CRIMINAL JUSTICE

Introduction

During the Commission’s 2017 reporting year, Chinese government and Communist Party officials continued to abuse criminal law and police power to further their priorities in “maintaining social stability” and perpetuating one-party rule at the expense of individual freedoms.

Ongoing Use of Arbitrary Detention

Extralegal and extrajudicial forms of detention that restrict a person’s liberty without judicial oversight violate Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR). Some commonly used forms of extralegal and extrajudicial detention in China are described below.

BLACK JAILS

“Black jails” are detention sites that operate outside of China’s judicial and administrative detention systems. After the Chinese government abolished the reeducation through labor system in 2013, the Commission continued to observe Chinese authorities’ use of “black jails”—including a type known as “legal education centers”—to suppress individuals such as Falun Gong practitioners and petitioners. The Commission also observed multiple reports of Chinese authorities detaining rights advocates in “black jails” prior to and during the annual meetings of the National People’s Congress and Chinese People’s Political Consultative Conference in March 2017. [For more information on Falun Gong practitioners and petitioners, see Section II—Freedom of Religion and Section III—Access to Justice.]

PSYCHIATRIC INSTITUTIONS

Despite provisions in the PRC Mental Health Law and related regulations aimed at protecting citizens from such abuse, Chinese authorities continued to forcibly commit individuals to psychiatric facilities for political reasons and used psychiatric hospital staff as instruments of “maintaining social stability.” Civil Rights & Livelihood Watch (CRLW), a human rights monitoring group based in China, documented a case in Anhui province in which personnel of a psychiatric facility participated in “stability maintenance” efforts by preventing a petitioner from traveling to Beijing municipality. CRLW observed that despite new laws and regulations aimed at improving mental health services, individuals who need mental health care lack access, while authorities continue to abuse the system to control petitioners and others defending their rights.

CHINESE COMMUNIST PARTY DISCIPLINARY PROCESS (SHUANGGUI)

Under an investigation process known as “double designation” (shuanggui), Party investigators may summon Party members to appear for interrogation at a designated time and place for alleged Party discipline violations such as corruption. The shuanggui...
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process is within the Party’s control and outside China’s legal system; it is a form of extralegal detention that contravenes rights guaranteed under the UDHR and the ICCPR. Human Rights Watch reported in December 2016 that prolonged solitary confinement, ill treatment, and threats against family members during shuanggui remained common. In March 2017, a Canada-based media outlet published a report detailing the torture and abuse that Wang Longming, a former manager of a state-run tobacco factory, suffered during his nearly two-month stay in shuanggui in 2015. According to the report, authorities subjected Wang to numerous forms of torture, including sleep deprivation and being forced to sit on a small stool for 20 hours.

In December 2016, the National People’s Congress Standing Committee announced a pilot reform program that establishes supervisory commissions (jiancha weiyuanhui) in three province-level jurisdictions to take over the functions of investigating corruption and other official misconduct, functions originally performed by three government bodies. The program authorizes the supervisory commissions to carry out 12 investigative measures including interrogation (xunwen) and confinement (liuzhi), without specifying limitations on the length of time or the manner of implementation. According to legal experts, the implications of this new program, such as whether it will replace shuanggui and how the detention authority will be exercised, remain unclear.

Criminal Law

USE OF CRIMINAL LAW TO PROSECUTE RIGHTS ADVOCATES

This past year, the Chinese government continued to use broadly defined crimes to punish individuals such as rights advocates, lawyers, and members of some ethnic minority groups. The UN Working Group on Arbitrary Detention (Working Group) considers a detention arbitrary “even if it is authorized by law . . . if it is premised upon an arbitrary piece of legislation or is inherently unjust, relying for instance on discriminatory grounds.” During the Commission’s 2017 reporting year, the Working Group found the detentions of rights lawyer Xia Lin and religious leader Wu Zeheng to be arbitrary.

- Endangering state security. The Chinese government continued to prosecute individuals under “endangering state security” charges for peacefully exercising their rights. Articles 102 to 112 of the PRC Criminal Law—listing offenses including “subversion of state power,” “separatism,” and “espionage”—are collectively referred to as crimes of “endangering state security,” some of which carry the death penalty. In one recent example, in March 2017, the Foshan Intermediate People’s Court in Foshan municipality, Guangdong province, convicted Su Changlan and Chen Qitang of “inciting subversion of state power” and sentenced them to three years and four years and six months’ imprisonment, respectively, for “attacking the socialist system” by means of spreading rumors and committing libel on the Internet. Authorities in Foshan detained Su and Chen in October and November 2014, after they voiced
• Extortion. Authorities continued to charge rights advocates and petitioners with “extortion,” the elements of which are undefined in the PRC Criminal Law and judicial interpretations. In cases of petitioners allegedly committing “extortion” against local government entities, judgments published during this past year show that some courts viewed petitioning as a means of threat. Relying on information from the Chinese judiciary’s judgment database, a China-based legal scholar observed an increase in such cases between 2013 and 2016, from about 25 to 280 across China.

• Gathering a crowd to disturb social order and gathering a crowd to disturb order in a public place. Authorities continued to invoke Articles 290 and 291 of the PRC Criminal Law against citizens in manners that infringed on their rights, including the freedom of assembly and religion. For example, in April 2017, the Changji Municipal People’s Court in Changji Hui Autonomous Prefecture, Xinjiang Uyghur Autonomous Region, tried five individuals on the charge of “gathering a crowd to disturb social order” for participating in unauthorized Christian gatherings. In February 2017, the Supreme People’s Court issued measures specifying that individuals who participate in sit-in protests, distribute print materials, chant slogans, or hold up banners outside a courthouse are subject to criminal prosecution under a range of criminal offenses, including Articles 290 and 291 of the PRC Criminal Law.

• Picking quarrels and provoking trouble. This past year, authorities prosecuted petitioners and rights advocates for “picking quarrels and provoking trouble.” A U.S.-based legal scholar observed that “the vagueness of the ‘crime’... allows police unlimited discretion to detain and arrest offenders for almost any action.” The Chinese government expanded this provision to cover Internet activities in 2013 and has since used it to prosecute individuals for online speech. For example, in September 2016, the Gangzha District People’s Court in Nantong municipality, Jiangsu province, sentenced Shan Lihua to two years and three months’ imprisonment partly in connection with her online activities advocating women’s rights and helping victims of forcible demolition and relocation.

• Illegal assembly, procession, or demonstration. In December 2016, the Haifeng County People’s Court in Shanwei municipality, Guangdong, convicted eight individuals of “illegal assembly, procession, or demonstration,” among other crimes, and imposed sentences ranging from 2 years to 10 years and 6 months’ imprisonment for participating in protests that lasted for 85 days in Wukan village, Donghai subdistrict, Lufeng city, Shanwei, calling on the government to release Wukan’s elected village committee head Lin Zulian (also known as Lin Zuluan) and to address villagers’ complaints regarding official corruption in village land sales. [For more in-
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formation on the Wukan village protests, see Section III—Institutions of Democratic Governance.

- Other criminal offenses. This past year, authorities accused rights advocates and religious practitioners of other criminal offenses, including “illegal business activity,” “defamation,” “misappropriation of funds,” “sabotaging production and operation,” “organizing and using a cult to undermine implementation of the law,” and “disturbing court order.”

