

Follow-up Submission

Enforced Disappearances in China: Update on Actors and Scale of Liuzhi Use

To the attention of:

- UN Working Group on Enforced or Involuntary Disappearances
- UN Committee Against Torture
- UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- UN Working Group on Arbitrary Detention
- Office of the High Commissioner on Human Rights

CC: UN Office on Drugs and Crime

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This submission provides updated information and data on the use of *liuzhi* in the People's Republic of China following the Working Group on Enforced or Involuntary Disappearances' General Allegation Letter to China from its 132nd Session (29 January to 2 February 2024).

It documents the systematic and widespread use of *liuzhi* as a form of enforced disappearances, arbitrary detention and torture across the Chinese territory by the CCP's Central Commission for Discipline Inspection (CCDI) and its state front, the National Commission of Supervision (NCS).

In that regard, this submission reiterates severe concerns with UNODC's ongoing cooperation with the CCDI (NCS) under the MoU signed in 2019, the content of which is attached to this submission. The cooperation and the NCS' role as the PRC's *focal point* for all work under the UN Convention Against Corruption appears in clear contravention of the mandatory Human Rights Due Diligence Policy on United Nations support to non-United Nations Security Forces.

It complements the following prior submissions:

- [Submission to select UN Special Procedures on China's National Supervision Commission and its detention tool *Liuzhi*](#), August 21, 2019;
- [Follow-up Submission to select UN Special Procedures on China's National Supervision Commission and its detention tool *Liuzhi* – Cooperation with UNODC](#), July 22, 2021;
- [Civil Society Submission to the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances](#), August 14, 2023 (Joint submission with International Service on Human Rights (ISHR)).

[Safeguard Defenders](#) is a Pan-Asian human rights NGO working to protect human rights and promote rule of law in some of Asia's most hostile environments, and to support local civil society organizations in those countries with the aim of strengthening protection against human rights abuse.

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Executive Summary

The use of *liuzhi* as a form of *enforced disappearances* and *arbitrary detention* under conditions of prolonged solitary confinement that constitute torture in and of themselves (and exposes victims to a further heightened risk of *torture and other inhuman or degrading treatment* as the system is geared towards extracting confessions), continues unabated since its formal institution under the PRC's National Supervision Law of 2018.

Official data from its enacting body, the Party-body Central Commission for Discipline Inspection (CCDI) and its state front the National Commission of Supervision (NCS), place 26,000 individuals inside the system in 2023 alone.

While data releases are usually partial, inconsistent, and do not cover the full national territory, the official nationwide numbers for 2023 align with the highest of previous estimates made by Safeguard Defenders.

Such estimates place the total use of *liuzhi* since its formal adoption in March 2018 and September 2024 at a low estimate of 92,300 cases and a high estimate of 184,600 cases.

All official data and statements continue to point towards the systematic and widespread use of *liuzhi* across the PRC, which may constitute crimes against humanity per the Rome Statute.

Liuzhi's operating entity CCDI (NCS) is the same entity responsible for outlining and directing the PRC's policies of coerced extra-judicial returns to the country, through measures which officially include *persuasion to return* – i.a., by employing measures of collective punishment on the target's relatives in China - and *kidnapping*. This practice of *transnational repression* gravely violates the territorial and judicial sovereignty of third countries, as well as the human rights of the targeted individuals and their families.

According to official CCDI statistics, at least 12,000 individuals were forcefully returned to the country between 2014 and 2023. The vast majority of those through illicit means. This practice is further aggravated by the fact that its victims may be subjected to enforced disappearances, arbitrary detention, torture and other cruel, inhuman and degrading treatment upon their return, including through placement in *liuzhi*.

The practice clearly violates the strict *prohibition of non-refoulement*, especially in light of the European Court of Human Rights' 2022 assessment that "*having regard to the [...] various reports by United Nations bodies and other organisations, to which the Court attached considerable weight, the extent to which torture and other forms of ill-treatment were credibly and consistently reported to be used in Chinese detention facilities and penitentiaries could be equated to the existence of a general situation of violence.*"

Against this backdrop, the UN Office on Drugs and Crime's 2019 MoU with and acceptance of the CCDI (NCS) as the *focal point* for all work under the Convention Against Corruption does not appear to pass the test of the mandatory *Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces* which prescribes no such cooperation can be afforded to entities involved in grave human rights violations.

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Introduction

1. In 2018, the National Supervision Law entered into force in the People's Republic of China (PRC). It vastly expanded the scope of Chinese Communist Party body *Central Commission for Discipline Inspection* (CCDI) by creating its state front: the National Commission of Supervision (NCS). Moreover, it "legalized" the pre-existing method of *shuanggui*, by adopting the system of *liuzhi* (retention in custody) in article 22 of the Law.
2. The combined effects of these legislative changes rapidly led to demonstrably **systematic and widespread arbitrary detentions, enforced disappearances and torture without any judicial oversight or procedural remedies**.
3. The system was formally denounced by the UN Working Group on Enforced and Involuntary Disappearances (WGEID) in a General Allegation Letter of September 2019¹ and reiterated in its 2020 report to the 45th Human Rights Council², its 2021 Fall Session report³, and a renewed General Allegation Letter during its 132nd Session in early 2024⁴.
4. This follow-up submission presents new data on the use of the mechanism from the responsible State-Party entity itself. These indicators clearly show a determined growth in the use of the mechanism, with **official data claiming 26,000 individuals were disappeared into the system in 2023 alone**.
5. These numbers now put the system on par with the widespread and systematic use of *Residential Surveillance at a Designated Location* (RSDL), a similar mechanism operated by state organs as a part of the pre-judicial process that has been repeatedly denounced by the addressed Procedures.
6. This submission further reiterates **severe concerns over the ongoing cooperation between the UN Office on Drugs and Crime (UNODC) and the Central Commission for Discipline Inspection / National Commission of Supervision**. The content of the 2019 Memorandum of Understanding between both bodies appears in clear violation of the mandatory Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces.

¹ Working Group on Enforced or Involuntary Disappearances, *General Allegation 119th session (16–20 September 2019)*, https://www.ohchr.org/Documents/Issues/Disappearances/Allegations/119_China.pdf.

² Working Group on Enforced or Involuntary Disappearances, *A/HRC/45/13: 2020 report of the Working Group on Enforced or Involuntary Disappearances*, 8 August 2020, <https://www.ohchr.org/en/documents/reports/ahrc4513-2020-report-working-group-enforced-or-involuntary-disappearances>.

³ Working Group on Enforced or Involuntary Disappearances, *Communications transmitted, cases examined, observations made and other activities conducted by the Working Group on Enforced or Involuntary Disappearances* 125th session** (20–29 September 2021)*, A/HRC/WGEID/125/1, https://www.ohchr.org/sites/default/files/2021-12/A_HRC_WGEID_125_1_AdvanceEditedVersion.docx.

⁴ Working Group on Enforced or Involuntary Disappearances, *General Allegation 132nd Session (29 January to 2 February 2024)*, https://www.ohchr.org/sites/default/files/documents/issues/disappearances/allegations/132-China-Annex-IV-Session-GA_0.pdf.

