

safeguard DEFENDERS

REASONS FOR SUSPENDING EXTRADITION TREATIES WITH CHINA AND HONG KONG

The maintenance of bilateral extradition treaties rewards the Chinese authorities' consistent pattern of gross, flagrant and mass violations of human rights, and expands its long-arm policing footprint around the world. It exposes counterpart States to be complicit in exacerbating the following risks:

Legitimization

The maintenance of bilateral extradition treaties sends a political message of *legitimization* and *prestige* of China's judicial system, directly contributing to the expansion of the web of agreements around the world and inducing misplaced trust within law enforcement and judicial authorities in the Chinese counterpart. The onus for bringing its criminal justice system in line with universal human rights standards is on China. It is not for other countries to (in)directly contribute to undermining the international rules-based order.

Non-Refoulement

The European Court of Human Rights has defined China's penitentiary system as a "*general situation of violence*", effectively barring any extradition to the country. UN Human Rights procedures have consistently reiterated the prohibition of refoulement to a State with a "*consistent pattern of gross, flagrant or mass violations of human rights.*"

Arbitrary Detention

The (lengthy) deprivation of liberty during judicial proceedings over an extradition request may constitute arbitrary detention per the European Court of Human Rights' *Liu v. Poland* judgment. China's abuse of international police and judicial cooperation mechanisms to target dissidents, political opponents and individuals belonging to ethnic or religious minorities further exacerbates this risk.

Hostage Diplomacy

Bilateral extradition and mutual legal assistance treaties or – worse – prisoner exchange agreements expose other countries' nationals to the risk of arbitrary detention and sham trials in China as a means of *hostage diplomacy* to exact the return of wanted individuals.

Chilling Effect

Bilateral extradition treaties directly contribute to a global chilling effect on the exercise of fundamental freedoms for targeted groups or individuals - in particular freedom of expression, association and movement -, complementing the climate of political terror the Chinese regime seeks to impose on dissenting individuals.

Hong Kong

The express possibility of transferring "suspects" to the mainland for prosecution, as well as the possibility of unsupervised prosecution by mainland bodies and methods in Hong Kong following Beijing's unilateral imposition of the so-called National Security Law, must effectively extend all concerns and safeguards related to mainland China to the Special Administrative Region.

Chinese authorities need to be prompted to reverse their abysmal trend of *gross, flagrant and mass human rights violations* to ensure its judicial and penitentiary system is in line with universal human rights standards and recommendations by relevant human rights bodies. In the absence of such significant reforms and following judicial precedent, **countries should suspend their bilateral extradition treaties with the People's Republic of China and Hong Kong as a matter of urgency.**