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Detention and Torture in the Chinese Communist Party's Shuanggui System

The Chinese government should immediately abolish a secretive detention system used to coerce confessions from corruption suspects. The Communist Party-run system, known as shuanggui, has no basis under Chinese law but is a key component of President Xi Jinping's anti-corruption campaign.

Human Rights Watch documented abuses against shuanggui detainees, including prolonged sleep deprivation, being forced into stress positions for extended periods of time, deprivation of water and food, and severe beatings. Detainees are also subject to solitary and incommunicado detention in unofficial detention facilities. After confessing to corruption, they are typically brought into the criminal justice system, convicted, and sentenced to often lengthy prison terms.

2016 Yarek Waszul for Human Rights Watch

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[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 () 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.

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 (), 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.<sup>[1]</sup> Most 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 individuals 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 Peoples 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 (), 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 (, 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.<sup>[2]</sup>

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 Peoples Court decision that mandates online posting of verdicts 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 Peoples Court database.<sup>[3]</sup> 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.

**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

**NPSC:**National Peoples Congress Standing Committee

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:

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.

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.<sup>[4]</sup> 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. <sup>[5]</sup> 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.<sup>[6]</sup> CCDI has established three internal offices bringing the total number to 12 and reassigned personnel and resources to increase their investigative capacity.<sup>[7]</sup> It has also strengthened the practice of stationing () 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.<sup>[8]</sup>

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.<sup>[9]</sup> 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 branches of the Party, the government, or by superiors.<sup>[10]</sup> CDI officers then decide which cases they need to docket () and formally investigate, and which cases necessitate the use of shuanggui.<sup>[11]</sup> CDI officers then have to make an application to higher-level CDIs for approval to conduct 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.<sup>[12]</sup> Their fall which Chinese scholars blamed on corruption is said to have focused the attention of the Chinese government on its own surging corruption.<sup>[13]</sup> This special situation in this special period called for special measures to effectively address the rampant corruption.<sup>[14]</sup> But other scholars have pointed out that the detention of Party members for disciplinary infractions has a long tradition within the CCP.<sup>[15]</sup>

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.<sup>[16]</sup> 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.<sup>[17]</sup> In addition, this extralegal system can serve as a powerful deterrent for Party members in general.<sup>[18]</sup>

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.<sup>[19]</sup> 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.<sup>[20]</sup> As a result, corruption investigators rely on shuanggui and confession.

## Evolution of Shuanggui

The predecessor of shuanggui, known as lianggui (), 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.<sup>[21]</sup> Article 21(5) of the 1990 Regulations on Administrative Supervision state that:

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 (), and the power of lianggui was transferred to the CCDI.<sup>[23]</sup>

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 (). Article 20(3) of the law enables officials of the Ministry of Supervision to:

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.

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 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

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.<sup>[41]</sup> 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 only Party members. Although shuanggui was initially allowed for everyone who is knowledgeable about [a] case in the 1994 Party Regulations,<sup>[42]</sup> later circulars by the CCDI explicitly prohibit the use of shuanggui for non-Party members.<sup>[43]</sup>

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.<sup>[44]</sup> 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.<sup>[45]</sup>

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.<sup>[46]</sup> They must either be officials at Party organs or in the government, and not hired guards.<sup>[47]</sup>

Two or more investigators must be present during interrogations.<sup>[48]</sup> If members of other agencies are participating in shuanggui, the CDI officers must be the ones responsible for leading and organizing implementation of the measure.<sup>[49]</sup>

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.<sup>[50]</sup> 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.<sup>[51]</sup> 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.<sup>[52]</sup> A 2005 circular explained that such security incidents included suicides, as well as escapes and deaths as a result of illnesses.<sup>[53]</sup> 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:

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.<sup>[55]</sup> If, in the course of an investigation, CDI officers determine that a Party members misconduct constituted a crime under the law, they should transfer the case to the criminal justice system.<sup>[56]</sup> 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.<sup>[57]</sup> In major and complex cases, a joint investigation () 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.

