

Summary

Despite China’s acceptance of the 2018 UPR recommendations on working towards the ratification of the ICCPR, the protection of lawyers rights, and judicial guarantees of rights including fair trial,¹ this Submission points out that five years on, the judicial environment and the situation of lawyers in China have not been improved but are rather seriously deteriorated.

This Submission will focus on the plights of rights lawyers and legal activists victimised in the country, which in themselves reflect issues of grave concern regarding the fundamental right of all to equal access to justice, as epitomized in Article 14 of the ICCPR. Apart from the recommendations made, Human Rights Now and the Judicial Reform Foundation call on the UPR Working Group to continue raising its concerns on the issues and cases highlighted in this Submission during its dialogues with the PRC Government.

With their knowledge and skills capable of legally challenging the authorities’ malfeasances and power abuses, rights lawyers have remained the target of repression by the authorities in China via means of criminalisation, administrative penalties and extrajudicial measures. Where appropriate, cases will be quoted to illustrate the issues of concern at stake.

The case list is by no means exhaustive, and it represents only the tip of the iceberg. The 7.09 Crackdown which first took place in 2015 has not come to an end. It is alive and still ongoing.

Issues At Stake	Recommendations
<p>1. Lawyers criminalised</p> <p>Contradictory to the call for protection of basic human rights in state-security related laws and regulations, as laid down in the Johannesburg Principles and the Siracusa Principles, the PRC National Security Law (NSL) has remained notoriously broad and vague for handy manipulation against rights lawyers and defenders, often in conjunction with the equally defective Criminal Procedure Law (CPL), which has been twisted to “legalise” the practices of prolonged detention, residential surveillance at a designated location (RSDL) as well as the denial of meeting with families and defence counsels.</p> <p>Recent tendencies have also seen the criminalisation of lawyers and legal activists further characterised by heavier sentencing</p>	<p>Release all rights lawyers and defenders not tried with due process.</p>

¹ A/HRC/40/6/Add.1, Para. 2.

<p>compared with the past, and with defence lawyers either forced to withdraw from “sensitive cases” or made to sign non-disclosure agreements which would forbid them to disclose any issues of concern, injustice or irregularities in the proceeding of any particular case.</p>	
<p>▪ Chang Weiping (常瑋平), a rights lawyer from Shaanxi, was taken away from his native village, where he had been held under “house arrest” for almost ten months,² on 22 October 2020. Six days later he revealed online his experience of being tortured earlier in the year.</p> <p>Chang was instantly put under RSDL, and not formally arrested until almost six months later,³ on 7 April 2021, for “subversion of state power”.</p> <p>He was allowed to meet his defence lawyer for the first time only 11 months later, on 17 and 30 September 2021.⁴ After sharing details of his being tortured during the RSDL period, Chang was banned from meeting his lawyer again till the trial.</p> <p>The trial took place on 26 July 2022, almost 2.5 years after Chang was detained, but with all his family members blocked by police on their way to the court. The law firm of his defence lawyer was pressured and the lawyer was made to sign a non-disclosure agreement about the trial.</p> <p>In a press interview, Chang’s wife told journalists that the lawyer had declined to relay any details of the hearing, including the trial process, the evidence presented, and any related information he read from official documents.⁵ On 8 June 2023, another 11 months after the trial, Chang was sentenced to 3.5 years imprisonment. It is worth noting that over the past few years, it has become a common practice for defense lawyers to be forced to sign non-disclosure agreements on the “sensitive cases” handled. This will be discussed in the sections below.</p> <p>Also suffering prolonged detention are, inter alios, rights lawyers Qin Yongpei and Li Yuhan.</p> <hr/> <p>² Chang was interrogated then released in early 2020 in the 12.26 Xiamen Case. He was not arrested or charged but held under “house-arrest” with no reason given. In October 2020, Chang revealed he was tortured by state security during the interrogation in early 2020.</p> <p>³ The 2018 PRC CPL allows a maximum detention of 7 months, with RSDL included, before a suspect is formally arrested. (Art. 79, 91)</p> <p>⁴ The 2018 PRC CPL stipulates that prior consent by the investigating organ is required for lawyers to meet with clients implicated with national security-related crimes. (Art. 39)</p> <p>⁵ https://www.rfa.org/cantonese/news/chang-07262022044445.html</p>	<p>Reform the Lawyers Act and the Administrative Measures on Lawyers Practice and Administrative Measures on Law Firms to ensure that they are in compliance with the spirit and standard of the UN Basic Principles on the Role of Lawyers.</p> <p>Abolish the Annual Inspection system and ensure the protection of lawyers’ rights to practice and the independence of the legal profession.</p> <p>Reinstate an effective mechanism for the redress and remedy of rights lawyers who are disbarred.</p>

