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Findings

• The Chinese government and Communist Party continued to use criminal law and police power to punish government critics and to “maintain stability” with the goal of perpetuating one-party rule. The Commission observed that the Chinese government targeted the following groups in particular: rights advocates and lawyers; doctors and other citizens who shared information about the coronavirus disease 2019 (COVID–19) outbreak; supporters in mainland China of protests in Hong Kong; religious believers and clergy; and ethnic minority groups. In so doing, the Chinese government violated the freedoms of Chinese citizens protected under PRC laws and international human rights standards.

• The Chinese government continues to arbitrarily detain Chinese citizens, circumventing judicial oversight and the protection of detainees’ rights under the PRC Criminal Procedure Law. Forms of arbitrary detention used to deprive individuals of their liberty included extralegal “black jails” and forced psychiatric commitment of individuals who are engaged in petitioning or other activities that authorities find politically troublesome. Provisions under the PRC Criminal Law—such as crimes of “endangering state security” and “picking quarrels and provoking trouble”—provide a legal basis for authorities to suppress rights advocacy and other activities protected under international human rights standards.

• Authorities used police power to detain individuals and suppress the spread of information about the COVID–19 outbreak that resulted in a global pandemic. Police throughout China punished individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province. Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances. Wuhan-based doctor Li Wenliang was summoned and forced to sign a confession for “severely disturbing social order” after sharing information with medical colleagues about the novel coronavirus. Li later died from complications related to COVID–19.

• The National People’s Congress Standing Committee repealed “custody and education,” a frequently abused form of administrative detention. Under “custody and education,” public security officials were able to detain sex workers and their clients for six months to two years without judicial oversight. One longtime advocate for the abolition of “custody and education” called the development a “rare victory for a vulnerable group in China.”

• Authorities continued to deprive detainees of their rights in contravention of international standards and in some cases against PRC laws. Authorities tortured and abused detainees, held them in prolonged pretrial detention, denied them access to a lawyer, and coerced them to confess to wrongdoing. One China legal expert said that coerced confessions are a problem
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that “everyone in the [Chinese] criminal justice system is aware of.”
• The Chinese Communist Party increasingly asserted control over law enforcement and deployed mass surveillance technologies in the name of public security to suppress political activity. Authorities continued to develop technology-based means to help public security officials track persons of interest—based in part on large-scale, sometimes involuntary collection of personal data. This raises concerns over Chinese citizens’ privacy and increases the potential for public security officials to use these technologies to crack down on rights advocates and other targeted persons.
• According to research by Amnesty International, the PRC carried out more executions than any other country this past year. The government continued to claim that it reserved the death penalty for a small number of crimes and only the most serious offenders. However, China also continued to classify death penalty statistics as a state secret, which does not comport with international human rights norms.
• Chinese authorities continued to arbitrarily detain Canadian citizens Michael Kovrig and Michael Spavor, in what is now more than one year of detention without trial. The two were likely detained in order to exert diplomatic pressure on the Canadian government for the arrest of Huawei executive Meng Wanzhou.

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 about 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
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Group on Arbitrary Detention, in order to provide actionable information to the UN High Commissioner for Human Rights and UN system of Special Procedures, 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 Chinese police, including artificial intelligence (AI)-enabled biometric identification technologies (e.g., facial, voice, or gait recognition). Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses and privacy violations that U.S. companies working in China may face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minority groups in China.
- Engage with reform-minded governments and non-government 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 organizations and individuals that draw on comparative experience to improve the criminal justice process. For example, the experience of the United States and other jurisdictions can inform individuals and institutions in China that are working toward reducing reliance on confessions, enhancing the role of witnesses at trials, and creating more reliable procedures for reviewing death penalty cases.
- 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 with Chinese counterparts the importance of protection for such individuals in a wide range of bilateral and multilateral discussions with Chinese officials.
- 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 urge the Chinese government to ban explicitly, in national legislation, the harvesting of organs from executed prisoners.
CRIMINAL JUSTICE

Introduction

During the Commission’s 2020 reporting year, Chinese government and Communist Party officials continued to use criminal law and police power to punish their critics and to “maintain stability” (weiwèn)1 with the goal of perpetuating one-party rule. In so doing, the Chinese government violated the freedoms and rights of Chinese citizens protected under PRC laws and international human rights standards.2

Arbitrary Detention

Authorities continued to use various legal and extrajudicial forms of arbitrary detention3 that deprive individuals of their liberty, contravening international human rights standards.4 According to the UN Working Group on Arbitrary Detention, arbitrary detention is prohibited in “all types of detention regimes.”5 This includes “detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings.”6

