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“SPECIAL MEASURES”

Detention and Torture in Chinese Communist Party’s Shuanggui System



“Special Measures”

**Detention and Torture in the Chinese Communist Party’s
Shuanggui System**

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MAP OF CHINA

Glossary of Terms

CCDI	Central Commission for Discipline Inspection
CDI	Commission for Discipline Inspection (local)
CAT	United Nations Committee against Torture
CCP	Chinese Communist Party
CPL	Criminal Procedure Law
NPCSC	National People's Congress Standing Committee

Summary

[We] have to become good at using... the rule of law to fight corruption,
[and] to strengthen national anti-corruption legislation.

–Chinese President Xi Jinping, addressing a major Central Commission on Discipline
Inspection meeting in January 2013

I am also a Communist Party member... Why did it happen to me? ...The
judge in charge of my case told me, in private, that right now we have to
fight corruption, so we need to employ these illegal and extraordinary
channels – otherwise we can't catch the bad guys.

–Yang Zeyu, former shuanggui detainee, December 2015

In late 2012, Chinese President Xi Jinping launched a “war on corruption,” promising to purge the government and Chinese Communist Party of the endemic problem by netting both “tigers and flies,” and by “reining in power in a cage” of laws and regulations. Since that time, the campaign reportedly has punished at least 140 “tigers” – a term which refers to senior government and Party leaders – and thousands of “flies,” who are lower-level officials. Many more are embroiled in corruption investigations. An increasingly powerful, secretive Chinese Communist Party (CCP or “the Party”) body – the Central Commission on Discipline Inspection (CCDI) – has been a central player in the campaign, particularly through its abusive shuanggui (双规) disciplinary system.

The shuanggui system, which functions beyond the reach of China’s criminal justice system, gives the CCDI the authority to summon any of the Communist Party’s 88 million members to account for allegedly ill-gotten gains at a “designated location at a designated time.” Those summoned are deprived of liberty for days, weeks, or months, during which time they are repeatedly interrogated and often tortured. Typically, shuanggui detention ends when the official confesses to corruption or other alleged disciplinary violations; some are then transferred to the regular criminal justice system for prosecution.

The shuanggui system not only facilitates serious human rights abuses, it depends on them. The threat of being subjected to shuanggui strikes fear in Party members regardless of their position. A wide range of officials across industries and provinces – from normally

untouchable former Politburo-level officials down to minor local authorities, from national sports team coaches to famous media figures – have been subjected to the system.

Shuanggui detainees face interrogation about corruption or other violations of Party rules. The system relies on indefinite and at times prolonged solitary confinement; individuals taken into custody typically have no contact with the outside world, including family members and lawyers, and are watched around the clock by teams of officials who function as guards. Detainees have none of the procedural rights protected under international human rights law, or even those that criminal suspects are entitled to under Chinese law, such as access to lawyers or appearance before a judge.

In many cases shuanggui detention begins with an enforced disappearance, with detainees' families having no idea where their loved one is or why he or she is being held. Shuanggui detainees (also referred to as "CDI detainees") are not held in police stations or other official detention facilities, but often in hostels and training facilities for Party cadres.

Former shuanggui detainees told Human Rights Watch that they were subjected to torture and other ill-treatment including beatings, prolonged sleep deprivation, and being forced to stand or maintain uncomfortable positions for hours or even days. The indefinite isolation of shuanggui – which itself can amount to torture – causes detainees' minds to "collapse after... three to five days" and "answer everything you ask," according to Li Peng, who identified himself as a CDI officer. It is telling that Party rules require that shuanggui facilities be designed to prevent those detained from committing suicide.

The shuanggui system is shrouded in secrecy. The CCDI headquarters in Beijing is not marked except for its street address. Although the CCDI has instructed lower-level offices to provide it with information about all shuanggui cases in the country since 2001, key information – such as how many people are subjected to shuanggui each year – is not publicly available. Nor is the CCDI's 2012 directive that supposedly outlines better protections for shuanggui detainees. Although the CCDI has imposed increasingly strict controls on internal approval procedures for shuanggui since its inception in the 1990s, the lack of transparency makes it especially difficult to hold CDI officers and guards accountable for violating them.

In theory, CDI investigations into violations of Party rules by members are separate from investigations conducted by the procuratorate, the state prosecutors, who are responsible for investigating and prosecuting corruption in the formal criminal justice system. However, Human Rights Watch found that, in practice, procurators often participate in shuanggui interrogations. This practice, known as “joint investigation,” involves procurators partnering with CDI officers in interrogating the shuanggui detainees. Former shuanggui detainees said that procurators would simply copy and paste their confessions made during shuanggui interrogations, or ask them later to repeat what they said during such interrogations, as evidence for the ensuing criminal investigation.

Shuanggui thus provides authorities with a platform to coerce confessions from suspects that are then used in court. Because China’s criminal justice system, from procurators to judges, is dominated by the CCP, there are few effective checks on the improper use of this evidence to convict and sentence individuals caught up in the system.

Suspects say they have sought to retract their statements during criminal proceedings, explaining that the statements were the result of torture or other coercion during shuanggui detention. Procurators have responded by threatening to return them to the shuanggui system for further interrogations, and judges routinely have dismissed their complaints, ruling that what happens in the shuanggui system is outside the scope of the justice system.

The use of shuanggui allows judges to skirt even the minimal protections due criminal suspects in China. Judges typically refuse to examine any documentary evidence, including paperwork and any video recordings of shuanggui interrogations; nor is this material available to the shuanggui detainees or their legal representatives. Even though Chinese law requires that evidence obtained through torture be excluded during criminal investigations, we are not aware of any case in which a court acquitted a suspect or overturned a conviction due to misconduct by investigators that occurred during shuanggui. CDI officers are only subject to oversight within the Party. Human Rights Watch found only two cases in which low-level interrogators and guards were jailed after torturing and killing shuanggui detainees. CDI officers otherwise appear to be able to act unlawfully with impunity.

International human rights law obligates governments to protect the rights of individuals to liberty and security of the person. Because shuanggui has no legal basis, CDI apprehensions and detentions carried out under it are arbitrary and in violation of international law; they also may result in enforced disappearances. CDI and government officials' use of torture and other ill-treatment, including beatings, stress positions, and indefinite solitary confinement to obtain confessions violates China's obligations under the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which China ratified in 1988.

Some scholars and legal experts in China have previously sought to justify the government's reliance on shuanggui and CDIs as an emergency or "special measure" to effectively address corruption at a time when corruption surged in the late 1980s and 1990s. Political and Party leaders have also considered it an effective way of isolating powerful officials from their allies so that corruption investigations can go smoothly. But a deeper impulse driving these cases may be the desire to closely guard information regarding corruption—and its politically embarrassing details—from public view.

Relying on an internal, non-transparent Party mechanism to investigate corruption cases effectively cedes the power to investigate and detain people to political elites. The resulting anti-corruption drive is thus at least partly a political purge in which the strongest elements within the political structure are able to use the CDIs and the judicial system to root out undesirable elements, whether because of involvement in corruption or any other reason.

There is no doubt that China faces serious problems with corruption: the corruption monitoring group Transparency International ranked it 83rd out of 168 countries in its Corruption Perceptions Index 2015. Yet in the absence of an independent judiciary, a free media, genuine rule of law, and a criminal justice system that can effectively and fairly investigate and prosecute corruption, it is unlikely that any anti-corruption campaign will succeed. Abolishing shuanggui is a necessary first step.

Methodology

Research for this report draws on interviews conducted by Human Rights Watch researchers between November 2015 and June 2016, analysis of a Chinese court verdict database, and review of secondary sources through September 2016.

The Chinese government is hostile to research by international human rights organizations and strictly limits the activities of domestic civil society organizations on human rights issues and other subjects. Shuanggui is an extremely sensitive topic and government-imposed constraints severely restricted the scope of this research.

This study was conducted during one of the most serious crackdowns on human rights in China since the early 1990s. Most of the dozens of former shuanggui detainees, family members, and lawyers contacted by Human Rights Watch declined or did not respond to requests for interviews, some citing the sensitivity of the issue and fears of speaking to a foreign human rights organization.

Our research included interviews with 21 people, including four former shuanggui detainees, seven family members of CDI detainees, eight lawyers who had represented people held in shuanggui (双规), a former procurator who specialized in anti-corruption cases, and an academic. One of the family members interviewed had also been detained and interrogated by the CDI in connection with the case. Interviewees with former shuanggui detainees, families of shuanggui detainees, and lawyers were focused on their recent experience of shuanggui. All of the cases discussed in this report involved shuanggui since January 1, 2010, a date selected to screen out cases which may be outdated. In all interviews with former shuanggui detainees and family members, we cross-checked individual accounts through examination of judicial records and/or official media reports about their cases.

Access to individuals who were recently detained was particularly difficult as those who are convicted of corruption often end up with lengthy prison sentences, while those who are released live in fear of being locked up again should they speak out. The case of Xiao Yifei and his superior, Wang Qiuping – two former officials from Hunan province who spoke to the Associated Press about having been tortured in shuanggui after their release in July 2014,

and who subsequently were arrested and sentenced respectively to 13 and 20 years in prison – serves as a cautionary tale to others who may wish to describe their experiences.

All of the former CDI detainees and family members interviewed for this report alleged that they were coerced to confess during shuanggui and that the corruption charges against them were fabricated. Human Rights Watch does not take a position on whether any of the detainees whose cases are included in this report are guilty of corruption: our research focused on these individuals' experiences in shuanggui. Regardless of whether or not they are innocent of wrongdoing, they should not have been subjected to abuse.

The names and identifying details of those with whom we spoke have been withheld to protect them from government reprisal. All names of shuanggui detainees, their family members, and lawyers sourced to Human Rights Watch interviews are pseudonyms. All of those interviewed were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be used. All interviewees provided oral consent to be interviewed. All were informed that they could decline to answer questions or could end the interview at any time. No financial or other incentives were provided to individuals in exchange for their interviews.

Human Rights Watch also analyzed 35 detailed cases gathered from more than 200 media reports from 52 Chinese media outlets between January 1, 2013, and December 31, 2015, that mentioned shuanggui, roughly corresponding to the period between the start of President Xi's anti-corruption campaign and the beginning of research for this report.¹ Most

¹ Those selected include major government dailies published by the government and the Communist Party in the provinces as well as at the central level; those published by the police, procuratorate, judiciary, and CCDI, as well as relatively independent-minded commercial press. They include: Beijing Daily (北京日报), Liberation Daily (CPC Shanghai Municipal Committee) (解放日报 (中共上海市委)), Tianjin Daily (天津日报), Hebei Daily (河北日报), Shanxi Daily (山西日报), Inner Mongolia Daily (CPC Inner Mongolia Autonomous Region Party Committee) (内蒙古日报 (中共内蒙古自治区党委)), Liaoning Daily (辽宁日报), Jilin Daily (吉林日报), Heilongjiang Daily (黑龙江日报), Southern Daily (CPC Guangdong Provincial Committee) (南方日报 (中共广东省委)), Guangxi Daily (广西日报), Gansu Daily (甘肃日报), Dazhong Daily (CPC Shandong Provincial Committee) (大众日报 (中共山东省委)), Anhui Daily (安徽日报), Xinhua Daily (CPC Jiangsu Provincial Committee) (新华日报 (中共江苏省委)), Zhejiang Daily (CPC Zhejiang Provincial Committee) (浙江日报 (中共浙江省委)), Fujian Daily (福建日报), Henan Daily (河南日报), Hubei Daily (CPC Hubei Provincial Committee) (湖北日报 (中共湖北省委)), Jiangxi Daily (江西日报), Shaanxi Daily (陕西日报), Qinghai Daily (青海日报), Bingtuan Daily (兵团日报), Sichuan Daily (四川日报), Yunnan Daily (云南日报), Guizhou Daily (贵州日报), Tibet Daily (西藏日报), Ningxia Daily (宁夏日报), Chongqing Daily (重庆日报), Hainan Daily (海南日报), Hunan Daily (湖南日报), Southern Metropolis Daily (南方都市报), Southern Net (南方网), Southern Weekend (南方周末), Phoenix Weekly (凤凰周刊), Caijing (财经), Caixin (财新), The People's Court Newspaper (人民法院报), Public Security Newspaper (人民公安报), The Procuratorate Daily (检察日报), China Discipline Inspection Observation Newspaper (中国纪检监察观察报), China Discipline Inspection Magazine (中国纪检监察杂志), Legal Daily/Legal Net (法制日报/法制网), Legal Life Newspaper (法制生活报), Democracy and Law Times (民主与法制时报), People's Daily (人民日

press reports do not describe conditions in shuanggui in detail, but rather simply state that certain individuals have been put in shuanggui or describe the allegations of the individual's alleged corrupt conduct. Nonetheless, the articles about these 35 cases give some details about the system and are quoted at various relevant points in this report.

Human Rights Watch also reviewed 38 cases obtained from a large database of Chinese court verdicts that mentioned detainee allegations of torture in shuanggui. On January 1, 2014, the Supreme People's Court began publishing an online database of court verdicts from across the country; by early November 2015, this database included about 2.2 million verdicts. Among those, Human Rights Watch found 746 verdicts that mentioned the words "shuanggui" and another 956 that mentioned the synonymous measure "lianggui." But most merely mentioned that the defendants, or those connected with their cases, were subjected to shuanggui or lianggui, and gave no details. We found that 59 of the 746 shuanggui verdicts also contained the keyword "torture to extract confession" (刑讯逼供), while 31 of the 956 lianggui verdicts mentioned "torture to extract confession."

Because shuanggui and lianggui are sometimes used interchangeably in official terminology, some of these court cases are the same. After eliminating duplicate and unclear cases, we found a total of 38 cases in which suspects said they were tortured while in shuanggui. Most of these were males convicted of corruption (受贿, a crime under articles 385 and 388 of the Chinese Criminal Law); they came from 13 provinces and municipalities. The median amount of money involved in the cases was about 1.89 million RMB (about US\$290,000), and the median sentence handed down was 9.9 years of imprisonment.²

While these verdicts provide a glimpse into how Chinese courts make decisions regarding allegations of torture during shuanggui, the sample analyzed by Human Rights Watch ("the dataset") almost certainly does not include all such cases from that time period. An unknown but likely large number of cases involving shuanggui are never referred to the formal legal system, leaving no public record of that experience, let alone abuse endured in it. The Supreme People's Court decision that mandates online posting of verdicts

报), People's Net (人民网), Xinhua Net (新华网), China News Net (中国新闻网), Beijing News (新京报), Qiushi (求是), Liaowang (瞭望), and The Paper (澎湃).

² The total monetary value of the allegedly corrupt dealings was higher: several of the verdicts also referred to ill-gotten real and personal property, but did not specify their monetary value. Also, the median prison sentence is based on 29 rather than 38 verdicts because in nine of the cases the sentence was not clear from the verdict.

provides exemptions for cases involving state secrets or personal privacy, and cases otherwise “not suitable for making public,” which gives the courts wide latitude to withhold information. Certain cases, such as major corruption cases involving higher-level officials, seem to be missing from the Supreme People’s Court database.³ In addition, many torture allegations made in court may not be recorded in verdicts. Some shuanggui detainees who have been abused likely do not even raise the issue in court, or have their experiences noted in the verdicts, as shuanggui is considered an extra-legal measure that courts will not address.

Secondary sources Human Rights Watch consulted include CCP and Chinese government documents, laws, and policies; United Nations documents on arbitrary detention, solitary confinement, and torture; news articles from Chinese and international media, including interviews with scholars on shuanggui; and writings by Chinese and foreign academic experts on shuanggui.

With the exception of one lawyer we interviewed, all of our sources concerned individuals subjected to shuanggui under local CDIs, not under the CCDI. We have few details regarding the conduct of the CCDI.

Human Rights Watch sent letters on August 23, 2016, to the CCDI and three government departments with questions related to the report (see Appendix I). Human Rights Watch had not received any responses to them at the time of publication.

³ Wang Lina and Chen Jing, “Whose Corruption Cases Are Exposed Publicly? (谁的贿案在公“晒”),” *Caijing Magazine*, July 14, 2014, <http://magazine.caijing.com.cn/2014-07-14/114329332.html> (accessed January 7, 2015).

“Shuanggui” and the Chinese Communist Party

Corruption remains an endemic problem in China, one facilitated by a politicized judicial system and the lack of a free media. Successive administrations have acknowledged the problem and established numerous agencies that are in theory responsible for combating corruption. Those include:

- The National Bureau of Corruption Prevention (国家预防腐败局), created by the executive branch, the State Council, in 2007. The Bureau focuses on corruption prevention, education and international cooperation. It merged with the Department of International Affairs in 2014 and is now called the Bureau of International Cooperation;
- The Anti-Corruption and Bribery Bureau (反贪污贿赂总局), created in 1995 by the legislative branch, the National People’s Congress, and operates under the Supreme People’s Procuratorate. It investigates corruption cases; and
- The Central Commission for Discipline Inspection (中国共产党中央纪律检查委员会, CCDI), created by the Chinese Communist Party (CCP or “the Party”). It enforces internal rules, which involves combating and investigating corruption and malfeasance in the Party. It is the most powerful agency among the three.

What Is Shuanggui?

“Shuanggui,” which literally means “double designation” (to appear at a “designated location” in a “designated” time), is a measure used by the Chinese Communist Party (CCP) to detain and investigate its members for alleged disciplinary violations. It dates back to 1990, during the rule of paramount leader Deng Xiaoping. Shuanggui, as a form of detention, has no basis in Chinese law. It is effectively a form of solitary confinement in unofficial and unmarked facilities for an indefinite period of time.

Who Runs Shuanggui?

The Central Commission for Discipline Inspection (CCDI), created in 1949 and currently headed by Politburo Standing Committee Member Wang Qishan, is the top body responsible for monitoring Party discipline, including corruption. It has 27 offices, and works under the

leadership of the CCP's Central Committee.⁴ President Xi Jinping's crackdown on corruption since late 2012 has mainly relied on the CCDI and its local counterparts.

At the local levels, CDIs are supervised by a “dual supervision system”— the Party committees at the same level, and the CDIs at a higher level.⁵ Although the two are supposed to be equally important, the local Party committee tends to wield more power. In order to reduce such local influences over the CDIs and strengthen central control, President Xi's anti-corruption campaign has sought to increase the power of the CCDI and vertical control of the CDIs.⁶ CCDI has established three internal offices bringing the total number to 12 and reassigned personnel and resources to increase their investigative capacity.⁷ It has also strengthened the practice of “stationing” (派驻) to inspect and spot-check corrupt practices in local governments and Party-state bodies across the country. In April 2014, the CCDI also established an internal division to supervise CDI officers, which handles petitions and complaints regarding its officers from the public.⁸

CDI officers at all levels are responsible for “upholding the Constitution and other statutes of the Party, checking on the implementation of the Party line, principles, and policies,” as well as organizing and coordinating anti-corruption work.⁹ In practical terms, officers are responsible for receiving complaints, filing cases, conducting investigations, and deciding on punishments for Party cadres. Allegations against officials often come from citizen petitions or complaints, while others are made by other

⁴ Chinese Communist Party Central Committee Decision on Establishing Central and Local Commissioners for Discipline Inspection (中共中央关于成立中央及各级党的纪律检查委员会的决定), issued on November 9, 1949; Central Commission for Discipline Inspection and Supervision Department Website: Institutional Framework (中央纪委监察部网站: 组织机构), http://www.ccdi.gov.cn/xxgk/zzjg/201403/t20140314_45334.html (accessed February 16, 2016).

⁵ Samson Yuen, “Disciplining the Party: Xi Jinping's Anti-Corruption Campaign and Its Limits,” *China Perspectives*, No.2014/3, p. 46.

⁶ Ibid.

⁷ Ibid.; Shen Nianzu (沈念祖), “‘Trilogy’ of Enlarging the Power of Local Disciplinary Commissions (地方纪委扩权 “三部曲”),” June 26, 2014, *Economic Observer* (经济观察报), <http://www.eeo.com.cn/2014/0629/262703.shtml> (accessed June 6, 2016). Under President Xi, the Party also empowered the Central Inspection Patrolling Group (CIPG, 中央巡视组), created by the Party's Central Committee in 2003 and independent of CCDI, to carry out “inspection tours” particularly of “leading cadres.” See Orville Schell, “Crackdown in China: Worse and Worse,” April 21, 2016, *New York Review of Books*, <http://www.nybooks.com/articles/2016/04/21/crackdown-in-china-worse-and-worse/> (accessed June 7, 2016).

⁸ “Disciplinary Commission Is Not Pure Land’ CCDI Issue Important Measures to Control Its ‘Own People’ (“纪委也不是净土” 中纪委出大招管住 “自己人”),” *The Procuratorate Daily* (检察日报), October 13, 2015, http://www.sec.com.cn/Nengzhelianxin_show.aspx?Typeld=99&Id=32950 (accessed October 3, 2016).

⁹ Constitution of Communist Party of China, art. 44.

branches of the Party, the government, or by superiors.¹⁰ CDI officers then decide which cases they need to docket (立案) and formally investigate, and which cases necessitate the use of shuanggui.¹¹ CDI officers then have to make an application to higher-level CDIs for approval to conduct shuanggui.

Why Use Shuanggui?

Some Chinese and international scholars of shuanggui attribute the adoption of this extralegal system to the collapse of communist regimes in the late 1980s and early 1990s in Eastern Europe and the former Soviet Union.¹² Their fall – which Chinese scholars blamed on corruption – is said to have focused the attention of the Chinese government on its own surging corruption.¹³ This “special situation” in this “special period” called for “special measures” to effectively address the rampant corruption.¹⁴ But other scholars have pointed out that the detention of Party members for disciplinary infractions has a long tradition within the CCP.¹⁵

Some scholars compare shuanggui to the restrictions on civil liberties in countries including the US and the UK after the September 11 attacks on the United States.¹⁶ Secretive measures that exist outside the formal legal system are powerful because, according to these scholars, they can obstruct communications between the officials under investigation and their accomplices as well as prevent these officials from exerting pressure on local law enforcement to thwart corruption investigations.¹⁷ In addition, this extralegal system can serve as a powerful deterrent for Party members in general.¹⁸

¹⁰ “Shuanggui Locations Revealed: Stuff Wrapped in Rubber to Prevent Suicides (揭秘官员双规地点：物品用橡皮包裹防止自杀),” *Jinghua Times* (京华时报), December 14, 2012, http://news.xinhuanet.com/politics/2012-12/14/c_124093197.htm (accessed November 11, 2015). Petitions are complaints filed by citizens and are handled by an administrative system--the State Bureau for Letters and Calls and local bureaus of letters and calls.

¹¹ Fenfei Li and Jinting Deng, “The Limits of the Arbitrariness in Anticorruption by China’s Local Party Discipline Inspection Committees,” *Journal of Contemporary China*, pp.2 and 7.

¹² Li Yongzhong (李永忠), “An Expedient Strategy during Transition towards a Rule of Law Society (向法制社会过渡的权宜之策),” *Chinese Cadres Tribune* (中国党政干部论坛), 2003 (9), p.13.

¹³ Ibid. See also A. Greer Meisels, What China Learned from the Soviet Union’s Fall, *the Diplomat*, July 27, 2012, <http://thediplomat.com/2012/07/what-china-learned-from-the-soviet-unions-fall/> (accessed September 26, 2016).

¹⁴ Li Yongzhong (李永忠), “An Expedient Strategy during Transition towards a Rule of Law Society (向法制社会过渡的权宜之策),” *Chinese Cadres Tribune* (中国党政干部论坛), 2003 (9), p.13.

¹⁵ Ibid.

¹⁶ Flora Sapio, *Sovereign Power and the Law in China: Zones of Exception in the Criminal Justice System* (Boston, MA, USA: Brill Academic Publishers, 2010), p.96.

¹⁷ Ibid.

¹⁸ Flora Sapio, “Shuanggui and Extralegal Detention in China,” p.21.

In other countries, law enforcement investigators use covert measures such as sting operations and wiretapping to uncover corruption. But in China, the Party has banned CDIs from having such power because these measures can cause “disturbance, paranoia, mutual suspicion” within the Party and damage “comrade relations.”¹⁹ While nothing prohibits the state agency, the procuratorate, from using such measures, it rarely does so and, even then, does so mostly for tracking down suspects rather than for gathering evidence.²⁰ As a result, corruption investigators rely on shuanggui and confession.

¹⁹ Peng Zhen, “A Number of Basic Issues in Improving Political-legal Work (搞好政法工作的几个基本问题),” Key Points of the Speech at the Central Political-Legal Committee (在中央政法委员会扩大会议上的讲话要点), Central Bibliography Publishing House (中央文献出版社), 1992.

²⁰ Li Ling, “The Rise of the Chinese Communist Party’s Disciplinary Institution 1927-2012 – The Operation of the Party Anticorruption Machine,” Working Paper, no. 1/2015, New York University Law School US-Asia Law Institute (New York University, 2015), https://www.academia.edu/10195921/The_Rise_of_the_Chinese_Communist_Party_s_Disciplinary_Institution_1927-2012_The_operation_of_the_Party_anticorruption_machine.

Evolution of Shuanggui

The predecessor of shuanggui, known as “lianggui (两规),” was first introduced in the 1990 Regulations on Administrative Supervision issued by the Ministry of Supervision for the purpose of summoning civil servants to answer questions in investigations about alleged misconduct.²¹ Article 21(5) of the 1990 Regulations on Administrative Supervision state that:

In investigating violations of the rules of administrative discipline, a supervisory organ may adopt the following measures... to order the persons suspected of violating the rules of administrative discipline to explain and clarify questions relevant to the matters under investigation at a designated time and place.²²

To appear at a “designated location at a designated time” became known as “lianggui.”

In 1993, the Ministry of Supervision merged with the CCP’s CCDI. Although the Ministry of Supervision and the CCDI continue to exist on paper as separate bodies, in practice they became one (合署办公), and the power of “lianggui” was transferred to the CCDI.²³

In 1994, the term “shuanggui” was introduced in the Regulations on Party Discipline (“1994 Regulations”). Article 28(3) states that, in the process of a disciplinary investigation, investigators can:

Require relevant people to explain issues relevant to the matters under investigation at a designated time and place.²⁴

In 1997, the 1990 Regulations on Administrative Supervision were replaced by the Law on Administrative Supervision. Due to a slight wording change in the law, “lianggui” became known as “liangzhi (两指).” Article 20(3) of the law enables officials of the Ministry of Supervision to:

²¹ However, scholars have also traced shuanggui to an earlier form of detention, “solitary confinement for investigation,” which was used to investigate political crimes and was abolished between 1978 and 1980. See Flora Sapio, *Sovereign Power and the Law in China*, p. 84.

²² Administrative Supervision Regulation of the People’s Republic of China (中华人民共和国行政监察条例), issued by the State Council, effective between December 9, 1990, and May 9, 1997, art. 21(5).

²³ Flora Sapio, “Shuanggui and Extralegal Detention in China,” pp. 11-12.

²⁴ Regulations on Case Investigation Work by the Chinese Communist Party Disciplinary Commission (中国共产党纪律检查机关案件检查工作条例), issued by Central Commission for Discipline Inspection (中共中央纪律检查委员会), effective since March 25, 1994.

Order persons suspected of violating the rules of administrative discipline to explain and clarify questions relevant to the matters under investigation at a designated time and place.²⁵

There are subtle distinctions between shuanggui and liangzhi. Liangzhi is for civil servants; shuanggui is used only for Party members. But because most civil servants are Party members, and because the CCDI is effectively the same agency as the Ministry of Supervision, the two terms are now used nearly interchangeably in popular discourse in China.²⁶

These measures were rejected as a form of detention. In 1997, the Law on Administrative Supervision prohibited the use of liangzhi as a form of detention.²⁷ In 1998, a circular issued by the CCDI also made similar prohibitions for shuanggui.²⁸ However, subsequent CCDI documents do not repeat this prohibition; they outline rules such as the facilities where shuanggui can be carried out, or for how long can Party members be subjected to shuanggui. In effect, the CCDI appears to implicitly endorse shuanggui as a form of detention in these later documents, contradicting both the 1997 law and its own 1998 circular.

How Many People Are Detained in Shuanggui?

In 2001, the CCDI began to log the numbers of people detained annually in shuanggui, though this information is not publicly available.²⁹ But available numbers from the CCDI about its investigations show a dramatic increase in the number of cases it has handled and investigated since President Xi initiated a crackdown on corruption in late 2012 (see Table 1).³⁰ Only a very small proportion of cases investigated by the CDIs were handed over

²⁵ Administrative Supervision Law of the People's Republic of China (中华人民共和国行政监察法), issued by the National People's Congress Standing Committee (NPCSC), effective since May 9, 1997. Translation excerpted from http://www.pkulaw.com/fulltext_form.aspx?Db=alftwotitle&Gid=18134.