Ongoing Challenges in the Implementation of the Criminal Procedure Law

COERCED CONFESSIONS

The Chinese government and Communist Party emphasized the procuratorate's supervisory role over criminal investigation and continued to improve implementation of the existing legal provisions that address the problem of investigators' use of coercion and overreliance on confession in criminal cases. In October 2016, five central government bodies issued a joint opinion that obligates the procuratorate in certain important cases to ensure the legality of evidence before the conclusion of an investigation by directly questioning the criminal suspect about the existence of a coerced confession or illegal evidence collection practices. In June 2017, the same government bodies issued provisions specific to the exclusion of evidence obtained by torture. A U.S.-based legal scholar, however, noted the ineffectiveness of the provisions because “they maintain a narrow view of what type of evidence should be excluded and also continue to allow subsequent non-coerced confessions after an initial coerced one.” In March 2017, Cao Jianming, Procurator-General of the Supreme People's Procuratorate (SPP), reported that in 2016, the procuratorate corrected 34,230 cases of illegal investigation practices, such as extracting confessions by torture, but did not report any instance of criminal prosecution of investigators who engaged in abuse. Despite these official pronouncements, reports of coerced confession continued to emerge this past year, with some indicating that procurators participated in the practice. [For more information on custodial torture and abuse, see Torture and Abuse in Custody in this section.]

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

Under Article 73 of the PRC Criminal Procedure Law (CPL), authorities can enforce a form of detention known as “residential surveillance at a designated location” (RSDL) to detain a person at an undisclosed location for up to six months in cases involving charges of “endangering state security” (ESS), terrorism, or serious bribery. A U.S.-based scholar noted that RSDL is susceptible to abuse if authorities apply ESS charges as a pretext to forgo criminal suspects' rights. Reports that emerged this past year indicate that torture and abuse took place in the enforcement of RSDL. In some cases, authorities reportedly enforced RSDL even when they did not allege any of the three types of offenses that permit this form of detention. In the case of Jiang Tianyong, a disbarred rights lawyer who disappeared on November 21, 2016, authorities...
A criminal justice report reportedly did not provide his family notice of him being detained under RSDL within the timeframe required by law and refused to disclose his detention location or to allow his family and lawyers to meet with him. The location of Jiang's detention remained unknown for over six months.

ACCESS TO COUNSEL

This past year, the Chinese government denied access to legal counsel to some individuals, particularly those detained in politically sensitive cases. Individuals charged with ESS crimes—which the government often used against rights advocates—continued to face obstacles in meeting with their lawyers. In cases involving ESS, terrorism, and serious bribery (“three categories of cases”), Article 33 of the PRC Lawyers Law as amended in 2012 qualifies detainees' right to meet with their lawyers by referencing the PRC Criminal Procedure Law, which requires lawyers to obtain approval from the agency investigating the case but does not provide for a specific timeframe within which the agency must decide on such an application. In the case of detained lawyer Jiang Tianyong, his lawyers questioned the legality of the authorities' decision to repeatedly deny Jiang access to counsel on ESS grounds yet permit a news reporter to interview him.

This past year, authorities obstructed or denied access to counsel for those detained in cases involving rights advocacy or the exercise of internationally recognized freedoms, and in some cases harassed or intimidated their lawyers. Liu Zhengqing, lawyer of democracy advocate Chen Yunfei, said that after a December 2016 court hearing in which he represented Chen before the Wuhou District People’s Court in Chengdu municipality, Sichuan province, court officials detained him for four hours, searched his briefcase, and seized his computer. Another report from this past year indicated that the lawyer initially retained by the family of petitioner Ding Meifang withdrew representation after government officials reportedly asked the lawyer to demand that Ding make a guilty plea.

In May 2017, authorities detained rights lawyer Chen Jian’gang, his wife, and their two minor children when they were traveling in Yunnan province. Previously, Chen publicized accounts of authorities torturing his client Xie Yang, a rights lawyer detained as part of the crackdown against rights lawyers and advocates that began in and around July 2015 (July 2015 crackdown).

OTHER DUE PROCESS CONCERNS

The following examples highlight certain due process violations that infringe on individuals' substantive rights:

- **Prolonged pretrial detention.** Although the PRC Criminal Procedure Law permits law enforcement officials to extend the prescribed investigation period, prolonged pretrial detention constitutes a violation of international human rights standards. Some detainees reportedly remained in prolonged pretrial detention in some cases because authorities extended the investigation period or canceled scheduled hearings. One example suggests that cooperation with the authorities can re-
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duce a detainee's time in detention: Zhang Wanhe, who was detained in June 2015 outside a courthouse where she participated in an advocacy event, said that authorities tried and then released her in January 2017 after she admitted guilt and terminated her lawyer, whereas Yao Jianqing, whom authorities detained at the same event, did not cooperate as Zhang did and remained in pretrial detention.

- **Delay in judicial proceedings.** Delays in judicial proceedings likewise lengthen a person’s time in detention. In one example, after military veteran and petitioner Gao Hancheng appealed a June 2016 conviction for “gathering a crowd to disturb social order,” the Wuhan Intermediate People’s Court in Hubei province, after three adjournments, held a pretrial conference for the first time on April 25, 2017, and did not issue a trial date. While in detention, Gao reportedly had a stroke and lost mobility in January 2017; the prolonged detention reportedly contributed to the deterioration of his health.

- **Procedural irregularities in law enforcement.** Reports from this past year indicate that law enforcement authorities in some localities did not present proper documentation before restricting citizens’ liberty or conducting a search in violation of China’s domestic laws.

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**Draft Amendment to the PRC People’s Police Law**

In December 2016, the Ministry of Public Security issued a draft amendment to the PRC People’s Police Law that includes proposed statutory codification of existing regulations defining the scope of police authority to carry and use firearms. The draft amendment seeks to authorize police to use firearms in five situations, including when someone commits or escapes after having committed an offense that seriously endangers “state security” or “public safety,” and when someone damages property that the government has designated as a target of protection. Noting the broad definitions of “state security” and “public safety” under Chinese law, Human Rights Watch (HRW) criticized the draft amendment for being inconsistent with international standards that prohibit law enforcement officials from using firearms unless it is necessary to prevent “imminent threat of death or serious injury . . .”. HRW also pointed out the lack of meaningful limitations on other police powers covered by the proposed amendment.

Radio Free Asia, for example, published multiple reports of such abuse of police power this past year.

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**Torture and Abuse in Custody**

This past year, reports continued to emerge that Chinese authorities tortured and abused individuals in detention, including rights lawyers and advocates detained as part of the July 2015 crackdown. Family members of rights lawyer Li Chunfu reported that he returned home in January 2017 in a severely altered physical and mental state, exhibiting paranoia and schizophrenic behavior as well as having damage to his neck and spine. Li told his wife that authorities had drugged him daily for
the first portion of his detention. Rights advocate Wu Gan and rights lawyer Wang Yu both reported that authorities tortured them with methods including sleep deprivation and shackling of their hands and feet. The China Human Rights Lawyers Concern Group reported in January 2017 that rights lawyers Wang Quanzhang and Li Heping had been tortured by electric shock to the point of fainting during the period they spent in RSDL. Li Heping’s wife also said that authorities had forcibly medicated Li for 22 months with a drug that caused “muscle pains, lethargy, and blurred vision” and shackled him for a month in such a way that he could not stand upright. Other reports from this past year described additional instances in which authorities administered medication as a means of torture.

Rights lawyer Xie Yang also gave detailed descriptions of the torture he suffered during his detention in connection with the July 2015 crackdown. In January 2017, Xie told his lawyers that during the portion of his detention spent under residential surveillance at a designated location (RSDL), authorities deprived him of sleep, interrogated him for periods of over 20 hours, forced him to sit on stacked stools, punched him, kicked him, and kneed him in his abdomen and lower extremities on multiple occasions. Xie noted that officials carried out these actions directly under the camera in the room to avoid being recorded. Xie also identified over 20 officials who participated in his abuse and revealed that officials repeatedly pressured him to confess and to keep quiet about his torture. Xie said in a letter that he reported the torture to two procurators, but they did not make a record of it. Party- and state-run media claimed that another detained lawyer fabricated the accounts of Xie’s torture, but Xie’s lawyer affirmed their veracity.

