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# CHINA

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## BACKGROUND

The People's Republic of China is a single-party dictatorial regime based on the Chinese Communist Party of China's monopoly of power. General Secretary of the Party since 2012 and President of the People's Republic of China, Xi Jinping has also been the Chairman of the Central Military Commission (body governing the armed forces) since March 2013. Although a kind of civil society progressively emerged in the country throughout the 2000s, other parties and opposition movements are still prohibited and severely repressed. China comprises 21 provinces, 5 autonomous regions, 4 municipalities and 2 special administrative regions.

The National People's Congress is the national legislature. The organs that head up the legal system are the Supreme People's Court and the Supreme People's Procuratorate. Yet in reality, power remains within the hands of the Politburo Standing Committee of the Communist Party. Similarly, the Ministry of Justice and the Ministry of Public Security, public bodies responsible for applying legislation, are in effect controlled by the Central Political and Legal Affairs Commission, which has power over the Procuratorate, courts and public security. This structure is reflected across all levels of the country's administrative network, in the provinces, cities and districts alike.

Since Xi Jinping's rise to power, repression of civil society has intensified, culminating in the summer of 2015, when over 300 human rights lawyers were threatened, intimidated or detained<sup>1</sup>. A number of laws or draft laws in violation of freedom and liberty have been adopted, such as the law on national security<sup>2</sup> and the Overseas Non-Governmental Organizations Management Law (Draft)<sup>3</sup>, which strongly restrict freedom of expression and assembly, in particular.

Following the demonstrations in Tibet in 2008<sup>4</sup> and the riots in Xinjiang in 2009<sup>5</sup>, repression of Tibetans<sup>6</sup> and Uyghurs<sup>7</sup> has increased and freedom of movement for members of these minorities is severely restricted. Atrocities committed against these minorities are frequent.

On 9 December 2015, the Committee against Torture in its concluding observations noted that “the Committee remains seriously concerned over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the [Chinese] criminal justice system, which overly relies on confessions as the basis for convictions<sup>8</sup>”.

## THE PRACTICE OF TORTURE

Torture is a practice that remains widely used across all levels of different security forces. In addition to this, the widespread practice of secret detention in detention premises other than official detention centres increases the risk of torture or cruel, inhuman or degrading treatment.

### Victims

In China, torture and cruel, inhuman or degrading treatment affect any individual suspected of having committed a criminal offence. The risks of torture or cruel, inhuman or degrading treatment are even higher when detainees belong to a ‘sensitive’ category such as human rights lawyers, petitioners<sup>9</sup>, dissidents, members of ethnic minorities or members of the *Falun Gong* (a spiritual practice that is prohibited in China) and those belonging to other religions considered to be clandestine. An increasing number of activists are being arrested for crimes as vague as “subversion of State power”, “assembling a crowd to disturb public order” or “separatism”. Ilham Tohti, a 45-year-old Uyghur academic, was sentenced to life in prison in September 2014 for “separatism”. Arrested on 15 January 2014 at his home, he was secretly detained for several weeks before his lawyer was permitted to meet with him. He was starved for two consecutive 10-day periods and his feet were bound in heavy chains for a month<sup>10</sup>.

Several dozen human rights lawyers were subjected to multiple forms of torture when detained in relation to the legal counsel they had provided over the last few years<sup>11</sup>. A lawyer from Hunan province, Cai Ying, was detained for 87 days and subjected to different kinds of torture, the “hanging restraint chair” most notably<sup>12</sup>, for 12 hours a day and sometimes even one or two days in a row<sup>13</sup>. In 2014, Tang Jitian, a Beijing lawyer, was beaten, starved, strung up for several days and threatened with live burial before being forced to sign a written statement after 16 days of detention<sup>14</sup>. Gao Zhisheng<sup>15</sup> was placed in solitary confinement for three years and beaten with an electric prod<sup>16</sup>.

The case of Cao Shunli<sup>17</sup>, the human rights defender who passed away in March 2014 after 6 months of detention for having attempted to travel to Geneva with a view to taking part in human rights training ahead of China's Universal Periodic Review (UPR) in October 2013, illustrates the abuse committed by Chinese security forces with regard to human rights activists. Detained in secret for the first five weeks of her imprisonment, she was systematically denied access to healthcare by the authorities. It was only upon realising that her death was imminent that they transferred her to a hospital in a serious condition. Her family were forced to sign documents authorising her "conditional release for health reasons" while she was in a coma. She died a few days later on 14 March 2014.