- Despite a constitutional right to criticise the government,⁶ rights lawyer **Qin Yongpei** (覃永沛) was seized by the authorities on 30 October 2019 for “inciting subversion of state power”, apparently for the comments he made on social media regarding the state of affairs in the country. He was indicted and the case was transferred to the court on 2 June 2020.

However, court trial did not take place until 20 months later, on 30 December 2021, with the verdict handed down after another 15 months, on 31 March 2023.⁷

- **Li Yuhan** (李昱函), a rights lawyer for 31 years, was forcibly taken away by the police of Shenyang, Liaoning on 9 October 2017. She was formally arrested a month later for “picking quarrels and provoking troubles”, but court trial did not take place until 20 October 2021 when she was accused additionally of “committing the crime of fraud”. More than 5.5 years since Li’s detention and 1.5 years after her trial, no verdict or sentencing has been handed down.⁸
- **Hao Jinsong** (郝勁松), a legal academic and veteran rights defender, is well known since the 2000s for persistently challenging the malfeasances of a number of government bureaus both at local and central levels. Hao is apparently less tolerated by the current regime. On 17 December 2019, he was taken by the police for “picking quarrels and provoking troubles”, and he was indicted in May 2020 with an additional crime of fraud. He was tried closed-door in November 2021 and has not received a verdict or a sentence since.

2. Administrative Penalties

The Chinese authorities have increasingly used administrative measures, including the **revocation, cancellation/ voiding or suspension** of licences, to penalise or retaliate against rights lawyers and their law firms as such measures are handy and can be effectively discharged solely by the executive branch of the judiciary, i.e., the judicial bureaus, without implicating any judicial procedures.

⁶ 2018 PRC Constitution (Art. 41)

⁷ The 2018 PRC CPL provides that the Court in charge of a case should generally have it handled and sentenced within not more than 3 months and the Procuratorate may request an extension of not more than 2 months. (Art. 205, 208) The same CPL, however, also stipulates that “for “grave and complicated” cases, the Procuratorate may requests consent of the Supreme People’s Court to extend the period of cases. (Art. 157)

⁸ Between 2016 and 2023, at least 46 rights lawyers have been disbarred across the country. 35 of them were recorded in our

⁹ The figures refer only to cases recorded in the rights lawyer circle and do not represent the overall situation of the country.

<p>after 2018, with 15 cases noted in 2018 alone. The figures are particularly disturbing when compared to the less than 20 cases over the decade before 2016.</p> <p>In this regard, two further points are worth noting.</p> <p>First, although in theory procedures and mechanisms exist for disbarred lawyers to appeal for redress and remedy, none of the lawyers at stake have so far succeeded in restoring their licence.</p> <p>Second, while disbarred lawyers were formerly allowed to serve as “defenders” in cases concerning friends and family members, hence allowing them some means for a living, the CPL, as amended in December 2018, commands a lifelong ban on disbarred lawyers forbidding them from “defending” any cases.</p>	
<p>The disbarment mechanism is enabled, on the one hand, with the executive organs of the judiciary prescribed, through lawyers-related laws and regulations, an overarching power to “monitor and direct lawyers, law firms and lawyers’ associations”;¹⁰ and on the other, with the compartments of the law firms and lawyers strictly confined through the same rules and regulations.</p> <p>Lawyers and law firms, for instance, are required to “uphold the leadership of the CCP and the socialist rule of law as the basic requirements for the practice”,¹¹ and law firms “should strengthen the Party’s construction” by “promptly setting up Party organisation”, or if not readily feasible, should “embark on the Party work with the help of a Party instructor”.¹²</p> <p>Rights lawyers in particular, are broadly prohibited, for instance, from discussing, disseminating information, commenting online, or co-signing letters; from joining petitions, events, assemblies, on anything allegedly case-related or doing so with allegedly “malicious intentions” to incite, to disrupt public or court order; and/or from endangering the one-Party rule.¹³</p>	