Inadequate Medical Treatment

The Commission further observed reports of authorities denying or failing to provide detainees adequate medical treatment, which may amount to torture or violation of other international human rights standards. For example, political reform advocate and Nobel Peace Prize laureate Liu Xiaobo died of liver cancer in July 2017 while serving an 11-year sentence for “inciting subversion of state power.” Liu’s health condition prompted questions of “whether the cancer could have been diagnosed earlier, or whether poor treatment contributed to his declining health.”

Lack of Accountability for Officials Involved in Torture

The Commission did not observe reports of Chinese authorities imposing criminal liability on the perpetrators of abuse in the above-mentioned cases, or in the case of Lei Yang. A resident of Beijing municipality, Lei Yang died in May 2016 shortly after plainclothes police officers in Beijing took him into custody. In December, authorities announced their decision not to criminally prosecute the officers despite their finding that the officers committed “dereliction of duty” and caused Lei’s death by twice restraining him, including by kneeling and stomping on his neck and face, wrapping an arm around his neck, and pressing on the back...
of his neck. Chinese law requires criminal prosecution if a government official causes the death of one or more persons as a result of dereliction of duty. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China signed and ratified, requires a State Party to prosecute the perpetrator of torture or other forms of mistreatment.

**Draft Law Affecting Public Security Bureau Detention Centers**

The Chinese government issued a draft law that proposes to limit the use of shackling in detention, but legal experts question its effectiveness in curbing custodial abuse in general because it does not improve transparency or resolve an apparent conflict by continuing to allow police to run detention centers. In a January 2017 ruling, the Supreme People’s Court (SPC) affirmed a lower court’s dismissal of a compensation claim filed by a former death-row inmate who alleged that he suffered disfiguration and loss of mobility in his limbs as a result of wearing shackles during detention. The SPC found that the treatment alleged by the claimant was consistent with the PRC Public Security Bureau Detention Center Regulations (PSB Detention Center Regulations), which require every death-row inmate to be shackled. The UN Standard Minimum Rules for the Treatment of Prisoners, however, prohibit the use of chains or irons as restraints and limit other kinds of restraints to the extent necessary for reasons such as prevention of escape during transfer, and of personal injury or property damage. In June 2017, the Ministry of Public Security issued a draft law that would replace the PSB Detention Center Regulations. The draft law limits the use of shackles to what is necessary for “preventing danger,” bringing the current legal framework closer to international standards in this respect. Lawyers and legal scholars, however, are skeptical about the draft law’s effectiveness in curbing custodial abuse in general because it lacks provisions that improves transparency and it continues to give police the power to control PSB detention centers, an arrangement that conflicts with the role of police as investigators.

**Wrongful Conviction**

In the past reporting year, the Chinese government made some efforts to address the problem of wrongful conviction, but custodial abuse and political interference continued to be subjects of concern. According to a scholar, false confessions—obtained mainly through torture—are the predominant cause of wrongful convictions, and police obstruction in procuratorial investigations undermined efforts to curb this practice. To prevent local influence on investigations, the Supreme People’s Procuratorate reportedly drafted provisions allowing criminal petitions (xingshi shensu) involving possible grave injustice to be transferred to agencies in other locations. The Commission did not observe the publication of these provisions.

In February 2017, the Supreme People’s Court (SPC) reported that courts across China in 2016 corrected 11 cases of wrongful conviction involving 17 individuals. In one case, the SPC’s second circuit tribunal rescinded the murder and rape convictions of
Nie Shubin, who was executed in 1995, after another person confessed to the crimes in 2005.\textsuperscript{165} The court concluded that, due to inconsistencies in Nie’s confession, it could not preclude the possibility that investigators induced or directed him to confess, but it declined to find that torture took place.\textsuperscript{166}

While the SPC reported that authorities continued to grant compensation in wrongful conviction cases,\textsuperscript{167} a report citing official statistics notes that fewer courts disclosed state compensation statistics between 2014 and 2016, which a Chinese legal scholar said was inconsistent with central authorities’ stated goal of improving judicial protection against wrongful conviction.\textsuperscript{168}

\textbf{Death Penalty}

\textbf{LACK OF TRANSPARENCY IN DEATH PENALTY CASES}

The Chinese government’s claim of limited use of the death sentence\textsuperscript{169} remained unverifiable as authorities continued to treat the number of executions as a state secret. An April 2017 Amnesty International report estimated that the number of executions in China remained in the thousands, exceeding the number for all other countries combined, and reported that the Chinese government continued its policy of nondisclosure of death sentence statistics on state secrecy grounds.\textsuperscript{170} Amnesty International found that death penalty-related documents published in China’s official judicial document database represented a fraction of the execution reports retrieved from a search engine in China—about 5 percent in 2015 and 8.5 percent in 2016—which in turn is a fraction of credible estimates given by non-governmental organizations and scholars.\textsuperscript{171}

\textbf{JUDICIAL REVIEW OF DEATH PENALTY CASES}

In the 10-year period after the Supreme People’s Court (SPC) regained exclusive authority to review death penalty cases,\textsuperscript{172} the low rate of legal representation in death penalty cases and the lack of a uniform legal standard of review have remained issues of concern. While the PRC Criminal Procedure Law requires legal representation in cases where the defendants may receive the death penalty,\textsuperscript{173} there is no corresponding requirement in death penalty review cases before the SPC.\textsuperscript{174} A study of judicial opinions published between 2014 and 2016 shows that legal counsel participated in 22 out of 255 (8.63 percent) death penalty review cases, and the majority of the defendants involved had junior high school or lower levels of education.\textsuperscript{175} A legal practitioner reported difficulty in preparing an effective defense due to the lack of a uniform standard of review and further noted that some SPC judges disposed of cases without addressing the points raised by defense counsel.\textsuperscript{176}

\textbf{ORGAN HARVESTING FROM EXECUTED PRISONERS}

This past year, the Commission did not observe any rulemaking efforts to ban harvesting organs from executed prisoners,\textsuperscript{177} but authorities reportedly imposed sanctions on persons involved in one case of organ transplantation from an executed prisoner. Amnesty International observed that China is likely “still sourcing organs
from prisoners on death row” as of 2017, noting that senior Chinese health official Huang Jiefu, who spoke at an international summit on organ trafficking held at the Vatican in February 2017, did not deny that the practice continued. Huang told reporters he was sure that there were some violations of China’s ban on harvesting organs from executed prisoners, given China’s population size. In October 2016, Huang said at a conference in Beijing municipality that he received information about a paramilitary police hospital transplanting a kidney from an executed prisoner to a Canadian patient for 30,000 Canadian dollars (approximately US$21,900). Huang said he relayed the information to the Ministry of Public Security and the National Health and Family Planning Commission, after which authorities revoked the license of the doctor and the hospital, sanctioned the hospital director, and detained court personnel who facilitated the transaction.
Notes to Section II—Criminal Justice


3 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9.

4 International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 9(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 7 September 17. China has signed but not ratified the ICCPR.

5 See also CECC 2016 Annual Report, 9 October 14, 81; State Council Information Office, “National Human Rights Action Plan of China (2009–2010),” 13 April 09, Introduction, para. 5. The 2009–2010 National Human Rights Action Plan issued by the Chinese government in April 2009 stated that the “essentials” of the ICCPR were some of the “fundamental principles” on which the plan was framed, and that the government would “continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for ratification of the ICCPR.” See also 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, principle 4; International Justice Resource Center, “Increased Oppression of Chinese Human Rights Defenders Draws International Criticism,” 22 February 16.


