

## ADDITIONAL DATA for

# Submission to select UN Special Procedures on: **China's practice of extracting and broadcasting forced confessions before trial**

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**Note on recent development:** The UK's media regulator on 6 July 2020 convicted Chinese TV (CGTN) for 'serious' violations in the broadcast of two of the forced televised confessions herein referenced<sup>1</sup>. Three more such broadcasts are being investigated, and will reach decision shortly. The TV regulator has already announced statutory sanctions will be imposed, and they may lose their license to broadcast in the UK as a result. Similar complaints about broadcasts of a multitude of forced televised confessions has also been filed with relevant bodies in the United States and Canada.

## (1) OVERVIEW

China's practice of forced televised confessions belongs to Xi Jinping's culture of absolute control and is an updated, high-tech version of the excesses and inhumanities of the Mao era. They constitute a reversal from the country's professed desire to move towards rule of law and is an attack on human dignity. It is also a direct attack on basic right; the right to a fair trial. On top of that, it is highly correlated to abuse, maltreatment and torture, and connected to near total impunity of the police.

Starting with the first high-profile televised confession aired in July 2013, at the time of writing, some near 100 detained individuals have been coerced into confessing on China's state television and pro-Beijing media, broadcasts often repeated on multiple channels, in multiple editions, and sometimes also on China's international channels, always before any trial, and many times even before indictment or arrest.

Despite being a clear violation of human rights and both Chinese and international laws, the confessions are now well and truly normalized in China. They transgress basic legal rights such as those to a fair trial and the right to remain silent. They are also linked to other abuses such as torture, threats, forced medication, arbitrary detention and prolonged solitary confinement during investigation phase. Forced confessions target a particular section of the population that are seen as enemies or critics of the Chinese Communist Party (CCP), namely lawyers, rights activists, journalists and bloggers who embrace values which were branded in 2014 as dangerous western ideas in a secret CCP's internal communication called Document 9<sup>2</sup>.

Many of the confessions were clearly designed to respond to overseas criticism on the Chinese government's actions. That can be seen in non-mainland Chinese cases. Several confessions referenced foreign countries or foreign "anti-China forces" and were also broadcast on China's overseas State/Party TV channels (CGTN/CCTV9 in English and CCTV-4 in Chinese) or by pro-CCP Hong Kong media. The Chinese Communist Party's expanding efforts to export its propaganda and censorship model means this human rights abuse reaches far beyond its borders.<sup>3</sup>

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<sup>1</sup> <https://safeguarddefenders.com/en/blog/breaking-chinese-tv-convicted-broadcasting-forced-confessions-uk>

<sup>2</sup> <http://www.chinafile.com/document-9-chinafile-translation>

<sup>3</sup> [https://www.buzzfeed.com/markdistefano/chinas-state-tv-wants-to-hire-a-huge-number-of-journalists?utm\\_term=.wgbMpm0NY#.qcJ3B3maQ](https://www.buzzfeed.com/markdistefano/chinas-state-tv-wants-to-hire-a-huge-number-of-journalists?utm_term=.wgbMpm0NY#.qcJ3B3maQ) and <https://www.theglobeandmail.com/news/world/uyghurs-around-the-world-feel-new-pressure-as-china-increases-its-focus-on-thoseabroad/article36759591/>

The confessions are always framed in one of two ways: the victims are usually portrayed as a convicted criminals despite not being formally charged (or convicted), and shown dressed in prison clothing, handcuffed, flanked by police, behind bars and sometimes with their head shaved. But for most of the human rights defender victims, a neutral setting—in which the victim wears civilian clothes and with no signs of handcuffs or police—began to be favoured from 2015 on. This was perhaps in response to critical coverage in the western press and an effort to make the confessions look more legitimate and less coerced.

The wording of the confessions also shows obvious signs they are scripted. The confessions are formulaic, containing strikingly similar statements across the years and across the alleged crimes, particularly with human rights defenders. They almost always contain remarks of self-criticism, allegations of colluding with anti-China foreign forces and slurs on other detainees' behaviour, often characterizing them as morally corrupt or professionally negligent. Testimonies of victims of forced televised confessions indicate that the police<sup>4</sup>, among other abuses, routinely script and stage the confessions, frequently lie to the victims about where and how the recorded confession will be used - denying it will be broadcast on TV and claiming it is for internal use only - and regularly use physical and psychological torture as well as forced medication and threats to the victims' families to coerce them into making a taped confession.

**Note:** The individual forced televised confessions that this submission is based on, almost 100 of them, in no way represents the totality of this practice. These are merely the confessions broadcast that has been identified by Safeguard Defenders, and mostly on national TV, and the actual number is likely significantly higher. In addition, especially since the Chinese government started trying to counter negative media- and diplomatic attention concerning the treatment of Uighurs and minorities in Xinjiang province, longer newscasts and even 'documentaries' has been made, which uses obvious forced TV confessions of those either detained, imprisoned or technically missing, or those under acute threats. In one such broadcast, on December 5, 2019, some 18 different people were paraded to expound the official policy of the CCP. In short, the practice is far more pervasive than even the cases herein included indicates.

## (2) Purpose of the present submission

The purpose of the present submission is to compile and summarize information gathered by Safeguard Defenders on the degrading practice of forced televised confessions. It aims to provide a detailed description of the practice illustrated by the testimonies of victims who shared their experience with Safeguard Defenders or other organisations and media. A summarized and non-exhaustive analysis is also provided on the violations of China's domestic laws and International laws and standards as well as on the apparatus behind forced televised confessions and the political motives at their origin.

We urge the Special Procedures to use this submission to provide recommendations to the Government of China, particularly the State Council, and the international community, on how to address the practice of forced televised confessions and how to put an end to it by ensuring legal and judicial reform and by adopting good practices offered by International legal instruments and declarations. This report could assist in mutual efforts to strengthen human rights protections in China.

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<sup>4</sup> Here police refers to either members of the security forces under the Ministry of State Security (MSS) and regular domestic police force under the Ministry of Public Security (MPS).

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### (3) VIOLATIONS OF NATIONAL AND INTERNATIONAL LAWS

China's televised confessions violate basic human rights protections and deprive the suspects of due judicial process, infringing on the right to a fair trial, the presumption of innocence, the right to remain silent, and the right not to self-incriminate. If the broadcast of forced confessions itself violates domestic regulations and a number of human rights under international law, it is only the last element of a chain of violations that occur in the often very long period of duress endured by victims. From arbitrary detention or enforced or involuntary disappearances (EID) to the maltreatment and torture of the detainees, many human rights violations can be directly or indirectly associated with the broadcasts of forced confessions as they constitute the ultimate motive for such violations.

#### (4) Forced confessions: a violation of Chinese laws

Because televised confessions violate the principle of presumption of innocence, they are illegal under Chinese law. In 1996, China revised its Criminal Procedure Law (CPL) adjusting the wording *"to indicate a new acceptance of the presumption."*<sup>5</sup> Article 12 of the CPL rules that *"No person shall be found guilty without being judged as such by a People's Court according to law."*<sup>6</sup> Prior to 1996, anyone detained could be called a *"criminal"* but after the 1996 revision that was changed to *"suspect"* before trial and *"defendant"* during trial. Any broadcast of confessions, even if the confessions were to be given voluntarily by the detainees, violates such principle of presumption of innocence.

However, it is almost certain that few if any of the near hundred of confessors that have been shown on television since 2013 have confessed willingly. China's televised confessions are in fact routinely associated with a host of other extra-legal actions and rights violations perpetrated by the security forces, which include, but are not limited to, kidnapping, enforced disappearances, denial of access to lawyer and family visits, and torture. Therefore, such coerced confessions violate numerous domestic laws even before they are broadcast on national or overseas media. Criminal procedures are systematically violated while the authorities coerce the detainees to obtain their confessions.

According to Article 54 of the 2012 CPL, *"Confessions by a suspect or a defendant extorted through torture and other illegal means shall be excluded [as evidence in Court]"*. Article 50 defines even more precisely the illegality of forced confessions: *"The extortion of confessions by torture, and other illegal evidence gathering methods such as enticement and trickery are strictly prohibited; no person may be forced to prove his own guilt."*<sup>7</sup> The latter sentence establishes protection against self-incrimination, a right that is systematically violated in all cases of forced televised confessions. The Supreme People's Procuracy commented further on the reprehensive actions stating that *"the use of corporal punishment or disguised corporal punishment, or any other methods inflicting severe pain or suffering, physically or mentally, on*

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<sup>5</sup> Whitfort, A. (2007) *The right to a fair trial in China: The Criminal Procedure Law of 1996*. 2 U. PA. E. ASIA L. REV. 141.

<sup>6</sup> Please see <https://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>

<sup>7</sup> <https://www.chinalawtranslate.com/en/criminal-procedure-law/>

*the defendant so as to force him/her to make confessions against his or her will, shall be deemed 'illegal means such as extortion of confessions by torture' as set out in Article 54 of CPL".<sup>8</sup>*

Finally, article 18 of the CPL obliges the Procuratorate to file and investigate *"the coercion of confessions through torture"* by any state workers. Nevertheless, the widespread practice of maltreatment of suspects during their detention remains a constant in almost all the cases of forced televised confessions. An exhaustive list of articles of the CPL and other laws that are violated by the security forces before (or after) the broadcast of forced confessions, is outside the scope of this document. Article 61 of the CPL, which states that *"people's courts, people's procuratorates and public security organs shall ensure the safety of witnesses and their close families. Those who threaten, insult, beat or attack or retaliate against witness or their close families, so as to constitute a crime, shall be pursued for criminal responsibility in accordance with law;"* or article 33 which holds that *"From the day that the suspect is first interrogated or first has compulsory measures adopted against him, he has the right to retain a defender"*, serve as examples of such systematic violations of Chinese domestic laws in cases of detainees forced to confess on tape.

Despite the political sensitivity of the issue, several legal professionals inside China have spoken out and publicly criticized the use of televised confessions. In March 2016, Zhu Zhengfu, deputy chairman of the All-China Lawyers Association told Chinese media: *"A confession made on television does not equate to a legitimate confession or carry any indication he or she is guilty. If the confession was staged, it does not help protect the rights of the suspect or the justice system."*<sup>9</sup> Mr. Zhu suggested that they were an affront to human dignity and warned that the practice was a "trial by media", making it difficult for courts to make a fair judgment.