²⁶ Though the public and the media tends to use “shuanggui” more, official documents appear to favor the use of the term “lianggui” regarding the same practice of detention and investigation of officials.

²⁷ Administrative Supervision Law of the People's Republic of China (中华人民共和国行政监察法), art. 20(3).

²⁸ Notice on a Few Questions Concerning the Use of “Liangzhi” and “Lianggui” Measures According to the Law by the Discipline Inspection and Supervision Organs (关于纪检监察机关依法采用“两指”“两规”措施若干问题的通知), issued by CCDI and the Ministry of Supervision (中共中央纪律检查委员会、监察部), on June 5, 1998.

²⁹ Flora Sapio, “Shuanggui and Extralegal Detention in China,” p.8.

³⁰ “Xi Jinping Vows ‘Power within Cage of Regulations,’” Xinhua, January 22, 2013, http://news.xinhuanet.com/english/china/2013-01/22/c_132120363.htm (accessed February 16, 2016). A useful graphic tool to analyze the campaign is provided by China File: see “Visualizing China's Anti-Corruption Campaign,” China File, January 21, 2016, <http://www.chinafile.com/multimedia/infographics/visualizing-chinas-anti-corruption-campaign> (accessed February 16, 2016). Although most involve lower level officials, the campaign also netted a sizeable number of “tigers,” or high-level officials, as promised by Xi.

to the procuratorates for criminal investigations, highlighting the important role played by CDIs in dealing with corruption.

Year	Reports of violations by Party members received by CDIs	Cases investigated by CDIs	Number of individuals punished internally	Number of individuals handed over to procuratorates for prosecution
2005 ³¹	N/A	147,539	115,143	15,177
2006 ³²	N/A	123,849	97,260	3,530
2008 ³³	N/A	143,000	151,000	N/A
2009 ³⁴	1,318,362	140,828	106,626	N/A
2010 ³⁵	N/A	139,621	146,517	5,373
2011 ³⁶	1,345,814	137,859	142,893	N/A
2012 ³⁷	N/A	170,621	179,648	N/A
2013 ³⁸	1,950,374	172,532	182,038	N/A
2014 ³⁹	2,720,000	226,000	232,000	12,000
2015 ⁴⁰	2,813,000	330,000	336,000	14,000

³¹ Flora Sapio, *Sovereign Power and the Law in China*, p. 98.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Chinese Academy of Social Sciences, *The Blue Book On Anti-corruption 2011* (反腐倡廉蓝皮书 2011 年度), Chinese Academy of Social Sciences Press (中国社科院出版社), p. 3.

³⁶ Chinese Academy of Social Sciences, *The Blue Book On Anti-corruption 2012* (反腐倡廉蓝皮书 2012 年度), Chinese Academy of Social Sciences Press (中国社科院出版社), p.9.

³⁷ “In 2013, Individuals Given Party and Government Disciplinary Punishments Increased by 13.3 percent Nationwide, Compared to 2012 (2013 年全国给予党纪政纪处分人数比 2012 年增 13.3%),” 中国网 (China Net), January 10, 2014, http://news.china.com.cn/txt/2014-01/10/content_31149235.htm (accessed October 3, 2016).

³⁸ “CCDI: Investigated 31 Mid-Level Management Cadres Suspected of Violating Laws and Disciplines in 2013 (中纪委: 2013 年查处涉嫌违纪违法中管干部 31 人),” Xinhua Net (新华网), January 10, 2014, http://news.xinhuanet.com/politics/2014-01/10/c_118914064.htm (accessed October 3, 2016).

³⁹ “Wang Qishan’s Work Report at the Fifth Session of the Eighteenth CCDI Meeting (王岐山在十八届中央纪委五次全会上的工作报告),” Xinhua News Agency (新华社), January 29, 2015, http://www.safe.gov.cn/resources/wcm/pages/wps/wcm/connect/safe_web_store/safe_web/node_jgdj/node_jgdj_xxzl/84f5fcoo4842db16ad2ead3fa4e6118/ (accessed October 3, 2016).

⁴⁰ “CCDI: Last Year over 5,400 Party Members ‘Surrendered Themselves’ to the CDIs (中纪委: 去年 5400 余党员干部向纪委“自首”),” *Beijing Times* (京华时报), January 25, 2016, http://news.china.com.cn/2016-01/25/content_37652703.htm (accessed October 3, 2016).

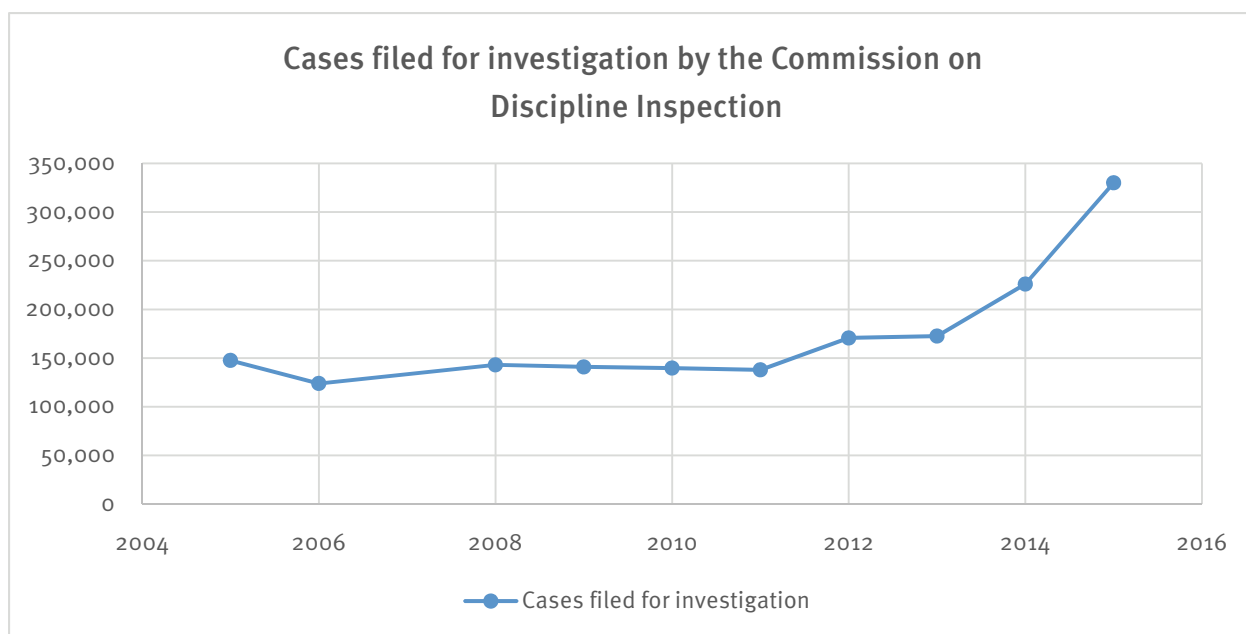


Table 1: Complaints received and investigated by the CDI as well as the number of Party members punished and transferred to state prosecution

Chinese shuanggui scholar Li Yongzhong estimates that between 10 to 20 percent of all cases investigated by the CDIs involved the use of shuanggui.⁴¹ If correct, that would equate to between 33,000 and 66,000 cases in 2015. Given that more than one person is investigated in many of the cases, the number of individuals put in shuanggui could be considerably higher. And with an increasing number of cases investigated by the CDIs since 2012, it is plausible that the number of individuals subjected to the shuanggui system has increased since then.

Shuanggui: Targets, Procedures, and Limits

Shuanggui targets only Party members. Although shuanggui was initially allowed for “everyone... who is knowledgeable about [a] case” in the 1994 Party Regulations,⁴² later circulars by the CCDI explicitly prohibit the use of shuanggui for non-Party members.⁴³

⁴¹ Ye Zhusheng (叶竹盛), “‘Shuanggui’ between Discipline and Law (纪律与法律之间的“双规”),” *South Reviews (南风窗)*, June 10, 2013, http://www.21ccom.net/articles/zgyj/ggzhc/article_2013061285404.html (accessed October 29, 2015).

⁴² Directive on Case-inspection Work for Party Discipline and Inspection Organs (中国共产党纪律检查机关案件检查工作条例), art. 28.

⁴³ Notice by CCDI on Further Standardizing the Use of “Lianggui” Measures (CCDI [2001] No. 15) (中共中央纪委关于进一步规范使用“两规”措施的通知)(中纪发[2001]15号), para. 1; Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection And Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见)(中纪发[2005]7号); Opinions on Perfecting the Coordination Mechanism in Case Investigation and Handling and

Legal scholars generally agree that the CCDI has progressively tightened the procedures governing shuanggui since its inception, often after deaths or other serious misconduct against shuanggui detainees were exposed.⁴⁴ The 2000 Party regulations, for example, narrowed the use of shuanggui to CDIs at the county level and above to only “complex” and “important” cases, and cases in which the CDI has already gathered sufficient evidence against the individual. Further circulars restrict the use of shuanggui to situations where a Party member fabricates or retracts a confession, and where the corruption in question is above a certain monetary value.⁴⁵

There are also rules regarding who carries out shuanggui. Those participating in shuanggui work must be “politically reliable,” have a “strong understanding of the law,” be healthy, and have a “strong work capacity.” They must also receive “requisite training.”⁴⁶ They must either be officials at Party organs or in the government, and not hired guards.⁴⁷

Two or more investigators must be present during interrogations.⁴⁸ If members of “other

Further Improving and Normalizing the Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005] 28号) .

⁴⁴ Flora Sapio, “Shuanggui and Extralegal Detention in China,” 2008; Wang Quanbao (王全宝), “Tightening ‘Shuanggui’: Transparency and Legality Are Directions (“双规” 从严: 透明度法制化是方向),” *Inewsweek* (中国新闻周刊), September 16, 2013, <http://politics.inewsweek.cn/20130916/detail-71416-all.html> (accessed February 11, 2016).

⁴⁵ Trial Measures by Discipline Inspection and Supervision Organs on Adopting “Lianggui” Measures (CCDI [2001] No.1) (纪检监察机关使用“两规”措施的办法试行) (中纪发[2001]1号).

⁴⁶ Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of “Lianggui” Measures (CCDI [2001] No. 15) (中共中央纪委关于进一步规范使用“两规”措施的通知) (中纪发[2001]15号); Opinions on Perfecting the Coordination Mechanism in Case Investigation and Handling and Further Improving and Normalizing The Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005] 28号). Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of “Lianggui” Measures (CCDI [2001] No. 15) (中共中央纪委关于进一步规范使用“两规”措施的通知) (中纪发[2001]15号); CCDI Regulation on Adopting “Lianggui” Measures (CCDI (2012) No. 12) (中央纪委关于使用“两规”措施的规定) (中纪发〔2012〕12号文件). Although the full text of the latter document is not publicly available, this particular provision can be found at: “Temporary Measures of Zhangjiajie City on Selecting and Sending Reserved Section Rank Cadres, Newly Hired Civil Servants to Attend Municipal Disciplinary Commission’s Case Handling Base and Study (张家界市关于选派处(科)级后备干部、新录用公务员到市纪委办案基地跟班学习暂行办法),” issued by CPC Zhangjiajie Municipal Commission for Discipline Inspection (中共张家界市纪律检查委员会)、Organization Department of CPC Zhangjiajie Municipal Committee (中共张家界市委组织部)、Zhangjiajie Municipal Supervision Bureau (张家界市监察局)、Zhangjiajie Municipal Human Resources and Social Security Bureau (张家界市人力资源和社会保障局) on August 6, 2013, <http://site.zjjyd.gov.cn/ydjwt/contents/9726/71454.html> (accessed October 3, 2016).

⁴⁷ Ibid.

⁴⁸ CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) (中共中央纪委关于进一步加强和规范办案工作的意见) (中纪发〔2008〕33号), paragraph 26.

agencies” are participating in shuanggui, the CDI officers must be the ones responsible for leading and organizing implementation of the measure.⁴⁹

In 1998, the Party instructed that no detention facilities should be established for shuanggui, and that CDI officers should not use the detention or office facilities of judicial or administrative authorities for this purpose.⁵⁰ But at the same time, the Party became increasingly concerned about shuanggui security. A 2000 circular specified that shuanggui should take place anywhere the CDI officers deem suitable, in which the “personal safety” of those under investigation can be ensured.⁵¹ Then, in a 2001 circular, the CCDI further required that shuanggui take place in a single-story building or the ground floor of a multi-story building to prevent unspecified “accidents.”⁵² A 2005 circular explained that such “security incidents” included suicides, as well as escapes and “deaths as a result of illnesses.”⁵³ These concerns mean that, despite a ban on building specialized shuanggui facilities, in practice, rooms used by CDIs for shuanggui are often designed or modified with security features, such as those described in the following article by the Linghai city CDI in Liaoning Province:

Established a standardized conversation space of 80 square meters, where a separate audio and video monitoring system is installed, equipped with a color monitor and 160 Gigabyte hard drive to guarantee 24 hours’ uninterrupted recording for up to one month. The place is also equipped with a wireless signal shielding device and emergency alarm device, in order to maximize its fulfillment of the safety needs of the conversation room. At the same time, for ensuring medical care of the conversation object, the municipal hospital opened an emergency green channel. A team

⁴⁹ CCDI and the Ministry of Supervision Notice on Correcting Using “Lianggui” “Shuanggui” (CCDI [2001] No. 4) (中共中央纪委、监察部关于正确使用“两规”“两指”措施的通知 (中纪发[2001]4 号)).

⁵⁰ CCDI and the Ministry of Supervision Notice on Several Issues on Discipline Inspection and Supervision Organs’ Adopting of “Liangzhi” “Lianggui” Measures According to the Law (中共中央纪律检查委员会、监察部关于纪检监察机关依法采用“两指”“两规”措施若干问题的通知), June 5, 1998.

⁵¹ Notice of the Central Office of CCDI on Printing and Distributing “the Measures for the Use of ‘Lianggui’ Measures by the Discipline Inspection Organs (for Trial Implementation)” (中共中央纪委办公厅关于印发《关于纪检监察机关使用“两规”措施的办法 (试行)》的通知) (The General Office of CCDI [2000] No. 1) (中纪办发 [2000] 1 号).

⁵² Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of “Lianggui” Measures (CCDI [2001] No. 15) (中共中央纪委关于进一步规范使用“两规”措施的通知), (中纪发[2001]15 号).

⁵³ Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发 [2005] 7 号).

of “accompanying and protection staff” (陪护人员, i.e. guards) is also set up for the purpose...⁵⁴

Although CDI investigations are meant to be separate from criminal investigations by state organs, CCDI directives also envision cooperation between CDI officers and the police, procuratorate, and courts. Relevant CDI and procuratorate circulars state that there should be evidence-sharing among the CDI and state prosecutors.⁵⁵ If, in the course of an investigation, CDI officers determine that a Party member’s misconduct constituted a crime under the law, they should transfer the case to the criminal justice system.⁵⁶ In cases in which the “demarcation” between disciplinary infraction and legal violations is not clear, the CDIs should investigate first, and “if necessary,” the procuratorate should also participate.⁵⁷ In “major and complex” cases, a joint investigation (联合调查) unit including the CDI, the procuratorate, and “other relevant judicial authorities” can be established. However, none of these directives explicitly authorize procurators or other state officials to participate in shuanggui.

Recent Changes to the Use of Shuanggui

In recent years, Chinese academics have speculated that the CCDI and the central government would “connect shuanggui with the law,” reduce its use, and eventually abolish the practice.⁵⁸

⁵⁴ Ning Xu (宁旭), “Normalization of Linghai Disciplinary Commission’s Safe Handling of Cases (凌海纪委安全办案常态化),” *Liaoning Daily* (辽宁日报), April 22, 2015, <http://www.lnsjjc.gov.cn/jz/system/2015/04/22/010001932.shtml> (accessed February 11, 2016).

⁵⁵ Directive on Case-inspection Work for Party Discipline and Inspection Organs (CCDI March 25, 1994) (中国共产党纪律检查机关案件检查工作条例) (中共中央纪律检查委员会 1994 年 3 月 25 日); Opinions on Perfecting The Coordination Mechanism in Case Investigation and Handling and Further Improving and Normalizing the Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005] 28 号).

⁵⁶ Art. 37, Directive on Case-inspection Work for Party Discipline and Inspection Organs (中国共产党纪律检查机关案件检查工作条例), issued on March 25, 1994 and effective from May 1, 1994.

⁵⁷ CCDI, Central Political-legal Committee, Organization Department of the CPC Central Committee, The Supreme People’s Court, The Supreme People’s Procuratorate (中央纪委、中央政法委、中组部、最高院、最高检), Several Opinions on Strengthening The Work of Punishing and Preventing the Crime of Dereliction of Duty (关于加大惩治和预防渎职侵权违法犯罪工作力度的若干意见).

⁵⁸ Mainland scholars have argued that the Party has issued increasingly stringent rules and procedures regulating the implementation of shuanggui to rein in abuses. Meanwhile, as the legal system becomes more “mature,” the government can then cease using this “transitional” practice relying instead on the law to deal with corruption. See Wang Quanbao (王全宝), “Tightening ‘Shuanggui’: Transparency and Legality Are Directions (‘双规’ 从严: 透明度法制化是方向),” *China News Weekly Net* (中国新闻周刊网), September 16, 2013, <http://politics.inewsweek.cn/20130916/detail-71416-all.html> (accessed July 21, 2016).

In 2012, some scholars had hoped that revisions to the Criminal Procedure Law (CPL) might provide a means for making shuanggui a legal measure.⁵⁹ In particular, they hoped that revising article 73, which allows three categories of criminal suspects, including those involved in “major corruption,” to be held in an undisclosed location for six months under “designated residential surveillance,” might create such a possibility.⁶⁰ Such hopes have also been pinned on President Xi’s January 2013 speech, in which he vowed to “use legal methods to fight against corruption.”⁶¹

In 2014 the Supreme People’s Procuratorate convened a meeting with legal experts to discuss reforms to shuanggui, including transferring the cases of offending officials directly to the procuratorate for investigation, rather than using the CDIs.⁶² In March 2016, the CCDI also published an article asserting that CDIs cannot become law enforcers, nor should Party disciplinary reviews become judicial investigations, sending further signals that perhaps it intends to reduce the use of shuanggui.⁶³ Yet there is little concrete evidence to suggest that the Party or the government intends to reform, reduce the use of, or abolish shuanggui.

In 2012, the CCDI issued “the Regulations of the Central Commission for Discipline Inspection on the Use of ‘Shuanggui’ Measure,” which appears to be the most recent

⁵⁹ He Xin (贺信), “Residential Surveillance at Designed Place: ‘Shuanggui’ Being Indirectly Incorporated into the Law (指定居所监视居住: “双规” 曲线入法),” *Caixin (财新)*, March 12, 2012, <http://china.caixin.com/2012-03-12/100367089.html> (accessed February 12, 2016). However, even if shuanggui is replaced by “designated residential surveillance,” the change is unlikely to lead to greater protections for suspects. After the 2012 CPL revisions, suspects under “designated residential surveillance” can be subjected to solitary confinement in an unknown location for six months, deprived of access to lawyers and families; in practice they are held under solitary confinement. This kind of detention amounts to enforced disappearance and is conducive to the use of torture.

⁶⁰ Ibid.

⁶¹ Wang Quanbao (王全宝), “Tightening ‘Shuanggui’: Transparency and Legality Are Directions (“双规” 从严: 透明度法制化是方向),” *China News Weekly Net (中国新闻周刊网)*, September 16, 2013, <http://politics.inewsweek.cn/20130916/detail-71416-all.html> (accessed October 3, 2016).

⁶² Jiang Xi (蒋曦), “Learning Knowledge| the Differences among ‘Shuanggui’ ‘Lianggui’ ‘Liangzhi (涨知识 “双规” 、 “两规” 、 “两指” 有何不同),” *澎湃新闻 (The Paper)*, October 21, 2014, http://m.thepaper.cn/newsDetail_forward_1272302?fromproxy=1 (accessed February 11, 2016); Wang Shu (王殊) and Xing Shiwei (邢世伟), “Expert Responded to ‘Shuanggui’ Step Down from the Stage of History : the Frequency Will Be Decreased (专家回应 “双规” 退出历史舞台: 频率将减少),” *Beijing News (新京报)*, <http://news.qq.com/a/20131120/001213.htm> (accessed February 11, 2016).

⁶³ “Inspection According To the Discipline Must Not Be ‘Judicial Investigation’ (执纪审查决不能成为 “司法调查”),” *China Discipline Inspection And Supervision Paper (中国纪检监察报)*, March 7, 2016, <http://www.chinanews.com/gn/2016/03-07/7786349.shtml> (accessed July 22, 2016).

procedural requirements for shuanggui, but the document is not publicly available, underscoring the lack of transparency regarding the practice's actual use.⁶⁴

According to a 2013 state press article, the CCDI has experimented with “open disciplinary hearings,” in which Party and non-Party members are allowed to attend.⁶⁵ The hearings, in which CDI officers make decisions after hearing from the accused Party member, who may be assisted by a fellow Party member who acts as a defender, and the CDI officers who conducted the investigation, have been run in 20 provinces since 2001. However, these remain experimental and they are confined to lower level CDIs.

Shuanggui under National and International Law

The Right to Liberty

As an extralegal system, shuanggui does not meet the requirements of China's constitution and laws on detention and treatment of individuals in custody. Shuanggui also violates China's obligations under international human rights law to protect the rights to liberty and security of the person.

Article 37 of China's constitution states that arrest and detention can only be carried out by authorized government bodies or the courts:

No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited.

The Chinese government has told the United Nations Committee against Torture (CAT) that shuanggui, specifically its variant lianggui, is “a legal system... based on explicit

⁶⁴ CCDI Regulation on Adopting “Lianggui” Measures (中央纪委关于使用“两规”措施的规定).

⁶⁵ Wang Quanbao (王全宝), “Tightening ‘Shuanggui’: Transparency and Legality Are Directions (‘双规’从严: 透明度法制化是方向),” September 16, 2013, <http://politics.inewsweek.cn/20130916/detail-71416-all.html> (accessed February 11, 2016). For more details about these hearings, see Xin Ming, “Hearing Disciplinary Cases in Public Provide a Platform for Party Members to Defend Themselves (党纪案件公开审理模式为党员搭建申辩平台),” *Southern Weekend*, April 4, 2005, <http://www.chinaelections.org/article/118/8550.html> (accessed September 9, 2016).

provisions in national laws.”⁶⁶ Yet there are no national laws that specifically provide for the system.

Shuanggui is carried out by the Party, not any of the government authorities recognized under the constitution. The practice also contravenes the Law on Legislation, which requires that any “mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person” can only be governed by law.

The CCDI has no law-making power, and its regulations and directives on shuanggui are not laws. Even if the 1997 Law on Administrative Supervision, which establishes “lianggui,” could be construed as making the practice of shuanggui legal, this law also prohibits persons subjected to the practice from “be[ing] taken into custody or detained in disguised form.”⁶⁷

Finally, some legal scholars contend that shuanggui is lawful given the nature of China’s legal system. They argue that aside from the Constitution and national legislation, China is governed by a “plurality of legal orders,” including Party rules, that are legally binding on their own members because they have sworn obedience to Party discipline.⁶⁸ This approach is inconsistent with the rule of law central to international human rights law.

International human rights law, notably the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which China has signed but not ratified, prohibit arbitrary detention.⁶⁹ Detentions must be in accordance with the law and be appropriate, just, and predictable.⁷⁰ According to the UN Working Group on Arbitrary

⁶⁶ China’s Response to the List of Issues from the Committee against Torture, 2016, para. 17.

⁶⁷ Administrative Supervision Law of the People’s Republic of China (中华人民共和国行政监察法), art. 20(3).

⁶⁸ Flora Sapio, “On the legality of shuanggui,” “The Forgotten Archipelago” (blog), May 23, 2015, https://florasapio.blogspot.hk/2015_05_01_archive.html (accessed August 24, 2016).

⁶⁹ Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 9; International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, art. 9.

⁷⁰ See S. Joseph and M. Castan, *The International Covenant on Civil and Political Rights* (Oxford: Oxford Univ. Press, 3d ed. 2013), secs. 11.11 to 11.15.

Detention, deprivation of liberty is arbitrary “[w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.”⁷¹

The Working Group has also determined that detention is arbitrary when the detaining authority fails to observe, wholly or in part, the norms related to the right to due process.⁷² Under international human rights law, governments have the obligation to protect the rights of detained persons. Detainees have the rights to be informed of the reasons for their arrest; be detained by competent officials authorized for such purpose; be heard promptly before a judge; communicate with their family and others; access lawyers of their choosing; and be provided adequate medical care, among others.⁷³

Detainees in shuanggui are not afforded any real protections. The CCDI regulations and directives state that investigators should “announce the decision to investigate” to the shuanggui detainees but do not require them to communicate the reasons for arrests. Detainees have no right to lawyers and are also not heard by a judge unless they are formally transferred from shuanggui to the criminal justice process. As an expert on shuanggui has pointed out, these regulations and directives have left out “expressed rights to habeas corpus.”⁷⁴

The CCDI regulations say shuanggui detainees have a right to rest and access to prompt medical care, but do not define time periods or procedures for accessing care. And they also allow those in shuanggui to communicate with their families by telephone and letter and to

⁷¹ UN Working Group on Arbitrary Detention, “Fact Sheet No. 26, The Working Group on Arbitrary Detention,” <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf> (accessed February 12, 2016). The complete definition of arbitrary detention includes detention for exercising human rights.

⁷² Ibid.

⁷³ The detention authorities are also required to record the reasons of the detentions, identity of the law enforcement officers, the place of custody, the duration of interrogations and the intervals between them, as well as the identity of the interrogators, and have such information provided to those detained or their legal counsel; inform the detainees’ families about the detentions and when the locations of detentions change; provide a proper and free medical examination upon the commencement of the detention as well as free medical care whenever necessary, and make such medical records available; ensure that the place of detention is visited by a competent authority different from the one responsible for the detention; and ensure that detainees can complain about mistreatment to higher authorities. The government also has the obligation to ensure that the detention be subjected to control by judicial authorities. These principles are meant to be applied equitably without discrimination, including on the basis of political status. See: Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988).

⁷⁴ Flora Sapio, 2005.

meet with their families when such communications “do not impede the investigation.”⁷⁵ Human Rights Watch found these rights were rarely, if ever, respected in practice.

The regulations say that shuanggui detainees have the rights to be heard, to appeal, to personal integrity, and to not be deprived of property, but give few details about how detainees are to be informed of their rights, how the rights are to be protected, and what redress mechanisms are available to detainees.⁷⁶ As one scholar has emphasized, shuanggui in practice is characterized by the “suspension of all procedural rights” of detainees.⁷⁷

The length of detention in shuanggui can be indefinite. When shuanggui was first introduced in 1994, there was no limit on how long someone could be compelled to remain in the “designated place.” Although a limit of six months was introduced in 2005, a 2008 circular allowed this six-month period to be extended indefinitely if permission had been obtained from higher-level CDIs.⁷⁸

⁷⁵ Rules on the Application of “Lianggui” by Disciplinary and Inspection Organs (Provisional) (关于纪检机关使用“两规”措施的办法(试行)); Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of “Lianggui” Measures (CCDI [2001] No. 15) (中共中央纪委关于进一步规范使用“两规”措施的通知) (中纪发[2001]15号); Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发[2005]7号); Opinions on Perfecting the Coordination Mechanism in Case Investigation and Handling and Further Improving and Normalizing the Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005]28号).

⁷⁶ CCDI and the Ministry of Supervision Notice on Correcting Using “Lianggui” “Shuanggui” (CCDI [2001] No. 4) (中共中央纪委、监察部关于正确使用“两规”“两指”措施的通知) (中纪发[2001]4号); Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发[2005]7号); Rules on The Application of “Lianggui” by Disciplinary and Inspection Organs (Provisional) (关于纪检机关使用“两规”措施的办法(试行)); Opinions on Perfecting the Coordination Mechanism in Case Investigation and Handling and Further Improving and Normalizing the Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005]28号); Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发[2005]7号); CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) (中共中央纪委关于进一步加强和规范办案工作的意见) (中纪发[2008]33号).

⁷⁷ Flora Sapiro, *Sovereign Power and the Law in China*, p. 71.

