

Complaint to the Canadian Radio-television and Telecommunications Commission (CRTC)

Against

China Global Television Network (CGTN) and China Central Television (CCTV) Channel 4.

Submitted by [Safeguard Defenders, info@safeguarddefenders.com](mailto:info@safeguarddefenders.com), 2019-12-16

Background

In 2006 the CRTC, after a lengthy review, made a **decision**¹ to allow the addition of CCTV-4 to the digital broadcast list, and made it available to Canadian households through Rogers TV. As part of its final statement and review, it stated:

... the Commission has found several instances of the service broadcasting content that in its view constitutes abusive comment, these date back to 1999 and 2001, and there is no evidence of such instances aired by CCTV-4 since that time. The Commission is therefore unable to conclude that the offending stories aired in 1999 and 2001 are typical of the content currently aired on CCTV-4.

In light of all of the above, the Commission approves the request by Rogers to add CCTV-4 to the digital lists, thereby authorizing distribution of the service in Canada, and amends the lists of eligible satellite services accordingly. The Commission considers it unnecessary to impose specific conditions on its distribution in addition to those usually applicable to such services on such lists.

Since this analysis and its conclusion, the same TV channel has consistently and systematically engaged in broadcasting abusive content, partaken, in collaboration with Chinese police, in gross human rights violations, and broadcast harmful content, which has led to seven different investigations against its English-language sister channel CGTN, by the United Kingdom's TV-regulator.

At the time of this decision, the CRTC also stated:

¹ <https://crtc.gc.ca/eng/archive/2019/2019-2.htm>

At the same time, the Commission notes CITVC's statements that the Great Wall Package (which includes CCTV-4) "obeys the laws of every country in which its services are broadcast and Canada will be no exception" and "will comply with the provisions of the relevant codes that govern Canadian broadcasters." The Commission will expect that the CCTV-4 service that will be distributed in Canada will be free of abusive comment.

It was thus made clear the CRTC expected no repeat of those violations it earlier identified and that CCTV-4 would broadcast in line with Canadian regulations. Later, its English-language TV channel CGTN was also added. CRTC went even further, stating:

Removal of a service from the lists of eligible satellite services authorized for digital distribution is a remedy that the Commission will be prepared to exercise if it finds that abusive comment has been aired on the service while it is distributed in Canada.

This complaint will show that such behavior, which CRTC identified earlier, has now become **systematic**, and has even included **Canadian citizens as victims**. This complaint thus calls on CRTC to undertake what it promised to undertake, namely investigate renewed violations, and if the evidence herein is corroborated, remove these two channels from the list of eligible stations, in line with CRTC's own statement.

Reason for complaint

This complaint has two purposes. First, to object to an individual broadcast, aired November 21 and 22, 2019. Secondly, and more importantly, to show that these types of broadcasts have been made consistently and systematically **over several years**.

According to earlier statements made by CRTC, the broadcasting practices of CCTV-4 and CGTN need be investigated and if evidence is corroborated, penalties must be issued

The specific broadcast in mention concerns Simon Cheng. Simon Cheng is a Hong Kong citizen who was working for the United Kingdom's consulate in Hong Kong at a time when the Chinese Communist Party was engaged (and still is) in public diplomacy to try to paint the protests in Hong Kong as a result of U.S. and UK's instigation. Cheng, tasked with monitoring the protests by the UK consulate, was detained on August 8, taken into custody and kept incommunicado at an unknown location and in solitary confinement, while undergoing interrogation by China's Ministry of State Security. During these two weeks of solitary confinement, and after torture, he was forced to record six different confession videos, filmed and scripted by the police. He was eventually released and sent back to Hong Kong on August 24. Simon is now in safety in the UK.

On November 20, the world was shocked when he revealed, in an extensive interview with BBC² and other international media, how he had been treated while in secret detention in China. This included everything from the torture to the filmed confessions as well as the interrogations and attempt to penetrate the UK's foreign and commonwealth office (FCO).

The FCO, as well as International NGOs Amnesty International and Safeguard Defenders, the latter being the foremost expert on China's use of *forced TV confessions*, have all deemed Simon Cheng's testimony very credible and completely consistent with prior testimonies from victims of similar 'confessions' obtained under duress.

The offending broadcasts

1: CGTN



Channel: China Global Television Network (CGTN)

Program: China24

Date: 2019-11-21

Length of broadcast: 00:54

Time of broadcast: 12:15-13:00 (possibly rebroadcast at next broadcast of program, 01:30) (All times GMT-0 as per CGTN official schedule). China24 runs twice a day, at 01:30 and 12:15.

Watch: <https://www.youtube.com/watch?v=POjaAsNQy3Q>

2: CCTV-4



Channel: China Central Television Channel 4

Program: China News (中国新闻) and Global News (今日全球)

Date: 2019-11-22

Length of broadcast: 02:51

Time of broadcast: 07:16, 07:25 and 08:33 (All GMT+8 Beijing Time)

Watch:

<http://tv.cctv.com/2019/11/22/VIDEj6kBiTNfbQMK05UJrHd191122.shtml?spm=C45305.P76895791933.S09521.96>

Both broadcasts are similar in nature, combining videos made by Shenzhen police and Ministry of State Security agents while Simon Cheng was held, incommunicado, at a secret location, in solitary confinement. During this period, according to Simon Cheng's testimony, he was forced,

² <https://www.bbc.com/news/world-asia-china-50457262>

after undergoing physical and mental torture in line with articles 1 and 16 of the *Convention Against Torture*, to record six different confessions of various content.

The broadcasts were handed by police to CCTV right after his interview with BBC broke. They had these videos ever since August. The timing of broadcast is important as it clearly shows its purpose. In the CGTN broadcast, the newscaster states that Cheng was 'on trial' (quote: "*Shenzhen police has released videos of Simon Cheng soliciting prostitutes and of his trial on [sic] August*"), which is a **direct lie**, as even Chinese police have made clear there has been no trial³. The purposes of the broadcasts are two-fold: to smear Cheng and reduce his credibility and to present his detention as lawful.

Cheng was never contacted by a CCTV journalist to get his side of the story and they had no have any access to him while he was held incommunicado. CCTV has seemingly not taken any steps to verify the claims made by the police, and despite Cheng not having been arrested, indicted nor convicted, the offending programs, in graphics and in the words of the news anchors, state unequivocally that Cheng was guilty of the allegation. Hence, **allegations are presented as facts**.

In the CGTN broadcast, Simon's words are inaudible, and instead the news anchor simply states that he is confessing to various things, while the audience cannot hear his voice.

In addition, CGTN and CCTV-4 state that the surveillance footage that it includes in the broadcast shows Cheng visiting prostitutes. It does not name the place (nor give its location), which police merely called a "club". The video does not show him visiting or soliciting a prostitute, yet the CGTN newscaster and CGTN-added graphics state that allegation as a fact. Nothing in that surveillance footage shows Cheng soliciting prostitutes, or indicates in any way that he is. All it shows is a lobby and a corridor. Yet, CGTN and CCTV-4 state all these accusations as facts, and as no further information is given, have seemingly not asked the police for any such details.

The intention of these broadcasts is to cause harm to Cheng, support the Chinese Communist Party's unproven allegations that the Hong Kong protests are stirred by U.S. and UK, and to paint an illegal act as a legal act, subverting the truth.

In addition, these broadcasts of Cheng make use of several separate edited clips, not a straight-through nor genuine interview but an on-camera interrogation shot in separate takes. CGTN and CCTV-4 received this video from police and used it without prior familiarity with the recordings, between or after these cuts.