¹⁰ The 2018 Law of the PRC on Lawyers (art. 3, 4), the 2016 Administrative Measures for the Practice of Law by Lawyers (art. 4) and the 2018 Measures for the Administration of Law Firms (art.5).

¹¹ The 2018 Law of the PRC on Lawyers (art. 5), the 2016 Administrative Measures for the Practice of Law by Lawyers (art.2) and the 2018 Measures for the Administration of Law Firms (art.3).

¹² 2018 Measures for the Administration of Law Firms (art.4).

¹³ 2016 Administrative Measures for the Practice of Law by Lawyers (art. 38-40), the 2018 Measures for the Administration of Law Firms (art. 49-50).

<p>The provisions are hence the "Damocles' Sword" over lawyers' heads; not only do they formalise the predominance of political ideology and interference in the practice of law, but they are also the yardstick for monitoring the lawyers both in their professional practice and daily living as citizens.</p> <p>In China's context, "revocation" and "cancellation/ voiding" are two different concepts.</p>	
<p>2.1 "Revocation" refers to the enforced invalidation of a licence as the consequence of the crime(s) or misconduct(s) committed by the licence-holder(s). Licence "revocation" will take place in two instances: a) when a lawyer/ law firm is criminalised and convicted with sentencing,¹⁴ with examples including Zhou Shifeng (周世鋒) and Li Heping (李和平) in 2018 and Wang Quanzhang (王全章) in 2019; and b) if a lawyer/ law firm fails to abide by the rules and regulations set in the books and or fails the "Annual Inspection".</p> <p>In China, law firms and lawyers have to renew their licences every year by passing the Annual Inspection, conducted firstly by the law firms and the lawyers' association as an internal appraisal but with its final assessment and results determined by the judicial bureaus. Lawyers and law firms making any attempt to deviate, or deemed deviating, from the guidance of the bureaus may either fail the Annual Inspection or have their licences directly revoked.</p>	
<ul style="list-style-type: none"> ▪ In May 2018, Wen Donghai (文東海), formerly defence counsel of 7.09 lawyer Wang Yu, online activist Liu Feiyue and a number of cases on religious freedom, had his licence revoked for "disrupting the courtroom order and interfering with the normal course of litigation" in "grave circumstances" while defending a Falun Gong case in Yunnan. ▪ Also in 2018, Yang Jinzhu (楊金柱), formerly defence counsel of 7.09 lawyer Zhou Shifeng, was disbarred with his licence revoked. Apart from allegedly having "disturbed courtroom order and normal course of litigation" by "admonishing the presiding judge", Yang was also accused of "endangering state security" with his online comments that "the government and the judiciary (in China) do not abide by the law" quoted as an example of his misconduct. 	<p>crimes of negligence can be exempted.</p>

¹⁴ example of his misconduct (art. 49). The same article stipulates that unintentional

▪ In 2019, **Li Jinxing** (李金星) had his licence revoked for allegedly “inciting discontent with the Party and the government” by commenting online that “the rule of law (in the country) has retrogressed”.

▪ In 2021, **Ren Quanniu** (任全牛) and **Lu Siwei** (盧思位) were disbarred. Both lawyers were formerly appointed to represent the case of the 12 Hongkongers,¹⁵ but were subsequently forced by the authorities to withdraw.