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.<sup>[58]</sup>

In 2012, some scholars had hoped that revisions to the Criminal Procedure Law (CPL) might provide a means for making shuanggui a legal measure.<sup>[59]</sup> 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.<sup>[60]</sup> 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.<sup>[61]</sup>

In 2014 the Supreme Peoples 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.<sup>[62]</sup> 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.<sup>[63]</sup> 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 procedural requirements for shuanggui, but the document is not publicly available, underscoring the lack of transparency regarding the practices actual use.<sup>[64]</sup>

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.<sup>[65]</sup> 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.

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

Article 37 of Chinas 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 provisions in national laws.<sup>[66]</sup> 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.<sup>[67]</sup>

Finally, some legal scholars contend that shuanggui is lawful given the nature of Chinas 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.<sup>[68]</sup> 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.<sup>[69]</sup> Detentions must be in accordance with the law and be appropriate, just, and predictable.<sup>[70]</sup> According to the UN Working Group on Arbitrary Detention, deprivation of liberty is arbitrary [w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.<sup>[71]</sup>

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.<sup>[72]</sup> 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.<sup>[73]</sup>

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.<sup>[74]</sup>

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 meet with their families when such communications do not impede the investigation.<sup>[75]</sup> 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.<sup>[76]</sup> As one scholar has emphasized, shuanggui in practice is characterized by the suspension of all procedural rights of detainees.<sup>[77]</sup>

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.<sup>[78]</sup>

Chinas 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.<sup>[79]</sup> Also prohibited is cruel, inhuman, or degrading treatment or punishment, referred to as ill-treatment.<sup>[80]</sup>

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.<sup>[81]</sup> 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.<sup>[82]</sup> Victims of torture should be given fair and adequate compensation as well as physical and psychological rehabilitation.<sup>[83]</sup> Similar obligations apply in cases of ill-treatment not amounting to torture.<sup>[84]</sup>

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.<sup>[85]</sup> The CAT has pointed out that the two relevant articles in Chinas 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 who carry out shuanggui.<sup>[86]</sup> 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.<sup>[87]</sup>

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.<sup>[88]</sup> 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.<sup>[89]</sup> The CAT has stated that the use of solitary confinement should be prohibited for pre-trial detainees.<sup>[90]</sup>

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.[\[91\]](#)

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.

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:

Bao Ruizhi, a former detainee, said:

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

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:

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

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

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:

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

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:

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:

Said Ren Zhiqing:

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

Similarly, Ren Zhiqing said:

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:

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

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

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:

Similarly, former shuanggui detainee Ren Zhiqing said:

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

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:

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 ones colleagues, or by contacting the CDI. But none received paperwork. Xiao Lingling, wife of a former official who is currently imprisoned, said:

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

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:

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

Another former shuanggui detainee said:

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:

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

Another Beijing-based lawyer, Du Qing, said:

Said Yang Zeyu:

Under President Xis 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.[\[129\]](#)

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

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:

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:

She said the interrogators did not reveal their names:

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 didnt theyd 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:

Bao Ruizhi, a former official, said:

Lawyer Zhou Feng told Human Rights Watch:

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 Sapios 2005 study on shuanggui, which details sleep deprivation and harsh interrogation techniques, and abusive treatment including sleep deprivation, 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.[\[142\]](#)

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:

Fang Guoshan, another former detainee, wrote:

According to lawyer Du Qing:

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:

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 Dshan:

Former detainee Xiong Zumo told the press:

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

Similarly, Ren Zhiqing said:

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

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:

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:

They didnt 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:

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

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

According to former detainee Lu Yicheng:

Fang Guoshan also described being deprived of sleep during shuanggui:

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

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 fathers experience:

Former shuanggui detainee Yang Zeyu said:

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

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

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

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

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:

According to a former police chief in Jiangxi Province:

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:

According to Fang Guoshan:

Similarly, Xiong Zumo told the media:

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

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:

#### **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 also exposed him to extreme temperatures:

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

During Xiaos 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 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 Partys 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.

