HOME AS PRISON

The Increasing use of House Arrest in China

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About Safeguard Defenders

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

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“监视居住, or Residential Surveillance (RS), means house arrest – to detain an individual in their home because they are under criminal investigation, awaiting a criminal proceeding, or otherwise identified as a threat to society.”

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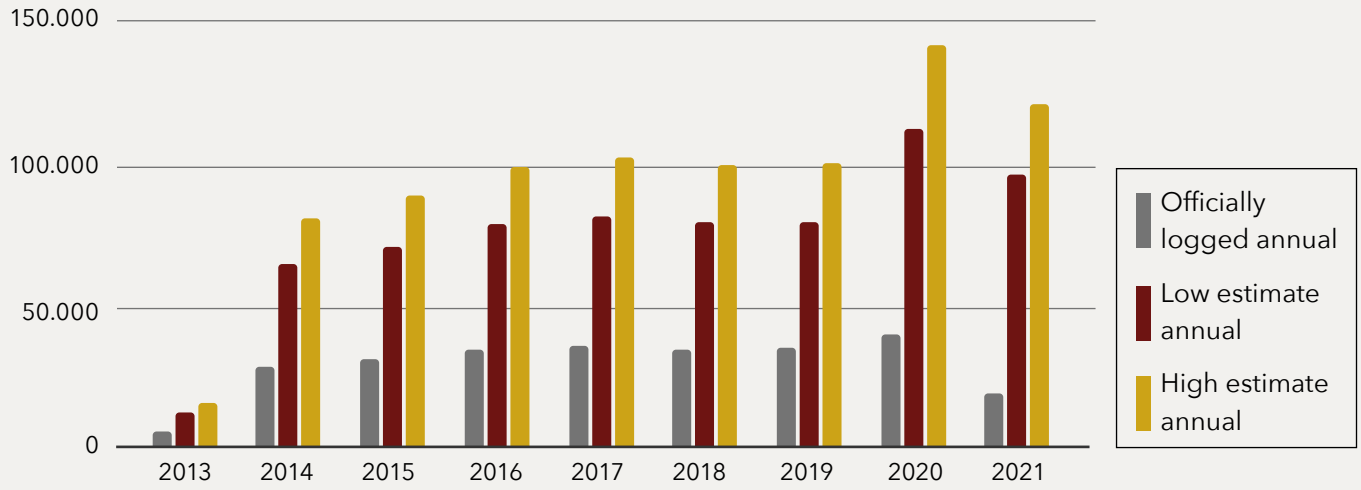
A two-page factsheet on the use of house arrests can be downloaded **here**.

Executive Summary

Officially called **Residential Surveillance (RS)** or "监视居住" in Chinese, house arrest is used to detain an individual who is under investigation, awaiting criminal proceedings, or identified as a threat to national security under China's Criminal Procedure Law (CPL), and it **can last for half a year.**

Several different authorities can issue an order to have a person restricted to their home. It can be a softer form, where one can leave home as long as police are notified, and may use the internet, albeit under surveillance, and have visitors, etc. It may also be far harsher, where the victim is essentially under solitary confinement, barred from all communication, visitation, or ever leaving the house, to live half a year in complete isolation. In many cases, home really becomes just another prison.

Annual: Estimation of real lawful use



The use of house arrest also exists in two other forms. One the lawful use in accordance with Chinese law (RS), is the focus of this investigation. The second is carried out arbitrarily and without legal process, especially against human rights defenders, and police use it in this illegal manner seemingly at will.

Since Xi Jinping came to power in 2012, and the revised Criminal Procedure Law came into effect in 2013, the use of lawful house arrest has risen rapidly. The available official data on RS registered on Wenshu (文书), China's database on verdicts and court decisions (in English called China Judgment Online, or CJO) **does not reflect the true scale of its use**. In addition, official data does not include cases when RS is imposed arbitrarily and illegally.

- There are some 270,000 mentions of the use of RS in the official Supreme Court database, but it is estimated it has been used, in lawful form, on at least 560,000 to 860,000 people during Xi Jinping's rule.
- The official records show a 13% of increase of house arrests in 2020 (40,184 cases) compared to the number in 2019 (35,509 cases) during Covid-19.
- There is no data on the scale of the use of RS outside the scope of law, for example as regularly employed against human rights defenders.
- The rapid expansion of the powers of the police through legal amendments to impose RS violates both international law and China's own constitution.
- The prosecutor may place those investigated by the National Supervision Commission (NSC), a non-judicial organ and not a law enforcement entity, under RS after the NSC has forwarded a case to them.

Introduction

This investigation exposes the scale of lawful use of house arrests (known as Residential Surveillance, or RS) in China using government data. The results show a strong, consistent, and alarming increase in its use since Xi Jinping came to power in 2012. It also describes how revisions to the Criminal Procedure Law are expanding the legal basis for the use of house arrests. In addition, it provides real testimonies from victims to illustrate the reality of house arrests in China, and how it is used.

Home As Prison

Several different authorities can issue an order to have a person restricted to their home. It can be a softer form, where one can leave home as long as the police are notified, and may use the internet, albeit under surveillance, and have visitors, etc. It may also be far harsher, where the victim is essentially under solitary confinement, barred from all communication, visitations, or ever leaving the house, to live half a year in complete isolation. In many cases, home really becomes just another prison.

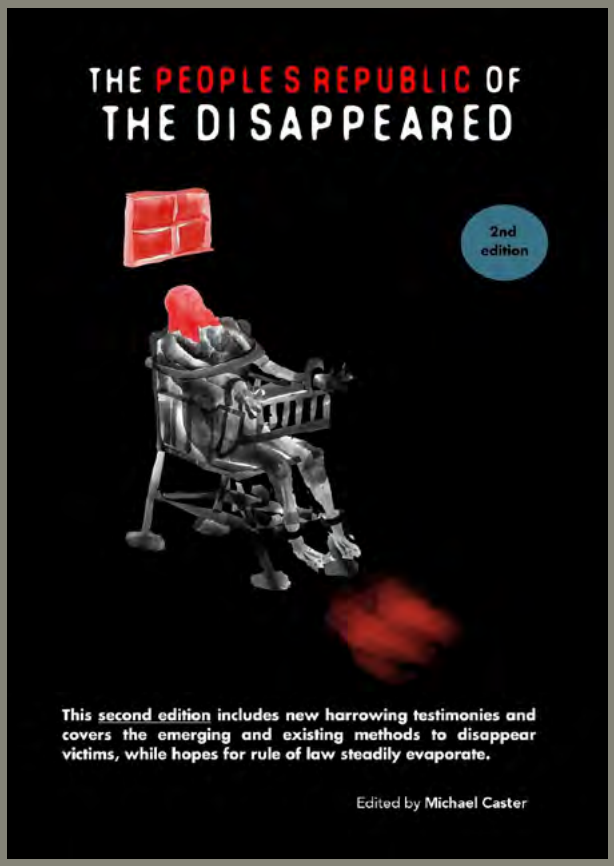
Officially called **Residential Surveillance (RS)** or "监视居住" in Chinese, house arrest is used to detain an individual who is (a) under investigation, (b) awaiting criminal proceedings, or (c) identified as a threat to national security under China's Criminal Procedure Law (CPL). People detained in this manner include activists **Shi Minglei** (施明磊), who spent nearly 180 days in RS while under investigation in 2019; **Shen Aibin** (沈爱斌), placed under RS while awaiting criminal proceedings in 2019, and **Zhao Zhenjia** (赵振甲), who was under RS for five months in 2017 for demanding petitioning reform in China. In addition, the CPL provides that RS can be used as an alternative for detention. Activist **He Junhui** (何峻辉) was placed under RS after spending two days in detention by the police due to his health conditions.

> **"They abused their investigative powers by announcing compulsory measures of Residential Surveillance against me and seizing my personal documents, bank cards, mobile phones, and computers, which restricted and deprived my personal freedom."**
>
> – **Shi Minglei** (施明磊)[1], under lawful Residential Surveillance (22 July 2019 - 15 January 2020)

The use of house arrests is also rampant entirely outside of any legal process, where people are simply barred from leaving their home. This latter form, while discussed in this report, is not considered when estimating the scale of the use of house arrests, as there is no data to make any such estimations. Some of these victims of this form of house arrest include activist **Zhai Yanmin** (翟岩民), lawyers **Wang Yu** (王宇), **Xie Yang** (谢阳), and **Xie Yanyi** (谢燕益), and family members of such persons.

> **"I tried to open the door and wanted to go downstairs to meet them [her visitors], but the door was blocked because it was firmly held up by several people from the other side. ... At around 3 o'clock in the afternoon, my aunt wanted to take my son out for a walk, but a man blocking the door shouted at us, saying, 'if you dare to come out, you will be killed….'"**
>
> – **Li Wenzu** (李文足)[2], under illegal Residential Surveillance (10 - 12 April 2018)

RS vs. RSDL



RS is often seen as a softer version of China's dreaded RSDL system. *Residential Surveillance at a Designated Location* allows police to place a suspect into secret detention at undisclosed locations for up to six months, whether in custom-built secret detention facilities or converted rooms in State- or Party-run guesthouses or other facilities. RS on the other hand can likewise last for six months, but takes place in the suspect's home. In its softer form, the person is allowed to leave the house – under escort – and still use phones and computers to communicate, and to receive visitors. But RS can also deny all those rights, leaving the suspect essentially disappeared from the world. For more information on RSDL, see the Safeguard Defenders report Locked Up[3] or the acclaimed book The People's Republic of the Disappeared[4].

Since Xi Jinping came to power in 2012, and the revised Criminal Procedure Law came into effect 2013, the use of lawful house arrest has risen rapidly. The available official data on RS registered on Wenshu (文书), China's database on verdicts and court decisions (in English called China Judgment Online, or CJO) **does not reflect the true scale of its use**. In addition, official data does not include cases when RS is imposed arbitrarily and illegally.

Key Points

- There are some **270,000** mentions of the use of RS in the official Supreme Court database, but it is estimated it has been used, in lawful form, on at least **560,000** to **860,000** people during Xi Jinping's rule.
- The official records show a **13%** of increase of house arrests in 2020 (40,184 cases) compared to the number in 2019 (35,509 cases) during Covid-19.
- There is no data on the scale of the use of RS outside the scope of law, for example as regularly employed against human rights defenders.
- The rapid expansion of the powers of the police through legal amendments to impose RS violates both international law and China's own constitution.
- The prosecutor may place those investigated by the National Supervision Commission (NSC), a non-judicial organ, under RS after the NSC has forwarded a case to them (instead of either setting them free or placing them under arrest).

In the following sections, we will analyse the scale to which RS is (lawfully) being employed, how it has increased and changed since Xi Jinping came to power, how RS is defined within China's legal framework, the different types of RS that can and are being used, and of course, what victims have to say about it.

The scale and scope of use of house arrests

The use of *lawful* house arrests since Xi Jinping came to power will almost certainly cross the 1 million mark soon. Considering just how rare the use of RS was during the initial reign of Xi Jinping, it is a significant, so far entirely unknown, and transformative change. It has gone hand in hand with continued revision to law to allow for its greater use.

There are nearly 270,000 official mentions of RS from 2013 to 2021 in China's database for verdicts and court decisions, based on a search (using the term "监视居住"), carried out 11 February 2022. Of those, over 220,000 are mentions within verdicts from criminal trials (at the court of first instance). We use the prior search parameters for data presented here, but both types of searches and limitations are presented in the methodology appendix.

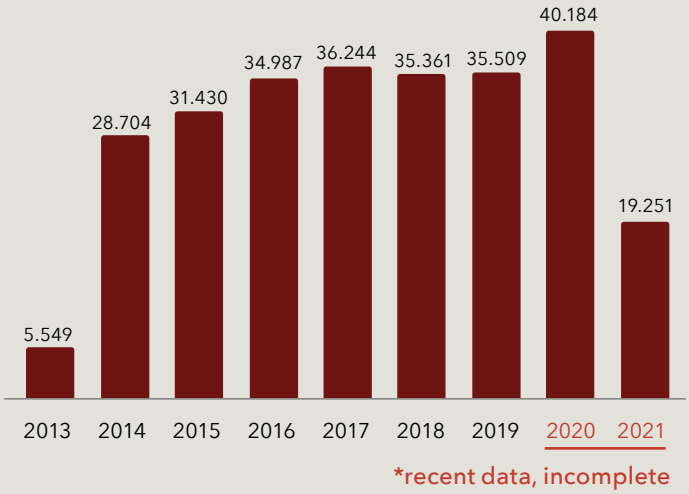
See **Appendix: Methodology** about these searches and their results.

