CIVIL SOCIETY INFORMATION SUBMISSION TO THE

COMMITTEE AGAINST TORTURE

FOR THE REVIEW OF THE FIFTH PERIODIC REPORT OF CHINA (CAT/C/CHN/5)

SPECIFIC INFORMATION ON THE IMPLEMENTATION OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Chinese Human Rights Defenders

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Introduction

The Network of Chinese Human Rights Defenders (CHRD) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.

This submission by CHRD provides information concerning the Chinese government's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the past five years – 2009-2014. The information is to help the Committee against Torture (CAT) in its consideration of the List of Issues (LOI) that it will communicate to the Chinese government in preparation for the review of China's fifth periodic report on the measures it has taken to implement the rights set forth in the Convention.

This submission does not purport to provide a comprehensive overview of the current situation with the implementation of the Convention in China, but rather it identifies some areas of serious concerns relevant to a selection of articles in the Convention. The section titles below correspond to those articles in the Convention.

Articles 1 and 4: Definition of Torture & Inclusion in Criminal Law

1. In light of the Committee's previous concluding observations (paras. 32 and 33),[1] the definition of torture contained in Article 1 of the Convention has not been incorporated into domestic Chinese law. We have not been able to document any cases of direct application of the Convention by any courts in China, including application of the Convention's definition on torture.

2. The State party has proposed amendments to the Criminal Law, including provisions to outlaw torture to coerce confession; however, there are few measures taken or envisaged to ensure compatibility of the Criminal Law with the Convention. In the Ninth Draft Amendment to the Criminal Law (2014), the State party did not introduce specific provisions concerning the criminal liability for acts of torture, attempted acts of torture, orders to commit torture, or complicity in committing torture with a view to ensuring that torture is made punishable by appropriate penalties in accordance with the requirements of article 4(2) of the Convention.

3. The Convention is largely "invisible" in the State party's domestic legal system. The rights contained in the Convention are rarely invoked, if they are invoked at all, by judges, in court proceedings, by prosecutors, either as a ground for a case or as interpretative guidance for legal norms. Judges typically do not cite any international law and then tend to ignore or dismiss any citations by lawyers as irrelevant in criminal cases.

Article 2: Measures to Prevent Torture

4. In light of the Committee's previous Concluding Observations (para. 11), we report that China has largely failed to take the necessary measures to prevent acts of torture carried out during detention, and in particular:

(a) In the vast majority of the cases we have documented, detainees are not brought before a judge promptly, and the length of the pre-trial detention period has reached beyond legally permitted duration of time for the crimes that the detainees are accused of. Instead, pre-trial detention in many cases is unreasonably prolonged, in clear violation of international standards and Chinese law. According to China's Criminal Procedure Law, a detainee must

be either formally arrested or released within 37 days of being placed under criminal detention. However, authorities regularly violate this provision in cases involving human rights defenders, to the point where holding them for up to 37 days is almost automatic. Human rights defenders who are criminally detained are sometimes even held for indefinite periods, even in cases that do not involve "state secrets" (authorities frequently cite "state secrets" and "endangering state security" concerns as a pretext for lengthy pre-trial detention). In addition, police typically do not provide specific reasons or obtain warrants for an extension of pre-trial detention up to or beyond 37 days. In one case, Beijing police criminally detained two individuals associated with the Transition Institute, an independent think tank, in October 2014. The co-founder, Guo Yushan, was not formally arrested until 87 days after he was first taken into custody, and Huang Kaiping, the managing director, was held under criminal detention incommunicado, but never brought in front of a judge, for 110 days. In another case, three HRDs arrested in July 2013 in Hebei Province have not been tried in court at the time of writing; they have spent approximately 21 months in pre-trial detention on charges related to public order (not "state security") with only sporadic access to legal counsel.

(b) Detainees typically are deprived of fundamental legal safeguards from the outset of detention, including access to lawyers and doctors of their own choice, contact with family members, and habeas corpus. Instead of allowing detainees to be treated by doctors of their own choosing, authorities commonly arrange for physicians at designated state or military hospitals to provide medical treatment to them. In one case, the defender Cao Shunli died on March 14, 2014, after she was denied adequate treatment in detention and refused medical bail, which prevented her from receiving treatment by doctors of her own choice. Once she was in critical condition, authorities at the detention center transferred Cao to a military hospital and blocked her family from visiting for several days, and never allowed her lawyers to see her. Police were present in her hospital room at all times. Cao died weeks later, and to date, authorities have not responded to her family's request for an investigation into her death.[2] We have documented on our website many other detained or imprisoned individuals in urgent need of medical attention but denied access to doctors of their choice and/or effective treatment.[3]

(c) Authorities regularly deprive detainees' right to access legal counsel, disregarding a legal provision in the Criminal Procedural Law (Article 37) that stipulates detention centers must arrange for detainees to meet their lawyers within 48 hours from the time they are taken into police custody. Police commonly cite "leaking state secrets" or "hindering investigation" as "reasons" for denying lawyers' visits to detainees, citing Article 49 of Regulations on Procedures in Handling Criminal Cases by Public Security.[4] In one such case, authorities at Zhengzhou No. 3 Detention Center in Henan Province arrested eight activists and two lawyers in July 2014 and then held them for 10 weeks without access to their lawyers or family members, claiming that they were suspected of "endangering state security," despite their having been charged with the crimes of "illegal business activity" or "creating a disturbance." To date, of the 10 individuals, three men (Dong Guangping, Hou Shuai, and Yu Shiwen) remain in custody, but have not been indicted by a procuratorate or brought before a judge.[5]

(d) In some cases, detainees have lodged complaints about violations of their right to defense counsel. However, according to lawyers who have filed such complaints on their behalf, procuratorates tend to "turn a blind eye" to or reject such complaints, especially in "politically sensitive" cases, like those involving rights activists, dissidents, or Falun Gong practitioners.

