huijian quan xu luodao shichu], Chinese Lawyer, December 2015, 97-98; Rights Defense Network, "Lawyer Cheng Hai: Defense Statement Presented Before the Court of Second Instance in Jia Lingmin's Picking Quarrels and Provoking Trouble Case" [Cheng hai lushi: jia lingmin xunxin zishi an ershen bianhu ci], 5 April 16.

<sup>129</sup> For more information on Zhang Liumao, see the Commission's Political Prisoner Database record 2015-00358.

<sup>130</sup> "Official News Media Said Zhang Liumao Was Involved in 'Armed Riot,' Family Protested at Funeral Home When They Could Not See the Body After Death" [Guanmei zhi zhang liumao "wuzhuang baodong" jia shu si bujian shi binyiguan kangyi], Radio Free Asia, 7 November 15; Edward Wong, "Backers of Detained Chinese Activist Demand Explanation for His Death," New York Times, 6 November 15; Rights Defense Network, "Announcement on Joining the Citizens' Monitoring Group on the Death of Zhang Liumao of Guangdong at the Guangzhou No. 3 PSB Detention Center" [Lianshu jiaru guangdong zhang liumao guangzhou san kan siwang an gongmin jiandu tuan gonggao], 5 November 15.

<sup>131</sup> "Chinese Activist's Body 'Covered' in Injuries After Death in Detention," Radio Free Asia, 17 November 15.

<sup>132</sup> "Procuratorate Refuses To Provide Zhang Liumao's Autopsy Report, Family Not Satisfied and Intend To Request Review" [Jianchayuan ju tigong zhang liumao shijian baogao jia shu buman ni ti fuyi], Radio Free Asia, 24 February 16.

<sup>133</sup> Yang Maoping, "Request From Family for Immediately Carrying Out Diagnosis and Treatment for Yang Maodong" [Guanyu liji dui yang maodong jinxing zhenduan zhiliao de jia shu yaoqiu shu], reprinted in Human Rights in China, 27 April 16.

<sup>134</sup> "Open Letter by Guo Feixiong's Wife Zhang Qing Addressed to President Xi Jinping and Premier Li Keqiang (May 19, 2016)" [Guo feixiong qizi zhang qing zhi xi jingping zhuxi, li keqiang zongli gongkaixin (2016 nian 5 yue 19 ri)], 19 May 16, reprinted in Rights Defense Network, 20 May 16; Zhang Qing, "Guo Feixiong on Hunger Strike in Prison, Wife Details Degrading Treatment in an Open Letter to Xi Jinping and Li Keqiang," China Change, 19 May 16.

<sup>135</sup> Wang Heyan et al., "Witnesses Say Lei Yang Was Chased by Plainclothes Officers and There Was a Fight, Public Security Bureau Says Autopsy Will Be Performed Today or Tomorrow" [Mujizhe cheng lei yang bei bianyi zhuguan bing you da dou gong'an jin ming liang tian shijian ], Caixin, 10 May 16; Lin Feiran, Li Yutong, and Zhu Zhuolin, "Holder of Master's Degree Dies After He Is Detained on 'Suspicion of Soliciting a Prostitute,' Was the Same Day as His Wedding Anniversary" [Shuoshi "shexian piaochang" bei kongzhi hou shenwang dangtian shi qi jiehun jinian ri], Beijing News, 10 May 16; "Man Suspected of Soliciting a Prostitute Dies Suddenly While in Custody, Procuratorate Already Involved" [Shexian piaochang nanzi bei ya tuzhong cusi jianfang yi jieru], Qianjiang Evening News, 10 May 16; Beijing Municipal Procuratorate, "The Fourth Sub-Procuratorate of Beijing Municipal People's Procuratorate Announces and Publishes Lei Yang's Autopsy in Accordance With Law" [Beijing shi renmin jianchayuan di si fenyuan yifa gaozhi he gongbu lei yang shijian jianfang yijian], 30 June 16; Gao Xin and Yu Xiao, "Conversation With Beijing Procuratorate Forensic Medical Examiner: Expert Forensic Medical Examiner Explains Lei Yang's Autopsy" [Duihua beijing jianfang fayi: fayi zhuanjia jiedu lei yang shijian jianfang yijian], Procuratorial Daily, 1 July 16.