Other detainees who have died in official or secret detention in 2015 include the Tibetan monk Tenzin Delek Rinpoche<sup>18</sup> and the Catholic bishop Shi Enxiang<sup>19</sup>, who has spent over half of his life in prison.

## Torturers and places of torture

Agents of the public security ministry and bureaus (police officers, criminal and administrative detention centre wardens), agents of State security, prison wardens governed by the Ministry of Justice, cell bosses, thugs recruited by local administrations to attack petitioners: in summary, all agents entrusted with the task of maintaining order and individuals acting upon their instigation are potential cogs in the Chinese torture system.

In 2012, the Minister for Justice told the National People's Congress that China was home to 681 prisons containing 1.64 million detainees<sup>20</sup>. However, even if these official figures were to be trusted, they only account for a minute part of the real picture of detention in China. In addition to prisons, a number of administrative detention premises exist, which are directly reliant on the ministry and bureaus of public security, such as detention centres, "custody and education centres<sup>21</sup>", "drug rehabilitation centres"<sup>22</sup> and psychiatric hospitals for criminals suffering from psychiatric disorders<sup>23</sup>. The decision to imprison an individual in these premises is taken by public security agents and requires no approval from a judge. There are also a number of secret detention premises such as black jails (*hei jianyu* - 黑监狱) and premises used for "residential surveillance in a designated location", or during *shuanggui* (双规). These premises can be civilian buildings (hospitals, apartment blocks, basements) or official buildings such as detention centres, offices or military barracks. 'Black jails' are unofficial detention premises used mainly by local and provincial authorities to detain constituent petitioners travelling to Beijing or the provincial capitals to carry their grievances. Detainees here are often deprived of food, sleep and access to healthcare. They are also beaten, threatened, intimidated and sometimes

subjected to sexual abuse. They are denied access to their lawyers and families. These prisons can be found in hotels, government offices, and residential apartment blocks.

Premises dedicated to *shuanggui* can be hotels, apartments, government offices or barracks. The *shuanggui* procedure is an internal procedure executed within the Chinese Communist Party, and as such is not subject to national law. It is often used in the event of a “breach of Party discipline” (often referring to corruption) from cadres, and can lead to the death of the detainee. The agents of the Party’s Central Commission for Discipline Inspection are equipped with full powers they may execute in order to obtain confessions from the cadre in question, with the latter potentially being detained in secret detention indefinitely. In some cases, once a confession has been obtained, the detainee is handed over to the legal system for proceedings. There are no figures available concerning individuals subjected to *shuanggui*, but this would appear to be a widespread practice, especially since the beginning of the anti-corruption campaign launched by Xi Jinping<sup>24</sup>.

Thus, despite the eradication of the re-education through labour procedure (*laojiao*) in late 2013<sup>25</sup>, arbitrary detention remains extremely frequent in China.

## Methods and objectives

The witness reports collated describe different methods of torture: beatings, notably using electric prods, truncheons, iron bars or bottles filled with water, of detainees who are cuffed and suspended from the bars of a cell window, thus preventing them from keeping their feet on the ground. Being forced to sit in the “tiger chair<sup>26</sup>”, the “hanging restraint chair<sup>27</sup>”, or the “tiger bench<sup>28</sup>” for several hours and sometimes even several days; threats, months spent in solitary confinement, repeated asphyxiation of the detainee using a plastic bag, chilli oil being sprayed into the detainee’s face and genitals, cigarette burns or boiling water burns; prolonged exposure to glacial temperatures in winter, and sexual abuse, are all torture methods that are frequently used by the Chinese security services<sup>29</sup>.

The rare witness accounts from people who have been tortured under *shuanggui* reveal beatings, force-feedings of human excrement, dismemberment of legs, water-boarding\*, and more.<sup>30</sup>

Torture is used to extract confessions as part of an investigation or to inflict punishment on a detainee. This practice is encouraged by the legal system, as a confession is the decisive element leading to the conviction of a suspect. The number of cases they solve is key to promoting agents, which encourages them to obtain confessions by all means necessary, including torture. The use of these practices also serves

to silence critics, to reprimand and punish political or religious activities, or those related to the defence of human rights.

## LEGISLATION AND LEGAL PRACTICES

The Chinese authorities have publicly condemned torture on numerous occasions<sup>31</sup> and have modified national law to include torture.

