

CRIMINAL JUSTICE

Findings

- The Chinese government and Communist Party continued to use criminal law and police power to punish government critics and to “maintain stability” with the goal of perpetuating one-party rule. The Commission observed that the Chinese government targeted the following groups in particular: rights advocates and lawyers; doctors and other citizens who shared information about the coronavirus disease 2019 (COVID–19) outbreak; supporters in mainland China of protests in Hong Kong; religious believers and clergy; and ethnic minority groups. In so doing, the Chinese government violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards.
- The Chinese government continues to arbitrarily detain Chinese citizens, circumventing judicial oversight and the protection of detainees’ rights under the PRC Criminal Procedure Law. Forms of arbitrary detention used to deprive individuals of their liberty included extralegal “black jails” and forced psychiatric commitment of individuals who are engaged in petitioning or other activities that authorities find politically troublesome. Provisions under the PRC Criminal Law—such as crimes of “endangering state security” and “picking quarrels and provoking trouble”—provide a legal basis for authorities to suppress rights advocacy and other activities protected under international human rights standards.
- Authorities used police power to detain individuals and suppress the spread of information about the COVID–19 outbreak that resulted in a global pandemic. Police throughout China punished individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province. Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances. Wuhan-based doctor Li Wenliang was summoned and forced to sign a confession for “severely disturbing social order” after sharing information with medical colleagues about the novel coronavirus. Li later died from complications related to COVID–19.
- The National People’s Congress Standing Committee repealed “custody and education,” a frequently abused form of administrative detention. Under “custody and education,” public security officials were able to detain sex workers and their clients for six months to two years without judicial oversight. One longtime advocate for the abolition of “custody and education” called the development a “rare victory for a vulnerable group in China.”
- Authorities continued to deprive detainees of their rights in contravention of international standards and in some cases against PRC laws. Authorities tortured and abused detainees, held them in prolonged pretrial detention, denied them access to a lawyer, and coerced them to confess to wrongdoing. One China legal expert said that coerced confessions are a problem

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that “everyone in the [Chinese] criminal justice system is aware of.”

- The Chinese Communist Party increasingly asserted control over law enforcement and deployed mass surveillance technologies in the name of public security to suppress political activity. Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data. This raises concerns over Chinese citizens’ privacy and increases the potential for public security officials to use these technologies to crack down on rights advocates and other targeted persons.
- According to research by Amnesty International, the PRC carried out more executions than any other country this past year. The government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. However, China also continued to classify death penalty statistics as a state secret, which does not comport with international human rights norms.
- Chinese authorities continued to arbitrarily detain Canadian citizens **Michael Kovrig** and **Michael Spavor**, in what is now more than one year of detention without trial. The two were likely detained in order to exert diplomatic pressure on the Canadian government for the arrest of Huawei executive Meng Wanzhou.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Publicly advocate for political prisoners. Chinese officials have deprived individuals of liberty on unsubstantiated criminal charges and for apparent political reasons. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this section and other sections in this report. For additional cases, refer to the Commission’s Political Prisoner Database.
- Prioritize an end to arbitrary detention through diplomatic engagement. The Administration should urge Chinese officials to end all forms of arbitrary detention, and raise this issue in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in “black jails,” psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects that assist individuals with submissions to the UN Working

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Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and UN system of Special Procedures, and to accumulate evidence on Chinese officials complicit in the arbitrary detention of political and religious prisoners.

- Take the necessary steps to ensure that U.S. businesses are not complicit in PRC abuses of police power. The Administration and members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to Chinese police, including artificial intelligence (AI)-enabled biometric identification technologies (e.g., facial, voice, or gait recognition). Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses and privacy violations that U.S. companies working in China may face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.
- Engage with reform-minded governments and non-government actors. The Administration and members of Congress should continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.
- Voice support for human rights advocates in China. Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and democracy advocates, and human rights defenders, as well as other targets of Chinese government repression. The Administration and members of Congress should discuss with Chinese counterparts the importance of protection for such individuals in a wide range of bilateral and multilateral discussions with Chinese officials.
- Stress to the Chinese government the need for greater transparency in its use of the death penalty. The Administration and Members of Congress should urge Chinese officials to disclose the number and circumstances of executions. The Administration and members of Congress should urge the Chinese government to ban explicitly, in national legislation, the harvesting of organs from executed prisoners.

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Introduction

During the Commission's 2020 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to "maintain stability" (*weiwen*)¹ with the goal of perpetuating one-party rule. In so doing, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards.²

Arbitrary Detention

Authorities continued to use various legal and extrajudicial forms of arbitrary detention³ that deprive individuals of their liberty, contravening international human rights standards.⁴ According to the UN Working Group on Arbitrary Detention, arbitrary detention is prohibited in "all types of detention regimes."⁵ This includes "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."⁶

