

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

2020-08-11

To:

- The Working Group on arbitrary detention
- The Working Group on enforced or involuntary disappearances
- The Special Rapporteur on the situation of human rights defenders
- The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
- The Special Rapporteur on the independence of judges and lawyers
- The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- The Special Rapporteur on violence against women, its causes and consequences
- The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- The Special Rapporteur on the right to privacy



Submission: China's practice of extracting and broadcasting forced confessions before trial

Object of submission: Review of Chinese authorities' widespread practice of coercing individuals in detention into confessing crimes determined by the authorities *before* their trials, commonly after prolonged periods of torture and ill-treatment.

For Reference:

- Database: <https://safeguarddefenders.com/en/blog/forced-tv-confessions-database-2020>
- Book: [Trial By Media: China's new show trials, and the global expansion of Chinese media \(2018\)](#)
- Report: [Scripted and Staged: Behind the scenes of China forced televised confessions \(2018\)](#)

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Submitted by:

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Human Rights Watch (HRW)

Reporters Without Borders (RSF)

World Organisation Against Torture (OMCT)

For additional data and far greater level of detail, see the attached document "ADDITIONAL DATA for China's practice of extracting and broadcasting forced confessions before trial".

Note on recent development: The UK's media regulator on 6 July 2020 convicted Chinese TV (CGTN) for 'serious' violations in the broadcast of two of the forced televised confessions herein referenced¹. Three more such broadcasts are being investigated, and will reach decision shortly. The TV regulator has already announced statutory sanctions will be imposed, and they may lose their license to broadcast in the UK as a result. Similar complaints about broadcasts of a multitude of forced televised confessions has also been filed with relevant bodies in the United States and Canada and are pending investigation.

1. OVERVIEW

China's current practice of forced televised confessions dates back to Xi Jinping's ascent to power. They constitute a reversal from the country's professed desire to move towards rule of law and is an attack on human dignity. It is also a direct attack on basic right; the right to a fair trial. On top of that, it is highly correlated to abuse, maltreatment and torture, and connected to near total impunity of the police.

Starting with the first high-profile televised confession aired in July 2013, some near 100 detained individuals have been coerced into confessing on China's state television and pro-Beijing media, always before any trial, and many times even before indictment or arrest.

The televised confessions are now well and truly normalized in China. They are systematically linked to other abuses such as torture, threats, forced medication, arbitrary detention and prolonged solitary confinement during investigation phase. Forced confessions target a particular section of the population that are seen as enemies or critics of the Chinese Communist Party (CCP), such as lawyers, rights activists, journalists and bloggers², as well as Uyghurs.

Several confessions were broadcast on China's overseas State/Party TV channels (CGTN/CCTV-9 in English and CCTV-4 in Chinese) or by pro-CCP Hong Kong media, showing CCP's efforts to export its propaganda far beyond its borders.³

2. Purpose of the present submission

The purpose of the present submission is to summarize information gathered by Safeguard Defenders on the degrading practice of forced televised confessions and to urge the Special Procedures to use this submission to provide recommendations to the Government of China on how to put an end to this practice by ensuring legal and judicial reform and by adopting good practices offered by International legal instruments. This report could assist in mutual efforts to strengthen human rights protections in China.

3. VIOLATIONS OF NATIONAL AND INTERNATIONAL LAWS

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

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

³ https://www.buzzfeed.com/markdistefano/chinas-state-tv-wants-to-hire-a-huge-number-of-journalists?utm_term=.wgbMpM0NY#.gcJ3B3maQ and <https://www.theglobeandmail.com/news/world/uyghurs-around-the-world-feel-new-pressure-as-china-increases-its-focus-on-thoseabroad/article36759591/>

4. Violation of Chinese laws

Televised confessions violate" article 12 of the Criminal Procedure Law (CPL) which rules that *"No person shall be found guilty without being judged as such by a People's Court according to law."*⁴ Additionally, because they result from coercive measures on the detainees, the confessions violate article 50 of the CPL, which establishes protection against self-incrimination. When used in Court, they also violate article 54 of the CPL, which states that *"confessions by a suspect or a defendant extorted through torture and other illegal means shall be excluded [as evidence in Court]"*. The authorities also deny detainees their right to *"retain a defender"* (..) *"from the day that the suspect is first interrogated or first has compulsory measures adopted against him"* (article 33 of the CPL).⁵