A senior Chinese judge, Zhang Liyong, told western media that televised confessions are unlawful.<sup>10</sup> *"Outside of a court, no one has the right to decide whether someone is guilty of a crime. The police aren't qualified to say someone is guilty. Prosecutors aren't qualified to declare someone guilty. News media are even less qualified to determine guilt."* In an interview he gave to Safeguard Defenders<sup>11</sup>, lawyer You Luchen<sup>12</sup> said that televised confessions *"violate the spirit of the rule of law, violate human rights, and go against the crucial and fundamental principle in criminal law [to protect] against 'self-incrimination'."* Mr. You added that even though Chinese law has no provisions explicitly guaranteeing a suspect's right to silence during interrogation (except when the questions are not relevant to the case (Article 118)), since there are legal protections against self-incrimination then that should mean the right to silence is protected. *"Any attempt before trial to require a person to make a confession or to confess on television, violates this principle."*

Chinese lawyer Li Fangping links confessions with the unlawful practices of Mao-era China. *"Televised confessions are unacceptable, they are even more despicable than the shame parade that was once*

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<sup>8</sup> Exclusion of illegally obtained confessions in China: An empirical perspective, Zhiyuan Guo in *The International Journal of Evidence and Proof*, 2017.

<sup>9</sup> Lau, M. (2016, March 1). "Pull plug on China's televised confessions" urges top political advisor ahead of meeting of country's legislature. *South China Morning Post*. Retrieved from <http://www.scmp.com/news/china/policies-politics/article/1919555/pull-plug-chinas-televised-confessions-urges-top>

<sup>10</sup> Chin, J. (2016, March 15) Chinese Judge Criticizes Televised Confessions. *The Wall Street Journal*. Retrieved from <https://blogs.wsj.com/chinarealtime/2016/03/15/chinese-judge-criticizes-televised-confessions/?mod=WSJBlog>

<sup>11</sup> You Luchen is not his real name. His identity is withheld because of concerns for his safety as he still practices law in China.

<sup>12</sup> To preserve the safety of the person interviewed, a pseudonym was used for this quote.

*common in China. They not only trample on human dignity, but also violate the fundamental principles of criminal procedure.*" Legal scholars share his view that the televised confessions are a return to the old China. *"The street parades of yesterday have become the television parades of today"*, Chinese University of Political Science and Law Professor He Bing wrote in 2013. *"The political movement has overtaken the law."*<sup>13</sup>

## (5) Violation of international laws and standards

The act of broadcasting forced confessions violates a number of international laws and standards.

### (6) *Right to a fair trial and related rights*

First, it violates the right to a fair trial enshrined in The Universal Declaration of Human Rights (UDHR), which holds in Article 11 that *"everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."*<sup>14</sup> The right to a fair trial is part of customary international law and binding upon states regardless of treaty ratification. The underlying rights (e.g. the presumption of innocence or the right to defence, to name a few) and good practices (e.g. measures to ensure independence of the Judiciary) that guarantee a fair trial are present in a number of international treaties, protocols and charters.

Article 14 of the International Covenant on Civil and Political Rights (ICCPR) of 1976, signed by China (but not ratified), protects the right to a fair trial and explicitly mentions some of its crucial underlying rights:

- "1. All people shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.  
(...)*
- 2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law."*

In addition to the presumption of innocence, Article 14 of the ICCPR emphasizes that no one shall be *"compelled to testify against himself or to confess guilt"*, thus protecting against self-incrimination.<sup>15</sup>

The UN Commission on Human Rights Resolution 2003/39 on the integrity of the judicial system also *"stresses the importance that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he/she has had all the guarantees necessary for the defence."*

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<sup>13</sup> *Associated Press*. (2013, November 6). China's latest attack on free speech: Confessions on state TV. Retrieved from <https://nypost.com/2013/11/06/china-using-televised-confessions-to-curb-free-speech/>

<sup>14</sup> Please see <http://www.un.org/en/universal-declaration-human-rights/>

<sup>15</sup> Please see <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Broadcasts of forced confessions are not isolated violations of the fundamental rights of those who were forced to confess. The coercion, duress and other human rights violations associated with broadcasts taken as a whole, violate additional rights protected by the UDHR, the ICCPR, as well as a number of international instruments. The fact that victims of forced televised confessions are routinely denied access to a lawyer while in detention, further infringes on the right to a fair trial.

The right of the detained person *"to be visited by and to consult and communicate, without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted,"*<sup>16</sup> except under limited circumstances. However, international standards hold that communication *"with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days."*<sup>17</sup>

Forced confessions often take place following arbitrary and lengthy pre-trial detention. Under international law, the right to liberty and security of a person, such as the freedom from arbitrary arrest or detention, is universal. The UNHRC holds that arbitrariness is to be interpreted based on *"appropriateness, injustice, lack of predictability and due process of law."* International standards are clear that anyone deprived of their liberty is entitled to know and challenge the reason and lawfulness of their detention. This is a fundamental international right known as *habeas corpus*. Moreover, everyone is entitled *"to a trial within a reasonable time or to release."* If, according to that principle, lengthy pre-trial detention should never be the rule, in practice, detainees who ultimately gave in to pressure to record confessions, often spent months or over a year in extra-legal detention.

In 22 (possibly as many as 26) cases the victims making their forced televised confessions were held in 'residential surveillance at a designated location' (RSDL), held in solitary confinement for prolonged periods (15 days and longer) and during investigation phase, which by itself qualifies as torture, and were in a state of enforced disappearance, as their whereabouts were kept secret. They were all held incommunicado, with no right to communicate or receive visits from neither legal counsel nor family. Also see OL CHN 15/2018<sup>18</sup>, for statement issued by 10 Special Procedures regarding the RSDL system, following an earlier submission by Safeguard Defenders.

In an additional seven cases the victim making their forced televised confession were in pre-trial detention but registered there under fake names, effectively disappearing them, making them being in a state of enforced disappearance.

In many, in fact most, of the other cases, the victims made such video recordings while held incommunicado, and had no access to neither family nor legal counsel.

### *(7) The defects of the Judiciary and International judicial standards*

Because respect of many of the most basic freedoms and fundamental rights to which Chinese citizens are or should be entitled to, are not guaranteed in practice by the Chinese judicial system, criminal laws

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<sup>16</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 18(3)

<sup>17</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment 15.

<sup>18</sup> <https://www.rights-practice.org/Handlers/Download.ashx?IDMF=61385f85-e45b-4e6d-9a77-2751ff745f1e>

and legal framework in general, it follows that forced televised confessions infringe on many International rules and guidelines established by various legal instruments (UN resolutions, charters, declarations, etc.)

For example, in its Article 2, The Universal Charter of the Judge adopted on November 17, 1999 by the member associations of the International Association of Judges "*as general minimal norms*" that must be respected by all Judiciary systems, holds that:

*"...judicial independence must be ensured by law creating and protecting judicial office that is genuinely and effectively independent from other state powers. The judge, as holder of judicial office, must be able to exercise judicial powers free from social, economic and political pressure, and independently from other judges and the administration of the judiciary."*

The broadcast of forced confessions, which are attempts to present the detainees as guilty of crimes (often determined for the purpose of the broadcast), constitutes such social and political pressure. Article 4 of the same declaration also forbids anyone to "*give or attempt to give the judge orders or instructions of any kind, that may influence the judicial decisions of the judge, except, where applicable, the opinion in a particular case given on appeal by the higher courts.*" Again, forced televised confessions could not be interpreted otherwise than as an instruction from the Public Security or State Security to reach a verdict already determined by the broadcast of the forced confessions.

Similarly, the Bangalore Principles of Judicial Conduct holds that:

*"A judge shall exercise the judicial function independently on the basis of the judge's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.*

*A judge shall be independent in relation to society in general and in relation to the particular parties to a dispute that the judge has to adjudicate.*

*A judge shall not only be free from inappropriate connections with, and influence by, the executive and legislative branches of government, but must also appear to a reasonable observer to be free therefrom."*

Extensive literature exists on the reality (i.e. the lacking) of judicial independence in China, and those principles stated above were even vociferously denounced by Chief Justice Zhou Qiang, the head of the Supreme People's Court of China, in a speech to legal officials in 2017: "*We should resolutely resist erroneous influence from the West: 'constitutional democracy,' 'separation of powers' and 'independence of the judiciary,'"*" said the magistrate.

The General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on "*the Independence of the Judiciary*", the recommendations adopted by the Ninth United Nations Congress on "*the Prevention of Crime and the Treatment of*

*Offenders*", held in Cairo from 29 April to 8 May 1995 on "the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of criminal justice", contain just some of the principles that Chinese authorities infringe upon when perpetrating forced televised confessions, and in some cases, when judging those who have already been paraded on National television.

### (8) *Protection against torture*

A criminal justice system reliant on confessions raises the risk of torture, with victims of enforced disappearance and secret detention (RSDL) especially at risk. Torture is so repugnant a violation of human rights, there are no circumstances that excuse the practice and under specific conditions it may rise to the level of a crime against humanity. Many televised confessions are the result of extreme physical or emotional coercion and thus they qualify as being obtained through torture.

Of the sixteen victims interviewed at length, or who have written their testimonies at length, for Safeguard Defenders, all mentions different means of torture. In addition, in the vast majority of those cases, it includes physical torture, often of a very severe nature. In addition, all the victims of televised confession who were in RSDL went through up to half a year in solitary confinement, during the investigative phase of their criminal proceeding, which amounts to torture itself<sup>19</sup>. As activist Zhai Yanmin told Safeguard Defenders:

*"They cuffed my hands behind my back, they locked me to iron railings, they would use five or six electric batons to beat me. For a long period they didn't let me eat, or drink water, or go to the bathroom. They subjected me to so many kinds of torture."*

This is a direct violation not only of the fundamental prohibition on the use of torture enshrined in international law but also of Article 15 of the Convention on Torture, which requires states to "ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."<sup>20</sup> In other words, under no circumstances, through legal proceedings or media broadcast, are statements, such as forced confessions, to be used for any purpose, other than as evidence in a trial against the perpetrator of torture.