A. Central Commission for Discipline Inspection and the National Commission of Supervision

7. The Chinese Communist Party's (CCP) *Central Commission for Discipline Committee* (CCDI) is tasked with ensuring compliance, ideological correctness, and loyalty among the Party's 95 million members. The CCDI's main work is carried out by *Commission for Discipline Committees* (CDI's) at the provincial level and lower administrative levels.
8. With the promulgation of the National Supervision Law (NSL) on March 20, 2018, the CCDI's scope grew significantly through the establishment of its state front, the National Commission of Supervision (NCS). Its mandate to supervise and, where needed, investigate was expanded to include all state functionaries and all those employed by public institutions, such as state media, state-owned enterprises, educational facilities, prisons, hospitals, etc.
9. Beyond its proclamation by law, the NCS has no separate identity from the CCDI. The NCS does not operate independently and is merely an extension of the Party's CCDI, sharing offices, command structures and staff. Annual work reports are presented each year by CCDI, without distinction made between the work of the NCS and CCDI branches. The CCDI also represents the NCS in official capacity, such as at events hosted by the UN Office on Drugs and Crime. In the words of its former international fugitive recovery chief Liu Jianchao, "*the supervisory organ is co-located with the Party's discipline inspection organs*".
10. The CCDI is exclusively controlled by the CCP and stands firmly outside the limits of judicial or administrative control. It is a non-judicial body which cannot be subjected to judicial or administrative appeals. Officers are not classified as "judicial officers or personnel" and provisions in the Criminal Procedure Law that ban the use of confessions extracted under torture do not apply to them.
11. Based on a pilot project prior to the launch of the NCS in 3 provinces (Beijing, Zhejiang and Shaanxi), Chinese state media announced that the number of people under its mandate rose by 500%, 300% and 200% respectively⁵ - ⁶. The system thus has a mandate to supervise between 200 to 500 million people roughly, with a realistic estimate being about 300 million. Moreover, its mandate allows the CCDI to investigate and detain any person related to an investigation involving those within its designated target group. In fact, the first known death from torture inside the *liuzhi* system - less than two months after the system was launched - was a person not himself within the mandate. Rather, the victim (Chen Yong) was the driver of the key person under investigation.
12. According to the Annual Work Report by the Central Commission for Discipline Inspection released in January 2024, "*the national discipline inspection and supervision organs filed a total of 626,000 cases*" during 2023⁷.

⁵ China Daily, *Supervision law gives legal teeth to China's graft-busting agency*, 20 March 2018, <http://www.chinadaily.com.cn/a/201803/20/WS5ab1172da3106e7dcc143eef.html>

⁶ Safeguard Defenders, *From Central Control to National Supervision: How China's National Supervision Commission undermines China's criminal justice system*, 5 August 2018, <https://safeguarddefenders.com/en/blog/new-report-central-control-national-supervision>.

⁷ Central Commission for Discipline Inspection, *李希在二十届中央纪委三次全会上工作报告*, 25 February 2024, https://www.ccdi.gov.cn/toutiao/202402/t20240225_330105.html.

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B. *Liuzhi*: Basic Characteristics

13. Article 22 of the NSL provides for the system of *Liuzhi* (retention in custody). Operated by a Party entity, there is no external entity to provide independent oversight, approval or review of a decision to place an individual into the system. As the system exists wholly outside the bounds of the PRC's formal criminal justice system, victims do not have the right to access legal counsel.
14. Per regulations, any individual placed inside the system must be held in solitary confinement. The vast majority of victims are kept from any type of communication with the outside world and their family members are not informed of their whereabouts (or even the retention itself) as the system makes use of undisclosed (designated) locations (e.g., custom-built facilities to CCP-run hotels, guesthouses, offices, etc.). By any definition, it is a system of Party-state sanctioned incommunicado detention.
15. Such detention can be imposed for a period of three months. With the approval of a higher level CCDI, that can be extended by another three months, for a maximum duration of six months. There are no external appeal mechanisms available.
16. The system is specifically designed to extract confessions from its victims. As former CCDI Liu Jianchao said: *"These are not criminal or judicial arrests and they are more effective"*. A Professor at Peking University explained the rationale behind the system: [These cases are] *"heavily dependent on the suspect's confession. (...) If he (the suspect) remains silent under the advice of a lawyer, it would be very hard to crack the case"*.⁸

LIUZH I : CHARACTERISTICS

System is operated outside the judicial process for investigative purposes (e.g., obtaining confessions).

Operated by a Chinese Communist Party body without external oversight or procedural remedies.

Officers in charge are not bound by the state's legal provisions (for example, the prohibition of torture or the inadmissibility of forced confessions).

Victims are held incommunicado at a secret (*designated*) location for a period of up to six months.

Legal exceptions allow the operators to refrain from informing next of kin of the victim's retention (article 44 NSL).

Victims have no right to access legal counsel or to an external appeal (even if the minimal legal bounds such as maximum duration are violated).

⁸ Jun Mai in South China Morning Post, *How China's new anti-graft super body will work, and why calling a lawyer won't be an option*, 17 November 2017, <https://www.scmp.com/news/china/policies-politics/article/2120175/how-chinas-new-anti-graft-super-body-will-work-and-why>.

Liuzhi: Updated Scale of Use

A. 2023 Annual Data

17. The data presented in this submission are based exclusively on numbers released by the CCDI itself, or those reported by Chinese Party-state media on the basis of CCDI or local CDI sources.
18. Where prior data submissions were based on the methodological extrapolation of inconsistent, partial and incomplete data releases from a limited number of provincial CDI's, for the first time the CCDI has included an annual tally in its 2023 Work Report, presented in January 2024.
19. The CCDI's annual work report claims *liuzhi* was applied on **26,000 individuals during 2023**⁹. That is an average of 71 individuals every single day.
20. For purposes of consistency and to complement previous submissions, we also add **new provincial data** (often for limited time periods) to the data set in Appendix I, making this the most comprehensive data collection on the PRC's use of *liuzhi* to date.

B. Estimated Use from March 2018 to September 2024

21. Based on the limited reporting by the CCDI or CDI's, *liuzhi* would only have been used at least 39,547 times from the system's official inauguration in March 2018. Over half of those would have occurred in the previous calendar year only. Considering the well-documented gaps in reported numbers and based on the overall number of reported investigations and punishments, **Safeguard Defenders estimates that the real nationwide number is likely much higher, with a low estimate of 92,300 cases and a high estimate of 184,600 cases between 2018 and September 2024.**
22. While there are no independent data sources available to verify such numbers, we note the CCDI's 2023 annual number confirms estimates previously made by Safeguard Defenders. In particular, it bears mention that the reported 2023 number is exactly the same as the very top of our previous high estimates and much higher than our low-end estimates. This confirms our severe concerns over the likely further growth of the system in the coming years.
23. For an estimate of the real use of *liuzhi* since its implementation in 2018, we apply an adaptation of the method proposed by Professor Ye Zhusheng with regard to the application of *liuzhi*'s predecessor *shuanggui*. As reported in a 2016 report by Human Rights¹⁰, in a 2013 article, Prof. Ye posited that an estimated 10 to 20 percent of *all* cases investigated by the CDIs involved the use of *shuanggui*.¹¹

⁹ Central Commission for Discipline Inspection, 李希在二十届中央纪委三次全会上的工作报告, 25 February 2024, https://www.ccdi.gov.cn/toutiaon/202402/t20240225_330105.html.

¹⁰ Human Rights Watch, "Special Measures" - Detention and Torture in the Chinese Communist Party's Shuanggui System, December 2016, https://www.hrw.org/sites/default/files/report_pdf/china1216_web.pdf.

¹¹ Ye Zhusheng (叶竹盛), "Shuanggui" between Discipline and Law (纪律与法律之间的“双规”), South Reviews (南风窗), June 10, 2013.

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24. Safeguard Defenders applies a moderated version of that position to estimate the scale of use of *liuzhi* since 2018: rather than apply the 10-20% ratio to *all* investigations, we apply the rates only to those investigations leading to the most severe forms of punishment. These have been defined in article 5 of the Chinese Communist Party Disciplinary Regulations¹²:

“Use the ‘four forms’ of supervision and enforcement, regularly carrying out criticism and self-criticism, giving a talking to and making inquiries, to make ‘red-faced and sweating’ become the norm; light Party sanctions and organizational adjustments are to be the vast majority, major Party sanctions and major position adjustments a minority, and opening cases to review serious violations of discipline and suspected crimes an extreme minority.”

