

## CRIMINAL JUSTICE

*Arbitrary Detention*

Authorities continued to use various forms of arbitrary detention to deprive individuals of their liberty, contravening international human rights standards.<sup>1</sup> 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, or when non-observance of international fair trial norms is particularly serious.<sup>2</sup> Descriptions of selected forms of arbitrary detention follow. [For information on arbitrary detention in “political reeducation” centers, see Section IV—Xinjiang.]

## BLACK JAILS

Authorities continued to hold individuals in “black jails,” extralegal detention sites that operate outside of China’s judicial and administrative detention systems.<sup>3</sup> In some cases, authorities held petitioners (those who use the petitioning system, or *xinfang*, to report grievances to authorities) in “black jails” in connection to “stability maintenance” efforts during or near the 19th National Congress of the Chinese Communist Party in October 2017 and annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2018.<sup>4</sup> Examples include petitioners Wei Qin, held in Chongming district, Shanghai municipality;<sup>5</sup> Cai Xiaomin,<sup>6</sup> held in Pudong district, Shanghai;<sup>7</sup> Liu Yu,<sup>8</sup> held in Qionglai city, Chengdu municipality, Sichuan province;<sup>9</sup> and at least 14 petitioners in Wuhan municipality, Hubei province.<sup>10</sup> Authorities reportedly beat Cai and Liu.<sup>11</sup>

## PSYCHIATRIC FACILITIES

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as “*bei jingshenbing*”—to punish rights advocacy, despite protections in the PRC Mental Health Law<sup>12</sup> and related regulations.<sup>13</sup> [For more information, see Section II—Public Health.] For example, in February 2018, friends of rights advocate Zhang Qi found her—reportedly without signs of mental illness—forcibly committed at a psychiatric facility in Guangzhou municipality, Guangdong province, after authorities held her incommunicado for months.<sup>14</sup> In another case, in January 2018, a friend of petitioner Ma Shengfen<sup>15</sup> confirmed authorities forcibly committed Ma to a psychiatric hospital in Tongren municipality, Guizhou province, in late 2016, after authorities detained her in connection to petitioning.<sup>16</sup>

## EDUCATIONAL PLACEMENT

In March 2018, the Dui Hua Foundation reported that it found the first known case of “educational placement” (*anzhi jiaoyu*), an indefinite form of arbitrary detention for terrorism and extremism cases that can extend beyond completion of a criminal sentence.<sup>17</sup> The PRC Counterterrorism Law gives intermediate people’s courts authority to approve the transfer of a prisoner into educational placement upon completion of a criminal sentence, as well as ap-

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prove release from educational placement, based on official evaluations of the individual's "danger to society."<sup>18</sup> In August 2017, the Urumqi Municipal Intermediate People's Court in Urumqi municipality, Xinjiang Uyghur Autonomous Region, reportedly approved educational placement for Uyghur Ismaili Rozi (Yisimayili Ruze) less than a month before he would have completed a 10-year sentence for "inciting separatism,"<sup>19</sup> raising concerns about the time-span for educational placement, application beyond cases of terrorism and extremism, evaluation process, and ethnic minorities'—including Uyghurs'—heightened likelihood of serving educational placement.<sup>20</sup>

### *Administrative Detention*

Authorities continued to use extrajudicial, administrative forms of detention, granting officials discretion in the treatment of detainees without judicial oversight or protections for detainees' rights under the PRC Criminal Procedure Law (CPL). For example, authorities continued to operate compulsory drug detoxification centers<sup>21</sup> where officials can hold detainees for up to two years.<sup>22</sup> As of January 31, 2018, authorities reportedly held Falun Gong practitioner Zhu Xuemei in a drug detoxification center in Guizhou province, after she refused to renounce her belief in Falun Gong.<sup>23</sup> This past year, Zhu Zhengfu—a member of the Chinese People's Political Consultative Conference and Vice President of the All China Lawyers Association—called for the abolition of "custody and education" (*shourong jiaoyu*),<sup>24</sup> in which public security officials can detain those accused of prostitution and their clients for six months to two years without judicial oversight.<sup>25</sup> Zhu compared the practice to reeducation through labor—abolished in 2013<sup>26</sup>—for allowing administrative authorities to impose lengthy deprivation of liberty.<sup>27</sup> The Commission did not observe reports detailing specific cases of "custody and education" this past year, but international observers expressed concerns about crackdowns on prostitution, abuse of authority by "custody and education" center officials, emphasis on punishment over rehabilitation, and high recidivism rates among "custody and education" detainees.<sup>28</sup>

**“Confinement” (*Liuzhi*) Under the PRC Supervision Law**

In March 2018, the National People’s Congress passed the PRC Supervision Law (Supervision Law),<sup>29</sup> authorizing the newly established National Supervisory Commission (NSC) to investigate suspected official misconduct<sup>30</sup> using methods including “confinement” (*liuzhi*),<sup>31</sup> an extrajudicial form of detention that allows NSC officials to hold individuals without a guarantee of access to counsel.<sup>32</sup> A March 2018 amendment to China’s Constitution<sup>33</sup> gives the NSC parallel status to that of the Supreme People’s Court and Supreme People’s Procuratorate,<sup>34</sup> and NSC officials may place individuals in “confinement” (*liuzhi*) when “the circumstances are particularly grave or complex” or authorities deem the detainee at risk of flight, suicide, tampering with evidence, or otherwise obstructing the investigation.<sup>35</sup> According to experts, the Supervision Law appears to allow the NSC to place in “confinement” anyone suspected of involvement in bribery or official misconduct,<sup>36</sup> which exceeds its general supervisory jurisdiction.<sup>37</sup> The Supervision Law also grants exceptions to the requirement that authorities notify the employment unit and family of those in “confinement,” when certain factors could possibly obstruct an investigation.<sup>38</sup> “Confinement” can last up to three months, and in “special circumstances”—which the Supervision Law does not define—may be extended by an additional three months with NSC approval.<sup>39</sup>

Official sources stated that “confinement” would replace “double designation” (*shuanggui*)<sup>40</sup>—an extrajudicial investigative process for Communist Party members<sup>41</sup>—and observers expressed concern that “confinement” would perpetuate abuses that reportedly have occurred under “double designation,” such as torture, coerced confessions, and denial of access to counsel, and extend the use of such methods beyond Party members.<sup>42</sup>

On May 5, 2018, supervisory authorities in Jianyang district, Nanping municipality, Fujian province, notified the family of Chen Yong—the former driver for a local official—that Chen died during “confinement,” reportedly the first such case.<sup>43</sup> Chen’s body reportedly showed signs of abuse.<sup>44</sup> Authorities reportedly told Chen’s family that he “collapsed” during interrogation but did not specify a cause of death.<sup>45</sup> NSC officials also reportedly refused Chen’s family access to interrogation recordings.<sup>46</sup>

*Use of Criminal Law To Punish Rights Advocates*

This past year, authorities continued to detain individuals under broad provisions in the PRC Criminal Law to suppress rights advocacy and other activities protected under international human rights standards.<sup>47</sup> Selected examples follow.

- **Inciting subversion of state power.** The PRC Criminal Law classifies certain actions as “crimes of endangering state security,” which can carry multi-year sentences or the death penalty.<sup>48</sup> On November 21, 2017, the Changsha Municipal Intermediate People’s Court in Hunan province sentenced Jiang Tianyong<sup>49</sup>—a lawyer disbarred in 2009<sup>50</sup>—to two years in prison for “inciting subversion of state power”<sup>51</sup> in apparent connection to his human rights work.<sup>52</sup> Associates of Jiang said

he confessed under duress,<sup>53</sup> and UN experts expressed concern that Jiang was at risk of torture while in custody.<sup>54</sup> On April 17, 2018, the Tianjin Municipal High People's Court upheld on appeal an eight-year sentence for Wu Gan<sup>55</sup> for activities including "inciting subversion of state power"<sup>56</sup> in connection to posting "subversive" language online and accepting interviews with foreign media.<sup>57</sup> On September 2, 2017, public security officials from Zhuhai municipality, Guangdong province, criminally detained human rights non-governmental organization executive director Zhen Jianghua<sup>58</sup> on suspicion of inciting subversion.<sup>59</sup> On August 10, 2018, the Zhuhai Intermediate People's Court reportedly tried Zhen without informing either Zhen's defense lawyers or his family members.<sup>60</sup>

• **Picking quarrels and provoking trouble.** In October 2017, public security officials in Xuancheng municipality, Anhui province, reportedly detained driver Wu Kemu<sup>61</sup> on suspicion of "picking quarrels and provoking trouble."<sup>62</sup> Associates of Wu reportedly did not know the reason for his detention, although authorities reportedly detained Wu twice previously after he posted online videos about official misconduct.<sup>63</sup> Authorities in Xiqing district, Tianjin municipality, reportedly criminally detained petitioner Yao Lijuan<sup>64</sup> on suspicion of "picking quarrels and provoking trouble" after—while under home confinement—she filmed officials in or near her home and uploaded the video to the social media platform WeChat.<sup>65</sup> Other examples of authorities detaining individuals on this charge include petitioner Peng Miaolin,<sup>66</sup> rights advocate Xu Qin,<sup>67</sup> and rights lawyer Li Yuhan,<sup>68</sup> whose case is discussed below.

• **Using a cult organization to undermine implementation of the law.** Authorities continued to charge members of religious communities and spiritual movements, including Falun Gong, with "using a cult organization to undermine implementation of the law" (Article 300).<sup>69</sup> The Dui Hua Foundation reported finding approximately 800 new cases of Article 300 convictions in 2017 from official sources—and 900 from unofficial sources—including cases of Falun Gong practitioners, followers of the Church of Almighty God sect, and others.<sup>70</sup> On January 5, 2018, the Shenzhen Intermediate People's Court, in Shenzhen municipality, Guangdong province, upheld the sentences on appeal of Miew Cheu Siang<sup>71</sup> (one year and six months)—a Malaysian citizen—and his wife Yu Linglan<sup>72</sup> (five years) under Article 300 in connection to possession and distribution of Falun Gong materials.<sup>73</sup> [For more information, see Section II—Freedom of Religion.]

• **Other criminal law provisions.** Authorities accused rights advocates and others of other criminal offenses, including "illegal business activity,"<sup>74</sup> "gathering a crowd to disturb traffic order,"<sup>75</sup> "gathering a crowd to disturb public order,"<sup>76</sup> and "extortion and blackmail."<sup>77</sup>

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

This past year, authorities took steps to change legislation affecting the rights of prisoners and detainees. In addition, the Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)<sup>78</sup> and international human rights standards.<sup>79</sup> Selected issues and examples are described below.