The Special Rapporteur [on Torture and other cruel, inhuman or degrading treatment or punishment] has stated that acts constituting torture include beating, suffocation, exposure to intense loud noises and bright lights, and "prolonged denial of rest, sleep, food, sufficient hygiene, or medical assistance, and prolonged isolation and sensory deprivation." Additionally, the Special Rapporteur found in 2011 that, even if disciplinary solitary confinement is not torture (article 1), it still violates article 16, which addresses

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<sup>19</sup> U.N. Secretary-General, Torture and Other Cruel, Inhuman or Degrading Punishment: Note by the Secretary General, U.N. Doc. A/66/268 (Aug. 5, 2011).

<sup>20</sup> Please see <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

and condemns<sup>21</sup> harmful practices that fall short of its definition of torture (meaning it constitutes maltreatment, but not torture). This determination has been echoed in recent years by the U.N. General Assembly, which in 2015 adopted a revised version of the *Standard Minimum Rules for the Treatment of Prisoners* (the "Mandela Rules"). The Mandela Rules tightened the U.N.'s restrictions on solitary confinement and recommended that solitary confinement "be used only in exceptional cases as a last resort, for as short a time as possible."<sup>22</sup>

The Special Rapporteur on Torture explicitly found pre-trial solitary confinement to be torture under article 1 of the CAT when used to obtain information or a confession<sup>23</sup>.

The United Nations Human Rights Committee (UNHRC) holds that the right to a fair trial "is a key element of human rights protection and serves as a procedural means to safeguard the rule of law." Forced confessions, therefore, are not only a violation of this fundamental human rights protection, but also a direct assault on the rule of law itself.

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<sup>21</sup> Article 16 differs from Article 1 because it includes harsh treatment inflicted without a specific purpose under its general intent requirement, as opposed to Article 1's elevated intent standard. States have fewer enforcement obligations for Article 16 practices, and there is no mention of the prohibition of emergency or exceptional circumstances that exists for Article 1 practices.

<sup>22</sup> G.A. Res. 70/175, U.N. Doc. A/Res/70/175, United Nations Standard Minimum Rules for the Treatment of Prisoners (Dec. 17, 2015) [hereinafter the Mandela Rules].

<sup>23</sup> U.N. Secretary-General, Torture and Other Cruel, Inhuman or Degrading Punishment: Note by the Secretary General, U.N. Doc. A/66/268 (Aug. 5, 2011).

## (9) TARGET GROUP AND SCOPE OF VIOLATIONS

### (10) Targeted groups, professions and individuals

Generally speaking, there are two types of victims of forced confessions. First, “rights” cases, include people whom the Chinese Communist Party typically perceives as its enemies or critics and who are usually charged with national security crimes (such as the stealing of state secrets, state subversion, inciting state subversion, or separatism) or public order violations (e.g. creating a disturbance, defamation, obscenity, picking quarrels and provoking troubles, and spreading rumours). These cases approximately represent ~60% of the confessions and include detainees who either worked in media (journalists, bloggers and publishers) or were human rights defenders (lawyers, NGO workers and activists).

The remaining ~40% include all other types of cases and target groups. Those cases include individuals charged of terrorism (all Uighur detainees), financial crimes such as telecom fraud or operating an illegal Ponzi scheme, drug use and murder. Detainees range from minor celebrities such as Taiwanese pop star Ko Chen-tung, businessmen such as Ezubao founder, Ding Ning and unemployed salesman Zhang Lidong who beat a woman to death in a McDonald's outlet. China's televised confessions are used for a broad spectrum of suspected crimes, but the large number of rights cases is a clear indication that they are primarily used as a tool to discredit and suppress lawyers, activists and independent journalists.

While the majority of the 87 victims in the data behind this submission are Han Chinese from the mainland, a significantly high number, nine, are Uighurs from the mainland. Yet, they make up less than 1% of the population. 15 were citizens of countries or regions outside mainland China. Forced televised confessions also involve the extra-legal detention of individuals outside of China's own borders. At least 11 individuals (one Swedish, one British, one US, three Hongkongers and five Taiwanese) appear in one or more televised confessions in China. If one includes different language broadcasts/editions, that number of broadcasts grows substantially.

Furthermore, three of the victims, Swedish citizen Gui Minhai, and two Chinese citizens, Jiang Yefei and Dong Guangping, were taken outside China's borders. Mr. Gui was kidnapped from his holiday home in Thailand,<sup>24</sup> while Thai police handed Mr. Jiang and Mr. Dong over to Chinese security agents even though both had been recognized as refugees by the UN Refugee Agency and were awaiting resettlement.<sup>25</sup> On August 8, 2019, while returning from a one day trip from Shenzhen, Hong Kong citizen and employee of the United Kingdom's Consulate in Hong Kong Simon Cheng was stopped by Chinese police at the West Kowloon high-speed train station within Hong Kong territory. Even though the presence of a Chinese immigration post inside Hong Kong was very controversial, immigration officials claimed that Mr. Cheng was being stopped on “orders from the top”. He was then taken by train back to mainland China, into

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<sup>24</sup> Iyengar, R. (2016, January 19). Thai Authorities “Investigating” Claims That Hong Kong Publisher Never Officially Left. *Time*. Retrieved from <http://time.com/4184783/thailand-hong-kong-publisher-gui-minhai-junta/>

<sup>25</sup> Belford, A., Lefevre, A. S. (2015, November 30). Thailand knew deported Chinese were refugees awaiting resettlement in Canada: U.N. document. *Reuters*. Retrieved from <https://www.reuters.com/article/us-china-thailand-refugees/thailand-knew-deported-chinese-were-refugees-awaiting-resettlement-in-canada-u-n-document-idUSKBN0TJ1E620151130>

Shenzhen and detained by police of the Public Security Bureau (PSB).

## (11) Scope of the use of forced televised confessions

Altogether, 87 televised confessions were identified by Safeguard Defenders between July 2013 (when the first high-profile televised confession was reported in western media) and January 2020. Detainees who appeared in multiple confessions sometimes confessed to very different crimes from one confession to another.<sup>26</sup> The number of confessions per year varied between 14 and 22 from 2013 to 2016, dropping off sharply in 2017 with just two confessions, then increasing slightly to six in 2018 and five in 2019.

However, later years have in addition seen a higher amount of **repeated confessions** of victims who already confessed earlier. At the same time **alternative forms** of public confessions have become more common, whether over videoed confessions released on social media, on State-owned news media's websites, as part of (State-media produced) 'documentaries' and in other forms. These are not included in the cases and calculations herein used. In one such 'documentary' from CGTN in late 2019 there are some 17 different victims, for example. During the Coronavirus pandemic a new batch of confessions appeared through spring 2020<sup>27</sup>, but were broadcast over Police or State media social media accounts rather than on national TV. These are also not included.

This change is likely as a result of:

- a) more people seeing through these forced TV confessions as they have received more attention, and scrutiny, forcing the state to evolve in how these public confessions are executed, and
- b) an increase in alternative forms of broadcasts, either over police or media's social media accounts, and some being forced to release such videos on their own social media instead, and
- c) an apparent increase in use of in-trial courtroom videoed confessions (sometimes first released on the court's social media account and then sometimes rebroadcast on state television).<sup>28</sup>

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<sup>26</sup> For example, Charles Xue confessed to hiring prostitutes in his first confession and then for irresponsibly forwarding posts on China's version of Twitter, Weibo, in his next two confessions. Gui Minhai confessed to illegally leaving China while serving bail for a fatal car accident in his first confession; in his second he talked about illegal book publishing and sales; while in his third appearance, he said he had been used by Sweden.

<sup>27</sup> <https://safeguarddefenders.com/en/blog/china-unleashes-forced-confessions-control-coronavirus-rumours>

<sup>28</sup> Some examples are Xie Yang's trial (8 May 2017), retrieved from <http://tv.cctv.com/2017/05/09/VIDE0YshOeBWtkacHiTqDU64170509.shtml>; Xie Yang's sentencing (27 December 2017), retrieved from <http://tv.cctv.com/2017/12/27/VIDE9wEdiCBriOBIInk1978G171227.shtml>; and, Taiwanese NGO worker Lee Ming-che's trial (12 September 2017), retrieved from <http://tv.cctv.com/2017/09/12/VIDE7yDApSwNpi7vKxgtIQws170912.shtml>.

## (12) ANALYSIS OF FORCED TELEVISED CONFESSIONS

### (13) Note on the victims

This submission makes extensive use of quotes of victims of forced confessions who were interviewed by Safeguard Defenders, and whose full interviews have been published earlier in Safeguard Defender's publication *Scripted and Staged: Behind the scenes of China's forced televised confessions* (2018). Seventeen individuals are mentioned, some using their real names and others using pseudonyms for safety reasons. Although far from representing all the experiences of victims of forced televised confessions (some of whom are also mentioned in this report), their testimony, and on many occasions the similarity between their accounts, constitutes an invaluable source of information for anyone who seeks to understand the making of forced televised confessions and the reality behind the closed doors of detention centres or RSDL:

- **Bao Longjun**, legal activist and husband of lawyer Wang Yu, was detained in July 2015 as part of the 709 Crackdown and held for one year. He made one televised confession in October 2015 to condemn those who tried to smuggle his son out of the country.
- **Chen Taihe**, lawyer and scholar, now living in exile with his family in the US, was also detained in July 2015 as part of the 709 Crackdown and released in February 2016. He made a videoed confession but it has never been released.
- **Peter Dahlin**, a Swedish human rights worker and director of Safeguard Defenders, was detained in January 2016 for several weeks and then deported from China. His televised confession was aired that same month.
- **Gui Minhai**, a Swedish publisher, was kidnapped by Chinese security agents from his Thai home in October 2015. Mr. Gui was forced to give three televised confessions, two in 2016 and one in 2018. Gui's daughter, Angela Gui has openly campaigned for her father's release since he disappeared.
- **Guo** (pseudonym), a human rights defender, was initially detained and beaten before being released and then detained again and forced to record a confession on video, which has not been aired to date.
- **Peter Humphrey**, a British citizen, was running a corporate investigations firm when he was detained with his American wife in July 2013 in a case that is widely considered to be politically motivated. He gave two televised confessions, one shortly after his arrest in August 2013 and another before his trial in July 2014. Before one such video he was drugged. He was denied medical care while in detention, developing cancer. Mr. Humphrey now lives in the UK with his wife, after being released from prison on medical grounds in June 2015.
- **Lam Wing-Kee**, one of the Hong Kong booksellers and a Hong Kong citizen, was detained in October 2015 in Shenzhen. He fled bail in June 2016 and held an explosive press conference in Hong Kong to expose how he had been kidnapped by Chinese security agents and forced to confess on camera. Two of his recorded confessions were aired, one in February 2016 with three of the other Hong Kong booksellers, and another in July 2016 that was clearly an attempt to refute his revelations at that press conference. Mr. Lam's testimony in this report is an edited extract

from his written statement to the Congressional-Executive Commission on China, which he submitted in May 2017, with added material from an interview Mr. Lam gave to Safeguard Defenders.