25. We define the latter two as category 3 (“major Party sanctions and major position adjustments a minority”) and category 4 (“opening cases to review serious violations of discipline and suspected crimes”) respectively. When applying Prof. Ye’s ratios to those regularly reported data points, estimates for the nationwide use of *liuzhi* since 2018 are:

Variable	Punishments		LIUZH – Estimated Use			
	# People punished Cat. 3 and 4		# number of Liuzhi (Cat. 4) 10%	# number of Liuzhi (Cat. 4) 20%	# number of Liuzhi (Cat. 3 and 4) 10%	# number of Liuzhi (Cat. 3 and 4) 20%
2018	137,000 ¹³		5,500	11,000	13,700	27,400
2019	140,000 ¹⁴		6,800	13,600	14,000	28,000
2020	139,000 ¹⁵		6,800	13,600	13,900	27,800
2021	144,000 ¹⁶		7,400	14,800	14,400	28,800
2022	128,000 ¹⁷		6,400	12,800	12,800	25,600
2023	130,000 ¹⁸		6,600	13,200	13,000	26,000
2024 (Jan- Sep)	105,000 ¹⁹		5,400	10,800	10,500	21,000
Total	923,000		44,900	89,800	92,300	184,600
2024 (full year extrapolation - estimate)	140,000		7,200	14,400	14,000	28,000
Adjusted Total	958,000		46,700	93,400	95,800	191,600

¹² China Law Translate, *2018 Chinese Communist Party Disciplinary Regulations*,

<https://www.chinalawtranslate.com/en/2018-chinese-communist-party-disciplinary-regulations/>.

¹³ State Council of the People’s Republic of China, *2018年全国纪检监察机关处分62.1万人 包括51名省部级及以上干部*, 9 January 2019, https://www.gov.cn/xinwen/2019-01/09/content_5356088.htm.

¹⁴ State Council of the People’s Republic of China, *2019年全国纪检监察机关处分58.7万人 包括41名省部级干部*, 17 January 2020, https://www.gov.cn/xinwen/2020-01/17/content_5470136.htm.

¹⁵ People’s Daily, *2020年全国纪检监察机关处分60.4万人*, 27 January 2021, <http://dangjian.people.com.cn/n1/2021/0127/c117092-32013742.html>.

¹⁶ Xinhua, *2021年全国纪检监察机关处分62.7万人 包括36名省部级干部*, 21 January 2021, http://www.news.cn/politics/2022-01/21/c_1128285643.htm.

¹⁷ Xinhua, *2022年全国纪检监察机关处分59.2万人 包括53名省部级干部*, 13 January 2022, http://www.news.cn/legal/2023-01/13/c_1129280007.htm.

¹⁸ Discipline Inspection and Supervision Group of the Ministry of Justice, *中央纪委国家监委通报2023年全国纪检监察机关监督检查、审查调查情况*, 25 January 2024, https://www.moj.gov.cn/pub/sfbgw/jgsz/gjwzsfbjjz/zyzsfbjjzdbg/202401/t20240125_494041.html.

¹⁹ Discipline Inspection and Supervision Group of the Ministry of Justice, *中央纪委国家监委通报2024年1至9月全国纪检监察机关监督检查、审查调查情况*, 28 October 2024, https://www.moj.gov.cn/jgsz/gjwzsfbjjz/zyzsfbjjzdbg/202410/t20241028_508531.html.

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26. As stated, the official 2023 data and the 2023 high estimate under this method overlap. Some additional indicators such as an extrapolation of the occasional and very partial provincial data to an annual and nationwide scale tend to conform to the indicated trend but putting the estimates towards the lower end of the scale (10% of cat. 3 and 4).
27. Wherever full data on *liuzhi* use is available, it tends to confirm the higher estimates. For example, full data on *liuzhi* use between March 2018 and July 2024 released by Yunnan's provincial CDI placed a stated 6,657 individuals into *liuzhi* between March 2018 and July 2024. If we extrapolate the number from this 47 million people province to a nationwide scale, that would place the use at around 198,000 victims.
28. While all data points in the same direction, more official data is needed to make and validate further projections.
29. No additional data has been released on the average length of individuals' effective retention in the system. Previously reported data from a limited number of provincial CDI's put the average duration between 42.5²⁰ and 58.5²¹ days, while earlier data for 2016 placed the average duration at 78.7 days²².

²⁰ Xinhua, 浙江:严格规范留置措施 有效开展监察调查, 2 April 2018, http://www.xinhuanet.com/politics/2018-04/02/c_1122623057.htm; archived: <https://archive.ph/odKbU>.

²¹ Xinhua, 监察体制改革试点一年:3年未决贪腐案4个月办结, 8 January 2018, http://www.xinhuanet.com/politics/2018-01/08/c_1122223027.htm; archived: <https://archive.ph/jWnOB>.

²² Idem.

Liuzhi under International Law

30. *Liuzhi* as inscribed in the National Supervision Law and in practice constitutes a form of **enforced disappearances** and **arbitrary detention** under conditions where they face a heightened risk of **torture and other inhuman or degrading treatment**. The system further violates basic fair trial standards as it falls outside the scope of formal judicial proceedings and does not offer any protections against rampant abuse or rights to fair remedy.

31. Since the Committee Against Torture first called for its repeal in 2016, the addressed Procedures have long denounced the use of the similar system RSDL. We note in particular the repeated assessment by the Working Group on Arbitrary Detention:

(a) *The practice, which consists of placing individuals in incommunicado detention for investigation for prolonged periods without disclosing their whereabouts, amounts to secret detention and is a form of enforced disappearance;*

(b) *The practice of imposing residential surveillance at a designated location without judicial oversight and without formal charges contravenes the right of every person not to be arbitrarily deprived of his or her liberty, and to challenge the lawfulness of detention before a court without delay, as well as the right of accused persons to defend themselves through legal counsel of their choosing;*

(c) *The provisions on residential surveillance at a designated location appear to allow persons suspected of certain crimes to be held incommunicado for long periods and in undisclosed locations, which may, in and of itself, amount to cruel, inhuman or degrading treatment or punishment, or even torture, and additionally may expose such persons to an increased risk of further abuse, including acts of torture.²³*

32. The list of human rights violations under *liuzhi* is long. We note some of the most pertinent:

A. Enforced Disappearance

33. In the same fashion and as indicated by the WGEID in its General Allegation Letter from early 2024, *liuzhi* gravely contravenes the **Declaration on the Protection of All Persons from Enforced Disappearance** (the Declaration) on multiple provisions.

34. Similar to the inclusion of RSDL in the Criminal Procedure Law, the explicit inclusion of *liuzhi* in the NSL as a state-sanctioned form of incommunicado detention is in direct violation of articles 2 and 3 of the Declaration where rather than taking effective measures to *prevent and terminate acts of enforced disappearance in any territory under its jurisdiction*, it has made them official policy.

²³ See Working Group on Arbitrary Detention: Opinion No. 78/2020 concerning Kai Li (China), A/HRC/WGAD/2020/78, 18 January 2021; Opinion No. 82/2020 concerning Xu Zhiyong (China), A/HRC/WGAD/2020/82, 2 March 2021; Opinion No. 25/2021 concerning Zhan Zhang, Mei Chen and Wei Cai (China), A/HRC/WGAD/2021/25, 26 October 2021; Opinion No. 30/2021 concerning Ding Jiaxi, Zhang Zhongshun and Dai Zhenya (China), A/HRC/WGAD/2021/30, 12 November 2021; Opinion No. 9/2022 concerning Wang Jianbing (China), A/HRC/WGAD/2022/9, 11 May 2022.

35. *Liuzhi* violates article 9 of the Declaration as it is operated by a Chinese Communist Party body outside the criminal justice system, without external (state) oversight, procedural remedies or access to legal counsel.
36. It violates article 10 of the Declaration as per regulation, victims are held incommunicado at a secret (*designated*) location. Their whereabouts cannot be disclosed, and legal exceptions allow the operators to refrain from informing next of kin of the victim's retention.
37. No *strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment [...]*, as prescribed by article 12 of the Declaration is possible. The Party body in charge of operating *liuzhi* (CCDI-NCS) is the very body in charge of supervising state officials. No state organ has the power to supervise or review its operations. Similarly, no independent state authority exists to receive complaints as prescribed by article 13 of the Declaration. Victims can only appeal to a higher placed CCDI.
38. Being held incommunicado further violates the right to be brought promptly before a judge, article 9 §3 of the ICCPR, and to challenge the lawfulness of one's deprivation of liberty per article 9 §4 ICCPR.
39. Likewise, Article 17 of the International Covenant for the Protection of All Persons from Enforced Disappearances holds that "no one shall be held in secret detention," and that anyone deprived of their liberty should only be held in officially recognized detention facilities and be allowed to communicate and be visited by family, lawyer, or third parties. It also calls for all states to maintain official registers of detained persons, to be made promptly available to competent authorities and include such information as the names of the detained, and among others, the date, time and place where he or she was detained. Effectively none of these safeguards exist with *liuzhi*.
40. Finally, the PRC has repeatedly refused to abide by article 2 §2 of the Declaration, which imposes states to *act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance*. Given it constitutes a national policy and as official data demonstrates, the practice of *liuzhi* is widespread across the PRC's territory.
41. The authorities have not responded to General Allegation letters by UN Procedures on the matter, failed to submit their periodic reporting to the UN Committee Against Torture due in December 2019, and consistently refused independent international visit requests by relevant Procedures.

B. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

42. Torture or ill-treatment in the form of solitary confinement, sleep deprivation, forced stress positions, beatings, and physical abuse are reportedly widespread in *liuzhi* and used to extract confessions.
43. By design, *liuzhi* violates the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as all victims are detained incommunicado and placed under solitary confinement for a period of up to six months outside any judicial process.
44. Rule 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) stipulate that *solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.*
45. The rules continue in rule 45 to state that *solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review.* This runs counter to both the legal definition and the practical application of *liuzhi*.
46. As held in General Assembly Resolution 68/156, *“prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.”* This is further emphasized in the Istanbul Protocol, which calls for limiting incommunicado detention and ensuring detainees be held and registered in recognized detention facilities, for the names of all persons responsible for their detention to likewise be kept in a register readily available and accessible to relatives and third parties, and granting lawyers and family members access.
47. In a report to the General Assembly in 2008, the then Special Rapporteur on Torture noted: *“The weight of accumulated evidence to date points to the serious and adverse health effects of the use of solitary confinement: from insomnia and confusion to hallucinations and mental illness. The key adverse factor of solitary confinement is that socially and psychologically meaningful contact is reduced to the absolute minimum, to a point that is insufficient for most detainees to remain mentally well-functioning. Moreover, the effects of solitary confinement on pre-trial detainees may be worse than for other detainees in isolation, given the perceived uncertainty of the length of detention and the potential for its use to extract information or confessions. Pre-trial detainees in solitary confinement have an increased rate of suicide and self-mutilation within the first two weeks of solitary confinement.”*
48. in 2011, the UN Special Rapporteur on Torture explicitly found pre-trial solitary confinement to be torture under article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment when used to obtain information or a confession.

C. Access to Legal Counsel

49. No provision of the NSL guarantees the suspect access to a lawyer during his detention. The term "lawyer" itself is absent from the law. Simply put, because any investigation by the CCDI is not part of a judicial process, there is no, even theoretical, right to a lawyer.
50. The UN Basic Principles on the Role of Lawyers hold that the adequate protection of human rights to which all people are entitled requires that all people have effective access to independent legal counsel of their own choosing, also a fundamental right under article 14 of the ICCPR. The Mandela Rules add that detainees shall be provided with adequate opportunity, time, and facilities to visit and communicate with legal aid of their choosing, and without delay or censorship and in full confidentiality.
51. The Mandela Rules furthermore state that upon admission those deprived of their liberty shall be informed of their rights, including how to access legal advice, including through legal aid and procedures for making internal requests and complaints.

D. Protection against Abuse and Right to Fair Remedy

52. As stated, no appeal structure exists outside the CCDI. An appeal on placement can be placed only with the same entity that took the decision. Should such an appeal be denied, it can be appealed to the higher level of the same body. That is the end.
53. Of particular concern in this regard is article 60 of the NSL, which states that if people are kept inside *liuzhi* longer than the maximum allowed time of 6 months, the only option for the victim or their close relatives is to appeal to that same body. "[...] *while people could sue the police or other government departments if they broke the law, there were no such legal grounds for someone to sue the commission*" as Jiang Mingan, a law professor at Peking University frequently consulted by the authorities on anti-corruption legislation noted²⁴.
54. The UN Basic Principles and Guidelines on the Right to a Remedy put forth the State obligation to provide victims of human rights violations with equal and effective access to justice and effective remedies, including reparation. As noted by the International Commission of Jurists, the right to an effective remedy has often been considered among the most fundamental and essential rights for effective protection of all human rights.
55. However, under the PRC's Criminal Law provisions, only *judicial officers* can be held accountable for acts of torture. Given that CCDI personnel fall squarely outside the state structures – or rather, are placed above them – they are not bound by any such provisions, nor can they be held to account for their violation.

²⁴ Jun Mai in South China Morning Post, *How China's new anti-graft super body will work, and why calling a lawyer won't be an option*, 17 November 2017, <https://www.scmp.com/news/china/policies-politics/article/2120175/how-chinas-new-anti-graft-super-body-will-work-and-why>.

E. *Liuzhi*: Crime Against Humanity?

56. Per article 7 § 1 of the Rome Statute of the International Criminal Court (the Rome Statute), “*crime against humanity*” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: [...] e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; [...] (i) Enforced disappearance of persons; [...] (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
57. For the purpose of paragraph 1: (a) “Attack directed against any civilian population” means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
58. “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
59. “Enforced disappearance of persons” means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
60. *Liuzhi* is a state-sanctioned policy carried out by a political party body in furtherance of the Chinese Communist Party’s ideology and consolidation of its leadership structure. As laid out in the Regulations on the Work of the Discipline Inspection Commission of the Communist Party of China: “adhering to the overall leadership of the Party and the centralized and unified leadership of the Party Central Committee” is the primary principle that the Commission for Discipline Inspection must follow in carrying out its work.”²⁵
61. It has long been noted that accusations of *corruption* in the PRC often act as a guise for political purges. With its broadened mandate under the NSL, the CCDI has the distinct capability of committing the acts referred to in par. 59 to an extremely wide, yet defined, range of the civilian population in the PRC.
62. As set out above and reiterated by UN Procedures, the practice of *liuzhi* constitutes an enforced disappearance and a form of torture that fall within the above definitions. Data on its scale of use shows the practice is both *systematic* and *widespread*. For these reasons, and while the PRC is not a State party to the Rome Statute, we believe the practice should be designated as a *crime against humanity*.

²⁵ 首部全面规范纪委工作的基础性党内法规——详解《中国共产党纪律检查委员会工作条例》，5 January 2022, https://www.gov.cn/zhengce/2022-01/05/content_5666601.htm. Also see Chapter I: Guiding ideology, principles and scope of application of the *The Chinese Communist Party Disciplinary Regulations*, available at: China Law Translate, 2018 Chinese Communist Party Disciplinary Regulations, <https://www.chinalawtranslate.com/en/2018-chinese-communist-party-disciplinary-regulations/>.

Cooperation between the CCDI and UNODC

A. Extra-Judicial Coercion to Return

63. In its 2024 General Allegation Letter²⁶, the Working Group on Enforced and Involuntary Disappearances also draws the State's attention to concerns over information regarding a systematic pattern of extraterritorial abductions and transnational transfers (involving arbitrary deprivations of liberty and renditions).
64. While not the subject of this submission, we do wish to highlight **the strong nexus between the PRC's policy of forced extra-judicial returns and the above-denounced use of *liuzhi*. Both systems are directed and (at least in part) operated by the CCDI and its state front, the NCS.**
65. For more information we refer to our recent publication *Chasing Fox Hunt*²⁷. The report examines the extensive use of extrajudicial mechanisms to coerce targets into returning to China on the basis of an **official written legal interpretation by lead Party-agency CCDI.**
66. That definition explicitly defines the range of illicit means in violation of the sovereignty of third nations and the fundamental human rights of the targeted individuals. Notably, the official playbook includes *kidnapping*.
67. Topped by the method of *persuade to return* - a combination of pressure techniques employed on family members and loved ones in China, including collective punishment, as well as direct stalking, harassment and threats delivered to the target abroad by PRC agents or their proxies -, **official annual accounts list well over 12,000 successful forced returns from over 120 countries and regions between 2014 and 2023** under operations overseen by the CCDI under the Sky Net umbrella and the international arm of the domestic *anti-corruption* campaign Fox Hunt.
68. While the operations represent numerous violations of international (human rights) law, they are further aggravated by the possibility that its victims will be subjected to enforced disappearances, torture and other cruel, inhuman and degrading treatment upon their return, including through placement in the system denounced in this submission.
69. The matter should be of greater international concern given the strict ***prohibition of non-refoulement*** and the European Court of Human Rights' assessment that "*having regard to the [...] various reports by United Nations bodies and other organisations, to which the Court attached considerable weight, the extent to which torture and other forms of ill-treatment were credibly and consistently reported to be used in Chinese detention facilities and penitentiaries could be equated to the existence of a general situation of violence.*"²⁸

²⁶ Working Group on Enforced or Involuntary Disappearances, *General Allegation 132nd Session (29 January to 2 February 2024)*, https://www.ohchr.org/sites/default/files/documents/issues/disappearances/allegations/132-China-Annex-IV-Session-GA_0.pdf.

