

## CECC Annual Report 2021

### KEY FINDINGS

#### CRIMINAL JUSTICE

- The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party’s coercive rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party’s authority.
- Government officials used extrajudicial and extralegal means—such as mass internment camps, “black jails,” and psychiatric hospitals—to detain members of ethnic minorities, political dissidents, and people who sought redress for damages caused by official actions.
- Arbitrary detention did not abate despite official rhetoric promoting “rule-based governance.” Authorities labeled rights advocates and dissidents as criminals, using provisions such as “endangering state security” and other vaguely defined offenses. Also, the government is increasingly arbitrarily detaining foreign citizens in an effort to exert diplomatic pressure on their countries.
- Legally recognized forms of detention—such as “retention in custody” and “residential surveillance at a designated location”—may lend a veneer of legality but were often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention.
- There also was evidence suggesting that authorities had used the criminal justice system for political purposes. In one case, authorities sentenced a financier to death for non-violent crimes and executed him within 1 month, during which two stages of judicial review allegedly were completed—one by the provincial high court and one by the Supreme People’s Court. While the exact reason behind the speedy execution was unclear, the Party’s disciplinary commission issued a memorandum saying that the execution could set an example of the consequences of rejecting the Party’s leadership.

#### CRIMINAL JUSTICE

##### *Findings*

- The criminal justice system remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party’s coercive rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the Party’s authority.
- Government officials used extrajudicial and extralegal means—such as mass internment camps, “black jails,” and psychiatric hospitals—to detain members of ethnic minorities, po-

litical dissidents, and people who sought redress for damages caused by official actions.

- Arbitrary detention did not abate despite official rhetoric promoting “rule-based governance.” Authorities labeled rights advocates and dissidents as criminals, using provisions such as “endangering state security” and other vaguely defined offenses. Also, the government is increasingly arbitrarily detaining foreign citizens in an effort to exert diplomatic pressure on their countries.

- Legally recognized forms of detention—such as “retention in custody” and “residential surveillance at a designated location”—may lend a veneer of legality but were often arbitrarily applied and used by officials as cover for secret detentions. Reports emerged this past year indicating that officials had tortured individuals while holding them in these forms of detention.

- There also was evidence suggesting that authorities had used the criminal justice system for political purposes. In one case, authorities sentenced a financier to death for non-violent crimes and executed him within 1 month, during which two stages of judicial review allegedly were completed—one by the provincial high court and one by the Supreme People’s Court. While the exact reason behind the speedy execution was unclear, the Party’s disciplinary commission issued a memorandum saying that the execution could set an example of the consequences of rejecting the Party’s leadership.

#### *Recommendations*

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

- Publicly advocate for political prisoners. Chinese officials have deprived individuals of liberty on unsubstantiated criminal charges and for apparent political reasons. Experience demonstrates that consistently and prominently raising individual prisoner cases—and the larger human rights issues they represent—can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this section and other sections in this report. For additional cases, refer to the Commission’s Political Prisoner Database.

- Prioritize an end to arbitrary detention through diplomatic engagement. The Administration should urge Chinese officials to end all forms of arbitrary detention and raise this issue in all bilateral discussions and in multilateral institutions of which the U.S. and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness of the detention of political and religious prisoners in “black jails,” psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding non-governmental projects

that assist individuals with submissions to the UN Working Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and other UN human rights mechanisms, and to accumulate evidence on Chinese officials complicit in the arbitrary detention of political and religious prisoners.

- Take the necessary steps to ensure that U.S. businesses are not complicit in PRC abuses of police power. The Administration and Members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to the Chinese police. Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.

- Engage with reform-minded governments and non-governmental actors. The Administration and Members of Congress should continue, and where appropriate expand, support for programs involving U.S. entities engaging with reform-minded Chinese individuals and organizations 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 trial, and creating more reliable procedures for reviewing death penalty cases.

- Voice support for human rights advocates in China. Members of Congress and Administration officials, especially the President, should regularly meet with Chinese civil society and democracy advocates and human rights defenders, as well as other targets of Chinese government repression. The Administration and Members of Congress should discuss the importance of protection for such individuals with their Chinese counterparts in a wide range of bilateral and multilateral discussions.

- Stress to the Chinese government the need for greater transparency in its use of the death penalty. The Administration and Members of Congress should urge Chinese officials to disclose the number and circumstances of executions. The Administration and Members of Congress should also urge the Chinese government to ban explicitly, in national legislation, the harvesting of organs from live and executed prisoners, to include prisoners of conscience and prisoners from ethnic and religious minorities.

## CRIMINAL JUSTICE

### *Introduction*

During the Commission's 2021 reporting year, Chinese government and Communist Party officials continued to use the criminal justice system and various other forms of detention to arbitrarily detain individuals. As of February 2021, the human rights monitoring group Rights Defense Network documented 1,104 cases of active detention, which the group estimated to be a small fraction of the total number of political and religious prisoners in China.<sup>1</sup> In reviewing China's administration of justice in 2020, a scholar observed the standardization of abusive procedures, such as total isolation and torture of detainees in politically sensitive cases, the scope of which has expanded due to the diminishing space for speech and civil society activities.<sup>2</sup>

The UN Working Group on Arbitrary Detention considers a detention arbitrary if—1) it has no legal basis, 2) it is used to suppress the exercise of universal human rights, 3) the detainee's due process rights are violated, 4) asylum seekers or refugees are subjected to prolonged detention, or 5) the detention is discriminatory on grounds such as religion, ethnicity, sexual orientation, or political opinion.<sup>3</sup> Arbitrary detention violates international human rights standards<sup>4</sup> and China's Constitution, which prohibits unlawful deprivation or restriction of a person's liberty.<sup>5</sup> All forms of arbitrary detention are prohibited under international law, including "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."<sup>6</sup>

### *Extrajudicial Detention*

Chinese authorities used the following forms of extrajudicial detention this past year to arbitrarily detain individuals:

#### ENFORCED DISAPPEARANCE

Reports of enforced disappearance continued to emerge this past year.<sup>7</sup> "Enforced disappearance" is any form of deprivation of a person's liberty carried out by the government or with its acquiescence, followed by a refusal to acknowledge the detention or to disclose the detainee's whereabouts.<sup>8</sup> In one case, rights lawyer **Gao Zhisheng's** whereabouts have remained unknown since public security officials took him into custody in 2017.<sup>9</sup> Gao's disappearance came after he wrote a book detailing his experience of being tortured and his outlook on democratization in China.<sup>10</sup>

Enforced disappearance not only violates the victim's rights, it also inflicts upon his or her family members mental anguish amounting to torture.<sup>11</sup> In January 2021, Gao's wife Geng He reported that Gao's elder sister committed suicide in May 2020 on her third attempt due to depression caused by Gao's situation.<sup>12</sup> Geng herself likewise expressed intense worries over Gao's health.<sup>13</sup>

## BLACK JAILS

The informal term “black jail” refers to buildings such as hotels and training centers that government officials or their agents use to detain people.<sup>14</sup> These extralegal detention facilities operate under different names, including “assistance and service center” or “legal education center.”<sup>15</sup> Their existence and use have no legal basis, and people detained at such sites—many of whom are petitioners<sup>16</sup> and Falun Gong practitioners<sup>17</sup>—do not know when they will be released and do not have any procedural protection.<sup>18</sup>

In one example, five government bodies in Aluke'erqin Banner, Chifeng municipality, Inner Mongolia Autonomous Region, jointly issued a notice telling parents that those who resisted the government's fall 2020 reduction of Mongolian language education in schools would be placed in “legal education training,”<sup>19</sup> which victims refer to as being sent to a “black jail.”<sup>20</sup> The PRC Legislation Law, however, prohibits any mandatory measure or punishment that deprives or restricts citizens' liberty unless such measure or punishment has been passed by the National People's Congress.<sup>21</sup> The Southern Mongolian Human Rights Information Center characterized the education policy as being part of a cultural genocide campaign, the enforcement of which led to an estimated 8,000 to 10,000 people being placed in some form of police custody between August and October 2020.<sup>22</sup> [For more information on the new language policy in the Inner Mongolia Autonomous Region, see Section II—Ethnic Minority Rights.]