A number legal professionals in China have spoken out and publicly criticized the use of televised confessions. In March 2016, Zhu Zhengfu, deputy chairman of the All-China Lawyers Association suggested that they were an affront to human dignity and warned that the practice was a "trial by media". A senior Chinese judge, Zhang Liyong⁶, publicly declared that *"outside of a court, no one has the right to decide whether someone is guilty of a crime. The police aren't qualified to say someone is guilty. Prosecutors aren't qualified to declare someone guilty. News media are even less qualified to determine guilt."*⁷

5. Violation of international laws and standards

6. Right to a fair trial and related rights

The broadcast of forced confessions violates the right to a fair trial codified in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) of 1976⁸. Various elements of the right to a fair trial are also found in Article 11 of The Universal Declaration of Human Rights (UDHR)⁹, customary international law norms, and other international treaties. In addition to the presumption of innocence, Article 14 of the ICCPR emphasizes that no one shall be *"compelled to testify against himself or to confess guilt"*, thus protecting against self-incrimination.¹⁰

The arbitrary detention, duress and other human rights violations associated with broadcasts, violate the legal recourse known as *habeas corpus* by which anyone deprived of their liberty is entitled to know and challenge the reason and lawfulness of their detention and which is also recognized by several international and regional human rights instruments.

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

⁴ Whitfort, A. (2007) *The right to a fair trial in China: The Criminal Procedure Law of 1996*. 2 U. PA. E. ASIA L. REV. 141.

⁵ <https://www.chinalawtranslate.com/en/criminal-procedure-law-2018/>

⁶ Chief judge, High People's Court, Henan province

⁷ Chin, J. (2016, March 15) Chinese Judge Criticizes Televised Confessions. *The Wall Street Journal*. Retrieved from <https://blogs.wsj.com/chinarealtime/2016/03/15/chinese-judge-criticizes-televised-confessions/?mod=WSJBlog>

⁸ Please see <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁹ Please see <http://www.un.org/en/universal-declaration-human-rights/>

¹⁰ Please see <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

7. *International judicial standards*

Forced televised confessions demonstrate the defects of the Chinese judicial system, criminal laws and legal framework in general, all of which fail to protect victims of forced confessions (either because no protection mechanism exists or because those that do exist are not enforced). Attempts to present the detainees as guilty of crimes before any trial, constitutes a social and political pressure on the judge, in violation of article 2 and 4 of the Universal Charter of the Judge of 1999. Bangalore Principles of Judicial Conduct, the General Assembly resolutions 40/32 of 1985 and 40/146 of 1985, contain more principles that Chinese authorities infringe upon when perpetrating forced televised confessions, and in some cases, when judging those who were paraded on National television.

8. *Protection against torture*

Many televised confessions are the result of extreme physical or emotional coercion and thus qualify as being obtained through torture. Of the 87 victims included in the data behind this submission, interviews were carried out with a selection of them.

Seventeen victims were **interviewed** by Safeguard Defenders and all of them describe one or several measures qualifying as torture, including severe physical torture. All the victims of televised confession who were in held in 'Residential Surveillance at a Designated Location' (RSDL) at the time of extracting the confessions for broadcasts (at least 22 and possibly as many as 26), went through up to half a year in solitary confinement, during the investigative phase of their criminal proceeding, which amounts to torture itself¹¹. In 2011, the Special Rapporteur on Torture explicitly found prolonged pre-trial solitary confinement to be torture under article 1 of the CAT when used to obtain information or a confession^{12,13}.

Note on RSDL: A letter by 10 Special Procedures to the Chinese government ([OL CHN 15/2018](#)) on 24 August 2018 called for reform of the system. **RSDL** is custodial system, established in current form 2013, that allows police (or State Security) to place an individual in incommunicado detention for up to six month, and which must take place outside of case-handling areas (police stations, detention centres, etc.). Renovated rooms in guesthouses, police- or State run hotels, as well as custom-built facilities are used to detain the victims. The family of the victim need not be notified where they are kept, they can be denied access to legal counsel and any and all form of communication, and are, by law, kept in solitary confinement. There is no appeal function to being placed in RSDL, and requires only approval from Procuratorate, not court. There is no legally mandated supervision of those kept in RSDL by any other judicial body. RSDL many times constitute an *enforced or involuntary disappearance*.