FORMS OF ARBITRARY DETENTION

- “Retention in Custody” (Liúzhi). The PRC Supervision Law (Supervision Law),7 authorizes the National Supervisory Commission (NSC) to investigate suspected official misconduct8 using methods including “retention in custody” (liúzhi),9 an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation and denies them the right to be tried while present.10 In April 2020, the Beijing Commission for Discipline Inspection announced it had placed former business executive Ren Zhiqiang under investigation for “violating discipline and the law.”11 Ren went missing in March after the publication of a February article he is believed to have authored in which he criticized the Party leadership’s handling of the coronavirus disease 2019 (COVID–19) outbreak.12

- Administrative Detention. Authorities continued to use administrative forms of detention, which allowed officials to detain individuals without judicial oversight or protection for their rights under the PRC Criminal Procedure Law. Police have ordered individuals to serve up to 20 days of administrative detention without any judicial process.13 In addition, authorities continued to operate compulsory drug detoxification centers14 where they can hold detainees for up to two years.15

- “Custody and Education.” On December 28, 2019, the National People’s Congress Standing Committee repealed the form of administrative detention known as “custody and education” (shourong jiaoyu).16 Under “custody and education,” public security officials were authorized to detain sex workers and their clients for six months to two years without judicial oversight.17 Chinese legal experts had questioned the legality of such “extrajudicial prisons without any due process” that primarily targeted women and were prone to abuse.18 One
longtime advocate for the abolition of "custody and education" called the development a "rare victory for a vulnerable group in China." 19

- **Black Jails.** Authorities continued to hold individuals in "black jails," extralegal detention sites that operate outside of China’s judicial and administrative detention systems. 20 For example, authorities or individuals presumably acting on their behalf held rights advocates and petitioners in "black jails." 21

- **Psychiatric Facilities.** Local authorities continued to forcibly commit individuals without mental illness to psychiatric facilities—a practice known as bei jingshenbing—to punish or arbitrarily detain individuals who expressed political dissent or grievances against the government. 22 These actions violate protections in the PRC Mental Health Law 23 and related regulations. 24 For example, on January 23, 2020, around six unidentified individuals in Fuzhou municipality, Fujian province, took petitioner He Guanjiao into custody. 25 After losing communication with He Guanjiao in January, her sister later discovered that authorities had taken her to a psychiatric institution in Fuzhou despite the fact that she did not have a history of mental illness. 26 This is not the first time authorities placed her in a psychiatric institution. 27 In August 2019, authorities kept He Guanjiao in a psychiatric institution without informing her family until October. 28 When she went on a hunger strike in protest, authorities reportedly force fed her and forcibly administered her medication. 29 He Guanjiao began petitioning when her complaints were rejected by her employer and labor offices after she lost her job due to an industrial injury that resulted from unsafe working conditions. 30

- **Abuse of Quarantine Measures.** Authorities reportedly "detained in the name of quarantine" citizen journalist Chen Qiushi who reported on the novel coronavirus outbreak in Wuhan municipality, Hubei province. 31 In a separate case, after having gone missing for almost two months, 32 journalist Li Zehua, who recently left state-run China Central Television to report independently, released a statement saying authorities had placed him in quarantine in Wuhan and subsequently transferred him to another quarantine location in his hometown. 33 Like Chen, Li had also reported on the coronavirus outbreak. 24 In another case reported by the Falun Gong-affiliated website Clear Wisdom, on January 27, 2020, authorities reportedly brought Falun Gong practitioner Gong Fengqiang to a coronavirus quarantine hospital to hide evidence of custodial abuse that left him unconscious. 35

- **Mass Internment in the Xinjiang Uyghur Autonomous Region (XUAR).** Authorities in the XUAR maintained a system of extrajudicial mass internment camps 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. 36 According to reports published this past year, there was also a significant increase in arrests, trials, and formal imprisonment of ethnic minority individuals in the XUAR, beginning in 2017. 37 [For more
information on arbitrary detention in China’s mass internment camps, see Section IV—Xinjiang.]

