

CRIMINAL JUSTICE

Findings

- During the Commission’s 2019 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to punish government critics and to “maintain stability” (*weiwen*) with the goal of perpetuating one-party rule. The Chinese government in many cases violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards, and used criminal law to target rights advocates, religious believers, and ethnic minority groups.
- Authorities continued to use various forms of arbitrary detention—such as extralegal “black jails” and forced psychiatric commitment of individuals without mental illness—to deprive individuals of their liberty, contravening international human rights standards. Authorities also continued to use administrative detention that circumvented judicial oversight and protections for detainees’ rights under the PRC Criminal Procedure Law (CPL).
- Authorities continued to detain individuals under broad provisions in the PRC Criminal Law—such as crimes of “endangering state security,” “picking quarrels and provoking trouble,” and “organizing and using a cult organization to undermine implementation of the law”—to suppress rights advocacy and other activities protected under international human rights standards.
- Authorities held rights advocates, lawyers, petitioners, and others in prolonged pretrial detention, including under “residential surveillance at a designated location” (RSDL), a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.
- In one case with numerous human rights violations, Falun Gong practitioner **Sun Qian** said that she was tortured while in custody, subjected to arbitrary and prolonged pretrial detention, and prevented from obtaining proper legal counsel. In other cases, officials denied detainees access to counsel, such as human rights lawyer **Wang Quanzhang** who was prevented from seeing lawyers appointed by his wife.
- In December 2018, Chinese authorities separately detained Canadian citizens **Michael Spavor** and **Michael Kovrig** for allegedly “endangering state security.” In the same month, during a retrial, the Dalian Intermediate People’s Court sentenced to death Canadian **Robert Schellenberg** for drug smuggling. Observers believed these actions within the criminal justice system were likely Chinese authorities’ attempt to exert pressure on the Canadian government for the arrest of Meng Wanzhou, the chief financial executive of the Chinese technology company Huawei, whom Canadian authorities detained in December 2018 based on an extradition request made by the U.S. Department of Justice.
- Authorities continued to torture and otherwise abuse detainees:

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- Authorities denied requests to release human rights website 64 Tianwang founder **Huang Qi** for medical reasons. In October 2018, authorities reportedly purposely manipulated readings of Huang’s high blood pressure and rejected attempts by detention center officials to allow additional treatment due to “political” reasons.
- Authorities reportedly required Taiwanese college employee and non-governmental organization (NGO) volunteer **Lee Ming-cheh** to work more than 10 hours a day without a day of rest and served him and other prisoners spoiled food. After Lee’s wife Lee Jingyu made public statements concerning her prison visit, authorities revoked her right to visit her husband.
- 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 over Chinese citizens’ privacy and the potential for public security officials’ capacity to use this technology to crack down on rights advocates and other targeted persons. The manner in which authorities collected personal data, including biometric data, appeared to violate privacy protections in international human rights instruments.
- While the Chinese government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders, Amnesty International estimated that China carried out more executions than any other country. China continued to classify statistics on its use of the death penalty as a state secret, and the Commission did not observe official reports on overall death penalty numbers. A French NGO reported that the death penalty disproportionately targeted ethnic and religious minorities, such as Uyghur Muslims, for their religious beliefs.

Recommendations

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

- Publicly advocate for political prisoners and other targets of government oppression whom officials have deprived of liberty on unsubstantiated criminal charges and for apparent political or religious reasons. Refer to the Commission’s Political Prisoner Database for details on individual cases.
- Include discussion of rights protections for rights advocates and other targets of government repression in a wide range of bilateral and multilateral discussions with Chinese officials. Stress to the Chinese government the importance of procedural compliance and effective legal representation in criminal cases in relation to the goal of rule-based governance.
- Urge Chinese officials to end all forms of arbitrary detention, as well as forms of extrajudicial detention, that are imposed without meeting the standards for a fair trial as set forth in the International Covenant on Civil and Political Rights and other international human rights instruments. These include detentions in “black jails,” psychiatric institu-

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tions, compulsory drug detoxification centers, and the detention of over a million Uyghurs, Kazakhs, and other individuals from ethnic minority groups in mass internment camps in the Xinjiang Uyghur Autonomous Region.

- Consult with Chinese officials regarding progress toward adopting the recommendations made in February 2016 by the UN Committee against Torture in relation to China's compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, such as the call to repeal the provisions in Chinese law allowing for "residential surveillance at a designated location." Further, encourage Chinese officials to extend invitations to all UN special rapporteurs who have requested to visit China.

- Urge Chinese officials to adopt a legal and regulatory framework for technology-based policing practices that meets international human rights standards. Such a framework should include, for example, privacy protections, restrictions on police authority to collect personal information without consent, and protections against discriminatory practices, including profiling of ethnic and religious minorities. Encourage Chinese officials to require police who use information technology to complete appropriate human rights training and impose strict penalties for officials who authorize or carry out preemptive detentions.

- Stress to the Chinese government the need for greater transparency on the number and circumstances of executions and urge Chinese officials to further limit the crimes for which the death penalty is applicable. Urge the Chinese government to ban explicitly in national legislation the harvesting of organs from executed prisoners.

- Continue and, where appropriate, expand support for programs involving U.S. entities engaging with reform-minded Chinese organizations and individuals (both within and outside the government) that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.

- Call on the Chinese government to publicly commit to a specific timetable for ratification of the International Covenant on Civil and Political Rights, which the Chinese government signed in 1998 but has not yet ratified.

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Introduction

During the Commission’s 2019 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to “maintain stability” (*weiwen*) with the goal of perpetuating one-party rule. In doing so, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards¹ and targeted rights advocates, religious believers, and ethnic minority groups in particular.

Use of Criminal Law to Punish Rights Advocates

This past year, authorities continued² to detain individuals under provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards.³ Selected examples follow:

CRIMES OF ENDANGERING STATE SECURITY

The Chinese government continued to prosecute individuals under “endangering state security” charges for peacefully exercising their rights.⁴ CL Articles 102 to 112—listing offenses including “subversion of state power,”⁵ “separatism,” and “espionage”—are collectively referred to as crimes of “endangering state security,”⁶ some of which carry multi-year sentences or the death penalty.⁷