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**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 around the clock by individuals who are euphemistically referred to as accompanying and protection staff (). 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 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 isnt 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]

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**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:

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:

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 husbands] family asking them to return money that hed received The CDI also lied to my daughter, saying your dad will be released after youve 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:

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:

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

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:

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.

Name
<b>Location of shuanggui and death</b>
<b>Official explanation</b>
<b>Family suspicions (if any)</b>
<b>Authorities promised investigation?</b>
<b>Did the press report on the investigation results?</b>
<b>Accountability for perpetrators?</b>
<b>Ran Jianxin</b> [206]
<b>Year in Shuangui:</b>
<b>2010</b>
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 Rans 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 Peoples 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).
<b>Liu Yunfeng</b> [210]
<b>Year in Shuangui:</b>
<b>2010</b>
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 <sup>th</sup> 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 Ge**[\[213\]](#)

**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 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 Jianxin**[\[217\]](#)

**Year in Shuangui:**

**2011**

Died in Pinglu County Peoples Hospital, Pinglu County, Shanxi.

Zhao had jumped from between 6<sup>th</sup> and 7<sup>th</sup> floor of the hospital where he had been receiving treatment for illnesses while in shuanggui. [\[218\]](#)

No information

Yes

No information

No information

**Wang Zhongping**[\[219\]](#)

**Year in Shuangui:**

**2012**

Died in Loudi City Hospital, Loudi City, Hunan. [\[220\]](#)

Wang hanged himself while taking a shower. [\[221\]](#)

Wangs 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 Xiangjun**[\[223\]](#)

**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.

**Jia Jiuxiang**[\[226\]](#)

**Year in Shuangui:**

**2013**

Died in Sanmenxia City Number 3 Peoples 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 Guoliang**[\[228\]](#)

**Year in Shuangui:**

**2013**

Died in Wuhan Tongji Hospital in Huangmei County, Hubei

Province. [\[229\]](#)

Qian died of a sudden heart attack. [\[230\]](#)

Qians daughter alleged that her fathers 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

**Li Ming**[\[231\]](#)

**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 Qiyi**[234]

**Year in Shuangui:**

**2013**

Died in Wenzhou Hospital of Integrated Traditional and Western Medicine, Wenzhou City, Zhejiang Province.[235]

Yu died in an accident.[236]

Yus 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 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]

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 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]

Dings initial autopsy results showed signs of strangulation, rib fractures, and bleeding in the back, bladder, and chest. Dings 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 Partys existing rules require that those responsible for serious security incidents be held responsible, but otherwise 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 deceaseds 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:

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:

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 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 citys 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 Yus 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, Yus 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 Yus 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 Yus lawyers from the trial for challenging the judges on these issues.

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:

Former detainee Bao Ruizhi said:

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 members 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 procuratorates 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 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:

Similarly lawyer He Gang told Human Rights Watch:

According to lawyer Zhang Rensen:

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:

According to lawyer Zhao Lifeng:

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:

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:

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]

Said former detainee Yang Zeyu:

Family member Chen Shan said:

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.

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 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:

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:

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:

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:

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:

Chen Juyang said:

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.

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 ().

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 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 husbands case was jointly investigated:

Lawyer Zhao Lifeng told Human Rights Watch:

Similarly, lawyer Zhang Rensen said:

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 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:

But getting involved in advance violates Chinese law insofar as it takes place in a coercive setting where the suspects 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:

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:

In at least one case, the detainee was not sure whether he was being detained pursuant to the Partys 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:

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:

Lawyer Jiang Zhiyi also said:

Lawyer Zhou Feng told Human Rights Watch:

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:

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:

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 didnt dare recant his confession. They said if he recanted it theyd 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:

Lawyer Du Qing told Human Rights Watch:

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:

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:

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:

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:

Former detainee Yang Zeyu said:

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:

Former shuanggui detainee Bao Ruizhi told Human Rights Watch:

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:

Similarly, according to former detainee Fang Guoshan:

A CDI officer wrote that video-recording is required:

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.