CRIMINAL LAW AND ARBITRARY DETENTION

This past year, authorities continued\(^{38}\) to detain individuals under broad provisions in the PRC Criminal Law (CL) to suppress rights advocacy and other activities protected under international human rights standards.\(^{39}\) Criminal provisions that authorities used for political purposes include the following:

- **Crimes of Endangering State Security.** The Chinese government continued to prosecute individuals for peacefully exercising their rights under the category of “endangering state security” crimes, as provided in CL Articles 102 to 105 and 107 to 112, including the offenses “subversion of state power,”\(^{40}\) “separatism,” and “espionage.”\(^{41}\) Some of these charges carry multi-year prison sentences or the death penalty.\(^{42}\) Cases of individuals detained under provisions of endangering state security can be found in this chapter.\(^{43}\)

- **Picking Quarrels and Provoking Trouble.** Authorities used “picking quarrels and provoking trouble” under Article 293 of the CL to punish individuals including petitioners and rights advocates.\(^{44}\) Chinese legal experts describe the criminal charge as a “pocket crime,” in that it “is so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality.”\(^{45}\)

- **Other Criminal Law Provisions.** Authorities continued to charge members of religious communities and spiritual movements with “organizing and using a cult organization to undermine implementation of the law” under CL Article 300.\(^{46}\) In addition, authorities accused individuals of other criminal offenses, including “gathering a crowd to disturb social order”\(^{47}\) and “illegal business activity”\(^{48}\) in relation to activities protected under international human rights standards.\(^{49}\)

<table>
<thead>
<tr>
<th>Name</th>
<th>PPD record no.</th>
<th>Nature of detention</th>
<th>Detention status (^{51})</th>
<th>About</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wang Yi</td>
<td>2018–00615</td>
<td>Religion, public criticism of Chinese Communist Party (^{52})</td>
<td>Detained on December 9, 2018. Sentenced to nine years in prison on December 30, 2019, for both “inciting subversion of state power” and “illegal business activity.”(^{53})</td>
<td>Pastor of Early Rain Covenant Church, an unregistered Protestant church in Chengdu municipality, Sichuan province.</td>
</tr>
</tbody>
</table>
TABLE 2—SELECT CASES OF INDIVIDUALS DETAINED UNDER PICKING QUARRELS AND PROVOKING TROUBLE FROM THE COMMISSION’S POLITICAL PRISONER DATABASE (PPD) 54

<table>
<thead>
<tr>
<th>Name</th>
<th>PPD record no.</th>
<th>Nature of detention</th>
<th>Detention status</th>
<th>About</th>
</tr>
</thead>
<tbody>
<tr>
<td>Li Sixia</td>
<td>2019–00355</td>
<td>Environmental advocacy</td>
<td>Detained on September 17, 2018. Sentenced on July 20, 2019, to two years and six months in prison.</td>
<td>Li Sixia, with Zhang Haicheng and Wei Zhibo, posted reports online in 2017 and 2018 about environmental pollution in Shiquan county, Ankang municipality, Shaanxi province, caused by two nearby stone quarries.</td>
</tr>
<tr>
<td>Huang Xueqin</td>
<td>2019–00454</td>
<td>Freedom of expression: writing about 2019 anti-extradition bill protests in Hong Kong</td>
<td>Released on bail (“guarantee pending trial” (qubao houshen)) on or around January 17, 2020, after approximately three months in detention, part of which was in “residential surveillance at a designated location.”</td>
<td>Journalist and women’s rights advocate who promoted the #MeToo movement in China and covered cases of sexual harassment. Wrote about her experiences at a protest in Hong Kong.</td>
</tr>
<tr>
<td>Cui Haoxin</td>
<td>2020–00071</td>
<td>Ethnic minority rights, government criticism</td>
<td>Detained on January 24, 2020. Pretrial detention.</td>
<td>Hui Muslim poet and writer (also known by his pen name An Ran) who has criticized Chinese government policies toward Muslims, including destruction of mosques and the campaign of arbitrary mass detention of Uyghurs and others.</td>
</tr>
</tbody>
</table>

**Arbitrary Detention and Diplomatic Pressure**

Authorities have held Canadian citizens **Michael Spavor**57 and **Michaelf Kovrig**58 in pretrial detention for more than one year.59 The Canadians were detained in December 2018,60 and in June 2020, authorities indicted the two on charges relating to “state secrets.”61 The Canadians’ detentions in December came shortly after Canadian authorities arrested Huawei executive Meng Wanzhou based on an extradition request made by the U.S. Department of Justice.62 Observers have argued that the detentions of Spavor and Kovrig as well as the death sentence of Canadian **Robert Schellenberg**63 were likely Chinese authorities’ attempt to exert pressure on the Canadian government in response to Meng’s arrest.64

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

The Commission continued to observe reports of authorities violating the rights of detainees, despite protections in the PRC Criminal Procedure Law (CPL)65 and international human rights standards.66
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PROLONGED PRETRIAL DETENTION

Authorities in some cases held suspects in pretrial detention beyond the limits allowed under international human rights standards\(^\text{67}\) and the CPL.\(^\text{68}\)