⁷⁸ Opinions on Perfecting the Coordination Mechanism in Case Investigation and Handling and Further Improving and Normalizing the Application of “Shuanggui” (Central Office [2005] No. 28) (中央纪委关于完善查办案件协调机制进一步改进和规范“两规”措施的意见) (中办发[2005]28号); CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) (中共中央纪委关于进一步加强和规范办案工作的意见) (中纪发[2008]33号), paragraph 23.

The Right Not to be Tortured

China's constitution and laws and international human rights law prohibit torture and other ill treatment. However, even the grossly inadequate protections from torture provided by the Chinese criminal justice system are missing in the shuanggui system.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Convention against Torture"), to which China is a party, prohibits the use of torture, which is defined as the intentional infliction of pain or suffering, whether physical or mental, for the purpose of obtaining information or a confession, or as a punishment, by a public official or agent.⁷⁹ Also prohibited is cruel, inhuman, or degrading treatment or punishment, referred to as "ill-treatment."⁸⁰

Governments are obligated to ensure that any statement "made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."⁸¹ They are required to conduct "a prompt and impartial investigation" by "competent authorities" when they receive complaints of torture and punish "all acts of torture" in criminal law.⁸² Victims of torture should be given "fair and adequate compensation" as well as physical and psychological rehabilitation.⁸³ Similar obligations apply in cases of ill-treatment not amounting to torture.⁸⁴

The CAT has repeatedly raised concerns that provisions in Chinese law "do not include all the elements of the definition of torture set out in article 1 of the Convention."⁸⁵ The CAT has pointed out that the two relevant articles in China's Criminal Law (articles 247 and 248) criminalizing certain aspects of torture do not cover all "public officials and persons acting in an official capacity," a problem particularly pertinent with regard to CDI officers

⁷⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Convention against Torture"), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Article 1 defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

⁸⁰ *Ibid.*, art. 16.

⁸¹ Convention against Torture, art. 15.

⁸² Convention against Torture, art. 4 and 12.

⁸³ Convention against Torture, art. 14; Convention on the Rights of Persons with Disabilities, art. 16(4).

⁸⁴ Convention against Torture, art 15; Committee against Torture, General Comment No. 2, Implementation of article 2 by States parties, U.N. Doc. CAT/C/GC/2 (2008), para. 3.

⁸⁵ Committee against Torture, Concluding Observations and Recommendations to China, 2016, para. 7.

who carry out shuanggui.⁸⁶ CDI officers do not fall under the definition of “judicial officials” under article 247 or “officers of institutions of confinement including prisons, detention house and detention centers, or other detainees at the instigation of those officers” under article 248.

Although Party rules require that confessions and witness statements obtained through corporal punishment, “corporal punishment in disguise,” threats, enticement, or deception in shuanggui be excluded as evidence against the investigated Party member, no procedures exist to exclude such evidence from shuanggui proceedings.⁸⁷

Solitary confinement of detainees is a central feature of the shuanggui system. Under international law, prolonged solitary confinement amounts to ill-treatment and may rise to the level of torture. The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) define solitary confinement as confinement “for 22 hours or more a day without meaningful human contact” and prohibits the use of prolonged or indefinite solitary confinement.⁸⁸ The UN special rapporteur on torture in 2011 issued a detailed analysis of the use of solitary confinement that concluded that solitary confinement causes severe physical and psychological harm.⁸⁹ The CAT has stated that the use of solitary confinement should be prohibited for pre-trial detainees.⁹⁰

The CAT has called on the Chinese government to “ensure that the practice of detaining officials for interrogation under the shuanggui disciplinary system is abolished and that any disciplinary proceedings are conducted with full observance of the requirements of fair and proper procedure, including the right to be legally represented.”⁹¹

⁸⁶ Ibid.

⁸⁷ CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) (中共中央纪委关于进一步加强和规范办案工作的意见) (中纪发〔2008〕33号).

⁸⁸ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 43 and 44.

⁸⁹ Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, Interim Rep. of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, U.N. Doc. A/66/268 (Aug. 5, 2011) (by Juan Mendez), paras. 76-77.

⁹⁰ UN Committee against Torture, Observations on the UN Standard Minimum Rules, para. 33 (“Solitary confinement should be prohibited for... pre-trial detainees.”)

⁹¹ UN Committee against Torture, “Concluding Observations and Recommendations to the People’s Republic of China,” U.N. Doc. CAT/C/CHN/CO/5, February 3, 2016, para. 45.

Abuses in Shuanggui

Since the founding of the state, we have always been against torture.... [The problem is] how to resolutely enforce policies and laws [on the one hand] while investigating the matter clearly on the other hand.... From the material [about this case], there was indeed the use of torture, which requires [us to pay] great attention as well as to research practical measures.

—General Secretary of the CCP Jiang Zemin, addressing “serious” shuanggui detainee abuse in shuanggui, December 16, 2000

As detailed below, the shuanggui system is rife with abuses, including denial of access to lawyers, indefinite solitary confinement in unofficial facilities, and the use of torture and ill-treatment.

Arbitrary Detention

Detention Facilities

In shuanggui, individuals are often detained in hostels and training facilities for Party cadres.⁹²

Yang Zeyu, a former official detained in shuanggui, told Human Rights Watch:

Once I got into the car, I realized we weren’t heading to the CDI’s office, but to a hostel.... [My room] was on the ground floor in the corner of a private hostel which has several floors.⁹³

⁹² Ye Zhusheng (叶竹盛), “‘Shuanggui’ between Discipline and Law (纪律与法律之间的“双规”),” *South Reviews* (南风窗), June 10, 2013, http://www.21ccom.net/articles/zgyj/ggzhc/article_2013061285404.html (accessed October 29, 2015).

⁹³ Human Rights Watch Interview with former detainee Yang Zeyu (pseudonym), December 3, 2015.

Bao Ruizhi, a former detainee, said:

I was detained in many different places...during shuanggui. I was detained in a hotel, in a Party school, in the “clean government education center (廉政教育中心),” and other buildings.⁹⁴

Zhou Feng, a lawyer who has represented several clients held in shuanggui since 2010, told Human Rights Watch:

There are all different kinds, one was held in a “clean government education center,” others were held in hostels. In some cases they were held in private residences.⁹⁵

The facilities are generally not formal detention facilities recognized under the law. They are not marked as detention facilities and their locations are usually kept secret. According to a lawyer who has represented six former CDI detainees:

The clients usually know where they have been taken, like the street number [of the building]... but the precise locations of these shuanggui facilities are confidential and not public, so we don’t know where they are.⁹⁶

Former shuanggui detainee Ren Zhiqing, said the detention facility he was brought to was not marked as such:

[The shuanggui location] has four signs, one says something like so-and-so Literature Society but none had anything to do with the CDI... it looked like a hostel, but no longer used anymore.⁹⁷

Some of the facilities are temporarily used for shuanggui, or have been converted to detention facilities with special features to prevent suicides or escape, often

⁹⁴ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

⁹⁵ Human Rights Watch Interview with Zhou Feng (pseudonym), a lawyer, December 2, 2015. He says he has represented between five and ten former shuanggui detainees since 2010.

⁹⁶ Human Rights Watch Interview with Zhao Lifeng (pseudonym), a Beijing-based lawyer, December 7, 2015.

⁹⁷ Human Rights Watch Interview with Ren Zhiqing (pseudonym), a former detainee, June 20, 2016.

euphemistically referred to as “security risks” (安全隐患) in official documents. A former procurator who was in charge of anti-corruption work in Beijing, Jiang Zhiyi, told Human Rights Watch:

[Shuanggui] is usually [carried out] in hotels or villas. There are designated places for it as well as places used temporarily for investigation. Places used temporarily are not [usually] modified; but some are modified to prevent the [shuanggui] detainees from committing suicide or from running away.⁹⁸

Mainland media have published information on the interiors of some of these facilities; the accounts describe isolated locations with rooms in which “all sharp points, except the floor, like the walls, tables and chairs, light switches, the doors and windows are wrapped in foam sponge.” With round-the-clock CCTV in the rooms and corridors, and “four doors from the room door to the courtyard... all a CDI detainee can manage is to stay inside the room,” and escape is not possible.⁹⁹ All “power cables are concealed, not exposed; bathrooms should have no locks”; and there should not be “any points from which one can hang from in the bathroom.”¹⁰⁰

Upon entering the shuanggui room, the individuals are searched and their belongings – including anything that can be used to communicate with the outside world – are confiscated.

Former detainee Yang Zeyu recounted:

Like during a forced search, they took away my bank card, money, belt, mobile phone, keys, glasses, everything... they took them away without giving any reason.¹⁰¹

⁹⁸ Human Rights Watch Interview with former procurator Jiang Zhiyi (pseudonym), December 15, 2015.

⁹⁹ Li Peng (李鹏), “What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验),” January 24, 2015, *Zhihu Daily*, original has been deleted but a copy is available at: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch. A photographic “tour” of a shuanggui facility was published by another blogger, Chu Zhaoxian, in April 2011. Dui Hua, “Official Fear: Inside a Shuanggui Investigation Facility,” July 5, 2011, <http://www.duihuajournal.org/2011/07/official-fear-inside-shuanggui.html> (accessed October 4, 2016).

¹⁰⁰ “The Emergence and Use of ‘Shuanggui’ (“双规” 的产生和运用: 揭开 “双规” 面纱), *Qilu Evening Paper* (齐鲁晚报), August 7, 2009, <http://politics.people.com.cn/GB/1026/9809170.html> (accessed June 28, 2016).

¹⁰¹ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

Fang Guoshan, a former detainee who is currently in prison, wrote in a statement which his family gave to Human Rights Watch:

Once I stepped into the shuanggui room, I became a criminal. I have no freedom, no human rights, and definitely no dignity. [They] took away my belt, my shoes; except for the pajamas I have on, they have all [my] belongings.¹⁰²

Some of these objects appear to be taken away to prevent suicides. A CDI officer discussed the importance of ensuring nothing in detainees' possession creates that possibility:

[We] have heard previously that someone put chopsticks up into his nose and suddenly stabbed himself to death. It's absolutely not permissible to give him [a CDI detainee] chopsticks; we can't let him come into contact with anything that can be used for suicides.¹⁰³

Lack of Formal Notification

CCDI regulations require officers to inform those they are taking into custody that they are being investigated. But publicly available documents do not spell out exactly how those being investigated should be notified.¹⁰⁴ Former detainees told Human Rights Watch that they were whisked away by CDI officers without being informed that they were subjected to shuanggui, or even that they were being investigated or detained at all.

Said Yang Zeyu:

They didn't say anything [about shuanggui]! I went to the office that morning... and my manager told me that... CDI officers were downstairs and they wanted to ask me about something. So I went... I saw several people

¹⁰² Statement by Fang Guoshan (pseudonym), undated. Fang's family gave a copy of the statement to Human Rights Watch in December 2015.

¹⁰³ Li Peng (李鹏), "What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验)," January 24, 2015, *Zhihu Daily*, original has been deleted but a copy is available at: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch.

¹⁰⁴ Art. 25, CCDI, Directive on Case-inspection Work for Party Discipline and Inspection Organs (中国共产党纪律检查机关案件检查工作条例), March 25, 1994; art. 5, Notice of The General Office of CCDI on Printing and Distributing "The Measures for the Use of "Lianggui" Measures by the Discipline Inspection Organs (for Trial Implementation)" (中共中央纪委办公厅关于印发《关于纪检机关使用“两规”措施的办法（试行）》的通知) (The General Office Of CCDI [2000] No. 1).

from the CDI and the procuratorate. They said they wanted to “learn about some issues.” I responded, “Well, why don’t you ask me now?” They said, “No, get into the car first...” They told me someone had reported to them that I had serious “economic problems” and that they had to investigate, but they didn’t say it was shuanggui.¹⁰⁵

Said Ren Zhiqing:

I was told by the CDI to go to the Organization Department, but when I was at the Organization Department I was stopped [by CDI officers]. The officers told me I had to go and deal with some petition-related matters. I went into their car... At the time, I thought I was only assisting an investigation; I did not know if it was about me or about someone else.¹⁰⁶

Once they are taken into the shuanggui facility, most are informed that they are being subjected to shuanggui at some point. But when and how they are informed varies. The notification may be verbal at first. Ren Zhiqing recounted:

Two days after I went in [the shuanggui facility], they announced that I had been put in shuanggui, but there was no written notification.¹⁰⁷

Two former shuanggui detainees said they saw some form of written notification of their detentions, but were not given copies. As one explained:

[T]hey told me I was being subjected to shuanggui on the second day. They showed some kind of shuanggui form quickly... but [the interrogator] didn’t give me the form...I didn’t see the contents clearly.¹⁰⁸

¹⁰⁵ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹⁰⁶ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

¹⁰⁷ Ibid.

¹⁰⁸ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

Similarly, Ren Zhiqing said:

I said, “You locked me up like a criminal, with no paperwork or process, of course I won’t submit...” [So] three days into shuanggui, he announced to me that the CDI had put me in shuanggui. He wanted me to sign [a document] saying that I was suspected of such-and-such economic problems. But they did not give me a copy of it.¹⁰⁹

In other cases, the term “shuanggui” may be mentioned but it is often unclear to the shuanggui detainees if the procedure has formally begun. In some cases shuanggui detainees said the term was never invoked, even where CDI officers carried out the detentions, leaving the detainees in the dark as to whether they were, in fact, actually being subjected to shuanggui. Instead, the CDI officers sometimes opted to use vaguer language such as that they were being “investigated by the organization [the Party]” or that they had to “cooperate with the investigation.”

In a rare TV program on his experience during shuanggui, a former deputy county chief in Guizhou Province, Xiong Zumo, said:

[The CDI officers] came in... and said if I didn’t confess within the next half hour, they’d shuanggui me... but nobody announced [formally to me] that I had been put in shuanggui; nor did I see any documents saying so. And I didn’t sign any shuanggui documents.¹¹⁰

Liu Deshan, a former judge, told the media that, when he arrived at the hotel following the CDI’s instructions, he was not allowed to leave:

I asked [the CDI officers], “What paperwork do you have?” They didn’t answer me. I asked them, “What is this deprivation of liberty?” They said, “You need to cooperate with the investigation... and tell what you need to tell...” I knew about shuanggui, but shuanggui requires strict procedures

¹⁰⁹ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

¹¹⁰ “Deputy County Magistrate Punished for Bribery under Torture, the Procuratorate Withdrew Charges after He Was Held for Two Years (副县长被逼供受贿获刑 关押两年后检方撤诉),” December 26, 2014, *Phoenix Satellite Television*, http://phtv.ifeng.com/a/20141226/40921364_0.shtml (accessed January 8, 2016).

and approval, they should notify and ask the person to sign the paperwork, but as for me, nobody ever told me if it was “shuanggui...” In the end, they didn’t announce anything, didn’t tell me which unit they were from, they didn’t say anything.¹¹¹

Lawyer He Gang, who has represented more than a dozen former officials who were subjected to shuanggui, said:

Regarding notification, there’s a lot of different situations. In some cases, they notify you, in some they won’t, they just say you made such and such mistakes.¹¹²

Even in cases in which shuanggui detainees were notified that they were being put in shuanggui, they were rarely informed of precise charges but instead told to “talk about their problems.” Liu Deshan said:

I asked, “Why was I detained?” They told me, “You have to cooperate with the investigation and give an account of your issues, think about it and say what you have to say...” I asked, “Say what?” and they said... “You should know that yourself.”¹¹³

Similarly, former shuanggui detainee Ren Zhiqing said:

They did not need to have a reason! He told me to explain. I didn’t know what they wanted me to explain. The next day after I went in, I said I really did not know, so they forced me to say I’d received 10,000 RMB [US\$1,503].¹¹⁴

¹¹¹ Liu Chang (刘长), “30 Years of Experience in Court Cannot Be Compared to 19 Months of ‘Shock Education’? Court President Seeks the Public as Witness: What Did I Do That Was Illegal (30 年坐堂审案, 不如 19 个月 “震撼教育” ? 法院院长公开求证: 我有何违法),” *Southern Weekend (南方周末)*, May 11, 2012, <http://www.infzm.com/content/75067> (accessed January 8, 2016).

¹¹² Human Rights Watch Interview with Lawyer He Gang (pseudonym), December 9, 2015. He has represented over a dozen shuanggui victims since 2010.

¹¹³ Liu Chang (刘长), “30 Years of Experience in Court Cannot Be Compared to 19 Months of ‘Shock Education’? Court President Seeks the Public as Witness: What Did I Do That Was Illegal (30 年坐堂审案, 不如 19 个月 “震撼教育” ? 法院院长公开求证: 我有何违法),” *Southern Weekend (南方周末)*, May 11, 2012, <http://www.infzm.com/content/75067> (accessed January 8, 2016).

¹¹⁴ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

In some of these cases, those detained are not informed until days after their initial detention. Said former detainee Chen Juyang:

After they subjected me to illegal detention for 40 some days, and after a written confession consistent with their demands had been completed, they took out the “shuanggui” written notification and forced me to sign.¹¹⁵

Chen also told Human Rights Watch that there was no date on the notification he signed. The interrogators, who would not let him write down the date, later backdated the case. Lawyer Huang Xinyao, who has handled more than a dozen shuanggui cases since 2010, described a similar situation:

In some cases [I worked on], they started shuanggui even before they docketed the case (立案) [with the disciplinary commission], violating their own rules. In one case, they docketed the case only after the person had been in shuanggui for two to three months, and the CDI then got his case backdated.¹¹⁶

All of the family members Human Rights Watch spoke with said they were not formally informed of the shuanggui detentions, though they eventually managed to find out from their loved one’s colleagues, or by contacting the CDI. But none received paperwork. Xiao Lingling, wife of a former official who is currently imprisoned, said:

My husband gave me a call and told me that the CDI officers came to “learn about problems” and that he’d had to assist the investigations... He didn’t come home for a few days, so I gave the CDI a call. They told me that my husband had “severely violated the law and the regulations...” [B]ut they never explicitly notified me, nor used the term shuanggui... They didn’t tell me where he was going... or provide any paperwork.¹¹⁷

¹¹⁵ Human Rights Watch Interview with former detainee Chen Juyang (pseudonym), June 30, 2016.

¹¹⁶ Human Rights Watch Interview with Huang Xinyao (pseudonym), December 8, 2015.

¹¹⁷ Human Rights Watch Interview with Xiao Lingling (pseudonym), December 10, 2015.

Chen Shan, the wife of Luo Fan, a Party member who was subjected to shuanggui in Zhejiang Province, said:

He was in a meeting in [a City] at the time, and he called me to say he had been called to another meeting in the county... Then he did not go home, I could not find him, so I contacted his work unit. His work unit said he had been asked to clarify problems at the CDI... but they did not say he was subjected to shuanggui. I couldn't get in touch with him the whole time [during shuanggui], his phone was off.¹¹⁸

Prolonged Indefinite Detention

In an analysis of a sample of 380 shuanggui cases reported in the press between 1990 and 2005, the scholar Flora Sapio found that CDI detainees were held “between two days to more than one year, with the average period of detention being between three and six months. Longer periods of detention were, on the whole, more common than shorter ones.”¹¹⁹ Interviewees told Human Rights Watch that there are cases of Party members being held for as long as one year. In one case reported by the press and examined by Human Rights Watch, a former vice mayor of Wenzhou City, Ye Jiren, was held in shuanggui for 14 months between 2011 and 2012.¹²⁰ Two academics who have interviewed disciplinary commission officers on shuanggui concluded:

The interviewed officials believe... shuanggui could last forever, and officials subjected to shuanggui likely think the same. In current practice, shuanggui has, or at least seems to have, no real time limit, according to our interviews. As the interviewed officers mentioned, the lack of a time limit is the most important value of shuanggui; this policy makes it more likely that confessions will be obtained.¹²¹

¹¹⁸ Human Rights Watch Interview with Chen Shan (pseudonym), wife of Luo Fan (pseudonym), December 15, 2015.

¹¹⁹ Flora Sapio, *Sovereign Power and the Law in China*, p.101.

¹²⁰ “Puzzles Surrounding the Case of Former Deputy Mayor of Wenzhou Ye Jiren Cannot Be Solved, It May Be a Wrongful Case (温州市前副市长叶际仁案迷雾难解或是冤假错案),” Renmin Forum Net Henan Channel (人民论坛网河南频道), July 20, 2013, <http://hn.rmlt.com.cn/a/20130720/11663.html> (accessed January 11, 2016).

¹²¹ Fenfei Li and Jinting Deng, “The Limits of the Arbitrariness in Anticorruption by China’s Local Party Discipline Inspection Committees,” *Journal of Contemporary China*, vol. 25 (2016), p.5.

One former detainee said that he was told explicitly that he was not allowed to leave until he confessed:

They let me take a brief look at the shuanggui form, saying that they had applied for a period of two months [of shuanggui]. They also said that they could apply again and detain me indefinitely, that if I didn't explain the problem clearly, I would not be allowed to leave.¹²²

Another former shuanggui detainee said:

[They] didn't say how long I'd be detained. They can detain you for however long they want, [because] shuanggui is not bound by the law.¹²³

Lack of Evidence

In principle shuanggui is used to investigate disciplinary infractions – typically corruption – but in some cases shuanggui detainees are accused of other offenses, such as violations of the family planning policy. Allegations of those violations often come from citizen petitions or complaints.¹²⁴ A number of interviewees said that they were subjected to shuanggui after the CDI received such complaints. Said Yang Zeyu:

They said someone complained, and that I had to take the initiative to explain things. They used only this one line: To talk about my problems. [They told me] there was no choice... but they didn't give me any clues. I said, "What problems? I don't know what problems there are."¹²⁵

But some interviewees also said that the CDI officials are often seeking to advance their careers, or face pressure to fulfill quotas – either for a certain number of corrupt officials

¹²² Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹²³ Human Rights Watch Interview with former detainee, June 30, 2016.

¹²⁴ "Shuanggui Locations Revealed: Stuff Wrapped in Rubber to Prevent Suicides (揭秘官员双规地点: 物品用橡皮包裹防止自杀)," *Jinghua Times* (京华时报), December 14, 2012, http://news.xinhuanet.com/politics/2012-12/14/c_124093197.htm (accessed November 11, 2015). Petitions are complaints filed by citizens and are handled by an administrative system--the State Bureau for Letters and Calls and local bureaus of letters and calls.

¹²⁵ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

caught or a certain amount of corrupt money uncovered. According to a Beijing-based lawyer, Zhao Lifeng:

The CDI had handed down a quota that said that he [my client] was required to confess to having accepted one million RMB [US\$150,337] in bribes; that way, the case became a major case. They did not care whether or not there actually was a case, or if it was the truth. They had to achieve this quota.¹²⁶

Another Beijing-based lawyer, Du Qing, said:

The procurators told me that each one of them had quotas every year, and it varied from group to group; something like three or four [corrupt] people per person each year.¹²⁷

Said Yang Zeyu:

In the beginning, the colleague [who got us into trouble] was disciplined for faking his qualifications, but once he was detained [in shuanggui]... he made up stories saying he had received three houses as bribes... which makes it a major case. Therefore, the then Party secretary of the CDI, in order to earn a promotion, made a big splash publicizing the case in their local publications... and held press conferences. However, they needed evidence, such as to whom these houses were sold. They couldn't find a way to square the circle, so then [the allegation] became one of taking money from others.¹²⁸

Under President Xi's anti-corruption campaign, strengthened control by higher-level CDIs over lower-level CDIs has meant that there is keen competition among CDI officers, creating "a high level of pressure" on them to solve cases, according to a press report.¹²⁹

¹²⁶ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

¹²⁷ Human Rights Watch Interview with Du Qing (pseudonym), Beijing-based lawyer, January 4, 2016.

¹²⁸ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹²⁹ Chen Weishan (陈惟杉) & Dong Xianping (董显平), "Internal Organs of 31 Provincial Commission for Discipline Inspection Adjust, Adding 61 Disciplinary Inspection Rooms (31 省级纪委内设机构调整 新增 61 个纪检监察室)," The People's Net (人民网), <http://politics.people.com.cn/n/2014/0902/c70731-25583426.html> (accessed July 27, 2016). A 2010 state press article reveals that it was "an open secret" that procuratorates—which work with the CDIs-- impose "quotas in disguise" on lower

But some former shuanggui detainees believe that their detentions were politically motivated and not aimed at punishing disciplinary violations:

The whole thing was because they wanted to persecute my boss... they wanted to remove those who they don't like... Because I have worked for over a decade under him, they thought they could get something from me against him.¹³⁰

Three of the lawyers interviewed said that at least half of their shuanggui clients told them that cases were the result of retribution, but it was not possible to independently verify these claims.¹³¹

Detention of Families

Five interviewees – including one former detainee – told Human Rights Watch that CDI officers took into custody family members of shuanggui detainees as part of the investigation. Because the family members are not Party members they cannot be formally placed under “shuanggui,” but they were told that they had to “cooperate with the investigation.”

According to lawyer Du Qing:

There are family members who have been taken in for “chats,” the longest was a month. There was no formal procedure or due process; they only held them for these “chats.”¹³²

Human Rights Watch interviewed the wife of a former shuanggui detainee about her detention for a total of 22 hours in a shuanggui facility. Her brother-in-law was held for four days. Neither were Party members. Their treatment was similar to those subjected to shuanggui. She was not informed that she was being detained when she was taken into custody:

level counterparts, so they have to “catch a certain number of corrupt officials every year.” See He Zhongzhou (何忠洲), “Shanxi: Cannot ‘Schedule In Advance’ How Many Corrupted Officials to Seize (山西: 抓多少贪官不再“提前预定”),” *Southern Weekly* (南方周末), December 23, 2010, <http://www.infzm.com/content/53847> (accessed July 27, 2016).

¹³⁰ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

¹³¹ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016; Human Rights Watch Interview with Lawyer He Gang (pseudonym), December 9, 2015; Human Rights Watch Interview with Huang Xinyao (pseudonym), December 8, 2015.

¹³² Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

When they called me they were very polite, saying your husband had been arrested for almost a month, and we would like to report to you his situation. So I went.¹³³

She was brought to a newly built “Clean Government Education Center” in an isolated location in the city, and held in a room designed for shuanggui. There, she was orally abused by interrogators:

They... yelled at me saying I was a “corrupt element,” that I had damaged the interests of the state, they said a lot of abusive and harsh words...they made me sit in a chair, in front of it was a table, I wasn’t able to move my legs and felt horrible... they yelled, “Sit up right!” “Open your eyes to talk!” ... from 9 a.m. to 3 p.m. they yelled at me, they didn’t talk about anything specific. In normal cases if the police question you shouldn’t they ask you about how something happened or such details? But they didn’t, they only showed abuse.¹³⁴

She said the interrogators did not reveal their names:

They told me ... “We are [a City] CDI, we are afraid of nothing; we can even take you into custody!” ... This is the first time I heard them say that they were from the CDI. They didn’t tell me their names; I only found out afterwards.¹³⁵

Torture and Ill-Treatment

They kept telling me to “explain problems.”... How much money did I receive, what is my relationship with that woman, and so on. They made me make it up. I had to make it up – if I didn’t they’d beat me.¹³⁶

– Yang Zeyu, former CDI detainee, December 2015

All those interviewed by Human Rights Watch, except for a former procurator, said that shuanggui detainees are subjected to various forms of physical and psychological abuse, which include beatings, solitary confinement, prolonged sleep deprivation, extended periods in stress positions, exposure to extreme temperatures, deprivation of adequate food and water, and threats to their families. Lawyer He Gang told Human Rights Watch:

¹³³ Human Rights Watch Interview with Jiang Huiling (pseudonym), wife of a former official subjected to shuanggui, June 20, 2016.

¹³⁴ Human Rights Watch Interview with Jiang Huiling (pseudonym), June 20, 2016.

¹³⁵ Ibid.

¹³⁶ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

[They were] deprived of sleep in general... being deprived of sleep for dozens of days was common [in shuanggui]. In some cases, it was deprivation of food; some were threatened... Beating is common too. There was also a case in which the victim was fed drugs.¹³⁷

Bao Ruizhi, a former official, said:

I was not allowed to sleep; I had no food or drink, I was beaten... I was subjected to everything.¹³⁸

Lawyer Zhou Feng told Human Rights Watch:

The ways they were treated were all different. Some [interrogators] were more civilized; some more barbaric. In one case, the man was beaten to death... [I]n another involving an eviction officer and a farmer, they were beaten up... The clients told me about sleep deprivation, solitary confinement in windowless rooms in which you couldn't tell the difference between day or night.¹³⁹

Similarly, lawyer Zhou Lifeng said:

Being subjected to cold and hunger is quite normal... there are also [other forms of] torture, like being strapped to chairs, beaten, insulted, deprived of sleep... there are varying degrees of torture in the cases I have handled.¹⁴⁰

These descriptions are consistent with media reports documenting such abuses, as well as the findings of Flora Sapio's 2005 study on shuanggui, which details "sleep deprivation and harsh interrogation techniques," and "abusive treatment" including sleep deprivation,

¹³⁷ Human Rights Watch Interview with lawyer He Gang (pseudonym), December 9, 2015.