Some key findings at first glance:

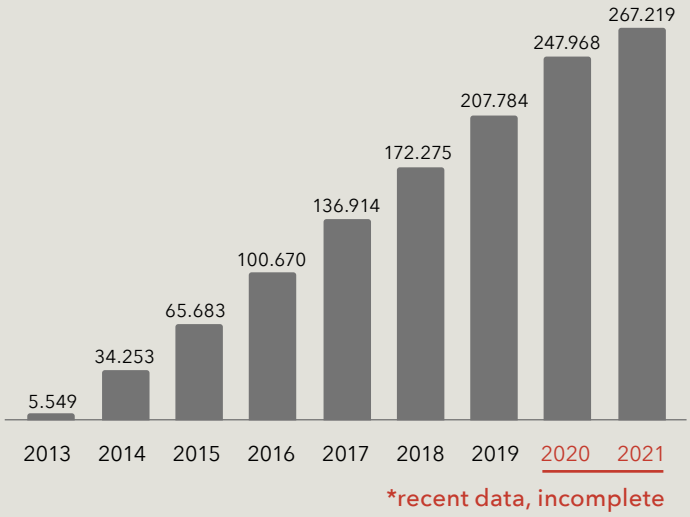
- According to the official data, during Xi Jinping's first full year in power, 2013, RS was used in 5,549 cases; however, within one year, the number had increased dramatically to 28,704 (+417%), and has kept growing annually ever since.
- From then until the Covid-19 pandemic struck, the use of RS continued to grow on average at 5% per year.
- With the arrival of the Covid-19 pandemic, growth in use of RS increased further, by **13%** for 2020 (40,184 cases) compared to 2019 (35,509 cases).
- As of early 2022, there were 267,219 officially logged cases of RS mentioned in the CJO database overall (dating back to 2013), of which 221,578 cases appear when searching only for *verdicts*, from *criminal trials*, at *court of first instance*.

Official data on number of cases of use of house arrest, 2013 to 2021

Officially logged annual



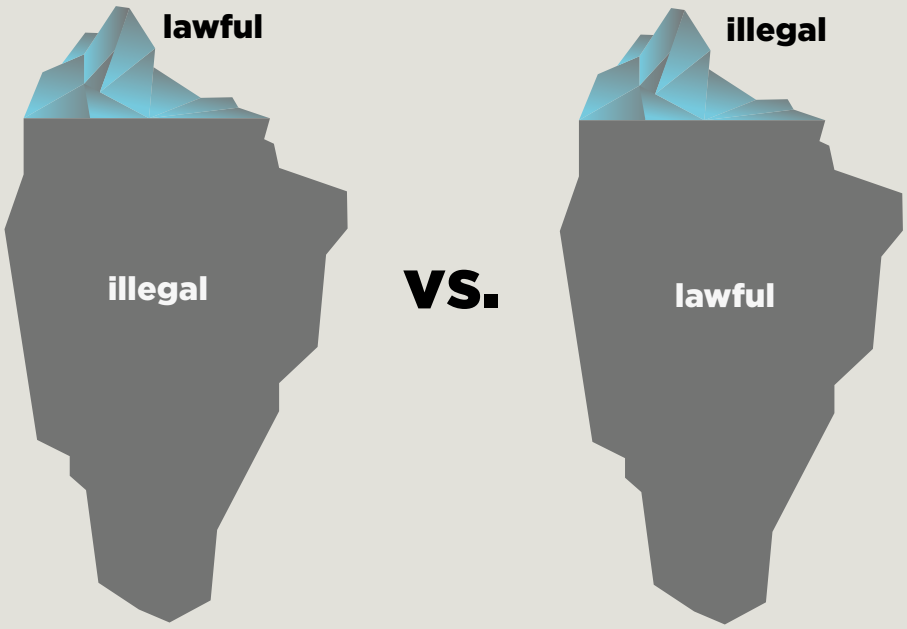
Officially logged cumulative



The official logged number is shown in two values, one if searching CJO only for *criminal cases*, *verdicts from trial*, at *first instance*, the other for all mentions of RS in verdicts and judicial decisions overall.

However, the CJO database only shows *cases* (different from the number of *people* affected), is very limited as to what kind of decisions are uploaded, and applies primarily to cases that have reached a verdict or other judicial decision, meaning all those placed into RS who never faced a trial would not be included. Due to this, for a more representative picture of the scale of the use of lawful RS, the official data should stand only as a basis for estimations when trying to derive a realistic and true picture.

Even with these estimations, as presented below, it should be noted again that the CJO is a database of verdicts and judicial decisions – this means that the use of house arrest outside of formalized legal proceedings will never be included. No matter how you look at it, data available will only show part of the iceberg.



As illegal, unregulated house arrests cannot be measured, and no data is available, we cannot know if the lawful use represents the smaller, visible part of the iceberg or the larger, hidden part.

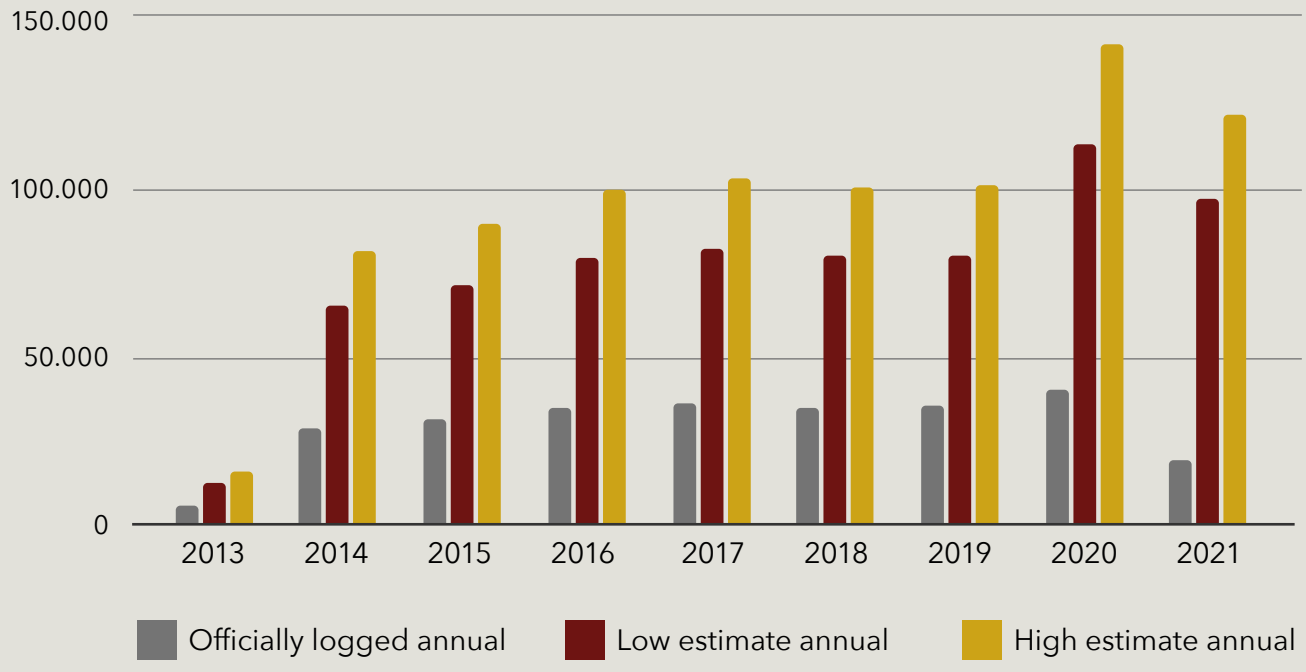
Estimated use of House Arrests 2013 to 2021

The two estimates here included, a higher and a lower one, show the remarkable scale of how house arrests are now being used, despite this data only showing *lawful* use, not the known and rampant illegal use.

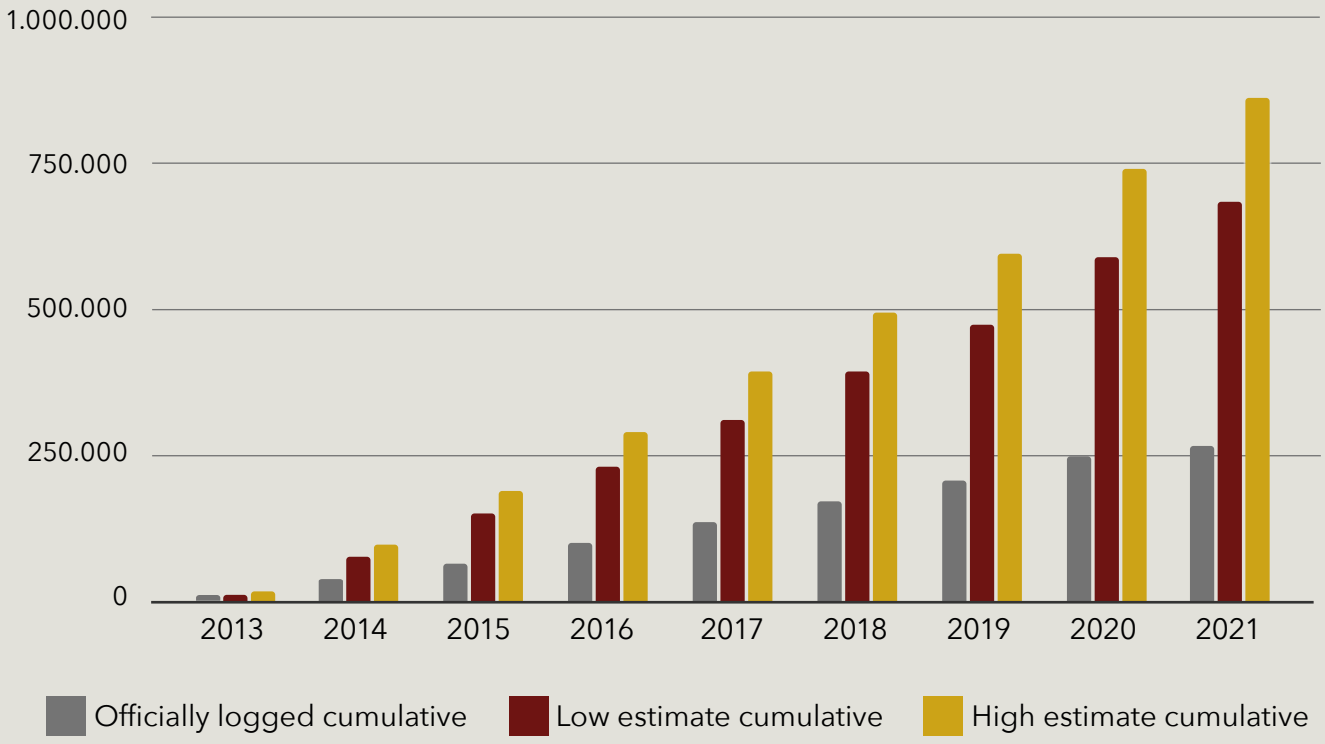
The exact methodology for bringing the official data towards a more realistic assessment is outlined in detail in the appendix, but the key considerations are:

- The last two years tend to be very incomplete, as cases are uploaded to the database once a verdict has been delivered, which often takes one to two years.
- The CJO is very incomplete in general, and includes only some of the verdicts and decisions taken by courts.
- The verdicts are based on cases, and on average, more than one person is affected by a verdict.
- Baseline data does not include cases where a verdict has not been reached.
- The CJO is becoming *more* incomplete, with verdicts and decisions actively being removed, including for past years all the way back to 2013.

Annual: Estimation of real lawful use



Cumulative: Estimation of real lawful use



Based on the data above, we can expect the number of persons placed into *lawful* house arrest to exceed the **1 million mark** between 2022 and, at the latest, 2025. All the assumptions behind the estimations noted above are very cautious to avoid overestimation.

House arrests in law

Since its first introduction into the Criminal Procedure Law (CPL)[5] in 1979, RS has been used as a compulsory measure providing **public security authorities**, especially police, with powers to detain or restrict the movements of a suspect at their residence **without prior judicial review** by prosecutors or courts for up to six months.