## PSYCHIATRIC FACILITIES

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for acts such as expressing political opinions or grievances against the government continued during this past year,<sup>23</sup> despite domestic legal provisions prohibiting such abuse.<sup>24</sup> In particular, the UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care provide that a “determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards” and must not be based on “political . . . or any other reason not directly relevant to mental health status.”<sup>25</sup>

The Chinese human rights organization Civil Rights & Livelihood Watch (CRLW) observed that *bei jingshenbing* had not abated, although the number of reports of abuse had decreased due to censorship.<sup>26</sup> In its annual report, CRLW detailed a case in which authorities detained **Ou Biaofeng** in December 2020 and criminally charged him with “inciting subversion of state power” after he retweeted two video clips in which *bei jingshenbing* victim **Dong Yaoqiong** clarified that she in fact was not mentally ill.<sup>27</sup> Authorities detained Dong in July 2018 and committed her to a psychiatric hospital in Hunan province after she live-streamed herself throwing black ink on a poster of President and Party General Secretary Xi Jinping on Twitter,<sup>28</sup> a platform banned in China.<sup>29</sup> Following Ou's detention, authorities in February 2021 committed Dong for a third time to a psychiatric facility.<sup>30</sup>

#### ADMINISTRATIVE DETENTION

Chinese authorities continued to suppress freedoms such as speech,<sup>31</sup> press,<sup>32</sup> and assembly<sup>33</sup> through administrative detention, which is among several types of administrative penalties authorized by the PRC Public Security Administration Punishment Law and the PRC Administrative Penalty Law,<sup>34</sup> and which is referenced in about 90 domestic laws and regulations.<sup>35</sup> Some political detainees are subjected to further criminal detention and prosecution after completion of administrative detention.<sup>36</sup>

In January 2021, the NPC Standing Committee amended the PRC Administrative Penalty Law, adding a number of provisions, some of which concern procedural protection, such as requiring government agencies to make audio or written records and to disclose the legal basis and procedures used during the course of enforcing the law.<sup>37</sup> With an effective date of July 2021, the amendment's impact on human rights practices is still unknown.<sup>38</sup>

#### RETENTION IN CUSTODY

The PRC Supervision Law (Supervision Law),<sup>39</sup> authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct<sup>40</sup> using methods including “retention in custody” (*liuzhi*),<sup>41</sup> an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and denies them the right to be tried.<sup>42</sup> [For information on reports of torture used in retention in custody, see subsection “Torture and Abuse” below.]

#### MASS INTERNMENT CAMPS

Authorities continued to operate a system of extrajudicial mass internment camps in the Xinjiang Uyghur Autonomous Region in which they have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups, including Uyghurs, Kazakhs, Kyrgyz, Hui, and others.<sup>43</sup> As of February 2021, the U.S. Secretary of State and Canada's parliament determined that the Chinese government was committing genocide against Muslim minorities in China.<sup>44</sup> [For more information on arbitrary detention in China's mass internment camps, see Section IV—Xinjiang.]

#### *Abuse of Criminal Provisions*

As “law-based governance” remained a theme in official rhetoric,<sup>45</sup> Chinese authorities continued to suppress the exercise of universal human rights through the use of criminal charges. Commonly applied criminal offenses include—

- **Crimes of endangering state security**,<sup>46</sup> a category of 12 offenses that carry a maximum life sentence and that have been lodged against government critics and rights lawyers;<sup>47</sup>
- **Picking quarrels and provoking trouble**,<sup>48</sup> often considered a catch-all offense and encompassing internet activities,<sup>49</sup> which carries a sentence of up to 10 years in prison, and which has been used against anyone the government deems to be a troublemaker;<sup>50</sup>

- **Extortion**,<sup>51</sup> carrying a term of over 10 years' imprisonment depending on the amount of money involved, and which has been applied to individuals who petition the government for redress of grievances;<sup>52</sup>
- **Illegal business activity**,<sup>53</sup> carrying a maximum sentence of over five years, which has been used in cases involving religious and political publications;<sup>54</sup> and
- **Organizing and using a cult to undermine implementation of the law**,<sup>55</sup> with sentences ranging from under three years to life imprisonment, typically used to prosecute individuals considered to be "cult members," such as Falun Gong practitioners,<sup>56</sup> and in connection with which lawyers are prohibited from contesting the government's cult designation in the course of defending the accused.<sup>57</sup>

Cases of note from this past year in which authorities alleged other criminal offenses include—

- Former state-owned enterprise official **Ren Zhiqiang**, who was sentenced to 18 years in prison on September 22, 2020, for "corruption," "bribe acceptance," "embezzlement of public funds," and "abuse of office,"<sup>58</sup> after he criticized Party General Secretary Xi Jinping;<sup>59</sup> and
- Hong Kong democracy advocate **Andy Li**, who was sentenced to seven months in prison for "illegal border crossing," after China's coast guard intercepted in the South China Sea the speedboat that Li and 11 others were using to travel to Taiwan, reportedly to seek asylum relating to their political activities in 2019.<sup>60</sup>

#### FOREIGN INDIVIDUALS DETAINED UNDER STATE SECURITY CHARGES

This past year, the Chinese government continued to arbitrarily detain foreign individuals as one of several pressure tactics against foreign governments, the use of which has sharply escalated since 2018, as observed by the Australian Strategic Policy Institute (ASPI).<sup>61</sup> In a report published in August 2020, ASPI noted that this type of arbitrary detention often involves "enforced disappearances, unusual trial delays, harsh punishments, prolonged interrogations and lack of transparency to maximise the effects of coercion."<sup>62</sup> Furthermore, Chinese authorities are "known to reinstate Chinese citizenship to detainees to prevent them from being repatriated . . ."<sup>63</sup> Recent examples include the following:

- Chinese authorities detained reporter **Cheng Lei**, an Australian citizen of Chinese descent, in August 2020 for "illegally providing state secrets and intelligence to overseas entities."<sup>64</sup> The non-governmental organization Safeguard Defenders identified this case as an example of "hostage diplomacy," noting Australia's critical stance on China.<sup>65</sup>
- In March 2021, Canadian citizens **Michael Kovrig** and **Michael Spavor** were tried in closed proceedings—also on the charge of "illegally providing state secrets and intelligence to overseas entities"—more than two years after their detention in December 2018.<sup>66</sup> Their detentions are "widely viewed as an act of retaliation against Canada for the arrest of Meng

Wanzhou, an executive at the Chinese tech giant Huawei,” according to a Human Rights Watch researcher.<sup>67</sup>

- The UN Working Group on Arbitrary Detention found that the detention of U.S. citizen **Kai Li** was arbitrary because Chinese authorities failed to promptly inform him of the charges against him, denied him the right to seek judicial review of the lawfulness of his detention, and deprived him of the right to legal counsel.<sup>68</sup> In 2018, a court in Shanghai municipality sentenced Li to 10 years in prison for allegedly collecting “state secrets” on behalf of the Federal Bureau of Investigation.<sup>69</sup> The judge presiding over the appeal reportedly admitted to not having any real control over the outcome of the case; the Working Group concluded that this lack of judicial independence violated Li’s right to a fair hearing and the presumption of innocence.<sup>70</sup>

[Please refer to other chapters in this annual report for additional specific examples of abuse of the criminal law.]