- In December 2018, the Zhuhai Municipal Intermediate People’s Court in Guangdong province sentenced **Zhen Jianghua**⁸ to two years in prison for “inciting subversion of state power.”⁹ Authorities detained Zhen in September 2017,¹⁰ and officially charged him in March 2018.¹¹ Zhen is the executive director of Human Rights Campaign in China (HRCIC), which reports on cases involving rights advocacy and provides aid for people who are involved in or who have reported on advocacy cases.¹²
- Beginning on December 9, 2018, public security officials in Chengdu municipality, Sichuan province, took into custody over 100 leaders and members of the Early Rain Covenant Church, an unregistered Protestant house church in Chengdu municipality, Sichuan province.¹³ Authorities criminally detained Early Rain founder and pastor **Wang Yi**¹⁴ and placed Wang’s wife **Jiang Rong**¹⁵ under “residential surveillance at a designated location,” both on suspicion of “inciting subversion of state power.”¹⁶ [For more information on the crackdown on Early Rain, see Section II—Freedom of Religion.]
- Additional cases in which authorities detained rights advocates on “subversion” grounds include human rights lawyer **Wang Quanzhang**,¹⁷ Civil Rights and Livelihood Watch founder **Liu Feiyue**,¹⁸ and Tiananmen Square protest leader **Zhou Yongjun**.¹⁹

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PICKING QUARRELS AND PROVOKING TROUBLE

Authorities used the charge of “picking quarrels and provoking trouble”²⁰ under Article 293 of the PRC Criminal Law to punish petitioners and rights advocates.²¹ One Chinese legal scholar described the criminal charge as being “so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality.”²²

- In April 2019, the Chengdu Municipal Intermediate People’s Court in Chengdu, Sichuan province, tried **Zhang Junyong**,²³ **Fu Hailu**,²⁴ and **Luo Fuyu**²⁵ and sentenced them to three years in prison, suspended for four to five years,²⁶ and **Chen Bing**²⁷ to three years and six months in prison, all for “picking quarrels and provoking trouble.”²⁸ Authorities first detained the four in May 2016 on suspicion of “inciting subversion of state power” after Fu posted images online of satirical liquor bottles meant to commemorate the violent suppression of the June 4, 1989 Tiananmen pro-democracy protests.²⁹
- In May 2019, the Gulou District People’s Court in Xuzhou municipality, Jiangsu province, sentenced **Zhang Kun**³⁰ to two years and six months in prison for “picking quarrels and provoking trouble.”³¹ The arrest and sentencing was connected to Zhang posting a video in which he revealed that prison authorities at Pengcheng Prison in Yunlong district, Xuzhou, had subjected him to torture and abuse while he was imprisoned there between 2015 and 2016 for the same charge.³²

ORGANIZING AND USING A CULT TO UNDERMINE IMPLEMENTATION OF THE LAW

Authorities continued to charge members of religious communities and spiritual movements with “organizing and using a cult organization to undermine implementation of the law” under CL Article 300.³³ For example, in January 2019, Qingshan District People’s Court in Baotou municipality, Inner Mongolia Autonomous Region, sentenced Falun Gong practitioners **Wang Ying**³⁴ and **Wang Hongling**³⁵ to two years in prison and one year and six months in prison, respectively.³⁶ Authorities detained the two in connection to Falun Gong materials they distributed in Batou.³⁷ [For more information on official Chinese persecution of Falun Gong, see Section II—Freedom of Religion.]

OTHER CRIMINAL LAW PROVISIONS

Authorities accused rights advocates and others of other criminal offenses, including “gathering a crowd to disturb social order,”³⁸ “obstructing official business,”³⁹ and “illegal business activity”⁴⁰ on account of activities protected under international human rights standards.⁴¹

Arbitrary Detention

Authorities continued to use various forms of arbitrary detention⁴² that deprive individuals of their liberty, contravening international human rights standards.⁴³ During China’s November 2018

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UN Human Rights Council Universal Periodic Review (UPR) of the Chinese government's human rights record, non-governmental organizations and member states called for the Chinese government to end its use of arbitrary detention, including in mass internment camps used to arbitrarily detain Uyghur Muslims and other ethnic minority groups in the Xinjiang Uyghur Autonomous Region.⁴⁴ [For more information on arbitrary detention in China's mass internment camps, see Section IV—Xinjiang.] During the UPR, China rejected calls to end various forms of arbitrary detention.⁴⁵

Descriptions of selected forms of arbitrary detention follow:

BLACK JAILS

Authorities continued to hold individuals in “black jails,” extra-legal detention sites that operate outside of the PRC's judicial and administrative detention systems.⁴⁶ For example, authorities or individuals presumably acting on their behalf held rights advocates in “black jails” as a part of “stability maintenance” efforts leading up to the Shanghai International Import Expo in November 2018,⁴⁷ and the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2019.⁴⁸

PSYCHIATRIC FACILITIES

Authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as “*bei jingshenbing*”—to punish rights advocates, despite protections in the PRC Mental Health Law (MHL)⁴⁹ and related regulations.⁵⁰ [For more information, see Section II—Public Health.] For example, from August to October 2018, authorities forcibly committed **Lu Qianrong**⁵¹ to a psychiatric facility in Changzhou municipality, Jiangsu province, reportedly due to Lu's posting “unfavorably against the country” on social media.⁵² Authorities reportedly forced Lu to take daily antipsychotic medication while in detention.⁵³

ADMINISTRATIVE DETENTION

Authorities continued to use administrative forms of detention, which allow officials to detain individuals without judicial oversight or protections for their rights under the PRC Criminal Procedure Law (CPL). For example, police have ordered human rights defenders to serve up to 20 days of administrative detention without any judicial process.⁵⁴ In addition, authorities continued to operate compulsory drug detoxification centers⁵⁵ where they can hold detainees for up to two years.⁵⁶

This past year, Chinese authorities, human rights advocates, and legal scholars continued to call for the abolition of “custody and education” (*shourong jiaoyu*),⁵⁷ in which public security officials can detain sex workers and their clients for six months to two years without judicial oversight.⁵⁸ Chinese legal experts have questioned the legality of such “extrajudicial prisons without any due process.”⁵⁹

Chinese Authorities' Retaliatory Use of Criminal Law against Canadian Citizens

On December 10, 2018, Chinese authorities separately detained Canadian citizens **Michael Spavor** and **Michael Kovrig** on suspicion of “endangering state security.”⁶⁰ Reports suggest that authorities held Spavor and Kovrig under “residential surveillance at a designated location” (RSDL),⁶¹ a coercive measure under the CPL that allows security authorities to hold a criminal suspect in de facto incommunicado detention for up to six months.⁶² Reports further indicate that authorities held them in conditions that some experts have said may amount to torture.⁶³ In May 2019, the Chinese Ministry of Foreign Affairs said that authorities had formally arrested both Spavor and Kovrig for crimes of “endangering state security.”⁶⁴