- **Li** (pseudonym), a human rights defender, was detained for a year during which time the police constantly pressurized him to give a video confession. He refused.
- **Liu Sixin**, a professor of law and human rights lawyer, who was placed in 'RSDL' for six months, and spent time in pre-trial detention after that. After threats and intimidation Liu recorded a great many videoed confessions, two of which appeared on national TV.
- **Liu Xing**, a local activist who endured extensive physical torture before succumbing to recording a confession.
- **Ming** (pseudonym), a human rights defender who was detained and forced to give a confession to camera. It was later aired on state television.
- **Wang Yu**, rights defence lawyer, and wife of Bao Longjun, was detained in July 2015 as part of the 709 Crackdown. After physical and mental torture, including torture of her teenage son, she made two televised confessions, one in October 2015 to condemn those who tried to smuggle her son out of the country and another in August 2016 as she was released on bail.
- **Wen** (pseudonym), a human rights defender, was detained and tortured before giving his televised confession that was aired shortly afterwards.
- **Zhai Yanmin**, a local rights defenders who was made to record confessions both when in detention at first, and later while in 'RSDL', suffering significant physical and mental torture and threats to family members to get him to cooperate.
- **Zhao** (pseudonym), a human rights defender, was detained and appeared as a confessor in one broadcast televised confession.
- **Simon Cheng**, a Hongkonger who worked for the British consulate was detained by Chinese state security in August 2019. He was kidnapped in Hong Kong and brought back to mainland China where he was shackled, tortured, accused of being a spy for the UK and threatened with a lengthy prison term before being ask to record a confession.

In addition, detailed information has been made available concerning **Xie Yang**: a Hunan-based human rights lawyer who was declared guilty of inciting subversion of state power in December 2017. The information herein included was retrieved as he was, unexpectedly, allowed access to his lawyer while in pre-trial detention, information that was then released to the public.

## **(14) How forced televised confessions are fabricated**

Forced televised confessions are routinely scripted and staged. Asked by Safeguard Defenders about the sequence of events leading to the confessions, several "rights cases" victims described how confessions were choreographed as if they had been a TV drama with a "director," a "script," "costumes," directives on "tone and gesture", and "retake after retake", "again and again" until the "director" was satisfied.

### *(15) Detainees are dressed in costume*

Detainees are usually made to change their 'costume' before the confession is filmed. Peter Dahlin was told to shower and put on civilian clothes before the recording took place. During his detention under RSDL, Mr. Dahlin normally wore grey sweatpants and an orange prison vest. Similarly, Lam Wing-kee was told to change out of his RSDL uniform, orange vest and cement-coloured sweat pants. For his confession, his interrogator lent him a black winter jacket. Wang Yu, also held under RSDL, was told to change her clothes before she was driven to a TV studio. Police offered Bao Longjun some different clothes to wear for the recording, but he refused to change. Peter Humphrey was handed a new prison vest to wear just moments before he was marched off for the interview:

*"They brought me a new prison vest, you know these orange prison vests and told me to change into it and said I would be going for this interview. Most of us were wearing very tatty, very filthy vests. It was unusual that someone got given a new one."* Like Mr. Dahlin, Wen was told to shower first and then put on civilian clothes for the recording. *"I was told I could shower, even wash my hair, and then put on my own clothes I had been wearing before they detained me."*

While previous victims of forced TV confessions were made to change their clothes and "dress up" for the filming, Simon Cheng kept the same pink detention centre uniform on he wore normally. Police also forgot to return his glasses, but they made him shave his beard before the filming.

*"I looked like a barbarian since I hadn't shaved for 14 days,"* he said.

#### *(16) Detainees learn their lines*

Detainees are routinely told what to say during the confession. Several methods are used, including learning lines, reading from a script, or agreeing what to say, usually based on the final confession statement hammered out during interrogations. When Wang Yu was forced to record her first confession following the capture of her son in October 2015, she was told to remember lines that the police had written down.

*"They wrote down everything that I had to say on a piece of paper asked me to memorize it. I don't remember clearly what it said just that it was about denouncing certain anti-China forces."*

For her second confession, when she sat before media and answered questions, Wang Yu had practiced her answers for days beforehand.

*"I started practicing the script they [the police] had prepared for me and we rehearsed it many times, almost every day before I left the detention centre."*

Mr. Dahlin was handed a photocopied question and answer paper based on the content of his deposition and told to memorize it shortly before the shoot. He had some leeway over certain sentences. He refused to say certain individuals, named human rights lawyers and activists, were criminals. Wen, however, was given no such freedom. He was told exactly what to say.

*"One thing was made clear though, there was no room to bargain. I was to say exactly, word for word, what they decided. There was no debate."*

Mr. Lam's script, which he was also asked to commit to memory, was based on his written confession and statement of repentance. He practiced first by rehearsing.

*"All the recordings of the so-called confession were conducted in accordance with the script they gave me, which I followed."*<sup>29</sup>

If he couldn't remember his lines, they gave him time to help memorize them by writing them out. Mr. Humphrey did not have a script to memorize, but his interrogators told him he should express repentance, apologize to the CCP, and confess.

*"Ding [his chief interrogator] led the proceedings. He had a script in his hand... Ding's questions were all aimed at getting me to confess, to say I broke the law, to say 'yes, I know I broke the law, I'm very sorry. Forgive me.' I was not prepared to do that. I knew that I was innocent, I hadn't broken any law, the law was being bent to fit around me and catch me."*

Mr. Bao, who only said a few lines in his confession criticizing the people who tried to help his son flee China, wasn't given a script but was told what to say.

*"They [the police] didn't write down anything, they just told me what kinds of things I should say."*

Chen Taihe, whose recorded confession was not broadcast, said he purposefully tried to slip in phrases that could help him disown the confession if he were ever brought to trial. Phrases such as *"I didn't intend to do"* the alleged crime, but whenever he did, his interrogators made him re-record the confession.

Ming was told he had to confess to a crime that, *"[he] had nothing to do with."*

Guo, whose recorded confession was not broadcast, remembers how he was allowed to choose his own words but that officers were not happy after the first take. They then ordered Guo to name individuals as criminals.

*"In the end, the second video didn't please them any more than the first."*

### *(17) The confessions are heavily directed*

The recordings are directed by the security agency. Officers tell suspects how to deliver their lines and multiple retakes are made until they are satisfied. Police ordered Zhao to cry on camera. *"They asked me to sob, choke with tears."* In Mr. Dahlin's televised confession, the CCTV journalist interviewing him read

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<sup>29</sup> Lam, W.K. (2017, May 3). *Written statement of Lam Wing-kee*. Retrieved from <https://www.cecc.gov/sites/chinacommission.house.gov/files/CECC%20Hearing%20-%203May17%20-%20Hong%20Kong%20-%20Lam%20Wing%20Kee.pdf>

from a list of questions given to her by the police. The journalist was never seen in the final televised broadcast. Mr. Dahlin's interrogators told him how to act.

*"We ran through seven or eight questions. A few retakes. 'Sit straighter', they said. 'Speak slower here. Change this here'." They made multiple retakes when he stumbled over one line in particular: "I hurt the feelings of the Chinese people."*

Despite the huge number of media present at Mr. Humphrey's filmed confession, no journalist asked any questions, all questions came from his interrogator, Ding. *"Whoever they were, the media were not allowed to ask questions."* Mr. Chen remembers that he made at least 10 different recordings of the same confession. *"They reviewed it carefully every time until they were satisfied."* He was told to look natural and not read from the paper. Mr. Lam said there were no journalists, as far as he was aware, at his recorded confessions, and his interrogators asked all the questions. He had to make about a dozen recordings, at a number of different locations, one of which was in a basement that had been converted into a mock courthouse, where his main interrogator acted as the judge, his assistant was the deputy judge and a policewoman—whom he had never seen prior to that day—changed into plain clothes and pretended to be a "witness."

During Wen's recording, they edited the prearranged answers. *"Later on, as we would take a break between takes, they would add this or change what I was supposed to say."* He was also told to change the speed of his voice and they corrected his wording and the expression on his face. Wen's confession onscreen did not last for much more than a minute or two, but the whole filming took hours.

*"All of it was choreographed, and the whole thing went on perhaps seven hours, with so many retakes I can't remember for sure."*

### *(18) Deceptive editing*

The confessions recordings are always edited so that the true nature of how they are fabricated is concealed and it is often edited to misrepresent meaning, particularly for those detainees who are not given lines to read or memorize. Mr. Humphrey endured one of the worst examples of deceptive editing. The footage on national television is a close-up of his head and shoulders, but in reality, he was handcuffed, locked into a chair and locked into a cage.