#### *Prolonged Pretrial Detention*

Reports continued to emerge indicating that Chinese authorities subjected political prisoners to prolonged pretrial detention, a violation of the right to a speedy trial under the International Covenant on Civil and Political Rights.<sup>71</sup> The PRC Criminal Procedure Law requires that a decision to formally arrest an individual must be made within 37 days after the initial detention.<sup>72</sup> Thereafter, absent special circumstances, the procuratorate has one month to indict an individual, and the court is required to complete trial and sentencing within two months after receiving the case from the procuratorate.<sup>73</sup> In practice, however, the length of pretrial detention experienced by political prisoners often far exceeds the legal limits.<sup>74</sup>

The human rights organization Frontline Defenders observed that “[m]ost of the defenders convicted in the mainland have been kept under prolonged pretrial detention, often without access to their family and legal counsel of their choice.”<sup>75</sup> In one example, rights lawyer **Li Yuhan** remained in pretrial detention for over three years after her initial detention in October 2017.<sup>76</sup> The United States and the European Union have called for her release and expressed concern about her deteriorating health.<sup>77</sup>

#### *Denial of Counsel and Family Visits*

The Commission observed cases in which Chinese authorities denied detainees the right to counsel and family visits, in violation of international law.<sup>78</sup> While domestic legal provisions permit counsel and family visits, they do not describe such visits as rights.<sup>79</sup> In particular, the PRC Criminal Procedure Law does not provide for family visits per se but permits visitation only if the family member is acting as a defense representative.<sup>80</sup> The law likewise circumscribes counsel visits during the investigation phase of a case if it involves state security, requiring prior permission by relevant authorities.<sup>81</sup>

In one example, in June 2020, the Public Security Bureau of Linyi municipality in Shandong province denied lawyer Ma Wei’s

application to meet with detained legal advocate **Xu Zhiyong** on grounds that the case involved state security, citing Article 39 of the PRC Criminal Procedure Law.<sup>82</sup> Authorities detained Xu and several other democracy advocates after they met in Xiamen municipality, Fujian province, in December 2019.<sup>83</sup> Human rights lawyer **Ding Jiayi**, who was among those detained, also was denied counsel visit.<sup>84</sup> Xu's family discovered that neither Xu's nor Ding's name was registered in the detention center's computer system, prompting speculation that they were either registered under aliases or not at all.<sup>85</sup> Ding's wife said this practice was tantamount to disappearance.<sup>86</sup>

Other representative examples include—

- Officials at Shaya Prison in Aksu prefecture, Xinjiang Uyghur Autonomous Region, permitted **Zhang Haitao** to meet with his family only three times over a five-year period.<sup>87</sup> Zhang is serving a 19-year sentence on state security charges in connection with his advocacy for ethnic minority rights.<sup>88</sup>
- Qianjiang Prison officials in Hubei province denied **Qin Yongmin** the right to family visits for over six months despite monthly requests.<sup>89</sup> Qin is the founder of the China Democracy Party and is serving a 13-year sentence for “subversion.”<sup>90</sup>
- Human rights lawyer **Yu Wensheng**, who is serving a four-year sentence for “inciting subversion” after publishing an essay promoting constitutional reform, was not permitted to meet with his wife for over three years.<sup>91</sup>

#### *Denial of Effective Legal Representation*

Reports show that Chinese authorities denied criminal defendants their right to effective legal assistance by a representative of their own choosing, especially in political cases.<sup>92</sup> In one example, **Cheng Yuan, Liu Dazhi, and Wu Gejianxiong**, whom authorities previously held in prolonged pretrial detention on state security charges, were reportedly tried in a closed hearing on an unknown date apparently without legal representation of their own choosing, a violation of international law.<sup>93</sup> The three defendants belonged to a group that promoted government transparency and advocated for the rights of persons with disabilities.<sup>94</sup> In July 2020, Wu Gejianxiong's father Wu Youshui, a lawyer who was representing his son in the case, wrote that authorities told his co-counsel that the three defendants had terminated all six lawyers working on the case on the same day.<sup>95</sup> Wu Youshui expressed doubt that the decision to terminate his representation was made voluntarily.<sup>96</sup>

#### *Torture and Abuse*

Reports indicate that the practice of torture and abuse of detainees continued in China, a violation of the Chinese government's international human rights obligations as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).<sup>97</sup>

### *Physical Harm*

In one report of torture, National Supervisory Commission officials in Changzhou municipality, Jiangsu province, detained **Yang Meng** for 156 days in 2018 under “retention in custody,”<sup>98</sup> which is a form of detention designed to hold Party members who are under investigation for misconduct such as corruption.<sup>99</sup> Authorities detained Yang, a Chinese Communist Party member and retired government worker, after he made multiple reports of collusion between local officials and pharmaceutical companies.<sup>100</sup> When Yang was on trial on corruption charges, he testified that interrogators applied irritants to his eyes, beat and insulted him, limited his drinking water, and restricted bathroom usage.<sup>101</sup> Yang also testified that he was unable to stand up after having been ordered to sit in an interrogation chair for 18 hours a day over a 140-day period.<sup>102</sup> Such torture resulted in blindness in one eye, deafness in one ear, and permanent injury to his right leg.<sup>103</sup> Yang and his legal representative made multiple requests for medical treatment for his injuries but were ignored.<sup>104</sup>

Authorities reportedly also tortured **Niu Tengyu**, who was detained in connection with the leakage of information on Xi Jinping’s relatives.<sup>105</sup> According to Niu’s mother, because Niu initially refused to confess, officials hung him up by his handcuffs in a dark room and whipped him for one to two hours until he lost consciousness, after which they dropped hot wax onto him.<sup>106</sup> The abuse caused Niu to lose one finger.<sup>107</sup> Niu eventually pleaded guilty, and a court in Guangdong province sentenced him to 14 years in prison.<sup>108</sup>

In February 2021, the BBC published an article detailing “evidence of an organised system of mass rape, sexual abuse and torture” based on statements of former detainees and a guard from mass internment camps in the Xinjiang Uyghur Autonomous Region.<sup>109</sup> Rape is torture and systematic rape constitutes a crime against humanity.<sup>110</sup> [For more information on the torture of detainees in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]

In June 2021, 12 UN independent experts reported that they had received credible information that “[f]orced organ harvesting in China appears to be targeting specific ethnic, linguistic or religious minorities held in detention . . .”<sup>111</sup> UN experts had raised the issue of organ harvesting previously, but the Chinese government’s failure to disclose relevant data presented “obstacles to the successful identification and protection of victims of trafficking and effective investigation and prosecution of traffickers.”<sup>112</sup>

### *Death in Custody*

In January 2021, ethnic Kazakh Akikat Kaliolla, who lived in Kazakhstan, reported that his father, **Qaliolla Tursyn**, had died in custody, possibly in Wusu Prison in Ili (Yili) Kazakh Autonomous Prefecture, Xinjiang Uyghur Autonomous Region.<sup>113</sup> Kaliolla said that authorities detained his father in March 2018 and subjected him to prolonged shackling and severe beatings after his father made complaints against local government officials for having set up extralegal detention facilities that they used to hold people

for periods lasting from three months to over three years.<sup>114</sup> Kaliolla’s mother and brothers disappeared in August 2020, which he believed was government officials’ attempt to force them to admit that the father had died of natural causes.<sup>115</sup>

#### *Suppression of Reporting on Torture*

Chinese authorities have punished individuals who disseminated information about incidents of torture. For example—

- In October 2020, police in Baoji municipality, Shaanxi province, took lawyer **Chang Weiping** into custody six days after he shared a video retelling his experience of being tortured during his incommunicado detention earlier that year.<sup>116</sup>
- In January 2021, the Bureau of Justice in Chaoyang district, Beijing municipality, suspended lawyer **Zhou Ze**’s license for a year on grounds that he “used improper methods to affect lawful case handling” because he posted video footage of an official abusing a criminal defendant.<sup>117</sup>
- In February 2021, police took **Li Qiaochu** into custody in Beijing municipality, one day after she exposed detained legal scholar Xu Zhiyong’s experience of being tightly tied to an interrogation chair and deprived of adequate food and water by detention center officials.<sup>118</sup>

