



17. Freedom from torture

Margaret K. Lewis

The right to be free from torture is firmly established in international law (Dugard and Van den Wyngaert 1998, p. 198). Yet in February 2016, the United Nations (UN) Committee against Torture reported that the People's Republic of China (PRC or China) has thus far failed to implement robustly the 1984 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) (UN CAT 2016). The Committee seriously questioned China's claim that it is making 'enormous efforts' to stop torture (Deutsche Welle 2015) and concluded that 'the practice of torture and ill-treatment is still deeply entrenched in the [PRC] criminal justice system ...' (UN CAT 2016, paragraph 20).

The Committee's report further highlighted the challenges posed by a lack of transparency, including the absence of independent oversight bodies to monitor places of detention, the reported use of secret detention centers and the concealed nature of the Chinese Communist Party's (CCP) disciplinary system (UN CAT 2016, paragraphs 28–9, 42–3, 44–5). As will be discussed in this chapter, there are consistent accounts of torture committed by the police, prosecutors, prison officials and some other members of the Party-state apparatus. Instances of torture are known to occur during criminal investigations, while convicted felons are serving their sentences and during other forms of detention that are sanctioned by the state or the Party. However, the opaque operations of both the PRC government and the CCP thwart efforts to unearth the actual scope and severity of torture in China.

This challenge is captured by the 'poetry' of former US Secretary of Defense Donald Rumsfeld (Seely 2003):¹ 'As we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns—the ones we don't know we don't know' (Graham 2014). This chapter addresses each of these categories in turn. First, it introduces the known knowns of the PRC's commitments to eradicate torture and legal reforms to date, as well as the current climate of simultaneous reform and repression (Section 17.1). Next, it looks at the known unknowns of the prevalence of torture, the effectiveness of legal measures aimed at curbing torture, the workings of the Party disciplinary system, and the future trajectory of reform efforts (Section 17.2). Finally, it raises the possible unknown unknowns in understanding the right to be free from torture in the context of China (Section 17.3).

¹ The author recognizes the black humor in quoting Donald Rumsfeld—who himself has been accused of being responsible for torture and abuse of detainees following 9/11—in a chapter regarding torture.

17.1 THE KNOWN KNOWNNS

The PRC government has made a clear international commitment to eradicate torture as a party to CAT but has a fraught relationship with the Convention's monitoring and reporting systems (Section 17.1.1). This tension is unsurprising considering domestic developments. Namely, we know that the PRC government has made notable strides with respect to condemning torture in formal pronouncements and in black-letter law (Section 17.1.2). What we see, however, is simultaneous reform on paper and repression in practice: the overarching political climate coupled with the distribution of power in the criminal justice system works to undermine the effectiveness of any efforts to ban torture (Section 17.1.3).

17.1.1 International Commitment to Freedom from Torture

The PRC signed CAT in 1986 and became a party to the treaty following ratification on 4 October 1988 (UN Treaty Collection). The relatively short two-year span between signing and ratification contrasts with the already two-decade delay in ratifying the *International Covenant on Civil and Political Rights* (ICCPR), which the PRC signed in 1998 (UN Treaty Collection). The ICCPR, like CAT, prohibits both torture and a broader swathe of cruel, inhuman, or degrading treatment or punishment (ICCPR, Article 7; CAT, Article 16).

China has, to a limited extent, engaged in the international monitoring and reporting systems under CAT. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment last visited China in November 2005. The visit was announced in August 2005 as being at the invitation of the PRC (OHCHR 2005). What the UN press release did not highlight was that the initial request had been made nearly a decade earlier (UN News 2005). Following the 2005 visit, the Special Rapporteur noted that efforts to combat torture and ill treatment had 'contributed to a steady decline of torture practices' but concluded that he believed 'that torture remains widespread in China' (Nowak 2006). At the time of writing this chapter, the PRC government has not, since then, invited the Special Rapporteur for another visit.

Upon ratification, China made a reservation that it 'does not recognize the competence of the Committee against Torture as provided for in Article 20 of the Convention' (UN Treaty Collection—CAT). The inquiry procedure under Article 20 provides for an examination led by the Committee against Torture when 'the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party' (Committee against Torture, Article 20). Nor has China recognized the competence of the Committee against Torture to receive and consider complaints from individuals who claim to be victims of torture, as called for under Article 22 of CAT.

During China's fourth CAT reporting cycle in 2008, the Committee against Torture welcomed the ongoing reform of the PRC's legal framework (UN CAT 2008, paragraphs 5–10). Nonetheless, the Committee expressed considerable unease, stating that it 'remain[ed] deeply concerned about continued allegations, corroborated by numerous Chinese legal sources, of routine and widespread use of torture and ill treatment of suspects in police custody ...' (UN CAT 2008, paragraph 11). The fifth

four-year periodic report was due November 2012 but not submitted until June 2013 (People's Republic of China 2015).

The Committee against Torture held a contentious two-day session in November 2015 to consider the PRC's compliance (UN CAT 2015a; UN CAT 2015b; Cumming-Bruce 2015). In addition to materials submitted by the PRC government (People's Republic of China 2015), the Committee received submissions from dozens of civil society organizations (UN Human Rights, Office of the High Commissioner). For instance, the International Campaign for Tibet submitted accounts of specific instances of abuse and concluded as follows: '[a]lthough the PRC officially prohibits torture, it has become endemic in Tibet, a result both of a political emphasis on ensuring "stability" and a culture of impunity among officials, paramilitary troops and security personnel.' (International Campaign for Tibet 2015, p. 4, paragraph 1). The PRC delegation responded that, in Tibet, '[t]here were no cases of political imprisonment, and the allegation of cruel or unfair treatment of suspects or criminals belonging to ethnic minority groups was groundless' (UN CAT 2015b, paragraph 29). Human Rights Watch (2015b) asserted: 'Police officers regularly use restraints—which victims call the "tiger chair"—to immobilize suspects during interrogations of suspects for hours or even days, often as a means to coerce confessions'. The PRC government delegation countered that 'interrogation chairs were used to prevent detainees from escaping, attacking others or self-harming and were padded for comfort and safety' (UN CAT 2015b, paragraph 67).

The session was marred by reports of intimidation against activists who sought to engage with the review process. According to a 2016 UN report on states' cooperation with UN bodies:

Reportedly, seven Chinese human rights defenders, who had intended to travel to Geneva to attend the Committee's consideration of the report of China, had been threatened by PRC authorities with negative professional consequences. Moreover, those who had defied the authorities' orders had reportedly been detained on the grounds that their participation could 'endanger national security' (UN Human Rights Council 2016).

For those activists who made it to Geneva, Human Rights Watch (2017) reported that 'the Chinese member of the committee engaged in unauthorized photography of the civil society section of the room'.

The Committee against Torture issued an initial version of its report in December 2015 (UN Human Rights 2015b), followed by an edited version in February 2016 (UN CAT 2016). The report included a string of recommendations from previous reviews that China had not yet implemented (UN CAT 2016, paragraph 6). In its Concluding Observations, the Committee noted several positive developments with respect to legal provisions that could reduce torture, but then identified an extensive list of persisting issues that contributed to the practice of torture, ranging from the lack of independent medical examinations of detainees to consistent reports of the use of secret detention centers (UN CAT 2016). The PRC Foreign Ministry (2015) responded that 'China is resolute in its position against torture'. The statement continued that some of the Committee's opinions 'are based on uncorroborated information' and called on the Committee to conduct its work 'in a more comprehensive, objective and impartial way' (PRC Foreign Ministry 2015).

Nearly a year after release of the Committee against Torture's 2016 Concluding Observations, the PRC submitted its follow up response on 24 January 2017 (People's Republic of China 2017). The seven-page response addressed four specific concerns raised by the Committee: (1) restrictions on detainees' access to counsel and notification of family members following detention; (2) the reported crackdown on lawyers and activists; (3) the lack of independent oversight mechanisms for curbing torture; and (4) the lack of data on torture because of the classification of relevant information as coming under the PRC's *State Secrets Law*. The PRC government remained steadfast in rejecting the Committee's findings. The response contended that 'China attaches great importance to guaranteeing the right to counsel' and emphasized that approval for lawyer-client meetings is required only in the rare instances of crimes that endanger state security, terrorism or significant bribery. The response further denied that there is any suppression of lawyers or activists, maintained that the 'independence and impartiality' of investigations into torture can be guaranteed and cited the challenges of China's large size and limited resources as a partial explanation for the lack of detailed statistics. The PRC's next periodic report on its implementation of CAT is due in December 2019.

17.1.2 Domestic Commitment to Freedom from Torture

The use of torture to obtain convictions is well documented and stretches back into imperial China. During the Qing Dynasty, '[t]he tendency to use torture was reinforced by the rule that the defendant could not be convicted unless he confessed' (Cohen 1968, p. 6). The CCP made pronouncements banning forced confessions as early as 1943 (Dutton 2005, p. 126). It was not until the last two decades, however, that the PRC took notable steps towards strengthening the domestic legal framework's prohibition of torture.

The clear step occurred with the 1997 *Criminal Law of the PRC*, Article 247 of which criminalizes the extraction of confessions via torture (*xingxun bigong*) and the use of violence to obtain witness statements (*baoli quzheng*) but limits liability to 'judicial personnel'² rather than all government agents (*Criminal Law*, Article 247). Article 248 criminalizes the physical abuse of detainees (*ouda huozhe tifa nüedai*) but limits liability to officers at detention centers (*jianguan renyuan*) or other detainees who commit the abuse at the instigation of such officers (*Criminal Law*, Article 248).

Unlike the *Criminal Law*, which lists and defines substantive crimes, the PRC's *Criminal Procedure Law* (CPL) governs the process for investigating, prosecuting and adjudicating alleged criminal activity. The first CPL, enacted in 1979, did little to restrict the government's power when engaging with criminal suspects (Chen 2008, pp. 300–2). The 1996 overhaul of the CPL included promising language with respect to the rights of the accused (Hecht 1996; Dai Yuzhong 2008, p. 121), but these promises were largely unfulfilled in practice (Belkin 2007; Sheng 2003; Sheng 2004). The CPL underwent another major revision in 2012, incorporating rules that had been issued in

² As defined in Article 94 of the *Criminal Law*, 'judicial personnel' (*sifa gongzuo renyuan*) here 'refers to personnel engaged in the functions of investigating, prosecuting, adjudicating, supervising and controlling offenders'.