9. **TARGET GROUP AND SCOPE OF VIOLATIONS**

10. *Targeted groups, professions and individuals*

¹¹ U.N. Secretary-General, Torture and Other Cruel, Inhuman or Degrading Punishment: Note by the Secretary General, U.N. Doc. A/66/268 (2011).

¹² U.N. Secretary-General, Torture and Other Cruel, Inhuman or Degrading Punishment: Note by the Secretary General, U.N. Doc. A/66/268 (2011).

¹³ Also see [OL CHN 15/2018](#), for statement issued by 10 Special Procedures regarding the RSDL system.

There are two main types of cases of forced televised confessions. First, "rights" cases, include individuals whom the Chinese Communist Party perceives as its enemies and who are usually charged with national security crimes (such as the stealing of state secrets, state subversion, or separatism) or public order violations (e.g. defamation, picking quarrels and provoking troubles, and spreading rumours). These cases approximately represent ~60% of the confessions and include detainees who either worked in media (journalists, bloggers and publishers) or were human rights defenders (lawyers, NGO workers and activists). The remaining ~40% include all other types of cases and target groups. Those cases include individuals charged of terrorism (all Uyghur detainees), financial crimes, drug use and murder.

While the majority of the 87 victims in the data behind this submission¹⁴ are Han Chinese from the mainland, a significantly high number, nine, are Uighurs from the mainland. Yet, they make up less than 1% of the population. 15 were citizens of countries or regions outside mainland China.

11. Scope of the use of forced televised confessions

Note: The actual number of forced confessions is likely significantly higher than the figures presented in this document and which constitute the cases identified by Safeguard Defenders.

Altogether, 87 televised confessions were identified by Safeguard Defenders between July 2013 (when the first high-profile televised confession was reported in western media) and January 2020. Detainees who appeared in multiple confessions sometimes confessed to very different crimes from one confession to another.¹⁵ The number of confessions per year varied between 14 and 22 from 2013 to 2016, dropping off sharply in 2017 with just two confessions, then increasing slightly to six in 2018 and five in 2019.

However, later years have in addition seen a higher amount of **repeated confessions** of victims who already confessed earlier. At the same time **alternative forms** of public confessions have become more common, whether over videoed confessions released on social media, on State-owned news media's websites, as part of (State-media produced) 'documentaries' and in other forms. These are not included in the cases and calculations herein used. In one such 'documentary' from CGTN in late 2019 there are some 17 different victims, for example. During the Coronavirus pandemic a new batch of confessions appeared through spring 2020¹⁶, but were broadcast over Police or State media social media accounts rather than on national TV. These are also not included.

This change is likely as a result of:

- a) more people seeing through these forced TV confessions as they have received more attention, and scrutiny, forcing the state to evolve in how these public confessions are executed, and
- b) an increase in alternative forms of broadcasts, either over police or media's social media accounts, and some being forced to release such videos on their own social media instead¹⁷, and

¹⁴ Note: this submission uses quotes of seventeen victims of forced confessions who were interviewed by Safeguard Defenders.

¹⁵ For example, Charles Xue confessed to hiring prostitutes in his first confession and then for irresponsibly forwarding posts on China's version of Twitter, Weibo, in his next two confessions. Gui Minhai confessed to illegally leaving China while serving bail for a fatal car accident in his first confession; in his second he talked about illegal book publishing and sales; while in his third appearance, he said he had been used by Sweden.

¹⁶ <https://safeguarddefenders.com/en/blog/china-unleashes-forced-confessions-control-coronavirus-rumours>

¹⁷ <https://safeguarddefenders.com/en/blog/disappearance-mysterious-return-li-zehua>

- c) an apparent increase in use of in-trial courtroom videoed confessions (sometimes first released on the court's social media account and then sometimes rebroadcast on state television).¹⁸

12. HOW FORCED TELEVISED CONFESSIONS ARE FABRICATED

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

13. Detainees are dressed in costume

Detainees are usually made to change their 'costume' before the confession is filmed. Peter Dahlin was told to shower and put on civilian clothes before the recording took place. During his detention under RSDL, Peter Dahlin normally wore grey sweatpants and an orange prison vest. Similarly, Lam Wing-kee and Wang Yu were told to change out of their RSDL clothes/uniform (orange vest and cement-coloured sweatpants), for their 'civilian' clothing.