FORMS OF ARBITRARY DETENTION

- **"Retention in Custody" (Liuzhi).** The PRC Supervision Law (Supervision Law),⁷ authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct⁸ using methods including "retention in custody" (*liuzhi*),⁹ an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and denies them the right to be tried while present.¹⁰ In April 2020, the Beijing Commission for Discipline Inspection announced it had placed former business executive Ren Zhiqiang under investigation for "violating discipline and the law."¹¹ Ren went missing in March after the publication of a February article he is believed to have authored in which he criticized the Party leadership's handling of the coronavirus disease 2019 (COVID-19) outbreak.¹²
- **Administrative Detention.** Authorities continued to use administrative forms of detention, which allowed officials to detain individuals without judicial oversight or protection for their rights under the PRC Criminal Procedure Law. Police have ordered individuals to serve up to 20 days of administrative detention without any judicial process.¹³ In addition, authorities continued to operate compulsory drug detoxification centers¹⁴ where they can hold detainees for up to two years.¹⁵
- **"Custody and Education."** On December 28, 2019, the National People's Congress Standing Committee repealed the form of administrative detention known as "custody and education" (*shourong jiaoyu*).¹⁶ Under "custody and education," public security officials were authorized to detain sex workers and their clients for six months to two years without judicial oversight.¹⁷ Chinese legal experts had questioned the legality of such "extrajudicial prisons without any due process" that primarily targeted women and were prone to abuse.¹⁸ One

longtime advocate for the abolition of “custody and education” called the development a “rare victory for a vulnerable group in China.”¹⁹

- **Black Jails.** Authorities continued to hold individuals in “black jails,” extralegal detention sites that operate outside of China’s judicial and administrative detention systems.²⁰ For example, authorities or individuals presumably acting on their behalf held rights advocates and petitioners in “black jails.”²¹

- **Psychiatric Facilities.** Local authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as *bei jingshenbing*—to punish or arbitrarily detain individuals who expressed political dissent or grievances against the government.²² These actions violate protections in the PRC Mental Health Law²³ and related regulations.²⁴ For example, on January 23, 2020, around six unidentified individuals in Fuzhou municipality, Fujian province, took petitioner **He Guanjiao** into custody.²⁵ After losing communication with He Guanjiao in January, her sister later discovered that authorities had taken her to a psychiatric institution in Fuzhou despite the fact that she did not have a history of mental illness.²⁶ This is not the first time authorities placed her in a psychiatric institution.²⁷ In August 2019, authorities kept He Guanjiao in a psychiatric institution without informing her family until October.²⁸ When she went on a hunger strike in protest, authorities reportedly force fed her and forcibly administered her medication.²⁹ He Guanjiao began petitioning when her complaints were rejected by her employer and labor offices after she lost her job due to an industrial injury that resulted from unsafe working conditions.³⁰

- **Abuse of Quarantine Measures.** Authorities reportedly “detained in the name of quarantine” citizen journalist **Chen Qiushi** who reported on the novel coronavirus outbreak in Wuhan municipality, Hubei province.³¹ In a separate case, after having gone missing for almost two months,³² journalist **Li Zehua**, who recently left state-run China Central Television to report independently, released a statement saying authorities had placed him in quarantine in Wuhan and subsequently transferred him to another quarantine location in his hometown.³³ Like Chen, Li had also reported on the coronavirus outbreak.³⁴ In another case reported by the Falun Gong-affiliated website Clear Wisdom, on January 27, 2020, authorities reportedly brought Falun Gong practitioner **Gong Fengqiang** to a coronavirus quarantine hospital to hide evidence of custodial abuse that left him unconscious.³⁵

- **Mass Internment in the Xinjiang Uyghur Autonomous Region (XUAR).** Authorities in the XUAR maintained a system of extrajudicial mass internment camps in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.³⁶ According to reports published this past year, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the XUAR, beginning in 2017.³⁷ [For more

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information on arbitrary detention in China’s mass internment camps, see Section IV—Xinjiang.]

CRIMINAL LAW AND ARBITRARY DETENTION

This past year, authorities continued³⁸ to detain individuals under broad provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards.³⁹ Criminal provisions that authorities used for political purposes include the following:

- **Crimes of Endangering State Security.** The Chinese government continued to prosecute individuals for peacefully exercising their rights under the category of “endangering state security” crimes, as provided in CL Articles 102 to 105 and 107 to 112, including the offenses “subversion of state power,”⁴⁰ “separatism,” and “espionage.”⁴¹ Some of these charges carry multi-year prison sentences or the death penalty.⁴² Cases of individuals detained under provisions of endangering state security can be found in this chapter.⁴³
- **Picking Quarrels and Provoking Trouble.** Authorities used “picking quarrels and provoking trouble” under Article 293 of the CL to punish individuals including petitioners and rights advocates.⁴⁴ Chinese legal experts describe the criminal charge as a “pocket crime,” in that it “is so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality.”⁴⁵
- **Other Criminal Law Provisions.** Authorities continued to charge members of religious communities and spiritual movements with “organizing and using a cult organization to undermine implementation of the law” under CL Article 300.⁴⁶ In addition, authorities accused individuals of other criminal offenses, including “gathering a crowd to disturb social order”⁴⁷ and “illegal business activity”⁴⁸ in relation to activities protected under international human rights standards.⁴⁹

TABLE 1—SELECT CASES OF INDIVIDUALS DETAINED UNDER CRIMES OF ENDANGERING STATE SECURITY FROM THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA’S POLITICAL PRISONER DATABASE (PPD)⁵⁰

Name PPD record no.	Nature of detention	Detention status ⁵¹	About
Wang Yi 2018–00615	Religion, public criticism of Chinese Communist Party ⁵²	Detained on December 9, 2018. Sentenced to nine years in prison on December 30, 2019, for both “inciting subversion of state power” and “illegal business activity.” ⁵³	Pastor of Early Rain Covenant Church, an unregistered Protestant church in Chengdu municipality, Sichuan province.
Guo Quan 2008–00668	Criticism of government’s coronavirus response	Criminally detained on January 31, 2020, on suspicion of “picking quarrels and provoking trouble”; formally arrested on February 26 on suspicion of “inciting subversion of state power.” Pretrial detention.	Democracy advocate who criticized the government’s response to the coronavirus outbreak that originated in Wuhan municipality, Hubei province.