5. Police officers are almost always present and monitor detainees' meetings with visiting lawyers and family members, often using audio/video devices to record these interactions. In

2011, a lawyer named Zhang Zuixin was arrested on a charge of "obstructing testimony" for representing his defendant in a murder case. The lawyer who replaced Zhang on the case also said that police monitored a meeting he had with his client. The policemen insisted on being in the same room and also recorded their conversation, causing the client to be too frightened to speak to the attorney. When the lawyer protested the police's presence as a factor for the client's silence, the police replied that the client had a right to remain silence. In a separate case, police had warned the defendant to tell him the same thing that he had told police before a meeting with his lawyer took place. The police were in the same room, monitoring and videotaping the conversation. Police later used the video as evidence in the case.[6]

6. In light of the Committee's previous concluding observations (para. 18), we would provide the following information:

(a) China has not taken effective steps to abolish or amend legal provisions that undermine the independence of lawyers, including Article 306 of the Criminal Law, for which no revision was proposed in the 2014 Ninth Draft Amendment to the Criminal Law, and Article 42 of the amended Criminal Procedure Law (2012). Authorities instead proposed a broadly worded amendment to Article 309 of the Criminal Law that would make "insulting, defaming, or threatening a judicial officer" and "engaging in other acts that seriously disrupt the order of the court" punishable to up to three years in prison. Authorities continue to interfere with the work of human rights lawyers, taking measures of reprisal against them, including criminal prosecution, to undermine their independence necessary for them to conduct their professional work. For example, Zhengzhou authorities criminally detained lawyers Chang Boyang and Ji Laisong in May 2014 as they tried to visit their clients, who were detained for expressing views to commemorate those killed in the 1989 Tiananmen Massacre. The two lawyers were held in detention for several months without access to their attorneys.[7] Beijing police took two lawyers—Yu Wensheng and Xia Lin—into custody in October and November 2014 as they accepted families' authorization to represent clients who had been detained for expressing support to the pro-democracy protests in Hong Kong. Xia Lin remains in custody and has been denied access to his lawyer, and Yu Wensheng was released after spending more than three months in detention without access to his lawyer.[8]

(b) The legislative amendments to the Law on Lawyers and regulations on professional licenses for lawyers still fail to protect the independence of lawyers from interference. The Law on Lawyers and other regulations continue to authorize government judicial officials to oversee the annual review of lawyer's performances and to have the power to renew or revoke lawyers' licences. In addition, in China, lawyers cannot practice law as self-employed professionals or employees of independently incorporated firms. They can only practice law in firms directly managed and controlled by judicial bureaus of the government. Lawyers cannot organize autonomous professional associations, and they are forced to become members of government-organized lawyers' associations, which control the accreditation or license renewal, monitoring, and disciplining of lawyers and law firms.

(c) Since 2008, we have documented cases of continued intimidation and harassment of lawyers who take on what authorities consider politically "sensitive" cases. These include cases of human rights lawyers whose licenses to practice law were revoked by government authorities. Such lawyers include: Teng Biao [license revoked in 2008], Jiang Tianyong [2009], Li Heping [2009], Wen Haibo [2009], Liu Shihui [2009], Ms. Liu Wei [2010], Tang Jitian [2010], Chen Wuquan [2012], Wang Cheng [2012], and Wang Quanping [2014]. These lawyers are not allowed to represent any accused in criminal cases. Cases involving lawyers being subjected to administrative detention as a consequence for their professional activities include, for instance, the following two recent incidents. In April 2013, Beijing-based lawyer Wang Quanzhang was taken into custody directly from a courtroom in Jiangsu Province, where he was defending a client, and put under a 10-day "judicial detention" for allegedly being out of order for "speaking loudly during the hearing."[9] In

December 2014, police in Jilin Province detained lawyer Zhang Keke by interrupting his defense argument in court, on the order from the presiding judge, apparently for invoking China's Constitution and laws in his argument. Zhang was held for eight hours before being released.[10] In both cases, the lawyers had been repeatedly interrupted or protested unfair court proceedings by the judge or guards in the courtroom.

(d) State authorities have not promptly, effectively, and independently investigated such harassment, and we have no evidence that those responsible for cases like those mentioned above have been investigated. For instance, authorities did not conduct an investigation after abuse allegations were submitted on March 25, 2014, to the Heilongjiang Provincial People's Procuratorate after four rights lawyers were arbitrarily detained, assaulted, and tortured by police after they had demanded to visit their clients held in an extralegal detention facility in Jiansanjiang City. In fact, authorities retaliated against the complainant in this case, lawyer Ms. Li Guobei, by delaying the annual renewal of her license to practice law in 2014.[11]

7. The imprisoned human rights lawyer Gao Zhisheng was released from prison in August 2014, but immediately put under house arrest and restricted access to medical treatment. He is in very poor health due to years of abuse while being disappeared and imprisoned. Gao had been sentenced to three years' imprisonment (suspended for five years) following a December 2006 trial, at which authorities prevented his lawyers from representing him. Gao then disappeared in September 22, 2007, while on parole, and then released on parole again and held under house arrest along with his wife and two young children. He disappeared again on February 4, 2009, and his family had no information about his whereabouts until January 2010, when authorities told his brother that Gao had "gone missing." Gao reappeared in March 2010, and a family member was allowed a brief visit with him. His family received no further news about Gao until December 11, 2011, when China's state media reported that a Beijing court had sent Gao to prison for three years for violating his parole. Gao served his sentence in Shaya Prison in the Xinjiang Uyghur Autonomous Region. In prison, he was granted sporadic family visits but only under close monitoring by guards. With guards present, Gao stated he did not want legal assistance or to appeal his conviction.[12]

8. In light of the Committee's previous concluding observations (para. 13), we provide the following information:

(a) The State party has abolished the "re-education through labor" (RTL) system of administrative detention, a decision adopted by the National People's Congress in March 2014. With the system's dismantling, however, there have been concerns that some RTL camps have been repurposed as other forms of administrative detention facilities. For instance, Chinese rights lawyers in February 2014 discovered several "illegal petitioning reprimand and education centers" in Henan Province that were formerly RTL camps. Inside these facilities, detainees who had allegedly engaged in "irregular petitioning" were given disciplinary "lectures"—a program that authorities call "legal education"—for 24 hours a day, and for up to six months.[13] Acting under media pressure, Henan authorities announced they would immediately close down the "centers," but lawyers suspect that similar facilities still exist in other Chinese provinces. The scale of detention involving "legal education" has also increased as RTL was being phased out: in the second half of 2013, incomplete data compiled inside China revealed that 1,044 Chinese citizens were put into "legal education" facilities—six times the number recorded over the first half of the year.[14] A China-based NGO reported in April 2014 that 329 districts in 173 Chinese cities had a total of 449 facilities openly designated for "legal education."[15]

(b) After RTL's abolishment, the State has done poorly in implementing its treaty obligation to investigate allegations of past torture and ill-treatment in the labor camps and

bring torture perpetrators to justice. Instead, authorities have retaliated against victims who seek accountability and State compensation. For example, eight former detainees at the notorious Masanjia Women's RTL camp were sent to prison in 2014 (for terms of 12-18 months) for trying to seek justice.[16] Members of unofficial Christian churches and Falun Gong practitioners, who made up a significant percentage of RTL detainees, are among those who have been refused compensation and subjected to retaliation.

