



ONE HUNDRED SEVENTEENTH CONGRESS
SENATOR JEFF MERKLEY, CHAIRMAN
REPRESENTATIVE JAMES P. MCGOVERN, COCHAIRMAN

April 21, 2022

Mr. Claude Heller
Chairperson
Committee Against Torture
Office of the United Nations High Commissioner for Human Rights (OHCHR)
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

Dear Mr. Heller:

We are writing to you concerning the People's Republic of China's (PRC) overdue country report for the Convention Against Torture, which it was obligated to file by December 2019 but for which it remains outstanding. We likewise note that the PRC has not responded to the August 2018 follow-up inquiry made by the Committee Against Torture (Committee), which raised concerns over continued reports of abuse and harassment of lawyers, the lack of an independent torture investigation mechanism, and the lack of articulated plans for implementing "some or all of the remaining recommendations" included in the 2015 Concluding Observations.

In the 2015 Concluding Observations, the Committee expressed serious concerns "over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system, which overly relies on confessions as the basis for convictions." In addition, former detainees, including those of mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR), have documented the prevalence of torture in extrajudicial detention facilities in recent years. Regrettably, credible reports postdating the Concluding Observations continue to show that torture and ill-treatment of detainees at the hands of Chinese government officials have not abated. To give but a few recent examples—

- In February 2021, Chenduo county police in Yushu (Yulshul) Tibetan Autonomous Prefecture, Qinghai province, detained three teenagers, **Sanggye Tso**, **Dradul**, and **Kansi** (a nickname), for failing to register with local authorities a WeChat group that they ran. Police reportedly tortured Dradul in custody, breaking his legs and beating him, resulting in his hospitalization.

- **Qaliolla Tursyn**, a 71-year-old ethnic Kazakh legal consultant, reportedly died in 2020 in Wusu Prison in Shixo (Wusu) city, Tarbaghatay (Tacheng) prefecture, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, where he was serving a 20-year prison sentence. Authorities reportedly refused to allow Tursyn's family members access to his body, and Tursyn's Kazakhstan-based son expressed concern that his father's death may have been caused by torture or ill-treatment in detention.
- In late 2019 and early 2020, Chinese authorities reportedly tortured **Niu Tengyu**, who was detained in connection with the publication of information about Xi Jinping's relatives on a popular website. According to Niu's mother, because Niu refused to confess, officials hung him up by his handcuffs in a dark room and whipped him for one to two hours until he lost consciousness, after which they dropped hot wax onto him. The abuse caused Niu to lose one finger. Niu eventually pleaded guilty, and a court in Guangdong province sentenced him to 14 years in prison. Moreover, 23 other detainees in the case were reportedly tortured by authorities.
- In October 2020, authorities in Baoji municipality, Shaanxi province, detained lawyer **Chang Weiping** a second time in one year not long after he accused authorities of having tortured him during the earlier detention in January 2020. Chang has been legal counsel in health discrimination lawsuits, among others. Chang's detention is linked to a civil society meeting held in Xiamen municipality, Fujian province, in December 2019. Authorities also detained and reportedly tortured lawyer **Ding Jiayi** and legal expert **Xu Zhiyong** in connection to their participation in the Xiamen meeting.
- On September 1, 2020, police in Fujian province detained Father **Liu Maochun**, who supported Bishop Guo Xijin of the underground church and refused to join the government-run Chinese Catholic Patriotic Association. The government reportedly claims he is "ideologically radical," and tortured him using loud noises, bright lights, and sleep deprivation.

It is imperative that the Committee conduct timely and thorough reviews of the PRC's human rights practices under the standards articulated in the CAT. The human rights situation in China has demonstrably worsened since the Committee's last review in 2015, particularly in the XUAR, which prompted the United States government and policymakers of multiple countries to determine that Chinese authorities have committed genocide or crimes against humanity against Turkic Muslim and other minorities in the region. Additionally, UN independent experts have raised concerns over "a range of issues of grave concern, from the collective repression of the population, especially religious and ethnic minorities, in Xinjiang and Tibet, to the detention of lawyers and prosecution and disappearances of human rights defenders across the country, allegations of forced labour in various sectors of the formal and the informal economy . . .".

No country should avoid scrutiny for failing to file its report in a timely manner. Under Rule 67 of the Rules of Procedure, the Committee Against Torture may notify the defaulting State party of the non-submission of a report and has authority to conduct a review and adopt concluding observations in the absence of a report. In light of the foregoing, we call on the

Committee to urge the PRC to immediately file its country report or conduct a review forthwith in the absence of said report.

Sincerely,



Senator Jeffrey A. Merkley
Chairman



Representative James P. McGovern
Co-Chairman



Representative Tom Malinowski
Commissioner



Representative Thomas Suozzi
Commissioner

CC Mr. Sebastien Touze, Vice-Chairperson
Mr. Bakhtiyar, Vice-Chairperson
Mr. Erdogan Iscan, Rapporteur