

IV. Rule of Law in the Justice System

CRIMINAL JUSTICE

Findings

- The criminal justice system in the People's Republic of China (PRC) remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's authoritarian rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the state's or the Chinese Communist Party's authority.
- The judiciary is unambiguously political, as the chief justice of the Supreme People's Court called for "absolute loyalty" to the Party. Moreover, political intervention was evidenced in the case of citizen journalist **Fang Bin**, detained in 2020 in connection with his reporting on the coronavirus disease 2019 (COVID-19) outbreak in Wuhan municipality, Hebei province. A leaked document indicated that the court judgment in his case was a result of a decision made by the Party Central Committee Political and Legal Affairs Commission.
- Government officials arbitrarily detained political activists, religious practitioners, ethnic minorities, and rights advocates, including through extralegal means such as "black jails" and psychiatric facilities or through criminal prosecution under offenses such as "picking quarrels and provoking trouble" or crimes endangering state security. Some detainees, particularly those held incommunicado, reported being mistreated or tortured. After entering the formal legal process, defendants sometimes faced prolonged pretrial detention, closed trials, and delayed sentencing.
- Examples of arbitrary detention during the Commission's 2023 reporting year include the forcible disappearance in Shanghai municipality in March 2023 of **Li Yanhe**, an editor who published books banned in China. In April, police in Beijing municipality detained human rights lawyer **Yu Wensheng** and his wife, **Xu Yan**, as they were on their way to meet the European Union's Ambassador to China.
- Authorities likewise criminally detained participants in the White Paper protests, a series of nationwide citizen protests that took place in November 2022 in reaction to the government's harsh COVID-19 prevention measures and censorship. Protesters, including **Cao Zhixin**, **Li Yuanjing**, **Zhai Dengrui**, and **Li Siqi**, were forcibly disappeared for several months before authorities lodged formal criminal charges against them.

Recommendations

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

- Publicly advocate for political prisoners. PRC officials have deprived individuals of liberty on unsubstantiated criminal charges and have suppressed their political rights. Our prior

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experiences illustrate that consistently and prominently raising individual prisoner cases 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 chapter and other chapters in this report. For additional cases, refer to the Commission's Political Prisoner Database and the Tom Lantos Human Rights Commission's Defending Freedoms Project.

- Continue to advocate for the U.S. citizens and lawful permanent residents whom PRC authorities have arbitrarily detained or prevented from leaving the country.

- Prioritize diplomatic efforts to end PRC authorities' use of arbitrary detention. The Administration should urge PRC officials to end all forms of arbitrary detention and raise this issue in all bilateral discussions and in multilateral institutions of which the United States 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 in mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects that assist individuals with collecting and submitting evidence of PRC officials' complicity and responsibility 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 PRC security services. Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risk 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 used to monitor human rights advocates, religious believers, and ethnic minority groups in China.

- Voice support for human rights advocates in China. Members of Congress and Administration officials should regularly meet with members of Chinese civil society, rights defenders, and other people targeted by PRC authorities. 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.

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Introduction

During the Commission's 2023 reporting year, PRC officials continued to use the criminal justice system and other forms of detention to arbitrarily detain individuals. As of February 2023, the human rights monitor group Rights Defense Network documented 1,486 cases of active detention, which it estimated to be a small fraction of the total number of political and religious prisoners in China.¹ Institutionally, the judiciary is unambiguously political, as the chief justice of the Supreme People's Court (SPC) called for absolute loyalty to the Party, and continuing political intervention undermines defendants' right to a fair trial, especially in political cases.

