

MISSING IN CHINA



**A guide on how to help
a family member arbitrarily
detained in the PRC**

保护卫士
人权基金会

safeguard
DEFENDERS

About Safeguard Defenders

Safeguard Defenders is a human rights NGO founded in late 2016. It undertakes and supports local field activities that contribute to the protection of basic rights, promote the rule of law and enhance the ability of local civil society and human rights defenders in some of the most hostile environments in Asia.

<https://safeguarddefenders.com>

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Safeguard Defenders wishes to thank the many people who agreed to be interviewed for this handbook and others who offered feedback to early drafts. While these include lawyers and NGO workers, most were people who had either been arbitrarily detained in China or an advocate (family member or friend) of someone detained. Many spoke on condition of anonymity because of fears of reprisal from Beijing. Quotes from these interviews are placed throughout this handbook without attribution. Those who can be named are: Michael Caster, Nick Coyle, Peter Humphrey, Michael Kovrig, Lee Ching-yu, Lee Ming-che and Cheng Lei.

Chinese authorities may search your belongings and electronic devices at all times during your stay in the country. Do not carry this handbook with you.

QUOTES

There are two styles of quote box in this report:

Anonymous (from former detainees, advocates and allies of detainees)

“All of the Embassies should share more information with each other about their citizens detained in China and about how they’re being treated. And they should share as much as they can with the family.”

Attributed (from official treaties, agreements and laws)

“Consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation.

Vienna Convention on Consular Relations

THE APPENDIX

We have provided links in the Appendix for further information. Whenever this is relevant in the handbook, we have placed a paperclip icon with a number. Please check the Appendix with the corresponding number. For example:

 4 refers to Appendix 4.

FOREWORD

It was 14 August 2020, a typically warm Friday afternoon in Beijing. I was nursing a slight hangover from a dinner the night before, but nothing a jolt of caffeine could not rectify. I had a busy day as usual. Even though much of the rest of the world was locked down with COVID restrictions, life in Beijing felt quite normal. Later on, I was planning to celebrate my 41st birthday at a pub with friends.

All that changed by about 9pm that night when it became obvious something was seriously amiss with my partner Cheng Lei. By then, I had received calls from several friends and had worked out that nobody had heard from her since the previous morning.

It would be another 39 months until I would see her again.

I had been the CEO of the China-Australia Chamber of Commerce (AustCham China) in Beijing since 2013. I dealt with the Department of Foreign Affairs and Trade (DFAT) on a weekly basis, understood how the Chinese government worked, and had an excellent network to tap into for advice. One would think if there was anyone who might be reasonably well prepared for what was to follow, it would be me.

Trust me, nobody is prepared.

One of the first things you need to do in such a situation is to find out as much as you can about where your loved one might be, what conditions might they be in and how to help. Safeguard Defenders was an excellent resource in understanding what Lei was going through in Chinese special detention. Over time, I got to know others who had been in similar positions, such as Kylie Moore-Gilbert (Iran), Sean Turnell (Myanmar), Peter Greste (Egypt) and Michael Kovrig (China). Michael was actually held in the same facility and at the same time as Lei.

As with Lei, Kylie, Sean, Peter and Michael were just doing their jobs when they were taken. Lei was an anchor for the English-language Chinese state TV station CGTN. I remember talking to my sister Sally in the days after Lei was disappeared and she asked me what was likely to happen. I told her: "This will either be over in a few days if they just want some information, or it will be years. I'd say the latter." Unfortunately, I was correct.

More than three years later, the sense of relief and joy when I found out Lei would be released was profound. I have reviewed everything I did to help her get home to her family in Australia as quickly as possible. What worked. What didn't. What I should

have done or got wrong. There is no playbook for these situations but I now try to assist those going through similar situations via the NGO I started with Kylie, Sean and now Lei that she is back home called AWADA (Australian Wrongful Arbitrary Detention Alliance).

What have I learned? Among many things, how resources such as Safeguard Defenders are crucial. Also, as with most things in life, there is no substitute for experience, so find those who have it and talk to them. You will find, like me, they are only too happy to offer assistance.

Whilst you might not always agree with how your government is assisting your loved one, they are in all likelihood the solution. Do not forget that.

Emotions can drive you. However, they can also cloud your judgment. Build a "kitchen cabinet of contacts" with whom you can work with to develop and execute your strategy. Your worst day is better than the detainee's best day, so there is no excuse for not thinking clearly and making reasoned, well thought-out decisions. You need to show as much judgment and resilience as the detainee.

If your loved one knows that on the outside they have someone with a calm head on their shoulders and are leveraging every resource possible while maintaining productive and cooperative relations with your government at both working and political level, then it will help them get through what will be the hardest time in their lives.

As a loved one, your job is to help get them through this and to leave no stone unturned to get them home.

Sadly, situations such as Lei's seem to be on the rise in China and elsewhere. This handbook, *Missing in China: A guide on how help a family member arbitrarily detained in the PRC* and Safeguard Defender's other reports and guides should be essential reading for understanding how such systems destroy lives and, of course, for anyone unfortunate enough to be directly impacted by China's arbitrary detention policies.

Thank you Safeguard Defenders for your work in bringing these issues from China to the public consciousness and for providing practical guides for those in need.

My thoughts and prayers are with those held in arbitrary detention today and their loved ones who miss them.

Nick Coyle
October 2024

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INTRODUCTION

“Politically motivated arrests of foreigners are increasingly common in the People’s Republic of China, leaving loved ones feeling helpless in the face of the country’s opaque justice system. This handbook is for them.”



Stories of foreigners going missing in the People’s Republic of China and then later turning up in secret detention have become so numerous in recent years that they no longer have the power to shock.

While many arbitrary detentions go unreported, some of the names that did make the media include American Kai Li, Canadians Michaels Kovrig and Spavor, Australians Yang Hengjun and Cheng Lei, Briton Ian Stones, Taiwanese citizens Morrison Lee and Lee Ming-che, Japanese nationals Iwatani Nobu and Hideji Suzuki and Hongkonger Simon Cheng.

After Xi Jinping became leader in 2012, the country has slowly been closing its doors to outsiders. It has also become increasingly emboldened at detaining foreigners for politically motivated reasons. These include cases of hostage diplomacy, where Beijing aims to pressure or punish a foreign government. Detentions are often framed within a growing emphasis on national security.

By 2021, the situation had deteriorated to the extent that Canada launched a global initiative for governments to sign a *Declaration Against Arbitrary Detention in State-to-State Relations* ¹⁴. Although it did not single out China, this move was prompted by Beijing’s unlawful detention of Canadians Michaels Kovrig and Spavor in 2018 in retaliation for Canada’s apprehension of Chinese executive Meng Wanzhou on a US extradition request. China certainly understood it had crossed a line with the detentions of the two Michaels, yet called the launch of the declaration a “despicable and hypocritical act”. As of writing this handbook, 78 nations had signed it.

China’s move to update two key laws in 2023 and 2024 ¹² also highlights its mounting distrust of foreigners: the May 2024 revision of the *Law on the Protection of State Secrets* and the amended *Counter-Espionage Law* in July 2023.

The new version of the *State Secrets Law* added “work secrets” to its remit, something which has spooked foreign businesses operating in China. And as with many of China’s laws, the wording is vague, giving authorities broad discretion on the definition of what constitutes a “work secret”.


The 2014 introduction of the *Counter-Espionage Law* marked an uptick in the number of foreigners detained on espionage charges, especially Japanese and Taiwanese citizens and in 2024, Koreans too. Subsequent 2023 amendments significantly widened the definition of what counts as espionage. Theoretically, **taking photos in a public space, posting something on social media outside China, looking up information or collecting economic data, chatting to friends, or attending a non-official religious service, may now be considered criminal behaviour**. On the same day the revised law went live, the usually secretive Ministry of State Security opened its first public social media account on WeChat. Its early posts all warned the Chinese public about the dangers of foreign spies.

Reflecting these changes, travel advisories on the websites of many foreign governments now warn against the danger of arbitrary detention in China. In Taiwan the warnings have been especially blunt. The amendments to the *State Secrets Law* and a threat from Beijing to execute “diehard” supporters of Taiwan independence in the summer of 2024, prompted Taipei to urge its citizens to avoid going to China unless “absolutely necessary”.

When a loved one goes missing in China, the country’s secretive law enforcement system is especially difficult to navigate.

- Beijing has a history of routinely violating its consular obligations to provide governments with timely information on, and access to, foreign citizens it has detained.
- Lawyer access is frequently denied or restricted, conditions in custody are harsh, torture and forced confessions are prevalent.
- For national security crimes, detainees are held in a type of incommunicado black jail called Residential Surveillance at a Designated Location (RSDL). National security is also used as an excuse to hold trials behind closed doors.
- There is little due process in China’s judicial system; an arrest is almost 100% guaranteed to end in a conviction.

This is a frightening situation for family members and friends back home. Consular services and foreign governments often lack the resources to offer effective support. This handbook is designed to empower family members become the best advocates they can be for the detainee. It aims to do this by explaining China’s law enforcement system and judicial process, outlining what consular services can do, how to retain a lawyer in China, and ways to engage with the media, while suggesting possible allies that can offer additional help and advice.

Chapters are arranged according to how the detention process unfolds. It begins at disappearance, then moves on to pre-trial detention and ends with the trial. All material referenced in this handbook is listed in the Appendices in the back. Look for the  icon- the corresponding link can be found in that Appendix.

Please note that the information contained in this handbook is intended as a guide only. It does not constitute legal advice.



JAPAN

“In China, acts that are deemed to ‘harm national security’ may result **not only in long-term detention by the State Security Department, but also in imprisonment or other penalties** if convicted at trial.”



UNITED STATES

“**Reconsider travel** to Mainland China due to the **arbitrary enforcement of local laws**, including in relation to exit bans, and the **risk of wrongful detentions.**”



TAIWAN

“**Avoid all non-essential travel.** The CCP continues to expand national security laws in recent years and there **have been many cases of Taiwanese citizens being illegally detained and interrogated...**”



UK

“There is a **risk of arbitrary detention**, including of British nationals.”



AUSTRALIA

“Authorities have detained foreigners on the grounds of ‘endangering national security’. Australians may be at **risk of arbitrary detention or harsh enforcement of local laws**, including broadly defined National Security Laws.”



CANADA

“Exercise a high degree of caution in China due to the **risk of arbitrary enforcement of local laws.**”

Quotes were taken from countries’ official travel advisory websites and were valid as of August 2024.

WHY THIS HANDBOOK?



Politically motivated arrests of foreigners are increasingly common in the People's Republic of China, leaving loved ones feeling helpless in the face of the country's opaque justice system. This handbook is for them.

The primary goal of *Missing in China* is to be a one-stop shop for information and resources for those dealing with a family member detained in China. This includes explanations on how the Chinese law enforcement and judicial systems work and the obligations of both the foreign government and Beijing to the detainee. It also includes guidance on how to find effective legal representation, suggests strategies for talking to the media and ways to find allies to help to make family and friends better advocates for the detainee.

Secondary goals are to raise awareness about the rising number of arbitrary detentions of foreigners in the People's Republic of China and the lack of due process in how these cases are handled. This handbook also highlights areas where foreign governments fall short in standing up for the rights of their citizens detained in China and in calling Beijing to account when it violates its international obligations.

This handbook was based on more than a dozen interviews with people who have been arbitrarily detained in China, family members and friends of those arbitrarily detained, and Chinese rights lawyers and legal professionals with experience defending those arbitrarily detained in China. The quotes you find in the following pages are curated from these interviews, but to protect the speakers' privacy and safety, and to prevent any backlash from the Chinese Communist Party, we have kept them anonymous. We hope their words will offer both guidance and support to readers of this book.

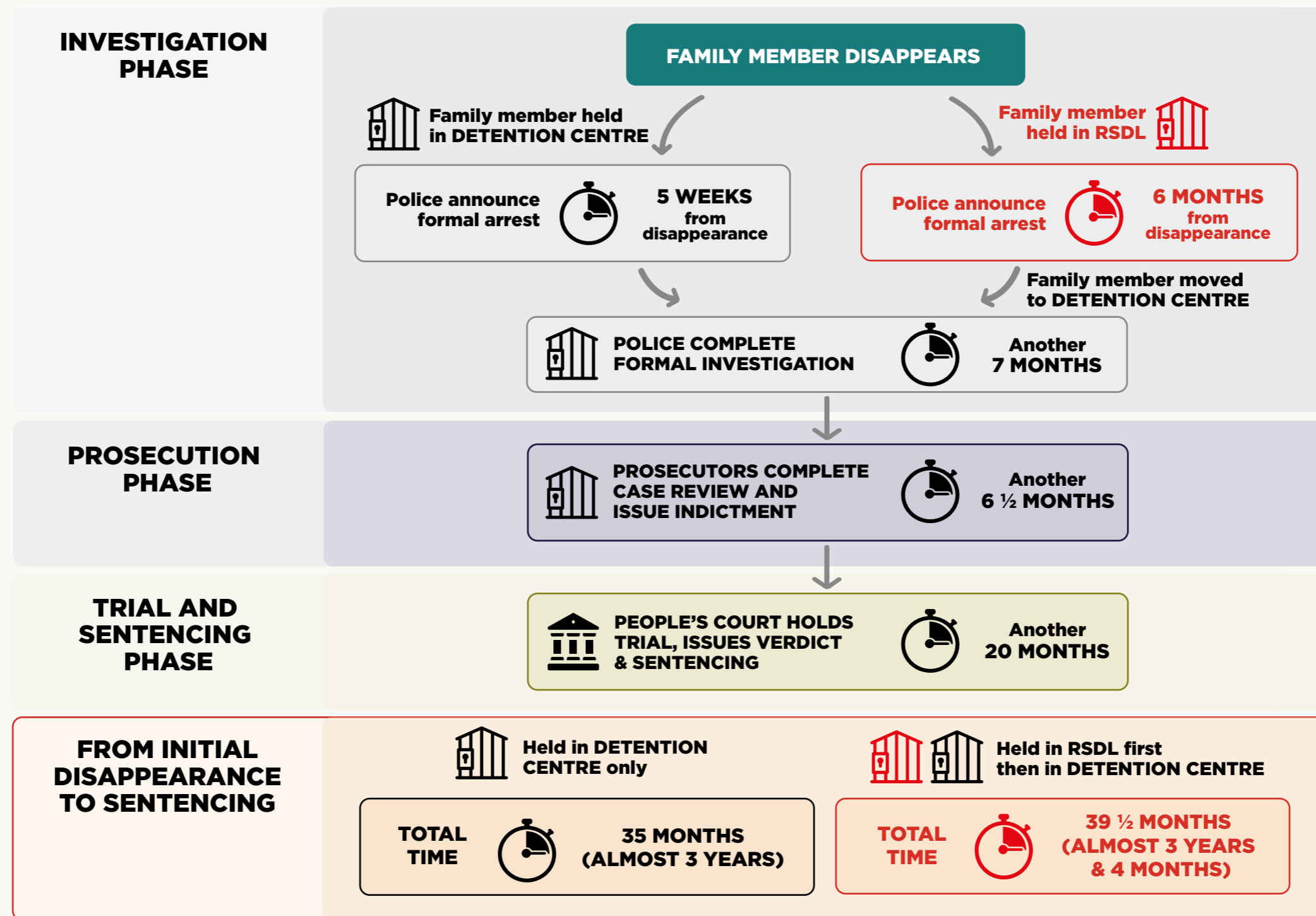
China's violations

Throughout this handbook you will find many examples of how the People's Republic of China routinely violates international and bilateral treaties on consular relations and also its own domestic laws in how it treats foreign detainees. Please see pages 40-41 for a list of Beijing's consular treaty violations in Canadian Michael Kovrig's case. **Such violations should be addressed by a united and concerted response by like-minded governments.**

If your family member is suffering because of any of these violations, it is important to express your concerns to your own government, let them know you are aware of your family members' rights, and urge them to issue a forceful response to Beijing. If Chinese authorities are not consistently held to account for these violations, the risks to foreign citizens will only increase.