<sup>136</sup> Beijing Municipal Procuratorate, "The Fourth Sub-Procuratorate of Beijing Municipal People's Procuratorate Announces and Publishes Lei Yang's Autopsy in Accordance With Law" [Beijing shi renmin jianchayuan di si fenyuan yifa gaozhi he gongbu lei yang shijian jianfang yijian], 30 June 16; "Beijing Procuratorate Announced Lei Yang's Autopsy Results: Cause of Death Is Suffocation" [Beijing jianfang gongbu lei yang an shijian jieguo: xi zhixi siwang], Radio Free Asia, 30 June 16.

<sup>137</sup> Yu Mengtong, "Caixin's Report on Lei Yang's Family Accusing Police of Intentional Infliction of Injury Was Deleted" [Caixin wang lei yang jia shu kong jingfang guyi shanghai baodao bei shan], Voice of America, 17 May 16.

<sup>138</sup> Xie Huicheng et al., "Xie Yang's Family Joint Statement Condemning Torture (August 12, 2016)" [Xie yang jia zu jiu kuxing de lianhe qianze shengming (2016 nian 8 yue 12 ri)], reprinted in Rights Defense Network, 12 August 16. See also "Detained Lawyer Xie Yang Allegedly Tortured, His Wife Accused the Government of Corrupting the Law" [Bei kou lushi xie yang yi shou nue qi kong dangju xun si wang fa], Radio Free Asia, 15 August 16. Xie Yang's wife reported that Xie told his lawyer that officials had tortured him to confess. For more information on Xie Yang, see the Commission's Political Prisoner Database record 2015-00295.

<sup>139</sup> Xie Huicheng et al., "Xie Yang's Family Joint Statement Condemning Torture (August 12, 2016)" [Xie yang jia zu jiu kuxing de lianhe qianze shengming (2016 nian 8 yue 12 ri)], reprinted in Rights Defense Network, 12 August 16.

<sup>140</sup>“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 13 March 16, 3; “Supreme People’s Procuratorate Work Report” [Zuigao renmin jianchayuan gongzuo baogao], 13 March 16, 7–8.

<sup>141</sup>See, e.g., Li Xianfeng, “18 Years of Injustice and 7 Days and 7 Nights of Torture” [18 nian yuan’an bei xingxun de 7 tian 7 ye], Beijing Youth Daily, 8 May 16; Wang Jian, “Chen Man, Wrongfully Convicted and Jailed for the Longest Time Known in the Country, Is Declared Innocent After 23 Years” [“Guonei yizhi bei guan zuijiu de yuanyu fan” chen man 23 nian hou xuangao wuzui], The Paper, 1 February 16; Zhang Manshuang, “Upstream News’ Exclusive Interview With Qian Renfeng: Felt Despair When Tortured To Confess” [Shangyou xinwen dujia duihua qian renfeng: bei xingxun bigong shi gandao zui juewang], Upstream News, 21 December 15. See also Supreme People’s Court, “Supreme People’s Court Granted Retrial in the Nie Shubin Intentional Homicide and Rape Case” [Zuigao renmin fayuan jue ding yifa zaishen nie shubin guyi sharen, qiangjian funu yi an], 8 June 16; Luo Sha and Bai Yang, “Supreme People’s Court Granted Retrial in the Nie Shubin Intentional Homicide and Rape Case” [Zuigao renmin fayuan jue ding yifa zaishen nie shubin guyi sharen, qiangjian funu yi an], Xinhua, 8 June 16.