China's public security authorities

The Ministry of Public Security of the People's Republic of China (MPS) (中华人民共和国公安部) is the central authority for public and political security. It oversees the country's law enforcement, including the People's Police, all levels of Public Security Bureaus (PSB) and police stations, detention centers, fire services, immigration functions, counterterrorism, and certain intelligence functions. It also includes China's National Central Bureau (NCB) of INTERPOL, and its Department of Overseas Fugitives Affairs are responsible for cross-border operations and multinational cooperation.

While RS is designed to place someone with special health needs (such as illness or pregnancy) in detention at home, it can also be used for "special situations" (left undefined in the CPL) or when time limits in the judicial process have been met (including when the prosecutor rejects an arrest request but police still want to keep the person in custody). Because the CPL allows the restriction and monitoring of detainees' communications, it also gives police powers to **block their access to their lawyers** and **render them isolated from friends and family**.

1979 first CPL	1996 CPL Amendment	2012 CPL Amendment	2018 CPL Amendment
4 provisions **Art. 38, 39, 40, 44**	**13 provisions** **Art. 36, 50, 51, 56, 57, 58, 60, 65, 69, 74, 75, 133, 134**	**14 provisions** **Art. 37, 64, 69, 72, 73, 74, 75,76, 77, 79, 89, 96, 97, 165**	**15 provisions** **Art. 39, 66, 71, 74, 75, 76, 77, 78, 79, 81, 91, 98, 99, 167, 170**

RS was first introduced in China's 1979 Criminal Procedure Law (CPL)[6] and was later developed in the 1996, 2012, and 2018 amendments. The Appendix: **Table on changes of China's Criminal Procedure Law (1996-2018)** provides a detailed overview on how RS has developed within the CPL.

How, by whom, and for what reason can house arrest be imposed?

Authority to impose	Article 66 authorizes the public security authorities (police), the prosecutor, **or** courts to impose RS on suspects or defendants "depending on the circumstances of the case".
Conditions for RS	Article 74 calls for RS to be imposed on those who are ill, pregnant, nursing a baby, or are caretakers for others. In addition, RS is also authorized for "special situations or case-handling needs that make it more appropriate" than other measures, **and** when the time limit for detention is about to expire but the "case has not been fully resolved".
Restrictions	Article 77 stipulates that the person under RS must get permission to leave home and to communicate with or meet others. Added in the 2012 revision.
Surveillance	Article 78 allows electronic monitoring and other types of surveillance to be used on the individual under RS. It also authorizes the monitoring of communications. Added in the 2018 revision.
Time-limit	Article 79 allows for RS to be imposed for a maximum period of six months. Added in 2012 revision.
Extended investigation	Police may impose RS if the prosecutor turns down an arrest request (Article 91), and at any other point where time limits are reached during the judicial process (Articles 98 and 167) to allow further investigation when the case is not resolved. This effectively gives police another way to extend detention for another six months without any judicial review, by moving the suspect from a detention center to a home. Added in the 2018 revision.
NSC referral	Under Article 170, the prosecutor may impose RS on a suspect whose case is referred by the national anti-corruption organ, the National Supervision Commission (NSC). Added in the 2018 revision. The NSC is not a judicial or law enforcement organ.

The National Supervision Commission (NSC)

Established by the 2018 Constitutional amendment, the National Supervision Commission (NSC) (国家监察委员会) has become the top national anti-corruption organ, operating independently from China's judicial system. As part of the NSC's investigations into alleged corruption or abuse of power, the NSC may detain suspects or others related to a case at secret locations for up to six months, where detainees are kept in solitary confinement and without any right to legal counsel. The places for detention are called *Liuzhi*. As the NSC is not a law enforcement nor judicial organ, these detentions are not regulated by law, and regular legal protections do not apply, nor does the right to legal counsel.

The NSC shares offices and staff with Chinese Communist Party's internal Central Commission for Discipline Inspection (CCDI) (中央纪律检查委员会), but it is in reality just another name for the very same organ, when operating outside the narrower confines of internal Party disciplining. See Safeguard Defenders' *China's Pincer move against regulated detentions*[7] for more information on the NSC and its use of the *Liuzhi* system.

Treatment under house arrest

With the power provided by the CPL, public security authorities can use RS while the case is under investigation, awaiting trials and/or being identified, by the public security authorities themselves, as a threat to national security. While **the official procedure requires the public authorities to issue a "formal notice" to inform the person or their family that the case has been put under RS** (see the Appendix entry, **Notice of Residential Surveillance Decision**), there have been several instances where cases were placed under RS without any notice. The latter is considered as **unofficial** or **illegal RS**, and without a formal notice clearly stating the start and end dates of the RS, victims of the illegal RS may fall into a loophole where there is no legal remedy for them to end the RS imposed on them.

Cases of lawful use of house arrests

RS before a formal arrest

Activist **Shen Aibin** (沈爱斌) in Wuxi City, Jiangsu Province, has been placed under RS several times, often during the investigation and while awaiting criminal proceedings (see Appendix for Shen's Notice of Residential Surveillance Decision). On 3 September 2019, the Liangxi Public Security Branch Bureau decided to put Shen under RS for six months while investigating his case.[8] Shen was accused of "picking quarrels and provoking trouble" (寻衅滋事), a vaguely-defined crime used widely against journalists, activists, and lawyers as well as ordinary citizens to limit freedom of speech. Prior to the RS decision, Wuxi City police had summoned him and seized his mobile phone on 2 September. Under RS, Shen was monitored by cameras and guarded 24 hours a day by several people, and he was unable to leave or communicate freely with the outside world without approval of the enforcement authorities. In May 2020, during China's National People's Congress and Chinese People's Political Consultative Congress, the Liangxi Public Security Branch Bureau, summoned Shen when he was about to take his train to Beijing and, again, placed him under RS for "picking quarrels and provoking trouble".[9] In addition to monitoring Shen by camera, the Liangxi Public Security Branch Bureau set up a guard post at his residence entry so that police officers could be stationed there 24 hours a day.[10]

RS as an alternative for criminal detention

Zhao Zhenjia (赵振甲) was declared to be placed under RS at his son's house on 7 July 2017 after his lawyer requested that the procuratorate review the necessity of detention after he had been under pre-trial criminal detention for four months. Zhao was arrested by the Beijing Yungang Police Station on 9 February 2017 while demanding reforms for petitioning in China, and he was immediately detained in Fushun City's District Police Station in Liaoning Province. He was first put under administrative detention for 10 days and then under criminal detention for "picking quarrels and provoking trouble".[11] He was officially arrested on 24 February as reviewed by the Xinfu District Procuratorate. Through early July, the Xinfu District Court returned the case twice to the Fushun City Public Security Bureau for additional investigation. But, with no new evidence, public security was required by law to end criminal detention of the suspect. Zhao was released from the detention center but then put under RS on 7 July. He was eventually sentenced to one year imprisonment on 12 October 2017, shortly before the meetings of the 19th China's National People's Congress and Chinese People's Political Consultative Congress.[12] According to Zhao, while under RS, local public security authorities repeatedly harassed him and demanded that he drop his appeal, or they would send him back to jail.[13]

RS as an alternative for bail before trials

Activist **He Junhui** (何峻辉) was placed under RS on 9 April 2022 after spending two days in detention. On the evening of 7 April 2022, He was stopped at a high-speed rail station, detained and sent to the Hejiatou Police Station, where he was held for two days. He was accused of "concealment of the proceeds of crime" which risks a sentence of up to seven-year imprisonment. The state security guards were supposed to detain him; however, due to his health conditions, he was eligible for bail. He was later placed under RS on 9 April 2022 because he was unable to provide a guarantor nor pay the bail (See Appendix for Shen's Notice of Residential Surveillance Decision). In addition to the deprivation of free external communications with others and ability to leave his house, he was denied meeting his lawyer without monitoring and prior approval by the public security authorities.[14]

The case of Shi Minglei: denial of communications and access to justice

"They follow me like a shadow: on the phone, when I am out, at my daughter's nursery, in the garage. They can appear at any time. I was in a state of panic. Your phone is tapped; your photos in iCloud are accessed at any time; your WeChat is viewed at any time; your home is invaded at any time; your children are used as a threat at any time."[15]

On 22 July 2019, activist **Shi Minglei** (施明磊) and her husband Cheng Yuan (程渊), co-founder of Changsha Funeng, were both taken by the Changsha City State Security Bureau for 'subversion of state power". Shi was hooded, cuffed, and then taken to a local community office to be interrogated until the next morning at around 3 AM. On 23 July in the afternoon, Changsha City State Security Bureau finally announced that it was **more appropriate to place her under residential surveillance for the needs of the case**. Her phone, computer, ID card, passport, and Hong Kong/Macao Travel Permit were seized. Meanwhile, the authority also froze her bank account. She was given a phone that could only make and receive calls or text messages and had a new SIM card to allow the authority to monitor her communications.

Shi was provided with a formal RS notice (see Appendix) which was, however, issued on 21 July 2019, before she was taken. Having her external communications cut off and her bank account frozen, she was left with no means to work or move anywhere while the police were investigating the case of "her husband". Although her case ostensibly fell under the category of "posing a threat to national security", none of the questions during the interrogation was about any supposed acts of subversion of state power by her, but rather were about her husband's alleged acts against the authority.

In the evening of 27 July, Police Officer Han of the Shenzhen State Security Bureau and four other policemen broke into Shi's house because she published that she and her husband had been arrested. She was insulted, threatened, and interrogated by the police in front of her daughter. Shi filed a complaint to the Changsha City Procuratorate on 3 August against the Changsha City State Security Bureau's case officers for abuse of power, favouritism, and criminal handling of the case. She demanded that the unjust surveillance residence given to her be lifted, that her ID and travel documents and all her personal belongings be returned, and to be compensated by the state.

Following her complaint, on 13 August, two police officers from the Changsha City State Security Bureau came to intimidate Shi by showing videos of her husband, Cheng Yuan, begging the police not to harm Shi. On 29 September, Shi was visited by two police officers of the Shenzhen State Security Bureau who warned her of having violated the RS restrictions, adding that the authorities could arrest her anytime if she did not obey. Shi asked one police officer, "I am under residential surveillance because I am accused of subverting state power, so how did I subvert? What did I do to constitute subversion? Where are the facts and evidence?" One police officer replied, "Don't talk about the law with me. You have touched politics, so don't talk about the law now." On 15 January 2020, Shi Minglei was finally released from RS, but her complaint against the Changsha City State Security Bureau was never addressed.

Cases of illegal use of RS

"On the second day under house arrest, forty or fifty people in the yard, including the director and staff of the neighbourhood committee, as well as plainclothes police stopped Wang Qiaoling, Fan Lili, Zhang Shangen, Guo Shumei, Wang Xiuzhen, and Zhu Ling from visiting me. ... I tried to open the door and wanted to go downstairs to meet them, but the door was firmly held up by several people. ... [Later] something unexpected happened again. At around 3 o'clock in the afternoon, my aunt wanted to take the child out for a walk, and a man blocking the door shouted at us, 'If you dare to come out, you will be killed'..." – **Li Wenzu** (李文足)[16], under illegal house arrest (10 - 12 April 2018)

While access to justice and legal assistance is already restricted under **official** RS, those who are put under RS **illegally** face an even higher level of surveillance and isolation. The reason why such practices exist is to control the victim, in the name of national security, be it on charges of "picking quarrels and provoking trouble", "inciting subversion of state power" or "subversion of state power". Due to the lack of an independent judicial system and no real checks on police exercise of power, public security authorities can restrict basic human rights, such as access to lawyers and rights of family members, at will and without consequence.