2010 on the exclusion of illegally obtained evidence, most prominently oral confessions (Chen Ruihua 2011; Daum 2011; Lewis 2011a). The Committee against Torture nevertheless noted that it ‘remain[ed] concerned at reports that courts often shift the burden of proof back to defendants during the exclusionary procedures and dismiss lawyers’ requests to exclude the admissibility of confessions’ (UN CAT 2016, paragraph 32).

Further, the Committee against Torture has pointed out that the definition of torture in the *Criminal Law* does not incorporate the full scope of the definition of torture in Article 1 of CAT (UN CAT 2016, paragraph 7). For example, the Committee expressed concern that the PRC does not criminalize ‘the use of torture for purposes other than extracting confessions from defendants or criminal suspects’ (UN CAT 2016, paragraph 7).

Other PRC laws also contain provisions relevant to combatting torture, some of which do cover contexts other than extracting confessions. These include the *Lawyers Law*, last amended in 2012 (providing lawyers with a right to meet with criminal suspects), the *Public Security Administrative Punishments Law*, last amended in 2012 (requiring that administrative punishments respect and protect human rights), the *Exit-Entry Administration Law*, adopted in 2012 (addressing the treatment of refugees), and the *State Compensation Law*, last amended in 2012 (allowing the possibility of compensation for mistreatment, including for psychological harm).

Laws in China are often written in broad terms. It is thus common for the PRC government to supplement laws with related regulations, rules, notices and interpretations, as well as more informal policy directives (Lewis 2014, pp. 53–6). A number of these are relevant to preventing torture during criminal investigations. For example, the 2012 Supreme People’s Court (SPC) Interpretation on the Application of the CPL recognized that, for the purposes of determining if evidence has been illegally obtained, deliberately inflicted mental suffering can constitute torture (SPC Interpretation 2012, Article 95). The following year, the SPC issued an Opinion on Preventing Miscarriages of Justice (SPC Interpretation 2013). In 2014, the Ministry of Public Security (MPS) issued detailed guidance regarding audio and video recording of interrogations in certain types of cases as a supplement to provisions in the CPL (MPS Notice 2014). The MPS followed this up in September 2015 with an announcement that it planned eventually to expand use of the recording system to all criminal cases (Xing Shiwei 2015). In June 2016, the Supreme People’s Procuratorate (SPP) issued a guiding case in which a local procuratorate did not approve the arrest of a murder suspect because of an illegally obtained confession with insufficient alternative evidence to establish criminal conduct (SPP Guiding Cases 2016). In June 2017, the SPC, SPP, and MPS (along with the Ministry of State Security and Ministry of Justice) issued additional provisions on the ‘strict exclusion of illegal evidence in handling criminal cases’ (SPC Provisions 2017). These are but a few of the many pieces in an increasingly complex legal framework that addresses torture.

Further, important to domestic efforts to limit torture is not just what legal provisions are in place but also what provisions have been repealed. The 2013 abolition of ‘reeducation through labor’ (Xinhua News Agency 2013) ended decades of criticism that this purportedly ‘administrative’ sanction—which could deprive people of liberty for up to four years—provided a venue for authorities to engage in torture (Cohen and Lewis 2013, pp. 4–6). The end of reeducation through labor did not end debate over the

use of non-criminal detention methods (Biddulph 2016). As discussed in other chapters in this Handbook, there remain many forms of non-criminal ‘administrative’ detention—as well as extralegal measures—that provide alternative opportunities for ill treatment behind closed doors.

17.1.3 Simultaneous Reform and Repression

There is no shortage of official pronouncements aimed at curbing torture. There is, however, a shortage of will to enforce the law zealously. As Teng Biao, a legal activist and torture victim himself, astutely explained: ‘The major problem with rule of law in mainland China is not establishing legal provisions but rather implementing laws’ (quoted in Shi Shan 2014). A climate of intensifying repression has accompanied Xi Jinping’s consolidation of power (Buckley 2017b). The result is a yawning gap between the PRC government’s commitments to freedom from torture reflected in formal statements and reports of what occurs in practice.

In addition to the lack of high level political will to end torture, the absence of independent oversight in the criminal justice system helps to perpetuate the use of torture. The public security authorities’ dual responsibility of administering detention facilities and leading investigations means police lack outside scrutiny of their actions during the investigation and detention process. A draft *Detention Center Law* issued in 2016 fails to remedy this fundamental conflict (Lewis 2017a). Similarly, there is tension between the dual roles of procuratorates in supervising detention facilities and prosecuting cases. The procuratorate has general oversight authority over police, but the control mechanism ‘that has the greatest impact on police daily operation is the internal supervision’ (Ma 2014, pp. 72–3). For example, while PRC law flatly prohibits abuse of detainees, the prolonged periods for which the police can detain people without oversight creates glaring opportunities for abuse of power. This is illustrated by one of the most contentious provisions included in the 2012 CPL amendments: residential surveillance (*jianshi juzhu*). This measure allows police to hold certain criminal suspects for up to six months, and suspects are generally not held at their own residence (CPL, Article 73; Rosenzweig 2016). The SPP issued provisions in December 2015 emphasizing the need to correct unlawful conduct, including torture, during use of coercive measures such as residential surveillance (SPP Provisions 2015), but the actual impact of this call for increased oversight remains unknown. Included among the Committee against Torture’s recommendations was repeal of these provisions on residential surveillance (UN CAT 2016, paragraphs 14–5).

For arrests that do not involve residential surveillance, the CPL still permits up to a 30-day detention period before police transfer the case to the procuratorate for review and then an additional seven days for the procuratorate to approve the arrest (China Law Translate 2015). The CPL provides no role for judicial oversight during this 37-day period. Nor do revisions to the *Police Law* proposed in 2016 indicate any shift towards adjusting the disproportionate power of the public security forces (PRC *Police Law* (Draft) 2016; HRW 2016b). The police remain the strongest component in the police-procuratorate-court ‘iron triangle’ (McConville 2011, pp. 378–9; Liu and Halliday 2011).

The Committee against Torture recommended that detained individuals be brought before judges within 48 hours of being taken into custody (UN CAT 2016, paragraphs 10–11). In March 2016, shortly after the Committee made its 2016 Concluding Observations, the Ministry of Public Security issued disciplinary rules aimed at holding police accountable for confessions obtained by torture (MPS Provisions 2016), but these rules stopped short of requiring prompt judicial approval of detentions. This situation remains unchanged at the time of writing; nor has there been any change in the time allowed for detention by the police.

The lack of oversight is compounded by a failure to use independent medical professionals when examining detained persons (UN CAT 2016, paragraphs 16–7). In its submission to the Committee, the NGO Human Rights in China (2015a, paragraph 12) noted: ‘[T]he measures described by the [PRC] are problematic because in the aggregate they create structures and procedures that result in a conflict of duties for medical practitioners in detention centers and open the way for informal pressures to suppress evidence of torture when it has occurred’. Furthermore, experiences of detainees like lawyer Pu Zhiqiang (discussed below), have demonstrated failures to provide adequate medical care to people who enter detention with a pre-existing health condition (Liu and Halliday 2016). The Committee called on China to ensure that ‘[d]etained persons have access to adequate medical care, including to a doctor of their choice’ (UN CAT 2016, paragraph 25).

Concern about the treatment of people in police custody is further heightened by the constrained role of defense lawyers. The plight of defense lawyers is relevant to torture both because limits on client access frustrate attempts to expose torture and because lawyers themselves have become the victims of torture.

Although statistical data is lacking, there are consistent reports that the majority of criminal defendants have no lawyer whatsoever (U.S.-Asia Law Institute 2014; Anonymous 2012). At the November 2015 session before the Committee against Torture, the PRC delegation reported that ‘[I]legal aid centres were in the process of establishing offices in detention facilities to provide detainees with assistance’ (UN CAT 2015b, paragraph 19; SPC, SPP, MPS, Ministry of State Security and Ministry of Justice Opinion 2016). The PRC government issued additional measures in 2017 that called for greatly expanded access to state appointed lawyers (SPC and Ministry of Justice Measures 2017). It is too early to know whether these initiatives will make a notable difference in representation rates and quality. Daum (2017b) has cautioned that: ‘The lawyers that the Party wants are not independent advocates, but “socialist legal workers”. Lawyers are meant to be functionaries guiding clients through the legal process along established paths, not criticizing existing policies, rules, or their implementation’.

When suspects are represented, defense lawyers have long complained about the difficulties in accessing clients and evidence (Liu and Halliday 2016; Sun 2011). Some lawyers noted an increase in client access following the 2012 revisions to the CPL (China Law Translate 2013). Yet a persistent challenge is that the law only allows suspects to meet with their lawyers within 48 hours of their request (CPL, Article 37). Much can happen during this initial two-day period. And, even once access is allowed, there are many ways that authorities can frustrate attempts by lawyers to meet their clients, including that lawyers are not permitted to be present during the interrogation

itself. The *Criminal Procedure Law* permits that access to counsel be delayed or even blocked entirely in cases deemed to endanger state security or to involve terrorism or serious bribery (CPL, Article 37).

The PRC government has openly called for a move toward a trial-centered criminal procedure (*shenpan wei zhongxin de songsu zhidu gaige*) (Liu Guangsan and Li Yanxi 2016, p. 150; China Law Net 2016). A true shift towards emphasizing trials could elevate the importance of defense lawyers and judges by bolstering their roles in testing the evidence presented by police and prosecutors. One hope is that more rigorous questioning of evidence could shift the current reliance on confessions to a broader base of evidentiary support (Chen Guoqing and Zhou Ying 2016). As with other stated reforms, the extent to which trials serve as a platform to scrutinize evidence will only be borne out through practice. The long-ingrained policy of ‘leniency for those who confess’ (*tanbai cong kuan*)—and the corresponding policy of ‘severity for those who resist’ (*kangju cong yan*)—acts to caution defendants against asserting their innocence at trial (SPC Opinion 2015, paragraph 13; Lewis 2011b). A defendant’s refusal to admit guilt is commonly viewed as a reason for harsher punishment (Dobinson 2013).