In another case involving a Canadian citizen, the Dalian Municipal Intermediate People’s Court in Liaoning province changed **Robert Schellenberg**’s sentence for drug smuggling from a 15-year imprisonment to a death sentence in January 2019,⁶⁵ in spite of a provision in the PRC Criminal Procedure Law generally prohibiting the trial court from imposing a harsher sentence in a retrial.⁶⁶ The court cited “new evidence” for the change in Schellenberg’s original November 2018 judgment of 15 years.⁶⁷ Moreover, Chinese lawyers and international observers noted irregularities in Schellenberg’s case, namely, the court of second instance having remanded the case without being requested to do so by the procuratorate, as well as the expediency with which the court of first instance concluded the case on remand (16 days), compared to the first round of proceedings (two years).⁶⁸

Observers suggested that the detentions of Spavor and Kovrig as well as the death sentence of Schellenberg, were likely Chinese authorities’ attempt to exert pressure on the Canadian government⁶⁹ for the arrest of the chief financial officer of the Chinese technology company Huawei,⁷⁰ Meng Wanzhou,⁷¹ whom Canadian authorities detained based on an extradition request made by the U.S. Department of Justice.⁷²

“RETENTION IN CUSTODY” (LIUZH) UNDER THE PRC SUPERVISION LAW

The PRC Supervision Law (Supervision Law),⁷³ authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct⁷⁴ using methods including “retention in custody” (*liuzhi*),⁷⁵ an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation.⁷⁶ “Retention in custody” contravenes rights guaranteed by international legal standards, as it denies the “minimum guarantees” of those charged as a criminal including access to counsel, and to be tried while present.⁷⁷

In early October 2018, authorities placed then President of the International Criminal Police Organization (Interpol), Meng Hongwei, under *liuzhi* while he was on a trip to China.⁷⁸ NSC officials transferred Meng’s case to the Supreme People’s Procuratorate, which approved his arrest on April 23, 2019.⁷⁹ In June 2019, while on trial in the Tianjin No. 1 Intermediate People’s Court, Meng pled guilty to taking bribes.⁸⁰ One Chinese commentator noted that the NSC’s detention of the president of an organization such as Interpol highlights a “new normal” of Chinese au-

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thorities arresting Party officials in anti-corruption cases despite their positions in prominent international organizations.⁸¹

Ongoing Challenges in the Implementation of the Criminal Procedure Law

This past year, the National People’s Congress Standing Committee passed legislation that could adversely affect 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)⁸² and international human rights standards.⁸³

LEGISLATIVE DEVELOPMENTS

In October 2018, the National People’s Congress Standing Committee passed an amendment to the CPL.⁸⁴ In cases of corruption, state security, and terrorism,⁸⁵ the amendment allows courts to try defendants in absentia, which violates international fair trial standards.⁸⁶ Rights groups warned that Chinese authorities might use this amendment to threaten and punish human rights defenders outside of China through abuse of international arrest warrants.⁸⁷

The CPL amendment also provides for lenient and expedited sentencing, both of which require the defendant to “voluntarily” confess his or her crime, despite ongoing concerns about the reliance on coerced confessions in China’s criminal justice system.⁸⁸ “Lenient sentencing” is allowed if the defendant admits to a crime, does not dispute the facts of the case, and willingly accepts punishment.⁸⁹ Additionally, the amendment provides for expedited sentencing in cases under the jurisdiction of basic-level people’s courts of a defendant who faces a maximum three-year sentence, has confessed, accepted punishment, and who agrees to the use of an expedited process.⁹⁰

COERCED CONFESSIONS

Authorities continued to coerce detainees to confess guilt to crimes, in violation of the CPL,⁹¹ and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody.⁹²

For example, in or around January 2019, authorities reportedly forced more than 20 university students involved in labor advocacy to watch video confessions of four young labor rights advocates—**Yue Xin**,⁹³ **Shen Mengyu**,⁹⁴ **Gu Jiayue**,⁹⁵ and **Zheng Yongming**⁹⁶—whom authorities detained in August 2018 after they had helped organize protests in support of workers’ attempts to organize a union at Jasic Technology in Shenzhen municipality, Guangdong province.⁹⁷ The students reported that the videos appeared coerced,⁹⁸ and that authorities showed the video confessions in order to deter students from further activism.⁹⁹ [For more information on the Jasic student protests advocating labor rights, see Section II—Worker Rights. For information on the televised confession of former Supreme People’s Court Judge Wang Linqing, see Section III—Access to Justice.]

PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond limits allowed in the CPL¹⁰⁰ and international human rights standards.¹⁰¹ Observers indicate that detainees held in prolonged pretrial detention are at an increased risk of torture.¹⁰²

- For example, in February 2017, authorities in Beijing municipality detained Falun Gong practitioner **Sun Qian** for “organizing and using a cult to undermine implementation of the law.”¹⁰³ During her trial in September 2018, Sun said that she was tortured while in custody,¹⁰⁴ and lawyers have noted that in addition to arbitrary and prolonged pretrial detention, authorities have prevented her from obtaining legal counsel by harassing and intimidating 11 different lawyers she had hired to represent her.¹⁰⁵
- This past year, Chinese courts tried and sentenced individuals after prolonged periods of pretrial detention, including human rights lawyer **Wang Quanzhang**¹⁰⁶ (pretrial detention of almost three years and six months),¹⁰⁷ four men in the “June Fourth liquor” case (almost three years of pretrial detention for each),¹⁰⁸ and founder of rights website 64 Tianwang **Huang Qi**¹⁰⁹ (held for two years and eight months before receiving a sentence).¹¹⁰

ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and to prevent others from hiring their preferred attorneys, particularly in cases involving rights advocates. Chinese law grants suspects and defendants the right to hire¹¹¹ and meet with defense counsel,¹¹² but it restricts meetings in cases of “endangering state security,” such as terrorism, or significant bribes,¹¹³ as well as for those held in “residential surveillance at a designated location” (RSDL),¹¹⁴ contravening international standards.¹¹⁵

For example, in January 2019, the Tianjin No. 2 Intermediate People’s Court sentenced human rights lawyer **Wang Quanzhang** to four years and six months in prison for “inciting subversion of state power,” a crime of “endangering state security.”¹¹⁶ Authorities prevented lawyers appointed by Wang’s wife, **Li Wenzu**, from representing Wang in court,¹¹⁷ and Wang dismissed his state-appointed lawyer during the trial.¹¹⁸ Wang is well known for taking on cases of Falun Gong practitioners, petitioners, and others deemed “politically sensitive” by authorities, and had been in custody since the July 2015 crackdown on human rights lawyers.¹¹⁹ Several international observers expressed concern over Wang’s deprivation of counsel and continued detention.¹²⁰ [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),¹²¹ a form of incommunicado detention that can last up to six months,¹²² re-

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stricts access to counsel,¹²³ and places detainees at risk of abuse by authorities.¹²⁴