Lack of Judicial Independence

As then SPC Chief Justice Zhou Qiang delivered the court's work report in March 2023, he reiterated the regulatory requirement that judicial officers must be absolutely loyal to the Party and to General Secretary Xi Jinping.² Evidence of the judiciary taking orders from the Party was seen in the case of citizen journalist **Fang Bin**, whom the Jiang'an District People's Court in Wuhan municipality, Hubei province, convicted and sentenced in connection with his reporting of COVID-19 death tolls in Wuhan around February 2020.³ According to a leaked document, the Party Central Committee Political and Legal Affairs Commission (PLAC) recommended the specific criminal offense to invoke and the length of sentence to impose, both of which the court adopted.⁴ In particular, the PLAC considered whether Fang should be charged with "inciting subversion of state power" but opted for the less political-sounding offense of "picking quarrels and provoking trouble," fearing that "hostile forces" would accuse the PRC government of suppressing COVID-19-related reporting.⁵

Arbitrary Detention

Authorities' use of arbitrary detention, including through extra-legal or extrajudicial means, did not abate during this reporting year. The U.N. Working Group on Arbitrary Detention considers a detention arbitrary if 1) it has no legal basis, 2) it is used to suppress the exercise of universal human rights, 3) the detainee's due process rights are violated, 4) asylum seekers or refugees are subjected to prolonged detention, or 5) the detention is discriminatory on grounds such as religion, ethnicity, sexual orientation, and political opinion.⁶ Arbitrary detention violates international human rights standards⁷ and China's Constitution, which prohibits unlawful deprivation or restriction of a person's liberty.⁸ All forms of arbitrary detention are prohibited under international law, including "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."⁹

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Extrajudicial Detention

Types and examples of extrajudicial detention are as follows:

ENFORCED DISAPPEARANCE

Reports of enforced disappearance continued to emerge this past year.¹⁰ Enforced disappearance is any form of deprivation of a person's liberty carried out by the government or with its acquiescence, followed by a refusal to acknowledge the detention or to disclose the detainee's whereabouts.¹¹ Examples are as follows:

- **Li Yanhe** (also known by his pen name Fucha), an editor involved in publishing books banned in China, disappeared after traveling from Taiwan to Shanghai municipality in March 2023 to visit his family.¹² In April 2023, the spokesperson for the PRC Taiwan Affairs Office confirmed that PRC authorities had detained Li and were investigating him for allegedly “endangering state security.”¹³
- In October 2022, days before the 20th National Congress of the Chinese Communist Party, physicist **Peng Lifa** (also known as Peng Zaizhou) staged a solo protest in Beijing municipality, during which he displayed banners on a bridge, speaking out against the government's harsh COVID-19 policies, and demanding political reforms, including Xi Jinping's removal.¹⁴ Authorities immediately detained Peng, holding him at an undisclosed location.¹⁵
- **Gao Zhisheng**, a human rights lawyer, remained missing for more than five years after his disappearance in August 2017.¹⁶ Previously, authorities sentenced him to three years in prison for “inciting subversion of state power” and subjected him to constant surveillance after his release from prison in 2014.¹⁷

BLACK JAILS

The informal term “black jail” refers to buildings such as hotels and training centers that government officials or their agents use to detain people.¹⁸ These extralegal detention facilities operate under different names, including “assistance and service centers” or “legal education centers.”¹⁹ Their existence and use have no legal basis, and people detained in such sites—many of whom are petitioners²⁰ and Falun Gong practitioners²¹—do not know when they will be released and do not have any procedural protection.²²

Some people held in “black jails” suffer mistreatment. Petitioner **Feng Youmiao**, for example, was denied access to water and daily necessities when she was held in a “black jail” in February 2023 in Anqing municipality, Anhui province. A group of unidentified individuals seized her in Beijing and transported her back to Anqing, her hometown, in an apparent attempt to stop her from filing complaints about the forcible demolition of her property.²³ Similarly, petitioner **Yin Dengzhen** reported that people who extralegally held her in September 2022 in a hotel room in Shiyan municipality, Hubei province, beat her and refused to release her despite her having suffered from food poisoning, which prevented her from eating for two days.²⁴ Yin's captors claimed that COVID-19 measures were the basis of the detention, but it was reportedly a stability

maintenance measure ahead of the 20th Party Congress, given Yin's history of petitioning.²⁵