Statements rejecting notions of Western judicial independence made in January 2017 by the President of the SPC, Zhou Qiang, further call into question whether judges will actually be encouraged to take a searching look at evidence presented by police and prosecutors (Forsythe 2017; Luo Shuzhen 2017). The statements were particularly startling because Zhou had been viewed as more reform minded than his predecessor (Peerenboom 2014). The most optimistic take on his remarks is that he might ‘signal left and turn right’ (*da zuo deng xiang you zhuan*) (insisting that one is upholding the Party line while actually turning towards a path of reform). At the time of writing, it appears that Zhou Qiang has both signalled left and turned left: there is at least no public indication of efforts to bolster judicial independence *vis-à-vis* the police and prosecutors. The more plausible explanation is that Xi Jinping’s hard line has firmly penetrated the highest echelons of the court system.

The tightening political climate has been accompanied by increasing risk to lawyers’ physical safety. The use of torture against lawyers is not a new phenomenon. For instance, Li Zhuang—a lawyer who defended clients during the mafia crackdown in Chongqing a decade ago—was himself arrested and tortured while arguing that his clients were subject to such abuse (see Pils 2011, p. 114; Pils 2009; Lan Rongjie 2013; BBC 2012; Pils 2015, pp. 165–7). But these concerns are intensifying. Reports of torture of lawyers made nearly simultaneously with SPC President Zhou’s January 2017 remarks exacerbated concerns that lawyers who provide a zealous defense are imperiling their own safety. In January 2017, the transcript of an interview with Lawyer Xie Yang was released in which he recounted various forms of torture such as the ‘dangling chair’: ‘[T]hey made me sit on a bunch of plastic stools stacked on top each other, 24 hours a day except for the two hours they let me sleep’ (China Change 2017a). Mr. Xie was detained during the infamous ‘709 Crackdown’ in July 2015 in which hundreds of lawyers and other human rights defenders were taken into custody (Chinese Human Rights Defenders 2016a).

Also in January 2017, another lawyer rounded up as part of the 709 Crackdown, Li Chunfu, was released amid reports from relatives and friends that he had been tortured,

leading to severe weight loss and even a diagnosis of schizophrenia (Denyer 2017). Mr. Li's experience comports with similar reports of forcible 'medication' without medical basis, which Pils (2017) has described as 'a method that strips torture down to its worst part—the taking away of one's personality, one's inner being, through an attack on one's physical integrity'. Mr. Li's experience underscores the devastating long lasting effects of torture both on the victims personally and on the families and friends who try to care for them. While writing this chapter in November 2017, lawyer Jiang Tianyong was sentenced to two years for inciting subversion amid concerns that his confession was coerced during his year in pre-trial custody (Haas 2017). Rights groups have argued that Mr. Jiang was targeted in part because he exposed abuse that other lawyers suffered while they were in custody (Buckley 2017c).

17.2 THE KNOWN UNKNOWN

We thus know that formal pronouncements against torture have not been accompanied by a shift towards a climate that eradicates its use. What we know that we do not know is the extent to which torture is occurring in China today (Section 17.2.1) or the extent to which legal reforms have been effective in at least reducing the instances of torture even if not eliminating them (Section 17.2.2). We are also aware that there is a lack of information on the use of torture by the Party's disciplinary system (Section 17.2.3). Finally, the trajectory of future reform efforts remains a known unknown (Section 17.2.4).

17.2.1 Discerning the Pervasiveness of Torture

A longstanding culture of opacity in the workings of police, prosecutors and courts complicates information gathering efforts (Jiang 2015b). Rights groups have nonetheless unearthed widespread evidence of torture, documenting, for example, 'hundreds of cases of mistreatment of human rights defenders since 2012' (Chinese Human Rights Defenders 2016b). Concerns that detainees are involuntarily denying use of torture adds a further challenge: Lawyer Xie Yang wrote in January 2017 that '[i]f, one day in the future, I do confess ... that will not be the true expression of my own mind. It may be because I've been subjected to prolonged torture, or because I've been offered the chance to be released on bail to reunite with my family' (China Change 2017b). At his trial in May 2017, Mr. Xie denied that he was tortured, pleaded guilty and blamed overseas influences for his actions (Buckley 2017a).

The secrecy surrounding criminal cases has increasingly been punctured by reports exposing instances of people wrongfully convicted of crimes based on confessions obtained through torture (Huang Shiyuan 2012; Trevaskes 2012, pp. 61–6; Belkin 2011; Kang Junxin and Han Guangjun 2007). The PRC government has acknowledged the problem (CCP 2013, sec. 9(34)), and the SPC President expressed remorse in 2015 for miscarriages of justice (Xinhua News Agency 2015; Zhang 2015). In December 2016, the courts posthumously exonerated Nie Shubin of a 1995 conviction for murder (Forsythe 2016). In 2014, the courts posthumously overturned the 1996 murder and rape conviction of Huugjilt, an 18-year-old ethnic Mongol who confessed under torture

(BBC 2014; Shi Wansen and Zhang Chi 2015). Also in 2014, Nian Bin's conviction for murder was overturned after eight years in prison following a coerced confession (Wan 2014). Studies have documented many other examples of coerced confessions in China (Jiang 2015a; He Jiahong and He Ran 2013).

Some well-known instances of deaths in custody prior to conviction have heightened concerns regarding the prevalence of mistreatment. For example, the May 2016 death in police custody of an environmentalist who had been arrested as part of an anti-prostitution raid raised concerns about excessive use of force (Tatlow 2016). In November 2015, Zhang Liumao died in a detention center in Guangzhou after being detained on suspicion of 'picking quarrels and provoking trouble' (Wong 2015). His family was denied a copy of the autopsy report, but a lawyer who saw the body reported signs of physical abuse (Mudie 2015). Such accounts are not new. Earlier examples include the 2003 case of a young man named Sun Zhigang who died in police custody after failing to produce identifying documents (Hand 2006) and the 2009 case of Li Qiaoming who died while detained on charges of illegal logging (Macbean 2016). The police unconvincingly attributed Li's death to inmates playing a game of 'cat and mouse' (resembling blind man's bluff) (Luo Jieqi 2009).

The Committee against Torture expressed 'concern over allegations of death in custody as a result of torture or resulting from lack of prompt medical care and treatment during detention ...' (UN CAT 2016, paragraph 24). The Committee further regretted the lack of statistical data on the number of deaths in custody (UN CAT 2016, paragraph 24). More generally, the Committee bemoaned the lack of government supplied data requested for its review (UN CAT 2016, paragraph 30).

The robust state secrets system creates another obstacle to obtaining a full picture of the PRC's formal criminal justice system (HRIC 2015, paragraphs 19–26; HRIC 2007). Obtaining an understanding of the CCP's disciplinary processes and detention mechanisms outside of the formal criminal justice system is understandably even more challenging.

17.2.2 Evaluating the Effectiveness of Legal Measures Aimed at Curbing Torture

We do not know to what extent torture would be more prevalent without the legal reforms that have been enacted to date. Deterrence in the form of actual criminal prosecutions of government officials who abuse detainees is rare (HRW 2015a, p. 103). A notable exception is the 2014 conviction of a police officer—who was implicated in the death of Huugjilt discussed above—for using force to extract confessions in other cases (Withnall 2015). The introduction in 2010 of an exclusionary rule for illegally obtained evidence and recordings of interrogations for certain crimes raised hopes that prophylactic measures would reduce torture, though analysis of these reforms to date has dampened optimism (Daum 2017a).

The 2010 rules on the exclusion of illegally obtained confessions were subsequently integrated into the 2012 revisions of the CPL. Five years later, studies on the actual number of cases in which evidence was excluded because of the methods police used to extract information suggest that those reforms have had little influence (Wang Biao 2015; Chen Guangzhong and Guo Zhiyuan 2014). A 2015 report by Human Rights

Watch (2015a) reviewed 158,000 criminal court verdicts published by the SPC and found 432 in which the suspects alleged torture. Human Rights Watch (2015a, p. 82) reported: 'The defendants were convicted in all 432 cases, and judges excluded confessions in only 23 cases (6 percent of the verdicts) due to concerns over police torture. And even in those 23 cases, the defendants were convicted'. Also problematic is that evidence derived from illegally obtained confessions is still admissible—a rejection of the so called 'fruits of the poisonous tree' doctrine (CPL, Article 54). New rules in 2017 began moving in the direction of restricting use of derivative evidence (SPC, SPP, Ministry of State Security and Ministry of Justice Provisions 2017), but the rules 'provide exceptions allowing that a new confession may still be admitted so long as the interrogation is conducted by new questioners who inform the accused of their rights and potential liability before the accused makes a new similar confession' (Daum 2017a).

As pointed out by the PRC delegation during the review by the Committee against Torture: 'Illegal evidence was excluded at any point in a criminal case, not only during the trial. Hence, in 2014, the arrests of 406 persons had been revoked during the examination phase for that reason and a further 198 persons had not been prosecuted' (UN CAT 2015b, paragraph 11). This is but a drop in the ocean when there were approximately 1.18 million criminal convictions in 2014 (Xinhua News Agency 2015). It is theoretically possible that reforms have deterred misconduct to such an extent that police declined to engage in abusive behavior and, thus, essentially no 'illegal' evidence was created to later be excluded by courts at trial. This sanguine explanation is nearly impossible to believe. More likely explanations are that courts are rejecting claims of illegal evidence and that potential claims are not even being raised. Given the limited role that defense lawyers play in the vast majority of cases today, most defendants would need to invoke the exclusionary rule without the assistance of counsel. For those defendants who are represented, their counsel may be unable to secure sufficient evidence to demonstrate that the evidence was illegally obtained. And, perhaps, some lawyers would advise their clients to not contest the evidence because more lenient treatment is likely following a confession. In short, we know evidence is seldom excluded due to the manner in which it was obtained, but we are largely in the dark regarding why this is the case.

Another promising reform is the CPL's requirement that police record interrogations in certain cases, and subsequent government statements that the PRC will expand the types of cases for which recordings are required (Zhu and Siegel 2015). Several factors temper enthusiasm for the salutary effects of this practice: police and prosecutors both make and keep recordings, giving rise to concerns for tampering; mandatory recordings are restricted to only serious cases; defendants and their lawyers have limited access to recordings; and the more informal initial investigation of suspects need not be recorded (Amnesty International 2015, pp. 42–3). An article jointly written by American and Chinese law professors concluded that: 'The degree to which electronic recording is actually being implemented is much less clear and the degree to which it is reducing torture in interrogation is uncertain' (Zhu and Siegel 2015).