For example, in January 2019, authorities detained former Chinese official and Australian citizen **Yang Hengjun**¹²⁵ when he arrived in China from New York.¹²⁶ Authorities placed Yang in RSDL on suspicion of “endangering national security.”¹²⁷ Authorities did not inform the Australian embassy within three days of Yang’s detention in violation of the China-Australian consular agreement.¹²⁸ In August 2019, Chinese authorities notified Australian diplomats that Yang had been formally arrested on suspicion of committing espionage.¹²⁹ Yang has written articles critical of the Chinese government.¹³⁰

Torture and Abuse in Custody

Authorities continued to torture and abuse detainees,¹³¹ violating international standards.¹³² Examples include the following:

- On February 28, 2019, rights lawyer **Jiang Tianyong** completed his two-year prison term for “inciting subversion of state power.”¹³³ Upon his release, Jiang told his wife that authorities had deprived him of sunlight and ordered him to sit on a marble block for prolonged periods, injuring his spine and causing him to no longer be able to sit up straight.¹³⁴ Jiang’s wife also said that Jiang suffered from depression and significant memory loss.¹³⁵
- In December 2018, **Lee Jingyu**, wife of Taiwanese college employee and non-governmental organization (NGO) volunteer **Lee Ming-cheh**,¹³⁶ reported that authorities in Chishan Prison in Nanzui township, Yuanjiang city, Yiyang municipality, Hunan province, required her husband to work more than 10 hours a day without a day of rest, and served him and other prisoners rotten food.¹³⁷ Under such treatment, Lee has reportedly lost significant weight.¹³⁸ After she made public statements concerning her prison visit, authorities revoked Lee Jingyu’s right to visit her husband for three months.¹³⁹ In 2017, authorities sentenced Lee Ming-cheh to five years’ imprisonment for “subversion of state power.”¹⁴⁰

Medical Care in Custody

Authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards¹⁴¹ and may amount to torture.¹⁴²

- Human rights website 64 Tianwang founder **Huang Qi**, whom authorities detained in 2016,¹⁴³ suffers from “high blood pressure, heart disease, [a] chronic kidney condition, and hydrocephalus.”¹⁴⁴ The Mianyang Municipality Public Security Bureau (PSB) in Sichuan province has denied requests to release Huang on “bail on medical grounds.”¹⁴⁵ In October 2018, Huang reportedly told his lawyer that authorities in Sichuan manipulated readings of his high blood pressure and the Mianyang PSB rejected attempts by detention center officials to allow additional treatment due to “political” reasons.¹⁴⁶ In January 2019, the Mianyang Municipal Intermediate People’s Court tried Huang on charges of “illegally providing state se-

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crets to foreign entities” and “intentionally leaking state secrets.”¹⁴⁷ During the trial, Huang dismissed his lawyer out of concern for his lawyer’s safety.¹⁴⁸ In July 2019, the court sentenced Huang to 12 years in prison.¹⁴⁹

- In July 2019, legal advocate **Ji Sizun**¹⁵⁰ died in a hospital less than three months after completing a term of four years and six months in prison, which authorities reportedly imposed in connection to his support of the 2014 Hong Kong pro-democracy protests (“Umbrella Movement”).¹⁵¹ Despite having completed his sentence in April, Ji remained in the custody of authorities in Fujian province, who placed him in a local hospital and restricted family visits.¹⁵² Ji suffered a paralyzing stroke in prison, intestinal cancer, and other illnesses, but authorities reportedly denied him adequate medical treatment and denied applications for medical parole.¹⁵³ Ji died after his condition worsened due to internal bleeding.¹⁵⁴ Within hours of Ji’s death, police officers reportedly coerced Ji’s family to consent to immediate cremation.¹⁵⁵

Wrongful Conviction

Although authorities highlighted efforts to correct past wrongful convictions and to prevent future ones,¹⁵⁶ some Chinese legal experts expressed concern about continued abusive practices that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions.¹⁵⁷ The Dui Hua Foundation noted how authorities’ use of unreliable jailhouse informants could lead to wrongful convictions.¹⁵⁸

The Commission observed reports of wrongful convictions overturned this year:

- In November 2018, the Jilin Province High People’s Court found **Jin Zhehong**—who had already served 23 years in prison—not guilty because “the evidence was insufficient and the facts were not clear” in the murder of a 20-year old woman.¹⁵⁹ One of Jin’s lawyers said his client had “repeatedly accused the investigators of using torture to extract confessions out of him.”¹⁶⁰
- In January 2019, the Liaoyuan Municipal Intermediate People’s Court in Jilin province ordered 4.6 million-yuan (approximately US\$670,000) compensation for **Liu Zhonglin** after he served 25 years in prison.¹⁶¹ During his 1994 trial for murder, Liu did not have a lawyer present, and has maintained that police tortured him to obtain a confession.¹⁶²

Policing

This past year, authorities continued to develop technology-based means to help public security officials track persons of interest.¹⁶³ These developments are 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.¹⁶⁴ Collection of personal information, including biometric data, may violate privacy protections in international human rights instruments,¹⁶⁵ and the Commission did not observe efforts by authorities to bring the collection or use

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of such information in line with international standards.¹⁶⁶ Examples of technology used to track and collect data on individuals included¹⁶⁷ smart glasses,¹⁶⁸ artificial intelligence,¹⁶⁹ facial recognition,¹⁷⁰ and drones.¹⁷¹ Authorities increasingly used technology that can scan facial features as well as vehicle license plates¹⁷² for comparison against a centralized database linked with other personal information.¹⁷³ At times the technology was used in conjunction with the social credit system.¹⁷⁴ [For more information on the social credit system, see Section II—Business and Human Rights.] Reports indicated that authorities use such technology to publicly shame individual lawbreakers.¹⁷⁵ While such technology could aid criminal investigations, observers have noted the risk involved in authorities using the technology against human rights advocates.¹⁷⁶ Reports indicated that U.S. and Chinese firms aided Chinese police in developing their surveillance technology.¹⁷⁷ [For more information on the involvement of U.S. companies in the Chinese government’s development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

In addition, in February 2019, new provisions from the Ministry of Public Security took effect¹⁷⁸ with the stated purpose of “protecting the law enforcement authority of the police.”¹⁷⁹ The provisions address concerns for police officers’ safety when their interaction with citizens becomes violent by permitting the Ministry of Public Security to punish “actors who violate the law enforcement authority of the police,”¹⁸⁰ as well as reducing the liability of individual police for damage caused in the line of duty.¹⁸¹ A Chinese legal expert asserted that under the new regulations, the increase in police authority comes at the expense of citizens’ rights.¹⁸²

Death Penalty

Following the November 2018 session of the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, the Chinese government rejected all recommendations calling for reform of its use of the death penalty,¹⁸³ and continued¹⁸⁴ to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders.¹⁸⁵ Amnesty International, however, estimated that authorities “execute[d] and sentence[d] to death thousands of people,” more than any other country,¹⁸⁶ and officials voiced support for the continued use of the death penalty.¹⁸⁷ The Chinese government classifies statistics on its use of the death penalty as a “state secret,”¹⁸⁸ and the Commission did not observe official reports on overall death penalty numbers.