The custodial process in China

The custodial process in China is long and secretive. It can take more than three years from disappearance to verdict and sentencing. The chart below traces the key moments in that journey. (Durations are approximate and represent maximum under law, but can still be further extended with approval from higher authorities.)



DETENTION CENTRE
 RESIDENTIAL SURVEILLANCE AT A DESIGNATED LOCATION
 PEOPLE'S COURT
 TIME

BEFORE CHINA

“Do not take personal devices to China. Leave all regular-use phones and laptops at home. Take temporary clean devices and set up temporary email and social media accounts to stay in touch.”

So that you can provide timely, accurate and detailed information to consular services:

- **Know your family member’s detailed itinerary.** This includes hotel(s), date, time and location of any meetings, identities and contacts of people they will meet, and the dates and times of any domestic trips.
- **Get copies of all of trip-related documentation.** This includes passport, flight tickets, visa, hotel confirmation(s), domestic travel tickets and invitation letters.
- **Notify the Embassy ahead of time.** Let the Embassy know about the upcoming trip and designate someone to be the main point of contact in the event of a detention. At the very least, your family member should register with their consular services that they will be in China if the scheme is available. Your family member should memorize your email or phone number so they can tell consular services and avoid any delay.
- **If possible, have a trusted contact in China.** Having someone in China can be immensely helpful. They can help find out what’s happening and deal with issues you can’t from outside China. They can be your “boots on the ground”.
- **Agree on regular - if possible, daily - check-ins once they are inside China.** This will help pinpoint where and when your family member went missing and to contact consular services as soon as a scheduled check-in is missed.
- **Arrange a coded message to signify they are being detained.** If your family member has an opportunity to use their phone before it is confiscated (possible but unlikely), agree on a coded message that tells you as much information about what happened as possible. For example, you will want to know which police authority has them, where they are being taken and why.

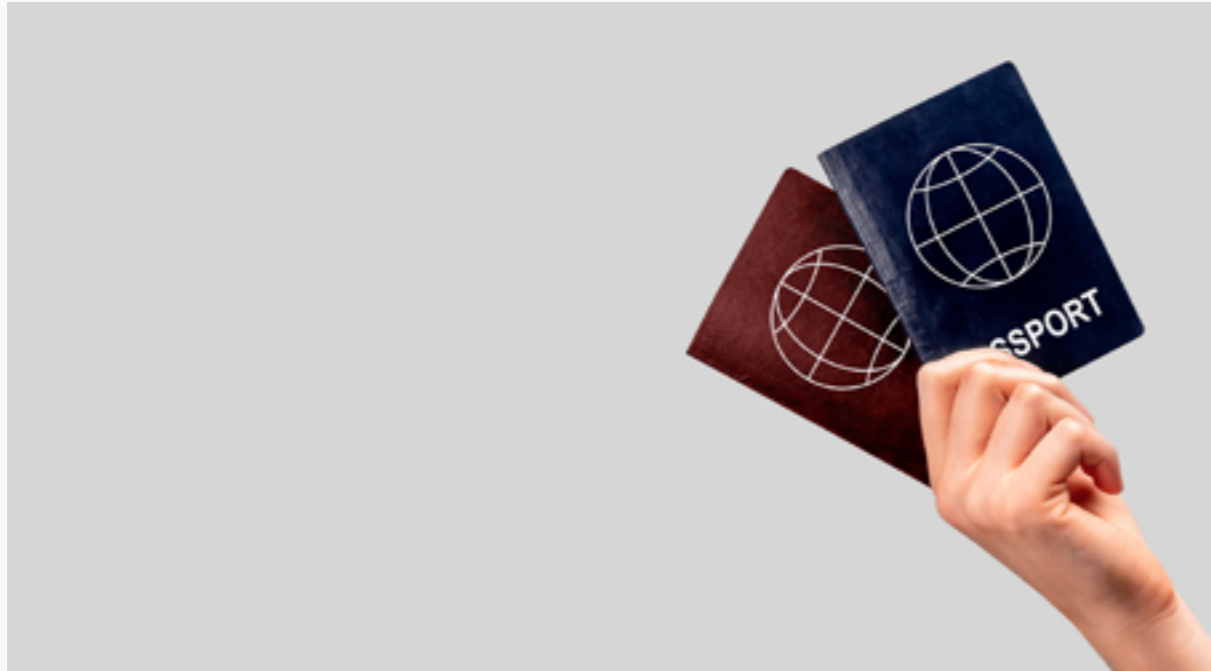
To help consular services push Beijing for information:

- **Obtain a signed declaration that your family member requests consular access and authorizes the release of personal information to named individuals if they are detained.** This may help speed up the process of confirming the detention and arranging the first consular visit.
- **Have a list of medical conditions and medicines taken by your family member.** Give this information to consular services to ensure essential medicines are provided and, if applicable, to create a sense of urgency so that they give priority to your case.

To help your family member in the event of an arrest:

- **Do not take personal devices to China.** To prevent police accessing personal information stored on devices, leave all regular-use phones and laptops at home. Instead take temporary clean devices. Set up temporary email and social media accounts to stay in touch.
- **Arrange power of attorney.** This will speed up the process of hiring a lawyer and seeking representation before international bodies. You can also ask your family member to authorize third-party access to their bank accounts so that you can pay bills and ensure their accounts are safe. This can only usually be done in advance.
- **Decide on a contingency plan.** What actions do they want you to take for them if they are detained? Who can you contact? Do they want you to speak to media? If so, at what stage? Come up with a list of book titles and items they would like that you can send when they’re in detention.

Danger for dual citizens



[The Australian Government] can't help if you're a dual national and don't enter China on your Australian passport. If you're a former Chinese citizen, authorities may treat you as a citizen and refuse access to Australian consular services.

Department of Foreign Affairs & Trade,
Australian Government

If you have dual nationality and are imprisoned in the country of your other nationality the British Embassy would not be able to assist you formally, under international law. Consular staff will provide whatever informal assistance the local authorities will allow.

British Embassy China

China does not recognize dual citizenship. So anyone with a Chinese passport, even if they are also a citizen of another country, will be treated as a Chinese national. That means there is very little consular assistance can do to help if they are detained. Taiwanese passport holders and dual citizens with Taiwanese passports are also at greater risk. At the very least, travellers should leave their Chinese or Taiwanese passport at home, and enter China on their second passport.

Even though Article 9 of China's *Nationality Law* ② says that Chinese citizenship is automatically lost if a person acquires foreign nationality, Beijing has often treated them as Chinese citizens. If your family member was born in China, they should ensure before they travel that they have officially renounced their Chinese citizenship and give you the documentation to prove it. Be aware that even in such cases, China has unilaterally reinstated citizenship when it is to its advantage ④.

DISAPPEARED

“As someone who’s sitting there with your loved one in detention it’s important to think that you’re doing something. It will help you. If I couldn’t help – it’s the worst feeling in the world. I had to feel that I was helping.”

What’s happening?

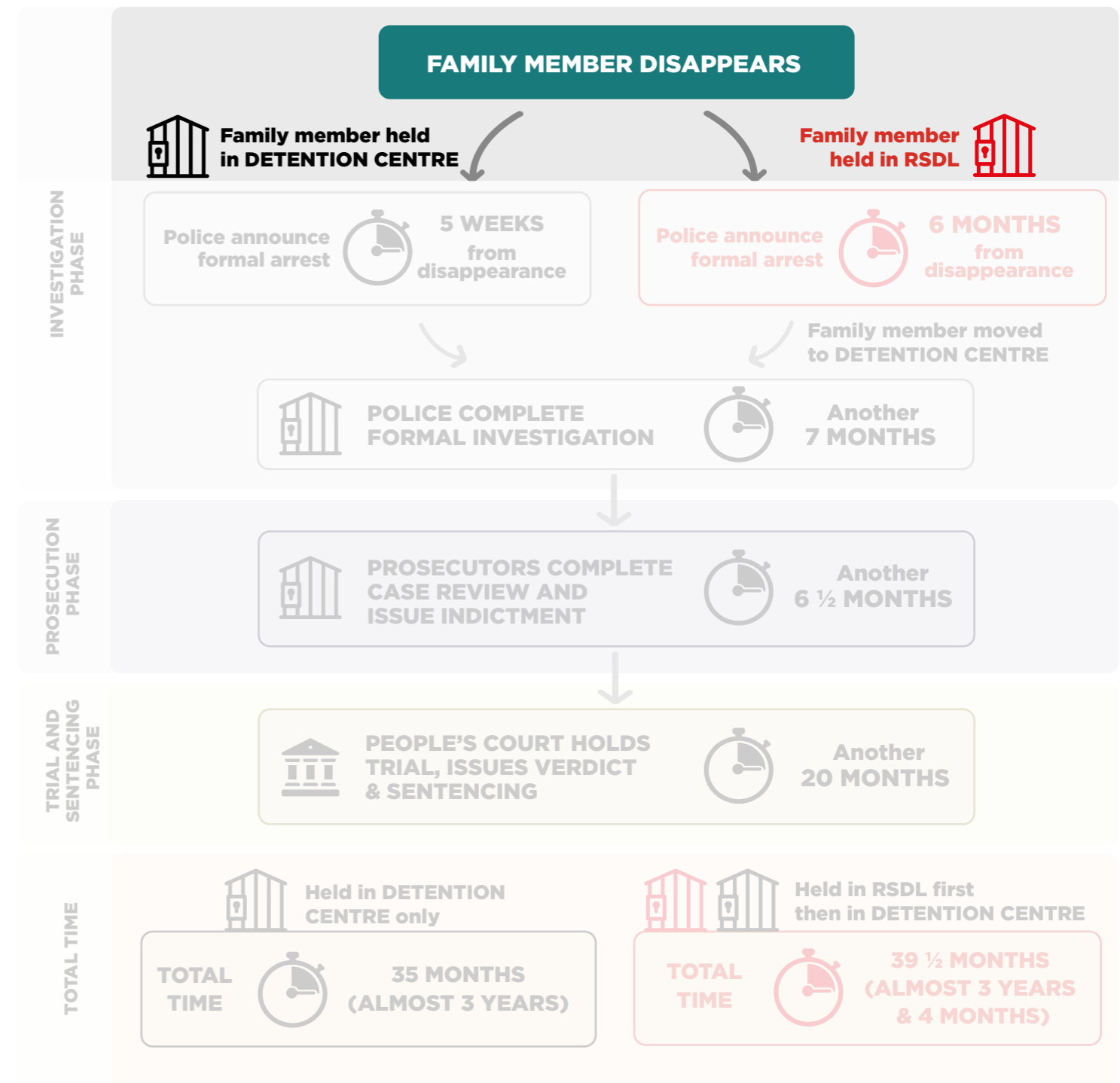
Your family member is not responding to messages or calls. They’ve missed a scheduled check-in. They have disappeared.

Typically, there is a delay of around one to two weeks, but it could be more, before China informs your government of a detention. More delays may ensue before consular services can tell you because of your country’s own privacy rules.

This long wait without any news can be frightening. But there are steps you can take.

You can...

- Collect evidence that points to the disappearance being a detention
- Contact emergency consular services
- Begin to seek allies
- Prepare for that first consular visit



What to do if your family member has been disappeared

1



Confirm they really have gone missing

2



Contact consular services

3



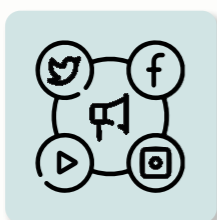
Build connections, find mentors

4



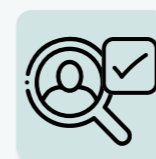
Keep consular services informed

5



Decide on a media strategy

1



Confirm they really have gone missing

Document in detail what makes you suspect they have been detained. This could include all unusual behaviour such as missed check-ins, not turning up for a meeting, or not responding to calls or messages for several days.

If possible, get a trusted friend in China to go to their flat or hotel room. If they can get inside, can they check for evidence they've been detained, such as missing passport, missing laptop and other devices and send you photos as evidence? You should know where they will usually be kept.

If the police allowed your family member to call you, get down as much information as possible. You will want the name of the arresting authority (including the district), where they are being held and the reason.

Prompt contact with consular services can also help quickly find out whether your family member has gone missing for other reasons, for example been hospitalized, rather than detained.

What to do if your family member has been disappeared

2



Contact consular services

Once confirmed, emergency consular services should be your first point of call.

Contact the mission that is geographically the closest to where you suspect or know the detention took place as well as the embassy in Beijing (01). You should also call the central emergency line of your foreign ministry back home.

NOTE: If you are a EU citizen, you should also inform the European Union delegation in Beijing in addition to your own Embassy (01). The combined weight of the European bloc can be an important help to your government.

What to tell consular services

Before you make that initial call, collect your thoughts and take the time to write down what you want to say. Document every detail of the disappearance and the evidence you have for believing that they have been arbitrarily detained.

Consular services may not immediately be helpful. The staff member answering the phone may not be experienced. You are likely to be very anxious but it is important to be calm, polite and persistent.

- If you feel you cannot communicate with the person because of language issues, ask politely for someone else. Keep calling until you speak with someone you can communicate with.
- If you feel that the person you spoke to did not take the situation seriously, call back and ask to speak to someone else. Research the names of more senior diplomats and ask to speak to them by name.

