

safeguard DEFENDERS

Safeguard Defenders (SD) is a European human rights NGO that undertakes and supports local activities for the protection of human rights, promotion of the rule of law and enhancement of the local civil society capacity in some of the most hostile environments in Asia, with a focus on China.

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RSDL: A FACTSHEET ON CHINA'S SYSTEM OF BLACK JAILS

What is RSDL?

Residential surveillance at a designated location (RSDL) is the expanding and widespread system for secret black jails. Implemented since 2013, the police and Ministry of State Security (MSS) have full discretion to place a target into RSDL. Placement into RSDL precedes formal arrest.

Victims are:

- kept outside normal detention facilities, in either makeshift renovated rooms in police-controlled facilities or in custom-built secret jails;
- kept for up to six months;
- held in solitary confinement, in rooms designed to prevent suicide;
- denied access to legal counsel and contact with family;
- kept at unknown locations, their whereabouts secret,
- regularly subjected to torture and forced to confess.

In 2015, the UN Committee Against Torture called for the immediate repeal of the system. Since August 2018, ten UN human rights procedures have repeatedly condemned the system as “**enforced disappearances**” according to international law and noted the **heightened risks of torture**.

“I was forced to stay inside the small painted square during the day... If my leg or a foot were out of the square, they would warn me or slap me.”

- Wang Yu

“...I was forced to make up and fabricate things... When failing to do so, I was deprived of sleep, and I was hung up and beaten”

- Niu Tengyu

Legal basis

Article 75 of China's criminal procedure law formally establishes the RSDL system. The right to deny access to legal counsel is enshrined in the same law. Formal obligations to disclose the target's whereabouts to family members comes with exceptions, and is consistently disregarded. The 2016 Supreme Procuratorate regulation on supervision of RSDL facilities (art 19) also establishes that police may (and most often do) deny prosecutor access to undertake supervision.

“...they locked me to iron railings, they would use five or six electric batons to beat me.”

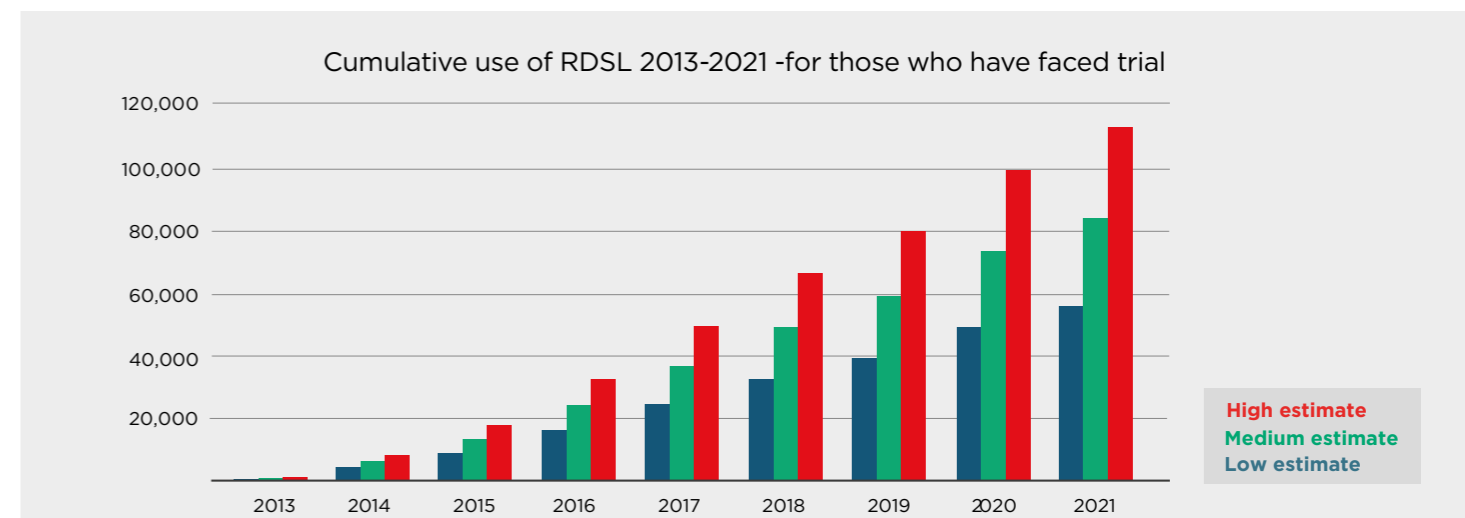
- Liu Sixin

“We are crossing the mountains. If you want to come back alive, you should think well about what you tell us.”

- Jiang Xiaoyu

Scope and scale of RSDL system

Official data on the use of RSDL is scarce as the China Judgement Online database of verdicts only includes cases *leading to a verdict* at trial. Many cases never reach this stage. The real number is therefore significantly higher than minimum conservative estimates below. As of end of 2021, it is estimated that between 55,977 and 113,407 have been placed into RSDL (and later faced trial). In 2020 alone, the year with the highest *recorded* use, some 140,000 people were placed into house arrest using RS.



Recent trends and new developments

- Local police have started using the system extensively over the past years;
- Recently the system is often used for minor crimes, unlike at early stages when it was primarily used against high profile targets or cases concerning national security;
- Foreigners, especially when used for ‘hostage diplomacy’, are often placed in RSDL;
- There is a growing number of known cases where people are placed into RSDL for a second time.

“You are now under RSDL.
Your only right is to obey.”
- Xie Yang

“For those 10 consecutive days, 24 hours
a day, [I] was chained to a tiger bench.”
- Chang Weiping

RSDL as a crime against humanity

- As the whereabouts of the detainee are most often kept secret from either family or (in case of foreigners) foreign governments, RSDL constitutes an **enforced disappearance** under international law;
- As no prior approval of arrest is needed from prosecutor and access to legal counsel is regularly denied, RSDL constitutes an **arbitrary detention**;
- The use of prolonged solitary confinement for investigation purposes makes the use of RSDL an **act of torture**. In addition, the use of physical and psychological torture is widespread;
- According to Articles 7e, 7f, 7i and 7k of the Rome Statute, the systematic and widespread nature of these acts makes the use of RSDL **a crime against humanity**.