LEGISLATIVE DEVELOPMENTS

Authorities took steps to change national legislation affecting the rights of prisoners and detainees. In April 2018, a draft CPL amendment was submitted to the National People's Congress Standing Committee for deliberation.<sup>80</sup> The draft amendment specifies procedures for transferring cases for prosecution from the National Supervisory Commission (NSC) to procuratorial authorities, as well as transferring individuals in "confinement" (*liuzhi*) to procuratorial authorities for detention.<sup>81</sup> If implemented as written, the amendment would allow courts to try defendants in absentia in corruption cases,<sup>82</sup> violating international fair trial standards.<sup>83</sup> It would also allow for lenient sentencing if the defendant admits to a crime, does not dispute the facts of the case, and willingly accepts punishment.<sup>84</sup> Further, it would allow for expedited sentencing when a defendant facing a maximum three-year sentence in a basic people's court has confessed and accepted punishment,<sup>85</sup> raising concerns about the reliance on confessions—sometimes coerced—in China's criminal justice system.<sup>86</sup>

COERCED CONFESSIONS

Authorities continued to coerce detainees to confess guilt to crimes, in violation of the CPL,<sup>87</sup> in some cases coercing detainees to recite apparently scripted remarks in court or on camera.<sup>88</sup> For example, in February 2018, Swedish citizen Gui Minhai<sup>89</sup>—co-owner of a company that sold books critical of Chinese leaders, and whom authorities detained in January 2018 as he was en route to Beijing municipality with Swedish diplomats for a medical exam<sup>90</sup>—gave a televised confession for allegedly cooperating with Swedish authorities to attempt to leave China.<sup>91</sup> This reportedly was his third televised confession in custody.<sup>92</sup> In another case, on September 11, 2017, Taiwan college employee and non-governmental organization volunteer Lee Ming-cheh<sup>93</sup> reportedly confessed in court to "subversion of state power."<sup>94</sup> A Chinese Human Rights Defenders researcher reportedly said that Lee "had already 'confessed' before the trial . . . There is a strong likelihood that he was tortured to force a confession."<sup>95</sup> Before the trial, Lee's wife indicated he would only confess involuntarily.<sup>96</sup>

PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond limits allowed in the CPL<sup>97</sup> and international human rights standards.<sup>98</sup> For example, observers reportedly were unable to contact rights lawyer Wang Quanzhang<sup>99</sup> since authorities detained him on July 10, 2015, amid a widespread crackdown on rights law-

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yers and advocates.<sup>100</sup> On July 13, 2018, Wang’s wife reported that a friend told her another lawyer reported seeing Wang at the Tianjin No. 1 Municipal Detention Center.<sup>101</sup> On February 14, 2017, the Tianjin No. 2 Municipal People’s Procuratorate reportedly indicted Wang for subversion,<sup>102</sup> but the Commission did not observe reports of Wang’s case reaching trial. In another case, authorities reportedly postponed the June 20, 2018, trial of 64 Tianwang website founder Huang Qi,<sup>103</sup> whom authorities detained on November 28, 2016,<sup>104</sup> and approved his arrest on the charge of “illegally providing state secrets and intelligence for overseas entities.”<sup>105</sup> According to an August 18, 2018, Radio Free Asia report, authorities had not set a new trial date.<sup>106</sup>

### ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers, particularly in cases involving rights advocates. Chinese law grants suspects and defendants the right to hire<sup>107</sup> and meet with defense counsel,<sup>108</sup> but it restricts meetings in cases of endangering state security, terrorism, or significant bribes,<sup>109</sup> as well in cases of residential surveillance,<sup>110</sup> contravening international standards.<sup>111</sup> On or after October 17, 2017, public security officials in Shijingshan district, Beijing municipality, denied defense lawyer Ren Quanniu’s request for a meeting with his client, human rights website editor Ding Lingjie,<sup>112</sup> whom authorities detained in September 2017 in likely connection to the detention of the website’s founder, Liu Feiyue.<sup>113</sup> In another case, in July 2018, public security officials from Chenzhou municipality, Hunan province, placed internet commentator Chen Jieren<sup>114</sup> under “residential surveillance at a designated location” on suspicion of “extortion” and “illegal business activity” after he posted online about alleged official misconduct—also detaining Chen’s wife, two brothers, and two assistants.<sup>115</sup> NSC officials reportedly instructed public security officials to deny Chen meetings with his lawyer.<sup>116</sup>

In early 2018, Ministry of Justice (MOJ) officials indicated authorities would expand a pilot program, established jointly with the Supreme People’s Court in October 2017 in select locations, to increase access to criminal defense counsel.<sup>117</sup> According to an MOJ official, the percentage of legal aid cases involving a defense lawyer in three municipalities in Zhejiang province increased after the pilot program began.<sup>118</sup> The effect of the planned expansion remained unclear, and authorities’ continuing efforts to punish human rights lawyers for their work appeared at odds with the program’s stated goals.<sup>119</sup> [For more information on access to counsel and the harassment and prosecution of rights lawyers, see Section III—Access to Justice.]

### RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Authorities continued to place some criminal suspects in “residential surveillance at a designated location” (RSDL),<sup>120</sup> a form of incommunicado detention that can last up to six months,<sup>121</sup> restricts access to counsel,<sup>122</sup> and places detainees at risk of abuse by authorities.<sup>123</sup> In January 2018, public security officials in Tongshan district, Xuzhou municipality, Jiangsu province, placed lawyer Yu Wensheng<sup>124</sup> under RSDL on suspicion of inciting sub-

version in connection to comments he posted on Twitter advocating for constitutional reform.<sup>125</sup> In October 2017, public security officials in Fengtai district, Beijing municipality, reportedly placed environmental petitioner Ji Shulong<sup>126</sup> under RSDL in connection to the 19th Party Congress.<sup>127</sup>

#### *Torture and Abuse in Custody*

Authorities continued to torture and abuse detainees in some cases,<sup>128</sup> violating protections in the PRC Criminal Procedure Law<sup>129</sup> and international standards.<sup>130</sup> For example, officials at the Shenyang No. 1 Municipal Public Security Bureau (PSB) Detention Center in Shenyang municipality, Liaoning province, reportedly abused rights lawyer Li Yuhan,<sup>131</sup> whom authorities detained on October 9, 2017, in apparent connection to the 19th Party Congress and Li's previous representation of rights lawyer Wang Yu.<sup>132</sup> Public security officials reportedly instructed other detainees to harass and abuse Li, including by throwing her food on the bathroom floor, urinating on her food, and throwing cold water on her and then allowing her to shiver until she lost consciousness.<sup>133</sup> In another case, public security officials in Yu county, Zhangjiakou municipality, Hebei province, reportedly took lawyer Wu Quan<sup>134</sup> into custody on December 16, 2017, in connection to his reporting of alleged corruption by a local official.<sup>135</sup> Authorities reportedly placed a hood over him and took him to a basement; bound him to an interrogation chair for 48 hours; and deprived him of water, sleep, and sufficient clothing for the first 24 hours.<sup>136</sup>

#### *Medical Care in Custody*

Authorities continued to deny or fail to provide adequate medical care to some detainees,<sup>137</sup> which violates international human rights standards<sup>138</sup> and may amount to torture.<sup>139</sup> For example, 60-year-old Li Yuhan—discussed above—suffers from conditions including heart disease, hypertension, and hyperthyroidism;<sup>140</sup> staff at the Shenyang No. 1 PSB Detention Center reportedly refused to give her medication other than aspirin unless she cooperated with authorities.<sup>141</sup> In another case, in August 2017, authorities criminally detained petitioner Li Yanxiang<sup>142</sup> at the Qingdao No. 2 Municipal PSB Detention Center, in Shandong province, in connection to her petitioning.<sup>143</sup> While detained, Li reportedly experienced vomiting, loss of appetite, abdominal pain, and insomnia, but was unable to receive medical treatment because detainees were required to pay for their own medical expenses,<sup>144</sup> violating international standards.<sup>145</sup> In another case, in February 2018, citizen journalist Sun Lin reported that authorities at the Nanjing Municipal PSB Detention Center, in Nanjing municipality, Jiangsu province, made him take medicine against his will during his detention.<sup>146</sup> In June 2018, the wife of Jiang Tianyong, whose case is discussed above, reported that authorities force-fed him medication daily, and that his memory had deteriorated severely.<sup>147</sup> Authorities also denied requests for medical parole to some prisoners, in some cases repeat requests.<sup>148</sup> Examples include Huang Qi—discussed above<sup>149</sup>—and Pastor Li Guozhi.<sup>150</sup>

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### *Wrongful Conviction*

During the Commission's 2018 reporting year, authorities drew high-level attention to the issue of wrongful convictions,<sup>151</sup> with some Chinese legal experts expressing concern about abusive practices that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.<sup>152</sup> A February 2018 Xinhua report stated that, over the previous five years, authorities overturned 39 "major cases" of wrongful convictions involving 78 people nationwide.<sup>153</sup>

The Commission observed reports of wrongful convictions overturned this year, some of which highlighted the challenge of lengthy waiting periods. For example, in April 2018, the Jilin Province High People's Court found Liu Zhonglin—who had already completed a 25-year sentence for murder—not guilty, due to "unclear facts" and "insufficient evidence" in the original trial in 1994.<sup>154</sup> In another case, in May 2018, the Supreme People's Court found business executive Zhang Wenzhong—whose conviction of various financial crimes was upheld on appeal by the Hebei Province High People's Court in 2009—not guilty.<sup>155</sup>

### *Policing*

This past year, 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—raising concerns about privacy and public security officials' capacity to crack down on rights advocates and other targeted persons.<sup>156</sup> Collection of personal information, including biometric data, appeared to violate privacy protections in international human rights instruments,<sup>157</sup> and the Commission did not observe efforts by authorities to bring the collection or use of such information in line with international standards.<sup>158</sup> Examples of such technology include "smart" glasses that could scan facial features or vehicle license plates for comparison against a "blacklist" in a centralized database,<sup>159</sup> security cameras with scanning capabilities,<sup>160</sup> devices that could forcibly collect information from mobile phones and other network devices,<sup>161</sup> and voice recognition technology.<sup>162</sup> Authorities reportedly could connect voice samples to information on individuals' "ethnicity, home address, and . . . hotel records."<sup>163</sup> While such technologies could aid criminal investigations, some official sources noted their potential applications in contexts of "stability maintenance" and surveillance of "key persons" (*zhongdian ren yuan*, i.e., persons of "key" interest to security authorities).<sup>164</sup>

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) implemented large-scale—sometimes involuntary—collection of residents' personal information to predict perceived threats to public security.<sup>165</sup> In some cases, officials visited local households to collect personal information, including indications of political or cultural views deemed threatening.<sup>166</sup> Such efforts coincided with authorities' collection of DNA samples and other biometric data from XUAR residents, presented to participants as a free public health program.<sup>167</sup> [For more information, see Section II—Public Health.] Authorities reportedly used the Integrated Joint Oper-

ations Platform (IJOP) to integrate various forms of information collected, including, for example, unpaid bills, religious activity, and foreign travel activity.<sup>168</sup> The Commission did not observe reports linking specific detentions to the IJOP, but current and former XUAR residents reportedly claimed the IJOP contributed to arbitrary, preemptive detentions in “political reeducation” centers, facilities in the XUAR used to carry out arbitrary mass detentions.<sup>169</sup> [For more information, see Section IV—Xinjiang.]