The PRC authorities' activities outside of formal detention facilities are even less well known because unofficial detention places are by nature intended to be secret. The Committee against Torture raised questions about a variety of 'administrative detention'

measures and emphasized that it ‘remains seriously concerned at consistent reports from various sources about a continuing practice of illegal detention in unrecognized and unofficial detention places—the so-called “black jails” ...’ (UN CAT 2016, paragraph 42).

17.2.3 The Party Disciplinary System and Anti-Corruption Efforts

The CCP’s disciplinary process presents a nearly impenetrable human rights vacuum. The Central Commission on Discipline Inspection (CCDI) and its local counterparts can detain Party members for questioning at a designated time and place (*shuanggui*) for months or longer (McGregor 2010, pp. 137–8; Sapio 2008). This disciplinary system is directly relevant to the Party’s approximately 88 million members. *Shuanggui* also has broader repercussions for non-Party family members. Moreover, it signals the Party leadership’s attitude towards taking meaningful steps to eradicate torture.

Shuanggui is distinct from, but complementary to, formal criminal punishment. The Party must transfer the case to the criminal justice system before a suspect may be sentenced to prison. For the vast majority of Party members accused of wrongdoing, however, the Party disciplinary process is the only system to which they will be subject. Human Rights Watch (2016a) analyzed CCDI data to find that, in 2014, the Party punished 232,000 individuals internally but only 12,000 were handed over to the procuratorate (HRW 2016a, p. 15). The numbers for 2015 were 336,000 and 14,000, respectively (HRW 2016a, p. 15).

Xi Jinping’s protracted anti-corruption campaign has increased concerns about the treatment of *shuanggui* detainees, regardless of whether there is ever a formal criminal conviction. In February 2016, a former deputy director of the PRC’s National Energy Administration retracted a confession, claiming it was made while being tortured during *shuanggui* (Ramzy 2016; Luo Jieqi and Cui Houjian 2016). A December 2016 Human Rights Watch report (2016a) added to the growing accounts of treatment amounting to torture in the Party disciplinary process (see also Xie Yinzong and Liu Mingming 2015; Mudie 2014). Among the interviewees for the report were former *shuanggui* detainees, family members and lawyers, although the report noted that most people contacted ‘did not respond to request for interviews, some citing the sensitivity of the issue and fears of speaking to a foreign human rights organization’ (HRW 2016a, p. 5).

In recent years, Chinese legal experts (Pu Zhiqiang 2014; Ye Zhusheng 2013) and even a delegate to the Chinese People’s Political Consultative Conference (Luo Guoping 2015) called for the Party disciplinary system to be brought within the formal legal system. The CCP had rebuffed these calls but shifted course in late 2016 by announcing a pilot program to create supervision commissions in Beijing, Shanxi and Zhejiang (CCP 2016). In January 2017, the CCDI emphasized plans to expand these pilots into a National Supervision Commission under a new *Supervision Law* (CCDI 2017), which was passed by the NPC on 20 March 2018. This formidable new institution is being introduced as a merger of Party and state forces to create a central anti-corruption body (Chen and Ohlberg 2017). The government announced plans to establish the nationwide system in 2018, with supervision commissions empowered to

employ various measures including ‘surveillance, interrogation, detention, and freezing of assets’ (Yin Pumin 2017).

In his address to the Nineteenth Party Congress in October 2017, Xi Jinping announced that the supervision system would use a new form of detention called *liuzhi* (Xi Jinping 2017). Under the *Supervision Law*, suspects can be held in *liuzhi* for three months, with a possible three-month extension. While *liuzhi* includes some procedural requirements (e.g., notification of family members), people subject to this restraint would not be granted access to counsel.

Legal scholars have raised serious questions regarding the impact of the planned supervision system on the rights of the accused. In a March 2017 address, Professor Chen Guangzhong, a prominent criminal procedure scholar, called for safeguarding the rights of people being investigated, including strictly prohibiting coerced confessions and guaranteeing the right to counsel (Shan Yuxiao 2017). After release of the draft law, Professor Han Dayuan (2017), former dean of Renmin University law school, publicly criticized the law as lacking a constitutional basis. Professors Chen Guangzhong, Qin Qianhong and Chen Ruihua similarly posted criticisms regarding the law’s constitutionality and its impact on the rights of the accused (Wang Lina 2017).

In sum, even with the Party accepting a veneer of legality for its anti-corruption efforts, well-grounded concerns about torture in the formal criminal justice system suggest that a wait-and-see attitude is prudent as to whether reforms improve actual practice. Indeed, melding Party disciplinary mechanisms with the formal government structure could more firmly embed rights-abusing practices rather than result in rights-supporting reforms. The creation of an explicitly Party-state entity further underscores the lack of separation between Party and state (*dang-zheng fenkai*) with instead there merely being a division of labor (*dang-zheng fengong*).

17.2.4 Predicting the Future of Reform Efforts

How reforms to the Party discipline system will play out is but one area of uncertainty. As US baseball coach and armchair philosopher Yogi Berra cautioned: ‘It’s tough to make predictions, especially about the future’. This is certainly true for the path of legal reform in China. Even if reforms aimed at eliminating torture gain greater traction, there is little reason for optimism that a major shift in practices will occur given the current leadership’s at least tacit acceptance of torture, combined with entrenched structural factors in the criminal justice system that create incentives to perpetuate torture.

The criminal justice system’s longstanding reliance on confessions (*kougong*) as the dominant form of evidence in criminal cases is difficult to shake (Belkin 2011). There is growing interest in China for incorporating varied forms of evidence, including use of DNA. For example, the Ministry of Public Security’s 2013 Notice on Further Strengthening and Improving the Work of Implementing the Law in Criminal Matters and Avoiding the Occurrence of Cases of Miscarriages of Justice (MPS 2013) built on 2012 revisions to the CPL by calling for the need to improve the review of evidence in criminal trials. Yet confessions remain the cheapest and most prevalent form of evidence, and incentive structures are such that law enforcement authorities’ careers can suffer for failing to close a case. Discussions regarding ending the use of quotas for

arrests, indictments, guilty verdicts and case conclusions in performance evaluations could lighten pressure on police to coerce confessions if proposals are adopted and earnestly carried out (HRW 2015a, pp. 33–4; Chin 2015; Tiezzi 2015). Again, the yardstick of progress requires a searching review of actual practice, not just stated intentions.

Another barrier to reducing torture is persistent, misplaced confidence by at least some law enforcement personnel that forceful interrogation methods will help get ‘the bad guys’. A former *shuanggui* detainee told Human Rights Watch (2016a, p. 1): ‘I am also a Communist Party member ... Why did it happen to me? ... The judge in charge of my case told me, in private, that right now we have to fight corruption, so we need to employ these illegal and extraordinary channels—otherwise we can’t catch the bad guys’. This argument is not new, nor is it unique to China. It echoes arguments made in post 9/11 United States when the US government used interrogation tactics that meant, as President Obama later admitted: ‘We tortured some folks’ (White House Office of the Press Secretary 2014).

Interrogation methods amounting to torture still violate international human rights norms regardless of whether the information obtained is accurate. There is no ‘ticking time bomb’ exception to the prohibition on torture. Moreover, there is growing recognition that torture is largely ineffective in obtaining accurate information. In an August 2016 report, the UN Special Rapporteur on torture and other cruel or unusual punishment cited a growing body of studies that undermine supporters of harsh questioning techniques: ‘Irrefutable evidence from the criminal justice system demonstrates that coercive methods of questioning, even when not amounting to torture, produce false confessions’ (Méndez 2016, paragraph 19). Put more bluntly, turning from former US Secretary of Defense Rumsfeld to a quote from one of his successors, Secretary James Mattis: ‘I’ve always found, give me a pack of cigarettes and a couple of beers and I do better with that than I do with torture’ (Apuzzo and Risen 2016).

There is mounting evidence across legal systems that torture is not only inhumane, but also it can lead authorities to proceed on the basis of inaccurate information. That this is a shared concern across countries counsels strongly in favor of increased international collaboration. Each country’s legal, historical and cultural conditions are to a certain extent unique. There are, however, benefits to sharing experiences, both negative and positive, because it is common across countries to use a tripartite system of police, prosecutors and judges to investigate, prosecute and adjudicate criminal cases. The PRC government’s current resistance to international collaboration has chilled but not frozen projects connecting Chinese officials and scholars with their foreign counterparts. One of many concerns is a reduction in the flow of information into China regarding what other countries are learning about the pernicious effects of coercive interrogation practices.

17.3 THE UNKNOWN UNKNOWNNS

An effort to grasp how the right to be free from torture is playing out in the context of China should recognize the possible presence of unknown unknowns. The intentional opacity of the Party-state creates daunting obstacles to obtaining a nuanced, informed

understanding of the treatment experienced by people who have their liberty restrained by the authorities in China. The international community must thus extrapolate from limited data points. The Committee against Torture complained of both the lack of statistical data and barriers to collaborating with civil society organizations, with several PRC citizen human rights defenders being prevented from leaving China for the Committee's hearings (UN CAT 2016, paragraph 38).

The current leadership's stern control over the media and distrust of non-governmental organizations does not bode well for shifting the unknown unknowns first to known unknowns and ultimately known knowns. There has long been a debate regarding the extent to which outside pressure can generate positive change to the human rights situation in China. The track record indicates that significant steps to eradicate torture must come from the PRC government itself, though international pressure might help nudge reforms. Even if no noticeable change is forthcoming, international attention at least provides moral support for victims of torture and their families.

The limited effectiveness of international condemnation raises the question of what strategies are available to, at a minimum, not have the PRC government benefit from the lack of transparency surrounding the treatment of people whose liberty has been restrained. One step is for other parties to CAT to place greater emphasis on human rights when the PRC government requests repatriation of its nationals (Lewis 2017b). In particular, parties to CAT agree not to return persons to another state 'where there are substantial grounds for believing that he would be in danger of being subjected to torture' (CAT, Article 3). Countries like the United States that put the burden of proof on the person who cites torture as a reason to oppose the return of a suspect, allow the PRC government to benefit from its opaque system: you must prove the likelihood of torture, but so little information is available that this is a tremendous hurdle (US DOJ 2017, p. M1).