Commenting on the crackdown on lawyers which began in 2015, lawyer **Xie Yanyi** (谢燕益) said that many of the targets were placed into RS or RSDL, and noted that the extreme isolation that such solitary confinement can bring onto the person can cause unbearable mental stress, leading to targets being forced to obey their captors.[17] It should be noted that solitary confinement, if lasting longer than two weeks and used during an investigation (as opposed to its use as a punishment after imprisonment), constitute an act of torture (article 1 of the Convention Against Torture), as well as maltreatment (article 16).[18]

Numerous cameras and guards for surveillance

The police occupied a flat opposite human rights lawyer **Wang Yu's** (王宇)[19] apartment from which around a dozen officers kept watch in shifts 24 hours a day. There were surveillance cameras surrounding her house – in the corridor outside the door, on the main door to the apartment building, and all around the building itself. (See SD's report *Locked Up: Inside China's Secret RSDL Jails*[20])

Arbitrary surveillance with no papers

On 5 April 2022, Qianjiang activist **Shuai Renbing** (帅仁兵) was violently abducted by gangs and detained at the Yuanlin Police Station in Qianjiang City. It was only after his wife, **Liang Zhiying** (梁志英), went to the police station to look for Shuai that was it revealed that Shuai had been under RS for half a year without any official notice. On 21 April 2022, Liang received an RS notice for Shuai for six months for "picking quarrels and provoking trouble". Shortly after Shuai's release from RS on June 1, he was transferred to formal criminal detention.[21]

Arbitrary surveillance with no access to doctors

Lawyer **Tang Jitian** (唐吉田)[22] is now, as this report is being drafted, staying in a hotel room with no windows, as arranged by the public security authorities even though he is not part of any criminal proceeding or accused of any crime. He is always accompanied by agents from the Political Security Department of the Yanji City Public Security Bureau whenever he leaves the hotel. These

agents, who stay in a room right next to his, have repeatedly ignored his requests to be visited by a doctor and for a room with natural sunlight, even after he was reported to have collapsed in the bathroom on 1 June 2022.

House turned into a real prison

The case of human rights lawyer **Xie Yang** (谢阳)[23] marks one of the most extreme examples. Police installed a barred security gate in the hallway leading to Xie's home. And the gate could only be opened with a fingerprint reader used by the guards (see SD's report series *Access Denied #1 to #3*).

Victims of residential surveillance often fall into situations, including, but not limited to:

- Being confined in their home as **de facto house arrest** or domicile detention;
- Being kept under s**trict surveillance at home at all times**;
- Being **forbidden to leave their domicile** unless approved by police;
- Being **denied access to external communications or visitors** unless approved by police;
- Being **monitored and accompanied at all time** when engaging in any approved external communications or outdoor activities, such as shopping or walking in parks;
- Being subjected to **prolonged detention** by police or prosecutors, despite a legal time limit (six months) for residential surveillance;
- Being **held in *residential surveillance* without any judicial decision**, especially before any formal judicial review by a prosecutor or judge.

Use of house arrests after a person's release from prison

Sometimes, even after completing their prison sentences, victims are put under residential surveillance as a form of **continued detention** or **re-detention**, often referred to as **Non-Release Release (NRR)**[25], or "伪释放" in Chinese. The use of NRR is employed in order to prevent victims from re-engaging in their activities, or as a way to restrict potential media attention and to control public opinion related to the case. In short, victims who have been through trials and imprisonment and served their time may not have their real freedom back even after their release.

In these instances, police continue to confine victims via house arrest, most often at home, but also at hotels, for weeks, months, and, in some rare cases, more than a year, after their release from prison.

Human rights lawyer **Xie Yanyi** (谢燕益)[26] was assaulted and detained in 2018 along with his wife. He revealed that even after his release, he was monitored by the police for almost three weeks, as outlined in our report, *Access Denied #1: China's Vanishing Suspects*.[27]

Wang Quanzhang (王全璋)[28], a human rights lawyer and a victim of China's 709 Crackdown was not allowed to return to his home in Beijing to reunite with his family after having been released from prison on April 5 2020. Wang was, instead, sent to Jinan, Shandong Province, for a 14-day quarantine, as exposed in *Joint Statement on Personal Freedom of Wang Quanzhang After His Release*.[29]

> *"They used the pretext of the epidemic as an excuse to quarantine him for 14 days when he should have been able to return to his home in Beijing according to the relevant legal guidelines."*
>
> – Li Wenzu (李文足), wife of Wang Quanzhang

Chinese human rights lawyer **Jiang Tianyong** (江天勇) has emphasised that "an individual released from prison should be sent to his normal residential address as a priority, with the 'normal residential address' being the location where one has resided for at least one year".

Indeed, there is **no legal basis** for the authorities to continue residential surveillance or restrict anyone's liberty after having completed a prison sentence, and as shown in Safeguard Defenders study *Access Denied #2: China's False Freedom*[30], these house arrests have all been applied without judicial procedure.

Violations of China's Constitution

Considering its impact on a person's liberty, all forms of detention, including house arrest or pre-trial detention at home, should be imposed through a judicial decision. While the suspect is under RS, and the police and/or prosecutor continue their investigation, the suspect, presumed of innocence until proven guilty, should be given full access to legal counsel. However, because RS largely limits the person's access to communication, movement, and meetings, that right is in effect deprived.

The Constitution of the People's Republic of China[31] **separates the power to approve arrests and to detain suspects** to guarantee people's right to liberty.

> *"No citizen shall be arrested unless with the approval or by the decision of a people's procuratorate or by the decision of a people's court, and arrests must be made by a public security organ."*
>
> – Article 37 of the Constitution of the People's Republic of China

However, the Chinese Communist Party (CCP) has bypassed the Constitution with the institution of both residential surveillance and RSDL, as these are measures most often taken before a formal arrest need be made. The right by police and others to apply it also for those under undefined "special circumstances" adds leeway for police to misuse RS freely. The widespread use of illegal house arrests compound this violation further, as does the use of house arrest on those released from prison (NRR) after serving their time.

Violations of international standards

International human rights law has established minimum standards and basic principles which each state shall abide by even though they are not a party of the respective human rights treaties. According to many reported cases, including those mentioned in this report, the practices of RS are clear violations of those established international human rights standards, especially on the **right of freedom of movement** and the **prohibition of arbitrary detention**.

Article 13 of the *Universal Declaration of Human Rights* (UDHR), Article 12 of the *International Covenant on Civil and Political Rights* (ICCPR), and other international human rights instruments have established minimum standards for the protection of right to freedom of movement. Likewise, Article 9 UDHR and Article 9(1) of ICCPR both highlight the prohibition of arbitrary detention.

The *CCPR General Comment No. 27*[32] issued by the UN Human Rights Committee provides a clear guideline for the protection of the right to freedom of movement. It pronounced that the right to freedom of movement may only be restricted (1) when provided for by law, (2) in pursuit of a legitimate aim, (3) necessary and (4) proportionate, and (5) consistent with all other international human rights.

Although RS restrictions are provided by law, the police have excessive powers to restrict people's freedom **without a clear and legitimate aim**. Without the need for evidence sufficient to make a formal arrest, and without criminal proceedings by the prosecutor, police can place the suspect into house arrest.

That is both **unnecessary** and **disproportionate**. In addition, as residential surveillance is a severe form of limiting one's rights for up to six months or even more, not only can one's freedom of movement can be restricted but also other fundamental rights such as rights to freedom of opinion and expression and right to legal counsel, and is therefore **inconsistent with other established human rights**.

The use of RS does not meet the minimum international standards for restricting freedom of movement.

On the issue of arbitrary detention, *CCPR General comment No. 35*[33] issued by the UN Human Rights Committee emphasizes that **"the notion of arbitrary does not mean against the law, but an action that is without justice, predictability and due process, and lacks necessity and proportionality"**.

In the *Opinion No. 12/2016 concerning Phan (Sandy) Phan-Gillis*[34], the UN Working Group on Arbitrary Detention referred to the UN *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (Body of Principles) and concluded:

> "The Body of Principles requires that any form of detention shall be ordered by, or be subject to the effective control of, a judicial or other authority. Furthermore, a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. Furthermore, a person detained on a criminal charge shall be brought before a judicial or other authority provided by law promptly after his arrest. Such authority shall decide without delay upon the lawfulness and necessity of detention."

In other words, merely legislating a state practice does not shield it from being arbitrary and against international norms.

Lastly, according to *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*,[35] solitary confinement is defined under Rule 44 as 'the confinement of prisoners for 22 hours or more a day without meaningful human contact', and in many instances, residential surveillance can meet the above definition for solitary confinement. In fact, the 2016 report *Seeing into Solitary: A Review of the Laws and Policies of Certain Nations Regarding Solitary Confinement of Detainees*[36] from the **UN Special Rapporteur** on torture and other cruel, inhuman, or degrading treatment or punishment, **described residential surveillance as a practice similar to solitary confinement**; therefore, it should be regulated according to the same international standards, namely the *Nelson Mandela Rules* including:

- **Rule 37** *Authorisation by law*
- **Rule 43 (1)** *Prohibition of torture*, including indefinite or prolonged confinement, placement in a dark or constantly lit cell, corporal punishment or the reduction of diet or drinking water, and collective punishment
- **Rule 43 (3)** *Right of family contact*
- **Rule 45** *Last resort in exceptional cases and subject to independent review*
- **Rule 46** *Access to healthcare*

However, as it is practiced in China, RS also does not meet with minimum UN standards.

Conclusion and policy recommendations

After close observation of the legal development and practices of RS, we found that RS is a form of state-imposed personal confinement at home applicable before a formal arrest, but also used as an alternative to formal arrest, used as a form of punishment, and implemented as a post-sentence monitoring measure.

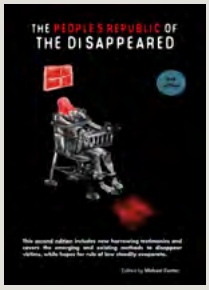
There are no effective safeguards against the arbitrary deprivation of liberty and individual security.

At the very minimum, a number of steps are required to counter the growing human rights violations stemming from the increasing use of RS:

- **Institute proper checks and supervision of police** to identify and correct illegal use of RS.
- **Require prosecutor's approval for all forms of lawful RS** (and court approval when a prosecutor requests it).
- **Require the organ applying for its use to justify any and all restrictions imposed** on the target as part of the RS.
- **Institute full transparency** to ensure verdicts and judicial decisions concerning the use of RS are fully uploaded to the CJO database as per regulation.
- **Reform the use of RS** – and in particular, remove the undefined 'special considerations' as a reason for employing RS.
- **Invite the UN's Working Groups on Arbitrary Detention (WGAD) and on Enforced or Involuntary Disappearances (WGEID)** to visit China to monitor the application and functioning of RS.

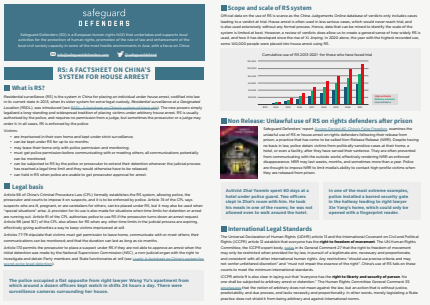
For more on China's use of extra-judicial and arbitrary detention and enforced disappearances

Locked Up: Inside China's RSDL Secret Jails: an illustrated deep dive into the dark reality of China's RSDL 'black jails'.



The People's Republic of the Disappeared (2nd edition), the acclaimed book that blew the lid on RSDL, available worldworldwide via Amazon.

Rampant Repression, data analysis on use of Residential Surveillance at a Designated Location (RSDL) 2013 to 2020



Two-page Factsheet on RS

Two-page factsheet on RSDL

Two-page factsheet on the NSC and Liuzhi

Access Denied #1: China's Vanishing Suspects which examines the police practice of registering suspects under fake names at pre-trial detention centres.

Access Denied #2: China's False Freedom which researches the phenomenon where prisoners continue to be arbitrarily confined by the police after the official release.

Access Denied #3: China's Legal Blockade which looks at how police deny suspects legal assistance by threats or torture.

China's Pincer move against regulated detentions

China's Missing Verdicts –The demise of CJO and China's judicial transparency

China's criminal justice system in the Age of Covid

Appendix: Methodology

The following considerations has been taken to take the officially logged number of *verdicts* in CJO and turn it into an informed estimate on the true number of its use on persons. After the below explanation of where the exact data or justifications for these adjustments comes from, two datasets are presented.

The search term used in CJO for "residential surveillance (RS)" is "监视居住", while the search term for "residential surveillance at a designated location (RSDL)" is "指定居所监视居住". After first searching the database, in accordance with the two datasets presented below, for RS, another search has then been performed for RSDL, which shares part of the same search string, which means those RSDL cases has been deducted from the results from searching RS.