Ren was additionally the defence counsel of Zhang Zhan, former lawyer and online journalist arrested for covering the epidemic outbreaks in Wuhan. Noted in a notification issued by the Henan judicial bureau, Ren’s licence was revoked for a case of religious freedom he handled in 2018 for which the authorities made the accusation in 2021 that he “**repeatedly denied the nature of cult organisation as defined by the State**” and thereby “**seriously tarnished the image of the lawyers’ profession and caused an adverse social impact**”.

After his disbarment in February, Ren had to step down as one of the partners of his law firm. The authorities however refused to issue documents for a new partner to be recruited. In March, his law firm was ordered to disband for not having the sufficient partners required.

Lu had been defence counsel for a number of sensitive cases including the June 4th Wine Bottle case, as well as the cases of rights lawyers Yu Wensheng and Chen Jiahong, etc. In 2017, Lu initiated an online petition to call on an independent investigation by the National People’s Congress into the 7.09-related torture cases.

Lu was disbarred for “repeatedly making inappropriate remarks through plenty online posts within a long-time span” and thereby “**seriously tarnished the image of the lawyers’ profession and caused an adverse social impact**”, a document issued by the Sichuan judicial bureau noted.

Both Ren and Lu were physically attacked on their way to the case hearings supposedly for them to appeal and seek redress. The cases were subsequently concluded by the judicial bureaus as the lawyers “failed to show up on time”.

¹⁵ On 23 August 2020, 12 Hongkongers, mostly young people prosecuted for their participation in the 2019 Anti-ELAB Movement, were captured and held by Chinese officials in the open sea while attempting to escape to Taiwan by boat. Their families appointed several rights lawyers, including Ren and Lu, to represent them in China. However, the appointments did not work out as all the lawyers involved were forced by the authorities to quit the cases.

<p>successfully met, for instance, the failure to take part in the Annual Inspection. This also occurs when a licence-holder decides to retire or change profession. It is observed that Chinese authorities have increasingly manipulated the administrative criteria/ procedure to disbar lawyers by licence cancellation/ voiding. Particularly at stake is article 23.4 of the Administrative Measures for the Practice of Law by Lawyers which provides that “the local licence issuance authorities should retract the licence of those lawyers who fail to find a new employing law firm within six months after his previous employment contract terminates”.</p>	
<ul style="list-style-type: none"> ▪ Since 2016, Dr. Yu Pinjian (玉品健), a lawyer and part time lecturer of law in a local university, had written and posted online over a dozen articles calling on reforms of the judicial system and criminal procedures, investigation of the use of torture, and expressing solidarity with his fellow counterparts prosecuted. 	
<p>On 23 September 2017, Yu’s law firm was instructed by the local judicial bureau to dismiss him for his “inappropriate speeches made online”. Yu was disbarred six months later as no law firm dared to hire him in the face of the pressure exerted by the judicial bureau.</p> <ul style="list-style-type: none"> ▪ Yu Wensheng (余文生), who had his licence voided in January 2018 for similar reasons, failed to obtain any necessary documents from the judicial bureau for setting up a law firm of his own. ▪ In February 2018, Cheng Hai (程海) had his law firm licence cancelled for refusing to join the Annual Inspection. The lawyer himself was disbarred in August of the same year as no law firm dare to hire him. ▪ From June 2018 on, the law firm of Lin Qilei (蘭其磊), known for representing human rights cases, was not allowed to join the Annual Inspection. No clear reason was given except that the local judicial bureau and the lawyers association were trying to shift the responsibility to each other as the case dragged on; and the law firm continued to take up cases as usual. <p>In late 2020, Lin was one of the lawyers entrusted with the case of the 12 Hongkongers. A few months later in January 2021, the judicial bureau cancelled the licence of his law firm, meaning that it had to be dissolved. As he failed to obtain the necessary</p>	<p>Disclose the whereabouts of lawyer Gao Zhisheng.</p> <p>Abolish all exit bans to ensure the protection of basic rights and freedoms of rights lawyers and defenders.</p>