<sup>142</sup>“China’s Youngest University President Sentenced to Life: Justice Served or Grave Wrong Being Done?” [Zhongguo “zui nianqing” daxue xiaozhang pan wuqi, zhengyi shenzhang huo yuan shen si hai?], Voice of America, 31 December 15; “Second Instance Hearing Near for Former Editor-in-Chief of Guangzhou Daily, Niece of Zeng Qinghong’s Wife Becomes the Focus” [Guangzhou ribao qian shezhang ershen zaiji, zeng qinghong qi zhinu cheng jiaodian], Voice of America, 3 December 15; Austin Ramzy, “Ex-Official in China Blames Torture for Graft Confession,” New York Times, Sinosphere (blog), 25 February 16.

<sup>143</sup>Supreme People’s Procuratorate, “Supreme People’s Procuratorate Issues Seventh Set of Guiding Cases” [Zuigao renmin jianchayuan fabu di qi pi zhidaoxing anli], 6 June 16, 7.

<sup>144</sup>Youling Jueshi, “Two ‘Murder Convicts’ Have Been Crying Injustice for 13 Years; Murky Evidence and Possible Confession Through Torture” [Liang “sharenfan” hanyuan 13 nian zhengju buqing yi zao xingxun bigong], Tencent News, 1 April 16.

<sup>145</sup>Supreme People’s Court, Opinion Regarding Establishing a Robust System To Prevent Wrongful Criminal Cases [Zuigao renmin fayuan guanyu jianli jianquan fangfan xingshi yuanjia cuo’an gongzuo jizhi de yijian], issued 9 October 13, art. 22. See also Josh Chin, “China’s Communist Party Sounds Death Knell for Arrest, Conviction Quotas,” Wall Street Journal, China Real Time Report (blog), 22 January 15; Ministry of Public Security, Circular Regarding Further Strengthening and Improving Criminal Law Enforcement and Case Handling To Actually Prevent Wrongful Cases [Gong’anbu guanyu jinyibu jiaqiang he gaijin xingshi zhifa ban’an gongzuo qieshi fangzhi fasheng yuanjia cuo’an de tongzhi], issued 5 June 13; Wang Zhiguo, “SPP Issues Opinion Requesting: Earnestly Perform the Procuratorate’s Function, Prevent and Correct Wrongful Cases” [Gao jian yuan fawen yaoqiu: qieshi luxing jiancha zhineng fangzhi he juzheng yuanjia cuo’an], Procuratorate Daily, 6 September 13; CECC, 2015 Annual Report, 8 October 15, 107.

<sup>146</sup>Stanley Lubman, “Why Scrapping Quotas in China’s Criminal Justice System Won’t Be Easy,” Wall Street Journal, China Real Time Report (blog), 30 January 15.

<sup>147</sup>Shannon Tiezzi, “In China, a Move Away From Conviction Quotas,” The Diplomat, 23 January 15; Human Rights Watch, “Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China,” May 2015, 33–34.

<sup>148</sup>Chen Fei and Zou Wei, “Retired Beijing Judge: Abolishing Guilty Verdict Rate Will Reduce the Occurrence of Miscarriages of Justice” [Beijing cizhi faguan: quxiao youzui panjue lu hui jianshao yuan’an de fasheng], Beijing Youth Daily, 22 January 15.

<sup>149</sup>Wang Lin, “Not Guilty Verdict Rate Rises Again, Are You Ready” [Wuzui panjue lu huisheng, zhunbei hao le ma], Beijing Times, 23 February 16.

<sup>150</sup>“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 13 March 16, 2, 3.

<sup>151</sup>“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 12 March 15.

<sup>152</sup>Chen Xuequan, “Examination of Issues Faced by Courts When Issuing a Not Guilty Verdict for Insufficiency of Evidence” [Zhengju buzui shi fayuan zuo wuzui panjue nan suo she wenti yanjiu], Journal of Law Application, No. 6 (2015), reprinted in Procedural Law Research Institute, China University of Political Science and Law.