Dataset 1 is based solely on *officially logged* **verdicts** (that is, which are uploaded into CJO) for **criminal trials** at **first instance**. Dataset 2 is based on all **officially logged judicial decisions**, which is likely to include duplicates of persons, as some appeals as well as other judicial decisions will overlap with the original verdict at court of first instance. However, there are likely many instances where RS has been applied without the case ever leading to a verdict, which could appear in this wider dataset, which is why both are presented. Dataset 1 is the one primarily used in this report, with occasional references to dataset 2.

The considerations needed to take the officially logged number of cases to a realistic estimate on the number of people placed into RS, is as follows:

1. The CJO logs cases by the year in which a verdict or judicial decision is rendered. There can often be one, or several, years between a compulsory measure is taken (detention, arrest, or house arrest, etc.) and when a trial is concluded and verdict announced. This means the data for the last two years tend to be very incomplete. We thus have to see, based on past cases, when cases are usually uploaded, and make adjustment to the data for the last two years (2020 and 2021) accordingly.

   A detailed study of nearly 1,600 RSDL cases, by former prosecutor and pro-CCP scholar Xie Xiaojian[37] and Zhu Chunji[38], published in China Law Review[39], helps us get a better idea. It showed that only 45% of cases when RSDL is applied reached a verdict the same year. The rest followed the next year (or later). We thus make adjustment to data for 2021 using 45% of cases as included. For the amount of cases concluded the following year no detailed studies exist, but legal processes quite regularly takes more than two years to reach completion, so the estimate used is that 80% of all use of RS will have reached a verdict the following year (this is then applied to the 2020 data). In short, for cases in the year 2020, the assumption is that the logged number accounts for 80% of actual cases, while for 2021 the assumption is that the logged number accounts for 45% of actual cases.

2. The CJO is very incomplete. There are numerous reasons why courts can, or in some cases must, **not** uploaded verdicts or judicial decisions. Safeguard Defenders recent investigation *China's Missing Verdicts –The demise of CJO and China's judicial transparency*[40] explores this issue. That investigation provided us data on what amount of verdicts are never published on CJO, allowing us to adjust our estimates based on that.

   Practicing lawyers and both foreign- and Chinese academics have long assumed that the rate of upload to CJO (of all verdicts) stands around 50%. This very vague estimate is used for one of two estimates made, a "higher estimate". SD"s abovementioned investigation compared the amount of criminal verdicts (first trial) in CJO, year by year, with the official work report presented every year by the Supreme Court, which contains data on number of trials and sentences. Using this, the average amount of such verdicts uploaded to CJO 2014-2020 stood at 62.96%. This value is used for our "lower estimate". A 2018 study by Xie

Xiaojian[41], which was focused solely on RSDL crimes, found the rate of upload only 37%, and yet lower still for those related to duty crimes (officials facing trials), It is also well known that certain types of crimes are no longer uploaded at all, while other types are disappeared once an issue comes under media scrutiny. However, there is no specific studies on RS cases, so the general average of 62.96% and the lower, oft cited 50%, will be the two value used for lower and higher estimates respectively.

3. This count is for verdicts, not people sentenced. Based on past studies, we adjust the number based on the average number of persons sentenced per each verdict, to move from number of verdicts, to number of people.

   One of the two studies cited above[42] also looked at the average number of people included in each verdict, and for RSDL cases found that number to be 1.1191. No other studies of a similar nature have been identified, and the same number is used to calculate the use of RS from cases (verdicts) to persons affect.

4. Even though we cannot adjust for cases where RS is being used outside of a legal procedure (point 1), we can adjust for RS used on cases which never reach a verdict at trial. This happens when a case is dropped, and the person set free without trial. For this, we use data that looks at the number of cases being dropped by the prosecution after a person's arrest, *before* their trial. This is presented in detail in another recent investigation, *China's criminal justice system in the Age of Covid*[43].

   Our data, drawing from the official work reports, annually, from the Chinese Supreme Court and Supreme Procuratorate, shows that between 2018 and 2022, the number of cases dropped by prosecution varied from 7.26% to 16.6%, with an average of 11.18%. This later average is used to take into account use of RS on cases which does not reach trial/verdict.

5. 5. Starting in early 2020, the CJO started seeing large-scale culling of verdicts, that is, verdicts that used to be available has been taken offline. For some issues, all verdicts have disappeared, while in other cases certain types have disappeared when the issue has received media scrutiny. In other instances, there has been more sweeping removals. This culling concerns all years that the database covers, not just 2020 or 2021. For more data on this, see *China's Missing Verdicts –The demise of CJO and China's judicial transparency*[44].

   There is no detailed data on how many verdicts have been purged since early 2020. However, Safeguard Defenders have been performing searches on RSDL regularly, always dating back to 2013, and in the searches carried out February 2020 and January 2022, we identified that some 6.5% of cases, on average, have been purged. We use this estimate to account for "missing verdicts" for all years.

It needs to be made very clear that the CJO is a collection of verdicts and judicial decisions. This means that the use of house arrest outside of formalized legal proceedings, will not, appear in CJO. It is unknown to what extent house arrests are applied outside of the formalized legal procedure, and there is no way to make informed estimates. No adjustments are made because of this issue. This is mentioned here instead because it is important to understand that the data herein is very limited, and *true use* is likely far beyond this data.

Based on these five steps, we have moved from merely having the officially logged verdicts, to an informed estimate on scale of use of RS on persons. The final tabulations are presented in datasets 1 and 2 below.

Dataset 1: For *verdicts* from *criminal trials* at *first instance*

	2013	2014	2015	2016	2017	2018	2019	2020	2021
Logged cases	4,901	24,961	26,840	29,001	29,801	28,862	28,477	33,332	15,403
% of cases uploaded	100%	100%	100%	100%	100%	100%	100%	80%	45%
# of cases	4,901	24,961	26,840	29,001	29,801	28,862	28,477	41,665	34,229
Verdicts to Persons	1.191	1.191	1.191	1.191	1.191	1.191	1.191	1.191	1.191
# of persons	5,837	29,729	31,966	34,540	35,493	34,375	33,916	49,623	40,767
% missing verdicts	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%
% not missing verdicts	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%
# of persons (row7 ÷ 93.50%)	6,243	31,795	34,189	36,941	37,960	36,764	36,274	53,073	43,601
% cases dropped by prosecution	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%
% cases not dropped by prosecution	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%
# of persons (row10 ÷ 88.82%)	7,029	35,797	38,492	41,591	42,739	41,392	40,840	59,753	49,089
% verdicts placed into CJO (high estimate)	50%	50%	50%	50%	50%	50%	50%	50%	50%
# of persons (row13 ÷ 50%)	14,057	71,595	76,984	83,183	85,477	82,784	81,680	119,506	98,178
% verdicts placed into CJO (low estimate)	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%
# of persons (row13 ÷ 62.96%)	11,164	56,857	61,137	66,060	67,882	65,743	64,866	94,907	77,968
Officially logged annual	4,901	24,961	26,840	29,001	29,801	28,862	28,477	33,332	15,403
Officially logged cumulative	4,901	29,862	56,702	85,703	115,504	144,366	172,843	206,175	221,578
Low estimate annual	**11,164**	**56,857**	**61,137**	**66,060**	**67,882**	**65,743**	**64,866**	**94,907**	**77,968**
Low estimate cumulative	**11,164**	**68,021**	**129,159**	**195,218**	**263,101**	**328,844**	**393,710**	**488,617**	**566,585**
High estimate annual	**14,057**	**71,595**	**76,984**	**83,183**	**85,477**	**82,784**	**81,680**	**119,506**	**98,178**
High estimate cumulative	**14,057**	**85,652**	**162,636**	**245,819**	**331,296**	**414,080**	**495,760**	**615,266**	**713,443**

Dataset 2: For *all* judicial decisions

	2013	2014	2015	2016	2017	2018	2019	2020	2021
Logged cases	5,549	28,704	31,430	34,987	36,244	35,361	35,509	40,184	19,251
% of cases uploaded	100%	100%	100%	100%	100%	100%	100%	80%	45%
# of cases	5,549	28,704	31,430	34,987	36,244	35,361	35,509	50,230	42,780
Verdicts to Persons	1.191	1.191	1.191	1.191	1.191	1.191	1.191	1.191	1.191
# of persons	6,609	34,186	37,433	41,670	43,167	42,115	42,291	59,824	50,951
% missing verdicts	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%	6.50%
% not missing verdicts	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%	93.50%
# of persons (row7 ÷ 93.50%)	7,068	36,563	40,035	44,567	46,168	45,043	45,231	63,983	54,493
% cases dropped by prosecution	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%	11.18%
% cases not dropped by prosecution	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%	88.82%
# of persons (row10 ÷ 88.82%)	7,958	41,165	45,075	50,177	51,979	50,712	50,924	72,037	61,352
% verdicts placed into CJO (high estimate)	50%	50%	50%	50%	50%	50%	50%	50%	50%
# of persons (row13 ÷ 50%)	15,916	82,330	90,149	100,353	103,958	101,425	101,849	144,073	122,704
% verdicts placed into CJO (low estimate)	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%	62.96%
# of persons (row13 ÷ 62.96%)	12,640	65,382	71,593	79,696	82,559	80,547	80,884	114,416	97,446
Officially logged annual	5,549	28,704	31,430	34,987	36,244	35,361	35,509	40,184	19,251
Officially logged cumulative	5,549	34,253	65,683	100,670	136,914	172,275	207,784	247,968	267,219
Low estimate annual	**12,640**	**65,382**	**71,593**	**79,696**	**82,559**	**80,547**	**80,884**	**114,416**	**97,446**
Low estimate cumulative	**12,640**	**78,022**	**149,615**	**229,311**	**311,870**	**392,417**	**473,301**	**587,717**	**685,163**
High estimate annual	**15,916**	**82,330**	**90,149**	**100,353**	**103,958**	**101,425**	**101,849**	**144,073**	**122,704**
High estimate cumulative	**15,916**	**98,246**	**188,395**	**288,748**	**392,706**	**494,131**	**595,980**	**740,053**	**862,757**

Appendix: Table on changes of China's Criminal Procedure Law (1996-2018)

1996 CPL Amendment	2012 CPL Amendment	2018 CPL Amendment
13 provisions Art. 36, 50, 51, 56, 57, 58, 60, 65, 69, 74, 75, 133, 134	**14 provisions** Art. 37, 64, 69, 72, 73,, 75,76, 77, 79, 89, 96, 97, 165	**15 provisions** Art. 39, 66, 71, 74, 75, 76, 77, 78, 79, 81, 91, 98, 99, 167, 170
Article 36 - *Lawyer's access* From the day the people's procuratorate examines and prosecutes the case, defence lawyers may inspect, extract and copy the procedural documents and technical identification materials of the case, and may meet and correspond with the criminal suspect in custody. Other defence lawyers may, with the permission of the people's procuratorate, also inspect, extract and copy the above-mentioned materials, and meet and correspond with the criminal suspects in custody. From the day the people's court accepts the case, the defence lawyer may inspect, extract and copy materials on the criminal facts alleged in the case, and may meet and correspond with the defendant in custody. Other defence lawyers may, with the permission of the people's court, also inspect, extract and copy the above-mentioned materials, and meet and correspond with the defendant in custody.	**Article 37 - *Lawyer's access*** **Defence lawyers may meet and communicate with criminal suspects and defendants in custody. Other defence lawyers may also meet and correspond with criminal suspects and defendants in custody with the permission of the people's courts and people's procuratorates.** **If a defence lawyer with a lawyer's practising certificate, a certificate from a law firm and a power of attorney or an official letter of legal aid requests to meet with a criminal suspect or defendant in custody, the detention center shall arrange the meeting in a timely manner, and no later than 48 hours.** **In cases of crimes against national security, crimes of terrorist activities and crimes of bribery of special importance, the defence lawyer shall obtain permission from the investigating authority to meet with the criminal suspect in custody during the investigation. In the above-mentioned cases, the investigating authority shall notify the detention center in advance.** **The defence lawyer may meet with the criminal suspect or defendant in custody to understand the relevant circumstances of the case and provide legal advice, etc.; and may verify the relevant evidence with the criminal suspect or defendant from the date the case is transferred for examination and prosecution. Defence lawyers are not intercepted when they meet with criminal suspects or defendants.** **The provisions of paragraphs 1, 3 and 4 shall apply to defence lawyers meeting and corresponding with criminal suspects and defendants under residential surveillance.**	**Article 39 - *Lawyer's access*** … In cases of crimes against national security, crimes of terrorist activities ~~**and crimes of bribery of special importance,**~~
Article 50 - *Authorities* Depending on the circumstances of the case, the People's Courts, People's Procuratorates and public security authorities may detain, take under bail or place under residential surveillance the criminal suspect or defendant.	**Article 64 - *Authorities*** …	**Article 66 - *Authorities*** …