PSYCHIATRIC FACILITIES

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for acts such as expressing political opinions or grievances against the government continued during this past year,²⁶ despite domestic legal provisions prohibiting such abuse.²⁷ In particular, the U.N. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care provide that a "determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards" and must not be based on "political ... or any other reason not directly relevant to mental health status."²⁸

According to secondary sources examined by nongovernmental organization Safeguard Defenders, "99 people had been locked up in psychiatric wards 144 times in the seven years from 2015 to 2021, covering 109 hospitals in 21 provinces, municipalities or regions across China."²⁹ Legal prohibition appears to be ineffective, as "[d]octors and hospitals are either coerced by, or collude with, the authorities by allowing [arbitrary detention] to take place."³⁰ In December 2022, for example, authorities in Tianjin municipality committed university lecturer **Wu Yanan** to Tianjin Sheng'an psychiatric facility after she voiced support on social media for student protesters.³¹ Thereafter, social media posts from Wu's and her parents' accounts admitted that Wu was suffering from mental illness, but a person familiar with the situation doubted the authenticity of the posts, adding that it was authorities' attempt to stigmatize someone who dared to speak out.³²

ADMINISTRATIVE DETENTION

PRC authorities continued to use administrative detention to suppress freedoms such as protest,³³ movement,³⁴ religion,³⁵ and seeking redress.³⁶ Administrative detention is one of several types of administrative penalties authorized by the PRC Public Security Administration Punishment Law and the PRC Administrative Punishment Law³⁷ and is referenced in about 90 domestic laws and regulations.³⁸ Some political detainees are subjected to further criminal detention and prosecution after completion of administrative detention.³⁹ Examples from this past year are as follows:

- Police in Ha'erbin municipality, Heilongjiang province, ordered **Zhang Wangce** to serve 10 days of administrative detention after Zhang posted on social media about his experience of being arbitrarily detained in a psychiatric hospital.⁴⁰
- In October 2022, government officials in Lhasa municipality, Tibet Autonomous Region, administratively detained 22 Tibetans to undergo an "internet security education" program after they had posted on the internet information about pandemic-related difficulties that people were experiencing.⁴¹
- In June 2022, domestic security protection officers in Longnan municipality, Gansu province, ordered rights defender **Long Kehai** to serve 20 days of administrative detention, ac-

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cusing him of watching violent videos online and disseminating rumors.⁴² Authorities later criminally prosecuted Long and sentenced him to two years in prison based on an indictment alleging that Long “had abusively scolded the country’s leader and the socialist system.”⁴³

RETENTION IN CUSTODY

The PRC Supervision Law⁴⁴ authorizes the National Supervisory Commission (NSC) and its local branches to investigate suspected official misconduct using methods including “retention in custody” (*liuzhi*), an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation.⁴⁵ The law applies to “Communist Party members or public sector personnel—virtually anyone working directly or indirectly for the government.”⁴⁶ According to an official report, the Central Commission for Discipline Inspection and the NSC detained 5,006 persons under “retention in custody” in 2021 as part of their efforts to investigate corruption.⁴⁷

Individuals retained in custody are held incommunicado and some reported being tortured. For example, entrepreneur Mu Deming—in the course of appealing his six-year sentence imposed by the Shuangjiang County People’s Court in Lincang municipality, Yunnan province—testified that investigators deprived him of sleep, interrogated him for 18 hours each day in an interrogation chair, and pressured him by detaining his wife, causing him physical and mental harm.⁴⁸ Investigators denied having tortured Mu but said that the injuries were caused by the “solemnness of *liuzhi*.”⁴⁹

Abuse of Criminal provisions

PRC authorities continued to suppress the exercise of universal human rights through the use of criminal charges. Commonly applied criminal charges include the following:

- **Crimes endangering state security** is a category of 12 offenses that carry a maximum penalty of life imprisonment and possibly the death penalty and have been lodged against government critics and rights lawyers.⁵⁰