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TABLE 2—SELECT CASES OF INDIVIDUALS DETAINED UNDER PICKING QUARRELS AND PROVOKING TROUBLE FROM THE COMMISSION’S POLITICAL PRISONER DATABASE (PPD) ⁵⁴

Name PPD record no.	Nature of detention	Detention status ⁵⁵	About
Li Sixia 2019–00355	Environmental advocacy	Detained on September 17, 2018. Sentenced on July 20, 2019, to two years and six months in prison.	Li Sixia, with Zhang Haicheng and Wei Zhibo, posted reports online in 2017 and 2018 about environmental pollution in Shiquan county, Ankang municipality, Shaanxi province, caused by two nearby stone quarries.
Hao Jinsong 2020–00007	Government criticism	Detained on December 17, 2019. Indicted in May 2020 for “picking quarrels and provoking trouble” and two additional charges. ⁵⁶ Pretrial detention.	Legal rights advocate critical of the Chinese government. Hao attended a December 2019 gathering of lawyers and activists in Xiamen municipality, Fujian province.
Huang Xueqin 2019–00454	Freedom of expression: writing about 2019 anti-extradition bill protests in Hong Kong	Released on bail (“guarantee pending trial” (qubao houshen)) on or around January 17, 2020, after approximately three months in detention, part of which was in “residential surveillance at a designated location.”	Journalist and women’s rights advocate who promoted the #MeToo movement in China and covered cases of sexual harassment. Wrote about her experiences at a protest in Hong Kong.
Cui Haoxin 2020–00071	Ethnic minority rights; government criticism	Detained on January 24, 2020. Pretrial detention.	Hui Muslim poet and writer (also known by his pen name An Ran) who has criticized Chinese government policies toward Muslims, including destruction of mosques and the campaign of arbitrary mass detention of Uyghurs and others.

Arbitrary Detention and Diplomatic Pressure

Authorities have held Canadian citizens **Michael Spavor**⁵⁷ and **Michael Kovrig**⁵⁸ in pretrial detention for more than one year.⁵⁹ The Canadians were detained in December 2018,⁶⁰ and in June 2020, authorities indicted the two on charges relating to “state secrets.”⁶¹ The Canadians’ detentions in December came shortly after Canadian authorities arrested Huawei executive Meng Wanzhou based on an extradition request made by the U.S. Department of Justice.⁶² Observers have argued that the detentions of Spavor and Kovrig as well as the death sentence of Canadian **Robert Schellenberg**⁶³ were likely Chinese authorities’ attempt to exert pressure on the Canadian government in response to Meng’s arrest.⁶⁴

Ongoing Challenges in the Implementation of the Criminal Procedure Law

The Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)⁶⁵ and international human rights standards.⁶⁶

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PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond the limits allowed under international human rights standards⁶⁷ and the CPL.⁶⁸

Authorities first detained activist **Ge Jueping**⁶⁹ in November 2016 on suspicion of “inciting subversion of state power,” and placed him under “residential surveillance at a designated location.”⁷⁰ In May 2017, authorities formally arrested Ge on the same charges.⁷¹ According to the advocacy organization Chinese Human Rights Defenders, after a local procuratorate indicted Ge in April 2018, authorities argued that the trial could not occur because Ge refused a government provided defense lawyer.⁷² In May 2019, the Suzhou Municipal Intermediate People’s Court in Jiangsu province tried Ge Jueping but did not issue a judgment.⁷³ On June 8, the court notified Ge’s lawyer that Ge’s trial was suspended on March 16, 2020, due to COVID–19.⁷⁴ On June 24, 2020, the court sentenced Ge to four years and six months in prison for “inciting subversion of state power,” marking over three years and seven months in detention without a sentence.⁷⁵ Before his arrest in 2017, Ge was reportedly active on social media speaking out against forced home demolitions and for civil rights.⁷⁶

In January 2020, the Chief Prosecutor of the Supreme People’s Procuratorate Zhang Jun said rates of arrests and pretrial detention should be lowered.⁷⁷ Zhang recommended “the expanded implementation of detention alternatives” such as defendants being released pending trial in place of pretrial detention.⁷⁸ In May 2020, Zhu Zhengfu—a member of the Chinese People’s Political Consultative Conference and Vice President of the All China Lawyers Association—said that prolonged detention may result in miscarriages of justice such as innocent detainees confessing to crimes they did not commit.⁷⁹

DENIED ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and prevented others from hiring their preferred attorneys. Chinese law grants suspects and defendants the right to hire⁸⁰ and meet with defense counsel,⁸¹ but it restricts meetings in cases of “endangering state security” and terrorism,⁸² as well as for those held in “residential surveillance at a designated location” (RSDL),⁸³ contravening international standards.⁸⁴ Selected examples of denied access to counsel are listed below:

- In August 2019, Chinese authorities formally charged former Chinese official and Australian citizen and writer **Yang Hengjun**⁸⁵ on charges of “endangering state security.”⁸⁶ Authorities reportedly denied Yang access to the lawyer of his choosing, and starting in December denied visits from consular officials and legal counsel.⁸⁷ Authorities first detained Yang in January 2019 when he arrived in China from New York.⁸⁸ Yang has written articles critical of the Chinese government.⁸⁹
- In December 2019, **Chen Jiahong**⁹⁰ met with his lawyer for the first time in seven months since authorities took him into custody in April, reportedly for his speech calling for increased accountability of Party officials.⁹¹ Authorities had formally