³ There has been no trial, not even an indictment. In fact, Simon was, according to Chinese police, placed in "administrative detention", which is not a judicial process at all, it is an extra-judicial measure. Based on Chinese law, there cannot even *theoretically* be a trial, as it is a matter decided by the local police under the same administrative regulation as a petty fine.

Cheng's recordings were filmed while he was in an emergency situation and under intense distress. The result of CGTN's and CCTV-4's broadcasts was to significantly add to this distress. It was also made at a secret location, another point which was well known to CCTV as the fact of his disappearance and unknown whereabouts had been reported on extensively for many months before CGTN and CCTV-4 aired this broadcast. Cheng was under extreme pressure and by no means voluntarily made the recording.

Instead, he was tortured into confessing without having been indicted, seeing a lawyer, nor without having been put on trial. By airing these broadcasts, CCTV-4 and CGTN convicted Cheng in public. At time of his BBC interview, he also released a detailed written testimony, outlining all of this. The broadcasts by CGTN and CCTV-4 confirm Cheng's account.

The systematic broadcast of abusive content

Since 2013, CGTN has aired at least nine forced TV confessions in Canada, with 13 victims. CCTV-4 has aired at least 27 such forced TV confessions, with 57 victims. Two of those CCTV-4 broadcast victims (aired 2018-04-23) are Canadian citizens. Many are not broadcast once, or only in one edition. In addition, there are likely others since 2013 not yet identified by Safeguard Defenders. Table 1 and Table 2 below provide further details.

In 2018, Safeguard Defenders released *Scripted and Staged*, the first in-depth report on China's forced confessions of its kind, in both English and Chinese language editions, which received intensive media coverage, including in Chinese. The report includes in-depth testimonies from several victims, most highlighting extensive torture while kept incommunicado, in solitary confinement and often at secret locations. In late 2018, a book on the subject was released, *Trial By Media*, which included more testimonies that provided even more extensive proof that not only CCTV, and CGTN, was broadcasting video materials given to them (along with adding post-production values and news anchor material), but that in many CCTV journalists were also directly involved in extracting and recording some aired confessions.

Copies of both *Scripted and Staged* and *Trial By Media* are added as Appendices to this Complaint. A long list of prominent media and legal scholars are available for commentary and input should so be requested.

Several of these broadcasts are now being formally investigated by UK's TV-regulator *Ofcom* following complaints against them being accepted. The most recent complaint, filed by Simon Cheng about his broadcast, is now being assessed by Ofcom and it is expected that it will to be accepted and formally investigated by Ofcom soon. Finally, nine of these broadcasts have also

been filed for investigation with the U.S.'s *Federal Communications Commission* (FCC), as of 2019-12-16.

Table 1. Forced TV Confessions on CGTN

#	Date of broadcast	<u>VICTIM INFORMATION</u>		
		Main confessor (or target)	Nationality	Broadcaster
1	2013-08-27	Peter Humphrey (main)	U.K.	CGTN
2	2013-10-26	Chen Yongzhou (main)	CN	CGTN
3	2014-07-14	Peter Humphrey (main) Yu Yingzeng (supporting)	U.K. US	CGTN
4	2014-08-04	Guo Meimei (main) 3 others (blurred) (supporting)	CN CN	CGTN
5	2014-08-19	Ko-Chen-tung (main)	TW	CGTN
6	2016-01-18	Gui Minhai (main)	SWE	CGTN
7	2016-05-02	Taiwanese telecom fraud (main) Mr Lun (supporting) Mr Xu (supporting)	TW TW TW	CGTN
8	2018-02-09	Gui Minhai (main)	SWE	CGTN
9	2019-11-21	Simon (Man-kit) Cheng	HK	CGTN

Table 2. Forced TV Confessions on CCTV-4

#	Date of broadcast	Main confessor (or target)	Nationality	Broadcaster
1	2013-07-15	Liang Hong (main) Weng Jianyong (supporting)	CN CN	CCTV-4
2	2013-08-22	Qin Huohuo (main) Lier Chaisi (main)	CN CN	CCTV-4
3	2013-08-27	Peter Humphrey (main)	U.K.	CCTV-4
4	2013-08-29	Charles Xue Biquan (main) Ms Zhang (supporting) Ms Liang (supporting) Ms Ma (supporting) Ms Wang (supporting) Ms Li (supporting)	U.S. CN CN CN CN CN	CCTV-4
6	2013-09-29	Dong Liangjie (main) Charles Xue Biquan (supporting)	CN U.S.	CCTV-4
9	2013-10-26	Chen Yongzhou (main)	CN	CCTV-4
12	2014-05-13	Xiang Nanfu (main)	CN	CCTV-4
15	2014-06-26	Ning Caishen (main)	CN	CCTV-4
16	2014-06-29	Zhang Yuan (main)	CN	CCTV-4
19	2014-08-19	Ko-Chen-tung (main)	TW	CCTV-4
20	2014-08-27	Nurmemet Abidilimit (main) Ghesi Hasan (supporting)	CN (UI) CN (UI)	CCTV-4
22	2014-09-26	Ilham Tohti (main) (offscreen target) Luo Yuwei (supporting) Perhat Halmurat (supporting) Shohret Nijat (supporting)	CN (UI) CN (Yi) CN (UI) CN (UI)	CCTV-4

26	2015-07-12	Zhou Shifeng, Wu Gan, Liu Sixin, Zhao Wei (main) (all offscreen) Zhai Yanmin (supporting) Liu Xing (supporting) Huang Liqun (supporting)	CN CN CN CN	CCTV-4
27	2015-07-19	Zhou Shifeng (main), Wang Yu, Wu Gan (offscreen) Liu Sixin (supporting) Huang Liqun (supporting) Xie Yuandong (supporting) Liu Jianjun (supporting) Liu Xing (supporting) Ms Gou (supporting) Ning Huirong (supporting) Zheng Yuming (supporting) Zhai Yanmin (supporting)	CN CN CN CN CN CN CN CN CN CN	CCTV-4
28	2015-07-19	Tursan (main)	CN (UI)	CCTV-4
29	2015-07-20	Ai Ke Abai Er (main)	CN (UI)	CCTV-4
30	2015-08-31	Wang Xiaolu (main)	CN	CCTV-4
33	2016-01-18	Gui Minhai (main)	SWE	CCTV-4
34	2016-01-19	Peter Dahlin (main) Wang Qiushi (supporting) Xing Jianshen (supporting)	SWE CN CN	CCTV-4
35	2016-02-01	Ding Ning (main)	CN	CCTV-4
38	2016-04-15	Taiwanese telecom fraud (main) Mr Jian (supporting) Mr Xu (supporting)	TW TW TW	CCTV-4
39	2016-05-02	Taiwanese telecom fraud (main) Mr Lun (supporting) Mr Xu (supporting)	TW TW TW	CCTV-4

42	2016-07-06	Lam Wing-kee (main)	HK	CCTV-4
44	2017-03-02	Jiang Tianyong (main) Xie Yang (supporting)	CN CN	CCTV-4
45	2017-05-09	Xie Yang (main)	CN	CCTV-4
47	2018-04-23	Guo Wengui (main) Chen Zhiheng (supporting) Chen Zhiyu (supporting)	CN CAN CAN	CCTV-4
51	2019-11-21	Simon (Man-kit) Cheng	HK	CCTV-4

Full database file is included as an Appendix with more specific information on each broadcast.

What are Forced TV Confessions?