9. In light of the Committee's previous concluding observations (para. 16), serious issues remain with the Law on the Preservation of State Secrets (1988, amended 2010) and the Regulations on Implementation of the Law on the Preservation of State Secrets (2014) adopted by the State Council to replace the Measures on Implementation (1990). "State secrets" has long been an ill-defined concept under Chinese law. Article 9 of the 2010 amended law laid out seven types of information that are considered "state secrets," among them the vaguely defined concept of information related to "state security" and the catch-all provision "any other items recognized by the State Secretary Bureau as a state secret." The law also allows authorities to retroactively classify information as a "state secret."[17] The 2014 Regulations on Implementation defines secrecy classification levels and authority limits but does not clarify what can be labelled a "state secret." Additionally, it includes the unclear provision that "the scope of what is a state secret should be adjusted in a timely manner according to changes in the situation" without specifying the legislative process required for authorizing such adjustment.[18]

10. We have seen no evidence that the State party has made available statistical data on detainees accused of involvement in "state secrets" cases. The amended law has no provision allowing for an appeal before an independent body. Additionally, suspects involved in "state secrets" cases are routinely deprived of access to a lawyer of their choice, or even a lawyer at all. We have documented many cases involving individuals deprived of access to a lawyer on the grounds that their cases involve "state secrets," even if they are charged with minor crimes involving disrupting public order. One example is the case of rights lawyer Tang Jingling. Guangzhou police detained Tang on suspicion of "creating a disturbance" in May 2014 and subsequently arrested him for "inciting subversion of state power" the following month. Police denied visits from his lawyer on the grounds that his case involved "state secrets."[19] (See also the case of Wang Yonghang, in paragraph 13 below.)

11. In light of the Committee's previous concluding observations (para. 14), while noting the State party's follow-up replies stating that no detention facilities exist other than those established according to law (CAT/C/CHN/CO/4/Add.2, p. 9), we provide the following information about illegal detention in facilities that operate outside the law—"black jails," temporary detention facilities where individuals (mostly petitioners and Falun Gong practitioners) can be locked up for months by police or hired guards without ever being allowed to see a lawyer or a judge. For more than a decade, black jails have been used to deprive the liberty of petitioners, activists, Falun Gong practitioners and others, for the purpose of enforcing government policies or punishing dissent, and without any due process review. The facilities are operated by government officials or hired guards, often in properties owned or leased by the government. Black jails are generally of two kinds: temporary holding cells set up out of public view, or more permanent facilities that have been "formalized" so as to project a measure of legitimacy and legality. In Beijing, so-called "relief services centers," which are openly operated, have been upgraded during the reporting period, and now can hold at as many as 5,000 detainees at once (mostly petitioners who come to the capital to seek redress for rights violations in the provinces). Chinese lawyers and activists in early 2013 confirmed that 96 places in just one city—Wuxi in Jiangsu Province—were being used as black jails, with many providing "legal education" (see paragraph 9(a) above).[20]

We have found ample evidence of violence and other mistreatment that has occurred inside black jails, including physical and sexual assaults; deprivation of food, water, or natural light; and lack of adequate medical treatment for the injured and sick. In many instances, holding cells are crowded, small, unsanitary, and unventilated. Guards often confiscate detainees' personal possessions, including cell phones, effectively cutting them off from the outside world.[21]

12. In light of the Committee's previous concluding observations (para. 24), we would like to provide information concerning the cases of Ilham Tohti and his students. Beijing police took Ilham Tohti and seven of his students into custody in January 2014 and later transferred them to the Xinjiang Uyghur Autonomous Region. Ilham Tohti was not allowed a visit from his lawyers until June 2014, where they learned he had been mistreated and tortured. The seven students have been held incommunicado for the duration of their detention for 10 months before trial. A Xinjiang court tried Ilham Tohti in September for "separatism" and sentenced him to life in prison, and seized all of his assets. His students were tried in November, also convicted them of "separatism," and each sentenced to between three and eight years. No information on the students' legal representation, if any, has become publicly available.[22]

13. In light of the Committee's previous concluding observations (para. 25), we would like to provide further information about the unlawful arrest and torture sustained in custody of a defense lawyer for Falun Gong practitioners, Wang Yonghang (A/HRC/13/39/Add.1). On July 4, 2009, Wang was taken into police custody and beaten, causing severe fractures in his right ankle that led to a permanent injury. Wang went on a hunger strike to protest the beating of fellow inmates (who were Falun Gong practitioners), and he was force-fed, which caused respiratory tract bleeding and nearly fatal suffocation. Guards then punished Wang for the hunger strike by handcuffing and shackling him to a makeshift bed on the floor for about 48 hours. The injury was not promptly treated (surgery was not performed until August 11 of that year), which led to a serious infection. Authorities never allowed Wang to meet with his lawyer during his pre-trial detention, and tried him behind closed doors on October 16, 2009, without any lawyer present, in effect forcing Wang to defend himself. Sentenced to seven years' imprisonment for "using a cult to undermine implementation of the law" (Article 300 of the Criminal Law), Wang has been in poor health due to the original injury he sustained during pre-trial detention and subsequent ill-treatment and torture in prison. His wife learned in 2012 that while in Shenyang No. 1 Prison, her husband had been suffering from tuberculosis and pleural and peritoneal effusions, which caused numbness from the waist down (indicative of paralysis), and that he was so weak he could barely talk. He was reportedly admitted to a hospital in May 2014. Wang's family and lawyer have not been allowed to meet Wang during his entire detention because, according to the police, his case involves "state secrets."[23]

14. In light of the Committee's previous concluding observations (para. 27), we would like to point out that, despite some legislative measures taken, such as the draft law on domestic violence, the government has not enforced laws and regulations to effectively combat various forms of violence against women, many allegations of ill-treatment and abuse have not been investigated, and the victims of such acts have few protections, including access to medical, social and legal services, and temporary accommodation or shelters.

(a) Violence against women has been prevalent in Chinese detention centers, prisons, the recently abolished RTL camps, psychiatric institutions, black jails, and "custody and education" (or "women's correction" centers), which mainly hold alleged sex workers. We have documented many cases where detained women have been physically and sexually assaulted, shackled or otherwise restrained, and forcibly medicated or given inadequate medical treatment. In April 2013, a story in a state publication exposed horrendous abuses at

the Masanjia Women's RTL camp in Liaoning Province, including torture, forced injections of medication, solitary confinement, and many forms of sexual violence or abuses. In the summer of 2009, a black jail guard reportedly raped Li Ruirui, a petitioner from Anhui Province. In March 2013, thugs reportedly beat an elderly (but unidentified) woman to death in a black jail in Beijing. Also, petitioner Wang Delan died in a black jail in Hubei Province in August 2013; her family and others suspect that Wang was beaten to death by guards, but police claimed that she committed suicide. In 2010, Shandong petitioner Li Shulian died in a black jail under suspicious circumstances; the police claimed that she hanged herself, while her family believes that Li died from violent assaults by police. [24] After months of being denied medical treatment and medical bail while detained in Beijing, activist Cao Shunli died of massive organ failure in a hospital in March 2014.