<sup>153</sup>Shan Yuxiao, “Courts Continued To ‘Boast’ Unreasonable Judicial Evaluation Targets” [Fayuan reng “shai” bu heli sifa kaohe zhibiao], Caixin, 25 February 16. See also Liu Zhan, “Commentary: Why Is Homicide Case Resolution Rate Still Being Ranked?” [Pinglun: ming’an po’an lu weihe hai zai paihang?], China National Radio, 18 April 16.

<sup>154</sup>“National People’s Congress Standing Committee Work Report (Summary)” [Quanguo renmin daibiao dahui changwu weiyuanhui gongzuo baogao (zhaiyao)], Xinhua, 19 March 16; National People’s Congress Standing Committee, PRC Criminal Law Amendment (Nine) [Zhonghua renmin gongheguo xingfa xiuzheng’an (jiu)], issued 29 August 15, effective 1 November 15, items 9, 11, 12, 42, 50, 51. See also “Zhang Dejiang: Improve the Criminal Law System, Remove Death Penalty From 9 Crimes That Are Infrequently Used” [Zhang dejiang: wanshan xingshi falu zhidu quxiao 9 ge jiaoshao shiyong de sixing zuiming], China Radio International, 9 March 16; “China’s Criminal Law Amended Again, Death Penalty for 9 Crimes Removed” [Zhongguo xingfa zai xiuzheng quxiao 9 xiang sixing zuiming], Radio Free Asia, 30 August 15; “Member of the Legislative Affairs Commission: Strictly Controlling Death Penalty and Progressively Reducing the Number of Executions Is the Direction of China’s Criminal Law” [Fagongwei: yankong sixing, zhubu jianshao sixing shi zhongguo xingfa de fangxiang], China News Service, reprinted in Xinhua, 29 August 15.

<sup>155</sup>Xie Sufang, “Legislation in 2015 That Directly Benefited the Public” [2015 nian xaxie rang baixing zhijie shouyi de lifa], National People’s Congress of China Magazine, No. 3, 1 February 16.