¹³⁸ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

¹³⁹ Human Rights Watch Interview with Zhou Feng (pseudonym), December 2, 2015. According to interviewees, almost all the individuals subjected to shuanggui are Party members, but there are isolated cases—in this case, a farmer—in which non-Party members are also subjected to it.

¹⁴⁰ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

“forced to stay in uncomfortable or painful positions for hours at a time,” and kicking and punching of detainees.¹⁴¹

One former procurator told Human Rights Watch that his “model unit” did not handle any cases passed on from the CDI officers that involved torture or abuse, though he said that in some cases, “some” sleep deprivation, primarily in the form of nighttime interrogations, took place during shuanggui.¹⁴²

Solitary Confinement

Shuanggui is, by definition, a form of solitary confinement.¹⁴³ Detainees are held on their own without contact with anyone except their captors, who follow and monitor them in shifts around the clock.

Said former detainee Yang Zeyu:

In the beginning there were three guards in one shift, and then later two guards in one shift, each shift lasts between six to seven hours. They watched you round-the-clock without one minute of rest, they follow you even when you go to the toilet.¹⁴⁴

Fang Guoshan, another former detainee, wrote:

The guards stuck to me around the clock. All my actions, including urinating and defecating required their permission. And they watched me every minute.¹⁴⁵

¹⁴¹ Flora Sapio, “Shuanggui and Extralegal Detention in China,” *China Information*, vol.22 (2008), p.19.

¹⁴² Human Rights Watch Interview Jiang Zhiyi (pseudonym), December 15, 2015.

¹⁴³ Flora Sapio, “Shuanggui and Extralegal Detention in China,” p.18.

¹⁴⁴ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹⁴⁵ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

According to lawyer Du Qing:

The guards were military police. They did not allow sleep, and they watched you around the clock. They changed shifts every two hours and 12 people were in one shift. One of the clients told me that he was guarded [by two people], one on each side, about a foot away from him.¹⁴⁶

None of the former shuanggui detainees interviewed by Human Rights Watch were allowed any contact with family members. Xiao Lingling, wife of shuanggui detainee Li Xinlin, told Human Rights Watch:

During the six months [my husband] was detained in shuanggui before his case went to the procuratorate... we were not able to contact him.¹⁴⁷

The setup of shuanggui rooms appears to be designed to create a sense of disorientation and helplessness for CDI detainees, presumably to pressure them into confessing. Some noted how small and oppressive their rooms were. According to Liu Deshan:

The room was very small. From the door to the other end is seven steps...the room had no windows.¹⁴⁸

Former detainee Xiong Zumo told the press:

The little room was only several square meters, it had no windows and no facilities, only a thin cushion on the ground... [it was] very small.¹⁴⁹

¹⁴⁶ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

¹⁴⁷ Human Rights Watch Interview with Xiao Lingling (pseudonym), December 10, 2015.

¹⁴⁸ Liu Chang (刘长), “30 Years of Experience in Court Cannot Be Compared to 19 Months of ‘Shock Education’? Court President Seeks the Public as Witness: What Did I Do That Was Illegal (30 年坐堂审案, 不如 19 个月 “震撼教育” ? 法院院长公开求证: 我有何违法),” *Southern Weekend* (南方周末), May 11, 2012, <http://www.infzm.com/content/75067> (accessed January 8, 2016).

¹⁴⁹ “Deputy County Magistrate Punished for Bribery under Torture, the Procuratorate Withdrew Charges after He Was Held for Two Years (副县长被逼供受贿获刑 关押两年后检方撤诉),” December 26, 2014, *Phoenix Satellite Television*, http://phtv.ifeng.com/a/20141226/40921364_0.shtml (accessed January 8, 2016).

These rooms are often modified, apparently to make shuanggui detainees lose their sense of time. According to Yang Zeyu:

Then they closed the door and the curtains, and I didn't know if it was day or night... The window has been modified to make it smaller, it is about 1.5 to 1.6 meters [above the floor], taller than a person so you can't see outside.¹⁵⁰

Similarly, Ren Zhiqing said:

[The room was] about nine square meters, everywhere was padded with foam covering; there was an air-conditioner and an exhaust fan. There was no day or night as the lights were lit all the time, there were no windows. Except at mealtimes when I kind of realized roughly what time it was, I didn't know if it was day or night.¹⁵¹

In some cases, CDI officers were instructed not to speak with the detainees, evidently to heighten the sense of isolation. According to one officer:

The accompanying care persons [euphemism for “guards”] also have strict requirements. They are not allowed to communicate with the [CDI] detainees except during questioning.¹⁵²

One shuanggui detainee described how he was not allowed any interaction with his captors, nor any other form of stimulation or entertainment. According to Fang Guoshan:

Except during interrogations, nobody was allowed to talk to me. There was no radio, music to listen to; no TV, books, newspapers, magazines and so on to read.¹⁵³

¹⁵⁰ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹⁵¹ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

¹⁵² Li Peng (李鹏), “What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验),” January 24, 2015, *Zhihu Daily*, original has been deleted but a copy is available here: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch.

¹⁵³ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

According to CDI officer Li Peng, the mental stress alone from being held in solitary confinement in shuanggui was normally enough to induce the desired confession:

I haven't seen anyone who can withstand confessing under this environment...It's depressing inside, just like being held in solitary confinement. You can't do anything... nobody talks to you, they don't give you magazines or newspapers, and you can only move within such a small room... The mental stress is more than enormous... In the cases I've handled, generally they collapse after persevering for three to five days, and they'd answer everything you ask, they'd be very cooperative. Those who manage more than a week are [already] tough guys.¹⁵⁴

Sleep Deprivation

They didn't let me sleep. I had a total of 10 days without closing my eyes.

—Yang Zeyu, former shuanggui detainee, December 2015

Sleep deprivation appears to be one of the most common means of torture for detainees in shuanggui, according to lawyers we interviewed. One, Huang Xinyao, said:

All my clients were mistreated, mostly in the form of sleep deprivation.¹⁵⁵

Zhang Rensen, a Beijing-based lawyer, told Human Rights Watch:

They make you “talk about things,” but do not let you sleep for a long time, or give you proper rest.¹⁵⁶

In some cases shuanggui detainees were not allowed to sleep at all for days. Others were allowed very little sleep. Ren Zhiqing said:

¹⁵⁴ Li Peng (李鹏), “What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验),” January 24, 2015, Zhihu Daily, original has been deleted but a copy is available here:

http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch

¹⁵⁵ Human Rights Watch Interview with Huang Xinyao (pseudonym), December 8, 2015.

¹⁵⁶ Human Rights Watch Interview with Zhang Rensen (pseudonym), a Beijing-based lawyer, Dec 11, 2015.

In the first eight or nine days, they required that I sit in certain ways and I wasn't allowed to move... I began to hallucinate, as if I had split into several people at once. This was because I was tired: sitting all day from 6 a.m. to 11 p.m., then being interrogated at 11 p.m., and only after that do they let you sleep.¹⁵⁷

According to former detainee Lu Yicheng:

The CDI officers used all kinds of methods to disturb my basic sleep...it was very hot, stuffy, and humid, and I was detained in a room without windows. [They] shined dozens of 1,000 watt lights on me at all times, and didn't turn them off at night so I [often] couldn't sleep at all. Even if they let me sleep, before I slept they made me drink large amounts of water before I could lie down, so that as soon as I closed my eyes I felt I had to urinate, so I couldn't sleep in peace. But when I was so extremely tired... and closed my eyes they'd shake my bed with a great force, pulled my mattress, or clapped their hands loudly on top of my head, so I couldn't sleep.¹⁵⁸

Fang Guoshan also described being deprived of sleep during shuanggui:

I had less than three hours of sleep a day; I went to sleep at 4 a.m. when the shift changed, and was made to get up before 7 a.m. During the days of "spot interrogations," I was not allowed to sleep for even one minute for several nights. And at other times I was not allowed to doze off.¹⁵⁹

¹⁵⁷ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

¹⁵⁸ Former official Lu Yicheng, who was held in shuanggui for over a month, in written testimony given to Human Rights Watch by his family in June 2016.

¹⁵⁹ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

In a media interview, former vice-mayor of Wenzhou City in Zhejiang Province, Ye Jiren said:

The longest... was six days and six nights of sleep deprivation. There was a stretch of 20 days in which I was only allowed to sleep three hours every day.¹⁶⁰

Stress Positions

Forcing shuanggui detainees to stand, sit, or maintain other positions for extended periods of time appears to be a common method of torture.

Chen Xiaoling, the daughter of a former shuanggui detainee who is now in prison, told Human Rights Watch about her father's experience:

He was forced to stand during shuanggui. They made him "reflect." He said he didn't do it... When he didn't admit it they made him stand for a long time, until he started hallucinating. After three to four days, they told him, "Why don't you admit it? If you admitted it then you could see your family."¹⁶¹

Former shuanggui detainee Yang Zeyu said:

I didn't confess, so he [the interrogator] made me stand until my legs were so swollen that I couldn't stand it. He told me to talk about my "problems," but he didn't say what they were, so [how did I know] what to say? Then four people came and told me directly saying I'd received houses [as bribes]... They made me stand... At the time to cater to them I'd say anything, no problem, I made it up all up.¹⁶²

¹⁶⁰ "Puzzles Surrounding the Case of Former Deputy Major of Wenzhou Ye Jiren Cannot Be Solved, It May Be a Wrongful Case (温州市前副市长叶际仁案迷雾难解或是冤假错案)," Renmin Forum Net Henan Channel (人民论坛网河南频道), July 20, 2013, <http://hn.rmlt.com.cn/a/20130720/11663.html> (accessed January 11, 2016).

¹⁶¹ Human Rights Watch Interview with Chen Xiaoling (pseudonym), daughter of Chen Yiwen (pseudonym), a former official in Henan Province, December 9, 2015.

¹⁶² Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

One former shuanggui detainee spoke of alternating periods of prolonged sitting and standing:

If you sit you have to sit for 12 hours straight, if you stand then you have to stand for 12 hours as well. So my legs became swollen, and my buttocks [started oozing pus]... They used gauze pads on my raw, festering buttocks.¹⁶³

Another, Lu Yicheng, described the brutality of forced sitting during his month-long detention in a shuanggui facility:

The CDI officers, in order to make me “confess my crimes,” forced me... a large man, to sit on a tiny, uneven, old plastic stool. They forced me to maintain the same exact posture they demanded, sometimes they made me sit on only one-third of that tiny stool, so that my buttocks were hanging on the edge of it. Like that, I sat for 10 to 20 hours... until my buttocks were raw and festering, with yellow pus oozing out.¹⁶⁴

Forced standing or sitting is often used in conjunction with sleep deprivation. Lawyer Du Qing told Human Rights Watch:

I had a case, the client said for the first eight days he could only sleep for an hour [each day]. For the remaining 23 hours he was forced to stand, and that he had to hold a book on his head without it falling. He stood for eight days and couldn’t stand it, and confessed to everything and to whatever they said. After he said it, he was allowed two hours of sleep every day. At that point his feet were swollen like an elephant’s, and he could no longer urinate.¹⁶⁵

¹⁶³ Human Rights Watch Interview with Chen Juyang (pseudonym), June 30, 2016.

¹⁶⁴ Written testimony of former official Lu Yicheng, copy on file at Human Rights Watch.

¹⁶⁵ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

The former President of Nanchang University spoke about his torture in court, according to a press report:

During shuanggui, he was forced to stand 10 days and 10 nights, “his feet became swollen like winter melon, and the blisters on his legs were as big as ducks’ eggs.” He was “deprived of sleep for seven days and seven nights” and subjected to “non-stop interrogations for five days and five nights.”¹⁶⁶

Lawyer Du Qing said in other cases, shuanggui detainees are strapped in “tiger chairs” – “interrogation chairs” used by the police to restrain and immobilize suspects. While Chinese officials have publicly claimed that tiger chairs are used for the “safety” and “comfort” of detainees, extensive Human Rights Watch research has shown that detainees in police custody are often strapped in these metal chair for hours and even days, deprived of sleep, and immobilized until their legs and buttocks are swollen.¹⁶⁷ Some shuanggui facilities are also equipped with these chairs, where shuanggui detainees are similarly immobilized for days. Du told Human Rights Watch:

Some of my clients were elderly, so they weren’t beaten up, but they were subjected to corporal punishment in disguise like tiger chairs...They’d immobilize you in a chair and not allowed you to move; sitting until your legs are swollen and your butt is bleeding.¹⁶⁸

According to a former police chief in Jiangxi Province:

For nine days and nine nights I sat in tiger chairs; and urinated and defecated into adult diapers...for over a hundred hours, whether it’s day or night, they took turns interrogating me.¹⁶⁹

¹⁶⁶ Wang Hui, “Two-Faced Zhou Wenbin: Was It a Case about Eroticism or Was He Framed? (舆论场里的双面周文斌，情色还是构陷?)”, December 30, 2015, Sina.com, <http://news.sina.com.cn/c/zg/2015-12-30/doc-ixneefs5448638.shtml> (accessed May 1, 2016).

¹⁶⁷ Human Rights Watch, *Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China*, May 13, 2015, <https://www.HumanRightsWatch.org/report/2015/05/13/tiger-chairs-and-cell-bosses/police-torture-criminal-suspects-china>.

¹⁶⁸ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

¹⁶⁹ Feng Jigang, “Defense Statement of the Corruption Case of a Certain Chief of an Anti-Drug Unit in a Public Security Bureau in Jiangxi (关于江西某公安局禁毒大队长 xxx 受贿一案)”, Beijing Boheng Law Firm, July 29, 2015, <http://www.bjbohenglaw.com/chenggongganli/247.html> (accessed December 17, 2015).

Deprivation of Adequate Water and Food

Official media reports claim that shuanggui detainees enjoy a “standard of food slightly better than their interrogators,”¹⁷⁰ or at least the same food as their interrogators.¹⁷¹ In one case, according to one of these reports, the interrogators ensured that the CDI detainee was able to eat dumplings – a treat – and other special side dishes, as he was held during the Chinese New Year holiday. In another press report, the interrogators ordered special noodles for another cadre detained on his birthday.¹⁷²

But several interviewees told a very different story. They said that water and food were used as a means of control and coercion. Yang Zeyu said:

In the beginning they let you drink water, but after three to four days, they said, “You want to talk about your problems?” and if you weren’t able to tell them, they didn’t let you drink it. If you did, he used one of those disposable cups to pour a little bit of water for you.¹⁷³

According to Fang Guoshan:

Drinking water is a luxury. Every day they give you only a small paper cup of water to drink, sometimes they don’t give you one drink of water for days... Whether water is given depends on whether the interrogators think I have behaved well.¹⁷⁴

¹⁷⁰ “Beijing Xicheng CDI: We Can Provide Cadres in Shuanggui with Special Favors Including Calling for Take-outs for Them (京西城纪委: 可给被双规干部开小灶叫外卖),” *Beijing Evening Paper* (北京晚报), January 6, 2015, http://news.southcn.com/china/content/2015-01/06/content_115731065.htm (accessed November 13, 2016).

¹⁷¹ Li Peng (李鹏), “What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验),” January 24, 2015, Zhihu Daily, original has been deleted but a copy is available here: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch.

¹⁷² “Beijing Xicheng Disciplinary Commission: Can Provide Special Favor And Call Take-out to Cadres in Shuanggui (京西城纪委: 可给被双规干部开小灶叫外卖).”

¹⁷³ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹⁷⁴ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

Similarly, Xiong Zumo told the media:

That day they didn't give me food... one or two people came in and said, "You have a good think here. Don't think about dinner. Once you've thought through your problems, we will bring you food."¹⁷⁵

Xiong said that they also deprived him of his medication, in addition to food, to force him to confess:

I said... please give me some medicine for my high blood pressure, but they didn't – they said if you give a good explanation, we'll go and buy you medicine.¹⁷⁶

Beatings

Several of those interviewed said disciplinary officers physically assaulted them or their clients. Lawyer Liu Yi told Human Rights Watch:

[One of my clients] was tortured very severely; he was forced to stand and was beaten, and they forced his legs against the wall into a split.¹⁷⁷

Former CDI detainee Yang Zeyu said:

They made me stand and if I sat down [the interrogator] would beat me, forcing me to stand.¹⁷⁸

¹⁷⁵ "Deputy County Magistrate Punished for Bribery under Torture, the Procuratorate Withdrew Charges after He Was Held for Two Years (副县长被逼受贿获刑 关押两年后检方撤诉)," December 26, 2014, *Phoenix Satellite Television*, http://phtv.ifeng.com/a/20141226/40921364_o.shtml (accessed January 8, 2016).

¹⁷⁶ Ibid.

¹⁷⁷ Human Rights Watch Interview with Liu Yi (pseudonym), a lawyer based in Beijing, December 8, 2015.

¹⁷⁸ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

The Price of Exposing Shuanggui: The Cases of Zhou Wangyan, Wang Qiuping, and Xiao Yifei

In 2014, a group of human rights lawyers helped publicize two cases of shuanggui that involved severe beatings and other torture of shuanggui detainees. The stories – of Zhou Wangyan, former director of the Land Resources Bureau of Liling City in Hunan province; and of Wang Qiuping, a Party secretary in Ningyuan, another county in Hunan province, and his deputy Xiao Yifei – were captured in their written statements and interviews with prominent lawyer Pu Zhiqiang, and in an article published by the Associated Press.¹⁷⁹ Zhou wrote that during the six months he was held in shuanggui, he was subjected to various forms of torture, including: being forced to stand straight for prolonged periods; drink dirty water; having over a dozen lit cigarettes stuffed into his nose and mouth so he was unable to breathe; and his face submerged in a sink full of water to simulate drowning.¹⁸⁰

He said he was also severely beaten:

They viciously whipped the bottom of my feet with a 4-6 mm steel rebar or a bundled iron wire, until my feet became badly mutilated.... I fainted twice.¹⁸¹

They also exposed him to extreme temperatures:

In August 2012, in the middle of the summer heat, they made me lie on a bench under which there is a pot of lit charcoal; then when I was so roasted that I was sweating all over, they poured cold water on my head; the cold water dripped into the brazier and immediately became steam, choking me and leaving me out of breath.¹⁸²

One of Zhou's legs broke from the torture, and he required crutches after his release.

During Xiao's 208-day detention in shuanggui, he was subjected to various torture methods. His captors beat him "like a live target," cuffing his hands and hanging the handcuffs on the window frame such that his feet barely touched the floor while he was beaten.¹⁸³ The officials – police officers brought in by the CDI

¹⁷⁹ Gillian Wong, "Chinese Officials Claims They Were Violently Tortured by Government," *Huffington Post*, March 9, 2016, http://www.huffingtonpost.com/2014/03/09/china-torture_n_4931398.html (accessed January 15, 2016).

¹⁸⁰ Zhou Wangyan (周旺炎), "180 Days of Darkness for Land and Resource Bureau Director Whose Leg Was Broken from Beatings (被打断腿的国土局长暗无天日的 180 天)," January 26, 2013, posted on his weibo, <http://tw.weibo.com/3260930623/3538721963580651> (accessed October 4, 2016).

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Lawyers Li Jinxing (李金星), Peng Kun (庞琨), Liu Jinbin (刘金滨), Xi Xiangdong (袭祥栋), Jiang Yuanmin (蒋援民), Zhang Weiyu (张维玉), Liu Sixin (刘四新), Long Zhongyang (龙中阳), Xie Yang (谢阳), Wang Haijun (王海军) and Li Zhongwei (李中

as part of the team of interrogators – whipped his palms and bottom of his feet with electric wires; held a bunch of lit cigarettes in front of his face so he could not breathe; and forced water down his nose to simulate drowning. They used a metal tool to pinch his skin in sensitive areas, including his genitals; starved him, and forced him to stand. Xiao also endured having cold air blown on him, and the humiliation of being denied clothing for the lower half of his body. Xiao said the torture caused dislocation and deformation of his spine, damage to the nerves in his fingers, and severe depression and anxiety.

Wang Qiuping reported being beaten so severely that he fainted three times, deprived of sleep, and given very little food during his 313 days in shuanggui.

All three were eventually released from shuanggui due to a lack of evidence – a rare development in the shuanggui system. Yet all three have since been re-incarcerated after their rare public campaign to obtain redress for their mistreatment. They filed repeated complaints with the CCDI, the procuratorate, and the Party's political and legal committees at various levels; hired rights lawyers to advocate for them; and gave interviews to the international press.

In 2015, Xiao and Wang were convicted of corruption and sentenced to prison terms of 13 and 20 years, respectively, while Zhou was awaiting trial at the time of writing. One of their lawyers, Pu Zhiqiang, was later convicted of "inciting ethnic hatred" and "picking quarrels" for a number of social media posts about other cases, and given a three-year suspended sentence.

Unqualified and Unprofessional Guards

During shuanggui, detainees are interrogated and guarded by CDI officers, who are supposed to have skills in “conducting conversations, collection of evidence and statements, as well as auditing accounts,”¹⁸⁴ and who are trained in the procedures and methods of the CCDI.¹⁸⁵ They are also guarded

伟), “Open Letter to The Central and Hunan Provincial Leadership Concerning Hunan Ningyuan County Ten More People Including Xiao Yifei Being Held Under Illegal Shuanggui (就湖南省宁远县肖疑飞等十余人被非法双规案致中央及湖南省各领导的公开信),” Innocent Project (洗冤网), August 17, 2014, http://www.xiyuanwang.net/html/hdsd_1253_1788.html (accessed June 8, 2016).

¹⁸⁴ “Anti-corruption Fist Tightened This Way – Tianjin Strengthens Coordination and Cooperation in Dealing with Cases, Forming Joint Force of Anti-corruption (反腐拳头是这样攥紧的——天津加强办案协调配合, 形成反腐败整体合力),” *China Discipline Inspection and Supervision Paper* (中国纪检监察报), May 12, 2014, <http://www.fjjc.gov.cn/html/tszs/20140512/1647183.html> (accessed September 9, 2016).

¹⁸⁵ Zhang Wei (张伟), “How Did China Discipline Inspection and Supervision College ‘Send Courses to Grassroots’?(中国纪检监察学院如何“送课到基层”?),” *Beijing Youth Daily* (北京青年报), July 26, 2015, http://epaper.ynet.com/html/2015-07/26/content_145675.htm (accessed September 9, 2016).

around the clock by individuals who are euphemistically referred to as “accompanying and protection staff” (陪护人员). According to article 27 of the No. 12 Document of the Central Disciplinary Commission, issued in 2012, these guards should be “chosen from the staff members of Party agencies or the government” and that these individuals should be “political reliable, have a strong sense of responsibility, [and be] capable and healthy.”¹⁸⁶

Official documents issued by CDIs and information from interviews with Human Rights Watch suggest that guards may be a mix of CDI officers, low-ranking Party cadres, newly hired civil servants, military police, former army officers, officials near retirement, and police officers.¹⁸⁷ In one case, one of the guards was a temporary worker seconded from the local family planning bureau.¹⁸⁸ In other cases, the shuanggui detainees simply did not know who the guards were, or where they had come from, because the guards would not divulge any information.¹⁸⁹ It appears the guards are usually an ad hoc collection of low-level Party and government officials.

Official documents suggest that some of these guards receive training on “the basic requirements and major missions of shuanggui, methods and discipline of ‘accompanying and protecting’ CDI detainees, as well as necessary emergency knowledge.”¹⁹⁰ Some of that training includes safety and first aid information.¹⁹¹ But these documents do not give information about how long these training sessions are, the precise curriculum of the training, or information on how they will be held accountable for abuses

¹⁸⁶ “Temporary Measures of Zhangjiajie City on Selecting and Sending Reserved Section Rank Cadres, Newly Hired Civil Servants to Attend Municipal Disciplinary Commission’s Case Handling Base and Study (张家界市关于选派处（科）级后备干部、新录用公务员到市纪委办案基地跟班学习暂行办法),” <http://site.zjjyd.gov.cn/ydjw/contents/9726/71454.html> (accessed October 4, 2016).

¹⁸⁷ “Temporary Measures of Zhangjiajie City on Selecting and Sending Reserved Section Rank Cadres, Newly Hired Civil Servants to Attend Municipal Disciplinary Commission’s Case Handling Base and Study (张家界市关于选派处（科）级后备干部、新录用公务员到市纪委办案基地跟班学习暂行办法),” <http://site.zjjyd.gov.cn/ydjw/contents/9726/71454.html> (accessed October 4, 2016); “Wuhe County Disciplinary Commission Implements Five Measures Together to Strengthen the Establishment and Management of the Team Accompanying Case Handling (五河县纪委五措并举加强办案陪护队伍建设管理),” <http://www.ahbbjjc.gov.cn/article.php?MsgId=180582> (accessed October 4, 2016); “Gusu District ‘Three Measures’ to Strengthen the Establishment of the Team Accompanying Case Handling (姑苏区 ‘三关’ 加强办案陪护队伍建设),” <http://lianshi.gov.cn/news/anjianchachu/2015-04-10/6157.html> (accessed October 4, 2016).

¹⁸⁸ Human Rights Watch Interview with Liu Yi (pseudonym), December 8, 2015.

¹⁸⁹ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

¹⁹⁰ “Wuhe County Disciplinary Commission Implements Five Measures Together to Strengthen the Establishment and Management of the Team Accompanying Case Handling (五河县纪委五措并举加强办案陪护队伍建设管理),” <http://www.ahbbjjc.gov.cn/article.php?MsgId=180582> (accessed October 4, 2016).

¹⁹¹ “Xinyu Municipal Disciplinary Commission Held Training for Newly Recruited Professional Case Handling Accompanying Staff (新余市纪委举办新进办案专业陪护人员培训班),” http://old.xylz.gov.cn/web/index.php?module=information02&act=show&database=information&co_id=9601 (accessed October 4, 2016); “Mingguang City Disciplinary Commission: Establishing A Reliable Case Handling Accompanying Team, Ensuring Safe and Civilized Handling of Cases in Accordance with the Discipline and the Law, (明光市纪委：打造过硬办案陪护队伍 确保依纪依法安全文明办案),” <http://zwgk.mgxzfz.gov.cn/openness/detail/5677bee17f8b9ab37f5af877.html> (accessed October 4, 2016).

during shuanggui. In any case, first aid skills and information alone are not likely to alter behavior in an abusive system where guards and interrogators are encouraged to coerce confessions from detainees.

Article 27 of Document No. 12 also prohibits the use of hired security guards or “bums” in shuanggui. But three interviewees told Human Rights Watch that they were guarded by such people, who had been hired temporarily or contracted from security companies.¹⁹²

In one county in Yunnan province, the CDI acknowledged the use of guards “whose level of professionalism isn’t high” and who “have not been trained comprehensively.” The CDI has also recognized that its ad hoc mix of guards means that “in handling specific cases, they have weak legal awareness or sense of discipline” which incurs “damage to the image of the CDI.”¹⁹³

The use of temporary, unprofessional workers without proper training in shuanggui contravenes international human rights standards, which require that staff in detention facilities be full-time professionals who are provided with training and who pass the relevant tests prior to the start of their jobs.¹⁹⁴ Such training should include the relevant national and international laws; the duties of guards including the prohibition of torture and mistreatment; first aid; and education about psychosocial and mental health issues.¹⁹⁵

Forcing Families to “Return Corrupt Money”

Eleven interviewees – including former detainees and family members – told Human Rights Watch that while detainees were held in shuanggui, CDI officers demanded that their families return money their relatives allegedly took. Families were told that complying would lead to better treatment for or release of the shuanggui detainees.

According to Yang Zeyu:

¹⁹² Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015; Human Rights Watch Interview with Zhong Ruhua (pseudonym), December 14, 2015; Human Rights Watch Interview with Liu Yi (pseudonym), December 8, 2015.

¹⁹³ Dali Prefecture Commission for Discipline Inspection (大理州纪委), “Thoughts on Addressing Hidden Problems at the Levels of Prefecture and County with Security Accompany in Handling Cases (关于解决州县两级案件查办中安全陪护隐患的思考),” October 5, 2014, <http://www.jjjc.yn.gov.cn/info-45-2959.html> (accessed October 3, 2016).