### Legal sanction

The People's Republic of China is party to a number of international treaties on the protection of human rights, having ratified the United Nations Covenant on Economic, Social and Cultural Rights, and signed the UN Covenant on Civil and Political Rights in 1998, albeit without ratifying it. The country has also been party to the Convention against Torture and other cruel, inhuman or degrading treatments since 1988, although it has refused to recognise the jurisdiction of the Committee against Torture under the terms of Article 20 of the Convention (the Committee's right to investigate).

The Chinese State has repeatedly been examined by the UN's organs and has always denied or strongly minimised the use of torture. The government has refused all visits from independent experts and special rapporteurs from the United Nations such as the Special Rapporteur on torture (prohibited from visiting since the last visit in 2005), and this despite repeated requests.

Article 35 of the Chinese constitution enshrines basic freedoms and liberties and Article 37 prohibits the illegal detention of citizens<sup>32</sup>. However, the forbidding of torture and cruel, inhuman or degrading treatment is not mentioned.

The definition used in Chinese criminal law does not cover China's obligations under international law. It also makes no mention of psychological torture (Criminal Law, Articles 237, 238 and 248). It limits the convicting of instigation to torture to agents operating in official detention premises. It does not extend responsibility to an agent of the State who may have known of, or approved, an act of torture. Finally, Article 50 of the Criminal Procedure Law excludes the taking into consideration of confessions obtained through torture, but does not take into account the 'fruit of the poisoned tree' doctrine, considered a part of international law on torture by the United Nations' Special Rapporteur<sup>33</sup>. According to this doctrine, any evidence subsequently obtained through legal means, but which originated in an act of torture must be excluded from proceedings.

The procedure of “residential surveillance in a designated location” introduced in Articles 72, 73 and 77 of the Criminal Procedure Law revised in 2012 allows for the incommunicado\* detaining of a person for up to six months in cases of crimes linked to “national security”, “terrorism” or “serious corruption”, and only requires the authorities to notify the detainee’s family of the detention, without the location of the said detention needing to be specified. The authorities are under no obligation to inform the defence lawyer of the situation. Consequently, this procedure significantly heightens the risk of torture and cruel, inhuman or degrading treatment.

The Criminal Procedure Law sets out other regulations that aim to prevent torture such as the obligation to film interrogations in cases where the suspect may be condemned to the death penalty, a life sentence, or “other major criminal cases”<sup>34</sup>. However, the films in question are often interrupted or detainees imprisoned in secret until they make a confession, at which point they are then taken to a detention centre where the confessions are recorded. Furthermore, in criminal cases that do not fall into this category, the decision of whether or not to film the interrogation rests in the hands of the public security services<sup>35</sup>.

## Prosecution of perpetrators of torture

Under Article 247 of the Criminal Law police officers or detention agents risk up to three years of prison if they extract a confession by force. Perpetrators of torture who do not fall into the “police officer or agent” category, such as cell bosses, can only be prosecuted as accomplices. If the abuse results in the death of the victim or a permanent disability, the sentences are increased and can extend as far as the death penalty, mirroring the sentences defined for “intentional harm” (Article 234 of the Criminal Law) and “voluntary homicide” (Article 232).

The police also have an internal monitoring system. In theory, the police forces are monitored by the “internal supervision police” and the legal police departments<sup>36</sup>. The “internal supervision police” can make unannounced visits to detention centres, sit in on interrogations and have the power to order an officer be suspended or even detained. They can also request that the Procuratorate open inquiries. There are prosecutors in some detention centres. Detainees can contact them to denounce cases of abuse. However, generally speaking detainees do not know of the existence of said prosecutors, and if they do know, they are required to seek authorisation to speak with them from the cell boss or warden, who in most cases are their torturers.

The lack of a National Human Rights Commission or a regional court with the ability to issue binding judgements on the abuse of human rights in Asia severely restricts possibilities for victims seeking help. In addition, less than 20% of suspects in criminal cases have access to a lawyer<sup>37</sup>. The lack of independent Bars and the increase in monitoring and repressing members of the legal profession as exemplified by reforms designed to restrict their independence<sup>38</sup> and by mass arrests of human rights lawyers during the summer of 2015, are all elements that aim to break the main driving force opposing those who hold the power. The United Nations Committee against Torture emphasised the need for China to “establish an independent oversight mechanism to ensure prompt, impartial and effective investigation into all allegations of torture and ill-treatment<sup>39</sup>”.