“Embassy staff might not be very helpful at first, but don’t give up. It’s important to be persistent and keep asking them to help your case. While you’re outside China, the Embassy is your key point of contact for getting information inside China.”

- You will need to convince your Embassy why your family member has likely been detained and not just gone off grid.
- Explain why you believe your family member was arbitrarily detained and who you think may have detained them.
- Provide evidence that points to detention: missing passport but no missing suitcase, missing electronic devices, skipping work, a missed check-in, etc. Send them screenshots or photographs to back up your claim.
- Stress that this is not normal behaviour on their part.
- Give consular services as much information as possible, including the missing person’s full name, passport number, address in China, last known contact, and where they were living, etc.
- Add any context that suggests state or public security involvement, such as the kind of work your family member was doing in China or cases of arbitrary detention of foreigners involving similar circumstances.

What to do if your family member has been disappeared

2



Contact consular services


“Build good relationships with key consular staff. It helps.”

How to tell consular services

Be polite yet persistent, friendly yet serious. Try to put your emotions aside. You need to be calm and collected so that you can communicate effectively. They may want to move communication over to email, but if you're not comfortable with that, call everyday asking for updates.

Remind them about the rights of the detainee to have consular services notified and to access consular visits under the *Vienna Convention on Consular Relations* and, if any, bilateral treaty. If you have a signed declaration that your family member has named you as their point of contact with consular services, send them a scan of the document.

If you feel that consular services is not taking your case seriously

Reach out to a reputable human rights NGO that has expertise in this area . They can assist in arranging a consular meeting and be there with you on a call to help explain the gravity of the situation.

Delegate one person to deal with consular services

Even at this early stage, it is best if everyone involved agrees as early as possible on a designated person to be the main point of contact for the case. This will make it easier for consular services to pass on information and will help coordinate your response. (please see page 47 for more on this).

If you are not a close family member

Consular services may not be willing to communicate with someone who is not a close family member. Either recruit someone from the family who understands the situation, to be the go-between, or before your loved one leaves for China, have them sign and notarize permission for you to be their legal point of contact.

“Try to stay calm. As much as you want to be on 24-7 alert - constantly checking for updates - burnout is a very real thing. It will impair your decision-making and has a direct correlation to you being able to help the person.”



What to do if your family member has been disappeared

3



Build connections, find mentors

It may take consular services several days to several weeks to get confirmation and permission to let you know what has happened. But there are things you can do now:

- Call consular services regularly to remind them about your family member's case.
- Research and reach out to NGOs. They can help with communicating with consular services, advise you about talking to the media and explain the challenges ahead .
- Local politicians and legislators may also be able to help. Tell them about your family member and ask them for help in finding out what happened. They may also be useful allies later on.
- Reach out to anyone you know who is in China or who has experience in China, especially with detention and prison. These could be journalists, lawyers, businesspeople, politicians or academics. Maybe they know someone who knows someone who can help .

There might be many dead ends, but doing this kind of work now will not only mean you will be better equipped weeks and months down the road, but it will also make you feel better because you are taking control of the situation.

4



Keep consular services informed

While consular services are waiting for an answer from the Chinese side, it's possible you could find out more information yourself from friends or contacts inside China. For example, if your loved one is being held in a detention centre, they may be able to get word out via a cellmate who is allowed to speak to their lawyer or is released.

As soon as you know anything, inform consular services.

“They prefer you to do everything by email but I called every day. I wanted them to hear my voice, to think about [him]... You've got to call every day so they know you're serious and they know they've got to be working on it.”

What to do if your family member has been disappeared

5



Decide on a media strategy

You will need to decide whether or not to talk to the media during this initial stage.

The argument for keeping quiet is that in those early days there is a small window of opportunity when quiet diplomacy may help to secure a release “behind the scenes”. Others contend that making the disappearance public may force China to release details of the detention earlier and also put pressure on your own government to be more proactive in lobbying for your family member. Since silence is what China wants, speaking out is the first step to holding it to account.

“Noise will help!”

“Before the person’s detention by the Chinese government is officially confirmed, it is advisable not to expose the incident to the media in order to secure space for rescuing the family member.”

You should seek expert advice on which strategy to pursue. Any mentors you have at this stage, for example contacts from NGOs, scholars, trusted journalists or friends, can help both advise and act as a sounding board for your ideas.

It might also be a good idea to have discussed this in advance with your family member before they head off to China. What would they want you to do?

“I believe that going to the media was very helpful in my case. After I was released, I worked out that the day the story broke globally, the torture and hostility against me stopped.”

“It’s good to have your facts straight before you go to the media so it’s better to wait for a while.”

CHINA'S LEGAL OBLIGATIONS TO REPORT THE DETENTION OF A FOREIGN CITIZEN

The Vienna Convention on Consular Relations

According to Article 36(b) of the *Vienna Convention on Consular Relations* (VCCR), **12** the Receiving State (China) must inform the consular post of a foreign government “without delay” that it has arrested one of its citizens but only if that citizen requests it. China must also inform the detainee of their right to contact a consular representative “without delay”. China routinely fails to do this.

It is critical that your family member requests consular access immediately after they are taken. They should not wait for the Chinese side to offer.

Because of privacy considerations, many governments may wait until they have permission from the detainee before they communicate with you. And that may only come once they have had the first consular visit. The VCCR, while guaranteeing consular access, does not specify a time limit until the first visit.

It is also important that your family member authorizes consular officials to share this information with you as soon as possible.

The VCCR obliges the Receiving State to deliver any communication from the detainee to consular services without delay. China also routinely fails to do this.

“China routinely violates the Vienna Convention on Consular Relations and bilateral treaties by delaying notification, not being transparent about the reason for the detention and delaying consular visits.”

Bilateral consular treaties

Beijing has also signed bilateral consular treaties with many countries (please see pages 38-39). Some define a time limit for China to notify a foreign government of a detention of one of its citizens. The typical range is between two and five days. Some treaties also override the requirement of first obtaining the detainee's permission and may also specify a maximum number of days between notification of a detention and a consular visit.

Research whether your country has a bilateral consular treaty with China **12. Read up on what rights it includes and use this knowledge to push your Embassy if necessary.**

How long will you need to wait until detention is confirmed?

It may be several weeks or more before consular services can notify you. That's because:

- The arresting authority has to notify consular services (this is usually by fax, and weekends and holidays will add an extra delay).
- Consular services may have to get the detainee's permission to tell you, which they may not be able to get until they have conducted the first consular visit.

China's consular treaty obligations

Consular agreement/ bilateral treaty partner	Does China need detainee's consent to inform consular services?	Max no. of days for China to notify consular services	Max. no. of days for China to then grant a consular visit	Max no. of days between initial disappearance and first visit	How often can consular visits take place?	Can consular services pass on supplies?	Does consular services have the right to attend the trial?
Vienna Convention on Consular Relations	Yes	"without delay"	Not mentioned	-	Not mentioned, except right to visit	Not mentioned	Not mentioned
Japan	No	4	Not mentioned	-	Not mentioned, except right to visit "without delay"	Not mentioned	Not mentioned
Canada	Not mentioned	"without delay"	2	-	At least monthly, on request	Yes	Yes
United States	Not mentioned	4	2	6	At least monthly, on request	Yes	Yes
Australia	No, but should not inform if detainee expressly requests it	3	2	5	At least monthly, on request	Not mentioned	Yes
United Kingdom*	Not mentioned	7	2	9	At least monthly, on request	Not mentioned	Not mentioned

*Strictly speaking this is not a consular treaty but is an Agreement on the Establishment of a British Consulate-General at Shanghai and a Chinese Consulate-General at Manchester.

The case of Michael Kovrig



Former Canadian diplomat Michael Kovrig was disappeared by Chinese State Security police in December 2018 in a classic case of China's hostage diplomacy. He was detained, along with a fellow Canadian, shortly after Canada arrested a Chinese executive who was wanted by the US for suspected sanctions violations. After more than two years of arbitrary detention, Kovrig was tried in a closed-door hearing on trumped-up espionage charges. in March 2021. He was released and deported back to Canada in September 2021 just hours after the Chinese executive was freed following a plea deal she struck with US authorities. Beijing repeatedly violated its legal consular obligations vis-a-vis how it handled Kovrig's detention.

China's obligations	What happened in Kovrig's case
The arresting officers should inform the detainee of their right to inform their Embassy of their situation, to have consular visits and to receive supplies as mentioned above	"The Beijing State Security Bureau officers detaining me did not inform me of any of these."
Consular visits should take place at least monthly if requested by Canada	"This was violated repeatedly during COVID, February to September, 2020, and again in March 2021."
China should deliver any communication from the detainee to consular services "without delay"	"There were many communications I wrote to the Canadian Embassy that they declined to transmit. For the first six months they wouldn't let me write anything at all."
Consular officials can provide food, clothing, medicaments and reading and writing materials	"I was not able to receive food parcels, most medications, or writing materials for most of the duration. From December 2018 to March 2019, I was not allowed to receive reading materials. Books were also blocked for much of January to July 2020."
A consular officer may attend the trial	"That was also denied."

HOW TO PREPARE FOR THE FIRST CONSULAR VISIT



Consular meetings last around 30 minutes and Chinese security staff are usually present. No discussion of the case is allowed.

Even though consular services may not be authorized to tell you about the detention until after the first consular visit - when they can get written permission from your family member - you can still request them to pass on messages at that initial meeting.

The detainee will be in shock, so you will want to both reassure them that you are helping and that they will get through this. Also remind them that none of this is their fault and everyone back home is on their side. **They don't need to feel guilty.**

Ask consular services to inform them that it may be months before they can see a lawyer. Also, that they should not feel pressured to cooperate with the police until they have taken enough time to consider things. Remind them that they should report any mistreatment or torture immediately to consular services.

Your first messages should be:

▶ TO THE POINT

Each consular visit is just 30 minutes! That time goes by very fast, so keep your message short and to the point.

▶ REASSURING

Tell them you will handle all the practical things, such as taking care of children, pets, getting their belongings shipped back home and so on. They don't need to worry about any of that.

▶ RECEPTIVE

Ask them: What do you need me to do? What can I give you?

▶ PRACTICAL

Ask them for any information that you will need to handle bank payments, bills and other practical matters. If they need to give you passwords, remember police are present and will hear everything. Is there a code they can use?

▶ POSITIVE

Tell them you are there for them and you will help them get through this. They shouldn't feel guilty and everyone back home is on their side and wants to help.

▶ CALM

This is not the time to be emotional. Your job is to reassure your family member that you are doing everything you can to help them.

DETAINED

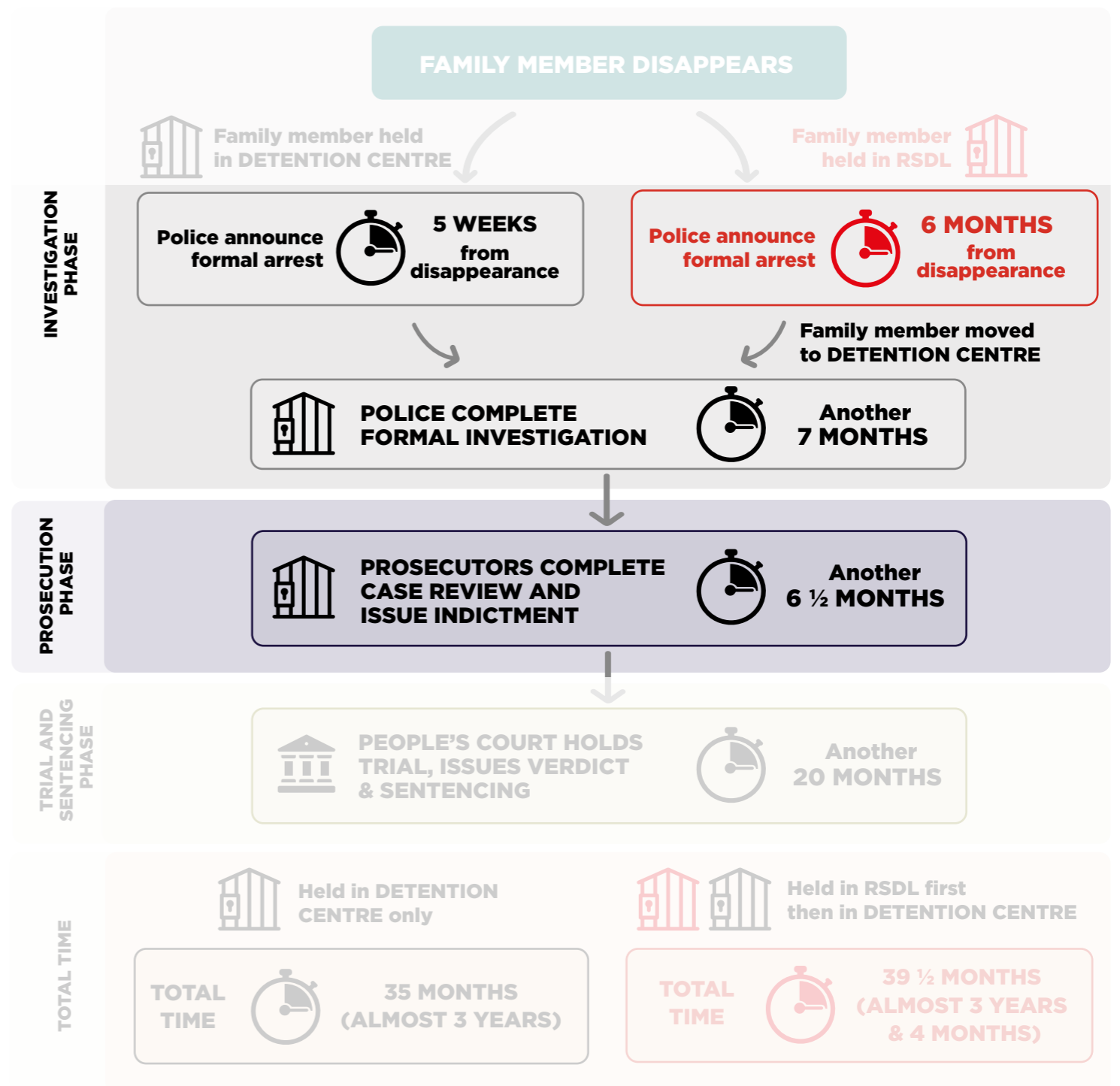
“National security is a black hole.”

What’s happening?

Your family member has been officially detained. They are now in pre-trial detention. They may be in a detention centre or a special facility called RSDL for some months before being transferred to a detention centre. It may take many months, even more than a year for them to be allowed to see a lawyer, although they should get monthly consular visits throughout.

You can...