¹⁹⁴ UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), rules 74, 75, 76.

¹⁹⁵ Ibid.

[The CDI officers] asked our families to pay money... they were lying! They said something like the sooner they sent the money in, the sooner I'd be able to get out.¹⁹⁶

Some family members described this practice as akin to having their relatives held hostage for ransom. Jiang Huiling, wife of a former shuanggui detainee, said her husband made one phone call – the only one he was allowed to make during shuanggui – to his family to plead them to send money to the CDI so he could be released:

My husband called his family, asking them to give the money to the CDI. I told his family not to give... If you gave them [the money] then you're acknowledging [the alleged crime]. But they cried because they heard my husband's urgent tone, who said he did not want to stay in the CDI even one more day. Because people have died during shuanggui in the past, they kept saying, "But what if he dies? What if he dies?"¹⁹⁷

Meng Li, the wife of former official Lu Dezhi, who was subjected to shuanggui in Guangdong province, said:

They [the CDI] sent a letter to [my husband's] family asking them to "return money that he'd received..." The CDI also lied to my daughter, saying... your dad will be released after you've paid. So we paid immediately.¹⁹⁸

In these cases, while the officials were subsequently released from shuanggui, they were not clear of punishment – they were simply transferred to the criminal justice system for prosecution and imprisonment. It appears that the purpose of forcing family to hand in the money is to bolster the veracity of the authorities' claims about the case and to use it as evidence against the CDI detainees.

Ren Zhiqing said:

My family had thought that it was a temporary thing, that it'd be returned once everything was all right... They told me that my wife had paid... That money then became their evidence [for corruption] later.¹⁹⁹

¹⁹⁶ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

¹⁹⁷ Human Rights Watch Interview with Jiang Huiling (pseudonym), June 20, 2016.

¹⁹⁸ Human Rights Watch Interview with Meng Li (pseudonym), wife of former official Lu Dezhi (pseudonym), December 19, 2015.

¹⁹⁹ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

Deaths in Custody

When using shuanggui, there should be strict safety management plans, [including] effective measures to prevent suicide, self-mutilation, escapes, wounding others, [and] accidents such as deaths due to illnesses. A system of reporting security incidents to superiors [should be established]. Those responsible for breaking the rules leading to serious consequences should be investigated and held accountable.²⁰⁰

—An opinion document issued by the CCDI in 2005

There have been a number of deaths in shuanggui in recent years, many of which have attracted domestic media attention. Authorities typically state that the person died from “natural causes” such as heart attacks, or that they had committed suicide.²⁰¹

Along with torture and prolonged solitary confinement in shuanggui, contemplation of and attempted suicide appears to be a major problem. One former detainee was quoted in a press report:

At the height of their coercion, I had thought about tearing up my underwear into strips to strangle myself when the guards were dozing off in the middle of the night.²⁰²

CDI officer Li Peng wrote that some unspecified “improper methods” during shuanggui may have led to suicidal thoughts:

²⁰⁰ Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发[2005] 7号).

²⁰¹ Rates of suicides among government officials appear to have been higher than among the general Chinese population, and Xi's anti-corruption campaign may have been a contributing cause. Didi Kirsten Tatlow, “Spate of Suicides by Chinese Officials Tied to Drive Against Graft,” *The New York Times*, September 11, 2014; “The Media Analyzes over One Hundred Officials’ Suicide in Ten Years: Anti-corruption Is Not the Main Cause (媒体解析十年百余官员自杀：反腐并非主因), Yellow River News Net (黄河新闻网),” <http://gb.cri.cn/42071/2014/04/17/595154507793.htm> (accessed February 2, 2016). For international standards on prevention of suicides of individuals in custody, see World Health Organization, *Preventing Suicide in Jails and Prisons*, 2007, http://www.who.int/mental_health/prevention/suicide/resource_jails_prisons.pdf (accessed August 8, 2016).

²⁰² Dong Xianping (董显苹), “Official: Being Sentenced for Death Penalty with A Two-year Reprieve for Reporting Su Rong’s Wife (官员:因举报苏荣妻子被判死缓),” Tencent News (腾讯新闻), June 23, 2014, <http://news.qq.com/a/20140623/042163.htm> (accessed June 8, 2016).

Quite a few demonstrated suicidal tendencies during the investigation... some due to improper methods used by the investigators, while some were caused by other forms of mental stress.²⁰³

In another case, a former shuanggui detainee told Human Rights Watch that suicides are not easy in shuanggui, as guards were monitoring him around the clock and acted quickly to foil any attempts:

At the time, I was coerced to such an extent that I wanted to die... I saw a cup on the table, and I wanted to break it [to kill myself]. But the person [guard] might have seen me, so he immediately took it away.²⁰⁴

In our review of Chinese and foreign media articles published between January 1, 2010, and December 31, 2015, Human Rights Watch found reports on the cases of 11 individuals who died while in shuanggui custody, including one who died during CCDI interrogation.²⁰⁵ Initial official announcements about the deaths all said the detainees died from natural causes, suicides, or in one case, an “accident” of unspecified cause. In most of those cases, families were quoted in the media as having suspected torture, or pointed out injuries or other signs that are inconsistent with the official narrative.

²⁰³ “The Media Analyzes over One Hundred Officials’ Suicide in Ten Years: Anti-corruption Is Not the Main Cause (媒体解析十年百余官员自杀：反腐并非主因),” Yellow River News Net (黄河新闻网), <http://gb.cri.cn/42071/2014/04/17/5951s4507793.htm> (accessed February 2, 2016).

²⁰⁴ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

²⁰⁵ There were a number of other deaths in which officials died “during investigations by the Party,” but we have not included them in the table because it is not clear that they were being subjected to shuanggui at the time of death. Given the secrecy of shuanggui and the fact that families are often not formally informed at the start of the procedure, it is possible that some of these other deaths occurred during shuanggui.

Name	Location of shuanggui and death	Official explanation	Family suspicions (if any)	Authorities promised investigation?	Did the press report on the investigation results?	Accountability for perpetrators?
Ran Jianxin²⁰⁶ Year in Shuangui: 2010	Held in Enshi Tujia and Miao Autonomous Prefecture Disciplinary Commission Warning and Education Base, and then in the Badong County Procuratorate in Lichuan City, Hubei Province, where he died. ²⁰⁷	“He was not feeling well and died as a result of a heart attack.” ²⁰⁸	His family alleged that when they were permitted to see Ran’s body, they noticed blood seeping out from his nose and other orifices; he had bruises and burnt patches on his body.	Yes	The official forensic report says Ran died of “acute central respiratory and circulatory failure”; but there has been no public explanation about the exact circumstances of his death. ²⁰⁹	Ren Zhonghai, instructor at the Badong County People’s Procuratorate, was sentenced to three years in prison; Tan Faming, instructor at the Court Police, was sentenced to one year. The two officials who allegedly orchestrated the torture were not charged with any offense (see p. 71).

²⁰⁶ Shangguan Lanxue (上官兰雪), “Behind The Lichuan Massive Incident: Ran Jianxin’s Odd Death (利川群体事件背后: 冉建新的离奇死亡),” Southern News Net (南方新闻网), June 13, 2013, <http://news.qq.com/a/20110613/000795.htm> (accessed June 8, 2016); see also “Southern Weekend’s Withdrawn Manuscript: The Killing Li, The Grieved Chuan – An Official’s Abnormal Death (《南方周末》被枪毙稿: 夺命之利, 积怨之川——一个官员的非正常死亡),” RFI, June 16, 2011, <http://cn.rfi.fr/%E9%A6%96%E9%A1%B5/20110616-%E3%80%8A%E5%8D%97%E6%96%B9%E5%91%A8%E6%9C%AB%E3%80%8B%E8%A2%AB%E6%9E%AA%E6%AF%99%E7%A8%BF%EF%BC%9A%E5%A4%BA%E5%91%BD%E4%B9%8B%E5%88%A9%E7%A7%AF%E6%80%A8%E4%B9%8B%E5%B7%9D%E2%80%94%E2%80%94%E4%B8%80%E4%B8%AA%E5%AE%98%E5%91%98%E7%9A%84%E9%9D%9E%E6%AD%A3%E5%B8%B8%E6%AD%BB%E4%BA%A1> (accessed January 20, 2016).

²⁰⁷ Ran was subjected to shuanggui for half a year, during which he was tortured, before being transferred to the Badong County Procuratorate on May 13, 2010. Procurators informed his family on June 4, 2010, that Ran was “gravely ill.” Ran’s family found his body in Badong County Hospital. Liu Hu (刘虎), “Hubei Badong Anti-corruption Bureau Director Ran Jianxin Suspended, Died The Eve of Meeting His Lawyer (湖北巴东反贪局长被停职 冉建新死于律师会面前夕),” June 8, 2011, Sina Microblog, http://blog.sina.com.cn/s/blog_4982e8be01017n69.html (accessed June 8, 2016).

²⁰⁸ This is the explanation given to the family from the Party Secretary of the Political-Legal Committee of Badong County, “Hubei Official Suspected of Bribery Died Suddenly, Allegedly Left Last Words on Toilet Paper (湖北涉贿官员提审猝死 被指曾在卫生纸上留绝笔),” *Nanfang Metropolis Daily* (南方都市报), June 9, 2011, <http://news.sina.com.cn/c/2011-06-09/110022611579.shtml> (accessed January 20, 2016).

²⁰⁹ “The Case in Which Hubei Official Died When Being Interrogated Not in Hometown Announced Sentence Two Police Officers Sentenced (湖北官员异地受审死亡案宣判 2 名干警获刑),” *Yangtse Evening Post Net* (扬子晚报网), January 21, 2012, http://news.xinhuanet.com/legal/2012-01/22/c_122615810.htm (accessed April 3, 2014).

Liu Yunfeng²¹⁰ Year in Shuangui: 2010	Held and died in the Jinyi Hotel in Dengzhou City, Henan Province. ²¹¹	“Liu climbed the fence of the hotel and fell twice, hitting the concrete floor, causing head injuries.” When the authorities sent him to the hospital, he “jumped to his death from the 7 th floor.” ²¹²	His family said Liu was an optimistic man who enjoyed a happy family and life; they could not understand how 24 hours in shuanggui would have led him to suddenly decide to kill himself.	Yes	An autopsy was conducted, but the family was not able to hire its preferred forensic experts. But no information is publicly available about the autopsy or investigation.	No information
Zhao Ge²¹³ Year in Shuangui: 2011	Held and died in the Dengzhou Hotel, in Dengzhou City, Henan Province. ²¹⁴	The authorities said that “Zhao jumped to his death from the building during investigation by the CDI.” ²¹⁵	His family suspected foul play as Zhao was too big to have fit through the narrow window frames to commit suicide. ²¹⁶	Yes	No information	Three police officers reportedly were investigated by the procuratorate for “abuse of power” and “dereliction of duty.” The three were not investigated for torture because, according to the

²¹⁰ Kong Pu (孔璞), “Henan Official Died Abnormally During Investigation Official Claimed He Took Things Too Seriously (河南官员接受调查时非正常死亡 官方称其想不开),” China News Net (中国新闻网), January 14, 2010, <http://news.qq.com/a/20100114/000993.htm> (accessed June 8, 2016).

²¹¹ “Development No. 2 about ‘The Case in Which Liu Yunfeng Died during Shuanggui by Nanyang Disciplinary Commission’ (‘刘云峰被南阳纪委双规死事件’ 进展之二),” Sina Microblog, February 26, 2010, http://blog.sina.com.cn/s/blog_58b280edo1oogybo.html (accessed October 4, 2016).

²¹² “Following Henan Official’s Fell Dead: 110 Refused to Act As He Was under Investigation by the Disciplinary Commission (河南官员坠亡续: 110 因其被纪委调查拒绝出警),” *Southern People Weekly* (南方人物周刊), January 22, 2010, <http://news.sina.com.cn/c/sd/2010-01-22/164019526098.shtml> (accessed January 21, 2016); “Official under Investigation Died after He Broke the Windows and Fell from a Building” (河南受调查时死亡官员系撞破窗户坠楼身亡), January 15, 2010, <http://news.sina.com.cn/c/2010-01-15/085219474185.shtml> (accessed August 8, 2016).

²¹³ “Officials: Henan Dengzhou Anti-Drug Policeman Zhao Ge Died after Jumping off from a Building (官方称河南邓州禁毒民警赵戈系跳楼身亡),” China News Net (中国新闻网), July 17, 2011, http://news.ifeng.com/mainland/detail_2011_07/17/7742446_0.shtml?_from_ralated (accessed June 8, 2016).

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ “Further Development of the Case in Which Anti-drug Team Leader Fell Dead (禁毒大队长坠亡案余波未了),” *Legal Weekend* (法治周末), November 16, 2011, http://www.legaldaily.com.cn/legal_case/content/2011-11/16/content_3094404.htm (accessed July 15, 2016).

(Zhao Ge Continued)						procuratorate, there was “no evidence” to suggest that Liu had been tortured, and they were not investigated for “unlawful detention” because Liu was said to have participated in the investigation “voluntarily.” Human Rights Watch was unable to obtain further information on whether the three were prosecuted or sentenced.
Zhao Jianxin²¹⁷ Year in Shuangui: 2011	Died in Pinglu County People’s Hospital, Pinglu County, Shanxi.	Zhao “had jumped from between 6 th and 7 th floor of the hospital” where he had been receiving treatment for illnesses while in shuangui. ²¹⁸	No information	Yes	No information	No information

²¹⁷ Li Pengfei (李鹏飞) and Chen Wei (陈卫), “Following the Director of Shanxi Pinglu County People’s Congress’s Fell Dead: under Investigation for Bribery before His Death (山西平陆县人大主任坠亡续：生前因受贿接受调查),” China News Net (中国新闻网), December 10, 2011, http://news.ifeng.com/mainland/detail_2011_12/10/11237890_0.shtml (accessed June 8, 2016); see also, Yan Yaobin (晏耀斌), “Shanxi Official Grabbed Property without Paying, Mineral Worth 18 Hundreds Million Was Investigated, Jin Daoming Shield (山西官员 0 元夺价值 18 亿矿产被查 金道铭出手庇护),” Taihai Net (台海网), June 4, 2014, <http://i.ifeng.com/news/sharenews.f?aid=84090356> (accessed July 15, 2016).

²¹⁸ Ibid.

Wang Zhongping²¹⁹ Year in Shuangui: 2012	Died in Loudi City Hospital, Loudi City, Hunan. ²²⁰	Wang “hanged himself while taking a shower.” ²²¹	Wang’s family said that when they saw his body, in addition to a deep strangle mark on his neck, he had bruises and injuries on his arms, legs, and back that are not consistent with hanging. ²²²	Yes	No information	No information
Xu Xiangjun²²³ Year in Shuangui: 2012	Held and died in the Miluo Park Hotel in Miluo City, Hunan Province. ²²⁴	Xu jumped from a building. ²²⁵	No information	No		Families said they received a lump sum payment as unofficial compensation for his “accidental death.”

²¹⁹ Liu Zhu (刘柱), “A Hunan Loudi Bureau General under ‘Shuanggui’ Committed Suicide by Cutting Own Throat, Official Claimed Investigation Is in Progress (湖南娄底一“双规”局长自缢身亡 官方称正调查),” China News Net (中国新闻网), September 27, 2012, <http://www.chinanews.com/gn/2012/09-27/4218229.shtml> (accessed June 8, 2016).

²²⁰ Ibid.

²²¹ Ibid.

²²² “Hunan Retried Official Died during Shuanggui, There Were Wounds on His Body (湖南退休官员双规期间身亡 身上有伤痕), China News Net (中国新闻网), September 28, 2012, http://economy.gmw.cn/2012-09/28/content_5236610.htm (accessed July 15, 2016).

²²³ “Hunan Miluo City Housing Management Department Official Died after Jumping Off from a Building during Shuanggui (湖南汨罗市房管局官员在双规期间跳楼身亡),” Security Times Net (证券时报网), August 17, 2012, <http://finance.sina.com.cn/stock/t/20120817/093212878476.shtml> (accessed June 8, 2016).

²²⁴ “A Hunan Official Jumped Off from a Building during ‘Shuanggui’ Dead, Already Confessed Conducts Violating Disciplines (湖南一官员“双规”间跳楼身亡 已交代违纪行为),” *Beijing News* (新京报), August 17, 2012, http://news.xinhuanet.com/politics/2012-08/17/c_123594382.htm (accessed July 19, 2016).

²²⁵ Ibid.

Jia Jiuxiang²²⁶ Year in Shuangui: 2013	Died in Sanmenxia City Number 3 People's Hospital, Henan Province. ²²⁷	Heart attack	His face and head were swollen, and "there were obvious signs of having been beaten," according to one of his family members who was allowed to view the body.	Yes	No information	No information
Qian Guoliang²²⁸ Year in Shuangui: 2013	Died in Wuhan Tongji Hospital in Huangmei County, Hubei Province. ²²⁹	Qian died of "a sudden heart attack." ²³⁰	Qian's daughter alleged that her father's body had bruises and other injuries, including flesh on his buttocks so decomposed that bones were protruding from it. She suspects he was tortured.	Yes	An autopsy was conducted but no subsequent information is available.	No information

²²⁶ Sun Xuyang (孙旭阳), "Sanmenxia Intermediate Court President Died Ten Days after Being 'Shuanggui' (三门峡中院副院长“双规”十天身亡)," *Nanfang Metropolis Daily* (南方都市报), April 24, 2014, http://epaper.oeeee.com/epaper/A/html/2013-04/24/content_2514229.htm?div=-1 (accessed June 8, 2016).

²²⁷ "Deputy President of a Henan Court Died during Shuanggui, Might Be Due to Trouble after Challenging the Richest (河南法院副院长双规期间身亡 疑因挑战首富惹事)," *Zhongguo Taiwan Net* (中国台湾网), May 31, 2013, <http://politics.people.com.cn/n/2013/0531/c1001-21684062.html> (accessed July 19, 2016).

²²⁸ Zhan Caiqiang (占才强) and Wang Weikai (王伟凯), "Hubei Huangmei Seismological Bureau Director Died during Shuanggui, Crying Out a Grievance in Rescue (湖北黄梅地震局长双规期间身亡 抢救时挣扎喊冤)," *Nanfang Metropolis Daily* (南方都市报), June 20, 2013 <http://m.sohu.com/n/379316847/> (accessed June 8, 2016).

²²⁹ Xu Lixian (徐丽宪), "Seismological Bureau Director Died during Shuanggui (双规地震局长之死)," *Southern People Weekly* (南方人物周刊), June 30, 2013, http://www.nfpeople.com/story_view.php?id=4594 (accessed July 19, 2016).

²³⁰ Ibid.

Li Ming²³¹ Year in Shuangui: 2013-2014	Beijing	Heart attack ²³²	According to an “informed source” cited by Hong Kong media, Li Ming died after interrogators administered two injections of sedatives “to calm him” during interrogations because he had become “agitated.”	No	His body was only returned to the family on the condition that no autopsy would be conducted. ²³³	No information
Yu Qiyi²³⁴ Year in Shuangui: 2013	Died in Wenzhou Hospital of Integrated Traditional and Western Medicine, Wenzhou City,	Yu “died in an accident.” ²³⁶	Yu’s family says his body was covered in red bruises, and suspected that he was tortured and beaten to death.	Yes	The authorities conducted an autopsy despite objections from the family, who said that the forensic experts involved were not impartial. The family was not given the forensic	Six officials were convicted of “intentional injury” and sentenced to between 4 to 14 years in prison, but the family has publicly complained that at least three

²³¹ Suo Fei (索菲), “Chinese Film and Television Industry Famous Person Li Ming Suddenly Died during Shuanggui (中国影视界名人李明猝死于双规时),” RFI, January 21, 2014, <http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20140121-%E4%B8%AD%E5%9B%BD%E5%BD%B1%E8%A7%86%E7%95%8C%E5%90%8D%E4%BA%BA%E6%9D%8E%E6%98%8E%E7%8C%9D%E6%AD%BB%E4%BA%8E%E5%8F%8C%E8%A7%84%E6%97%B6> (accessed June 8, 2016).

²³² “Gallop Horse CEO Li Ming Died of Myocardial Infarction, Tong Dawei Mourned (小马奔腾董事长李明心肌梗塞去世 佟大为悼念),” *Yangtze Evening Post* (扬子晚报), January 3, 2014, <http://media.people.com.cn/n/2014/0103/c40606-24010476.html> (accessed July 18, 2016).

²³³ Suo Fei (索菲), “Chinese Film And Television Industry Famous Person Li Ming Suddenly Died During Shuanggui (中国影视界名人李明猝死于双规时),” RFI, January 21, 2014, <http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20140121-%E4%B8%AD%E5%9B%BD%E5%BD%B1%E8%A7%86%E7%95%8C%E5%90%8D%E4%BA%BA%E6%9D%8E%E6%98%8E%E7%8C%9D%E6%AD%BB%E4%BA%8E%E5%8F%8C%E8%A7%84%E6%97%B6> (accessed June 8, 2016).

²³⁴ “The Case in Which Official Died for ‘Waterboarding’ Sentenced, Official Kept Silence (官员“水刑”致死案判决，官方沉默),” Deutsche Welle, October 14, 2013, <http://www.dw.com/zh/%E5%AE%98%E5%91%98%E6%B0%B4%E5%88%91%E8%87%B4%E6%AD%BB%E6%A1%88%E5%88%A4%E5%86%B3%E5%AE%98%E6%96%B9%E6%B2%89%E9%BB%98/a-17156898> (accessed June 8, 2016).

²³⁶ “A Wenzhou Official Suddenly Died during Shuanggui, Body Full of Wounds (温州一官员双规期间意外死亡 身上伤痕累累),” *Jinghua Times* (京华时报), April 10, 2013, http://news.xinhuanet.com/legal/2013-04/10/c_124559856.htm (accessed July 18, 2016).

(Yu Qiyi Continued)	Zhejiang Province. ²³⁵				report, only the conclusion, which said he died by drowning; the family disputed the result, believing that he died as a result of beatings. ²³⁷	senior officials behind the alleged torture have not been held accountable.
Ding Ting ²³⁸ Year in Shuangui: 2014	Died in Bengbu Medical College Second Affiliated Hospital, Bengbu City, Anhui. ²³⁹	Ding “hanged himself using his shoelaces.” ²⁴⁰	Ding’s initial autopsy results showed signs of strangulation, rib fractures, and bleeding in the back, bladder, and chest. Ding’s wife is convinced that her husband could not have caused internal bleeding by himself.	Yes	The CDI promised further investigation, the results of which are not publicly available.	No information

International standards provide that all cases of death in custody should be subjected to “thorough, prompt and impartial investigation.”²⁴¹ The Party’s existing rules require that those responsible for “serious security incidents” be “held responsible,” but otherwise

²³⁵ “A Wenzhou Official Suddenly Died during Shuangui, Municipal Party Committee Established Special Investigation Team (温州一官员双规期间猝死 市委成立专案组调查),” *Jinghua Times* (京华时报), April 10, 2013, <http://fanfu.people.com.cn/n/2013/0410/c64371-21079777.html> (accessed July 19, 2016).

²³⁷ Xu Qianchuan (徐潜川), “The Regulation for ‘Shuangui’ (‘双规’之规),” *Caijing*, June 24, 2013, http://blog.caijing.com.cn/topic_article-151624-53396.shtml (accessed July 18, 2016).

²³⁸ Xie Yanzong (谢寅宗) and Liu Mingyue (刘明月), “Anhui Bengbu Disciplinary Commission Cadre Died Oddly during Investigation, The Family Claims That His Four Ribs Were Broken (安徽蚌埠纪检干部谈话期间死亡, 家属称死者四根肋骨断裂,” *The Paper* (澎湃新闻), January 16, 2015, http://www.thepaper.cn/newsDetail_forward_1294829 (accessed August 1, 2016).

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (“Principles on Extrajudicial Executions”), E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989), principle 9.

provide no details on how deaths during shuanggui should be handled or investigated.²⁴² In 9 of the 11 cases, authorities publicly promised an investigation when the death was announced. According to media reports, authorities conducted autopsies in only five of the cases, however, and there is no further information about the other cases. It is possible that the media may simply not have followed up on the other cases, but it is also possible that limitations on press freedom prevented them from doing so.

Human Rights Watch was able to speak with individuals connected with three of the deaths.²⁴³ In one case, the family faced difficulties getting access to the deceased's body. This was a problem also described by families in media reports of other cases: authorities tried to prevent family members from viewing or taking photos or videos of the body.²⁴⁴ Another problem is getting the police and the procuratorate to accept their cases and initiate formal investigations.²⁴⁵ According to a person knowledgeable about one of the cases:

The investigation working group was made up of the municipal CDI and Party Committee members... I do not know what investigation they conducted, as far as I know they didn't do anything... They did not docket the case in the beginning; they did that a month later. They should have docketed the case immediately after the person died... They did not provide

²⁴² Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) (关于纪检监察机关严格依纪依法办案的意见) (中纪发[2005] 7号).

²⁴³ In the other eight cases, we were unable to obtain relevant contact information, or the information we obtained was no longer valid.

²⁴⁴ Qian Haoping (钱昊平), "Henan Dengzhou Public Security Bureau Anti-drug Team Leader Fell Dead from a Hotel When under Investigation (河南邓州公安局缉毒队长接受调查期间宾馆坠亡)," Beijing News (新京报), July 16, 2011, <http://news.qq.com/a/20110716/000092.htm> (accessed October 4, 2016); Jing Song (靳松), "The Riddle Surrounding Anti-drug Team Leader's Death (禁毒队长死亡之谜)," Jinghua Weekly (京华周刊), (Vol. 13) 2011, http://paper.people.com.cn/jhzk/html/2011-08/01/content_965260.htm?div=-1 (accessed October 4, 2016); Sun Xuyang (孙旭阳), "Sanmenxia Intermediate Court President Died Ten Days after Being 'Shuanggui' (三门峡中院副院长“双规”十天身亡)," Nanfang Metropolis Daily (南方都市报), April 24, 2014, http://epaper.oeeee.com/epaper/A/html/2013-04/24/content_2514229.htm?div=-1 (accessed June 8, 2016); Huai Ruogu (怀若谷), "A Wenzhou Official Suddenly Died during Shuanggui (温州一官员双规期间猝死)," Jinghua Times (京华时报), April 10, 2013, http://epaper.jinghua.cn/html/2013-04/10/content_1981154.htm (accessed January 26, 2016); "Hubei Official Suspected of Bribery Suddenly Died during Interrogation, Allegedly Left Last Words on Toilet Paper (湖北涉贿官员提审猝死 被指曾在卫生纸上留绝笔)," Southern Metropolis Daily (南方都市报), June 9, 2011, <http://news.sina.com.cn/c/2011-06-09/110022611579.shtml> (accessed January 20, 2016).

²⁴⁵ Chen Fenggeng (陈凤庚), "Anti-drug Team Leader Fell Dead, Who Is Scared of Filing the Case? (禁毒大队长坠楼死亡, 谁惧怕立案?)," Hebei News Net (河北新闻网), July 19, 2011, http://comment.hebnews.cn/2011-07/19/content_2152104_2.htm (accessed January 26, 2016); Wu Yu (吴雨), "One More Chinese Official Died during (双规), Family Not Allowed to View Medical Record (又一中国官员双规期间死亡 不给家属看病历)," Deutsche Welle (德国之声), <http://www.canyu.org/n75483c11.aspx> (accessed January 26, 2016); Human Rights Watch Interview with Zhong Ruhua (pseudonym), December 14, 2015.

any evidence to the police. Their role was to conceal things from their superiors, deceive outsiders, and delay the family.²⁴⁶

Another challenge is getting an independent autopsy. As noted above, autopsies were conducted in 5 of the 11 cases reported in the media; in two of them, media reports stated that the families had objected because they were not able to choose the forensic experts themselves.²⁴⁷ According to a person knowledgeable about one such case:

The family had been insisting on an autopsy by a third party, but the [investigative] working group continued to delay it.²⁴⁸ They sent people from the provincial public security department to do the autopsy... who were not appointed by the family. Their aim was to control all the evidence. In the end, the family did not get the [autopsy] report, merely a conclusion.²⁴⁹

In the case of Li Ming, a well-known movie producer, the family was quoted by the press as saying that his body was only returned to them on the condition that no autopsy would be conducted. Those same reports detailed the police as having monitored the transportation and cremation of the body.²⁵⁰

Interrogators were put on trial and convicted for the deaths of detainees in only 2 of the 11 cases: the case of Ran Jianxin, a Party secretary in Hubei Province, and of Yu Qiyi, an engineer in Zhejiang Province.²⁵¹ In June 2011, thousands of people in the town where Ran

²⁴⁶ Human Rights Watch Interview with Zhong Ruhua (pseudonym), December 14, 2015.