<p>documents which would allow him to work at another law firm, Lin had his practising licence cancelled and retracted on 30 October 2021.</p>	
<p>3. Extrajudicial/ Extralegal measures</p> <p>Extrajudicial and extralegal measures against rights lawyers have existed in a variety of forms, including enforced disappearances, torture, extrajudicial detention, travel bans, harassment, intimidation, physical attacks and surveillance, for instance.</p> <p>3.1 Enforced Disappearance</p> <p>The CPL has defined, for instance, the time limit allowed for interrogation by summons, or for a notification of detention/ arrests to reach the family of the accused, or for the defence counsel to meet with their clients. The CPL also confirms the suspects’ rights to communicate with their families by writing. (Arts. 39, 75, 85, 93,119)</p> <p>Yet, it has been increasingly common for the rights lawyers, along with other rights defenders (HRD), petitioners and activists, to end up subjected to “enforced disappearance” once they are taken away, with their families informed of the detention or arrests only days, if not weeks or months later.</p> <p>In many of the cases, it is noted that the period of “enforced disappearance” of the lawyers/ HRDs often coincides with the time of RSDL detention. In other cases, it is treated as external to normal criminal procedure, where no official notification is issued, and no lawyer or family meeting is allowed. In both instances, the detainees are handled at the absolute discretion of the authorities in their attempts to extract confessions, when torture becomes highly probable, as revealed by Yu Wensheng in 2020, Chang Weiping in 2022 and Xie Yang in 2016 and 2022.</p> <ul style="list-style-type: none"> ▪ Legal academic Xu Zhiyong (許志永, taken 2020) and lawyer Ding Jiayi (丁家喜, 2019), currently serving sentences respectively of 14 and 12 years for allegedly “subverting state power”, were both enforced disappeared for more than 4 months before their families received notifications of their arrest and whereabouts. 	<p>Legislate against torture in compliance with the spirit, principles and norms of the UNCAT.</p> <p>Ratify the Optional Protocol of UNCAT.</p> <p>Commission Independent investigation into the issue of forced labour in prisons.</p>

<ul style="list-style-type: none"> ▪ Similar cases implicating rights lawyers include, among many others, Li Yuhan (李昱函, 2017), Qin Yongpei (覃永沛, 2019), Chen Jiahong (陳家鴻, 2019), Chang Weiping (常瑋平, 2020), Tang Jitian (唐吉田, 2021), Xie Yang (謝陽, 2022), and Yu Wensheng (余文生, 2023) with his wife Xu Yan (許艷, 2023); as well as rights defenders Li Qiaozhu (李翹楚, 2020), Huang Xueqin (黃雪琴, 2021), Wang Jianbing (王建兵, 2021), and Guo Feixiong (郭飛雄, 2021, 2022), to name but a few. ▪ To date, the most serious case that warrants a greater international outcry is the case of rights lawyer Gao Zhisheng (高智晟) who lost contact with his friends and family abruptly in August 2017 while still being held under house arrest in his home village. Almost six years on to date, Chinese authorities have remained reticent regarding the statute enforced, and they have given no regard to the humanitarian needs of Gao despite the grave concerns repeatedly raised by the lawyer’s family and the international community. 	
<p>3.2 Torture</p> <p>Torture continues to exist alongside the practice of RSDL and/or any other form of prolonged and or extrajudicial detention, as already revealed in a number of cases including that of Chang Weiping, Hao Jinsong, and Qin Yongpei. See below for extrajudicial detentions.</p> <p>In addition to known practices that inflict physical, psychological and mental pain, stress and suffering, also reported in recent years are a) the deprivation of medication which directly endangers life as in the case of Li Yuhan;¹⁶ b) the practice of forced labour in detention facilities involving primarily prisons.</p> <p>As revealed by the case of Cheng Yuan (程淵), along with Lee Ming-cheh (李明哲) who returned to Taiwan in April 2022 after serving a sentence of 5-years in a Hunan prison testifying that inmates where he was worked more than 12 hours a day with only 3 days off per year, there are reasonable grounds to believe that forced labour exists at least in some prisons in China.¹⁷ China should be urged to allow independent investigation into the state of affairs in</p>	