- Hire a lawyer
- Work out a media strategy
- Continue to build more allies, seek their expert advice
- Lobby your government to advocate on behalf of your family member
- Set up campaign social media and/or GoFundMe pages
- Send messages and items to your family member through consular visits
- Take care of your mental health



Your family member's detention is confirmed. Now what?

1



Should you go to China?

Almost certainly not. During pre-trial detention, there is little you can do inside China and a lot more you can do outside. Under Chinese law, there are no family visitation rights during pre-trial detention.

2



Where will your family member be held?

Your family member may be in a detention centre with other prisoners or in a special RSDL facility (see page 50) where they will be held in isolation. Formal

arrest has to be made within 37 days if the suspect is in a detention centre, or six months if RSDL. After formal arrest, suspects in RSDL are moved to a detention centre.

3



Designate a spokesperson among family and friends

You will be a better advocate for your family member if family and friends agree as early as possible on a designated person to be the main point of contact

for the case. This includes consular services and government offices (who generally prefer to deal with one person because of privacy concerns), lawyers and media. Friends and family can offer support behind the scenes. Having the campaign fronted by just one (or at most two) people will help streamline advocacy and prevent conflicting messaging.

“It is very common for different members of the family to have diverging ideas about how to help. This could be what lawyer to hire, whether to make the case public, or what kind of media strategy to adopt. The last thing you need is extra conflict when trying to help your detained family member.”

Your family member's detention is confirmed. Now what?

4



When can your family member first see a lawyer?

In theory, this should be within a few days of being detained but could take weeks or months. According to Article 34 of China's *Criminal Procedure Law* (12), a person has the right to hire a lawyer to defend them from the day they are first detained. Article 39 says detention centres are obliged to allow lawyer visits within 48 hours of a lawyer's request. However, China's detention centres are notorious for blocking lawyer visits (14). So, it could be weeks, months, even a year if the case concerns national security, before a visit can be held. It is unusual for detainees in RSDL to ever see a lawyer.

If your lawyer is denied access, you should ask consular services to make a complaint on your behalf.

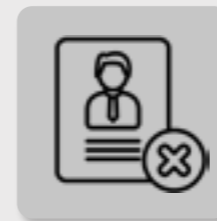
5



Can they apply for bail?

Theoretically yes, but this very rarely happens. Usually this would only be considered for very minor crimes or if the suspect has a serious medical condition. Applications for bail are made by a lawyer.

6



Could the case be dismissed?

Unlikely. In theory, there is a very small window for this to happen before formal arrest (within 37 days if your family member is held in a detention centre or six months if in RSDL). This would likely involve some serious lobbying from your government.

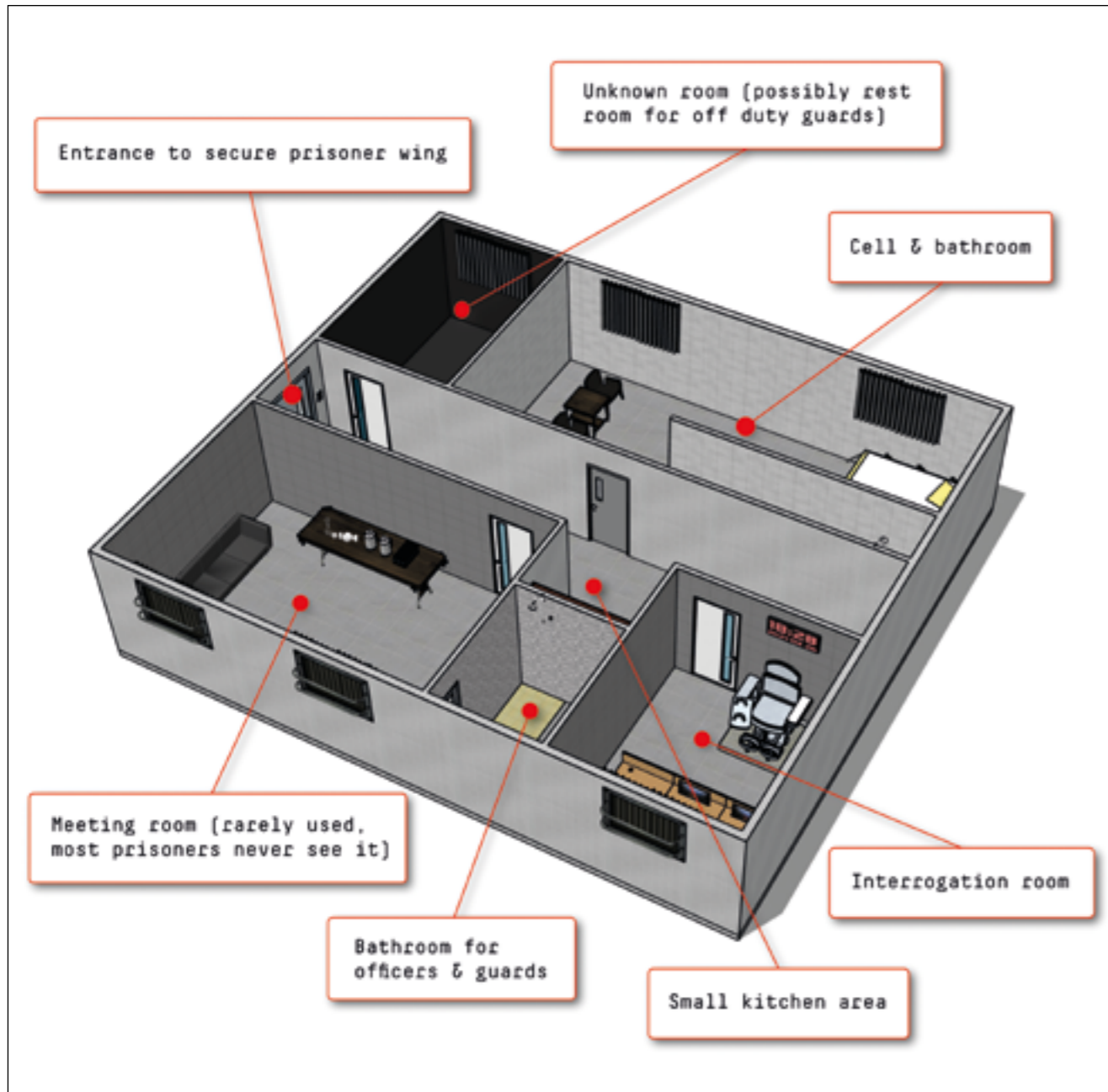
7



How long will it take before they go to trial?

At least a year, but it could end up taking several years. Pre-trial detention is made up of two stages: the investigation stage, led by the police, and the prosecution stage, when prosecutors build a case for trial. Both police and prosecutors typically make full use of extensions and calls for supplementary investigations to make this stage last more than a year. Once the courts take over, it could be another 20 months before a verdict is released. In politically motivated cases the timing of the trial and verdict may be tied to external events.

Life in RSDL



RSDL often takes place in a dedicated, suicide-proofed suite of cells and interrogation rooms. This 3D floor plan is based on the recollections of a former RSDL prisoner.

“Consular services should explain that RSDL is the hardest part. Get through this and you’ll be flying! It would have helped me if consular services had told me other people have gotten through this, and you will too.”

RSDL is a custodial system where the detainee is kept in solitary confinement at a special facility or sometimes a makeshift jail room in an old hotel or apartment building. The use of a special facility for RSDL violates China’s own *Criminal Procedure Law* ②, which stipulates that RSDL should not be held in a “detention facility or special case-handling facility”.

The RSDL cell typically has blacked out windows, 24-hour strip lighting and is suicide-proofed with padded walls and surfaces. A round-the-clock guard of two or three officers will watch the prisoner, even when they go to the bathroom. There is no outdoor exercise time. Sometimes you are not even allowed to move around the cell at will, but must ask for permission first. RSDL is designed to psychologically weaken the detainee so they confess. The UN has called it tantamount to “enforced disappearance” and its use may amount to torture.

Safeguard Defenders has produced an illustrated report, *Locked Up: Inside China’s Secret RSDL Jails* and a book of survivor stories, *People’s Republic of the Disappeared* that describes life in RSDL ④.

The maximum RSDL duration allowed is six months and police often make use of the full six months.

While conditions for everyone held in RSDL are gruelling, foreign detainees are often treated better than Chinese nationals, who report physical and mental torture, including beatings, threats to family members, prolonged stress positions and forced medication. Consular access may provide some level of protection because it is an avenue to report abuse. There is no such protection for Chinese detainees.

Life in RSDL

From interviews conducted for this publication, consular staff do not always understand the severity of RSDL. If your family member is in RSDL, it is important to learn about it by reading the resources we have listed in Appendix 4. Also tell consular services what you have learned and request that they explain RSDL to your family member at the first opportunity. This includes:

- They will almost certainly not be allowed to see a lawyer.
- RSDL may last for six months.
- They will likely not be allowed outside or to see the sky in that time.
- Interrogations may take place 24 hours a day.

Information about detention in China on consular services websites does not mention RSDL.

Inadequate exercise, no access to sunlight, poor nutrition and the severe mental stress of being held in RSDL leads to health conditions such as weight loss and eyesight problems.

It is important to reassure your family member that this is temporary. And as soon as they leave RSDL, those conditions should improve.

“Health becomes an obsession with them. Their hair may stop growing, their fingernails too. Their eyesight will suffer from being unable to look into the distance and getting no sunlight. They may get constipation. Tell them not to worry about it. It’s only temporary. When you’re out of here you’ll be OK.”

“Arbitrary detentions in China take a long time to play out. You have the time to make decisions carefully.”

In it for the longhaul

It is likely going to be a long process. It might take two or three years for the case to be concluded. You will need staying power. And you will need the help of friends and allies, not only to advise you, but to safeguard your mental wellbeing.

RSDL is the hardest stage. Once your family member is transferred to a detention centre, everything becomes easier. They will be able to have human contact and you should be able to get more frequent news of them. Lawyer visits are then on the horizon.

There will be highs and lows. Maybe there are rumours of a release but then it never comes. Just take it one step at a time. Others have been through this before you, and come out the other end. You will too.

Life in detention



Inmates of a detention centre in Luanzhou, Tangshan City in Hebei Province, watch state TV in their cell. Photo from Tangshan City Political and Legal Affairs Commission website.

“ When I had cellmates, it was so comforting, because we were all going through the same thing. ”

Detention centre cells usually hold anything from six to more than 30 inmates. Some will have a raised wooden platform, which is used for sleeping at night and sitting during the day. Others have bunk beds. There may be a barred window near the ceiling, but lights are kept on 24 hours. A TV, fixed high up on the wall, broadcasts the national news and other programmes in Chinese, including propaganda and political education lessons. There will be a squat toilet in the cell but no privacy. There may be access to a flask of water by reaching through the bars.

The daily schedule is strictly regimented with simple meals (meat is a rarity) provided at fixed times. Daily exercise should be permitted, but note detainees might not have access to the outside and their exercise might only take place in the cell.

Prisoners can use their own money to purchase extra food and toiletries but medicines should be provided for free by the detention centre.

Inmates in each cell take turns to do chores, including washing dishes, sweeping the floor, scrubbing the toilet and stacking bedding.

Even though life in a Chinese detention centre is hard, it is generally considered to be better than RSDL, where the prisoner is kept isolated and incommunicado.

Female detainees



It can be much harder for women in Chinese custody than men. They may struggle with female health issues, access to sanitary protection and medications, such as hormone replacement therapy, be at risk of sexual harassment and, if they are a parent, suffer the mental anguish of not being able to see or speak to their children for months or years. Urge both consular services and your lawyer to document any issues. You can also prioritize sending your family member news from their children, including letters, drawings and photos.

“ Once I was in the detention centre, my periods stopped. In six months, I only had one light period. I have an ovarian cyst but they didn’t give me any medication. I was only allowed to bathe once a week and there was no hot water in winter. ”

Issues for female prisoners

They can buy pads, but usually not tampons.

Some women may stop menstruating for months at a time because of stress and poor nutrition.

Genito-urinary infections are common because of poor sanitary conditions (including access to hot showers and proper facilities to wash and dry underwear).

Bras are usually not allowed, which can cause nipple chaffing and embarrassment.

Health screenings, such as pap smears and mammograms, and access to medication, such as for dysmenorrhea, genitourinary infections or menopause, may not be timely nor adequate or may be denied altogether.

In RSDL, guards will watch you when you go to the toilet and when you shower.

Your family member can also use consular visits to report special medical requests or ill treatment.

Mental resilience and physical fitness


In RSDL, prisoners are usually not allowed any outdoor exercise. If they want to exercise within their cell, they typically need to ask permission. The space may be restricted (for example, areas near doors and windows are usually out of bounds). They will also be under intense mental pressure because of the isolation and lack of access to sunlight.

The situation is a little better in detention centres. Limited time to exercise is given (calisthenics routines may be aired on the cell's TV, for example). Although for much of the day they may have to sit without moving, prisoners can see the sun on occasion and there is human company.

In both custodial systems, nutrition is likely to be poor, having a noticeable effect on health. Some former detainees report food in RSDL was better quality and more varied than in the detention centre and that there is a little scope for making special dietary requests.

Your role as their advocate is to encourage them to do things to look after their health and provide them with as many resources as you can to do that through messages and packages delivered by consular services and later their lawyer. Regular exercise will not only prevent muscle wastage in custody, it may also improve mental resilience.


For their physical fitness you could:

- Give them books or printouts of exercise routines that have been especially designed for prisoners to stay fit. These could include yoga, Pilates and body weight exercises .
- Draw up or ask a personal trainer to help draw up a suggested routine for them.
- Write messages of solidarity to encourage them to exercise. You could, for example, do the routine also and share your experiences about them in letters.

- Encourage them to keep moving as much as they can and have goals, such as complete so many laps of the cell a day or jog on the spot for so many minutes a day.
- Encourage them to eat as much of the food that is provided as they can, especially when it is healthy, such as vegetables or any source of protein, even if it does not look appetizing. Because calories are insufficient, many people end up losing weight in detention and this can exacerbate or cause health problems.
- While food parcels generally are not allowed, even though some consular agreements allow for them, you can ask consular services to request officers to provide extra nutrition, such as fruit, yoghurts, milk and eggs. Stress the medical importance of adding these to their diet.

“ I set a target to walk 2 km per day in the detention centre cell. More, if I could get away with it. ”

For their mental fitness you could:

- Send them books, letters and photos every opportunity you have. Ask them what they want, don't just send them what you think they want.
- Some former prisoners report feeling inspired by reading survival stories .
- Keep their brain active by suggesting they learn a new language or subject. Send them books on whatever interests them.