### *Death Penalty*

The Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders,<sup>170</sup> while Amnesty International estimated that China carried out more executions than all other countries combined.<sup>171</sup> The Chinese government continued to classify statistics on its use of the death penalty as a state secret,<sup>172</sup> and the Commission did not observe official reports on overall death penalty numbers. Legal experts noted that defense lawyers continued to face hurdles to effective representation in death penalty cases, and that the joint Ministry of Justice and Supreme People’s Court criminal defense pilot project described above did not provide for the right to legal representation in death penalty review cases.<sup>173</sup>

In December 2017, authorities in Lufeng city, Shanwei municipality, Guangdong province, sentenced to death 10 people variously for murder, robbery, and drug-related crimes—in a public trial in a stadium—and then immediately executed them.<sup>174</sup> The Lufeng Municipal People’s Court and Shanwei Intermediate People’s Court issued a notice inviting the public to attend the public sentencing.<sup>175</sup> Chinese law prohibits public executions,<sup>176</sup> and the Commission did not observe reports that the defendants had the opportunity to appeal or that the ruling was sent to a higher court for review, as required by law.<sup>177</sup> In another case, in March 2018, the Linfen Municipal Intermediate People’s Court in Shanxi province sentenced a former vice mayor of Luliang municipality, Shanxi, to death for accepting large sums of bribes.<sup>178</sup> A South China Morning Post report noted the sentence was “unusually harsh” for an economic crime, even in the context of President and Communist Party General Secretary Xi Jinping’s crackdown on corruption.<sup>179</sup>

This year, the Commission did not observe any rulemaking efforts to ban harvesting organs from executed prisoners.<sup>180</sup> At a trafficking conference at the Vatican in 2018, Wang Haibo, head of the China Organ Transplant Response System,<sup>181</sup> reported that authorities made 220 arrests over the previous 10 years in connection to illegal organ transplants and noted that authorities continued to combat the practice.<sup>182</sup>

## Notes to Section II—Criminal Justice

<sup>1</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, 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, last visited 23 July 18. China signed the ICCPR on October 5, 1998; State Council Information Office, “Progress in China’s Human Rights in 2012,” reprinted in State Council, May 2013; Permanent Mission of the People’s Republic of China to the UN, “Aide Memoire,” reprinted in United Nations, 13 April 06; 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, 30 November 09. 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 5 June 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, 6 June 13, A/68/90.

<sup>2</sup>UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention, Fact Sheet No. 26, May 2000, sec. IV(B).

<sup>3</sup>Harry Wu and Cole Goodrich, “A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China,” Human Rights Brief, Vol. 21, Issue 1 (Winter 2014), 3–4; Amnesty International, “China: Submission to the United Nations Committee against Torture 56th Session, 9 November–9 December 2015,” October 2015, 16; Chinese Human Rights Defenders, “We Can Beat You to Death With Impunity: Secret Detention and Abuse of Women in China’s ‘Black Jails,’” October 2014, 6. See also “Guo Gai and Wang Jianfen: Details of Black Jails in Wuxi: Rescue and Torture Reenactment” [Guo gai, wang jianfen: wuxi hei jianyu shimo: yingjiu he kuxing yanshi], Charter 08 (blog), 23 December 15.

<sup>4</sup>See, e.g., “Chinese Police Detain, ‘Disappear’ Dozens of Rights Activists, Petitioners,” Radio Free Asia, 19 October 17; Christian Shepherd and Ben Blanchard, “Leaving Nothing to Chance, China Increases Security, Social Control Before Congress,” Reuters, 28 September 17; Tom Phillips, “China’s ‘Stability Maintenance’ Agents Move To Silence Critics Before Party Congress,” Guardian, 16 October 17; “On First Day of Party’s ‘Two Sessions,’ Petitioners Squeeze Into State Bureau for Letters and Calls” [Zhonggong “lianghui” shouri, fangmin jibao guojia xinfang ju], Renmin Bao, 11 March 18.

<sup>5</sup>Rights Defense Network, “Shanghai Black Jail Case No. 9: Shanghai Rights Defender Exposes Black Jail and Calls for an ‘End to One-Party Dictatorship’” [Shanghai hei jianyu anli zhi jiu: shanghai weiquan renshi wei qin jielu hei jianyu bing huhan “zhongjie yi dang zhuanzheng”], 13 November 17.

<sup>6</sup>For more information on Cai Xiaomin, see the Commission’s Political Prisoner Database record 2018-00280.

<sup>7</sup>Rights Defense Network, “Shanghai Black Jail Case No. 16: Shanghai Rights Advocate Cai Xiaomin Reveals Black Jail” [Shanghai hei jianyu anli zhi 16: shanghai weiquan renshi cai xiaomin jielu hei jianyu], 31 March 18.

<sup>8</sup>For more information on Liu Yu, see the Commission’s Political Prisoner Database record 2018-00281.

<sup>9</sup>Rights Defense Network, “The Accusations of Sichuan Petitioner Liu Yu, Held in a Black Jail for 32 Days Because of the ‘Two Sessions’ in Beijing” [Yin beijing “lianghui” bei guan hei jianyu 32 tian de sichuan fangmin liu yu de kongsu], 5 April 18.

<sup>10</sup>“China Overrun With Black Jails, Over Ten Petitioners Illegally Held Captive in Wuhan” [Zhongguo hei jianyu fanlan, wuhan shi duo fangmin bei feifa qiujin], Radio Free Asia, 12 April 18. For more information on the 14 petitioners, see the following records in the Commission’s Political Prisoner Database: 2016-00481 on Peng Min, 2018-00283 on Zou Guilian, 2018-00285 on Yang Mingzhu, 2018-00286 on Liu Moxiang, 2018-00287 on Ren Chunhua, 2018-00289 on Cai Miao, 2018-00291 on Wan Shaohua, and 2018-00292 on Liu Yunfei.

<sup>11</sup>Rights Defense Network, “Shanghai Black Jail Case No. 16: Shanghai Rights Advocate Cai Xiaomin Reveals Black Jail” [Shanghai hei jianyu anli zhi 16: shanghai weiquan renshi cai xiaomin jielu hei jianyu], 31 March 18; Rights Defense Network, “The Accusations of Sichuan Petitioner Liu Yu, Held in a Black Jail for 32 Days Because of the ‘Two Sessions’ in Beijing” [Yin beijing “lianghui” bei guan hei jianyu 32 tian de sichuan fangmin liu yu de kongsu], 5 April 18.

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

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

<sup>14</sup>“Liang Songji: The Aggrieved Zhang Qi of Guangzhou Treated as Mental Patient, Forcibly Detained in Baiyun District Mental Health Rehabilitation Hospital” [Liang songji: guangzhou yuanmin zhang qi bei dangzuo jingshenbing ren qiangzhi guanya zai baiyun qu jingshenbing kangfu yiyuan], Radio Free Asia, 15 February 18; “Activist in China’s Guangdong Confined in Psychiatric Hospital With ‘No Sign of Illness,’” Radio Free Asia, 19 February 18. For more information on Zhang Qi, see the Commission’s Political Prisoner Database record 2018-00293.

<sup>15</sup>For more information on Ma Shengfen, see the Commission’s Political Prisoner Database record 2018-00078.

<sup>16</sup>Civil Rights & Livelihood Watch, “Friend Scouts Around Everywhere, Learns Ma Shengfen Forcibly Committed to Psychiatric Hospital” [Youren duofang datan dezhi ma shengfen bei guan jingshenbing yuan], 9 February 18.

<sup>17</sup>Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, amended 27 April 18, art. 30; UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention, Fact Sheet No. 26, May 2000, sec. IV(B).

<sup>18</sup>PRC Counterterrorism Law [Zhonghua renmin gongheguo fan kongbu zhuyi fa], passed 27 December 15, effective 1 January 16, amended 27 April 18, art. 30.

<sup>19</sup>Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 103.

<sup>20</sup>Dui Hua Foundation, “Uncovering the Obscurity of ‘Educational Placement,’” Dui Hua Human Rights Journal, 12 March 18; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 103.

<sup>21</sup>See, e.g., Qinghai Province Detoxification Administration, “Provincial Justice Department Head Liu Tianhai Arrives at the Golmud Compulsory Drug Detoxification Center To Inspect the Center’s Safety and Stability Work” [Sheng sifa ting liu tianhai tingzhang dao ge’ermu qiangzhi jiedu suo jiancha changsuo anquan wending gongzuo], 9 April 18; Wang Jian, “Visiting the Shaanxi Women’s Compulsory Isolation Drug Detoxification Center: Women Constitute 80 Percent of Police, Say They Are ‘Tough as Cement’” [Tanfang shaanxi nu qiangzhi geli jiedu suo: nu ganjing zhan ba cheng, zicheng “shuini” zuo de], The Paper, 8 March 18; “Walking Into Yunnan Province Women’s Compulsory Isolation Drug Detoxification Center” [Zoujin yunnan sheng nuzi qiangzhi geli jiedu suo], Xinhua, 7 March 18. See also State Council, Regulations on Drug Detoxification [Jiedu tiaoli], issued and effective 22 June 11, art. 4; Ministry of Public Security, Measures on the Management of Public Security Organ Compulsory Isolation and Drug Detoxification Centers [Gong’an jiguan qiangzhi geli jiedu suo guanli banfa], issued and effective 19 September 11, arts. 1–2.

<sup>22</sup>PRC Drug Prohibition Law [Zhonghua renmin gongheguo jindu fa], issued 27 December 07, effective 1 June 08, art. 47; State Council, Regulations on Drug Detoxification [Jiedu tiaoli], issued and effective 22 June 11, art. 27.

<sup>23</sup>Rights Defense Network, “Monthly Report on People Detained and Not Sentenced or Forcibly Disappeared in Mainland China (January 31, 2018) No. 28 (298 People) (Part Two)” [Zhongguo dalu jiya wei pan ji qiangpo shizong ren yuan yuedu baogao (2018 nian 1 yue 31 ri) di ershiba qi (gong 298 ren) (xia)], 31 January 18.