²⁴⁷ “Following Henan Official’s Fell Dead: 110 Refused to Act As He Was under Investigation by The Disciplinary Commission (河南官员坠亡续: 110 因其被纪委调查拒绝出警);” Wang Shiyu (王世宇), “Forcible Autopsy Was Required for Wenzhou Official Died during ‘Shuanggu’ Family Refused (温州 “双规” 期间死亡官员被要求强行尸检 家属反对),” North Net (北方网), http://news.dayoo.com/china/201304/15/53868_30065155.htm (accessed January 26, 2016). Human Rights Watch has previously documented similar official obstructions to families seeking to hire independent forensic experts in cases where their loved ones die in police custody. Human Rights Watch, *Tiger Chair and Cell Bosses*, pp.50-51.

²⁴⁸ According to the interviewee, an ad hoc working group made up of the city level Party Committee and the disciplinary commission purportedly was established to investigate the death, but it did more to obscure and obstruct their quest for answers.

²⁴⁹ Human Rights Watch Interview with Zhong Ruhua (pseudonym), December 14, 2015.

²⁵⁰ Brice Pedroletti, La mort trouble d'un producteur de cinéma à Pékin, *Le Monde*, January 20, 2014, http://www.lemonde.fr/asie-pacifique/article/2014/01/20/la-mort-trouble-d-un-producteur-de-cinema-a-pekin_4350802_3216.html#2785799809769672660622746 (accessed November 18, 2015).

²⁵¹ “The Case in Which Hubei Official Died When Being Interrogated Not in Hometown Announced Sentence Two Police Officers Sentenced (湖北官员异地受审死亡案宣判 2 名干警获刑),” Yangtze Evening Post Net (扬子晚报网), January 21, 2012, http://news.xinhuanet.com/legal/2012-01/22/c_122615810.htm (accessed April 3, 2014).

had worked protested his death in custody, which local Hubei authorities had initially said was the result of natural causes. Following the protests, local authorities initiated an investigation into the death, and suspended and imprisoned some of those thought responsible.²⁵² Two officials – a procurator and a court police officer – were sentenced to three years and one year, respectively, for “torture to extract confession.” In documents written by Ran before his death and smuggled to his wife after he died, Ran alleged that his shuanggui detention and torture were authorized by Mou Laijun, the head of the investigations and a CDI officer, and Li Wei, the Party secretary of the city’s CDI. Ran claimed he was subject to these abuses in retaliation for work disagreements. Mou and Lai were not among those prosecuted, though they were earlier suspended and investigated.²⁵³

In Yu’s case, which was very well-documented in part due to the involvement of a number of human rights lawyers, six officials were convicted of “intentional injury” and sentenced to between 4 and 14 years in prison. However, Yu’s lawyers pointed out multiple procedural irregularities with the trial: the court had denied the lawyers access to all case files; had restricted the trial to the day of Yu’s death instead of his entire detention in shuanggui, during which he alleged he was repeatedly tortured; and failed to investigate and prosecute the top cadres responsible for the torture as suspects despite several lower officials testifying about senior officials’ culpability.²⁵⁴ The court also removed Yu’s lawyers from the trial for challenging the judges on these issues.

²⁵² “Southern Weekend’s Withdrawn Manuscript: The Killing Li, The Grieved Chuan – An Official’s Abnormal Death (《南方周末》被枪毙稿：夺命之利，积怨之川——一个官员的非正常死亡),” RFI, June 16, 2011, <http://cn.rfi.fr/%E9%A6%96%E9%A1%B5/20110616-%E3%80%8A%E5%8D%97%E6%96%B9%E5%91%A8%E6%9C%AB%E3%80%8B%E8%A2%AB%E6%9E%AA%E6%AF%99%E7%A8%BF%EF%BC%9A%E5%A4%BA%E5%91%BD%E4%B9%8B%E5%88%A9%E7%A7%AF%E6%80%A8%E4%B9%8B%E5%B7%9D%E2%80%94%E2%80%94%E4%B8%80%E4%B8%AA%E5%AE%98%E5%91%98%E7%9A%84%E9%9D%9E%E6%AD%A3%E5%B8%B8%E6%AD%BB%E4%BA%A1> (accessed January 20, 2016).

²⁵³ Ibid.

²⁵⁴ “Pu Zhiqiang: The Trial for The Case of Yu Qiyi Is As Fake As It for Bo Xilai (浦志强：於其一案同薄案一样是假审),” RFI, September 17, 2013, <https://webcache.googleusercontent.com/search?q=cache:VMgYChmtB80j:cn.rfi.fr/%25E4%25B8%25AD%25E5%259B%25BD/20130917-%25E6%25B5%25A6%25E5%25BF%2597%25E5%25BC%25BA%25EF%25BC%259A%25E6%2596%25BC%25E5%2585%25B6%25E4%25B8%2580%25E6%25A1%2588%25E5%2590%258C%25E8%2596%2584%25E6%25A1%2588%25E4%25B8%2580%25E6%25A0%25B7%25E5%258F%2588%25E6%2598%25AF%25E5%2581%2587%25E5%25AE%25A1+%&d=1&hl=en&ct=clnk&gl=hk> (accessed January 26, 2016).

Lack of Protection from Abuse

No Access to Lawyers

Party rules on shuanggui do not ensure access to lawyers for CDI detainees; indeed, the rules do not even mention lawyers. Former detainees and relatives told Human Rights Watch that when they asked for legal representation, they were told it was not possible.

Chen Shan, the wife of a former official who was subjected to shuanggui, told Human Rights Watch:

I appointed a lawyer immediately after [my husband] was subjected to shuanggui, but the lawyer wasn't allowed to meet him during shuanggui. The lawyer told us that there was no way to meet him during shuanggui and that it would only be possible after criminal detention.²⁵⁵

Former detainee Bao Ruizhi said:

[You] cannot appoint a lawyer during shuanggui. I've never heard of anyone appointing a lawyer [in shuanggui]... Getting a lawyer was impossible.²⁵⁶

Even when shuanggui cases are transferred into the formal legal system, access to a lawyer is not guaranteed.

If CDI officers determine in the course of shuanggui that a Party member's infraction constitutes a criminal offense, they are supposed to transfer the case to the procuratorate. Therefore, in some shuanggui cases, the Party member detained in shuanggui is physically moved from the shuanggui location to the procuratorate's office for interrogations for up to 24 hours, and then to detention centers managed by the Ministry of Public Security. Since few suspects are released on bail pending trial, nearly all such individuals are held in

²⁵⁵ Human Rights Watch Interview with Chen Shan (pseudonym), December 15, 2015.

²⁵⁶ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

detention centers until they get to see a judge, typically months after they first arrive in the detention center.

Once detainees are moved out of shuanggui and into formal criminal procedures, they are treated as criminal suspects. But there are two major differences in the handling of their cases and those of ordinary criminal suspects. One difference is that suspects coming via shuanggui are investigated by the procuratorate, which is charged with investigating crimes by officials, while the other suspects are investigated by the police.

The other difference is access to a lawyer. Ordinary criminal suspects, at least according to law, are allowed to meet with a lawyer as soon as they are first interrogated or held under any of the compulsory measures by the police or the procuratorate.²⁵⁷ However, for suspects in cases of “major corruption,” terrorism, and state secrets, lawyers must request permission from investigators before they can meet with suspects.²⁵⁸ “Major corruption” is defined as receiving over 500,000 RMB (about US\$76,000) in bribes.²⁵⁹ In these kinds of cases, procurators have the power to authorize lawyers’ access to clients; most lawyers we interviewed about shuanggui cases said that, in practice, such permission is not granted. Said lawyer Huang Xinyao:

Usually, I only represent them from the stage of review before prosecution [onwards]. I haven’t represented them during the [earlier] investigation stage... because they [the procurators] don’t let you meet them during investigation... it requires approval, but in 99 percent of the cases they do not approve it.²⁶⁰

Similarly lawyer He Gang told Human Rights Watch:

In most of the cases, I stepped in only at the trial stage... it is impossible to meet during the investigative stage. The Criminal Procedure Law says that

²⁵⁷ CPL, art. 33. Human Rights Watch has documented cases, however, in which police obstructed suspects’ access to lawyers in cases of torture. Many suspects also face practical difficulties in hiring independent lawyers. See Human Rights Watch, *Tiger Chairs and Cell Bosses*, pp. 57-59.

²⁵⁸ CPL, art. 37.

²⁵⁹ Rules for Criminal Procedure of the People’s Procuratorate (for Trial Implementation) [人民检察院刑事诉讼规则(试行)], art. 45.

²⁶⁰ Human Rights Watch Interview with Huang Xinyao (pseudonym), December 8, 2015.

they [the investigators] may [choose] not to approve [client-lawyer] meetings in serious corruption cases; in practice, they simply don't allow such meetings.²⁶¹

According to lawyer Zhang Rensen:

You can meet [the clients] at the stage of review before prosecution, but not before then. Because shuanggui is not a legal procedure, they don't let us meet [during shuanggui]; but even at the investigative stage [by the procuratorate], [client-lawyer] meetings in serious corruption cases still need approval.²⁶²

In some cases, lawyers told Human Rights Watch even when the amount of money involved was less than the required 500,000 RMB, the procuratorate still denied legal access. Lawyer Du Qing told Human Rights Watch that in a case she handled the procuratorate inflated the amount of the alleged bribe:

One case didn't exceed 500,000 RMB [in bribes], but they said it involved 600,000 RMB during the investigative stage. It became 200,000 RMB [only] after prosecution. The suspect even felt grateful to them as the amount was reduced. Yet some of the [original bribery amount] had been made up.²⁶³

According to lawyer Zhao Lifeng:

The criterion of "serious" is 500,000 RMB, but what often happens is that if a case does not reach this criterion...the investigative organ still does not allow you to meet [with your client]. And there are no effective channels to seek redress for that.²⁶⁴

²⁶¹ Human Rights Watch Interview with Lawyer He Gang (pseudonym), December 9, 2015.

²⁶² Human Rights Watch Interview with Zhang Rensen (pseudonym), Dec 11, 2015.

²⁶³ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

²⁶⁴ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

In these “major corruption” cases, typically suspects are not allowed to meet with their lawyers until months after they are transferred from shuanggui – leaving them incommunicado without the protections afforded by a lawyer for considerable periods of time. Meng Li, the wife of a Lu Dezhi, a former official, said:

After he was sent to the detention center, he was not allowed to meet the lawyer initially. The reason was that meeting with lawyers was not allowed in serious corruption cases. He met the lawyer after being held in the detention center for two months.²⁶⁵

Prior to being sent to the detention center, Lu had already been held in shuanggui for a month. This means he was held for a total of three months without any legal representation.

Xiao Lingling, wife of a former shuanggui detainee, said:

They did not allow him to meet with his lawyer because they said it was a serious corruption case... [A]fter his case was sent the procuratorate... it took five months until the investigative period ended, then he got to meet with his lawyer.²⁶⁶

In most of the cases we documented, interviewees said that CDI detainees were able to meet with their lawyers relatively promptly after investigations ended and they were admitted to the detention centers. In two cases, interviewees reported that the lawyers their families had hired were not independent, a common problem facing criminal suspects in China.²⁶⁷

²⁶⁵ Human Rights Watch Interview with Meng Li (pseudonym), December 19, 2015.

²⁶⁶ Human Rights Watch Interview with Xiao Lingling (pseudonym), December 10, 2015.

²⁶⁷ Human Rights Watch, *Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China*, May 13, 2015.

Said former detainee Yang Zeyu:

After... a few days I met the lawyer. The lawyer came accompanied by the procurators, so he could not say or ask anything... The lawyer seemed quite close with the procuratorate, so I changed to another one.²⁶⁸

Family member Chen Shan said:

The first lawyer was close to the procuratorate... so he hid a lot of things from us; we dismissed that one and appointed a second lawyer, who was more responsible.²⁶⁹

One lawyer told Human Rights Watch that he was hired by a family member to represent an official investigated by the CCDI, but was then quickly dismissed, as the CCDI put pressure on the family to ensure that only government-approved lawyers could represent the suspect.

Participation of Medical Professionals in Shuanggui

Under international human rights standards, all persons detained in any setting have a right to necessary medical care, regardless of whether they have requested it. Physicians should under no circumstances engage in, actively or passively, ill treatment or torture, and they have a duty to report such abuse. These are key safeguards against torture and mistreatment in detention.²⁷⁰

Although one Party directive states that detainees in shuanggui who are ill should be given “prompt access to medical care,” there are few publicly available details about the kind of

²⁶⁸ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

²⁶⁹ Human Rights Watch Interview with Chen Shan (pseudonym), December 15, 2015.

²⁷⁰ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 30, 31, 32, and 34; World Medical Association, “Declaration of Tokyo - Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment,” Tokyo, October 1975, <http://www.wma.net/en/30publications/10policies/c18/> (accessed August 8, 2016); UN General Assembly, “Principles of Medical Ethics,” Resolution 37/194, A/RES/37/194.

care to which CDI detainees are generally entitled, or which medical professionals should be engaged to provide that care.²⁷¹

Some local CDIs have announced measures requiring that doctors be stationed in shuanggui locations and creating “green channels” in local hospitals to allow CDI detainees quick access to medical care, and some media reports on shuanggui tout the presence of doctors in shuanggui locations as a means to ensure “safety.” But it is unclear how widespread these practices are; available CCDI rules do not give such details.²⁷²

In some shuanggui locations, the presence of doctors appears to be required, as in facilities operated by authorities in Hubei Province and Anhui Province, for example.²⁷³

Doctors stationed in these shuanggui locations are required to check the CDI detainees as they enter the facility. Jiang Huiling, who was interrogated in such a shuanggui facility, said that a doctor examined her and checked her blood pressure before interrogation commenced.²⁷⁴

In other cases, interrogators summoned doctors when shuanggui detainees were experiencing physical distress from illness or torture, according to interviews and media reports. According to a press report:

²⁷¹ CCDI and The Ministry of Supervision Notice on Correcting Using “Lianggui” “Shuanggui” (CCDI [2001] No. 4) (中共中央纪委、监察部关于正确使用“两规”“两指”措施的通知) (中纪发[2001]4号).

²⁷² “Problems and Suggested Strategies for Carrying Out CCDI’s Third Plenary Spirits in the Lianggui Review Work in Huangzhou District (黄州区两规审查工作贯彻中央纪委三次全会精神面临的问题及对策建议),” April 15, 2014, <http://www.hgjcc.gov.cn/Item/6782.aspx> (accessed January 20, 2016); Chen Renjie (陈仁杰) and Chen Huiting (陈惠婷), “Handling 232 Clues for Problems Being Transferred by the Central Inspection Team (中央巡视组进驻福建期间向福清移送 232 件问题线索处置),” *Fuqing Overseas Chinese Newspaper* (福清侨乡报), February 4, 2015, http://fq.fjsen.com/2015-02/04/content_15643485_all.htm (accessed January 20, 2016); “Normalization of Linghai Disciplinary Commission’s Safe Handling of Cases (凌海纪委安全办案常态化),” April 24, 2015, *Liaoning Daily* (辽宁日报), <http://www.lnsjjc.gov.cn/jz/system/2015/04/22/010001932.shtml> (accessed January 21, 2016); Li Peng (李鹏), “What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验),” January 24, 2015, Zhihu Daily, original has been deleted but a copy is available here: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch.

²⁷³ “Provincial Disciplinary Commission’s 2015 ‘Open Day’ Revealing the Mysterious Veil of Case Investigation Base for You (省纪委 2015 年“开放日”为您揭开办案基地神秘面纱),” Hubei Provincial Government Website (湖北省人民政府门户网站), http://www.hubei.gov.cn/gzhd/gzhd/201507/t20150729_696272.shtml (accessed June 28, 2016); “Improving Regulation and System, Strengthening Supervision of Case Handling (健全规章制度 加强办案监督),” *Lianghuai Disciplines* (江淮风纪), 2011(5).

²⁷⁴ Human Rights Watch Interview with Jiang Huiling (pseudonym), June 20, 2016.

When Xiong Zumo woke up again, he found that he had been brought back to that narrow dark room. An IV drip had been put in his arm, and a doctor was beside him.²⁷⁵

While Party documents say that medical professionals are to be present during shuanggui to improve “safety,” their role appears to be mainly to ensure that CDI detainees are fit for interrogations. It is unclear whether, in cases involving torture, doctors sought to halt the mistreatment of their patients. Former shuanggui detainee Yang Zeyu told Human Rights Watch that his legs swelled up because he was forced to stand for extended periods, and that while doctors came, they did little for him:

A doctor came in to check my blood pressure. I had no idea [which hospital] he came from... I didn’t recognize him. I was so dizzy. I only heard him say I had no problems.

Jiang Huiling also said that a doctor came when she complained of feeling unwell; upon checking her, he stated that she was fine, and interrogation and threats against her continued:

A doctor came to conduct a physical check-up on me after I fainted, and said that “everything was fine.” Then [the interrogators] said: “You’re faking illness, eh?” They said, “Sit up! Look at us! Cooperate or [you’re in for a rough time].”

One lawyer said that it was impossible for her client to complain to doctors about torture because of the presence of the officers who stood guard:

A doctor came to see him but he wasn’t able to speak with the doctor... as the CDI officers were standing next to him... [After he was released] we wanted to find that doctor to gather evidence. We went to the hospitals and described a doctor about 30 years old, but we couldn’t find him.²⁷⁶

²⁷⁵ “A Vice Mayor Subjected to Shuanggui (被“双规”的副县长),” Phoenix TV, December 25, 2014, <http://v.ifeng.com/documentary/figure/201412/033dd640-8a5d-4ce8-9ce2-4abce2f3af80.shtml> (accessed August 8, 2016).

²⁷⁶ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

Detainees whose cases are transferred to the formal criminal system from shuanggui have another opportunity to encounter medical professionals: a mandatory physical check upon admission to the detention centers to screen out those who should not be detained.²⁷⁷ The regulations do not require doctors to check for signs of torture and abuse, but the examination should provide an opportunity for doctors to note such signs. Previous research on police abuse by Human Rights Watch has shown that doctors typically do not check for signs of mistreatment or are too intimidated by the police to note them, and that police sometimes take preemptive measures to prevent doctors from seeing such signs.²⁷⁸

Two interviewees who were subjected to shuanggui in two different provinces described situations in which CDI officers took action to ensure that they were admitted to the detention centers.

Yang Zeyu said:

Near the end, when I was about to be transferred to the detention center, they thought if I had any injuries from beatings it wouldn't look good, so they let me sit. They let me sit with my legs lifted high up so the swelling would go down.²⁷⁹

Chen Juyang said:

After they had finished interrogating me they waited for the swelling in my legs to go down. Otherwise the detention centers would have refused to admit me.²⁸⁰

²⁷⁷ The purpose of the initial exam is to screen out from detention centers detainees who have psychosocial disabilities, those who have infectious diseases, those who are pregnant or breastfeeding, those who are too ill or too old, those who are injured or whose disabilities make them unable to care for themselves, and those whose continued detention could endanger their lives. The physical check-up prior to admission should include a blood pressure test, blood tests, ECG, ultrasound, and a chest X-ray, and medical staff should ask the detainees about their physical health, past illnesses, allergies, and family medical history. See Notice of the Ministry of Public Security on Standardizing and Strengthening of Management of Detention Centers to Ensure the Health of Persons in Custody (关于规范和加强看守所管理确保在押人员身体健康的通知), Ministry of Public Security, 2010.

²⁷⁸ Human Rights Watch, *Tiger Chairs and Cell Bosses*, pp.62-68.

²⁷⁹ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

²⁸⁰ Human Rights Watch Interview with Chen Juyang (pseudonym), June 30, 2016.

In another case, after the shuanggui detainee told the doctor conducting the physical exam that he was experiencing headaches, nausea, blurry vision, pain, wounds, bruises, and had difficulties moving his limbs and walking properly because of the beatings, the doctor initially refused to sign for him to be admitted into the detention center, saying he was “in a dangerous condition.” Eventually the doctor acquiesced after the procurator in charge of the case told her to sign the admission form.²⁸¹

Human Rights Watch was unable to interview any doctors who had participated in shuanggui or who had treated CDI detainees in detention centers.

Exploitation of Shuanggui by the Procuratorate

Shuanggui is above the law. But is the law higher or the Party higher?... If the procurators kill you, your family could seek accountability; but there is nothing anyone can do if it is the CDI officers who beat you to death.

– Yang Zeyu, former CDI detainee, December 3, 2015

In theory, shuanggui is an internal Party mechanism for addressing members’ infractions of Party discipline, and is separate from the formal criminal procedures. In practice, shuanggui interrogations and investigations by state prosecutors frequently overlap. Except for one case in which this information was not available, all of the former shuanggui detainees and family members interviewed by Human Rights Watch said procurators were involved in the interrogations during shuanggui, though the point at which procurators joined the shuanggui interrogations varied.

This practice is often referred to as a “joint investigation” involving the CDI and the procuratorate. A few interviewees also reported the participation of police during shuanggui through ad hoc investigative units sometimes referred to as “special investigation units” (专案组).

Because most courts refuse to review what takes place in the shuanggui system, participating interrogators – whether procurators, CDI officers, or police – are typically not held accountable for abuses. Procurators who otherwise are required to follow basic

²⁸¹ Testimony by Yu Shichun (pseudonym), obtained from Yu’s family member, written in November 2014. Yu was subjected to shuanggui for over a month in 2013.

criminal procedures and ensure basic protections for suspects according to Chinese laws and regulations, such as videotaping all interrogations, are able to act freely of such requirements during shuanggui.

Meng Li, the wife of a former detainee, told Human Rights Watch that her husband's case was "jointly investigated":

Half of those handling the case came from the procuratorate, half from the CDI... while those who guarded him were politically reliable people from other [government or Party] units.²⁸²

Lawyer Zhao Lifeng told Human Rights Watch:

The procuratorate will step in during the CDI's shuanggui. It happens in most instances. It varies only in terms of timing. In some cases, the procuratorate gets involved only in the last few days of shuanggui.²⁸³

Similarly, lawyer Zhang Rensen said:

In theory, it is the CDI conducting the shuanggui. Yet in practice, it is not clear. They claim to the outside world that it is shuanggui, but it's actually the procuratorate operating it.²⁸⁴

"Joint investigations" are justified as a practical way of investigating corruption that often involves both Party members, who can be investigated by the CDI officers, and non-Party members, who can only be investigated by state judicial organs.²⁸⁵ During these joint investigations, according to scholars Fenfei Li and Jinting Deng:

The CDI works as an organizer and coordinator, making an overall investigative plan, distributing responsibilities to involved agencies,

²⁸² Human Rights Watch Interview with Meng Li, (pseudonym), December 19, 2015.

²⁸³ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

²⁸⁴ Human Rights Watch Interview with Zhang Rensen (pseudonym), Dec 11, 2015.

²⁸⁵ Fenfei Li and Jinting Deng, "The Limits of the Arbitrariness in Anticorruption by China's Local Party Discipline Inspection Committees," *Journal of Contemporary China*, p.5.

facilitating communication among agencies, collecting proof and evidence, and making suggestions or deciding the parts of the case that concern breaches of Party discipline. The resolution of the parts that warrant legal punishment is decided by the procuratorate.²⁸⁶

The use of “joint investigations” is also justified by the procuratorate in the name of a procedure known as “getting involved in advance,” according to former procurator Jiang Zhiyi:

“Getting involved in advance” (提前介入) means that during shuanggui, the CDI discovers criminal offenses, so the procuratorate steps in to “set in stone” the evidence... The Criminal Procedure Law... allows the procuratorate to conduct an “initial investigation” (初查), which means the procuratorate is allowed to collect evidence from suspects without restricting their freedom before [formally] filing a [criminal] case.²⁸⁷

But “getting involved in advance” violates Chinese law insofar as it takes place in a coercive setting where the suspect’s freedom is clearly restricted. According to article 173 of the People's Procuratorate Rules of Criminal Procedure, “initial investigation” should not involve deprivation of freedom of those under investigation:

During initial investigations, [procurators] can adopt measures that do not restrict the personal and property rights of the subjects under investigation... It is prohibited to take coercive measures against subjects under investigation...²⁸⁸

In fact, investigators are not even allowed to meet with those under investigation except when they have obtained permission from their superiors to do so, according to article 172 of the People's Procuratorate Rules of Criminal Procedure:

²⁸⁶ Ibid.

²⁸⁷ Human Rights Watch Interview with Jiang Zhiyi (pseudonym), December 15, 2015.

²⁸⁸ Rules for Criminal Procedure of the People's Procuratorate (for Trial Implementation) (人民检察院刑事诉讼规则(试行)), art. 173.

Initial investigation should generally be conducted in secret, [and procurators] are prohibited from unauthorized contacts with the subjects under investigation. To conduct initial investigations publicly or to contact the subjects under investigation, [procurators] shall obtain the permission of the chief procurator.²⁸⁹

In at least one case, the detainee was not sure whether he was being detained pursuant to the Party's shuanggui mechanism or a formal legal proceeding, making it difficult for him to know what, if any, protections he was entitled to, or to legally contest his treatment. Lawyer Jiang Zhiyi said:

The case was... conducted jointly by the CDI and the procuratorate. But there was no shuanggui paperwork, nor was there a formal announcement that he was being held as part of a shuanggui proceeding.²⁹⁰

Because shuanggui is not a legal process, evidence or statements obtained during the procedure are not admissible in court. In cases transferred to the formal legal system, procurators often tell the CDI detainee to repeat to them what they said during shuanggui, instead of conducting a fresh investigation, in order to obtain a legally binding confession. According to lawyer He Gang:

Joint investigations... are very common. Sometimes it is jointly investigated by the CDI and the procuratorate; sometimes, after the CDI finishes, the procurators go to the shuanggui location to take statements, and ask the detainees to say it again.²⁹¹

Lawyer Jiang Zhiyi also said:

According to the Criminal Procedure Law, usually the evidence obtained by the CDI cannot be used as evidence in the judicial process... so when it

²⁸⁹ Rules for Criminal Procedure of the People's Procuratorate (for Trial Implementation) (人民检察院刑事诉讼规则(试行)), art. 172.

²⁹⁰ Human Rights Watch Interview with Jiang Zhiyi (pseudonym), December 15, 2015.

²⁹¹ Human Rights Watch Interview with Lawyer He Gang (pseudonym), December 9, 2015.

comes to the procuratorate's stage... generally, the procuratorate would tell the detainees to just repeat what they told the CDI.²⁹²

Lawyer Zhou Feng told Human Rights Watch:

Joint investigations mean that the procurator will step in during the CDI's investigation, but the statements will not be transferred directly. When the case goes into the criminal process, the procurator will confirm [the statement], sign it, and make a videorecording [of the confession] – that's it. We all know that the confessions had in fact come from the CDI.²⁹³

In theory, the procurators and the CDI officers are meant to be independent of each other, and the former should provide some kind of opportunity for the shuanggui detainees to recant their confessions. But because in many cases the procurators already participated in the shuanggui process, suspects do not trust them. Lawyer Zhao Lifeng told Human Rights Watch:

[Joint investigations] are problematic. It makes the [shuanggui] detainees feel that the CDI and the procuratorate are in cahoots. [They think] "If I [make a false] confession now, I won't dare to tell the truth during the procuratorate stage because they are all working together and cooperating with each other."²⁹⁴

Some suspects subsequently make the same confession during the legal process that was coerced out of them during shuanggui. Xiao Lingling, the family member of a former detainee, said:

He was not sent to the detention center right away but about one week after he had confessed. He was deprived of sleep and required to memorize his confession. They told him to repeat what he [had said in shuanggui] after he was transferred to the procuratorate. Because the procurators also took

²⁹² Human Rights Watch Interview with Jiang Zhiyi (pseudonym), December 15, 2015.

²⁹³ Human Rights Watch Interview with Zhou Feng (pseudonym), December 2, 2015.