- **Picking quarrels and provoking trouble.** Authorities used “picking quarrels and provoking trouble” under Article 293 of the PRC Criminal Law to punish individuals including petitioners and rights advocates.⁵¹ Chinese legal experts describe this 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.”⁵² Lawyer and National People’s Congress delegate Zhu Zhengfu continued to call for abolishing this criminal offense, as he has since 2008, on grounds that it is vague and may infringe on citizens’ free speech right.⁵³

- **Other Criminal Law provisions.** Authorities continued to charge members of religious communities and spiritual movements with “organizing and using a cult to undermine implementation of the law” under PRC Criminal Law Article 300.⁵⁴

In addition, authorities accused individuals of other criminal offenses, including “gathering a crowd to disturb social order”⁵⁵ and “illegal business activity”⁵⁶ on account of activities protected under international human rights standards.⁵⁷

Additional cases of note from this past year include the following.

- Feminist and labor rights advocate **Li Qiaochu** remained in pretrial detention as of June 2023 on the charge of “inciting subversion of state power.”⁵⁸ After taking Li into custody in February 2020, authorities held her incommunicado, releasing her on bail two months later.⁵⁹ They formally arrested her in March 2021, holding her in Linyi municipality, Shandong province, after she had advocated for other detainees and made public the mistreatment that law lecturer and civil society advocate **Xu Zhiyong** suffered during his detention.⁶⁰ The indictment alleged that Li had maintained a blog for Xu that advocated toppling the socialist system.⁶¹ As of April 2023, Li was suffering from depression and auditory hallucinations.⁶²
- **Dong Yuyu**, a journalist at Party-run news outlet *Guangming Daily*, was indicted for “espionage” around March 2023.⁶³ Authorities in Beijing municipality detained Dong in February 2022 when he was having lunch with a Japanese diplomat, who also was detained.⁶⁴ The Washington, D.C.-based National Press Club in May 2023 issued an open letter signed by 120 journalists and academics and called on the PRC government to drop the charge, as “[m]eetings with foreign diplomats and journalists, as well as fellowships abroad, should not be construed as evidence of espionage”⁶⁵
- Beginning in late November 2022, police in Beijing detained people who peacefully protested the government’s harsh zero-COVID policy and censorship around it, including **Cao Zhixin**, **Li Yuanjing**, **Zhai Dengrui**, and **Li Siqi**, on the charge of “picking quarrels and provoking trouble.”⁶⁶ [For more information on the late November 2022 protests against the zero-COVID policy, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, Chapter 6—Governance, and Chapter 12—Public Health.]

Restriction of Liberty of Foreign Individuals

The PRC government continued to arbitrarily restrict the liberty of foreign individuals as leverage to advance its political goals,⁶⁷ a practice that has sharply escalated since 2018, as observed by the Australian Strategic Policy Institute (ASPI).⁶⁸ In a report published in August 2020, ASPI noted that this type of arbitrary detention often involved “enforced disappearances, unusual trial delays, harsh punishments, prolonged interrogations and lack of transparency to maximise the effects of coercion.”⁶⁹ Furthermore, Chinese authorities are “known to reinstate Chinese citizenship to detainees to prevent them from being repatriated”⁷⁰

For example, U.S. citizen **Mark Swidan** has been in prison since 2012, as the Jiangmen Municipal Intermediate People’s Court in Guangdong province in April 2023 dismissed the appeal of his reprimanded death sentence stemming from a drug-related case that the U.N. Working Group on Arbitrary Detention found to be arbi-

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trary.⁷¹ In other cases, some foreign nationals who are not otherwise held at a detention facility are prevented from leaving China, an opaque practice referred to as an “exit ban.”⁷² Such bans can be the result of a civil lawsuit or part of the government’s effort to pressure overseas relatives to return to China for law enforcement investigations.⁷³ About 30 U.S. citizens are currently estimated to be subject to an exit ban, as in the case of **Henry Cai**, whom authorities have prevented from leaving China since 2017 in connection with two civil cases that he previously was unaware of and for business debts that he said were not his.⁷⁴