(b) Chinese law prescribes rather light punishments for the crime of sexual abuse of women and girls. In some cases, government officials and other public servants, including teachers who had sexually abused girls, were not held legally accountable. Exemplifying the ineffectiveness of current laws in combating sexual abuse of girls, China's Criminal Law puts the "crime of prostituting minor girls" under a separate category from "rape," a more serious crime that carries heavier sentences, which would be more appropriate for prosecuting adult offenders suspected of violent sexual abuses of children. Also, in the Criminal Law, the "crime of prostituting minor girls" is not put under the category of "crimes infringing upon a citizen's personal rights," but instead under the category of "crimes obstructing the administration of public order." As some Chinese scholars and lawyer have pointed out, this is an indication that the State is attaching greater importance to public order or "stability" than the rights of the girl-child to special protection, to health, and to life. Furthermore, parents and supporters who have tried to seek accountability have run into strong resistance from authorities or even faced retaliation.

15. In light of the Committee's previous concluding observations (para. 29), we would like to report that the government has taken some steps in response to criticism of officials' use of coercive and violent measures for implementing the government's population control policy, such as the relaxation of the "one birth" policy to "two births" per couple if one of the parents is an only child. However, most allegations of abuses of family planning regulations have not been investigated. Except in very rare cases, officials responsible for resorting to coercive and violent measures to implement the family planning policy (and violating Article 19 of the Law on Population and Family Planning) have not been investigated or held accountable. Further to comments made by the State party in follow-up responses (CAT/C/CHN/CO/4/Add.2, p. 17), we have confirmed with the activist Chen Guangcheng that the State party has not investigated, prosecuted, or punished officials in Linyi, Shandong Province, and no punishment and disciplinary measures have been applied against them. Chen was put in prison and house arrest for years to punish him for speaking out about the abuses by family planning officials in Linyi.

Article 10: Training on Prohibition of Torture

16. In light of the Committee's previous concluding observations (para. 36) and further to the recommendations of the Working Group on the Universal Periodic Review (A/HRC/11/25, para. 114), we would like to report the following:

(a) We have not seen evidence of any training for medical personnel involved with detainees to detect signs of torture and ill-treatment in accordance with international standards, such as those outlined in the Istanbul Protocol. No safeguards are known to be in place to ensure that medical personnel are not subjected to police intimidation and are thus able to examine victims independently of the police. All medical personnel involved with detainees in China are employees in designated state-run hospitals or military hospitals. Police are virtually always present at the medical facilities where detainees are examined or

treated. In the case of Cao Shunli, police patrolled the Beijing 309 Military Hospital and barred her lawyer and supporters from visiting her. Even after Cao's death, her doctors were warned not to talk to anyone about her conditions.[25]

(b) Independent non-governmental groups, which are not allowed to operate freely and openly in China, still face great risks if they tried to conduct their work openly in assisting the rehabilitation of victims of torture or ill-treatment, or to prevent and prohibit torture.

Article 11: Prohibition of Torture in Detention

17. With regard to the Committee's previous concluding observations (para. 12), we would like to provide the following information:

(a) There have been several documented cases of deaths in detention centers that have not been impartially and independently investigated, and where those responsible for deaths possibly resulting from torture, ill-treatment, or wilful negligence have not been criminally prosecuted. In several cases, authorities overseeing detention facilities where deaths have occurred have stood by "explanations" that lack credibility, even after examinations, including autopsies, have found that victims suffered physical trauma in custody. Authorities have rejected families or lawyers' calls for independent investigation, like in the case of the death of Cao Shunli (paragraphs 14(a) and 16 (a). In cases of deaths in custody or in illegal detention facilities (paragraph 14(a), follow-up investigations, if any, have not resulted in known criminal punishments for alleged perpetrators of these deaths. Instead, police have stood by "natural" causes of deaths or "suicide," reasons that have been disputed by victims' families and lawyers.

(b) Since 2009, there have been several reported cases where police officers have evaded prosecution despite evidence of torture found through investigation and examination. For example, Lin Lifeng died in police custody in June 2009 in Guangdong Province. Police claimed that he died after he "went mad," but medical examination disclosed the cause of death as cardiac arrest from prolonged restricted breathing, and found that Lin had suffered broken ribs. There was also the case of Yu Weiping, who died in custody in November 2009 in Shandong Province. Police claimed he died after picking acne on his chest, while medical findings revealed he was stabbed in the chest with sharp needles and suffered a heart attack. Another case involved the death of Ms. Wang Huixia in police custody in December 2009 in Shaanxi Province. Police claimed that she died of a heart attack after experiencing "emotional tension" during questioning; however, Wang's body showed signs of bloodshed, swelling, and injuries to her hands and legs, which police said resulted from the normal course of interrogation and from medical procedures when doctors tried to save her life. In addition, Chen Xujin died in February 2010 while detained in in Jiangxi Province. Police claimed he had died from a fall while wrestling in a toilet, but doctors' examination determined that he had died from a heart attack and multiple organ failures, and it was suspected that fellow detainees had beaten Chen.[26]

(c) In addition, we documented a number of cases in the reporting period of individuals who died soon after being released from detention on medical bail or parole. In all the cases, the individuals suffered torture or inadequate medical care and were likely released once it became clear that they would not survive, in an apparent attempt by those in charge to avoid responsibility. For instance, in the case of Cao Shunli (paragraphs 14(a) and 16(a) above), authorities had repeatedly denied family/lawyers' requests for medical bail, but officials eventually forced her family to sign an agreement for bail while she was fighting for her life in the hospital, and only days before her death. In addition, no known government investigations are planned into the deaths in 2014 of two Tibetans who died as a direct result of torture and mistreatment and deprived treatment in prison; Goshul Lobsang died in Gansu

Province on March 19, 2014, and Tenzin Choedak passed away on December 5, 2014 in Lhasa City.[27] Both men died soon after their release from prison, where they served several years for sentences tied to the March 2008 protests in the Tibet Autonomous Region. In a similar case in Shanghai (for which the family continues to seek justice), authorities have as recently as 2011 refused to conduct an investigation into the death of petitioner-activist Chen Xiaoming, who passed away in July 2007, only two days after his release from prison. Chen had been tortured and denied medication in police custody and in prison. In March 2009, a Shanghai court refused to hear the lawsuit filed by his parents. Chen's family continued to file complaints with the Shanghai High People's Court, which again refused to review the case in 2011.[28]

(d) Existing and available health services in places of detention are often poor and inadequate, and authorities often deprive human rights defenders or dissidents of timely and adequate medical treatment as a form of political retaliation. In addition to the example of Cao Shunli (see above), some imprisoned individuals are in such poor health that their family members have feared they may die behind bars after being denied medical parole. Activist Chen Xi, serving a 10-year sentence, has been suffering from chronic enteritis since early December 2013. His wife has visited him twice, most recently in December 2014, and found his condition worsening: he was extremely weak, his mental state was poor, and he had lost a lot of weight. The prison gave him some medication, but it did not have any effect. Another prisoner of conscience, Xie Fulin, who is serving a six-year sentence, suffers from heart disease, hypertension, and a stomach illness. In 2013, he had a cerebral haemorrhage caused by inadequate treatment for his high blood pressure after authorities had banned his wife from bringing him any medication. Imprisoned democracy activist Zhu Yufu suffers from coronary heart disease, cerebral vascular sclerosis, lumbar disk herniation, hypertension, and high cholesterol. His conditions have worsened since he began serving a seven-year sentence in 2012. He faced reprisals after his family travelled to the United States to advocate for his release, and authorities have told his family not to apply for medical parole again, as it would be "useless." (More such cases can be found on the CHRD "Medical Watch List" on our website.)[29]