#### *Infliction of Psychological Harm*

Chinese authorities have used threats of harm and caused actual harm to a person’s family members to exert pressure on individuals they intend to target. For instance, detained lawyer **Yu Wensheng** told his wife that public security officials had threatened to detain her and to harm his child when he was detained under “residential surveillance at a designated location.”<sup>119</sup>

In another example, Rushan Abbas, a U.S.-based Uyghur and American citizen, reported in December 2020 that Chinese authorities had sentenced her sister **Gulshan Abbas** to 20 years in prison in March 2019 on terrorism-related charges.<sup>120</sup> Rushan Abbas believed that her sister’s detention was retaliation by Chinese authorities for her advocacy work in the United States.<sup>121</sup> Gulshan Abbas disappeared in September 2018, soon after Rushan Abbas participated in a panel discussing the mass internment of Uyghurs in the Xinjiang Uyghur Autonomous Region.<sup>122</sup>

#### *Residential Surveillance at a Designated Location*

Chinese authorities continued to abuse a form of detention known as “residential surveillance at a designated location” (RSDL), which the PRC Criminal Procedure Law reserves for situations where the detainee does not have a permanent residence or if the case involves state security or terrorism.<sup>123</sup> The law does not provide for the right to family visits, requiring only that the family be notified of the fact of the detention within 24 hours if possible; it also does not require the disclosure of the detention location.<sup>124</sup> The law further subjects counsel visits to approval by the investigation unit.<sup>125</sup> A group of UN experts observed that “these conditions of detention are analogous to incommunicado and secret detention

and tantamount to enforced disappearance.” Such conditions heighten the risk of torture and abuse.<sup>126</sup>

Reports show that torture and abuse have taken place during RSDL. In the case of legal scholar **Xu Zhiyong**, police deprived him of sleep over a 10-day period and tied him to an interrogation chair so tightly that he had difficulty breathing.<sup>127</sup> In the case of constitutionalism proponent **Chen Jianfang**, authorities likewise subjected her to sleep deprivation, causing her to lose the sense of time.<sup>128</sup> Chen met with her lawyer for the first time in March 2021, nearly two years after her initial detention; previously, Chen’s whereabouts remained undisclosed to her lawyer.<sup>129</sup>

Authorities also enforced RSDL in cases that did not involve state security or terrorism, contrary to the requirements under the PRC Criminal Procedure Law.<sup>130</sup> In two separate cases, concerning labor rights advocate **Ling Haobo** and press freedom defenders **Chen Mei** and **Cai Wei**, public security officials placed them under RSDL even though they were accused of “picking quarrels and provoking trouble.”<sup>131</sup>

### *The Death Penalty*

The Chinese government continued to classify statistics relating to the use of the death penalty as a “state secret.”<sup>132</sup> Despite official claims that this punishment is reserved for a small number of crimes and only the most serious offenders,<sup>133</sup> human rights group Amnesty International estimated that the Chinese government “executed and sentenced to death thousands of people, remaining the world’s leading executioner.”<sup>134</sup>

In a case involving non-violent and primarily economic crimes, Chinese authorities imposed the death penalty and carried out execution within a month.<sup>135</sup> On January 5, 2021, the Tianjin Municipality No. 2 Intermediate People’s Court sentenced financier **Lai Xiaomin** to death on charges of “receiving bribes,” “corruption,” and “bigamy.”<sup>136</sup> Both his appeal and approval of the death sentence by the Supreme People’s Court were completed before January 29, when he was executed.<sup>137</sup> While the reason behind the speedy execution is unclear,<sup>138</sup> the Central Commission for Discipline Inspection and the National Supervisory Commission issued a memorandum on January 18 criticizing Lai for rejecting the Chinese Communist Party’s leadership and disregarding Party discipline. The two offices also called for Party building in the financial sector, appealing to the principle of “punishing a very few to educate and save the majority.”<sup>139</sup>

### *Legal Developments Affecting Minors*

This past year, the National People’s Congress Standing Committee (NPCSC) and the Supreme People’s Court (SPC) issued legal documents containing provisions affecting procedure and responsibility in cases involving minors. Among the changes made to the PRC Criminal Law was a provision added by the NPCSC that moves the minimum age for criminal liability from 14 to 12 for homicide and intentional injury to another person causing serious harm, or using especially cruel means.<sup>140</sup>

The amendment also established a “specialized corrective education” system for persons under 16 years old who are not receiving criminal punishment.<sup>141</sup> Simultaneously, the NPCSC amended the PRC Juvenile Delinquency Prevention Law, which describes the “specialized corrective education” system in more detail.<sup>142</sup> The law requires province-level governments to designate at least one “specialized school” at a “specialized facility” to hold juveniles who commit criminal acts but are not receiving criminal punishment because of their age.<sup>143</sup> The law further requires that “corrective work” be carried out by public security and judicial administration departments.<sup>144</sup>

In January 2021, the SPC issued an interpretation of the PRC Criminal Procedure Law containing 40 articles describing procedures for cases involving minors.<sup>145</sup> In the interpretation, the SPC established a trial organization dedicated to handling cases involving offenders or victims who are minors.<sup>146</sup> The interpretation generally exempts victims or witnesses who are minors from making in-person court appearances during trial.<sup>147</sup> In addition, courts are required to assist minor victims who have financial difficulties in applying for legal assistance. Courts are also required to work with government agencies and civil society groups to provide psychological, financial, legal, and education assistance to minor victims of sexual assault or violence, and their families.<sup>148</sup>

## Notes to Section II—Criminal Justice

<sup>1</sup>Rights Defense Network, “Zhongguo dalu zaiya zhengzhifan, liangxinfa yuedu baogao (2021 nian 2 yue 28 ri di 65 qi (gong 1104 ren) (yi))” [Report of political prisoners and prisoners of conscience detained in China (February 28, 2021) Issue No. 65 (Total 1,104 persons) (I)], February 28, 2021.

<sup>2</sup>Chen Yu-Jie, “Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses,” trans. Siodhbhra Parkin, *China Human Rights Report 2020*, Taiwan Foundation for Democracy, 2021, 8, 14, 28.

<sup>3</sup>See, e.g., UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–27 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

<sup>4</sup>Universal 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.

<sup>5</sup>*PRC Constitution*, passed and effective December 4, 1982 (amended March 11, 2018), art. 37.

<sup>6</sup>UN Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

<sup>7</sup>See, e.g., Rights Defense Network, “Shanghai yimiao shouhai shouhaizhe Tan Hua de muqin Hua Xiuzhen wei nu'er weiquan zao dangju pohai tuixiu daiyu bei feifa boduo yi zao qiangpo shizong 7 tian” [Hua Xiuzhen, mother of Shanghai vaccine victim Tan Hua, defends rights for daughter but persecuted by the government, retirement benefits unlawfully stripped, involuntarily disappeared for 7 days], January 19, 2021.

<sup>8</sup>International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly resolution 47/133, December 18, 1992, art. 2.

<sup>9</sup>“Gao Zhisheng shizong zheng sannian qizi huyu Meiguo jiuren” [Gao Zhisheng has disappeared for three full years, wife asks the U.S. to save him], *Radio Free Asia*, August 14, 2020.

<sup>10</sup>“Gao Zhisheng shizong zheng sannian qizi huyu Meiguo jiuren” [Gao Zhisheng has disappeared for three full years, wife asks the U.S. to save him], *Radio Free Asia*, August 14, 2020.

<sup>11</sup>UN Voluntary Fund for Victims of Torture, Interpretation of Torture in the Light of the Practice and Jurisprudence of International Bodies, 25.

<sup>12</sup>“Gao Zhisheng jiejie juewang zisha shengqian huo zai kongju zhong” [Gao Zhisheng’s elder sister committed suicide due to hopelessness, she lived in fear before her death], *Radio Free Asia*, January 4, 2021.