¹⁶ <https://www.rfa.org/mandarin/Xinwen/1-03152023101318.html>

¹⁷ <https://www.rfi.fr/cn/专栏检索/特别节目/20220527-程渊妻子呼吁联合国人权高专关注湖南赤山监狱的强迫劳动问题>

<p>this regard.</p> <p>However, given the lack of transparent and credible information in China, it has been difficult to estimate the scale and magnitude of the issue.</p>	
<p>3.3 Forced Withdrawal & Non-Disclosure Agreements</p> <p>To ensure desirable outcomes of politically sensitive cases or for the easy handling of such cases, it is not uncommon for the judicial bureaus and the police to dictate the course of litigation by hand-picking lawyers of their preference, although such interference is clearly without any legal basis.</p> <p>While pressure can directly be exerted on lawyers for their withdrawal, it can also be directed to a law firm which by law is collectively responsible for any “grave and complicated” cases handled by the lawyer(s) of their firm.¹⁸ If a lawyer goes against the will of the bureaus or the police, he or she may bring consequences to all his or her colleagues in the law firm. Hence there are incidents of lawyer withdrawals from the 2022 White Paper Movement cases and the 2020 12 Hongkongers case alongside with a number of other cases targeting individual rights lawyers.</p> <p>The forced signing of non-disclosure agreements is a new device. Formerly, regulations have existed to forbid lawyers from sharing or discussing online any information deemed to be case related.¹⁹ The non-disclosure agreement, for its part, will ensure the complete silence of the defence lawyers both on and offline.</p> <p>However, the agreement is potentially detrimental to the protection of the basic rights of the accused as the defence lawyers will not be allowed any share about irregularities and injustice noted while handling the case.</p> <p>3.4 Illegal Surveillance, Evictions, Intimidation & Harassment</p>	<p>Abolish all extrajudicial detention facilities and commission independent investigation into them.</p>

¹⁸ 2018 Measures for the Administration of Law Firms (art. 49).

¹⁹ 2016 Administrative Measures for the Practice of Law by Lawyers (art. 38-40), the 2018 Measures for the Administration of Law Firms (art. 49-50).

A number of human rights lawyers and defenders have experienced unlawful surveillance, including stalking, telephone surveillance and videotaping. Some are restricted in their movements. Others may face intimidation and harassment. In most cases, their families and friends will also be affected, sometimes with harassment extended even to their elderly relatives back in their native villages, to the schools attended by their children, their spouse's workplace, and even their landlords. Measures are applied to warn and intimidate and to ensure that their capacity to act, express and influence are significantly reduced. This to some extent explains the common practice in recent years of imposing heavy surveillance and or house arrest on lawyers and activists having completed their sentences. The case listed below is by no means exceptional. It was experienced by rights lawyer Liu Siqing and legal activist Ni Yulan some 10 years back.

▪ **Wang Quanzhang (王全章), Li Wenzu (李文足)**

Between mid-April and July 2023, the family was stalked and harassed on a daily basis. Police, local thugs and unidentified individuals would take turns banging on their door, block the entrance, or demand to raid the house at any time of the day, even late at night. Their landlord was forced to cut their supply of gas, electricity and water.

The ruffians followed suit even when they moved to stay in a hotel. The family subsequently had to move homes more than 15 times within 2 months. It was finally understood that the authorities wanted the lawyer to retreat back to his home village with communication/ connection between the lawyers and their his family and community reduced.

3.5 Travel/ Exit Bans

Despite the constitutional guarantee of personal freedoms,²⁰ over the past few years Chinese authorities have increasingly used travel/ exit bans to penalise targeted rights lawyers and defenders. Many such restrictions are not transparent in their formulations and are imposed without a legal base or any judicial guarantees for redress or remedy. Targeted lawyers/ defenders who intend to

have their cases tried at the airport often end up with their passport cancelled.