Authorities first detained activist **Ge Jueping**\(^\text{69}\) in November 2016 on suspicion of “inciting subversion of state power,” and placed him under “residential surveillance at a designated location.”\(^\text{70}\) In May 2017, authorities formally arrested Ge on the same charges.\(^\text{71}\) According to the advocacy organization Chinese Human Rights Defenders, after a local procuratorate indicted Ge in April 2018, authorities argued that the trial could not occur because Ge refused a government provided defense lawyer.\(^\text{72}\) In May 2019, the Suzhou Municipal Intermediate People’s Court in Jiangsu province tried Ge Jueping but did not issue a judgment.\(^\text{73}\) On June 8, the court notified Ge’s lawyer that Ge’s trial was suspended on March 16, 2020, due to COVID–19.\(^\text{74}\) On June 24, 2020, the court sentenced Ge to four years and six months in prison for “inciting subversion of state power,” marking over three years and seven months in detention without a sentence.\(^\text{75}\) Before his arrest in 2017, Ge was reportedly active on social media speaking out against forced home demolitions and for civil rights.\(^\text{76}\)

In January 2020, the Chief Prosecutor of the Supreme People’s Procuratorate Zhang Jun said rates of arrests and pretrial detention should be lowered.\(^\text{77}\) Zhang recommended “the expanded implementation of detention alternatives” such as defendants being released pending trial in place of pretrial detention.\(^\text{78}\)

DENIED ACCESS TO COUNSEL

Authorities continued to deny some criminal suspects meetings with their lawyers and prevented others from hiring their preferred attorneys. Chinese law grants suspects and defendants the right to hire\(^\text{80}\) and meet with defense counsel,\(^\text{81}\) but it restricts meetings in cases of “endangering state security” and terrorism,\(^\text{82}\) as well as for those held in “residential surveillance at a designated location” (RSDL),\(^\text{83}\) contravening international standards.\(^\text{84}\) Selected examples of denied access to counsel are listed below:

- In August 2019, Chinese authorities formally charged former Chinese official and Australian citizen and writer **Yang Hengjun**\(^\text{85}\) on charges of “endangering state security.”\(^\text{86}\) Authorities reportedly denied Yang access to the lawyer of his choosing, and starting in December denied visits from consular officials and legal counsel.\(^\text{87}\) Authorities first detained Yang in January 2019 when he arrived in China from New York.\(^\text{88}\) Yang has written articles critical of the Chinese government.\(^\text{89}\)
- In December 2019, **Chen Jiahong**\(^\text{90}\) met with his lawyer for the first time in seven months since authorities took him into custody in April, reportedly for his speech calling for increased accountability of Party officials.\(^\text{91}\)

Authorities had formally
charged Chen earlier in December for “inciting subversion of state power.” Chen is a human rights lawyer who signed an open letter in early 2018 calling for an end to government targeting of lawyers. After Chen’s colleague Qin Yongpei advocated for the release of Chen and other lawyers, authorities detained Qin in October 2019 and indicted him for “inciting subversion of state power” in May 2020. Qin is a disbarred rights defense lawyer, who, like Chen, had criticized the corruption of Chinese officials, and had commented on the pro-democracy protests in Hong Kong. Authorities deprived both Chen and Qin of family and counsel visits.

RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION

 Authorities continued to place some criminal suspects in “residential surveillance at a designated location” (RSDL), a form of incommunicado detention that can last up to six months, restricts access to counsel, and places detainees at risk of abuse by authorities.

In December 2019, as part of a crackdown on individuals connected to a gathering in Xiamen municipality, Fujian province, earlier that month during which participants discussed Chinese politics and civil society developments, authorities from Shandong and Fujian provinces took into custody lawyer Ding Jiaxi, scholar Zhang Zhongshun, and rights advocate Dai Zhenya. Authorities separately placed the three in RSDL in Shandong province on suspicion of “inciting subversion of state power.”

Torture and Abuse in Custody

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

• In November 2019, Wang Yuqin, wife of rights advocate Yang Qiuyu, reported that authorities in a Beijing municipality detention center placed Yang’s legs in shackles for six months. Yang and Wang have long been supporters of petitioners from disadvantaged groups. Yang was criminally detained on March 1, 2019, for “picking quarrels and provoking trouble.”

• In November 2019, Shenzhen police released a video confession tape of Hong Kong resident and then-U.K. consulate employee Simon Cheng Man Kit. The video was posted two days after Cheng released a statement saying Shenzhen police tortured him during his detention in August 2019. Cheng said he was placed in solitary confinement, deprived of sleep, handcuffed, and placed in stress positions for hours. Interrogators threatened to charge him with a more severe crime and demanded Cheng provide information on the U.K.’s role in the 2019 Hong Kong pro-democracy protests, which Cheng denied, as well as on his relationship with mainlanders involved in the protests. Authorities allegedly forced him to confess to soliciting prostitutes. An Amnesty International researcher said Cheng’s accusations of torture in detention are “in line with the endemic torture and other ill-treatment” in mainland China.
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[For more information about pro-democracy protests in Hong Kong, see Section VI—Developments in Hong Kong and Macau.]