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charged Chen earlier in December for “inciting subversion of state power.”⁹² Chen is a human rights lawyer who signed an open letter in early 2018 calling for an end to government targeting of lawyers.⁹³ After Chen’s colleague **Qin Yongpei** advocated for the release of Chen and other lawyers, authorities detained Qin in October 2019 and indicted him for “inciting subversion of state power” in May 2020.⁹⁴ Qin is a disbarred rights defense lawyer, who, like Chen, had criticized the corruption of Chinese officials, and had commented on the pro-democracy protests in Hong Kong.⁹⁵ Authorities deprived both Chen and Qin of family and counsel visits.⁹⁶

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in “residential surveillance at a designated location” (RSDL),⁹⁷ a form of incommunicado detention that can last up to six months,⁹⁸ restricts access to counsel,⁹⁹ and places detainees at risk of abuse by authorities.¹⁰⁰

In December 2019, as part of a crackdown on individuals connected to a gathering in Xiamen municipality, Fujian province, earlier that month during which participants discussed Chinese politics and civil society developments,¹⁰¹ authorities from Shandong and Fujian provinces took into custody lawyer **Ding Jiayi**,¹⁰² scholar **Zhang Zhongshun**,¹⁰³ and rights advocate **Dai Zhenya**.¹⁰⁴ Authorities separately placed the three in RSDL in Shandong province on suspicion of “inciting subversion of state power.”¹⁰⁵

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees,¹⁰⁶ violating international standards.¹⁰⁷ Examples include the following:

- In November 2019, Wang Yuqin, wife of rights advocate **Yang Qiuyu**, reported that authorities in a Beijing municipality detention center placed Yang’s legs in shackles for six months.¹⁰⁸ Yang and Wang have long been supporters of petitioners from disadvantaged groups.¹⁰⁹ Yang was criminally detained on March 1, 2019, for “picking quarrels and provoking trouble.”¹¹⁰
- In November 2019, Shenzhen police released a video confession tape of Hong Kong resident and then-U.K. consulate employee **Simon Cheng Man Kit**.¹¹¹ The video was posted two days after Cheng released a statement saying Shenzhen police tortured him during his detention in August 2019.¹¹² Cheng said he was placed in solitary confinement, deprived of sleep, handcuffed, and placed in stress positions for hours.¹¹³ Interrogators threatened to charge him with a more severe crime and demanded Cheng provide information on the U.K.’s role in the 2019 Hong Kong pro-democracy protests, which Cheng denied, as well as on his relationship with mainlanders involved in the protests.¹¹⁴ Authorities allegedly forced him to confess to soliciting prostitutes.¹¹⁵ An Amnesty International researcher said Cheng’s accusations of torture in detention are “in line with the endemic torture and other ill-treatment” in mainland

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China.¹¹⁶ [For more information about pro-democracy protests in Hong Kong, see Section VI—Developments in Hong Kong and Macau.]

- In addition, authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards¹¹⁷ and may amount to torture.¹¹⁸

Coerced Confessions

Authorities continued to coerce detainees to confess to wrongdoing in violation of the CPL,¹¹⁹ and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody.¹²⁰ Chinese legal experts have expressed concern about the continued abusive practices in the Chinese criminal justice system that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.¹²¹ One legal expert said coerced confessions are a problem that “everyone in the [Chinese] criminal justice system is aware of.”¹²² [For more information about the coerced confession in administrative detention of former U.K. consulate worker Simon Cheng Man Kit, see sub-section above on Torture and Abuse in Custody.]

During the coronavirus disease 2019 (COVID-19) outbreak, individuals who shared information about the disease confessed to wrongdoing in what were likely cases of coerced confessions:

- The non-governmental organization Safeguard Defenders reported that authorities throughout China coerced individuals who were placed in “tiger chairs” to make video confessions related to the coronavirus outbreak.¹²³ The confessions ranged from “spreading rumors” to “maliciously driving up [rice] prices.”¹²⁴
- In February 2020, a college student posted a video “admitting her mistakes” after posting a picture on social media in late January complaining about her experience in the hospital while receiving treatment for COVID-19.¹²⁵ In the video she said she “hoped that her fans will not start rumors,” and that “we need to trust in the country and the government’s ability to find a cure.”¹²⁶ The video confession was recorded while she was receiving treatment in a hospital bed.¹²⁷
- Public security authorities in Wuhan municipality, Hubei province, forced at least eight medical personnel to sign confessions of wrongdoing in connection to sharing information about the novel coronavirus outbreak in late December 2019.¹²⁸ [For more information on coerced written confessions for sharing information about the coronavirus outbreak, see Policing in this section.]