As observed, apart from those directly targeted by the authorities, individuals could also be banned on the basis of their family connections, ethnicity and/or profession. By far, most rights lawyers and their families are banned on the pretext that their exit will “endanger state security”,²¹ as in the more well-known cases of Yu Wensheng (2018), Liang Xiaojun (2018), and Li Heping (2013), although it has remained unclear how the reason given could be justified.

It is disturbing to note that the Exit Ban is strictly enforced without regard to any humanitarian need.

- An exit ban was imposed on rights lawyer Tang Jitian (唐吉田) for the first time in 2010.

In 2021, Tang made repeated pleas to the central government to allow him to visit his only daughter who contracted meningitis and was in a permanent state of coma. Tang’s request was not granted. He was taken away by the authorities when he tried to force his way through customs at the airport in June 2021. Later in the year, he was enforced disappeared and was not released until January 2023.

- Legal activist **Gao Feixiong** (郭飛雄) is one those barred from travelling out of the country. In early 2020, Gao’s wife in exile in the US was diagnosed with cancer.

From 2020 to 2022, Gao made repeated requests including open letters to the government to allow him to visit his ailing wife. He also made several attempts to force his way through customs at the airport, and he often ended up in short-term disappearances.

His wife passed away on 10 January 2022 and Gao’s application to attend her funeral was rejected. Four days later, Gao was reportedly arrested for “inciting subversion of state power”. He was not seen again until May 2023 when he was convicted and sentenced to 8 years of imprisonment in a court trial in Guangzhou.

²¹ <https://safeguarddefenders.com/zh-hans/node/599>

3.6 Extrajudicial and Arbitrary Detention

Despite numerous criticisms from the international community, China has made little if any progress in eliminating extrajudicial and arbitrary detention in the country. Such detentions have remained an effective measure to isolate and tame dissenting voices.

Extrajudicial detention is a multifaceted phenomenon and has existed in different forms.

First, **detention exceeding the limit legally allowed**, thus in violation of due process, may take place at different stages of the criminal procedure, and it has increasingly become an acquiesced practice in criminal procedure, especially for targeted individuals. This includes the failure of courts to produce a verdict after the maximum Time limit allowed for a trial, which should not exceed 3 months.²² Cases in which authorities fail to notify families of a detention promptly in accordance with the law coincide with the issue of enforced disappearance which is equally extrajudicial. This extrajudicial form is common in rights-lawyer-related cases whereas the second and third forms discussed below are less commonly used on rights lawyers nowadays.

Second, “**black jail**” refers to non-statutory sites of detention, which in itself constitutes another issue of grave concern. In China, black jails are widely available. They take the form of legal education schools and vocational skills education and training centres, among others. These places are unofficially used for detention and restriction of personal freedom, targeting specific groups such as petitioners, followers of Falun Gong and various religious cult groups, political prisoners, and Uighurs, among others. The lack of legal regulation of these places have provided opportunities for abuse, torture, inhuman and degrading treatment, and various human rights violations.

3.7 Third, **forced admission into psychiatric hospitals for involuntary treatment** has remained a handy measure against petitioners, political dissidents and rights defenders, for instance, the Ink-splash case of **Dong Yaoqiong** (董瑤瓊) in 2018 and that of **Li Tiantian** (李田田), **Zhou Caifeng** (周彩凡), and **Hao Mingjin** (郝明

²² PRC CPL (2018), art. 208

靜) in 2021. Despite two amendments made in 2012 and 2018, loopholes remain for the PRC Mental Health Law to be used against those deemed to have a tendency towards violence for involuntary admission without any judicial oversight. The situation is further worsen when the law is used in conjunction with China’s Classification Scheme and Diagnostic Criteria for Mental Disorder (CCMD3) promulgated some 20 years ago, which include “stubbornness in pursuing individual rights”, “feeling pressured”, and “resolute petitioners” as signs indicating paranoid and mental disorder.