- In addition, authorities continued to deny or fail to provide adequate medical care to some detainees, which violates international human rights standards and may amount to torture.

Coerced Confessions

Authorities continued to coerce detainees to confess to wrongdoing in violation of the CPL, and in some cases forced detainees to recite apparently scripted remarks in court or on camera while in pretrial custody. Chinese legal experts have expressed concern about the continued abusive practices in the Chinese criminal justice system that facilitated wrongful convictions, such as illegal collection of evidence and coerced confessions. One legal expert said coerced confessions are a problem that "everyone in the Chinese criminal justice system is aware of." [For more information about the coerced confession in administrative detention of former U.K. consulate worker Simon Cheng Man Kit, see sub-section above on Torture and Abuse in Custody.]

During the coronavirus disease 2019 (COVID–19) outbreak, individuals who shared information about the disease confessed to wrongdoing in what were likely cases of coerced confessions:

- The non-governmental organization Safeguard Defenders reported that authorities throughout China coerced individuals who were placed in "tiger chairs" to make video confessions related to the coronavirus outbreak. The confessions ranged from "spreading rumors" to "maliciously driving up [rice] prices."

- In February 2020, a college student posted a video "admitting her mistakes" after posting a picture on social media in late January complaining about her experience in the hospital while receiving treatment for COVID–19. In the video she said she "hoped that her fans will not start rumors," and that "we need to trust in the country and the government's ability to find a cure." The video confession was recorded while she was receiving treatment in a hospital bed.

- Public security authorities in Wuhan municipality, Hubei province, forced at least eight medical personnel to sign confessions of wrongdoing in connection to sharing information about the novel coronavirus outbreak in late December 2019. [For more information on coerced written confessions for sharing information about the coronavirus outbreak, see Policing in this section.]

Confirmed Cases of COVID–19 in Prisons

In February 2020, authorities announced that five prisons in Shandong, Zhejiang, and Hubei provinces each had more than 500 total confirmed cases of COVID–19 in the prisons. The BBC reported that four prison officials were fired, and others were disciplined after the virus spread in the prisons. One Human Rights Watch researcher expressed concern over medical care pro-
vided to already vulnerable Chinese prison populations during the pandemic: “Prisoners are routinely denied access to adequate medical care even during normal times.” UN High Commissioner for Human Rights Michelle Bachelet stressed that in order to mitigate the spread of the virus in prisons, “governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.”

Policing

This past year, authorities continued to develop surveillance technology based in part on large-scale, sometimes involuntary collection of personal data. While the development of technology could aid criminal investigations, observers have raised concerns about public security officials’ capacity to crack down on rights advocates, religious and ethnic minority groups, and critics of the Chinese government and Communist Party. This is especially true in a justice system in which, according to Amnesty International, “Law enforcement and the judicial system remained largely under the control of the [Chinese Communist Party].” Examples of technology used to track and collect data on individuals include smart glasses, artificial intelligence, facial recognition, and drones. Reports indicated that both U.S. and Chinese firms aided Chinese police in developing their surveillance technology. [For more information on the involvement of U.S. companies in the Chinese government’s development and procurement of surveillance technology, see Section II—Business and Human Rights. For information on public security and counterterrorism policy implementation in the Xinjiang Uyghur Autonomous Region, see Section IV—Xinjiang.]
Police Power and the Coronavirus Disease 2019 (COVID–19)

During the Commission’s reporting year, authorities harassed, threatened, fined and detained individuals for spreading information about the coronavirus outbreak that began in Wuhan municipality, Hubei province. As of March 26, 2020, Chinese Human Rights Defenders estimated that almost 900 individuals have been punished nationwide for “spreading rumors” related to COVID–19. Punishment included police summons, reprimands and warnings, fines, administrative detentions, criminal detentions, forced confessions and apologies, and disappearances.143

On December 30, 2019, a Wuhan doctor shared a report via social media that a coronavirus similar to SARS had been detected in patients. Dr. Li Wenliang and seven others who shared the report on social media also were reprimanded by the police. In the case of Dr. Li, police from Wuhan municipality summoned him, and forced him to sign a document admitting to “severely disturbing social order.” Li was later diagnosed with COVID–19 and died on February 7, 2020. In March, the National Supervisory Commission said police had mishandled Li’s case, and exonerated Li Wenliang. Caixin Global, a commercial media outlet known for its investigative reports, reported that additional Wuhan doctors were either summoned or called by local police after they shared information about the virus on social media.