According to a French NGO, authorities disproportionately sentenced religious minorities, including Uyghurs of the Xinjiang Uyghur Autonomous Region, to the death penalty for their religious beliefs.¹⁸⁹ For example, in a case reported by Radio Free Asia in November 2018, authorities sentenced to death prominent Uyghur businessman and philanthropist, **Abdughappar Abdurusul**, reportedly for taking a trip to Saudi Arabia for the Hajj pilgrimage.¹⁹⁰ [For more information on the crackdown on

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Uyghurs in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

Organ Harvesting

Between July and August 2019, two scientific journals retracted at least 13 transplant studies by authors in China published between 2008 and 2014.¹⁹¹ The studies were retracted after a bioethicist and her colleagues raised concerns that organs in certain studies may have been sourced from executed prisoners in China.¹⁹²

Notes to Section II—Criminal Justice

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

²See, e.g., CECC, *2018 Annual Report*, October 10, 2018, 103–04; CECC, *2017 Annual Report*, October 5, 2017, 103–04; CECC, *2016 Annual Report*, October 6, 2016, 101–02; CECC, *2015 Annual Report*, October 8, 2015, 104–05.

³Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976.

⁴For examples, see the Commission’s Political Prisoner Database records 2014-00343 on Shi Genyuan, 2019-00126 on Chai Xiaoming, 2004-02398 on Luan Ning, 2014-00387 on Yu Wensheng, and 2019-00041 on Halmurat Ghopur.

⁵Chinese Human Rights Defenders, “Inciting Subversion of State Power: A Legal Tool for Prosecuting Free Speech in China,” January 8, 2008; Joshua Rosenzweig, “What’s the Difference between Subversion and Inciting Subversion?,” *Siweiluozhi’s Blog* (blog), January 19, 2012; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 105.

⁶*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, arts. 102–13; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 73. In addition to the severe criminal penalties, endangering state security offenses permit authorities to use “residential surveillance at a designated location,” which in practice could “amount to incommunicado detention . . . putting detainees at a high risk of torture or ill-treatment.”

⁷*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 113.

⁸For more information on Zhen Jianghua, see the Commission’s Political Prisoner Database record 2017-00360.

⁹Rights Defense Network, “Guangdong renquan hanwei zhe, NGO renshi Zhen Jianghua huoxing 2 nian” [Guangdong rights defender and NGO worker Zhen Jianghua sentenced to 2 years in prison], December 29, 2018.

¹⁰Human Rights Campaign in China, “Zhen Jianghua jia ren shoudao xingshi juliu tongzhi shu zuming shexian shandong dianfu guojia zhengquan” [Zhen Jianghua’s family received criminal detention notice, suspected of inciting subversion of state power], September 7, 2017.

¹¹Wen Yuqing, “Zhen Jianghua jian ju qiman ji zhuan pibu” [Zhen Jianghua’s arrest approved immediately after expiration of residential surveillance], *Radio Free Asia*, March 30, 2018.

¹²Rights Defense Network, “Guangdong renquan hanwei zhe, NGO renshi Zhen Jianghua huoxing 2 nian” [Guangdong rights defender and NGO worker Zhen Jianghua sentenced to 2 years in prison], December 29, 2018.

¹³Independent Chinese PEN Center (ICPC), “Guanyu huiyuan Wang Yi Mushi deng bei juya de kangyi shengming” [Statement protesting against the detention of [ICPC] member and Pastor Wang Yi], December 13, 2018; Mimi Lau, “Christian Pastor Wang Yi Faces Subversion Charges in China after Raid on Church,” *South China Morning Post*, December 13, 2018.

¹⁴For more information on Wang Yi, see the Commission’s Political Prisoner Database record 2018-00615.

¹⁵For more information on Jiang Rong, see the Commission’s Political Prisoner Database record 2018-00643.

¹⁶Rights Defense Network, “Sichuan Chengdu Qiuyu Jiao an qingkuang tongbao: 8 ren zao xingju, 1 ren zhidingjusuojianshijuzhu, 3 ren bei qiangpo shizong (2018 nian 12 yue 13 ri)” [Sichuan Chengdu Early Rain Church situation bulletin: 8 people detained, 1 person put in residential surveillance at a designated location, 3 people forcibly disappeared (December 13, 2018)], December 13, 2018; Rights Defense Network, “Sichuan Chengdu ‘12.9’ Qiuyu Jiao an qingkuang tongbao: 11 ren zao xingju, 1 ren zhiding jusuo jianshi juzhu, 6 ren bei qiangpo shizong, 1 ren bei xingzheng juliu, gong 19 ren (2018 nian 12 yue 19 ri)” [Situation bulletin on “December 9” case of Early Rain Church in Chengdu, Sichuan: 11 criminally detained, 1 in residential surveillance at a designated location, 6 forcibly disappeared, 1 administratively detained, for a total of 19 persons (December 19, 2018)], December 19, 2018; Chinese Human Rights Defenders, “Submission to UN on Wang Yi and Jiang Rong—February 2019,” February 20, 2019.

¹⁷For more information on Wang Quanzhang, see the Commission’s Political Prisoner Database record 2015-00278.

¹⁸For more information on Liu Feiyue, see the Commission’s Political Prisoner Database record 2016-00460.

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¹⁹“Tiananmen Square Protest Leader Charged with Subversion in China’s Guangxi,” *Radio Free Asia*, December 21, 2018. For more information on Zhou Yongjun, see the Commission’s Political Prisoner Database record 2009-00228.

²⁰Luo Xiang, “Pocket Monsters: How ‘Pocket Crimes’ Warp China’s Legal System,” *Sixth Tone*, January 7, 2019.

²¹For examples of petitioners charged with “picking quarrels and provoking trouble,” see Rights Defense Network, “Shanghai ‘Jinbohui’ yi jieshu 10 tian reng you 13 wei weiquan renshi zai laoli shouan” [Shanghai Import Expo has been over for 10 days, 13 rights advocates still suffering detention], November 20, 2018. For more information, see the Commission’s Political Prisoner Database records 2018-00571 on Bao Naigang, 2019-00063 on Zeng Hao, and 2019-00252 on Guo Hongying. For rights advocates targeted by authorities on the charge of “picking quarrels and provoking trouble,” see Chinese Human Rights Defenders, *Defending Rights in a “No Rights Zone”: Annual Report on the Situation of Human Rights Defenders in China (2018)*, February 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293. See also Dui Hua Foundation, “Complaints with Retribution: China’s Muffling of Gaoyangzhuang,” *Dui Hua Human Rights Journal*, May 8, 2019.