Article 51 The People's Courts, People's Procuratorates and public security authorities may place a criminal suspect or defendant on bail pending trial or under residential surveillance in any of the following circumstances: (1) Where a sentence of control or detention or the independent application of an additional sentence may be imposed; (2) Where a sentence of imprisonment for a fixed term or more may be imposed and the taking of bail pending trial or residential surveillance will not result in social danger. Bail pending trial and residential surveillance shall be enforced by the public security authorities.	**Article 65 - *Conditions for bail pending trial and residential surveillance*** [edited] The People's Courts, People's Procuratorates and public security authorities may place a criminal suspect or defendant on bail pending trial under one of the following circumstances. (1) Those who may be sentenced to control, detention or independent application of additional sentences; (2) Those who may be sentenced to imprisonment for a fixed term or more, and where the taking of bail pending trial will not result in social danger; (3) women who are seriously ill, unable to take care of themselves, pregnant or nursing their babies, and who are not likely to be socially dangerous; (4) where the period of detention has expired and the case has not yet been completed, it is necessary to take them out on bail pending trial. Bail pending trial shall be enforced by the public security authorities.	**Article 67 - *Conditions for bail pending trial and residential surveillance***
NONE	**Article 69 - *Bail & Residential Surveillance*** [added] A criminal suspect or defendant who is released on bail for trial shall comply with the following provisions. (1) They shall not leave the city or county in which they reside without the approval of the enforcement organ. (2) Report to the enforcement organ within twenty-four hours of any change in address, workplace and contact details (3) To appear promptly at the time of summons (4) Not to interfere in any way with the testimony of witnesses (5) Shall not destroy or falsify evidence or conspire to confess. Depending on the circumstances of the case, the people's court, the people's procuratorate and the public security authorities may order	**Article 71 - *Bail & Residential Surveillance*** …

	a criminal suspect or defendant who is released on bail for trial to comply with one or more of the following provisions. (1) Not to enter a specific place. (2) Not to meet or correspond with specified persons (3) Not to engage in specified activities (4) To hand over entry and exit documents such as passports and driving documents to the executive authorities for retention. **If a criminal suspect or defendant who has been released on bail for trial violates the provisions of the preceding two paragraphs and has posted a security deposit, part or all of the security deposit shall be confiscated, and the suspect or defendant shall be ordered, depending on the circumstances, to give evidence of repentance, to post a new security deposit, to submit a guarantor, or to be placed under residential surveillance or arrested.** In the event that a suspect or defendant is arrested in violation of the provisions on bail pending trial, the suspect or defendant may be detained first.	
Article 57 - *Residential Surveillance in a Designated Location* *A criminal suspect or defendant under residential surveillance shall abide by the following provisions:* (1) Not to leave their residence without the approval of the executive authorities, **or, if they do not have a fixed place of residence, not to leave their designated residence without such approval.** (2) Not to meet with another person without the approval of the enforcement authority (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses (5) Not to destroy or falsify evidence or conspire to confess. If a suspect or defendant under residential surveillance violates	**Article 73 - *Residential Surveillance in a Designated Location (detention)*** Residential surveillance shall be carried out at the residence of the criminal suspect or defendant; if there is no fixed residence, it may be carried out at a designated residence. **In the case of crimes suspected of endangering state security, crimes of terrorist activities, or crimes of particularly significant bribery, where execution at the residence may hinder the investigation, it may also be executed at the designated residence with the approval of the people's procuratorate or the public security organ at a higher level.** However, execution may not be carried out in a place of detention or a special place for handling cases. **In the case of residential surveillance, the family members of the person under surveillance shall be notified within twenty-four hours**	**Article 75 - *Residential Surveillance in a Designated Location (detention)*** Residential surveillance shall be carried out at the residence of the criminal suspect or defendant; if there is no fixed residence, it may be carried out at a designated residence. In the case of crimes suspected of endangering state security or terrorist activities, ~~**or crimes of particularly significant bribery**~~, where execution at the residence may hinder the investigation, it may also be executed at the designated residence **with the approval of the public security organ at a higher level**. However, execution may not be carried out in a place of detention or a special place for handling cases. **In the case of residential surveillance, the family members of the person under surveillance shall be notified within twenty-four hours**

the provisions of the preceding paragraph and the circumstances are serious, he or she shall be arrested.	**of the execution of the residential surveillance, except in cases where notification is impossible.** **Where a criminal suspect or defendant under residential surveillance appoints a defender, the provisions of Article 34 of this Law shall apply.** **The people's procuratorates shall supervise the legality of the decision to designate residence under residential surveillance and its implementation.**	**of the execution of the residential surveillance, except in cases where notification is impossible.** **Where a criminal suspect or defendant under residential surveillance appoints a defender, the provisions of Article 34 of this Law shall apply.** **The people's procuratorates shall supervise the legality of the decision to designate residence under residential surveillance and its implementation.**
	Article 75 - *Residential Surveillance in a Designated Location (travel)* … [added] **(6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention.** … [added] **if arrest is required, the suspect or defendant may be detained first.**	**Article 77 - *Residential Surveillance in a Designated Location (travel)*** …
NONE	**Article 74 - *Commutation of sentence*** The period of residential surveillance shall be offset against the term of imprisonment. If a person is sentenced to control, one day of residential surveillance shall be offset against one day of imprisonment; if a person is sentenced to detention or fixed-term imprisonment, two days of residential surveillance shall be offset against one day of imprisonment.	**Article 76 - *Commutation of sentence*** …
NONE	**Article 76 - *Surveillance methods*** [added] **The executive authorities may adopt surveillance methods such as electronic monitoring and occasional inspections to monitor the compliance of criminal suspects and defendants under residential surveillance; during the period of investigation, the communications of criminal suspects under residential surveillance may be monitored.**	**Article 78 - *Surveillance methods*** …

Article 58 - *Time-limit of compulsory measures* The People's Courts, People's Procuratorates and public security authorities may not place a criminal suspect or defendant on bail pending trial for a maximum of twelve months, and may not place him under residential surveillance for a maximum of six months. During the period of bail pending trial or residential surveillance, the investigation, prosecution and trial of the case shall not be interrupted. If it is found that criminal liability should not be pursued or the period of bail pending trial or residential surveillance has expired, the bail pending trial or residential surveillance shall be released in a timely manner. The release from bail pending trial or residential surveillance shall be promptly notified to the person under bail pending trial or residential surveillance and the relevant unit.	**Article 77 - *Time-limit of compulsory measures*** …	**Article 79 - *Time-limit of compulsory measures*** …
Article 60 - *Alternatives of an arrest* A criminal suspect or defendant who has evidence of criminal facts and may be sentenced to imprisonment or more shall be arrested immediately in accordance with the law if the adoption of such methods as bail pending trial or residential surveillance is not yet sufficient to prevent the occurrence of social danger and there is a need for arrest. A criminal suspect or defendant who should be arrested may be placed on bail pending trial or under residential surveillance if he or she is seriously ill or is a woman who is pregnant or nursing her baby.	**Article 79 - *Alternatives of an arrest*** [edited & added] **A criminal suspect or defendant for whom there is evidence of a crime for which a sentence of imprisonment or more may be imposed shall be arrested if the imposition of bail pending trial is not sufficient to prevent the occurrence of the following social dangers:** **(1) Where a new crime is likely to be committed** **(2) Where there is a real danger of endangering national security, public security or social order** **(3) Is likely to destroy or falsify evidence, interfere with the testimony of witnesses or collude with confessions** **(4) Is likely to retaliate against the victim, informant or accuser** **(5) Attempted suicide or escape.** **Those who have evidence of criminal facts and may be sentenced to more than ten years' imprisonment, or those who have evidence of criminal facts and may**	**Article 81 - *Alternatives of an arrest*** [added] … **When approving or deciding on an arrest, the nature and circumstances of the suspected crime and the defendant's admission of guilt and punishment shall be taken into consideration as to whether the social danger is likely to occur.** …

	be sentenced to more than ten years' imprisonment, who have intentionally committed a crime or whose identity is unknown, shall be arrested. **A criminal suspect or defendant who has been placed under bail or residential surveillance may be arrested if he or she has violated the provisions on bail and residential surveillance and the circumstances are serious.**	
	Article 72 - *Residential surveillance as house arrest* [edited & added] **The People's Courts, People's Procuratorates and public security authorities may place a criminal suspect or defendant under residential surveillance if he or she meets the conditions for arrest and has one of the following circumstances.** **(1) Those who are seriously ill and unable to take care of themselves** **(2) A woman who is pregnant or is breastfeeding her own baby** **(3) A person who is the sole supporter of a person who is unable to take care of himself/herself** **(4) Where, because of the special circumstances of the case or the need to handle the case, residential surveillance is more appropriate** **(5) When the period of detention has expired and the case has not yet been completed, it is necessary to take measures of residential surveillance.** **Where the conditions for taking bail pending trial are met, but the suspect or defendant is unable to put forward a guarantor and does not post a bond, residence under surveillance may be imposed.** **Residential surveillance is carried out by the public security authorities.**	**Article 74 - *Residential surveillance as house arrest*** …
Article 61 The public security authorities may first detain a person in flagrante delicto or a major suspect if: **(1) If he is preparing to commit a crime, committing a crime or**	**Article 80** …	**Article 82** …

is discovered immediately after committing a crime; (2) If he is identified as having committed a crime by a victim or by a person present who has witnessed it; (3) If evidence of the crime is found in his immediate vicinity or residence; **(4) Attempts to commit suicide, escape or is at large after committing the crime;** (5) There is a possibility of destruction or falsification of evidence or conspiracy to confess; (6) Does not give his true name or address and his identity is unknown; **(7) There is a serious suspicion of roving crime, multiple crime or gang crime**		
Article 74 - *Bail & residential surveillance as an alternative for extended detention* If a case where a criminal suspect or defendant is detained cannot be completed within the period of investigation and detention time limit, examination and prosecution, first trial or second trial stipulated in this Law, and it is necessary to continue the investigation and trial, the criminal suspect or defendant may be placed under bail or residential surveillance.	**Article 96 - *Bail & residential surveillance as an alternative for extended detention*** [added] If a case in which a criminal suspect or defendant is detained cannot be completed within the period of investigation and detention, examination and prosecution, first trial or second trial prescribed by this Law, **the suspect or defendant shall be released**; if further investigation and trial are required, the suspect or defendant may be placed under bail or residential surveillance.	**Article 98 - *Bail & residential surveillance as an alternative for extended detention*** …
Article 75 - *Terminate & change compulsory measures* A criminal suspect or defendant, his or her legal representative or close relatives, or the lawyer or other defender entrusted by the criminal suspect or defendant, shall have the right to request the release of the compulsory measures taken by the people's court, the people's procuratorate or the public security organ if the compulsory measures have exceeded the legal time limit. The People's Courts, People's Procuratorates and public security authorities shall release the criminal suspect or defendant whose compulsory measures have	**Article 97 - *Terminate & change compulsory measures*** The People's Courts, People's Procuratorates and public security authorities shall release criminal suspects or defendants whose legal time limit for taking compulsory measures has expired, release them from bail pending trial or residential surveillance or change the compulsory measures in accordance with the law. A criminal suspect or defendant and his or her legal representative, close relatives or defenders shall have the right to request the release of the compulsory measures taken by the people's court, the people's	**Article 99 - *Terminate & change compulsory measures*** …

exceeded the legal time limit, release him from bail pending trial or residential surveillance or change the compulsory measures in accordance with the law.	procuratorate or the public security organ when the legal period for such measures has expired.	
Article 133 The People's Procuratorate shall interrogate a person detained in a case directly under its jurisdiction within twenty-four hours of detention. When it is found that the person should not be detained, he or she must be released immediately and issued a certificate of release. In cases where an arrest is required but the evidence is not yet sufficient, the person may be held on bail pending trial or under residential surveillance.	**REMOVED THE TIME LIMIT FOR INTERROGATION**	**REMOVED THE TIME LIMIT FOR INTERROGATION**
Article 134 - *Procuratorate's decision period for arrest approval* If the People's Procuratorate considers that the arrest of a person detained in a case directly under its jurisdiction is necessary, it shall make a decision within **ten days.** Under special circumstances, the time for deciding on arrest may be extended by **one to four days.** Those who do not need to be arrested shall be released immediately; those who need to continue the investigation and meet the conditions for bail pending trial or residential surveillance shall be bailed pending trial or residential surveillance in accordance with the law.	**Article 165 - *Procuratorate's decision period for arrest approval*** … If the People's Procuratorate considers that the arrest of a person detained in a case directly under its jurisdiction is necessary, it shall make a decision within fourteen days. Under special circumstances, the time for deciding on arrest may be extended by **one to four days.**	**Article 167 - *Procuratorate's decision period for arrest approval*** …
NONE	**NONE**	**Article 170 - *Referral of a case from the National Supervision Commission*** **The People's Procuratorate shall examine cases referred to them by the supervisory organs for prosecution in accordance with the relevant provisions of this Law and the Supervision Law. If, after examination, the People's Procuratorate considers that additional verification is required, it shall return the case to the supervisory organ for additional investigation, and may, if necessary, conduct additional investigation themselves.**