Torture and Abuse

Reports indicate that the practice of torture and abuse of detainees continues in China, a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a signatory.⁷⁵ For example, after rights lawyer **Zhou Shifeng** completed his seven-year prison term in September 2022, his relatives relayed that when he was held incommunicado in a guesthouse in Tianjin municipality between July 2015 and January 2016, armed police placed him under constant surveillance and ordered him to continually sit on a high stool with only brief periods of rest.⁷⁶ After being transferred to Tianjin Municipal Prison, Zhou was ordered to sit on the floor and was watched by two other inmates.⁷⁷ In an effort to prevent Zhou from drafting complaints about his custodial conditions, prison officials restrained both his hands and feet with shackles weighing 50 kilograms.⁷⁸ Additionally, authorities only allowed him to call his family twice in seven years, a privilege that other inmates enjoyed at least once a month.⁷⁹

Death in Custody

Multiple reports of custodial death emerged this past year, including the following:

- In September 2022, **Dong Jianbiao** died in Chaling County Prison in Zhuzhou municipality, Hunan province, while serving a three-year sentence stemming from a domestic dispute with his ex-wife over how to help their daughter **Dong Yaoqiong**, whom authorities forcibly committed to a psychiatric hospital after she had splashed ink onto a poster of General Secretary Xi Jinping in 2018.⁸⁰ At the morgue, Dong Jianbiao’s family observed extensive bruises and bleeding in the anus, contradicting authorities’ assertion that Dong had died of diabetes.⁸¹ Domestic security protection officers demanded that the body be cremated within five days and detained **Chen Siming**, who had publicized Dong’s injuries.⁸²
- In December 2022, Falun Gong practitioner **Pang Xun** died in custody in Jiazhou Prison in Leshan municipality, Sichuan province, while serving a five-year sentence in connection with disseminating Falun Gong materials.⁸³ Authorities claimed that Pang died from hyperthyroidism, but his body showed what appeared to be “electric baton marks, bruises, and binding marks” and signs of incontinence.⁸⁴

Residential Surveillance at a Designated Location

PRC authorities continued to abuse the form of detention known as “residential surveillance at a designated location” (RSDL), which the PRC Criminal Procedure Law reserves for situations where the detainee does not have a permanent residence or if the case involves state security or terrorism.⁸⁵ The law does not provide for the right to family visits, requiring only that the family be notified of the fact of the detention within 24 hours if possible; it does not require the disclosure of the detention location.⁸⁶ The law further subjects counsel visits to approval by the investigation unit.⁸⁷ A group of U.N. experts deemed it “analogous to incommunicado and secretive detention and tantamount to enforced disappearance,” which heighten the risk of torture and abuse.⁸⁸ Given the measure’s lack of effective oversight and legal certainty, some experts have called for it to be abolished.⁸⁹

Some reports indicate that authorities tortured detainees during RSDL and used the measure without invoking the criminal offenses that warrant its application. For example, police in Xi’an municipality, Shaanxi province, detained local Christians **Lian Changnian**, his son **Lian Xuliang**, and **Fu Juan** on the charge of “fraud” in connection with church activities and detained them under RSDL between August 2022 and February 2023.⁹⁰ During detention, police reportedly beat them, deprived them of food, and denied them access to a bathroom.⁹¹ As of June 2023, Lian Changnian and the others continued to be held in pretrial detention.⁹² In addition to religious practitioners, authorities also enforced RSDL on people who exercised their right to free speech.⁹³ In June 2022, for example, police in Yantai municipality, Shandong province, detained **Sun Fugui** (also known as Sun Jian) under RSDL after Sun posted on social media content that referenced the violent suppression of the 1989 Tiananmen protests.⁹⁴ Previously, the university that Sun studied at expelled him for posting protest videos online and criticizing the school’s handling of the COVID-19 pandemic.⁹⁵ Sources do not show that authorities charged Sun with criminal offenses relating to state security or terrorism, the two grounds under which RSDL may be legally applied.⁹⁶