²⁷ Safeguard Defenders, *Chasing Fox Hunt*, April 2024, <https://safeguarddefenders.com/sites/default/files/pdf/Chasing%20Fox%20Hunt.pdf>.

²⁸ European Court of Human Rights, *CASE OF LIU v. POLAND* (Application no. 37610/18), 6 October 2022, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-219786%22%5D%7D>.

B. 2018 MoU and Violation of the UN Human Rights Due Diligence Policy on United Nations support to non-United Nations Security Forces

70. Against the backdrop of all the above, we reiterate our severe concern over the ongoing cooperation between the UN Office on Drugs and Crime (UNODC) and the CCDI (NCS), following a Memorandum of Understanding on cooperation in combating corruption²⁹ (the MoU) signed between the parties in October 2019.
71. UNODC is tasked with providing technical assistance, research and normative support to Member States in response to complex and interconnected threats at the national, regional and global level. The agency also acts as the guardian of the UN Convention Against Corruption and supports the Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE) Network, which “serves as a platform to exchange information between frontline anti-corruption law enforcement practitioners in all countries across the globe to track, investigate, and prosecute cases of cross-border corruption”³⁰ of which the PRC is a member³¹.
72. With its vast network, facilitating “international cooperation in criminal matters has been at the centre of UNODC’s work”³². This has practical implications as UNODC highlights for example that “throughout the cooperation between GlobE Network and GPTOC programme, several mutual legal assistance requests in corruption cases were facilitated by making possible direct consultations between central authorities”³³.
73. UNODC thus acts as a trusted intermediary to *build trust and create contacts among practitioners*³⁴ around the world. A crucial role that would presume such trust is warranted and that the counterparts encountered through these networks abide by the dictates of the Convention Against Corruption (UNCAC), such as the *Protection of Sovereignty* in article 4, and international human rights law.
74. Concerned over UN cooperation with an entity known to commit systematic and widespread human rights violations, Safeguard Defenders repeatedly inquired with UNODC to request the release of the content of the MoU and provide information on the nature of the counterpart entity. UNODC refused to do so and pointed out that the NCS had been appointed as the PRC’s *focal point* for all work under UNCAC, a faculty stated to be in the purview of each State party to the Convention.

²⁹ United Nations Office on Drugs and Crime, *The United Nations and China sign agreement on combating corruption*, 17 October 2019, <https://www.unodc.org/unodc/en/frontpage/2019/October/the-united-nations-and-china-sign-agreement-on-combating-corruption.html>

³⁰ United Nations Office on Drugs and Crime, *Successful cooperation between the GPTOC programme and GlobE Network*, https://www.unodc.org/unodc/en/organized-crime/GPTOC/gptoc_news-and-events_cooperation-between-gptoc-and-the-globe-network.html.

³¹ Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE) Network, *GlobE Members, Auxiliary Members and Observers*, <https://globenetwork.unodc.org/globenetwork/en/membership.html>.

³² United Nations Office on Drugs and Crime, *International Cooperation*, <https://www.unodc.org/unodc/en/international-cooperation/index.html>.

³³ United Nations Office on Drugs and Crime, *Successful cooperation between the GPTOC programme and GlobE Network*, https://www.unodc.org/unodc/en/organized-crime/GPTOC/gptoc_news-and-events_cooperation-between-gptoc-and-the-globe-network.html.

³⁴ United Nations Office on Drugs and Crime, *Networks*, <https://www.unodc.org/unodc/en/international-cooperation/networks.html>.

75. UNODC also claimed that the MoU did not provide for any practical cooperation. Safeguard Defenders subsequently obtained the content of the MoU (see Appendix II), which shows that affirmation to be false. Such cooperation appears in clear violation of multiple provisions, including UNCAC itself.
76. In particular, as a UN agency, UNODC is bound to the **Human Rights Due Diligence Policy on United Nations support to non-United Nations Security Forces** (HRDDP) issued by the UN Secretary General on February 23, 2015.³⁵ The **mandatory** Policy, complemented with a 2015 inter-agency guidance note, provides principles and procedures for all UN agencies in their cooperation with non-United Nations Security Forces.
77. It ***“sets out measures that all United Nations entities must take in order to ensure that any support that they may provide to non-United Nations forces is consistent with the purposes and principles as set out in the Charter of the United Nations and with its responsibility to respect, promote and encourage respect for international humanitarian, human rights and refugee law.”***³⁶
78. ***“Consistent with these obligations, United Nations support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures.”***
79. For the purpose of the HRDDP, *“non-United Nations security forces”* include: (a) *National military, paramilitary, police, intelligence services, border- control and similar security forces;* (b) *National civilian, paramilitary or military authorities directly responsible for the management, administration or command or control of such forces; [...].”*
80. As evidenced before, while the CCDI (NCS) is not formally a law enforcement (or judicial) entity, it has expansive policing powers over vast swathes of society within the PRC, allowing them to hold individuals for up to six months in incommunicado detention, under Operation Sky Net it also maintains controlling oversight of the international policing operations carried out by state entities, including the Ministry of Public Security and the Supreme People’s Procuratorate. This would place it under the purview of the Policy.
81. In fact, in order to gauge its applicability, the Guidance Note encourages: *“common sense” approach is advisable when UN entities analyse the scope of application of the policy with regard to support recipients, including in order to avoid sending the wrong signals to the recipients of support. For example, although not explicitly mentioned in the policy, the UN support provided to prison or correction officers falls within the HRDDP scope of application, in view of the nature of their functions and keeping in mind the objectives of the HRDDP.*³⁷

³⁵ United Nations Office on Drugs and Crime, *Human Rights Due Diligence Policy*, <https://www.unodc.org/unodc/en/humanrights/hrddp.html>.

³⁶ UN General Assembly - UN Security Council, *Identical letters dated 25 February 2013 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council*, A/67/775 S/2013/110, 5 March 2013, https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/AMeetings/20thsession/IdenticalLetterSG25Feb2013_en.pdf.

³⁷ UN Sustainable Development Group, *Guidance note on human rights due diligence policy on UN support to non-United Nations security forces*, October 2015, <https://unsdg.un.org/resources/guidance-note-human-rights-due-diligence-policy-un-support-non-united-nations-security>, p. 8.