It is therefore very rare for torturers to be prosecuted. The police’s power in the system, the absolute necessity of obtaining a suspect’s confession in order to obtain a conviction and the pressure put on public security agents to close cases are all elements that explain why torture is used as an inquiry technique. According to a report carried out by Amnesty International between January and September 2015, of the 590 requests for a confession to be excluded due to the use of torture, exclusion was only granted in 16 of the cases, and the accused acquitted just once<sup>40</sup>. In the majority of cases, the requests were denied because the burden of proof was passed on to the accused and the latter was considered not to have provided precise enough information, despite the fact that Article 57 of the Criminal Procedure Law stipulates that the burden of proof falls to the Procuratorate.

Human Rights Watch conducted a similar analysis in the first few months of 2014 and found just one case in which police agents were convicted of having mistreated a prisoner - yet neither of them served their prison sentence<sup>41</sup>. In this case too, the judges placed the burden of proof on the victim.

In cases of torture under the *shuanggui* procedure, Chinese courts generally refuse to rule, stating that considering they are procedures grounded in China’s Communist Party, they fall outside of Chinese law. However, most exceptionally, in 2013 six cadres from the Party’s Central Discipline Committee were convicted with sentences ranging from 4 to 14 years of prison for having tortured to death Yu Qiyi, head engineer at a State company in the Wenzhou region<sup>42</sup>.

Despite deficient provisions that aim to condemn the practice of torture in China, it remains widely used in both official detention structures and the many secret detention premises scattered across the country. The resilience of this tradition of torture in China can be explained by a complete lack of political willingness to end it displayed by the authorities. The absence of examples to refer to and the rising practice of threatening, torturing and imprisoning lawyers and activists attempting to oppose this phenomenon, are all elements that render the eradication of torture in China particularly challenging.