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12 PRC Mental Health Law [Zhonghua renmin gongheguo jingshen weisheng fa], passed 26 October 12, effective 1 May 13, arts. 27, 30, 73(5), 78(1). See also [Editorial] Beware of Arbitrary Psychiatric Treatment Due to Petitioning Dilemmas” [Shenli jingti xinfang kunju xia de jingshenbing shouzhì luoxiang], Southern Metropolitan Daily, 14 June 16.

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

14 Civil Rights & Livelihood Watch, “2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankuang ye renquan (bei jingshenbing) nianzhong zongjie], 26 January 17.


16 Civil Rights & Livelihood Watch, “2016 Year-End Summary of Mental Health and Human Rights in China (Forced Psychiatric Commitment)” [2016 nian zhongguo jingshen jiankuang ye renquan (bei jingshenbing) nianzhong zongjie], 28 January 17.


19 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 9; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2299A (XXI) of 16 December 66, entry into force 23 March 76, art. 9. See also CECC, 2015 Annual Report, 8 October 15, 102–3; CECC, 2014 Annual Report, 9 October 14, 87–88.


22 Ibid.

23 National People’s Congress Standing Committee, Decision on Launching State Supervision System Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province, [Quanguo renmin dainiao dahui changwu weiyuanhuai guanyu zai beijing shi, shanxi sheng, zhejiang sheng kaizhan guoju jiancha tizhi guifan gongzuo de jueding], issued 25 December 16, effective 26 December 16, item 1; “Three Provincial-Level Administrative Jurisdictions, Beijing, Shanxi, and Zhejiang, Establish Supervisory Commissions” [Beijing, shanxi, zhejiang san sheng shi jiancha weiyuanhuai chenggu], Supervision Department of Central Commission for Discipline Inspection, 24 January 17. See also “Promote Comprehensive and Rigorous Development of Party Governance, Welcome the Opening of the Nineteenth Party Congress With Exceptional Performance—Work Report from the Chinese Communist Party’s Eighteenth Central Commission for Discipline Inspection’s Seventh Plenary Session” [Tuidong quanmian congyan zhongguo jing jingshenbing zuo de shiguan yu hanju, zai zhejiang sheng kaizhan guojia jiancha tizhi guifan gongzuo de jueding], Xinhua, 19 January 17, sec. 1(2).


25 See also Liu Shaohua, “China Enters Two Sessions Period” [Zhongguo jinru lianghui shijian], People’s Daily, 2 March 17.

26 Flora Sapio, “An Interview About Shuanggui With the Globe and Mail,” REACH (blog), 10 January 17.
29 For more information on Xin Lin, see the Commission’s Political Prisoner Database record 2014-00432.
30 For more information on Wu Zhenghong, see the Commission’s Political Prisoner Database record 2017-00235.
33 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 54(2), 56, 102–113. All crimes of “endangering state security” (ESS) carry a mandatory supplemental sentence of deprivation of political rights, which include the rights of speech, publication, assembly, association, procession, and demonstration. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 97, 12 effective 1 January 13, art. 79; UN Committee Against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. In addition to the severe criminal penalty, ESS 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.”
34 For more information on Su Changlan, see the Commission’s Political Prisoner Database record 2014-00406.
35 For more information on Chen Qitang, see the Commission’s Political Prisoner Database record 2009-00092.
36 Su Changlan and Chen Qitang Sentenced to 3 Years and 4 Years and 6 Months Respectively, Citizens Expressed Support Online” [Su changlan, chen qitang fen huxing 3 nian ji 4 nian ban gongmin wangluo biaoda shengyuan su changlan], Radio Free Asia, 31 March 17. The Guangdong High People’s Court dismissed the appeals of Su and Chen on June 6, 2017. “Appeals of Su Changlan and Chen Qitang Dismissed” [Su changlan, chen qitang shou xian zao bohui], Radio Free Asia, 7 June 17.
37 Hong Kong Groups Went to China Liaison Office To Support Su Changlan and Tian Li” [Xianggang tuanti dao china lianlian shengyuan su changlan, tian li], Radio Free Asia, 31 March 17; “Appeals of Su Changlan and Chen Qitang Dismissed” [Su changlan, chen qitang shou xian zao bohui], Radio Free Asia, 7 June 17.
38 See, e.g., Uncle Ou of Huiyang’s Younger Sister (Huiyang ou bo meimei), “Progress Status of Case Against ‘Uncle Ou of Huiyang’ Li Jianxin” [‘hui yang ou bo’ li jianxin anqin jingjian qingkuang], Weibo post, 27 March 17, 9:36 a.m.; Voice of Petitioners, “Six Petitioners From Hebei Accused of Extortion, Family Members Gather and Kneel Down To Demand Explanation” [Hebei liu fangmin bei kong qiaoza lesuo jiancha jiti xiaigui yao shuofa], reprinted in Civil Rights & Livelihood Watch, 19 January 17. For more information on Li Jianxin (also seen as Uncle Ou of Huiyang (Huiyang ou bo)), see the Commission’s Political Prisoner Database record 2016-00498.
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40 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 274. See also Supreme People's Court and Supreme People's Procuratorate, Interpretation on Certain Issues Concerning the Application of Law in Handling Criminal Cases Involving Extortion [Zui gao renmin fayuan, zuigao renmin jianchayuan guanyu banli qiao zha le suo xing si an jian shi yang fala ruo guan wen de jieshi], issued 1 April 13, effective 27 April 13, art. 1.

41 Cao Bo and Xiao Zhonghua, “Doctrinal Critique of Using Extortion Charge To Regulate Petitioning Activity” [Yi qiao zha le su zu gui xizi xing wei de jia qiao xing pi], Journal of Law Application, No. 9 (2016), 43.


43 Chinese courts reportedly have not settled the legal question as to whether petitioning constitutes “extortion.” See, e.g., Li Shide, “Judging Explaining Law: Does Extorting the Government by Means of Petitioning constitute a Crime? How Should the Nuture of the Matter Be Determined?” (Model Cases) [Faguau shou fang xe zhou yang xiao qiao zha le su zuo shen gu shou guo cheng fa zui? ying ruhe zai dian xing mian de jia qiao xing pi], Legal Application, No. 9 (2016), 43. See also Zhaohuan County People’s Procuratorate, “Improper Petitioning secondo Criminal Offense” [Shangfeng bing dian xing mian de jia qiao xing pi], China Judgements Online, 17 April 16.

44 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 18, 25; International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, arts. 18, 21, 22.

45 For more information on the five individuals, see the following records in the Commission’s Political Prisoner Database: 2016-00454 on Yang Zhaocun, 2016-00470 on Wang Lulu, 2016-00474 on Yang Zhaocun, 2016-00476 on Wang Lulu, 2016-00479 on Wang Lulu, 2016-00481 on Cheng Yajie, 2016-00483 on Liu Yan, 2016-00484 on Cheng Yajie, 2016-00486 on Liu Yan.

46 Cai Yiren, “Petitioning Henan Farmer Prosecuted for ‘Blackmailing’ Officials,” Sixth Tone, 30 March 17.

47 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, arts. 290, 291.


49 For more information on the five individuals, see the following records in the Commission’s Political Prisoner Database: 2016-00454 on Yang Zhaocun, 2016-00470 on Wang Lulu, 2016-00474 on Yang Zhaocun, 2016-00476 on Wang Lulu, 2016-00479 on Wang Lulu, 2016-00481 on Cheng Yajie, 2016-00483 on Liu Yan, 2016-00484 on Cheng Yajie, 2016-00486 on Liu Yan.

50 “5 Christians From Xinjiang Tried for Illegally Preaching” [Xinjiang 5 jidutu feifa chuandao shen], Radio Free Asia, 27 October 16; State Council, Regulations on Religious Affairs [Zong jiao shi xin suo], issued 30 November 04, effective 1 March 05.