Articles 12 and 13: Investigation of Torture & Complaints

18. In light of the Committee's previous concluding observations (paras. 20 and 31) as well as the recommendations made by the Special Rapporteur on torture (E/CN.4/2006/6/Add.6, para. 83.), we would like to provide the following information:

(a) The State party has not taken effective measures to fight impunity for violations of human rights, including disappearances and torture and other cruel, inhuman or degrading treatment or punishments committed by public officials as well as others acting with the acquiescence or consent of government officials. For example, law-enforcement bodies have rarely investigated alleged abuses committed by State actors inside black jails. Notably, we are not aware of a single independent investigation, or criminal prosecution, of a government official who has operated such an extralegal facility, ordered detentions in such a facility, or personally committed physical and sexual abuses inside a black jail. In fact, police and other officials regularly harass citizens who seek justice for black jail detention and abuses, and courts rarely accept lawsuits about such abuses. Many victims persist in bringing cases against authorities through the petitioning process, even though they may face retaliation, including further detention in black jails, as a consequence for seeking redress.[30]

(b) Any measures that the State party claims to have taken have not been effective in establishing an independent oversight mechanism to investigate allegations of torture. In virtually all the cases that we have documented, allegations of torture against police and guards at detention facilities are not promptly, impartially, and effectively investigated, and perpetrators are rarely prosecuted or sentenced in accordance with the gravity of their

behavior. Procuratorates are unable to exercise any independence in their dual roles as monitors of detention systems and as supervisors and prosecutors of law-enforcement personnel. The lack of independence is also because overseeing bodies known as "Political and Legal Committees" have authority over courts, procuratorates, and judicial bureaus (which handle registration and other regulatory matters concerning lawyers) at the national, provincial, city, and county levels. The Political and Legal Committees are in general headed by the heads of Public Security, who are appointed by the Communist Party. The system gives power to the police over the courts, procuratorates, and judicial bureaus, while the Communist Party firmly controls the Committees.

(c) Detainees who complain of ill-treatment or torture often risk reprisals and are not guaranteed prompt, effective, and impartial investigations into their claims. Beijing officials did not investigate the torture of disbarred lawyer Ni Yulan, and continued to harass after she was released from RTL or prison. In July 2008, after she reported ill-treatment in pre-trial detention to the local procurator, the official told Ni that she deserved to be beaten by the police because she kept disclosing abuses by government officials. After her conviction in December 2008, Ni was tortured and subject to degrading treatment while held at Beijing Municipal Women's Prison for refusing to confess to her "crime"; she was forced to work over 12 hours a day, despite her disability (she cannot walk without the aid of crutches due to injuries to her legs from previous abuses), and guards made her crawl on the floor. She reported the mistreatment to the head of the prison but received no response.[31]

(d) Police officers suspected of torture and ill-treatment are not generally suspended or re-assigned if there were any process of investigation. Perpetrators of torture are rarely suspended, indicted, or held legally accountable.

19. In light of the Committee's previous concluding observations (para. 21), we would like to report that the State party has since done nothing to investigate the suppression of the Democracy Movement in Beijing in 1989. No officials have since been investigated for responsibility for excessive use of force, torture, and other ill-treatment during that period, or responsibility for the loss of life. No such information has been provided to the relatives of victims by the State party, nor made public. In addition, authorities continue to suppress any efforts by families, survivors, and supporter to commemorate the massacre and demand accountability for the suppression by the military. Around the twenty-fifth anniversary of June Fourth in 2014, at least 60 activists were put under criminal detention for organizing activities or expressing views to memorialize the event. Fifteen of these individuals, formally arrested, are still in detention as of this writing. Officials harassed, temporarily detained, or put under house arrest dozens of other individuals to prevent them from organizing or taking part in commemorative activities.[32]

Article 14: Right to Redress, Compensation, and Rehabilitation

20. Since the examination of the last periodic report in 2008, redress and compensation measures for victims of torture remain very few and ineffective in China, to the extent that they exist at all. Most victims of torture (and their families) cannot get courts to accept their lawsuits, a first step in pursuing means of rehabilitation from the consequences of torture. We see no evidence of the existence of any rehabilitation programs for victims of torture and ill-treatment, including victims of domestic, sexual and other violence and trafficking, nor any medical and psychological assistance provided to such victims. The new Law on State Compensation has been poorly implemented, in particular in providing actual compensation to torture victims. Victims report that the courts rarely accept their cases, likely because ruling in favor of the complainant indicates that the public security bureau, procuratorate, or the courts had broken the law, a difficult ruling for a politically controlled judicial system to make. The statute of limitation is two years from when the act was declared unlawful, but

courts often delay replying to victims until after the statute has expired despite the law stating that the victim should receive a reply within three months. In the case of Wang Zhongzhi, after the Suzhou Intermediate People's Court in 2007 ruled that he had been wrongfully imprisoned during the 1950s Anti-Rightist Campaign and the Cultural Revolution, the Anhui Province Higher People's Court did not reply to his lawsuit for over four years, clearly past the statute of limitations.[33] The law does not provide for a remedy or penalty for this kind of delay or for non-acceptance of an applicable case.

Article 15: Prohibition of Forced Confessions Based on Torture

21. The State party has adopted language in the Ninth Draft Amendments to the Criminal Law (2014) and other regulations prohibiting the use of evidence obtained through torture or ill-treatment. However, there is no clear evidence that these regulations have been strictly implemented, and it is unclear what effective steps the State party has taken to ensure that criminal convictions require evidence other than the confession of the detainee, and that statements made under torture are not invoked as evidence in any proceedings. The State party has not made available any statistical data on the number of cases in which detainees have alleged that their confessions were extracted through torture, the number of such complaints which led to investigations, and the outcomes of these investigations, including any punishments issued to convicted perpetrators, and any reparations offered to victims.

22. We have documented numerous cases where authorities have not investigated torture allegations, including those of Yang Chunlin,[34] Lü Jiangbo,[35] and Liu Ping,[36] activists who were all reportedly subjected to torture during interrogation so as to extract confessions. (The human rights lawyer Pu Zhiqiang has made a video about the torture of a government official to force a confession of corruption; Pu himself is facing trial in retaliation for his own free speech online.)[37] In most cases we have documented, torture victims were not examined by doctors of their own choosing, and guards were always present during such an examination. Families and lawyers often have no access to information on such medical exams, or on the outcome of any investigations into torture cases.