²⁹⁴ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

part in shuanggui... when he got to the procuratorate, he recited what he previously memorized. Since they were investigating the case collectively, he viewed them as one team. He couldn't tell them apart, thinking they were the same.²⁹⁵

Some detainees attempt to recant their confessions, but are threatened with being sent to shuanggui again. According to lawyer Liu Yi:

When my client saw that the two procurators were exactly the same people who had questioned him during shuanggui, he didn't dare recant his confession. They said if he recanted it they'd send him right back [to shuanggui]. He had the courage to recant his confession only at the stage of review for prosecution, when he had a lawyer.²⁹⁶

Former detainee Ren Zhiqing said:

On that day, people from the procuratorate came [to the shuanggui location], they were new people, who clearly identified themselves as being procurators, and they told me that I had now entered the formal judicial process... The CDI officers, when handing me over to them, told me to repeat what I'd said during shuanggui. They warned me, "If you recant your testimony we'll bring you back."²⁹⁷

Lawyer Du Qing told Human Rights Watch:

The procuratorate coerced his confession. They told him that his case would soon be transferred to the procuratorate and that he was not allowed to recant his confession... When the procurators came, he recanted the confession. The procurators said they would not accept this, and that he had to be sent back. He had been beaten into submission, and had nearly fallen apart from [being forced to stand so long]. As soon as he heard that

²⁹⁵ Human Rights Watch Interview with Xiao Lingling (pseudonym), December 10, 2015.

²⁹⁶ Human Rights Watch Interview with Liu Yi (pseudonym), December 8, 2015.

²⁹⁷ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

he would be sent back [to shuanggui], he did not dare withdraw his confession and said that he was wrong after all... then they asked him to sign the statement which they had already prepared.²⁹⁸

The fact that what happens during shuanggui is not scrutinized by the courts means that investigators — whether they are CDI officers or state prosecutors — have an extralegal cloak to shield them from accountability. According to Chinese academics Fenfei Li and Jinting Deng:

Such joint investigations are effective in resolving corruption cases but are legally problematic because after joining in, prosecutors' investigations are also under the protection of shuanggui and are not restricted by laws, particularly the time and interrogative limits and the rights of the suspects in the criminal procedure law.²⁹⁹

Interrogators who participate in shuanggui are well aware that they can act with impunity. Jiang Huiling, the wife of a former official held in shuanggui, and who was herself also detained by the CDI, confronted her captors:

I told them the rights witnesses are entitled to, and they [the interrogators] said, "We are the CDI officers. The law doesn't apply to us."³⁰⁰

But one of the people who claimed during shuanggui that he was a CDI officer turned out to be a procurator, she learned after her release:

Later, when I went to the procuratorate's office, who did I meet but this same interrogator, "Z"!... When I watched the procuratorate's videotape of my husband's interrogation, Z appeared again, but the interrogation record did not have his name. Shuanggui is just a platform, exempt from the law, where they use torture to produce a conviction.³⁰¹

²⁹⁸ Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

²⁹⁹ Fenfei Li and Jinting Deng, "The Limits of the Arbitrariness in Anticorruption by China's Local Party Discipline Inspection Committees," *Journal of Contemporary China*, p.5-6.

³⁰⁰ Human Rights Watch Interview with Jiang Huiling (pseudonym), June 20, 2016.

³⁰¹ Ibid.

The difficulty in holding anyone accountable for shuanggui or abuses committed in it is compounded by the fact that CDI detainees, families, and lawyers are not given copies of any shuanggui documentation, and efforts to obtain relevant documents from the authorities are regularly denied.

Lawyer Zhao Lifeng told Human Rights Watch:

In most cases, shuanggui leaves not a trace. You can't even get a hold of the relevant documents; at most you'd get a copy of the "transferral letter" showing that the CDI transferred the case to the procuratorate, but nothing else.³⁰²

Former detainee Yang Zeyu said:

You cannot read the CDI's documents. You can only read the procuratorate's documents during their joint investigations with the CDI.³⁰³

The names and identities of those interrogating and guarding shuanggui detainees, or the shuanggui location, are often not known, though some detainees found out after some detective work. Yang Zeyu said:

I didn't know who they were at the time. I only found out after I came out... After I got out, I went to the Procuratorate and the CDI to find them, and only then I got their names.³⁰⁴

Former shuanggui detainee Bao Ruizhi told Human Rights Watch:

The main investigators were from the CDI and they were three in total; there were also police and procurators... I did not know their names. They did not present [IDs] and did not wear uniforms. I found out their names after I was released, and I asked around.³⁰⁵

³⁰² Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

³⁰³ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³⁰⁴ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³⁰⁵ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

A number of interviewees said that shuanggui detainees were monitored by video camera, though it is unclear if the CDI requires video monitoring, or that recordings of shuanggui interrogations must be kept on file, as no publicly available Party rules show such requirements. Mandatory video monitoring and access to the videos by CDI detainees or their lawyers would serve as deterrents to abuse and provide evidence in cases of alleged illegal conduct by CDI officers. Procuratorates, responsible for investigating alleged crimes by officials, are required to record all interrogations, and police are required to video-record interrogations in cases involving capital offenses, life imprisonment, and “other major crimes.”³⁰⁶ The Chinese government and Chinese legal scholars consider this requirement one of the most promising means of preventing torture during criminal interrogations, though previous research by Human Rights Watch shows that the requirement is routinely manipulated, such as by first torturing the suspects and then taping the confession.³⁰⁷

A number of interviewees said that they have reason to believe that they were videotaped. Said Yang Zeyu:

I saw that there was a [surveillance] camera. Once when I saw that the guards were sleeping I sat down secretly to rest. But just several minutes later someone came into the [shuanggui] room and said I wasn’t being honest, and told me to [continue to] stand. That’s why I knew they had been recording.³⁰⁸

Similarly, according to former detainee Fang Guoshan:

The investigators reminded me again and again that I was being videotaped during the entire period of shuanggui. Whatever I said, everything was being recorded as evidence.³⁰⁹

³⁰⁶ CPL, art. 121; Supreme People’s Procuratorate, Provisions of the Supreme People’s Procuratorate on Implementing Synchronous Audio and Video Recording throughout the Whole Process of Interrogation of Duty-related Criminal Suspects (人民检察院讯问职务犯罪嫌疑人实行全程同步录音录像的规定), effective since March 17, 2014.

³⁰⁷ Belkin, “China Tortuous Path Towards Ending Torture in Criminal Investigations,” *Columbia Journal of Asian Law*, p. 286.

³⁰⁸ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³⁰⁹ Statement by former detainee Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

A CDI officer wrote that video-recording is required:

There is a camera on in the shuanggui room 24 hours a day, around the clock, with full video and audio recording functions. There is also backup electricity. There are cameras in the corridors and the entire yard.³¹⁰

Another CDI officer, Cheng Wenjie, said during the trial examining Yu Qiyi's death that while video-recording is required, it can be easily bypassed. According to the court transcript compiled by one of Yu's lawyers:

Cheng Wenjie's defense lawyer number 1: Should there be full video surveillance in the "conversation rooms"?

Cheng Wenjie: In some there is, in some there isn't.

Lawyer: According to the CDI, are you required to conduct a "conversation" in rooms with surveillance? Everything about the "conversation subject"—including eating, sleeping and their daily life--should all be under surveillance, right? Did the Wenzhou CDI do so?

Cheng: Yes.

Lawyer: There was surveillance equipment in conversation room No. 8 but it was obscured by newspapers, right?

Cheng: Right.

Lawyer: Did you mean to circumvent the surveillance by taking Yu Qiyi to conversation room No. 8 and suffocating him in water there?

Cheng: Yes.

³¹⁰ Li Peng (李鹏), "What Is It Like Being Subjected to Shuanggui (被“双规”是一种怎样的人生体验)," January 24, 2015, Zhihu Daily, original has been deleted but a copy is available at: http://photo.weibo.com/2693534270/wbphotos/large/photo_id/3815647429236572?refer=weibosearch.

However, when families or lawyers of detainees have sought access to copies of such documentation or video-recordings, the CDI or other authorities have rejected their requests. According to family member Zhong Ruhua:

We have not seen the case files of the CDI's interrogations of him, nor its video-recording... we had emphasized that we must view the recording but they didn't give it to us... one of the people in the working group [investigating his death]... told me that they have the recording, but they couldn't give it to us.³¹¹

Similarly, lawyer Du Qing said:

Lawyers cannot access the recordings or the interrogation notes taken by the CDI. The CDI would not give them.³¹²

Exclusionary Rule in Criminal Procedures Rendered Meaningless

Chinese criminal procedure now requires that all illegally obtained evidence – including evidence obtained through torture – must be thrown out if found during any phase of legal proceedings.³¹³

However, this “exclusionary rule” is weak in practice and limited in utility, as a 2015 Human Rights Watch report shows.³¹⁴ The rule is all but irrelevant in shuanggui cases because, as noted earlier, judges commonly do not allow anyone to challenge in court any aspects of shuanggui proceedings, including the alleged mistreatment of detainees. This is despite the fact that the relevant provision in the Criminal Procedure Law does not exclude the CDI from the exclusionary rule – in fact, it does not name the agencies to which the rule is applicable.

³¹¹ Human Rights Watch Interview with Zhong Ruhua, December 14, 2015.

³¹² Human Rights Watch Interview with Du Qing (pseudonym), January 4, 2016.

³¹³ CPL, art. 54(2).

³¹⁴ Human Rights Watch, *Tiger Chairs and Cell Bosses: Police Torture of Criminal Suspects in China*, pp. 78-90.

It simply states that whenever evidence used for criminal proceedings is obtained through illegal conduct, those handling the case must exclude it.³¹⁵

This is consistent with international human rights law. Article 15 of the Convention against Torture states that “*any statement* which is established to have been made as a result of torture shall not be invoked as evidence in *any proceedings*.”³¹⁶

Lawyer Liu Yi told Human Rights Watch:

As to torture during shuanggui, both the procuratorate and the court’s responses are the same: that they do not deal with matters concerning the CDI. We demanded that they initiate the exclusionary procedure for illegal evidence as we thought that all the evidence being used by the procuratorate was based on torture during shuanggui. They [the procurators] simply copied the CDI interrogation materials and submitted the evidence to the court. But our opinion was not adopted... nothing from the CDI was presented in court, only the [materials from] the procuratorate were. So they [the judges] said, look, there was no torture during the procuratorate stage.³¹⁷

Lawyer Jiang Zhiyi said:

My client was under unlawful detention which was conducted without any procedures. We pointed out at the time that it was an illegal procedure, but the judicial system could not examine it, plus shuanggui was a somewhat sensitive issue... Because shuanggui cannot be examined by the judicial system, we could only try to seek accountability for the acts of the procuratorate.³¹⁸

³¹⁵ CPL, art. 54(2). Emphasis added. See also Yi Yanyou (易延友), The Defense Statement of Zhou Wenbin (周文斌案辩护词), the Defender WeChat Public Account (公众号辩护人), December 29, 2015, https://mp.weixin.qq.com/s?__biz=MzA3ODcwNDE5O (accessed on July 27, 2016).

³¹⁶ Convention against Torture, art. 15 (emphasis added).

³¹⁷ Human Rights Watch Interview with Liu Yi (pseudonym), December 8, 2015.

³¹⁸ Human Rights Watch Interview with Jiang Zhiyi (pseudonym), December 15, 2015.

Similarly, according to lawyer Zhao Lifeng:

During the procuratorial stage, there was no torture. They merely used the notes taken down by the CDI officers... torture during shuanggui... is outside the mandate of the courts, and the procuratorate also said that they are not responsible for what happened during shuanggui. They are all circumventing the problem of shuanggui.³¹⁹

As noted above, Human Rights Watch's search of court verdicts found 38 cases in which individuals alleged being tortured while in shuanggui. Judges' responses in those cases were consistent with what interviewees in other cases had described: that the conduct of investigators during shuanggui was largely ignored. Below is a typical, albeit more detailed than usual, response by a judge to a lawyer's request to initiate the procedure to exclude a coerced confession obtained during shuanggui:

Concerning whether... to initiate the procedure to exclude illegally obtained evidence, we [the court] think that first, shuanggui is an internal Party review conducted by the disciplinary committee against members' violation of laws or Party discipline, which is different from judicial coercive measures in nature. Therefore it is beyond the scope of judicial review. Second, although the defendant and the attorney claimed that the disciplinary committee acted illegally during the investigations, they failed to provide...materials related to the illegal collection of evidence. Third, the procuratorate did not include materials resulting from the disciplinary committee's investigation as evidence for prosecution. All in all, the attorney's request to initiate the procedure to exclude illegally obtained evidence does not have sufficient grounds, and thus cannot be adopted.³²⁰

As a result, shuanggui detainee Hu Xiaozhong was unable to have evidence critical to his defense entered into court showing that he had been coerced into confession. He was convicted of three crimes and sentenced to a total of 14 years and six months in prison.

³¹⁹ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

³²⁰ Zhejiang Province Cangnan County People's Court First Instance Trial Case No. 1072 (温苍刑初字第 1072 号), 2013.

In several of the 38 cases from the verdict database, the suspects said in court that they repeated confessions made in shuanggui during the procuratorial stage because they were afraid that retracting them would result in their being sent back to shuanggui. Yet judges paid little attention to that argument. So long as the torture in question took place during shuanggui, it was ignored. As one judge put it in ruling against a former shuanggui detainee:

Shuanggui is not within the scope of judicial review; besides, all the evidence the court adopted to convict [defendant] Ren Demao was collected according to the law by investigators in judicial institutions during the investigative stage... the [judicial] investigative organs... did not participate in the CDI's joint investigation. The investigative procedure after the case was filed [with the procuracy] is in line with the Criminal Procedure Law, and there was no confession by torture.³²¹

Despite Ren's claims that he was subjected to "violence and threats" during shuanggui, the judge dismissed the allegation, rejected his appeal, and upheld his original 12-year sentence.

In other cases, the judges' rulings remained the same even when the procuratorate apparently had participated in joint investigations with the CDI during which torture allegedly took place. After a corruption suspect, Zhuang Zheng, told the court that he was beaten, not allowed to sleep, and threatened by the CDI, and that the procurators had taken down the first statement from him while he was still in shuanggui, the judge replied:

Zhuang Zheng's corruption crimes were investigated by the procuratorate... and he had not alleged that the procuratorate violated the law during the collection of evidence... Even if what Zhuang Zheng said was true, that the procurators stepped in during the disciplinary committee's investigation... it still does not violate the law. Therefore, the claim that he was tortured to extract confession is baseless.³²²

³²¹ Chongqing No. 1 Intermediate People's Court Final Trial No. 00042 (渝一中法刑终字第 00042 号), 2014.

³²² Jiangsu Province Yancheng Intermediate People's Court Final Trial No. 00013 (盐刑二终字第 00013 号), 2015.

Former shuanggui detainee Ren Zhiqing told Human Rights Watch that when he requested that the procurator who had participated in shuanggui appear in court to answer allegations that he had tortured Ren, the judge accepted a written statement from the procuratorate asserting that the procurator had been participating in shuanggui and was therefore exempt from the law:

At the time, I asked that procurator [who interrogated me during shuanggui] to appear in court. So they issued an explanation note, saying the procurator in question was a member of the [CDI's] joint investigation team, he was not [at the time] acting in capacity of the procuratorate, so he is not required to testify in court. And the judge accepted it.³²³

Courts examining torture allegations generally do not grant requests to compel documentation, recordings, or appearances by CDI officials. According to family member Xiao Lingling:

We asked to see recordings and notes [of what had taken place] during shuanggui but the court did not pay us any attention.³²⁴

Lawyer Zhao Lifeng told Human Rights Watch:

Generally, you cannot get the case file from the CDI. And the court refuses to obtain it. Unless the CDI provides it on their own initiative... We applied but the court refused to order the file transferred [from the CDI] because they said it was outside the scope of the court's authority.³²⁵

Similarly, lawyer Zhou Feng said:

Regarding the shuanggui case files: we cannot access them. I've asked the courts to get them but no judges would dare to request them.³²⁶

³²³ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

³²⁴ Human Rights Watch Interview with Xiao Lingling (pseudonym), December 10, 2015.

³²⁵ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

³²⁶ Human Rights Watch Interview with Zhou Feng (pseudonym), December 2, 2015.

Said former detainee Yang Zeyu:

I raised the problem of torture by the CDI. So the court asked the procuratorate and the procuratorate said that they could not ask the CDI about shuanggui, or provide the recording... I raised this problem to the court too, but the court said the investigation by the CDI is a Party investigation while the investigation by the procuratorate is a judicial investigation, and the two do not interfere with each other. But wasn't that both illogical and illegal?³²⁷

The defendants interviewed by Human Rights Watch and the defendants in the 38 verdicts we analyzed from the Supreme People's Court database were all found guilty, despite their claims that they were tortured during shuanggui. None of the verdicts we reviewed excluded any piece of evidence due to concerns over the use of torture during shuanggui. The sentence was affected in only two cases. Lawyer He Gang told Human Rights Watch: "There's been no acquittal. There was one person who could have gotten 10 years, and got a two-year sentence instead. That was the best-case [scenario]."³²⁸ Lawyer Zhou Feng said: "All the officials held in shuanggui were convicted. All of them said they were tortured to extract confessions... Except for one, whose sentence was slightly reduced, no others had [any impact]."³²⁹

In addition, all the lawyers interviewed recalled only one case in which the authorities had dropped charges before the case reached the trial stage. There was no official explanation to why the charges were dropped, but the lawyer believed that it was due to a lack of evidence.³³⁰

Acquittal rates in China are extremely low: In 2013, only 825 people were found not guilty out of an estimated 1,160,000 verdicts – an acquittal rate of 0.07 percent.³³¹ Although Chinese state media has reported on high profile acquittals – some posthumously, and many

³²⁷ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³²⁸ Human Rights Watch Interview with He Gang (pseudonym), December 9, 2015.

³²⁹ Human Rights Watch Interview with Zhou Feng (pseudonym), December 2, 2015.

³³⁰ Human Rights Watch Interview with Huang Xinyao (pseudonym), December 8, 2015.

³³¹ "China has 99.93 percent conviction rate: top court," *Agence France-Presse*, March 10, 2014, <http://www.globalpost.com/dispatch/news/afp/140310/china-has-9993-percent-conviction-rate-top-court> (accessed July 14, 2014).

involving defendants or families who spent years seeking justice together with dedicated human rights lawyers – none were corruption cases. As one lawyer who specializes in corruption cases, and is an official of the state-run Shanxi Bar Association, wrote:

In judicial practice, very few corruption suspects have been acquitted... Bribery cases are different from other criminal cases in that there isn't any objective evidence for a not guilty verdict, such as when the real murderer emerges or when those who were thought to be murdered [turn out to be alive and] come back.³³²

Generally, judges extremely rarely hand down not guilty verdicts for fear of offending superiors and colleagues in other government and Party agencies, which are much more powerful than the courts in China's politicized judicial system. Lawyer Jia described what happened when a judge recommended acquittal for a corruption suspect:

I have handled a case of corruption... in which the judge wanted to... give a not guilty verdict. [But] during the adjudication committee meeting, the procurator slammed the table and angrily shouted, "[If] you, Judge Zhang, dare to give him a not guilty verdict, I'll take you into custody!" Afterwards all the judge could do was convict the suspect of corruption; he sentenced him to five years in prison.

³³² Jia Huiping, "An Analysis of Causes of Wrongful Convictions in Bribery Crime Cases (对贿赂犯罪案件中的冤假错案之成因解析)," *Shangquan Criminal Defending* (尚权刑辩), December 2, 2015, http://blog.sina.com.cn/s/blog_8fe4bc7b0102vsjf.html (accessed July 28, 2016).

Lack of Accountability

Complain? Who can you complain to? Isn't this asking the tiger for its skin?... You are going to make a complaint to them about themselves?

–Zhou Feng, Shanghai-based lawyer, December 2015

Who Supervises the Supervisors?

Local CDIs are supervised both by Party committees at the same level, and by higher-level CDIs.³³³ But there are no external mechanisms – nothing other than the Party – to hold CDI officers accountable. In theory, officers must abide by Chinese law and official misconduct should be under the purview of the procuratorate. But given the lack of an independent judiciary in China due to the CCP's control over the police, the procuratorate, and the judiciary, the CDI is effectively above the law. And as illustrated in the above chapters of this report, courts routinely consider the conduct of CDI officers during shuanggui beyond the scope of the law.

Interviewees expressed frustration at the lack of transparency and accountability of the CDI. According to a former procurator who works with the CDI on anti-corruption cases:

There are procedural requirements [for shuanggui]. [For example] it must be approved by a superior, there are also time limits. But because it is not a transparent procedure... lawyers cannot intervene, you cannot hold them accountable regardless of whether they have adhered to these procedures.³³⁴

Lawyer Zhou Lifeng said that his clients described visits by superiors of the CDI officers “inspecting” the shuanggui locations in which they were being held. But those superior officers did not appear interested in protecting CDI detainees' rights:

³³³ Samson Yuen, “Disciplining the Party: Xi Jinping’s anti-corruption campaign and its limits,” *China Perspectives* No.2014/3, p.46.

³³⁴ Human Rights Watch Interview Jiang Zhiyi (pseudonym), December 15, 2015.

When the higher level CDI officers came to inspect, they [the detainees] reported [torture] too, but there was no effect. They still asked them [the detainees] to admit to receiving bribes.³³⁵

One former shuanggui detainee said supervisors of the procuratorate visited him during shuanggui, but he was told off by them for complaining:

One day, two people from the procuratorate's monitoring office came here and asked if I was beaten up. At that time, I was beaten seriously... [I pointed to my very long beard] and said, "Look at me, do I look like a human being?" Hearing this, he started to yell at me furiously, and slammed the desk, saying, "Nonsense! You were not beaten up but claim that you were!" Later, they asked me to sign documents to prove that they had conducted the investigation in a civilized fashion. I thought I should just obey them and not make a fuss.³³⁶

Many interviewees also noted that after they filed complaints against CDI officers, nothing happened. Former shuanggui detainee Bao Ruizhi said:

I did complain! I went to the county CDI and got no reply, then I went to the municipal CDI with my lawyer. But the [CDI officer] said, "What use is there hiring a lawyer? You should go to the provincial CDI." So I went to the petition reception office of the provincial CDI; they told me they would reply within one month. After a month, I still hadn't received a reply, so I wrote many letters, and addressed them to the CCDI, political-legal committee, and provincial CDI director – but there was no response at all. I also posted the letters to the Ministry of Public Security Bureau and the provincial Public Security Department.³³⁷

Former detainee Chen Zuyang told Human Rights Watch:

³³⁵ Human Rights Watch Interview with Zhao Lifeng (pseudonym), December 7, 2015.

³³⁶ Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³³⁷ Human Rights Watch Interview with Bao Ruizhi (pseudonym), former detainee, May 13, 2014.

After I came out [of prison] I sent the Provincial High Court two letters; I also sent letters to the Party secretary of the Political-Legal Committee. But they did not respond, and [my complaints] had no impact.³³⁸

Former detainee Ren Zhiqing said:

I complained! I complained to the secretary of the CDI. He didn't receive me... I went there but I couldn't meet with him. I wrote letters and called but he said he "didn't have time to meet with me." I wrote letters to their superiors to investigate, and I didn't receive any response from them either.³³⁹

In some cases, the authorities did respond to complaints, but merely claimed they had acted properly during shuanggui, or tried to foist the responsibility of replying onto other offices. Chen Xiaoling, the daughter of former official Chen Yiwen, said:

I complained to the officers of the Henan CDI on inspection tours (巡视组). They didn't respond except to transfer the case directly to the county procuratorate and the court. They contacted me. But why would they admit their own mistakes? Of course, they didn't admit anything and said, "We conducted our work properly."³⁴⁰

Chen Shan, wife of former official Luo Fan, said:

I complained! To the State Bureau for Letters and Visits, to the Central Inspection Patrolling Group, to the courts, to the CCDI, to the provincial CDI, and to the county CDI, but got no response. I received a reply only from the State Bureau for Letters and Visits, which said that my complaint was not within the scope of their authority and that I should complain to the court. But I had already done that... [and] there was no response.³⁴¹

³³⁸ Human Rights Watch Interview with Chen Juyang (pseudonym), June 30, 2016.

³³⁹ Human Rights Watch Interview with Ren Zhiqing (pseudonym), June 20, 2016.

³⁴⁰ Human Rights Watch Interview with Chen Xiaoling (pseudonym), December 9, 2015.

³⁴¹ Human Rights Watch Interview with Chen Shan (pseudonym), December 15, 2015.

Human Rights Watch is aware of only one case in which a complaint against the CDI resulted in official action: in that case, a court agreed to hear a complaint from a former official who, upon being released after serving his sentence, alleged he had been tortured to falsely confess during shuanggui. At the time of writing, however, the court has yet to hold a hearing in the case.

Apart from cases involving deaths in shuanggui, none of the CDI officers who allegedly tortured or mistreated CDI detainees were investigated or punished, according to interviewees. On the contrary, a few noted that the CDI officers were promoted or received distinctions for their work. Said former detainee Yang Zeyu:

Those CDI officers are still at their jobs. Some were even promoted. The secretary was not promoted but was transferred... No one was punished.³⁴²

Another detainee, Fang Guoshan, wrote:

Punishment? Not at all. They were actually promoted. They were [considered] “capable people” of the CDI. One was awarded third-class merits from the provincial [CDI].³⁴³

Most former shuanggui detainees and family members we interviewed said that they were able to complain and publicize their plight online, though some said the authorities subsequently contacted them and told them to stay silent. The level of harassment appears to depend on how much public attention a case has received. One former CDI detainee told Human Rights Watch that he was under tight surveillance, while another lawyer who has handled cases of deaths during shuanggui said some families were subjected to so much “pressure” from the authorities that they decided to cancel contracts with him, fearing retaliation. Said lawyer Zhou Feng:

The family members were all pressured, and in the end [they decided] to settle the case, so we did not follow up further.³⁴⁴

³⁴² Human Rights Watch Interview with Yang Zeyu (pseudonym), December 3, 2015.

³⁴³ Statement by Fang Guoshan (pseudonym), copy on file at Human Rights Watch.

³⁴⁴ Human Rights Watch Interview with Lawyer Zhou Feng (pseudonym), December 2, 2015

Zhong Ruhua, whose family member died during shuanggui detention, told Human Rights Watch about what said “pressure” can involve, and about the abrupt transition to being treated as an enemy of the state:

Our family thought we lived in a safe and harmonious country. But after this happened, I feel extremely pessimistic. We aren’t troublemakers! After this we still wanted to believe in this country’s laws, but we found that we had been pushed to the opposite side of the state, that we had become targets of its “stability maintenance.” We were cheated, treated unfairly, threatened, followed, and persecuted. It is as if this isn’t the same country we lived in before; we have become very fearful.³⁴⁵

When CDI officers are not held accountable – or are even promoted – for using torture, they are encouraged to use similar tactics in future cases. Two of the cases examined by Human Rights Watch were from the same area. After CDI officers tortured Zhai Leiming and the court sentenced him to more than a decade in prison, they were promoted.³⁴⁶ Some of the same interrogators were later responsible for torturing another detainee, Lu Yicheng, during shuanggui.³⁴⁷ Lu was sentenced to six years in prison after being put on trial for corruption. Despite the families of both victims petitioning ceaselessly and complaining to higher authorities, both Zhai and Lu remain in custody – while their torturers continue to work for the CDI.

³⁴⁵ Human Rights Watch Interview with Zhong Ruhua (pseudonym), December 14, 2015.

³⁴⁶ Human Rights Watch correspondence with Mo Hua (pseudonym), wife of Zhai Leiming (pseudonym), September 29, 2016.

³⁴⁷ Human Rights Watch Interview with Jiang Huiling (pseudonym), June 20, 2016.

Recommendations

Corruption, by definition, involves acting without regard for the rule of law. Chinese government efforts to combat corruption are unlikely to succeed so long as the rule of law is flouted throughout China's justice system. Undoing pervasive corruption will require freeing the judicial system from Communist Party control, ending impunity for senior officials, and implementing genuine legal reforms.

To the Chinese Government

- Immediately abolish shuanggui, as called for by the UN Committee against Torture.
To achieve this:
 - The president, as well as the head of the CCDI, should publicly announce the end of shuanggui;
 - The CCDI should immediately release all those being held in shuanggui;
 - The National People's Congress Standing Committee (NPCSC) should revise China's Law on Administrative Supervision to abolish the related practice of liangzhi; and
 - Prior to the abolition of shuanggui, the CCDI should ensure that:
 - Family members of shuanggui detainees are given written notifications of the reason for and location of detention within 24 hours; and
 - Shuanggui detainees have prompt and regular access to lawyers, doctors, and their families.
- Issue an invitation to the UN Special Rapporteur on Torture, the Working Group on Arbitrary Detention and the UN Office of the High Commissioner for Human Rights to conduct independent investigations into the treatment of shuanggui detainees in China.