The international community should not waver in drawing attention to the situation in China (*Washington Post* Editorial Board 2017), especially because the domestic Chinese media faces intense censorship. The combined injustice of censorship, violations of defendants' rights, and a lack of transparency were on full display when in December 2015 lawyer Pu Zhiqiang was tried on charges of 'inciting ethnic hatred' and 'picking quarrels and provoking trouble' through comments on his microblogs. The United States and other foreign observers were not granted access to the trial. Undeterred, the US Embassy released a statement expressing grave concerns about Mr. Pu's treatment and had a senior diplomat read the statement outside the courthouse. Interestingly, one of the sensitive cases for which Mr. Pu provided representation prior to his arrest was that of a Party official who was allegedly tortured to death while undergoing *shuanggui*. The subjection of government officials themselves to mistreatment if they are accused of malfeasance raises an intriguing possibility: some of the officials who had a hand in convicting Mr. Pu might wish that they had access to his services. Whether that is true is, at least for now, unknown.

REFERENCES

- Amnesty International (2015), *No End in Sight: Torture and Forced Confessions in China*, report issued 11 November, accessed 15 May 2017 at www.amnesty.org/en/documents/ASA17/2730/2015/en/.
- Anonymous (2012), 'Mu Ping: liangwan xingsu'an lüshi jin daiji 2.5%' (Mu Ping: In Twenty Thousand Criminal Cases, Lawyers Represented [Defendants] in Only 2.5% of Cases), *Beijing News*, 9 March, accessed 20 February 2018 at epaper.bjnews.com.cn/html/2012-03/09/content_322845.htm?div=-1.
- Apuzzo, Matt and James Risen (2016), 'Donald Trump Faces Obstacles to Resuming Waterboarding', *New York Times*, 28 November, accessed 20 February 2018 at www.nytimes.com/2016/11/28/us/politics/trump-waterboarding-torture.html.
- Belkin, Ira (2007), 'China', in Craig M. Bradley (ed.) *Criminal Procedure: A Worldwide Study*, second edition, Durham, NC, USA: Carolina Academic Press, pp. 91–106.
- Belkin, Ira (2011), 'China's Tortuous Path Toward Ending Torture in Criminal Investigations', *Columbia Journal of Asian Law*, 24, 273–301.
- Biddulph, Sarah (2016), 'What to Make of the Abolition of Re-education Through Labour?', in Elisa Nesossi, Sarah Biddulph, Flora Sapiro and Susan Trevaskes (eds), *Legal Reforms and the Deprivation of Liberty in Contemporary China*, Abingdon, UK and New York: Routledge, pp. 23–42.
- British Broadcasting Corporation (BBC) (2012), 'Torture Claims Emerge in China's Bo Xilai Scandal', 21 April, accessed 20 February 2018 at www.bbc.com/news/world-asia-china-17790632.
- British Broadcasting Corporation (BBC) (2014), 'Courts Find Executed Chinese Teenager "Not Guilty"', 15 December, accessed 20 February 2018 at www.bbc.com/news/world-asia-china-30474691.
- Buckley, Chris (2017a), 'In Reversal, Chinese Lawyer Confesses, and Rights Groups Denounce his Trial', *New York Times*, 8 May, accessed 20 February 2018 at www.nytimes.com/2017/05/08/world/asia/xie-yang-china-lawyer-trial.html.
- Buckley, Chris (2017b), 'Xi Jinping Opens China's Party Congress, His Hold Tighter Than Ever', *New York Times*, 17 October, accessed 30 April 2018 at www.nytimes.com/2017/10/17/world/asia/xi-jinping-communist-party-china.html.
- Buckley, Chris (2017c), 'China Finds Lawyer Who Exposed Torture Allegations Guilty of Inciting Subversion', *New York Times*, 21 November, accessed 20 February 2018 at www.nytimes.com/2017/11/21/world/asia/china-lawyer-jiang-tianyong-sentence-subversion.html.
- Chen, George G. and Mareike Ohlberg (2017), 'A National Supervision System: The CCP's New Permanent Anti-Corruption Campaign', Mercator Institute for Chinese Studies, 12 January, accessed 20 February 2018 at www.merics.org/en/blog/national-supervision-system-ccps-new-permanent-anti-corruption-campaign.
- Chen Guangzhong and Guo Zhiyuan (2014), 'Feifa zhengju paichu guize shishi ruogan wenti yanjiu' (Research on the Various Problems Concerning the Application of Exclusionary Rules), *Faxue zazhi (Legal Science Magazine)*, 9, 1–16.
- Chen Guoqing and Zhou Ying (2016), "'Yi shenpan wei zhongxin" yu jiancha gongzuo' ('Making the Trial Central to the Process' and Prosecution Work), *Xingshi sifa zhinan (Directions in Criminal Justice)*, 14 October, accessed 20 February 2018 at www.jcrb.com/procuratorate/theories/practice/201610/t20161014_1660326.html.
- Chen, Jianfu (2008), *Chinese Law: Context and Transformation*, Boston: Martinus Nijhoff Publishers.
- Chen Ruihua (2011), 'China's New Exclusionary Rule: An Introduction', *Columbia Journal of Asian Law*, 24, 229–46.
- Chin, Josh (2015), 'China's Communist Party Sounds Death Knell for Arrest, Conviction Quotas', *Wall Street Journal*, China Real Time Report (blog), 22 January, accessed 20 February 2018 at blogs.wsj.com/chinarealtime/2015/01/22/chinas-communist-party-sounds-death-knell-for-arrest-conviction-quotas/.
- China Change (2017a), 'Transcript of Interviews with Lawyer Xie Yang (3)—Dangling Chair, Beating, Threatening Lives of Loved Ones, and Framing Others', 21 January, accessed 20 February 2018 at www.chinachange.org/2017/01/21/transcript-of-interviews-with-lawyer-xie-yang-3-dangling-chair-beating-threatening-lives-of-loved-ones-and-framing-others/.
- China Change (2017b), 'Xie Yang's Handwritten Statement on January 13, 2017', 7 March, accessed 20 February 2018 at www.chinachange.org/2017/03/07/xie-yangs-handwritten-statement-on-january-13-2017/.
- China Law Net (2016), 'Chen Guanzhong, Fan Chongyi deng: Yi shenpan wei zhongxin yu jiancha gongzuo' (Chen Guanzhong, Fan Chongyi and Others: Making the Trial Central to the Process' and

- Prosecution Work), Zhongguo Faxuehui (China Law Society) website, 16 February, accessed 20 February 2018 at www.chinalaw.org.cn/Column/Column_View.aspx?ColumnID=956&InfoID=18581.
- China Law Translate (2013), '100 Days of the new CPL', 14 April, accessed 20 February 2018 at www.chinalawtranslate.com/100-days-of-the-new-cpl/?lang=en.
- China Law Translate (2015), 'Criminal Procedure Timing Chart', 10 July, accessed 20 February 2018 at www.chinalawtranslate.com/case-handling-chart/?lang=en.
- Chinese Communist Party (CCP) (2013), 'Zhonggong zhongyang guanyu quanmian shenhua gaige ruogan zhongda wenti de jue ding' (Chinese Communist Party Central Committee, Decision on Certain Major Issues Regarding Comprehensively Deepening Reforms), reprinted in *Xinhua*, 15 November 2013.
- Chinese Human Rights Defenders (2016a), 'Update on 709 Crackdown Against Rights Lawyers', 19 April, accessed 20 February 2018 at www.nchr.org/2016/04/update-on-709-crackdown-against-rights-lawyers/.
- Chinese Human Rights Defenders (2016b), 'China: End Impunity for Torture & Provide Justice for Victims', 23 June, accessed 20 February 2018 at www.nchr.org/2016/06/china-end-impunity-for-torture-provide-justice-for-victims/.
- Cohen, Jerome A. (1968), *The Criminal Process in the People's Republic of China 1949–1963: An Introduction*, Cambridge, MA, USA: Harvard University Press.
- Cohen, Jerome A. and Margaret K. Lewis (2013), *Challenge to China: How Taiwan Abolished its Version of Re-Education Through Labor*, New York: NYU School of Law, US-Asia Law Institute & Berkshire Press.
- Cumming-Bruce, Nick (2015), 'China Faces Sharp Questioning by U.N. Panel on Torture', *New York Times*, 17 November, accessed 20 February 2018 at www.nytimes.com/2015/11/18/world/asia/china-faces-sharp-questioning-by-un-panel-on-torture.html.
- Dai Yuzhong (2008), 'Xingshi zhengyi de zhuiqiu' (The Pursuit of Criminal Justice), in Cai Dingjian and Wang Chengguang (eds), *Zhongguo zouxiang fazhi 30 nian, 1978–2008 (China's Journey Toward the Rule of Law: Legal Reform, 1978–2008)*, Beijing: Shehui kexue wenxian chubanshe, chapter 4.
- Daum, Jeremy (2011), 'Tortuous Progress: Early Cases Under China's New Procedures for Excluding Evidence in Criminal Cases', *NYU Journal of International Law and Politics*, 43, 699–712.
- Daum, Jeremy (2017a), 'Exclusive focus: Why China's exclusionary rules won't stop police torture', *China Law Translate*, 1 July, accessed 30 April 2018 at www.chinalawtranslate.com/8481-2/?lang=en.
- Daum, Jeremy (2017b), 'The Right to an Attorney [and Your Attorney's Rights] in China', *China Law Translate*, 16 October, accessed 20 February 2018 at www.chinalawtranslate.com/the-right-to-an-attorney-and-your-attorneys-rights/?lang=en.
- Denyer, Simon (2017), 'A Broken Lawyer and a Hawkish Judge Cast Deep Pall Over China's Legal System', *Washington Post*, 21 January, accessed 20 February 2018 at www.washingtonpost.com/world/a-tortured-broken-lawyer-and-a-hawkish-judge-cast-deep-pall-over-chinas-legal-system/2017/01/20/1daf0ff6-dd62-11e6-b2cf-b67fe3285cbc_story.html.
- Deutsche Welle (2015), 'China Says It's Making "Enormous Efforts" To Stop Torture', 19 November, accessed 20 February 2018 at www.dw.com/en/china-says-its-making-enormous-efforts-to-stop-torture/a-18861300.
- Dobinson, Ian (2013), 'The Guilty Plea: An Australian/Chinese Comparison', in Mike McConville and Eva Pils (eds), *Comparative Perspectives on Criminal Justice in China*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 187–205.
- Dugard, John and Christine Van den Wyngaert (1998), 'Reconciling Extradition with Human Rights', *The American Journal of International Law*, 92 (2), 187–212.
- Dutton, Michael (2005), *Policing Chinese Politics: A History*, Durham, NC, USA: Duke University Press.
- Foreign Ministry of the People's Republic of China (PRC Foreign Ministry) (2015), 'Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference', 10 December, accessed 20 February 2018 at www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/t1323250.shtml.
- Forsythe, Michael (2016), 'China Exonerates Man it Executed for Murder in 1995', *New York Times*, 2 December, accessed 20 February 2018 at www.nytimes.com/2016/12/02/world/asia/china-court-exonerates-innocent-executed.html.
- Forsythe, Michael (2017), 'China's Chief Justice Rejects an Independent Judiciary, and Reformers Wince', *New York Times*, 18 January, accessed 20 February 2018 at www.nytimes.com/2017/01/18/world/asia/china-chief-justice-courts-zhou-qiang.html.
- Graham, David A. (2014), 'Rumsfeld's Knowns and Unknowns: The Intellectual History of a Quip', *The Atlantic*, 27 March, accessed 20 February 2018 at www.theatlantic.com/politics/archive/2014/03/rumsfelds-knowns-and-unknowns-the-intellectual-history-of-a-quip/359719/.