23. The State party has not made available reports of an investigation, if any, in the use of torture and other tactics to extort a confession in the case of Gan Jinhua, who lost an appeal against his death sentence, which was allegedly handed down based on a criminal confession extracted through torture (A/HRC/14/26/Add.144, paras. 220-224). Gan was executed on August 10, 2012.[38]

24. The State party claims that video and audio taping of all persons present during proceedings in interrogation rooms has been expanded. However, no information is publicly available on its use, nor on any results or cases lodged against law-enforcement or other officials based on such recordings. In some cases, police interrogators have tortured detainees after switching off the camera, or outside designated interrogation chambers, such as in hallways or bathrooms, which are not fitted with cameras. Police may also remove individuals from a detention center and torture them in a different location to force a confession. Activist Yang Maodong (aka Guo Feixiong) reported that during a period of pre-trial detention between January and March 2007 in Shenyang City, Liaoning Province, police took him to secret locations for interrogation, where they performed various forms of torture, which included (but was not limited to) beatings with electrical prods on the face, arms, and genitals as he was hung from a ceiling. He later told his lawyer that he decided to confess to anything asked of him by his interrogators, and was later sentenced to five years' imprisonment. Dozens of activists and lawyers were detained in secret location for months during the government's crackdown on online calls for "Jasmine revolution" demonstrations. These individuals reported horrendous details of torture when police interrogated them during their "disappearances."[39] China has effectively legalized enforced disappearance in the

amended Criminal Procedure Law (2012). Article 73 of the CPL allows for individuals to be placed under "residential surveillance" at a "designated location" for up to six months in cases involving suspected crimes of endangering state security, terrorism, and major bribery, and when serving residential surveillance at home would be deemed by police to "hinder the investigation." While the provision stipulates that families must be notified of residential surveillance within 24 hours, it does not indicate that they must be told the place of detention.

25. Fan Qihang was executed on September 26, 2010, in Chongqing Municipality, following a rejected appeal of his death sentence. China's Supreme People's Court, when reviewing the case, dismissed his recorded account of being tortured and coerced to confess to the crime. His lawyer, Zhu Mingyong, had submitted the video recording to the court, in which Fan described the torture that he had endured in police custody. Fan said that he had been handcuffed, which caused muscular damage in his hands, had his legs shackled, and was not allowed to sleep at one point for more than 10 days straight. Fan also said that he tried to commit suicide on two occasions and had bitten his tongue as a way to self-mutilate.[40]

Article 16: Prohibition of Cruel, Inhumane, and Degrading Treatment or Punishment

26. In light of the Committee's previous concluding observations (para. 19), we would like to report that authorities continue to commit acts of violence and intimidation against human rights defenders, including human rights activists and petitioners, housing and land rights activists protesting forced evictions and seizures, defenders of the Uyghur community and the Tibetan community, environmental activists, HIV/AIDS activists, and labor rights activists. Since the Committee's last review in 2008, human rights defenders have continued to face threats, intimidation, harassment, surveillance, arbitrary detentions, torture and forced disappearances. Those individuals who promote and monitor human rights today face high risks of intimidation, unjust imprisonment, and violence as a result of their activities. The government, especially under the leadership of President Xi Jinping, is unlikely to conduct prompt, impartial, and effective investigations of such acts. Today, the government is taking a hard-line approach to suppressing human rights defenders.[41] As a partial illustration of this development, CHRD documented 956 human rights defenders who were deprived of liberty, in retaliation for their activities, for five days or longer in 2014, a 70 percent increase from the previous year.[42]

27. Since December 2008, harassment and intimidation, including arrests and detention, against signatories of "Charter 08" have continued. Several leading figures have lived under tight surveillance ever since, including Zhang Zuhua,[43] who co-drafted "Charter 08," and Wang Debang[44] a regular contributor to CHRD's annual reports on the situation of human rights defenders. A dozen signatories are under criminal detention or in prison today, including Liu Xiaobo,[45] the 2010 Nobel Peace Prize laureate, who is serving the seventh year of an 11-year sentence for "inciting subversion of state power." His wife, Liu Xia,[46] who suffers from health problems, including heart disease, has lived under house arrest since October 2010, cut off from almost all communications to the outside world.

28. With regard to the Committee's previous concluding observations (para. 34), we respond with the information that the State party has adopted new legal provisions, in particular the draft amendments to the Criminal Law, reducing the number of death penalty crimes. However, the State party still has not made public information on the number of death sentences and executions carried out each year, which remains officially prohibited under the Regulation on State Secrets. Shackles are still utilized 24 hours a day for convicted prisoners on death row.[47] With regard to the questions raised by the Special Rapporteur on torture regarding the removal of organs of persons sentenced to death without free and informed consent (A/HRC/7/3/Add.1, para. 36), the State party has reportedly abolished such

practices as of January 1, 2015, according to an announcement made by the Vice-Minister of Health Huang Jiefu.[48] However, the State party has not made public information about any investigations into such practices or any compensation provided to families whose executed relatives' organs were removed without their consent.

29. In light of the Committee's previous concluding observations (para. 35), we respond with the following information:

(a) The State party has adopted a Mental Health Law (MHL), which took effect on May 1, 2013, requiring that any involuntary hospitalization for medical reasons is based on the advice of psychiatric experts; and that decisions by the State party to involuntarily hospitalize individuals in psychiatric institutions may be appealed. However, in several important respects, the law violates the UN Convention on the Rights of Persons with Disabilities, thus leaving forcibly institutionalized individuals vulnerable to human rights violations. For instance, the law allows for involuntary commitment of individuals who have been diagnosed with "serious mental disorders," and who have caused harm to, or are at risk of harming, themselves or others. The MHL also allows for psychiatric treatment, including medication or injection of drugs, without a patient's consent. Currently, forced treatment and physical restraints are widely used in China's psychiatric hospitals. The MHL offers little protection against a common practice in psychiatric hospitals, where patients are assumed to have no legal capacity and are assigned "guardians"—usually those who initiated the commitment—without judicial review. In addition, the law does not provide sufficient access to legal counsel and justice for those involuntarily committed; such individuals may not even be allowed a visit by a committed individual's lawyer, and psychiatric hospitals routinely bar attorneys from meeting clients as the law restricts a patient's right to communicate with people outside of psychiatric institutions "during an acute phrase of the illness" or "to avoid hampering of treatment." Committed individuals can seek reviews of their diagnosis by psychiatrists, but the review mechanism still precludes judicial involvement. Courts often refuse to accept such cases filed by victims, especially when the police or other state agents have ordered the involuntary commitment. Also, courts may rule that the victims cannot be a plaintiff in lawsuits since anyone committed to psychiatric institutions is considered to possess no civil legal capacity. During legal proceedings, which can last for years, individuals continue to be held against their will in psychiatric hospitals. In some cases, institutionalized plaintiffs have died while their lawsuits were being heard.[49]