Confirmed Cases of COVID-19 in Prisons

In February 2020, authorities announced that five prisons in Shandong, Zhejiang, and Hubei provinces each had more than 500 total confirmed cases of COVID-19 in the prisons.¹²⁹ The BBC reported that four prison officials were fired, and others were disciplined after the virus spread in the prisons.¹³⁰ One Human Rights Watch researcher expressed concern over medical care pro-

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vided to already vulnerable Chinese prison populations during the pandemic: “Prisoners are routinely denied access to adequate medical care even during normal times.”¹³¹ UN High Commissioner for Human Rights Michelle Bachelet stressed that in order to mitigate the spread of the virus in prisons, “governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.”¹³²

Policing

This past year, authorities continued to develop surveillance technology based in part on large-scale, sometimes involuntary collection of personal data.¹³³ While the development of technology could aid criminal investigations, observers have raised concerns about public security officials’ capacity to crack down on rights advocates, religious and ethnic minority groups, and critics of the Chinese government and Communist Party.¹³⁴ This is especially true in a justice system in which, according to Amnesty International, “Law enforcement and the judicial system remained largely under the control of the [Chinese Communist Party].”¹³⁵ Examples of technology used to track and collect data on individuals include smart glasses,¹³⁶ artificial intelligence,¹³⁷ facial recognition,¹³⁸ and drones.¹³⁹ Reports indicated that both U.S. and Chinese firms aided Chinese police in developing their surveillance technology.¹⁴⁰ [For more information on the involvement of U.S. companies in the Chinese government’s development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

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Police Power and the Coronavirus Disease 2019 (COVID-19)

During the Commission's reporting year, authorities harassed, threatened, fined and detained individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province.¹⁴¹ As of March 26, 2020, Chinese Human Rights Defenders estimated that almost 900 individuals have been punished nationwide for "spreading rumors" related to COVID-19.¹⁴² Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances.¹⁴³

On December 30, 2019, a Wuhan doctor shared a report via social media that a coronavirus similar to SARS had been detected in patients.¹⁴⁴ Dr. **Li Wenliang** and seven others who shared the report on social media also were reprimanded by the police.¹⁴⁵ In the case of Dr. Li, police from Wuhan municipality summoned him, and forced him to sign a document admitting to "severely disturbing social order."¹⁴⁶ Li was later diagnosed with COVID-19 and died on February 7, 2020.¹⁴⁷ In March, the National Supervisory Commission said police had mishandled Li's case, and exonerated Li Wenliang.¹⁴⁸ Caixin Global, a commercial media outlet known for its investigative reports, reported that additional Wuhan doctors were either summoned or called by local police after they shared information about the virus on social media.¹⁴⁹

China legal scholar Jerome A. Cohen noted that the summoning of Dr. Li for his online posting is an example of how police use the "vaguely defined offenses" of the PRC Public Security Administration Punishment Law (PSAPL) to punish individuals.¹⁵⁰ The administrative powers and punishments the PSAPL provides the police are "not subject to the protections of the Criminal Procedure Law," and do not involve the Chinese procuratorate or the courts.¹⁵¹ Under the PSAPL, police can punish individuals for offenses that are not necessarily criminal with "low visibility police oppression," ranging from a warning to 15 days in detention.¹⁵² Cohen said that the PSAPL "accounts for many more punishments each year than the criminal process."¹⁵³

Death Penalty

The Chinese government continued¹⁵⁴ to claim that it reserves the death penalty for a small number of crimes and only the most serious offenders.¹⁵⁵ However, court and public security bureau officials voiced support for the continued use of the death penalty, and announced it as a potential penalty for crimes related to the coronavirus outbreak.¹⁵⁶ Amnesty International estimated that the Chinese government "executed and sentenced to death thousands of people, remaining the world's lead executioner."¹⁵⁷ The Chinese government classified statistics on its use of the death penalty as a "state secret,"¹⁵⁸ and the Commission did not observe any official report on overall death penalty numbers.

In August 2019, the Supreme People's Court released guidelines outlining some rights of prisoners on death row, particularly relating to judicial review of death sentences.¹⁵⁹ The guidelines address the defendant's rights to a defense lawyer, and require authorities to postpone the death sentence when a defense lawyer provides evidence that could influence the Supreme People's Court's review of

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the case.¹⁶⁰ The guidelines also allow prisoners sentenced to death to request a meeting with friends or relatives before his or her execution.¹⁶¹

Transparency in Organ Transplant System

A paper published in BMC Medical Ethics in November 2019 raised concerns about the Chinese government's transparency of data regarding its organ transplant system. According to the authors, "China's standards for public provision of its transplant data differ significantly from elsewhere. None of the official organ transplant registries are publicly accessible."¹⁶² The article claimed that the Chinese government may have falsified annual statistics on organ donation numbers in China.¹⁶³ Observers suggested that this may be an indicator that involuntary organ removals continue to take place in China, despite official assertions to the contrary.¹⁶⁴ In 2014, state-controlled media had reported the end of harvesting organs from executed prisoners with a move to a fully voluntary organ donation system starting in January 2015.¹⁶⁵

Notes to Section II—Criminal Justice

¹Sophia Yan, “Xi Jinping Demands Political Loyalty from Chinese Police with Tiananmen Anniversary and Trade Tension,” *Telegraph*, May 10, 2019.

²*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 2, 4, 52, 56, 123, 135–39, and 156–59; *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1); Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976; International Convention on the Elimination of All Forms of Racial Discrimination, adopted by UN General Assembly resolution 2106 (XX) of December 2, 1965, entry into force January 4, 1969; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed June 12, 2019. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. Michael Caster, “China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change,” *Guardian*, January 3, 2019.

³UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–28 April 2017), A/HRC/WGAD/2017/4, August 11, 2017. The UN Working Group on Arbitrary Detention classifies detention as “arbitrary” when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination.