The proliferation of “Forced TV Confessions” is one of several abusive trends spawned from the ascent to power in 2012 of Xi Jinping, marking a sharp deterioration in rule of law and human rights in China. These confessions are always extracted, produced and aired before a victim’s trial to deny them their legal right to a fair trial and for the purpose of convicting them in and by the media. Many times, they are also made and broadcast even before formal arrest. A great many of the all-in-all 51 “Forced TV Confessions” that we have discovered, inflicted upon at least 85 different victims, were perpetrated while the victim was held captive under yet another new abusive practice proliferating in the Xi Jinping era, namely ‘Residential Surveillance at a Designated Location’, or RSDL, which is a form of “Enforced Disappearance”, as it was termed by several United Nations’ bodies in August 2018⁴.

While in RSDL, the person’s whereabouts are not disclosed. By law they cannot be placed inside ordinary custodial centers, police stations or prisons but are instead placed into custom-built facilities or converted rooms within military, police or government-run ‘guesthouses’ or other facilities. Inside, a person is always kept in solitary confinement. No access to lawyers is allowed. In all known cases, even state prosecutors, who are supposed to supervise prisoners held in RSDL, are denied access.

RSDL and other forms of incommunicado detention are closely related to the televised “confessions”. Many of the victims are rights defenders or foreigners being used by the CCP as

⁴ <https://safeguarddefenders.com/en/blog/incommunicado-detention-must-go-say-un-experts>

a foreign policy tool, i.e. diplomatic hostages, where CGTN and CCTV-4 are active collaborators and instruments of this rights abuse.

The true nature of these “Forced TV Confessions” and their aggregate dawned only in 2018. That knowledge forms the basis of this complaint.

In November 2018, one of the many victims, Safeguard Defenders’ own Director, Peter Dahlin, released a book, titled [Trial By Media](#), which further explored the role of CCTV not merely as passive broadcasters of these “Forced TV Confessions”, but as being actively involved in extracting and falsifying them. In the same month, in London, Peter Humphrey filed the first regulatory legal [complaint](#) to the UK’s broadcasting regulator *Ofcom* against both CCTV-4 and CGTN for broadcasting two such confessions that he was forced to make under a level of duress equating to torture. Ofcom, the Office of Communications bureau which acts as an enforcer of UK broadcasting law, is still investigating CCTV and CGTN. As per that complaint, CCTV (CGTN) had severely violated that UK law by broadcasting on UK air waves Mr Humphrey’s and many other “Forced TV Confessions”. Three more individual victims soon afterwards filed similar complaints in the UK to Ofcom. **The Ofcom complaints filed by Peter Humphrey and [Angela Gui](#) are currently under formal investigation. The Simon Cheng complaint is likely to lead to a formal investigation shortly.**

As per Mr Humphrey’s complaint in the UK, which shows the reality behind the creation of these “Forced TV Confessions” and the direct lies and intentional distortion that they contain:

“They [the police] drugged me, locked me to a tiger chair, and placed me and the chair inside a small metal cage. China Central Television (CCTV) journalists then aimed their cameras at me and recorded me reading out the answers already prepared for me by the police. No questions were asked.” The CCTV journalists could see the script the police were holding standing by the cage, a script written before the recording.

There are a number of key traits in most of these “Forced TV Confessions” which bring a sharp focus to this present complaint.

- Many of the victims are lawyers, journalists or others working for change – i.e. considered as political targets.
- Direct lies by news anchors and in packaging and presentation, such as stating Simon Cheng had been on ‘trial’, or adding words to victims’ language in translation, for example adding ‘illegal’ to words spoken (under duress and drugged) by Peter Humphrey.
- Victims are often held incommunicado and for long periods under profound duress, before the “Forced TV Confessions” are extracted and broadcast, and most of the victims gave no consent.

- Because many victims refuse, they are subjected to both mental and physical torture, as defined by the *Convention Against Torture*, and in several cases, their children or loved ones are targeted and threatened with harm or arrest if they still refuse to play along.
- The broadcasts, when victims are foreign, serve both as propaganda, as with domestic/Chinese victims, and often as foreign policy statements, in which the foreign victim is compelled to praise the PSB or the CCP, or in which they are forced to attack their own government.
- CCTV often adds extensive post-production material, often containing direct lies or intentional distortion, to make the victim appear guilty, despite no trial having taken place, and in some cases even before a formal arrest. These added lies serve to complement the lies that the victim is forced to state in the ‘confession’ recording itself.
- The lies that victims are forced to state under duress in the “confession” recording are often blatantly obvious as lies to the CCTV/CGTN ‘journalists’ who are present.
- Journalists from CCTV very often partake in the making of these videos and are sometime even given the list of questions by the PSB or MSS officers to ask the prisoner, and will also see the victim’s pre-scripted, pre-prepared answers to those questions before filming.
- In many of the cases where victims have provided testimony to us, the police wrote down the questions and answers, then gave the paper to the victim, and told them to memorize it.
- During filming, police act as stage directors, ordering re-takes, and instructing the victim how to sit, how to speak, etc.; in the cases where CCTV journalists take part in the recording process, they will be witnesses to this.
- Some “Forced TV Confessions” have even been recorded in CCTV’s own Beijing studios, despite CCTV’s knowledge that the victim is being held illegally, uncharged and untried in police custody.
- Most people are told the recording is for internal use, for police superiors to see, and not for TV or the public. Even with CCTV staff present, as is often but not always the case, it has still been maintained that it’s not for TV. (All branches of state works for the CCP, so it’s not *entirely* unbelievable that CCTV is called in to help make a recording.) The victim only finds out the video was broadcast on TV once they are released and others then inform them.

Regardless whether CCTV journalists are pro-actively involved in the production and extraction of these “Forced TV Confessions” or not, they will then undergo extensive post-production before being aired, with CCTV anchors and reporters adding content, often intentional distortions and direct lies, along with the graphics needed to present these newscasts, to support the outcome desired by the Communist Party authorities.

Further information

Broadcasting details⁵:

CGTN (CGTN-News), Rogers, Channel 823. (<https://www.cgtn.com/live>)

CCTV-4, Rogers, Channel 804. (<http://tv.cctv.com/live/cctvamerica/>)

Credibility

Since a significant amount of information contained in this document is based on testimonies and third-party sources, the following section informs on Safeguard Defenders work, sources of information, methodology and the credibility of information collected from victims of forced TV confessions.

1) Assessment of credibility of sources by Safeguard Defenders:

Safeguard Defenders is the main reference among INGOs on China's use of Forced TV Confessions, having released both in-depth report(s)⁶, a book⁷, and has a vast trove of testimonies from both Chinese and foreign victims of the torture that precedes such videos, and the making of the videos themselves. In studying the practice of forced confessions aired over the past six years, Safeguard Defenders has collected evidence from many different recognized sources and has directly interviewed a significant number of victims of those forced confessions after they were released.

The publication of the first ever report on forced TV confessions, *"Scripted and Staged: Behind the scenes of China's forced TV confessions"*, published in April 2018, was put together by staff at *Safeguard Defenders* who made interviews with victims of China's practice of forced televised confessions and analyzed the confession broadcasts, including details of individual cases. Data from these two approaches were used to investigate what goes on behind the scenes: how the Chinese authorities coerce detainees to participate in televised confessions and to find clues from the broadcasts themselves to indicate their political purpose.

In addition, Safeguard Defenders drew upon research material it collected from previous interviews with victims of Residential Surveillance at a Designated Location (RSDL) that were published in the book, *The People's Republic of the Disappeared*. In addition to victims, the organisation also interviewed Chinese legal scholars for their comments on the legality of the confessions. For some information it collected, the organisation had to conceal the identities (including the gender) of their sources who still live in China because of a fear of reprisals from the state. For those that needed to be convinced in order to speak, such hesitation is also an indication of the sincerity of the testimony they eventually provided to Safeguard Defenders, as they would not have hesitated if their intention was to exaggerate or lie about what they experienced, witnessed or knew related to forced confessions and associated detention.