²²Luo Xiang, “Pocket Monsters: How ‘Pocket Crimes’ Warp China’s Legal System,” *Sixth Tone*, January 7, 2019.

²³For more information on Zhang Junyong, see the Commission’s Political Prisoner Database record 2016-00243.

²⁴For more information on Fu Hailu, see the Commission’s Political Prisoner Database record 2016-00240.

²⁵For more information on Luo Fuyu, see the Commission’s Political Prisoner Database record 2016-00242.

²⁶Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Zhang Junyong dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing” [Latest on the “Chengdu June 4th liquor case”: Zhang Junyong sentenced to 3 years’ imprisonment, suspended for 4 years], April 2, 2019; Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Luo Fuyu dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing” [Latest on the “Chengdu June Fourth Liquor Case”: Luo Fuyu sentenced to 3 years’ imprisonment, suspended for 4 years], April 3, 2019; Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Fu Hailu dang ting bei panjue youqi tuxing 3 nian, huanqi 5 nian zhixing” [Latest on the ‘Chengdu June 4th liquor case’: Fu Hailu sentenced to 3 years’ imprisonment, suspended for 5 years], April 1, 2019. The Chengdu Intermediate People’s Court sentenced Zhang to 3 years’ imprisonment, suspended for 4 years; Fu Hailu to 3 years’ imprisonment, suspended for 5 years; and Luo Fuyu to 3 years’ imprisonment, suspended for 4 years.

²⁷For more information on Chen Bing, see the Commission’s Political Prisoner Database record 2016-00241.

²⁸Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Chen Bing jujue renzui dang ting bei panjue youqi tuxing 3 nian 6 ge yue ci an daoci chen’ai luoding” [Latest on the “Chengdu June 4th liquor case”: Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months’ imprisonment, the dust has now settled in this case], April 4, 2019; Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Zhang Junyong dang ting bei panjue youqi tuxing 3 nian, huanqi 4 nian zhixing” [Latest on the “Chengdu June 4th liquor case”: Zhang Junyong sentenced to 3 years’ imprisonment, suspended for 4 years], April 2, 2019; “Four Chinese Activists Sentenced over Liquor Labels,” *Agence France-Presse*, reprinted in *France24*, April 4, 2019.

²⁹Rights Defense Network, “‘Chengdu Liusi jiu an’ zuixin tongbao: Chen Bing jujue renzui dangting bei panjue youqi tuxing 3 nian 6 ge yue ci an daoci chen’ai luoding” [Latest on the “Chengdu June 4th liquor case”: Chen Bing refuses to admit guilt, sentenced to 3 years and 6 months’ imprisonment, the dust has now settled in this case], April 4, 2019; Mimi Lau, “Tiananmen Square ‘Tank Man Liquor Label’ Protester Sentenced to 3½ years in Prison,” *South China Morning Post*, April 4, 2019; “Four Chinese Activists Sentenced over Liquor Labels,” *Agence France-Presse*, reprinted in *France24*, April 4, 2019.

³⁰For more information on Zhang Kun, see the Commission’s Political Prisoner Database record 2014-00110.

³¹Rights Defense Network, “Zhang Kun beikong xunxinzishi an 5 yue 5 ri zai Xuzhou Gulouqu fayuan xuanpan Zhang Kun huoxing 2 nian 6 ge yue” [Gulou District Court in Xuzhou announced decision in Zhang Kun’s case of being accused of picking quarrels and provoking trouble on May 5, Zhang Kun sentenced to 2 years, 6 months], May 7, 2019.

³²Rights Defense Network, “Jiangsu Xuzhou renquan hanweizhe Zhang Kun an jiang yu 2018 nian 12 yue 28 ri zai Xuzhou shi Gulou qu fayuan kaiting” [Case of Xuzhou, Jiangsu, rights defender Zhang Kun will go to trial on December 28, 2018, at the Gulou District Court in Xuzhou municipality], December 20, 2018; Human Rights Campaign in China, “Xuzhou gongmin Zhang Kun shexian xunxinzishi an bei jianchayuan di er ci tuihui zhencha” [Xuzhou citizen Zhang Kun’s case of suspected picking quarrels and provoking trouble sent back for investigation for a second time by procuratorate], December 28, 2017.

³³*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, 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. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, November 6, 2018, item 28.192; UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, A/HRC/40/6/Add.1, February 15, 2019, item 28.192. In response to a Universal Periodic Review recommendation from the Democratic People’s Republic of Korea to “continue to fight against cult organizations to safeguard the people’s welfare,” China replied, “Accepted.” For the Commission’s past reporting on the issue, see,

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e.g., CECC, *2018 Annual Report*, October 10, 2018, 104; CECC, *2017 Annual Report*, October 5, 2017, 133; CECC, *2014 Annual Report*, October 9, 2014, 97–98; CECC, *2013 Annual Report*, October 10, 2013, 93–94; CECC, *2012 Annual Report*, October 10, 2012, 85.

³⁴For more information on Wang Ying, see the Commission's Political Prisoner Database record 2019-00070.

³⁵For more information on Wang Hongling, see the Commission's Political Prisoner Database record 2019-00084.

³⁶"Er ling yi ba nian ba yue yi ri dalu zonghe xiaoxi" [August 1, 2018, comprehensive news report from mainland China], *Clear Wisdom*, August 1, 2019; "Neimenggu Baotou shi Wang Ying, Wang Hongling zao wupan" [Wang Ying and Wang Hongling of Baotou municipality, Inner Mongolia, falsely accused], *Clear Wisdom*, February 6, 2019.

³⁷"Er ling yi ba nian ba yue yi ri dalu zonghe xiaoxi" [August 1, 2018, comprehensive news report from mainland China], *Clear Wisdom*, August 1, 2019.

³⁸New Citizens' Movement, "Shenzhen Zhang Zhiru deng shu ming laogong weiquan renshi bei zhuabu" [In Shenzhen, Zhang Zhiru and several other labor advocates detained], *New Citizens' Movement* (blog), March 1, 2019. For more information, see the Commission's Political Prisoner Database records 2019-00117 on Zhang Zhiyu and 2013-00316 on Wu Guijun.

³⁹Civil Rights & Livelihood Watch, "Lushi shenqing huijian Liu Fuxiang deng ren zao ju" [Lawyer's application to see Liu Fuxiang and others is denied], January 4, 2019.