14. The confessions are heavily directed

Detainees are routinely told what to say during the confession. Several methods are used, including learning lines, reading from a script - usually based on the final confession statement hammered out during interrogations. For example, Peter Dahlin was handed a photocopied question and answer paper based on the content of his deposition and told to memorize it shortly before the shoot.

The recordings are directed by the security agency. Officers tell suspects how to deliver their lines and multiple retakes are made until they are satisfied. Police ordered Zhao (pseudonym) to cry on camera. "*They asked me to sob, choke with tears.*" Chen Taihe remembers that he made at least 10 different recordings of the same confession. "*They reviewed it carefully every time until they were satisfied.*" He was told to look natural and not appear to read from a paper. Lam Wing-kee had to make about a dozen recordings, at a number of different locations, one of which was in a basement that had been converted into a mock courtroom, where his main interrogator acted as the judge, an assistant played deputy judge and a policewoman changed into plain clothes and pretended to be a "witness."

15. Deceptive editing

The confessions recordings are always edited so that the true nature of how they are fabricated is concealed and it is often edited to misrepresent meaning. Peter Humphrey endured one of the worst examples of deceptive editing. The footage on national television is a close-up of his head and shoulders, but in reality, he was handcuffed, locked into a chair and locked into a cage. None of that is seen on screen. The footage itself is also often deceptively edited. "*My recollection is that I used conditionals, (...) there's no way that I ever said: 'Yes I know I broke the law'*", Peter Humphrey told Safeguard Defenders.

¹⁸ Some examples are Xie Yang's trial (8 May 2017), retrieved from <http://tv.cctv.com/2017/05/09/VIDE0YshOeBWtkacHiTqDU64170509.shtml>; Xie Yang's sentencing (27 December 2017), retrieved from <http://tv.cctv.com/2017/12/27/VIDE9wEdiCBriOBiInk1978G171227.shtml>; and, Taiwanese NGO worker Lee Ming-che's trial (12 September 2017), retrieved from <http://tv.cctv.com/2017/09/12/VIDE7yDApSwNpl7vKxgtlQWs170912.shtml>.

16. On location

From 2015, when China launched its 709 Crackdown, confessions featuring a place of neutral appearance have become the preferred approach of the authorities for "rights" cases. The filming location could be a hotel room, an office or even a television studio. This indicates an effort to soften or mask the coercive environment of the victims. In Wang Yu's second confession August 2016, the setting was a garden.

17. TREATMENT BEFORE CONFESSIONS

The setting of the televised confession bears no relation to the condition of the victim's detention. Many were detained under the custodial RSDL system and some were subjected to physical beatings and forced medication. Suspects are routinely coerced with promises, lies or threats into making a televised confession.

18. Stress and torture

The use of torture to extract confessions in China is something which has been well documented by human rights organizations, scholars and even officially accepted by China itself.¹⁹ Torture is especially prevalent in RSDL because there is little or no custodial oversight²⁰. Conditions are so extreme that RSDL facilities are suicide-proofed with the removal of all sharp objects and the padding of hard surfaces.

Detainees are kept in conditions that create immense stress and feelings of fear. They are regularly sleep deprived. Lights are kept switched on 24 hours a day and suspects interrogated for hours. Those kept in RSDL are also subjected to solitary confinement.²¹

During his time in detention, from RSDL to pre-trial detention, Zhai Yanmin was tortured in many ways. The police cuffed his hands behind his back, locked him to iron railings, use five or six electric batons to beat him and deprived him of sleep for days before brutally interrogating him. In the early days of his detention, he could not sleep for more than 30 minutes at any given time. The police also starved him and didn't even let him drink water or go to the bathroom for extended periods of time. Wang Yu was confined for hours on end into a 40x40cm square painted on the floor of her cell. Dr. Liu Sixin speaks of the agony of being placed on a 'dangling chair'²² all day long. In addition, police started resorting to food and water deprivation. On some occasions, his guard would not let him eat the food that was served. Liu had to stare at it, while it went cold.

Simon Cheng was held under tremendous duress. He was handcuffed and interrogated within a detention centre. Secret police coerced him to open his iPhone by grabbing his hair and forcing him to do facial recognition entry. They asked detention centre staff to lock him with the handcuffs on the bar attached to a tiger chair²³. When the police were taking Cheng out of the detention centre to interrogate him, he was

¹⁹ Reuters. (2016, October 10). China tries again to stop confessions through torture. Retrieved from <https://www.reuters.com/article/us-china-rights/china-tries-again-to-stop-confessions-through-torture-idUSKCN12A0A4>

²⁰ There is no legal requirement for the Procuratorate to conduct supervision visits of RSDL facilities.