- <sup>156</sup>Office of the UN High Commissioner for Human Rights, “UN Human Rights Experts Welcome Encouraging Steps Away From Death Penalty in China and India,” 11 September 15.
- <sup>157</sup>Human Rights Watch, “World Report 2016, Events of 2015,” last visited 27 July 16, 175.
- <sup>158</sup>Amnesty International, “Amnesty International Report on China 2015/16,” 2016, 119.
- <sup>159</sup>Dui Hua Foundation, “China Executed 2,400 People in 2013,” 20 October 14.
- <sup>160</sup>Amnesty International, “Death Penalty 2015: Facts and Figures,” 6 April 16. According to Amnesty International, “China remained the world’s top executioner—but the true extent of the use of the death penalty in China is unknown as this data is considered a state secret; the figure of 1,634 excludes the thousands of executions believed to have been carried out in China.”
- <sup>161</sup>Ibid.; Wen Shan and Ren Chen, “Sharp Increase in Global Executions” [Quanqiu sixing shuliang jizeng], Deutsche Welle, 6 April 16.
- <sup>162</sup>UN Committee against Torture, China’s Reply to the Committee against Torture’s List of Issues, CAT/C/CHN/Q/5/Add.2, 1 October 15, para. 37.
- <sup>163</sup>Amnesty International, “Death Penalty 2015: Facts and Figures,” 6 April 16.
- <sup>164</sup>UN Committee against Torture, List of Issues in Relation to the Fifth Periodic Report of China, CAT/C/CHN/Q/5/Add.1, 15 June 15, para. 37.
- <sup>165</sup>UN Committee against Torture, China’s Reply to the Committee against Torture’s List of Issues, CAT/C/CHN/Q/5/Add.2, 1 October 15, para. 37.
- <sup>166</sup>Shan Yuxiao, “Tsinghua Scholar Calls on the Supreme People’s Court To Make Public Annual Data on Death Penalty Review Cases” [Qinghua xuezhe huyu zuigao fayuan gongkai sixing fuhe anjian niandu shuju], Caixin, 19 October 15; Zhao Bingzhi and Xu Wenwen, “Observations and Reflections on Death Penalty Reform in the ‘Ninth Amendment to the Criminal Law’” [“Xingfa xiuzheng’an (jiu)” sixing gaige de guanचा yu sikao], Legal Forum, No. 1 (2016), 34; Li Wenchao, “The Flaws and Ways of Improving the Death Penalty Review Process” [Sixing fuhe chengxu de quexian yu wanshan], Journal of Hubei Correspondence University, Vol. 29, No. 9 (2016), 92.
- <sup>167</sup>Shan Yuxiao, “Tsinghua Scholar Calls on the Supreme People’s Court To Make Public Annual Data on Death Penalty Review Cases” [Qinghua xuezhe huyu zuigao fayuan gongkai sixing fuhe anjian niandu shuju], Caixin, 19 October 15; Li Wenchao, “The Flaws and Ways of Improving the Death Penalty Review Process” [Sixing fuhe chengxu de quexian yu wanshan], Journal of Hubei Correspondence University, Vol. 29, No. 9 (2016), 92.
- <sup>168</sup>Tang Tong, “Research on the Supervision of the Death Penalty Review Process by the Procuratorate” [Sixing fuhe jiancha jiandu zhidu yanjiu], Culture and History Vision (March 2016), 45; Li Wenchao, “The Flaws and Ways of Improving the Death Penalty Review Process” [Sixing fuhe chengxu de quexian yu wanshan], Journal of Hubei Correspondence University, Vol. 29, No. 9 (2016), 92; Feng Yun, “Discussion of the Right of Defense in the Death Penalty Review Process” [Lun sixing fuhe chengxu zhong de bianhu quan], People’s Tribune, April 2016, 124; Wang Yanling, “Thoughts on the Current Status and Ways To Improve Our Nation’s Death Penalty Review Procedure” [Guanyu woguo sixing fuhe chengxu de xianzhuang ji wanshan de sikao], Shanxi Youth, No. 5 (2016), 102.
- <sup>169</sup>Shan Yuxiao, “Tsinghua Scholar Calls on the Supreme People’s Court To Make Public Annual Data on Death Penalty Review Cases” [Qinghua xuezhe huyu zuigao fayuan gongkai sixing fuhe anjian niandu shuju], Caixin, 19 October 15.
- <sup>170</sup>Dui Hua Foundation, “Can Recognizing Poverty Reduce Executions in China?” Dui Hua Human Rights Journal, 9 June 16; Dui Hua Foundation, “China’s Average ‘Death Row’ Prisoner Waits 2 Months for Execution,” Dui Hua Reference Materials, 27 April 16.
- <sup>171</sup>Ibid.
- <sup>172</sup>Supreme People’s Court, Provisions on Releasing Opinions Online by People’s Courts [Zuigao renmin fayuan guanyu renmin fayuan zai hulianwang gongbu caipan wenshu de guiding], issued 13 November 13, effective 1 January 14, arts. 2, 3.
- <sup>173</sup>Yang Weihai, “The Supreme People’s Court Explains in Detail the Hot Topic About the SPC’s Posting of Judgments Online” [Zuigao renmin fayuan xiang jie zuigao fayuan caipan wenshu shangwang redian wenti], Xinhua, reprinted in Central People’s Government, 2 July 13.
- <sup>174</sup>Dui Hua Foundation, “China’s Average ‘Death Row’ Prisoner Waits 2 Months for Execution,” Dui Hua Reference Materials, 27 April 16; Dui Hua Foundation, “Can Recognizing Poverty Reduce Executions in China?” Dui Hua Human Rights Journal, 9 June 16.
- <sup>175</sup>Dui Hua Foundation, “Can Recognizing Poverty Reduce Executions in China?” Dui Hua Human Rights Journal, 9 June 16; Ren Zhongyuan, “Eight Years After the SPC Reclaimed Authority Over Death Penalty Review, How Has [the SPC] Spared People’s Lives” [Sixing fuhe quan shangshou ba nian zuigao fayuan ruhe daoxia liuren], Southern Weekend, 16 October 14.
- <sup>176</sup>Dui Hua Foundation, “China’s Average ‘Death Row’ Prisoner Waits 2 Months for Execution,” Dui Hua Reference Materials, 27 April 16.
- <sup>177</sup>Ye Jingsi, “China Confirms That Organs From Death Row Prisoners To End on January 1, 2015” [Zhongguo mingque 2015 nian yuandan tingzhi caiyong siqiu qiguan], BBC, 4 December 14; Kirk C Allison et al., “China’s Semantic Trick With Prisoner Organs,” British Medical Journal, 8 October 15; Transplant Experts of the National Organ Donation and Transplantation Committee et al., “The New Era of Organ Transplantation in China,” Chinese Medical Journal, Vol. 129, No. 16, 5 August 16, 1891.
- <sup>178</sup>Didi Kirsten Tatlow, “China Bends Vow on Using Prisoners’ Organs for Transplants,” New York Times, 16 November 15; Kirk C Allison et al., “China’s Semantic Trick With Prisoner Organs,” British Medical Journal, 8 October 15.
- <sup>179</sup>Didi Kirsten Tatlow, “Transplant Chief in China Denies Breaking Vow To Ban Prisoners’ Organs,” New York Times, 25 November 15. See also China Organ Transplantation Development Foundation, “Organ Transplantation Q&A (Fifty),” [Qiguan yizhi wenda (wushi)], 5 May 16; Didi Kirsten Tatlow, “Debate Flares on China’s Use of Prisoners’ Organs as Experts Meet in Hong Kong,” New York Times, 17 August 16. The New York Times reported that “Prisoners can still donate organs, according to an entry dated May 5, 2016, on the website of the China Organ Transplantation Development Foundation, a group tasked with managing the transition.”