*"So, there I am, dopey, shocked, in handcuffs in a locked iron chair, inside a locked steel cage inside an interrogation cell surrounded by so-called journalists and police officers poking lenses through the gaps in the cage... I was totally surrounded, with spotlights and lenses poking through. It was quite a horrifying scene."*

None of that is seen on screen. The footage itself is also often deceptively edited. Mr. Humphrey described how he believes his words were edited to make it seem as if he was confessing on camera. *"My recollection is that I used conditionals, I was in this cage, I was under duress, I was being treated like a caged animal, not knowing when I would be let out. What I believe I said was: If I had violated the law and such and such*

*that I did so unknowingly and that I was sorry. But there's no way that I ever said: 'Yes I know I broke the law'. The little clips that I've seen are almost unrecognizable to me."*

### *(19) Forced filming*

When suspects refuse to make a confession, the police generally keep the pressure up either by continually filming them or forcibly taking them to a television studio. Li described how he was constantly filmed so that the police would have enough footage that could be used on television.

*"They [the police] filmed the entirety from searching my home to taking me on the train, and during the whole train journey to ensure that as soon as I made a confession, they could use it in a public broadcast."*

Li intentionally spoiled any footage being usable by answering questions with another question. In the first attempt to get her to confess on camera, Ms. Wang was driven, black-hooded to a TV studio.

*"Chief Wang came into my cell after I had changed. He said he was taking me for my television confession. I was very angry, 'I told you I would not record anything or go on television!' He didn't care. He just put a black hood over my head and, at least this time, he took me without putting me in handcuffs. In the car, I demanded again and again to be taken back. I told them I definitely wouldn't go on television. If they wanted to force me, I threatened to jump out of the car. Chief Wang maliciously told me to go ahead."*

She was driven to a television studio, but she refused to speak on camera. Police made similar attempts with rights activist Wu Gan. Mr. Wu, one of the first 709 activists to go missing in May 2015, released an open letter through his lawyer in March 2017,<sup>30</sup> detailing a failed attempt to force him to make a televised confession at a CCTV studio.

### *(20) On location*

Some televised confessions show the detainee in a prison/detention centre setting and clearly dressed in prison clothes (usually a prison vest, sometimes prison overalls). Often, they are handcuffed, locked into an interrogation chair, and behind bars. Many, and almost all Uighur detainees, have their head shaved. Sometimes they are also shown walking past rows of cells, flanked by police officers, being interrogated, and occasionally signing a confession.

From 2015, confessions featuring a place of neutral appearance (have become more popular, especially for "rights" cases. Here, the detainees are typically shown in a non-custodial setting: it could be a hotel room or an office or even a television studio. By contrast, the locations where confessions of other cases occurred, were almost always jailhouse. This indicates an effort by Chinese authorities to soften or mask

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<sup>30</sup> *Human Rights Campaign in China* (2017, March 23). 屠夫吴淦案 被控颠覆国家政权罪羁押的屠夫吴淦委托律师传出书信给央视记者董倩邀请她出庭作证 (Túfū wú gàn àn bèi kòng diānfù guójiā zhèngquán zuì jīyā de túfū wú gàn wěituō lǚshī chuán chū shūxìn gěi yāngshì jìzhě dǒng qiàn yāoqǐng tā chūtíng zuòzhèng). Retrieved from [https://www.hrcchina.org/2017/03/blog-post\\_59.html](https://www.hrcchina.org/2017/03/blog-post_59.html)

the coercive environment for the more critical overseas audience of the “rights” cases, which typically receive greater media scrutiny. Mr. Dahlin filmed his confession in a room opposite to his cell in the RSDL facility. Wen had his eyes covered and was driven to another location which looked like a hotel.

*“I was blindfolded and taken down into the basement car park. I have very little recollection of how long we drove, but it felt like a long time, but I also remember being stuck in traffic. By the time my blindfold was removed I was inside a large, two bedroomed hotel suites.”*

Later on, they made another recording, but this time they filmed it inside a room that was across the corridor from his cell. Zhao was driven to another location and black-hooded. *“They drove me to a place, I don’t where it was or what it was. They put me in a black hood, so I couldn’t see.”* Mr. Lam made about a dozen recorded confessions in many different locations. *“The recording process took place six or seven times in the room where I was imprisoned, and three times in another place where they took me there in a seven-seater car. After leaving the building, the drive took about 45 minutes, passing through an express highway and ending up in a big complex with many low-rise houses.”* In at least one instance, the set-up for the filming was like a courtroom, complete with a “witness.” Mr. Bao did his two short pieces to camera in the room he was living in when detained under RSDL. His interrogations also routinely took place in the same room. Only his interrogator and a few officers were in the room when the recording took place. The quality of the footage, both sound and picture, is very poor on the CCTV broadcast. Ms. Wang and Mr. Wu were both black-hooded and driven to the television studio for their confession; both refused to cooperate.

In Ms. Wang’s second confession August 2016, the setting was a garden. When filmed in a non-prison-like setting, confessors wear civilian clothing and are not shown handcuffed nor with their head shaved. They are usually filmed alone, with no obvious police presence. The year 2015, when China launched its 709 Crackdown, marked a jump in the use of such “neutral” settings for confessions when almost half of all televised confessions occurred in such setting. All “rights” cases confessions occurred in a prison-like setting before 2015, after which there was a clear preference for not showing them in such manner.

## **(21) The coerced nature of the confessions**

In addition to the testimony of victims, anomalies within many of the televised confessions clearly indicate that the confessions are both forced and scripted. These anomalies are changes in details of the alleged crime, deceitful editing and suspects’ retractions of their confession.

### *(22) Changes in the alleged crime*

Discrepancies between the testimony given in different televised confessions for the same detainee and differences between details given in the televised confession and the testimony in court can be found in several cases. For example, reporter Chen Yongzhou said in his October 2013 broadcast that he had accepted a number of payments to print negative stories about construction company Zoomlion, one of which was 500,000 yuan. During his trial, however, he was only accused of accepting bribes of 30,000 yuan in total.<sup>1</sup> In his first August 2013 televised confession, investor and celebrity blogger, Charles Xue,

admitted to hiring prostitutes, yet in his later two confessions, his crime had changed to rumour-mongering on Weibo.

Swedish bookseller Gui Minhai made three televised confessions whilst in detention for three different crimes: leaving China illegally after a fatal car accident, distributing illegal books on the mainland and finally for colluding with Sweden to leave China and violating Chinese laws (with no mention of which ones had been violated). At least five of the main confessors presented in this document were tried on different crimes to the ones they were accused of at the time of their television appearance.<sup>31</sup> At least another eight were released without charge,<sup>32</sup> even though their cases were deemed serious enough to film a confession for television. This high incidence is an indication that the charges themselves are fabricated and that the public confession is in fact the price paid for freedom.<sup>33</sup>

### *(23) Deceptive editing*

Several confession footages were presented as if they had been shot in one go but it is clear from the appearance of the confessor that they were filmed on separate occasions, something later confirmed by the victims. In Mr. Gui's January 2016 confession, the colour of his t-shirt changed from grey to black in different shots as did the appearance of his hair.<sup>34</sup> Shen Hao's November 2014 confession is spliced with footage from his September confession. The varying quality of the video in different confessions as well as testimonies of the victims have confirmed that confession footages are not always filmed by professional media companies. They are either filmed by the media company (CCTV or other), filmed in-house by the police, or edited from interrogation footage without the suspect's knowledge. The lawyer of blogger Dong Rubin, whose confession was broadcast on 17 October 2013, said that it was made without his client's agreement and that he thought the police had likely packaged interrogation footage and given it to CCTV.<sup>35</sup>

### *(24) Retracted confessions*

At least five confessors have publicly retracted their confession either through holding a press conference (Lam Wing-kee), interviews with the media (Peter Humphrey and Peter Dahlin), or through their lawyer

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<sup>31</sup> For example, activist Zhai Yanmin was accused of "gathering a crowd to disrupt order of a public place" and "picking quarrels and provoking trouble" in his televised confessions, but at his trial a year later he was found guilty of subverting state power; rights lawyer Zhou Shifeng was accused of "running a criminal syndicate" and "disturbing social order" in his televised confession; at trial he was sentenced to jail for subversion of state power.

<sup>32</sup> These were journalists Xiang Nanfu and Wang Xiaolu, investor Charles Xue, environmentalist Dong Liangjie, rights activist Liu Jianjun, Swede Peter Dahlin, and lawyers Wang Yu and Zhang Kai.

<sup>33</sup> On 26 December 2017, Xie Yang and Wu Gan, two of the last three remaining victims of the 709 Crackdown were sentenced. While both were found guilty—Mr. Xie for incitement to subvert the state and Mr. Wu for state subversion—Mr. Xie, who gave several televised confessions, was allowed to go free, but Wu, who publicly denounced the practice and refused to make one, was sentenced to eight years, the harshest 709 Crackdown sentence to date. Wang Quanzhang, the remaining victim, who is thought to have also resisted making a televised confession, has not been seen once and remains disappeared.

<sup>34</sup> Huang, Z. (2016, January 18). Chinese citizens don't believe Hong Kong bookseller Gui Minhai's public confession either. *Quartz*. Retrieved from <https://qz.com/596565/chinese-citizens-are-questioning-hong-kong-bookseller-gui-minhais-public-confession/>

<sup>35</sup> Associated Press. (2013, November 6). China's latest attack on free speech: Confessions on state TV. Retrieved from <https://nypost.com/2013/11/06/china-using-televised-confessions-to-curb-free-speech/>

(Gao Yu)<sup>36</sup> or family members (Lin Zuluán).<sup>37</sup> Five more told Safeguard Defenders that their televised confession was scripted and untrue. Many more have written their testimonies, for publication in reports, books or online, making clear these confessions were forced and scripted, most often through torture. Many of those who still live in China are too fearful to speak publicly about the experience and to retract their confession.