- Haas, Benjamin (2017), “‘Travesty’ trial ends in China with lawyer Jiang Tianyong jailed’, *The Guardian*, 21 November, accessed 20 February 2018 at www.theguardian.com/world/2017/nov/21/chinese-human-rights-lawyer-jiang-tianyong-jailed.
- Han Dayuan (2017), ‘Jianchafa (cao’an) quefa xianfa yiju’ ([Draft] Supervision Law Lacks Constitutional Basis), *WeChat*, 11 November 2017, www.mp.weixin.qq.com/s/ehEHbQ8umb1n5vxJ2yAKOA.
- Hand, Keith J. (2006), ‘Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People’s Republic of China’, *Columbia Journal of Transnational Law*, 45, 114–95.
- He Jiahong and He Ran (2013), ‘Wrongful Convictions and Torture Confessions: Empirical Studies in Mainland China’, in Mike McConville and Eva Pils (eds), *Comparative Perspectives on Criminal Justice in China*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 73–90.
- Hecht, Jonathan (1996), *Opening to Reform? An Analysis of China’s Revised Criminal Procedure Law*, New York: Lawyers Committee for Human Rights.
- Huang Shiyuan (2012), ‘Chinese Wrongful Convictions: Causes and Prevention’, *University of Cincinnati Law Review*, 80 (4), 1219–44.
- Human Rights in China (HRIC) (2007), ‘State Secrets: China’s Legal Labyrinth’, accessed 20 February 2018 at www.hrichina.org/en/publications/hric-report/state-secrets-chinas-legal-labyrinth.
- Human Rights in China (HRIC) (2015), ‘Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the People’s Republic of China’, November, accessed 19 February 2019 at bit.ly/2HmolPA.
- Human Rights Watch (HRW) (2015a), ‘Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China’, 13 May, accessed 13 May 2015 at www.hrw.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china.
- Human Rights Watch (HRW) (2015b), ‘Human Rights Watch Submission to the United Nations Committee against Torture During its Consideration of the Fifth Periodic Report of the People’s Republic of China’, November, accessed 19 February 2019 at www.refworld.org/docid/564d91264.html.
- Human Rights Watch (HRW) (2016a), “‘Special Measures’: Detention and Torture in the Chinese Communist Party’s Shuanggui System”, 6 December, accessed 20 February 2018 at www.hrw.org/report/2016/12/06/special-measures/detention-and-torture-chinese-communist-partys-shuanggui-system.
- Human Rights Watch (HRW) (2016b), ‘Human Rights Watch Submission on Draft Revisions to the Police Law’, 21 December, accessed 20 February 2018 at www.hrw.org/news/2016/12/21/submission-draft-revisions-police-law.
- Human Rights Watch (HRW) (2017), ‘The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms’, accessed 20 February 2018 at www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf.
- International Campaign for Tibet (2015), ‘Civil society submission for the 5th Cycle of the United Nations Committee against Torture, Review of the People’s Republic of China’, 26 October 2015.
- Jiang, Na (2015a), ‘Problems and Prospects: China’s Response to Wrongful Convictions’, *International Journal of Law, Crime, and Justice*, 43, 109–28.
- Jiang, Na (2015b), ‘Convicting the Innocent: What Causes Wrongful Convictions in China?’, *Chinese Journal of Comparative Law*, 3, 161–74.
- Kang Junxin and Han Guangjun (2007), ‘Hexie yujing xia de xingshi cuo’an yanjiu’ (A Study on the Misjudged Criminal Case in the Context of the Harmonious Society), *Xi’an Zhengfa Daxue xuebao* (*Journal of Southwest University of Political Science and Law*), 50, 73–82.
- Lan Rongjie (2013), ‘Killing the Lawyer as the Last Resort: The Li Zhuang Case and its Effects on Criminal Defence in China’, in Mike McConville and Eva Pils (eds), *Comparative Perspectives on Criminal Justice in China*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, pp. 304–22.
- Lewis, Margaret K. (2011a), ‘Controlling Abuse to Maintain Control: The Exclusionary Rule in China’, *NYU Journal of International Law and Politics*, 43, 629–97.
- Lewis, Margaret K. (2011b), ‘Leniency and Severity in China’s Death Penalty Debate’, *Columbia Journal of Asian Law*, 24, 304–32.
- Lewis, Margaret K. (2014), ‘Legal Systems in China’, in Liqun Cao, Ivan Y. Sun and Bill Heberton (eds), *The Routledge Handbook of Chinese Criminology*, London and New York: Routledge, pp. 51–63.
- Lewis, Margaret K. (2017a), ‘Penetrating Law into the Walls of Chinese Detention Centers’, China Policy Institute, 18 July, accessed 20 February 2018 at www.cpianalysis.org/2017/07/18/penetrating-law-into-the-walls-of-chinese-detention-centers/.

- Lewis, Margaret K. (2017b), 'Protecting the Rights of the Accused in U.S.-China Relations', *ChinaFile*, 9 November, accessed 20 February 2018 at www.chinafile.com/reporting-opinion/viewpoint/protecting-rights-of-accused-us-china-relations.
- Liu Guangsan and Li Yanxi (2016), 'Woguo xingshi sucai chengxu shidian de fansi yu chonggou' (Reflections on and Reconstruction of China's Pilots of Procedures for Expedited Sentencing in Criminal Cases), *Faxue (Law Science)*, 2, 147–59.
- Liu, Sida and Terence C. Halliday (2011), 'Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers', *Law & Society Review*, 45 (4), 831–65.
- Liu, Sida and Terence C. Halliday (2016), *Criminal Defense in China: The Politics of Lawyers at Work*, New York: Cambridge University Press.
- Luo Guoping (2015), 'Li Wei weiyuan: "shuanggui" ying mingque rufa' (Delegate Li Wei: 'Shuanggui' Must be Clearly Stipulated by Law), *Caixin*, 9 March, accessed 20 February 2018 at topics.caixin.com/2015-03-09/100789345.html.
- Luo Jieqi (2009), 'Guanfang tongbao "duo maomao" shijian diaocha jiegou' (Government Announces the Results of the Investigation into the 'Elude the Cat' Incident), *Caixin*, 27 February, accessed 3 March 2019 at china.caixin.com/2009-02-27/100060340.html.
- Luo Jieqi and Cui Houjian (2016), 'Guojia nengyuanju yuan fu juzhang Xu Yongsheng shoushen dangting hanyuan chengzao bigong' (Former National Energy Administration Deputy Director Xu Yongsheng on Trial, While in Court Asserts Innocence and Says Was Tortured), *Caixin*, 24 February.
- Luo Shuzhen (2017), 'Quanguo gaoji fayuan yuanzhang huiyi zai Jing zhaokai' (National Meeting of High Court Presidents Opens in Beijing), Supreme People's Court of the People's Republic of China website, 14 January, accessed 20 February 2018 at www.court.gov.cn/zixun-xiangqing-34892.html.
- Ma, Yue (2014), 'The Police System in China', in Liqun Cao, Ivan Y. Sun and Bill Heberton (eds), *The Routledge Handbook of Chinese Criminology*, London and New York: Routledge, pp. 64–75.
- Macbean, Nicola (2016), 'Addressing the "Hide and Seek" Scandal: Restoring the Legitimacy of Kanshou suo', in Elisa Nesossi, Sarah Biddulph, Flora Sapio and Susan Trevaskes (eds), *Legal Reforms and the Deprivation of Liberty in Contemporary China*, London and New York: Routledge, pp. 112–30.
- McConville, Mike (2011), *Criminal Justice in China: An Empirical Inquiry*, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing.
- McGregor, Richard (2010), *The Party: The Secret World of China's Communist Rulers*, New York: Harper Collins.
- Méndez, Juan E. (2016), Interim report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, U.N. Doc. A/71/298, 5 August.
- Mudie, Luisetta (2014), 'Lawyers Call for Probe into Torture by China's Party Investigators', *Radio Free Asia*, 15 August, accessed 20 February 2018 at www.rfa.org/english/news/china/lawyers-08152014105321.html.
- Mudie, Luisetta (2015), 'Chinese Activist's Body "Covered" in Injuries After Death in Detention', *Radio Free Asia*, 17 November, accessed 20 February 2018 at www.rfa.org/english/news/china/chinese-activists-body-covered-in-injuries-after-death-in-detention-11172015111855.html.
- National People's Congress (2017), 'Jiancha fa (cao'an) zhengqiu yijian' (Soliciting Opinions on the Supervision Law (Draft)), 7 November, accessed 1 November 2017 at www.npc.gov.cn/npc/flcazqyj/2017-11/06/content_2032087.htm.
- Nowak, Manfred (2006), Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mission to China, U.N. Doc. E/CN.4/2006/6/Add.6, 10 March.
- Office of the High Commissioner for Human Rights (OHCHR) (2005), 'Special Rapporteur on Torture to Visit China', 22 August, accessed 3 March 2019 at newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2605&LangID=E.
- Peerenboom, Randall (2014), 'The Battle Over Legal Reforms in China: Has There Been a Turn Against law?', *China Journal of Comparative Law*, 2, 188–212.
- People's Republic of China (2015), 'Fifth Report of the PRC on its Implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', U.N. Doc. CAT/C/CHN/5*, submitted 20 June 2013, distributed 3 April 2014, and reissued for technical reasons on 6 March 2015.
- People's Republic of China (2017), 'Reply from the Government of China on the follow-up to the concluding observations of the United Nations Committee against Torture', U.N. Doc. CAT/C/CHN/CO/5/Add.1, 7 February.