- [1] « Un avocat opposé à la destruction des églises disparaît aux mains de la police », ACAT-France, 7 September 2015, [www.acatfrance.fr/actualite/avocat-eglise](http://www.acatfrance.fr/actualite/avocat-eglise)
- [2] Brice Pedroletti, « La Chine durcit sa législation sécuritaire », *Le Monde*, 2 July 2015, [http://abonnes.lemonde.fr/asia-pacifique/article/2015/07/02/la-chine-durcit-sa-legislation-securitaire\\_4668087\\_3216.html](http://abonnes.lemonde.fr/asia-pacifique/article/2015/07/02/la-chine-durcit-sa-legislation-securitaire_4668087_3216.html)
- [3] This law applies to all NGOs based abroad and those based in Hong Kong, Macau and Taiwan. Gilles Taine, « Chine : le pouvoir veut contrôler au plus près l'activité des ONG », *Mediapart*, 26 May 2015, [www.mediapart.fr/journal/international/260515/chine-le-pouvoir-veut-controler-au-plus-pres-les-activites-des-ong](http://www.mediapart.fr/journal/international/260515/chine-le-pouvoir-veut-controler-au-plus-pres-les-activites-des-ong)
- [4] Robert Barnett, "The Tibet Protests of Spring 2008", *China Perspectives* [Online], 2009/3 | 2009, uploaded on 1 September 2012, accessed on 18 November 2015. URL: <http://chinaperspectives.revues.org/4836>
- [5] « Plusieurs dizaines de morts dans des émeutes au Xinjiang », *Le Monde*, 6 July 2009, [www.lemonde.fr/asia-pacifique/article/2009/07/06/plusieurs-dizaines-de-morts-dans-des-emeutes-au-xinjiang\\_1215526\\_3216.html](http://www.lemonde.fr/asia-pacifique/article/2009/07/06/plusieurs-dizaines-de-morts-dans-des-emeutes-au-xinjiang_1215526_3216.html)
- [6] Free Tibet, Tibet Watch, Gu-Gu Shum, Torture in Tibet: submission to the United Nations Committee against Torture in advance of the examination of State Party report for the PRC at 56<sup>th</sup> session, October 2015.
- [7] World Uyghur Congress/Uyghur Human Rights Project, Alternative report submission to the United Nations Committee Against Torture in consideration of CAT/C/CHN/5 – 56<sup>th</sup> Session, 9 nov. 2015 – 9 dec. 2015, 2 November 2015, <http://uhrp.org/press-release/briefing-world-uyghur-congressuyghur-human-rights-project-submit-alternative-report>
- [8] Committee against torture, Concluding observations on the fifth periodic report of China, §20, 9 December 2015, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en)
- [9] Often residents of rural areas and victims of forced expropriation and abuse perpetrated by local authorities, petitioners are citizens who attempt to obtain justice by relying on the traditional "letters and petitions" system, which aims to denounce the abuses of one level of government to a higher level. As the State Bureau for Letters and Calls is located in Beijing, the capital is often the final stage of a long journey during which petitioners are regularly subjected to cruel, inhuman or degrading treatment.
- [10] « Prison à vie pour Ilham Tohti : 'Ils ont créé un Mandela Ouïghour' », *France 24*, 23 September 2014, [www.france24.com/fr/20140923-chine-justice-prison-vie-ouighour-ilham-tohti-mandela-pek-in-xinjiang-musulman-han](http://www.france24.com/fr/20140923-chine-justice-prison-vie-ouighour-ilham-tohti-mandela-pek-in-xinjiang-musulman-han)
- [11] China Human Rights Lawyers Concern Group, *UN international day in support of victims of torture: an overview of torture cases of lawyers in China (2006-2015)*, 26 June 2015, Hong Kong, [www.chrlawyers.hk/en/content/china-human-rights-lawyers-concern-group-united-nations-international-day-support-victims](http://www.chrlawyers.hk/en/content/china-human-rights-lawyers-concern-group-united-nations-international-day-support-victims)
- [12] Diaodiao yi – 吊吊椅: A chair in which the detainee's feet are cuffed off the floor: the detainee's back cannot rest against the back of the chair, their torso is attached to a plank and their hands are cuffed to the board, rendering all bodily movement impossible.
- [13] Amnesty International, *No end in sight, torture and forced confessions in China*, 11 November 2015.
- [14] China Human Rights Lawyers Concern Group, *UN international day in support of victims of torture: an overview of torture cases of lawyers in China (2006-2015)*, 26 June 2015, Hong Kong, [www.chrlawyers.hk/en/content/china-human-rights-lawyers-concern-group-united-nations-international-day-support-victims](http://www.chrlawyers.hk/en/content/china-human-rights-lawyers-concern-group-united-nations-international-day-support-victims)
- [15] « Nouvel an chinois: quelle perspective pour les droits de l'homme ? », ACAT-France, 19 February 2015, [www.acatfrance.fr/actualite/nouvel-an-chinois--quelle-perspective-pour-les-droits-de-lhomme--](http://www.acatfrance.fr/actualite/nouvel-an-chinois--quelle-perspective-pour-les-droits-de-lhomme--)
- [16] Isolda Morillo, Didi Tang, "AP Exclusive: leading China lawyer says he was tortured", AP, 24 September 2015, <http://bigstory.ap.org/article/377ac19c370c4a478ec015d0a12dbc88/leading-china-lawyer-speaks-out-says-he-was-tortured-again>
- [17] United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, "China: UN experts deplore events leading to death of HRD Cao Shunli, ask for full investigation", 18 March 2014, <http://freeassembly.net/rapporteurpressnews/cao-shunli/>
- [18] ACAT-France, « Soutenez la famille d'un célèbre moine tibétain pour élucider sa mort en prison », 17 August 2015, <http://acatfrance.fr/actualite/moine-tibetain>.
- [19] ACAT-France, « Le corps d'un évêque détenu au secret depuis 14 ans doit être rendu à sa famille », 23 February 2015, [www.acatfrance.fr/action/corps-eveque](http://www.acatfrance.fr/action/corps-eveque).
- [20] Xinhua, 全国共有监狱681所 押犯164万人, 25 April 2012, [http://news.xinhuanet.com/politics/2012-04/25/c\\_111840777.htm](http://news.xinhuanet.com/politics/2012-04/25/c_111840777.htm)
- [21] *Shou rong jiaoyu suo* 收容教育所: their aim is to 'rehabilitate' prostitutes and their clients via brain-washing and forced labour. They may be sent here for a period that varies from six months to two years upon a simple administrative decision taken by the police organs.
- [22] Centres that are the same as "custody and education centres" but reserved for drug users.
- [23] *Ankang* – 安康: directly under the responsibility of the Ministry of Public Security, they are sometimes used as detention premises for human rights defenders and *Falun Gong* practitioners. Forced administration of psychotropics and the abusive use of electro-shock therapy are common here. The *Laogai Foundation* estimates the number of structures such as this at 20 across China.