<sup>13</sup>“Gao Zhisheng jiejie juewang zisha shengqian huo zai kongju zhong” [Gao Zhisheng’s elder sister committed suicide due to hopelessness, she lived in fear before her death], *Radio Free Asia*, January 4, 2021.

<sup>14</sup>“Zhongguo hei jianyu daguan” [Overview of Black Jails in China], *Radio Free Asia*, May 7, 2019.

<sup>15</sup>“Zhongguo hei jianyu daguan” [Overview of Black Jails in China], *Radio Free Asia*, May 7, 2019.

<sup>16</sup>See, e.g., Civil Rights & Livelihood Watch, “Gedi fangmin bei weiwen qingkuang (liu)” [Status of petitioners from different locations being subjected to stability maintenance (6)], March 4, 2021.

<sup>17</sup>See, e.g., “Hebei Xingtai shi fazhi jiaoyu zhongxin jinqi dui Falun Gong xueyuan de pohai” [Recent persecution of Falun Gong practitioners at the legal education center in Xingtai municipality, Hebei], *Minghui*, August 31, 2020.

<sup>18</sup>“Zhongguo hei jianyu daguan” [Overview of Black Jails in China], *Radio Free Asia*, May 7, 2019.

<sup>19</sup>Southern Mongolian Human Rights Information Center, “Southern Mongolia Turns to Police State as Full-blown Cultural Genocide Unfolds,” September 14, 2020.

<sup>20</sup>Massimo Introvigne, “Neimenggu: 5000 ren beibu, Zhonggong jiazhuang ‘tuoxie’” [Inner Mongolia: 5,000 people detained, Chinese Communist Party pretends to compromise], *Bitter Winter*, September 17, 2020.

<sup>21</sup>*Zhonghua Renmin Gongheguo Lifa Fa* [PRC Legislation Law], passed March 15, 2000, effective July 1, 2000, amended March 15, 2015, arts. 8, 9.

<sup>22</sup>Southern Mongolian Human Rights Information Center, “Southern Mongolia Turns to Police State as Full-blown Cultural Genocide Unfolds,” September 14, 2020; Southern Mongolian Human Rights Information Center, “Activists Face Imprisonment and Police Stations in Schools,” October 18, 2020.

<sup>23</sup>Civil Rights & Livelihood Watch, “2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao” [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

<sup>24</sup>*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); Supreme People’s Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa (Shixing)* [Measures on the Inspection of Implementation of Compulsory Medical Treatment by People’s Procuratorates (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.

<sup>25</sup>Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted by UN General Assembly resolution 46/119 of December 17, 1991, principle 4(1), (2).

<sup>26</sup>Civil Rights & Livelihood Watch, “2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao” [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

<sup>27</sup>Civil Rights & Livelihood Watch, “2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao” [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

<sup>28</sup>Rights Defense Network, “‘Pomo nu’ Dong Yaoqiong shipin kongsu ‘bei jingshenbing’ hou jingkuang suiyou ji bei xiaoyin” [“Ink splash girl” Dong Yaoqiong disappears after issuing an accusatory video detailing her situation after “being forcibly committed to a psychiatric hospital”], December 2, 2020.

<sup>29</sup>Kurt Wagner and Peter Martin, “Twitter Locks Out Chinese Embassy in U.S. Over Post on Uighurs,” *Bloomberg*, January 20, 2021.

<sup>30</sup>See, e.g., “‘Pomo nuhai’ Dong Yaoqiong disan du ru jingshen bingyuan” [“Ink splash girl” Dong Yaoqiong committed to psychiatric hospital for the third time], *Radio Free Asia*, February 9, 2021.

<sup>31</sup>See, e.g., “Zhongguo yancha ‘weifa buliang xinxi’ duoren beiju” [China strictly censors “unlawful and harmful messages,” many people detained], *Radio Free Asia*, August 3, 2020.

<sup>32</sup>“Zeng renzhi Niuyue Shibao zuojia Du Bin she xunxin zishi bei juliu” [Previously employed by New York Times, writer Du Bin detained on suspicion of picking quarrels and provoking trouble], *Radio Free Asia*, December 18, 2020.

<sup>33</sup>Tang Huiyun, “Xianggang kangzhengzhe Wang popo bei ruanjin Zhongguo yinian qinshu beipo canyu ‘aiguo zhilu’ ji xie huiguoshu” [Hong Kong protester Grandma Wong subjected to soft detention in China for a year, personally recounts experience of being forced to go on a “patriotic tour” and write a repentance letter], *Voice of America*, October 18, 2020.

<sup>34</sup>*Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 10; *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, art. 9.

<sup>35</sup>Ministry of Public Security, *Weifan Gong'an Xingzheng Guanli Xingwei de Mingcheng ji Qi Shiyong Yijian* [Opinion on the Titles and Applicable Laws for Public Security Administrative Violations], issued August 6, 2020.

<sup>36</sup>See, e.g., Rights Defense Network, “Ningxia Ma Wanjun lushi yinyan huozui bei xingzheng juliu hou zhuan xingshi juliu” [Lawyer Ma Wanjun of Ningxia transferred to criminal detention after being administratively detained due to his speech], July 6, 2020; “Hunan dangju kuasheng weiwen Ou Biaofeng chujing kanyou” [Hunan government goes beyond province borders to maintain stability, Ou Biaofeng’s situation is worrying], *Radio Free Asia*, December 16, 2020; Civil Rights & Livelihood Watch, “2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao” [2020 annual report on mental health and human rights (forcible psychiatric commitment) situation in China], March 3, 2021.

<sup>37</sup>*Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, arts. 39, 47.

<sup>38</sup>*Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, arts. 39, 47.

<sup>39</sup>*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.

<sup>40</sup>*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 3.

<sup>41</sup>*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, 2018 Annual Report, October 10, 2018, 103.

<sup>42</sup>*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(d); Safeguard Defenders, “Submission to Select UN Special Procedures on China’s National Supervision Commission and Its Detention Tool Liuzhi,” August 21, 2019, para. 41; Gordon Watts, “Mystery Deepens over Ex-Interpol Chief Meng,” *Asia Times*, January 21, 2020.

<sup>43</sup>Roseanne Gerin, “Uyghur Camp Inmates Detail ‘Crimes Against Humanity’ in New Amnesty Report,” *Radio Free Asia*, June 10, 2021. See also Emma Graham-Harrison, “China Has Built 380 Internment Camps in Xinjiang, Study Finds,” *Guardian*, April 2, 2021.

<sup>44</sup>Paula Newton and Ben Westcott, “Canada’s Parliament Says China Committed Genocide against Muslim Minorities,” *CNN*, February 23, 2021.

<sup>45</sup>“Xi Focus: Xi’s Article on Promoting Law-based Governance to Be Published,” *Xinhua*, November 15, 2020.

<sup>46</sup>*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, arts. 102–5, 107–12.

<sup>47</sup>See, e.g., “Liaowangzhe 1: Chongqing mingying qiyejia Li Huaqing yin shandong dianfu guojia zhengquan zui bei panchu 20 nian jianjin” [Sentry Guard 1: Chongqing entrepreneur Li Huaqing sentenced to 20 years in prison for inciting subversion of state power], reprinted in *China Digital Times*, November 21, 2020; Rights Defense Network, “Guangxi renquan lushi Chen Jiahong shexian shandong dianfu guojia zhengquan an kaiting jin yinian zhijin weipan” [Nearly 1 year has passed since lawyer Chen Jiahong of Guangxi was tried for suspicion of inciting subversion of state power, judgment still not issued], June 25, 2021.

<sup>48</sup>*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 293.