<sup>24</sup>Wang Xiuzhong, “Exclusive! CPPCC Delegate Zhu Zhengfu Recommends Constitutional Review of Compulsory Custody and Education for [Crime of] Prostitution” [Dujia! Quanguo zhengxie weiyuan zhu zhengfu jianyi dui maiyin piaochang qiangzhi shourong jiaoyu jinxing hexianxing shencha], Southern Metropolitan Daily, 25 February 18; Gao Yuyang et al., “Three Lawyers’ Key Words for the Two Sessions” [San wei lushi de lianghui guanjianci], Beijing Youth Daily, 10 March 18.

<sup>25</sup>State Council, Measures on Custody and Education for Sex Workers and Their Clients [Maiyin piaochang ren yuan shourong jiaoyu banfa], issued and effective 4 September 93, amended 8 January 11, arts. 2, 3, 9. For more information on “custody and education,” see Tingting Shen and Joanna Csete, “HIV, Sex Work, and Law Enforcement in China,” Health and Human Rights Journal, Vol. 19, No. 2 (December 2017); Asia Catalyst, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013.

<sup>26</sup>National People’s Congress Standing Committee, Decision on Abolishing Reeducation Through Labor Regulations [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang falu guiding de jueding], issued and effective 28 December 13.

<sup>27</sup>Wang Xiaodong, “Exclusive! Chinese People’s Political Consultative Conference Member Zhu Zhengfu Recommends Constitutional Review of Compulsory Custody and Education for [Crime of] Prostitution” [Dujia! Quanguo zhengxie weiyuan zhu zhengfu jianyi dui maiyin piaochang qiangzhi shourong jiaoyu jinxing hexianxing shencha], Southern Metropolitan Daily, 25 February 18.

<sup>28</sup>See, e.g., Tingting Shen and Joanna Csete, “HIV, Sex Work, and Law Enforcement in China,” Health and Human Rights Journal, Vol. 19, No. 2 (December 2017); Dui Hua Foundation, “Call for Constitutional Review of Custody and Education,” Dui Hua Human Rights Journal, 4 April 18. See also Asia Catalyst, “Custody and Education: Arbitrary Detention for Female Sex Workers in China,” December 2013.

<sup>29</sup>PRC Supervision Law [Zhonghua renmin gongheguo jiancha fa], passed and effective 20 March 18.

<sup>30</sup>Ibid., art. 3.

<sup>31</sup>Ibid., art. 22. Some sources translate *liuzhi* as “detention in place” or “retention in custody.” See, e.g., Jeremy Daum, “Unsupervised—Initial Thoughts on the Supervision Law,” China Law Translate (blog), 9 November 17; Nicholas Bequelin, Amnesty International, “China: New Supervision Law a Systemic Threat to Human Rights,” 20 March 18; Mercy A. Kuo, “China’s Detention Law: CCP Curbs Courts,” The Diplomat, 21 February 18.

<sup>32</sup>PRC Supervision Law [Zhonghua renmin gongheguo jiancha fa], passed and effective 20 March 18. See also Jamie P. Horsley, “What’s So Controversial About China’s New Anti-Corruption Body?” The Diplomat, 30 May 18.

<sup>33</sup>“Amendment to the People’s Republic of China Constitution Passed” [Zhonghua renmin gongheguo xianfa xiuzheng’an tongguo], People’s Daily, 11 March 18; Amendment to the PRC Constitution [Zhonghua renmin gongheguo xianfa xiuzheng’an], Xinhua, 11 March 18; Lin Xiaowei et al., “Comprehensive News: Bringing the New Era, Apt Time To Amend Constitution—International Community Watches Closely as National People’s Congress Passes Amend-

ment to the Constitution” [Zonghe xiaoxi: huhang xinshidai xiuxian zhengdangshi—guoji shehui guanzhu quanguo renda tongguo xianfa xiuzheng’an], Xinhua, 11 March 18.

<sup>34</sup>“Supervisory Commissions Listed as State Organ in China’s Constitution,” Xinhua, 12 March 18.

<sup>35</sup>PRC Supervision Law [Zhonghua renmin gongheguo jiancha fa], passed and effective 20 March 18, art. 22.

<sup>36</sup>Ibid., art. 22; Ma Shaomeng, “Investigating Both Giving and Receipt of Bribe Requires Replacing ‘Double Designation (*Lianggui*)’ With Confinement (*Liuzhi*)” [Shouhui xinghui yiqi cha biran yaoqiu yong liuzhi qudai “lianggui” cuoshi], Chinese Social Sciences Net, 14 March 18; Mercator Institute for China Studies, “China’s National Supervision Commission,” last visited on 21 August 18.

<sup>37</sup>PRC Supervision Law [Zhonghua renmin gongheguo jiancha fa], passed and effective 20 March 18, art. 15.

<sup>38</sup>Ibid., art. 44.

<sup>39</sup>Ibid., art. 43.

<sup>40</sup>“Xi Jinping: Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism With Chinese Characteristics for a New Era” [Xi jingping: juesheng quanmian jiancheng xiaokang shehui duoqu xin shidai zhongguo tese shehui zhuyi weida shengli], 18 October 17, Xinhua, 27 October 17; Zhu Jichai and Qi Leijie, “What Does It Mean for Confinement To Replace ‘Double Designation’?—Decoding the State Supervision System Reform” [Yong liuzhi qudai “lianggui” yiweizhe shenme?—jiedu guojia jiancha tizhi gaige], Xinhua, 23 October 17. The Commission did not observe any reports confirming that authorities officially abolished “double designation” (*shuanggui*).

<sup>41</sup>Chinese Communist Party Central Commission for Discipline Inspection, Provisions for Investigative Work of Cases by Disciplinary Investigation Agencies [Zhongguo gongchandang jilu jiancha jiguan anjian jiancha gongzuo tiaoli], issued 25 March 94, effective 1 May 94, art. 28. Article 28 of the 1994 provisions requires any person or organization having information about a case under investigation to comply with the “double designation” process. Chinese Communist Party Central Commission for Discipline Inspection, Opinion on Strengthening the Coordination Mechanisms in Case Investigation and on Further Regulating the Measure of “Double Designation” [Zhongyang jiwei guanyu wanshan cha ban anjian xietiao jizhi jinyibu gaijin he guifan “lianggui” cuoshi de yijian], issued 20 January 05, item 2(1). See also Human Rights Watch, “Special Measures: Detention and Torture in the Chinese Communist Party’s Shuanggui System,” 6 December 16.

<sup>42</sup>See, e.g., Christian Shepherd, “China To Revise Criminal Law To Accommodate Powerful Anti-Graft Commission,” Reuters, 12 March 18; Mercy A. Kuo, “China’s Detention Law: CCP Curbs Courts,” The Diplomat, 21 February 18; Jun Mai, “How China’s New Anti-Graft Super Body Will Work, and Why Calling a Lawyer Won’t Be an Option,” South China Morning Post, 17 November 17; Jeremy Daum, “Unsupervised—Initial Thoughts on the Supervision Law,” China Law Translate (blog), 9 November 17; “China Releases Draft Law To Expand Power of New Anti-Graft Body,” Reuters, 6 November 17.

<sup>43</sup>“Man From Nanping, Fujian, Dies During Confinement, Family Claims Multiple Bruises on Body” [Fujian nanping yi nanzi bei liuzhi qijian siwang, jiaoshu cheng shenti duo chu yuqing], Caixin, reprinted in Terminus, 8 May 18; “Driver of Vice District Head Suspected of Corruption Is Investigated, Dies During Confinement, Becoming First Case” [Fu quzhang shetan huoyan siji shoucha, liuzhi qijian siwang cheng shou zong anli], Radio Free Asia, 9 May 18.

<sup>44</sup>“Man From Nanping, Fujian, Dies During Confinement, Family Claims Multiple Bruises on Body” [Fujian nanping yi nanzi bei liuzhi qijian siwang, jiaoshu cheng shenti duo chu yuqing], Caixin, reprinted in Terminus, 8 May 18; “Driver of Vice District Head Suspected of Corruption Is Investigated, Dies During Confinement, Becoming First Case” [Fu quzhang she tanhuoyan siji shoucha, liuzhi qijian siwang cheng shou zong anli], Radio Free Asia, 9 May 18.

<sup>45</sup>“Driver of Vice District Head Suspected of Corruption Is Investigated, Dies During Confinement, Becoming First Case” [Fu quzhang shetan huoyan siji shoucha liuzhi qijian siwang cheng shou zong anli], Radio Free Asia, 9 May 18.

<sup>46</sup>Ibid.

<sup>47</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76.

<sup>48</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, arts. 102–105, 107–112.

<sup>49</sup>For more information on Jiang Tianyong, see the Commission’s Political Prisoner Database record 2011-00179.

<sup>50</sup>Amnesty International, “Human Rights Lawyers Disbarred in China,” 15 July 09; Chinese Human Rights Defenders, “Free Jiang Tianyong & End Suppression on Lawyers,” 21 November 17; Chris Buckley, “Activist Confesses to Subversion in Chinese Show Trial,” New York Times, 22 August 17.

<sup>51</sup>Cai Changchun, “Judgment Announced in Open Court by Changsha Intermediate Court in Trial of First Instance for Jiang Tianyong Subversion of State Power Case” [Jiang tianyong shandong dianfu guojia zhengquan an zai changsha zhong yuan yishen gongkai xuanpan], Legal Daily, 21 November 17; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 105.

<sup>52</sup>UN Office of the High Commissioner for Human Rights, “UN Experts Urge China To Investigate Disappearance of Human Rights Lawyer Jiang Tianyong,” 6 December 16.

<sup>53</sup>“Chinese Rights Lawyer Makes Videotaped Confession in Court as Wife Slams ‘Show Trial,’” Radio Free Asia, 22 August 17.

<sup>54</sup>UN Office of the High Commissioner for Human Rights, “UN Experts Urge China To Investigate Disappearance of Human Rights Lawyer Jiang Tianyong,” 6 December 16.

<sup>55</sup>For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2010-00348.

<sup>56</sup>Civil Rights & Livelihood Watch, “Butcher Wu Gan ‘Subversion Case’ Announces Upholding of Original Judgment on Appeal” [Tufu wu gan “dianfu an” ershen xuanbu weichi yuanpan], 18 April 18; Rights Defense Network, “Urgent: Rights Defender Butcher (Wu Gan) Detained Outside Entrance to Jiangxi High Court” [Jinji guanzhu: weiquan renshi tufu (wu gan) zai jiangxi gaoyuan menkou bei zhua], 19 May 15.

<sup>57</sup>Tianjin No. 2 Municipal Intermediate People’s Court, Criminal Judgment [Xingshi panjue shu], (2016) Jin 02 Xing Chu No. 146, 21 December 17, reprinted in China Human Rights Lawyers Concern Group, 10 January 18.

<sup>58</sup>For more information on Zhen Jianghua, see the Commission’s Political Prisoner Database record 2017-00360.