⁵ <https://www.rogers.com/consumer/tv/starter-package?icid=bu-ppmbccon-stpbrcbndl-1030194#/starter-channels>

⁶ <https://safeguarddefenders.com/en/publications>

⁷ <https://www.amazon.com/Trial-Media-Chinas-expansion-Chinese/dp/0999370626>

In addition, the majority of the interviews and written testimonies, which were collected between April 2017 and March 2018, have been endorsed publicly by their authors. Several accounts of events were taken from a graduate thesis or from testimony available online (i.e. Lam Wing-kee CECC testimony and testimony from Xie Yang through his lawyer). Much information has been processed additionally through filing official, detailed, complaints by victims with TV regulatory bodies.

The book *“Trial by Media: China’s new show trials, and the global expansion of Chinese media”*, is a continuation of the work of Safeguard Defenders’ advocacy report *“Scripted and Staged”*. While a lot of the research for the first report was recording, watching, transcribing and translating hours and hours of confession tapes, to find visual clues that these “confessions” were in fact “show” confessions beyond the stilted delivery and suspect eye movements of the victims that indicated they were reading from a script, “Trial by media” focused more on victims’ accounts of events, and on how they lead to forced confessions.

Much of the data collected were collected before the practice, and the reality behind it, was released and became publically known. Thus, victims provided their testimony or answers to interview questions independently of the others. While some of the legal activists and lawyers do know each other, we interviewed others who are from totally unrelated groups. Their accounts, including material that was not published for security reasons, corroborate each other. Their experiences were remarkably similar even though their cases were different and separated by several years and across different cities.

Very recently, the latest victim of such forced TV confessions, Simon Cheng, posted in-depth notes⁸ about his experience, released alongside his interview with BBC (and interviews with many other British and international media). Simon has been debriefed by the UK Foreign- and Commonwealth Office (FCO). The breach of UK intelligence concerning its Hong Kong operation is not insignificant.

2) Assessment of credibility of sources by others:

Simon Cheng’s account has been deemed credible by a variety of sources. As reported by The Times⁹, **British Foreign Secretary Dominic Raab** said Mr Cheng's allegations were credible and that the treatment "amounts to torture". **Amnesty International** also said Mr Cheng's testimony was credible because his allegations were 'in line with the endemic torture and other ill-treatment in detention we have repeatedly documented in mainland China'¹⁰.

Similarly, British victim Peter Humphrey, and Swedish victim Peter Dahlin (also Director of Safeguard Defenders), along with UK Professor of Chinese law Eva Pils, all testified on issues

⁸ <https://www.facebook.com/notes/cheng-man-kit/for-the-record-an-enemy-of-the-state/2490959950941845/>

⁹ <https://www.thetimes.co.uk/article/british-consulate-worker-tortured-by-chinese-92vf0jxqz>

¹⁰ <https://www.dailymail.co.uk/news/article-7710089/Simon-Cheng-China-releases-footage-former-UK-consulate-worker-soliciting-prostitutes.html>

related to the practice in the **Swedish Supreme Court** on June 18, 2019¹¹. It concerned the extradition of one of China's most wanted people, and Swedish Supreme Court, after hearing testimony related to right of fair trial and the use of forced TV confessions, denied the request, based on Swedish extradition law, and also on the European Convention on Human Rights, including related to the right to a fair trial.

Similarly, British citizen Peter Humphrey's and Swedish citizen Gui Minhai's cases of forced TV confessions have both been investigated and found credible by their countries' **Ministries of Foreign Affairs**. In the UK, the Office of communications (Ofcom), the state regulator of broadcast media, decided, after careful examination of the evidence it received, to launch formal investigations into CGTN's airing of forced confessions of both Gui Minhai and Peter Humphrey. Under Ofcom procedure, complainants are meant to make their submission within 20 working days of the program they have taken issue with being broadcast. The regulator does not normally accept complaints filed after the 20-day window, but in the case of both Peter Humphrey and Gui Minhai, it considered the cases bore such gravity that it launched formal investigations into both even though the deadline had passed years earlier.

Renowned experts on Chinese law, international law, and CCTV and Chinese media, have agreed to provide expert testimony to Ofcom if requested. Among them are Jerome Cohen, Professor at New York University School of Law and one of the world's top China law scholars; Perry Link, Professor of East Asian Studies at Princeton University, a leading China scholar; Eva Pils, Professor of Law at Dickson Poon School of Law, King's College London; and Magnus Fiskesjö, Professor of Anthropology at University of Cornell and former Cultural Attaché at the Swedish Embassy in Beijing.

Several institutions, organisations and individuals (researchers, journalists, etc.) conducted their own independent research on the subject or the use of torture to obtain confessions, using different material and sources. International NGO Human Rights Watch published a report on the torture of detainees in China in 2015, covering the issue of forced confessions¹², while Amnesty International released its own report on Torture and forced confessions¹³, the same year, exposing similar treatment inflicted upon detainees prior to confession.

Considering the above elements, Safeguard Defenders can state in full confidence that the testimonies presented in this document echo the typical treatment identified by other reliable organisations and individuals.

¹¹ https://www.domstol.se/hogsta-domstolen/nyheter/2019/07/extradition-to-china-is-refused/?t_id=O1yascCyTu289D9pdWro5g&t_q=china&t_hit.id=DV_Domstol_Web_Common_ContentTypes_Pages_NewsArticlePage%2f_cce0d2fb-d770-48a3-b268-bc9162d6daa6_sv&t_hit.pos=1&t_tags=andquerymatch%2clanguage%3asv%2csiteid%3aa6530190-d6e9-4bc3-bc1c-514d4871176e

¹² <https://www.hrw.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china>

¹³ <https://www.amnesty.org/en/documents/ASA17/2730/2015/en/>

Appendixes

- Excel file of broadcasts of Forced TV Confessions by CGTN and CCTV-4
- Scripted and Staged (report)
- Trial By Media (book)
- The CCTV-4 video:
<http://tv.cctv.com/2019/11/22/VIDEj6kBiTNfJbQMK05UJrHd191122.shtml?spm=C45305.P76895791933.S09521.96>
- The CGTN video: <https://www.youtube.com/watch?v=POjaAsNQy3Q>

All material including the CCTV-4 video and CGTN video can be downloaded here:
<https://drive.google.com/open?id=1Wo7xLUKNZUc3JSOIyWTBI236JrMV5Ycw>

Additional information on broadcast of harmful content

To illustrate the consistent behavior by CCTV and in CCTV-4 and CGTN broadcasts, analysis for an additional four CCTV-4 and four CGTN broadcasts are added below. We have included them to show how these stations are **systematically** undermining CRTC and have done so without any apparent review or investigation. They have been selected as they represent a cross-section of such broadcasts over the last six years.

CGTN on 2013-08-27: Peter Humphrey

Title of Broadcast: Identity theft / Personal data protection – Shanghai arrests husband and wife over misuse of personal data

Program: China24

Channel: CGTN

Date of broadcast: 2013-08-27

Start time of broadcast (China time, GMT+8): Unknown

Length of broadcast: 05.38

Language of broadcast: English

Link: This broadcast has been removed and is no longer available on CGTN website nor on its YouTube channel. We have preserved a copy. A link to download it as video media file is provided in the appendix.