51 Supreme People’s Court, Implementing Measures on People’s Courts’ Carrying Out “Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law” [Renmin fayuan huoshi ‘baohu sifa renyu yifa luxing fadi zhize guida’ de shi shi ban fa], issued and effective 7 February 17, art. 11. The Supreme People’s Court issued the implementing measures pursuant to a set of rules jointly issued by the general offices of the State Council and Chinese Communist Party Central Committee, Tang Weijian, “Interpretation Related to ‘Provisions on Protecting Judicial Personnel in Duly Performing Duties Designated by Law’” [‘baohu sifa renyu yifa luxing fadi zhize guida’ xiang guan jue dui], China Peace Net, 28 July 16.

53PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 January 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 29 March 02, 28 February 05, 29 June 06, 29 February 09, 25 February 11, 29 August 15, 2012 Annual Report, 10 October 12, 129; CECC, 2014 Annual Report, 9 October 14, 142–43; CECC, 2016 Annual Report, 6 October 16, 248.

54Gangzha District People’s Court, “Gangzha District People’s Court Sentenced 2 People to 2 Years and 3 Months for ‘Picking Quarrels and Provoking Trouble,’ Gangzha District People’s Court, Nantong Municipality, Jiangsu Province, Criminal Judgement [Gangzha qu renmin fayuan xingshi yishen bei yi] (2016) Su 0611 Xing Chu No. 50, 29 September 16, reprinted in Rights Defense Network, 29 September 16; “Picking Quarrels and Provoking Trouble Again, Jiangsu Rights Defender Shan Libu Sentenced to 2 Years and 3 Months” [You shi “xunxin zishi” jiangsu weiguan renshi shan libu panxing 2 nian 3 ge ye], Radio Free Asia, 29 September 16. For more information on the eight individuals, see the following records in the Commission’s Political Prisoner Database: 2016-00463 on Zhuang Songkun, 2017-00100 on Hong Yonghong, 2017-00101 on Wu Fang, 2017-00102 on Cai Jialin, 2017-00103 on Li Chulu, 2017-00104 on Wei Yonghan, 2017-00105 on Chen Sunzuan, and 2017-00107 on Yang Jinzhao.

55For more information on Shan Libu, see the Commission’s Political Prisoner Database record 2016-00033.


57For more information on Shan Libu, see the Commission’s Political Prisoner Database record 2016-00033.


59For more information on Shan Libu, see the Commission’s Political Prisoner Database record 2016-00033.

60PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 January 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 29 March 02, 28 February 05, 29 June 06, 29 February 09, 25 February 11, 29 August 15, 2012 Annual Report, 10 October 12, 129; CECC, 2014 Annual Report, 9 October 14, 142–43; CECC, 2016 Annual Report, 6 October 16, 248.


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Three Criminaly Detained, Defense Lawyer Will Request Bail” [Zuqiu xiong feiju an san ren zao xingju daili lushi jiang ti qubao houshen], Radio Free Asia, 2 January 17; Human Rights Commission in the US, “Accused of Illegal Business Activity Due to Printing Religious Believers Li Yongmin of Guangfu Church in Guangzhou Sentenced to 10 Months and Fined Ten Thousand Yuan by Baiyun District Court” [Yin yushua zongjiao kanwu bu kei cong feiwa jingying zui guangzhou guangfu jiaohui xintu li hongmin zao baiyun qu fa yuan panxing 10 ge yue ji chufa jin yiwan yuanan], 27 March 17.

63 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 246. See, e.g., “Lawyer Zhang Lei: Explanation Regarding Hubei Liu Yanli’s Case (January 4, 2017)” [Zhang lei lushi: guanyu huibe i liu yanli an de shuoming (2017 nian 1 yue 4 ri)], reprinted in Rights Defense Network, 4 January 17.

64 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 276. See, e.g., “Supreme People’s Procuratorate Report on Strengthening Supervision on Investigation and Prosecution” [Renda changweihui zucheng renyuan xiwang jianfang zengqiang jiandu shixiao], Radio Free Asia, 4 January 17.

65 See, e.g., PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 54, 121. The 2012 amendment to the PRC Criminal Procedure Law (CPL) provided for the exclusion of evidence obtained through illegal means such as torture, force, or threat, and required audiovisual recording of the interrogation process in serious cases involving life imprisonment or the death penalty, Xing Shiwei, “Audiovisual Recording Will Be Implemented in All Criminal Cases” [Suoyou xing’an xunwen jiang quan luyin luxiang], Beijing News, 22 September 15.

66 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 309. See, e.g., “At Least Nine Rights Activists ‘Secretly Detained’ in China’s Suzhou,” Radio Free Asia, 24 March 17; “Xie Yang Indicted for Inciting Subversion of State and Disrupting Court Order” [Xie yang bei qisu shan dian guojia ji raoluan fating zhixu], Radio Free Asia, 6 October 16.

67 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 276. See, e.g., “Supreme People’s Procuratorate Report on Strengthening Supervision on Investigation and Prosecution” [Renda changweihui zucheng renyuan xiwang jianfang zengqiang jiandu shixiao], Radio Free Asia, 4 January 17.

68 See, e.g., PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 54, 121. The 2012 amendment to the PRC Criminal Procedure Law (CPL) provided for the exclusion of evidence obtained through illegal means such as torture, force, or threat, and required audiovisual recording of the interrogation process in serious cases involving life imprisonment or the death penalty, Xing Shiwei, “Audiovisual Recording Will Be Implemented in All Criminal Cases” [Suoyou xing’an xunwen jiang quan luyin luxiang], Beijing News, 22 September 15. In September 2015, the Ministry of Public Security (MPS) announced that law enforcement agencies were implementing the audiovisual recording system, as prescribed by the CPL, and that MPS planned eventually to expand the scope of the system to cover all criminal cases. Ministry of Public Security, Provisions on Accountability for Public Security Agencies and People’s Police in Law Enforcement Misconduct [Gong’an jiguan renmin jingcha zhifa guocuo zeren zhuijiu guilao zhe], Radio Free Asia, 27 March 17.

69 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 276. See, e.g., Rights Defense Network, “Five Farmers in Gushi County, Henan Province, Criminaly Detained on ‘Sabotaging Production Operation’ for Protecting Dam and Field by Stopping Sand Trucks From Moving Sand” [Henan sheng gushi xian wu nongmin wei hudi baotian zuixi yunshache yun sha bei yi ‘pohuai shengchan jingying zu’ xingju], Radio Free Asia, 21 December 16.

70 See, e.g., “Three Criminally Detained, Defense Lawyer Will Request Bail” [Zuqiu xiong feiju an san ren zao xingju daili lushi jiang ti qubao houshen], Radio Free Asia, 2 January 17; Human Rights Commission in the US, “Accused of Illegal Business Activity Due to Printing Religious Believers Li Yongmin of Guangfu Church in Guangzhou Sentenced to 10 Months and Fined Ten Thousand Yuan by Baiyun District Court” [Yin yushua zongjiao kanwu bu kei cong feiwa jingying zui guangzhou guangfu jiaohui xintu li hongmin zao baiyun qu fa yuan panxing 10 ge yue ji chufa jin yiwan yuan], 27 March 17.

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75. Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)?" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; "Former State Security Captain From Jinyang, Sichuan, Coerced To Confess Under Torture (1)" [Sichuan juanju ren guiwen doudui beixing xuexi bingqiang (jiang)], Radio Free Asia, 8 March 17.

76. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 97, amended 17 March 99, 14 March 12, effective 1 January 13, arts. 73, 77. See also Eva Pils et al., "Rule by Fear?" Asia Society, ChinaFile, 18 February 16. Scholar Eva Pils wrote: "... whereas in 2011, the authorities made disappear stealthily and generally without admitting that this was happening, forced disappearances have now effectively become part of the system, and the authorities carry them out 'in accordance with law.' "UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 14. The UN Committee against Torture criticized this coercive measure because it "may amount to incommunicado detention in secret places, putting detainees at a high risk of torture or ill-treatment." Nathan VanderKlippe, "Canada, 10 Other Countries Call Out China for Torturing Human Rights Lawyers," Globe and Mail, 20 March 17.

77. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 97, amended 17 March 99, 14 March 12, effective 1 January 13, arts. 73, 77. See also Chinese Human Rights Defenders, "NGO Mid-Term Assessment of China's Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report)," 22 November 16, 56–57.


79. Chen Jian'gang, "Record of Meeting With Hunan Lawyer Xie Yang (One)?" [Hunan xie yang lushi huijian jilu (yi)], reprinted in Rights Defense Network, 19 January 17; "Former State Security Captain From Jinyang, Sichuan, Coerced To Confess Under Torture (1)" [Sichuan juanju ren guiwen doudui beixing xuexi bingqiang (jiang)], Radio Free Asia, 8 March 17.


81. PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 97, amended 17 March 99, 14 March 12, effective 1 January 13, arts. 73, 77. See also Chinese Human Rights Defenders, "NGO Mid-Term Assessment of China's Implementation of 2nd Universal Periodic Review (UPR) Recommendations (Report)," 22 November 16, 56–57.


83. "Lawyer Tan Chenshou: Case Status Explanation Regarding Jiang Tianyong" [Tan chenshou lushi: jiang tianyong an ban'nan quanguang shuoming], China Free Press, 21 March 17; "Changsha PSB Denied Meeting Request, Jiang Tianyong's Father and Lawyers Lodged Complaint" [Changsha gong'an ju huijian jiang tianyong fu ji lushi ti kongsu], Radio Free Asia, 30 December 16.

84. "Former Jinyang County Public Security Captain From Jinyang, Sichuan, Coerced To Confess Under Torture (I)" [Sichuan jinyang yuan guobao daduizhang bei xingxun bigong (shang)], Radio Free Asia, 8 March 17.


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rest Notice, Charge Changed for the Third Time" [Jiang Tianyong jiashu shoudao daibu tongzhi shu zhihong zuiming san ci biancheng], Radio Free Asia, 5 June 17.


98 Chen Jian'gang, "Lawyers' Meeting Rooms at PSB Detention Center Increased From Two to Nine" [Kanshoushuo lushi huijian shi liang jian bnan jian jian], Legal Daily, reprinted in Xinhua, 24 May 16.

99 PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], passed 28 October 07, amended 26 October 12, effective 1 January 13, art. 33. For the prior version, see PRC Lawyers Law [Zhonghua renmin gongheguo lushi fa], effective 1 June 08, art. 33.

100 PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], amended 24 May 16.

101 For more information on Jiang Tianyong, see the Commission's Political Prisoner Database record 2011-00179.

102 Rights Defense Network, "Lawyers' Meeting Rooms at PSB Detention Center Increased From Two to Nine" [Kanshoushuo lushi huijian shi liang jian bnan jian jian], Legal Daily, reprinted in Xinhua, 24 May 16.

103 For more information on Ding Meifang, see the Commission's Political Prisoner Database record 2019-00014.


105 See, e.g., "Call for Efforts To Save Hubei Veteran Association President and Rights Defense Representative Gao Huncheng" [Yu qing yingxiu hebei congren weihuang weishen yilu meishen ], national, "China: Submission to the United Nations Committee against Torture 59th Session, National Report, "Chen Jinxue, Tan Chenshou: Lawyers' Opinion and Declaration Regarding Jiang Tianyong's Purported Acceptance of Being Interviewed by Global Times" [Chen jinxue lushi, tan chenshou lushi: guanyu ji changzhou yu shengqing huijian ji changzhou, changsha shi gong'anju yu men wai]. 2 March 17; Rights Defense Network, "Lawyer Sui Muqing: Circular on Huang Qi Case—Lawyer Not Permitted To Meet With Huang Qi or Make Bail Application on His Behalf (1 April, 2017)" [Sui muqing lushi: huijian ji changzhou huang qi an tongzhao—bu tongzhi shu huangqi zui panchu 5 nian jian yu banli qubao (2017 nian 4 yue 1 ri)]. 1 April 17; "Huang Qi in Wuhou Court President" [Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17; "Chen Yunfei's Termination of Legal Representation Caused Cancellation of Court Hearing" [Chen yunfei jiepin lushi zhi tingshen yuanzhang], reprinted in Free China News, 2 January 17.
cases that involve various quarters and for which it is difficult to obtain evidence." Further ex-
2. grave cases that involve criminal syndicates; 3. grave and complex cases generally must render a judgment within two and at most three months after a case has been
1. grave and complex cases in outlying areas where traffic
2. formal indictment received, hearing won't be held until after Spring Festival (January 4, 2017) [renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 154–57, 162.
3. It is often inconvenient; 2) grave cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various quarters and for which it is difficult to obtain evidence. Further ex-
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tension requires approval by the Supreme People's Court and is granted only under special circumstances.

For more information on Gao Hancheng, see the Commission's Political Prisoner Database record 2017-00218.

Voice of Petitioners, “Several Hundred Veterans Who Showed Support for Eight Veterans at Their Hearing, Including Gao Hancheng, Detained by Police” [Shubai laohang shengyuan gao hancheng deng ba laohang an kaiting zao jingfang zhuanhua guanyu], 27 April 17; “Pretrial Conference Held in Vietnam War Veteran Gao Hancheng's Case, Fellow Soldiers Who Show Support Intercepted” [Yuezhan laohang gao hancheng an zhusai tingqian huixi zhanhui shengyuan zao lanjie], Radio Free Asia, 27 April 17; Rights Defense Network, “Lawyers Li Yuzhan and Wang Fei Filed Bail Application for the Fourth Time for War Veteran Gao Hancheng, Accused Wukan Ankang Hospital of Torture” [Li yuzhan wang fei lushi di si wei cei wan zhan laohang gao hancheng shengyuan qiao koanggou wanank angyuan yiyuan , 26 February 17; “Call for Efforts To Save Hubie Veteran Association President and Rights Defense Representative Gao Hancheng” [Yu qing yingjiu hubei laohang hui zhang weiquan daibiao gao hancheng], Boxun, 12 March 17. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 232. Article 232 of the PRC Criminal Procedure Law provides that the court of second instance generally must adjudicate a case within two months. A two-month extension may be granted by the high people's court for the following four reasons, as specified in Article 156: 1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal gangs; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various and complex factors and for which it is difficult to obtain evidence.” Further extension requires approval by the Supreme People’s Court and is granted only under special circumstances.

the Rights Defense Network, “Lawyers Li Yuzhan and Wang Fei Filed Bail Application the Fourth Time for War Veteran Gao Hancheng, Accused Wukan Ankang Hospital of Torture” [Li yuzhan wang fei lushi disi et wei caihan laohang gao hancheng shengyuan qiao koanggou wanank angyuan yiyuan], 26 February 17; “Call for Efforts To Save Hubie Veteran Association President and Rights Defense Representative Gao Hancheng” [Yu qing yingjiu hubei laohang hui zhang weiquan daibiao gao hancheng], Boxun, 12 March 17. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 232. Article 232 of the PRC Criminal Procedure Law provides that the court of second instance generally must adjudicate a case within two months. A two-month extension may be granted by the high people’s court for the following four reasons, as specified in Article 156: 1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal gangs; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various and complex factors and for which it is difficult to obtain evidence.” Further extension requires approval by the Supreme People’s Court and is granted only under special circumstances.