<sup>180</sup>U.S. House of Representatives, “Expressing Concern Regarding Persistent and Credible Reports of Systematic, State-Sanctioned Organ Harvesting From Non-Consenting Prisoners of Conscience in the People’s Republic of China, Including From Large Numbers of Falun Gong Practitioners and Members of Other Religious and Ethnic Minority Groups,” H. Res. 343, 13 June 16. See also T. Trey et al., “Transplant Medicine in China: Need for Transparency and International Scrutiny Remains,” *American Journal of Transplantation* (accepted for publication 13 August 16). The authors of the August 13, 2016, article echoed the concern raised in House Resolution 343 and further pointed out that verifiable evidence to date did not show that “ethical practices have replaced unethical ones.”

<sup>181</sup>Didi Kirsten Tatlow, “Choice of Hong Kong for Organ Transplant Meeting Is Defended,” *New York Times*, Sinosphere (blog), 18 August 16.

<sup>182</sup>Didi Kirsten Tatlow, “Transplant Chief in China Denies Breaking Vow To Ban Prisoners’ Organs,” *New York Times*, 25 November 15.

<sup>183</sup>Wang Xiaodong, “Record High for Organ Donations,” *China Daily*, 8 March 16. See also T. Trey et al., “Transplant Medicine in China: Need for Transparency and International Scrutiny Remains,” *American Journal of Transplantation* (accepted for publication 13 August 16). According to transplantation experts, the sudden dramatic increase in volunteer organ donors is implausible. See also CECC, *Annual Report 2015*, 8 October 15, 202.

<sup>184</sup>Chen Sisi, “The Ratio of Supply to Demand for Organ Transplants in China Is 1:30, Donation Requires Consent of Parents, Children, and Spouse” [*Zhongguo qiguan yizhi gongxu bi 1:30, juanxian xu fumu, zinu, banlu dou tongyi*], *The Paper*, 6 July 16.