<sup>49</sup>Jeremy Daum, “Updated: Quick Note on ‘Picking Quarrels,’” *China Law Translate* (blog), August 1, 2014; “Wuyi shuo: Daodi shenme shi xunxin zishi zui?” [Wuyi speaks: What exactly is the crime of picking quarrels and provoking trouble?], *Falu—Jiangtang*, reprinted in *China Digital Times*, December 29, 2020; Supreme People’s Court and Supreme People’s Procuratorate, *Guanyu banli liyong xinxi wangluo shishi feibang deng xingshi anjian shiyong falu ruogan wusi de jieshi* [Interpretation on Some Questions Regarding Applicable Law When Handling Uses of Information Networks to Commit Defamation and Other Such Criminal Cases], passed September 2, 2013, effective September 10, 2013.

<sup>50</sup> See, e.g., Rights Defense Network, “Gongmin jizhe Zhang Zhan beikong xunxin zishi an jiang yu 2020 nian 12 yue 28 ri zai Shanghai Pudong Xinqu Fayuan kaiting shenli” [Citizen journalist Zhang Zhan accused of picking quarrels and provoking trouble will be tried by the Shanghai Pudong New District People’s Court on December 28, 2020], December 16, 2020.

<sup>51</sup> *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 274.

<sup>52</sup> Rights Defense Network, “Jianzheng dangxia sifa! Heilongjiang sheng shangfang bei panxing bufen anli” [Witness the current justice system! Partial list of cases of petitioners from Heilongjiang province being sentenced], December 22, 2020.

<sup>53</sup> *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 225.

<sup>54</sup> “Beikong ‘feifa jingying’ Geng Xiaonan an jiang yu chunjie qian kaiting” [Geng Xiaonan, accused of “illegal business operations,” will have court hearing before the spring festival], *Voice of America*, February 9, 2021; “Chuanbo Shengjing goucheng ‘feifa jingying’ zui Zhonggong dangju longduan Shengjing chuban fahang” [Distributing the Bible becomes “illegal business activity,” Chinese Communist Party and government monopolize publication and distribution of the Bible], *Voice of America*, December 11, 2020.

<sup>55</sup> *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300.

<sup>56</sup> Xunyang Wei Shi [pseud.] “Jiujiang san ming nanzi chuanbo ‘Falun Gong’ huoxing” [Three males in Jiujiang were sentenced for promoting “Falun Gong”], *Zhongguo Fan Xiejiao* (China Anti-Cult Network), reprinted in Jiujiang Political Legal Web (Jiujiang Zhengfa Wang), January 27, 2021.

<sup>57</sup> Ministry of Justice, Lushi Zhiye Guanli Banfa [Measures on Managing Lawyers’ Practice of Law], issued July 18, 2008, amended September 18, 2016, effective November 1, 2016, art. 39(3).

<sup>58</sup> “Tanwu, shouhui, nuoyong gongkuan, lanyong zhiquan, qiekan guoqi lingdao Ren Zhiqiang de tanfu mianmu” [Corruption, bribe acceptance, embezzlement of public funds, and abuse of office, let’s take a look at the real face of state-own enterprise leader Ren Zhiqiang], *Beijing Daily*, reprinted in *Xinhua*, October 11, 2020.

<sup>59</sup> Chris Buckley, “China’s ‘Big Cannon’ Blasted Xi. Now He’s Been Jailed for 18 Years.,” *New York Times*, February 8, 2021.

<sup>60</sup> “10 ming Gang ren she feifa yuejing an bei panqiu qige yue dao san nian liang ming weichengnian beigao bubei qisu” [10 Hong Kongers sentenced to seven months to three years for illegal border crossing, two minor defendants were not indicted], *BBC*, December 30, 2020.

<sup>61</sup> Margaret McCuaig-Johnston, “Opinion: There Is Nothing Diplomatic about Hostage Diplomacy,” *The Star*, March 10, 2021; Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, “The Chinese Communist Party’s Coercive Diplomacy,” Policy Brief, Report No. 36/2020.

<sup>62</sup> Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, “The Chinese Communist Party’s Coercive Diplomacy,” Policy Brief, Report No. 36/2020.

<sup>63</sup> Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, “The Chinese Communist Party’s Coercive Diplomacy,” Policy Brief, Report No. 36/2020.

<sup>64</sup> Chen Yu-Jie, “Human Rights in the Chinese Administration of Justice: Formalizing Ideology in the Political and Legal System and Institutionalizing and Normalizing Human Rights Abuses,” trans. Siodhbhra Parkin, *China Human Rights Report 2020*, Taiwan Foundation for Democracy, 2021, 16.

<sup>65</sup> Safeguard Defenders, “Australian Journalist Falls Victim to China’s Hostage Diplomacy,” September 1, 2020.

<sup>66</sup> “Michael Kovrig: China Begins Espionage Trial behind Closed Doors,” *BBC*, March 22, 2021.

<sup>67</sup> Wang Yaqiu, “China’s Disregard for the Rule of Law Strikes Too Close to Home,” *Maclean’s*, August 27, 2019.

<sup>68</sup> Working Group on Arbitrary Detention, Opinions Adopted by the Working Group on Arbitrary Detention at Its Eighty-ninth Session, 23–27 November 2020, Opinion No. 78/2020 Concerning Kai Li (China), A/HRC/WGAD/2020/78, January 18, 2021, paras. 39, 43, 50, 51, 53, 54, 67.

<sup>69</sup> Working Group on Arbitrary Detention, Opinions Adopted by the Working Group on Arbitrary Detention at Its Eighty-ninth Session, 23–27 November 2020, Opinion No. 78/2020 Concerning Kai Li (China), A/HRC/WGAD/2020/78, January 18, 2021, para. 12.

<sup>70</sup> Working Group on Arbitrary Detention, Opinions Adopted by the Working Group on Arbitrary Detention at Its Eighty-ninth Session, 23–27 November 2020, Opinion No. 78/2020 Concerning Kai Li (China), A/HRC/WGAD/2020/78, January 18, 2021, para. 63.

<sup>71</sup> International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(c).

<sup>72</sup> *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 91.

<sup>73</sup> *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 172, 208.

<sup>74</sup> See, e.g., Spokesperson for Foreign Affairs and Security Policy of the European Union, “China: Statement by the Spokesperson on the Detention of Human Rights Lawyer Li Yuhan,” December 21, 2020.

<sup>75</sup> Frontline Defenders, “China Returns to the Human Rights Council after a Year of Relentless Crackdown,” January 5, 2021.

<sup>76</sup> Spokesperson for Foreign Affairs and Security Policy of the European Union, “China: Statement by the Spokesperson on the Detention of Human Rights Lawyer Li Yuhan,” December 21, 2020.

<sup>77</sup> Morgan Ortagus, Spokesperson, U.S. Department of State, “The United States Calls for Wang Quanzhang’s Freedom of Movement and Release of Activists,” April 20, 2020; Spokes-

person for Foreign Affairs and Security Policy of the European Union, “China: Statement by the Spokesperson on the Detention of Human Rights Lawyer Li Yuhan,” December 21, 2020.

<sup>78</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(b); United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by UN General Assembly resolution 2015/20, A/C.3/70/L.3, September 29, 2015, rules 58, 61; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by UN General Assembly resolution 43/173 of December 9, 1988, principles 18, 19.

<sup>79</sup>*Zhonghua Renmin Gongheguo Kanshousuo Tiaoli* [PRC Public Security Detention Center Regulations], issued and effective March 17, 1990, art. 28, 32; *Kanshousuo Liusuo Zhixing Xingfa Zuifan Guanli Banfa* [Management Measures for Carrying Out Punishment in Public Security Detention Centers], passed August 20, 2013, effective November 23, 2013, arts. 45, 46; *Zhonghua Renmin Gongheguo Jianyu Fa* [PRC Prison Law], passed and effective December 29, 1994, art. 48; *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 38, 39, 293.

<sup>80</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 33(3), 39.

<sup>81</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.

<sup>82</sup>“Beibu jin bannian jinjian lushi Xu Zhiyong Ding Jiayi kanshousuo renjian zhengfa” [Denied counsel visit nearly half a year into detention; Xu Zhiyong and Ding Jiayi disappeared in public security detention center], *Radio Free Asia*, July 9, 2020.