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:

Similarly, lawyer Du Qing said:

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.<sup>[313]</sup>

However, this exclusionary rule is weak in practice and limited in utility, as a 2015 Human Rights Watch report shows.<sup>[314]</sup> 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. It simply states that whenever evidence used for criminal proceedings is obtained through illegal conduct, those handling the case must exclude it.<sup>[315]</sup>

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*.<sup>[316]</sup>

Lawyer Liu Yi told Human Rights Watch:

Lawyer Jiang Zhiyi said:

Similarly, according to lawyer Zhao Lifeng:

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:

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.

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:

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:

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 procurator asserting that the procurator had been participating in shuanggui and was therefore exempt from the law:

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

Lawyer Zhao Lifeng told Human Rights Watch:

Similarly, lawyer Zhou Feng said:

Said former detainee Yang Zeyu:

The defendants interviewed by Human Rights Watch and the defendants in the 38 verdicts we analyzed from the Supreme Peoples 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].<sup>[328]</sup> 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].<sup>[329]</sup>

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.<sup>[330]</sup>

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.<sup>[331]</sup> Although Chinese state media has reported on high profile acquittals some posthumously, and many 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:

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:

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

Local CDIs are supervised both by Party committees at the same level, and by higher-level CDIs.<sup>[333]</sup> 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:

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:

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

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

Former detainee Chen Zuyang told Human Rights Watch:

Former detainee Ren Zhiqing said:

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:

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

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:

Another detainee, Fang Guoshan, wrote:

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:

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:

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.<sup>[346]</sup> Some of the same interrogators were later responsible for torturing another detainee, Lu Yicheng, during shuanggui.<sup>[347]</sup> 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.

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.

This report was written and researched by a Human Rights Watch researcher, with the assistance of a research assistant. It was reviewed and edited by Sophie Richardson, China director; Megan McLemore, health and human rights senior researcher; and Brian Root, quantitative analyst. James Ross, legal and policy director, and Joseph Saunders, deputy program director, provided legal and program review respectively.

This report was also reviewed by a China legal expert outside of Human Rights Watch who did not wish to be named.

Production assistance was provided by Daniel Lee, associate in the Asia division.

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.

[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 (), Liberation Daily (CPC Shanghai Municipal Committee) (), Tianjin Daily (), Hebei Daily (), Shanxi Daily (), Inner Mongolia Daily (CPC Inner Mongolia Autonomous Region Party Committee) (), Liaoning Daily (), Jilin Daily (), Heilongjiang Daily (), Southern Daily (CPC Guangdong Provincial Committee) (), Guangxi Daily (), Gansu Daily (), Dazhong Daily (CPC Shandong Provincial Committee) (), Anhui Daily (), Xinhua Daily (CPC Jiangsu Provincial Committee) (), Zhejiang Daily (CPC Zhejiang Provincial Committee) (), Fujian Daily (), Henan Daily (), Hubei Daily (CPC Hubei Provincial Committee) (), Jiangxi Daily (), Shaanxi Daily (), Qinghai Daily (), Bingtuan Daily (), Sichuan Daily (), Yunnan Daily (), Guizhou Daily (), Tibet Daily (), Ningxia Daily (), Chongqing Daily (), Hainan Daily (), Hunan Daily (), Southern Metropolis Daily (), Southern Net (), Southern Weekend (), Phoenix Weekly (), Caijing (), Caixin (), The Peoples Court Newspaper (), Public Security Newspaper (), The Procuratorate Daily (), China Discipline Inspection Observation Newspaper (), China Discipline Inspection Magazine (), Legal Daily/Legal Net (), Legal Life Newspaper (), Democracy and Law Times (), Peoples Daily (), Peoples Net (), Xinhua Net (), China News Net (), Beijing News (), Qushi (), Liaowang (), and The Paper ().

[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.