<sup>59</sup>Human Rights Campaign in China, “Family of Zhen Jianghua Receives Criminal Detention Notice, Charged on Suspicion of Inciting Subversion of State Power” [Zhen jianghua jiaren shoudao xingshi juliu tongzhishu, zuiming shexian shandong dianfu guojia zhengquan], 7 September 17; Human Rights Campaign in China, “In Case Concerning Zhen Jianghua, Whom Zhuhai Government Detained on Inciting Subversion of State Power Charge, Sister Summoned by Jiangmen PSB, State Security Officials Warned Her, Saying Her Article Affected Police Efforts To Gather Evidence” [Bei zhuhai dangju yi shandong dianfu guojia zhengquan zui jiya de zhen jianghua, qi jiejie zao jiangmen gong’an ju chuanxun, guobao jinggao shuo ta wenzhang yingxiang jingfang souzheng], 29 September 17; “Zhen Jianghua Not Released 37 Days After Criminal Detention, Many Rights Defenders Subjected to Stability Maintenance Measures Due to 19th Party Congress” [Zhen jianghua xingju 37 tian qiman wei huoshi, duo wei weiquan renshi yin shijiu da bei weiwen], China Free Press (blog), 9 October 17.

<sup>60</sup>Civil Rights & Livelihood Watch, “Authorities Secretly Tried Zhen Jianghua, Netizens Say It Shows [Authorities’] Guilty Mind” [Dangju mimi shenpan zhen jianghua wangyou zhihu xinxi], 5 September 18.

<sup>61</sup>For more information on Wu Kemu, see the Commission’s Political Prisoner Database record 2018-00089.

<sup>62</sup>Rights Defense Network, “Citizen Wu Kemu of Xuancheng, Anhui Province, Criminally Detained for Picking Quarrels and Provoking Trouble as 19th Party Congress Approaches” [Linjin shijiu da anhui sheng xuancheng gongmin wu kemu bei yi xunxin zishi zui xingju], 15 October 17; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 293.

<sup>63</sup>Rights Defense Network, “Citizen Wu Kemu of Xuancheng, Anhui Province, Criminally Detained for Picking Quarrels and Provoking Trouble as 19th Party Congress Approaches” [Linjin shijiu da anhui sheng xuancheng gongmin wu kemu bei yi xunxin zishi zui xingju], 15 October 17.

<sup>64</sup>For more information on Yao Lijuan, see the Commission’s Political Prisoner Database record 2018-00018.

<sup>65</sup>Rights Defense Network, “19th Party Congress Stability Maintenance: Tianjin Cancer Petitioner Yao Lijuan Criminally Detained for Filming Video and Uploading It to WeChat” [19 da weiwen, tianjin aizheng fangman yao lijuan yin paishe shipin shangchuan weixin jing zao xingshi juliu], 10 October 17.

<sup>66</sup>“Shanghai Petitioner Peng Miaolin Secretly Sentenced to One-and-a-Half Years” [Shanghai fangmin peng miaolin bei mimi panxing yi nian ban], Radio Free Asia, 19 February 18. For more information on Peng Miaolin, see the Commission’s Political Prisoner Database record 2018-00188.

<sup>67</sup>“Police in China’s Jiangsu Criminally Detain ‘Outspoken’ Human Rights Activist,” Radio Free Asia, 23 February 18. For more information on Xu Qin, see the Commission’s Political Prisoner Database record 2016-00015.

<sup>68</sup>“Chinese Rights Lawyer Arrested, Observers Suspect Intentional Retribution” [Zhongguo weiquan lushi bei daibu waijie zhiyi xuyi baofu], Voice of America, 16 November 17. For more information on Li Yuhan, see the Commission’s Political Prisoner Database record 2017-00361.

<sup>69</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 300. For more information on the use of Article 300, see Dui Hua Foundation, “NGO Submission for the Universal Periodic Review of the People’s Republic of China,” March 2018, paras. 14, 15. For the Commission’s reporting on the issue, see, e.g., CECC, 2017 Annual Report, 5 October 17, 133; CECC, 2014 Annual Report, 9 October 14, 97–98; CECC, 2013 Annual Report, 10 October 13, 93–94; CECC, 2012 Annual Report, 10 October 12, 85; CECC, 2010 Annual Report, 10 October 10, 110–11.

<sup>70</sup>Dui Hua Foundation, “NGO Submission for the Universal Periodic Review of the People’s Republic of China,” March 2018, para 14.

<sup>71</sup>For more information on Miew Cheu Siang, see the Commission’s Political Prisoner Database record 2018-00295.

<sup>72</sup>For more information on Yu Linglan, see the Commission’s Political Prisoner Database record 2018-00294.

<sup>73</sup>China Anti-Cult Net, “Young Husband and Wife in Shenzhen Distribute Cult Propaganda, Sentenced” [Xiao fuqi zai shenzhen sanfa xiejiao xuanchuanpin huoxing], 1 March 18.

<sup>74</sup>“Netizen Offers Service To Scale Great Firewall, Receives Heavy Sentence of Five and a Half Years, Rights Defenders Indicate Authorities Made an Example of Him” [Wangmin tigong fanqiang fuwu bei zhongpan wu nian ban, weiquan renshi zhi dangju sha yi jing bai], Radio Free Asia, 21 December 17. For more information on Wu Xiangyang, see the Commission’s Political Prisoner Database record 2018-00004.

<sup>75</sup>Rights Defense Network, “Hua Yong Visits Six Criminally Detained Villagers From Xinjian Village, Beijing; Calls for People From Various Sectors To Take Notice and Offer Legal Assistance” [Hua yong tanfang beijing xinjian cun, 6 ming zao xingju cunmin, hu gejie guan Zhu bing yu falu juyuan], 24 December 17; “After Being Released on Bail After Two Days’ Criminal Detention, Hua Yong Flies to Chengdu To Spend Daughter’s Birthday With Her” [Hua yong bei xingju liang ri hou qubao, feidi chengdu peitong nu’er guo shengri], Radio Free Asia, 18 December 17. For more information on Hua Yong, see the Commission’s Political Prisoner Database record 2018-00054. For more information on the six criminally detained villagers whom Hua Yong filmed, see the following records in the Commission’s Political Prisoner Database: 2018-00042 on Gu Tianjin, 2018-00043 on Hu Dehua, 2018-00044 on Hu Fuqiang, 2018-00045 on Liu Jinying, 2018-00046 on Shen Deli, and 2018-00047 on Zhang Shudong.

<sup>76</sup>Rights Defense Network, “Zhan Huidong (Online Name: Principal), Criminally Detained in Case of Liu Xiaobo Seaside Memorial, Released on Bail Today” [Yin haiji liu xiaobo an zao xingju de zhan huidong (wang ming xiaozhang) jin qubao huoshi], 24 January 18. For more information on Zhan Huidong, see the Commission’s Political Prisoner Database record 2018-00012.

<sup>77</sup>Wang Zhenjiang (Shandong xingshi lushi wang zhenjiang), “Before Completion of Handling Violation, Complainant Is Criminally Detained” [Weifa shangwei chuli wanbi, jubaozhe que yijing bei xingju], Weibo post, 9 January 18, 8:46 p.m. For more information, see the Commission’s Political Prisoner Database records 2018-00013 on Zou Xinsi and 2018-00014 on Sun Ruizhu.

<sup>78</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13.

<sup>79</sup>See, e.g., Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173, 9 December 88.

<sup>80</sup>Xie Wenying, “Draft Amendment to the Criminal Procedure Law Brought to National People’s Congress Standing Committee for Deliberation” [Xingsufa xiuzheng cao’an tiquing quanguo renda changweihui shenyi], Procuratorial Daily, 26 April 18; Liu Yizhan et al., “Establish a System for Criminal Trial in Absentia, Link Up With the Supervision Law, Leniency in Guilty Pleas—Focus on Aspects of the Draft Amendment to the Criminal Procedure Law” [Jianli xingshi quexi shenpan zhidu, yu jiancha fa xianjie, renzurenfa congkuan—jujiao xingshi susong fa xiuzheng cao’an kandian], Xinhua, 25 April 18.

<sup>81</sup>National People’s Congress, “Important: Criminal Procedure Law (Draft Amendment) for Comment (Draft Full Text and Explanation Attached)” [Zhongbang: xingsufa (xiuzheng cao’an) zhengqiu yijian (fu cao’an quanwen ji shuoming)], reprinted in Guangdong Provincial Administration of Quality and Technology Supervision, 10 May 18, item 12; Amnesty International, “China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial Before Court,” 7 June 18.

<sup>82</sup>National People’s Congress, “Important: Criminal Procedure Law (Draft Amendment) for Comment (Draft Full Text and Explanation Attached)” [Zhongbang: xingsufa (xiuzheng cao’an) zhengqiu yijian (fu cao’an quanwen ji shuoming)], reprinted in Guangdong Provincial Administration of Quality and Technology Supervision, 10 May 18, item 24. See also Xie Wenying, “Draft Amendment to the Criminal Procedure Law Brought to National People’s Congress Standing Committee for Deliberation” [Xingsufa xiuzheng cao’an tiquing quanguo renda changweihui shenyi], Procuratorial Daily, 25 April 18; Liu Yizhan et al., “Establish a System for Trial in Absentia, Link Up With the Supervision Law, Leniency in Guilty Pleas—Focus on Aspects of the Draft Amendment to the Criminal Procedure Law” [Jianli xingshi quexi shenpan zhidu, yu jiancha fa xianjie, renzurenfa congkuan—jujiao xingshi susong fa xiuzheng cao’an kandian], Xinhua, 25 April 18; Amnesty International, “China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial Before Court,” 7 June 18.

<sup>83</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(3)(d). See also Amnesty International, “China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial Before Court,” 7 June 18.

<sup>84</sup>National People’s Congress, “Important: Criminal Procedure Law (Draft Amendment) for Comment (Draft Full Text and Explanation Attached)” [Zhongbang: xingsufa (xiuzheng cao’an) zhengqiu yijian (fu cao’an quanwen ji shuoming)], reprinted in Guangdong Provincial Administration of Quality and Technology Supervision, 10 May 18, items 1, 9, 11, 14–17, 19, 20.

<sup>85</sup>Ibid., item 21; Xie Wenying, “Draft Amendment to the Criminal Procedure Law Brought to National People’s Congress Standing Committee for Deliberation” [Xingsufa xiuzheng cao’an tiquing quanguo renda changweihui shenyi], Procuratorial Daily, 25 April 18; Liu Yizhan et al., “Establish a System for Trial in Absentia, Link Up With the Supervision Law, Leniency in Guilty Pleas—Focus on Aspects of the Draft Amendment to the Criminal Procedure Law” [Jianli xingshi quexi shenpan zhidu, yu jiancha fa xianjie, renzurenfa congkuan—jujiao xingshi susong fa xiuzheng cao’an kandian], Xinhua, 25 April 18.