<sup>83</sup>“Beibu jin bannian jinjian lushi Xu Zhiyong Ding Jiayi kanshousuo renjian zhengfa” [Denied counsel visit nearly half a year into detention; Xu Zhiyong and Ding Jiayi disappeared in public security detention center], *Radio Free Asia*, July 9, 2020.

<sup>84</sup>“Beibu jin bannian jinjian lushi Xu Zhiyong Ding Jiayi kanshousuo renjian zhengfa” [Denied counsel visit nearly half a year into detention; Xu Zhiyong and Ding Jiayi disappeared in public security detention center], *Radio Free Asia*, July 9, 2020.

<sup>85</sup>“Beibu jin bannian jinjian lushi Xu Zhiyong Ding Jiayi kanshousuo renjian zhengfa” [Denied counsel visit nearly half a year into detention; Xu Zhiyong and Ding Jiayi disappeared in public security detention center], *Radio Free Asia*, July 9, 2020.

<sup>86</sup>“Beibu jin bannian jinjian lushi Xu Zhiyong Ding Jiayi kanshousuo renjian zhengfa” [Denied counsel visit nearly half a year into detention; Xu Zhiyong and Ding Jiayi disappeared in public security detention center], *Radio Free Asia*, July 9, 2020.

<sup>87</sup>“Xinjiang liangxinfa Zhang Haitao ruyu wu nian jing jian jiaren san ci” [Xinjiang prisoner of conscience Zhang Haitao met with family three times in the past five years in prison], *Radio Free Asia*, July 29, 2020.

<sup>88</sup>“Xinjiang liangxinfa Zhang Haitao ruyu wu nian jing jian jiaren san ci” [Xinjiang prisoner of conscience Zhang Haitao met with family three times in the past five years in prison], *Radio Free Asia*, July 29, 2020.

<sup>89</sup>“Qin Yongmin jiashu tanjian zao ju jiashu yu bannian cai shoudao,” [Qin Yongmin denied family visit, received letter from family over half a year late], *Radio Free Asia*, August 4, 2020.

<sup>90</sup>“Qin Yongmin jiashu tanjian zao ju jiashu yu bannian cai shoudao,” [Qin Yongmin denied family visit, received letter from family over half a year late], *Radio Free Asia*, August 4, 2020.

<sup>91</sup>William Yang, “Guanya sannian shouci huijian Yu Wensheng qi: Xinteng ta zaofeng de kuanan” [Yu Wensheng met with his wife for the first time after three years of detention, wife: I worry about the suffering he is experiencing], *Deutsche Welle*, January 16, 2021.

<sup>92</sup>International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14.

<sup>93</sup>“Changsha Funeng san junzi bei jiya 20 ge yue Meiguo shizhang zhihan dunchu Zhongguo fangren” [Three gentlemen of Changsha Funeng detained for 20 months; U.S. mayor writes to urge for their release], *Radio Free Asia*, February 15, 2021; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14.

<sup>94</sup>“Changsha Funeng” chengyuan zao jiya shiqi ge yue dangju shen er bupan” [“Changsha Funeng” members detained for 17 months, government tried them but has not issued a judgment], *Radio Free Asia*, December 31, 2020.

<sup>95</sup>Rights Defense Network, “Wu Youshui: Shi shei, touzoule wo erzi de bianhuqian?!” [Wu Youshui: Who is it that took away my son’s right of defense?!], July 29, 2020.

<sup>96</sup>Rights Defense Network, “Wu Youshui: Shi shei, touzoule wo erzi de bianhuqian?!” [Wu Youshui: Who is it that took away my son’s right of defense?!], July 29, 2020.

<sup>97</sup>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 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 (CAT), accessed March 10, 2021. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988.

<sup>98</sup>“Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Medical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>99</sup>*Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22.

<sup>100</sup>Civil Rights & Livelihood Watch, “Yang Meng an: Xinxun bigong de yangben” [The case of Yang Meng: An example of confession by torture], September 9, 2020; “Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Med-

ical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>101</sup>Civil Rights & Livelihood Watch, “Yang Meng an: Xinxun bigong de yangben” [The case of Yang Meng: An example of confession by torture], September 9, 2020; “Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Medical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>102</sup>Civil Rights & Livelihood Watch, “Yang Meng an: Xinxun bigong de yangben” [The case of Yang Meng: An example of confession by torture], September 9, 2020; “Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Medical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>103</sup>Civil Rights & Livelihood Watch, “Yang Meng an: Xinxun bigong de yangben” [The case of Yang Meng: An example of confession by torture], September 9, 2020; “Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Medical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>104</sup>Civil Rights & Livelihood Watch, “Yang Meng an: Xinxun bigong de yangben” [The case of Yang Meng: An example of confession by torture], September 9, 2020; “Zhongguo xinxun bigong yangben anjian baoguang: Jiangsu yaojian guanyuan jubao qiye weifa fancheng beigao” [Sample case of confession by torture in China exposed: Government worker with Jiangsu Medical Products Bureau reported company violation but became a defendant himself], *Radio Free Asia*, September 9, 2020.

<sup>105</sup>“Bei kong xielu Xi Jinping nu’er xinxi Niu Tengyu beipan zhongxing” [Accused of leaking information on Xi Jinping’s daughter, Niu Tengyu given heavy sentence], *Radio France Internationale*, April 24, 2021.

<sup>106</sup>“Bei kong xielu Xi Jinping nu’er xinxi Niu Tengyu beipan zhongxing” [Accused of leaking information on Xi Jinping’s daughter, Niu Tengyu given heavy sentence], *Radio France Internationale*, April 24, 2021.

<sup>107</sup>“Xi Mingze gezi xielu an er shen xuanpan, Niu Tengyu 14 nian xingqi bubian” [Second instance decision announced in the case of Xi Mingze’s personal information leakage, 14 year sentence of Niu Tengyu stays], *Voice of America*, April 25, 2021.

<sup>108</sup>“Bei kong xielu Xi Jinping nu’er xinxi Niu Tengyu beipan zhongxing” [Accused of leaking information on Xi Jinping’s daughter, Niu Tengyu given heavy sentence], *Radio France Internationale*, April 24, 2021.

<sup>109</sup>Matthew Hill, David Campanale, and Joel Gunter, “Their Goal Is to Destroy Everyone’: Uighur Camp Detainees Allege Systematic Rape,” *BBC*, February 2, 2021.

<sup>110</sup>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1 2002, art. 7(1); United Nations Treaty Collection, Chapter XVIII, Penal Matters, Rome Statute of the International Criminal Court, accessed May 30, 2020; UN Commission on Human Rights, Torture and other cruel, inhuman or degrading treatment or punishment, E/CN.4/RES/1998/38, April 17, 1998, para. 22.

<sup>111</sup>UN Office of the High Commissioner for Human Rights, “China: UN Human Rights Experts Alarmed by ‘Organ Harvesting’ Allegations,” June 14, 2021.

<sup>112</sup>UN Office of the High Commissioner for Human Rights, “China: UN Human Rights Experts Alarmed by ‘Organ Harvesting’ Allegations,” June 14, 2021.

<sup>113</sup>“Xinjiang Hasake ren jubao hei jianyu siwang jiashu zhiyi dangju miekou” [Kazakh in Xinjiang died after filing complaints about black jails, family member suspects the government had silenced him], *Radio Free Asia*, January 7, 2021.

<sup>114</sup>“Xinjiang Hasake ren jubao hei jianyu siwang jiashu zhiyi dangju miekou” [Kazakh in Xinjiang died after filing complaints about black jails, family member suspects the government had silenced him], *Radio Free Asia*, January 7, 2021.

<sup>115</sup>“Xinjiang Hasake ren jubao hei jianyu siwang jiashu zhiyi dangju miekou” [Kazakh in Xinjiang died after filing complaints about black jails, family member suspects the government had silenced him], *Radio Free Asia*, January 7, 2021.