Dealing with health issues

China does not want the embarrassment of a foreign detainee becoming seriously ill under their watch. You can use this to leverage for better health care in detention. Also note, it is unlikely you will be able to send medicines or supplements such as vitamins to your family member.

To advocate for better health care for your family member you can:

- Inform consular services of any pre-existing health issues; request they tell the detention centre and use consular meetings to check that your family member is getting their medication and the correct treatment.
- If the pre-existing condition is serious, get a doctor in your home country to write a note explaining possible complications and pass it on to consular services.
- If you have a friend who is a doctor and willing to help, you can use consular or lawyer meetings to help answer your family member's health concerns.
- If your family member becomes ill, press consular services to demand access to their test results and other medical records so that you can get a doctor back home to give their opinion. It should be possible to provide paperwork to release these. Encourage your family member and consular services to use all persuasive skills to insist on getting access to this information.
- If the situation becomes serious, and pressure behind the scenes is proving ineffective, you could consider using media attention to embarrass the detention centre into taking action.

“ The problem was in doctors playing down your symptoms, not telling you what medicines you're taking. You're never given any details or shown your reports – just a flat 'you're fine.' ”

“ We kept advocating for supplements but never really got anywhere – the odd occasion we did was when the Embassy team said they were lacking nutrition and they had concerns for their health – that seemed to make something of a difference and they would get a bit more food. ”

“ I was able to insist that after they conducted a routine medical test that they show me the results. That took a lot of arguing. I refused to take the tests otherwise, and argued that by knowing my own results I was more likely to be able to take care of my health, and it wasn't in their interest for me to become ill. ”

CONSULAR VISITS

Key points

Visits should be held on a monthly basis.

Each visit lasts 30 minutes.

Specifics of the case cannot be discussed.

Visits can be used to pass messages between you and your family member.

Police and detention centre staff will be listening.

You can give consular services photos to show your family member.

Your family member can also use visits to report special medical requests or ill treatment.

“ 30 mins to them is just a chat, but to us it’s not a chat, it’s a lifeline, it’s oxygen. There should be some staff who are specially trained for this role. ”

The right to consular visits and frequency

The right to consular visits is enshrined in the *Vienna Convention on Consular Relations* (1961), although that document does not provide a minimum frequency for such visits. China has a history of denying or delaying consular visits, especially with Chinese born, foreign passport-holders and for anyone during the COVID pandemic. If this happens, politely and persistently pressure consular services to complain and push for a visit.

Some countries that have bilateral consular treaties with Beijing do define the maximum time between visits. For example, treaties with Canada, Australia, the US and the UK specify that the interval between consular visits should not exceed one month on request.

With no family visits at all and the possibility that no lawyer visits will be allowed for around the first year of detention, consular visits may be your only link with the detainee for a while.

Keep calling consular services to ask about the timing of the next visit so that they are reminded about the case. While your family member is your top priority, they are only one of many issues the embassy or consulate is handling.

“ Consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. ”

Vienna Convention on Consular Relations

What can consular services pass on?

You should be able to send items, such as letters, books, clothes and toiletries, to your family member through consular services.

What you can and cannot give to your family member will depend on how proactive your consular services is, the detention centre's rules, and the whim of the police that day. All these can vary widely.

While the Vienna Convention does not mention the right to pass on supplies to a detainee, some bilateral treaties do. Check if your country has a bilateral consular treaty with China and read up on the rights of the detainee in relation to delivering supplies. Use this information to push your Embassy if needed. You should urge them to be as persuasive as possible in asking for supplies to be sent promptly.

It would be helpful for foreign governments to work together to push for improvements across the board for all foreign detainees.



A consular officer shall be allowed to provide to a national, to whom these provisions apply, parcels containing food, clothing, medicaments and reading and writing materials.

China-Canada consular treaty

What happens during a visit?

Consular visits last around 30 minutes and detention centre staff, police officers and their interpreters will be present and listening. This can be intimidating.

Unless it is a very high-profile case, consular services usually send junior-level consular workers to conduct visits. They may not be able to speak Chinese, so they usually bring a local staffer to help interpret with police and detention centre workers.

They will be able to show the items to your family member during the visit and then pass them on to detention centre staff to be handed over to your family member after the items have been checked. These checks can take weeks. It is common for items to “go missing”. Letters and other written material will be read, and if deemed sensitive, content will be censored.

Keep a list of what you sent and get consular services to go through it with your family member to see what wasn't handed over so that they can lodge a complaint with the detention centre. Sometimes, this helps to ensure the items are “found” and delivered.

It is also the responsibility of consular services to check on the well-being of your family member during visits and, if they report ill health or mistreatment, to make an official complaint with the detention centre.

Special requests

While consular visits are typically granted on a monthly basis, there is some scope to push for more frequent visits, especially if the detainee is considered to be at high risk because of ailing health. It is always worth asking if this is possible if you are concerned.

What happens during a visit?

“

In some circumstances we may be able to help take up complaints with the police or prison authorities about ill treatment, personal safety, or discrimination, if you are not treated in line with internationally recognised standards.

British Embassy China

“

They may feel very guilty about all this extra burden and trauma heaped on you. Reassure them you know it's not their fault and that nobody blames them. Probably worth repeating this at every consular meeting.

”

Making the most of consular visits

Think strategically about what you want to say in your message because time is limited to 30 minutes. Prioritize your list, so that the most important messages get through.

Ask them what they want you to do and what they want you to send them. Reassure them that everyone back home supports them and wants to help.

Tell them you are handling things, give them answers to their questions.

Urge them to exercise to stay as healthy as possible. Send them books about exercising in a confined space.

Make a list of the items you gave to consular services and ask them to ask your family member: did they get each one?

Ask consular services to inquire about medications and whether there's been any mistreatment.

Ask for detailed notes from meetings. If they're low quality, push them to improve.

Remind your family member they can request pen and paper before meetings to prepare questions and take notes.

Limits of consular assistance

“Your government’s consular services can help but they can also hinder. This is your loved one, during their detention they are your sole focus, but for your government, they are just one person, one case file among many. Embassies have multiple roles, political and economic, and they have to balance many issues.”

Different priorities

Consular services will do their best to help you, but it’s important to remember that while your loved one is your top priority, it’s not necessarily top of the list for the Embassy. They will likely be handling many other case files and, they have multiple roles and need to balance additional interests, which may conflict with prioritizing help for your family member. This is when using media to build public pressure on your government may help.

WHAT THEY CAN HELP WITH

- Conduct consular visits and pass on items such as books, clothes, magazines and necessities
- Provide a list of English-speaking lawyers
- With the detainee’s permission, pass on messages to family and friends
- Report any mistreatment to the detention centre and push for better care, access to medical care
- May be able to help with the logistics of sending money to the detention centre for use by the family member

WHAT THEY CANNOT HELP WITH

- Get involved in the case, including providing legal advice
- Act as official interpreters
- Provide financial help

RETAINING A LAWYER

How to find a lawyer

The lists of lawyers handed out by embassies are often out of date and usually curated more for business disputes. You should also seek information on lawyers from other sources.

You will need to find a law firm in China that:

- has staff that speak English or your language (if you and your family member are not fluent in Chinese);
- has experience in the kind of case your family member is caught up in. For example, if the MSS are the arresting authority, you will need to find a law firm that has experience working on MSS cases;
- is prepared to challenge the case and to pass on information.

A good place to start is by contacting a foreign law firm that has offices in China. They will not be able to represent you, but they may be able to advise you which firms could be the most helpful. You can also hire them to be a “bridge” or intermediary between you and the Chinese firm. Although this will cost extra, they can offer you more tailored advice and support. Some of them also have good contacts with foreign governments, which can also be helpful. They will also be better versed in using more secure communication channels, such as Signal and Microsoft Teams.

“ You need a lawyer who is willing to share information and challenge the government. The worse outcome of having a random lawyer is that they might be cooperating with the police and prosecutors who are dealing with that case. ”



The limits of this handbook

The information provided in this Retaining a Lawyer section is for guidance only. It is not a substitute for independent legal advice.

How to find a lawyer


Another good place to seek advice is the rights NGO world. They may be able to contact human rights lawyers in China and in exile to see if they have any recommendations. Because of a crackdown against human rights lawyers in China that began in 2015, the vast majority of human rights lawyers have either gone into exile, are behind bars or can no longer practice law. However, NGOs should be able to recommend some law firms from their networks that are more human rights-minded.

There is no point hiring a lawyer outside of China; they will not be able to represent your family member. A lawyer in your home country, however, may be able to help with international advocacy if that's a path you will take.

Communicating with your lawyer



Since apps, such as WhatsApp and Messenger, are blocked in China, you may need to install the country's most popular social media app, WeChat, to communicate with your lawyer. You will need another WeChat user to help verify your new account.

Use a second phone not linked to your family member, since WeChat may install spyware on your phone. WeChat will make it much easier, faster and cost-free to communicate with your lawyer. But be aware of the security risks of using this app .

Look for a lawyer that:

Can speak good English or your language (if you and your family member are not fluent in Chinese).

Has the right background. For example, do they have experience working with Ministry of State Security cases, or cases that involve national security, if relevant?

Is willing to challenge the case and to pass on information.

Does not suggest paying bribes.

Is within your budget.

“ View promises from expensive, gung-ho law firms that they ‘have connections’ and can get your family member freed with strong scepticism. ”

“ I felt that I was not leaving him to fight this alone if I got him a lawyer. ”

Limitations of the law in China

Chinese criminal defense lawyers may restrict what they share with their client. This is because the law is ambiguous about what a lawyer can or cannot do. For example, Article 40 of the *Criminal Procedure Law* (12) gives defense lawyers the right to “read, copy and reproduce case file materials”, but it does not elaborate on whether the lawyer can show this to their client. Article 39 only says they may verify the evidence with the client. This does not automatically equate to full access.

If the case involves state secrets, the lawyer may be expressly restricted in what they can tell both their client and yourself. Article 14 of the *Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law* (12) requires lawyers in these kinds of cases to obey state confidentiality regulations. While this means they can still discuss the case with your family member, they may be too scared to talk to you about the details. They may not be allowed to make copies of the case file or evidence, forcing them to take notes, making it difficult or impossible to verify it with their client.

Lack of legal rights in China

A good lawyer will be able to explain to you and your family member the rights of the accused under Chinese Law. These differ considerably from what is typical in democracies. In particular:

- There is no right to remain silent
- There is no right to have your lawyer present during interrogations
- There is no right to make a phone call

Since many cases with foreigners involve state secrets and national security, you will need a lawyer that understands these restrictions but is also bold enough to work as far as legally possible within these boundaries. A lawyer without this kind of experience may be too intimidated or scared to be able to offer much help.

Legal costs

Generally, lawyers bill for the three stages of a case: investigation, prosecution and trial.

While every case is different, a rough ballpark figure for legal costs in arbitrary detention cases may be upwards of US\$50,000. That’s not including any potential fines delivered as part of sentencing.

Others have started fundraising campaigns online, using platforms like GoFundMe, to help defray these costs. Seek advice from friends and allies, such as NGOs and lawyers, on the best way to do this. You may want to consider



turning off comments to avoid trolling. There is usually also an option to make your campaign private; only those with a link are able to see it.

Some Chinese law firms may try to convince you to pay bribes to secure a release through them. We strongly recommend not to do this as it could put you and your family member in even more serious trouble.

What a good defence lawyer can do for you in China

Hiring a lawyer will open a second and important channel of communication between you and your family member after consular visits. Lawyers can also show letters and photographs during visits, although paperwork cannot be handed over.

It is therefore important to negotiate a contract where the lawyers will visit as frequently as possible, or as much as your budget allows. Be aware that some law firms may offer packages where they only provide three or four visits in total.

Lawyers also play a vital role in documenting instances of mistreatment, including torture and denial of medical care. Making mistreatment public can often help to improve conditions.

Maximizing meetings

Since consular visits are generally every month, and lawyers, who are usually handling many cases, may not have time to visit your family member more than once a month themselves, try to push for monthly lawyer visits scheduled mid-way between consular meetings. This means your family member should have contact with the outside world at least once every two weeks, important for their mental well-being.

China does not have rule of law and court cases are very different to those in democracies. Your lawyer is highly unlikely to be able to “prove” their client’s innocence and get the judges to rule in their favour, especially in the case of a politically motivated arbitrary detention.

Close to 100% of trials in China end in a guilty verdict 04.

“Choose an affordable lawyer. They are not going to be able to save you after all; the game is rigged.”

A lawyer’s job is not to get their client off but to reduce the sentence. This is often achieved by the defendant admitting guilt and expressing remorse, even though they are innocent and the detention is arbitrary or unfair. Your family member will have to seek expert legal advice on whether to plead guilty or innocent irrespective of the truth. A guilty plea plays into Beijing’s hands but may mean a lighter sentence, something which becomes more important when your family member is potentially facing long jail time. Once they have been released and are back home, they will be free to clear their name.

A lawyer can:

Act as another key channel of communication between you and your family member, and pass on details about the case, which consular services cannot do.

Reassure your family member, help them understand the case, and give them the best advice about what to do.

Report poor treatment or mistreatment, making it more likely that conditions will improve.

Argue for a lighter sentence.

DEALING WITH THE MEDIA



Key points:

You will need a media strategy.

Get coaching on how to work with media from NGOs and other allies.

Set up a social media account to post updates to reach more media and to avoid being inundated with reporters' calls.

Media coverage of your case should aim to pressure your own government to advocate for your family member.

It is important to seek advice about whether or not to talk to media and if you decide to go ahead, how to do so effectively while protecting yourself and your family member.

Your first stop should be to seek advice from others. NGOs that specialize in human rights or arbitrary detention and also have expertise on China are an excellent source of help **13**. They can help you decide on whether and when to speak to media, work with you to develop a media strategy, give you training on how to speak to media, and coach you on how to write a press release. They can also put you in touch with trusted journalists from reputable news organizations who have experience in covering arbitrary detentions in China.

“It is worth speaking up because China still cares about voices from the international community.”

Have a few photos of your family member ready to give media. Choose photos that look natural rather than formal passport-style shots.

Make sure you keep a record of all journalists you talk to, including their name, contact details and media company. You can use this to track coverage, make complaints if the journalist behaved unethically or reach out to make a comment.

“Spend time crafting your key messages. These are the things you want to ensure are included anytime you make a public statement.”

Having a media strategy

It is crucial to have a media strategy, and to also be aware that this strategy may change with time as the case develops and if the relationship between Beijing and your own country changes. Seek expert advice from allies such as NGOs to help you develop a dynamic media strategy. Ensure friends and family are on board with this. It is also best to leave all media interviews to the designated person(s) who is heading the campaign to free your family member.