China legal scholar Jerome A. Cohen noted that the summoning of Dr. Li for his online posting is an example of how police use the “vaguely defined offenses” of the PRC Public Security Administration Punishment Law (PSAPL) to punish individuals. The administrative powers and punishments the PSAPL provides the police are “not subject to the protections of the Criminal Procedure Law,” and do not involve the Chinese procuratorate or the courts. Under the PSAPL, police can punish individuals for offenses that are not necessarily criminal with “low visibility police oppression,” ranging from a warning to 15 days in detention. Cohen said that the PSAPL “accounts for many more punishments each year than the criminal process.”

Death Penalty

The Chinese government continued to claim that it reserves the death penalty for a small number of crimes and only the most serious offenders. However, court and public security bureau officials voiced support for the continued use of the death penalty, and announced it as a potential penalty for crimes related to the coronavirus outbreak. Amnesty International estimated that the Chinese government “executed and sentenced to death thousands of people, remaining the world’s lead executioner.” The Chinese government classified statistics on its use of the death penalty as a “state secret,” and the Commission did not observe any official report on overall death penalty numbers.

In August 2019, the Supreme People’s Court released guidelines outlining some rights of prisoners on death row, particularly relating to judicial review of death sentences. The guidelines address the defendant’s rights to a defense lawyer, and require authorities to postpone the death sentence when a defense lawyer provides evidence that could influence the Supreme People’s Court’s review of
the case.\textsuperscript{160} The guidelines also allow prisoners sentenced to death to request a meeting with friends or relatives before his or her execution.\textsuperscript{161}

\textbf{Transparency in Organ Transplant System}

A paper published in BMC Medical Ethics in November 2019 raised concerns about the Chinese government’s transparency of data regarding its organ transplant system. According to the authors, “China’s standards for public provision of its transplant data differ significantly from elsewhere. None of the official organ transplant registries are publicly accessible.”\textsuperscript{162} The article claimed that the Chinese government may have falsified annual statistics on organ donation numbers in China.\textsuperscript{163} Observers suggested that this may be an indicator that involuntary organ removals continue to take place in China, despite official assertions to the contrary.\textsuperscript{164} In 2014, state-controlled media had reported the end of harvesting organs from executed prisoners with a move to a fully voluntary organ donation system starting in January 2015.\textsuperscript{165}
Notes to Section II—Criminal Justice

1 Sophia Yan, "Xi Jinping Demands Political Loyalty from Chinese Police with Tiananmen Anniversary and Trade Tension," Telegraph, May 10, 2019.


3 UN Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 76th session, (19–28 April 2017), A/HRC/WGAD/2017/4, August 11, 2017. The UN Working Group on Arbitrary Detention classifies detention as “arbitrary” when there is no legal basis for the deprivation of liberty, when detention results from the exercise of certain fundamental rights, when non-observance of international fair trial norms is particularly serious, when displaced persons are placed in prolonged administrative custody without the possibility of resolution, or when it is a violation of international law on the grounds of discrimination.


6 Ibid.

7 Zhonghua Renmin Gongheguo Jiancha Fa [PRC Supervision Law], passed and effective March 20, 2018.

8 Ibid., art. 3.

9 Zhonghua Renmin Gongheguo Jiancha Fa [PRC Supervision Law], passed and effective March 20, 2018, art. 22; CECC, 2018 Annual Report, October 10, 2018, 103.


13 Zhonghua Renmin Gongheguo Xingshi Suong Fa [PRC Criminal Procedure Law], passed and effective March 20, 2018, art. 22; CECC, 2018 Annual Report, October 10, 2018, 103.


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


21 See, e.g., Civil Rights & Livelihood Watch, “Chongqing Cai Bangying bei ouda guan hei jianyu” [Chongqing’s Cai Bangying beaten and detained in black prison], August 8, 2019; Civil Rights & Livelihood Watch, “Yin shangfang Zhang Yuebing bei dufua guan hei jianyu” [Zhang Yuebing beaten and detained in black prison due to petitioning], December 25, 2019; Civil Rights & Livelihood Watch, “Dao ming zai Jing fangmin zao bangjia guan hei jianyu” [A number of petitioners in Beijing kidnapped and placed in black prison], August 28, 2019; Rights Defense Network, “Jiangsu Nanjing gongmin Wu Jufang de shiyi hei jianyu emeng” [Citizen of Nanjing, Jiangsu, Wu Jufang’s China National Day black jail nightmare], October 8, 2019.