⁴⁰"Hubei: Wuhan '8.03' feifa jingying an 8 ren ru xing jingying e gaoda 1000 yu wan" [Hubei: in Wuhan "8.03" illegal business activity case 8 people sentenced, business [made] over 10 million yuan], National Office for the Fight against Pornography and Illegal Publications, June 18, 2019; Yang Rui and Ren Qiuyu, "Novelist Known for Gay Content Sentenced for 'Illegal Publishing,'" *Caixin*, May 21, 2019.

⁴¹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9(1).

⁴²UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session (19–28 April, 2017), A/HRC/WGAD/2017/4, August 11, 2017. The UN Working Group on Arbitrary Detention classifies detention as "arbitrary" when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination.

⁴³Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9(1). China has signed and stated its intent to ratify the ICCPR. United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed April 1, 2019. China signed the ICCPR on October 5, 1998. Countries recommended that China ratify the ICCPR, but China rejected this, saying "China is making preparations for ratification, but the specific date of ratification depends on whether relevant conditions in China are in place." UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, February 15, 2019, items 28.5, 28.6, 28.10; Permanent Mission of the People's Republic of China to the UN, "Aide Memoire," reprinted in United Nations, April 13, 2006; State Council, European Council, Prime Minister's Office of Sweden, and European Commission, "Joint Statement of the 12th China-EU Summit," reprinted in Ministry of Foreign Affairs, November 30, 2009. Upon presenting its candidacy for the 2013 UN Human Rights Council elections, China reportedly promised to "further protect civil and political rights," although it did not specifically state intent to ratify the ICCPR. UN General Assembly, Note Verbale Dated June 5, 2013 from the Permanent Mission of China to the United Nations Addressed to the President of the General Assembly, June 6, 2013, A/68/90. The UN Working Group on Arbitrary Detention classifies detention as "arbitrary" when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination. UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session (19–28 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

⁴⁴UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 2018, 28.35 (Switzerland), 28.175 (Australia), 28.177 (United States of America), 28.178 (Belgium), 28.180 (Germany), 28.181 (Iceland), 28.191 (Czechia); Chinese Human Rights Defenders and Rights Defense Network, "Joint Civil Society Submission for Universal Periodic Review (Third Cycle) Country: People's Republic of China," March 16, 2018; Human Rights Watch, "Submission to the Universal Periodic Review of China," March 2019.

⁴⁵UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/40/6/Add.1, February 15, 2019, paras. 28.35, 28.175, 28.177, 28.178, 28.180, 28.181. For the original recommendations, see UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, November 6, 2018, 28.35 (Switzerland), 28.175 (Australia), 28.177 (United States of America), 28.178 (Belgium), 28.180 (Germany), 28.181 (Iceland).

⁴⁶Harry Wu and Cole Goodrich, "A Jail by Any Other Name: Labor Camp Abolition in the Context of Arbitrary Detention in China," *Human Rights Brief* 21, no. 1 (Winter 2014), 3–4;

Teng Biao, “Xing xing se se de Zhongguo heijianyu” [Teng Biao: All sorts of black jails], *Radio Free Asia*, reprinted in Human Rights in China, March 19, 2019; Amnesty International, “China: Submission to the United Nations Committee against Torture 56th Session, November 9–December 9, 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, Wang Jianfen: Wuxi hei jianyu shimo: yingjiu he kuxing yanshi” [Guo Gai and Wang Jianfen: Details of black jails in Wuxi: Rescue and torture reenactment], *Charter 08* (blog), December 23, 2015.

⁴⁷Rights Defense Network, “Zhongguo Guoji Jinkou Bolanhui’ Shanghai kaimu zhong Shanghai weiquan renshi bei xing ju, guan heijianyu, qiangpo shizong” [“China International Import Expo” opened in Shanghai, Shanghai rights advocates were arrested, placed in black jails, and forcibly disappeared], November 5, 2018; “Jinkou Bolanhui kaimu Shanghai zhongduo weiquan renshi zai ‘weiwen’” [As Import Expo opens, numerous Shanghai rights defenders encounter “stability maintenance”], *Radio Free Asia*, November 5, 2018.

⁴⁸Rights Defense Network, “Zhonggong kai Lianghui Shanghai weiquan renshi zao xingshi juliu, guan heijianyu, qiangpo shizong qingkuang tongbao (xuji)” [Status report on Shanghai rights defenders being criminally detained, held in black jails, forcibly disappeared during CCP’s Two Sessions (continued)], March 9, 2019; Rights Defense Network, “Beijing ‘Lianghui’ linjin, dangju dasi bangjia weiquan renshi he fangmin qingkuang tongbao” [With the “Two Sessions” approaching, authorities wantonly kidnap rights defenders and petitioners, a status report], February 28, 2019. See also Lily Kuo, “‘Two Sessions’: Beijing Locked Down for China’s Greatest Political Spectacle,” *Guardian*, March 4, 2019.

⁴⁹*Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1).

⁵⁰Supreme People’s Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa* (*Shixing*) [People’s Procuratorate Measures on Implementation of Compulsory Medical Treatment (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.

⁵¹For more information on Lu Qianrong, see the Commission’s Political Prisoner Database record 2018-00614.

⁵²Civil Rights & Livelihood Watch, “Anhui Lu Qianrong bei guan jingshenbingyuan 65 tian” [Anhui’s Lu Qianrong forcibly committed to psychiatric hospital for 65 days], October 24, 2018.

⁵³Rights Defense Network, “Lu Qianrong bei wang shang quanmian jin yan shengming” [Lu Qianrong’s declaration concerning his being completely banned from online speech], January 11, 2019.

⁵⁴*Zhonghua Renmin Gongheguo Zhi’an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, arts. 10, 16. See also the following records in the Commission’s Political Prisoner Database: 2018-00448 on Hu Changjie and 2018-00457 on Zou Wanli.

⁵⁵See, e.g., Yang Bo and Wang Mingrun, “Guangzhou Ribao jizhe fang’ai ri zoujin Nanfeng Qiangzhi Geli Jiedusuo duihua HIV huanzhe” [Guangzhou Daily reporter visits Nanfeng Compulsory Drug detoxification Center to speak with people with HIV on AIDS prevention day], *Guangzhou Daily*, December 1, 2018; “Qiangzhi geli jiedu” [Compulsory drug detoxification], Jiayuguan Education Information Web, March 6, 2019; Liang Dahong, “Guizhou Tongzi xian Qiangzhi Geli Jiedusuo—20 nian anquan wushigu!” [Tongzi county, Guizhou, Compulsory Detoxification Center—20 years all without any incidents], *Spreading Culture Network*, October 31, 2018. See also State Council, *Jiedu Tiaoli* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 4; Ministry of Public Security, *Gong’an Jiguan Qiangzhi Geli Jiedusuo Guanli Banfa* [Measures on the Management of Public Security Agency Compulsory Isolation and Drug Detoxification Centers], issued and effective September 19, 2011, arts. 1–2.