“ Make the missing person as relatable as possible. Have anecdotes ready and always have images, large and small, to give media. ”

The first target of any media strategy is most likely your own government and not explicitly Beijing.

In the first few weeks, these are the diplomats stationed in China, but as time goes on, these switch to officials in your home country.

You can use coverage of your case to create public pressure on your own government to advocate more strongly for your family member. Public support can be built by focusing on the humanitarian aspects of the case – is your family member a parent of young children, elderly with health issues, an innocent victim of a political row unconnected to them?

“ It is universally a good rule not to point the finger at Beijing; it should be an issue for your own country. You need your home government to push China – and the only way to do that is to get public pressure behind your case. ”

Attracting media attention

NGOs and other allies can help put you in touch with journalists. Generally speaking, you should talk to both regional and national-level media and choose widely-read, respected and serious outlets. Niche media – such as news organizations that are overtly religious or political with a strong anti-China bias – may cast doubt on the fidelity of the case.

“ Talking to more extreme media could be counterproductive. Such news outlets are not seen as credible sources and readers could begin to doubt your story because they do not trust those outlets – they might think it’s lies or propaganda. ”

As the case drags on, you will need stories to keep the media’s attention. Prepare photos, anecdotes and so on so that the story remains in the public eye to keep the pressure on your government. You can use milestones such as 100 days or one year in detention, or your family member’s birthday, and so on, to attract coverage. Always have fresh photos you can give to the media.

Set up a separate campaign account on a social media platform, such as Facebook or X, for example, to post updates on the case. You can use this platform to release any news, including press releases, appeals, photos or videos.

Be mentally prepared for your interview or story not to be published or delayed because of breaking news elsewhere in the world, such as wars or natural disasters. Just be patient, media attention will come and go.

Handling too much media attention



“Keep in mind that whatever you say will affect the person in detention. Stick to the facts.”

Media attention can also be overwhelming. One way to deal with this is to have a small number of trusted journalists that you agree to talk to directly. Refer all other media requests to your campaign’s social media platform. Switch off comments to reduce the “noise”.

Press releases and statements are a great way to maximize coverage while preventing burnout. A well-crafted statement or press release can be picked up by multiple outlets without the need for you to take many interviews. This will leave you free to talk to the most strategic media.

“Don’t post anti-China material on your social media account if it can be used against the person being detained.”

You can insist on an email interview rather than one that is over the phone or filmed. This allows you extra time to consider your answers. You can also ask for your comments to be embargoed, off the record or just background. This is why it is important to seek trusted reporters who will respect your boundaries.

It is good practice to record interviews to ensure you are not misquoted. If you feel harassed by a journalist you are within your rights to complain to their editor or seek help from an ally, like an NGO.

“Be clear-eyed with what you want the media to report.”

Do not say anything to a journalist unless you are prepared to see your statement in print. You don’t have to give interviews if you don’t want to. You don’t have to answer any specific questions if you don’t want to.

Media will crawl the internet looking for information and photos of your family member. If there is anything that you think might harm their case, either on their accounts or the accounts of close family members, adjust privacy settings if you can to prevent public access.

FINDING ALLIES



Civil society

You will want to look for NGOs that work on human rights in China or arbitrary detentions ¹³. They can advise you on how best to help your family member, help you deal with media, suggest ways to find an effective Chinese lawyer, help put you in touch with politicians, and secure meetings at political and international assemblies (such as the UN's Working Group on Arbitrary Detention and Working Group on Enforced or Involuntary Disappearances).

NGOs may also be willing to front a campaign on your family member's behalf, but this is something you must also consider carefully and whether that could help or harm your case. Most NGOs will be willing to simply help behind the scenes.

Do your due diligence on any organization, especially if you team up with them on a campaign. Research their website, any quotes attributed to them in the media and the kinds of campaigns they have run in the past.

Other allies

Reach out to anyone and everyone you can think of: journalists, scholars and people who have previously been detained in China. Pursue every contact and every lead. Make sure you save useful contacts for future communications and keep this information on hand. Build durable relationships.

“ I had a kitchen cabinet of contacts. ”

Crucial allies in the long fight ahead are Members of Parliament and local authorities (such as your local city council). They can make sure your family member remains on the government's agenda. These could be your district's

elected representative, Members of China-focused Parliamentary or Congressional Committees, or dedicated international networks such as the Inter-Parliamentary Alliance on China (IPAC). Please see Appendix 3 for more detailed information on potential political allies. NGO's can act as a bridge to connect you.

Your government may also have a special department to deal with hostages held overseas and arbitrary detentions. Ask your Foreign Ministry for a meeting.

Treat every relationship with care. Let your government (and all political allies) know in advance if you plan to speak to the press, but also hold them to account if they are not responsive. Avoid partisan politics if you can.

“ Don't give up, come up with ideas, every connection could lead to another connection that could get you somewhere. ”

The employer

If your family member was working in China for a foreign employer, or was sent there by their foreign employer, reach out to them for help. Remind them that they have a duty of care towards your family member.

The employer can be both a source of information on possible reasons for the detention and support your campaign to help secure your family member's release.

Some foreigners who were imprisoned in China, in part because of the danger their employers put them in, have successfully sued their former employer upon their return to their home country.

Online security

Educate yourself on online security. If possible, have meetings face to face, rather than online, with your allies. Do not install WeChat or any other Chinese software on your main phone. Start using a VPN, encrypted email (such as Proton) and messaging apps (such as Signal) for important online work and communications related to the case.



ProtonVPN

Countering Chinese state media

You may need the help of your allies in dealing mentally with any coverage of the case in Chinese state media. China does not have a free press, it is controlled by the Chinese Communist Party. Reports may insert lies, including slanderous comments about the detainee and even family members, such as allegations of hiring prostitutes, bribery and spying. Seek the advice of experts on your response, if any.

Confessions on camera



While China appears to have stopped broadcasting televised confessions of foreigners on national and even international state TV (14), the practice of recording scripted video confessions is commonplace. Victims are both threatened and coerced into making them. These may then be used to threaten the detainee into keeping quiet after their release.

SELF-CARE



You will be under immense stress so self-care is crucial. If you are burned out, you will not be able to help your family member.

Take some time out for yourself. You may be deluged with requests for information from media and also well-wishers. Having a campaign social media account or website (see page 81) can help ease that pressure, while avoiding ignoring those who want to help. It can also create a sense of community for people wanting to support you and your family member. To ensure this account remains a safe space for you, consider adjusting privacy settings to invitation only, or restricting comments to certain accounts. Remember you are not obliged to respond to every comment.

Ensure that you take a digital detox. Switch off your devices. Protect your sleep. Do one or two things every week that help you feel better and destress.

“ You won’t be able to help if you can’t destress. ”

It will be tempting to constantly scroll and refresh news websites looking for updates. This will only cause you more stress. Allow yourself a short time every day to look for news, but try to stay off searching for the rest of the time.

Find someone who understands the situation to talk to on a regular basis. This could be someone from your church if you have a faith, someone who has been to China or was also unjustly imprisoned, or just a close friend or family member.

“ As someone who’s sitting there with your loved one in detention it’s important to think that you’re doing something. It will help you. If I just couldn’t help - it’s the worst feeling in the world. I had to feel that I was helping. ”

TRIAL & SENTENCING

“Any decision taken to go to China must be balanced with the risks of you also being detained or given an exit ban. Please seek expert advice, including from your own government.”

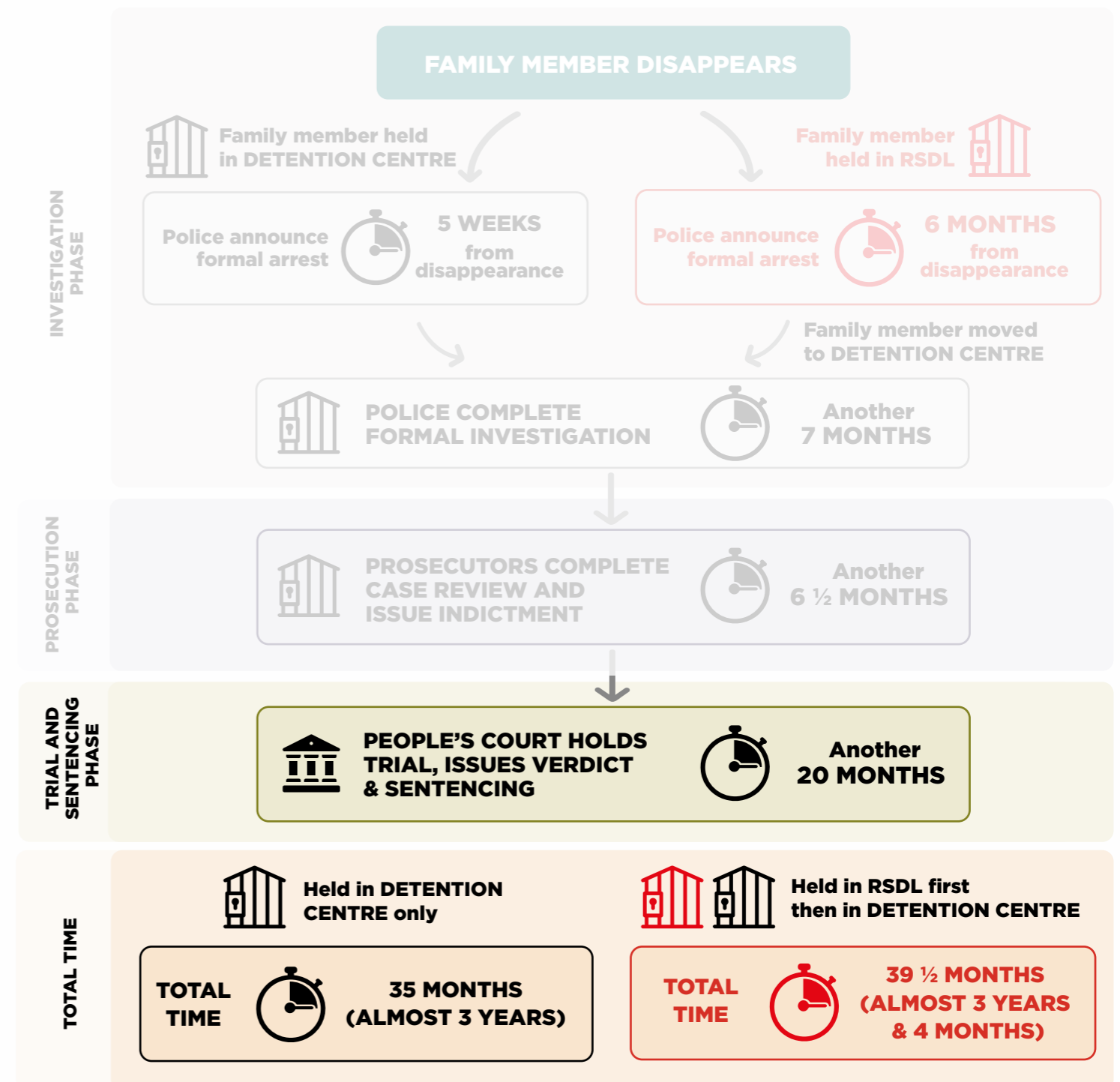
What’s happening?

Your family member has been indicted and is now waiting for a court date. During this time, they continue meeting with their lawyer and consular services. Months later, their trial is held; it probably only lasts a day. If national security charges are involved, the trial is behind closed doors, which means no family nor consular attendance.

There may be another wait for the verdict and sentencing, which may take months. If sentenced to serve time, your family member will be transferred to prison, opening up the possibility of phone calls and visits from close family members.

You can...

- Send messages and items through consular services
- Work with allies on media outreach
- Work with lawyers on legal strategy
- Continue to lobby your government to advocate for your family member and to attend the trial
- If possible and deemed safe, attend the trial
- Take care of your mental health



THE TRIAL

How long will it take to get to trial?



Fifth Circuit Court, Supreme People's Court, Chongqing.
Photo credit: PRC Supreme People's Court.

After the prosecutor has handed the case over to the People's Court, it can take up to another 20 months before the trial is held and a verdict and sentencing announced. It can be months, even more than a year between the trial and verdict and sentencing.

This means the ordeal from initial disappearance to the conclusion of the trial could be around three years (more if the family member was held first in RSDL).

In high-profile, politically-sensitive cases, exceptions can be found to extend even these limits. The *Criminal Procedure Law* (12) adds a variety of reasons for further extensions, such as addition of new charges, change of jurisdiction, illness or "exceptional circumstances", meaning that a case can be delayed, in theory, indefinitely, with the approval of the Supreme Court or Standing Committee of the National People's Congress.

Why does the judicial process take so long in China?

The law is vague. This gives police, prosecutors and judges plenty of scope for applying for extensions.

Lack of oversight. This means that deadlines can be broken with little or no professional cost.

Political sensitivity. In cases involving foreigners, decisions make international news, meaning that verdicts will be decided at the central Party level. They may also involve international relations and external factors, particularly in hostage diplomacy cases, which can cause further delays.

The day of the trial (and it really is only one day!)



Shanghai courtroom. Photo credit: Shanghai High People's Court

Criminal trials typically last a single day. The lack of judicial independence in China means that trials are sometimes not much more than show trials, where everything has been scripted beforehand so it does not need to take up more than a day.

While there are procedures, such as cross-examination, defence lawyers are extremely limited in what they can do. Judges usually deny the defence opportunities to argue and present evidence, saving time. It is unusual for witnesses to appear in court, the prosecution typically relies on written testimony, which of course cannot be cross-examined.

In sensitive cases, the authorities are especially keen to avoid a long trial with intense foreign media attention, so they will ensure it is over as soon as possible. Trials are also frequently scheduled around major western holidays, such as Christmas, to minimize overseas attention. Courtrooms typically have a panel of judges (usually three, sometimes more). There is no jury.

Article 188 in the *Criminal Procedure Law* (12) allows for a closed-door trial in hearings that involve state secrets. It is at the court's discretion what is a state secret. This

means that neither diplomats nor family members will normally be allowed to attend even if there is a bilateral consular treaty that guarantees consular attendance at trial. Your lawyer will be able to attend and should let you know what happened.

Whether the trial is open or not, you should press your consular services to attend. While the *Vienna Convention* (12) does not mention the right for consular attendance at trial, several countries have bilateral consular treaties with China that do include that right (12). China's refusal to allow consular access to trials of citizens of these countries is a blatant violation of those treaties.



A consular officer shall be permitted to attend the trial or other legal proceedings.

China-Canada Consular Agreement

It is possible to view recorded or live footage from Chinese courtrooms from the official *China Court Trial Online* website (14). It's free but you will need to register. While all kinds of civil and criminal cases are broadcast on this platform, it is highly unlikely that any sensitive case would be uploaded. However, it will give you a sense of how courtroom procedures take place in China.