82. Common sense further dictates that there would be little use to enter into an MoU if UNODC did not regard the entity as relevant under its mandate.
83. Furthermore, under the HRDPP, *“support’ is understood to mean any of the following activities: (a) Training, mentoring, advisory services, capacity- and institution-building and other forms of technical cooperation for the purpose of enhancing the operational capabilities of non-United Nations security forces; (b) Ad hoc or programmatic support to civilian or military authorities directly responsible for the management, administration or command and control of non-United Nations security forces [...].”*
84. Despite UNODC’s assertions that the 2019 Memorandum *does not foresee anti-corruption cooperation at an operational level*, the inclusion of i.a. technical assistance, trainings and capacity-building cooperation in article 4 of the MoU does constitute *support* under the above HRDPP definition: *“2. The Parties have agreed to the following preliminary overarching themes for this MoU: a. Promoting information sharing and exchange on prevention of corruption, including by conducting analysis and research, collecting international best practices, providing technical assistance on both policy and practice basis, and organizing joint training and capacity building programmes in this area; b. Enhancing information sharing and exchange on trends in the investigation, evidence collection, extradition, mutual legal assistance and international law enforcement cooperation related to corruption offences, including through meetings, panel discussions and personnel training; c. Enhancing cooperation concerning recovery of stolen assets through information sharing and exchange on good practices, technical assistance provided by UNODC, including through the joint UNODC and World Bank Stolen Asset Recovery Initiative (StAR), and other cooperation projects; d. Supporting the National Commission of Supervision on activities related to the prevention and fight against corruption within UNODC’s mandates and carrying out mutually beneficial cooperation against corruption in the context of the Belt and Road Initiative, subject to the availability of resources; e. Strengthening dialogue and communication on the implementation of UNCAC; f. Cooperating to establish a communication platform under the online directory of UNCAC competent national authorities, with a view to promoting exchange of experience, dialogue and effective cooperation among anti-corruption authorities of the States parties.”*
85. It appears hard to maintain the HRDDP would not apply to UNODC’s cooperation with the CCDI (NCS), or the latter’s standing as the PRC’s *focal point* for all work under UNCAC. This means UNODC should have conducted a **mandatory due diligence and risk assessment**³⁸. It does not appear as if such a mandatory risk assessment was conducted by the agency prior to the signing of the 2019 MoU. WGEID had already raised its concerns over *liuzhi* detention in a General Allegation Letter of September 2019.³⁹ Similarly, no mandatory monitoring appears to have taken place since.

³⁸ UN Sustainable Development Group, *Guidance note on human rights due diligence policy on UN support to non-United Nations security forces*, October 2015, <https://unsdg.un.org/resources/guidance-note-human-rights-due-diligence-policy-un-support-non-united-nations-security>.

³⁹ UN Working Group on Enforced and Involuntary Disappearances, *General Allegation 119th session (16–20 September 2019) China*, https://www.ohchr.org/Documents/Issues/Disappearances/Allegations/119_China.pdf.

86. Furthermore: “[...] *if the United Nations receives reliable information that provides substantial grounds to believe that a recipient of United Nations support is committing grave violations of international humanitarian, human rights or refugee law, the United Nations entity providing such support must intercede with the relevant authorities with a view to bringing those violations to an end. If, despite such intercession, the situation persists, the United Nations must suspend support to the offending elements.*”⁴⁰

87. **Grave violations** are defined as:

(a) In the case of a unit:

- (i) Commission of “war crimes” or of “crimes against humanity”, as defined in the Rome Statute of the International Criminal Court, or “gross violations” of human rights, including [...] acts of torture, enforced disappearances, [...] or acts of refoulement under refugee law that are committed on a significant scale or with a significant degree of frequency (that is, they are more than isolated or merely sporadic phenomena); or
- (ii) A pattern of repeated violations of international humanitarian, human rights or refugee law committed by a significant number of members of the unit; or
- (iii) The presence in a senior command position of the unit of one or more officers about whom there are substantial grounds to suspect:
 - Direct responsibility for the commission of “war crimes”, “gross violations” of human rights or acts of refoulement; or
 - Command responsibility, as defined in the Rome Statute of the International Criminal Court, for the commission of such crimes, violations or acts by those under their command; or
 - Failure to take effective measures to prevent, repress, investigate or prosecute other violations of international humanitarian, human rights or refugee law committed on a significant scale by those under their command;

(b) In the case of civilian or military authorities that are directly responsible for the management, administration or command of non-United Nations security forces:

- (i) Commission of grave violations by one or more units under their command;
- (ii) Combined with a failure to take effective measures to investigate and prosecute the violators.

88. **Each of these violations are committed on a daily basis by the CCDI (NCS) as this submission further documented. Among other things, the body has command responsibility over, stated policy for and makes widespread and systematic use of *incommunicado* detentions outside any judicial process in the system of *liuzhi*. A system that had repeatedly been denounced by UN Procedures prior to the signing of the MoU and clearly fits within the HRDDP’s definition of grave violations.**

⁴⁰UN General Assembly - UN Security Council, *Identical letters dated 25 February 2013 from the Secretary-General addressed to the President of the General Assembly and to the President of the Security Council*, A/67/775 S/2013/110, 5 March 2013, https://www.ohchr.org/sites/default/files/Documents/HRBodies/SP/AMeetings/20thsession/IdenticalLetterSG25Feb2013_en.pdf.

Conclusions and Recommendations

Considering that:

89. The use of *liuzhi* as a form of *enforced disappearances* and *arbitrary detention* under conditions of prolonged solitary confinement that constitute torture in and of themselves (and exposes victims to a further heightened risk of *torture and other inhuman or degrading treatment* as the system is geared towards extracting confessions), continues unabated since its formal institution under the PRC's National Supervision Law of 2018.
90. Victims do not have access to any legal or procedural remedies and operating entities are placed outside the purview of any judicial control.
91. Official data from its enacting body, the Party-body Central Commission for Discipline Inspection (CCDI) and its state front the National Commission of Supervision (NCS), state that 26,000 individuals were placed inside the system in 2023 alone.
92. While data releases are usually partial, inconsistent, and do not cover the full national territory, the official nationwide numbers for 2023 align with the highest of previous estimates made by Safeguard Defenders.
93. Such estimates place the total use of *liuzhi* since its formal adoption in March 2018 and September 2024 at a low estimate of 92,300 cases and a high estimate of 184,600 cases.
94. All official data and statements continue to point towards the systematic and widespread use of *liuzhi* across the PRC. The practice violates numerous international human rights provisions. Furthermore, such grave and continues violations may constitute crimes against humanity per the Rome Statute.
95. As for other human rights violations perpetrated by authorities in the PRC, the absence of consistent reporting severely hampers data collection. Combined with the PRC's refusal of independent international monitoring access and failure to meet periodic reporting duties under its Treaty obligations such as CAT, such lack of transparency further contributes to impunity.
96. *Liuzhi's* operating entity CCDI (NCS) is the same Party body responsible for outlining and directing the PRC's policies of coerced extra-judicial returns to the country, through measures which officially include *persuasion to return* – i.a., by employing measures of collective punishment on the target's relatives in China - and *kidnapping*. This practice of *transnational repression* gravely violates the territorial and judicial sovereignty of third countries, as well as the human rights of the targeted individuals and their families.
97. According to official CCDI statistics, at least 12,000 individuals were forcefully returned to the country between 2014 and 2023. The vast majority of those through illicit means. This practice is further aggravated by the fact that its victims may be subjected to enforced disappearances, torture and other cruel, inhuman and degrading treatment upon their return, including through placement in *liuzhi*.
98. The practice clearly violates the strict ***prohibition of non-refoulement***, especially in consideration of the European Court of Human Rights' 2022 assessment that "*having regard*

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to the [...] various reports by United Nations bodies and other organisations, to which the Court attached considerable weight, the extent to which torture and other forms of ill-treatment were credibly and consistently reported to be used in Chinese detention facilities and penitentiaries could be equated to the existence of a general situation of violence.”⁴¹

99. In this light, UNODC’s cooperation under its 2019 MoU and acceptance of the CCDI (NCS) as the *focal point* for all work under the Convention Against Corruption does not pass the test of the mandatory Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces which prescribes no such cooperation can be afforded to entities involved in grave human rights violations.

Safeguard Defenders calls on the addressed Procedures to:

100. Denounce the practice of *liuzhi* as a systematic, widespread and grave violation of human rights, including the violation of the prohibition of enforced disappearances, arbitrary detention and torture, for which the CCDI (NCS) bears command responsibility;
101. Publicly call on the PRC to repeal the provisions in the National Supervision Law as a matter of urgency and to ensure independent judicial oversight of all entities operating detention mechanisms;
102. Publicly remind the PRC of its Treaty obligations to submit its periodic reporting to the Committee Against Torture and other relevant Procedures and call on the authorities to provide regular and transparent data on its use of pre- and extra-judicial detention through *RSDL* and *liuzhi*;
103. Renew visit requests to the PRC for addressed Procedures and publicly report in case the PRC continues to deny such independent international monitoring;
104. Urgently review UNODC’s compliance with the mandatory Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces and other UN standards in its cooperation with the CCDI (NCS), and in particular:
- If UNODC performed a mandatory due diligence and risk assessment prior to entering into the 2019 MoU;
 - If UNODC performed the mandatory monitoring since cooperation went into effect;
 - What measures UNODC has taken since it was made aware of substantial grounds their Chinese counterpart is gravely violating international human rights law;
 - Whether UNODC has a record of raising such concerns with their Chinese counterpart and, if yes, to make that record and any potential response public;
 - To determine a clear set of transparent goals that must be met by the Chinese counterpart as a matter of urgency - including the repeal of legal provisions on *liuzhi* and independent international monitoring to ensure an effective end to the practice -, on penalty of suspension of UNODC’s cooperation per the mandatory HRDDP.