<sup>86</sup>See, e.g., Amnesty International, “China: Draft Criminal Procedure Law Amendments Would Mean Further Deprivation of Right to Fair Trial Before Court,” 7 June 18; Dui Hua Foundation, “Mixed Signals in Reports of ‘Zero Confession’ Executions,” Dui Hua Human Rights Journal, 6 June 18.

<sup>87</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 50, 54.

<sup>88</sup>For more information on filmed coerced confessions, see Safeguard Defenders, “Scripted and Staged: Behind the Scenes of China’s Forced TV Confessions,” April 2018.

<sup>89</sup>For more information on Gui Minhai, see the Commission’s Political Prisoner Database record 2016-00090.

<sup>90</sup>Chris Buckley, “Chinese Police Seize Publisher From Train in Front of Diplomats,” New York Times, 22 January 18.

<sup>91</sup>Bai Yunyi, “HK Bookseller Confesses to Truth About So-Called ‘Disappearance,’ Says Sweden ‘Manipulated’ Him,” Global Times, 10 February 18; Safeguard Defenders, “Scripted and Staged: Behind the Scenes of China’s Forced TV Confessions,” April 2018, 38, 87.

<sup>92</sup>Safeguard Defenders, “Scripted and Staged: Behind the Scenes of China’s Forced TV Confessions,” April 2018, 87.

<sup>93</sup>For more information on Lee Ming-cheh, see the Commission’s Political Prisoner Database record 2017-00248.

<sup>94</sup>Da Yang, “Sentenced to Five Years for ‘Subversion of State Power,’ Li Mingzhe Admits Guilt and Does Not Appeal” [“Dianfu zhengquan” pan wu nian, li mingzhe renzui bu shangsu], Deutsche Welle, 28 November 17; Ben Dooley and Joanna Chiu, “Taiwanese Activist Pleads Guilty to Chinese Subversion Charges,” Agence France-Presse, reprinted in Yahoo! News, 11 September 17; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 105.

<sup>95</sup>Ben Dooley and Joanna Chiu, “Taiwanese Activist Pleads Guilty to Chinese Subversion Charges,” Agence France-Presse, reprinted in Yahoo! News, 11 September 17.

<sup>96</sup>“Wife of Lee Ming-cheh: If He Confesses, It Was Coerced” [Li mingzhe qi: ruo renzui shi bei po], Deutsche Welle, 9 September 17.

<sup>97</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 154–57.

<sup>98</sup>See, e.g., International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 9(3)–(4), 14(3)(c).

<sup>99</sup>For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

<sup>100</sup>“Wang Quanzhang and Others Must Be Released,” Voice of America, 22 April 18; “Wife of Detained Chinese Rights Lawyer Says She Is Under House Arrest,” Agence France-Presse, reprinted in South China Morning Post, 12 April 18; “Biographies of Lawyers, Staffers and Activists Detained or Disappeared in the July 10 Nationwide Raid Against Rights Lawyers,” China Change, 23 July 15.

<sup>101</sup>“Detained Chinese Rights Lawyer Wang Quanzhang ‘Appears Well,’ Wife Told,” Radio Free Asia, 13 July 18.

<sup>102</sup>Rights Defense Network, “709 Case Bulletin: Lawyer Wang Quanzhang Indicted on Subversion of State Power Charges” [709 an tongbao: wang quanzhang lushi bei yi dianfu guojia zhengquan zui qisu], 15 February 17.

<sup>103</sup>“Huang Qi’s Mother Reveals Authorities Cooked Up ‘Top Secret’ Document To Frame Huang Qi” [Huang qi muqin jielu dangju luozhi “juemi” wenjian xianhai huang qi], Radio Free Asia, 26 June 18; Christopher Bodeen, “Critic’s Jailing Shows Hushed Dissent Since ‘08 China Quake,” Associated Press, reprinted in Chicago Tribune, 14 May 18; “Chinese Rights Activist Huang Qi ‘Could Die in Detention Center’: Mother,” Radio Free Asia, 23 April 18. For more information on Huang Qi, see the Commission’s Political Prisoner Database record 2004–04053.

<sup>104</sup>“‘64 Tianwang’ Founder Huang Qi Has His Home Searched by Police, Is Detained” [“Liusi tianwang” chuangbanren huangqi zao jingfang chaojia jiyal], Radio Free Asia, 29 November 16.

<sup>105</sup>Rights Defense Network, “Head of Mainland NGO ‘64 Tianwang’ Huang Qi Arrested by Authorities” [Dalu NGO “liusi tianwang” fuzeren huang qi yi bei dangju zhixing daibu], 20 December 16; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 111.

<sup>106</sup>Rights Defense Network, “Huang Qi Trial Continues To Be Postponed [as He] Suffers Life-Threatening Illness Without Medical Parole, Mother Again Faces Probe by Original Work Unit, Calls Out That She Wants To Live To See Son” [Huang qi an jiu tuo bu shen, huan zhiming jibing wufa baowai, muqin pu wenqing you zao yuan danwei tancha, yu yao huozhe jian dao erzi], 18 August 18.

<sup>107</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 32.

<sup>108</sup>Ibid., art. 37.

<sup>109</sup>Ibid.

<sup>110</sup>Ibid.

<sup>111</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 14(3)(b), (3)(d).

<sup>112</sup>For more information on Ding Lingjie, see the Commission’s Political Prisoner Database record 2017-00328.

<sup>113</sup>“Ding Lingjie Incommunicado for Nearly 1 Month, Lawyer Attempts To Meet With Her and Is Refused” [Ding lingjie shilian jin yi ge yue, lushi xunqiu huijian bei ju], Radio Free Asia, 18 October 17; Nomaan Merchant, “China Detains Editor of Human Rights Website for Subversion,” Associated Press, 25 November 16. For more information on Liu Feiyue, see the Commission’s Political Prisoner Database record 2016-00460.

## Criminal Justice

<sup>114</sup>For more information on Chen Jieren, see the Commission's Political Prisoner Database record 2018-00318.

<sup>115</sup>Criminal Investigation Bureau, Ministry of Public Security, "Criminal Suspect Chen Jieren Placed Under Criminal Compulsory Measures by Public Security Bureaus According to Law" [Fanzui xianyi ren chen jieren bei gong'an jiguan yifa caiqu xingshi qiangzhi cuoshi], Weibo post, 7 July 18, 4:46 p.m.; "Current Affairs Commentator Chen Jieren's Article Blew Whistle on Official, Six Implicated and Detained, Including Family and Friends" [Shiping ren chen jieren zhuanwen jubao guanyuan, zhulian qinyou liu ren bei zhua], Radio Free Asia, 11 July 18; "Having Reported Official Using Real Name, Media Personality Chen Jieren Taken Away for Investigation" [Shiming jubao guanyuan, meiti ren chen jieren bei daizou diaocha], Radio Free Asia, 6 July 18; "Chen Jieren's Criminal Detention Means Grudge With Xi Jinping" [Chen jieren bei xingju shi yu xi jingping jixia le liangzi], Boxun, 9 July 18. For more information on Chen's wife, brothers, and assistants, see the following records in the Commission's Political Prisoner Database: 2018-00319 on Deng Jiangxiu, 2018-00320 on Chen Weiren, and 2018-00321 on Chen Minren.

<sup>116</sup>"Investigation Launched Against Family of Famous Hunan Media Personality Chen Jieren" [Hunan zhiming meiti ren chen jieren jiashu zao li'an diaocha], Radio Free Asia, 16 July 18.

<sup>117</sup>Ministry of Justice, "Xiong Xuanguo: Advance the Establishment of a System for Adjusting the Development of the Scope and Standards of Legal Aid" [Xiong xuanguo: tuidong jianli falu yuanzhu fanwei he biaoqun dongtai tiaozheng jizhi], 9 March 18; Zhang Yan, "Ministry of Justice: Proactively Advance the Work of Complete Coverage of Defense Counsel in Criminal Cases, Uphold Judicial Justice" [Sifa bu: jiji tuijin xingshi anjian lushi bianhu quan fugai gongzuo, weihu sifa gongzheng], China Daily, 19 January 18; Supreme People's Court and Ministry of Justice, Measures Regarding Launching the Pilot Work of Complete Coverage of Defense Counsel in Criminal Cases [Guanyu kaizhan xingshi anjian lushi bianhu quan fugai shidian gongzuo de banfa], issued and effective 11 October 17.

<sup>118</sup>Zhang Yan, "Ministry of Justice: Proactively Advance the Work of Complete Coverage of Defense Counsel in Criminal Cases, Uphold Judicial Justice" [Sifa bu: jiji tuijin xingshi anjian lushi bianhu quan fugai gongzuo, weihu sifa gongzheng], China Daily, 19 January 18.

<sup>119</sup>See, e.g., Emily Rauhala and Simon Denyer, "China Jails Yet Another Human Rights Lawyer in Ongoing Crackdown on Dissent," Washington Post, 21 November 17; Cai Changchun, "Verdict Announced by Changsha Intermediate Court in Trial of First Instance for Jiang Tianyong Inciting Subversion of State Power Case" [Jiang tianyong shandong dianfu guojia zhengquan an zai changsha zhong yuan yishen gongkai xuanpan], Legal Daily, 21 November 17; "Wang Quanzhang and Others Must Be Released," Voice of America, 22 April 18; "Wife of Detained Chinese Rights Lawyer Says She Is Under House Arrest," Agence France-Presse, reprinted in South China Morning Post, 12 April 18; "Yu Wensheng: China Human Rights Lawyer Arrested on School Run," BBC, 19 January 18.

<sup>120</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 73.

<sup>121</sup>Ibid., art. 77.

<sup>122</sup>Ibid., arts. 37, 75(2).

<sup>123</sup>See, e.g., UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14; Steven Lee Myers, "In China, the Brutality of 'House Arrest,'" New York Times, 25 November 17; Front Line Defenders, "UPR Submission—China 2018," 7 April 18, para. 7. See also Chieu Luu and Matt Rivers, "The Disappeared: Accounts From Inside China's Secret Prisons," CNN, 3 December 17.

<sup>124</sup>For more information on Yu Wensheng, see the Commission's Political Prisoner Database record 2014-00387.

<sup>125</sup>Rights Defense Network, "Lawyer Liu Xiaoyuan: Legal Issues in the Case of Lawyer Yu Wensheng" [Liu xiaoyuan lushi: yu wensheng lushi an zhong suo sheji de falu wenti], 29 January 18; Steven Lee Myers, "China Rights Lawyer Detained After Posting Pro-Democracy Appeal," New York Times, 19 January 18; Yu Wensheng (yuwensheng), "A Citizen's Proposal for Constitutional Reform: Yu Wensheng's Open Letter to the Second Plenary Session of the 19th Communist Party of China Central Committee" [Guanyu xiuxian de gongmin jianyi, yu wensheng zhi zhonggong shijuda er zhong quanhui de gongkai xin], Twitter post, 17 January 18, 10:50 a.m.