To the National People's Congress Standing Committee (NPCSC)

- Ratify the International Covenant on Civil and Political Rights;

- Set up a task force to review existing laws, institutions, and mechanisms tasked with preventing and investigating corruption. As part of this review, the NPCSC should:
 - Enact reforms, revising laws if necessary, to ensure that:
 - Budgets of government departments are transparent, accounts are audited, and relevant documents are made publicly available;
 - Agencies tasked with investigating corruption are subjected to effective external oversight, including by an independent oversight body that receives complaints directly from suspects, family members, and lawyers. Such agencies should be required to act with appropriate transparency but without comprising ongoing investigations or the rights of suspects, and should be staffed with investigators trained in rights-respecting investigative techniques, instead of relying on confessions.
- Revise the Criminal Procedure Law to:
 - Ensure that all suspects, including those accused of corruption and bribery, have prompt access to lawyers, including during any interrogations;
 - Repeal articles in the law that require lawyers representing suspects charged with terrorism, major corruption, or state security offenses to seek permission from investigators before they can meet with their clients;
 - Adopt the “fruit of the poisonous tree” doctrine with respect to the exclusionary rule and evidence obtained through coercion. According to this legal doctrine, any and all evidence obtained as a result of torture or other ill-treatment is inadmissible in a court of law;
 - Ensure that anyone taken into custody be promptly brought before a judge, normally within 48 hours of being apprehended, as is required in Hong Kong and many other jurisdictions;
 - Mandate that all interrogations of suspects and witnesses to be used in proceedings be videotaped in their entirety, and that a complete copy of the interrogations be made available to the defense and the court;

- Mandate that criminal interrogations be conducted only in rooms designated for interrogation in detention centers and police stations; and
- Repeal articles that allow suspects charged with terrorism, major corruption, or state security offenses to be subjected to six months of secret detention without lawyers under “designated residential surveillance.”
- Amend the Administrative Litigation Law and the State Compensation Law so that individuals can file lawsuits against CDIs for arbitrarily detaining them, and to sue the state for compensation.
- Revise the relevant laws, including the Organic Law of the People's Courts, to empower the Supreme People's Court and lower-level courts to review cases of individuals detained or imprisoned after being subjected to shuanggui, and retry them after excluding confessions or evidence obtained during shuanggui.
 - Ensure access to prompt and fair redress, including restoration of positions and compensation, for shuanggui detainees who were wrongfully prosecuted;
 - Ensure access to prompt and fair redress for detainees, their family members, and other individuals who were subjected to arbitrary detention and other mistreatment during shuanggui.

To the Supreme People's Procuratorate

- Order investigations into all allegations of torture and other ill-treatment by CDI officers, including as a matter of superior responsibility, and discipline or prosecute them as appropriate. Suspend such officials from office pending trial where appropriate.

To the Ministry of Health

- Provide voluntary rehabilitation services for former shuanggui detainees to address the physical and psychological consequences of torture and indefinite detention.

To Governments and international agencies funding Chinese legal reform, security sector training projects, or anti-corruption cooperation

- Express strong concerns to Chinese officials about shuanggui and urge them to adopt and implement the recommendations above; and
- Urge the abolition of shuanggui when engaging in any cooperation on corruption in China, including extradition of corruption suspects, and factor the existence of shuanggui in all decisions regarding returns to China.

Acknowledgements

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Human Rights Watch is grateful to the former CDI detainees and family members who spoke with us despite the risks, and to the lawyers and others we interviewed for this report.

Appendix: Letters to the Chinese Government

Letter to the Central Commission for Discipline Inspection

August 23, 2016

Mr. Wang Qishan
Secretary of the Central Commission for Discipline Inspection
41 Ping'an Western Lane
Xicheng District, Beijing, 100813
People's Republic of China

CC:

Mr. Meng Jianzhu
Secretary of the Central Politics and Law Commission
14 Beichizi Street
Dongcheng District, Beijing 100814
People's Republic of China

Re: Shuanggui and Violations of Human Rights

Dear Secretary Wang,

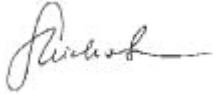
Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report on the Central Commission for Discipline Inspection's use of "shuanggui," an extralegal form of arbitrary detention. The report focuses on the extent to which the Chinese government has complied with domestic law and fulfilled its obligations under the Convention against Torture and other international instruments.

We would appreciate your responses to the questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and look

forward to your response. In light of our publishing schedule, we would appreciate receiving your response by September 13, 2016, sent to Sophie Richardson, China director at Human Rights Watch, by email at xxxxxxxxxxxx or by fax to xxxxxxxxxxxx.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson
China Director, Human Rights Watch

Questions:

1. Please provide the number of individuals subjected to “shuanggui” between January 1, 2010, and December 31, 2015.
2. Please provide a copy of or link to the CCDI Regulations On Adopting “Lianggui” Measures (CCDI (2012) No. 12), which, according to state media reports, provides information regarding “the conditions of use, approval procedures, notification and filing of cases, how long the measure can be used, and security guarantees” in shuanggui. The regulations do not appear to be publicly available.
3. Please clarify whether “shuanggui,” which requires Party members to appear “at a designated time at a designated place,” is a form of detention. The Directive on Case-Inspection Work for Party Discipline and Inspection Organs (CCDI March 25, 1994), introduced shuanggui but did not address this question. In 1997, the Law on Administrative Supervision prohibited the use of “liangzhi,” a form of questioning often used synonymously with shuanggui, to detain state employees. A 1998 circular issued by the CCDI also prohibits the use of detention during shuanggui. However, no other publicly available circulars have been issued by the CCDI addressing whether shuanggui involves deprivation of liberty.
4. Does the CCDI require local discipline inspection officers to keep a full video record of any “shuanggui” sessions?

- a. If so, can those who were subjected to shuanggui, and their lawyers and families, access such recordings?
 - b. Can they request that these videos be shown in court?
5. What, if any, requirements does the CCDI have regarding the presence of medical professionals during shuanggui? Are there legal or ethical code provisions that prohibit medical professionals from taking part in coercive interrogations? Is there a mechanism for medical professionals to report torture or other mistreatment of CDI detainees?
6. Please provide information about CDI officers who have been disciplined or prosecuted for shuanggui-related misconduct between January 1, 2010, and December 31, 2015, including for failure to follow CCDI procedures or the mistreatment of CDI detainees.
7. Please provide information on the outcomes of investigations into the following nine cases of deaths in shuanggui that were reported in the media, including the causes of death and whether any CDI officers or other officials have been held accountable for these deaths. They are:
 - a. Liu Yunfeng, who died in the Jinyu Hotel in Dengzhou City, Henan Province, while being investigated by the Dengzhou City CDI in January 2010. According to media reports, an autopsy was conducted, but there is no information about the results of the autopsy or investigation.³⁴⁸
 - b. Zhao Ge, who died in the Dengzhou Hotel in Dengzhou City, Henan Province, while being investigated by the Henan Provincial Public Security Bureau CDI in July 2011. According to media reports, three police officers were investigated by the procuratorate for “abuse of power” and “dereliction of duty.” However, there is no further information as to whether the three or other officials have been prosecuted.³⁴⁹

³⁴⁸ Kong Pu (孔璞), “Henan Official Died Abnormally during Investigation, Official Claimed He Took Things Too Seriously (河南官员接受调查时非正常死亡 官方称其想不开),” China News Net (中国新闻网), January 14, 2010, <http://news.qq.com/a/20100114/000993.htm> (accessed June 8, 2016).

³⁴⁹ “Official Claimed That Henan Dengzhou Anti-Drug Policeman Zhao Ge Died from Jumping Off Building (官方称河南邓州禁毒民警赵戈系跳楼身亡),” China News Net (中国新闻网), July 17, 2011, http://news.ifeng.com/mainland/detail_2011_07/17/7742446_0.shtml?_from_ralated (accessed June 8, 2016).

- c. Zhao Jianxin, who died in the Pinglu County People's Hospital in Pinglu County, Shanxi Province, while being investigated by the Yuncheng City CDI in December 2011.³⁵⁰
- d. Wang Zhongping, who died in the Loudi City Hospital in Loudi City, Hunan Province, while being investigated by the Loudi City CDI in September 2012.³⁵¹
- e. Xu Xiangjun, who died in the Miluo Park Hotel in Miluo City, Hunan Province, while being investigated by the Miluo City CDI in August 2012.³⁵²
- f. Jia Jiuxiang, who died in the Sanmenxia City Number 3 People's Hospital in Sanmenxia City, Henan Province, while being subjected to shuanggui by the Sanmenxia City CDI in April 2013.³⁵³
- g. Qian Guoliang, who died in the Wuhan Tongji Hospital in Huangmei County, Hubei Province, while being subjected to shuanggui by the Huangmei County CDI in June 2013.³⁵⁴
- h. Li Ming, who died in Beijing in January 2014 while being subjected to shuanggui by the Central Disciplinary Commission.³⁵⁵

³⁵⁰ Li Pengfei (李鹏飞) and Chen Wei (陈卫), "Director of Shanxi Pinglu County People's Congress Fell Dead: under Investigation for Bribery before Death (山西平陆县人大主任坠亡续：生前因受贿接受调查)," China News Net (中国新闻网), December 10, 2011, http://news.ifeng.com/mainland/detail_2011_12/10/11237890_0.shtml (accessed June 8, 2016); see also, Yan Yaobin (晏耀斌), "Shanxi Official Who Grabbed Property, Minerals Worth 18 Hundred Million Investigated, Jin Daoming Shield (山西官员 0 元夺价值 18 亿矿产被查 金道铭出手庇护)," Taihai Net (台海网), June 4, 2014, <http://i.ifeng.com/news/sharenews.f?id=84090356> (accessed July 15, 2016).

³⁵¹ Liu Zhu (刘柱), "A Hunan Loudi Bureau General under 'Shuanggui' Committed Suicide by Cutting Own Throat, Official Claims Investigation Is in Progress (湖南娄底一“双规”局长自缢身亡 官方称正调查)," China News Net (中国新闻网), September 27, 2012, <http://www.chinanews.com/gn/2012/09-27/4218229.shtml> (accessed June 8, 2016).

³⁵² "Hunan Miluo Housing Management Department Official Died during Shuanggui (湖南汨罗市房管局官员在双规期间跳楼身亡)," Security Times Net (证券时报网), August 17, 2012, <http://finance.sina.com.cn/stock/t/20120817/093212878476.shtml> (accessed June 8, 2016).

³⁵³ Sun Xuyang (孙旭阳), "Sanmenxia Intermediate Court President Died Ten Days after Being 'Shuanggui'd' (三门峡中院副院长“双规”十天身亡)," *Nanfang Metropolis Daily* (南方都市报), April 24, 2014, http://epaper.oeeee.com/epaper/A/html/2013-04/24/content_2514229.htm?div=-1 (accessed June 8, 2016).

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³⁵⁵ Suo Fei (索非), "Chinese Film And Television Industry Celebrity Li Ming Suddenly Died during Shuanggui (中国影视界名人李明猝死于双规时)," RFI, January 21, 2014, <http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20140121-%E4%B8%AD%E5%9B%BD%E5%BD%B1%E8%A7%86%E7%95%8C%E5%90%8D%E4%BA%BA%E6%9D%8E%E6%98%8E%E7%8C%9D%E6%AD%BB%E4%BA%8E%E5%8F%8C%E8%A7%84%E6%97%B6> (accessed June 8, 2016).

- i. Ding Ting, who died in the Bengbu Medical College Second Affiliated Hospital in Bengbu City, Anhui while subjected to shuanggui by the Bengbu City CDI in December 2014.³⁵⁶
8. Please provide information about the alleged torture or ill-treatment of 18 individuals associated with the cases of Wang Qiuping, Xiao Yifei, and Zhou Wangyan, who were subjected to shuanggui in Ningyuan County, Hunan Province, in 2012, according to reports by the Associated Press.³⁵⁷ Specifically, has any official been held accountable for committing torture?

³⁵⁶ Xie Yanzong (谢寅宗) and Liu Mingyue (刘明月), "Anhui Bengbu Disciplinary Commission Cadre Died Oddly during Investigation, Family Claims That Four of His Ribs Were Broken (安徽蚌埠纪检干部谈话期间死亡, 家属称死者四根肋骨断裂)," *The Paper* (澎湃新闻), January 16, 2015, http://www.thepaper.cn/newsDetail_forward_1294829 (accessed August 1, 2016).

³⁵⁷ Gillian Wong, "In China, Brutality Yields Confessions of Graft," *Associated Press*, March 10, 2014, <http://chinadigitaltimes.net/2014/03/china-brutality-yields-confessions-graft/> (accessed August 16, 2016); Pu Zhiqiang, "A Shuanggui Case in Yongzhou," *Youtube*, March 27, 2014, <https://www.youtube.com/watch?v=4SoOPWKBOsU> (accessed August 16, 2016).

Letter to the Ministry of Public Security

August 23, 2016

Mr. Guo Shengkun, Minister
Mr. Yang Huanning, Vice-Minister
Ministry of Public Security
No. 14 East Chang'an Avenue
Dongcheng District, Beijing 100741
People's Republic of China

CC:

Mr. Meng Jianzhu
Secretary of the Central Politics and Law Commission
14 Beichizi Street
Dongcheng District, Beijing 100814
People's Republic of China

Re: Shuanggui and Violations of Human Rights

Dear Minister Guo and Vice-Minister Yang,

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report on the Central Commission for Discipline Inspection's use of "shuanggui," an extralegal form of arbitrary detention. The report focuses on the extent to which the Chinese government has complied with domestic law and fulfilled its obligations under the Convention against Torture and other international instruments.

We would appreciate your responses to the questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and look forward to your response. In light of our publishing schedule, we would appreciate

receiving your response by September 13, 2016, sent to Sophie Richardson, China director at Human Rights Watch, by email at xxxxxxxxxxxx or by fax to xxxxxxxxxxxx.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson
China Director, Human Rights Watch

Questions:

1. Which Ministry of Public Security (MPS) guidelines cover the roles, functions, and conduct of police officers who participate in shuanggui?
2. Do the regulations that apply to regular police work—notably the Criminal Law, the Police Law, and the Public Security Organs People’s Police Discipline Regulations—apply when police officers participate in shuanggui? If not, what laws, regulations, or rules apply to hold them accountable for torture or other abuses when they participate in shuanggui?
3. Please provide information on the outcomes of investigations into the following nine cases of deaths in shuanggui that were reported in the media, including the causes of death and whether any CDI officers or other officials have been held accountable for these deaths. They are:
 - a. Liu Yunfeng, who died in the Jinyu Hotel in Dengzhou City, Henan Province, while being investigated by the Dengzhou City CDI in January 2010. According to media reports, an autopsy was conducted, but there is no information about the results of the autopsy or investigation.³⁵⁸

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- c. Zhao Jianxin, who died in the Pinglu County People’s Hospital in Pinglu County, Shanxi Province, while being investigated by the Yuncheng City CDI in December 2011.³⁶⁰
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 - h. Li Ming, who died in Beijing in January 2014 while being subjected to shuanggui by the Central Disciplinary Commission.³⁶⁵
 - i. Ding Ting, who died in the Bengbu Medical College Second Affiliated Hospital in Bengbu City, Anhui while subjected to shuanggui by the Bengbu City CDI in December 2014.³⁶⁶
4. Please provide information about the alleged torture and ill-treatment of 18 individuals associated with the case of Wang Qiuping, Xiao Yifei, and Zhou Wangyan, who were subjected to shuanggui in Ningyuan County, Hunan Province in 2012, according to reports by the Associated Press.³⁶⁷ Has the ministry taken any disciplinary or legal action against any police officers involved in the case, including the one known to the detainees as “Tufu”?

³⁶⁴ Zhan Caiqiang (占才强) and Wang Weikai (王伟凯), “Hubei Huangmei Seismological Bureau Director Died during Shuanggui (湖北黄梅地震局长双规期间身亡 抢救时挣扎喊冤),” *Nanfang Metropolis Daily (南方都市报)*, June 20, 2013 <http://m.sohu.com/n/379316847/> (accessed June 8, 2016).

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Letter to the Supreme People's Procuratorate

August 23, 2016

Mr. Cao Jianming, Procurator-General
Supreme People's Procuratorate
147 Beiheyuan Street
Dongcheng District, Beijing 100726
People's Republic of China
Fax: +86 10 65200203

CC:

Mr. Meng Jianzhu
Secretary of the Central Politics and Law Commission
14 Beichizi Street
Dongcheng District, Beijing 100814
People's Republic of China

Re: Shuanggui and Violations of Human Rights

Dear Procurator-General Cao,


Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report on the Central Commission for Discipline Inspection's use of "shuanggui," an extralegal form of arbitrary detention. The report focuses on the extent to which the Chinese government has complied with domestic law and fulfilled its obligations under the Convention against Torture and other international instruments.

We would appreciate your responses to the questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and look forward to your response. In light of our publishing schedule, we would appreciate

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Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson
China Director, Human Rights Watch

Questions:

1. Which Supreme People's Procuratorate (SPP) guidelines cover the roles, functions, and conduct of procurators who participate in shuanggui?
2. Do the regulations that apply to regular procuratorate work—notably the Criminal Law, the Public Procurators Law, and Procurators' Disciplinary Regulations—apply when procurators participate in shuanggui? If not, what laws, regulations, or mechanisms apply to monitor them and hold them accountable for torture or other abuses when they participate in shuanggui?
3. For those procurators who have participated in the interrogation of suspects during shuanggui, what mechanisms ensure that procurators conduct separate or independent criminal investigations into suspects' crimes?
4. What is the relationship between statements or interrogation records obtained by CDI officers during shuanggui, and those obtained by the procurators during their investigations of the same case?
5. Please provide the number of CDI officers, procurators, government officials, and other individuals acting in an official capacity who have been investigated for arbitrarily detaining or mistreating CDI detainees between January 1, 2010, and December 31, 2015.

- a. How many and which of these cases resulted in disciplinary measures or formal prosecutions?
 - b. Please provide details of those found guilty for arbitrarily detaining or mistreating people in shuanggui who have been imprisoned, including the crime for which they were convicted and the length of their sentence.
6. Please provide information on the outcomes of investigations into the following nine cases of deaths in shuanggui that were reported in the media, including the causes of death and whether any CDI officers or other officials have been held accountable for these deaths. They are:
 - a. Liu Yunfeng, who died in the Jinyu Hotel in Dengzhou City, Henan Province, while being investigated by the Dengzhou City CDI in January 2010. According to media reports, an autopsy was conducted, but there is no information about the results of the autopsy or investigation.³⁶⁸
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³⁷³ Sun Xuyang (孙旭阳), "Sanmenxia Intermediate Court President Died Ten Days after Being 'Shuanggui'd' (三门峡中院院长“双规”十天身亡)," *Nanfang Metropolis Daily* (南方都市报), April 24, 2014, http://epaper.oeeee.com/epaper/A/html/2013-04/24/content_2514229.htm?div=-1 (accessed June 8, 2016).

³⁷⁴ Zhan Caiqiang (占才强) and Wang Weikai (王伟凯), "Hubei Huangmei Seismological Bureau Director Died during Shuanggui (湖北黄梅地震局长双规期间身亡 抢救时挣扎喊冤)," *Nanfang Metropolis Daily* (南方都市报), June 20, 2013, <http://m.sohu.com/n/379316847/> (accessed June 8, 2016).

³⁷⁵ Suo Fei (索非), "Chinese Film and Television Industry Celebrity Li Ming Suddenly Died during Shuanggui (中国影视界名人李明猝死于双规时)," *RFI*, January 21, 2014, <http://cn.rfi.fr/%E4%B8%AD%E5%9B%BD/20140121-%E4%B8%AD%E5%9B%BD%E5%BD%B1%E8%A7%86%E7%95%8C%E5%90%8D%E4%BA%BA%E6%9D%8E%E6%98%8E%E7%8C%9D%E6%AD%BB%E4%BA%8E%E5%8F%8C%E8%A7%84%E6%97%B6> (accessed June 8, 2016).

³⁷⁶ Xie Yanzong (谢寅宗) and Liu Mingyue (刘明月), "Anhui Bengbu Disciplinary Commission Cadre Died Oddly during Investigation, Family Claims That Four of His Ribs Were Broken (安徽蚌埠纪检干部谈话期间死亡, 家属称死者四根肋骨断裂)," *The Paper* (澎湃新闻), January 16, 2015, http://www.thepaper.cn/newsDetail_forward_1294829 (accessed August 1, 2016).

2012.³⁷⁷ According to victims' accounts, reported by their lawyers as well as the Associated Press, procurators also participated in the shuanggui of these individuals. Has the SPP launched an investigation into the case, or taken any disciplinary or legal action against procurators or other officials responsible for the case?

³⁷⁷ Gillian Wong, "In China, Brutality Yields Confessions of Graft," *Associated Press*, March 10, 2014, <http://chinadigitaltimes.net/2014/03/china-brutality-yields-confessions-graft/> (accessed August 16, 2016); Pu Zhiqiang, "A Shuanggui Case in Yongzhou," *Youtube*, March 27, 2014, <https://www.youtube.com/watch?v=4SoOPWKBOsU> (accessed August 16, 2016).

Letter to the Supreme People's Court

August 23, 2016

Mr. Zhou Qiang
President and Chief Justice
Supreme People's Court
Dongjiaominxiang
Dongcheng District, Beijing 100745
People's Republic of China

CC:

Mr. Meng Jianzhu
Secretary of Central Politics and Law Commission
14 Beichizi Street
Dongcheng District, Beijing 100814
People's Republic of China

Re: Shuanggui and Violations of Human Rights

Human Rights Watch is an independent international organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report on the Central Commission for Discipline Inspection's use of "shuanggui," an extralegal form of arbitrary detention. The report focuses on the extent to which the Chinese government has complied with domestic law and fulfilled its obligations under the Convention against Torture and other international instruments.

We would appreciate your responses to the questions raised below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and look forward to your response. In light of our publishing schedule, we would appreciate receiving your response by September 13, 2016, sent to Sophie Richardson, China director at Human Rights Watch, by email at xxxxxxxxxxxx or by fax to xxxxxxxxxxxx.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



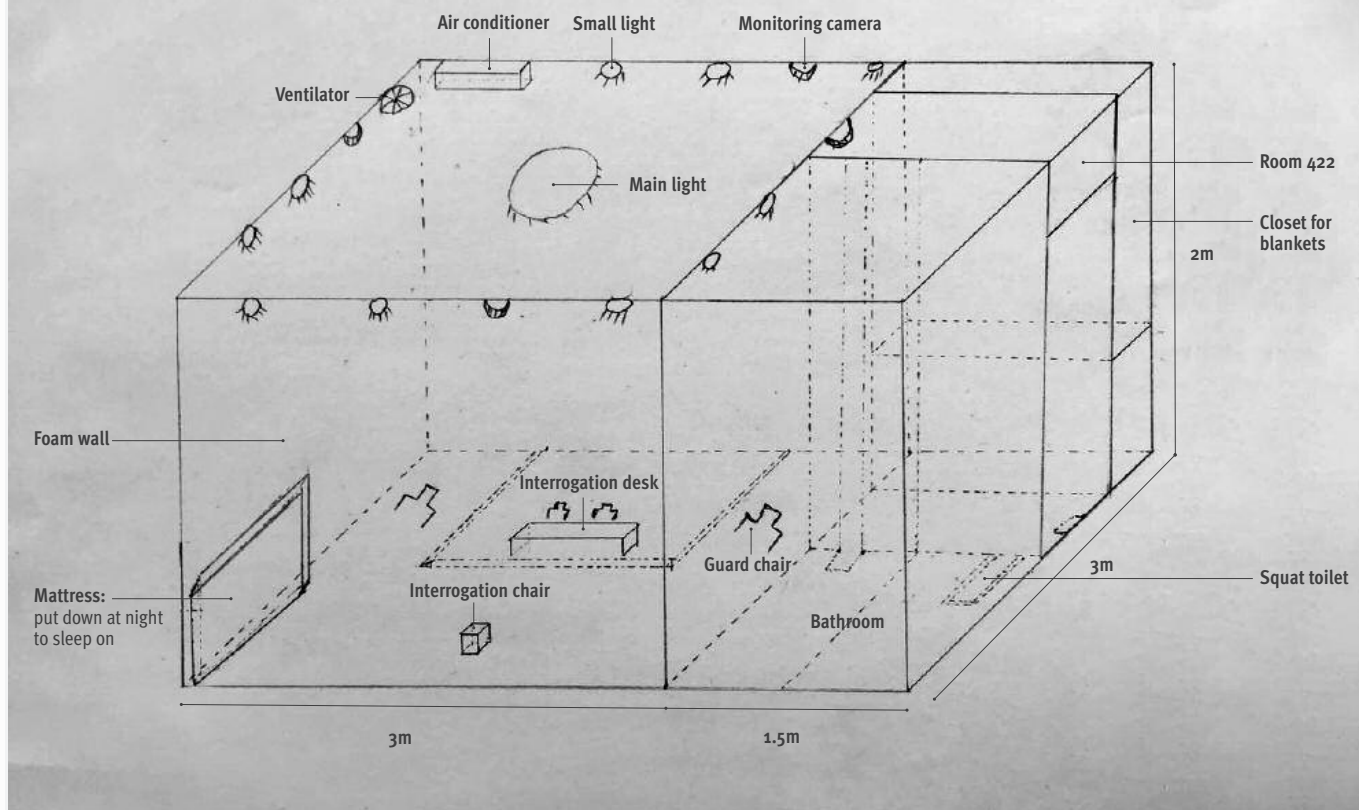
Sophie Richardson

China Director, Human Rights Watch

Questions:

1. Does the Supreme People's Court (SPC) have guidelines for the courts on how to handle suspects' allegations of torture and coerced confessions that took place during shuanggui?
2. Articles 54 and 56 of the Criminal Procedure Law provide that evidence, witness testimonies, and suspects' confessions obtained through "torture, threats, and other illegal methods" should be excluded from criminal proceedings, including during court trials. Is it the SPC's view that courts should initiate the "illegal evidence exclusionary procedure" when suspects allege that they were tortured or mistreated during shuanggui?
3. Do the courts have the power to summon CDI officers, procurators, government officials, or other individuals acting in an official capacity about their conduct during shuanggui if the suspects allege mistreatment during that kind of investigation?
4. Do the courts have the power to summon documentary evidence of treatment of individuals during shuanggui, including video recordings, from the relevant disciplinary commission?
5. Please provide statistics regarding the number of criminal suspects who, during trial, alleged that they had been subjected to torture or ill-treatment while in shuanggui between January 1, 2010, and December 31, 2015.
 - a. In how many of these cases did the court initiate the "illegal evidence exclusionary procedure" or exclude such evidence from court proceedings?
 - b. How many suspects who alleged torture during shuanggui during this period were acquitted?

A Diagrammatic Sketch of a Shuanggui Facility



A drawing of a room used for shuanggui detention by a former detainee. Shuanggui facilities are typically rooms in hostels with special features, such as padded walls or a lack of windows, to prevent suicides or escapes.

“SPECIAL MEASURES”

Detention and Torture in Chinese Communist Party’s Shuanggui System

In late 2012, Chinese President Xi Jinping launched a “war on corruption.” An increasingly powerful and secretive Chinese Communist Party body — the Central Commission for Discipline Inspection (CCDI) — has been a central player in the campaign, particularly through its abusive shuanggui disciplinary system.

Shuanggui, which has no basis in Chinese law, gives the CCDI the authority to summon any of the Party’s 88 million members for investigation on allegations of corruption.

Party officials subject people held in shuanggui to solitary and incommunicado detention; prolonged sleep deprivation; extended periods in stress positions; deprivation of water and food; and severe beatings.

A shuanggui investigation typically begins with the detainee’s disappearance — family members are given no notification of the person’s detention or location, and no information about the alleged infraction or the length of time the person might be held. Detainees have no access to lawyers. Shuanggui investigators can seek approval to repeatedly extend detention limits, meaning that detainees can be held indefinitely, typically until they confess to corruption or other violations of party rules.

“Special Measures”: *Detention and Torture in Chinese Communist Party’s Shuanggui System* is unique in presenting the shuanggui system through firsthand accounts. It is based on interviews with four former shuanggui detainees; 35 detailed accounts from detainees obtained from over 200 Chinese media reports; and an analysis of 38 court verdicts across the country.

China does have a serious corruption problem. However, successfully combating it requires an independent and impartial judicial system, a free media, and robust protections for criminal suspects. The Chinese government should immediately abolish shuanggui.