The victim and recording of video

Peter Humphrey, a UK citizen, 57 years old at the time, China specialist, fraud investigator, prominent member of the foreign business community in China, senior Rotarian, and former senior Reuters journalist, launched, a corporate due diligence and fraud prevention consultancy firm, ChinaWhys Co Ltd with his American wife Yingzeng Yu (surname Yu) in 2003. Their main operational office was in Shanghai and their principal family home in Beijing. Prior to this, until the late 1990s, Mr Humphrey had been a

well-known reporter and editor for Reuters in Europe and Asia. He was a noted expert on China for four decades, a thought leader on due diligence in the foreign business community, and president of the Rotary Club of Beijing.

“They drugged me, locked me to a tiger chair, and placed me and the chair inside a small metal cage. China Central Television (CCTV) journalists then aimed their cameras at me and recorded me reading out the answers already prepared for me by the police. No questions were asked.”

- British citizen and former Reuters journalist Peter Humphrey on his forced TV confession in China.

On August 27, 2013, Peter Humphrey was seen on China’s state broadcaster China Central Television (CCTV) supposedly “admitting” to crimes he and his wife had not been indicted for, nor tried for nor convicted of. This so-called “confession” on TV happened a year before he and his wife were formally indicted and put on “trial”.

Since being detained on 10 July 2013 and placed in a Shanghai detention center, he had refused to make any such a confession, but was in return maltreated and later on even denied cancer care, making him fear for his life. Despite specifically saying No to “meeting TV journalists” and refusing to be filmed or photographed – he only agreed to speak with print reporters – he was drugged one morning and taken to a special interrogation cell to record the “confession”.

He was handcuffed and locked to a chair inside a steel cage inside the cell. CCTV journalists aimed their cameras at him through the cage bars, and police, present in the room, asked prepared questions to him. In the broadcast, Mr. Humphreys appears visibly drugged, slurring his words. One officer held the papers of the script, visible to all the journalists there, including CCTV. Mr. Humphreys said he felt pressured to give the answers that had been prepared for him.

CCTV journalists cooperated with police to extract, record, and package the post-production and then broadcast his false “confession”. CCTV then released it worldwide, airing it in the US on CCTV-4. Later, CGTN, its international arm for English broadcasts, aired an English-language edition in the US as well.

Besides airing the forced statements made by Mr Humphrey, who was clearly under duress and in distress, and who was supposed to say only what the PSB told him to say, a scenario that was clearly visible for the CCTV journalists and other supposed Chinese media people in the room, CCTV added significant post-production material to further distort the facts and incriminate Mr Humphrey and his American wife in an extrajudicial and illegal “trial by media” scenario.

Direct lies and intentional distortion in the broadcast

Overall, the presentation by the newscaster intentionally distorted a professional corporate due diligence firm as a mass personal data trafficker, which was untrue, as personal data was used only for analytical work for corporate clients in the due diligence process and for SOX and FCPA compliance purposes.

The presenter stated that police had arrested the two people in the newscast, Mr Humphrey and his American wife Yingzeng Yu, on charges of *selling* personal information. **This was a lie.** They were not arrested or charged for *selling* personal information. The broadcast went on to repeat this by a both a second and third reporter/narrator. The couple had in fact only been preliminarily charged (and this was known by CCTV/CGTN) with *illegally obtaining personal information*, and never with selling it or trafficking it.

The broadcast again stated that the couple obtained and illegally sold such data, implying it was a profit-making activity. After a **direct lie** about what they were charged with, the newscast now sought to distort facts, to present them as people arrested for trafficking in personal data. However, it later contradicted this claim by saying such information was obtained for screening (i.e., due diligence) work, and not for selling. It finished this section by stating that the reports created by the couple contained information that violated Chinese people's rights. However, at this time, the couple had not been indicted, tried or convicted for any crime, and the charge against them was under Chinese police investigation. Yet **CGTN presented them as guilty**, despite not being convicted of the crime in question.

The newscast stated that the company ChinaWhys made 6 million RMB per year. However, no reporter ever asked Mr Humphrey about the annual turnover; and the financial data and documentation seized from ChinaWhys and reviewed by the police did not state or contain information saying that this was so. **This figure had been made up.** And in fact no CCTV reporter or any other journalist was allowed to ask Mr Humphrey any questions at all. Only the police officer, one of his daily interrogators, asked questions during the filming session in the cage.

The most outrageous **direct lie**, perpetrated by CGTN staff, was that Mr Humphrey says, in *Chinese*, in the so-called "confession" recording, "we obtain personal information" but the English overlaid narration and translation used in the broadcast, added by CGTN, **inserted the word "illegally" into his words.** The Chinese that you can hear behind the English narration simply contained the phrase "we obtain personal information."

The newscaster further stated, "this is the first case of the Chinese police to crack [down] on a foreign registered company who are operating illegally on research and trafficking personal information." This implies *illegal business operations*, a serious offence under Chinese law but one that the couple was never arrested nor charged with, and this was **intentionally distorting** the facts.

CGTN on 2014-07-14: Peter Humphrey, Yingzeng Yu

Title of Broadcast: GSK China private-eye agents indicted in Shanghai for illegal investigation

Program: News Hour

Channel: CGTN

Date of broadcast: 2014-07-14

Start time of broadcast (China time, GMT+8): Unknown

Length of broadcast: 01:37

Language of broadcast: English

Link: <https://www.youtube.com/watch?v=mHuxlz5a4qs>

The victim and recording of video

This “forced TV confession” was recorded about a year after the first one with Peter Humphrey as its victim once again. The recording of the forced “confession” by Mr Humphrey and (separately) his **American wife Yingzeng Yu** was this time made (and the newscast in question broadcast) just after they had been indicted on a single simple charge, but before any trial was held or any verdict was issued, and was thus deliberately timed to prejudice their trial, which Chinese law actually prohibits. The news anchor for the CGTN broadcast was the same as for the year-earlier CGTN broadcast, Mr James Chau.

Unlike the earlier broadcast, this second time the filming did not take place in a cage in an interrogation cell in the Shanghai Detention Centre, but in a meeting room in the Shanghai Detention Centre, and a CCTV reporter asked all the questions from a script.

Direct lies and intentional distortion in the broadcast

Unlike the earlier broadcast, this CGTN broadcast at first stated, correctly, that the couple had been indicted for *illegally obtaining personal information*, whereas the earlier CGTN broadcast a year ago had falsely claimed that they had been “arrested for *illegally selling personal data*”.

However, the CGTN narrator then reverted to and revived the original lie by stating that the couple were found to have *illegally trafficked a huge amount of personal data*, and that this had been for the purpose of profit. This was **a lie**, and repeated the same wrongful accusations of earlier broadcasts. They had not been arrested, nor charged nor indicted for *trafficking in personal data*, nor had they ever *sold* personal data. Both accusations were used to smear the foreign couple and made it appear they had profited from selling the personal data of Chinese citizens, with emphasis on the alleged but unconvicted perpetrators being *foreign* and the victims being *Chinese*. Considering that the arrest and indictment were now fully public and had been covered extensively by media, CGTN was well aware of this fact and the real charge, but it chose to broadcast this lie, **intentionally distorting the facts**. The broadcast goes on repeat that they ‘*traded*’ *personal data*, once again, a lie. The broadcast was very clearly intended to prejudice the trial, and the Chinese and international publics.

Next the broadcast asserted that Mr Humphrey had admitted to using ‘*illegal means*’, which was again **a lie**. The newscast showed footage of him speaking against his will and under great duress and in distress as a captive and with no ability to give or withhold consent. But despite that, he never said that he admitted to having used *illegal means*. He simply states, “if we have broken any law, I am sorry”. The broadcast **intentionally misrepresented his words and the truth** in order to falsely portray him admitting to the allegations made by CGTN, another instance of **intentional distortion**.