		For cases referred by the supervisory organs for prosecution in which detention measures have been taken, the People's Procuratorate shall first detain the suspect and the detention measures shall be automatically lifted. The People's Procuratorate shall make a decision on whether to arrest, place the suspect on bail pending trial or place him under residential surveillance within ten days of the detention. Under special circumstances, the decision may be extended by one day to four days. The period during which the people's procuratorate decides to take compulsory measures shall not be counted as part of the period of examination and prosecution.
Article 138 The People's Procuratorates shall make a decision on cases referred to them by the public security authorities for prosecution within one month; in major or complex cases, the decision may be extended by half a month. Where a People's Procuratorate reviews a case for prosecution and changes its jurisdiction, the period for review and prosecution shall be calculated from the date the case is received by the people's procuratorate after the change.	**Article 169** …	**Article 172** The People's Procuratorate shall make a decision on cases referred to it by the supervisory and public security authorities for prosecution within one month, and may extend it by **fifteen days** in major or complex cases; **if the suspect pleads guilty or guilty to a crime and meets the conditions for application of the speedy adjudication procedure, it shall make a decision within ten days, and may extend it to fifteen days in the case of a possible sentence of fixed-term imprisonment exceeding one year.**

Appendix: Sample Notice of Decision

Public Security Authority

Notice of Decision On Residential Surveillance[1]

Reference:_____ , No. : _____

Suspect: _____, gender: _____, age: _____, address: _____ _____, organization and occupation: _____

Suspect: _____ is under residential surveillance at _____ for _____. In accordance with the provisions of Article _____ of the *Criminal Procedure Law of the People's Republic of China*, it is decided that his residential surveillance will be carried out at _____. The duration of the residential surveillance shall be _____ months[2]. During the period of residential surveillance, the defendant shall abide by the following provisions:

(1) Not to leave their residence without the approval of the executive authorities, or, if they do not have a fixed place of residence, not to leave their designated residence without such approval; (2) Not to meet with another person without the approval of the enforcement authority; (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses; (5) Not to destroy or falsify evidence or conspire to confess; **(6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention.**[3]

If a suspect or defendant under residential surveillance violates the provisions of the preceding paragraph and the circumstances are serious, he or she may be arrested; **if arrest is required, the suspect or defendant may first be detained.**[4]

YYYY/MM/DD

(Stamped by the Public Security Authority)

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[1] The decision on residential surveillance consists of **three copies**, which are kept by the public security organ, handed over to the suspect and the enforcement agency. It is kept by the public security authorities in two copies: a stub and a copy.

- **The stub** includes: name (Notice of Execution based on the Decision On Residential Surveillance by the Public Security Organ), document number (reference/number), name of the case, case number, information on the person under residential surveillance (name, gender, age, address, organisation and occupation), reason for residential surveillance, place of residential surveillance, starting time, executing authority, approving official, time of approval, name of the person handling the case, unit handling the case, time of filling and issuing, name of person filling the form and issuing the notice.
- **Person under residential surveillance** shall receive a **copy** of the notice with a line confirming 'the content of the notice is the same as the copy kept by the Public Security Authority plus a line of the confirmation of reception 'Confirmed reception of the notice of decision" plus date of reception and signature.
- **Enforcement agency** shall receive a **copy** plus an order 'The Public Security Bureau has decided to place the suspect (personal information) under residential surveillance by your unit for (period) starting from (date) . The person under residential surveillance to comply with the same provisions as this copy."

[2] Duration is up to 6 months. At the end of the period, the public security authorities will issue a decision to lift the residential surveillance.

[3] Added following the 2018 amendment of the *Criminal Procedure Law*

[4] Added following the 2018 amendment of the *Criminal Procedure Law*

Appendix: Sample Notice of Decision

公安机关

监视居住决定书[5]

编号：（　）字（　）号

犯罪嫌疑人：_____（姓名）、性别：_____、年龄：____、住址：_____、单位及职业：_____

犯罪嫌疑人：_____ 因 _____ _____，根据《中华人民共和国刑事诉讼法》第_____条第_____款的规定，决定在_____ 对其监视居住，由 _____ 负责执行。监视居住的期限为_____个月[6]。在监视居住期间，被告人应当遵守以下规定：

一、未经执行机关批准不得离开执行监视居住的处所；二、未经执行机关批准不得会见他人或者通信；三、在传讯的时候及时到案；四、不得以任何形式干扰证人作证；五、不得毁灭、伪造证据或者串供；**六、将护照等出入境证件、身份证件、驾驶证件交执行机关保存。**[7]

被监视居住的犯罪嫌疑人、被告人违反前款规定，情节严重的，可以予以逮捕；需**要予以逮捕的，可以对犯罪嫌疑人、被告人先行拘留。**[8]

_____年_____月_____日

（公安局印）

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[5] 监视居住决定书共3联，分别为公安机关保存、交由犯罪嫌疑人、执行机构。公安机关保存分为存根和副本二份。

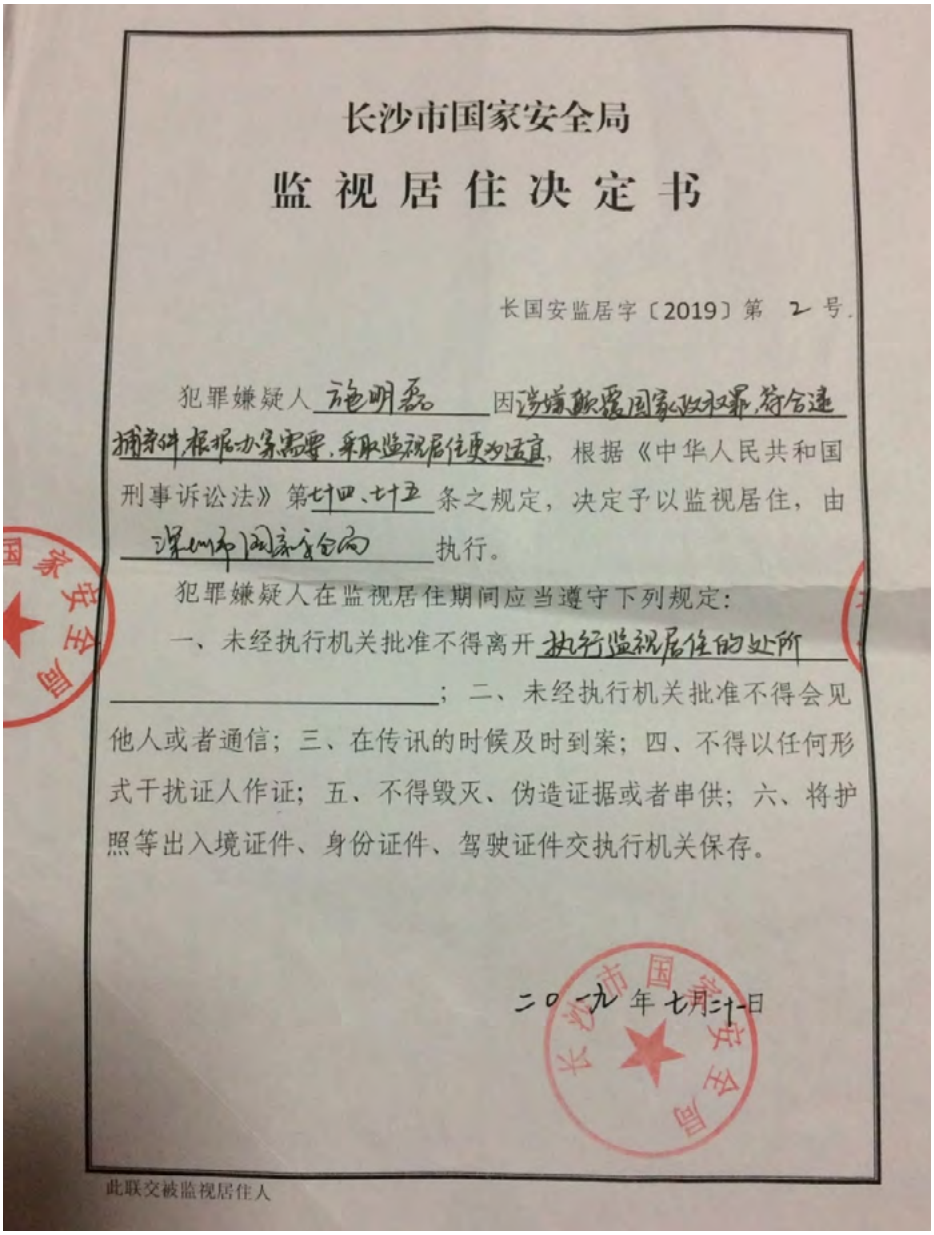
- 存根包括：名称：公安局监视居住决定执行通知书、编号：字〔 〕 号、案件名称、案件编号、被监视居住人姓名、性别：男/女、年龄：岁、住址、单位及职业、监视居住原因、 监视居住地点、起算时间、执行机关、批准人、批准时间、办案人、办案单位、填发时间、填发人。
- 副本包括：名称：公安局监视居住决定书、编号：字〔 〕号、犯罪嫌疑人姓名、性别、年龄、住址、单位及职业、正文内容：犯罪嫌疑人xxx因xxx，根据《中华人民共和国刑事诉讼法》第x条第x款之规定，决定在xxx对其监视居住，由xxx负责执行，监视居住期限从x年x月x日起算。在监视居住期间，被监视居住人应当遵守下列规定：一、未 经执行机关批准不得离开住处，无固定住处的，未经批准不得离开指定的居所；二 、未经执行机关批准不得会见 他人；三 、在传讯的时候及时到案；四、不得以任何形式干扰证人作证；五 、不得毁灭、伪造证据或者串供。如果被监视居住人违反以上规定，情节严重的，予以逮捕 。（公安局印）x年x月x日 本决定书已收到。被监视居住人 x年x月x日。
- 被监视人收到的文书为内容包括：名称：公安局监视居住决定书、编号：字〔 〕号、犯罪嫌疑人姓名、性别、年龄、住址、单位及职业、正文内容与公安机关副本相同。（公安局印）x年x月x日。
- 执行机构收到的文书为：名称：公安局监视居住执行通知书、编号：字〔 〕号、内容：xxx：因xxx，我 局决定对犯罪嫌疑人xxx（性别x，年龄x，住址xxx）监视居住，交由你单位执行监视居住，期限从x年x月x日起算 。被监视居住人遵守规定同公安机关副本。（公安局印） x年x月x日。

[6] 期限：最长6个月。到期时，公安机关会出具解除监视居住决定书。

[7] 于2018修法时新增

[8] 于2018修法时新增

Appendix: Notice of Residential Surveillance Decision (Shi Minglei)



长沙市国家安全局

监视居住决定书

长国安监居字〔2019〕第 2 号

犯罪嫌疑人施明磊因涉嫌颠覆国家政权罪，符合逮捕条件，根据办案需要，采取监视居住更为适宜，根据《中华人民共和国刑事诉讼法》第七十四、七十五条之规定，决定予以监视居住，由深圳市国家安全局执行。