⁴Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9(1). China has signed and stated its intent to ratify the ICCPR. See United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 1, 2020. China signed the ICCPR on October 5, 1998. Countries recommended that China ratify the ICCPR, but China rejected this, saying “China is making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place.” UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, February 15, 2019, items 28.5, 28.6, 28.10; Permanent Mission of the People’s Republic of China to the UN, “Aide Memoire,” reprinted in United Nations, April 13, 2006; State Council, European Council, Prime Minister’s Office of Sweden, and European Commission, “Joint Statement of the 12th China-EU Summit,” reprinted in Ministry of Foreign Affairs, November 30, 2009. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to “further protect civil and political rights,” although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated June 5, 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, June 6, 2013, A/68/90.

⁵Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

⁶*Ibid.*

⁷*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.

⁸*Ibid.*, art. 3.

⁹*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, *2018 Annual Report*, October 10, 2018, 103.

¹⁰*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(d); Safeguard Defenders, “Submission to Select UN Special Procedures on China’s National Supervision Commission and Its Detention Tool Liuzhi,” August 21, 2019, para. 41; Gordon Watts, “Mystery Deepens over Ex-Interpol Chief Meng,” *Asia Times*, January 21, 2020.

¹¹Beijing Commission for Discipline Inspection, “Beijing Shi Huayuan Jituan yuan dangwei fushuji, dongshizhang Ren Zhiqiang jieshou jilu shencha he jiancha diaocha” [Beijing municipality Huayuan Corporation’s former vice party secretary and vice president Ren Zhiqiang undergoes discipline inspection and investigation], April 7, 2020; Helen Davidson, “Critic Who Called Xi a ‘Clown’ over COVID–19 Crisis Investigated for ‘Serious Violations,’” *Guardian*, April 7, 2020.

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¹³*Zhonghua Renmin Gonghe Guo Zhi’an Guanli Chufa Fa* [Public Security Administration Punishment Law of the People’s Republic of China], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, arts. 10, 16; “Zao ju 15 ri Zhongguo laogong weiquanzhe

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¹⁴Giulia Zoccatelli, “Punish and Cure: Forced Detox Camps, Reeducation through Labour, and the Contradictions of China’s War on Drugs,” *Made in China Journal* 4, no. 3 (July–September 2019): 95–100; “Dao Gang shengyuan youxing bei guanya Guangdong gongmin bei qiangzhi song jiedusuo” [Guangdong citizen who traveled to Hong Kong to support protests is forcibly placed in a drug detoxification center], *Radio Free Asia*, December 19, 2019; “Sichuan Sheng Nuzi Qiangzhi Geli Jiedusuo zhaokai 2019 niandu jiedu renyuan nianzhong zongjie ji biao Zhang dahui” [Sichuan Province Women’s Compulsory Drug Detoxification Center holds 2019 recovering addicts year-end award ceremony], Sichuan Province Women’s Compulsory Drug Detoxification Center, reprinted in *The Paper*, December 11, 2019; See also State Council, *Jiedu Tiaoli*, [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 4; Ministry of Public Security, *Gong’an Jiguan Qiangzhi Geli Jiedusuo Guanli Banfa* [Measures on the Management of Public Security Agency Compulsory Isolation and Drug Detoxification Centers], issued and effective September 19, 2011, arts. 1–2.

¹⁵*Zhonghua Renmin Gongheguo Jindu Fa* [PRC Narcotics Law], issued December 27, 2007, effective June 1, 2008, art. 47; State Council, *Jiedu Tiaoli* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 27.

¹⁶National People’s Congress Standing Committee, *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Feizhi Youguan Shourong Jiaoyu Falu Guiding he Zhidu de Jueding* [Decision on Abolishing the Legal Provisions and Systems Regarding Custody and Education], passed December 28, 2019, effective December 29, 2019; “China Abolishes ‘Custody and Education’ System,” *Xinhua*, December 28, 2019; “China Ends Forced Labour for Sex Workers,” *BBC*, December 28, 2019.

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³⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “Concluding Observations on the Fifth Periodic Report of China,” CAT/C/CHN/CO/5, February 3, 2016, para. 36; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, arts. 9, 18, 19, 20; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 9, 18, 19, 21, 22, 27.

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⁴⁰*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, arts. 102–5, 107–12; Chinese Human Rights Defenders, “Inciting Subversion of State Power: A Legal Tool for Prosecuting Free Speech in China,” January 8, 2008, 3, 5; Joshua Rosenzweig, “What’s the Difference between Subversion and Inciting Subversion?” *Siweiluozi’s Blog* (blog), January 19, 2012.

⁴¹*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, arts. 102–13; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, 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, February 3, 2016, para. 14. In addition to the severe criminal penalties, endangering state security offenses permit authorities to use “residential surveillance at a designated location,” which in practice could “amount to incommunicado detention . . . putting detainees at a high risk of torture or ill-treatment.”

⁴²*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 113.

⁴³For examples of cases of individuals detained under provisions of endangering state security covered in this chapter, see the Commission’s Political Prisoner Database record 2020-00182 on human rights lawyer Chen Jiahong; 2019-00508 on disbarred human rights lawyer Qin Yongpei; 2013-00307 on disbarred lawyer Ding Jiayi; 2020-00012 on scholar Zhang Zhongshun; 2020-00011 on rights advocate Dai Zhenya; 2016-00475 on rights advocate Ge Jueping; 2005-00199 on legal scholar and civil society advocate Xu Zhiyong; 2019-00083 on Australian citizen and writer Yang Hengjun; 2020-00176 on Canadian citizen Michael Kovrig; and 2020-00178 on Canadian citizen Michael Spavor.