²¹ Lam, W.K. (2017, May 3). *Written statement of Lam Wing-kee*. Retrieved from <https://www.cecc.gov/sites/chinacommission.house.gov/files/CECC%20Hearing%20-%203May17%20-%20Hong%20Kong%20-%20Lam%20Wing%20Kee.pdf>

²² A high and small stool, where feet cannot touch the ground, slowly creating ever increasing pain in legs and feet as blood flow is restricted.

²³ A metal or wooden chair, where a plank/board is lowered down over the thighs. The chair is made for having hands and feet handcuffed and chained.

handcuffed, shackled, blindfolded and hooded, and could barely breathe. For many, prolonged sleep deprivation is used. Liu Xing, a local activist, wrote about the sleep deprivation he was put through: *“Around about 10 days later, I felt like I couldn't cope any longer. I felt dizzy the whole day. I couldn't control my limbs... My body wasn't functioning; I was in a daze; my eyes were glassy. I was on the verge of collapse.”*

19. Promises

Peter Dahlin, Peter Humphrey, Mr. Wen (pseudonym) and Mr. Zhao (pseudonym) all said the promise of lenient treatment (including early release) was one of the reasons why they agreed to confess on camera. The same promise was made to Peter Humphrey, and Chinese State media later, probably accidentally, provided evidence of this to a UK government body²⁴ – providing them a note given to them from Chinese police, which they argued constituted consent to make the recording. On the note Peter Humphrey had written he agreed to make the recording only in exchange for lenient punishment.

Security agents and police also routinely framed it (recording the confessions) as a way to show their superiors that the detainee was cooperating and thus that he should be granted a more favourable treatment.

20. Police deception

Peter Dahlin said he was told only “judges” would view the video to decide whether to release him or prosecute him. He only realised it would be screened on television when he walked into the room and came face-to-face with the CCTV cameraman and a CCTV journalist.

Mr. Zhao (pseudonym) was not told that his confession recording would go on television, just that it was for a “department higher up” to watch. He only realised it had been broadcast after he was released. *“I only knew about it after I got home and my friends and relatives told me.”*

21. Threats

The overriding reason why Wang Yu gave her televised confessions was so that she could save her son. In October 2015, the police told her that she had to repeat lines they made her memorize on camera or her son would not be set free. They showed her photos of him in detention after being captured trying to flee the country.

After a week of detention, the officer in charge of Zhai Yanmin threatened to arrest his son. Anytime Zhai would refuse to cooperate with the police, threats would immediately be made against his family.

Peter Dahlin said state security officers told him that they would keep his girlfriend in RSDL until his case was resolved. They made it clear that making the recording would mean he would either be moved into pre-trial detention or he would be released, and then, and only then, would his girlfriend be released.

²⁴ <https://safeguarddefenders.com/en/blog/breaking-chinese-tv-convicted-broadcasting-forced-confessions-uk>

Bao Longjun, held in RSDL and technically in a state of enforced or involuntary disappearance, was shown a photo of his teenage son that appeared to show him in detention. They told him his son would be released if he made the video recording.

Xie Yang described to his lawyer, while in pre-trial detention – and which was later released to the media – how police had tortured him and threatened to harm his family during the course of his incarceration in RSDL and in detention. It was after enduring this kind of treatment for months that Xie appeared in two televised confessions.

22. Denial of lawyer access

Police routinely deny detainees the opportunity to discuss the televised confession with a lawyer. Those kept under RSDL and suspected of national security crimes can, under Chinese law, legally be denied lawyer access. For those in detention centres, police regularly obstruct access. Peter Humphrey was not given the opportunity to consult with a lawyer prior to his “meeting with the media”. The police often arranged full-day interrogation sessions on the days he was supposed to meet with his lawyers.

Wang Yu was told that if she tried to ask for a lawyer, the police would simply arrest them. Peter Dahlin, held on state security charges, was in effect told he had the right to *ask* for a lawyer, not the right to actually get one²⁵. Early on in his detention, Lam Wing-kee was forced to sign away his rights for the police to notify his family and his right to hire a lawyer.