<sup>126</sup>For more information on Ji Shulong, see the Commission's Political Prisoner Database record 2017-00354.

<sup>127</sup>Rights Defense Network, "Jiangsu Environmentalist Ji Shulong, Detained Before the 19th Party Congress, Ordered To Serve Residential Surveillance on 'Suspicion of Picking Quarrels and Provoking Trouble'" [Shijiu da qian zao zhuabu de jiangsu huanbao weishi ji shulong bei yi "shexian xunxin zishi" zhiding jianshi juzhu], 3 November 17; "Trump Concludes Visit to China and Leaves, Some People Deprived of Their Liberty Regain Freedom" [Telangpu jieshu fang hua likai, bufen bei xianzhi renshi huifu ziyou], Radio Free Asia, 10 November 17.

<sup>128</sup>CECC, 2017 Annual Report, 5 October 17, 107–108. For other sample cases, see Rights Defense Network, "Imprisoned Hubei Internet Big V Luo Lanqing Finally Gets Meeting With Father, Who Suspects Torture and Beatings" [Yu zhong hubei wangluo da V luo lanqing zhong huo he fuqin huijian, yi zao kuxing ouda], 22 December 17; Tibetan Centre for Human Rights and Democracy, "Village Leader Among 31 Tibetans Detained for Opposing Mining at Sacred Mountain," 14 May 18.

<sup>129</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 50, 54.

<sup>130</sup>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87; Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva

1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, principles 31, 32; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173 9 December 88, principle 6.

<sup>131</sup>Rights Defense Network, “Sixty-Plus-Year-Old Lawyer Li Yuhan Continues To Be Abused and Tormented at Shenyang Municipal No. 1 Detention Center” [60 duo sui li yuhan lushi zai shenyang shi di yi kanshousuo chixu zaoshou nuedai zhemo], 6 December 17; “Lawyer Meets With Li Yuhan and Reveals the Abuse She Has Suffered in Detention” [Lushi huijian jie li yuhan yuzhong zao nuedai], Radio Free Asia, 1 December 17; “Chinese Rights Lawyer Arrested, Observers Suspect Intentional Retribution” [Zhongguo weiquan lushi bei daibu, waijie zhiyi xuyi baofu], Voice of America, 16 November 17. For more information on Li Yuhan, see the Commission’s Political Prisoner Database record 2017-00361.

<sup>132</sup>“Chinese Rights Lawyer Arrested, Observers Suspect Intentional Retribution” [Zhongguo weiquan lushi bei daibu, waijie zhiyi xuyi baofu], Voice of America, 16 November 17. For more information on Wang Yu, see the Commission’s Political Prisoner Database record 2015-00252.

<sup>133</sup>Rights Defense Network, “Sixty-Plus-Year-Old Lawyer Li Yuhan Continues To Be Abused and Tormented at Shenyang Municipal No. 1 Detention Center” [60 duo sui li yuhan lushi zai shenyang shi di yi kanshousuo chixu zaoshou nuedai zhemo], 6 December 17; “Lawyer Meets With Li Yuhan and Reveals the Abuse She Has Suffered in Detention” [Lushi huijian jie li yuhan yuzhong zao nuedai], Radio Free Asia, 1 December 17.

<sup>134</sup>For more information on Wu Quan, see the Commission’s Political Prisoner Database record 2018-00003.

<sup>135</sup>Rights Defense Network, “Lawyer Huang Hanzhong: An Account of My Meeting With Lawyer Wu Quan” [Huang hanzhong lushi: wu quan lushi huijian jianji], 25 December 17; “Hebei Lawyer Wu Quan Uses Real Name To Report Corrupt Official, Is Detained” [Hebei lushi wu quan shiming jubao tanguan, bei jubu], Radio Free Asia, 20 December 17.

<sup>136</sup>Rights Defense Network, “Lawyer Huang Hanzhong: An Account of My Meeting With Lawyer Wu Quan” [Huang hanzhong lushi: wu quan lushi huijian jianji], 25 December 17.

<sup>137</sup>For other sample cases, see Sun Tingting, Qiangwailou, “I Am Sun Tingting, and I Want To Come Forward” [Wo shi sun tingting, wo yao zhan chulai], 18 January 18; Human Rights Campaign in China, “Medical Situation of Li Xiaoling, Detained by Zhuhai Public Security for Picking Quarrels and Provoking Trouble Because She Evaded Zhuhai Authorities’ Stability Maintenance, Worsens, Police Refuse Bail on Grounds That ‘Granting Bail Would Be Dangerous to Society’” [Yin taobi zhuhai dangju weiwen, zao zhuhai gong’an ju yi xunxin zishi zui jiya de li xiaoling bingqing jiazhong, jingfang yi “caiqu qubao houshen you shehui weihai xing” wei you jujue dui qi qubao], 6 November 17; “Gao Zhisheng Missing for Over Two Months With No Correspondence, Li Fawang Released on Bail With Serious Illness” [Gao zhisheng shizong liang ge duo yue wu yinxun, li fawang bing zhong qubao houshen], Radio Free Asia, 27 October 17. See also Front Line Defenders, “UPR Submission—China 2018,” 29 March 18, para. 22. For more information on Sun Tingting, see the Commission’s Political Prisoner Database record 2018-00041. For more information on Li Xiaoling, see the Commission’s Political Prisoner Database record 2017-00355. For more information on Li Fawang, see the Commission’s Political Prisoner Database record 2017-00326.

<sup>138</sup>Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, Geneva 1955, approved by the Economic and Social Council resolutions 663 C (XXIV) of 31 July 57 and 2076 (LXII) of 13 May 77, arts. 22–26; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173 9 December 88, principle 24.

<sup>139</sup>UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez, A/HRC/22/53, 1 February 13, paras. 17–22; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 1.

<sup>140</sup>Human Rights Campaign in China, “Lawyer Li Yuhan, Detained by the Heping Branch of the Shenyang Municipal Public Security Bureau for Picking Quarrels and Provoking Trouble, Abused by Police Handling the Case” [Bei shenyang shi gong’an ju heping fenju yi xunxin zishi zui jiya de li yuhan lushi, zao ban’an jingcha nuedai], 10 November 17; “Chinese Rights Lawyer Arrested, Observers Suspect Intentional Retribution” [Zhongguo weiquan lushi bei daibu, waijie zhiyi xuyi baofu], Voice of America, 16 November 17.

<sup>141</sup>Human Rights Campaign in China, “Lawyer Li Yuhan, Detained by the Heping Branch of the Shenyang Municipal Public Security Bureau for Picking Quarrels and Provoking Trouble, Abused by Police Handling the Case” [Bei shenyang shi gong’an ju heping fenju yi xunxin zishi zui jiya de li yuhan lushi, zao ban’an jingcha nuedai], 10 November 17.

<sup>142</sup>For more information on Li Yanxiang, see the Commission’s Political Prisoner Database record 2018-00034.

<sup>143</sup>Voice of Petitioners, “Shandong Petitioner Li Yanxiang Transferred to Criminal Detention, Li Zongying and Sun Shu Released After Each Was Detained for 10 Days” [Shandong fangmin li yanxiang bei zhuan xingju, li zongying, sun shu ge ju 10 tian huoshi], 27 August 17.

<sup>144</sup>Rights Defense Network, “Song Yusheng: Report on the Situation From Meeting With Li Yanxiang at Qingdao No. 2 Municipal Detention Center” [Song yusheng: qingdao shi di er kanshousuo huijian li yanxiang qingkuang tongbao], 28 November 17.

<sup>145</sup>Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution A/RES/43/173 9 December 88, principle 24.

<sup>146</sup>“Citizen Journalist Sun Lin Reveals He Was Force-Fed ‘Medicine’” [Gongmin jizhe sun lin pilu bei qiangzhi wei “yao”], Radio Free Asia, 8 February 18. For more information on Sun Lin, see the Commission’s Political Prisoner Database record 2018-00617.

<sup>147</sup>“Jiang Tianyong Force-Fed Medication in Prison, Memory Deteriorated Severely” [Jiang tianyong yuzhong bei qiangpo wei yao jiyili yanzhong shuaitui], Radio Free Asia, 27 June 18.

<sup>148</sup>Front Line Defenders, “UPR Submission—China 2018,” 29 March 18, para. 22.

<sup>149</sup>Rights Defense Network, “Huang Qi Trial Continues To Be Postponed, Suffering Life-Threatening Illness Without Medical Parole, [as He] Suffers Life-Threatening Illness Without Medical Parole, Mother Again Faces Probe by Original Work Unit, Calls Out That She Wants To Live To See Son” [Huang qi an jiu tuo bu shen, huan zhiming jibing wufa baowai, muqin pu wenqing you zao yuan danwei tancha, yu yao huozhe jian dao erzi], 18 August 18; Jun Mai, “Jailed Founder of China’s Underground Human Rights Site in Poor Health as State Secrets Trial Looms,” South China Morning Post, 25 May 18; “Chinese Rights Activist Huang Qi ‘Could Die in Detention Center’: Mother,” Radio Free Asia, 23 April 18. For information about rights advocacy groups that have called for medical parole for Huang Qi, see, e.g., Human Rights Watch, “China: Release Gravely Ill Critics,” 17 November 17; Committee to Protect Journalists, “CPJ Urges Chinese President Xi Jinping To Release Jailed Journalist Huang Qi,” 9 August 17.

<sup>150</sup>ChinaAid, “Guiyang Living Stone Church Pastor Yang Hua’s Health Less Than Perfect in Prison” [Guiyang huoshi jiaohui mushi yang hua, yu zhong jiankang qianjia], 4 April 18. For more information on Li Guozhi (Yang Hua), see the Commission’s Political Prisoner Database record 2016-00001.

<sup>151</sup>See, e.g., State Council Information Office, White Paper on “New Developments in Rule of Law Guarantees for Human Rights in China” [“Zhongguo renquan fazhihua baozhang de xin jinzhan” baipishu], December 2017, sec. 3; Shan Yuxiao et al., “Xi Jinping Discusses Rectifying Wrongful Convictions: Righting Wrongs Is Better Late Than Never” [Xi jinpingshan tan jiu zheng yuanjia cuo’an: jiu cuo jiu shi wang yang bu lao], Caixin, 25 August 17; “Supreme Court: China ‘Basically’ Has No Wrongful Convictions” [Zuigao fayuan: zhongguo “jibenshang” wu yuanjia cuo’an], Radio Free Asia, 9 March 18.