⁴¹ European Court of Human Rights, *CASE OF LIU v. POLAND* (Application no. 37610/18), 6 October 2022, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22%3A%22001-219786%22%7D>.

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Appendix I: Official (Partial) Data on *Liuzhi* Use

The Liuzhi # is what has been officially reported by the CCDI or a local CDI. As noted in submission, most data points are not available for a full calendar year or the entire territory. Some additional data sets concern specific campaigns that often run over a number of years.

Data coverage	Year	Liuzhi #	Pop. M	Pop. %	Source
Beijing	2017 (Pilot)	63	22	1.57%	http://www.bisupervision.gov.cn/zt/sjwthree/mtbdtthree/201801/t20180123_54762.html
Shanxi	Jan - Aug 2017 (Pilot)	42	35	2.50%	http://fanfu.people.com.cn/n1/2017/1107/c64371-29630694.html
Zhejiang	2017 (Pilot)	214	65	4.65%	https://zjic.zj.gov.cn/zkdt/rdzx/202104/t20210401_6483947.shtml
Jiangxi	March - Dec 2018	308	45	3.22%	https://www.ccdi.gov.cn/yaowen/201901/t20190117_187267.html
Guizhou	March - Dec 2018	346	38	2.72%	https://www.ccdi.gov.cn/yaowen/201901/t20190108_186564.html
Fujian	March - Dec 2018	224	41	2.93%	https://www.ccdi.gov.cn/yaowen/201901/t20190109_186683.html
Heilongjiang	March - Dec 2018	487	32	2.29%	https://www.ccdi.gov.cn/yaowen/201901/t20190117_187286.html
Yunnan	March - Dec 2018	485	47	3.36%	https://www.ccdi.gov.cn/yaowen/201901/t20190111_186860.html
Shanghai	March - Dec 2018	65	25	1.79%	https://www.ccdi.gov.cn/yaowen/201903/t20190301_189508.html
Zhejiang	March - Dec 2018	700	65	4.65%	https://www.ccdi.gov.cn/special/jwsjth/wqhg_jwsjth/201904/t20190411_192063.html
Liaoning	March 2018 - May 2019	718	43	3.08%	https://www.ccdi.gov.cn/yaowen/201905/t20190521_194315.html
Jiangsu	Jan - Sept 2019	844	85	6.08%	https://www.ccdi.gov.cn/yaowen/201910/t20191030_203250.html
Beijing	Jan - Oct 2019	204	22	1.57%	https://www.ccdi.gov.cn/yaowen/202001/t20200107_207302.html
Henan	2019	877	99	7.08%	https://www.ccdi.gov.cn/yaowen/202005/t20200527_218826.html
Jilin	Jan - Nov 2020	275	24	1.72%	https://www.ccdi.gov.cn/yaowen/202012/t20201230_232796.html
Heilongjiang	2020	376	32	2.29%	https://www.ccdi.gov.cn/yaowen/202101/t20210119_234173.html
Jilin	Jan - Aug 2021	61	24	1.72%	https://www.ccdi.gov.cn/yaowenn/202108/t20210825_145415.html
Shanxi	Jan - June 2021	457	35	2.50%	https://www.ccdi.gov.cn/toutiaon/202109/t20210911_146956.html
Inner Mongolia	Feb - Aug 2021	185	24	1.72%	https://www.ccdi.gov.cn/toutiaon/202109/t20210914_146966.html
Guangxi	Apr - May 2024	169	50	3.58%	https://www.ccdi.gov.cn/yaowenn/202406/t20240601_352028.html
Guizhou	2022- Aug 28, 2024	32	38	2.72%	https://www.ccdi.gov.cn/yaowenn/202408/t20240828_371218.html
Yunnan	March 2018 - July 27, 2024	6,657	47	3.36%	https://www.ccdi.gov.cn/yaowenn/202407/t20240723_363353.html
Gansu	March 2018 - 2020 (Bribery only)	234	25	1.79%	https://www.ccdi.gov.cn/yaowen/202103/t20210328_238661.html
Hunan	March 2018 - 2021	328	66	4.72%	https://www.ccdi.gov.cn/yaowen/202105/t20210527_242703.html
CAMPAIGN - law enforcement	Feb 27 - July 31, 2021	2,875	1,398	100.00%	https://www.ccdi.gov.cn/toutiaon/202109/t20210901_146911.html
CAMPAIGN - law enforcement	Feb 27 - June 10, 2021	1,760	1,398	100.00%	https://www.ccdi.gov.cn/yaowenn/202106/t20210610_143720.html
CAMPAIGN - bribery	2021	5,006	1,398	100.00%	http://www.gov.cn/xinwen/2022-02/24/content_5675490.htm
Nationwide	2023	26,000	1,398	100.00%	https://www.ccdi.gov.cn/toutiaon/202402/t20240225_330105.html

Appendix II: Memorandum of Understanding Between United Nations and the National Commission of Supervision of the People's Republic of China on Cooperation in Combating Corruption

Whereas the United Nations, represented by the United Nations Office on Drugs and Crime (hereinafter referred to as “UNODC”) has the mandate to assist Member States in preventing and combating corruption in full compliance with the relevant United Nations conventions, in particular with the United Nations Convention against Corruption (hereinafter referred to as “UNCAC”), and to provide a wide range of technical assistance to enhance the capacity of Governments of States parties in anti-corruption related areas;

Whereas the National Commission of Supervision of the People's Republic of China (hereinafter referred to as “the National Commission of Supervision”), as the supreme supervisory body in China, has the mandate to inspect public personnel exercising public authorities, investigate illegal conduct and crimes in relation to abuse of office, carry out integrity and anti-corruption work, and uphold dignity of the Chinese Constitution and laws;

Whereas UNODC and the National Commission of Supervision (hereinafter collectively referred to as “Parties”) share common objectives with regard to strengthening and advancing international cooperation against corruption in achieving the goals of the 2030 Agenda for Sustainable Development of the United Nations, including in the areas of preventing and combating threats related to corruption, and wish to collaborate to further these common goals and objectives within their respective mandates and governing rules and regulations;

Whereas the Parties intend to conclude this Memorandum of Understanding (hereinafter referred to as “MoU”) with the aim of consolidating, developing and detailing their cooperation and effectiveness to achieve the common objectives in the field of fighting corruption, including in the context of the Belt and Road Initiative, on the basis of mutual respect, equality, and mutual benefit;

Now therefore the Parties have agreed to cooperate under this Memorandum of Understanding as follows:

Article 1 – Interpretation

1. This MoU represents the complete understanding between the Parties and supersedes all prior MoUs, communications and representations, whether oral or written, concerning the subject matter of this MoU.
2. Any Annex to this MoU will be considered an integral part of this MoU. References to this MoU will be construed as including any Annexes, as varied or amended in accordance with the terms of this MoU.
3. For specific projects to be implemented pursuant to this MoU, the Parties will conclude separate agreements addressing, inter alia, the financial arrangements, ownership of intellectual property and dispute settlement, as well as other responsibilities of the parties in relation to the project.

Article 2 – Effective date and term

1. This MoU will be effective upon the last date of signature of the approving officials and remain in force for a period of three years. It will be automatically renewed after every three years, unless terminated in accordance with article 14 below.