- Pils, Eva (2009), 'Rights Activism in China: the Case of Lawyer Gao Zhisheng', in Stéphanie Balme and Michael W. Dowdle (eds), *Building Constitutionalism in China*, New York: Palgrave Macmillan, pp. 243–60.
- Pils, Eva (2011), 'The Practice of Law as Conscientious Resistance: Chinese *Weiquan* Lawyers' Experience', in Jean-Philippe Béja (ed.), *The Impact of China's 1989 Tiananmen Massacre*, London: Routledge, pp. 109–24.
- Pils, Eva (2015), *China's Human Rights Lawyers: Advocacy and Resistance*, Abingdon, UK: Routledge.
- Pils, Eva (2017), 'A New Torture in China', China Policy Institute, 10 August, accessed 20 February 2018 at www.cpianalysis.org/2017/08/10/a-new-torture-in-china/.
- Pu Zhiqiang (2014), 'Pu's Video Workshop Exposed Party Abuses', 22 August, accessed 1 November 2018 at www.lawyerpu.com/2014/08/22/interview-on-ningyuan-shuanggui-by-pu-zhiqiang/ [original site closed but video available as of 30 April 2018 at vimeo.com/104070378].
- Ramzy, Austin (2016), 'Ex-Official in China Blames Torture for Graft Confession', *New York Times*, Sinosphere (blog), 25 February, accessed 20 February 2018 at www.nytimes.com/2016/02/26/world/asia/china-energy-official-xu-yongsheng-torture.html.
- Rosenzweig, Joshua (2016), 'Residential Surveillance. Evolution of a Janus-Faced Measure', in Elisa Nesossi, Sarah Biddulph, Flora Sapio and Susan Trevaskes (eds), *Legal Reforms and Deprivation of Liberty in Contemporary China*, New York and London: Routledge, pp. 79–94.
- Sapio, Flora (2008), 'Shuanggui and Extralegal Detention in China', *China Information*, 22, 7–37.
- Seely, Hart (2003), 'The Poetry of D.H. Rumsfeld', *Slate*, 2 April, accessed 20 February 2018 at www.slate.com/articles/news_and_politics/low_concept/2003/04/the_poetry_of_dh_rumsfeld.html.
- Shan Yuxiao (2017), 'Chen Guangzhong: zhiding 'Guojia jiancha fa' baozhang beidiaocharen quanli', (Chen Guangzhong: Safeguarding the Rights of Investigated Persons when Formulating the "National Supervision Law"), *Caixin*, 29 March, accessed 20 February 2018 at china.caixin.com/2017-03-29/101072187.html.
- Sheng, Yi (2003), 'A Promise Unfulfilled: The Impact of China's 1996 Criminal-Procedure Reform on China's Criminal Defense Lawyers' Role at the Pretrial Stage (Part 1)', *Perspectives*, 4 (4), 1–18.
- Sheng, Yi (2004), 'A Promise Unfulfilled: The Impact of China's 1996 Criminal-Procedure Reform on China's Criminal Defense Lawyers' Role at the Pretrial Stage (Part 2)', *Perspectives*, 5 (1), 1–27.
- Shi Shan (2014), 'Zhuanjia bu kanhao zhonggong si zhong quanhui tichu de yifa zhiguo' (Experts Pessimistic on CCP Fourth Plenum Proposals on Ruling the Country in Accordance with Law), *Radio Free Asia*, 28 October, accessed 20 February 2018 at www.rfa.org/mandarin/yataibaodao/zhengzhi/xql-10282014100811.html.
- Shi Wansen and Zhang Chi (2015), 'Neimenggu gaoyuan xuanpan Hujileitu wuzui' (Inner Mongolia Autonomous Region High People's Court Finds Huugjilt Not Guilty), *Legal Daily*, 16 December, accessed 4 March 2019 at epaper.legaldaily.com.cn/fzrb/content/20141216/Article01004GN.htm.
- Sun Jibin (2011), 'Translation: How "Three Difficulties" of Criminal Defense Became "10 Difficulties"', *Dui Hua Human Rights Journal*, 2 February, accessed 20 February 2018 at www.duihuahjournal.org/2011/02/translation-how-three-difficulties-of.html.
- Tatlow, Didi Kirsten (2016), 'Chinese Man's Death in Custody Prompts Suspicion of Police Brutality', *New York Times*, 12 May, accessed 20 February 2018 at www.nytimes.com/2016/05/13/world/asia/china-lei-yang-police-death.html.
- Tiezzi, Shannon (2015), 'In China, A Move Away From Conviction Quotas', *The Diplomat*, 23 January, accessed 20 February 2018 at thediplomat.com/2015/01/in-china-a-move-away-from-conviction-quotas/.
- Trevaskes, Susan (2012), *The Death Penalty in Contemporary China*, New York: Palgrave Macmillan.
- UN News (2005), 'Torture, though on decline, remains widespread in China, UN expert reports', 2 December, accessed 30 April 2018 at news.un.org/en/story/2005/12/162092-torture-though-decline-remains-widespread-china-un-expert-reports.
- United Nations Committee against Torture (UN CAT) (2008), 'Concluding Observations on the Fourth Periodic Report of China', U.N. Doc. CAT/C/CHN/CO/4, 12 December.
- United Nations Committee against Torture (UN CAT) (2015a), 'Summary Record of the 1368th Meeting', U.N. Doc. CAT/C/SR.1368, 20 November.
- United Nations Committee against Torture (UN CAT) (2015b), 'Summary Record of the 1371st Meeting', U.N. Doc. CAT/C/SR.1371, 23 November.
- United Nations Committee against Torture (UN CAT) (2016), 'Concluding Observations on the Fifth Periodic Report of China', U.N. Doc. CAT/C/CHN/CO/5, 3 February.
- United States Department of Justice (US DOJ) (2017), 'FY 2016 Statistical Yearbook', March, accessed 30 April 2018 at www.justice.gov/eoir/page/file/fysb16/download.

- U.S.-Asia Law Institute (2014), 'Professional Responsibility for Chinese Criminal Defense Lawyers—A Potential Source of Protected Space', U.S.-Asia Law Institute, New York University School of Law, accessed 20 February 2018 at www.usali.org/professionalresponsibility/.
- Wan, William (2014), 'In China, A Rare Criminal Case in Which Evidence Made a Difference', *Washington Post*, 29 December, accessed 20 February 2018 at www.washingtonpost.com/world/asia_pacific/in-china-a-rare-criminal-case-in-which-evidence-made-a-difference/2014/12/29/23f86b80-796b-11e4-9721-80b3d95a28a9_story.html.
- Wang Biao (2015), 'Feifa kougong paichu guize weishe xiaoguo shizheng fenxi' (An Empirical Study on the Effects of Deterrence of the Exclusionary Rules of Illegally Obtained Confessions), *Hebei faxue (Hebei Law Science)*, 107–18.
- Wang Lina (2017), 'Chen Guangzhong, Qin Qianhong, Chen Ruihua fenbie jiu "jiancha fa (cao'an)" fabiao guandian', (Chen Guangzhong, Qin Qianhong and Chen Ruihua express their opinions on the (Draft) Supervision Law), *WeChat*, 9 November, accessed 20 February 2018 at mp.weixin.qq.com/s/czXoBJjs5e0SH6nKeqpg3Q.
- Washington Post* Editorial Board (2017), 'In China, Torture is Real, and the Rule of Law is a Sham', *Washington Post*, 26 January, accessed 20 February 2018 at www.washingtonpost.com/opinions/in-china-torture-is-real-and-the-rule-of-law-is-a-sham/2017/01/26/38d0ef16-e33e-11e6-a547-5fb9411d332c_story.html.
- White House Office of the Press Secretary (2014), 'Press Conference by the President', transcript, 1 August, accessed 20 February 2018 at www.whitehouse.gov/the-press-office/2014/08/01/press-conference-president.
- Withnall, Adam (2015), 'Parents of Teenager "Tortured" and Wrongfully Executed for Rape and Murder Watch in Court as Another Man is Convicted of the Crime', *Independent*, 9 February, accessed 20 February 2018 at www.independent.co.uk/news/world/asia/parents-of-teenager-tortured-and-wrongfully-executed-for-rape-and-murder-watch-in-court-as-another-man-is-convicted-of-the-crime-10033809.html.
- Wong, Edward (2015), 'Backers of Detained Chinese Activist Demand Explanation for His Death', *New York Times*, 6 November, accessed 20 February 2018 at www.nytimes.com/2015/11/07/world/asia/death-of-detained-chinese-activist-brings-demands-for-explanation.html.
- Xi Jinping (2017), 'Secure a Decisive Victory in Building a Moderately Prosperous Society in All Respects and Strive for the Great Success of Socialism with Chinese Characteristics for a New Era', speech delivered at the 19th National Congress of the Communist Party of China on 18 October, translated and reprinted by Xinhua News Agency, accessed 20 February 2018 at www.xinhuanet.com/english/download/Xi_Jinping's_report_at_19th_CPC_National_Congress.pdf.
- Xie Yinzong and Liu Mingming (2015), 'Anhui bengbu jijian ganbu tanhua qijian siwang, jiashu cheng sizhe si gen leigu duanlie' (Bengbu, Anhui, Disciplinary Cadre Dies During Discussion, Family Members Say Deceased Had Four Broken Ribs), *The Paper*, 16 January, accessed 20 February 2018 at www.thepaper.cn/newsDetail_forward_1294829.
- Xing Shiwei (2015), 'Suoyou xing'an xunwen jiang quan luyin luxiang', (Audiovisual Recording Will Be Implemented in All Criminal Cases), *Renminwang (People's Daily Online)*, 22 September, accessed 3 March 2019 at legal.people.com.cn/n/2015/0922/c42510-27617484.html.
- Xinhua News Agency (2013), 'China Abolishes Reeducation Through Labor', *China Daily*, 28 December, accessed 20 February 2018 at www.chinadaily.com.cn/china/2013-12/28/content_17202294.htm.
- Xinhua News Agency (2015), 'Zhou Qiang zuo zuigao renmin fayuan gongzuo baogao' (Zhou Qiang Gives Supreme People's Court Work Report), Supreme People's Court of the People's Republic of China website, 12 March, accessed 3 March 2019 at www.court.gov.cn/zixun-xiangqing-13796.html.
- Ye Zhusheng (2013), 'Jilü yu falü zhijian de "shuanggui"' ('Shuanggui': Between Discipline and the Law), *South Reviews*, reprinted at *Boxun.com*, 13 June, accessed 20 February 2018 at www.boxun.com/news/gb/china/2013/06/201306131217.shtml.
- Yin Pumin (2017), 'Constructive Measures: China Ramps up Institution Building to Widen Anti-Graft Campaign', *Beijing Review*, 16 February, accessed 20 February 2018 at www.bjreview.com/Special_Reports/2017/NPC_CPPCC_Sessions_2017/Focus/Social_Policy/201702/t20170228_800088527.html.
- Zhang Jian (2015), 'Zhou Qiang: dui cuo'an fasheng women shen'gan zize' (Zhou Qiang: We Are Deeply Remorseful about Miscarriages of Justice), *Renminwang (People's Daily Online)*, 13 March, accessed 20 February 2018 at politics.people.com.cn/n/2015/0313/c1001-26686604.html.
- Zhu, Kuibin and David M. Siegel (2015), 'Electronic Recording of Custodial Interrogations with Chinese Characteristics: Tool for Transparency or Torture', *Hong Kong Law Journal*, 45, 795–818.