⁴⁴*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293; Luo Xiang, “Pocket Monsters: How ‘Pocket Crimes’ Warp China’s Legal System,” *Sixth Tone*, January 7, 2019. For cases of petitioners charged with “picking quarrels and provoking trouble,” see, e.g., the Commission’s Political Prisoner Database records 2016-00161 on Han Bangmei, 2015-00005 on Li Yufeng, and 2016-00105 on Li Zhaoxiu.

⁴⁵Luo Xiang, “Pocket Monsters: How ‘Pocket Crimes’ Warp China’s Legal System,” *Sixth Tone*, January 7, 2019; Frances Eve, Chinese Human Rights Defenders, “Twitter Becomes Chinese Government’s Double Weapon: Punishing Dissent and Propagating Disinformation,” May 11, 2020.

⁴⁶*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 300; Dui Hua Foundation, “Detailed Court Statistics on Article 300, Part 1,” *Dui Hua Human Rights Journal*, May 28, 2020; Dui Hua Foundation, “NGO Submission for the Universal Periodic Review of the People’s Republic of China,” March 2018, paras. 14–15; Zhang Wenshu, “Church of Almighty God Devotees Hunted for Practicing Faith,” *Bitter Winter*, January 10, 2020; Nathan VanderKlippe and Steven Chase, “Canadian Sentenced to Eight Years in Jail by China, Renounces Citizenship,” *Globe and Mail*, June 30, 2020. For additional examples, see the Commission’s Political Prisoner Database records 2020-00025 on Wu Yanhua, 2020-00034 on Guan Xingtao, and 2020-00035 on Du Yecheng. See also “Authorities Interfere with Christian’s Job Prospects,” ChinaAid Association, March 24, 2020. For more information on Ruan Haonan, see the Commission’s Political Prisoner Database record 2017-00297.

⁴⁷Tibet Watch, “Eight Tibetans Detained for ‘Organising a Mob to Disturb Social Order,’” September 3, 2019. For information on the detainees, see the following records in the Commission’s Political Prisoner Database: 2020-00015 on Sodung, 2020-00016 on Jamtri, 2020-00017 on Ashol, 2020-00018 on Dosang, 2020-00019 on Wanggyal, 2020-00020 on Gyaltzen, and 2020-00021 on Ngobe.

⁴⁸Yue Wenxiao, “Qian meiti ren Chen Jieren bei yi jingji zui zhongpan ceng duoci jubao gaoguan” [Former journalist Chen Jieren is severely sentenced for economic crimes; he had repeatedly called out high officials], *Sound of Hope*, April 30, 2020; Chinese Human Rights Defenders, “China: Release Journalist Chen Jieren Imprisoned for 15 Years for Criticising CCP,” April 30, 2020. For more information on Chen Jieren, see the Commission’s Political Prisoner Database record 2018-00318.

⁴⁹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 18, 19, 20; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18, 19, 21.

⁵⁰For more information on these cases and other cases raised in the Annual Report, see the Commission’s Political Prisoner Database (PPD). The Commission’s PPD provides public access to information about political prisoners in China and can be accessed at <http://ppdcecc.gov/>.

⁵¹Detention status as of June 30, 2020.

⁵²Wang Yi, “My Declaration of Faithful Disobedience,” *China Partnership*, December 12, 2018.

⁵³*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 225. “Illegal business activity” is a separate charge from crimes of “endangering state security.”

⁵⁴For more information on these cases and other cases raised in the Annual Report, see the Commission’s Political Prisoner Database (PPD). The PPD provides public access to information about cases of political and religious detention and imprisonment in China and can be accessed at <http://ppdcecc.gov/>.

⁵⁵Detention status as of June 30, 2020.

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⁵⁷For more information on Michael Spavor, see the Commission’s Political Prisoner Database record 2020-00178.

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⁵⁸For more information on Michael Kovrig, see the Commission's Political Prisoner Database record 2020-00176.

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⁶²Julia Horowitz, "Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States," *CNN*, December 6, 2018; Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, "Why Are Michael Kovrig and Michael Spavor Still Detained in China? A Guide to the Story so Far," *Globe and Mail*, June 25, 2020. Authorities released Meng on bail and ordered her to remain in Canada pending final judgment on her extradition to the United States.

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¹⁴⁹Qin Jianhang, Wang Yanyu, and Matthew Walsh, “More Wuhan Doctors Say They Faced Official Backlash over Virus Warnings,” *Caixin Global*, February 10, 2020.

¹⁵⁰Jerome A. Cohen, “Implications of the Coronavirus Crisis for China’s Legal System,” *Jerry’s Blog* (blog), February 10, 2020. See also *Zhonghua Renmin Gongheguo Zhi’an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013; Xu Zhangrun, translated by Geremie R. Barmé, “Viral Alarm: When Fury Overcomes Fear,” *ChinaFile*, Asia Society, February 10, 2020.

¹⁵¹Jerome A. Cohen, “Implications of the Coronavirus Crisis for China’s Legal System,” *Jerry’s Blog* (blog), February 10, 2020. See also *Zhonghua Renmin Gongheguo Zhi’an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 2. Michael McConville and Satnam Choongh, *Criminal Justice in China: An Empirical Enquiry* (Cheltenham: Edward Elgar, 2012), 497–98. The police have the discretion over how to handle an offense, namely through the Criminal Procedure Law or through administrative measures.

¹⁵²*Zhonghua Renmin Gongheguo Zhi’an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 10; Jerome A. Cohen, “Implications of the Coronavirus Crisis for China’s Legal System,” *Jerry’s Blog* (blog), February 10, 2020.