22 See, e.g., Civil Rights & Livelihood Watch, “2019 nian Zhongguo jingshen jiankang yu renquai (bei jingkeng bing) nian zhou haogao” [2019 year-end report on mental health and human rights in China (forcible psychiatric commitment)], March 6, 2020; Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangu jingkeng mei zhong xinxi” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020; For more information on He Guanjiao, see the Commission’s Political Prisoner Database record 2020-00158.

23 See, e.g., Civil Rights & Livelihood Watch, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangu jingkeng mei zhong xinxi” [After being kidnapped and miss-
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ing for almost two months, we finally have news of He Guanjiao, another case of Fuzhou authorities illegally placing her in a psychiatric institution], March 25, 2020.

27 Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, Fuzhou authorities had illegally committed her to a psychiatric institution], March 25, 2020.

28 Rights Defense Network, “He Guanjiao bei qujin Shenzhen jingshenbing yuan 4 ge du yue zhong tuoli moku” [He Guanjiao locked in a Shenzhen psychiatric ward for 4 years, finally escaping from devil’s cave], December 23, 2020; Rights Defense Network, “Jiashu jie He Guanjiao shihai, yisi gongan luotong jingting jujin jingmu fangmin moucai” [Family receives a call about He Guanjiao’s disappearance, suspects police and psychiatric facility are working together to detain the petitioner who sought financial compensation], April 1, 2020.

29 Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, Fuzhou authorities had illegally committed her to a psychiatric institution], March 25, 2020.

30 Xiong Bin, “Fujian guo guo hua qiao yin weiquan bei qiu jingshenbing yuan” [Fujian resident and overseas Chinese who returned home is imprisoned in a psychiatric facility for rights advocacy], Epoch Times, October 12, 2019; Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, Fuzhou authorities had illegally committed her to a psychiatric institution], March 25, 2020.


33 Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, Fuzhou authorities had illegally committed her to a psychiatric institution], March 25, 2020.

34 Rights Defense Network, “He Guanjiao bei qujin Shenzhen jingshenbing yuan 4 ge du yue zhong tuoli moku” [He Guanjiao locked in a Shenzhen psychiatric ward for 4 years, finally escaping from devil’s cave], December 23, 2020; Rights Defense Network, “Jiashu jie He Guanjiao shihai, yisi gongan luotong jingting jujin jingmu fangmin moucai” [Family receives a call about He Guanjiao’s disappearance, suspects police and psychiatric facility are working together to detain the petitioner who sought financial compensation], April 1, 2020.

35 Xiong Bin, “Fujian guo guo hua qiao yin weiquan bei qiu jingshenbing yuan” [Fujian resident and overseas Chinese who returned home is imprisoned in a psychiatric facility for rights advocacy], Epoch Times, October 12, 2019; Rights Defense Network, “Zao bangjia shizong liang yue yu de He Guanjiao zhong you xinxi, yuanlai you bei Fuzhou dangju feifa jujin jingshen bingyuan” [After being kidnapped and missing for almost two months, we finally have news of He Guanjiao, Fuzhou authorities had illegally committed her to a psychiatric institution], March 25, 2020.


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41 Yue Wenxiao, “Qian meiti ren Chen Jieren bei yi jingji zui zhongpan ceng duoci jubao” [Former journalist Chen Jieren additionally accused of fraud, case brought to prosecution], Siweiluo’s Blog (blog), September 3, 2019. For information on the detainees, see the following records in the Commission’s Political Prisoner Database (PPD): record 2017-00297.

42 For examples of cases of individuals detained under provisions of endangering state security covered in this chapter, see the Commission’s Political Prisoner Database record 2020-00192 on human rights lawyer Chen Jiahong; 2019-00508 on disbanded human rights lawyer Qin Yongpei; 2013-00307 on disbanded lawyer Ding Jiaxi; 2020-00012 on scholar Zhang Zhongshun; 2020-00011 on rights advocate Dai Zhennu; 2016-00475 on rights advocate Ge Jueping; 2005-00199 on legal scholar and civil society advocate Xu Zhiyong; 2019-00083 on Australian citizen and writer Yang Hengjun; 2020-00017 on Canadian citizen Michael Kovrig; and 2020-00178 on Canadian citizen Michael Spavor.


47 Tibet Watch, “Eight Tibetans Detained for ‘Organising a Mob to Disturb Social Order,’” September 3, 2019. For information on the detainees, see the following records in the Commission’s Political Prisoner Database (PPD): record 2020-00015 on Sadung, 2020-00016 on Jamtri, 2020-00017 on Ahol, 2020-00018 on Dosang, 2020-00019 on Wanggyal, 2020-00020 on Gyaltse, and 2020-00021 on Ngobe.