(b) Since the new Mental Health Law went into effect, government authorities have continued to forcibly commit activists and petitioners to psychiatric hospitals against their will, as a form of punishment for their activities by depriving their liberties.[50] In a case that we have previously submitted to UN Special Procedures, Xing Shiku, a petitioner from Heilongjiang Province, has been forcibly held since March 2007 in a psychiatric hospital in retaliation for filing complaints to government authorities about corruption and problems related to the privatization of the state-owned factory where he once worked. The hospital has reportedly not administered any psychiatric treatments to him, and doctors there said that he did not suffer from any mental disorder. In May 2014, the UN Working Group on Arbitrary Detention declared that Xing's detention was "arbitrary," and that a proper remedy would be for the State party to release him and grant him compensation for the harm he has suffered.[51] As of today, Xing remains detained at the same hospital and the State has provided no remedies to him or his family.

30. There are many documented cases of "gay conversion therapy" treatment for gays, lesbians, and bisexuals, intended to "cure" the "disease" of these individuals' "abnormal" sexual and gender "preferences" or orientation. This type of "treatment," which is not subject to any supervision and regulation by laws or government guidelines, often involves psychiatric therapy, aversion therapy, hormone therapy, drug treatment, and the use of electric shocks. Many mental health facilities and major hospitals offer such "gay conversion

therapy" treatments that are discriminatory, cruel and harmful. For example, a gay man who went a clinic to seek psychological counselling in 2013 was subjected to hypnosis and electric shocks for more than a month in Shenzhen City, Guangdong Province. In another case, from 2011, the parents of an 18-year-old lesbian who disapproved of her sexual orientation beat her, locked her inside their home, and then forcibly committed her to a psychiatric hospital in Changchun City, Jilin Province. In 2014 alone, there were many reports of other cases involving clinics and hospitals that subjected individuals to "gay conversion therapy" in cities around China, including in Beijing, Chongqing, Guangzhou, Nanchong, Xi'an, and Zhuhai. Volunteers from the Gays' Charity Organization reported about psychiatric clinics that offer "gay conversion therapy" to offices of the Trade and Industry Bureau and Health Bureau in 10 cities (including Beijing, Guangzhou, Hangzhou, Nanning, Shenzhen, and Xi'an). To date, the only response from these government agencies is that investigating this matter was "not under this office's authority." Authorities have not issued any punishments to these clinics. The State party pass legislation to ban such "conversion" therapy treatment, penalize hospitals or clinics that violate relevant laws and regulations, and provide remedies for those whose rights are violated, since such treatment is discriminatory, cruel, and degrading. A court in Beijing has ruled to side with a gay man who sued a clinic for giving him electric shocks during a "conversion" treatment, in a first step towards illegalizing such a practice.[52]

Other issues

31. The State party has again rejected the recommendation made by the second Universal Periodic Review (2013) for it to implement the Committee's previous concluding recommendations, in particular, ending extra-judicial detention in so-called "black jails" (the existence of which government officials have denied during UPR dialogue and at the 2013 CRC review of China), ending persecution for exercising rights to freedom of expression, association and assembly, ending repression of national ethnic minorities, including Tibetans and Uyghurs, and eliminating persecution of other religious practitioners.

Notes

[1] Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee and published under symbol CAT/C/CHN/CO/4.

[2] CHRD, Cao Shunli (曹顺利) & Her Legacy, http://chrdnet.com/2014/04/prisoner-of-conscience-cao-shunli/.

[3] CHRD, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, http://chrdnet.com/2014/06/medical-watch-list-of-chinese-detainees/.

[4] Ministry of Public Security, People's Republic of China, Regulations on Procedures in Handling Criminal Cases by Public Security (《公安机关办理刑事案件程序规定》), which took effect on January 1, 2013. http://www.mps.gov.cn/n16/n1282/n3493/n3823/n442421/3486957.html

[5] CHRD, *China Human Rights Briefing July 4-10, 2014*, http://www.chrdnet.com/2014/07/chrb-curtailing-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/; CHRD, Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre, http://www.chrdnet.com/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/.

[6] Caijing, "Beihai Lawyer's Peculiar Meeting Notes: Defendant Becomes 'Mute,' Police Say This Is 'Right to Remain Silent'" (律师北海会见奇遇记：被告人成"哑巴"，警察说这是"沉默权"), July 22, 2011, http://blog.caijing.com.cn/expert_article-151499-22674.shtml; New Citizens' Movement, "Is Innocent Nian Bin Pure?" (无罪了的念斌是清白的吗？), November 10, 2014, http://xgmyd.com/archives/9718.

[7] CHRD, *China Human Rights Briefing June 28-July 3, 2014*, http://chrdnet.com/2013/06/chrb-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/.

[8] CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/.

[9] CHRD, "A Nightmarish Year Under Xi Jinping's "Chinese Dream": 2013 Annual Report on the Situation of Human Rights Defenders in China," March 3, 2014, http://chrdnet.com/2014/03/a-nightmarish-year-under-xi-jinpings-chinese-dream-2013-annual-report-on-the-situation-of-human-rights-defenders-in-china/.

[10] Rights Defense Network (RDN), "Lawyer Zhang Keke's 2015 Northeast Case Legal Notes" (张科科律师案 2015 东北护法行纪实), January 7, 2015, http://wqw2010.blogspot.ch/2015/01/2015_7.html.

[11] Siweiluozi Blog: "Translation: Formal Complaint Filed Regarding Detention of Four Rights Lawyers," March 25, 2014, http://www.siweiluozi.net/2014/03/formal-complaint-filed-regarding.html.

[12] See more information: CHRD, Prisoner of Conscience – Gao Zhisheng, http://chrdnet.com/2011/02/prisoner-of-conscience-gao-zhisheng/.

[13] The centers sprang up in 2008, when the provincial letters and visits bureau in Henan demanded that lower-level authorities find ways to punish petitioners who had made their way to Beijing. Over time, officials from the township to district levels established fixed locations for the centers, operating them independent of any set regulations. Xinhua, "Henan Responds: Immediately Investigate 'Irregular Petitioning Reprimand Centers'" (河南回应：立即排查清理"非正常上访训诫中心"), February 13, 2014, http://news.xinhuanet.com/local/2014-02/13/c_119327535.htm; Caijing, "China Youth Online: 'Irregular Petitioning Reprimand Education' Involves Illegal Detention" (中青报：'非正常上访训诫教育'涉嫌非法拘禁), Caijing, February 14, 2014, http://comments.caijing.com.cn/2014-02-14/113913113.html; *South China Morning Post*, "Henan officials order shutdown of 'reprimand centers' after media storm," February 14, 2014, http://www.scmp.com/news/china/article/1427703/henan-officials-order-shutdown-reprimand-centers-after-media-storm.