CGTN on 2016-01-18: Gui Minhai

Title of Broadcast: “Missing” man reappears

Program: News Desk

Channel: CGTN (CCTV News)

Date of broadcast: 2016-01-18

Start time of broadcast (China time, GMT+8): 00:18:35

Length of broadcast: 02:17

Language of broadcast: English

Link: <https://www.youtube.com/watch?v=1z0wFNGLrc> (full broadcast of entire news show at <http://tv.cntv.cn/video/C19133/af7e3e673ebf474ab78e657c2a6d2abb>)

The victim and recording of video

This complaint section is provided by Ms. Angela Gui, daughter of victim Mr Gui Minhui (surname Gui). Ms Gui and her father are citizens of Sweden, where Ms Gui was born. Thus, her father is of Chinese descent but exclusively holds Swedish citizenship and should enjoy Swedish consular protection, which the Chinese authorities have obstructed.

My father, Gui Minhui, a Swedish citizen, went missing while on vacation in Thailand in October 2015. It is believed he was placed into 'residential surveillance at a designated location' (RSDL), and his whereabouts remained unknown. Shortly afterwards, a building surveillance video from the compound of his holiday home in Thailand surfaced showing how several Chinese men had entered the compound where he was staying, and how he had left with them in a van. Thai authorities have stated that there are no records showing him leaving Thailand.

Later, Chinese authorities stated that he had returned to China voluntarily to face punishment for an alleged – never proven – hit-and-run traffic incident that allegedly had occurred 12 years earlier, in 2003. My father was based in Hong Kong, where he sold and published books on the Chinese Communist Party and the government leadership. These books are banned in China. On January 17, 2016, he appeared in a "Forced TV Confession" aired by CCTV-4, and which was also broadcast by CGTN in English, as well as on "CGTN Français" in French. Despite his whereabouts being unknown, he would later appear in two more such "confession" videos broadcast by CCTV and/or CGTN, the latest one being aired in 2018.

Direct lies and intentional distortion in the broadcast

Of note, none of the background information on Mr Gui provided in the newscast (the alleged road accident of 2003, him fleeing China in 2004, or him being listed by Chinese police as a fugitive, nor his alleged sentence/verdict issued in 2004) was supported by any legal documents. In fact, no such records exist or are referred to in China's Supreme Court's database. Neither his family members, nor the Swedish government have received any such documents to underpin these allegations.

The newscaster stated that he went to China to turn himself in to authorities voluntarily, with Mr Gui himself stating so in a recording made while he was a captive in a state of "enforced disappearance". This statement was a lie, and CCTV production knew it was not factual.

When he disappeared, he was spotted on real estate surveillance cameras in Thailand being escorted into a van by Chinese-looking men. He was well aware it was dangerous for him to travel to PRC China.

His travel documents, including his passport, were found in his Thai holiday home, and Thai authorities have publicly affirmed that there are no records of him leaving Thailand.

Not only was this so-called “voluntary return” to China impossible in those circumstances, but the circumstances were well known at the time and had been publicized extensively.

It was imperative to the Chinese government to propagate the lie that he had “returned voluntarily”, because kidnapping him in Thailand and smuggling him from there to China could cause an international diplomatic uproar. This intentional lie broadcast by CGTN was to serve this propaganda goal of the Chinese authorities and cover up an act of kidnapping and hostage-taking.

CGTN on 2018-02-11: Gui Minhai

Title of Broadcast: Bookseller detained again over suspected violations

Program: The World Today

Channel: CGTN

Date of broadcast: 2018-02-11

Start time of broadcast (China time, GMT+8): 10:08

Length of broadcast: 01:44

Language of broadcast: English

Link: https://news.cgtn.com/news/34457a4e32677a6333566d54/share_p.html

The victim and recording of video

See background information provided in above.

In this broadcast by CGTN, CCTV stated that it interviewed Mr Gui while he was in detention. But the location of his detention was not disclosed nor has it been disclosed to this day. He has had no access to lawyers and has never been allowed to freely disclose his true circumstances.

Direct lies and intentional distortion in the broadcast

The video repeated the claim first made in a broadcast two years earlier (broadcast violation 4), stating that he had turned himself in to Chinese authorities inside China. As per broadcast violation 4, described above, that was impossible, and CGTN and CCTV staff knew this was impossible, yet still took these lies to air, including on Canadian airwaves.

CCTV4 on 2016-01-19: Peter Dahlin

Title of Broadcast: 中国执法部门破获一起危害国家安全案件 (Chinese law enforcement have cracked a case regarding endangering national security) (re-broadcasted under same name or using variations of that name)

Program: 中国新闻 (China News)

Channel: CCTV4 (CCTV4-Asia, CCTV4-Europe, CCTV4-Americas)

Date of broadcast: 2016-01-20

Start time of broadcast (China time, GMT+8): 12:33

Length of broadcast: 07:07 minutes

Language of broadcast: Mandarin Chinese

Link: <http://tv.cctv.com/2016/01/20/VIDE07RACg7DbeJJuyswdbz9160120.shtml>

On 2016-01-19 CCTV13, China's main news channel, aired a 07:59 minutes long segment on Peter Dahlin, which included a falsified "confession" recording made by CCTV and the Ministry of State Security (MSS) a day or two beforehand. Following the CCTV-4 broadcast in the US (cited above), several other broadcasts, at different lengths, rebroadcast the same material, and were also aired on both CCTV-4 in the US as well as on other CCTV channels inside China.

The victim and recording of video

Peter Dahlin was the co-founder of a Hong Kong registered, Beijing-based NGO that provided support to China's legal community and its "human rights lawyers". He was *alleged* to have violated national security (art 107 of PRC Criminal Law). He was never arrested, prosecuted nor tried on this charge.

When he was taken, several coworkers were also taken and were also placed into RSDL. Two of them would similarly be forced to record "confession" films, which were used to attack Mr Dahlin. In addition, his girlfriend was also taken and placed into RSDL, and kept for as long as he was. The MSS used the threat that they would keep her in solitary for up to six months as well as the threat of deporting Mr Dahlin, to pressure him to "agree" to record a "confession" statement.

The MSS always maintained the recording was **not** for TV or the public, but for their superiors, to be used as a basis to determine the fate of Mr Dahlin (and his girlfriend). Besides small clips showing what Mr Dahlin was forced to say, CCTV presenters added graphics, all of which was inserted in post-production, as well as false accusations by others (such as coworkers, extracted through threats).

During recording, the CCTV journalist was given a paper by MSS agents with the questions to ask. She also saw the paper Mr Dahlin had been given with both the pre-scripted questions and answers. This paper was authored by the MSS and Mr Dahlin was told to memorize it. The room, inside the clandestine prison, was filled with almost a dozen people, including the CCTV journalist and CCTV cameraman who had brought in CCTV-labeled equipment, including microphones, professional TV video camera, tripod, etc.

Mr Dahlin states: "At one point the CCTV journalist, after I failed to give the right answer to MSS agents satisfaction, leaned in and asked me 'you really don't want to say that line, do you?' The line was 'I have hurt the feelings of the Chinese people.' On the fifth take, MSS agents, who directed the whole thing,

asking for many re-takes, and instructed me on my posture, tone of voice, etc., approved, and it was used in the broadcast later. “

Direct lies and intentional distortion in the broadcast

Throughout the broadcast, the newscaster/anchor presents unsubstantiated accusations against Mr Dahlin as facts. This is done despite the then widely-known fact that Mr Dahlin was being investigated, and that no formal legal arrest had been made of him, and certainly no trial or conviction of him had been made. Thus, CCTV intentionally distorted the facts.