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

[4] Chinese Communist Party Central Committee Decision on Establishing Central and Local Commissioners for Discipline Inspection (), issued on November 9, 1949; Central Commission for Discipline Inspection and Supervision Department Website: Institutional Framework (: ), [http://www.ccdi.gov.cn/xxgk/zjzg/201403/t20140314\\_45334.html](http://www.ccdi.gov.cn/xxgk/zjzg/201403/t20140314_45334.html) (accessed February 16, 2016).

[5] Samson Yuen, Disciplining the Party: Xi Jinpings Anti-Corruption Campaign and Its Limits, *China Perspectives*, No.2014/3, p. 46.

[6] Ibid.

[7] Ibid.; Shen Nianzu, Trilogy of Enlarging the Power of Local Disciplinary Commissions (), June 26, 2014, *Economic Observer* (), <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), created by the Partys 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 (), *The Procuratorate Daily* (), October 13, 2015, [http://www.sec.com.cn/Nengzhelianxin\\_show.aspx?TypeId=99&Id=32950](http://www.sec.com.cn/Nengzhelianxin_show.aspx?TypeId=99&Id=32950) (accessed October 3, 2016).

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

[10] Shuanggui Locations Revealed: Stuff Wrapped in Rubber to Prevent Suicides (), *Jinghua Times* (), December 14, 2012, [http://news.xinhuanet.com/politics/2012-12/14/c\\_124093197.htm](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 Chinas Local Party Discipline Inspection Committees, *Journal of Contemporary China*, pp.2 and 7.

[12] Li Yongzhong (), An Expedient Strategy during Transition towards a Rule of Law Society (), *Chinese Cadres Tribune* (), 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 (), An Expedient Strategy during Transition towards a Rule of Law Society (), *Chinese Cadres Tribune* (), 2003 (9), p.13.

[15] Ibid.

[16] Flora Sapiro, *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 Sapiro, Shuanggui and Extralegal Detention in China, p.21.

[19] Peng Zhen, A Number of Basic Issues in Improving Political-legal Work (), Key Points of the Speech at the Central Political-Legal Committee (), Central Bibliography Publishing House (), 1992.

[20] Li Ling, The Rise of the Chinese Communist Partys 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](https://www.academia.edu/10195921/The_Rise_of_the_Chinese_Communist_Party_s_Disciplinary_Institution_1927-2012_The_operation_of_the_Party_anticorruption_machine).

[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 Sapiro, *Sovereign Power and the Law in China*, p. 84.

[22] Administrative Supervision Regulation of the Peoples Republic of China (), issued by the State Council, effective between December 9, 1990, and May 9, 1997, art. 21(5).

[23] Flora Sapiro, Shuanggui and Extralegal Detention in China, pp. 11-12.

[24] Regulations on Case Investigation Work by the Chinese Communist Party Disciplinary Commission (), issued by Central Commission for Discipline Inspection (), effective since March 25, 1994.

[25] Administrative Supervision Law of the Peoples Republic of China (), issued by the National Peoples Congress Standing Committee (NPCSC), effective since May 9, 1997. Translation excerpted from [http://www.pkulaw.com/fulltext\\_form.aspx?Db=alftwotitle&Gid=18134](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 Peoples Republic of China (), 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 (), issued by CCDI and the Ministry of Supervision (), on June 5, 1998.

[29] Flora Sapiro, 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](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 Chinas 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.

[31] Flora Sapiro, *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 (2011)*, Chinese Academy of Social Sciences Press (), p. 3.

[36] Chinese Academy of Social Sciences, *The Blue Book On Anti-corruption 2012 (2012)* Chinese Academy of Social Sciences Press (), p.9.