<sup>116</sup>Amnesty International, “China: Lawyer Shares Allegations of Torture, Detained: Chang Weiping,” Index no. ASA 17/3333/2020, November 16, 2020.

<sup>117</sup>“Beijing dangju jiaju daya weiquan lushi zaiyou 3 ren bei diaoxiao zhizhao” [Beijing government intensifies persecution against rights lawyers, three more individuals have their licenses revoked], *Radio France Internationale*, February 6, 2021; Tan Mintao, “Lujia Xinsheng: Zhou Ze lushi gongbu xingxun bigong ni bei tingye yi nian, yin lujie zongnu” [Newcomer to the legal world: Proposal to suspend license of lawyer Zhou Ze for exposing torture, angers legal professionals], reprinted in *China Digital Times*, December 22, 2020; “Anjian xianchang: Zhou Ze lushi: Wo weishenme pilu Lu Xiansan an xingxun bigong luxiang” [At the Scene: Lawyer Zhou Ze: Why did I disclose the interrogation by torture footage in the Lu Xiansan case], reprinted in *China Digital Times*, January 4, 2021.

<sup>118</sup>Chinese Human Rights Defenders, “The Chinese Government Must End Reprisal against Li Qiaochu for Exposing Torture,” February 24, 2021.

<sup>119</sup>“Guanya san nian shouci huijian Yu Wensheng qi: Xinteng ta zaofeng de kunan” [Yu Wensheng met with his wife for the first time after three years of detention, wife: I worry about the suffering he is experiencing], *Deutsche Welle*, January 16, 2021.

<sup>120</sup>Joshua Lipes, “Gulshan Abbas, Sister of Uyghur Activist in Exile, Confirmed Jailed After Missing for 27 Months,” *Radio Free Asia*, December 30, 2020.

<sup>121</sup>Joshua Lipes, “Gulshan Abbas, Sister of Uyghur Activist in Exile, Confirmed Jailed After Missing for 27 Months,” *Radio Free Asia*, December 30, 2020.

<sup>122</sup>Joshua Lipes, “Gulshan Abbas, Sister of Uyghur Activist in Exile, Confirmed Jailed After Missing for 27 Months,” *Radio Free Asia*, December 30, 2020.

<sup>123</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.

<sup>124</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.

<sup>125</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.

<sup>126</sup>UN Human Rights Council, “Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,” OL CHN 15/2018, August 24, 2018.

<sup>127</sup>Chinese Human Rights Defenders, “The Chinese Government Must End Reprisal against Li Qiaochu for Exposing Torture,” February 24, 2021; Rights Defense Network, “2021 nian 1 yue 21 ri lushi shouci huijian Xu Zhiyong qingkuang tongbao” [Situation report on first meeting between Xu Zhiyong and his lawyer on January 21, 2021], January 21, 2021.

<sup>128</sup>Rights Defense Network, “Shanghai Chen Jianfang an zuixin qingkuang (2021 nian 3 yue 2 ri)” [Current situation of Chen Jianfang from Shanghai], March 2, 2021.

<sup>129</sup>Rights Defense Network, “Shanghai Chen Jianfang an zuixin qingkuang (2021 nian 3 yue 2 ri)” [Current situation of Chen Jianfang from Shanghai], March 2, 2021.

<sup>130</sup>*Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.

<sup>131</sup>Chinese Human Rights Defenders, “Ling Haobo,” accessed September 24, 2020; Rights Defense Network, “‘Duandianxing’ wangzhan an Chen Mei huo jiangyu 7 yue zhong xiaoxun bei qisu” [Chen Mei of “Terminus” website may be indicted in mid to late July], July 6, 2020.

<sup>132</sup>Amnesty International, “Death Sentences and Executions 2020,” April 21, 2021.

<sup>133</sup>Zhou Qiang, “Zuigao Renmin Fayuan guanyu jiaqiang xingshi shenpan gongzuo qingkuang de baogao,” [Supreme People’s Court report on the situation of strengthening criminal trial work], October 23, 2019, sec. 1(2).

<sup>134</sup>Amnesty International, “Death Sentences and Executions 2020,” April 21, 2021.

<sup>135</sup>“Huarong Gongsu yuan dongshizhang Lai Xiaomin bei zhixing sixing” [Lai Xiaomin, former director of China Huarong Asset Management, has been executed], *Xinhua*, January 29, 2021.

<sup>136</sup>“Huarong Gongsu yuan dongshizhang Lai Xiaomin bei zhixing sixing” [Lai Xiaomin, former director of China Huarong Asset Management, has been executed], *Xinhua*, January 29, 2021.

<sup>137</sup>“Huarong Gongsu yuan dongshizhang Lai Xiaomin bei zhixing sixing” [Lai Xiaomin, former director of China Huarong Asset Management, has been executed], *Xinhua*, January 29, 2021.

<sup>138</sup>Gu Li, “Lai Xiaomin jin bei zhixing sixing Xi Jinping weihe jicongcong yao ta ming?” [Lai Xiaomin was executed today; Why is Xi Jinping in such a hurry to take his life?], *Radio France Internationale*, January 29, 2021.

<sup>139</sup>Central Commission for Discipline Inspection and National Supervision Commission, “Lai Xiaomin an yi’an cugai gongsuo qishi” [Using Lai Xiaomin’s case as an insight to hasten reform], January 18, 2021.

<sup>140</sup>*Zhonghua Renmin Gongheguo Xing Fa Xiuzheng’an (Shiyi)* [PRC Criminal Law Amendment (11)], passed December 26, 2020, effective March 1, 2021, sec. 1.

<sup>141</sup>*Zhonghua Renmin Gongheguo Xing Fa Xiuzheng’an (Shiyi)* [PRC Criminal Law Amendment (11)], passed December 26, 2020, effective March 1, 2021, sec. 1.

<sup>142</sup>*Zhonghua Renmin Gongheguo Yufang Weichengnianren Fanzui Fa* [PRC Juvenile Delinquency Prevention Law], passed June 28, 1999, amended December 26, 2020.

<sup>143</sup>*Zhonghua Renmin Gongheguo Yufang Weichengnianren Fanzui Fa* [PRC Juvenile Delinquency Prevention Law], passed June 28, 1999, amended December 26, 2020, art. 45.

<sup>144</sup>*Zhonghua Renmin Gongheguo Yufang Weichengnianren Fanzui Fa* [PRC Juvenile Delinquency Prevention Law], passed June 28, 1999, amended December 26, 2020, art. 45.

<sup>145</sup>*Zuigao Renmin Fayuan Guanyu Shiyong “Zhonghua Renmin Gongheguo Xingshi Susong Fa” de Jieshi* [Supreme People’s Court Interpretation of the Application of the “PRC Criminal Procedure Law”], December 7, 2020, effective March 1, 2021, arts. 546–586.

<sup>146</sup>*Zuigao Renmin Fayuan Guanyu Shiyong “Zhonghua Renmin Gongheguo Xingshi Susong Fa” de Jieshi* [Supreme People’s Court Interpretation of the Application of the “PRC Criminal Procedure Law”], December 7, 2020, effective March 1, 2021, art. 550.

<sup>147</sup>*Zuigao Renmin Fayuan Guanyu Shiyong “Zhonghua Renmin Gongheguo Xingshi Susong Fa” de Jieshi* [Supreme People’s Court Interpretation of the Application of the “PRC Criminal Procedure Law”], December 7, 2020, effective March 1, 2021, art. 558.

<sup>148</sup>*Zuigao Renmin Fayuan Guanyu Shiyong “Zhonghua Renmin Gongheguo Xingshi Susong Fa” de Jieshi* [Supreme People’s Court Interpretation of the Application of the “PRC Criminal Procedure Law”], December 7, 2020, effective March 1, 2021, art. 548.