Denial of Counsel and Family Visits

The Commission observed cases in which PRC authorities denied detainees the right to counsel and family visits, in violation of international law.⁹⁷ While domestic legal provisions permit counsel and family visits, they do not describe such visits as rights.⁹⁸ In particular, the PRC Criminal Procedure Law does not provide for family visits per se but permits visitation only if the family member is acting as a defense representative.⁹⁹ The law likewise circumscribes counsel visits during the investigation phase of a case if it involves state security, requiring prior permission by relevant authorities.¹⁰⁰

Authorities did not allow rights lawyer **Xie Yang** to meet with his lawyer until May 2023, over a year after police in Changsha municipality, Hunan province, took him into custody in January 2022 for showing support for a teacher whom authorities committed to a psychiatric hospital.¹⁰¹ In another case, in May 2023,

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authorities refused to allow an aunt to visit **He Fangmei's** two minor children, whom authorities had detained in Gongji Psychiatric Hospital in Xinxiang municipality, Henan province.¹⁰² Authorities detained He Fangmei and her husband, **Li Xin**, in October 2020, because they began petitioning, calling for stricter government regulations after their elder daughter was rendered disabled due to a defective vaccine.¹⁰³ He Fangmei's younger daughter was born in and never left the psychiatric hospital, and sources do not indicate that the children suffer from mental illness.¹⁰⁴

The Death Penalty

China continued to lead the world in the number of executions conducted in 2022, according to Amnesty International's 2022 annual report on death sentences and executions.¹⁰⁵ Amnesty International estimated the number of executions in China to be somewhere in the thousands, but this figure could not be substantiated by official sources due to the lack of transparency, as PRC authorities deem death penalty information to be a "state secret."¹⁰⁶ Under the PRC Criminal Law, a total of 46 crimes carry the death penalty, nearly half of which are nonviolent crimes.¹⁰⁷ In October 2022, two U.N. experts avowed that the imposition of the death penalty in nonviolent crimes "fail[ed] the 'most serious crime' standard for the application of capital punishment under international law."¹⁰⁸

Under PRC law, nonviolent crimes that carry the death penalty include corruption offenses, which are susceptible to being abused to serve political objectives. In its 2022 report, Amnesty International identified 10 cases in which former officials were convicted on corruption charges and were sentenced to death with a two-year reprieve.¹⁰⁹ Among them were high-ranking Party officials Sun Lijun and Fu Zhenghua, who were sentenced in September 2022.¹¹⁰ According to a U.S.-based scholar, the timing of Fu's sentence—imposed before the 20th Party Congress in mid-October—was "no coincidence, and was intended as a warning to Xi's rivals and detractors within the highest echelons of the CCP."¹¹¹

Legal Developments

In October 2022, the Supreme People's Court and three other official bodies issued an opinion directing their counterparts at the provincial level to implement a pilot program in selected prefecture-level municipalities to provide defense counsel for eligible criminal defendants.¹¹² The pilot program was the latest development in an initiative that began in October 2017, which provided criminal defendants in eight provinces with legal representation during trial.¹¹³ The new pilot program extended coverage to pre-trial stages, including investigation and indictment.¹¹⁴ It also complemented the plea leniency system, which reportedly has been used in over 85 percent of criminal cases since its establishment in 2018.¹¹⁵

Notes to Chapter 4—Criminal Justice

¹Rights Defense Network, “Wei Quan Wang: Zhongguo dalu zaiya zhengzhifan, liangxinfa yuedu baogao (2023 nian 2 yue 28 ri) di 89 qi (gong 1486 ren) (yi)” [Rights Defense Network: Monthly report on political prisoners and prisoners of conscience detained in mainland China (February 28, 2023) No. 89 (total 1,486 persons) (I)], February 28, 2023.

²*Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli* [Chinese Communist Party Regulations on Political-Legal Work], effective January 13, 2019, arts. 7, 8; Supreme People’s Court, “Zuigao Renmin Fayuan gongzuo baogao” [Work Report of the Supreme People’s Court], March 7, 2023, 27.