48 Siweiluo’s Blog (blog), January 10, 2020; Nathan VanderKlippe and Steven Chase, “Eight Tibetans Detained for ‘Organising a Mob to Disturb Social Order,’” September 3, 2019. For information on the detainees, see the following records in the Commission’s Political Prisoner Database (PPD): record 2020-00015 on Sadung, 2020-00016 on Jamtri, 2020-00017 on Ahol, 2020-00018 on Dosang, 2020-00019 on Wanggyal, 2020-00020 on Gyaltse, and 2020-00021 on Ngobe.


50 For more information on these cases and other cases raised in the Annual Report, see the Commission’s Political Prisoner Database record 2020-00011 on Guan Xingtiao, and 2020-00035 on Du Yecheng. See also “Authorities Interfere with Christian’s Job Prospects,” ChinaAid Association, March 24, 2020. For more information on Ruan Haoran, see the Commission’s Political Prisoner Database record 2017-00297.

51 Detention status as of June 30, 2020.


53 Zhonghua Renmin Gongheguo Xing Fa [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 225. "Illegal business activity” is a separate charge from crimes of “endangering state security.”

54 For more information on these cases and other cases raised in the Annual Report, see the Commission’s Political Prisoner Database (PPD). The PPD provides public access to information about cases of political and religious detention and imprisonment in China and can be accessed at http://ppdcecc.gov/.


57 For more information on Michael Spavor, see the Commission’s Political Prisoner Database record 2020-00178.
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For more information on Michael Kovrig, see the Commission’s Political Prisoner Database record 2020-00176.


Zhonghua Renmin Gongheguo Xingshi Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 2, 14.


Zhonghua Renmin Gongheguo Xingshi Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 156–159. For information on human rights lawyer Lu Yuhan, whom authorities have held for more than two years in pretrial detention, see Section III—Access to Justice.

For more information on China’s 1979 Criminal Code, see the Commission’s Political Prisoner Database record 2018-00475.

Rights Defense Network, “Suzhou 908 da zhubu jixu faxiao: Suzhou Ge Jueping (Benbo), Lu Guoying fu fu bei dai zou Ge Jueping bet kong kexian shandong dianfu guojia zhengfu zui zhongshu qianmao” [Suzhou 908 case: Lu Guoying detained; Suzhou 908 mass detention continues to develop: the couple Ge Jueping (Benbo) and Lu Guoying are taken away; Ge Jueping is suspected of the crime of “inciting subversion of state power” and has been placed under “residential surveillance at a designated location”], November 5, 2016; Chinese Human Rights Defenders, “Ge Jueping,” accessed April 17, 2020.


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For more information on Yang Hengjun, see the Commission’s Political Prisoner Database record 2019-00083.


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Chinese Human Rights Defenders, “Qin Yongpei,” accessed April 15, 2020. For additional examples of individuals facing reprisals for their support of protests in Hong Kong, see Rights Defense Network, “Shanzn Taiyuan tuixiu gongren Liu Shufang yin zhuangfa Xianggang kongzhe shuipin bei juliu 10 ri zai kanshounuo nei zao canren meuai” [Retired worker from Taiyuan, Shanxi, Liu Shufang who was detained for 10 days for sharing a video supporting protests in Hong Kong, is cruelly mistreated in detention center], December 6, 2019; Amnesty International, “China: UK Consulate Worker Allegations Fit Pattern of Endemic Torture on Mainland,” November 20, 2019. For examples of detentions related to support of the protests in Hong Kong, see the Commission’s Political Prisoner Database records 2015-00334 on Lai Rifu, 2019-00495 on Xu Kun, and 2019-00496 on Zhou Zaiqiang.

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105 "Zhonghua Renmin Gongheguo Xiangshi Suong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.
106 Ibid., art. 79.
107 Ibid., arts. 39, 77(2).
108 See, e.g., 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; Safeguard Defenders, “The Use of Solitary Confinement in RSDL as a Method of Torture,” April 11, 2019; Michael Caster, “China Thinks It Can Arbitrarily Detain Anyone. It Is Time for Change,” Guardian, January 3, 2019. See also Benedict Rogers, “China’s New Security Law: A Different Kind of Totalitarianism,” Agence France-Presse, December 14, 2019.
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119 Zhanghua Renmin Gongheguo Xingshi Suong Fe [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 52, 96. See also Zhai Yanmin, “Forced Confessions & Trial By Media: The Testimony of Rights Defender Zhai Yanmin,” Hong Kong Free Press, December 9, 2018.


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