犯罪嫌疑人在监视居住期间应当遵守下列规定：

一、未经执行机关批准不得离开执行监视居住的处所；二、未经执行机关批准不得会见他人或者通信；三、在传讯的时候及时到案；四、不得以任何形式干扰证人作证；五、不得毁灭、伪造证据或者串供；六、将护照等出入境证件、身份证件、驾驶证件交执行机关保存。

二〇一九年七月二十一日

长沙市国家安全局

此联交被监视居住人

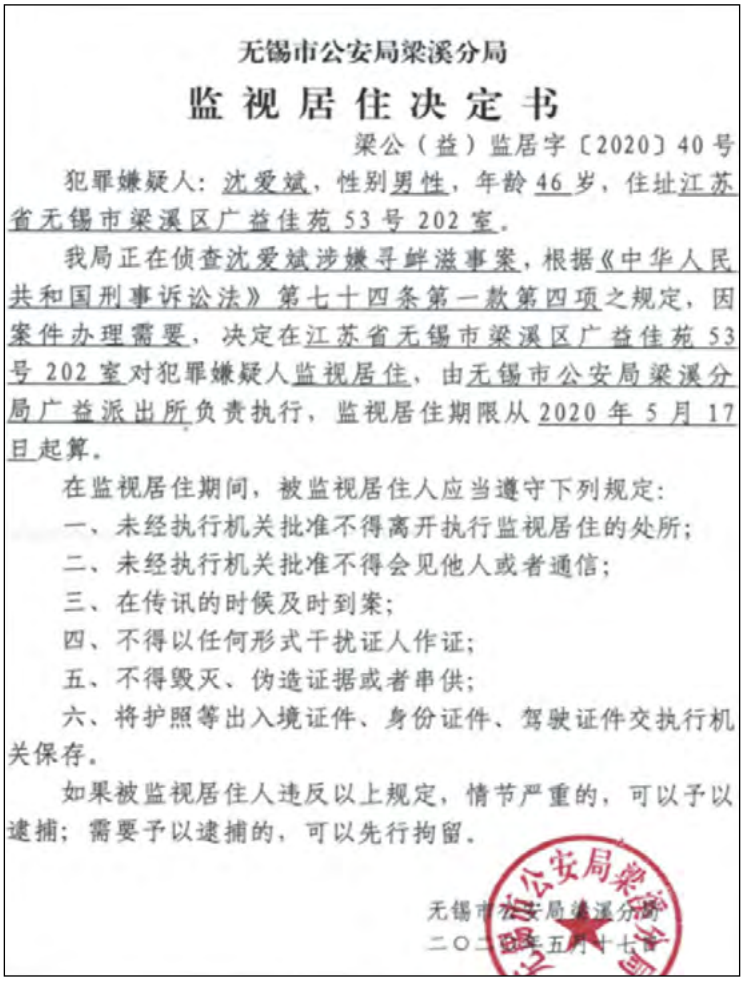
Changsha State Security Bureau

Notice of Decision On Residential Surveillance *[Reference: Changsha RS (2019), No. 2]*

Suspect Shi Minglei was arrested for the offence of subversion of state power, and it was more appropriate to place her under residential surveillance for the needs of the case. In accordance with Article 74 and Article 75 of the Criminal Procedure Law of the People's Republic of China, it is decided that the suspect will be placed under residential surveillance and the Shenzhen State Security Bureau will carry out the enforcement.

During the period of residential surveillance, the defendant shall abide by the following provisions: (1) Not to leave their residence of surveillance without the approval of the enforcement authorities; (2) Not to meet or communicate with another person without the approval; (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses; (5) Not to destroy or falsify evidence or conspire to confess; (6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention."

Appendix: Notice of Residential Surveillance Decision (Shen Aibing)



无锡市公安局梁溪分局

监 视 居 住 决 定 书

梁公（益）监居字〔2020〕40号

犯罪嫌疑人：沈爱斌，性别男性，年龄46岁，住址江苏省无锡市梁溪区广益佳苑53号202室。

我局正在侦查沈爱斌涉嫌寻衅滋事案，根据《中华人民共和国刑事诉讼法》第七十四条第一款第四项之规定，因案件办理需要，决定在江苏省无锡市梁溪区广益佳苑53号202室对犯罪嫌疑人监视居住，由无锡市公安局梁溪分局广益派出所负责执行，监视居住期限从2020年5月17日起算。

在监视居住期间，被监视居住人应当遵守下列规定：

一、未经执行机关批准不得离开执行监视居住的处所；

二、未经执行机关批准不得会见他人或者通信；

三、在传讯的时候及时到案；

四、不得以任何形式干扰证人作证；

五、不得毁灭、伪造证据或者串供；

六、将护照等出入境证件、身份证件、驾驶证件交执行机关保存。

如果被监视居住人违反以上规定，情节严重的，可以予以逮捕；需要予以逮捕的，可以先行拘留。

无锡市公安局梁溪分局

二〇二〇年五月十七日

Liangxi Branch Bureau of Wuxi City Public Security Bureau

Notice of Decision On Residential Surveillance *[Reference: Liangxi Public Security RS (2019), No. 30]*

Suspect: Shen Aibing, male, 45 years old, living at XXX Liangxi District, Wuxi City of Jiangsu Province.

The Bureau is investigating the case of Shen Aibing alleged of picking quarrels and provoking trouble. In accordance with Article 74 (1) item 4 of the Criminal Procedure Law of the People's Republic of China, for the purpose of handing the case, it is decided that the suspect will be placed under residential surveillance at XXX Liangxi District, Wuxi City of Jiangsu Province and the Guangyi Police Station of Liangxi Branch Bureau of Wuxi City Public Security Bureau will carry out the enforcement, beginning on 3 September 2019.

During the period of residential surveillance, the defendant shall abide by the following provisions: (1) Not to leave their residence of surveillance without the approval of the enforcement authorities; (2) Not to meet or communicate with another person without the approval; (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses; (5) Not to destroy or falsify evidence or conspire to confess; (6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention."

If the person under residential surveillance fails to follow the restrictions, they may be arrested in serious cases; and if it is necessary to arrest the person under residential surveillance, they may be detained first.

Appendix: Notice of Residential Surveillance Decision (Zhao Zhenjia)

Xinfu Branch Bureau of Fushun City Public Security Bureau

Notice of Decision On Residential Surveillance *[Reference: Xinfun Public Security RS (2017), No. 32]*

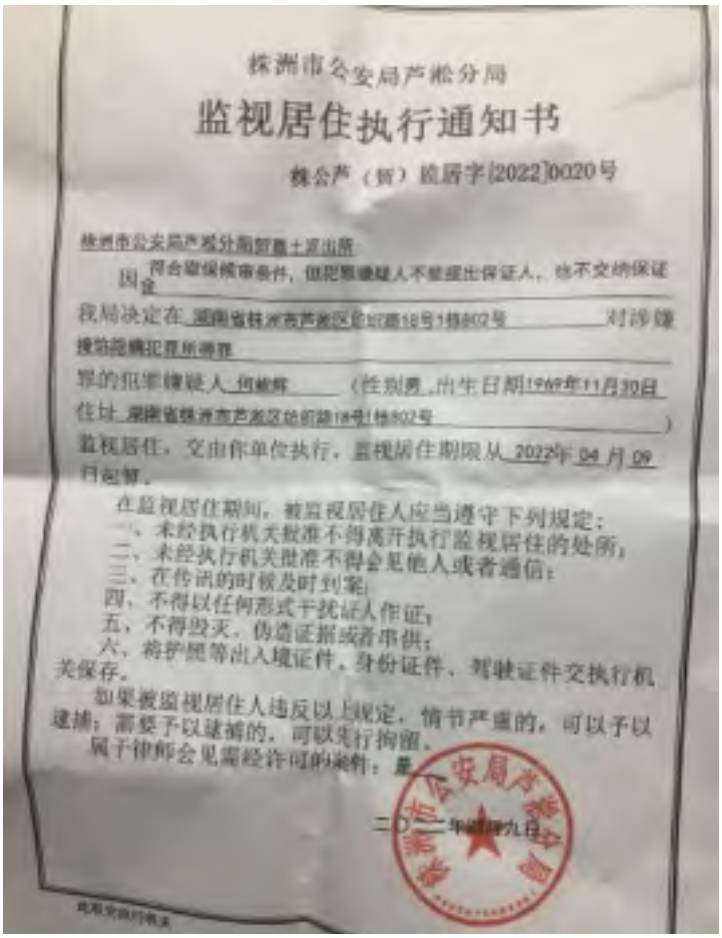
Suspect: Zhao Zhenjia, male, born on 13 November 1950, living at XXX Xinfu District, Fushun City of Liaoning Province.

The Bureau is investigating the case of Zhao Zhenjia alleged of picking quarrels and provoking trouble. In accordance with Article 72 of the Criminal Procedure Law of the People's Republic of China, for the purpose of handing the case, it is decided that the suspect will be placed under residential surveillance at the designated address of XXX Xinfu District, Fushun City of Laioning Province and the Fumin Police Station of Xinfu Branch Bureau of Fushun City Public Security Bureau will carry out the enforcement, beginning on 7 July 2017.

During the period of residential surveillance, the defendant shall abide by the following provisions: (1) Not to leave their residence of surveillance without the approval of the enforcement authorities; (2) Not to meet or communicate with another person without the approval; (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses; (5) Not to destroy or falsify evidence or conspire to confess; (6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention."

If the person under residential surveillance fails to follow the restrictions, they may be arrested in serious cases; and if it is necessary to arrest the person under residential surveillance, they may be detained first.

Appendix: Notice of Residential Surveillance Decision (He Junhui)



株洲市公安局芦淞分局

监视居住执行通知书

株公芦（贺）监居字[2022]0020号

株洲市公安局芦淞分局贺家土派出所：

因金 符合取保候审条件，但犯罪嫌疑人不能提出保证人，也不交纳保证

我局决定在 湖南省株洲市芦淞区[illegible]18号1栋802号 对涉嫌

[illegible]犯罪所得罪

罪的犯罪嫌疑人 何俊辉 （性别男，出生日期1969年11月30日

住址 湖南省株洲市芦淞区[illegible]18号1栋802号 ）

监视居住，交由你单位执行。监视居住期限从 2022年 04 月 09

日起算。

在监视居住期间，被监视居住人应当遵守下列规定：

一、未经执行机关批准不得离开执行监视居住的处所；

二、未经执行机关批准不得会见他人或者通信；

三、在传讯的时候及时到案；

四、不得以任何形式干扰证人作证；

五、不得毁灭、伪造证据或者串供；

六、将护照等出入境证件、身份证件、驾驶证件交执行机关保存。

如果被监视居住人违反以上规定，情节严重的，可以予以逮捕；需要予以逮捕的，可以先行拘留。

属于律师会见需经许可的案件：是

二〇[illegible]年[illegible]月九日

Lusong Branch Bureau of Zhuzhou City Public Security Bureau

Notice of Decision On Residential Surveillance *[Reference: Zhuzhou Public Security RS (2012), No. 20]*

Suspect: Zhao Zhenjia, male, born on 13 November 1950, living at XXX Xinfu District, Fushun City of Liaoning Province.

The Zhuzhou City Public Security Bureau decides that the suspect He Junhui (male, born on 30 November 1969, living at XXX Husong District, Zhuzhou City of Hunan Province) will be placed under residential surveillance at XXX Husong District, Zhuzhou City of Hunan Province because the suspect was unable to provide a guarantor and nor pay the bail, He alleged of concealment and concealment of the proceeds of crime. The Hejiatu Police Station of Lusong Branch Bureau of Zhuzhou City will carry out the enforcement, beginning on 9 April 2022.

During the period of residential surveillance, the defendant shall abide by the following provisions: (1) Not to leave their residence of surveillance without the approval of the enforcement authorities; (2) Not to meet or communicate with another person without the approval; (3) To appear promptly at the time of the summons; (4) Shall not interfere in any way with the testimony of witnesses; (5) Not to destroy or falsify evidence or conspire to confess; (6) Hand over entry and exit documents such as passports, identity documents and driving documents to the executive authorities for retention."

If the person under residential surveillance fails to follow the restrictions, they may be arrested in serious cases; and if it is necessary to arrest the person under residential surveillance, they may be detained first.

Does the case belong to those requiring prior approvals for meeting lawyers? YES

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