Legal Sources

1. International law

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1465 U.N.T.S. 85, 10 December 1984.
- International Covenant on Civil and Political Rights* (ICCPR), 999 U.N.T.S. 171, 16 December 1966.
- UN Human Rights (2015), Office of the High Commissioner, 'UN Committee against Torture publishes findings on Liechtenstein, Azerbaijan, Austria, Denmark, China and Jordan', 9 December, accessed 30 April 2018 at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16860&LangID=E.
- UN Human Rights Council (2016), 'Annual report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights', A/HRC/33/19, (2016), paragraph 22.
- UN Human Rights, Office of the High Commissioner, Reporting Status for China at www.tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=CHN&Lang=en.
- UN Treaty Collection, Multilateral Treaties Deposited with the Secretary General, Status of Treaties, Chapter IV: Human Rights at www.treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en.
- UN Treaty Collection—CAT, Chapter IV: Human Rights, '9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' at www.treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en.

2. Chinese laws and regulations

- Ministry of Public Security, *Detention Center Law of the People's Republic of China (Public Draft for Comment)* (Zhonghua Renmin Gongheguo kanshousuo fa (gongkai zhengqiu yijian gao)), issued 15 June 2017 at www.mps.gov.cn/n2254536/n4904355/c5728120/content.html.
- Ministry of Public Security, *Police Law of the People's Republic of China (Draft Revision)* (Zhonghua Renmin Gongheguo renmin jingcha fa (xiuding cao'an gao)), issued 1 December 2016 at www.mps.gov.cn/n2254536/n4904355/c5561673/content.html.
- National People's Congress Standing Committee, *Law of the People's Republic of China on Guarding State Secrets* (Zhonghua Renmin Gongheguo baoshou guojia mimi fa), adopted 5 September 1988, amended 29 April 2010 effective 1 October 2010.
- NPC Standing Committee, *Lawyers Law of the People's Republic of China* (Zhonghua Renmin Gongheguo lushi fa), adopted on 15 May 1996, amended 26 October 2012, 1 September 2017, effective 1 January 2018.
- NPC Standing Committee *Public Security Administrative Punishments Law of the People's Republic of China* (Zhonghua Renmin Gongheguo zhi'an guanli chufa fa), passed on 28 August 2005, effective 1 March 2006, amended 26 October 2012.
- NPC Standing Committee, *State Compensation Law of the People's Republic of China* (Zhonghua Renmin Gongheguo guojia peichang fa), adopted 12 May 1994, effective 1 January 1995, amended 26 October 2012, effective on 1 January 2013.
- National People's Congress, *Supervision Law of the People's Republic of China* (Zhonghua Renmin Gongheguo jiancha fa), passed and effective on 20 March 2018.
- National People's Congress, *Criminal Law of the People's Republic of China* (Zhonghua Renmin Gongheguo xing fa), adopted on 1 July 1979 and amended 1997, 1999, 2001, 2002, 2005, 2006, 2009, 2011, 2015, and 4 November 2017.
- National People's Congress, *Criminal Procedure Law of the People's Republic of China* (Zhonghua Renmin Gongheguo xingshi susong fa), adopted on 1 July 1979, and effective on 1 January 1980, amended 1996, 2012, effective 1 January 2013.
- National People's Congress, *Exit-Entry Administration Law of the People's Republic of China* (Zhonghua Renmin Gongheguo chujing rujing guanli fa), adopted on 30 June 2012, effective 1 July 2013.

3. Other Chinese normative documents

- Central Commission on Discipline and Inspection (CCDI 2017), Zhongguo gongchandang di shiba jie zhongyang jilü jiancha weiyuanhui di qi ci quanti huiyi gongbao (Communiqué of the 17th Plenary Meeting of the 18th Central Committee for Discipline Inspection of the CCP), issued 8 January, accessed 20 February 2018 at www.xinhuanet.com/politics/2017-10/14/c_1121803301.htm.

- Chinese Communist Party (CCP 2016), Guanyu zai Beijing Shi, Shanxi Sheng, Zhejiang Sheng kaizhan guoia jiancha tizhi gaige shidian fang'an (Regarding Launching the National Supervision Reform Pilot Program in Beijing Municipality, Shanxi Province, and Zhejiang Province to carry out national monitoring system reform pilot program), issued 7 November, accessed 20 February 2018 at www.xinhuanet.com/politics/2016-11/07/c_1119867301.htm.
- Ministry of Public Security (MPS 2013), Notice on Further Strengthening and Improving the Work of Implementing the Law in Criminal Matters and Avoiding the Occurrence of Cases of Miscarriages of Justice, issued 5 June, accessed 19 February 2018 at http://www.law-lib.com/law/law_view.asp?id=429878.
- Ministry of Public Security (MPS Notice 2014), Gong'an jiguan xunwen fanzui xianyiren luyin luxiang gongzuo guiding (Working Rules of Public Security Organs on Audio-visual Recording of Interrogation of Suspect), issued on 5 September.
- Ministry of Public Security (MPS Provisions 2016), Gong'an jiguan renmin jingcha zhifa guocuo zeren zhuijiu guiding (Provisions on Accountability for Public Security Agencies and People's Police in Law Enforcement Misconduct), issued 24 February 2016 and effective 1 March 2016.
- Supreme People's Court (SPC Interpretation 2012), Zuigao Renmin Fayuan guanyu shiyong 'Zhonghua Renmin Gongheguo xingshi susong fa' de jieshi (Interpretation of the Supreme People's Court concerning the Implementation of the Criminal Procedure Law of People's Republic of China), issued on 20 December 2012, effective as of 1 January 2013.
- Supreme People's Court (SPC Interpretation 2013), Zuigao Renmin Fayuan guanyu jianli jianquan fangfan xingshi yuanjiacuo'an gongzuo zijhi de yijian (SPC Opinions on the Work of Preventing Miscarriages of Justice), issued on 9 October, accessed 20 February 2018 at www.chinacourt.org/law/detail/2013/10/id/147221.shtm.
- Supreme People's Court (SPC Opinion 2015), Zuigao Renmin Fayuan guanyu quanmian shenhua renmin fayuan gaige de yijian—renmin fayuan di si ge wu nian gaige gangyao (2014–2018) (Outline of the Fourth Five-year Reform of the People's Courts (2014–2018): Opinion of the Supreme People's Court on Deepening Reform of the People's Courts Comprehensively), issued and accessed on 26 February 2015 at www.chinalawtranslate.com/court-reform-plan/?lang=en.
- Supreme People's Court, Ministry of Justice (SPC and Ministry of Justice Measures 2017), Guanyu kaizhan xingshi anjian lüshi bianhuquan fu'gai shidian gongzuo de banfa (Measures for Implementing Pilot Project Work on Having Defense Counsel in All Criminal Cases), issued 11 October, accessed 20 February 2018 at www.court.gov.cn/fabu-xiangqing-62912.html.
- Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice (SPC, SPP, MPS and Ministry of Justice Opinion 2016), Guanyu tuijin yi shenpan wei zhongxin de xingshi susong zhidu gaige de yijian (Opinions on Advancing the Reform of Making Criminal Procedure System Trial-Centered), issued 10 October, accessed 20 February 2018 at www.news.xinhuanet.com/legal/2016-10/10/c_1119686001.htm.
- Supreme People's Court, Supreme People's Procuratorate, Ministry of State Security, Ministry of Justice (SPC, SPP, Ministry of State Security and Ministry of Justice Provisions 2017), Guanyu banli xingshi anjian yan'ge paichu feifa zhengju ruo'gan wenti de guiding (Provisions on Several Issues Regarding the Strict Exclusion of Illegal Evidence in Handling Criminal Cases), issued 27 June, accessed 20 February 2018 at www.news.xinhuanet.com/legal/2017-06/27/c_1121217500.htm.
- Supreme People's Procuratorate (SPP Provisions 2015), Zuigaojian fabu renmin jianchayuan dui zhiding jusuo jianshi juzhu shixing jiandu de guiding jiaqiang he guifan dui zhiding jusuo jianshi juzhu de jiancha jiandu (Supreme People's Procuratorate, Provisions Concerning People's Procuratorates Carrying out Supervision of Residential Surveillance at a Designated Location to Strengthen and Standardize Procuratorial Supervision of Residential Surveillance at a Designated Location), issued on 28 December.
- Supreme People's Procuratorate (SPP Guiding Cases 2016), Zuigao renmin jianchayuan fabu di qi pi zhidaoxing anli (SPP Issues Seventh Set of Guiding Cases), issued on 6 June.