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<sup>36</sup> Gao Yu told her lawyer that police had threatened her son in order to get her to confess on camera. Hatton, C. (2014, November 20). Chinese journalist Gao Yu faces trial for leaking state secrets. *BBC News*. Retrieved from <http://www.bbc.com/news/blogs-china-blog-30125635>

<sup>37</sup> Lin Zuluán's family said his confession at trial was made in the hope of lenient treatment. Please see <http://www.scmp.com/news/china/policies-politics/article/2027376/convicted-wukan-village-chief-renounces-confession>

## (25) TREATMENT BEFORE CONFESSIONS

The setting of the televised confession bears no relation to the condition of the victim's detention. Many of the detainees who were filmed in an apparently non-custodial setting were detained under the custodial RSDL system and, for some, in conditions amounting to torture with both physical beatings and forced medication. Suspects are routinely coerced with threats or promises into making a televised confession. Promises range from earlier release to more lenient treatment and threats are made against the detainee himself and sometimes against family members. In addition, detainees are in a state of fear and helplessness, especially when held under RSDL with no access to a lawyer and routinely subjected to mental and physical torture. Police are also deceptive about the recorded confessions both in terms of concealing that it would be broadcast on television and in manipulating the recording during the editing process.

### (26) Promises

Mr. Dahlin, Mr. Humphrey, Wen and Zhao all said the promise of lenient treatment (including early release) was one of the reasons why they agreed to confess on camera. Often, interrogators would urge the suspect to make a filmed confession but would not say or would even deny that it would be broadcast on television. They routinely framed it as a way show their superiors that the detainee was cooperating and thus that he should be granted a more favourable treatment. Mr. Dahlin said he believed he might have died in captivity because he suffers from Addison's disease, a condition where stress can trigger a coma and even death, and that was one of the reasons he agreed. Mr. Humphrey remembered the police officer promising more lenient treatment if he agreed to meet with the media. “

*As I was resisting, they said if I cooperated with them it would mean more lenient treatment or we would view your case more favourably, which, of course, turned out to be completely untrue.”*

Several weeks after being put into RSDL, Wen was shown transcripts the police said were from videoed confessions that other detained colleagues had made. His interrogator “*showed me a transcript of what they had said, and although he did not give me enough time to read much of it, it was nonetheless clear: record the video, and you might get released. No video, no release.*” Zhao said the police told him he would be released on bail or released after trial if he agreed to confess on camera. They did not keep their promise as Zhao was not freed until many months later. Li, who refused to give a recorded confession, said police constantly harassed him to make one.

*“Police officers ... just used a DV camera and asked me to confess and said they will give it to their leader. If my attitude is good, they will release me.”*

Chen Taihe, whose confession video was never broadcast, initially refused when police urged him to record a confession and promised him lenient treatment in return. He knew that lawyer Liu Jianjun had made a confession a few weeks earlier and was still detained so at first, he did not trust them. However, after several weeks, he changed his mind. His treatment had improved and he learnt that they had allowed his wife to leave China. He thought he would have a chance of going free if he cooperated.

## (27) Threats

One of the most powerful weapons Chinese police have in securing a forced televised confession is to threaten family members of the detainee. Ming said he agreed to be filmed after the police told him they had detained one of his close family members and that they would only be released if Ming confessed on camera. Bao Longjun described how after weeks of being held in RSDL he agreed to go on television to blame “anti-China” forces for trying to smuggle his son out of the country after police showed him pictures of his son looking as if he was in detention.<sup>38</sup> They told him they would release his son provided he made the video. The whole affair put him into shock.

*“This was the first news I had had of my son for three months. The photo was the kind taken when you enter a detention centre. I had also made one under strict supervision when I entered the Tianjin Detention Centre. When I saw the photo of my son, my tears flew uncontrollably. I was numb. Mechanically, I followed their instructions to denounce... I don’t even remember what I said.”*

For Ms. Wang the overriding reason she gave her televised confessions was so that she could save her son. The first time, in October 2015, the police told her that she had to repeat lines they made her memorize on camera or her son would not be set free. They showed her photos of him in detention after being captured trying to flee the country. Before she agreed to the second televised appearance, the police had told her many times that her son would not be allowed out of the country and she would not be allowed to go free until she recorded a confession. She knew the only way to see her son and help him go overseas to study was to confess on camera.

*“So, this is my story. I don’t expect everyone to understand. I just want to say that my child is everything to me. And, perhaps, in my situation, I had no other choice.”*

Mr. Dahlin said state security officers holding him told him that they would keep his girlfriend in RSDL until his case was resolved. They made it clear that making the recording would mean he would either be moved into pre-trial detention or he would be released, and then, and only then, would his girlfriend be released. In an interview Guo gave to Safeguard Defenders, he talked about the police beatings he endured when he was detained just a few weeks before he was harassed to record a video. As they beat him, the police threatened that unless he cooperated with them, they would kill him and his family would never know what had happened to him. In testimony given to his lawyers,<sup>3940</sup>

Mr. Xie described how police had tortured him and threatened to harm his family during the course of his incarceration in RSDL and in detention. It was after enduring this kind of treatment for months that Mr.

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<sup>38</sup> Bao Zhuoxuan, the teenaged son of Bao Longjun and Wang Yu was apprehended in October 2015 in Myanmar with two activists, Tang Zhishun and Xing Qingxian, who were trying to help him flee to the US to escape police harassment in China. When overseas media carried the story, China responded by forcing his parents, Bao Longjun and Wang Yu who had been disappeared into RSDL, to denounce on camera those who tried to help their son. Both looked visibly stunned and stressed in the footage.

<sup>39</sup> Xie, Y. & Chen, J. (2017, January 21). Transcript of Interviews with Lawyer Xie Yang (3)—Dangling Chair, Beating, Threatening Lives of Loved Ones, and Framing Others. *China Change*. Retrieved from <https://chinachange.org/2017/01/21/transcript-of-interviews-with-lawyer-xie-yang-3-dangling-chair-beating-threatening-lives-of-loved-ones-and-framing-others/>

<sup>40</sup> Caster, M. (Ed.) (2017) *The People's Republic of the Disappeared* [E Book]. Tacoma, Washington: Safeguard Defenders.

Xie appeared in two televised confessions in 2017. *"Your wife is a professor at Hunan University—surely she must have 'economic problems'? If you don't cooperate, we might be forced to expand this matter. If you don't come clean and explain things clearly, we'll go after your wife without a doubt,"* police told Mr. Xie. They went on to threaten his brother, his nephew and even his daughter, a student in middle school.

After a week of detention, the officer in charge of Zhai Yanmin threatened to arrest Zhai's son:

*"I jumped up and told Yang that this matter had nothing to do with my son. He said: 'We decide whether it has something to do with your kid or not!' Then he went on: 'Old Zhai, I'm going to give you 10 minutes to think about it: will you cooperate with us or will you make your son come here and join you!'"*

Anytime Zhai would refuse to cooperate with the police, threats would be immediately made against his family. During the making of his forced confessions, before each new take the police would remind him about his son, about what would happen if he didn't cooperate.

The police also threatened Simon Cheng that his case would be reported to his family by the police sending a written letter to Interpol, which would then be forwarded to Hong Kong police, who would inform his family. However, they claimed to be *"uncertain at which point Hong Kong police would know, because they were too busy handling the protests<sup>41</sup>"*, suggesting to Cheng his detention could last for a very long time. The Hong Kong police were never notified of his detention.

## (28) Police deception

Mr. Dahlin said he was told only "judges" would view the video to decide whether to release him or prosecute him. He only realised it would be screened on television when he walked into the room and came face-to-face with the CCTV cameraman and a female journalist. Mr. Humphrey insisted beforehand, and put it in writing, that he would only talk to print journalists. Yet on the day, he was surrounded by television and print cameras.

*"I was ambushed by a gang of people with cameras—I hesitate to say journalists with cameras—some of them had still cameras and some of them had film cameras. I was actually quite shocked because I was not expecting anything like that at all."*

Perhaps anticipating he might be upset at the deception, the morning of the interview, they gave Mr. Humphrey a sedative (he sometimes took one in the evening to help him sleep). That was the first time he had been medicated in the morning. He said the drug made him *"dopey."* Zhao was not told that his confession recording would go on television, just that it was for a *"department higher up"* to watch. He only realized it had been broadcast after he was released.

*"I only knew about it after I got home and my friends and relatives told me."*

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<sup>41</sup> <https://safeguarddefenders.com/sites/default/files/Simon%20Cheng%20OfCom%20Fairness%20and%20Privacy%20Complaint%202019-11-27%20REDACTED.pdf>

Ming (pseudonym) said he did not know the recorded confession would be broadcast on television, he was told only that it would be given to the police chief. It was half a year later, when he was allowed to meet with a lawyer, that he learned about the broadcast. *"They filmed it secretly, they edited it, and they put it on TV without my knowledge; it was a big scam."*

Police told Mr. Bao the recording would only be given to the police in Yunnan who were in charge of his son.

*"They said Yunnan police asked them to assist in the case. They said if the parents make a video to denounce this action and if they think the parents are sincere, then they would let my son free. They said very clearly that I should look into the camera, speak some words that my interrogators told me to say, and that it would be for the Yunnan PSB."*

Liu Xing writes:

*"I was never told it was for TV or public, just a video. It was for their boss, the higher up. The boss needed to be satisfied, and if so, the investigation would be over. I started thinking of how many of the people that had been taken had been so because of me, because I had organized the protests. I agreed."*

Wang Yu, Mr. Bao's wife, was also told her video was just for the PSB and it would not be put on television. To convince her they said: *"Look you can see that we're not putting you on television, if we were, we would be using a professional camera."* But the footage, even though it was very poor quality, was aired. *"This was how my first televised interview happened,"* Ms. Wang wrote.