- [24] Pu Zhiqiang, a human rights defence lawyer, attempted to document this practice by collecting victim witness reports. His documentary can be watched here: [www.youtube.com/watch?v=ovpCJR8Ciho](http://www.youtube.com/watch?v=ovpCJR8Ciho) (watched on 14 December 2015).
- [25] System that permits the infliction of up to four years of re-education through labour camps upon simple administrative decision for minor offences such as drug consumption, prostitution or theft. Petitioners were also frequently convicted.
- [26] *laohu yi* – 老虎椅: A metal chair in which the prisoner's arms, torso and legs are immobilised with metal rings. See the Human Rights Watch report, *Tiger Chairs and Cell Bosses, police torture of criminal suspects in China*, 2015.
- [27] See note n° 10.
- [28] *laohu deng* - 老虎凳 The detainee is immobilised on a bench, and bricks are progressively added under his feet, forcing his legs to bend the wrong way around until the ties holding them down split.
- [29] Human Rights Watch, *Tiger chairs and cell bosses, police torture of criminal suspects in China*, May 2015, p. 27.
- [30] Harold Thibaut, «Chine: quand le Parti dévore les siens», *L'Express*, 5 November 2014, [www.lexpress.fr/actualite/monde/asia/chine-quand-le-parti-devore-les-siens\\_1618622.html](http://www.lexpress.fr/actualite/monde/asia/chine-quand-le-parti-devore-les-siens_1618622.html)
- [31] The last instance of this was during the UN Committee against Torture's examination of the PRC on 18 November 2015: Nick Cumming-Bruce, "China insists to UN that it's combating torture", *New York Times*, 18 November 2015. [www.nytimes.com/2015/11/19/world/asia/china-insists-to-un-that-its-combating-torture.html?\\_r=0](http://www.nytimes.com/2015/11/19/world/asia/china-insists-to-un-that-its-combating-torture.html?_r=0)
- [32] Constitution of the People's Republic of China, art. 35 and 37, [www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content\\_1372964.htm](http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm)
- [33] The Office of the United Nations High Commissioner for Human Rights, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, 10 April 2014, A/HRC/25/60 §29. [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx)
- [34] People's Republic of China Criminal Procedure Law art. 121 [www.gov.cn/flfg/2012-03/17/content\\_2094354.htm](http://www.gov.cn/flfg/2012-03/17/content_2094354.htm)
- [35] *ibid*
- [36] Human Rights Watch, *Tiger chairs and cell bosses, police torture of criminal suspects in China*, May 2015, p. 93.
- [37] [www.amnesty.org/en/latest/news/2015/11/china-torture-forced-confession/](http://www.amnesty.org/en/latest/news/2015/11/china-torture-forced-confession/)
- [38] Chinese lawyers are now required to take an annual oath to the Party in order to be able to renew their licence every year. Under Articles 305, 306, 307 and 309 of the Criminal Law amended in autumn 2015, they are subject to prison sentences if they "disrupt the order of the court" or "falsifying evidence".
- [39] Committee against torture, Concluding observations on the fifth periodic report of China, §23, 9 December 2015, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCHN%2fCO%2f5&Lang=en)
- [40] Amnesty International, *No end in sight, torture and forced confessions in China*, 11 November 2015.
- [41] Human Rights Watch, *Tiger chairs and cell bosses, police torture of criminal suspects in China*, May 2015, p. 103.
- [42] BBC, "Yu Qiyi drowning: China party investigators jailed over killing", 14 October 2013, [www.bbc.com/news/world-asia-china-24518449](http://www.bbc.com/news/world-asia-china-24518449)

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## LEXICON

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### **Waterboarding**

Waterboarding is an interrogation method that consists in immobilizing a prisoner to a board, usually face up (often with the feet slightly higher than the head). A piece of cloth or plastic is forcefully placed over the prisoner's face, over which water is poured to provoke a sensation of drowning or suffocation. The extreme pain is accompanied by the feeling one is dying. CIA agents who accepted to be subjected to this method have stated it was very difficult to resist for more than fifteen seconds. In reference to this method, commonly used by the United States' secret services, the term "simulated drowning" is often used. ACAT believes this to be a very useful euphemism to camouflage the suffering caused. Actually, water boarding is merely a more sophisticated version of the torture by immersion into or forced ingestion of large amounts of water (sometimes with the addition of detergents, urine...). It has long been a favourite of torturers, because of its effectiveness and the few marks it leaves. In this sense, waterboarding hardly differs from the so-called "bathtub torture" used by the Gestapo.

### ***Incommunicado* detention**

A detainee is held *incommunicado* when he is allowed no communication outside of his detention centre. His only interlocutors are his fellow prisoners (if he is not being held in solitary confinement\*), his guards, those who interrogate him and, if applicable, the judicial authorities. Theoretically, he may neither meet nor contact his family, his friends, a lawyer or a physician.