<sup>152</sup>See, e.g., Zheng Zhi, “Deputy Li Zongsheng: Strictly Exclude Illegal Evidence and Eliminate Wrongful Convictions” [Li zongsheng daibiao: yange paichu feifa zhengju dujue yuanjia cuo’an], Procuratorial Daily, 16 March 18; Hua Xuan, “With Trials as the Center: Hearings Do Not Just Go Through the Motions” [Yi shenpan wei zhongxin: tingshen bu zou guochang], Southern Weekend, 25 October 17.

<sup>153</sup>Luo Sha and Ding Xiaoxi, “Courts Nationwide Rectify 39 Major Cases of Wrongful Conviction Involving 78 People Over Past Five Years” [Quanguo fayuan wu nian lai jiu zheng zhongda yuanjia cuo’anjian 39 jian 78 ren], Xinhua, 5 February 18.

<sup>154</sup>Song Jiangxuan, “Verdict Changed to Not Guilty in Liu Zhonglin ‘Intentional Homicide’ Case: Imprisoned for 25 Years, 6-Year Retrial” [Liu zhonglin “guiyi sha ren an” gaipan wuzui: jiya 25 nian zaishen lishi 6 nian], The Paper, 20 April 18; Wang Lianzhang, “Man Exonerated After Longest-Ever Wrongfully Served Term,” Sixth Tone, 20 April 18.

<sup>155</sup>Qin Shuo, “Zhang Wenzhong Case: A New Start for ‘No Injustice on Earth’” [Zhang wenzhong an: “tianxia wuyuan” de xin qidian], Yicai, 4 June 18; Cao Yin, “Wumart Tycoon’s Conviction Thrown Out,” China Daily, 1 June 18.

<sup>156</sup>Human Rights Watch, “China: Voice Biometric Collection Threatens Privacy,” 22 October 17; Human Rights Watch, “China: Police ‘Big Data’ Systems Violate Privacy, Target Dissent,” 19 November 17; Pei Li and Cate Cadell, “China Eyes ‘Black Tech’ To Boost Security as Parliament Meets,” Reuters, 10 March 18.

<sup>157</sup>Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 12; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 17.

<sup>158</sup>For additional discussion of concerns about privacy in this context, see, e.g., Human Rights Watch, “China: Voice Biometric Collection Threatens Privacy,” 22 October 17; Human Rights Watch, “China: Police ‘Big Data’ Systems Violate Privacy, Target Dissent,” 19 November 17; Paul Mozur, “Internet Users in China Expect To Be Tracked. Now, They Want Privacy,” New York Times, 4 January 18.

<sup>159</sup>Pei Li and Cate Cadell, “China Eyes ‘Black Tech’ To Boost Security as Parliament Meets,” Reuters, 10 March 18. See also Shannon Liao, “Chinese Police Are Expanding Facial Recognition Sunglasses Program,” The Verge, 12 March 18.

<sup>160</sup>Pei Li and Cate Cadell, “China Eyes ‘Black Tech’ To Boost Security as Parliament Meets,” Reuters, 10 March 18.

<sup>161</sup>Ibid.; Charles Rollet, “In China’s Far West, Companies Cash in on Surveillance Program That Targets Muslims,” Foreign Policy, 13 June 18.

<sup>162</sup>“Voice Recognition Technology Helps the Establishment of China’s Network Identity Recognition” [Shengwen renzheng jishu zhuli woguo wangluo shenfen renzheng jianshe], Xinhua, 19 March 18; Human Rights Watch, “China: Voice Biometric Collection Threatens Privacy,” 22 October 17.

<sup>163</sup>“Voice Recognition Technology Helps the Establishment of China’s Network Identity Recognition” [Shengwen renzheng jishu zhuli woguo wangluo shenfen renzheng jianshe], Xinhua, 19 March 18; Human Rights Watch, “China: Voice Biometric Collection Threatens Privacy,” 22 October 17.

<sup>164</sup>Jilin Province Public Security Bureau, “Jilin Public Security Smart Voice Strategy Cooperative Agreement Signing Ceremony Held at Provincial Public Security Bureau, Hu Jiafu Attends Signing Ceremony and Delivers Remarks” [Jilin gong’an zhineng yuyin zhanlue hezuo xieyi qianyue yishi zai sheng gong’an ting juxing, hu jiafu chuxi qianyue yishi bing jianghua], 21 August 17; Nanling Judicial Bureau, “Nanling Judicial Bureau ‘Audio-Visual Integration’ Strengthens Technological Supervision” [Nanling sifa suo “shengxiang jiehe” qianghua keji jianguan], reprinted in Fujian Provincial Leading Small Group on Governing the Province in Accordance With the Law, 2 May 18.

<sup>165</sup>Human Rights Watch, “China: Big Data Fuels Crackdown in Minority Region,” 26 February 18; Josh Chin, “About To Break the Law? Chinese Police Are Already on to You,” Wall Street Journal, 27 February 18.

<sup>166</sup>Human Rights Watch, “China: Visiting Officials Occupy Homes in Muslim Region,” 13 May 18; “China Sets Up ‘Big Data’ System for Preventive Policing in Xinjiang: Report,” Radio Free Asia, 27 February 18.

<sup>167</sup>Human Rights Watch, “China: Minority Region Collects DNA From Millions,” 13 December 17.

<sup>168</sup>Josh Chin, “About To Break the Law? Chinese Police Are Already on to You,” Wall Street Journal, 27 February 18.

<sup>169</sup>Human Rights Watch, “China: Big Data Fuels Crackdown in Minority Region,” 26 February 18; Josh Chin, “About To Break the Law? Chinese Police Are Already on to You,” Wall Street Journal, 27 February 18; UN Office of the High Commissioner for Human Rights, Working Group on Arbitrary Detention, Fact Sheet No. 26, May 2000, sec. IV(B).

<sup>170</sup>“Supreme People’s Court Work Report” [Zuigao renmin fayuan gongzuo baogao], 9 March 18. See also PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 48.

<sup>171</sup>Amnesty International, “Death Sentences and Executions 2017,” 2018, 20.

<sup>172</sup>Ibid. See also Dui Hua Foundation, “How Transparency in Death Penalty Cases Can Reduce Wrongful Convictions,” Dui Hua Human Rights Journal, 22 August 17.

<sup>173</sup>Moulin Xiong and Michelle Miao, “Miscarriages of Justice in Chinese Capital Cases,” Hastings International and Comparative Law Review, Vol. 41, No. 3 (Summer 2018), 279; Liu Renwen, “Can Lawyers Be Directly Notified of the Results of Death Penalty Reviews?” [Sixing fuhe jigou kefou zhijie tongzhi lushi], Southern Weekend, 9 September 17; Xu Lanting and Yang Tuo, “The Significance of Complete Coverage of Criminal Defense Lawyers Is Great, Its Influence Far-Reaching and Profound” [Xingshi lushi bianhu quanfugai yiyi zhongda, yingxiang shenyuan], Legal Daily, 17 October 17; Supreme People’s Court and Ministry of Justice, Measures Regarding Launching the Pilot Work of Complete Coverage of Defense Counsel in Criminal Cases [Guanyu kaizhan xingshi anjian lushi bianhu quan fugai shidian gongzuo de banfa], issued and effective 11 October 17.

<sup>174</sup>Alice Yan, “10 People Sentenced to Death for Drug Crimes in Southern China,” South China Morning Post, 5 January 18; Benjamin Haas, “Public Death Sentences for 10 People Show China’s Desperation,” Guardian, 19 December 17.

<sup>175</sup>Zhuang An, “Lufeng, Guangdong Convenes Sentencing Gathering: 10 People Sentenced to Death, Taken to Execution Ground for Execution After Sentencing” [Guangdong lufeng zhaokai xuanpan dahui: 10 ren bei pan sixing, xuanpan hou ya fu xingchang zhixing], The Paper, 17 December 17.

<sup>176</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 252. See also Supreme People’s Court, Supreme People’s Procuratorate, and Ministry of Public Security, Circular Regarding the Civilized Management of Criminals Held in Detention Centers According to Law [Zuigao renmin fayuan zuigao renmin jianchayuan gong’an bu guanyu yifa wenming guanli kanshousuo zaiya renfan de tongzhi], 14 November 92, para. 5.

<sup>177</sup>PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 235, 236.

<sup>178</sup>“Verdict Announced in Linfen Intermediate Court Trial of First Instance in Zhang Zhongsheng Case Involving Bribery and Large Sums of Money From Unidentified Source, Defendant Sentenced to Death and Has All Personal Assets Confiscated” [Zhang zhongsheng shouhui, ju’e caichan laiyuan buming an zai linfen zhongyuan yishen xuanpan, beigaoren bei panchu sixing, bingchu moshou geren quanbu caichan], Xinhua, 28 March 18; Jane Cai, “Death Penalty for ‘Godfather’ of Chinese Coal Mining Town Over US\$160 Million in Bribes,” South China Morning Post, 29 March 18.

<sup>179</sup>Jane Cai, “Death Penalty for ‘Godfather’ of Chinese Coal Mining Town Over US\$160 Million in Bribes,” South China Morning Post, 29 March 18.

<sup>180</sup>Although the Chinese government has promulgated rules to regulate the sourcing of organs, it has not outlawed sourcing organs from executed prisoners. PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 234–1. The PRC Criminal Law prohibits organized trading of organs, the removal of organs without consent, and the inducement of another to donate organs by fraud or coercion. State Council, Regulations on Human Organ Transplants [Renti qiguan yizhi tiaoli], issued 31 March 07, effective 1 May 07, arts. 7, 21. The State Council’s Regulations on Human Organ Transplants prohibit medical facilities from charging a fee for the transplanted organ. Ministry of Health, Certain Provisions on Standardizing Live Organ Transplantation [Weishengbu guanyu guifan huoti qiguan yizhi de ruogan guiding], issued and effective 28 December 09. In general, the Ministry of Health’s Certain Provisions on Standardizing Live Organ Transplantation implement the State Council’s Regulations on Human Organ Transplants. National Health and Family Planning Commission, Regulations on Administering Procurement and Distribution of Human Organ Donations (Trial) [Renti juanxian qiguan huoqu yu fenpei guanli guiding (shixing)], issued 13 August 13, effective 1 September 13, arts. 5, 6. The trial Regulations on Administering Procurement and Distribution of Human Organ Donations create organ procurement organizations in every provincial-level administrative jurisdiction and require them to register procured organs in a national registry. For background information on organ harvesting from executed prisoners and organ harvesting in China generally, see China Organ Harvest Research Center, “Transplant Abuse in China Continues Despite Claims of Reform,” July 2018.

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<sup>181</sup>“‘Chinese Model’ for Managing Organ Transplants Receives Approval” [Qiguan yizhi guanli “zhongguo moshi” huo kending], Xinhua, 15 March 18.

<sup>182</sup>“China Saved 100 Organ Trafficking Victims During Crackdown, Vatican Conference Is Told,” Associated Press, reprinted in South China Morning Post, 15 March 18.