All statements made by Mr Dahlin, he affirms, **were known by CCTV to have been made under duress**. “The videographer and the journalist both were aware that I was kept in a facility for investigation, and **were aware that my answers were pre-determined**, and were being read from a sheet of paper that both CCTV staff saw. The journalist asked questions supplied, on paper, by the security agents, and no questions of her own. They were also aware that those security agents were guiding and directing the whole pre-scripted staged recording, being present in the room throughout. They instructed on tone of voice, posture as well as on re-takes, as well as updated questions and answers.”

The presence of a large number of security agents in the room making the “confession” video and the physical attributes of the interior of this secret, prison-type facility where it took place, were **concealed** in the CCTV “confession” newscast.

The newscast began by stating that security forces have successfully cracked down on an organization that was **engaging** in activities **threatening** national security. The organization, and its director Peter Dahlin, were merely under investigation. The broadcast convicted him in public of this accusation despite no arrest, no indictment nor trial of him, despite the prevention of a fair and transparent trial free from prejudice being illegal under Chinese law.

The newscast falsely stated that Mr Dahlin’s work and his group **operated under instruction from a foreign, non-specified, institution** (they mean National Endowment for Democracy). This is false, and this statement was known by the security personnel involved to be false. No such a statement, nor anything similar, was ever made by Mr Dahlin to CCTV.

The **newscast included statements against Mr Dahlin that could not possibly have been verified by CCTV**. Those are statements from two of his coworkers. Neither of these two were interviewed by CCTV; those clips were filmed by the Ministry of State Security while both coworkers were held locked away incommunicado. CCTV had no access to either of these two persons and thus had no way to verify such statements from them, yet it included them in the broadcast to add further defamatory content. This included the false allegation that Mr Dahlin intentionally collected negative or damaging information about developments in China and that he would distort and exaggerate them and would even fabricate such information. It also said his work sought to intensify disputes inside China.

The newscast, voiced with one of these forced statements from a detained coworker, but also with newscaster narration, states, as a fact, that Dahlin's group, "in collusion with overseas forces, planned and assisted the smuggling of a person across China's border into Burma." **This was false, the Chinese security services knew that it was false, and CCTV did not ask about it in the interview, but issued it as a statement of fact nonetheless, in order to incriminate Mr Dahlin in a trial by media.**

The newscast **directly lied when it then stated that he confessed to the above accusations.** "I did not, and no video of me exists where I confess to any involvement in this smuggling," he says. The newscast also said that he admitted that any report made "did not reflect the true situation". **This was false. No such admission was made, nor does it exist.** This is a false statement, and the CCTV interviewer did not ask about this, yet included this as a statement of fact by the newscaster in the broadcast.

"In addition, I was **forced to use the word "criminal" against two people.** I made it clear, repeatedly, that neither of those two people had been tried and convicted of any crimes, therefore by definition were not criminals, but MSS agents refused to change it," Mr Dahlin affirms. CCTV staff were aware that neither of those two people had been convicted, nor even formally arrested with official charges. Despite that, they intentionally included this forced statement from Mr Dahlin in the newscast, in an intentional distortion of the truth.

Finally, the newscast stated that he said his group paid Chinese professional lawyers to launch lawsuits against the government. **"I did not say that, and it is false.** Professional lawyers provide criminal representation for those facing criminal prosecution. This is not in any way related to lawsuits against the government. CCTV did not ask about this, yet presented it, in newscaster/narrator's voice, as having been admitted and said by me. This is both a direct lie and an intentional distortion," he affirms.

The newscast ends by stating that Mr Dahlin had been placed in "residential surveillance". **"This is false, and knowingly false by CCTV.** I had been placed into "residential surveillance at a designated location" (RSDL), a very different situation and coercive measure, and me being held in an MSS-run facility would be blatantly clear to CCTV staff as they visited this secret jail to interview me. "

CCTV4 on 2016-07-06: Lam Wing-Kee

Title of Broadcast: 香港铜锣湾书店店长林荣基案始末 (The case of Lam Wing-Kee, manager of bookstore in Causeway Bay, Hong Kong)

Program: 中国新闻 (China News)

Channel: CCTV4 (CCTV4-Asia, CCTV4-Europe, CCTV4-Americas)

Date of broadcast: 2016-07-06

Start time of broadcast (China time, GMT+8): 14:14

Length of broadcast: 04:10

Language of broadcast: Mandarin Chinese

Link: <http://tv.cctv.com/2016/07/06/VIDEgOXIUE4gJdlJzXddwFRp160706.shtml>

The victim and recording of video

Lam Wing-Kee (surname Lam) is one of five “Hong Kong Causeway Bay booksellers” whose unlawful disappearances into China from Hong Kong and from Thailand captured the world’s attention in 2015 and 2016. Mr Lam has explained what happened, and how he was made to record numerous videos, while kept in a state of extrajudicial disappearance, in the hands of the Chinese police:

I was taken and blindfolded when crossing the border from Hong Kong into China in Shenzhen, on October 25, 2015, just eight (8) days after a colleague, Swedish citizen, Gui Minhai, disappeared in Thailand and later showed up in police custody in China. On October 15 to 17, two other coworkers who were in China at the time also went missing. At the end of the year a fifth and final colleague, a UK citizen, went missing. The five of us all disappeared and were kept incommunicado, with our whereabouts being kept secret.

I was at first tied to a metal chair by police in Shenzhen, before being transported to eastern China and placed into ‘residential surveillance at a designated location’ (RSDL), a system that allows for 6 months incommunicado detention, with whereabouts kept secret, and in solitary confinement. During my time inside, I was forced to make some eight (8) or nine (9) video recordings with the police, both in the facility I was kept in, but also driven to a larger facility for such recordings. As I was blindfolded, I do not know where the other facility was, but I know it was a police station. They [the videos] were all [said to be] made for internal police use, for their superiors in Beijing to see. None of these videos were [said to be] made for TV or the public.

After six months in ‘RSDL’ I was released on bail and under heavy scrutiny, not allowed to return to Hong Kong. Later, in early summer 2016, I was told to return to Hong Kong, take computers from the bookstore office and return with them to China. Once I made it to Hong Kong, I called a press conference instead and exposed what had been going on. The rest is, as they say, history.

The videos recorded of me were then used by CCTV, with significant post-production, and aired, without any consent ever given, with the clear aim of defaming and attacking me. Several other colleagues have likewise been forced to record such videos, sometimes together with CCTV journalists themselves, and aired in the US, such as Gui Minhai.

Direct lies and intentional distortion in the broadcast

Due to the very high profile of this case, where CCTV was broadcasting a defense of the position of the Chinese state, it was well known that Lam had been in ‘residential surveillance at a designated location’ (RSDL), and that any film provided to CCTV broadcasting staff for the purpose of bringing it to air would have been made while he was kept incommunicado and in solitary confinement against his will. Despite this, and knowing the situation under which he was made to record such “confession” videos, these videos were used by CCTV and presented as facts. CCTV did not reach out to Mr Lam in any way to question him or obtain verification or consent.

Despite knowing he was being held incommunicado and in solitary, where any recording by Lam would have been performed with him under extreme duress, CCTV uses video recordings that are filmed or edited in such a way as to disguise his clandestine prison environment. Lam is deceitfully made to wear civilian clothes (including the overcoat of his interrogator) and to hold a cup of tea or coffee. They also pasted into the newscast film snippets of him being treated well, eating alone, reading a book, all while wearing civilian clothes, to further and **intentionally distort** Lam's situation for the purpose of the videos where he supposedly "confesses". While he was detained, Lam usually wore an orange prison top and grey sweatpants.