In cases involving national security, there's almost always no evidence. Maybe a single harmless-looking photo, that's all. It's defined as a state secret so you can't challenge it. That's why these kinds of cases are always tried behind closed doors. There's just no evidence. It's political.



Should you go to China for the trial?



While there is little point in going to China before the trial (family visits are not allowed during pre-trial detention), if your foreign ministry deems it safe for you to go then your presence at the trial (if allowed) may be of great psychological benefit to your family member. This could also be something to discuss with your family member through their lawyer or consular visits.

Any decision taken to go to China must be balanced with the risks of you also being detained or given an exit ban. Your own government is best placed to advise you on this.

If you decide to go, you will need the help of your Embassy to apply for permission to attend the trial if it is open. You will also need to apply for a visa. It is advisable to prepare everything well in advance so that you will be ready when the trial date is announced.

Verdict & sentencing

China's judicial system is not independent and judges are not empowered to issue a verdict and sentence at the conclusion of a trial. This is why the verdict and sentencing may only be announced many weeks, months or even a year after the trial's end. The real decision-making power for politically-sensitive cases lies in the hands of the Chinese Communist Party body, the Political-Legal Committee. Local government officials and other party and government-led interests can also exert influence.

That delay offers a window of time to push for release on medical grounds, for example. So, it is important to continue your advocacy.

Deductions for time served

Time held in detention is subtracted from any prison sentence imposed as time served. Time in RSDL, however, is only calculated at half rate, so two days in RSDL counts as one day that can be deducted from a sentence. Since RSDL is a much harsher form of detention, this rule is both callous and unfair.

LIFE IN PRISON



Shanghai Zhoupu Prison. Photo credit: Shanghai Municipal Prison Administration

Prison conditions vary widely, however, generally they are better than in detention centres.

Your family member will now be able to send and receive letters, they can have visitors and phone calls with close family, they should have daily access to outdoor exercise, and sleep in a bunk bed rather than a mat on the floor. The psychological stress of waiting for sentencing is also over.

There are some downsides: consular visits will likely decrease, and sometimes items that could be sent when they were in detention are no longer permitted, or are more restricted in quantity.

In prison, your family member will now be allowed to:

- **Make telephone calls.** Officially calls can only be with close family members. Consular services or your lawyer should be able to help register family phone numbers with the prison. Make sure that the phone number you have registered accepts international numbers (it does not block them as spam). Agree on a regular time for the calls so you don't miss them. Call duration varies, but it could be less than 10 minutes (the time will be automated). Frequency also varies, but every two weeks has been reported.

- **Have prison visits.** Visitation rights are only given to close family members, such as a spouse, parent or child. Visits are usually allowed every two weeks or every month but can be denied on the "whims of the prison". The first visit must be arranged with the help of consular services. Physical contact is typically not allowed and the duration could be as little as 30 minutes. If the safety of the visitor is not in question, psychologically family visits can be a lifesaver for the prisoner.
- **Receive letters and packages.** You will be able to send items directly to the prison. Not all items may get through and it may take many weeks or months to arrive. If you have a friend inside China, it will be faster for them to deliver or post these items to the prison.
- **Have access to money in a prison account.** You will be able to deposit money to your family member's prison account so they can buy fruit, snacks and toiletries from the commissary. Ask your lawyer or consular services to help set this up. Prisons operate a "points" system, where points are added for good behaviour, such as writing letters of remorse, volunteering to work extra, exceeding work production quotas, etc. Irrespective of how much money there is in the prison account, spending is capped on a monthly basis according to the number of points the prisoner has.

Record your phone calls

Record your calls with your family member. Listening to their voice can really help when you miss them and you can also share the recording with friends and family (with your family member's permission). Having those recordings can often help ease the pain.

Release from Chinese prison

Once your family member has paid all fines connected with the case and served their sentence, they will likely be immediately deported. Dual citizens or Taiwanese passport holders may be given an exit ban on release that could last several years (14). If the sentence is lengthy, you may wish to retain your lawyer and attempt to get your family member freed or transferred to a prison in your home country. This is no easy task, but has been done in the past (please see opposite page).

APPEAL

Appeals must be lodged within 10 days of a written judgement being issued. Appeals are made with the next higher-level court. Second-instance judgements are final and must be given within four months of the appeal being lodged. You should seek expert legal advice on whether it is worth appealing. Appeals are rarely successful. You also run the risk of having the second court issue a harsher sentence (14).

SENTENCE COMMUTATION

It is possible to get a sentence commuted by earning “points” through good behaviour in prison. This typically includes admitting guilt, expressing remorse or being a model prisoner. At least half of the original sentence must be served and any fines paid off before parole can be considered.

MEDICAL PAROLE OR PRISONER TRANSFER

If your family member’s health is deteriorating, you could apply for medical parole or there may be avenues for prisoner transfer, where your family member could serve out the rest of the sentence in your home country. Both of these require the whole-hearted assistance of your home government and your lawyer’s help.



Australian journalist Cheng Lei back home after 3 years detained in China

The Guardian

China’s act of ‘hostage diplomacy’ comes to end as two Canadians freed



US pastor freed from Chinese prison after 18 years

THE WALL STREET JOURNAL.

China Releases British Investigator From Prison



Criminals... may have their sentence reduced if, during the period his punishment is being enforced, they earnestly observe prison regulations, accept reform through education, truly demonstrate repentance and reformation, or perform meritorious service.

Criminal Law of the People’s Republic of China

APPENDIX 1 - CONSULAR CONTACTS

If you suspect your family member has been detained in China, your first step should be to call consular emergency services. You should also reach out to the Embassy or Consulate that covers the geographical area where you believe they went missing.

If you need the consular contact information of a European country, please refer to this [directory](#).

The below information was researched from open sources in October 2024.

AUSTRALIA

Emergency assistance

[24-hour Consular Emergency Centre](#)

From overseas: (+61) 2 6261 3305

In Australia: 1300 555 135

Government resources

[Fact sheet: Arrested or detained overseas](#)

[Arrested or jailed overseas](#)

[China travel advice](#)

Embassy and consulates

[Australian Embassy in Beijing](#)

The Embassy covers Beijing, Tianjin, Hebei, Henan, Qinghai, Shaanxi, Shanxi, Shandong, Jilin, Liaoning, Heilongjiang, Inner Mongolia, Tibet, Ningxia and Xinjiang.

[Australian Consulate General in Chengdu](#)

The Chengdu Consulate covers Sichuan, Yunnan, Guizhou and Chongqing.

[Australian Consulate General in Guangzhou](#)

The Guangzhou Consulate covers Guangdong, Hainan, Fujian, Hunan and Guangxi.

[Australian Consulate General in Shanghai](#)

The Shanghai Consulate covers Shanghai, Anhui, Hubei, Jiangsu, Jiangxi and Zhejiang.

CANADA

Emergency assistance

[Request emergency assistance](#)

From overseas: (+1) 613 996 8885

Toll free from Canada or US: 1 800 387 3124

In Canada: 613 996 8885

Government resources

[Pre-travel registration](#)

[A Guide for Canadians Detained Abroad](#)

[Arrest and detention](#)

[An Overview of the Criminal Law System in China](#)

[China travel advice](#)

CANADA (CONT.)

Embassy and consulates

[Canadian Embassy in Beijing](#)

The Embassy covers Beijing, Tianjin, Gansu, Liaoning, Jilin, Heilongjiang, Shandong, Shanxi, Inner Mongolia, Ningxia, Shaanxi, Qinghai, Xinjiang, Tibet, Henan and Hebei.

[Canadian Consulate General in Chongqing](#)

The Chongqing Consulate covers Chongqing, Sichuan, Yunnan and Guizhou.

[Canadian Consulate General in Guangzhou](#)

The Guangzhou Consulate covers Guangdong, Guangxi, Fujian, Jiangxi, Hunan and Hainan.

[Canadian Consulate General in Shanghai](#)

The Shanghai Consulate covers Jiangsu, Anhui, Zhejiang, Hubei and Shanghai.

EUROPEAN UNION

For consular contacts and government resources of individual EU and EFTA Member states please see this [DIRECTORY](#).

This directory includes information from: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland.

[Consular protection for EU citizens](#)

[European Union European Commission in China](#)

JAPAN

Emergency assistance

In China: [Consular emergency line](#) (24 hours): (+86) 10 8592 7044

Government resources

[Pre-travel registration](#)

[Detention procedures in China](#)

[Information on detentions based on counter-espionage law](#)

“Even having a hand-drawn map, may be grounds for detention.”

Embassy and consulates

[Japanese Embassy in Beijing](#)

The Embassy covers Beijing, Tianjin, Shaanxi, Shanxi, Gansu, Henan, Hebei, Hubei, Hunan, Qinghai, Xinjiang, Ningxia, Tibet and Inner Mongolia.

[Japanese Consulate General in Shanghai](#)

The Shanghai Consulate covers Shanghai, Anhui, Zhejiang, Jiangsu and Jiangxi.

[Japanese Consulate General in Guangzhou](#)

The Guangzhou Consulate covers Guangdong, Hainan, Fujian and Guangxi.

[Japanese Consulate General in Shenyang](#)

The Shenyang Consulate covers Liaoning (except Dalian), Jilin and Heilongjiang.

[Japanese Consulate General in Dalian](#)

The Dalian Consulate covers Dalian.

[Japanese Consulate General in Chongqing](#)

The Chongqing Consulate covers Chongqing, Sichuan, Guizhou and Yunnan.

[Japanese Consulate General in Qingdao](#)

The Qingdao Consulate covers Shandong.

KOREA

Emergency assistance

In China: [Emergency number](#) (out of hours): (+86) 186 1173 0089

In Korea: [Consular call centre](#) (24 hours): 02 3210 0404

Government resources

[Pre-travel registration](#)

[China travel advice](#)

Embassy and consulates

[Korean Embassy in Beijing](#)

The Embassy covers Beijing, Tianjin, Hebei, Shanxi, Qinghai, Inner Mongolia, Xinjiang and Tibet.

[Korean Consulate General in Shanghai](#)

The Shanghai Consulate covers Shanghai, Anhui, Jiangsu and Zhejiang.

[Korean Consulate General in Qingdao](#)

The Qingdao Consulate covers Shandong.

[Korean Consulate General in Shenyang](#)

The Shenyang Consulate covers Liaoning, Heilongjiang and Jilin.

[Korean Consulate General in Guangzhou](#)

The Guangzhou Consulate covers Guangdong, Guangxi, Hainan and Fujian.

[Korean Consulate General in Chengdu](#)

The Chengdu Consulate covers Chongqing, Sichuan, Yunnan and Guizhou.

[Korean Consulate General in Xian](#)

The Xian Consulate covers Shaanxi, Gansu and Ningxia.

[Korean Consulate General in Wuhan](#)

The Wuhan Consulate covers Hubei, Hunan, Henan and Jiangxi.

[Korean Consulate General in Dalian](#)

The Dalian Consulate covers Dalian.

NEW ZEALAND

Emergency assistance

In New Zealand: [Consular emergency](#) (24 hours) 0800 30 10 30

Outside New Zealand: (+64) 99 20 20 20

Government resources

[Pre-travel registration](#)

[In event of detention](#)

[Missing persons](#)

[China travel advice](#)

Embassy and consulates

[New Zealand Embassy in Beijing](#)

New Zealand Consulate General in Guangzhou and New Zealand Consulate General in Shanghai are listed under the Embassy webpage.

TAIWAN

Emergency assistance

In Taiwan: [Emergency services hotline](#) (24 hours): 02 2533 9995

Government resources

[Pre-travel registration](#)

[Emergency assistance when overseas](#)

[National security laws in China](#)

[China travel advice](#)

Government departments

Because of the complicated political situation between Taiwan and China, there are no Taiwanese Missions in Mainland China. The Mainland Affairs Council (MAC) in Taiwan handles cross-strait relations. It also oversees the Straits Exchange Foundation (SEF), a semi-official body that can communicate with Chinese authorities.

[Mainland Affairs Council](#)

[Straits Exchange Foundation](#)

UK

Emergency assistance

In China: [Emergency helpline](#) (24 hours): (+86) 10 5192 4000

In the UK: [Support for British Nationals Abroad](#) (24 hours): 020 7008 5000

Government resources

[UK Foreign and Commonwealth Consular Division \(China\)](#)

[Information for people imprisoned in China including a downloadable prisoner pack](#)

[Guidance in case of detention abroad](#)

[China travel advice](#)

Embassy and consulates

[British Embassy in Beijing](#)

The Embassy covers Beijing, Chongqing, Gansu, Guizhou, Hebei, Heilongjiang, Henan, Hubei, Inner Mongolia, Jilin, Liaoning, Ningxia, Shaanxi, Shandong, Shanxi, Sichuan, Tianjin, Yunnan, Xinjiang and Tibet.

[British Consulate General in Guangzhou](#)

The Guangzhou Consulate covers Fujian, Guangdong, Guangxi, Hunan, Hainan and Jiangxi.

[British Consulate General in Shanghai](#)

The Shanghai Consulate covers Anhui, Jiangsu, Shanghai and Zhejiang.

[British Consulate General in Chongqing](#)

The Chongqing Consulate covers Chongqing, Sichuan, Yunnan and Guizhou.

US

Emergency assistance

In China: [Emergency contacts in China](#): (+86) 10 8531 4000 (Beijing)

For consulates, please see above webpage.

In US: [Overseas Citizen's Services Office](#)

From US and Canada: 1 888 407 4747

From overseas: (+1) 202 501 4444

Government resources

[Pre-travel registration](#)

[State Department information on being detained overseas](#)

[Office of the Special Presidential Envoy for Hostage Affairs \(SPEHA\):](#)

This department can provide help in cases of wrongful detention.

[Downloadable form](#) for consent to the release of personal information.

[China travel advice](#)

Embassy and consulates

[US Embassy in Beijing](#)

The Embassy covers Beijing, Tianjin, Gansu, Hebei, Henan, Hubei, Hunan, Inner Mongolia, Jiangxi, Ningxia, Qinghai, Shaanxi, Shandong, Shanxi, Xinjiang, Chongqing, Guizhou, Sichuan, Yunnan and Tibet.

[US Consulate General Guangzhou](#)

The Guangzhou Consulate covers Fujian, Guangdong, Guangxi and Hainan.

[US Consulate General Shanghai](#)

The Shanghai Consulate covers Shanghai, Anhui, Jiangsu and Zhejiang.

[US Consulate General Shenyang](#)

The Shenyang Consulate covers Heilongjiang, Jilin and Liaoning.