Article 3 – Purpose and scope of the cooperation

1. The purpose of this MoU is to provide a framework of cooperation and understanding, and to facilitate collaboration between the Parties to further their shared goals and objectives in regard to:
 - a. Promotion of the implementation of the 2030 Agenda for Sustainable Development of the United Nations through the fight against corruption;
 - b. Building a framework of cooperation related to preventing and combating corruption and maximizing the relevant benefit derived from international expertise including in the areas of criminalization and law enforcement, international cooperation and asset recovery in line with UNCAC;

- c. Building cooperation on relevant areas under the Belt and Road Initiative as they relate to the mandates, programmes and activities of UNODC, on preventing and combatting threats related to corruption, with a view to promoting the establishment of the clean Silk Road.
2. The objectives of this MoU will be achieved through:
 - a. Regular dialogue meetings between UNODC and the National Commission of Supervision;
 - b. Execution of separate legal instruments between the Parties to define and implement any subsequent projects, programmes and activities pursuant to Article 1.3.
3. This MoU does not itself give rise to any financial implication or commitment of resources, financial or otherwise, on the part of UNODC or the National Commission of Supervision.

Article 4 – Areas of cooperation

1. Areas of cooperation are agreed jointly through the cooperation mechanism in the MoU. Policies and priorities under this MoU may also be jointly reviewed regularly by the Parties pursuant to Article 5 to allow the Parties to respond to newly emerging issues in the field of anti-corruption, including in the context of the Belt and Road Initiative.
2. The Parties have agreed to the following preliminary overarching themes for this MoU:
 - a. Promoting information sharing and exchange on prevention of corruption, including by conducting analysis and research, collecting international best practices, providing technical assistance on both policy and practice basis, and organizing joint training and capacity building programmes in this area;
 - b. Enhancing information sharing and exchange on trends in the investigation, evidence collection, extradition, mutual legal assistance and international law enforcement cooperation related to corruption offences, including through meetings, panel discussions and personnel training;
 - c. Enhancing cooperation concerning recovery of stolen assets through information sharing and exchange on good practices, technical assistance provided by UNODC, including through the joint UNODC and World Bank Stolen Asset Recovery Initiative (StAR), and other cooperation projects;
 - d. Supporting the National Commission of Supervision on activities related to the prevention and fight against corruption within UNODC's mandates and carrying out mutually beneficial cooperation against corruption in the context of the Belt and Road Initiative, subject to the availability of resources.
 - e. Strengthening dialogue and communication on the implementation of UNCAC;
 - f. Cooperating to establish a communication platform under the online directory of UNCAC competent national authorities, with a view to promoting exchange of experience, dialogue and effective cooperation among anti-corruption authorities of the States parties.
3. These areas form part of UNODC's mandates and programmes of work. They are also priorities for the National Commission of Supervision. Some activities under these abovementioned fields are already ongoing, but are in need of additional support.
4. The above list is not exhaustive and should not be taken to exclude or replace other forms of cooperation between the Parties on other issues of common interest.

Article 5 – Organization of the cooperation

1. The Parties will hold regular bilateral meetings on matters of common interest, in accordance with an agenda agreed to in advance by the Parties, for the purpose of developing and monitoring collaborative projects. Such meetings will take place at least once every six months to:
 - a. Discuss technical and operational issues related to furthering the objectives of this MoU; and
 - b. Review progress of work pursuant to a separate legal instrument mentioned in the priority areas of cooperation mentioned in article 4 above.

2. Within the context defined above, further bilateral meetings will be encouraged and set up on an ad hoc basis as deemed necessary by UNODC and the National Commission of Supervision to address priority matters of common interest for the implementation of activities in specific areas, countries and regions.
3. In implementing activities, projects and programmes in the agreed priority areas, the Parties will execute a separate legal instrument appropriate for the implementation of such initiatives in accordance with article 1.3 above.
4. Where the National Commission of Supervision is organizing a meeting with external participation at which policy matters related to the aims of this MoU will be discussed, the National Commission of Supervision will, as appropriate, either invite UNODC to participate in the meeting or update UNODC on relevant policy matters discussed at the meeting.

Article 6 – Status of the National Commission of Supervision and its Personnel

1. The Parties acknowledge and agree that the National Commission of Supervision is an entity separate and distinct from the United Nations, including UNODC. The employees, personnel, representatives, agents, contractors or affiliates of the National Commission of Supervision, including the personnel engaged by the National Commission of Supervision for carrying out any of the project activities pursuant to this MoU, will not be considered in any respect or for any purpose whatsoever as being employees, personnel, representatives, agents, contractors or affiliates of the United Nations, including UNODC, nor will any employees, personnel, representatives, agents, contractors or affiliates of UNODC be considered, in any respect or for any purposes whatsoever, as being employees, personnel, representatives, agents, contractors or affiliates of the National Commission of Supervision.

Article 7 – Relationship between the Parties and financial arrangements

1. This MoU sets out a general framework for cooperation between the Parties and does not obligate either Party to provide financial support of any kind to the other Party. In performing any responsibilities or engaging in any act under this MoU, each Party will bear its own costs. Nothing in this MoU will obligate either of the Parties to appropriate funds or enter into any contract, agreement or other obligation.
2. The Parties will not undertake any actions, incur any expenses or make any commitments, financial or otherwise, which would be inconsistent with this MoU or the respective Party's regulations, rules, policies and procedures, including, as necessary, the approval of their internal governing bodies. In the case of contributions by one Party to the other Party in support of particular activities under this MoU, appropriate financing arrangements will be established in writing in a project document, exchange of letters or an agreement as stated in article 1.3 above, specifying the costs or expenses relating to the activity and how they are to be borne by the Parties. Such agreements will also include a provision incorporating by reference, this MoU.
3. Nothing in this Memorandum will create any partnership or joint venture between the Parties. The Parties hereby recognize that the collaboration under this MoU is non-exclusive.

Article 8 – Intellectual Property rights

1. This Memorandum does not delegate or transfer either Party's intellectual property rights to the other Party. Unless otherwise provided in specific agreements to be concluded pursuant to article 1.3 above, each Party will maintain ownership and control of its intellectual property rights.

Article 9 – Use of name and emblem

1. Neither Party will use the name, emblem or trademarks of the other Party, its subsidiary bodies or entities and/or affiliates, or any abbreviation thereof, in connection with its activities, the cooperation under this MoU or otherwise without the prior expressly written approval of the other Party in each case. Under no circumstances, will authorization of the UN or UNODC name or emblem be granted for commercial purposes.
2. The National Commission of Supervision acknowledges that it is familiar with the independent, international and impartial status of the UN, including UNODC, and recognizes that the UN name and emblem may not be associated with any political or sectarian cause or otherwise used in a manner inconsistent with the status, reputation and neutrality of the UN, including UNODC.

3. The Parties agree to recognize and acknowledge the collaboration under this MoU, as appropriate. To this end, the Parties will consult with each other concerning the manner and form of such recognition and acknowledgement.

Article 10 – United Nations privileges and immunities

1. Nothing in or relating to this MoU will be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs.

Article 11 – Confidentiality

1. The handling of information will be subject to each Party's confidentiality policies.
2. Before disclosing internal documents, or documents that by virtue of their content or the circumstances of their creation or communication must be deemed confidential, of the other Party to third parties, each Party will obtain the express, written consent of the other Party.

Article 12 – Dispute settlement

In the event of a dispute, controversy of claim arising out of or relating to this MoU, the Parties will use their best efforts to promptly settle such dispute through direct negotiation.

Article 13 – Notification and amendments

1. Each Party will promptly notify the other in writing of any anticipated or actual material changes that will affect the execution of this MoU.
2. The Parties may amend this MoU by mutual written agreement.

Article 14 – Termination

1. Either Party may terminate this MoU by giving two months' prior written notice to the other Party.
2. Upon termination of this MoU, the rights and obligations of the Parties defined under any other legal instrument executed pursuant to this MoU will cease to be effective, unless that legal instrument states otherwise.
3. Any termination of this MoU will be without prejudice to (a) the orderly completion of any ongoing collaborative activity and (b) any other rights and obligations of the Parties accrued prior to the date of termination under this MoU or legal instrument executed pursuant to this MoU.

In witness thereof, the duly authorized representatives of the Parties affix their signatures below.

This MoU was signed in both English and Chinese languages, two copies. Both languages are identical and equally authentic. In case of conflicts of interpretation, English text will prevail.