[37] In 2013, Individuals Given Party and Government Disciplinary Punishments Increased by 13.3 percent Nationwide, Compared to 2012 (2013201213.3%), (China Net), January 10, 2014, [http://news.china.com.cn/txt/2014-01/10/content\\_31149235.htm](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 (201331), Xinhua Net (), January 10, 2014, [http://news.xinhuanet.com/politics/2014-01/10/c\\_118914064.htm](http://news.xinhuanet.com/politics/2014-01/10/c_118914064.htm) (accessed October 3, 2016).
- [39] Wang Qishans Work Report at the Fifth Session of the Eighteenth CCDI Meeting (, Xinhua News Agency (), January 29, 2015, [http://www.safe.gov.cn/resources/wcmpages/wps/wcm/connect/safe\\_web\\_store/safe\\_web/node\\_jgdj/node\\_jgdj\\_xxzl/84f5fc004842db16ad2ead3fa4e6118/](http://www.safe.gov.cn/resources/wcmpages/wps/wcm/connect/safe_web_store/safe_web/node_jgdj/node_jgdj_xxzl/84f5fc004842db16ad2ead3fa4e6118/) (accessed October 3, 2016).
- [40] CCDI: Last Year over 5,400 Party Members Surrendered Themselves to the CDIs (5400), *Beijing Times* (), January 25, 2016, [http://news.china.com.cn/2016-01/25/content\\_37652703.htm](http://news.china.com.cn/2016-01/25/content_37652703.htm) (accessed October 3, 2016).
- [41] Ye Zhusheng (), Shuanggui between Discipline and Law (), *South Reviews* (), June 10, 2013, [http://www.21ccom.net/articles/zgyj/ggzhc/article\\_2013061285404.html](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 (), art. 28.
- [43] Notice by CCDI on Further Standardizing the Use of Lianggui Measures (CCDI [2001] No. 15) () ([2001]15), para. 1; Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection And Supervision Organs (CCDI [2005] No. 7) () (20057; 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) () (200528).
- [44] Flora Sapio, Shuanggui and Extralegal Detention in China, 2008; Wang Quanbao (), Tightening Shuanggui: Transparency and Legality Are Directions (), *Newsweek* (), September 16, 2013, <http://politics.newsweek.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) () ([2001]1).
- [46] Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of Lianggui Measures (CCDI [2001] No. 15) () ([2001]15; 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) () (200528). Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of Lianggui Measures (CCDI [2001] No. 15) () ([2001]15); CCDI Regulation on Adopting Lianggui Measures (CCDI [2012] No. 12) () (201212. 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 Commissions Case Handling Base and Study (), issued by CPC Zhangjiajie Municipal Commission for Discipline Inspection () Organization Department of CPC Zhangjiajie Municipal Committee () (Zhangjiajie Municipal Supervision Bureau () (Zhangjiajie Municipal Human Resources and Social Security Bureau () on August 6, 2013, <http://site.zjjyd.gov.cn/ydjlw/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) () (200833), paragraph 26.
- [49] CCDI and the Ministry of Supervision Notice on Correcting Using Lianggui Shuanggui (CCDI [2001] No. 4) () ([2001]4).
- [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) (), 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) () (The General Office of CCDI [2000] No. 1) (20001).
- [52] Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of Lianggui Measures (CCDI [2001] No. 15) () ([2001]15).
- [53] Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) () (20057).
- [54] Ning Xu (), Normalization of Linghai Disciplinary Commissions Safe Handling of Cases (), *Liaoning Daily* (). 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) () (1994325; 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) () (200528).
- [56] Art. 37, Directive on Case-inspection Work for Party Discipline and Inspection Organs (), 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 Peoples Court, The Supreme Peoples Procuratorate (), Several Opinions on Strengthening The Work of Punishing and Preventing the Crime of Dereliction of Duty ()).
- [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 (), Tightening Shuanggui: Transparency and Legality Are Directions (), *China News Weekly* Net (), September 16, 2013, <http://politics.newsweek.cn/20130916/detail-71416-all.html> (accessed July 21, 2016)
- [59] He Xin (), Residential Surveillance at Designated Place: Shuanggui Being Indirectly Incorporated into the Law (-), *Caixin* (), 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 (), Tightening Shuanggui: Transparency and Legality Are Directions (), *China News Weekly* Net (), September 16, 2013, <http://politics.newsweek.cn/20130916/detail-71416-all.html> (accessed October 3, 2016).
- [62] Jiang Xi (), Learning Knowledge| The Differences among Shuanggui Lianggui Liangzhi (), *(The Paper)*, October 21, 2014, [http://m.thepaper.cn/newsDetail\\_forward\\_1272302?fromproxy=1](http://m.thepaper.cn/newsDetail_forward_1272302?fromproxy=1) (accessed February 11, 2016); Wang Shu () and Xing Shiwei (), Expert Responded to Shuanggui Step Down from the Stage of History : the Frequency Will Be Decreased (), *Beijing News* (<http://news.qq.com/a/20131120/001213.htm> (accessed February 11, 2016).
- [63] Inspection According To the Discipline Must Not Be Judicial Investigation (), *China Discipline Inspection And Supervision Paper* (), March 7, 2016, <http://www.chinanews.com/gn/2016/03-07/7786349.shtml> (accessed July 22, 2016).
- [64] CCDI Regulation on Adopting Lianggui Measures ().
- [65] Wang Quanbao (), Tightening Shuanggui: Transparency and Legality Are Directions (), September 16, 2013, <http://politics.newsweek.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 (), *Southern Weekend*, April 4, 2005, <http://www.chinaelections.org/article/118/8550.html> (accessed September 9, 2016).
- [66] Chinas Response to the List of Issues from the Committee against Torture, 2016, para. 17.
- [67] Administrative Supervision Law of the Peoples Republic of China (), 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](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.
- [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.
- [75] Rules on the Application of Lianggui by Disciplinary and Inspection Organs (Provisional) (); Notice by the Central Commission for Discipline Inspection on Further Standardizing the Use of Lianggui Measures (CCDI [2001] No. 15) () ([2001]15; Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) () (20057; 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) () (200528).
- [76] CCDI and the Ministry of Supervision Notice on Correcting Using Lianggui Shuanggui (CCDI [2001] No. 4) () ([2001]4; Opinions on Handling Cases Strictly Following The Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) () (20057; Rules on The Application of Lianggui by Disciplinary and Inspection Organs (Provisional) (); 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) () (200528); Opinions on Handling Cases Strictly Following the Laws and Disciplines by Discipline Inspection and Supervision Organs (CCDI [2005] No. 7) () (20057); CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) () (200833).
- [77] Flora Sapio, *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) () (200528); CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) () (200833), paragraph 23.