*"I did not know at the time that it would be broadcast on television, it wasn't until I was released and allowed to go back to Ulanhot, that my parents and my friends told me about it. [The police] broke their promise about not putting it on television."*

Security officers did not inform Wen that the recording was for broadcast on television, he only realised when he had been driven, blindfolded, to the location of the shooting, a hotel suite. *"It became clear that this was something else altogether, that this was to be yet another forced confession TV show."* Li, who resisted pressure to make a recorded confession said: *"Televised confessions are made without the knowledge of the detainees ... police officers trick you into trusting them to take a recording, but there's no TV reporter, the police send the tapes over to the TV station to edit and then broadcast."*

## **(29) Stress and torture**

The use of torture to extract confessions in China is something which has been well documented by human rights organizations, scholars and even officially accepted by China itself.<sup>42</sup> In its November 2015 report, *No end in sight: torture and forced confessions in China*, Amnesty International wrote:

*“Whether primarily through lack of awareness or through lack of will, the Chinese authorities are failing to implement the recent laws and regulations aimed at curbing the use of confessions extracted through torture. As a result, there has yet been very little improvement in eradicating the pervasive use of torture in the Chinese criminal justice system.”*

Torture is especially prevalent when the detainees are kept in RSDL because there is little or no custodial oversight. Lawyers and family members are almost always denied access. Detainees are kept in conditions that create immense stress and feelings of fear. When the power asymmetry is so sharp, when the detainee is under such duress, and where there is no recourse to appeal, few feel strong enough to refuse if approached to make a confession. Detainees are regularly sleep deprived. Overhead lights are kept switched on 24 hours a day in both detention centres and in RSDL facilities. Suspects are routinely interrogated for hours on end when they are exhausted from lack of sleep. Those kept in RSDL are also subjected to the extra stress of solitary confinement. Lam Wing-kee wrote that he made his confessions because he couldn't *not* make them. *“I wasn't interviewed I was 'being' interviewed.”* In detention, all the power is in the hands of the police or state security. *“I was in a state of fear.”*<sup>43</sup> Mr. Lam said the experience of solitary confinement was so intense that he considered suicide. *“I was alone and helpless,”* he wrote.<sup>44</sup>

*“Whenever I looked carefully, I could see that the four walls were covered with soft padding. Obviously, any attempt to break my neck by knocking against the wall would not work. The ceiling was close to 20 feet high, and there was no way I could twist my pants into a rope to hang myself. There was a big inaccessible window, with iron bars blocked by barbed wire which could not be pried open with one's bare hands. The shower head, installed high up, was arc-shaped and nothing could be hung on it. The more one looked at the set-up of the room, the more one got frightened because, clearly, long-term solitary confinement and isolation must have resulted in a nervous breakdown for somebody and led to suicide in the past.”*

Liu Xing wrote about his prolonged sleep deprivation: “Around about 10 days later, I felt like I couldn't cope any longer. I felt dizzy the whole day. I couldn't control my limbs... My body wasn't functioning; I was in a daze; my eyes were glassy. I was on the verge of collapse.”

Zhao (pseudonym), who was held for over a year, suffered frequent interrogations, was beaten, and forced to take unidentified medicine. These continued even after he had given his recorded confession. Mr. Humphrey said he was not in a fit enough mental state to refuse. *“I wasn't comfortable with doing it*

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<sup>42</sup> Reuters. (2016, October 10). China tries again to stop confessions through torture. Retrieved from <https://www.reuters.com/article/us-china-rights/china-tries-again-to-stop-confessions-through-torture-idUSKCN12A0A4>

<sup>43</sup> Hong Kong Free Press (2016, June 20) Full, complete transcript of returned bookseller Lam Wing-kee's press conference and Q&A. Retrieved from <https://www.hongkongfp.com/2016/06/20/full-complete-transcript-of-returned-bookseller-lam-wing-kees-press-conference-and-qa/>

<sup>44</sup> Lam, W.K. (2017, May 3). *Written statement of Lam Wing-kee*. Retrieved from <https://www.cecc.gov/sites/chinacommission.house.gov/files/CECC%20Hearing%20-%203May17%20-%20Hong%20Kong%20-%20Lam%20Wing%20Kee.pdf>

*at all. But when you're in that situation, you've been under duress for such a long time, if something appears that it might possibly be a lifeline, or half a lifeline, or a means to mitigate circumstances then you clutch at them."*

Li, who resisted giving a recorded confession, described interrogation sessions as torturous.

*"While I was detained, I underwent a lot of 'brainwashing' types of questioning and sent for interrogation more than 70 times. They would take it in turns to interrogate me; mainly this took the form of mental torture and interrogating me when I was exhausted. They threatened that if I did not cooperate with them, they would sentence me to jail time, I'd lose my job, my family would leave me, I'd be ruined for the rest of my life. I was only 39 years old, my hair turned white with the enormous pressure and torture of it all."*

When Liu Sixin was transferred to Tianjin, his conditions of detention severely aggravated. Liu was made to sit on a stool all day long, waiting for an interrogator that was never coming. The stool was very high so that only his toes could barely touch the floor. All Liu's weight was on his back and legs.

*"It didn't take long for the pain to start, with my feet dangling in the air and all my body weight on that small seat. An old wound in my waist was the first part of my body to start feeling the agony."*

After the "dangling stool", the police started resorting to food and water deprivation. On some occasions, his guard would not let him eat the food that was served. Liu had to stare at it, while it went cold.

Just weeks before police grabbed him to make a videoed confession, Guo had been detained, held in solitary confinement and beaten. When the police called him after his release and asked to meet him, he panicked. *"I had been severely beaten in detention when I didn't answer the way they wanted."* Ms. Wang Yu, who was held in RSDL in solitary confinement, said for hours on end she was confined into a 40x40cm square painted on the floor of her cell. At other times, they painfully shackled her feet and hands. They swelled up and a year later she could still see black marks on her wrists left by the cuffs.

*"I couldn't stand it anymore. While they were still trying to persuade me to speak with them, I slowly felt my heart constrict, my breath became short, I felt dizzy. My body couldn't hold out any more. It was so painful I felt like I was going to die. My consciousness was slowly slipping away. My body fell from the chair. Even while I was weak and lying limply on the floor, they didn't plan to stop the torture."*<sup>45</sup>

During his time in detention, from RSDL to pre-trial detention, Zhai Yanmin was tortured in many ways. The police cuffed his hands behind his back, locked him to iron railings, use five or six electric batons to beat him and deprived him of sleep for days before brutally interrogating him. In the early days of his detention, Zhai could not sleep for more than 30 minutes at any given time.

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<sup>45</sup> Ibid.

The police also starved him and didn't even let him drink water or go to the bathroom for extended periods of time. Yet, Zhai described his experience as “*nothing compared with their threats that they would detain my son*”, a comment illustrating the pervasiveness of psychological torture.

In their effort to fabricate evidence of UK involvement in the Hong Kong protests, Simon Cheng was held under tremendous duress. He was handcuffed and interrogated within a detention centre. The secret police arrived and the detention centre staff and warders monitored the whole process. Secret police coerced him to open his iPhone by grabbing his hair and forcing him to do facial recognition entry. After this violent treatment, Cheng gave them his pass code. The secret police asked detention centre staff to lock him with the handcuffs on the bar attached to the tiger chair. Although the warders seemed hesitant, they complied with this order. Many interrogations by the MSS took place at a secret location. When the secret police were taking Cheng out of the detention centre, he was handcuffed, shackled, blindfolded and hooded, and could barely breathe.

Mr. Xie told his lawyers that he was severely tortured during his detention under RSDL. He was beaten, shackled, sleep deprived and tortured in a “*dangling chair*” for up to 20 hours a day. After three days of such treatment, he had a complete mental breakdown. When his tormentors arrived, because he was already in such a disturbed mental state, he began to cry. Mr. Xie also gave his lawyer a handwritten note saying that any confession he made would be because he had been coerced. Months and weeks later, the two televised confessions he was forced to give in 2017, had him claiming he was never tortured.

As the case of Mr. Xie illustrates, some detainees give a televised confession only after many months of intense physical and mental torture. Conditions are so extreme that RSDL facilities are suicide-proofed with the removal of all sharp objects (such as toothbrushes) and the padding of hard surfaces. Under such conditions, the promise of better treatment is relative.

Later on, after having been convicted and sent to prison, Liu Xing was again pressured into making another forced TV confession. He writes:

*“During my time in prison I would be given medicine, according to them for blood pressure. It seemed important to them because they would stand next to me, to monitor that I really took the pills. From those I talked to, it seemed many others were being force-fed medication in a similar manner. Once released – and no longer being given the medicine, I started having severe memory loss, and my ability to focus almost disappeared. These symptoms remained with me for a year before getting better.”*

### **(30) Denial of lawyer access**

Police routinely deny detainees the opportunity to discuss the televised confession with a lawyer. Those kept under RSDL and suspected of national security crimes can legally be denied lawyer access, whereas for those kept in detention centres, police would regularly obstruct access. Mr. Humphrey saw a lawyer a couple of times before he was asked to “meet the media,” but he was not given the opportunity to consult with a lawyer about this issue. He also said that the police often made it difficult for his lawyers to talk

with him by arranging full-day interrogation sessions on the days he was supposed to meet with them. Ming also said he had no access to a lawyer to discuss the confession.

Ms. Wang was told that if she tried to ask for a lawyer, the police would simply arrest them. Mr. Dahlin, held on state security charges, was in effect told he had the right to ask for a lawyer, not the right to actually get one<sup>46</sup>. Early on in his detention, Mr. Lam was forced to sign away his rights for the police to notify his family and his right to hire a lawyer. Mr. Chen said police made lawyer access difficult for him but he did manage to see two lawyers whilst he was in detention but strongly suspected the first lawyer was a police informer. He did not have access to a lawyer before making the filmed confession when he was held in RSDL.

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<sup>46</sup> Interview, Safeguard Defenders, with Peter Dahlin, 2020-01-04.

## (31) THE BROADCASTERS

### (32) Chinese media as a tool of the CCP

Chinese party/state media<sup>47</sup> has always played an important propaganda role for the CCP, however, under the current CCP General Secretary Xi Jinping, their relationship has grown even closer. In early 2016, Mr. Xi toured the head offices of major media, including state broadcaster CCTV, where he underscored its primary role as the Party's mouthpiece.<sup>48</sup> *"They must love the party, protect the party, and closely align themselves with the party leadership in thought, politics and action,"* Mr. Xi told news workers. For his visit, CCTV headquarters hung a banner proclaiming: *"CCTV's family name is the Party."* Chinese state media, including CCTV and all its channels, unquestionably serve as CCP mouthpieces and the televised confessions must be viewed from that perspective. CCTV and its international arm CGTN are directly controlled by the CCP's Central Publicity (or Propaganda) Department.

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<sup>47</sup> Chinese media is often referred to as 'State-media', however following a massive re-organization of both the CCP Publicity department, the media management system of the Chinese state, and the media itself, such as CCTV, it is now more accurate to refer to CCTV and other media as party-media, not State-media.