[US Consulate General Wuhan](#)

The Wuhan Consulate covers Wuhan emergency services only.

APPENDIX 2 - LAWS AND CONSULAR TREATIES

CHINESE LAW

[Criminal Law \(2021\)](#)

[Criminal Procedure Law \(2018\)](#)

[Counter-espionage Law \(2023\)](#)

[State Secrets Law \(2024\)](#)

[Provisions on Ensuring the Practice Rights of Lawyers in Accordance with Law \(2015\)](#)

[Nationality Law \(1980\)](#)

INTERNATIONAL TREATIES

[Vienna Convention on Consular Relations](#)

BILATERAL TREATIES WITH CHINA

[AUSTRALIA](#)

[CANADA](#)

[JAPAN](#)

[KOREA](#)

[NEW ZEALAND](#)

[TAIWAN](#)

[UNITED KINGDOM*](#)

[UNITED STATES OF AMERICA](#)

[Full list of countries with consular treaties with China](#) (in Chinese)

For consular treaties between China and European countries please see this [directory](#).

*Strictly speaking this is not a consular treaty but is an Agreement on the Establishment of a British Consulate-General at Shanghai and a Chinese Consulate-General at Manchester.

APPENDIX 3 - ALLIES

This list is intended as a starting point in identifying civil society organizations and other allies that may be able to provide various kinds of support as you advocate on behalf of your detained family member. Reach out to as many as you see fit, and ensure they are willing to coordinate with each other if necessary. Please also research the organization before you reach out to make sure that you are comfortable with their public image.

Use encryption with all correspondence (request it from them if their public contact doesn't use it) and make it clear if you want to keep the case private: allies can provide invaluable support and recommendations, but it is you who remains in the driver's seat.

Note: the following list has been compiled on the basis of open-source information or upon recommendation by former detainees and their family members. It is not exhaustive. Mentions do not constitute an endorsement by Safeguard Defenders nor do they represent an endorsement of this handbook by the listed organizations..

CIVIL SOCIETY ORGANIZATIONS

For direct assistance related to the recommended actions contained in this handbook and further guidance, you are most welcome to reach us at: [info\[at\]safeguarddefenders\[dot\]com](mailto:info[at]safeguarddefenders[dot]com).

CHINA-FOCUSED

Asian Lawyers Network

This small academic-led organization has had experience campaigning for people arbitrarily detained in China, including Japanese and Chinese professors.

Chinese Human Rights Defenders

While their focus is on human rights for Chinese citizens, they may be able to help offer advice finding a lawyer.

Dui Hua

This long-running and well-respected organization focuses on behind the scenes dialogue with Chinese officials to help secure better treatment for at-risk detainees in China. They may also be able to help you contact officials in your own government.

Front Line Defenders

They have experience in advocacy, media work and with human rights lawyers in China.

Human Rights in China

While their focus is on human rights for Chinese citizens, they may be able to give advice on finding a lawyer and dealing with media.

Peter Humphrey

Peter, a former Reuters journalist and corporate investigator from the UK was unfairly imprisoned in China in 2014. Peter now offers pro bono help as an advisor, mentor and media relations specialist for families of loved ones who have been arrested or are serving a prison sentence in China. Contact us ([info\[at\]safeguarddefenders\[dot\]com](mailto:info[at]safeguarddefenders[dot]com)) to reach Peter.

The Rights Practice

They may be able to give advice on finding a lawyer and dealing with the media. They have experience in advocating for torture victims.

GENERAL

Amer Fakhoury Foundation

Helps campaign for the release of Americans unlawfully detained overseas and provides emotional and financial support to families. The foundation was established by the family of Amer Fakhoury, who was kidnapped and tortured by Lebanese militant group Hezbollah and then later died.

Australian Wrongful and Arbitrary Detention Alliance (AWADA)

Founded by former prisoners of arbitrary arrests (including in China), they advise family and friends how to support and advocate for detained loved ones.

Fair Trials

Although they do not focus on Asia, they may be able to offer advice on how to talk to a lawyer and international law on the rights of prisoners and the right to a fair trial.

Freedom House

Freedom House is the oldest American organization devoted to the support and defense of democracy around the world. They may be able to assist in reaching out to US stakeholders and media.

Hostage Aid Worldwide

Founded by a group of former hostages, families of hostages and others to campaign for the release of people taken hostage or arbitrarily detained.

Hostage International

Hostage International provides practical and emotional support to families and former hostages affected by kidnapping or arbitrary detentions outside their home country. They also offer post-release assistance, including psychological care. Hostage International also have a number of factsheets that might be helpful. These include:

How to talk to media

How to take care of yourself

How to cope

Hostage US

Offers support to families of Americans wrongfully detained abroad.

Human Rights Watch

There are chapters in many countries of this well-known global human rights organization. [Search here](#) for your local branch.

International Service for Human Rights

ISHR provides human rights defenders with advice on how to best use international and regional human rights mechanisms. They have extensive experience in engaging with UN mechanisms.

James Foley Foundation

Advocates for Americans held hostage overseas. Has China experience. Also has safety guide for travellers, with some relevance for China.

Prisoners Abroad

Provides practical information and welfare support to British citizens imprisoned abroad. Website also has fact sheets on what to consider after an arrest and what to ask a lawyer. They maintain contacts with British consular services.

Protect Defenders

While their focus is on protecting human rights defenders, they may be able to help with advocacy and government contacts in the EU.

Reprieve UK / Reprieve US

An advocacy organization that campaigns on torture, death penalty and unlawful detention.

Global Reach

Works to free Americans held hostage (including through arbitrary detention) overseas. Has China experience.

Trial International

While they do not list China as one of the countries they work on, one of their focuses is arbitrary detention.

POLITICAL ALLIES

Finding allies within your country's legislative branch can be crucial to ensure your family member's detention remains firmly on your government's agenda. The following networks and committees may be able to assist in advocating on your behalf. You can also identify local politicians who have made public statements supporting human rights in China and contact them directly for help.

INTERNATIONAL

[Inter-Parliamentary Alliance on China \(IPAC\)](#)

IPAC is a cross-party alliance of legislators focused on ensuring more sensible democratic policies on China. With over 250 members in 40 countries, it can connect you to motivated legislators in your country and coordinate campaigns internationally.

AUSTRALIA

[Contacting senators and members](#)

[Senate Foreign Affairs, Defence and Trade References Committee](#)

In June 2024, the Senate ordered an inquiry into the wrongful detention of Australian citizens overseas to the Foreign Affairs, Defence and Trade Reference Committee.

CANADA

[Contacting your MP](#)

JAPAN

[House of Representatives](#)

[House of Councillors](#)

KOREA

[Members of the National Assembly](#)

NEW ZEALAND

[Find your MP](#)

TAIWAN

[Legislative Yuan](#)

[Local Councillors](#)

UK

[Finding & contacting your MP](#)

US

[Congressional-Executive Commission on China \(CECC\)](#)

The CECC is an independent US government agency that monitors human rights and the development of the rule of law in China. It publishes an annual report on China's human rights and holds hearings and roundtables.

[The Select Committee on the CCP](#)

A bipartisan committee under the House of Representatives that focuses on economic and security threats to the US posed by the CCP.

[Contacting US Senators](#)

[Directory of the House of Representatives](#)

APPENDIX 4 - FURTHER RESOURCES

The links below offer background reading on digital security, arbitrary detention, RSDL and rule of law in China. These include Safeguard Defenders' own publications, those of other civil society organizations and other agencies, and news stories. Use these as a starting point for further research. Knowledge will help to both protect and empower you to campaign more effectively for your family member.

ONLINE SECURITY

[Practical Digital Protection](#)

Windows, Android, iOS and Mac manuals published by Safeguard Defenders aimed at activists working inside China.

[Digital security resources](#)

A list of "online digital security tools, guides, training curriculums and research for media, NGOs, and development organizations" published in 2022 by German media company Deutsche Welle.

[The WeChat app is anything but private. If you must use it, here's how to protect yourself.](#)

Tips on how to stay safe using WeChat.

[Should We Chat? Privacy in the WeChat Ecosystem](#)

An indepth look at the problems of WeChat.

[Investigating WeChat](#)

Reporters Without Borders' deep dive into WeChat (four parts).

[Why you should use a VPN on your mobile device](#)

Guide to VPNs by Proton, which also offers free encrypted email and VPN services.

[Essential data security tips for your next trip to China](#)

Another blog by Proton with tips on how to protect your devices if you do go to China.

[How to Protect Your Company Information When You Travel to China](#)

Legal firm Harris Sliwoski's guide to digital security if travelling to China.

RDSL AND DETENTION IN CHINA

[Locked Up: Inside China's Secret RSDL Jails](#)

Safeguard Defenders' 2021 illustrated report on Residential Surveillance at a Designated Location.

[People's Republic of the Disappeared \(2nd edition\)](#)

First-hand stories from former RSDL prisoners, edited by Safeguard Defenders.

[Several questions about 'Residential Surveillance at a Designated Location' \(RSDL\)](#)

International Service for Human Rights briefing on RSDL.

[On the violations to international human rights conventions through the system of 'Residential Surveillance at a Designated Location'](#)

ISHR's examination of the international human rights laws that are violated by RSDL.

[UN expert groups 2018 letter to China calling for the end of RSDL](#)

['I was locked inside a steel cage': Peter Humphrey on his life inside a Chinese prison.](#)

['From hell to limbo': Michael Kovrig describes more than a thousand days as China's prisoner](#)

['A sophisticated form of torture': Australian journalist Cheng Lei details detention ordeal](#)

['Like being buried alive': Australian journalist Cheng Lei on life in a Chinese prison](#)

[Jailed in China \(Pt. 1\): Japanese man imprisoned for ‘spying’ tells of 6-yr ordeal](#) Suzuki on RSDL

[Jailed in China \(Pt. 2\): Blindfolded and interrogated for ‘spying’ after airport arrest](#)

[Jailed in China \(Pt. 3\): Singing silently to retain hope amid long detention for ‘spying’](#)

[Jailed in China \(Pt. 4\): A VIP room for detainees and facts divulged by fellow inmates](#)

In 2024, Safeguard Defenders conducted a survey of former inmates about conditions in detention centres and prisons in China. Two reports based on this research will be published in 2025. Please check our [website](#) for new releases or [sign up to our newsletter](#).

ARBITRARY DETENTION

[International Initiative against Arbitrary Detention in State-to-State Relations](#)

[Bringing home Americans detained in China](#)

[China’s abductions of foreign nationals should carry costs and consequences](#)

[Arbitrary detentions of Taiwanese in China, DUI HUA](#)

[A lonely cry for action as China locks up Japanese on spy charges](#)

[Latest detentions raise renewed questions about safety of foreigners in China](#)

[China widens ‘already breathtaking’ scope to arrest foreigners for espionage](#)

[Opinion: China was home for 25 years, but I can’t go back. Here’s why](#)

RULE OF LAW IN CHINA

[Access Denied 3: China’s Legal Blockade](#)

Safeguard Defenders’ 2021 report on how China illegally restricts lawyer access and has decimated the human right lawyers’ movement under Chairman Xi Jinping.

[Scripted and Staged: Behind the Scenes of China’s Forced TV Confessions](#)

Safeguard Defenders’ 2018 report on the illegal practice of coercing detainees through torture and threats to give televised confessions.

[Trapped China’s Expanding Use of Exit Bans](#)

Safeguard Defenders’ 2023 report on how China is significantly widening the legal landscape for imposing exit bans and is increasing their use against everyone from human rights defenders to foreigners.

[Prosecutions abandoned, conviction rate record high, and more on China’s judiciary 2022](#)

Safeguard Defenders’ research on conviction rates.

[Robert Schellenberg: What we know about his case so far](#)

An example of sentence aggravation. In 2019, a Chinese appeal court increased the penalty for a Canadian man from 15 years to a death sentence.

[Why Has China Claimed the Detained Bookseller Gui Minhai Restored his Chinese Nationality?](#)

Legal scholar Jerome Cohen discusses the cases of Gui Minhai and Lee Bo, who were both forced by Beijing to renounce their foreign citizenship.

[China Court Trial Online \(tingshen\)](#)

Platform that streams live and recorded trials. Launched in 2016, it is still operating as of 2024 and has aired millions of trials.

APPENDIX 5 – BOOKLIST

Reading is deeply personal; not everyone likes the same authors or types of books. Get a reading list from your family member before they leave for China. You can also ask them via consular meetings for titles and genres.

We have compiled a short list of books here based on recommendations from people who were held in RSDL. While fantasy and fiction can help as a kind of escapism, they suggested that practical books, such as those on exercising in a small space, titles to improve mental resilience and survivor stories, were especially helpful.

Time spent in RSDL and detention can be long and tedious and not all books get through police checks, so also send long books, the longer the better, and as many books as you can. It goes without saying, do not send anything politically sensitive, such as material on human rights, Chinese politics or history, Taiwan, Tibet or Xinjiang, for example. They will not be allowed through and it may cause further trouble for your family member.

Physical exercise

The Yoga Bible by Christina Brown

Cell Workout by L J Flanders

Overcoming Gravity by Steven Low

Royal Canadian Air Force Exercise Plans for Physical Fitness by Royal Canadian Air Force

The Pilates Body by Brooke Siler

Mental resilience

When Things Fall Apart by Pema Chödrön

Man's Search for Meaning by Victor Frankl

Mindfulness in Plain English by Bhante Gunaratana

Endurance: Shackleton's Incredible Voyage by Alfred Lansing

We're all doing time by Bo Lozoff

The Prison Letters of Nelson Mandela by Nelson Mandela

Survivor stories

438 Days: An Extraordinary True Story of Survival at Sea by Jonathan Franklin

A House in the Sky by Amanda Lindhout and Sara Corbett

The Desert and the Sea by Michael Scott Moore

Miracle in the Andes: 72 Days on the Mountain And My Long Trek Home by Nando Parrado

Taken on Trust by Terry Waite

Politically motivated arrests of foreigners are increasingly common in the People's Republic of China, leaving loved ones feeling helpless in the face of the country's opaque justice system. This handbook is for them.

The primary goal of *Missing in China* is to be a one-stop shop for information and resources for those dealing with a family member detained in China. This includes explanations on how the Chinese law enforcement and judicial systems work and the obligations of both the foreign government and Beijing to the detainee. It also includes guidance on how to find effective legal representation, suggests strategies for talking to the media and ways to find allies to help to make family and friends better advocates for the detainee.

Secondary goals are to raise awareness about the rising number of arbitrary detentions of foreigners in the People's Republic of China and the lack of due process. This handbook also highlights areas where foreign governments fall short in standing up for the rights of their citizens detained in China and in calling Beijing to account when it repeatedly violates its international obligations.

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