[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.

[86] Ibid.

[87] CCDI Regulation on Further Strengthening and Regulating the Case Handling Work (CCDI [2008] No. 33) (J200833).

[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 Peoples Republic of China, U.N. Doc. CAT/C/CHN/CO/5, February 3, 2016, para. 45.

[92] Ye Zhusheng (), Shuanggui between Discipline and Law (), *South Reviews* (), June 10, 2013, [http://www.21ccom.net/articles/zgyj/ggzhc/article\\_2013061285404.html](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.

[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.

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

[99] Li Peng (), What Is It Like Being Subjected to Shuanggui (), 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](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.duihuahrjournal.org/2011/07/official-fear-inside-shuanggui.html> (accessed October 4, 2016).

[100] The Emergence and Use of Shuanggui (), *Qilu Evening Paper* (), 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.

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

[103] Li Peng (), What Is It Like Being Subjected to Shuanggui (), 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](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 (), 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) () (The General Office Of CCDI [2000] No. 1).

[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.

[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 (), December 26, 2014, *Phoenix Satellite Television*, [http://phtv.ifeng.com/a/20141226/40921364\\_0.shtml](http://phtv.ifeng.com/a/20141226/40921364_0.shtml) (accessed January 8, 2016).

[111] Liu Chang (), 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 (3019), *Southern Weekend* (), 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 (), 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 (3019), *Southern Weekend* (), 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.

[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.

[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 Major of Wenzhou Ye Jiren Cannot Be Solved, It May Be a Wrongful Case (), Renmin Forum Net Henan Channel (), 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 Chinas Local Party Discipline Inspection Committees, *Journal of Contemporary China*, vol. 25 (2016), p.5.

[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 (), *Jinghua Times* (), December 14, 2012, [http://news.xinhuanet.com/politics/2012-12/14/c\\_124093197.htm](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.

[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.

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