See, e.g., “Xie Yang’s Legal Representative Chen Jian’gang Detained in Yunnan” [Xie yang dalii shui juan’gang zai yunnan beihu], Radio Free Asia, 3 May 17; “Jiangsu Wang Jian To Be Tried on Wednesday” [Jiangsu wang jian zhou san shexun], Radio Free Asia, 15 November 16; Rights Defense Network, “Chang Hongyan, Host of ‘Petitioners Saturday,’ Taken into Custody in Lu Village, Beijing, on Suspicion of Obstruction of Public Service, Under Which Arrest Wai Approved” [Fangmin xingqi liu zhuohu chang hongyan zai beijing lu cun bei yi shexian fanghui gongwu zu pi zhu zai zou],21 January 17; “Family Church in Xinjiang Weili Construction Corps Suffered Search and Seizure by Government” [Xinjiang weili jianshe congshu taozhan he shu zao da], Radio Free Asia, 1 March 17; Rights Defense Network, “Shandong Linqu Chen Zengjiang Detained While on a Ride, Ate Guaranty Document at Police Station and Beaten” [Shandong linqu chen zengjiang chengche bei zhu paishu nei tou na zhu dao da], Radio Free Asia, 15 March 17; “Three Important Burial Sites Restricted, Areas on ‘Tomb Sweeping Day,’ 10 People Detained While Paying Respect to Yang Jia” [San da muqu cheng ‘qingming’ jindi ji yang jia 10 ren bei zhua], Radio Free Asia, 5 April 17.

114 PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 83, 91, 117, 122, 136; PRC People’s Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended 26 October 12, effective, 1 January 13, art. 9.

115 Ministry of Public Security, PRC People’s Police Law (Amendment Draft) [Zhonghua renmin gongheguo renmin jingcha fa (xiuding cao’an gao)], 1 December 16, arts. 31–35. See also Liu Yizhan and Xiong Feng, “Three Points of Focus of Proposed Substantial Revision to People’s Police Law” [Renmin jingcha fa ni daxiu jujiu san da guanzhu dilin], Xinhua, 3 December 16.

116 PRC People’s Police Law [Zhonghua renmin gongheguo renmin jingcha fa], passed 28 February 95, amended and effective 26 October 12.

117 Ministry of Public Security, Provisions on the Administration and Use of Public Security Agencies’ Official-Use Firearms [Gong’an jijian gongwu yong qiang shen gan shiyong guiying], issued and effective 9 October 99, arts. 2, 3; State Council, PRC Regulations on the People’s Police Use of Police Equipment and Weapons [Zhonghua renmin gongheguo renmin jingcha shiyong jinxia he huizi tiaoli], issued and effective 16 January 96, arts. 3, 9; Ministry of Public Security, Operating Rules and Procedures for On-Site Stopping of Illegal and Criminal Conduct of Calling for Aid and Emergency [Gong’an jijian gongwu yong qiang shen gan jingfang shexian fangzhi xingqi biaozhi fenzi gongwu zui pei shang yue tiaoli], issued and effective 27 August 12, arts. 30, 31. See also PRC Firearms Management Law [Zhonghua renmin gongheguo qiangzi guanli fa], passed 30 July 98, amended and effective 27 August 09, art. 5; Ministry of Public Security, Provisions on Equipping Official-Use Firearms [Gongwu yong qiang peibei banfa], issued and effective 30 June 98.

118 Rights Defense Network, “Lawyers Li Yuhan and Wang Fei Filed Bail Application for the Fourth Time for War Veteran Gao Hancheng, Accused Wukan Ankang Hospital of Torture” [Li yuzhan wang fei lushi disi et wei caihan laohang gao hancheng shengyuan qiao koanggou wanank angyuan yiyuan], 26 February 17; “Call for Efforts To Save Hubie Veteran Association President and Rights Defense Representative Gao Hancheng” [Yu qing yingjiu hubei laohang hui zhang weiquan daibiao gao hancheng], Boxun, 12 March 17. See also PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 156, 232. Article 232 of the PRC Criminal Procedure Law provides that the court of second instance generally must adjudicate a case within two months. A two-month extension may be granted by the high people’s court for the following four reasons, as specified in Article 156: 1) grave and complex cases in outlying areas where traffic is most inconvenient; 2) grave cases that involve criminal gangs; 3) grave and complex cases that involve people who commit crimes from one place to another; and 4) grave and complex cases that involve various and complex factors and for which it is difficult to obtain evidence.” Further extension requires approval by the Supreme People’s Court and is granted only under special circumstances.


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121 See, e.g., “Dozens of Police Grab, Beat, and Detain Demolition Victims, Mother and Daughter With Disabilities; Accused of Wrongdoing After Sleeping in Government Building and Making Reports to Foreign Media” (Shushi jingcha zhuai da juli zao qiangchao canji muzu lusu zhengfu xiang xiaoyi baoliao huozui), Radio Free Asia, 25 May 17; “Man in Inner Mongolia Shot Dead After ‘Attacking Police’ While Intoxicated, Sparks Public Opinion and Debate” (Neimei chang shan jingcha xiaoyi ji xiaoyi jie jingcha jingji gongyi), Radio Free Asia, 25 May 17; “Villagers From Taxian District, Anhui, Refuse To Relocate, Several Hundred Police Cord off Village, Beat and Grab Villagers” [Anhui taxian su cunmin jujue baoliang zuo shubai jingcha feng can zhuai dai], Radio Free Asia, 2 June 17.

122 See, e.g., “Chu Ling Refuses To Remain Silent, Exposes Jiang Yefei Cruelly Beaten and Twice Underwent Operations” [Chu ling jujue zai chenmo pu jiang yebei di baojian shanhu liangci], Radio Free Asia, 20 May 17; “Chen Yunfei Tortured and Abused While Serving Sentence” (Chen yunfei fuxing jiaoyi shengyou qingke xingju zhi jin), Radio Free Asia, 4 May 17; “Wang Yaping, Prisoner Convicted of Inciting Subversion, Suffering From Kidney Stones; Abused, Beaten, and Threatened in Jail” [Shandian pan wang yaping shenhu shi you qingke nusu qiao zai qingke nusu oudu weixie], Radio Free Asia, 8 September 16.

123 For more information on Li Chunfu, see the Commission’s Political Prisoner Database record 2015-00311.

124 Li Chunfu’s Schizophrenia Suspected To Be Linked to Drug That Public Security Gave Him [Liren chunfu shanshi fenlie yu gong an gei ta ying yao yingqu], Radio Free Asia, 12 May 17; “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huoshi zaiya qijian zao qiangfei fuyao], Radio Free Asia, 10 May 17; “July 9 Crackdown on Rights Lawyers,” 13 July 15, updated 6 February 17; Rights Defense Network, 19 January 17; “Li Heping’s Assistant Zhao Wei (Kao La)” [Li heping lushi zhuli zhao wei (kao la) yi bei pizhun daibu], 11 January 16.

125 Wang Qiaoling, “A Fourth Update on Lawyer Li Chunfu’s Situation: What Are You Hiding From Me?” [Li chunfu jingshen fenlie yi yu gongan gei ta yong yao youguan], Radio Free Asia, 16 May 17; “Wang Qiaoling, Prisoner Convicted of Inciting Subversion, Suffering From Kidney Stones; Abused, Beaten, and Threatened in Jail” [Shandian pan wang yaping shenhu shi you yiqu zhai yu jin], Radio Free Asia, 8 September 16.