23. CHINESE MEDIA AS A TOOL OF THE CCP

Chinese party/state media²⁶ has always played an important propaganda role for the CCP. Chinese party/state media, including CCTV and all its channels, serve as CCP mouthpieces and the televised confessions must be viewed from that perspective. Xi Jinping told, when visiting CCTV, “*The media run by the party and the government are the propaganda fronts and must have the party as their family name*”²⁷.

On 21 March 2018, China Media Group, also known as Voice of China, was founded through the merger of China Central Television (CCTV), China National Radio, and China Radio International. In parallel, while in the past *direct* control of media (and CCTV) were primarily via a State organ, after the reorganization direct control is exercised via a Party organ.

24. CONSEQUENCES OF CONFESSIONS FOR THE VICTIMS

More than four years on, Peter Humphrey is still traumatised by the experience. “[*The confession*] figures very high in my post-traumatic stress disorder syndrome. It is one of these horror moments that often comes back to me and upsets me even now.” Zhai Yanmin suffered from severe psychological consequences: “*There was a time I wanted to kill myself. I heard about people questioning me, blaming me, and criticizing me. After*

²⁵ Interview, Safeguard Defenders, with Peter Dahlin, 2020-01-04.

²⁶ Chinese media is often referred to as ‘State-media’, however following a massive re-organization of both the CCP Publicity department, the media management system of the Chinese state, and the media itself, such as CCTV, it is now more accurate to refer to CCTV and other media as party-media, not State-media.

²⁷ <https://www.theguardian.com/world/2016/feb/19/xi-jinping-tours-chinas-top-state-media-outlets-to-boost-loyalty>

my release I made a post on social media, apologizing, but the police found me almost right away, and told me to delete it. I did."

Those who made filmed confessions that were not aired may also feel under pressure because there is always a risk that they could be aired at a later date. Mr. Wen (pseudonym), Mr. Guo (pseudonym) and Chen Taihe have all made confession tapes that have not yet been broadcast and could potentially be used against them. In Safeguard Defenders' database on political prisoners in RSDL²⁸, there are almost as many cases of not aired forced TV confessions as there are those recorded and aired. Simon Cheng's case shows how these can be used to suppress and persecute; his multiple videos were not broadcast until he spoke out in the media, at which point CGTN and CCTV broadcast his confession recordings the very next day, many months after they were made and after he had been released.

The televised confessions are also painful for the family to watch. Angela Gui, the daughter of Swedish bookseller Gui Minhai, said she couldn't bear to watch it when she saw the news that her father had appeared on television in January 2016: *"This is something that I'm going to have to deal with... So, I just made it easier for myself and I read a transcript.... To be honest I don't really have any words to describe [how it felt] ... It's the kind of thing nobody should ever have to experience so there shouldn't be words for it."*

25. CONCLUSION AND RECOMMENDATIONS

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

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

- Call on the People's Republic of China to end the use of forced televised confessions;
- Call upon the Chinese state to legislate clearly written protections into the criminal law regarding right against self-incrimination and directly outlaw media from broadcasting 'confessions' of suspects in custody awaiting trial or in the midst of legal proceedings;
- Institute mandatory supervision and oversight by the procuratorate over those suspects kept in RSDL, and require weekly physical visits to any such suspects;

²⁸ See OL CHN 15/2018, for a joint statement by 10 Special Procedures following Safeguard Defenders submission n RSDL, drawing on data from the same database. <https://safeguarddefenders.com/sites/default/files/wp-rsdl/uploads/2018/10/Joint-Letter-OL-CHN-152018.pdf>

- To respond, with legislation, to call from 10 UN Special Procedures 24 August 2018 to ensure that use of RSDL is compliant with international law, to ensure that use of RSDL does not constitute *enforced or involuntary disappearances*.
- Remove all legal barriers to, and legal exceptions from, a suspect's right to access legal counsel during the investigatory phase of criminal proceedings;
- Have the Supreme Court or other suitable judicial organ issue orders for re-trial for all those convicted of crimes after having been forced to confess on TV before trial, indictment or arrest.
- Submit any conclusions or findings to other UN human rights mechanisms, including treaty bodies of treaties to which China is a State Party, and the Human Rights Council (for UPR purposes);
- Encourage members and observers of the Human Rights Council to take into consideration this report in their follow-up of China's human rights situation, in particular when considering China's implementation of the recommendations it supported concerning "*reforms aimed at protecting and promoting human rights, particularly the strengthening of legislation and judicial guarantees*".