[14] Boxun, "What Is a 'Legal Education Center' in China," April 5, 2014, http://blog.boxun.com/hero/201404/tengb/2_1.shtml.

[15] RDN, "Going Beyond Jiansanjiang Black Jail, Human Rights Defenders Issue Statement" (传建三江黑监狱解体，维权人士发布声明), April 29, 2014, http://wqw2010.blogspot.hk/2014/04/blog-post_29.html.

[16] Eight women once held at the Masanjia Women's Re-education through Labor (RTL) camp in Liaoning Province were sentenced in June 2014 for seeking remedies for horrendous abuses they suffered in the facility. They women are: Li Liyong (李立勇), Shi Junmei (石俊梅), Su Dezhen (苏德珍), Sun Rongyou (孙荣佑), Zhang Hongshu (张洪书), Zhao Lifen (赵丽芬)**,** Zhong Shujuan (仲淑娟), and Zhu Jianyun (朱建云). CHRD, *China Human Rights Briefing June 28-July 3, 2014*, http://www.chrdnet.com/2013/06/chrb-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/. In addition, see: CHRD, Submission to UN on Zhu Guiqin – June 17, 2013, http://chrdnet.com/2013/07/submission-to-un-on-zhu-guiqin-june-17-2013/.

[17] CHRD, *China Human Rights Briefing July 4-10, 2014*, http://chrdnet.com/2014/07/chrb-curtailing-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/; CHRD, China Human Rights Briefing April 27- May 3, 2010, http://www.chrdnet.com/2010/05/china-human-rights-briefing-april-27-may-3-2010/.

[18] China Law Translation "Regulations on Implementing the Law of the People's Republic of China on Safeguarding State Secrets," http://chinalawtranslate.com/wp-content/uploads/2014/02/State-Secrets-

Implementing-Regulations-with-Vocab2.pdf; O'Melveny & Myers LLP Memorandum, "China Releases New Implementation Regulations for State Secrecy Law," March 5, 2014, http://www.omm.com/china-releases-new-implementation-regulations-for-state-secrecy-law-03-05-2014/.

[19] CHRD, Letter to Mrs. Gabriela Knaul, Special Rapporteur on the Independence of Judges and Lawyers, Regarding Deprivation of Detainees' Right to Legal Counsel, August 18, 2014, http://www.chrdnet.com/2014/09/chrd-letter-un-expert-regarding-deprivation-of-detainees-right-to-legal-counsel-august2014/.

[20] RDN, "List of 155 Black Jail Victims & Black Jail Addresses in Wuxi" (无锡黑监狱受害人名单及黑监狱地址（155 位）), February 20, 2013, http://wqw2010.blogspot.com/2013/02/155_20.html. A previously released list of Wuxi black jails listed 89 known facilities: RDN, "On World Human Rights Day, Ni Wenhua Investigates Black Jails in Wuxi" (世界人权日，倪文华在无锡调查黑监狱), January 1, 2013, http://wqw2010.blogspot.com/2013/01/blog-post_7893.html.

[21] For more information, see: CHRD, "We Can Beat You to Death With Impunity" Secret Detention & Abuse of Women in China's Black Jails," October 2014, http://chrdnet.com/2014/10/chrd-releases-well-beat-you-to-death-with-impunity-a-report-about-secret-detention-abuse-of-women-in-chinas-black-jails/.

[22] The seven students are: Perhat Halmurat, Shohret Nijat, Abduqeyum Ablimit, Atikem Rozi, Mutellip Imin, Luo Yuwei, and Akbar Imin. CHRD, Prisoner of Conscience – Ilham Tohti, http://www.chrdnet.com/2014/07/prisoner-of-conscience-ilham-tohti/; CHRD, Submission to UN on Seven Students of Ilham Tohti, December 5, 2014, http://chrdnet.com/2014/12/submission-to-un-on-seven-students-of-ilham-tohti-december-5-2014.

[23] CHRD, Submission to UN on Wang Yonghang, September 20, 2012, http://chrdnet.com/2012/09/submission-to-un-on-case-of-wang-yonghang-september-20-2012/; CHRD, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, http://www.chrdnet.com/2014/06/medical-watch-list-of-chinese-detainees/.

[24] See: CHRD, "'The Darkest Corners': Abuse of Involuntary Psychiatric Commitment in China," August 2012, http://www.chrdnet.com/2012/08/the-darkest-corners-abuses-of-involuntary-psychiatric-commitment-in-china/; CHRD, "We Can Beat You to Death With Impunity" Secret Detention & Abuse of Women in China's Black Jails," October 2014, http://chrdnet.com/2014/10/chrd-releases-well-beat-you-to-death-with-impunity-a-report-about-secret-detention-abuse-of-women-in-chinas-black-jails/.

[25] CHRD, Cao Shunli and Her Legacy, http://chrdnet.com/2014/04/prisoner-of-conscience-cao-shunli/.

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[27] CHRD, *China Human Rights Briefing March 21-27, 2014*, http://chrdnet.com/2014/03/chrb-tibetan-dies-from-torture-suffered-in-prison-lawyers-detained-for-exposing-black-jail-321-3272014/; CHRD, *China Human Rights Briefing December 4-11, 2014*, http://chrdnet.com/2014/12/chrb-activists-trials-possible-during-holidays-proposed-amendments-to-chinas-criminal-law-124-112014/.

[28] RDN, "Shanghai Activists Remember Chen Xiaoming Wrongfully Killed Six Years Ago" (上海维权人士悼念被迫害致死 6 年的陈小明), July 3, 2013, http://wqw2010.blogspot.ch/2013/07/6.html. Also see CHRD, *Dancing in Shackles, a Report on the Situation of HRDs (2007)*, http://www.chrdnet.com/2008/05/dancing-in-shackles-a-report-2007/.

[29] CHRD, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, http://chrdnet.com/2014/06/medical-watch-list-of-chinese-detainees/.

[30] For more information, see: CHRD, "We Can Beat You to Death With Impunity" Secret Detention & Abuse of Women in China's Black Jails," October 2014, http://chrdnet.com/2014/10/chrd-releases-well-beat-you-to-death-with-impunity-a-report-about-secret-detention-abuse-of-women-in-chinas-black-jails/.

[31] CHRD, Submission to UN on Ni Yulan, August 13, 2010, http://www.chrdnet.com/2010/08/un-work-on-cases-ni-yulan-august-13-2010/.

[32] CHRD, Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre, http://chrdnet.com/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/.

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[36] CHRD, Submission to UN on Liu Ping, Wei Zhongping, and Li Sihua, December 29, 2013, http://www.chrdnet.com/2014/01/submission-to-the-un-on-liu-ping-wei-zhongping-and-li-sihua-29-december-2013/.

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