⁵⁶*Zhonghua Renmin Gongheguo Jindu Fa* [PRC Narcotics Law], issued December 27, 2007, effective June 1, 2008, art. 47; State Council, *Jiedu Tiaoli* [Regulations on Drug Detoxification], issued and effective June 22, 2011, art. 27.

⁵⁷Emile Dirks, “Partial Victory for China’s Detainees,” *East Asia Forum*, February 12, 2019; Isabelle Li and Shan Yuxiao, “China Signals End of Controversial Sex Work Detention Program,” *Cairn*, December 29, 2018; Li Qiaochu, “Quanguo Renda Changweiyuanhui Fagongwei: jianyi feizhi shourong jiaoyu zhidu” [NPC Legislative Affairs Commission: Proposes repeal of “custody and education” system], *People’s Daily*, December 26, 2018.

⁵⁸State Council, *Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa* [Measures on Custody and Education for Sex Workers and Their Clients], issued September 4, 1993, amended January 8, 2011, arts. 2, 3, 9; Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013; Meng Yaxu, “Weihe si ci ‘maotou’ duizhun shourong jiaoyu? Quanguo Zhengxie weiyuan huiying” [Why critique custody and reeducation four times? CPPCC committee member responds], *Beijing Youth Daily*, December 26, 2018.

⁵⁹Human Rights Watch, “China: Abolish Arbitrary Detention for Sex Workers,” March 7, 2019; “Rights Group Calls on China’s Parliament to End Sex Worker ‘Re-education,’” *Radio Free Asia*, March 6, 2019. One human rights scholar called for the end of the system because it primarily targets women and is prone to abuse.

⁶⁰Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Perea, “Canadians and Chinese Justice: A Who’s Who of the Political Feud So Far,” *Globe and Mail*, January 15, 2019, accessed July 3, 2019.

⁶¹Michael Caster, “China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change,” *Guardian*, January 3, 2019; Safeguard Defenders, “The Use of Solitary Confinement in RSDL as a Method of Torture,” *RSDL Monitor* (blog), April 11, 2019.

⁶²Nathan VanderKlippe, “Two Canadians Detained in China for Four Months Prevented from Going Outside, Official Says,” *Globe and Mail*, April 10, 2019; Safeguard Defenders, “The Use of Solitary Confinement in RSDL as a Method of Torture,” *RSDL Monitor* (blog), April 11, 2019.

⁶³Nathan VanderKlippe, “Two Canadians Detained in China for Four Months Prevented from Going Outside, Official Says,” *Globe and Mail*, April 10, 2019; Safeguard Defenders, “The use

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⁶⁴ Ministry of Foreign Affairs, “2019 nian 5 yue 16 ri Waijiaobu fayanren Lu Kang zhuchi lixing jizhehui” [May 16, 2019, Ministry of Foreign Affairs spokesperson Lu Kang holds a regular press conference], May 16, 2019; Liu Zhen, “China Charges Canadians Michael Kovrig and Michael Spavor with Spying,” *South China Morning Post*, May 16, 2019; “China Formally Arrests Canadians Kovrig, Spavor in Case Linked to Huawei,” *Associated Press*, reprinted in *Vancouver Sun*, June 11, 2019; “Jia’nada ji renyuan Kang Mingkai shexian fanzui an qude zhongyao jinzhan” [Canadian national Michael Kovrig’s criminal case makes significant progress], *China Peace Net*, reprinted in *Liupanshui Chang’an Net*, March 5, 2019; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 111.

⁶⁵ Abhishek G Bhaya, “Canadian ‘Drug Smuggler’ Faces Stricter Sentence as Chinese Court Orders Retrial,” *CGTN*, December 30, 2019; Eva Dou and Paul Vieira, “Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial,” *Wall Street Journal*, January 14, 2019.

⁶⁶ *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 237.

⁶⁷ Abhishek G Bhaya, “Canadian ‘Drug Smuggler’ Faces Stricter Sentence as Chinese Court Orders Retrial,” *CGTN*, December 30, 2019; Eva Dou and Paul Vieira, “Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial,” *Wall Street Journal*, January 14, 2019.

⁶⁸ “The Schellenberg Affair: Chinese Lawyers and Law Professors Opposing Court’s Handling of Robert Schellenberg’s Case,” *China Change*, January 16, 2019; Ye Bing, “Mo Shaoping lushi: Xielunboge an chengxu budang dangting xuanpan sixing qiansuoweijian” [Lawyer Mo Shaoping: Schellenberg’s Case procedures were improper, pronouncing a death sentence in court is unprecedented], *Voice of America*, January 16, 2019; Donald Clarke, “China’s Death Threat Diplomacy,” *China Collection* (blog), January 14, 2019; Amnesty International, “China Must Revoke Death Sentence against Canadian Citizen for Drug Crimes,” January 15, 2019; Tom Blackwell, “Rapid Verdict and Death Sentence to Canadian Was ‘Very Abnormal’ in Chinese System, Says His Beijing Defence Lawyer,” *National Post*, January 17, 2019; Eva Dou and Paul Vieira, “Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial,” *Wall Street Journal*, January 14, 2019. See also *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 237.

⁶⁹ Eva Dou and Paul Vieira, “Chinese Court Sentences Canadian National to Death for Drug Crimes in Retrial,” *Wall Street Journal*, January 14, 2019; Donald Clarke, “China’s Hostage Diplomacy,” *Lawfare* (blog), January 11, 2019; Donald Clarke, “China’s Death Threat Diplomacy,” *China Collection* (blog), January 14, 2019; “Canadian Man Accused of Spying in China Gets Visit by Consular Officials,” *CBC*, March 25, 2019.

⁷⁰ Julia Horowitz, “Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States,” *CNN*, April 6, 2019; Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, “Canadians and Chinese Justice: A Who’s Who of the Political Feud So Far,” *Globe and Mail*, April 10, 2019.

⁷¹ Christopher Balding and Donald C. Clarke, “Who Owns Huawei?,” Social Science Research Network, April 17, 2019; Raymond Zhong, “Who Owns Huawei? The Company Tried to Explain. It Got Complicated,” *New York Times*, April 25, 2019. Huawei may be a state-owned enterprise, according to experts.

⁷² Julia Horowitz, “Huawei CFO Meng Wanzhou Arrested in Canada, Faces Extradition to United States,” *CNN*, April 6, 2019; Nathan VanderKlippe, Robert Fife, Steven Chase, and Les Pereaux, “Canadians and Chinese Justice: A Who’s Who of the Political Feud So Far,” *Globe and Mail*, April 10, 2019. Authorities released Meng on bail and ordered her to remain in Canada pending final judgment on her extradition to the United States.

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