While CCTV-4 broadcast this film, CGTN supported the smear campaign against him by posting a companion news story on its website, claiming that Mr Lam's girlfriend, who had also been made to disappear at the same time (having been inside China when this occurred), ostensibly stating that Lam's claim that he was forced to sign away his right to access a lawyer and to sign away his right to contact his family, were untrue¹⁴.

CCTV4 on 2016-01-18: Gui Minhai

Title of Broadcast: 香港铜锣湾书店老板“失踪”事件调查 (Investigation into the "missing" owner of the bookstore in Causeway Bay, Hong Kong)

Program: 中国新闻 (China News)

Channel: CCTV4 (CCTV4-Asia, CCTV4-Europe, CCTV4-Americas)

Date of broadcast: 2016-01-18

Start time of broadcast (China time, GMT+8): 07:33

Length of broadcast: 04:48

Language of broadcast: Mandarin Chinese

Link: <http://tv.cctv.com/2016/01/18/VIDEsgEfvRYUXnrOBKLH0qxJ160118.shtml>

The victim and recording of video

See background information provided above.

Direct lies and intentional distortion in the broadcast

In this broadcast on CCTV rather than CGTN, the newscaster claimed that Mr Gui, ethnically Chinese, also held Swedish citizenship. This was a lie: There was no "also" and it was misleading to imply he held some kind of Chinese ID. Mr Gui holds only Swedish citizenship, having renounced his Chinese citizenship long ago. Publicly, the Chinese state has repeatedly defended the detention of Mr Minhai (without mentioning his abduction from Thailand) by claiming that he is a Chinese citizen, and here CCTV intentionally distorts fact by making this false statement.

¹⁴ <https://america.cgtn.com/2016/07/06/mainland-informs-hong-kong-on-management-of-bookseller-case>

This lie is undermined when he is shown saying that yes, he is a Swedish citizen, but he *feels* Chinese. This is, however, yet another attempt to distort the facts and claim sovereignty over a foreign national of Chinese ethnicity. (If this were a valid claim, then China would be asserting sovereignty over every US citizen who is of Chinese ethnic heritage.) It is then followed by Mr Gui, speaking under duress, asking the Swedish government and any institution committed to helping him to stop doing so. His then current situation, that of being disappeared and held in RSDL, without any formal arrest, would have been very clear to the CCTV staff filming and broadcasting the segment.

The newscaster stated that Mr Gui had turned himself in to Chinese police, with he himself stating so in a recording made while he was in a state of “enforced disappearance”. This statement was a lie, and CCTV production staff would have known it was a lie at that time. Mr Gui was identified on a real estate security surveillance camera’s footage being herded into a van in Thailand by Chinese-speaking men. He was well aware of it being dangerous for him to travel to China.

His travel documents, including his Swedish passport, were found in his Thai holiday home. Thai authorities have publicly stated that there are no records of Mr Gui leaving Thailand. Not only was his voluntary “return” to China impossible in those circumstances, but these conditions were well known at the time, and had been reported on extensively.

It was imperative to the Chinese government to propagate the falsehood that he had “returned” voluntarily, as kidnapping him in Thailand could cause an international diplomatic incident. Thus, CGTN intentionally aired a proven lie for this purpose.

CCTV4 on 2013-08-27: Peter Humphrey

Title of Broadcast: 上海公安打掉首个外国人在华开办的非法调查公司 (Shanghai Police breaks up the first illegal investigation company opened by a foreigner in China)

Program: 中国新闻 (China News)

Channel: CCTV4 (CCTV4-Asia, CCTV4-Europe, CCTV4-Americas)

Date of broadcast: 2013-08-27

Start time of broadcast (China time, GMT+8): 07:30

Length of broadcast: 03:09

Language of broadcast: Mandarin Chinese

Link: <http://tv.cctv.com/2013/08/27/VIDE1377559803276802.shtml>

The victim and recording of video

See information provided in above for CGTN. Recording process the same.

Direct lies and intentional distortion in the broadcast

In this broadcast on CCTV rather than CGTN, the newscast falsely alleges that the company that Mr Humphrey operated, ChinaWhys, bought and sold personal data. This is not the case, as is well known to the many American corporations, law firms and chambers of commerce who used his services for many years. The broadcast also alleged that the company had been doing this, in violation of the law, since its founding in 2003. This was nonsensical, since the law about the acquiring of personal information did not take effect effective until 2009, and even then did not cover the due diligence and anti-fraud activity of ChinaWhys, which did not involve the illegal acquisition of information.

The newscast stated that ChinaWhys made 6 million RMB per year. In fact, CCTV never asked Mr Humphrey any questions during the fake interview and never asked about his company's annual turnover and earnings. Nor did any financial data and documentation seized and analyzed by the police state or contain the numbers cited by CCTV at all. **The figure was made up.**

The broadcast stated that his company was illegal. **This was a lie. It was legally incorporated in Shanghai and in Hong Kong with applicable registrations, certifications and licences.** Also, **the company and Mr Humphrey were never charged with "illegal business operations"**, a nebulous blanket charge that is frequently used in China in order to exact harsher and arbitrary penalties which are based on multiples of transaction volumes and years of business operations.

The broadcast stated that Shanghai police had discovered the company after being tipped off by members / or a member (Chinese language having no plural) of the public. **This was a lie.** And CCTV never asked Mr Humphrey about this in the "interview" because CCTV in fact asked Mr Humphrey no questions at all. A year later, in court, even the prosecutor admitted this was wrong.

His company's registration and operation was presented as murky and illegal. Yet, it was properly registered, and carried out legitimate corporate due diligence and fraud prevention work for many

Fortune 500 firms. It was an active member of several leading chambers of commerce, including the American Chamber of Commerce in both Beijing and Shanghai, where Mr Humphrey delivered many fraud prevention lectures and was well known and respected in his field and was considered a thought leader for fraud risk management and FCPA-style bribery prevention at American firms in China.

In the newscast, a police officer was shown, away from the cell with the steel cage where the filming took place, saying, “this company has no premises nor any employees, it is in fact a shell company.” **Every part of this sentence was a lie.** “CCTV never asked me any questions about this, nor was it discussed in my fake ‘interview’.” **It was broadcast that “since 2003, Peter’s company has been involved in illegally obtaining citizens’ private information”. This was nonsensical, since the law referred to did not exist until 2009, and even then it did not cover the activities of legitimate due diligence firms.** Only after the Humphreys’ June 2015 release, namely in November 2015, did China finally bring in such a law.

The broadcast went on to state, “Their behaviour seriously violated the legal rights of our citizens”. Mr Humphrey and his American wife Ms. Yu had at this point not been tried, and the case had not even been indicted. Hence, this CCTV/CGTN broadcast not only deprived Mr Humphrey and Ms Yu of their right to a fair and transparent trial, which exists in Chinese law, **but blatantly stated accusations as fact and was a direct lie.** The status of the legal proceedings against Peter was well known to CCTV, yet CCTV still aired this segment containing these falsehoods. The broadcast stated that household registration, vehicle ownership and real estate information were obtained illegally. However, all these types of information were acquired through searches of public records conducted by local law firms (it is only *illegal* if obtained through bribery), and police knew this. CCTV did not ask Mr Humphrey about this, **yet they broadcast it as a fact.**

The footage of Mr Humphrey speaking, seated inside a cage with steel bars, noticeably drugged and speaking in slurred words in Chinese, has **been significantly edited** to suit the purposes of the Chinese police. (“I was struggling to navigate between answers that would help get me out of that cage but which would not falsely incriminate me with crimes I had not committed.”) He actually phrased each “answer” with qualifiers and conditional clauses, and those have been **edited away** by CCTV in their broadcast.