¹⁵³Jerome A. Cohen, “Implications of the Coronavirus Crisis for China’s Legal System,” *Jerry’s Blog* (blog), February 10, 2020.

¹⁵⁴CECC, *2019 Annual Report*, November 18, 2019, 88; CECC, *2018 Annual Report*, October 10, 2018, 109.

¹⁵⁵Zhou Qiang, “Zuigao Renmin Fayuan guanyu jiaqiang xingshi shenpan gongzuo qingkuang de baogao,” [Supreme People’s Court report on strengthening the criminal trial work situation], October 23, 2019, sec. 1(2). See also *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 48.

¹⁵⁶“China’s Top Court Vows Death Penalty to Child Sex Offenders of Serious Cases,” *Xinhua*, July 24, 2019; “Heilongjiang Gao Yuan fa jinji tongzhi she fangyi fanzui zuigao pan sixing” [Heilongjiang High Court releases urgent notice: sentences up to death for epidemic prevention crimes], *Radio Free Asia*, February 4, 2020; Ministry of Public Security, “Guanyu zuohao xinxing guanzhuang bingdu feiyuan yiqing fangkong qijian baozhang yiwu ren yuan anquan weihu hanghao yiliao zhixu de tongzhi” [Circular regarding proper conduct of safeguarding the safety of healthcare workers and defending favorable social order of medical treatment during the novel coronavirus pneumonia epidemic prevention and control period], February 7, 2020, sec. 2.

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¹⁵⁸Amnesty International, “Amnesty International Global Report: Death Sentences and Executions 2019,” ACT 50/1847/2020, April 2020, 6. See also Dui Hua Foundation, “How Transparency in Death Penalty Cases Can Reduce Wrongful Convictions,” *Dui Hua Human Rights Journal*, August 22, 2017.

¹⁵⁹Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Sixing Fuhe ji Zhixing Chengxu Zhong Baozhang Dangshiren Hefa Quanyi de Ruogan Guiding* [Certain Provisions on Safeguarding the Lawful Rights of Parties in Death Sentence Review and Execution Procedures], passed April 29, 2019, effective September 1, 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 48.

¹⁶⁰Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Sixing Fuhe ji Zhixing Chengxu Zhong Baozhang Dangshiren Hefa Quanyi de Ruogan Guiding* [Certain Provisions on Safeguarding the Lawful Rights of Parties in Death Sentence Review and Execution Procedures], passed April 29, 2019, effective September 1, 2019, arts. 1–5; Cao Yin, “Top Court Issues New Guidelines for Death Penalty,” *China Daily*, August 9, 2019.

¹⁶¹Supreme People’s Court, *Zuigao Renmin Fayuan Guanyu Sixing Fuhe ji Zhixing Chengxu Zhong Baozhang Dangshiren Hefa Quanyi de Ruogan Guiding* [Certain Provisions on Safeguarding the Lawful Rights of Parties in Death Sentence Review and Execution Procedures], passed April 29, 2019, effective September 1, 2019, arts. 6–8; Cao Yin, “Top Court Issues New Guidelines for Death Penalty,” *China Daily*, August 9, 2019.

¹⁶²Matthew P. Robertson, Raymond L. Hinde, and Jacob Lavee, “Analysis of Official Deceased Organ Donation Data Casts Doubt on the Credibility of China’s Organ Transplant Reform,” *BMC Medical Ethics* 20, no. 79 (November 14, 2019).

¹⁶³*Ibid.*

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¹⁶⁴Matthew P. Robertson, Raymond L. Hinde, and Jacob Lavee, "Analysis of Official Deceased Organ Donation Data Casts Doubt on the Credibility of China's Organ Transplant Reform," *BMC Medical Ethics* 20, no. 79 (November 14, 2019); Sir Geoffrey Nice QC et al., "The Independent Tribunal into Forced Organ Harvesting from Prisoners of Conscience in China," March 1, 2020, para. 467.

¹⁶⁵"China To Scrap Organ Harvesting from Executed Prisoners," *China Daily*, December 4, 2014; Matthew P. Robertson, Raymond L. Hinde, and Jacob Lavee, "Analysis of Official Deceased Organ Donation Data Casts Doubt on the Credibility of China's Organ Transplant Reform," *BMC Medical Ethics* 20, no. 79 (November 14, 2019); A. Sharif et al., "Organ Procurement from Executed Prisoners in China," *American Journal of Transplantation* 14, no. 10, October 2014. Despite affirming involuntary organ transplants would end starting in January 2015, former vice minister of health Huang Jiefu said death row prisoners remained "among the qualified candidates for donations," and "in the future, organs from death row prisoners will require the individual and family's consent as is the case with organ donations from [other] citizens." International medical professionals and human rights advocates raised doubts about the "voluntary" nature of such donations, and emphasized that the use of prisoners' organs violates international ethical standards in transplantation. Li Qiumeng, "Huang Jiefu: neidi yi you 38 jia yiyuan tingyong siqiu qiguan" [Huang Jiefu: 38 hospitals in mainland China have stopped using organs from executed prisoners], *Beijing Times*, reprinted in *People's Daily*, March 5, 2014; Torsten Trey et al., "Correspondence: Organ Transplantation in China: Concerns Remain," *Lancet* 385, no. 9971, March 7, 2015: 854; Huige Li et al., "Correspondence: Organ Transplantation in China: Concerns Remain," *Lancet* 385, no. 9971, March 7, 2015: 855–56.