China stepping up use of secret detention without trial, report warns

June 22, 2021

By [Emma Graham-Harrison](https://www.theguardian.com/profile/emma-graham-harrison)

The Guardian

<https://www.theguardian.com/world/2021/jun/22/china-stepping-up-use-secret-detention-without-trial-report-warns>

China has ramped up its use of secret detention without trial, creating one of the most far-ranging systems of forced disappearance in the world, human rights activists warn in a report.

Tens of thousands of people have been subjected to “residential surveillance at a designated location” (RSDL), an anodyne, bureaucratic name for an Orwellian system, the group [Safeguard Defenders](https://safeguarddefenders.com/en) said in the report, [Locked Up](https://safeguarddefenders.com/en/blog/new-graphic-report-takes-reader-heart-china-s-hidden-rsdl-prisons).

Researchers have combed China’s official court database to identify nearly 23,000 cases nationwide where it had been used since 2013, after a change in Chinese law gave police sweeping powers to detain with virtually no oversight.

They also collected testimony from people who went through RSDL to create one of the first comprehensive accounts of how the covert system works, from the initial abduction of targets to daily routines, interrogation and torture in secret jails.

The RSDL system allows security forces to hold people for months without charges or trial, which Safeguard Defenders described as “state-sanctioned kidnappings”.

The detained person’s family is meant to be notified that they have been taken into custody, but police “routinely bypass” this requirement and there is little contact with relatives or legal teams. “It is almost unheard of for police to permit lawyer access … or allow contact with family,” the researchers said.

“The review shows one of the – if not the – most far-ranging system for enforced disappearances anywhere,” the group said in a letter to the United Nations. “It shows that the use of RSDL is, beyond any doubt, both widespread and systematic.”

Safeguard Defenders, a campaigning NGO focused on human rights in Asia, warned the UN that China could undermine human rights standards globally if the international community does not hold Beijing to account for RSDL. It highlighted the “risk of such practices expanding to other countries upon noticing failure to challenge the system”.

China’s foreign ministry did not respond to questions on the report’s findings.

RSDL has been used against Chinese human rights activists and foreigners including the journalist [Cheng Lei](https://www.theguardian.com/world/2021/feb/08/australian-journalist-cheng-lei-formally-arrested-in-china-after-six-months-detention) and writer [Yang Hengjun](https://www.theguardian.com/world/2021/may/31/they-tortured-me-australian-yang-hengjun-says-as-he-awaits-verdict-after-trial-in-china) from Australia, and Canadians Michael Kovrig and Michael Spavor, held in what their government says is [hostage diplomacy](https://www.theguardian.com/world/2021/feb/18/china-canada-declaration-arbitrary-detention-foreign-citizens).

Authorities are so secretive about the system that the location of jails has not been identified, although Safeguard Defenders has pinpointed some suspected locations, based on clues including headed company paper used for writing confessions.

By June 2021, the Chinese court system showed 22,845 cases where verdicts mentioned pre-trial RSDL. This represents a “bare minimum” of people held, as it does not cover ongoing cases of detention or those that did not lead to trials. No case concerning national security has ever been uploaded into the system, the group added, even though these are thought to be a “significant group”, including most foreigners.

“These estimations are merely for those that have, or will, face trial and have a verdict delivered by court. A great many – amount unknown – will not face trial after their RSDL placement and those cases will never be identifiable in any officially available data,” the group said in its letter to the UN.

The number also covers cases, not persons, and some will involve more than one person. A study of more than 1,500 RSDL verdicts by a Chinese law professor said on average every case concerns 1.191 individuals (or almost 12 people for every 10 cases). With this in mind, the official data indicates a minimum 27,208 victims so far, the report said.

A form of jail in secret prisons – the “designated locations” – had been used before 2013, including against high-profile targets including the artist [Ai Weiwei](https://www.theguardian.com/film/2017/sep/17/ai-weiwei-without-the-prison-the-beatings-what-would-i-be) and the activist and Nobel peace prize winner [Liu Xiaobo](https://www.theguardian.com/world/2017/jul/13/liu-xiaobo-nobel-laureate-chinese-political-prisoner-dies-61).

But since the legal change came into force its use has grown exponentially, rising from an estimated 325 people in cases logged in court records in 2013 to more than 5,800 from those in 2020.

The report details how prisoners are seized from their homes, offices or public places and transported under hoods or blindfolds to conceal their destinations. They are effectively held in solitary confinement, without daylight, privacy or distraction.

Survivors recount being watched around the clock by guards in their room, who in many cases even followed them into the bathroom, but did not interact with them.

“No talking! No moving without permission! Raise your hands if you want to say anything,” were among the commands listed by Tang Zhishun, a Beijing-based human rights activist who was detained at the end of 2015.

Every moment of their lives is controlled, with inmates even reporting being woken for sleeping with their arms under, rather than on top of blankets.

Windows are covered with curtains and artificial light is kept on around the clock. Many detainees reported being required to spend hours each day sitting motionless on a stool or chair, without any mental stimulation.

Showers were rarely allowed and detainees reported being forced to take unknown medication that left them feeling mentally impaired.

If they left the room it was only for interrogation, often in the evening, when detainees were often pushed to make “confessions”. For many this involved mental and physical torture, from sleep deprivation to stress positions and threats against loved ones outside detention.

“If I didn’t say what they wanted me to say they would punish me,” said Tang. “They might force me to sit for long periods on the criminal’s chair [[tiger chair, a form of torture](https://www.hrw.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china)] or force me to stand in my cell for the whole day, even when I was too weak to stand and would repeatedly fall down.”

Although RSDL detention is not meant to last more than six months under Chinese law, it has repeatedly been extended beyond this, the report notes.

“There is abundant evidence that RSDL is frequently used outside its stated purpose – the investigation phase of a criminal case – since a significant proportion of RSDL victims are never formally arrested ... Instead, it is thought RSDL may be being used as a tool of intimidation and to coerce testimony against others.”