³Rights Defense Network, “Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jue ding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua” [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

⁴Rights Defense Network, “Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jue ding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua” [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

⁵Rights Defense Network, “Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jue ding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua” [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

⁶See, e.g., U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–27 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

⁷Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9.

⁸*Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 37.

⁹U.N. Human 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.

¹⁰“Taiwan Baqi Wenhua zongbian yi zai Zhongguo shilian Luweihui biao guanzhu” [Chief editor of Taiwan Baqi Culture believed to have been disappeared in China, Mainland Affairs Council expresses concerns], *Radio Free Asia*, April 20, 2023.

¹¹U.N. Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, Addendum, Best Practices on Enforced Disappearances in Domestic Criminal Legislation, A/HRC/16/48/Add.3, December 28, 2010.

¹²“Taiwan Baqi Wenhua zongbian yi zai Zhongguo shilian Luweihui biao guanzhu” [Chief editor of Taiwan Baqi Culture believed to have been disappeared in China; Mainland Affairs Council expresses concerns], *Radio Free Asia*, April 20, 2023; Chinese Human Rights Defenders, “China: Immediately Release Detained Journalists on World Press Freedom Day,” May 1, 2023.

¹³Yin Yanhui, “Guotaiban: Li Yanhe shexian congshi weihai guojia anquan huodong zhengzai jieshou guojia anquan jiguan diaocha” [State Council Taiwan Affairs Office: Li Yanhe was under investigation by state security authorities on suspicion of endangering state security], *Global Times*, April 26, 2023.

¹⁴Chinese Human Rights Defenders, “Peng Lifa (Peng Lifa),” December 29, 2022.

¹⁵Chinese Human Rights Defenders, “Winners Named for the 2023 Cao Shunli Memorial Award for Human Rights Defenders: Xu Qin and Peng Lifa,” March 14, 2023.

¹⁶“Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong” [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia*, August 14, 2017; Michael Bristow, “Gao Zhisheng shizong wu nian BBC zhuanfang Geng He: ‘Wo beipo zai zhangfu he haizi zhijian zuo xuanze’” [Five years after Gao Zhisheng’s disappearance; Geng He says in a BBC exclusive interview: “I was forced to make a choice between my husband and my child”], *BBC*, November 19, 2022.

¹⁷“Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong” [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia*, August 14, 2017; Michael Bristow, “Gao Zhisheng shizong wu nian BBC zhuanfang Geng He: ‘Wo beipo zai zhangfu he haizi zhijian zuo xuanze’” [Five years after Gao Zhisheng’s disappearance; Geng He says in a BBC exclusive interview: “I was forced to make a choice between my husband and my child”], *BBC*, November 19, 2022.

¹⁸“Zhongguo heijianyu daguan” [Overview of black jails in China], *Radio Free Asia*, May 7, 2019.

¹⁹“Zhongguo heijianyu daguan” [Overview of black jails in China], *Radio Free Asia*, May 7, 2019.

²⁰See, e.g., Civil Rights & Livelihood Watch, “Ren Chunhua bei guan ‘xuexiban’ zao nueda” [Ren Chunhua detained in “study class,” suffered beating], August 10, 2021.

²¹See, e.g., Li Chencai, “Hebei Honghe binguan she heijianyu geng duo neimu xianwei renzhi” [Hotel in Honghe, Hebei, has black jail installed, more rarely known inside information], *Epoch Times*, November 17, 2021.

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¹¹⁵ Supreme People’s Court et al., *Gaofayuan Gaojianyuan Gong’anbu Sifabu guanyu jinyibu shenhua xingshi anjian lüshi bianhu quan fugai shidian gongzuo de yijian* [Opinion of Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security, and Ministry of Justice concerning the pilot program to further deepen the work on the complete coverage for legal defense in criminal cases], issued October 12, 2022; Xu Hanqing, “Chen Weidong: Shixian xin shidai xingshi bianhu de gao zhiliang fazhan” [Chen Weidong: Achieving the high quality development of criminal defense in the new era], *Legal Daily*, December 2, 2022.