<sup>48</sup> Philips, T. (2017, February 28). Love the party, protect the party: How Xi Jinping is bringing China's media to heel. *The Guardian*. Retrieved from <https://www.theguardian.com/world/2016/feb/28/absolute-loyalty-how-xi-jinping-is-bringing-chinas-media-to-heel>

## (33) CONSEQUENCES OF CONFESSIONS FOR THE VICTIMS

Those who have appeared in China's televised confessions describe it as an intensely distressing and humiliating experience. If they are forced to denounce others, it can mean they lose trust and status in their community. The televised confessions also cause great anguish to family members and friends.

More than four years on, Peter Humphrey is still traumatised by the experience.

*"[The televised confession] figures very high in my post-traumatic stress disorder syndrome. It is one of these horror moments that often comes back to me and upsets me even now."*

When Wang Yu wrote her testimony for this report, she struggled for a long time.

*"It is difficult to explain, why I went on television, what kind of mental process I had gone through. And until now, I still feel it is difficult to describe, I don't know how to talk about it. Actually, I do want to talk about it in detail, but I always feel sad. I am still struggling to get over the trauma. But I know I should speak out, even if just in this simple way."*

Wen (pseudonym) said he feels terribly ashamed about his confession and has struggled to be accepted back into the community of Chinese human rights defenders.

*"The way they chose [what I had to say] and edited [the confession recording] made me incredibly upset. I was so damn angry. Worse, it ruined my reputation among many people. Some thought I had sold out friends and partners. Ever since, my reputation has taken a big hit, and some pretty mean things have [been said about me]."*

Bao Longjun said after he was released and found out that the short clip he had made had been put on national television (he thought it was just for the Yunnan PSB) he felt cheated, but he did it for his son and so he was not ashamed.

*"I think people understand how parents care about their children. And I myself know that I never [knowingly] recorded anything for television. I was tricked."*

A local Chinese grassroots activist, who spoke on condition of anonymity, said that after he was forced to denounce others in his confession and later released, he has had to abandon his rights defence work because of the way people now view him.

Local activist Liu Xing writes:

*"Later on, a friend told me that the videos I and others had made, besides being broadcast on TV, was also being shown at petition offices. They were using the videos to scare petitioners, to say 'look! This is what will happen to you if you cause trouble'. Since I had worked with petitioners, and been one myself, I would hear about it. Some, disillusioned with the government might not*

*believe it, and some that I knew wouldn't be so easily scared, but others are prone to believe what the government says, so when they said I had done what I did for money, when they defamed me, many certainly believed it."*

Chinese independent journalist Zhao Sile said that confessions, such as those in which one is forced to attack others in particular, can cause rifts in the community.

*"Some people will think that this person [the one made to confess] should not be trusted anymore. He betrayed our work. And betrayed other people. And others argue that they are forced and they are still our friend and they are still our hero. And the two sides argue, and the two sides will not be comfortable with each other." She admitted that she herself may find it difficult to trust them. "I have sympathy, but it's also very hard to me to work with them again because I know that when they are interrogated or caught, they may say my name."*

Chinese human rights lawyer Lin Qilei urged for forgiveness and understanding.

*"First, we must continue to trust them, affirm their contribution to democratic constitutionalism, and praise their dedication. Second, we must absolutely not accept their 'confession,' or blame them; at least we should remember: in the absence of any legal procedural guarantees, the so-called confession is [not their own words.] If we make a moral judgment on the 'confessor' and accept the 'confession,' then we have instead fallen into the CCP's plan."*

Peter Dahlin agreed and said that this kind of distrust is exactly what the CCP wants.

*"It means the government has really succeeded in a way. A lack of knowledge about how these confessions are forced means people often have a naïve idea that everyone is either good (they refuse to make a confession) or bad (they make a confession). But all these people have put their own safety at risk to help others in their line of work, so quite often they're not confessing just to save themselves. From the people who I know who have confessed, it's not threats against them that made them give in and make a confession, it's when their loved ones are threatened that they do."*

Those who made filmed confessions that were not aired may also feel under pressure because there is always a risk that they could be aired at a later date.

After Lam Wing-kee skipped bail and gave his press conference in Hong Kong, exposing the booksellers' confessions as coerced and staged, China released an old confession footage of him on CCTV to try to discredit him.

Wen, Guo (pseudonym), and Chen Taihe have all made confession tapes that have not yet been broadcast and could potentially be used against them. The televised confessions are also painful for the family to watch. In fact, in Safeguard Defenders database on political prisoners inside the "Residential Surveillance

at a Designated Location" (RSDL)<sup>49</sup>, there are almost as many cases of recorded but not aired forced TV confessions as there are those recorded and aired. Simon Cheng's case is a clear sign how these can be used to suppress and persecute; his multiple videos were not made public for some three months, until he spoke out in media about his experience, at which point CGTN and CCTV started broadcasting his confession records the very next day.

Angela Gui, the daughter of Swedish bookseller Gui Minhai, said she couldn't bear to watch it when she saw the news that her father had appeared on television in January 2016.

*"I didn't actually watch it until much later. Because obviously I found out quite soon after it aired. My reaction was: I think there's not going to be much sleep for me. This is something that I'm going to have to deal with... So, I just made it easier for myself and I read a transcript.... To be honest I don't really have any words to describe [how it felt]... It's the kind of thing nobody should ever have to experience so there shouldn't be words for it."*

Liu Sixin was released on bail from Tianjin 2nd detention center on August 6, 2016, and like other 709 lawyers, he is still under monitoring, despite his bail conditions having been lifted a year after his release. Having been placed under close watch in a village, Liu now lives in a house arranged by the police themselves. The police have officers living nearby directly watching him and even forcing him to eat at their table.

Liu Sixin tried to resume his academic career, by going abroad, to the United Kingdom, to continue his research and scholarship, but like many others, the Chinese state will not let him leave the country. He is forbidden from meeting or talking to other rights defenders, have contact with any outside organizations, or speaking with media. He is isolated, without work, with no immediate prospects, and is dependent on the police.

After being released on bail, having received a three-year suspended sentence, Zhai Yanmin heard that his son had been harassed by the police on several occasions, threatening him with detention. Zhai suffered from severe psychological consequences:

*"There was a time I wanted to kill myself. I heard about people questioning me, blaming me, and criticizing me. After my release I made a post on social media, apologizing, but the police found me almost right away, and told me to delete it. I did. I knew the police would never let me explain publicly, and I remained quiet for such a long time."*

After having fled to Taiwan, fearing to be kidnapped again by the Ministry of State Security, Simon Cheng told foreign media in Taipei about how he was tortured during his 15 days in detention in China. Soon after his revelations, he was put under surveillance and followed in Taipei. Cheng told reporters he was constantly tailed during his three-month stay in the Taipei. Worried about his safety, he solicited help from the government, who dispatched bodyguards and agents to protect him. Cheng later moved to U.K,

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<sup>49</sup> See OL CHN 15/2018, for a joint statement by 10 Special Procedures following Safeguard Defenders submission on RSDL, drawing on data from the same database. <https://safeguarddefenders.com/sites/default/files/wp-rsdl/uploads/2018/10/Joint-Letter-OL-CHN-152018.pdf>

saying he felt safer in the UK than he did in Taiwan. In January 2020, Cheng wrote on social media that he had to cut ties with his family and relatives in Hong Kong and the mainland to avoid them being harassed.

*"I hope they can live in tranquillity and peace, without external harassment and threat, what I do and say solely represents myself, it is not relevant to my family and relatives."*

## (34) CONCLUSION AND RECOMMENDATIONS

There is no doubt that China's televised confessions are gross violations of both domestic laws on the right to a fair trial and basic international human rights protections. There is also no doubt that they are staged theatre, written and directed by the police with the cooperation of the media. From our analysis of what suspects are forced or manipulated to say, and when they say it, there is also no doubt that China is using these televised confessions as a propaganda weapon for both domestic consumption and as a foreign policy tool for an overseas audience. There is little to distinguish them from the repugnant practices of Mao-era public struggle sessions or Stalin's infamous show trials. Interviews with victims have revealed how the confessions are extracted through torture, beatings, threats and fear. The fact that media collaborate does not just reflect a shocking lack of journalistic ethics but direct culpability with this outrageous abuse of human rights of both Chinese citizens and foreign nationals. Furthermore, China's use of forced televised confessions warrants urgent global attention as Beijing steps up its aggressive push to globalize its State media—including on social media channels banned at home—to “*tell the China story*.” Forced televised confessions are part of a chain of systematic and widespread abuses of human rights perpetrated in order to serve the political interests of the CCP.

In light of these facts, we urge the Special Procedures to take the following steps:

- Call on the People's Republic of China to end the use of forced televised confessions;
- Call upon the Chinese state to legislate clearly written protections into the criminal law regarding right against self-incrimination and directly outlaw media from broadcasting 'confessions' of suspects in custody awaiting trial or in the midst of legal proceedings;
- Institute mandatory supervision and oversight by the procuratorate over those suspects kept in RSDL, and require weekly physical visits to any such suspects;
- To respond, with legislation, to call from 10 UN Special Procedures 24 August 2018 to ensure that use of RSDL is compliant with international law, to ensure that use of RSDL does not constitute *enforced or involuntary disappearances*.
- Remove all legal barriers to, and legal exceptions from, a suspect's right to access legal counsel during the investigatory phase of criminal proceedings;
- Ensure proper oversight against police and detention centres registering suspects under false names, therefore disappearing them, while in pre-trial detention;
- Have the Supreme Court or other suitable judicial organ issue orders for re-trial for all those convicted of crimes after having been forced to confess on TV before trial, indictment or arrest.
- Submit any conclusions or findings to other UN human rights mechanisms, including treaty bodies of treaties to which China is a State Party, and the Human Rights Council (for UPR purposes);
- Encourage members and observers of the Human Rights Council to take into consideration this report in their follow-up of China's human rights situation, in particular when considering China's implementation of the recommendations it supported concerning “*reforms aimed at protecting and promoting human rights, particularly the strengthening of legislation and judicial guarantees*”.