126 For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2010-00348.

127 For more information on Wang Yu, see the Commission’s Political Prisoner Database record 2015-00292.


130 For more information on Wu Gan, see the Commission’s Political Prisoner Database record 2015-00292.


132 Ibid.; Chen Jian’gang, “Record of Meeting With Hunan Lawyer Xie Yang (Two)” [Hunan xie yang lushi huiju jili (er)], reprinted in Rights Defense Network, 19 January 17; “Tran-
Criminal Justice

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151 PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397; Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Regarding the Application of Law in Handling Criminal Cases Involving Dereliction of Duty by Public Officials (One) [Guanyu banli duzhi xingshi anjian shiyong faju ruogan wenti de jieshi (yi)], issued 7 December 12, effective 9 January 13, art. 1(1).


153 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, arts. 4, 7, 16(1). Article 7 of the Convention against Torture provides, “The State Party . . . shall submit the case to its competent authorities for the purpose of prosecution.” Article 16(1) provides, “Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as such, as defined in article 1 . . .” See also Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 5 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”); Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2296A (XXI) of 16 December 66, entry into force 23 March 69, art. 7 (“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”); Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 90, 7 (“Governments shall ensure that arbitrary or abusive use of force and firearms is prohibited as a criminal offence under their law.”)


155 PRC Public Security Bureau Detention Center Regulations [Zhonghua renmin gongheguo kanshousuo fa], issued and effective 17 March 90, art. 17.


161 For the Commission’s past reporting on wrongful conviction, see CECC, 2014 Annual Report, 9 October 14, 88–89; CECC, 2015 Annual Report, 8 October 15, 106–8; and CECC, 2016 Annual Report, 6 October 16, 106.


163 Zhang Cong, “The Bottom Line of Admanitly Preventing Wrongful Convictions (Dialogue)” [Wenxue jingji yu yu gongtou bu yu xian zai de minzhu ziqu de xiao’er] People’s Daily, 20 March 09, 2017; “Prudential Provisions on Conducting Criminal Petition Examination in a Different Locality Researched and Drafted” [Zuigaojian guanyu yu gongtou bu yu xian zai de minzhu ziqu de xiao’er] China News Service, 10 February 17; Zhou Bin, “Supreme Procuratorate Criminal Case Petition Procedures” [Jianzhi fangzhi yuanjia cuo’an de dixian (duihua)], People’s Daily, 29 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 397; Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Regarding the Application of Law in Handling Criminal Cases Involving Dereliction of Duty by Public Officials (One) [Guanyu banli duzhi xingshi anjian shiyong faju ruogan wenti de jieshi (yi)], issued 7 December 12, effective 9 January 13, art. 1(1).


165 Supreme People’s Court, Criminal Judgment [Zhonghua renmin gongheguo zuigao renmin fa yuan fayuan fayuan fayuan fa yuan fa yu] 2018 Zui Gao Fa Xing Zai No. 3, 30 November 16, reprinted in China Judgements Online, 2 December 16; Luo Sha and Bai Yang, “Supreme People’s Court
Finds Nie Shuhin Not Guilty After Retrial” [Zhigao renmin fayuan zaishen gaipan nie shuhin wuzhi], Xinhua, 2 December 16.


161 Shan Yu, “Awaiting Further Disclosure on State Compensation” [Guojia peichang dai jinjilu gongkai], Caixin, 28 February 17.

162 “Supreme People’s Court Work Report” [Zhigao renmin fayuan gongzuo baogao], 12 March 17.


164 National People’s Congress Standing Committee, PRC People’s Courts Organic Law (Amended) [Zhonghua renmin gongheguo renmin fayuan zuigao fa (xuexiang)], passed 1 July 79, amended 2 September 83, 2 December 86, 31 October 06, effective 1 January 07, art. 12; National People’s Congress Standing Committee, Decision on Amending PRC People’s Courts Organic Law [Qiangguo renmin dihui dui zuigao renmin fayuan zuigao fa (xuexiang) de jueding], issued 31 October 06, effective 1 January 07; Supreme People’s Court, Decision on Issues Relating to the Unified Exercise of the Approval Authority on Death Penalty Cases [Zhigao renmin fayuan xingshi panjue shu], issued 31 December 06, effective 1 January 07.

165 PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, art. 34; Supreme People’s Court and Ministry of Justice, Several Provisions on Comprehensively Protecting Lawyers in履行 Their Duty To Defend According to Law, and Ensuring Quality in the Handling of Capital Punishment,” (2016) Zui Gao Fa Xing Zai No. 2, 20 January 17, reprinted in China Judgements Online, 14 March 17; “Supreme Court Announces Judgment in Retrial in Case Involving Charges of Organizing, Leading, and Participating in Criminal Syndicates, Intentional Homicide, and Extortion Against Defendants, Including Sun Baoguo, Sun Baoding, and Sun Baomin” [Zuigaofa dui yuanshen beigaoren sun baoguo, sun baodong, sun baomin], issued and effective 28 December 09. In general, “Supreme People’s Court, “Court Reform in China,” 14 March 17, III. See also PRC State Compensation Law [Zhonghua renmin gongheguo guojia peichang fa], passed 12 May 95, amended 28 February 02, 25 February 11, 29 August 15, effective 1 November 15, art. 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 20 October 06, 31 October 06, effective 1 January 07, art. 12; Supreme People’s Court and Supreme People’s Procuratorate, Interpretations on Certain Issues Regarding the Application of Law in Handling Criminal Compensation Cases [Guojia peichang jinshu peichang fa], issued 29 December 15, effective 1 January 16, art. 241. “Supreme People’s Court Issues Newest State Compensation Standard, Daily Compensation Amount for Infringement of Personal Freedom Set at 258.89 Yuan Per Day” [Zhigao renmin fayuan xingshi panjue shu], People’s Court Daily, reprinted in Supreme People’s Court, 31 May 17; 2016 China Law Yearbook [2016 zhongguo falu nianjian] (Beijing: China Law Yearbook Press, 2016), 1299. According to the 2016 China Law Yearbook, in 2016, official data indicates that courts awarded compensation in 606 of 2,928 adjudicated cases involving compensation claims in criminal matters.

166 Shan Yu, “Awaiting Further Disclosure on State Compensation” [Guojia peichang dai jinjilu gongkai], Caixin, 28 February 17.

167 Ibid.


169 Although the Chinese government has promulgated rules to regulate the sourcing of organs, there remain loopholes that allow the acquisition of organs from executed prisoners. PRC Criminal Law [Zhonghua renmin gongheguo xingshi panjue shu], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 29 February 11, 28 August 15, effective 1 January 16, art. 234–1. The PRC Criminal Law prohibits organized trading of organs, the removal of organs without consent, and the inducement of another to donate organs by fraud or coercion. State Council, Regulations on Human Organ Transplants [Renji guojia xingshi panjue shu], 31 March 07, effective 1 May 07, arts. 7, 21. The State Council’s Regulations on Human Organ Transplants prohibit medical facilities from charging a fee for the transplanted organ. Ministry of Health, Certain Provisions on Standardizing Live Organ Transplantation [Xingshi jinshi xingshi suan], issued and effective 28 December 09. In general, the Ministry of Health’s Certain Provisions on Standardizing Live Organ Transplantation implement the State Council’s Regulations on Human Organ Transplants. National Health and Family Planning Commission, Regulations on Administering Procurement and Distribution of
Human Organ Donations (Trial) (Renti juanxian qiguan huoku yu fenpei guanli guiding (shixing)), issued 13 August 13, effective 1 September 13, arts. 5, 6. The trial Regulations on Administering Procurement and Distribution of Human Organ Donations create organ procurement organizations in every provincial-level administrative jurisdiction and require them to register procured organs in a national registry.


180 ‘‘Zero Tolerance on Transplantation of Organs Sourced From Executed Prisoners’’ Huang Jiefu Said Armed Police Hospital’s License Revoked for Illegal Operation’’ (“Ling rongren siqiu qiguan yizhi” huang jiefu zhi wujing yiyuan feifa shoushu zao chupai), Ming Pao, 17 October 16.

181 Ibid.